

Framingham couple joins federal lawsuit against marriage restrictions

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FRAMINGHAM —



In many ways, Mary Ritchie and Kathy Bush are like any other married couple.

They live in a Framingham home with a basketball hoop and an American flag out front. Their sons, William and Ryan, played a board game on the living room floor yesterday afternoon, still dressed up after picture day at school.

 **PDF: Read the lawsuit challenging the Defense of Marriage Act**

But when it comes to income tax returns, Bush and Ritchie are not like other married couples. They file jointly in Massachusetts, but federal law does not recognize their 2004 marriage. The couple says that has cost them \$14,500 in taxes they would not have to pay if allowed to file as a couple.

The Framingham women say those inequities spurred them to join 13 other Massachusetts residents in filing a federal lawsuit Tuesday, claiming the U.S. Defense of Marriage Act unconstitutionally discriminates against gay couples.

"We don't deserve to be second-class citizens," said Bush, a Framingham native who sits on the executive board of the Parent Teacher Organization at Charlotte A. Dunning Elementary School.

The suit was filed by Boston-based Gay and Lesbian Advocates and Defenders. The same group filed a legal challenge that led to the 2003 court ruling that gives gay and lesbian couples civil marriage rights in Massachusetts.

The federal lawsuit challenges a specific part of the Defense of Marriage Act that plaintiffs say has been used to justify the denial of government protections and benefits afforded to straight couples.

All plaintiffs are in same-sex marriages. Two were unable to add spouses to insurance plans. Three more say they were denied death benefits for funeral expenses. Also suing is Dean Hara, widower of the late U.S. Rep. Gerry Studds, who was denied insurance and an annuity available to surviving spouses.

Framingham's Bush and Ritchie are one of three couples who say the Internal Revenue Service has refused to recognize their marital status.

The Massachusetts Family Institute, which opposes gay marriage, criticized the suit Tuesday, calling it a "thinly-veiled attempt to redefine marriage." In a written statement, the group noted 45 states have laws supporting traditional marriage and 30 have defined it as such in their constitutions.

Ritchie said the suit is about equal rights.

"It's about protecting our family's security and our financial security," said Bush.

Ritchie said she has filed her family's federal taxes on time every year since 2004, checking off the "head of household" status. She has then submitted amended tax returns seeking to change the couple's filing status to "married filing jointly," along with a statement of explanation.

Each time, the IRS' reply has been straightforward: No, because the federal government does not recognize same-sex marriages.

The couple says that decision cost them an extra \$1,054 in federal income tax in 2004; \$2,703 in 2005; \$4,390 in 2006; and \$6,371 in 2007.

Last year, Ritchie wanted to contribute money to a retirement account for Bush, who left a career with a medical journal to be a stay-at-home mom. But Ritchie was not allowed a tax deduction provided for such contributions.

And if Ritchie, a State Police sergeant, is killed in the line of duty, Bush will not be able to collect federal benefits offered to other spouses of slain officers.

"If something was to happen, it would be devastating," Bush said.

Bush and Ritchie have been together nearly two decades, buying their Framingham home in 1991. They say their families, friends and neighbors have been very supportive, but they have long had to jump through hoops not required for straight couples.

They were wed in a civil union in Vermont in 2000, before same-sex marriage was allowed in Massachusetts, but found it meant little back in the Bay State.

After Bush left her job, the couple had to pay separate health insurance for her because the state, at the time, would not add her to Ritchie's coverage.

Being able to marry was meaningful, Bush said. "We value marriage," she said. "It made us feel like more of a family."

They talked over whether to put their sons, who are 7 and 10, in the spotlight by joining the lawsuit. Yet Bush and Ritchie also worried how their boys would be affected by seeing their parents treated inequitably.

"They don't understand any of that now," Ritchie said. "But as they get older, they will be asking more questions."

Ultimately, the women view the lawsuit as a way of standing up for their family.

"It comes to a point when somebody has to stand up and say, 'Enough is enough,'" said Ritchie.

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