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NEW YORK UP CLOSE

Partners of Gay Victims Find The Law Calls Them Strangers



Carol Halebian for The New York Times

Bill Randolph's lover died in the attack.

Bill Randolph would settle for being a statistic. His lover of 26 years, Wesley Mercer, is among three security personnel from Morgan Stanley still missing in the World Trade Center rubble. But unlike other surviving partners, Mr. Randolph is not eligible for the full range of benefits, from pensions to Social Security payments to special memorial funds available to victims of Sept. 11. As gay men, the two were strangers under the law.

"If you're straight and have a marriage license, it's one, two, three," said Mr. Randolph, 45. "We're clawing at it, just to be acknowledged."

Private relief agencies, including the Red Cross and Safe Horizon, have provided assistance based on need, not marital status. A few corporations in the World Trade Center, like Cantor Fitzgerald and Lehman Brothers, have extended benefits to same-sex partners. But most government benefits, such as workers' compensation, are limited to spouses and children.

For instance, the surviving spouse of a firefighter or police officer will receive a lifetime tax-free pension equal to the victim's final annual earnings. But, depending on the victim's salary, a gay domestic partner of a firefighter or police officer may only receive a one-time payment of about $50,000, said Lorna Goodman, a spokeswoman for the city corporation counsel's office.

"As the law now stands, partners of lesbian and gay victims would not be eligible for the social safety net," said Jennifer Middleton, a lawyer for the Lambda Legal Defense and Education Fund, a gay advocacy group that has been working on this issue with a similar group, Empire State Pride Agenda.

Some gay people can count on receiving help because they are close to their partners' families, who often stand to inherit the person's estate. But others, like Mr. Randolph, are in a different situation.

"My best resource is Morgan Stanley," said Mr. Randolph, a part-time organist who lives in Harlem. "Last week, they gave me a check for $10,000 to take care of my immediate needs. The government is not as understanding as the private sector."

Government officials have acknowledged the disparity. Gov. George E. Pataki recently signed an executive order to cover gay partners under the state's Crime Victims Board, which pays funeral costs and up to $30,000 for lost income. But it is unclear if other aid will be given. "We are looking into that," said Mollie Fullington, a Pataki spokeswoman.

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