

00623067904857 YEAR IN REVIEW



The crowd raises a glass at Basic Rights Oregon's anniversary party.

A Year in Marriage

Rights across the country and across the globe

by Bob Roehr

This is the decade of marriage for the sexual minorities community. And while the roller coaster of ups and downs was not quite as rapid or dramatic as last year, it came as no surprise that the issue continued to dominate the news of 2005.

Spain grabbed the headlines when the ruling Socialist Party moved to legalize gay marriage. The Vatican threw a hissy fit and even ordered the cardinals into the street along with the faithful. But that didn't deter the Cortes, which overrode a veto by the upper chamber at the end of June, and lavender wedding bells began to ring July 3.

In Canada, the 2003 court ruling in Ontario in favor of same-sex marriage spread to other provinces, encompassing the entire nation by July 20. The vote of no confidence for the governing liberal coalition has resulted in national elections scheduled for Jan. 23, and social conservatives are sure to crank up their rhetoric against gay marriage in an attempt to score points with the voters. However, polls suggest Canadians on the whole have adapted rather well to the idea of gay marriage.

The United Kingdom has taken a slower approach with civil partnerships, which are virtually indistinguishable from civil marriage, for same-sex couples. The measure finally made it through the House of Lords late last year and received a nod from the queen. In February the government said it would take effect Dec. 21.

South Africa is set to become the first nation on that continent to authorize same-sex marriage. The Constitutional Court, the highest in the nation, has incrementally increased the rights of same-sex couples and ruled Dec. 1 that it is unconstitutional to deny the right to marry to gay people. Eleven judges ordered Parliament to amend marriage laws within the next year to include gays; the 12th would have imposed the change immediately.

Marriage traveled a decidedly rockier road in the United States in 2005, though at a modulated pace from the year before. It lacked both the exhilaration of wedding ceremonies at San Francisco City Hall and the ensuing morning-after legal clampdown in that city and elsewhere.

The renamed Marriage Protection Amendment to the Constitution, to ban gay marriage, is a political zombie—dead but still somehow moving. Not even its



From left, Multnomah County Commissioners Lisa Naito, Maria Rojo de Steffey and Serena Cruz toast couples celebrating their first anniversaries in March.

a Manhattan court ruled that the law prohibiting same-sex marriage violated the due process and equal protection clauses of the New York Constitution, but an appeals court reversed that in December. All parties have long believed that the matter will be resolved only by the state's highest court, on final appeal.

California seemed on the brink of enacting gay marriage when the Legislature, after much political maneuvering and arm-twisting, passed the measure in September. Gov. Arnold Schwarzenegger vetoed it, leaving the matter to the courts. A San Francisco judge had struck down the ban as having no rational basis in a ruling in March, and that is wending its way through the appeals process.

New Jersey and Washington also have marriage cases in the appeals process.

The Connecticut Legislature tried to defuse the pressure for marriage by passing domestic partnership legislation. The response from the community has been tepid; most gay and lesbian couples appear to be waiting for the real thing.

The Massachusetts beachhead of marriage equality continued to deepen and strengthen. Even politicians opposed to the idea began to soften after more than a year in which thousands of gay and lesbian couples had wed.

A September joint meeting of the Legislature, sitting as a constitutional convention, took a second look at a proposed state constitutional amendment to ban gay marriage and decided to reverse itself and vote it down. That didn't stop right-wing opponents who have submitted petitions to get the issue on the ballot in 2008. But that has bought time, and polls show that public opinion is consistently moving to favor allowing gay marriages to continue. 10

supporters attend hearings on the measure, and no one believes its chance of passage has improved since the votes in Congress last year fell short. But look for the rabid right to push for a vote next year in an attempt to use it as a cudgel during the midterm elections.

Texas joined the swarm of states amending their constitutions to ban gay marriage when 76 percent of voters in a low-turnout special election in November said yes. It did not surprise those who knew that Texas continued to ban interracial marriage and sodomy until the U.S. Supreme Court said those practices were unconstitutional.

The message was more mixed from some other parts of the country. In February,

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