

# Gay marriages begin without a hitch



PHOTO SUE HARRISON

Michael Sullivan (left) and Christopher McCary of Alabama were first in line at Town Hall on Monday.

Governor requests paperwork; town braces for legal challenge

By Mary Ann Bragg

BANNER STAFF

After a jubilant day of gay marriage celebrations in Provincetown, town officials learned Monday evening that Gov. Mitt Romney's office had requested copies of marriage applications and licenses issued by Town Clerk Doug Johnstone on Monday and Tuesday.

The request seemed to indicate that state officials would closely scrutinize the town's paperwork, looking for instances where Johnstone may have broken state law regarding gay marriages, as interpreted by Gov. Romney. His deputy legal counsel Judith Goldberg requested the documents, on behalf of the state agency that oversees vital statistics, but no reason for the request was forthcoming.

"The governor's office does

■ **MARRIAGE** continued on page 18



PHOTO SUE HARRISON

Jennifer Germack (left) and Selectman Cheryl Andrews embrace after completing their paperwork.



PHOTO MARY ANN BRAGG

Provincetown Selectman Sarah Peake (right) and her partner Lynn Mogell wave to the crowd in front of Town Hall.



PHOTO SUE HARRISON

Ken Janson (left) and Robert Vetrick acknowledge applause from onlookers.



PHOTO SALLY ROSE

Linda Davies (left) and Gloria Bailey at their ceremony on Nauset Beach in Orleans



# No need for couples to wait with waivers in hand

## District court fee skyrockets from \$50 to \$195

By Ann Wood

BANNER STAFF

It was only fitting that Gloria Bailey and Linda Davies were the first couple granted a waiver from the three-day waiting period for a marriage license in Orleans District Court Monday morning. The Orleans couple was, after all, one of seven gay couples who sued the state over its same-sex marriage ban three years ago. And after 33 years together and a fight which ended with a historic civil rights decision allowing same sex couples to marry Monday, Davies said the couple was "not waiting another second" to become wife and wife.

After handing the clerk the \$195 filing fee, the couple had pens in hand.

"Are you sure?" Davies asked Bailey.

"Yes," she said.

"Me too. I've never enjoyed signing my signature as much as I do right now," Davies said.

Paperwork completed, the couple joined Judge Robert Welsh III in his chambers just after 8:30 a.m. to get his signature on the waiver, a signature that would allow them to marry on Nauset Beach that afternoon.

Welsh said that he was "honored" to sign their waiver.

"I'm going to give out a lot of life sentences today," he laughed.

And he did. The couples waiting in line for waivers all said they wanted to get married right away — for the acknowledgement of the relationship marriage provides and to become a part of history.

The second couple to receive their three-day waiting waiver were Provincetown residents Maureen Wilson and Meg Stewart. They have been together 16 years and wanted a waiver so that they could "elope" that night on a

West End beach in Provincetown.

"It's about having a right that we should have had all along," Stewart said. "It's about love. ... I just want the piece of paper that says 'married.' I'm going to have it framed."

Rick Keyes and John Wagner, a 13-year couple who live between Quincy and Provincetown, needed a waiver to marry at Race Point later that day. They wanted their marriage to become part of history.

"For me, it's more of the acknowledgement [of the relationship] and [being] a piece of history," Wagner said. "It's more the rights of citizens to chose their lifelong partners. Everyone should have that right."

But getting married right away is a right couples paid for.

The Trial Court of the Commonwealth, District Court Dept. issued a notice to district court judges and clerk-magistrates that clarified and unified filing fee waivers statewide. With it, the waiver filing fee at Orleans District Court was hiked from \$50 to \$195.



PHOTO ANN WOOD

*Linda Davies and Gloria Bailey receive a waiver from the three-day waiting period for marriage licenses from Judge Robert Welsh III at Orleans District Court.*

Court Administrator Mike Shea said Tuesday that district courts were advised 12 years ago to charge both the statutory and administrative filing fees for waivers — which totaled \$240 —

but that Orleans chose to charge the \$50 administrative fee only.

Marriage waiver filing fees are now \$195 in district court (the

same fee also now applies to anyone under 18 who wants to mar-

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ry) and \$65 in probate court. While neither court is happy with the filing fee discrepancy, Shea said that because district and probate court filing fee statutes are written differently, nothing can be done about it until the Legislature changes the wording of the statutes.

Fees were standardized to provide "statutory classification" before gay marriage became legal Monday, he said.

"We were expecting a big volume. We were expecting a big push," Shea said. "Historically [waivers have] been really low volume. We don't even count them separately."

Waivers have traditionally been given to couples who come to Massachusetts with wedding plans in place and weren't aware of the three-day waiting period, or to military personnel being shipped overseas.

"Most of them are very mundane issues. Historically, they haven't posed much of a legal challenge for judges," Shea said. "The amount of the filing fee was only one of the [areas of marriage licensure] that we addressed."

Standardization wasn't done to discriminate against gay couples who wanted to marry right away, Shea said.

"We don't see it that way. Think what would have happened [Monday] if different courts were charging different fees," he said. "That's the kind of discrimination we were trying to avoid." □

clerks in turquoise shirts completed the application forms. In the same room other volunteers plunked out marriage licenses on electric typewriters.

As promised, Johnstone provided copies of state marriage laws received from Gov. Romney's office, although the document began to look dated by Tuesday as neighboring New England states considered whether to accept gay marriages performed in Massachusetts. As promised as well, large signs posted in the Judge Welsh Room warned that any out-of-state couples with concerns about the validity of their marriages should consult an attorney.

"I take my hat off to Doug Johnstone for his organizational skills," Selectman Sarah Peake said of her experience in applying for a marriage license with her partner Lynn Mogell on Monday. "It was just great to be sitting there at the desk, giving this information to the volunteer and filling out this form. I think we both felt it was a very momentous occasion. ... It was a conscious signature moment, in a good way."

Provincetown resident Ken Janson said he and his partner Robert Vetric were overwhelmed by how smoothly their Town Hall experience was on Monday. They have been together for 21 years and will be

married this week in a small ceremony with friends. Likewise, Provincetown resident Emily Flax said her trip to Town Hall on Monday with partner Carol Neal benefited from town officials' preparedness, making the day "more special and comfortable for everybody."

At a 10 a.m. press conference on Monday, more than 100 well-wishers and couples gathered in the Town Hall auditorium, turning the event into what might be called a rally in support of gay marriage.

Town Manager Bergman told the crowd that the town "respectfully disagrees" with Gov. Romney's interpretation of state marriage laws. Board of Selectmen chair Cheryl Andrews spoke of the town's history as "a long and very proud one" for gay America, with a new history beginning on Monday.

"We thought being able to do this after 26 years was going to be thrilling enough," Rick Reynolds added. "I'm really proud to live here. The comments from Cheryl Andrews and Keith Bergman ... everything was so great. There was no negativity at all. They're standing out, doing the right thing. They're going to face the consequences from the government."

(An entry in the Provincetown police log this week noted the presence of gay marriage protesters Monday afternoon at Town Hall. Provincetown Police Staff Sgt. Warren Tobias said the two people, sitting on a town

bench with small signs, became involved in a disagreement and were escorted to a nearby town park for their own safety.)

"I have to tell you, it wasn't anything that I expected," Provincetown resident Diane Corbo said, after applying for a marriage license with partner Valerie Carrano on Monday. "When we got there, I was shocked [with the news media trucks parked] at Ryder Street. It was like the President's coming. ... We were in line waiting, and the revelation for me was that there were mostly couples, 95 percent, who were together a long, long time. That was very moving. Val and I [have been] together for 28-and-a-half years, and we thought we'd be the old-timers. But there are lots of people there who were together for many, many years."

Corbo and Carrano will be married at home by local Justice of the Peace Rachel Peters, who they have known for 25 years. Corbo is retired from her position as the town nurse, and Carrano is the town Public Health Director.

"I'm on a cloud, I'm telling you, it's a natural high," Corbo said. "We have been experiencing so many waves of sorrow while we've been here, so many sorrows around HIV. We have lost so many friends. It's so nice to have a joyful feeling in town."

Meanwhile, despite the crush of media, Linda Davies and Gloria Bailey's Monday-afternoon wedding ceremony at Nauset

Beach in Orleans was a sweet, poignant affair that left nary a dry eye among those at the beach that day.

Davies' chin trembled and Bailey's eyes watered during much of the ceremony as they listened to the Rev. Mykel Johnson from First Parish in Brewster. Before pronouncing them legally wed, Johnson told the couple — and the some 40 invited guests and members of the press — that this ceremony not a beginning but an affirmation and acknowledgement of a special bond that has existed for many years. And she lauded them for their effort toward "justice and equality."

Together for 33 years, the couple was one of the seven in the groundbreaking Gay & Lesbian Advocates & Defenders (GLAD) lawsuit that paved the aisle to the wedding alter for all gay couples in Massachusetts.

At the close of the ceremony, Bailey wept as the two embraced.

The couple was the first to receive a waiver in Orleans District Court from the three-day waiting period for a marriage license (see story page 21). They were followed by local, regional and national press throughout the day. The two are planning to have a second, larger ceremony in July with family and friends.

At this ceremony, friends Susan Fleming and Susan Eitel served as witnesses and as the "best couple." □

*[Banner staff writer Sally Rose contributed to this report.]*



# Gay weddings take on a political flavor

By Jennifer Peter

Associated Press

BOSTON — After 17 years together, Mary McCarthy and Bonnie Winokar don't want a new blender or an array of new platters, vases, and place settings for their Maynard home.

"We're in our 60s," Winokar said. "We're trying to downsize."

So instead of gifts, McCarthy, 65, and Winokar, 60, are asking the 300 invitees to their July wedding to make a financial contribution to Freedom to Marry, a grassroots organization that has fought for equal marriage rights since 1993.

"Many gay couples who will marry after May 17 have been together for 20 or 30 years and they don't need a third toaster," said Josh Friedes, the organization's advocacy director. "The greatest gift they could receive right now is money to help preserve the right to marry."

The celebration of same-sex marriages in Massachusetts has taken on a political flavor, as gay couples and their advocates keep one eye focused on the political battles that loom ahead to ensure that hard-won rights won do not evaporate.

Couples are being asked to publicly declare their unions, to breathe life into a once-abstract political debate, to raise money and awareness.

"It's important to be joyful, but to also be mindful of this other reality," said Shoshanna Ehrlich, of Brookline, a gay-rights advocate who will soon celebrate her 20th wedding anniversary with her husband. "This is a celebration, but there is a shadow hanging over us."

The Legislature has approved a proposed amendment to the state constitution that would ban gay marriages but legalize Vermont-style civil unions.

But the earliest the measure could be put before the voters is November 2006. President Bush is also championing a federal constitutional ban on gay marriage.

On Friday, the U.S. Supreme Court declined to block the state's municipal clerks from issuing marriage licenses to gay couples, clearing the way for the nation's first state-sanctioned same-sex weddings to begin Monday.

Ehrlich and her family are hosting one of about 40 "Countdown to Equality" parties taking place across the state this weekend to parlay the joy of the wedding celebration into strengthened political might.

"We just want to renew people's energy about continuing to do whatever we can to support marriage equality," said Amanda Ryan, 29, of Cambridge. She and her partner are asking guests at their party to donate however much they would have spent for a night on the town.

Amanda Griffin, 17, of Fall River was among hundreds of gay and lesbian youths who gathered Saturday in Boston's Copley Square for the annual Youth Pride rally, sponsored by the Governor's Commission on Gay, Lesbian, Bisexual and Transgender Youth.

Griffin said political battles remain, but she hopes recent legal victories in the gay marriage debate will make future struggles easier for gay people.

"I think it's going to be fabulous for the people who come after us, because obviously everyone's going to have their own battles to fight, but this is just going to be one thing that they don't have to fight against so hard," she said.

Opponents of gay marriage predicted that all these efforts by gay marriage advocates will only backfire.

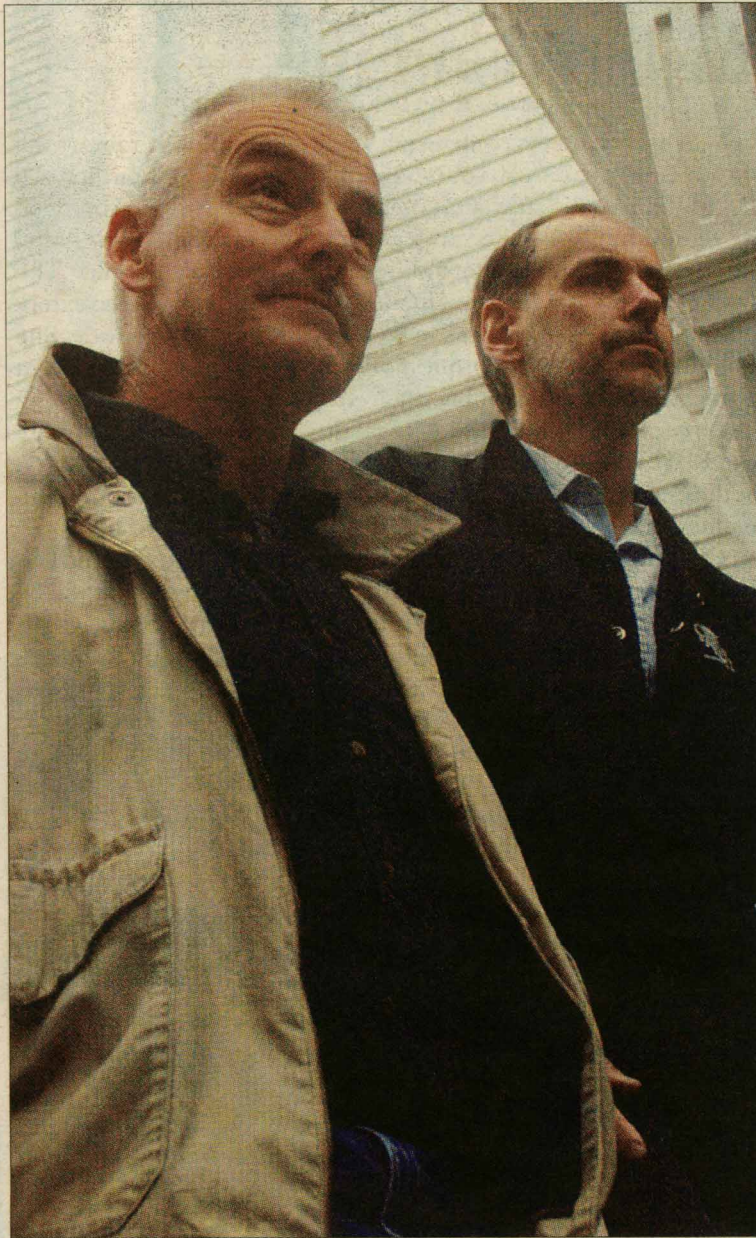


Associated Press

A sign for newlyweds is displayed on the front of The Crowne Pointe Inn, in Provincetown, Mass., Saturday, the weekend before gay marriage is to become legal in the state. Provincetown, long considered a destination for gay and lesbian couples to vacation and relax, is expected to become a location where they may marry as well.

"All it's going to do is energize the people on my side and make them see that we have got to do something more," said Michael Carl, president of the Heritage Alliance, an advocacy group that opposes same-sex marriage. "They're going to finally get the push they need."





*John Mirthes (left) and Rick Reynolds were the first Provincetown couple in line at Town Hall Monday morning.*

PHOTOS MARY ANN BRAGG



*Provincetown residents Carol Neal (left) and Emily Flax at the entrance to Town Hall on Monday.*

#### ■ MARRIAGE continued from page 1

not have a comment on that issue,” Romney spokesperson Nicole St. Peter said on Tuesday.

Of the three Outer Cape towns, only Provincetown was asked by the state to provide copies of marriage applications and marriage licenses. An Associated Press story on Tuesday reported that three other Massachusetts towns — Worcester, Springfield and Somerville — had been asked to provide similar information as Provincetown.

The Provincetown Board of Selectmen had reiterated their policy on May 10 of issuing marriage licenses to straight and gay couples without discrimination, relying solely on a signed oath at the bottom of the application

form. The policy, in part, defies instructions given to town clerks by the Romney administration.

On Monday, the first day gay marriage licenses were legally issued in Massachusetts, Provincetown town officials processed 152 marriage applications and on Tuesday 26. Out of the total of 178, nine were considered “category three” couples, having stated on their forms that they live outside Massachusetts and have no intention to move to the state. A “category three” application has been described in Town Counsel documents as being prohibited from receiving a marriage license, according to interpretations from the Romney administration.

On Monday Provincetown town officials announced that

Boston attorney Gretchen Van Ness of Boston has been hired to advise the town on civil legal matters, as the town implements the Supreme Judicial Court’s “Goodridge” decision from November that legalized gay marriage. In explaining Van Ness’s appointment for civil matters, Town Counsel John Giorgio and Town Manager Bergman said the town needs more specialized advice, separate from that given to date by Giorgio’s firm, Kopelman and Paige of Boston. Town officials have not yet revealed their plans regarding potential criminal proceedings, which could apply specifically to charges against Town Clerk Johnstone.

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PHOTO SALLY ROSE

Board of Selectmen chair Cheryl Andrews has the attention of fellow board members (left to right) Mary-Jo Avellar, Michele Couture, Sarah Peake and Richard Olson at a press conference at Town Hall on Monday.

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To partially fund any future legal challenges related to gay marriage, Bergman will request approval from the town Finance Committee next week for \$35,000, the balance of a town reserve fund. The Selectmen established a separate gift fund this week for any donations received to help in the town's defense, if needed. For fiscal year 2005, Town Meeting approved \$140,000 for legal expenses.

"We're in a situation where everything is changing day to day and moment to moment," attorney Van Ness said on Tuesday from Boston. "We don't know what is coming down the road. I do know that the town has had excellent advice from Kopelman and Paige concerning their actions to date."

Van Ness, who will meet with the Selectmen on May 25, is immediate past president of the Women's Bar Association of Massachusetts and worked on the

WBA brief in the Goodridge case. For 12 years she has represented "non-traditional couples of every description." She has appeared in state, federal and administrative agencies, specializing in civil rights and discrimination.

On Monday the town of Wellfleet processed four same-sex marriage applications. Truro processed five. And in Provincetown 125 applications were from

■ **MARRIAGE** continued on page 20

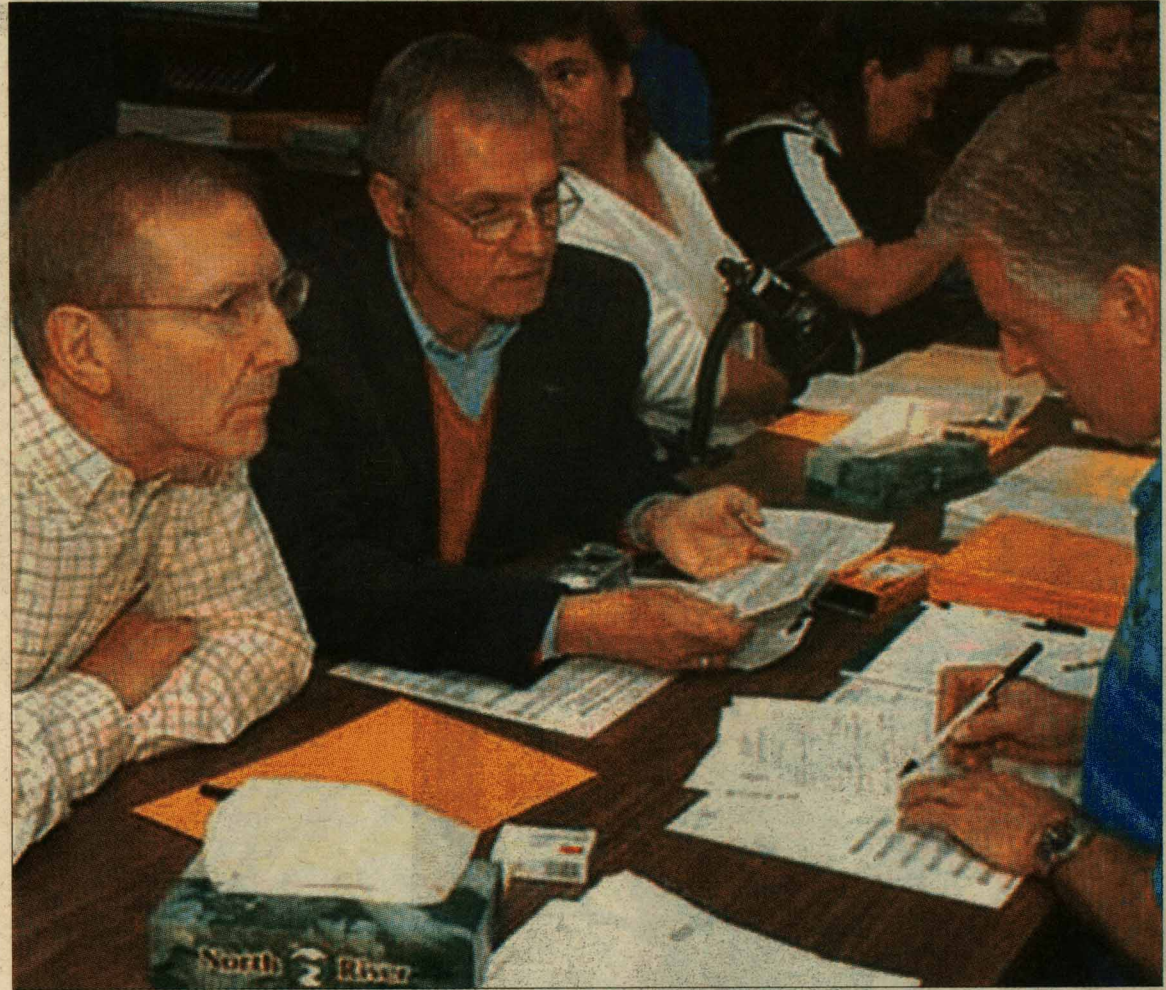


PHOTO VINCENT GUADAZNO

Ken Janson (left) and Robert Vetrick are assisted by a volunteer as they apply for a marriage license in the Judge Welsh Room.