

Opening ceremonies

Gay marriages begin today across state



VINCENT DeWITT/Cape Cod Times

A shirt in the doorway of Don't Panic!, a shop on Commercial Street in Provincetown, tells the story as the town prepares for the first day of gay marriages today.

■ A legal odyssey will end with first-in-the-nation unions.

By **FREDERICK MELO**
STAFF WRITER

When the Rev. Carl H. Whittier officiated at same-sex weddings in the 1970s, the partners exchanged their vows in near-secrecy, carefully shielded from the public and the press.

Today, there are no secrets. Hundreds of gay couples are expected to file for marriage licenses today at town halls across Massachusetts. This marks the first time same-sex marriage has been legally recognized by any state in the country.

For gay couples, that means no more "civil commitment" ceremonies, heavy on symbolism but lacking in legal teeth. No more worrying about being turned away at a hospital room-door when a partner is critically ill, or being left out of a family health plan.

"It's a fascinating process to watch," said Whittier, a retired Unitarian Universalist minister from Falmouth, who "came out" to his congregation in Columbus, Ohio, in the mid-1980s.

And as far as Rene Perriolat is concerned, it's about time. Perriolat, 72, met his partner, George Bouchard, 79, at a bar in Hartford, Conn., some 52 years ago.

"He was in the Second World War. I was in Korea," said Perriolat, a Provincetown resident. "I was 19 and he was 26."

The rest, as they say, is history.

Perriolat, a retired advertising executive-turned-jewelry store clerk, plans to wed his longtime companion within two weeks.

First, though, there's work to be done: Perriolat, who sells wedding bands at Christof's — known as the "gay Tiffany's" on Provincetown's Whaler's Wharf — spent yesterday fitting the fingers of dozens of gay couples from across New England.

For Christof's owner Michael Burris and other Provincetown merchants, gay wedding preparations have been an unexpected bonanza.

Sales are "probably up

Orleans pair unlikely pioneers

By **EMILY C. DOOLEY**
STAFF WRITER

THEY DIDN'T set out to become the faces of gay marriage.

Their first 10 years together were in the closet. No one knew they were in love.

Years turned into a decade, then two and then three. Their relationship became a given, a fact of who they were.

Today, Orleans residents Gloria Bailey and Linda Davies will be among the first gay couples married in the United States. But they already were a part of history: one of seven couples who successfully sued Massachusetts for the right to marry.

"It really is historic," Bailey said last week. "I realize that now. I don't think we realized that in the beginning."

It is not lost on this couple that the day they are allowed to marry is the 50th anniversary of the Brown v. Board of Education Supreme Court ruling, which directed public schools to desegregate. The ruling declared that separate facilities violated the constitutional right of equal protection.

The court decision that ultimately gave Bailey and Davies the right to marry mentioned the Brown case. The consenting judges said that not allowing



File photo: VINCENT DeWITT/Cape Cod Times

Orleans residents Gloria Bailey, right, and Linda Davies were among seven couples who sued the state for the right to marry. "It really is historic," Bailey says. "I don't think we realized that in the beginning."

same-sex couples to marry created second-class citizens and was not in keeping with the equal-protection guarantees.

The seven couples sued the state in April 2001 after they were denied mar-

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VINCENT DeWITT/Cape Cod Times

Canadian Broadcasting Corp. television reporter Jacques Rivard interviews Provincetown Selectman Cheryl Andrews left, and her partner, Jennifer Germack, on Commercial Street yesterday. The town is expecting to host media from across the country and from as many as 18 countries today.

Marriage: For gays, today's the day

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around 400 percent (over the last two months), which is unheard of in the business," Burris said.

One of the nation's foremost gay-vacation spots, Provincetown is poised to draw even more out-of-state wedding traffic than other Massachusetts towns.

Nonresidents welcome

The Provincetown selectmen last week gave the town clerk permission to issue licenses even if couples fail to fill out residency questions on the marriage forms.

Gov. Mitt Romney had previously ordered clerks to deny licenses to nonresident gay couples unless they plan to move to Massachusetts.

After years of legal wrangling, same-sex married couples in Massachusetts will be able to enjoy all the benefits as other married partners, such

as hospital visitation rights.

The state Supreme Judicial Court's landmark decision last November allowing gay marriage was prompted by a court case involving seven same-sex couples who had been denied marriage licenses at their city or town halls.

In a 4-3 ruling, the SJC not only determined that nothing in the state constitution legally barred gay marriage, it also took the unprecedented step of giving the Legislature 180 days to address the issue.

In March, the Legislature responded by supporting a proposed constitutional ban against same-sex marriages. The ban would institute same-sex "civil unions," which confer many of the same rights as marriage.

To be adopted, however, the ban would also have to be approved by voters through a public ballot initiative. The earliest voters will get to weigh in on the issue is November 2006.

Some conservative groups are furious.

Their efforts to stay the same-sex marriage decision through legal challenges in state and federal courts failed this month, and on Friday the U.S. Supreme Court refused to intervene.

But some gay-marriage critics have already cast aside the issue, chalking it up to just another cultural affront to their beliefs.

"We move on," said Curtis Tripp, leaving services at the Calvary Baptist Church in Hyannis yesterday with his wife and two young daughters. "We're a Bible-believing church, and we believe whatever the Bible says, and it clearly speaks against it."

Long wait nearly over

Gay couples, meanwhile, plan to spend today making up for what they perceive to be lost time. "We'll be in line at town hall," promised Michael

Dias, a retired social worker, flashing a proud smile yesterday from the pews of the Unitarian Universalist Fellowship of Falmouth.

Dias and his partner, Steve Goldenberg, will celebrate their 26th year together July 13 with a walk down the aisle.

"People who support this process rejoice," said Rabbi Elias Lieberman of the Falmouth Jewish Congregation, who predicted easier times ahead for same-sex partners.

"When people see that these are the same kinds of couples with the same kinds of aspirations as straight couples ... it's certainly my hope that the negativity will begin to fade," said Lieberman, who has become an outspoken supporter of same-sex marriage rights. "People will see that the sky hasn't fallen."

In other parts of the country, however, the journey to legal acceptance for gay partners is still all uphill. In recent

months, cities and counties in states such as New York and California have issued marriage licenses to same-sex couples without prior court or legislative approval, with mixed results.

In Oregon, for instance, Multnomah County Judge Frank Bearden ordered the state registrar to accept more than 3,000 licenses that had been issued by the county last March. Under pressure from the state attorney general, however, the licenses have been stored at the registrar's office but not yet certified, according to the Oregon Department of Human Services Web site.

In April, Bearden gave the Oregon Legislature 90 days to institute gay marriage or create an alternative arrangement such as civil unions.

New marriage licenses will not be issued until the situation is resolved, Bearden ordered.

Couple: Orleans women were unlikely pioneers

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riage licenses at their town halls. The case, *Goodridge et. al. v. the Department of Public Health*, was appealed all the way to the highest court in the state. The Supreme Judicial Court ruled in favor of the couples last year and ordered the state to come up with a way to allow same-sex marriage by today.

"It is totally overwhelming to realize the significance of it," Bailey said, acknowledging her battle has become the latest fight for civil rights.

"You wonder if Rosa Parks had that in mind when she didn't want to sit in the back of the bus anymore," she continued. "Here we are 50 years later. We've made some progress, but we have a long, long, long way to go before it becomes national equal treatment under the law."

The Orleans couple's move toward making history started simply enough.

Their retirement years – Davies is 58 and Bailey is 63 – were coming up fast. Davies needed hip replacement surgery. They be-

gan to wonder what would happen if either one got sick, was hospitalized or died.

They had no next-of-kin privileges, such as access to health care records or protection from inheritance and estate taxes.

"We had heard there was going to be something happening in Massachusetts with marriage rights, but we didn't know what it was," Bailey said.

They called Gay & Lesbian Advocates & Defenders, the group that argued the historic case, because they thought that, being social workers, they could be of some assistance.

When people at GLAD heard how long the two had been together, they asked them to join the lawsuit. They became one of seven couples who represented a broad spectrum of people: young and old; in long-term and newer relationships; some with kids, some without.

"Here we were – the ones who were the *Goodridge* case," Bailey said. "We will forever be linked in history, all of us.

"There probably will be books written about it."

PLAINTIFF COUPLES

The seven couples who sued the state for the right to marry and won the historic lawsuit all planned to marry today.

■ **Gloria Bailey**, 63, and **Linda Davies**, 58, of Orleans. Have been together for 33 years. They planned to marry on Nauset Beach in Orleans.

■ **Hillary Goodridge**, 48, and **Julie Goodridge**, 46, of Boston. Have been together for more than 15 years. Chose a common last name in anticipation of the birth of their child, Annie, who is now 8 years old. They planned to marry at the Unitarian Universalist Association headquarters in Boston. Annie will be the flower girl and ring bearer.

■ **David Wilson**, 60, and **Robert Compton**, 55. Celebrated a commitment ceremony in October 2000. They have been together for nine years. They planned to marry at the

Arlington Street Church in Boston at a ceremony to be attended by their eight children and grandchildren. The Boston Gay Men's Chorus was to sing a special selection dedicated to the couple.

■ **Richard Linnell**, 40, and **Gary Chalmers**, 38, of Northbridge. Have been together for 15 years and have an adopted 11-year-old daughter, Paige. They planned to marry at the Unitarian Universalist Church of Worcester. Paige was to be the flower girl.

■ **Maureen Brodoff**, 52, and **Ellen Wade**, 55, of Newton. Met in law school and have been together for more than 20 years. They have a daughter, Katie, 15, whom they jointly adopted in 1994. They

planned to marry in the mayor's office in Newton City Hall. Among the guests expected to attend was former Massachusetts Attorney General James M. Shannott.

■ **Gina Smith** and **Heidi Norton**, both 39, of Northampton. Have been together for 13 years and held a ceremony to celebrate their union in 1993. The couple has two sons, Avery, 7, and Quinn, 4, born to Norton and adopted by Smith. The couple planned to hold a private wedding ceremony tonight.

■ **Ed Balmelli**, 43, and **Michael Horgan**, 44, of Boston. Have been together for about a decade. The couple traveled to Vermont in 2000 to have a civil union ceremony. They planned to marry tonight.

'Countdown to Equality' festivities held

By JENNIFER PETER

THE ASSOCIATED PRESS

CAMBRIDGE — Like fans anxious for concert tickets, same-sex couples waited in line for hours yesterday outside Cambridge's City Hall for an event they once thought they'd never get to experience: marriage.

Marcia Hams, 56, and her partner,

Susan Shepherd, 52, of Cambridge showed up at midnight Saturday — a full 24 hours ahead of time — to stake out the first spot in line where the city clerk was to hand out the nation's first state-sanctioned gay marriage applications.

"People do this for Red Sox tickets, concert tickets," said Hams, a health

care advocate who has been with Shepherd, a graduate student, for 27 years. "Certainly we can do it for this."

The couple, one of about 15 stationed outside city hall by yesterday evening, sat in lawn chairs, donned rain jackets to protect themselves from a light drizzle and drank plenty of coffee. Yesterday morning, a young

man approached them and gave them a large red flower, saying, "I wish you a long and happy marriage."

By late last night, about 1,500 people had gathered outside Cambridge City Hall, cheering and clapping as city workers opened its doors to let

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about 75 couples inside ahead of the midnight deadline. Many in the crowd were family and friends who wanted to join in the festive atmosphere. There were also scores of reporters, and a few protesters stood across the street. Cambridge, across the Charles River from Boston and home to Harvard University, decided to seize the earliest moment to begin the process of granting same-sex couples the historic right that gay-rights advocates are seeking in dozens of states. The city clerk's office opened at 12:01 a.m. today to accept marriage applications.

Mayor Michael Sullivan planned to help cut a three-tiered wedding cake to mark the occasion, and people around the state also held celebrations.

Massachusetts was thrust into the center of the nationwide debate on gay marriage when the state's Supreme Judicial Court issued its 4-3 ruling in November that gays and lesbians had a right under the state constitution to wed.

In the days leading up to today's deadline for same-sex weddings to begin, opponents looked to the federal courts for help in overturning the ruling. On Friday, the U.S. Supreme Court declined to intervene.

As of today, Massachusetts joins the Netherlands, Belgium and Canada's three most populous provinces as the only places worldwide where gays can marry, though the rest of Canada is expected to follow soon.

Across the state yesterday, gay-rights advocates held "Countdown to Equality" parties to celebrate the impending nuptials and to keep attention focused on the political fights ahead.

"I have a younger crowd of friends and I wanted to create some awareness," said Josiah Richards, who was hosting a barbecue for about 35 people in Boston's West Roxbury neighborhood yesterday.

Several churches held ceremonies honoring gay parishioners and recognizing the fight they've waged.

Opponents of gay marriage planned protests today and promise to continue to fight the state high court ruling.

Timeline

Here are some important dates in the history of the gay marriage debate in Massachusetts:

■ **April 11, 2001** – Seven same-sex couples, denied marriage licenses, sue in Suffolk Superior Court in Boston to challenge the state's gay marriage ban.

■ **May 8, 2002** – Suffolk Superior Court judge rules against granting marriage licenses to seven gay couples, saying the legality of same-sex marriage should be decided by the Legislature, not the courts.

■ **July 17, 2002** – Lawmakers adjourn constitutional convention without taking a vote on amend-

ment that would have banned gay marriage in the state. The amendment was initiated by a petition signed by 130,000 citizens.

■ **March 4, 2003** – The state Supreme Judicial Court hears arguments in case brought by the seven gay couples to legalize same-sex marriage.

■ **Nov. 18, 2003** – The SJC rules it was unconstitutional to bar gay couples from marriage, and gives the Legislature 180 days to come up with a solution to allow gays

to wed. President Bush, in a visit to London, criticizes the decision and vows to work with Congress to "defend the sanctity of marriage."

■ **Nov. 29, 2003** – The state's four Catholic bishops called the SJC decision a "national tragedy" in a letter read at Sunday Masses across the state.

■ **Dec. 11, 2003** – The Massachusetts Senate votes to ask the SJC if Vermont-style civil unions would satisfy the court's decision legalizing gay marriage.

■ **Dec. 28, 2003** – Pope John Paul II calls for greater defense of the institution of marriage between man and woman, saying a "misunderstood sense of rights" was altering it.

■ **Feb. 3, 2004** – Massachusetts' House delegation sends state lawmakers a letter urging them to defeat a constitutional amendment that would define marriage as a union between a man and a woman.

■ **Feb. 4** – The SJC clarifies its earlier ruling, saying only full, equal

marriage rights for gay couples – rather than civil unions – are constitutional.

■ **Feb. 11** – Massachusetts Legislature opens constitutional convention with debate on a proposed constitutional ban on gay marriage.

■ **Feb. 12** – Lawmakers adjourn convention deadlocked, after failing to pass three separate proposed bans on same-sex marriage.

■ **March 11** – Lawmakers recess constitutional convention, but

come steps closer to passing a proposed constitutional amendment that would ban gay marriage and allow for civil unions. Legislators agree to reconvene March 29.

■ **March 29** – State Legislature approves proposed constitutional amendment that would ban gay marriage but legalize Vermont-style civil unions.

■ **May 17** – Same-sex weddings slated to begin across Massachusetts.

Source: *The Associated Press*