



Through adoption, foster families,  
artificial insemination and surrogacy,  
Portland gays and lesbians  
are learning how to become parents

by Jodi Helmer • Page 30

## Celebrating Mass.

State Supreme Court  
legalizes same-sex marriage

BY BOB ROEHR

**T**he Massachusetts Supreme Court has finessed the issue of gay marriage. It agreed that same-sex couples have the right to wed but left it to legislators to determine how that will be carried out. It gave them 180 days to do so. The approach is similar to one taken by the Vermont court in addressing that same issue.

A decision on the case, known as *Goodridge vs. Department of Public Health*, had been expected months ago but wasn't issued until Nov. 18. The 4-3 decision was closer than most observers had anticipated.

The majority opinion, written by Chief Justice

Margaret H. Marshall, said: "The Massachusetts Constitution affirms the dignity and equality of all individuals. It forbids the creation of second-class citizens...the commonwealth has failed to identify any constitutionally adequate reason for denying civil marriage to same-sex couples."

Reviewing state marriage law and its implementation, the court summarized, "In short, for all the joy and solemnity that normally attend a marriage, [the law] governing entrance to marriage is a licensing law."

The court rejected the state's argument that procreation is the primary purpose of marriage. It said, "The exclusive and permanent commit-

ment of the marriage partners to one another" is the essential qualification for marriage.

The decision cited "the immeasurable advantages that flow from the assurance of 'a stable family structure in which children will be reared, educated and socialized'" and found no rational basis "to penalize children by depriving them of state benefits" because of their parents' sexual orientation. "The marriage ban works a deep and scarring hardship on a very real segment of the community for no rational reason."

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