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LGBT Marriage, Michael Jackson & My Dead Dad

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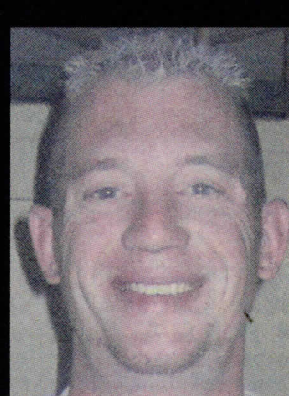
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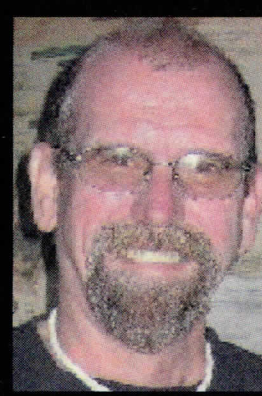
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Henry McClurg
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J. T. Towne
Advertising Director

Damien Dane,
Ed Manson,
Trevor Kacedon
Contributors

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LGBT Marriage, Michael Jackson & My Dead Dad

By Plumbobb via Daily
Kos

My dad died almost exactly a year ago. He and my mom had been married for more than 50 years. They had three children, and during the course of their long marriage, as a result of luck and thrift, they amassed not insignificant assets; enough, in fact to lead one to make the question of whether the "death tax" is going to reset in 2011 a matter of some interest. My mom is herself almost 80, and like many people in long marriages, she had become accustomed to letting my dad take all the responsibility for certain tasks, while she took the responsibility for other tasks.

It was a traditional marriage, and they had more-or-less traditional roles. She cooked and kept the house clean and he did the taxes and kept track of investments.

He was also the guy who did the mysterious things that have to be done when the relatives died, the one you sent the will to, and said "could you help with this?". His mom died, he got the auctioneers to clear the house out of everything that nobody wanted, paid the debts, sold the house, disbursed the proceeds, my uncle, my other grandfather, my college-age nephew, my other uncle, ditto ditto ditto. My dad knew about probate, and death certificates, and how to arrange for pension transfers.

It's bad when the go-to guy for dead relatives dies. *Plumbobb's diary*

Which, when he did, shouldn't have come as a surprise, because he had been very ill with an awesome variety of very deadly ailments for a long time. But he was that

old-fashioned type who will not give up, and for a long time, he prevailed. But then he stopped prevailing, and then he died. So here is my mom, saying "Tom always did that", and here is me, the eldest child (the responsible one), and here is what I learned about LGBT marriage from being the new go-to guy for when people die.

What follows is a list of some of the benefits my mom got as a result of having been legally married to her life partner. It's also, of course, a list of what you do not get if the state does not allow you and your partner to marry.

The first thing is not, strictly speaking, what I learned from my dad, I learned it from Michael Jackson.

Whether or not Michael Jackson's kids are his biological children, in the eyes of the law, they are his biological children because they were born when Michael Jackson was married to their mother. Marriage is a big deal

you go through a difficult and expensive dual adoption process (which is illegal in many states for partners in LGBT relationships)

A subsequent divorce can rend parent from child. A death of a partner who was the adoptive or biological parent of a child of the relationship can result in a messy custody situation instead of automatic custody to the surviving partner.

OK, so that's what I learned from Michael Jackson. Here is what I learned from my dead dad.

My dad was a veteran. He had worked for many years and had a pension and a medical insurance benefits package on his retirement from his company. He also had social security benefits. Here is what benefits from being legally married to my dad accrued to my mom simply by right of the marriage:

He was a veteran: She got a flag from the VA and a marker for his little ash drawer. This is the least

receiving. I'm not addressing issues in this diary which can be worked around via legal agreements, no matter how tortuous and expensive they are to prepare. So I'm not going to address the issue of my mom receiving the proceeds of my dad's life insurance policy (because she could have been a beneficiary even had she not been legally married), or of his IRA (although there is a little accounting wizardry in terms of the distribution of the IRA through which she benefits by as the result of being allowed to be legally married to him).

But here's the big one, and it's huge. All of the assets of the marriage passed to my mother, tax free, and the cost bases of every asset reset to the value of each asset on the date of my dad's death. So that condominium that they bought in 1982 for \$15,000, now worth \$162,000? First of all, my mom owes no money to the IRS for inheriting that (so she doesn't have to sell

many of the assets they accumulated together to pay tax bills); second of all, when she does sell it, at her leisure, for \$170,000, she'll pay taxes on \$8,000 of gain, not \$155,000 of gain.

Before inheriting the mantle of being the go-to guy for dead relatives, I thought

of gay marriage as something of a distraction. I haven't had a lot of luck myself with heterosexual marriage, and I view the institution with a somewhat jaded eye. I thought of it mostly in terms of the sociological and emotional benefits it can convey on marital partners, and whereas I thought that not allowing gay people to marry was ridiculous, I wasn't vehement about it (I was of the "go ahead, share our pain" point of view).

But now, I see additional aspects of what is being denied gay partners... and that is the child custody/financial aspects. Disallowing the privilege of marriage to same sex couples devastates the custody rights of children of the relationship, and delivers a huge financial burden on the surviving partner in a same sex relationships when one partner dies.

This is what I learned from Michael Jackson and my dead dad.



when you are talking about establishing paternity. There is a presumption that children born within a marriage are both partners' biological children. If a husband dies, the wife automatically gets custody (even if the couple has subsequently divorced). This is good for children. It is also good for parents. But it only works if you are married to your partner and/or your partner is the biological parent of your child (for unwed heterosexual parents). And if the stated doesn't let you marry your partner, and until we develop a way to create sperm out of eggs (and vice versa), gay partners are screwed, so to speak, when it comes to their legal rights vis-à-vis children of the relationship. So if you are gay, but are not permitted to marry your partner before having children, and you and your partner have a child, each person in the relationship is not presumed to be the parent of the child unless

of the benefits, speaking monetarily, but emotionally, it was a big deal. If she and my dad had been same sex partners, there would have been no way that she would have been entitled to these mementos.

He had a pension and medical benefits: My mom's survivor's benefit is only half of what the pension was before his death, but the yearly pension is still more than I make in a year. If she and my dad had been same sex partners, there would have been no way that she would have received a survivor's portion of the pension, since my dad worked for a private company before his retirement.

He had Social security benefits: My mom didn't work outside the household after my brother and sister and I were born. If she were getting a Social Security benefit based only on her own earnings, it would be a fraction of what she is now

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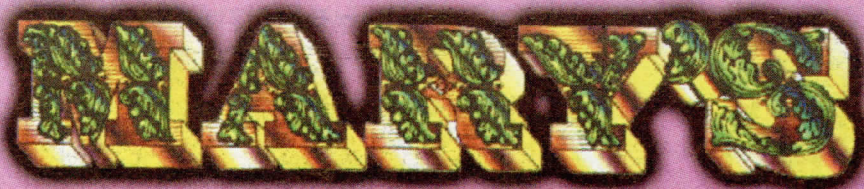
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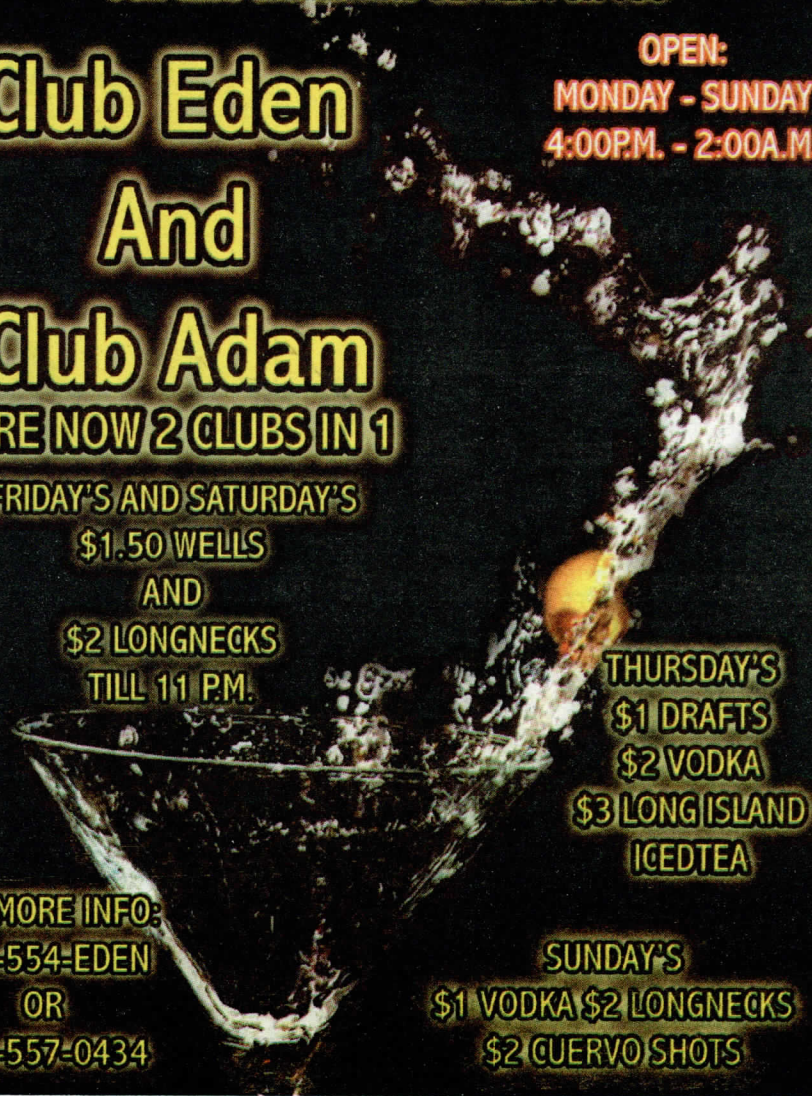
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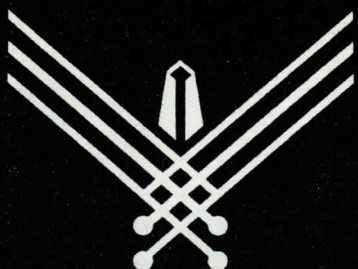


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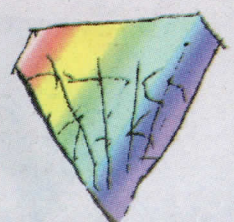
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News, Nonsense, Rants
By Henry McClurg

This is from TXdemocrats.org.

In sharp contrast to Governor Rick Perry's soapbox crusade about big spending in Washington, a bipartisan review of the recently approved state budget proves that his anti-stimulus rants are the height of hypocrisy.

A recent analysis by the National Conference of State Legislatures, as reported by the Austin American-Statesman's Jason Embry, shows that "Texas reported that it relied most heavily on stimulus dollars, using those dollars to provide 96.7 percent of the gap-closing solution" (Austin American-Statesman First Reading blog, 7/23/09).

The fact that Perry and his fellow Republicans relied on federal stimulus funds more than any other state to balance Texas' budget shows that blaming Washington is nothing more than campaign rhetoric designed to distract Texans from his dismal, failed record as governor.

Furthermore, in a fundraising letter, Perry postulates there are "two models of governing: the Washington model that talks the talk about limited government while delivering record earmarks and increasing bureaucratic control, and the Texas model of balanced budgets and fiscal restraint" (Politico, 7/23/09).

And this is from HuffPost.com

The U.S. Navy says a sailor has been charged in military court with murder and other offenses in the shooting death of a gay San Diego seaman.

Petty Officer Jonathan Campos of Lancaster, Calif., was charged in connection to June's fatal shooting of Seaman August Provost of Houston.

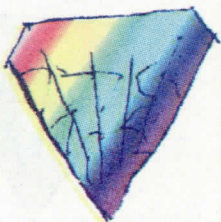
Provost was shot multiple times as he stood guard at Camp Pendleton on June 30. The 29-year-old's family believes the shooting may have been a hate crime. The family says Provost complained of being harassed about his sexuality in the days before his death.

Navy officials have rejected those claims and say there is no record of Provost filing a harassment report.

They say Campos, a 32-year-old gas system technician, is being held at the brig and is cooperating with investigators.

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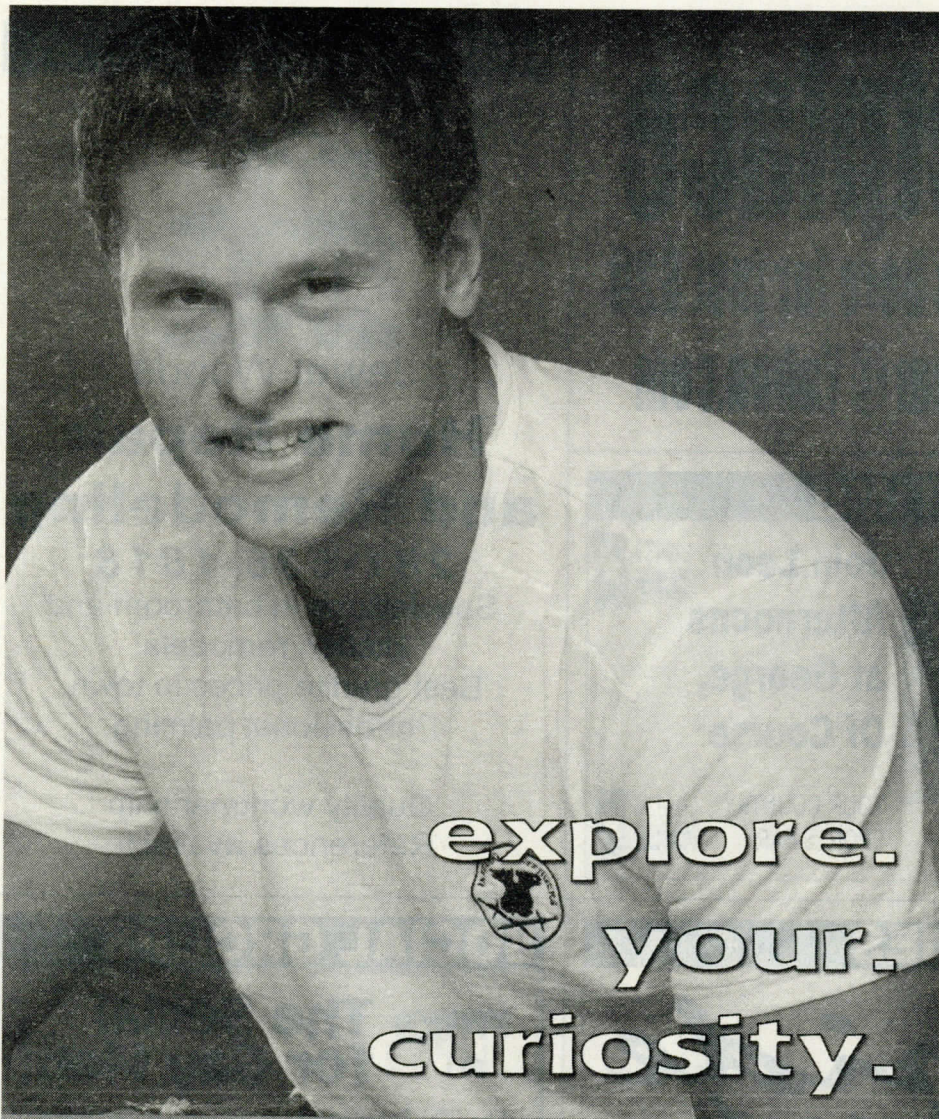
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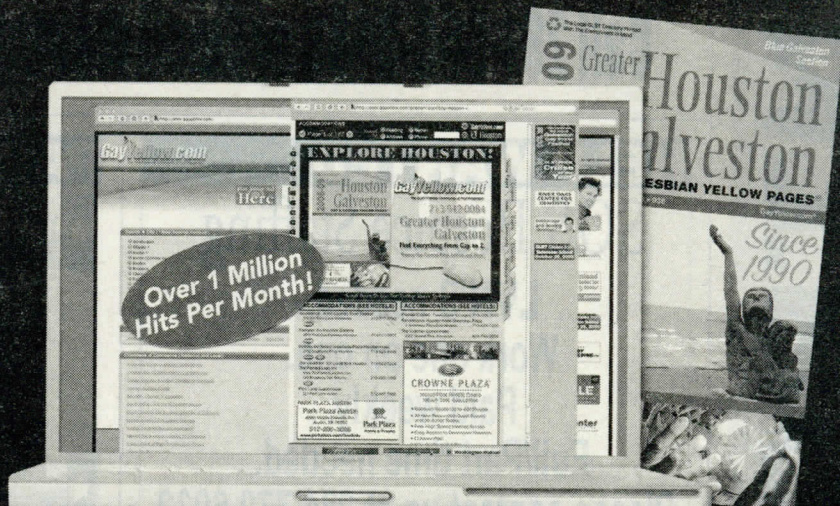


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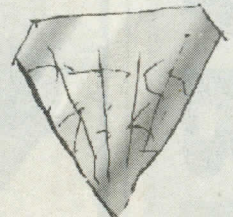


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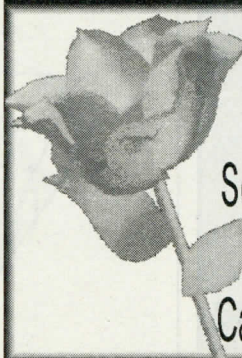
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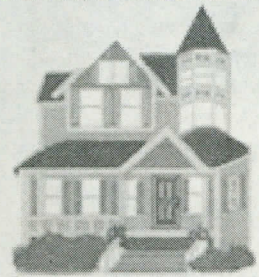
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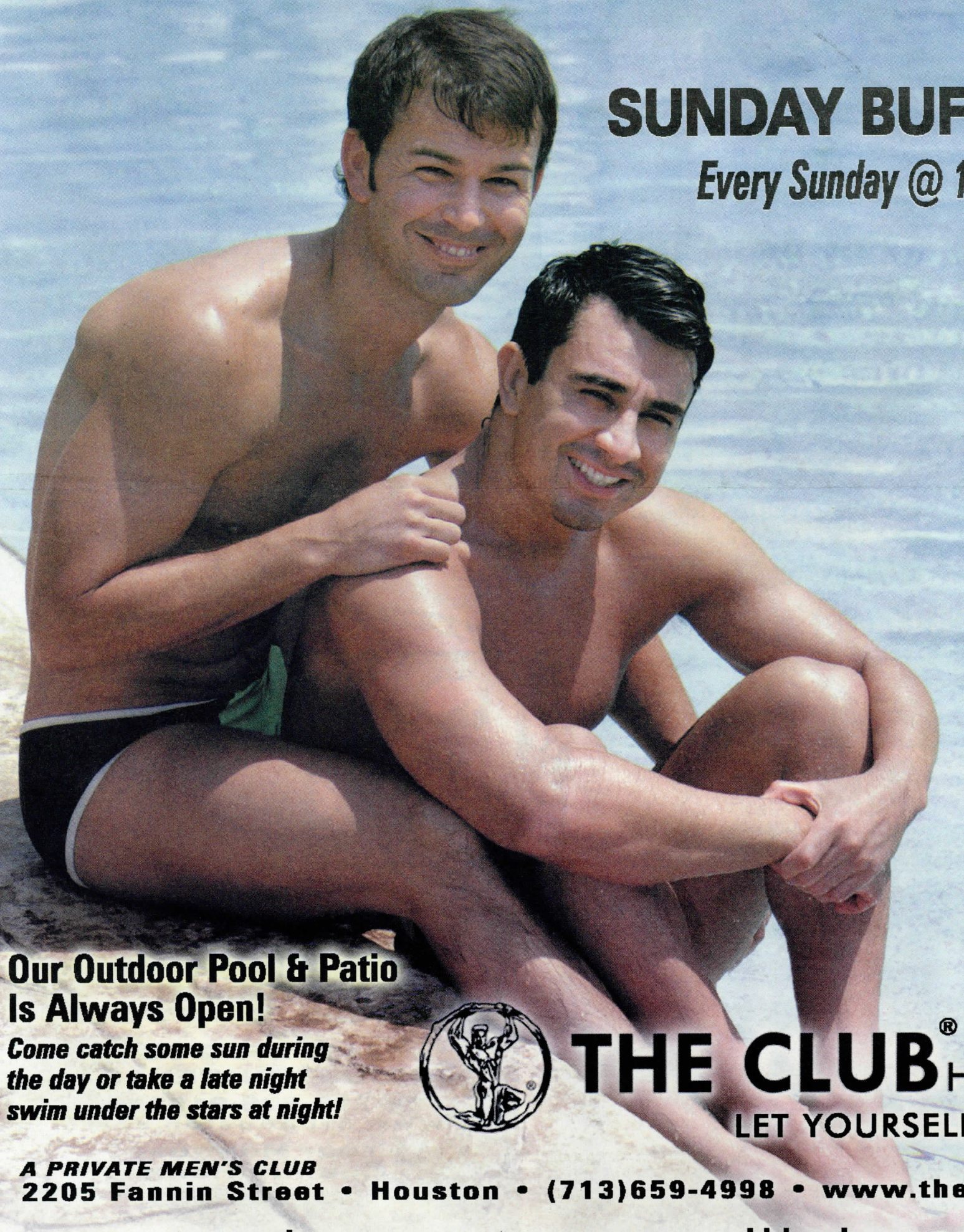
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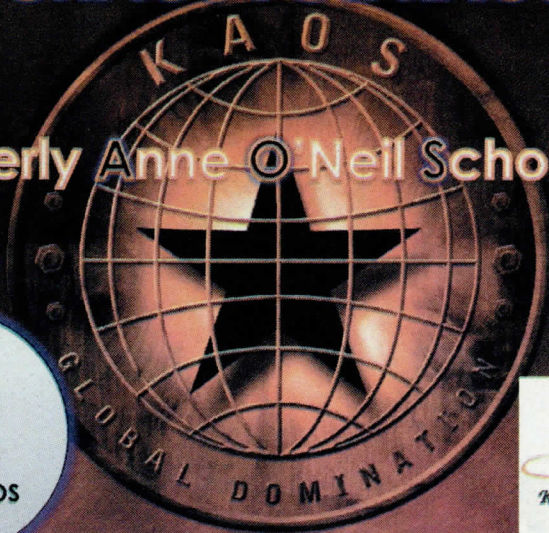
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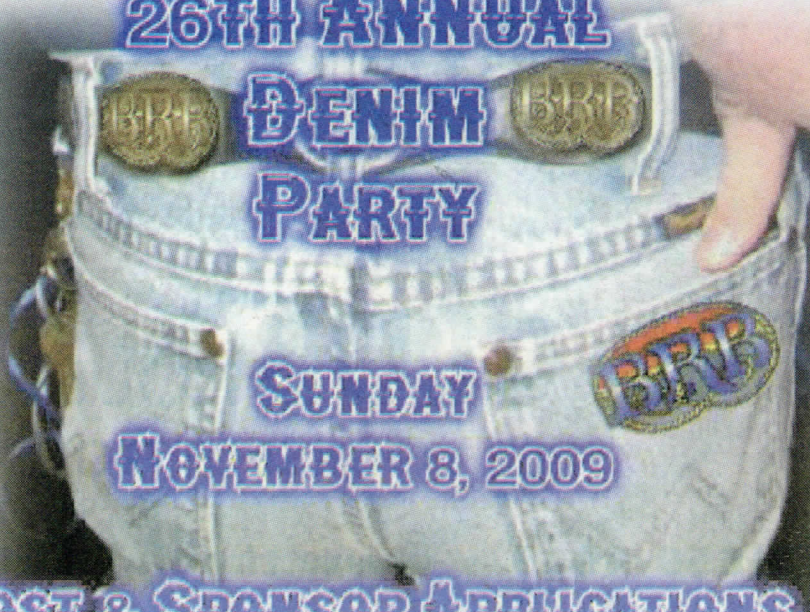
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