

VERMONT'S VOICE FOR THE LESBIAN, GAY, BISEXUAL, AND TRANSGENDER COMMUNITY

# OUT IN THE MOUNTAINS

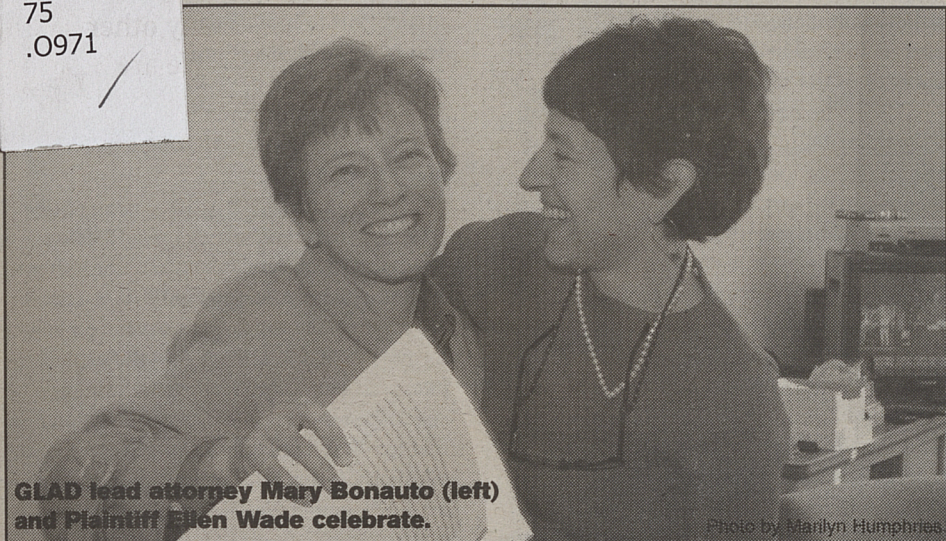
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GLAD lead attorney Mary Bonauto (left) and Plaintiff Ellen Wade celebrate.

Photo by Marilyn Humphries

## MASS. HIGH COURT OVERTURNS MARRIAGE EXCLUSION

### Ruling Gives Legislature 180 Days to Take "Appropriate Action"

BY EUAN BEAR

As *OITM* was going to press, the Massachusetts Supreme Judicial Court ruled 4-3 that preventing couples of the same gender from marrying is unconstitutional under the commonwealth's charter document. Boston-based Gay & Lesbian Advocates & Defenders successfully litigated the case on behalf of seven same-sex couples.

Proponents of same-sex marriage hailed the ruling as a victory, although the court stopped short of requiring municipalities to immediately issue marriage licenses. The ruling gives the Massachusetts legislature 180 days to write legislation conforming with its ruling. The legislature is already considering a civil unions-type bill and a proposal for

amending the state constitution to ban same-sex marriages.

Several reports said that the ruling was very similar to the 1999 Vermont Supreme Court ruling, which resulted in legislation creating civil unions.

The court in *Goodridge et al. v. Department of Public Health* defines civil marriage in Massachusetts as "the voluntary union of two persons as spouses, to the exclusion of all others."

Chief Justice Margaret Marshall, writing for the majority, wrote, "Marriage is a vital social institution. The exclusive commitment of two individuals to each other nurtures love and mutual support. It brings stability to our society. For those who choose to marry, and for their children, marriage provides an abundance of legal, financial and social bene-

fits. In return, it imposes weighty legal, financial, and social obligations."

"This is a momentous legal and cultural milestone," said Mary L. Bonauto, of GLAD, who was an attorney for the couples. "At long last, gay and lesbian families and their children will finally be equal families in the Commonwealth."

The court's ruling is based on the equality provisions of the state constitution. Under the "free and equal" clause in the constitution, it held, "The marriage ban works deep and scarring hardship on a very real segment of the community for no rational reason."

Because the ruling is based on the Massachusetts Constitution, there is no appeal to the U.S. Supreme Court.

Four of the couples in the *Goodridge* case are raising children together and all have

been together for more than six years.

"This is a profound moment for our family," said Hillary Goodridge on behalf of herself and Julie Goodridge, the named plaintiffs in the case. "We will no longer have to try to explain to our eight-year-old daughter why we can't marry, or that we love each other even though we are not married. And more importantly, we'll be able to provide Annie with the full protections under marriage that we now can't possibly provide no matter how many legal documents we draft and sign."

Gary Chalmers, a teacher, and Richard Linnell, a nurse, were also plaintiffs in the case. "We are thrilled," said Chalmers. "We've always been like every other family in our neighborhood."

Susan Murray, one of continued on p. 6

## Opening the Cathedral Doors: The Consecration of Gene Robinson

Editor Euan Bear shares her experience of the consecration ceremony for the Episcopal Church's first openly gay bishop.

Getting into the arena at the University of New Hampshire on All Saints Sunday meant first passing a large van draped in banners calling on the Episcopalians to halt the ceremony lest God treat them as He (sic) treated Sodom and Gomorrah.

After climbing the stairs from the parking lot, we walked a

gantlet of Westboro Baptist Church/Fred Phelps-style protestors (I did not see the man himself, but reportedly they were demonstrating at several churches in the area) outside the arena. Monitoring the scene was a collection of state, local, and campus cops, some mounted on horseback. To the best of my knowledge there were no physical con-

frontations.

One guy addressed me directly, "Homosexuality is a sin against God, ma'am." A step later I turned and said, "No, hate is!" A few yards further on, I overheard a woman in the anti-gay protest pen telling an interviewer, "Oh, no, our God is not about love!"

Even two hours before the

ceremony's official start time, the line to get into the arena building stretched more than 50 feet, with many of the people waiting carrying ecclesiastical robes.

There were three (pre-upgrade) airport-style metal-detector screening stations; workers confiscated camera batteries, pocket knives, bottle-openers with

corkscrews, you name it. Press bags were gone over by bomb-sniffing dogs. The arena easily held more than 4000, the number of tickets distributed, but it wasn't full. One news outlet reported 2500 attendees, which roughly agreed with my estimate.

The service started cont'd on p. 6

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