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On the same day, openly gay State Assembly member Mark Leno (D-San Francisco) introduced the Marriage License Non-Discrimination Act (MLNDA), sponsored by Equality California. The bill would end discrimination in the issuance of marriage licenses statewide, allowing same-sex couples to obtain marriage licenses anywhere in California. Leno also performed many of the marriages at City Hall.

Newsom had given fair warning of his intentions, if not his timetable. Two days before the first same-gender marriages, he told the *San Francisco Chronicle*, "A little more than a month ago, I took the oath of office here at City Hall and swore to uphold California's Constitution, which clearly outlaws all forms of discrimination. Denying basic rights to members of our community will not be tolerated."

The initial low-profile approach to this major policy change was designed to prevent conservative groups from getting a court injunction to stop the practice. The marriage licenses were issued in defiance of a California law, passed by referendum, which prohibits same-sex marriage. Before his recall last fall, former Governor Gray Davis signed a measure that will provide several marriage-like rights to gay and lesbian couples, but stops far short of marriage and in any case does not take effect until 2005.

The license documents had been changed from "bride" and "groom" to "applicant 1" and "applicant 2." They also came with disclaimers, according to a report in the *Chronicle*: "Marriage of lesbian and gay couples may not be recognized as valid by any jurisdiction other than San Francisco, and may not be recognized as valid by any employer."

A spokesman from Florida-based Liberty Counsel, representing opponents to marriage equality, charged that the licenses were "worthless" and predicted they would be invalidated by the courts.

Gary Busek, of Lambda Legal, said in a press release, "If anti-gay groups take the government to

court tomorrow or in the days ahead," he continued, "we intend to take any legal action necessary to make sure marriage licenses continue to be issued."

It remains to be seen whether the San Francisco marriage licenses – estimated at press time to number in the thousands – will be invalidated, as were a dozen issued to same-gender couples in Boulder County, Colorado, by County Clerk Clela Rorex in 1975, according to an Associated Press story.

#### Achieving a Draw: The Struggle Goes On

The ending of the Massachusetts

constitutional convention was, by all reports, emotional and chaotic, with crowds of pro-marriage equality supporters singing "God Bless America" and holding a huge American flag, while the anti-gay amendment's supporters chanted, "We want a vote!" That cry was taken up as it finally dawned on the conservatives that they were witnessing a filibuster designed to run out the clock to end the session without further voting.

All of the amendments, including those that "permitted" or "established" civil unions, had gone down to defeat by margins of 10 votes or less.

About 20 legislators who were supporting the

amendment to prohibit equal marriage rights for same-gender couples walked out of the session to dramatize their opposition to the maneuver. But the clock went on ticking, and pro-equality spectators applauded and cheered the filibustering legislators as they departed the hall shortly after midnight.

"We sang patriotic songs loud and strong for nine hours straight," said MassEquality.org campaign director and Vermont resident Marty Rouse. "It is amazing that we got the delay."

Rouse estimated that about 90 legislators want the anti-gay marriage amendment, and per-

haps 55 were firmly against writing discrimination into the Massachusetts constitution. An amendment must receive 101 votes to move to the next step in a three-step process. The difficulty is in convincing legislators in the middle, many of whom are gay-friendly, that voting for an amendment prohibiting same-sex marriages – even if it mandates civil unions – is not the answer.

"Either we're 100 percent equal, or it's not equal," Rouse said. "There is no middle ground. Civil unions are not a compromise – how do you compromise people's civil rights? The momentum is in our favor, but whether that's enough to hold off bigotry ..."

Most telling, noted Rouse, is who wins the March 2 special election for the state Senate seat vacated by Cheryl Jacques when she became director of the Human Rights Campaign. A win by former Jacques assistant Angus McQuilken "would be a very good sign," Rouse said.

Responding to a request for comment on the Massachusetts situation, Sherry Corbin, of the Vermont Freedom to Marry Task Force, said in a written statement, "It appears that all attempts to pass a discriminatory amendment have been pushed aside, as it should be.

"It is," she said, "a good day today, Friday the 13th, 2004. The citizens of Massachusetts have a lot to be proud of, and we have shed a tear of happiness at their triumph for fairness. We understand their struggles and feel their joy. Another step forward toward true equality and the ability for everyone to have the choice to marry on May 17, 2004. Yeah to Massachusetts."

"We have managed so far to dodge several bullets," said Arline Isaacson, co-chairwoman of the Massachusetts Lesbian and Gay Political Caucus. "We've made it through one more day." ▼



Supporters of same sex couples' right to marry rallied outside the House of Representatives inside the Boston State House Wednesday chanting and singing for equality while the Legislature met inside as a Constitutional Convention. (PHOTO: Christopher Ewers)