



## 1913 Law's Last Hours

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Gov. Deval Patrick's office announced late Wednesday that a signing ceremony for the repeal of the 1913 Law will take place on Thursday July 31 11:45 AM on the Grand Staircase. Later in the evening, MassEquality will hold a victory celebration at 28 Degrees on Appleton Street in the South End. Check back to [www.NewEnglandBlade.com](http://www.NewEnglandBlade.com) for photos and a wrap up of Thursday's celebrations.

The borders of Massachusetts are almost open to out-of-state same-sex couples wanting to get married here, after the House of Representatives voted on Tuesday, July 29 by a vote of 119 to 36 to repeal the 1913 law, which prohibits such marriages from taking place.

The Massachusetts Senate on Tuesday, July 15, after about 25 minutes of discussion, voted in a voice vote to repeal the 1913 law, and Gov. Deval Patrick's office said on Tuesday he will sign the bill repealing the 1913 law by the end of next week.

"This is an historic vote for the LGBT community and marriage equality — not just in Massachusetts but nationwide," said the Massachusetts Gay and Lesbian Caucus in a statement. "The Welcome mat is out in Massachusetts."

Rep. Byron Rushing, (D-Boston), who began the approximately 45-minute debate on Tuesday by calling a repeal a matter of "fairness and equality," told the New England Blade after the vote that he was "very happy that we have been able to have this law repealed finally."

"It should have been repealed before even Goodridge made it an issue for same-sex couples," he said. "I think this brings us a little closer to getting all of our legislation in line with the Goodridge decision, and the decision of the Constitutional Convention not to amend the constitution."

Legislators on Wednesday voted to add an emergency preamble to the bill to have the law take affect immediately. "There doesn't seem to be any reason to wait," said Rushing.

Along with Rushing, Reps. Paul Loscocco, D-Hollister, — who switched his vote during the last Constitutional Convention in favor of equality — Alice Wolf, (D-Cambridge), and Robert Spellane, D-Worcester, spoke in favor of repealing the law.

"This is a question of fairness and it is a question of equality. The fairness in this question is that we have allowed people to marry in Massachusetts who could not legally marry in their own state for decades. And now we want to change the way we apply a law that we had never enforced. That, I think, is unfair," said Rushing. "Secondly, secondly, it is a matter of equity. Because it is a matter of equity that I, and you should know that your state will grant to anyone in this country what they — what you and I can have in Massachusetts if that person comes to Massachusetts. That is the equity in the decision to repeal this law."

Rushing also rebutted information distributed to legislators by opponents of equality suggesting that the law does not have a history steeped in racism.

The 1913 law grew out of the national backlash over the interracial marriage of heavyweight boxing champion Jack Johnson, Rushing said during the debate. At the time, 30 of 48 states banned interracial marriage, and many other states, including Massachusetts, enacted provisions that would keep interracial couples from crossing borders to marry in their jurisdiction. In 1970, when states were urged to repeal the 1913 law (so-called because that was the year it was enacted), legislators in Massachusetts, said Rushing, must not have realized the law was on the books.

Wolf told the story of a friend of hers named "Kate" who lives somewhere in the western part of the country and who, upon learning of the Goodridge decision, asked Wolf whether she could return to her native Massachusetts to get married.

And Wolf said that she had to tell her friend that, no, she couldn't.

"If Kate wants to come home and get married, she grew up here, her family is here, her friends are here. [She] can't do that unless we repeal this law," said Wolf. "As she pointed out to me, her friends who are not gay and lesbian can do exactly that. They can be among their family, among their friends where they grew up, even if they are not now living in Massachusetts, and they can be married in the bosom of their friends and family."

"This law represents a dark cloud in our history," said Spellane, "one that continues to hang over the commonwealth, and one that serves to remind us of a time we are not proud of in our state's history."

Legislators speaking against repealing the law included Reps. Mary Rogeness, (R-Longmeadow), John A. Lepper, (R-Attleboro), and Viriato Manuel deMacedo, (R-Plymouth).

Rogeness said that repealing the law "will have an affect beyond what we are trying to [do]," while Lepper who is not seeking reelection, urged his fellow legislators to keep intact the law.

"It would seem if the 1913 law was repealed, we would be leading ourselves into a legal nightmare," he said, citing the problems same-sex couples married here might encounter should they try to get divorced.

Massachusetts Family Institute in a press release called out the House for "defying" the SJC. "This legislature picks and chooses like a cafeteria buffet what areas of the Goodridge decision it will embrace," said Kris Mineau, MFI president. "Now, just after California allowed out-of-state same-sex couples to marry, it appears our legislators are suffering from 'gay marriage envy' in pushing to repeal this protective measure."

But equality groups around the country were quick in sending their congratulations, not just for Massachusetts but for all same-sex couples who may one day travel here to get married.

**Rea Carey, executive director of the National Gay and Lesbian Task Force, said that "not only does today's House vote repudiate Romney's efforts to block our marriages in Massachusetts, it also invites couples from around the United States to experience the joy and happiness of celebrating their lives by becoming married in the Bay State,"** while EqualityMaine Executive Director Betsy Smith applauded the Mass. legislature for breaking down "another barrier to marriage equality."

MassEquality Executive Director Marc Solomon was among the first to thank the legislature for voting to repeal the law.

"This is a true victory for equality. In repealing this law we've sent the message loud and clear that in Massachusetts, we respect and honor all families," said Solomon. "We've ridded our state laws of the last vestige of discrimination against same-sex couples, and we once again lead the way for equality for all people."

Gay & Lesbian Advocates & Defenders (GLAD) also applauded the House vote. "The fence of discrimination surrounding the state has been dismantled," said Lee Swislow, GLAD executive director. "This is the culmination of the hard work of many people since GLAD first won the right of same-sex couples to marry in Goodridge nearly five years ago."

A 2006 decision in GLAD's lawsuit *Cote-Whitacre v. Department of Public Health* successfully opened the border to couples from Rhode Island and led to the same for New Mexico, since those two states do not have laws prohibiting same-sex couples from getting married.

Once Patrick signs the bill into law, not only will the borders open to everyone in the country, but Massachusetts is expected to reap nearly \$111 million in economic benefits over the next three years and see some 330 jobs in the travel and tourism industry created, according to a study by the Charles R. Williams Institute on Sexual Orientation Law and Public Policy at UCLA conducted for the Executive Office of Housing and Economic Development and released on June 30.

Based on the number of gay couples in Massachusetts who have gotten married since the 2004 Goodridge decision made it legal to do so, as well as the number of couples who have already tied the knot in California as well as those couples who have announced plans to travel there since it has no such ban on out-of-state gay couples getting married, more than 32,000 couples will come to Massachusetts to get married, with each expected to spend an average of \$3,962, or just 10 percent of the typical cost of an American wedding.

So that \$111 million dollars in revenue? It might just be the beginning.

"Our analysis suggests that allowing non-resident same-sex couples to marry by August 1, 2008 would increase Massachusetts state and local revenues by over \$5.1 million over a three-year period, or \$1.75 million per year," says M.V. Lee Badgett and R. Bradley Sears, study co-authors. Of that amount, they explain, \$4 million would come from sales and occupancy taxes and \$1.1 million would come from marriage license fees.

According to the study, opening up the Massachusetts borders to same-sex marriage would appeal most to gay couples in New York. According to the study, nearly half of the 48,761 New York gay couples might be compelled to get married in Massachusetts. While about five percent of these couples may opt to get married in California or Canada, because of New York's proximity to Massachusetts, 95 percent (or, 23,161 couples) would opt to get married in Massachusetts.

The study also predicts that one-quarter of couples in states that recognize civil unions and are adjacent to Massachusetts (New Hampshire, Connecticut and New Jersey) would come to Massachusetts to get married.