

CAPE COD TIMES

TODAY'S WEATHER
Cloudy, highs in the 60s; breezy
B-8

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Gay marriage ban stays off '08 ballot

Celebration on Statehouse steps



STEPHAN SAVOIA/Associated Press

Greg Kimball, left, of Manchester, and his partner of five months, Brian O'Connor, celebrate at the Statehouse in Boston yesterday after Massachusetts lawmakers voted to kill a proposed constitutional amendment to ban same-sex marriage. Kimball said he and O'Connor plan to marry.

How Cape lawmakers voted /A-8
Timeline of gay wmarriage fight /A-9



Atsalis misses the vote...

Rep. Demetrius J. Atsalis, D-Hyannis, who voted against the amendment in January, missed yesterday's vote. He blamed traffic. /A-8

Lawmakers shoot down proposal by five votes

By DAVID KIBBE
TIMES BOSTON BUREAU

BOSTON - In a decision that drew jubilation and shock, the Massachusetts Legislature yesterday rejected a proposed constitutional ban on gay marriage, preventing it from appearing on the ballot in 2008.

The House and Senate, meeting jointly in a Constitutional Convention, defeated the proposed constitutional amendment, 151 to 45. The initiative petition only needed the support of 50 votes to appear on the ballot in November 2008, so it fell five votes short.

Gay marriage supporters - both in the public gallery and on the House floor - roared with approval when the vote was announced by Senate President Therese Murray.

Just minutes later, Gov. Deval Patrick, Murray and House Speaker Salvatore DiMasi spoke to a cheering crowd of several hundred people at the foot of the Grand Staircase inside the Statehouse.

"Today's vote was not just a victory for marriage equality," Patrick said. "It was a victory for equality itself, because whenever we affirm the equality of anyone, we affirm the equality of everyone, and that is very good news."

Please see VOTE /A-8

Cape couples 'thrilled' by vote

Gay marriage supporters in P'town say 'people shouldn't decide our civil rights.'

By MARY ANN BRAGG
STAFF WRITER

The appearance of gay couples applying for marriage licenses is routine, officials in local town clerk offices say. But that routine was at risk until yesterday when the proposed constitutional amendment to ban future gay marriages was stopped in its tracks on Beacon Hill, at least for now.

"I'm thrilled that apparently our civil rights won't be going to a vote to the general population," said James Mack of Provincetown, who married Jon Arterton in 2005. "I'm just glad that all the people on our side did their homework."

In Massachusetts, more than 8,500 gay couples have wed since same-sex marriage became legal in 2004, according to The Associated Press. In Provincetown, with its large gay population, 1,508 same-sex couples have sought marriage licenses since 2004, according to the town clerk's office.

"God forbid, people shouldn't decide our civil rights; I don't think that's right," said Alicia Mickenberg of Provincetown, who married Kathleen Fitzgerald in 2005.

Please see REACTION /A-8

Vote: Gay marriage ban falls short at Statehouse

continued from A-1

It was a stunning blow to opponents of same-sex marriage. They cannot get another initiative petition on the ballot until 2010, at the earliest, if the Legislature reconsidered it next year. Otherwise, it would have to wait until 2012.

"This will not go away until the citizens have their opportunity to decide what the definition of marriage is," vowed Kris Mineau, a spokesman for VoteOnMarriage.org, which brought the initiative petition.

It was signed by 170,000 Massachusetts citizens, a state record. The question was backed by the four Massachusetts bishops of the Roman Catholic Church.

The constitutional ban won preliminary approval on Jan. 2, the last day of the previous legislative session, with 62 lawmakers voting for it and 134 opposed.

But the number of gay marriage opponents dwindled in the last election. Yesterday, nine returning legislators changed their vote to oppose the amendment under heavy lobbying by Patrick and legislative leaders.

MassEquality launched a \$750,000 media campaign against the amendment. And U.S. House Speaker Nancy Pelosi, Sen. Edward M. Kennedy, and former Gov. William F. Weld urged wavering legislators to vote no.

There were persistent rumors — vehemently denied by the Patrick administration — that legislators had been offered jobs to switch their votes.

"The amount of money that was spent to change the vote, it does appear that money speaks in this building," Mineau told reporters outside the House chamber.

The vote was still in question in the days leading up to the vote, but it became increasingly clear the amendment was close to defeat.

"We thought we were going to win, but we didn't expect the number to be this good," said Arline Isaacson, the co-chairwoman of the Massachusetts Gay and Lesbian Political Caucus, as tears rolled down her face.

Gay marriage opponents had insisted in the days leading up to the vote that their margin would hold. The proposed constitutional amendment would have defined marriage as a union between one man and one woman.

About 10,000 same-sex couples have had civil marriage ceremonies in Massachusetts since the Supreme Judicial Court's ruling went into effect in May 2004. The SJC, in a 4 to 3 decision in November 2003, made Massachusetts the only state in the nation to legalize gay marriage.

Cape roll call

Here's how members of the Cape and Islands delegation voted yesterday on a proposed 2008 ballot question that would ban gay marriage. A "yes" vote was in favor of the ballot question; a "no" vote was against it.

Senate

- Robert D. O'Leary, D-Barnstable - N
- Therese Murray - N

House

- Demetrius J. Atsalis, D-Hyannis - X
- Matthew C. Patrick, D-Falmouth - N
- Sarah Peake, D-Provincetown - N
- Jeffrey D. Perry, R-Sandwich - Y
- Eric Turkington, D-Falmouth - N
- Cleon H. Turner, D-Dennis - N

"While there is both celebration and disappointment over the outcome of this vote, no one should feel as if their voice wasn't heard," Murray said. "The passion and activism on both sides of this issue is incredible. These are the people who will continue to spark the dialogue that is critical in our democratic process."

The vote among lawmakers from the Cape and Islands had some variations from January. In the 4th Barnstable District, newly elected Rep. Sarah Peake, D-Provincetown, voted against the ballot question. The district's previous representative, Shirley Gomes, a Harwich Republican, voted in January to put the question on the ballot.

Also, Rep. Demetrius J. Atsalis, D-Hyannis, who voted against the amendment in January, missed yesterday's vote. He blamed traffic.

Nine legislators elsewhere changed their votes, from support to opposition. They are: Sens. Gale Candaras, D-Wilbraham, and Michael Morrissey, D-Quincy, and Reps. Christine Canavan, D-Brockton, Paul Kujawski, D-Webster, Paul Loscocco, R-Holliston, Robert Nyman, D-Hanover, Richard Ross, R-Wrentham, James Vallee, D-Franklin, and Brian Wallace, D-South Boston.

A 10th legislator, Rep. Anthony Verga, D-Gloucester, supported the ballot question but reported he was not able to

vote yesterday. He was recovering from a fall Wednesday on the marble steps inside the Statehouse.

The emotional day began with a familiar scene during three years of Statehouse debates on gay marriage. Hundreds of demonstrators squared off on opposite sides of Beacon Street to chant slogans, wave placards and sing patriotic and civil rights songs.

Peake, the fifth openly gay or lesbian member of the Legislature, was "elated" with the vote.

"It's historic," she said. "I'm so proud to be there and be part of this historic moment, to help contribute and do my part. I'm grateful to the leadership, the speaker and the Senate president and the governor."

Rep. Susan Williams Gifford, R-Wareham, voted to put the question on the ballot, as she did in January.

"I voted the way I did because I think the people of the commonwealth of Massachusetts have a constitutional right to the ballot initiative process, regardless of what the subject matter is, whether I support it or don't support it," she said.

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Traffic causes Hyannis lawmaker to miss vote on gay marriage

■ Rep. Demetrius Atsalis was one minute late to the Statehouse.

By DAVID KIBBE
TIMES BOSTON BUREAU

BOSTON — A traffic tie-up on Route 3 cost one Cape lawmaker the opportunity to cast a vote on gay marriage yesterday, and it nearly prevented several other Cape and Islands lawmakers from participating in the Constitutional Convention.

It also spawned what may become a new urban legend in Cape politics involving former Democratic Cape Rep. Thomas S. Cahir of Pocasset.

Rep. Demetrius Atsalis, D-Hyannis, saw his journey from the Cape to the Statehouse turn into a 2¼-hour nightmare, as he stewed while sitting on Route 3 in Weymouth. He got to the House chamber just as the 10-minute-long convention adjourned, missing the vote by no more than one minute.

He wasn't the only one crawling to the Statehouse.

Rep. Matthew Patrick, D-Falmouth, also was stuck in traffic for up to 45 minutes. So was Sen. Robert O'Leary, D-Barnstable.

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Exasperated, Patrick picked up his cell phone and dialed Cahir, who is now a deputy secretary in the Executive Office of Transportation. Traffic began moving, and it appeared that a work crew had pulled off to the side of Route 3 to clear the way.

Patrick and O'Leary both got to the chamber a couple of minutes before the vote. "I almost didn't make it," O'Leary said. "I

was running, literally."

Patrick had no idea if Cahir saved them, but the story began circulating around the Statehouse that he had suddenly cleared a work crew for the Cape delegation.

Not true, Cahir said.

He mentioned the traffic tie-up to several people in the transportation office, but that was as far as it went, he said.

"I wish I could take credit for it," Cahir said. Then he added, "I don't part the waters yet."

A chagrined Atsalis, disappointed at missing the vote, filed a letter with the House clerk saying he would have voted against putting the gay marriage ban on the ballot. Atsalis also voted against the ballot question in January.

It didn't make a difference in the final tally, since Atsalis was a no-vote. The proposal went down to defeat, 151 to 45. It needed one quarter of the Legislature, or 50 votes, to go to the ballot in 2008.

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Reaction: Gay couples rejoice

continued from A-1

While supporters of gay marriage rejoiced yesterday, a Cape opponent of same-sex marriage vowed to continue her fight.

"It was extremely disappointing to see who is actually running the state," said Patricia Stebbins of Harwich. "It's very clear, the homosexual lobby, some members of the Massachusetts Teachers Association."

Stebbins said her activism is based on principle, not on bigotry. "I'm not homophobic. I just believe in marriage being a man and a woman," she said.

In most Cape town halls, the number of gay couples who apply for marriage licenses spiked in the months after same-sex marriage became legal but the numbers have dwindled in recent months, town officials said.

In Nantucket, there were four same-sex marriage licenses issued in 2006 and none so far this year.

In Barnstable, the Cape's largest town, there has been one same-sex marriage license issued in the past month, town officials said.

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