

5 years later, views shift subtly on gay marriage

By David Filipov, Globe Staff | November 17, 2008

When the Supreme Judicial Court handed down its landmark decision five years ago tomorrow allowing same-sex couples to wed in Massachusetts, opponents warned that traditional marriage would be endangered, while supporters envisioned an equality movement that would spread across the nation.

Over 11,000 same-sex marriages later, neither has happened.

Massachusetts has yet to become, as former governor Mitt Romney predicted, the "Las Vegas of same-sex marriage." Gay marriage rates leveled off at about 1,500 a year - about 4 percent of all state marriages - in 2006 and 2007. The divorce rate in Massachusetts has remained the same - and the lowest in the country.

And only one other state now allows same-sex marriage; 30 states have a ban against it.

What's really changed is more subtle than cosmic, more about the everyday lives of gay couples in Massachusetts than about a national transformation. Gay and lesbian couples here said they are attracting fewer startled looks when they rent cars, less consternation when they hold hands, fewer awkward questions when they visit spouses in hospital rooms.

"When we're out together as a couple, it really doesn't come up; we're never challenged anymore," said David Wilson, one of the plaintiffs in the 2003 SJC case and the current chairman of MassEquality, a gay-rights advocacy group. "It's now considered normal."

Maureen Brodoff and Ellen Wade, who were among the first gay and lesbian couples to wed here, have noticed the decrease in embarrassed double takes when they introduce themselves as wife and wife.

"The sky didn't fall," Brodoff said Wednesday, as she and Wade sat with their English setters Diana and Joey in the living room of their tidy Colonial in Newton Centre. "The newness of it has eased. It's just another marriage."

Brodoff and Wade, also plaintiffs in the 2003 case, have lived together since 1980 and have a 19-year-old daughter, Kate, a sophomore at Bates College. Since they were wed on May 17, 2004 - the first day same-sex couples could marry - the fanfare and euphoria have given way to the routine familiar to most American families.

Their rights, however, remain limited to Massachusetts: The federal government doesn't recognize their marriage, and therefore does not extend to them the rights it accords heterosexual families for taxes, inheritance, and survivor benefits, among other things.

"We are, sadly, a long way from nationwide same-sex marriage rights," said Wade.

The comfort levels of same-sex couples in Massachusetts have hardly been contagious. Outside the Northeast, opponents of gay marriage have been on something of a winning streak, including this Election Day, when they won popular votes to ban gay marriage in Arizona and Florida, as well as California, which had seen more than 18,000 same-sex marriages after a May 15 court ruling allowed them.

"We're very pleased, of course," said Kris Mineau, president of the Massachusetts Family Institute, a nonprofit public policy group that has pushed for an amendment to the state constitution banning gay marriage. "Most people believe that marriage is about the creation and nurturing of children. Two fathers, two mothers, don't make up for a mother and a father."

Groups that oppose gay marriage say the state is trying to force people to accept behavior they believe is unnatural and unacceptable. But there are signs that the number of people opposed to same-sex marriage is waning in Massachusetts. In February 2004, a survey of 400 voters found that 42 percent were in favor of same-sex marriage and 44 percent opposed it. In a similar survey completed this August, approval sprang to 59 percent and opposition sank to 37 percent, said David Paleologos, director of the Suffolk University Political Research Center, which conducted the polls.

State Representative Brian P. Wallace, a Democrat from South Boston, has felt that mood in his district. Wallace, who in January 2007 voted in favor of a ban on same-sex marriage, was one of several lawmakers who changed their minds in June 2007, when the Legislature defeated a measure to put the question of marriage on the ballot.

"My constituency is changing," he explained. Although "there's still people who haven't spoken to me after the vote," most of his constituents, he said, no longer worry about same-sex marriage.

"Nobody is hurt by it," Wallace said. "There are other issues."

Representative Paul J. Kujawski, a Democrat who represents a district in southern Worcester County, also changed his vote. "I looked at it from a standpoint of my personal life and my family and it didn't affect me at all," he said. "It really became an issue where we would be taking happiness away from people's lives."

Gay marriage opponents had vowed to elect a Legislature that supported their agenda. On Election Day, the opposite took place. Out of its 200 members, the Legislature now has 158 lawmakers who Marc Solomon, executive director of MassEquality, believes support his cause, an increase of three legislators.

The attitudes of people interviewed Saturday in Boston suggested that same-sex marriage is not the main issue for voters. Bob Barnes of Boston reflected a common view: For him, marriage meant a wife, but he doesn't think he or anyone else has the right to tell other people how to live.

"Let people do what they please," Barnes said, adding: "They don't bother me."

"I wasn't raised that way," said Edward Pina of Boston, as he watched demonstrators head to City Hall Plaza for a rally in favor of gay marriage. "I'm not going to support it, but I'm not uncomfortable with it."

The Legislature's July 31 decision to repeal a 1913 law banning out-of-state couples from tying the knot here appears to have resulted in an increase of weddings among couples from Rhode Island and New York, which recognize same-sex marriages officiated in other states. Betsy Wall, executive director of the Massachusetts Office of Travel and Tourism, said that in Provincetown, the number of marriage licenses for same-sex couples increased from an average of 30 per month in May through July to an average of 100 per month in August through October; Barnstable County has seen a 12.7 increase in hotel revenue between August 2007 and August 2008.

Despite the wave of defeats nationally, gay-rights advocates here hailed the beginning of same-sex marriages in Connecticut last week, and said they would try to advance the idea that the rest of the country has nothing to fear from same-sex marriage.

Ten states, plus the District of Columbia, offer "significant legal protection for same-sex couples," according to Mary Bonauto, a lawyer at Gay & Lesbian Advocates & Defenders. She was the lead counsel in the 2003 Massachusetts SJC case.

"Everyone knows, no matter which side of the issue they're on, that marriage is inevitable for same-sex couples," she said. "I'm not saying it's going to be a short road in some of the states."

Even in Massachusetts, gays and lesbians have yet to achieve complete equality. On a sports radio talk show on WEEL-AM (850) last Wednesday, callers reacted to the news that Boston had been named a finalist to host the 2014 Gay Games with a stream of homophobic jokes and slights, as the show's hosts cackled with glee and added their own antigay wisecracks.

"People can still get away with homophobic slurs in a way that you couldn't, talking about Jews or Italians," Solomon said.

Brian Camenker of the group MassResistance, which opposes gay marriage, said he believes that most people cannot accept the idea of gays and lesbians as a group whose rights need special protection.

"The concept is so ridiculous and absurd," he said.

Camenker contends that gay marriage will never take root in the United States, where, he said, "in most people's minds, the concept of gay marriage doesn't exist and never will exist."

Same-sex marriage is opposed by many religious denominations, including Catholicism, Orthodox Christianity, Islam, Mormonism, and Orthodox Judaism. Some liberal denominations have accepted gay marriage; others are struggling with the issue. In the Episcopal Church, for example, clergy in Massachusetts are barred from officiating at same-sex marriage ceremonies but permitted to bless same-sex couples.

Lori Herman of Needham, who married her longtime partner, Sara Orozco, in May 2004, has experienced both kinds of attitudes toward gay marriage in Massachusetts. People who see her all the time accept her. People who don't know her well are occasionally "taken aback" when they learn she married a woman.

Herman and Orozco divorced a couple of years ago. They now share the upbringing of their 9-year-old twins.

"Some marriages work out and some don't. It's nothing to do with gay or straight," she said. "It shows you we're exactly like you."

David Filipov can be reached at dfilipov@globe.com. Michael Paulson of the Globe staff and Globe correspondent Sarah Gantz contributed to this report. ■