

United States Senate
Committee on the Judiciary
Hearing on “S.598, The Respect for Marriage Act:
Assessing the Impact of DOMA on American Families”
Written Testimony of Andrew Sorbo
July 20, 2011

Thank you, Senator Leahy, Senator Feinstein, and Senator Blumenthal for inviting me to testify before this committee.

I am Andrew Sorbo, a citizen of the United States of America and a resident of the state of Connecticut. I am 64 years old. I spent my professional life as a teacher and principal in parochial and public schools. I have taught various subjects, but history is the subject dearest to my heart. My father died when I was an infant, and my mother raised my older sister and me on welfare in a public housing project in Providence, Rhode Island. I grew up a devout Roman Catholic and was the first in my family to attend college and graduate school.

On July 29, 1979, my life was transformed when I met Colin Atterbury, an associate professor of medicine at Yale University, chief of the liver disease section at the West Haven Connecticut Veterans Administration Center, by chance while visiting New York City on a whim.

The mechanisms of how people fall in love remain a mystery to me. I don't know why love happens, only that it does.

Colin and I fell in love on the very day that we met. We both knew beyond doubt that some inexplicable force had brought us together, that we had each found in the other a soul mate, a partner for life.

And so we embarked on our joint journey.

We traveled the world and developed a second family of gay friends. We filled our lives with the arts. We bought our first home. We passed many happy hours reading together, content in silence just to be near one another.

Colin's and my love grew and deepened. We could finish one another's sentences and recognize the meaning of the slightest movement of a facial muscle. Although we never contemplated that our churches, our families or our government would ever understand or accept the fullness of our relationship, we lived our whole lives together as if we had said the vows aloud before the whole world: "to love, honor and cherish, in sickness and in health, for richer or poorer, till death do us part." Sadly, too soon death did part us.

We were very spiritual people. From the beginning we believed that we were brought together, that it was not merely a coincidence or pure serendipity.

Twenty-five years later, Colin and I traveled to Vermont to mark the special anniversary of our meeting by celebrating a civil and holy union at Saint Mary in the Mountains Episcopal Church.

A year later, fate threw us a curve ball. In 2005, on a trip to Southeast Asia, Colin fell ill. What we thought must be a food-borne infection turned out, on further investigation, to be pancreatic cancer.

Colin's prognosis, six months to live, hit us both viscerally. Our dream of retirement and continuing to explore the world together was not to be. As befits someone with an undergraduate degree in philosophy, Colin faced the inevitable with quiet but determined stoicism. With a strength I did not know I had, for three grueling years I nursed him through chemotherapy, radiation therapy and surgery.

I wondered what would be worse – watching helplessly as the man I loved slowly died or spending the rest of my life without my other half?

Often I despaired. There was no hope of recovery. To raise my spirits, I reminded myself how Colin and I, throughout our relationship, had introduced each other to new experiences and to interests that had enriched our lives and made us better people.

In January of 2009, Colin realized he would not survive until our thirtieth anniversary in July. In a subdued ceremony in the living room of our home in Cheshire, Connecticut, two minister friends married us. Four months later, just short of our thirtieth anniversary, Colin died. Having had three years to prepare for his death did not lessen the pain or the sense of loss. But I was comforted by the fact that we had achieved something momentous in our final months – a marriage legally sanctioned in our home state of Connecticut.

Our wedding rings now hang from a gold chain around my neck, linked together beside my heart.

But our happiness in our marriage was tempered by our sorrow that the federal government refused to recognize it. Colin and I were fully aware that his death would jeopardize my financial security. Once he died, I might be forced to sell our beloved home – an eventuality that in fact proved necessary.

Colin and I were never profligate. We lived within our means. But federal laws consistently presented insurmountable, and unforeseen, hurdles to our financial planning. DOMA hung like a thick and ominous cloud over our security and serenity.

Colin's paycheck came almost exclusively from the Veterans Administration and not from Yale University. When Colin died, I was forced to forfeit 80 percent of our household income, because his VA pension check stopped coming. Even though we had tried to prepare for his death, nonetheless the economic repercussions came as a shock. I quickly discovered that my legal Connecticut marriage license was paper thin in the eyes of the federal government.

In 2000, when he retired from the VA, Colin did not have the same option that my straight brother-in-law exercised when he retired – where my brother-in-law could take a cut in monthly benefits in order to allow his spouse, my sister, to inherit his pension and thereby maintain her financial security. This inequitable situation was a direct consequence of DOMA.

Colin was also denied the right to include me in his medical insurance plan through the federal government. When I retired as a teacher in 2005, I had no alternative except to pay for my insurance coverage in full through my former school district, at a much higher cost than if I could have been covered under Colin's plan as a spouse. Last year my insurance payments consumed almost a third of my \$24,000 teacher pension.

Although Colin and I planned carefully to protect our assets, as any married couple prudently should, DOMA prevented Colin from leaving me his Yale IRA under the same rules that apply to straight couples. Were I a woman, the IRA would simply have transferred to my name alone. However, because we were a same-sex couple, even though we were legally married, different rules applied. To my financial disadvantage, I was required to begin withdrawing money from Colin's IRA in the December following Colin's death. This deprived

me of the opportunity to allow Colin's investment to grow for an additional 7 years – as other spouses may, and something that would help me as I continue to age.

There were other unforeseen consequences because of DOMA after Colin's death. Securing our assets was an extremely complicated process because our marriage was not universally recognized. My financial advisor and I made numerous calls to the various companies in which Colin had invested our savings, which often lasted for hours because the companies were conflicted about how to allow me to roll over and consolidate our assets. We would get different opinions from different employees of these companies, which was extremely frustrating. Everyone involved knew that I would get more favorable treatment if our marriage was recognized federally or if we had been a heterosexual couple, but ultimately the legal advisors at the various companies decided that because of DOMA they could not recognize my marriage. My advisor and I tried to secure my retirement so that I would not exhaust my resources too early and would be able to account for inflation and higher medical costs as I aged. But, as a result of DOMA, he could not administer my retirement plan in the same manner as he would have if Colin and I were an opposite-sex couple.

Colin and I were both receiving Social Security at the time of his death, and his payment was larger than my monthly payment, which is less than \$500 a month. If there were no DOMA, and Colin had survived five more months, I would have qualified to receive the difference between Colin's payments and my own, as my mother was able to do when my step-father died. This is yet another way in which DOMA would have deprived me of an important safety net that other surviving spouses have.

The toll was not exclusively financial. The emotional strain was often worse.

While Colin was sick with cancer, there were tense moments with hospital employees when I asserted my rights as his spouse to supervise his care. It was deeply hurtful to be asked by hospital staff what right I had to be at his bedside. Such treatment is not directly because of DOMA, but it is consistent with the kind of disrespect DOMA imposes on married same-sex couples. The psychological toll that DOMA inflicts took an incalculable toll on my and Colin's sense of the justice and fairness of our society and its treatment of our committed, loving relationship. DOMA singled out our marriage and told us that in the eyes of the federal

government, our loving relationship was wrong. That our love was unacceptable. That *we* were unacceptable.

Were Colin sitting by my side today, he would implore you to stop disrespecting our marriage and treat us equally to other married couples, and to repeal DOMA.

Colin would implore you to restore the justice that DOMA denies us. Colin would remind you that we are your brothers and your sisters, your aunts and your uncles, your cousins and your friends, your workmates and your neighbors, your sons and your daughters, and, yes, even sometimes your moms and dads.

And then Colin, the doctor who was also a philosopher, would stop to ruminate, because he was a thoughtful man. He would lower his voice, solemnly. He would look every one of you in the eye before saying, “*Everybody* deserves equal treatment, and all marriages between loving, committed adults should be treated equally.”