



PFLAG NH
Parents, Families and Friends of Lesbians and Gays

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New Pall Falls on Gay Wedding Hopes

New York Times
 By PAM BELLUCK

BOSTON, March 30 - Same-sex couples living in states where laws ban gay marriage will not be able to marry in Massachusetts, the state's attorney general said Tuesday.

Although the state's top court has ordered that gay and lesbian couples can begin marrying in Massachusetts on May 17, the attorney general, Thomas F. Reilly, said an obscure 1913 state law prevented the state from issuing marriage licenses to couples who are not eligible to be married in their home states.

"I think there's at least 38 states which do not recognize same-sex marriage," Mr. Reilly said of the 38 states with laws defining marriage as a heterosexual institution. He said Massachusetts should give a list of those states to town clerks so they could refuse marriage licenses to people living there. "They're not entitled to get married in the state of Massachusetts," he said.

Mr. Reilly's interpretation of the law could thwart the plans of couples around the country who had been planning to get married here once such unions became legal.

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Emotions High As New Hampshire Considers Gay Marriage Ban

(Concord, New Hampshire) Hundreds of supporters and opponents of same-sex marriage have rallied at the New Hampshire Capitol as lawmakers consider a ban on gay weddings.

The legislation would close what is seen as a loophole in existing law and prevent New Hampshire from recognizing the out-of-state marriages of gay and lesbian couples.

New Hampshire already defines marriage as being between a man and a woman, but makes no reference to other marriages performed outside of the state.

Representatives Hall was filled as the House Judiciary Committee heard more than seven hours of testimony on the bill. Outside the building hundreds more on both sides of the issue staged noisy rallies.

"This legislation says to me and every other gay and lesbian person who lives in New Hampshire, 'You are not my people and you will not be my people...' I hope you see this bill for what it is: blatant discrimination," Ed Butler of Hart's Location and a board member of New Hampshire Freedom to Marry told the committee.

But, one of the sponsors, Sen. Jack Barnes, R- Raymond, said, "If we leave (the loophole)

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For Massachusetts, A Chance and A Choice

The Boston Sunday Globe, 2/8/2004
 Written by Peter J. Gomes, the Plummer Professor of Christian Morals and Pusey Minister in the Memorial Church at Harvard University. He is an American Baptist minister.

"WHEN THE PILGRIMS landed at Plymouth in 1620, among the first things they did for the well-ordering of their new commonwealth was to institute the Dutch custom of civil marriage with which they had become familiar during their long sojourn in the Netherlands. The Dutch made civil marriage the law of the land in 1590, and the first marriage in New England, that of Edward Winslow to the widow Susannah White, was performed on May 12, 1621, in Plymouth by Governor William Bradford, in exercise of his office as magistrate.

There would be no clergyman in Plymouth until the arrival of The Rev. Ralph Smith in 1629, but even then marriage would continue to be a civil affair, as these first Puritans opposed the English custom of clerical marriage as unscriptural. Not until 1892, when Plymouth Colony was merged into that of Massachusetts Bay, were the clergy authorized by the new province

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alone, the uncertainty will invite activist judges to take up the matter."

Roman Catholic Bishop John McCormack urged the committee to close the loophole saying the need was never greater because Massachusetts will begin issuing marriage permits for gay couples in May.

McCormack told the committee that "for hundreds of years in this country and thousands of years in our common history, marriage has been the committed union of one man and one woman. To re-define marriage puts at peril the basic structure of family and society.

"We can work together to build a society in which marriage and family life are not negotiable and, at the same time, endeavor to guarantee the individual human rights of all," he said.

Anne Coughlin of Concord and a member of Voice of the Faithful, criticized McCormack for urging Catholics to turn out and support the bill in a letter he sent on Palm Sunday.

She said McCormack represents himself as a moral leader but told the parents of children who had been sexually abused by two priests to be "good Catholics."

"I urge you to consider his horrible record when he testifies," Coughlin said. She also noted, "Jesus never said a single word against homosexuality... this is not about religion, this is about freedom."

Elizabeth Janeway of Webster and past president of Parents and Friends of Lesbians and Gays (PFLAG) called the bill anti-family. She said she has a gay daughter who lives in Vermont where civil unions are legal.

"When is a family not a family, and where do you draw the line: the Connecticut River?" she asked.

Two openly gay lawmakers also objected to the bill, saying it is hurtful and insulting.

Rep. McKim Mitchell (D-Chesterfield) said, "Let's move on and learn to treat one another equally and fairly in the future."

Rep. Margaret Hallyburton (R-Mont Vernon) would change the wording but still not allow same-sex marriages to be recognized under New Hampshire law.

The committee will meet April 20 to decide what recommendation to make to the full House on the bill that has already passed the Senate.

The Legislature has repeatedly defeated similar measures, most recently in 2000.

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Four Literary Arguments in Favor of Same-Sex Marriages

As the battle over same-sex unions heats up in Congress and state legislatures, four new books are hitting the stores with surprisingly timely information and articulate arguments for the rights of gays to marry.

Three of the best-selling books at Outwrite are David Moats' *Civil Wars* (Harcourt, \$25); Jonathan Rauch's *Gay Marriage: Why It Is Good for Gays, Good for Straights, and Good for America* (Times Books, \$22); and Davina Kotulski's *Why You Should Give a Damn About Gay Marriage* (Alyson Publications, \$12.95 paperback).

Kotulski, who describes her book as "an idiot's guide to gay marriage," focuses on the 1,138 federal and state rights same-sex couples are denied.

"There are things you don't think about," Kotulski says. "Seventy-five percent of all marriage rights are federal. If I died . . . my wife of eight years would not receive the \$1,800 a month in Social Security that someone in a heterosexual marriage would receive. Neither would someone in a civil union."

Allowing states to decide the issue creates problems, too, Kotulski says. "In California, I have rights in a domestic partnership, but when I go back to Oregon, where I was born, I have zero rights. This won't work until you have them in all states."

Hawaii was one of the first states to bring up the issue of gay marriage when the state's

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to solemnize marriages. To this day in this Commonwealth the clergy, including those of the archdiocese, solemnize marriage legally as agents of the Commonwealth and by its civil authority. Chapter 207 of the General Laws of Massachusetts tells who may perform such ceremonies.

This little bit of social and legal history should prove instructive in the current debate concerning marriage in this Commonwealth, and the controversial ruling thereon by the Supreme Judicial Court in *Goodridge vs. Department of Public Health*. The petitioners did not address religious issues, and the court's ruling was not premised on religious grounds: Marriage, its definition, rights, and responsibilities, was understood here as a civil matter, as it has been since 1621.

Thus, while the legitimate interests of religious communities in what some of them regard as the sacrament of marriage are worthy of consideration, those interests must not be confused either with the civil law of the Commonwealth or the civil rights of the citizens under its constitution.

No clergy of any denomination are required to wed anyone of whose union they do not approve: There is no civil right to be married in church or with its blessing. The civil law is just that, and the distinction between it and ecclesiastical law is as important as the necessary distinction between church and state. Surely, after two years of protracted debate between church law and civil law in the child-abuse scandals we should appreciate the necessity of these distinctions.

It is to the civil rights of the citizens of Massachusetts that the Supreme Judicial Court responded in the *Goodridge* case, and this was no attack on the church, nor on religion. It was recognition that the social custom restricting marriage to heterosexuals, a custom long sanctioned by church and society, was no longer to be regarded as consistent with the rights of citizens under the constitution.

We have seen this before. When the courts eventually invalidated long-established laws sanctioned by church and society that forbade interracial

marriage, the so-called "miscegenation" laws that obtained in many parts of this country within living memory, the courts that did this were invariably maligned as interventionist, arbitrary, and usurpatious.

Most now would agree that those laws were wrong, indeed unconstitutional, and that the courts were right in their judgments on behalf of the petitioners.

"Judicial tyranny" is a phrase usually heard from those whose prejudices have not been sustained by a court's decision. Happily, the fundamental rights of citizens in this Commonwealth and republic are in the long run defended against another form of tyranny even more dangerous, the tyranny of the majority.

Legislatures more often than not are subject to the prevailing passions of any majority that can muster sufficient votes; rarely are legislatures in the first instance instruments of social change. It

was, after all, legislators who, reflecting the views of those who elected them, kept in place every oppressive law on the books until challenged by aggrieved citizens who sought relief in the courts.

If society waited for majority opinion and legislative action, African-Americans, for example, would still be enduring the indignities of separate but equal accommodation and the other manifestations of legal, social, and political segregation. If the decision of the Supreme Judicial Court in *Goodridge* is "judicial tyranny," let there be more of it.

In the forthcoming constitutional convention, the legislature will be pressured to develop a politically expedient alternative to the clear and unambiguous meaning of the Supreme Judicial Court's *Goodridge* decision. It will be a stretch of rationality if it can do so. His excellency the governor is as misguided in his efforts to find an agreeable alternative to the court's decision as he is in seeking an error-proof justification for the reintroduction of capital punishment into this commonwealth. Surely, he has other matters with which to concern himself.

These legislative and executive maneuvers are not unlike those of such southern Democrats as

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Harry Flood Byrd, George Corley Wallace, and Strom Thurmond, who, after *Brown v. Board of Education*, which just 50 years ago mandated the end of segregation in public schools, sought to use every political and legislative means at their considerable disposal to nullify the meaning of the court's unprecedented decision. Is there anyone, save for the most retro-racist, who says now that Byrd, Wallace, and Thurmond were right and Earl Warren and his court wrong?

William Sloane Coffin, former Yale chaplain, civil rights and antiwar activist, in his most recent book defines hell as "truth seen too late." History indicts those who in time of trouble and transition choose the past over the future.

There are always conscientious people of deeply held religious conviction who, alas, on the basis of those convictions find themselves on the wrong side of history, such as those in our own Commonwealth who hanged witches in the 17th century and embraced the fugitive slave laws in the 19th century; and those who in our own time find the support of custom, reason, and faith in their prejudices against Roman Catholics, Jews, and persons of other colors and ethnicities.

This resistance to extending not special rights but civil rights to homosexuals in marriage is but the most recent instance of this dubious legacy, and is not made any more palatable or respectable today by the support given to it by visible and highly placed clergy across denominational lines, from whom we have a right to expect better.

The way to the future is always paved by extending not restricting, liberties, especially to those who heretofore have been excluded. The health of a republic may well be determined by its capacity to adapt itself to the extension of its own privileges and responsibilities to those whom it would be easy by custom and conviction to ignore.

John Adams's Massachusetts Constitution, the oldest such document in the world, laid down the

rational basis for a civil body politic whose capacious hospitality has successively embraced people and views not contemplated by the founders. The Great and General Court ought not to betray the fundamental principles of our Commonwealth's constitution by promulgating amendments that will, for the first time in our history, restrict rather than extend the rights and liberties of all of our citizens. To do so will do nothing to restore the difficult circumstances of modern marriage.

Divorce will not be halted, abuse will not be eliminated, frivolous heterosexual liaisons such as the recent publicity stunt of Britney Spears will still be lawful, and annulments will still be sought and obtained in the church courts. Nothing will be done to save marriage, and yet in the name of doing so, incalculable, retrogressive, and even punitive damage will be done to those of our fellow citizens who under the civil law crave the legitimization of their loving relationships.

The defense of marriage demands much more than legislative manipulation enshrining the status quo. The defenders of traditional marriage argue that marriage has been a heterosexual affair since "Adam and Eve, not Adam and Steve," and at the same time they argue that this exclusively heterosexual institution is in serious trouble.

Logic would suggest that such troubles as marriage experiences cannot be laid at the door of those who have been, at least until Goodridge, rigorously excluded from it.

To extend the civil right of marriage to homosexuals will neither solve nor complicate the problems already inherent in marriage, but what it will do is permit a whole class of persons, our fellow citizens under the law heretofore irrationally deprived of a civil right, both to benefit from and participate in a valuable yet vulnerable institution which in our changing society needs all the help it can get.

The Legislature has a choice, and a chance to do the right thing. In this case, it is to do nothing.

That shouldn't be so hard.

Questions Posed in a Letter from PFLAG President Sam Thoron to Senator Dianne Feinstein

1. When same-sex couples wish to build a life together, and gain the legal benefits and responsibilities that come with marriage, who is harmed? Precisely how?
2. In what ways are same-sex couples and their families presently being harmed when they are denied access to the legal benefits and responsibilities that come with marriage and why would we want to enshrine that harm in our U.S. Constitution?

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David Tseng, executive director of Parents and Friends of Lesbians and Gays, said Mr. Reilly's pronouncement was disappointing. "He's supposed to enforce the law for the 21st century, not the last vestiges of the 19th century," Mr. Tseng said. "These politicians are making fugitives of our families who simply want to commit to loving stable relationships and receive the same protections that other citizens do."

Mary Bonauto, a lawyer for Gay and Lesbian Advocates and Defenders, the group that won the Massachusetts case legalizing gay marriage, questioned "whether this law is enforceable" and said it raised "pretty serious questions," including the issue of "treating in-state folks different than out-of-state folks."

Mr. Reilly refused Gov. Mitt Romney's request to ask the court to push back the start for gay marriages from May 17.

Mr. Romney asked Mr. Reilly to seek a stay after the state legislature voted on Monday to approve a constitutional amendment to ban gay marriage and create civil unions for same-sex couples. That amendment cannot take effect unless it is approved again in the 2005-2006 legislative session and is then approved by the voters in November 2006.

So unless Mr. Romney, a Republican who opposes gay marriage, can find a way to delay the court's ruling, same-sex marriages will be permitted for at least two years before an amendment can ban them.

On Monday night, Mr. Reilly, a Democrat who also opposes gay marriage, said that although he disagreed with the court's decision, he could not find any legal grounds for asking the court to issue a stay.

Many legal scholars agree that a stay is highly unlikely. James Tierney, a former attorney general of Maine who now directs the attorney general program at Columbia Law School, said Mr. Reilly would be jeopardizing the credibility of his office if he sought a stay when he did not believe it was legally justified.

Letter from PFLAG Board Member Peg Gage to Governor Mitt Romney

Dear Governor Romney:

It is with a great deal of hope that I write this letter to you. I am recalling the days of 1968 when I worked so hard to introduce your Mom and Dad to the voters of New Hampshire. I was so proud to work in the campaign and I was pregnant with my fourth child. I had visited your Dad's office in Lansing with my other children earlier in the year.

My youngest son had a chance to sit in your Dad's chair in Lansing. He was so proud of that.

I still have a letter that your Mom wrote to me after the primary when your Dad had decided to pull out of the race for President. I treasure that letter.

The story that I am telling you is my story and very true and it has stayed with me for a great many years. I delivered my baby during the Primary Campaign on the "due date" which was February 14th. I had a little girl. I had spoken to the campaign staff the evening before and said that I was ready to escort your Mother to at least 8 or 10 stops. It turned out a much different day, as I delivered Susan on Valentines Day. I knew your Mom so well that I spoke to a nurse and said that 1:50 PM there would be a call from the main floor of the hospital and Mrs. George Romney would be coming. I was not only right, but she was right on time. I knew the schedule so well; that I knew that there was just enough time for her to come into the hospital. She swept into my room and gave me a hug and said she wished to see the baby. I told the nurse to take her to the nursery and in a few minutes she was back. She was glowing and so excited, and her words I shall never forget and they were, "Oh, Peggy, you had a girl - that will humanize your family." Our other children are males.

Today, that little girl is 36 years old, lives in Tallahassee with her life partner of thirteen years. She had a distinguished career in Public Radio and resigned to take up her second career as a Licensed Massage Therapist.

I am the Northeast Regional Director of PFLAG (Parents and Friends of Lesbians and Gays) and I serve on our National Board. Of course we are definitely not happy with President Bush's attempt to amend the Constitution. It isn't fair to marginalize my daughter and her partner, as separate is never equal. It isn't fair to put the civil rights of

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Supreme Court ruled in 1993 that it was unconstitutional to limit marriage to heterosexuals. And although the Hawaii Legislature later amended the state constitution to define marriage as a heterosexual contract, the court decision sparked a wave of lawsuits and activism.

Evan Wolfson, an activist lawyer who played a major role in the Hawaii suit, presents his argument for same-sex marriage in *Why Marriage Matters* (Simon & Schuster, \$23), a much-anticipated book being launched in July with a 50,000-copy printing and a six-city publicity tour.

Six years after the Hawaii case, the concept of civil unions was implemented in 1999, when the Vermont Supreme Court ruled that denying homosexuals the right to marry was unconstitutional. Subsequently, the state Legislature enacted laws granting same-sex couples all the legal rights as heterosexual couples. The rights, however, were valid only within the state. How a state considered a bedrock of conservatism became a pioneer in gay rights is the subject of Moats' book, *Civil Wars*. The Pulitzer Prize-winning editorial page editor of the Rutland (Vt.) Herald focuses on the personal aspects of the battle by telling the stories of the couples who filed the suit, the lawyers who spent years pursuing the case, and the one openly gay legislator in Vermont whose impassioned speech won victory for the legislation.

Moats, who is heterosexual, believes the Vermont story ranks not just with the Stonewall riots as a landmark in gay history but "with Birmingham and Selma as landmarks of our growth toward a more complete democracy."

"Vermont has a tradition of equalitarianism," he says. "It was the first state in the union to abolish slavery. It's a rural place settled by independent farmers who had to look out for one another and respect each other's rights. Even though it's a Republican state, the Republican Party was the party of Lincoln and equality."

Syndicated columnist Rauch also looks at the issue from a conservative viewpoint in his book, *Gay Marriage*. The Atlantic Monthly correspondent argues that gay marriage, far from de-

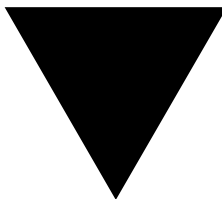
stroying traditional marriage, would strengthen the key values of community and commitment.

"Society wants people to have caretakers, someone who is waiting for you at home and who will look after you," Rauch says. "If we've learned anything from the AIDS crisis, it's that there's no substitute for a caring partner. The community has a stake in that and that's why it gives marriage a special standing."

While some critics portray same-sex marriages as a slippery slope, Rauch contends it's a step toward strengthening marriage in general.

"This is not an attack from gays. It's a fact that heterosexuals are not getting married or not staying married and that's becoming a serious social problem." As examples, he points to a third of births being out of wedlock, a divorce rate of 50 percent, and an increase in cohabitation by 70 percent from 1990 to 2000.

"Those are the trends the conservatives and religious right bemoan all the time," Rauch says. "Now we have a group of Americans who take marriage seriously and who want the rings and the commitment and the service. Marriage is more than a legal arrangement. Marriage is standing in your community. Civil unions are a seat in the back of the bus."



(PEG GAGE, Continued from page 5)

a class of people up for a vote. Perhaps we should consider calling the commitments of loving couples all the same thing. My 50-year marriage to Sue's dad is a "civil" marriage with all the rights and responsibilities as Susan and Isabelle's life together. They should have the same protections.

Finally, I am enclosing an Op Ed Submission from David Eccles Hardy, who is also a member of our National Board. David is a former Mormon Bishop, has six children and his oldest son is a gay man.

Please read his article, and I beg you not to be drawn into the "politics" of this human issue. I pray that you think carefully about your decision in this matter. By the way, my husband and I are life long Republicans. We met in 1952 during the Eisenhower era, worked together organizing the grassroots, fell in love, and the rest is history.

My very best to you, and did you know you came to Exeter as a young man during your Dad's campaign? If it wasn't you it was one of your siblings.

Hopefully and sincerely, Peggy Gage