

Mass. court rules civil unions aren't enough

By Jennifer Peters
THE ASSOCIATED PRESS

BOSTON — The Massachusetts high court declared Wednesday that gays are entitled to nothing less than marriage and that Vermont-style civil unions will not suffice, setting the stage for the nation's first legally sanctioned same-sex weddings by the spring.

The court issued the advisory opinion at the request of legislators who wanted to know whether civil unions would be enough to satisfy the court after its November ruling that said gay couples are entitled to all the rights of marriage. That decision had been written in such a way that it left open the possibility that civil unions might be allowed.

But Wednesday's opinion by the Supreme Judicial Court left no doubt: Only marriage would pass constitutional muster.

"The history of our nation has demonstrated that separate is seldom, if ever,

equal," four justices wrote. "For no rational reason the marriage laws of the commonwealth discriminate against a defined class; no amount of tinkering with language will eradicate that stain. The (civil unions) bill would have the effect of maintaining and fostering a stigma of exclusion that the Constitution prohibits."

Paul Martinek, editor of Lawyers Weekly USA, said that the blunt opinion erases any confusion.

"The fat lady has sung and she's singing the wedding march," Martinek said. "It's clear from reading the majority opinion that there's no basis on which the (court) will OK anything other than marriage."

The much-anticipated opinion came a week before next Wednesday's Constitutional Convention, where the Legislature will consider an amendment backed by Republican Gov. Mitt Romney that would define marriage as a union between a man and a woman.

But the soonest a constitutional amendment could end up on the ballot would be 2006, meaning that until then, the high court's decision will be Massachusetts law. Gay couples could get married in Massachusetts as soon as May, the deadline set by the court last fall.

"We're going to have to start looking for a band," said Ed Balmelli, who put down a deposit for a wedding after the opinion.

The case represents a significant milestone in a year that has seen broad new recognitions of gay rights in America, Canada and abroad, including a June U.S. Supreme Court decision striking down a Texas ban on gay sex.

The White House called the Massachusetts ruling "deeply troubling."

"Activist judges continue to seek to redefine marriage by court order without regard for the will of the people," said presidential spokesman Scott McClellan.

Massachusetts OKs same-sex marriage

The Massachusetts high court ruled Wednesday that civil unions among gay couples aren't enough — that only full, equal marriage rights are constitutional. The state Senate had requested the court's opinion before next week's constitutional convention which will consider an amendment that defines marriage as a union between a man and a woman.

States with laws that prohibit recognition of marriage between same-sex couples
States where government employers offer domestic partner benefits
States that have neither laws prohibiting recognition of gay marriage or domestic partner benefits for government employees



NOTE: California, Hawaii and New Jersey recognize domestic partnerships. Vermont recognizes civil unions.
SOURCE: Lambda Legal

NEWS IN BRIEF

Combs seeks school nutrition incentive in special session

AUSTIN (AP) — With the Legislature possibly convening soon to address education funding, Texas Agriculture Commissioner Susan Combs is looking to get schools that battle childhood obesity a slice of the money pie.

Combs says she is working on a plan that would reward schools up to \$30 per pupil if the school meets certain nutrition and physical education standards. Details are being worked out, but Combs said she is talking with legislative leaders and the governor to get input and hopes to have a proposal together by March 1.

Gov. Rick Perry is expected to call a special legislative session, perhaps in April, to change the state's share-the-wealth school finance system. Perry has said he wants to see a legislative consensus emerge over how to replace the existing funding system before ordering a special session.

Perry, a Republican like Combs, has been traveling the state talking up his proposed academic achievement-based financial incentives for schools. Part of his \$500 million plan, for instance, would give schools \$100 more per student for each year he or she advances in high school if the student passes the Texas Assessment of Knowledge and Skills, or TAKS test.

Combs' idea is to provide similar money incentives, but to connect them with verifiable nutrition and physical fitness standards. The additional money per student might go to schools where a cafeteria works on nutrition education or where students show an average improvement in a physical activity such as running a quarter-mile, she said.

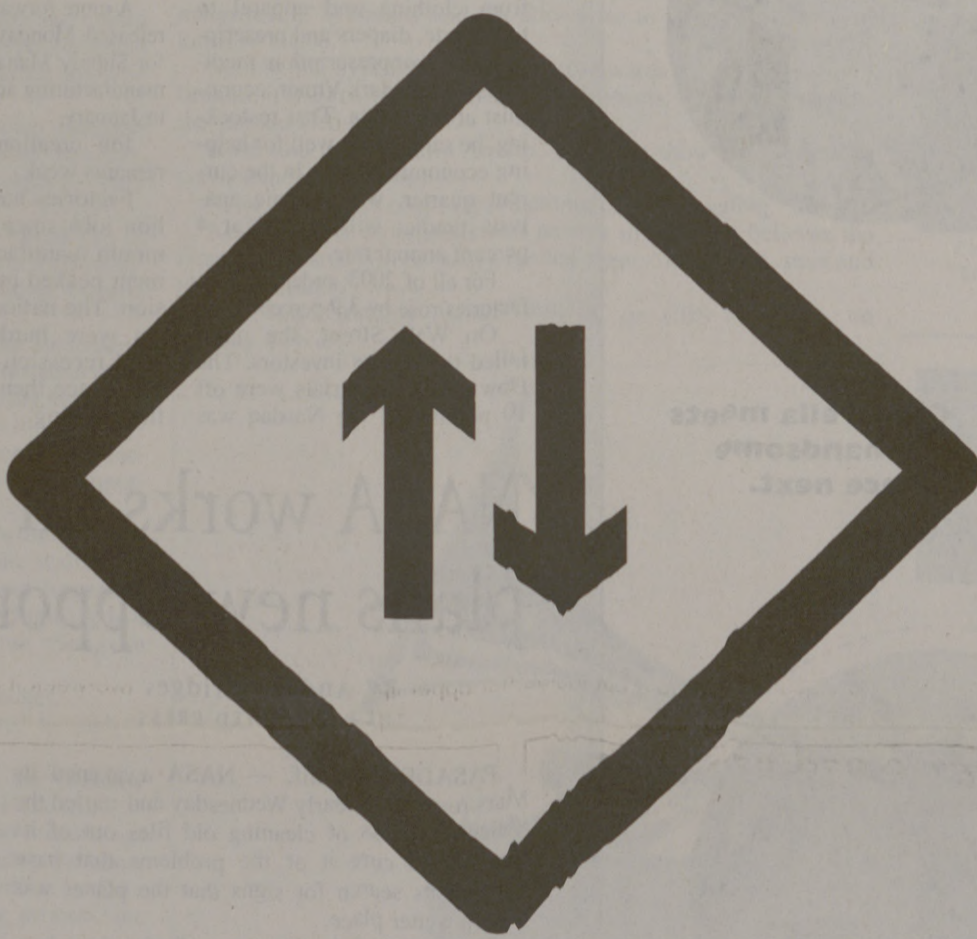
Remains of 17th century sailor laid to rest

AUSTIN (AP) — The remains of a 17th century French sailor were buried Tuesday beside some of Texas' most important dignitaries — an unpredictable end for a blue-collar deckhand who died during the early exploration of Texas.

Archaeologists discovered the skeleton during the 1996 excavation of the Belle, one of four ships that left France for the New World in 1684 under the direction of René Robert Cavalier, Sieur de La Salle.

About 300 people gathered in Texas State Cemetery on a chilly day to mark the burial of the sailor, named C. Barange because of the inscription on a pewter cup found near his remains. The cemetery is reserved for Texas elected officials and other distinguished citizens, such as settler Stephen F. Austin and author James Frank Dobie.

"As a French citizen, I'm deeply moved to see so many Texans present to pay tribute to an unknown French sailor who participated in the founding moments of Texas," said Jean-David Levitte, the French ambassador to the United States.



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