



Massachusetts Citizens May Have Final Say on Homosexual Marriage

January 03, 2007

By Susan Jones

CNSNews.com Senior Editor

(CNSNews.com) - A state constitutional amendment defining marriage as the union of one man and one woman has cleared an important hurdle in Massachusetts -- the only state where same-sex marriage is legal.

On Tuesday, the final day of the state's 2006 constitutional convention, Massachusetts lawmakers approved the proposed amendment, moving it one step closer to a public vote.

The vote was 134 against the marriage amendment and 62 in favor. But it takes only 50 votes to move a citizen-initiated proposal forward.

To be included on the 2008 statewide ballot, the proposed constitutional amendment must also be approved by a second constitutional convention in 2007.

Until last week, people both for and against the proposed amendment thought it was dead.

But then, on Dec. 27, the highest court in Massachusetts ruled that state lawmakers had a constitutional duty to vote on proposed constitutional amendments rather than recessing without a vote, as they apparently planned to do.

That ruling gave supporters of traditional marriage the traction they needed to advance the marriage amendment.

Keep the people out of it

Homosexual advocacy groups are now lamenting what for them is a setback. They describe opposition to same-sex marriage as discriminatory and "anti-gay," and they do not want the people of Massachusetts to have a say on the issue.

"A minority of legislators, emboldened by our opponents' endless attacks, have voted to push this discriminatory amendment closer to a public vote," said MassEquality campaign director Marc Solomon on Tuesday. "At MassEquality, we are disappointed, but not disheartened. We know that Massachusetts is moving in the right direction and tomorrow is a new day."

Solomon noted that incoming Gov. Deval Patrick, a Democrat, is a "strong supporter of equality," and he also noted that "several more pro-equality legislators" were elected in November.

"We know that most Massachusetts voters want to move on to the more pressing issues facing the Commonwealth. And we know that there are thousands and thousands of supporters who are committed to ensuring that the rights of a few are never put to a public popularity ballot," Solomon

said.

He predicted that the "message of equality" will trump "fear and discrimination."

Likewise, Matt Foreman, executive director of the National Gay and Lesbian Task Force, said he was disappointed that a minority of Massachusetts lawmakers has approved a "mean-spirited" constitutional amendment that would "end marriage equality" for same-sex couples in Massachusetts.

"It is always wrong to put the rights of a minority up for a popular vote and we are gratified that a strong majority of the Legislature voted against doing just that," Foreman said in a statement.

"We stand with MassEquality and our other partners in Massachusetts, ready to work with them to defeat the amendment when it is next considered in the new legislative session. Marriage equality must and will be protected and preserved in Massachusetts," Foreman said.

But groups that believe the people of Massachusetts -- not the courts -- should have the final say on same-sex marriage are celebrating Tuesday's vote.

"Today's victory is about restoring the integrity and authority of the people's Constitutional right to petition their government," said Kris Mineau, president, Massachusetts Family Institute and spokesman of VoteOnMarriage.org.

"It says to the 170,000 citizens who signed the petitions for the right to vote on marriage that democracy still works in Massachusetts for those who are willing to take a stand for justice."

The protection of marriage amendment was certified by the Secretary of the Commonwealth in December 2005, and it has awaited a legislative vote for a full year.

"Those in the legislature who sought to thwart the will and right of the people for the better part of a year conceded at the eleventh hour to the clear directive of the constitution," Mineau concluded.

According to the National Gay and Lesbian Task Force, about 8,500 same-sex couples have legally married in Massachusetts since May 2004.

The Massachusetts Supreme Judicial Court legalized homosexual marriage in November 2003, ruling that civil unions were not enough -- that only full, equal marriage rights for homosexual couples would satisfy the state's constitutional requirements.

The effort to change the commonwealth's constitution began as soon as the court handed down its ruling.