

## GAY-MARRIAGE FIGHT

# Request spurs fear of state crackdown

■ Governor's office wants marriage-license records from four communities, including Provincetown.

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**PROVINCETOWN** — The Romney administration has requested that Provincetown, Worcester, Somerville and Springfield forward copies of all

same-sex marriage license applications to the state, an apparent sign of a crackdown on municipalities that defy a gay-marriage residency requirement.

Officials of the four municipalities had stated they would disregard an order by Gov. Mitt Romney prohibiting city and

town clerks from granting marriage licenses to nonresident gay couples who don't plan to move to Massachusetts.

While Provincetown officials have said they will comply with the governor's request for the

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**BACKLASH:**

Foes of gay marriage vow to campaign hard in national and state elections.

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# Romney: State seeks P'town marriage forms

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documents, Somerville will wait to discuss the matter with city attorneys, Mark Horan, a spokesman for Mayor Joseph A. Curtatone, told the Times yesterday.

It was unclear yesterday what, if any, action officials in Springfield and Worcester might take.

Romney's request has fueled speculation that he is poised to take possible punitive action and nullify licenses granted to out-of-state couples who do not plan to reside in the commonwealth.

Romney has pledged to enforce a 1913 state law that blocks nonresident couples from being married in Massachusetts if the union would be "void" in their home state. Administration officials have interpreted the law to cover the 49 states where gay marriage is illegal, and have vowed to take action against municipalities that knowingly grant licenses to ineligible couples.

Provincetown officials were contacted Monday afternoon by

Judi Goldberg, Romney's deputy chief counsel, who requested that the town send copies of marriage applications to the Registry of Vital Records and Statistics.

Provincetown Town Manager Keith A. Bergman said the town will comply, based on legal advice from its new counsel, Gretchen Van Ness, an expert in gay-marriage law.

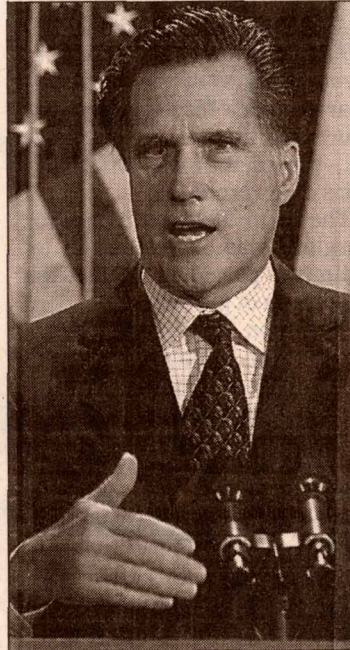
In Somerville, where 40 same-sex couples have applied to marry, including 10 from out of state, the city will attempt "to determine what the right legal action" is, Horan said.

City officials were contacted yesterday afternoon, he said, and are not sure whether they will comply with Romney's request.

In Provincetown, around 152 gay couples have filed intentions to marry at town hall since Monday, the day same-sex marriage became legal in Massachusetts.

To date, 14 couples have received court waivers to forgo the three-day waiting period for a license.

Bergman said he "wouldn't be



File photo/ASSOCIATED PRESS

## Gov. Mitt Romney

*Threatens action against towns that knowingly allow nonresident same-sex couples to marry in violation of 1913 state law.*

surprised" if Provincetown and

the other so-called defiant towns were targeted by the governor. An informal Cape Cod Times survey found that no other Cape and islands towns had been contacted by administration officials Monday or yesterday, despite the fact that many had also allowed nonresident couples to apply for marriage licenses.

To date, around 28 percent of the gay couples who have registered to marry in Provincetown are from other states, according to Bergman. Of the 14 couples who obtained waivers, five do not reside in Massachusetts, he said.

The town established three categories for couples seeking marriage licenses: Category 1 for Massachusetts residents, Category 2 for nonresidents planning to move to Massachusetts and Category 3 for nonresident couples who don't plan to move here.

Three or four of the couples who have sought licenses are Category 3 couples, Provincetown Town Clerk Douglas Johnstone said yesterday, and each was permitted to register to

marry.

Romney avoided reporters yesterday and Monday. His press secretary, Shawn Feddeman, would say only: "Any marriages performed outside the law are null and void."

Feddeman refused to say which communities had been asked for the records and what the administration intended to do with them.

Gay-marriage proponents yesterday blasted the administration for requesting the information.

"It's getting to the point where he's going from the position of being opposed to same-sex marriage to being mean-spirited about it," Arline Isaacson, co-chairwoman of the Massachusetts Gay and Lesbian Political Caucus, said. "He's not supposed to be the marriage police."

Critics say the 1913 law was originally intended to block interracial marriages by out-of-state couples.

The Senate is expected to take up the repeal of the 1913 law when it begins debating the state budget today.

"I think what is clear is in Massachusetts — at least for now — gay marriage is a legal right," said Sen. Robert O'Leary, D-Barnstable, who signed onto the repeal as a co-sponsor and called the law an "antique."

O'Leary said the state should not interfere with same-sex couples who choose to marry here, then return to their home state, where their rights would be called into question.

"I don't think we should prejudge what would happen in other states," he said.

"That's a matter for other states to wrestle with, and it's a matter for the courts to wrestle with."

Romney has indicated he will veto a repeal of the 1913 law. An override would require a two-thirds vote in the Legislature.

"The idea that all of the same-sex couples from throughout the entire country could all come here, get married and go to their home states, in violation of the feelings of their own legislatures and their own citizenry, is, I think, a mistake," Romney said earlier this month.