

For Wilton family, repeal of DOMA is validation

By [Chris Burns](#) on July 15, 2013 in [News](#) · 0 Comments

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The United States Supreme Court's decision to declare the federal Defense of Marriage Act unconstitutional gave Wiltonians Stephen Davis and Jeffrey Busch much more than the ability to file their federal taxes as a married couple. It validated their 24-year relationship as worthy of the same rights and privileges as any other loving couple — gay or straight.

"DOMA has affected us in many ways," Mr. Busch told *The Bulletin* earlier this week. "We never had the same benefits as other families, on top of having additional restrictions."

Things many straight couples may take for granted, like ensuring health care for a spouse, were difficulties Mr. Davis and Mr. Busch dealt with on a month-to-month basis. Because Mr. Busch was not identified by the federal government as Mr. Davis's spouse, he was forced to pay federal taxes on the health coverage plan he received through his spouse's employer.

With DOMA struck down, the Busch-Davis family is free to obtain the same benefits as any other married couple. Any inheritance that will go to their son, 11-year old Eli, will not be "double taxed," Mr. Busch said, and the couple has a right to one another's Social Security.

"All of our lives, we have been acutely aware that we had restrictions that other committed families did not have," Mr. Busch said. "On my federal tax return, I had to affirm something that is not true — that I was single. I also had to file a fake federal return as a married man per Connecticut law. The very action of filling out a tax return and never being able to see the benefits" was heartbreaking, he said.

The couple first became public activists for the right to gay marriage when they were one of six couples to file suit against Connecticut, claiming a ban on gay marriage violated their rights as citizens. They won that case, and were married on their 20th anniversary in Connecticut.

More important than specific rights, the couple said, was the federal government's agreement that a ban on gay marriage does irreparable harm to those families affected by the law.

"I was outside listening to the radio when the decision came down," Mr. Busch said. "I heard one line of the decision and I just started to cry."

That line, Mr. Busch said, was "DOMA instructs all federal officials, and indeed all persons with whom same-sex couples interact, including their own children,



Eli Busch is the son of Jeffrey Busch, and Stephen Davis (pictured), of Wilton. Of the repeal of the Defense of Marriage Act, he said, "I know that I will have the same rights as anyone else, and that there will be nothing wrong with it at all."



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that their marriage is less worthy than the marriages of others.”

“It’s not just about the rights,” Mr. Busch said. “It was taking vows in front of our community, with our rabbi. I’m so in love with being married to Stephen.”



Jeffrey Busch, left, and Stephen Davis are a Wilton family who will now receive increased federal benefits thanks to the repeal of the Defense of Marriage Act.

Eli Busch has also been acutely aware of the difficulties his parents have faced over the past years, but now, things will be different.

“I know that I will have the same rights as anyone else,” he said while sitting with his parents, “and that there will be nothing wrong with it at all.”

One barb that still stings the Busch-Davis family, however, is a perceived lack of support from their former state representative and current state Sen. Toni Boucher (R-26).

When Eli was still in utero, Mr. Davis said he and a group of gay men from Westport arranged a meeting with then state Rep. Boucher to discuss the possibility of her supporting a bill in favor of gay marriage.

“She was so enthusiastic about the sonogram, about me becoming a father,” Mr. Davis said. She also told the group she was in favor of civil unions, but admitted she “was not yet there on gay marriage.”

But, when bills to approve both gay marriage and civil unions came to the floor of the Connecticut House of Representatives, Ms. Boucher voted no on both.

“That was a big shock for us,” Mr. Busch said, “especially when she explained in *The Wilton Bulletin* that her decision was based on ‘three Cs — conscience, constituents and party caucus. We voted for her because we thought she would represent us even though our family looks a little different.”

Now that the federal government recognizes their marriage, Mr. Busch and Mr. Davis hope to give Ms. Boucher an opportunity to confirm the idea that same-sex couples deserve equal protection under the law.

“She’s personally so kind, but she failed us as a legislator,” Mr. Davis said. “She now knows, or should know, that she is on the wrong side of history. Even if she is not going to embrace who we are, we hope she can accept our rights as American citizens. What we want to hear is that she is glad for us. That she recognizes that this is the right thing to do.”

Speaking by phone on Wednesday, Ms. Boucher said that, personally, she is openly accepting of gay marriage. However, she said, in 2005 she was representing the wishes of her district when she voted against a gay marriage bill.

“My personal feelings are very open, and I’m fine with [gay marriage]. I was just representing a district that felt very guarded about that,” at the time, she said. “You’ve got to remember this was eight years ago.”

When Mr. Busch and Mr. Davis first moved to Wilton, Ms. Boucher says she

encouraged the couple to actively address a less-than-favorable topic.

"They are great people," she said of the Busch-Davises. "I said to them when they first moved to Wilton — at that time the topic was less comfortable — 'you've got to integrate into society and people will become more open and accepting and favorable.'

"We're coming along as a society," she added, "and that's a very good thing."

Mr. Busch, however, says that his family has never experienced any non-acceptance in the Wilton community.

When they first became partners 24 years ago, Mr. Davis and Mr. Busch admit they were forced to consider more pressing issues than the right to get married as a gay couple.

"We were hoping we would not lose our jobs for being gay. Hoping we wouldn't lose our housing for being gay," Mr. Davis said.

The first government recognition of their relationship came by way of a New York City certificate of domestic partnership, which the couple were granted in 1993.

"It gave us all of six privileges," Mr. Davis said, "like prison visits, hospital visits, and the inheritance of rent-controlled properties."

Mr. Busch said an incident when his son was 18 months old left the men with a desire to become activists for gay marriage. While crossing the border from Canada to the U.S. after a business trip, a guard demanded the couple provide proof that Eli was their son.

"He asked us, 'Where's the boy's mother?' and wanted to know how he could be convinced that this child was not a kidnapping victim," Mr. Busch said.

Afterwards, Canadian authorities told them they could not travel internationally without first obtaining "additional documents," proving Eli was their son. When the couple returned home, they contacted a lawyer to obtain the necessary documents, only to be told that no such papers existed.

Six weeks later, they filed suit against the State of Connecticut's ban on gay marriage. Before the decision to allow gay marriage in Connecticut was handed down, they obtained a civil partnership.

"It was humiliating," Mr. Busch said of getting a civil union. "We kept it very quiet. I told the justice of the peace not to ask any more questions than were required. I was thinking to myself, 'I get one chance to cry at my wedding. I'm not blowing that on a civil union.' It was demeaning to see the legislature had created an entirely new institution just to stop us from being married. But, we needed legal protections for Eli."

Looking farther down the road, both men recognize the battle of civil rights for lesbian, gay, and trans-gendered people is not over.

"Thirty-seven states still do not allow gay marriage," Mr. Davis said. "What happens if you are federally recognized, and then move to one of those states? There is a broader community of people that feel marginalized right now," Mr. Busch said, "not just middle class white gay men. There is a bigger equal rights agenda going on right now."

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