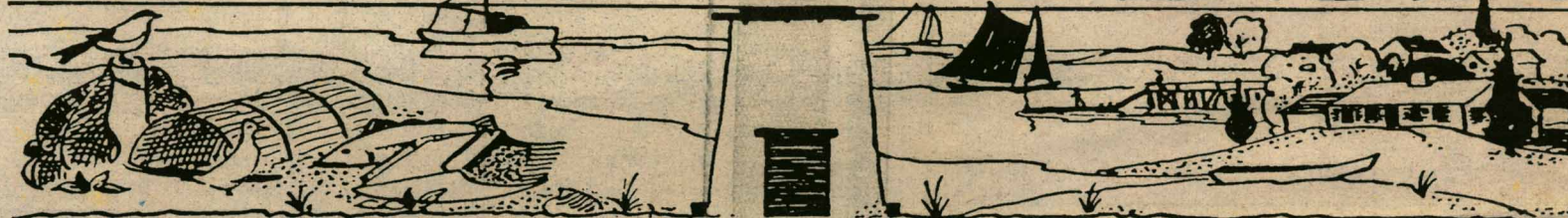


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Clerks gear up for 'historic day'

Ready to issue marriage licenses to same-sex couples

By Marilyn Miller
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History will be made Monday when Provincetown Town Hall opens at 8 a.m. and Town Clerk Doug Johnstone issues his first gay marriage license.

And unlike the town clerks in most towns in the state, Johnstone has been told by the Provincetown selectmen to offer wedding licenses to out-of-state gay couples.

That flies in the face of Gov. Mitt Romney's directive that town clerks seek proof of residency or an indica-

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—Provincetown Selectwoman Mary-Jo Avellar

tion that the couple plans to move to Massachusetts before issuing the license. Romney based his decision on a 1913 law that says couples cannot be married in Massachusetts if the marriage would be void in the state where they live. The problem is that Massachusetts, as of Monday, is the only state that recognizes gay marriages.

Word of Provincetown's defiance is national news, but the selectmen were not thinking of publicity when



Linda Davies, left, and Gloria Bailey of Orleans, who were part of the lawsuit that led to the legalization of same-sex marriage in Massachusetts, plan to get married Monday.

File photo by Merrily Lunsford

they agreed to let out-of-state people marry. Nor were they thumbing their nose at the governor, said Selectwoman Michele Couture.

In the past, she said, town clerks were told to "expedite matters and were discouraged from asking if they were from out of state," she said. "So why now, all of a sudden, is it becoming an issue? Because the governor is against gay marriage?"

"If Romney wants to hold on to an outdated 1913 law, then clearly he is grasping at straws," said Couture. "And then to chastise us, say that we are thumbing our nose at the law, he needs to get a better argument because that one is flawed. He is like a truculent child stomping his feet, saying that we can't do this," she said.

What Provincetown will do is grant the same rights to gay couples that straight couples have enjoyed, she said. No more, no less.

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Town anticipates media onslaught

Patricia Fitzpatrick, Provincetown tourism director, said she expects Monday will become a media event in Provincetown.

She said the town will be filled with news reporters and camera crews from all over, including a Dutch television station, the New York Times, the Los Angeles Times, Fox News, ABC, NBC and CBS. She'll hold a press conference in the town hall auditorium at 10 a.m., while down below, in the Judge Welsh Hearing Room, the marriage licenses will be filled out by helpers and issued by Town Clerk Doug Johnstone.

The Gay & Lesbian Advocates & Defenders,

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"Monday is going to be a very exciting day, an extraordinary occurrence."

Selectwoman Mary-Jo Avellar, the only heterosexual on the five-member board of selectmen, said there are so many holes in Romney's edict that it would be impossible to follow it.

"It is not our responsibility to be the residency police," she said. "We don't do this for straight people, so why would we be doing it for anybody else. If anyone comes in they will be able to get married." If they lie on their license application, then "that's their responsibility, not ours," she said.

Johnstone said more than 100 people have reservations to get their licenses on Monday, starting at 8 a.m. He has trained a staff of 54 volunteers who will help the couples fill out their licenses, greet the couples as they come into town hall, and give them information packets. These volunteers will all wear commemorative golf shirts so they will be recognizable.

"I don't know how many people will turn out," Johnstone said. "We have a lot of walk-ins and we can't deal with them all. We'll ask them to come back the next day."

Every Cape town is prepared and will respond differently on Monday. For example, Wellfleet Town Clerk Dawn Rickman said she will abide by Romney's directive, and require same sex couples applying to be residents of the state, or intend to become residents.

In Barnstable, the Cape's largest town, Town Clerk Linda Hutchenrider said her office is ready for whatever happens Monday.

"I think this town is prepared to meet whatever number of individuals come in here. Unlike some of the other towns that have only a clerk, we have a reasonably sized staff here," Hutchenrider said.

Hutchenrider, who is president of the Massachusetts Town Clerks Association, said there has been a great deal of training.

"We've been working on this since the Supreme Judicial Court passed its decision last fall," she said. "It's been a very long and difficult time and our goal throughout this has basically been to make sure that the process is fair and that we can do this in a professional manner."

She said the state has left a

Justices ready for the change

Justices of the peace are prepared for Monday. The Massachusetts Justice of the Peace Association has been advised to perform ceremonies for couples approaching them with marriage licenses.

"Those of us who choose to remain in our positions will perform same-sex marriage ceremonies," said Justice of the Peace Nancy Sundman in Bourne. "If not, they have to resign their commission. The burden obviously is on the town clerks, and everyone agrees the residency requirements can be vague."

lot to the discretion of the town clerks.

"Instead of giving us a strict directive [on residency requirements], they said, 'We can leave it up to you.'"

According to Hutchenrider, state guidelines on same-sex marriage allow clerks to ask for evidence of residency or intention of residency as they see fit. "But at the same time, you can also continue the same methods that you've been doing, which is swearing under the pains and penalties of perjury that they're telling the truth. They've given us a wide range, which is difficult. Some people may come here to marry and they may not have the correct evidence, and if you ask it of one person you're going to ask it of every person that comes through the door."

Hutchenrider said there is the possibility that towns will not follow the same guidelines.

"It leaves my office possibly doing a procedure different from what Yarmouth is doing, different from what Mashpee is doing, different from Provincetown. So, we're all possibly on a different page. That is never where we've been and we don't like that inconsistency between us."

Romney has been leading the charge against same-sex mar-

riages in Massachusetts, a new institution assured by a 4-3 ruling of the Supreme Judicial Court but which was challenged in U.S. District Court Tuesday.

If there is doubt, however, clerks will likely still issue licenses and this has Romney wrestling with gay nuptials, their impact, the liability factors involved in not granting licenses and the fiscal consequences beyond that.

Romney has faced criticism by gay marriage supporters for months. This week, however, The Declaration Alliance, a conservative group in Washington, D.C., was pushing the governor to support an effort to replace the four SJC justices who on Nov. 18 legalized gay marriage in Massachusetts.

Hutchenrider said, for her, same-sex marriage comes down to fairness.

"I have no problem [marrying a same-sex couple]. I've told other clerks that if they could not treat all couples equally they should consider getting rid of their justice of the peace designation. If you can't treat all couples fairly you shouldn't be doing this."

Reporters Joe Burns and Paul Gately contributed to this report.

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or GLAD, who brought the lawsuit leading to the historic court decision, will be outside town hall handing out pieces of wedding cake, Fitzpatrick said.

"Whether you believe in this or not, this is going to be a very historic day, right up there with equal rights for women," she said. "I never expected to be working when all this became legal, and I'm pleased that everyone will be treated the same. How does it hurt anyone to be treated the same? It doesn't."