

Bay State compromise: Ban gay marriages, but allow civil unions: Gay marriage will be legal in the meantime

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Massachusetts legislators have given initial approval to an amendment that bans gay marriage but explicitly authorizes identical civil benefits for same-sex couples. However, since the amendment cannot take effect until November of 2006 at the earliest, Massachusetts is set to become the first state to recognize gay marriages.

Under orders from the state's Supreme Judicial Court, Massachusetts officials will begin issuing marriage licenses to same-sex couples May 17.

The constitutional amendment, approved by a 105-92 vote, would have to be reaffirmed by the legislature in its 2004-2005 session, then approved by voters thereafter. It says nothing about the legal fate of same-sex couples married in Massachusetts during the time between the issuing of marriage licenses and the enactment of the ban.

Many religious conservatives were displeased that the amendment, though banning gay marriage, would be the first to enshrine marriage-like "civil unions" in a state constitution.

"In an attempt to please everyone, Massachusetts legislators today pleased no one," Family Research Council President Tony Perkins said in a statement after the vote was announced. Perkins added that the decision was "nothing short of blackmail," because "legislators know the people want to vote on the definition of marriage, but instead of giving them a clean bill, they are forcing them to pass civil unions at the same time."

But the new president of a major gay-rights group—herself a former Massachusetts legislator—said the decision was only a “setback” on the “long road toward ensuring equality in Massachusetts and America.” Cheryl Jacques of the Human Rights Campaign added that, thanks to the gay couples who will be married between May and any popular vote on the amendment, “the people of Massachusetts and America will see that marriage equality is good for families and good for America.” Jacques predicted that voters would ultimately defeat the amendment after seeing marriage’s benefits for same-sex couples and their children.

Republican Governor Mitt Romney, an opponent of both same-sex marriage and civil unions, has said he will ask the Supreme Judicial Court to stay the issuance of marriage licenses to same-sex couples until “the amendment process has run its course.” However, the state’s attorney general, Democrat Thomas Reilly, refused to seek the stay, saying it was obvious the court’s majority would not stay its own ruling. The court ruled in November that the commonwealth’s constitution requires the state to offer equal marriage rights to gays. It reaffirmed its decision in February.

Meanwhile, Georgia voters will decide in November if the state’s constitution should be amended to ban same-sex marriages. The measure obtained the needed two-thirds approval on March 31 in the Georgia House of Representatives. *-Associated Baptist Press*