

Bay State Legislature rejects anti-gay marriage amendment

Associated Press

BOSTON — A year after the nation's first state-sanctioned same-sex marriages began taking place, the Massachusetts Legislature on Wednesday overwhelmingly rejected a proposed constitutional amendment that sought to ban gay marriage but legalize civil unions.

It was the second time the Legislature had confronted the measure, crafted as a response to a 2003 court decision legalizing same-sex marriage. Under state law, lawmakers were required to approve the measure in two consecutive sessions before it could be put on the 2006 ballot.

After less than two hours of debate, a joint session of the House and Senate voted 157-39 against the measure, far more than the majority vote needed.

The moment the vote was announced, cheers erupted from the gay marriage supporters who watched the proceedings from the House chamber's public gallery: "Thank you, Massachusetts!" The vote means the question will be kept off the 2006 ballot and same-sex marriage will remain legal in Massachusetts, at least for now.

"We have a lot of work ahead of us, but today we celebrate," Sen. Jarrett Barrios, D-Cambridge, an openly gay lawmaker, told the cheering crowd.

Opponents of gay marriage also declared victory, saying the defeat of the amendment paves the way for the launch of a second, more restrictive proposed amendment that would ban gay marriage without allowing civil unions. The earliest that could get on the ballot in 2008.

"We're excited. We're pumped. This is great. This is exactly what we wanted. It absolutely launches us into the signature drive next week," said Kris Mineau, president of the Massachusetts Family Institute.

The swift vote was a striking departure from a year earlier when lawmakers haggled for days over the right language for the amendment, sometimes breaking into tears when pleading their case.

This year, the crowds were tamer and dozens of legislators who had initially supported the proposed change to the state constitution said they no longer felt right about denying the rights of marriage to same-sex couples.

"Gay marriage has begun, and life



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Pastor Alison Hyder of the Unitarian Universal Meeting House in Provincetown, Mass., hands out gay marriage stickers to tourists passing by on a sightseeing bus outside the Statehouse in Boston Wednesday.

has not changed for the citizens of the commonwealth, with the exception of those who can now marry," said state Sen. Brian Lees, an East Longmeadow Republican who had been a co-sponsor of the amendment. "This amendment which was an appropriate measure or compromise a year ago, is no longer, I feel, a compromise today."

The state's highest court ruled in November 2003 that same-sex couples had a right under the state constitution to marry. The first weddings began taking place on May 17, 2004 — two months after lawmakers began the multistep process of seeking to change the constitution to reverse the court's ruling.

In the year-plus since the weddings began taking place, more than 6,100 couples had married.

Now, lawmakers are girding for a battle over the more-restrictive proposed constitutional amendment, which supporters say is an attempt to defend traditional marriage.

"The union of two women and two men can never consummate a marriage. It's physically impossible. We can't get around that. You can be a family, absolutely. You can be loving, and I respect that absolutely. But you're not married," said Rep. Phil

Travis, D-Rehoboth. "The other 49 states are right and we are wrong."

The political landscape has changed dramatically since March 2004, when the amendment was approved by a narrow 105-92 margin. Since then support for it collapsed.

Some lawmakers said they no longer oppose gay marriage after observing a year of weddings in the state. Others say they couldn't stomach the dilemma that would come with creating two classes of gay and lesbians: one group with full marriage rights, and one without.

Some reluctant supporters of the first proposed amendment — including Gov. Mitt Romney — have abandoned it in favor of the stricter measure.

Supporters of the new plan must gather about 65,000 signatures, then submit it to the Legislature for two votes in the constitutional convention before it would go to voters in 2008.

Because citizens must go out and collect signatures first, the legislative bar is far lower:

The proposed amendment needs the support of only 50 lawmakers — 25 percent of the House and Senate — in two constitutional conventions for it to be put to a vote.