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## Is This Our "Marriage Moment"?

By Chris Crain  
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### Now that gay marriage is safe in Massachusetts, will the rest of us finally win recognition as well?

That giant whooping sound you heard last week was from Massachusetts, where advocates for marriage equality finally drove a stake through the heart of a proposed amendment to the state's constitution that would have blocked gay nuptials in the one place in the U.S. they are legally recognized.

The victory was particularly impressive given how high the bar had been raised. Not only was gay marriage put to a vote of Massachusetts legislators, the amendment needed only 50 out of 200 votes to go on the November 2008 ballot. It managed only 45.

All sorts of factors can be credited for such sweeping success: 10,000 married gay couples vs. 0 skies falling, for one. Plus, gay marriage opponents in the state's top three political posts — governor, Senate president and House speaker — were each succeeded in a matter of months by gay marriage supporters. Democratic Gov. Deval Patrick played a particularly aggressive, high profile role, staking his political capital on the amendment's defeat.

The bulk of the political money and energy was on the pro-gay side, and state legislative races in 2004 and 2006 proved that backing the marriage ban could actually be more dangerous politically than opposing it.

The defeat of the amendment means gay marriage is safe in Massachusetts until at least 2012, and for all practical purposes permanently. That's also good news in neighboring Rhode Island, the one state that so far has recognized Massachusetts marriage licenses issued to its gay citizens.

Gay activists in the Bay State already have the next target in their sights: the infamous 1913 law that limits Massachusetts marriage licenses to gay couples from states (like Rhode Island) that don't outright ban gay marriage. Successful repeal of the 1913 law would mean that gay couples from all over the country could travel to Massachusetts, get married, and return home demanding that other states recognize their marriage licenses.

The federal Defense of Marriage Act, signed into law by President Clinton in 1996, purports to allow one state to refuse recognition to another state's gay married couples, but politicians in more than a few middle-of-the-road states will see the advantage of allowing gay marriage through the back door. Massachusetts may well become "the Las Vegas of gay marriage," as former governor turned presidential candidate Mitt Romney has warned.

The 1913 law that Romney used to forestall non-residents from marrying in Massachusetts has its roots in pacifying states in the early 20th century that opposed interracial marriage, and Romney's African-American successor, Governor Patrick, has already signed on in support of its repeal. The connection between marriage equality for interracial couples and gay couples is one being encouraged by Evan Wolfson's Freedom to Marry Project, which last week marked the 40th anniversary of the U.S. Supreme Court opinion striking down state laws prohibiting interracial marriage.

That landmark ruling, in the appropriately named case of Loving vs. Virginia, went against overwhelming public opinion in 1967, when about 70 percent of Americans were against mixed-race couples marrying. That's about the same percentage as oppose same-sex couples marrying today, though another 30 percent do support civil unions, which bestow separate-but-virtually-equal rights and benefits.

Provocative advertisements co-sponsored by Wolfson's group feature photographs of prominent

conservatives like Supreme Court Justice Clarence Thomas, Florida Gov. Jeb Bush and others like golfer Tiger Woods, pictured with their white, Latina and white spouses, respectively.

The victory in Massachusetts last week strongly encourages the idea that the sweep of history is with progress on marriage equality for gay couples, just as it was 40 years ago for interracial couples. But have we arrived finally at our "marriage moment"?

Cheryl Jacques, a former Massachusetts state senator who led the Human Rights Campaign in 2004, popularized that phrase during the halcyon months after her home state's highest court struck down the hetero-only marriage law a year earlier.

Then came the horrific backlash, as dozens of states passed laws and constitutional amendments banning gay marriage. Karl Rove managed to wedge the issue into the 2004 presidential election. And even state supreme courts in friendly states like New York and Washington state declined to follow their black-robed predecessors in Massachusetts.

Now, as the good news returns, have the tables turned back in our favor? Are we ready, this time, for a "marriage moment" of more far-reaching and permanent effect?

Hopefully we are a more mature, realistic and strategic movement now than four years ago. We understand the value of incremental progress, however bittersweet. In places where marriage is within legislative or judicial reach, like California, New York and Washington, D.C., we ought to go for the brass wedding ring.

But in most other places, civil unions and domestic partnerships shouldn't be welcomed with pinched noses as consolation prizes; they represent real progress, and important rights and benefits for tens of thousands of same-sex couples.

In the "red states" where even minimal legal recognition for gay couples isn't viable, a focus on workplace rights and hate crime laws will move things in the right direction. Real recognition for gay couples in the South, Midwest and other conservative parts of the U.S. will ultimately await action by the federal government, whether from Congress or the courts.

In the meantime, last week's victory in Massachusetts, along with the historic marker from Virginia, are important reminders that we are on the right side of history, however long it takes.

Chris Crain is former editor of the Washington Blade, Southern Voice, and gay publications in three other cities. He can be reached via his blog at [www.citizenrain.com](http://www.citizenrain.com)

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