Same-Sex Marriage

Online Resources:

Organizations in favor of same-sex marriage

- **American Civil Liberties Union**
  The American Civil Liberties Union provides a comprehensive practical guide to the consequences of the Massachusetts Supreme Judicial Court ruling on gay marriage, covering topics from the legal requirements for getting married in Massachusetts to the rights and obligations that gays and lesbians would have if they got married there.

- **Freedom to Marry**
  Freedom to Marry is a New York City-based advocacy group whose goal is to secure a civil-marriage breakthrough in at least one state within five years.

- **Human Rights Campaign**
  The Human Rights Campaign is the largest gay-and-lesbian-rights advocacy group in the country. Its web site focuses on federal legislation and provides census data on same-sex partnered households.

- **Lambda Legal Defense and Education Fund**
  The Lamda Legal Defense and Education Fund was one of the earliest courtroom advocates for gay marriage. The web site has an extensive and easy-to-access list of laws, proposed legislation that has been defeated, court cases and relevant articles on gay marriage and domestic partnership in all 50 states.

- **Religious Tolerance.org**
  This organization favors the acceptance of same-sex marriage. Its site features news flashes from around the world, what the Bible says about same-sex marriage, public opinion polls, companies that extend benefits to gay/lesbian employees, and books on same-sex marriage.

- **Same-Sex Marriage Issue Report**
  This is the National Organization for Women's site on same-sex marriage. It has information on NOW's efforts to make same-sex marriage legal.

- **Gay Marriage: The Arguments and the Motives.**
  This article talks about why people believe in equality for gays on many issues except gay marriage. The author poses that the reason is because "there is a lot of misunderstanding about what homosexuality really is, as well as the erroneous assumption that gay people enjoy the same civil rights protections as everyone else. There are also a lot of
stereotypes about gay relationships, and even a great deal of misunderstanding of what marriage itself is all about and what its purpose is."

**Organizations opposed to same-sex marriage**

- **Alliance for Marriage**
  The Alliance for Marriage is a national nonprofit research and education organization that is leading the effort for an amendment to the Constitution requiring that "marriage in the United States shall consist only of the union of a man and a woman.

- **Article 8 Alliance**
  This group's name refers to Article 8 of the Declaration of Rights in the Massachusetts constitution. Article 8 provides legal redress to remove judges from their posts, in this instance, the four (4) judges who wrote the Goodridge decision.

- **Family Research Council**
  The Family Research Council is one of the most influential social-conservative advocacy groups in Washington. Its web site has extensive coverage of gay marriage, and the group has pledged to make gay marriage the issue of the 2004 elections.

- **Massachusetts News**
  This web site regularly covers this issue. It was established in 1998 by the former editor-in-chief of Massachusetts Lawyers Weekly.

- **Parents' Rights Coalition**
  This organization works to support parents' rights concerning their children. They have become active in this marriage issue.

**Other Online Sources**

- **Massachusetts Trial Courts Law Libraries' Same-Sex Marriage Page**
  Comprehensive guide to court proceedings, current laws and background information concerning same-sex marriage.
• Massachusetts Supreme Judicial Court Decision: Goodridge et. al. vs. Department of Public Health et. al., November 18, 2003
  Full-text copy of the SJC decision from the Massachusetts Lawyer's Weekly web.

**Newspaper and Journal Articles:**

**Says Law Bars Most Out-of-staters**
Raphael Lewis
Boston Globe

Attorney General Thomas Reilly says that Massachusetts marriage law will forbid same-sex couples from at least 38 other states to get married here starting May 17th, when gay matrimony becomes legal. There is a 1913 Massachusetts law that prevents out-of-staters from getting married here if they are not eligible for marriage in their home state.

**AG Sees Gay Marriage Limit: Reilly Says Romney Lacks Legal Argument for a Stay**
Frank Phillips
Boston Globe

Attorney General Thomas F. Reilly says that Governor Mitt Romney does not have a legal reason to seek a delay in the gay marriage ruling. Gay marriages are going to take place starting May 17. Romney submitted a two-page letter which Reilly said only contained political arguments. One complication is that voters may ban same-sex unions in a 2006 referendum, although same-sex unions will have taken place for 2 ½ years.

**Experts: End-run Would be Dead End**
Maggie Mulvihill and Steve Marantz
Boston Herald
March 31, 2004, p. 5. [Proquest]

If Governor Mitt Romney decided to petition the Supreme Judicial Court as a private citizen, it could pit Romney against Attorney General Tom Reilly.
Same-Sex Marriage Debate: Against Odds, GOP Lawmakers Push for Federal Amendment

Noelle Straub
Boston Herald

Congressional Republicans are pressing ahead on a federal constitutional amendment banning gay marriage despite overwhelming odds against passing it.

Gay-marriage ban backed, but uncertainty remains: compromise proposal needs one more vote

Rick Klein
Boston Globe

The legislature voted three times to ban gay marriage, but maneuvers by supporters and opponents left it unclear whether the constitutional amendment would ever get to voters. Page B4 lists how each legislator voted on each amendment.

Acceptance Lags on Gay Unions

Cathy Young
Boston Globe

This article states that the debate on same-sex marriage is more about the social ramifications than the legal ramifications. Andrew Sullivan believes "that many heterosexuals who generally oppose discrimination against gays draw the line at same-sex marriage because that would be tantamount to complete acceptance of homosexuality by American society."

Gay Marriage

James A. Barnes
National Journal
December 6, 2003, p. 3687. [Infotrac: Expanded Academic ASAP]
This feature lists and annotates websites about the issue, many of which are included below.

**Finneran Cites Three Options on SJC Ruling Lists: Legislative Inaction, Civil Union Bill, and Ban**

Raphael Lewis  
Boston Globe  

Speaker of the House Thomas Finneran says that the legislature has three options regarding the courts ruling on same-sex marriage. They are a constitutional amendment to ban gay marriage, a civil unions bill for same-sex couples, or doing nothing and letting the ruling stand. He didn't say what option he would choose. Governor Mitt Romney and Attorney General Thomas F. Reilly are in favor of a civil unions law. Representative Charles Murphy filed a bill that would authorize civil unions for same-sex couples while defining marriage as a heterosexual institution. Murphy says that his bill would be different than Vermont's because it would confer "all of the rights that married couples enjoy and not just a fraction of them."

**Stop Courts From Imposing Gay Marriage**

Bork, Robert  
Wall Street Journal  
August 7, 2001, p. A14 [editorial] [Proquest]

In this editorial, Robert Bork writes in favor of a federal act called the Federal Marriage Amendment, proposed by the Alliance for Marriage. This act states that marriage is only between a man and a woman. The proposed act also would not recognize a same-sex marriage from another country.

There is a possibility that in another 5 to 10 years the U.S. Supreme court will hold that there is a constitutional right to marriage by invoking the Equal Protection Clause of the 14th amendment. The Federal Marriage Act would try to head this off by stating: "Neither this constitution or the constitution of any state, nor state or federal law, shall be construed to require that marital status or the legal incidents thereof be conferred upon married couples or groups." Bork wants to prevent the courts from ordering that same-sex marriage be legal and leave it up to the people.

**Letters to the Editor: I Now Pronounce You Husband and Husband**

Eden, Charles  
Wall Street Journal
Eden is in favor of the Defense of Marriage Act (DOMA) because he feels that federal programs would suffer if some states endorsed same-sex marriage while others did not. He also recognizes the issue as a crucial cultural one.

Group Eyes State Ballot to Ban Same-sex Marriage
Crummy, Karen E.
Boston Herald
July 24, 2001, p. 2 [Proquest]

Mass. Citizens Alliance (now Mass. Citizens for Marriage) has proposed a constitutional amendment that would ban same-sex marriage and its legal equivalent as well as block domestic partners from receiving benefits. They need 57,000 signatures to put it on the 2004 ballot. According to Bryan Rudnick, the organization's executive director, the amendment is not against homosexuals but is instead about strengthening marriage.

For Better, For Worse, Vermont's Civil Union Legislation has been a Boon to Gay Couples. But Dissenters are Still Pressing Their Case
Miller, Neil
Boston Globe Magazine
June 17, 2001, p. 13 [Proquest]

"As of May 22, 2001, 11 months after the law in Vermont took effect, 2043 civil unions have taken place." 430 couples are from Vermont while 1,613 are from out-of-state. This article highlights some of the couples that have taken civil union vows. Countries which have similar laws include Denmark, Norway, Sweden, Germany and France. The Netherlands became the first country in the world to permit full-fledged marriage between members of the same sex. One poll showed that a majority of people in Vermont is opposed to the law.

The People Speak
Gahr, Evan
The American Enterprise
January 2001, v.12, p.7 [Infotrac: Expanded Academic ASAP]

The gay movement suffered setbacks in November 2000 elections. These setbacks included Nebraska and Nevada
voting to amend the states' constitutions to prohibit same-sex marriage. In Maine voters defeated a measure that would have prohibited discrimination based on sexual orientation. In Vermont the Democratic Party lost control of the State House of Representatives for the first time since 1986, in part because the Democrats instituted statewide civil union marriage. Only in Oregon did gay activists prevail.

The Homosexual Agenda (anti-gay-rights propaganda in political campaigns)
Commonwealth
October 6, 2000, v. 127, I 17, p. 5. [Infotrac: Expanded Academic ASAP]

At the core of this article is the question of whether people who are against same-sex marriages are homophobic. "At its most expansive, the homosexual agenda wants to transform what Americans think and believe about same-sex relations." This article asks the question, "Can Americans keep their social institutions and norms without it constituting bigotry?"

Dark of Knight
Gallagher, John
The Advocate: the national gay & lesbian newsmagazine
April 11, 2000, p. 20 [Infotrac: Expanded Academic ASAP]

On March 7, 2000, 61% of California voters approved Proposition 22, limiting recognition of marriage to unions between a man and a woman. Most of the under-30-year-olds voted against the question while Republicans voted for the measure by a margin of 6-1.

Marriage Savers
Kellner, Mark A.
Christianity Today
April 3, 2000, v. 44, i4, p. 15 [Infotrac: Expanded Academic ASAP]

Many churches in California supported Proposition 22, which defines marriage as valid only between a man and a woman. This measure passed by a margin of 61 - 39%. This means that gay marriages, already prohibited in the state, will not be legally recognized by California if other states permit same-sex unions.
What We Teach Our Daughters
Levinson, Kathy.
The Advocate: The National Gay & Lesbian Magazine
March 14, 2000, p. 9 [Infotrac Expanded Academic ASAP]

This article is about defeating California's Proposition 22, which says that only a marriage between a man and a woman is valid. The author is a lesbian woman who has a partner of 20 years and two children. In states where similar measures have passed, these laws have been used to overturn local domestic-partnership ordinances, custody rights and even civil rights laws. Proposition 22 would not allow a person to visit a partner in the hospital, get an inheritance, or be on a partner's health insurance plan.

Available Books:

Letter to the Massachusetts General Court regarding Goodridge v. Dept. of Public Health.
Harshbarger, Scott et al.
Boston, Mass: s.n., 2003.
MR 500M3 L488 2003

This document supporting gay marriage was signed by prominent politicians (including former Governor Weld), lawyers, and Professor Laurence Tribe.

Eskridge, William N. Jr.
HQ 76.3 .U5 E85 2002

This book answers the question: will civil unions lead to same-sex couples having the status of separate but equal that would ultimately prove unequal? The book argues that it would not by allowing couples to have benefits they don't have right now and paving the way for fully equal treatment.

On the Road to Same-Sex Marriage
This book addresses families created by same-sex couples, mental health issues in same-sex marriages, comparisons between mixed-race and same-sex marriage, and legal trials and tribulations on the road to same-sex marriage.

**Same-Sex Marriage: the Moral and Legal Debate**
Baird, Robert M. and Stuart E. Rosenbaum, eds.
HQ 76.3 .U5 S33 1997

Topics in this book include the Defense of Marriage Act, the emotional dimensions of the debate, the philosophical arguments, and the Hawaii case.

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