

Same-sex couples began getting married June 10 in Toronto. Married-married. Under the regular marriage laws.

The weddings began hours after the province of Ontario's highest court, the Court of Appeal, ruled that the federal government's definition of marriage was unconstitutional and ordered the Toronto city clerk to issue marriage licenses immediately to several gay couples who had sued for the right to marry.

Toronto City Hall and other municipalities responded that they would issue a marriage license to any same-sex couple who otherwise met the license criteria. And the first full same-sex marriages in North America began.

Kevin Bourassa and Joe Varnell and Elaine and Anne Vautour were married in 2001 by a Metropolitan Community Church minister, but the province refused to register their unions. They were married via the ancient Christian tradition of "publishing the banns of marriage" (asking in church on three Sundays if anyone objects to the marriage), which is a legal alter-

## BLAME CANADA

### Ontario court legalizes gay marriage

by Rex Wockner

native in Ontario to obtaining a marriage license from the city.

Prime Minister Jean Chrétien announced June 17 that the federal government would not appeal the ruling and would rewrite the marriage laws to include same-sex couples within two weeks.

"We'll be proposing legislation that will protect the right of churches and religious organizations to sanctify marriage as they define it," he said. "We want to...deal with it as quickly as possible, and as soon as we have the reference [on constitutionality from the Supreme Court] then the House of Commons will vote."

A court in Quebec and British Columbia's highest court also recently declared the opposite-sex definition of marriage unconstitutional, but

both courts gave the federal government more than a year to change the law before having it forcibly changed by the court. The Ontario ruling left no such gap.

A different mood has emerged in conservative Alberta. Premier Ralph Klein said the province will not conduct gay marriages or recognize gay marriages from elsewhere.

It is unlikely Alberta has the power to carry through on Klein's threat. He promised to invoke a rarely used section of the constitution called "the notwithstanding clause," which



Michael Stark (left) and Michael Leshner wasted no time in getting hitched after the ruling was announced June 10, tying the knot that afternoon in Toronto

allows provinces to enact temporary laws that contradict the Charter of Rights and Freedoms. Such laws, however, cannot usurp federal power—and the definition of marriage is a federal matter in Canada. [E]

### GAY FOREIGNERS CAN MARRY IN ONTARIO

You do not have to be Canadian to get married in Ontario, the Toronto City Clerk and the provincial Registrar General said June 11.

Now that the Ontario Court of Appeal has opened marriage to same-sex couples, there is nothing to stop U.S. gay couples from hopping across the border and getting married—full, real marriage.

Here are the details from the Ontario Min-

istry of Consumer and Business Services: "A marriage license can be obtained from the clerk of most cities, townships, towns or villages.... The marriage license is valid anywhere in Ontario for three months from the date of purchase. The bride or groom (or both) apply in person to the Marriage License Issuer to obtain a license. They will need to bring identification, such as a birth certificate (along with any change of name certificates), current passport, Record of Immigrant Landing or Canadian citizenship card, along with photo identification, for both the bride and the groom...."

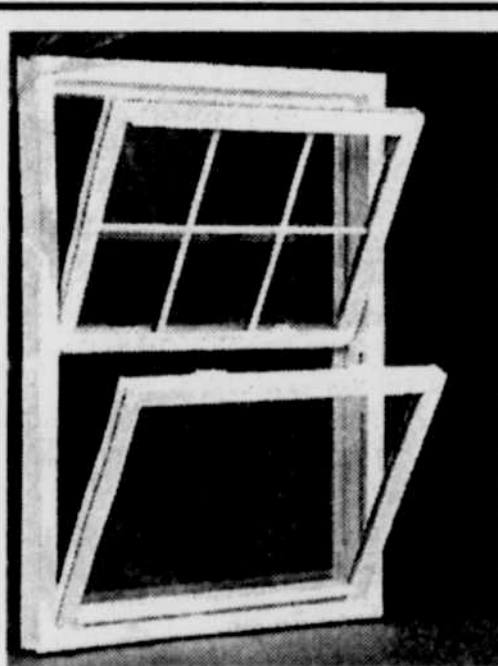
"The person who performed the marriage must forward documentation to the [provincial] Office of the Registrar General for registration. Allow approximately 12 weeks from the date of marriage before applying for your marriage certificate."

So, if you've been waiting to get hitched, is now the time to rush to Toronto and find out whether the United States will recognize the marriage?

"Inevitably some will litigate to defend their families and secure their rights," says Evan Wolfson, executive director of the U.S. organi-

zation Freedom to Marry. "I urge people...to make decisions about litigation very carefully in consultation with groups like the Gay & Lesbian Advocates & Defenders in Boston, Lambda Legal and the National Center for Lesbian Rights. This is a civil rights struggle, and it's not going to be won just because we rush into court one day.... Couples need to make careful decisions about whether to marry, about the legal uncertainty they may face and the consequences of litigating—not just for themselves but for all of us."

—RW



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