



## Station 4 - Massachusetts 2004

*As a group, analyze the below document. Then, answer the questions at the end of the handout.*

**The New York Times** |

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### Massachusetts Arrives at Moment for Same-Sex Marriage

By PAM BELLUCK MAY 17, 2004

Against a backdrop of whoops and cheers and a party that spilled onto the streets, gay and lesbian couples here began filling out applications for marriage licenses at 12:01 a.m. on Monday, when Massachusetts became the first state in the country to allow them to marry.

The couples were led down a series of wooden staircases at Cambridge City Hall that were decorated with white bridal organza.

"I feel overwhelmed," said Marcia Hams, 57, of Cambridge, who along with her partner, Susan Shepherd, was the first to complete the application. "I feel ready to collapse."

Ms. Shepherd, 52, choked up and said, "There's some kid somewhere that's watching this and it's going to change his whole life."

She added, "This is like winning the World Series and the Stanley Cup on the same day. It's amazing."

By nightfall on Sunday, hundreds of people -- couples waiting to apply for licenses and supporters of their right to do so -- had surged toward the Romanesque stone building and formed a boisterous and ebullient crowd that spilled onto the street. They wore glittery party hats and boutonnieres, blew bubbles and waved signs that said "Love Is in the Air" and "I Do Unto Others."

By 1:30 a.m., 263 couples had arrived to apply for marriage licenses. Meanwhile, the party outside had grown so large that police in riot gear cordoned off three blocks of Massachusetts Avenue to traffic.

"It's history," said Alex Fennell, 27, who showed up early Sunday with her



partner, Sasha Hartman, 29, and got the fifth spot in line to apply for a marriage license. "Our kids can look back and say our moms were number five."

Ms. Hartman said that when she woke up Sunday, she still did not quite believe that they would be able to marry.

"It's real," she said, "but it's almost too good to be true."

The other 350 cities and towns in the state planned to begin taking applications for same-sex marriage licenses after the sun came up on Monday. But Cambridge -- a city of just over 100,000 people, home of Harvard, the Massachusetts Institute of Technology and a well-known taste for erudite rebelliousness -- decided to start things rolling at 12:01 a.m.

By early evening, the freshly manicured City Hall lawn was a colorful collection of couples, camera crews and children playing circle games.

Officials at City Hall threw open their doors on Sunday night for a rousing party, with wedding cake, sparkling cider and the music of the Cambridge Community Chorus.

Weddings are planned for as early as Monday, with many couples intending to seek permission from judges to waive the three-day waiting period that is normally required between applying for a license and receiving one.

"It's a little overwhelming to be the poster child for gay marriage," said Ms. Shepherd, who was first in line on Saturday night with Ms. Hams. The couple, together since they met while working as machinists 27 years ago, said they had been asked, because of the length of their relationship, to be the first couple by a local gay rights organization. "We have an extraordinarily solid relationship and in some ways it's time to take it to another level," Ms. Shepherd said.

They said they would get married in church next Sunday and have a big celebration in September.

Johanna Schulman and Moira Barrett brought glow sticks, a helium balloon kit to festoon the city hall plaza with balloons, and gloves, hats and extra socks to cope with a mercurial New England spring evening. Their 6-year-old daughter, Annie.

Before taking the subway to City Hall, the couple fed the dog in their Cambridge kitchen. On the windowsill above the sink, there was a figurine of two brides. On their calendar was scrawled, "Get Married."

"This is so odd to get married after being together for 19 years," said Ms. Schulman, a 46-year-old financial adviser. "I feel as emotionally invested as any



bride. I have the bridal jitters."

The stage for Monday's cultural watershed was set in November, when the Massachusetts Supreme Judicial Court ruled, in a lawsuit brought by seven same-sex couples, that gays and lesbians had a constitutional right to marry. The court set May 17 as the day the marriages could begin, and told the state Legislature to take whatever action it saw fit to comply with the court's ruling.

But the Legislature, with a large number of Democrats who are against gay marriage, some because of their Catholic faith, was not pleased with the court's 4-to-3 decision. First, the legislators voted to ask the court if allowing civil unions would comply with the ruling. In a biting dismissive response in February, the court said no.

Then, in a series of marathon constitutional conventions, marked by emotional oratory, filibustering and back-room bargaining, the legislature voted in late March to approve a constitutional amendment that would ban gay marriage and establish civil unions.

That amendment cannot take effect unless it is approved by another session of the Legislature and then by voters in 2006, so it could not hold up the start of same-sex marriages.

One certain target of lawsuits is a 1913 law that Gov. Mitt Romney, a Republican, has interpreted to mean that out-of-state couples cannot marry in Massachusetts unless they intend to move to the state. At least four communities -- Provincetown, Somerville, Worcester and Springfield -- have said they will defy the ruling, prompting the governor to threaten to fine or prosecute those town clerks and to invalidate the marriages of those couples.

But out-of-state couples are coming to Massachusetts anyway, and on Friday, New York's attorney general, Eliot Spitzer, appeared to leave the door open for same-sex couples from New York to legally marry in Massachusetts. The attorneys general of Connecticut and Rhode Island are expected to issue opinions on the subject on Monday.

Keith Hershberger, 54, and Kevin Green, 50, drove up from Brooklyn to become the 32nd couple to apply for a license. On their form, they initially wrote that they were from New York City and intended to stay there, but a clerk told them that they would not issue them a license unless they intended to move to Massachusetts. So they crossed out New York City and wrote in Shelburne Falls, Mass.



"We do love Shelburne Falls," said Mr. Hershberger, who wore a long braid, a brown cowboy hat and a turquoise earring. "And we would like to retire there."

In Massachusetts, there is giddiness and wariness, exhilaration and discomfort. Twelve of the state's 1,200 justices of the peace have resigned rather than perform same-sex marriages, said Claire M. Mentus, president of the Massachusetts Justices of the Peace Association.

But at least one justice of the peace applied for that job in order to be able to solemnize gay marriages. J. Mary Sorrell, 43, of Amherst, became a justice of the peace in February and planned to be at the city clerk's office in Northampton, a gay-friendly college town, at 5 a.m. Monday, so that the expected crush of same-sex couples know she is available to marry them.

"I am a lesbian and I wanted to make sure that there was a visible member of our community who was not merely willing to solemnize same sex marriages, but who was excited as a member of the tribe," Ms. Sorrell said.

Across the street from Cambridge City Hall on Sunday night were a dozen or so opponents of gay marriage led by a Kansas minister, the Rev. Fred Phelps, and holding signs, some with slurs against homosexuals.

"Two men and two women marrying each other is a passport to hell" said Katherine Hockenbarger from Topeka, Kan., who was standing on an American flag.

As the celebration in Cambridge grew, a smattering of couples were lining up at other town halls. Vincenza Martorano and Julianne Gale, 22-year-old college students, were sleeping on the steps of city hall in Somerville, with 10 of their friends.

"It's a great honor to be the first ones in line," Ms. Martorano said.

The couples who came to Cambridge Sunday night were enthusiastic, but also sober, anticipating cultural and economic roadblocks ahead, and acutely aware of their role as representatives of a new era for gays and lesbians.

"I'm mostly excited, but I'm also bewildered because there's a lot of confusion now," said Robyn Ochs, 45, who works in technology at Harvard, and will marry her partner, Peg Preble, 46, an electrician. "What does this mean, having a relationship that isn't recognized at the federal level but is at the state level? What benefits won't we get? How does this play out? How do we do our taxes next year? In the long run, do we incur more responsibilities than we get benefits because of the lack of federal protection?"



Other couples were feeling economic pressures to marry. Lisa McDonnell and Julia Dunbar decided to marry because they heard Ms. Dunbar's employer was thinking of discontinuing health benefits for domestic partners, so that gay partners, like heterosexuals, could receive health benefits only if married.

"We weren't planning to rush into it," said Ms. McDonnell, a self-employed social worker. "The hard part is the freedom to marry has become the pressure to marry has become the coercion to marry."

But others were underplaying the significance of it all, treating marriage as a nice, but quotidian step.

"We may take the afternoon off, and after it's all over go to Taco Bell or something or mow the lawn," said Greg Llacer of Boxborough, Mass., about the Thursday wedding he had planned with his partner, Doug Miller. "We're just kind of geeks. We're pretty understated, but I think we'll get dressed up. A jacket and tie at least."

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## Questions

1. Where in the United States did this take place? When?
2. What level of government was involved (city, state, federal)?
3. What branch of government was involved (legislative, executive, judicial)?
4. Were any particular government leaders involved?
5. In what capacity were those leaders involved?
6. What is a brief explanation of what occurred during this event?
7. What was the result of this event?
8. How did the event affect the civic process and history of the Marriage Equality debate?