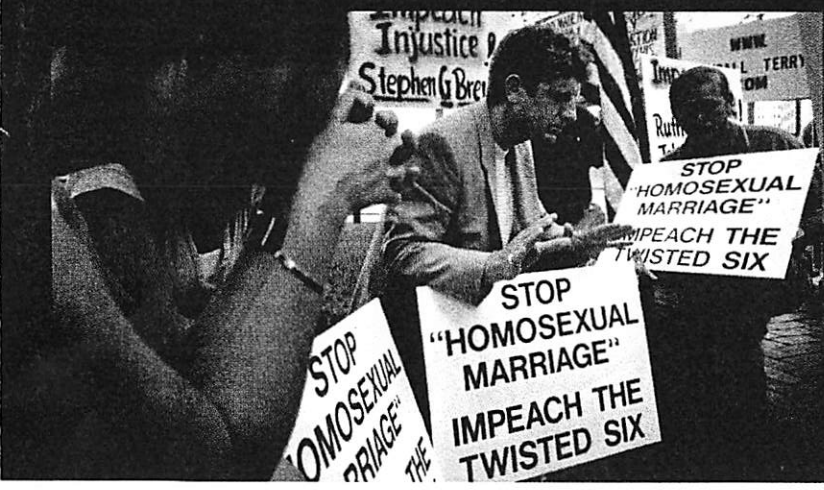


'My Mommies Can Marry'

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—GARY BAUER

THEY DO: Protesting against gay marriage (far left); a couple celebrates the decision; Dean, who signed his state's civil-union bill

A ruling green-lighting gay marriage echoes loudly through the country—and in the 2004 campaign

BY HOWARD FINEMAN AND T. TRENT GEGAX

EIGHT-YEAR-OLD ANNIE Goodridge was in gym class in suburban Boston, working on floor hockey, when her mothers arrived on the scene, grinning. Hillary Goodridge (a foundation director) and Julie Goodridge (an investment adviser) were overjoyed at the news they were bringing. The lesbians were among seven same-sex couples who had sued in the Massachusetts courts, arguing that the state had no right, under its Constitution, to deny them marriage licenses and the legal powers and responsibilities those

language, the Supreme Judicial Court had agreed. The two mothers—Julie is the biological one—told Annie what it all meant. The little girl, her parents recalled later, raced around the gym, waving her hockey stick over her head in victory. Puzzled friends asked her why she was so happy. "My mommies can marry!" she exclaimed.

It was another shot heard round the world, one that will echo loudly not only in the culture and the courts but in constitutional debates and in the presidential campaign. Gay-rights activists saw it as Lexington revisited, a watershed event in a social revolution. "A monumental decision, absolutely historic," said Elizabeth Birch, executive director of the Human Rights Campaign. Conservatives saw it that way, too, but vowed to fight back with an amendment to the U.S. Constitution that would define marriage as the union of a man and a woman. The ruling complicates life for the leading Democratic candidates, who have tried to finesse the issue by supporting "civil unions"—but not marriage. Republicans

dent Bush called the ruling an attack on a "sacred institution" and vowed "to do what is legally necessary to defend the sanctity of marriage." But he stopped short of calling for a constitutional amendment—always a controversial idea, and especially risky if it forces him to link arms too tightly with the right wing of his party.

While several states have granted gays and lesbians many benefits and duties of marriage—Vermont's civil-union law, signed by the then Gov. Howard Dean, is the most notable—they reserve the legal institution called marriage for heterosexuals only. The Massachusetts court did away with that distinction. Despite religious and cultural tradition reaching back thousands of years, the court said, the standard definition "works a deep and scarring hardship" on same-sex families "for no rational reason." The court gave state officials 180 days to figure out how to integrate gays and lesbians into the marriage-license system. Gov. Mitt Romney, in an interview with NEWSWEEK, held out the hope that the state could provide "partnership bene-

ing it marriage. But most legal experts think that's a nonstarter, and Romney—a Republican and social conservative—is also pursuing another response with Democratic allies on Beacon Hill: an amendment to the state Constitution to limit marriage to the traditional kind.

The impact of the ruling will spread far beyond Boston Common—indeed, it now seems certain to reach the U.S. Supreme Court. Once Massachusetts starts sanctioning gay and lesbian marriages in some fashion, other states have to decide whether to recognize those same-sex unions. Since 37 other states have Defense of Marriage Acts (DOMAs) on their books, conflict—and a federal-court case—is inevitable. Another inevitability: a challenge to the federal government's own DOMA, signed by President Bill Clinton in 1996 when he was triangulating for his re-election campaign.

The ruling contains no political good news for Democrats, especially the major contenders for the presidential nomination. "I got a bad case of acid reflux as soon

to one candidate. The reason: polls show that, by about a 2-to-1 margin, Americans oppose gay marriage. Republicans are overwhelmingly against the idea, but even Democrats and independents are deeply divided. Birch, of the Human Rights Campaign, hopes that "the Democrats will end up embracing this decision." So far, in cautiously worded statements, the candidates haven't quite done so. Advisers to Dean think the ruling validates his decision to support civil unions in Vermont; others—Kentucky's Democratic chair among them—think the rising visibility of the issue is the last thing they need, especially in the South.

The Democrats are left to hope that Bush and his GOP allies will overplay their hand. Conservative activists are demanding a strong defense of traditional marriage and active support for a constitutional amendment. "People would stay home if they thought the party they were investing in wasn't willing to go to the mat on this," said Gary Bauer of American Values, a conservative group. He said he'll

powers of his office, and "do all the things that you did when you cut taxes."

Bush isn't there—yet. "We already have the evangelicals," said a GOP official. "We don't need this to be the leading issue in '04." But the president evidently won't mind if it is one of them. His campaign refused to comment, but Bush had prepared for the ruling, meeting with top aides, including political guru Karl Rove. Bush "made it clear how he felt," said one source, which was that he could tolerate different lifestyles—indeed, he has passed up several chances to oppose civil unions—but that "marriage is really a sacred bond." On the other hand, Bush will stall for time on a constitutional amendment and, one source said, wouldn't object if Massachusetts somehow settled on a civil-union route. Having hashed out his position in advance, Bush quickly issued what Rove called a "very forceful statement"—albeit a legally cautious one—on his way to London. In the meantime, back in Boston, the Goodridges were contemplating a May wedding.