

# Gay marriage lawsuit presses for survivor benefits

By Barbara Bradley Hagerty, NPR

Herbert Burtis met the person he wanted to marry in college, in 1948. But since the object of his affection was another man, they had to wait until 2004 for the ceremony, when Massachusetts legalized same-sex marriages.

“It’s a long engagement,” Burtis says, laughing. “We thought it was time that we made each other honest people.”

His spouse, John Ferris, died four years ago. When Burtis went to the Social Security office to apply for survivor benefits, the clerk told him the federal government did not recognize his marriage.

“You feel like, ‘Why am I a second-class citizen?’ ” the 82-year-old Burtis says. “I thought our marriage license was a legal document. And if it’s legal for a man and a woman, it should be legal for a man and a man. And I couldn’t see why there would be prejudice in that.”

Burtis is one of 17 gay men and women who are asking a federal court in Boston to clear up the confusion. On Wednesday, the First Circuit Court of Appeals will begin hearings on whether the Defense of Marriage Act, or DOMA, is unconstitutional.

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