

Landmark day for committed gays

By David Ho, Palm Beach Post-Cox News Service
Sunday, May 16, 2004

BOSTON -- Larry Mullin and Michael Wilde's stroll down the aisle will be more like a scavenger hunt.

They plan to be among the first same-sex couples to wed Monday, when Massachusetts becomes the first state to recognize gay marriage. Their home city of Cambridge is leading the way, accepting marriage license applications a minute after midnight.

"We'll be a part of history," Mullin said. "It'll be nice to say that we're married. It'll be nice to use that word. It'll be nice to know that we're part of the movement to get people to see it's not that dramatic; it's not going to affect the sanctity of someone else's marriage."

Mullin, 48, a free-lance technical writer, said they plan to apply for a license and go home before spending the morning scrambling after a court waiver needed to skip the standard three-day waiting period. A justice of the peace will be waiting with his cellphone for word of their success, he said.

"We've been together for 22 years, so as far as I'm concerned, we are married," said Wilde, a 48-year-old copy editor. "The big difference is we will be legally recognized and all the benefits that go with that."

Similar sprints toward matrimony are expected across the state.

Some couples feel a sense of urgency, fearing that, if they wait too long to get licenses or marry, the tumultuous legal battles surrounding gay marriage could turn against them.

That possibility has occurred to Marianne and Becky Duddy-Burke, a couple of 10 years with a 2-year-old daughter. The two, who combined their last names and legally changed them, plan to apply for a license Monday, even though their wedding is set for June 20.

"It doesn't feel totally secure yet," said Marianne, who runs an organization that helps to house families accompanying sick people being treated in Boston. "It's really been a roller coaster."

That uncertain ride has continued up to the last minute.

On Friday, the Supreme Court refused to block the state-sanctioned gay marriages from moving ahead, dealing another blow to opponents seeking an emergency injunction.

The coalition of opponents, including state lawmakers and conservative activists, will have a chance to argue

their case before a federal appeals court in June and before the Supreme Court this fall.

The legal fight stretches back to April 2001, when seven lesbian and gay couples from across Massachusetts who were denied marriage licenses took their case to a Boston court.

After an initial legal defeat, the state's Supreme Judicial Court issued a landmark ruling in November that same-sex couples have the right to marry.

Continuing legal battles

The decision triggered a nationwide chain reaction. Officials in San Francisco; Portland, Ore.; and New Paltz, N.Y., issued marriage licenses to gay couples, defying state authorities. President Bush endorsed a federal constitutional ban on gay marriage.

In March, the Massachusetts Legislature narrowly approved a proposed amendment to the state constitution to ban gay marriage while allowing civil unions such as those Vermont allows.

But the amendment won't go before voters for approval until fall 2006.

Massachusetts Gov. Mitt Romney, an opponent of gay marriage, failed to delay the ruling, but has pushed to strictly enforce a 1913 law that prevents the state from issuing marriage licenses to couples whose unions would be illegal in their home states.

Licenses would be limited to Massachusetts residents and those who say they intend to move there.

"Massachusetts should not become the Las Vegas of same-sex marriage," Romney has said.

Although some states don't explicitly prohibit gay marriage, Romney is requiring that they assert that the marriages are not "void." Connecticut, New York, Rhode Island and the District of Columbia are weighing that possibility.

It's uncertain how many couples will marry. Massachusetts has about 17,000 same-sex households, according to the 2000 Census.

Opponents of gay marriage say that what happens on Monday won't stop their efforts.

"We would back an amendment to the United States Constitution defining marriage as the exclusive union of one man and one woman," said Ray McNulty, spokesman for the Massachusetts Family Institute, part of the opposition group called the Coalition for Marriage.

He said his group has no plans to have or encourage demonstrations Monday, although some more extreme opponents may protest.

"We bear no malice to the homosexual community," he said. "We're for upholding the law. We may not think it's right, but it's legal."

Practical considerations

Beyond the broader conflict, gay couples who marry will face a new array of more mundane legal challenges.

Where there's gay marriage, there's also gay divorce, gay prenuptial agreements and situations involving taxes, insurance and child custody that may differ from the experiences of heterosexual couples.

"As a rule, gay people don't know a lot about marriage," said Alice Whitehill Wiseberg, a Boston attorney and

a member of the Massachusetts Lesbian and Gay Bar Association. "We're encouraging people to speak to their financial planners, their tax advisers."

Since wedded gay couples can't legally adopt children from other countries and may have difficulties in the United States, couples may want to put off marriage until after adopting while single, Wiseberg said.

The federal Defense of Marriage Act of 1996, which denies federal rights to same-sex couples, adds another layer of confusion for those who want to know which rights apply.

Lawyers aren't the only ones discovering a new frontier. The wedding industry senses an enormous new market with clients who, on average, earn more than heterosexual people.

Hotels, caterers, jewelers, travel agents and wedding photographers are pitching their services.

Even more specialized businesses are popping up, such as It's About Time, a wedding-planning firm in Boston that screens event vendors to ensure they are comfortable with gay marriage.

Founder Bernadette Smith said the idea for the business came after she attended a gay-commitment ceremony in South Carolina where the disc jockey made rude comments.

Marianne and Becky Duddy-Burke, both 43, are using vendors they know. They plan to have about 50 guests at their June civil wedding on the same day they have a baptism for their daughter, Emily.

The two women had a Vermont civil union in 2000 and a religious marriage ceremony in 1998 with Dignity, an organization for gay, lesbian, bisexual and transgender Catholics.

"We have this joke that this is our third marriage," Becky said. "Luckily to the same person."

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