

NATIONAL news

Cheryl Jacques, president of the Human Rights Campaign, commended the state for making history. "In a country that guarantees equality under law, it's heartening to see same-sex couples and their children in Massachusetts being provided with the same rights, protections and responsibilities that most families in the state already take for granted."



Crowds cheer couples leaving Cambridge City Hall after applying for marriage licenses

In a statement issued by the White House, President Bush said: "The sacred institution of marriage should not be redefined by a few activist judges. All Americans have a right to be heard in this debate." He again called for passage of a constitutional amendment "defining and protecting marriage as a union of a man and a woman as husband and wife."

Kevin Cathcart, executive director of Lambda Legal, responded with a strong statement: "The president needs a high school civics lesson. It's dishonest and irresponsible to attack a court for doing its job."

Cathcart placed Bush in the company of segregationists who attacked the decision of Brown vs. Board of Education 50 years ago. He called it "the same old smear tactic."

Democratic presidential candidate U.S. Sen. John Kerry of Massachusetts tried to distance himself from the issue. His campaign took him to Kansas and Portland, and it did not issue a press release on the historic event taking place in his home state. When pressed on the issue a few days earlier by a *Globe* reporter, Kerry reiterated his belief that "marriage is a status between a man and a woman."

The far-right Liberty Counsel had filed a flurry of legal motions and appeals in federal court to try to stop issuing of the licenses in the last preceding days. "They said it was going to be chaos, it's going to be the end of the world," U.S. District Judge Joseph Tauro said in his decision. "It hasn't been." The appeals court and the U.S. Supreme Court quickly declined to intervene as well.

A dozen of the 1,200 justices of the peace in Massachusetts resigned their positions either because of religious opposition to same-sex marriage or concern about possible legal liability.

Gov. Mitt Romney continues to mumble that he will enforce a 1913 law that prohibits the issuing of licenses to out-of-state couples whose home states prohibit same-sex marriage. The law was passed to limit interracial marriage.

Town clerks have been unwilling to take on the added responsibility of validating claims that appli-

cants make on their marriage license, and several municipalities have said they will not perform that task but accept the marriage application as stated.

At least two district attorneys in the Bay State say they will not enforce the archaic law. "The statute has never been enforced, and now there's an effort to enforce it, in my view, to pursue a particular political agenda," said Middlesex County District Attorney Martha Coakley.

Others have argued that because the intent of the 1913 statute was to limit interracial marriage, the 1967 U.S. Supreme Court decision of *Loving vs. Virginia*, which threw out all state laws banning interracial marriage, also nullified the Massachusetts law.

New York Attorney General Eliot Spitzer took Romney to task for his interpretation of New York law. Spitzer earlier had issued a legal opinion that Massachusetts marriage licenses issued to same-sex couples might well be recognized in the Empire State.

Connecticut Attorney General Richard Blumenthal ducked the question in an opinion released May 17. While reiterating the fact that the law precludes same-sex couples from marrying within the state, he said recognizing such marriages conducted elsewhere is another matter.

"An answer would require me to make law, not interpret it," Blumenthal explained. "Neither the Legislature nor the courts have addressed the issue sufficiently for me to reach a definitive conclusion."

Rhode Island Attorney General Patrick Lynch waffled on the same question. His review "suggests that Rhode Island would recognize any marriage validly performed in another state unless doing so would run contrary to the strong public policy of this state." But ultimately the matter is likely to be decided by the courts. □

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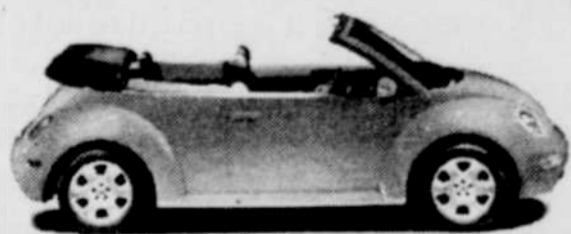
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