

HEARING SET ON MEASURE TO BAN SAME-SEX MARRIAGE: [THIRD EDITION]

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ABSTRACT (ABSTRACT)

This year's proposed amendment reads, in part, that to "protect the unique relationship of marriage in order to promote, among other goals, the stability and welfare of society and the best interest of children, only the union of one man and one woman shall be valid or recognized as a marriage in Massachusetts.

"The notion of spousal equivalency and domestic partnership are interchangeable," said Amy Hunt, director of the Gay, Lesbian, Bisexual, Transgender Aging Project. "An amendment that says that you may not have anything equivalent [to marriage] is going to attack the heart of domestic partner benefits."

"We are not dealing with benefits," he said. "All we're dealing with is the definition of marriage, period. Absolutely nothing in this amendment would prevent the Legislature from granting whatever benefits they want to grant to any persons, as long as they do not say those benefits equate marriage."

FULL TEXT

Impassioned arguments are expected on Beacon Hill today as debate begins on a constitutional amendment to ban same-sex marriage.

The amendment, sponsored by state Representative Philip Trav is and drafted by the Massachusetts Family Institute, is being considered less than a year after a similar measure was killed following a bitter fight.

Both sides are gearing up for a hearing before the Legislature's Judiciary Committee, with the amendment's advocates set to bring in busloads of supporters, including the grandson of Martin Luther King Jr.

The hearing is considered critical because the panel will decide whether to recommend whether the full House and Senate should support the measure. The committee is dominated by House members, and Representative Eugene O'Flaherty of Chelsea, the cochairman and an ally of House Speaker Thomas M. Finneran, is expected to play a significant role in the decision.

Those who favor the change argue it merely defines marriage to exclude same-sex couples. Opponents say it goes much further and threatens domestic partnership benefits already granted to gays and lesbians, such as health insurance benefits and bereavement leave.

The debate is occurring as the question of legal recognition for same-sex couples is being considered on a number of fronts in Massachusetts. Legislative efforts are underway to win domestic partner benefits for state employees, and the state's highest court is set to rule on whether same-sex couples should be permitted to marry.

At today's hearing, opening salvos will be fired. The Massachusetts Family Institute has called for "marriage Minutemen" to swarm the State House for the hearing.

"We are asking for citizens around the state concerned about this issue to be ready, just like our forefathers were, in an instant, to respond on this issue, to contact their legislators," said Ron Crews, president of the group.

Gay rights advocates were also busy gathering speakers to testify before the committee, which must hear and report on the measure to the full Legislature before April 30. Last year, they lined up witnesses who testified for more than seven hours. This year, organizers say, the list is expected to be trimmed significantly because of shorter notice about the hearing and the fact that many potential speakers are already tied up with the state budget, which is set for debate on the House floor this week.

"It will be a fraction of the testimony we had last year," said Arline Isaacson, cochairwoman of the Massachusetts Gay and Lesbian Political Caucus. "A lot of people who would normally testify are too busy with the budget."

Still, Representative David Linsky, a Natick Democrat who sits on the Judiciary Committee, said he received about 600 e-mails on Friday alone from people worried about what the amendment will do to the rights of gays and lesbians.

"I am getting flooded," he said. "I expect the hearing to be extremely emotional and contentious."

A constitutional amendment requires approval from a majority of Senate and House members combined in two consecutive legislative sessions, then approval from the voters. The earliest the measure could appear on the ballot is 2006.

Last year, a similar amendment died after then-Senate President Thomas F. Birmingham allowed the clock to run down on the legislative session so that no vote was taken. Advocates of the gay marriage ban were incensed at the maneuver, and vowed to try again.

This year's proposed amendment reads, in part, that to "protect the unique relationship of marriage in order to promote, among other goals, the stability and welfare of society and the best interest of children, only the union of one man and one woman shall be valid or recognized as a marriage in Massachusetts.

"Any other relationship shall not be recognized as marriage or its legal equivalent," it says.

The latter sentence has gay advocates most worried, because they argue that domestic partnership benefits some gays currently enjoy are the legal equivalent of marriage, and would therefore be imperiled by the amendment.

"That last line prohibits legal equivalents of marriage. Well, guess what domestic partnership is," said Isaacson. "It is unequivocally clear that the bill would make domestic partner benefits unconstitutional."

Even domestic partnership benefits offered by private companies could be threatened by the amendment, Isaacson said, since gay and lesbian employees must often sign an affidavit of spousal equivalency to get health insurance benefits for their partners.

"The notion of spousal equivalency and domestic partnership are interchangeable," said Amy Hunt, director of the

Gay, Lesbian, Bisexual, Transgender Aging Project. "An amendment that says that you may not have anything equivalent [to marriage] is going to attack the heart of domestic partner benefits."

Crews disputed that argument yesterday, however. His amendment relates only to marriage, he said. Though the institute also opposes domestic partnership benefits, he said the amendment's reach would not extend that far.

"We are not dealing with benefits," he said. "All we're dealing with is the definition of marriage, period. Absolutely nothing in this amendment would prevent the Legislature from granting whatever benefits they want to grant to any persons, as long as they do not say those benefits equate marriage."

Debate is set to begin today at 1 p.m., and expected to stretch into the night. The marriage amendment is expected to be the last matter heard.

Also on the docket are several other proposed constitutional amendments. Representative George N. Peterson Jr., a Grafton Republican, has filed one which that would increase legislative terms for both representatives and senators from two to four years.

Representative Frank M. Hynes of Marshfield and Senator Brian A. Joyce of Milton have both proposed abolishing the centuries-old Governor's Council. Another amendment calls for elected, rather than appointed, judges.

DETAILS

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