

Gay marriage setback in Massachusetts: Legislative move could put ban on 2008 ballot

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In a surprise move, Massachusetts legislators took a first step toward banning same-sex marriages in the first and only state to make them legal. If the state legislature approves a ban in another vote during the 2007-2008 session, the initiative will be placed on the November 2008 ballot.

It was thought last month that the lawmakers would adjourn without voting on the controversial issue, although the state's Supreme Judicial Court had castigated legislators for not acting on the measure.

The court had precipitated the nation's first legal same-gender marriages in 2004 with its ruling that it is unconstitutional in Massachusetts to limit marriage to heterosexuals. However, the judges had advised the legislature to vote on whether to provide voters with a referendum on the issue.

But when the legislature reconvened January 2, the issue came to a quick vote, without debate. Proponents of the constitutional amendment needed just 50 ayes from the 200 legislators, but a first vote garnered 61 and a later "reconsidered" vote got 62 votes to 134 against, reconfirming the earlier vote.

Outgoing Republican governor Mitt Romney, an opponent of same-sex marriage, had joined a lawsuit to force the voting process to begin in the legislature. Incoming Democratic governor Deval L. Patrick, who was sworn in January 4, had urged legislative leaders to find a way to defeat the amendment, even if that meant adjourning without voting on it.

Patrick, the first Democrat in 16 years to become governor of Massachusetts, vowed to work against the measure in the coming year. "I believe that adults should be free to choose whom they wish to love and to marry," he said.

Gay activists were crestfallen inasmuch as Massachusetts has been seen as the “beachhead” state for gay marriage rights. Vermont, New Jersey and Connecticut allow civil unions, and California’s domestic partnership law permits many rights associated with marriage.

The new Massachusetts legislature that took office this month includes more supporters of same-sex marriage, but the *New York Times* said that it is unclear if the balance had tipped enough to sideline the amendment.