

# From This Day Forward

Twenty-five years ago, Vermont established civil unions for gay couples and ignited the national campaign for marriage equality

BY MARY ANN LICKTEIG • maryann@sevendaysvt.com

**K**im Nolan and Jen Mathews got married in Shelburne on January 1. While wedding planning is notoriously time-consuming, the two women opted for an intimate ceremony with just the two of them and a celebrant. They knocked the whole thing out in a matter of weeks.

In reality, they know that their wedding day, like that of any same-sex couple in Vermont, required years of work and remarkable courage on the part of people who came before them.

The first, critical victory in the struggle for marriage equality came 25 years ago this week. Saturday, April 26, marks the silver anniversary of Vermont's civil unions law, the first in the nation to give gay and lesbian people the rights and benefits of marriage, though without the name. It followed the state's 1990 and 1992 laws protecting gay people from hate crimes and discrimination and 1996 legislation allowing them to adopt children. The measures gave Vermont the most comprehensive set of protections for same-sex couples in the world and made the state a catalyst for reform far beyond its borders.

At the time, Americans were still largely opposed to same-sex marriage. "Don't Ask, Don't Tell" was the military's policy. Congress had passed the Defense of Marriage Act, which defined marriage as the union of one man and one woman and allowed states to refuse to recognize same-sex marriages performed in other states.

Challenges to marriage laws had been made in other states, but none had succeeded. No country allowed same-sex marriage.

After Vermont established civil unions, other states enacted similar laws. Gradually, some began to legalize gay marriage: Massachusetts in 2003; Connecticut in 2008; Iowa on April 3, 2009; and Vermont four days later, over the veto of governor Jim Douglas. Vermont was the first state to establish gay marriage by law as opposed to a court order.

Six years later, in 2015, with its ruling in *Obergefell v. Hodges*, the U.S. Supreme Court made gay marriage the law of the land.

But on April 26, 2000, the eyes of the world were on Montpelier, Vt., the country's smallest state capital. There, at about 1:30 p.m., governor Howard Dean



A protest in Montpelier in April 2000



Outside the Statehouse in April 2000

signed the civil unions bill with only his staff in attendance. Facing reporters half an hour later, he was asked whether the private signing — "in a closet," critics suggested — sent a message that gay and lesbian people were still second-class citizens.

The governor reminded reporters that he had supported civil unions — a claim no other governor could make, he added. "But I also think it's important to acknowledge there are two very strongly divided sides in this debate, and I think sometimes signing ceremonies take on the trappings

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of triumphalism," he said. "That was not appropriate in this case."

H.847, "An Act Relating to Civil Unions," had roiled the state like no other bill in modern times. Vermonters and out-of-staters flooded legislators' answering machines and mailboxes with their opinions, sometimes expressed in vitriolic, abusive language. In the first two weeks of the legislative session — before a bill had even been drafted — the governor's office received 8,600 phone calls, faxes and emails about the issue.

Thousands of Vermonters streamed to the Statehouse for two public hearings — the first on the night of a blizzard. They filled the House chamber, spilled into overflow rooms and crowded the hallways. Armed plainclothes police officers met with legislators before the first hearing to explain an escape route in the event that deeply held emotions escalated to

violence. "If we say, 'Leave,' you don't ask why. You just leave," they told lawmakers.

Opponents of gay marriage spoke of God's wrath, the decay of moral values and the destabilization of "traditional marriage."

Those in favor said allowing same-sex unions meshed with the tradition of defending human rights in Vermont, the first state to outlaw slavery. Gay people talked about their families, how they paid taxes, shopped at farmers markets, and wanted to give their children the respect and stability that married parents can provide.

The two hearings remained peaceful.

That wasn't the case at an informational meeting in St. Albans. The civil unions bill had passed the House and was awaiting action in the Senate when locals packed the Bellows Free Academy auditorium, cheering and jeering as legislators tried to answer their questions. They shouted down speakers. Moderator Emerson Lynn, then publisher and editor of the *Saint Albans Messenger*, called it a "mob mentality."

Later that year, 15 representatives and two senators who voted for civil unions would be ousted by constituents who had promised to "remember in November" and "take back Vermont." Republicans would gain control of the Vermont House and hold it for the next four years. Democratic governor Dean would be reelected — but would wear a bulletproof vest while campaigning.

The irony is that gay marriage, or anything remotely resembling gay marriage, had not been on any legislator's agenda until just weeks before the session began that January.

It landed there because three gay couples, including Stan Baker and Peter Harrigan of Shelburne, had been denied marriage licenses two and a half years earlier. They filed suit in Chittenden County. Superior Court judge Linda Levitt threw out their case, *Baker v. State of Vermont*, and the plaintiffs appealed to the Vermont Supreme Court.

On December 20, 1999, the high court ruled that Vermont marriage laws discriminated against gay couples. But rather than give them marriage, the court tossed the matter to the legislature. Come up with a way to give same-sex couples all the rights and benefits of marriage, the court instructed. Call it marriage or establish a parallel institution. The justices retained

PHOTOS COURTESY OF PAUL CARNAHAN





A historic marker in Montpelier commemorating the civil unions law



jurisdiction in case the lawmakers failed to act satisfactorily.

Susan Murray and Beth Robinson, the plaintiffs' lead lawyers, weren't prepared for that result and scrambled to get to a press conference they'd scheduled. Murray considered the ruling a victory. Robinson was crushed that they hadn't won marriage.

"Nobody had anticipated this middle path that the Vermont Supreme Court took," Robinson recalled recently.

John Edwards, a Republican member of the House in his third term, was in the kitchen of his Swanton home when he learned about the ruling on the evening news. *Oh, shit*, he thought. The retired state trooper knew that the issue would upset the French Canadian, Catholic district he represented.

Writing a law to comply with the court's order fell to the 11-member House Judiciary Committee, of which Edwards was a member. When legislators reconvened in January, the panel's chair, Shelburne

Republican Tom Little, cleared the committee calendar. For the next 10 weeks, gay marriage was the sole item on their agenda. Under Little's even-keeled leadership, the civil unions bill passed the House, 79-68, and the Senate agreed, 19-11.

Twenty-five years later, newlyweds Kim Nolan, 57, and Jen Mathews, 53, feel tremendous gratitude for the lawmakers who bravely cast yes votes. The couple got their license in Shelburne, at the same office that had turned away Stan Baker and Peter Harrigan all those years ago.

The process was simple. Still, it felt like a radical act in light of marriage equality's uncertain future, they said. President Donald Trump had just been reelected. He

had built the U.S. Supreme Court's conservative majority during his first term, and his return to office heightened concerns that the court would overturn the *Obergefell* decision.

Cognizant of the changing circumstances, Nolan and Mathews accelerated their plans to wed.

"The act of obtaining a marriage license, as a same-sex couple during these times, honors those who have worked toward marriage equality," Mathews said.

Identifying themselves as two gay women on their marriage license — a public record — feels bold and a bit risky, they said. It declares that they are two women committed to each other. "This is a protest in favor of love," Nolan said. "It's a different pocket sign that we're holding right now." ⑦

How did the civil union law change your life? Tell us at [sevendaysvt.com/civil-unions](http://sevendaysvt.com/civil-unions).

Beth Robinson, Mary Bonauto and Susan Murray circa 2000



## The Lawyers

Miles of Vermont highway, illuminated only by headlights, stretched between the two lawyers and their ultimate goal: marriage for same-sex couples. Night after night, Beth Robinson and Susan Murray, colleagues at Langrock Sperry & Wool in Middlebury, would jump in the car after work and head across the state to church basements, libraries and living rooms to speak to four, 12, 20 or however many people showed up.

"We told stories about our clients," Murray said. Gay and lesbian Vermonters were being harmed because they did not have the rights and benefits that most members of the audience took for granted, she told them.

Clients had asked Murray and Robinson to challenge Vermont's marriage law in court in 1994, but the two attorneys feared a hostile national climate would mean defeat. The year before, the Hawaii Supreme Court had triggered a nationwide backlash when it ordered the state to prove that excluding same-sex couples from marriage did not violate their constitutional rights. Voters there later approved a constitutional amendment that allowed the state to restrict marriage to a man and a woman.

"Judges are not immune to the larger society," Murray said. It became clear that before Murray and Robinson could change the law, they had to change hearts and minds. Personal stories were key. "You can't just talk about equality and justice," Murray said. "Those are ethereal concepts that don't really mean anything until you tie it to something concrete."

In 1995, she and Robinson helped start the Vermont Freedom to Marry Task Force, which trained and dispatched an army of volunteers to tell their stories at Rotary Clubs, house parties and county fairs.

For 18 months before filing their case and the two and a half years it took to wind through the courts, Murray, Robinson and their allies crisscrossed Vermont. Murray described a typical trip: Toting a "very amateur 18-minute video" of gay Vermonters talking about their lives, she and Robinson would drive to Putney, talk to eight Quakers, then get in the car at 10:30 p.m. and drive two hours home to Addison County, running on convenience-store crackers and Pixy Stix.

They talked about how people could lose their house after the death of a partner. One woman's life savings were nearly wiped out when she and her partner split up because she had invested in shared property but her name was not on the deed. But adding a name to a deed meant paying a property transfer tax, which is not levied on property transferred to a spouse. If an employer offered domestic partner benefits, the partner's benefits were taxed as income. Social Security and pension benefits? Widowed partners were entitled to those only if they had been married to the deceased.

Murray and Robinson could draw up legal documents to help protect couples, but no amount of lawyering could cover everything. At that time,





Beth Robinson

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the institution of marriage provided 1,049 federal rights and protections. (There are now 1,138.)

Before filing the lawsuit, the two women asked lawmakers and the governor to let the case play out and not commit to a law or a constitutional amendment that might impede its success.

“We signaled to them that we thought we had a good chance of achieving this in court,” Robinson said. The lawyers assured the politicians that they would not be asked to pass a law allowing same-sex couples to marry. “This is a promise that came back to haunt us later,” she said.

Robinson had joined Langrock Sperry & Wool in 1993, four years after graduating from law school. Murray, an attorney there who was seven years older, quickly became a mentor and friend.

In late 1996, she and Murray were ready to move forward with the lawsuit. By that time, Vermont allowed same-sex couples to adopt. Each partner in a gay or lesbian couple could be legally connected to a child. It was time to complete the triangle and connect the partners to each other.

Mary Bonauto, an attorney at Boston-based GLAD Law — GLBTQ Legal Advocates & Defenders — and a leader in the national marriage equality movement, served as cocounsel. “Mary gave Beth and I some street cred ... with the national legal groups,” Murray said in a documentary about the case, *The State of Marriage*. “There were a lot of people from outside

COURTESY



It wasn't just a little Vermont lawsuit. It was the little pebble that got kicked down the hill and then started the avalanche.

SUSAN MURRAY

DARIA BISHOP



A photo taken by Toby Talbot of Sherry Corbin, Beth Robinson and Susan Murray reacting to the passage of the gay marriage bill

of Vermont that wanted to try to control this case. And Mary said, ‘No ... This is a Vermont case. These are Vermont lawyers. This is going to be a Vermont matter.’”

In July 1997, Robinson and Murray filed their case. It was dismissed, and they appealed to the Vermont Supreme Court. By then, the three lawyers had clearly defined their roles. Bonauto served as the liaison with national gay and lesbian rights attorneys; Murray handled the logistics to prepare the high court for crowds of spectators and reporters and took notes; and Robinson argued the case.

Then they waited. The *Baker* decision came on a Monday morning, December 20, 1999. The plaintiffs had won — sort of. The court ruled that barring the three couples from marriage was unconstitutional but left the remedy to state legislators.

“I was pretty happy, and Beth was pretty devastated,” Murray said. “I was of the opinion that we were finally on the bus, even if we were on the back of the bus, and she was outraged that we had to sit in the back.”

When the civil unions law passed, giving gay and lesbian couples marriage benefits without giving them marriage, Robinson said, “I know what I’m going to be doing for the next 10 years.” She continued to advocate for marriage equality, which became law in Vermont in 2009.

Robinson, now 60, served 10 years on the Vermont Supreme Court and is a judge on the U.S. Court of Appeals for the Second Circuit. Murray, 67, was less active, but not absent, from the push for marriage. She had been focused on gay rights for a long time and wanted to return to the rest of her legal practice, she said. She retired in 2023.

Although they advocated for their clients, the two attorneys personally benefited from the laws they helped pass. Each is married to her longtime, same-sex partner.

While working on the *Baker* case, Murray “was in a bubble,” almost unaware of its national implications, she said recently. Four days after the civil unions bill was signed, she, Robinson and some of the plaintiffs appeared before cheering throngs at the Millennium March for Equality in Washington, D.C. It was then that Murray realized the magnitude of what they had accomplished.

“It wasn’t just a little Vermont lawsuit,” she said. “It was the little pebble that got kicked down the hill and then started the avalanche.”



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# The Plaintiffs

When lawyers asked Holly Puterbaugh and Lois Farnham to consider joining a lawsuit to win gay marriage, “They told us all the worst possible things that could happen,” Puterbaugh said. “We could be assassinated. We could have gunshots through the house.” Their cars might be vandalized, their house set on fire.

“They tried to paint a bleak picture because they wanted us to understand what we were up against,” Farnham said.

Still, the couple said yes. “Because we thought that it was time that we spoke up,” Farnham said. Farnham, then 52, and Puterbaugh, 51, lived in Milton and had been committed to each other for 25 years. They hadn’t participated in the campaign to win health insurance benefits for domestic partners at the University of Vermont, though they took advantage of it because Puterbaugh was a math professor there. So, she said, “It was time that we did our share.”

The suit was filed in July 1997. Two other couples were plaintiffs, as well: Stan Baker and Peter Harrigan of Shelburne and Stacey Jolles and Nina Beck of South Burlington. All had secure employment, though Farnham, a registered nurse, was between jobs at the time. Most felt supported by their families.

Baker, then a 51-year-old psychotherapist, and Harrigan, a 35-year-old theater professor at Saint Michael’s College, had been together for about three years. Jolles, then 39 and the state’s director of juvenile justice, and Beck, a 41-year-old physical therapist, had had a Jewish wedding in California five years earlier, even though they knew the state didn’t recognize it.

Between them, they had seen gay and lesbian people lose their children, lose jobs, and get evicted from apartments, expelled from college or physically assaulted.

Beck and Jolles had felt the sting of being treated differently than married couples when their first child was born. As Beck was being wheeled in for an emergency Caesarean section surgery, Jolles was stopped and asked to prove that she held a medical power of attorney. That was the only way she could accompany Jolles and make decisions, if needed, about her care.

While Beck and Jolles considered themselves “out, loud and proud,” Puterbaugh and Farnham were more private about their relationship. Joining the lawsuit and facing the glare of cameras for the next three years “was definitely a coming out,” Puterbaugh said. Farnham was the only native Vermonter among the six plaintiffs. As the lawsuit progressed, the couple were among many who traveled the state to talk to clubs, church groups

Lois Farnham and Holly Puterbaugh



Hear from some of the people featured in this story at a panel discussion about the *Baker* case on Friday, April 25, 3 p.m., at Middlebury College’s Davis Family Library.

PHOTOS: OLIVER PARINI



Peter Harrigan and Stan Baker during their civil union ceremony in 2000



Stan and Peter in 2017



Lois and Holly

COURTESY OF ILENE PERLMAN

## We thought it was time that we spoke up.

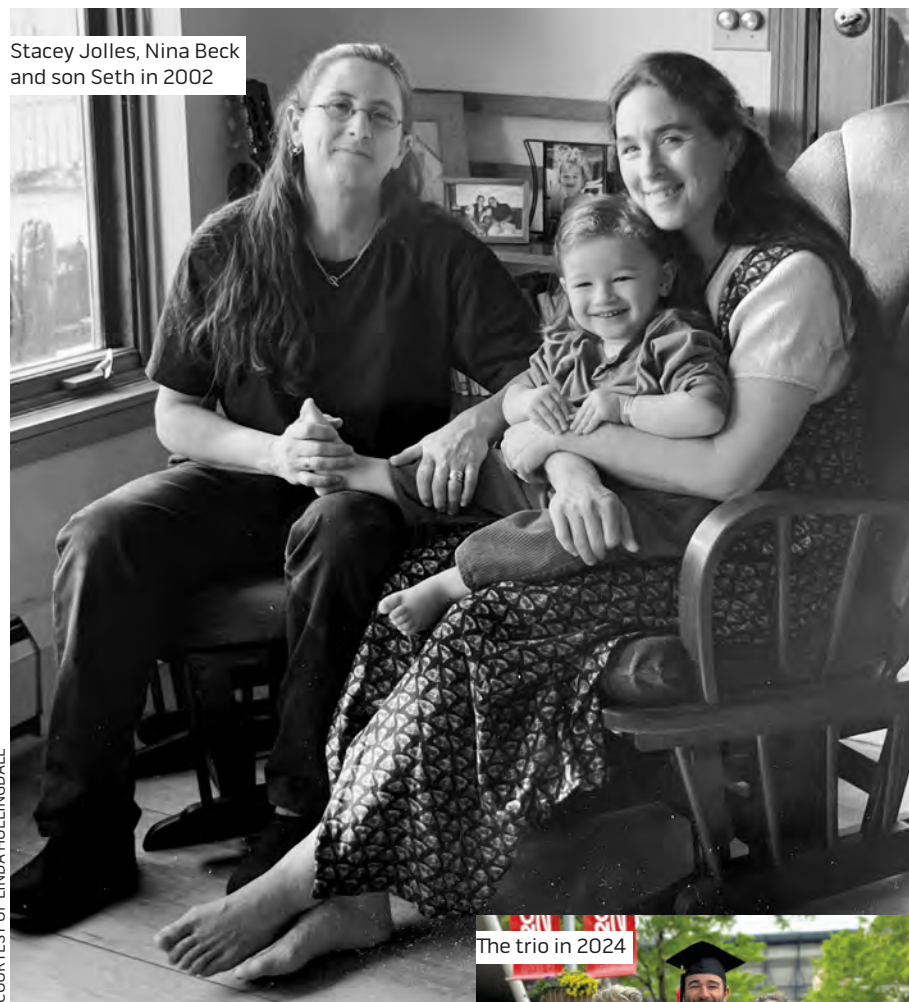
LOIS FARNHAM

and fairgoers about their lives. At one stop, Farnham encountered hometown faces at Rutland High School, her alma mater.

Those appearances, which started before the lawsuit was filed, proved to be a successful “tell your story” strategy, Baker said. Gay couples talked about their relationships and how they met, then asked members of their audience about their lives and how they met. “It was much easier to say, ‘I hate fags’ or some version of that than to say, ‘I hate Peter and Stan,’” Baker said.



Stacey Jolles, Nina Beck  
and son Seth in 2002



COURTESY OF LINDA HOLLINGDALE

Although straight and gay couples learned the many ways in which they were similar, Puterbaugh pointed out a big difference. Heterosexual couples “got married and had a big party,” she said. “We went to the lawyers and spent the same amount of money — but on legal papers to get all of the same rights that you got with that party.”

None of the worst things Puterbaugh and Farnham were warned about came to pass. Farnham had trouble finding a job, and when she became supervisor of the nurses in Essex Junction elementary schools, some parents pulled their children out of the health class she taught. Other supporters of marriage equality got death threats. The Kansas-based Westboro Baptist Church posted photos of Baker and Harrigan online next to the headline, “Filthy face of Vermont fag evil!”

Beck and Jolles were personally contacted just once. “Somebody sent us a letter saying they were going to pray for us. And I’m down with that,” Jolles said.

When the Vermont House Judiciary Committee announced it would propose a parallel institution called civil unions, the three couples met to decide whether they should support a bill that didn’t grant marriage. Puterbaugh recalled lobbyist Steve Kimbell telling them that he thought civil unions were the best they would get. “And we all sort of came to a consensus of, *Yes, we will settle. It doesn’t mean we’ll quit,*” she recalled.

“For me, personally,” Harrigan said, “it

The trio in 2024



was really important to feel like we could walk away with something tangible that could improve other people’s lives.”

The day the law passed, “I felt like we lost,” Jolles said. “Separate and unequal was the law that they wrote.”

All three couples were united in civil unions and later married, after Vermont made it legal in 2009. All are still together. They all expressed concern about a possible challenge to the federal recognition of same-sex marriage, especially in light of President Trump’s reelection.

Losing the right to marry 28 years after they sued for it would not surprise Beck and Jolles. “We’ve always wondered how long this lovely bubble we were living in was gonna last,” Beck said. “We never imagined we’d even get as far as we did.”

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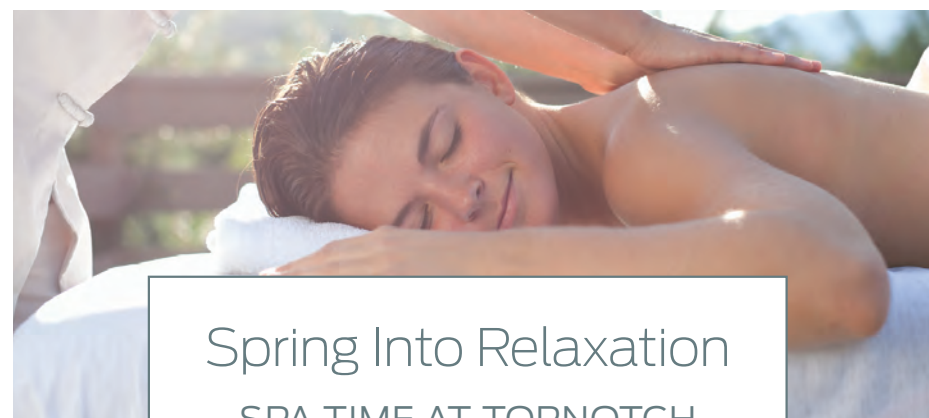
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Bill Lippert

DARIA BISHOP

unions debate. Lippert, now 75, calls it “an enormous opportunity ... to say what was true about us as gay and lesbian people.” He had scribbled notes throughout the day, but he had not written the speech. “It was like walking out on a tightrope without a pole,” he said. “I was both nervous and deeply calm.”

The tension was heightened by the fact that much was riding on his words. The Judiciary Committee had brought the bill to the House floor without knowing if it had the votes to pass the measure.

“You don’t take a bill to the floor without knowing you have *extra* votes,” Lippert said recently. “The general understanding is you lose votes on the floor in a debate; you don’t gain votes.” But the committee had set itself a deadline. It was determined to get the bill to the Senate in time for approval before the session adjourned.

Shortly after he was appointed to the legislature in 1994, Lippert had sought a seat on the Judiciary Committee, knowing that if gay rights legislation were proposed, that’s where it would be assigned.

“There’s an old saying that if you’re not at the table, you’re on the menu,” he said. “I would never, ever have dreamed anything of such consequence as marriage equality would be coming down the pike.”

When it did, Lippert wanted to give gay and lesbian couples the right to marry — not some substitute he considered lesser. “It’s the status of marriage that also carries profound implications ... Would you trade in your marriage for a civil union?” But he could count votes: “There was no way we were going to get the votes to pass marriage.”

Advocates and opponents crowded the Statehouse during the 10 weeks the committee took testimony and drafted the bill. A group of ministers from Texas dressed in black flanked the hall and quoted Bible verses as lawmakers passed. Randall Terry, founder of anti-abortion group Operation Rescue, was a regular presence.

Lippert would be navigating the crowds “and suddenly I hear this voice behind me saying, ‘Rep. Lippert, Judgment Day is coming. Judgment Day is coming.’ And I’d look around, and it was Randall Terry. And he’d fade back into the crowd.”

Lippert and others strove to explain that marriage is both a civil institution under state law and a religious institution, and the proposed law would require nothing from churches. The distinction did little to turn down the heat.

He recalls sitting at home, opening a letter from out of state. “And it was a death threat from the Aryan Nations calling me all kinds of disgusting things and saying, ‘We are going to kill you, and

## The Gay Lawmaker

The Vermont House of Representatives had been debating the civil unions bill for nearly eight hours when House Judiciary chair Tom Little walked over to representative Bill Lippert and said, “It’s time.”

The 148 members in the chamber that day, March 15, 2000, had listened to strong opinions on both sides of the issue.

The bill would legalize sodomy, tear down traditional marriage and subject Vermont to the wrath of almighty God, according to Derby Republican Nancy Sheltra. Establishing civil unions, St. Albans Town Democrat George Allard warned, “will mark the beginning of the end of life in Vermont as I have known and loved for the past 56 years.”

Windham Democrat Carolyn Partridge countered the common argument that sexual orientation is a choice, telling the House, “I don’t ever recall deciding to be heterosexual.” Montpelier Democrat Francis Brooks implored his colleagues, “Please consider the human being that you have decided to a place a stigma on.”

Five proposals to change the bill, send the issue to voters or ask them to consider

calling for a constitutional convention had all failed.

The vote was approaching and the chamber was packed with spectators when Lippert, the only openly gay lawmaker, rose to speak.

“I think it’s important to put a face on this,” he said. The room fell silent. The Hinesburg Democrat was vice chair of the Judiciary Committee, which had written the bill. A psychotherapist and son of an evangelical minister, he spoke in a calm, deliberate, resonant voice.

“I’ve had the privilege of developing a deep, devoted, loving, caring relationship with another man,” he said. “I think it’s very important as we listen, as we debate, as we make decisions, that you understand what the reality is about gay and lesbian people, gay and lesbian couples ... Our lives, in the midst of historic prejudice and historic discrimination, are, to my view, in some ways miracles. Think what kind of relationship you would try to establish, how successful it would be to find [a] loving, committed partner in an environment where you have been barraged on a daily basis from birth saying you are sinful,

you are wrong, something fundamentally flawed in your nature.”

The goodness of gay and lesbian couples “is a triumph against discrimination and prejudice,” he said, not a threat. Gay people had cared for each other

## I was the only one who could put a face on it.

BILL LIPPERT

throughout the AIDS epidemic, “holding each other, sometimes as death has arrived,” Lippert said. “Don’t tell me about what a committed relationship is and isn’t ... There is no love and no commitment any greater than what I’ve seen and what I know.”

Passing the civil unions bill would not end hate and discrimination, he continued, but it would grant rights: “They’re rights that I don’t have right now and most everyone else in this chamber does.”

The 11-minute speech is widely regarded as a pivotal moment in the civil





Tom Little, Bill Lippert and Enrique Peredo Jr.

this is how we're going to do it, and you are never going to know when it's going to happen.”

As soon as Lippert finished his speech on the House floor, Craftsbury Republican Robert Kinsey leapt to his feet. “Mr. Speaker!” he said. “I just heard the greatest speech I’ve heard in 30 years. And that’s why I’m glad to be a friend of the member from Hinesburg, and that’s why I’m glad to be on his side.”

It was after 9 p.m., nearly 13 hours since the House had convened, when speaker Michael Obuchowski called for a vote. One by one, names were called. Lippert marked the ayes and nays on a tally sheet, but he did not believe the result until he heard Obuchowski announce it from the podium: “Those voting yes, 79. Those voting no, 68.” Cheering erupted inside and outside the Statehouse, where supporters held a candlelight vigil. Obuchowski banged his gavel so hard that the head flew into the seats.

The bill still needed to win the House’s final approval the next day, but Lippert knew then that victory was possible.

Eight months later, the civil unions issue dominated the 2000 legislative elections. More than a dozen lawmakers were voted out for supporting it, but Lippert retained his seat and went on to

serve for 28 years. He chaired the Judiciary Committee when the panel wrote Vermont’s marriage equality law, which passed in 2009. Lippert and his partner, Enrique Peredo Jr., who had joined in a civil union, married that year. They have been partners for 36 years.

Lippert went on to chair the House Health Care Committee, where he was instrumental in the state’s pandemic response. Throughout his legislative career, he led advances in bias-free policing, mental health and drug-abuse care, gender identity nondiscrimination, and restorative justice. But he remains best known for his work to win marriage equality.

The most important aspect of the civil unions story, Lippert said, is the courage of his colleagues who voted yes knowing it could cost them their legislative careers. Marion Milne was one of them.

During the debate before the bill’s final passage, the Washington Republican told her colleagues, “I will not be silenced by hatred and intolerance. And if I am measured only by this vote in my entire public life, I will have served the best interests of the people of Vermont by casting it.”

Milne’s words stand, framed, on a bookshelf in Lippert’s living room.

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## A Voice Against

Shortly after voting against civil unions, Republican representative Philip Winters rose to address his colleagues on the House floor. In six years of service, he never before had felt compelled to explain his vote. This time was different.

“Mr. Speaker, I have spent over 60 years in this state, and I hope my grandchildren will be raised here. But, Mr. Speaker, it saddens me to think that they may be raised in a state that considers homosexuality as moral and normal.”

The lifelong Williamstown resident is 88 years old now. In June, he and his wife, Yvonne, will celebrate their 60th wedding anniversary. He continues to believe that Vermont should not sanction same-sex unions and stands by his vote.

“My feeling was that if two men wanted to live together and have a life together or two women wanted to do the same, that that was fine with me,” he said recently. “But what got me was, to me, marriage was a sacred — and still is — a sacred union between a man and a woman, which can produce an offspring, a child. And I just felt that marriage was for a man and a woman.”

The civil unions bill stated that marriage was reserved for opposite-sex couples, but Winters said he believed that creating a parallel institution would lead to marriage, which it did.

Winters, the fourth of five children, grew up on a farm with “hardworking, honest” parents, he said. They were not a churchgoing family, though that changed for him when he married Yvonne, “a

Philip and Yvonne Winters



I just felt that marriage was for a man and a woman.

PHILIP WINTERS

devout Catholic girl,” he added. The U.S. Army veteran and retired dairy farmer is a justice of the peace and Williamstown trustee of public funds. He has served the town as a lister, school director and member of the selectboard.

Winters’ central Vermont House district included six towns, three he considered conservative

— Williamstown, Chelsea and Orange — and three that were more liberal: Vershire, Corinth and Tunbridge. The majority of voters apparently supported his civil unions vote. Winters represented Williamstown in the House until he chose not to run again in 2014.

“In my 20 years down there, I felt that I had to come home feeling good

about my vote,” he said. “And that vote, I felt that I had done what was right in my mind.”

He and Yvonne have three children and three grandchildren, two of whom live in Vermont. Asked if he has seen changes come to the state as a result of the civil unions and marriage laws, Winters said, “No, I don’t think so.”

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## A Rep Who Lost His Seat

John Edwards needed a quiet place to think. For weeks, he and the other 10 members of the House Judiciary Committee had been hearing testimony about gay marriage.

The 57-year-old retired state trooper from Swanton had run for the legislature to bolster criminal laws, tighten DUI statutes, support farmers, curb spending and get the Missisquoi Bay Bridge replaced. Those issues got him elected in 1994. He went to Montpelier, committed to working across the aisle, and he brought one of his policing practices with him: Get to know people. Problems are a lot easier to solve over coffee and a doughnut. He'd been easily reelected twice.

But gay marriage? Edwards hadn't given the subject any thought. He was a Republican and a practicing Catholic who had grown up on a dairy farm in Rockingham and spent three years in the U.S. Navy before starting his career with the Vermont State Police. He had served on school and nonprofit boards. He truly enjoyed the legislature, and he wanted to stay.

Then came the December 20, 1999, bombshell from the Vermont Supreme Court: Excluding gay couples from marriage violates the state constitution. Fix it — or we will. Merry Christmas.

When the legislature reconvened in January, Judiciary Committee chair Tom Little asked members to listen and learn before making decisions. The testimony they heard was eye-opening, heated and heart-wrenching.

Allow gay marriage, and the state will go to hell — and the country will follow, some clergy members warned. A man shall not lie with a man; it says so in the Bible. Parents took a seat at the committee room's large conference table and recounted their gay children's struggles. Gay people talked about not being allowed to participate in medical decisions for their partners in the hospital.

The bitter division spilled into State-house hallways and mailboxes and onto legislators' home answering machines. A Highgate woman whom Edwards knew called him nearly every week to tell him how wrong it would be to legalize gay partnerships.

"I was so torn," Edwards said recently. He's 82 years old now and says not a day goes by that he doesn't think about that time. Weeks into the work, when the committee broke for lunch one day,



John Edwards

Edwards sought out a place to think. He needed to decide.

On the second floor of the building's west wing, he stepped into the Cedar Creek room, where a 10-by-20-foot mural depicts the Vermont 8th Infantry fighting in the Civil War Battle of Cedar Creek in Virginia. Nearly three-quarters of the Vermont soldiers died.

Another difficult era was on his mind. Edwards took a seat in the corner and

The House had passed the bill and the Senate Judiciary Committee was weighing the measure when Edwards joined other legislators at a public meeting in St. Albans in mid-April. It was a chaotic and boisterous scene, with civil union opponents heckling the speakers.

The *Saint Albans Messenger* quoted Edwards calling the raucous meeting a "missed opportunity" for people to learn more about the bill from legislators. That

Philip Winters, challenged Edwards in the Republican House primary.

Edwards campaigned door-to-door, as he always had. Previously, people were more inclined to ask him about his kids than the issues, he said. This time, his support for civil unions squelched small talk. "I had some doors just slammed in my face," Edwards said. One man greeted him with, "Oh, you're the faggot lover."

A few supporters remained, including "this little old French lady" who grabbed his hand in church and said, "John, give 'em hell."

Winters trounced Edwards in the primary and won one of the district's two seats in November.

Edwards said he has no regrets. Casting a vote for civil unions was "one of the best things I ever did in my life," he said. He lost friends because of it "at least temporarily," he said. "I kept telling people, 'Nothing's going to change. This doesn't affect you' ... And I've had people come up since and say, 'You know, you were right. Nothing changed.'"

He holds no bitterness toward the people in his community, who have "been so good to me over the years," he said. "They couldn't wrap their arms around that issue."

## When I got up, I had made my decision, and the angst about what I was doing was lifted.

JOHN EDWARDS

pondered an account he'd recently read of the Civil Rights Movement of the 1950s and '60s. It was full of the invectives hurled at Black people, Edwards recalled. He considered the angry testimony he had been hearing. "And if you took out the word 'nigger' and put in 'gay,' it was essentially the same thing," he said.

"When I got up, I had made my decision, and the angst about what I was doing was lifted," he said. No matter the consequences, "I said, *I'm going to support civil unions.*"

prompted a letter to the editor from small-business owner John Winters.

"Who does Rep. John Edwards think he is, when he says he missed an opportunity to educate us?" Winters wrote. "I think John will get his education if he dares run again in November ... Bill Lippert, the only openly homosexual member of the legislature, was frightened. Hopefully he was frightened enough to go back in the closet and take the rest of his kind with him."

That fall, Winters, who is not related to



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## The Scoop on Red House Building

Chris Quinn, General Manager

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## From This Day Forward

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## Signs of the Times

Three words came to summarize the opposition to Vermont's civil unions law: Take Back Vermont. The phrase began popping up in house windows, along roads and tacked to trees even before governor Howard Dean had signed the bill into law. After Carol Appleton's sign was stolen, she painted the words in giant letters on her roadside barn in Topsham, where they remain 25 years later.

Legislators had not listened to their constituents, she said this month, and that was the message she intended to send. On Town Meeting Day in 2000, 50 towns put the same-sex marriage question to voters in nonbinding referendums; it failed in all 50. Only 11 approved domestic partnerships. Still, Appleton said, lawmakers "went ahead and put it through." The move ignited the frustration that had been escalating

the heart of the sentiment is repealing civil unions," he wrote.

Appleton said the campaign expressed aggravation with laws, not people. "It was never targeted at individuals," she said, and it is a message she believes Montpelier still needs to hear. Taxes are too high, she said. Onerous regulations dissuade small businesses from opening while "these humongous, mega ones, they can sit things out, and they've got the lawyers and whatever else to put things through," Appleton said. Out-of-state lobbyists exert undue influence, she continued: "People want to have their voice heard."

Appleton moved to Vermont in 1980. She lives on the farm where she and her late husband once milked about 45 cows. She homeschooled their five children because she didn't want to entrust them to people whose values might not have

Carol Appleton's barn in 2002



COURTESY

over land-use laws, logging regulations and statewide education funding, and voters vented in black capital letters: "Take Back Vermont."

"It was a not a one-issue thing," Appleton said.

Washington dairy farmer Dick Lambert, who came up with the idea for the signs, told the *New York Times* in September 2000 that he had sold more than 4,000 at \$5 apiece. Many buyers also opposed the state's decision to provide a \$12,000 grant to Outright Vermont, a nonprofit that supports LGBTQ youths. "We're tolerant but they've got to see," Lambert told the newspaper. "We don't go into their bedroom and tell them what to do, but don't shove it down our throats."

Chris Graff, then Montpelier bureau chief of the Associated Press, acknowledged in a 2000 column that some said the rallying cry was a demand for a responsive legislature. "But there is no doubt that at

## People want to have their voice heard.

CAROL APPLETON

aligned with her own. Her eldest had attended kindergarten and first grade in a public school, where she had apparently learned lessons that clashed with the family's farming practices. The child became alarmed when she saw relatives clearing land for pasture. "She starts bawling and screaming, 'You're killing trees! You're killing trees!' It's like, *Where's this coming from?*" Appleton recalled.

Appleton opposed changing the definition of marriage, she said, and by enacting the civil unions law to establish a parallel institution, "you're kind of, like, changing the definition to what everybody would look at as a marriage ... You're going to be telling my kid this is the way it is."





Jason Barney

## Former Lawmaker Has Regrets

Jason Barney considers himself a history teacher on the wrong side of history.

Upon his induction into the Missisquoi Valley Union High School alumni Hall of Fame last fall, the author and award-winning educator apologized to his colleagues for voting against civil unions when he was a Vermont state representative.

Addressing students, faculty and family members at the ceremony, “I said I had a chance to vote a specific way back when civil unions passed, and I voted the wrong way,” Barney recalled in an interview last week. “And if I’m going to go on the Hall of Fame wall, I want to make sure that I’m at least doing something small to apologize for a vote that never should have happened.”

When he was elected to represent Franklin and Highgate as a Republican in 1996, Barney was 21 years old, “very conservative,” he said, and the youngest member of the Vermont House. “I voted to make sure that I would have the best chance of returning to Montpelier,” he said. He fully expected to lose his seat if he supported civil unions: “I could see the writing on the wall.”

The majority of his constituents who had called or emailed him about the issue had asked him to vote no, so he could perhaps justify his vote, he said. “But, you know, I also have a conscience.” Personally, he didn’t see anything wrong with a legally binding commitment between two people of the same sex. Republican party leaders Walt Freed and John LaBarge did not pressure him to oppose civil unions, Barney said.

“They were totally honorable about it, and from the start, they urged members to vote their conscience.”

Barney was reelected in November 2000 and decided not to run in 2002. He has taught history at his Swanton alma mater for 22 years. Known for getting students out of the classroom to visit area museums and historical societ-

## It’s a vote that I’ve regretted for 25 years.

JASON BARNEY

ies, he’s often greeted in the halls by students asking, “Where are we going today?”

In 2023, Barney won the Gilder Lehrman Institute of American History’s Vermont History Teacher of the Year award. He’s been honored as Missisquoi Valley teacher of the year in 2021, VFW local teacher of the year in 2020 and Victor R. Swenson Humanities Educator in 2019. He has written four books about Vermont history, and a fifth is forthcoming.

The topic of marriage equality “is so normal now” that it rarely comes up in the Vermont history class he teaches, he said. When it does, he tells students about the role he played.

After voting against civil unions, he said recently, “I felt guilty about it, I felt awful about it, and it’s a vote that I’ve regretted for 25 years.”



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