

A handful of prominent Massachusetts legal figures have written to state legislators urging them to pass a law that will carry out the ruling of the Supreme Judicial Court allowing gays to marry. The letter greeted them at the start of legislative session Jan. 5.

"We see the SJC's ruling as unequivocal: The existing ban on marriage for gay people is unconstitutional," they wrote. "We urge each of you as members of a coordinated branch of government sworn to uphold the constitution, and the rule of law, to use the remainder of the time period in the court's stay to take any and all steps possible to facilitate the orderly issuance of marriage licenses to qualified same-sex couples."

Lawrence Tribe, a constitutional scholar at Harvard University, was the primary drafter of the letter. Signing it were former U.S. Attorney and Republican Gov. William Weld; former state Attorneys General Scott Harshbarger and James M. Shannon; and Renee M. Landers, Boston Bar Association president.

All of the signers had announced their positions at earlier dates. However, it is unusual for them to take such a public stance in lobbying legislators.

Openly gay state Sen. Jarrett T. Barrios has said that he intends to apply for a marriage license when they become available in the spring. He told *The Boston Globe* that the letter would have a positive effect, though no one is predicting the extent of that effect.

In a Jan. 3 column in the *Globe*, Patrick Guerriero, Log Cabin Republicans executive director and former Melrose mayor and Massachusetts state legislator, called the court's decision "a conservative ruling on gay marriage." He pointed to its argument that "exclusive unions, recognized by a civil marriage license, will provide greater family stability and a more ordered society. Self-proclaimed pro-family groups should be embracing stable relationships, not encouraging transient ones."

Guerriero reminded readers that state lawmakers "repeatedly failed" to act on lesser legislation, including domestic partnership and civil union bills that he had introduced.

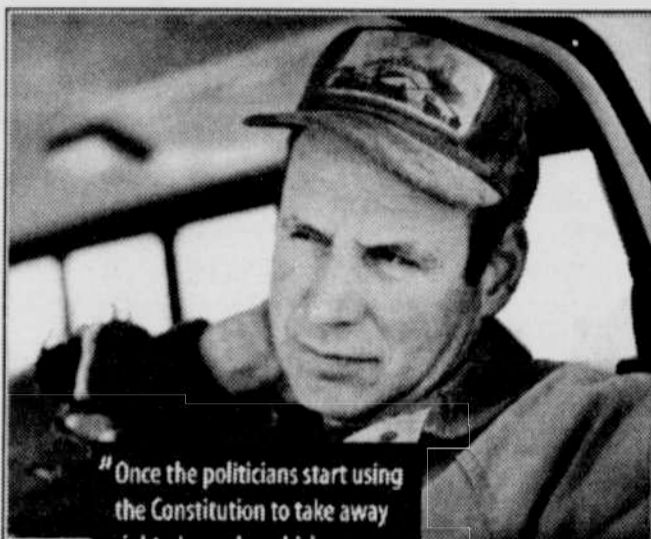
Once again the Catholic Church has raised its voice in opposition to same-sex marriage. Speaking from the pulpit Jan. 11, Boston Archbishop Sean P. O'Malley called upon "our Catholic lawyers and jurists to live your baptismal commitment" and oppose such unions.

"The prevalence of divorce and cohabitation in the last decades has done great harm to the institution of marriage, by taking the focus off children," he said. "Same-sex marriage will only further the tendency to only see marriage as being for the good of the adult without taking into account the children and their interests."

After the service, at a luncheon sponsored by

# MARRIAGE UPDATE

Catholics condemn; polls backfire on bigots; Dick Cheney stabs his daughter in the back by Bob Roehr



"Once the politicians start using the Constitution to take away rights, I wonder which ones they'll go after next."

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The Human Rights Campaign has launched an advertising campaign quoting conservative opponents to the Federal Marriage Amendment

the Catholic Lawyers' Guild, Robert Bork lambasted the judicial tyranny of the Massachusetts Supreme Judicial Court in deciding the gay marriage case. He said the majority decision was based on "arguments that did not rise above the quality of a late-night philosophy session in a dormitory."

Bork was nominated for the U.S. Supreme Court by President Ronald Reagan but was rejected by the Senate as too ideological.

Neither set of comments surprised Margaret Williams, interim executive director of Gay & Lesbian Advocates & Defenders, the group that brought the case. "This is not about the Catholic Church," she told *The Boston Globe*. "It's about the rights and freedoms under the Massachusetts Constitution.... The separation of church and state should be very clear."

Earlier in the week the right-wing Coalition for Marriage released survey results claiming

"nearly seven in 10 Massachusetts residents want to vote on whether the state should issue marriage licenses to gay couples." The respected firm Zogby International conducted the poll.

But the coalition's spin turned to humiliation Jan. 8 when it became known that it had released only part of the survey results and had grossly misrepresented the total picture.

"I want to apologize," spokesman Ronald A. Crews told the *Globe*. "I misspoke. I misspoke primarily out of ignorance." The coalition quickly released results from the remaining 13 questions on the 20-question survey.

The key question, "Marriage is such an important institution that it should be defined in our constitution as the union of a man and a woman," found 48 percent agreeing and 49 percent disagreeing with the statement. That is consistent with earlier polls that had found Massachusetts voters fairly evenly divided on the subject.

Perhaps most importantly, the Zogby poll found that only 5 percent of likely voters believe gay marriage is the most important issue facing the state. Jobs, the economy, health care and education all ranked far higher.

Another right-wing organization, the Tupelo, Miss.-based American Family Association, has been running "America's Poll on Homosexual Marriage" at [www.marriagepoll.com](http://www.marriagepoll.com) for the past few weeks. Only votes with a valid e-mail address will be counted. The survey says, "Results of this poll will be presented to Congress." But perhaps not, if current results hold up.

More than 800,000 people have weighed in, and so far the association's favorite position—"I oppose legalization of homosexual marriage and 'civil unions'"—has garnered only about 32 percent of the vote. Nearly 60 percent "favor legalization of homosexual marriage." The vote in support of "civil union with the full benefits of marriage except for the name" is coming in at about 8 percent.

The *Denver Post* pressed Vice President Dick Cheney on his views about same-sex marriage, and the constitutional amendment that would ban it, in an interview published Jan. 9. He reiterated the view he expressed during the 2000 campaign—that such relationships ought to be legally recognized, that states were the proper venue to make those decisions and that they may choose varying approaches.

However, Cheney pledged political loyalty to Bush with regard to federal aspects of marriage. "The president is going to have to make a decision in terms of what administration policy is on this particular provision, and I will support whatever decision he makes."

Cheney declined to discuss what advice he has offered Bush on this or any other issue. His daughter Mary is a lesbian in a long-term relationship who also heads the vice presidential re-election effort.

Meanwhile, the Human Rights Campaign, in partnership with other organizations, has launched a \$350,000 print and radio advertising campaign opposing the Federal Marriage Amendment.

It quotes conservative opponents to the amendment, such as former U.S. Rep. Bob Barr, R-Ga.; former Sen. Alan Simpson, R-Wyo.; and columnist George F. Will. And it closes with the tag line "Real conservatives agree: Be conservative with the Constitution—don't amend it."

The ad campaign urges U.S. citizens to contact their members of Congress expressing that view. ☐

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