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Republican state Rep. Shirley Gomes, whose district includes Provincetown, says lawmakers should have acted on civil unions before their hands were forced.

‘I thought we were making progress’

By JACK COLEMAN
STAFF WRITER

BOSTON – State Rep. Shirley Gomes is an anomaly.

She’s a Republican representing one of the state’s most liberal districts and a conservative who opposes capital punishment and supports civil unions for gay couples.

Had it been up to her, Gomes

said yesterday, the Legislature would have dealt with the issue of gay marriage long before it was forced to do so by last November’s landmark state Supreme Judicial Court ruling.

The high court ruled that anything less than full and equal marriage rights for same-sex

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Gomes: 'I thought we were making progress'

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couples denigrated them to "second-class citizenship" and, as such, would be unconstitutional and illegal.

The court gave state lawmakers 180 days, to May 16, to draft legislation that complies with the decision.

"The November 17 ruling changed everything," Gomes said yesterday before the Legislature resumed its historic debate. "Up until then, it was OK to be working on civil unions. And it's our fault because we didn't do something sooner.

"I thought we were making progress, maybe not fast enough, maybe not good enough, but that's what I was working toward," Gomes said after a closed-door session of Republican legislators in the office of House Minority Leader Bradley Jones Jr., R-North Reading.

Gomes said her views are most closely aligned with the dissenting justices on the Supreme Judicial Court, who rejected claims that gay marriage is a civil rights issue of equal relevance as the U.S. Supreme Court decision that outlawed segregation in 1954.

"They thought that was an issue of supremacy of one race over another," Gomes said, referring to the dissenting justices. "A lot of people are framing it as a civil rights issue, but I don't see it that way. What I see

HOW THEY VOTED

State lawmakers voted yesterday on a proposed constitutional amendment offered by Rep. Philip Travis, D-Rehoboth, that would ban gay marriage.

SENATE

Therese Murray, D-Plymouth	N
Robert O'Leary, D-Barnstable	N

HOUSE

Demetrius J. Atsalis, D-Hyannis	Y
Thomas N. George, R-Yarmouth	Y
Shirley Gomes, R-Harwich	Y
Matthew Patrick, D-Falmouth	N
Jeffrey D. Perry, R-Sandwich	Y
Eric Turkington, D-Falmouth	N

Travis amendment

The amendment, which was defeated on a 103-94 vote, would have defined marriage as a union between one man and one woman. Unlike two versions defeated Wednesday, it neither required nor prohibited civil unions.

is the Legislature has powers vested in it to deal with marriage statutes."

"We have avoided dealing with this for years, but not with my votes," Gomes said. "I think we were remiss in not dealing with civil union bills for many, many years."

Gomes cited her support for a bill filed by state Rep. Paul Demakis, D-Boston, in 2002 to extend health insurance benefits to the partners of gay state employees. The bill was discussed Nov. 20 among members of the Joint Committee on Public Service, where it awaits further action.

Gomes said she does not believe in denying same-sex couples the benefits accorded married heterosexuals - health-care coverage, inheritance and bereavement rights, unimpeded hospital visits and all other rights, which number in the hundreds.

But like many conservatives, Gomes stops short of sanctioning same-sex marriage.

"For centuries, for hundreds of years, marriage has been recognized as the union of a man and a woman," Gomes said. "The roots of marriage are deeply settled in our culture."

At the very least, Gomes said, such a profound change to the definition of marriage should

not occur without the voters having their say.

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Gomes, first elected to the Legislature 10 years ago, is so far running unopposed.

But her votes on two amendments Wednesday, the first day of the constitutional convention, have already alienated some supporters.

"I have a very good working relationship with Shirley," said Mark W. Baker, executive director of the AIDS Support Group of Cape Cod. But on this issue, Baker said, he is "very upset with Shirley's stance."

"Separate but equal is not constitutional," he said. "This is exactly what's going on right now."

Provincetown Selectman Sarah Peake, who plans to marry her partner in May, said she was disappointed with Gomes.

"She has a large gay and lesbian constituency in Provincetown and on the Outer Cape and I feel her two votes - for the Finneran amendment and against the Travaglini amendment - do not represent the views of many of her constituents," Peake said.

The amendment offered by House Speaker Thomas Finneran, included a definition of marriage as the legal union of a man and a woman, but also stipulated that the Legislature "may" address civil unions in the future.

Had the word "may" been changed to "shall," Gomes said, the measure would have passed.

Senate President Robert Travaglini's amendment, which emerged as a bipartisan compromise with Senate Minority Leader Brian Lees, R-East Longmeadow, called for merging the traditional definition of marriage with Vermont-style civil unions.

The amendment, Gomes said, was "too cumbersome, too unclear and too unfair to pass along to the voters."

It includes a "retroactive" clause that called for same-sex couples married after May 16 to revert to the legal status of civil unions, if and when voters approved the amendment. This, Gomes said, would open the state to lawsuits from gay couples claiming that their rights were being taken away.

Rob Tosner, executive director of the Provincetown Business Guild, said Gomes's votes show she is out of step with her constituents.

"Shirley Gomes is not representing the views of many people in Provincetown on this issue," Tosner said.

Just how many of those constituents are gay is difficult to gauge, since neither the federal census nor the annual town census in Provincetown inquire about sexual orientation.

Staff writer Conor Berry contributed to this report.