

# Bishops laud approval of marriage amendment

BOSTON (CNS) — The Catholic bishops of Massachusetts thanked state legislators Jan. 2 “for living up to their oath of office” by voting on a constitutional marriage amendment initiative before ending their legislative session.

On its last day in its 2005-06 session, a reluctant Legislature narrowly approved the initiative, which would amend the state’s constitution to ban same-sex marriages.

Then it voted to reconsider. Then it voted again — also narrowly — to approve the measure.

The state’s bishops, strong advocates of the initiative, said, “Today the constitutional rights of the citizens of the commonwealth have been upheld. The democratic process and the right of the people to have their voices heard were affirmed.”

If the 2007-08 Legislature gives the amendment its second approval this year, it would appear on the November 2008 ballot.

Same-sex marriages have been legal in Massachusetts since May 2004 as a result of a ruling by its Supreme Judicial Court in 2003 that the state constitution required equal treatment for same-sex couples. It is the only U.S. state that recognizes such unions as marriages.

Ironically, it was a scolding of the Legislature by the same court that led the legislators to vote on the marriage initiative on the final day of their 2005-06 session instead of adjourning without a vote, as they had done when faced with a similar initiative in 2002.

With the House and Senate meeting jointly as a constitutional convention, 61 legislators voted for the amendment and 132 voted against it.

Because the amendment was introduced by a citizens’ petition, only 50 affirmative votes — one-fourth of the 200-member constitutional convention — were needed for

approval.

The convention recessed for an hour, reconvened and voted 117-75 to reconsider their earlier vote. After another recess, as the day was drawing to a close it reconvened and voted 62-134 to approve the amendment.

The state's procedures for a constitutional amendment by popular initiative require such an initiative to be affirmed by at least one-fourth of the constitutional convention of two successive Legislatures before it can be placed on the ballot in a general election.

Edward F. Saunders Jr., executive director of the Massachusetts Catholic Conference, told Catholic News Service Jan. 3 that the conference had counted 57 sure votes for the amendment in the 2005-06 Legislature before its final-day action. He said it counts at least 54 sure votes in the 2007-08 Legislature, which was elected last November and took office Jan. 3.

When the Legislature recessed last November without voting on the marriage amendment initiative, the state's bishops said they were "profoundly disappointed" that the elected officials "are obstructing the constitutional right of the people to be heard."

Outgoing Gov. Mitt Romney and other advocates of the amendment filed suit against the Legislature, asking the Supreme Judicial Court to order it to bring the initiative to a vote as a constitutional obligation.

The court ruled Dec. 27 that it did not have the authority to order the Legislature to act, but in its opinion it said, "The members of the joint session have a constitutional duty to vote, by the yeas and nays, on the merits of all pending initiative amendments before recessing."

"There is no presently articulated judicial remedy for the Legislature's indifference to, or defiance of, its constitutional duties," the court said. But it urged the legislators not to "avoid their lawful obligations."

If the joint session of the Legislature had recessed without taking a vote on the amendment, it would have killed the initiative procedurally and only a new signature

drive could have revived it for consideration by the 2007-08 Legislature. The petition for the current initiative gained about 170,000 signatures, more than double the number needed to initiate the process of moving it to a popular referendum.