

Readings for Sunday, May 30, 2004.

Opening Words:

“The legal system can force open doors, and sometimes, even knock down walls. But it cannot build bridges. That job belongs to you and me. We can run from each other, but we cannot escape each other. We will only attain freedom if we learn to appreciate what is different and muster the courage to discover what is fundamentally the same. Take a chance, won't you? Knock down the fences that divide. Tear apart the walls that imprison. Reach out; freedom lies just on the other side.” *Thurgood Marshall*

Meditation:

A Meditation for Yesterday and Tomorrow

Let us pause as we consider our Yesterdays and Tomorrows.

Yesterday, we celebrated; tomorrow we honor.

Yesterday, we watched in joy as Cathy and Ellen were married in this church. We celebrate their relationship.

Tomorrow, we remember those brave women and men who paid the supreme sacrifice defending our nation.

Yesterday, we exercised our constitution rights.

Tomorrow, we honor those who died so that we may exercise our constitution rights.

Let us pause in silence as we consider our Yesterdays and Tomorrows.

Shalom.

Reading:

Marriage is a vital social institution. The exclusive commitment of two individuals to each other nurtures love and mutual support; it brings stability to our society. For those who choose to marry, and for their children, marriage provides an abundance of legal, financial, and social benefits. In return it imposes weighty legal, financial, and social obligations. The question before us is whether, consistent with the Massachusetts Constitution, the Commonwealth may deny the protections, benefits, and obligations conferred by civil marriage to two individuals of the same sex who wish to marry. We conclude that it may not. The Massachusetts Constitution affirms the dignity and equality of all individuals. It forbids the creation of second-class citizens. In reaching our conclusion we have given full deference to the arguments made by the Commonwealth. But it has failed to identify any constitutionally adequate reason for denying civil marriage to same-sex couples.

We are mindful that our decision marks a change in the history of our marriage law. Many people hold deep-seated religious, moral, and ethical convictions that marriage should be limited to the union of one man and one woman, and that homosexual conduct is immoral. Many hold equally strong religious, moral, and ethical convictions that same-sex couples are entitled to be married, and that homosexual persons should be treated no differently than their heterosexual neighbors. Neither view answers the question before us. Our concern is with the Massachusetts Constitution as a charter of governance for every person properly within its reach. "Our obligation is to define the liberty of all, not to mandate our own moral code."

Here, the plaintiffs seek only to be married, not to undermine the institution of civil marriage. They do not want marriage abolished. They do not attack the binary nature of marriage or any of the other gate-keeping provisions of the marriage licensing law. Recognizing the right of an individual to marry a person of the same sex will not diminish the validity or dignity of opposite-sex marriage, any more than recognizing the right of an individual to marry a person of a different race devalues the marriage of a person who marries someone of her own race. If anything, extending civil marriage to same-sex couples reinforces the importance of marriage to individuals and communities. That same-sex couples are willing to embrace marriage's solemn obligations of exclusivity, mutual support, and commitment to one another is a testament to the enduring place of marriage in our laws and in the human spirit.

The marriage ban works a deep and scarring hardship on a very real segment of the community for no rational reason. The absence of any reasonable relationship between, on the one hand, an absolute disqualification of same-sex couples who wish to enter into civil marriage and, on the other, protection of public health, safety, or general welfare, suggests that the marriage restriction is rooted in persistent prejudices against persons who are (or who are believed to be) homosexual. "The Constitution cannot control such prejudices but neither can it tolerate them. Private biases may be outside the reach of the law, but the law cannot, directly or indirectly, give them effect." Limiting the protections, benefits, and obligations of civil marriage to opposite-sex couples violates the basic premises of individual liberty and equality under law protected by the Massachusetts Constitution. *Margaret Marshall, Chief Justice, Supreme Judicial Court from the Goodrich Decision*

Closing Words:

I close with the same words with which I opened this morning's service, by Thurgood Marshall.

"The legal system can force open doors, and sometimes, even knock down walls. But it cannot build bridges. That job belongs to you and me. We can run from each other, but we cannot escape each other. We will only attain freedom if we learn to appreciate what is different and muster the courage to discover what is fundamentally the same. Take a chance, won't you? Knock down the fences that divide. Tear apart the walls that imprison. Reach out; freedom lies just on the other side."

“Journey to Marriage” by Robert Champagne-Willis

On a miserably cold evening this past January, several members of this church gathered at another church in Easton to participate in a discussion on how to “preserve marriage”. The speaker, Rev. Dr. Ronald Crews, presented his argument on why we need to preserve marriage as a union between one man and one woman. It was difficult to sit quietly through this evening. When it came time for questions and answers, the moderator selected our own Anne Fredericks to go first. She rose and posed a simple question. “I am Anne Fredericks and this is my husband, Craig. We have been married 22 years. How will allowing my gay and lesbian friends to get married affect my marriage?” Crews answered, “It won’t”. I found this answer odd. After listening to his diatribe, I would have thought he would have had a prediction of locust or something. I also disagree with his answer. I stand here today to argue my case.

Andy Champagne-Willis and I have had a long journey to marriage. Indeed, when we first met, I can say, with almost complete certainty, that marriage was not on our radar screen. We met on a hot, summer day, August 11, 1990. Marriage was so outside the realm of possibility that it was rarely, if ever, discussed even in the friendly press. Hawaii changed all that. As our relationship was maturing, the courts in Hawaii were taking on discrimination cases, and suddenly the possibility of marriage for all was in the news. In 1993, Hawaii’s Supreme Court ruled that three gay couples had been denied marriage licenses on the basis of their gender and ordered the state of Hawaii to show a “compelling state interest” against same-sex marriage. The State then made it’s case in Circuit Court in 1996 and lost.

Marriage for all was now in the news. It was also in the riflescope of the religious right. The backlash produced what is now called DOMA, the Defense of Marriage Act. In 1996, Congress passed and President Clinton signed this act into law. Meanwhile, voters in Hawaii overwhelmingly voted to amend their state constitution, closing the door on same-gender marriage in their state before the courts had a chance to issue a final decision.

Andy and I had been closing watching all this unfold. We had recently purchased a house in Randolph, and were exploring different churches to fulfill our spiritual needs. We took the advice of our friends, Rich Reynolds and John Mirthes, and gave Unity Church a try, actually several tries. As much as I hate to admit it, we were not immediately sold. Don’t get me wrong. We were made to feel extremely welcome from the moment we entered these doors. Who could refuse the kind, genuine greeting from Mary Hatfield!

Andy and I were raised in religious households of the strong Christian persuasion. Unitarian Universalism was a foreign religion to us, and like a big dish of tuna surprise casserole, difficult to digest. But, we were troopers. We loved the people here, so we continued to come. Then, upon entering the doors one Sunday in October of 1996, we were handed bulletins with a picture of wedding rings and two hands clasped. The sermon was entitled “Grounds for Marriage”. The minister was Holly Bell. Both of us had the same immediate reaction. “Oh no, here we go again.” We had had our fill of

lectures about the defense of marriage. We even contemplated leaving. Fortunately, for our journey to marriage, we stayed.

Holly started. "Since the judges, the state legislators, and the members of congress have become experts on the marital state, with new laws governing weddings, marriages and divorces, I would like to temper their misguided enthusiasm with some thoughts from deep in the trenches, where there is no posturing for re-election, or pandering to deep-seated prejudices."

She had our undivided attention. She proceeded to lay out her case for same gender marriage. "What is the ground for marriage? Is it not a love relationship? Is it not a mutual sacrifice? Is it not a genuine commitment? It was John Lyly who proclaimed that "marriages are made in heaven and consummated on Earth," and I will attest to the sanctity of same-sex unions, declaring unequivocally that the state has no business interfering with the bond. As the ancient saying goes, "that which God has joined together, let no one put asunder."

"Yet the Congress of the United States has passed 'the Defense of Marriage Act'. It was pre-emptive legislation, supported by both major candidates for the Presidency, and 86% of the American people - a tyranny of the majority. In the House debates, the spectacle of prejudice took center stage, as all of the insecurities of sexuality were on display. From a representative in Indiana: "the God-given principal of the marriage institution is under attack." From a representative in Georgia: "the flames of hedonism are licking at the foundations of our society." From a representative in Oklahoma: "homosexuality is immoral. It is based on perversion, and it is based on lust." On the other side, representative John Lewis, who marched with Martin Luther King, Jr. for civil rights responded by saying, "I have known racism. I have known bigotry. This bill stinks of the same fear, hatred and intolerance."

For page after page, Holly countered the arguments, the same arguments posed during the recent Constitutional Convention in our own state. If time would permit, I would read the entire sermon, which ended with these words. "Finally the hostility toward homosexuals is utterly cruel. Over the centuries, it has lead to terrible humiliations and to bloody persecutions. In our own day, the laws against marriage are modes of control, and signposts of inferiority, to mark the boundries of a ghetto existence. They have no place in a democracy. While I cannot speak for the congregation, I will personally resist those measures: born out of ignorance, nurtured by hatred, and resulting in a continuing oppression. Whenever possible, I will attempt to spread the Biblical injunction, "God is love, and those who abide in love, abide in God, and God abides in them."

Holly had finished her sermon and there was silence. Before she could announce the closing hymn, someone started clapping and was joined by more, and then by everyone.

Wow. For the first time, Andy and I had heard hell, fire and brimstone from the pulpit, and it wasn't directed at us. We were profoundly moved. We were a part of this defining

moment. We knew that we had found our spiritual home in Unity Church, a place where our relationship could mature to new levels.

Our journey to marriage next took us to Vermont. With the advent of Civil Unions in that state in 2000, Andy and I planned a religious service of union. Holly Bell officiated this private service on our tenth anniversary at Fort Dummer State Park overlooking the Connecticut River. We exchanged vows and rings. For the first time, our relationship had a legal status, even if it was recognized in only one state and not the state in which we resided. Each time we visited Vermont from that day on, we would joke about being legal again.

We are Massachusetts' residents. We love our State. I was born in Stoughton, Andy in Lowell. Shortly after our Civil Union, we were approached by Mary Bonauto, a lawyer for the Gay and Lesbian Advocates and Defenders (GLAD). She was planning to sue Massachusetts for the right of same gender couples to marry. We were interviewed to be one of seven couples for this case. Unfortunately for us, our Civil Union muddied the legal waters. Since it was not yet known if our Vermont Civil Union would have any legal recognition in Massachusetts, Mary felt uncomfortable using us in her test case. This case climbed all the way to the Supreme Judicial Court of Massachusetts. It culminated in the November 18, 2003 ruling granting same gender couples the right to marry.

With the possibility of marriage before us, it was important to understand the definition of marriage. Courts have wrestled with this definition. Legislators have grappled trying to get it. Defining marriage is not an easy thing to do. Marriage today hardly means what it meant fifty years ago. Marriage fifty years ago hardly meant what it meant one hundred years ago.

In E. J. Graff's book, "What is marriage for? The strange social history of our most intimate institution", the evolution of marriage is laid out. She contends that marriage has meant many things, depending on the era from which the question was asked. Money, Sex, Babies, Kin, Order, Heart. She also contends that in each period of change, those that fought the evolution of marriage predicted dire ruination of the state of matrimony.

In olden days, the marriage exchange used to turn most traditional economies. Social systems had either dowries, money traveling from the bride's family to the groom's, or bridewealth, from the grooms to the bride. Money used to be set aside as "dower" to guarantee the bride support in the event that she is widowed. She became a dowager. Graff writes, "No wonder a Florentine father started sweating at each daughter's birth, aware that he might have to liquidate goods from an entire mercantile voyage in order to marry off Maria, and knowing that the higher his daughter's dowry, the higher his credit rating and status could rise. Meanwhile, Maria's younger sisters had to be prepared to end up in convents, which required far smaller dowries, unless there came a dowry-bequest from some widowed aunt or godmother's will - known to us the fairy godmother who magically got her goddaughter to the ball." Is this the "marriage as it has been recognized for millennia" that we are now defending?

Graff sums up her thesis as follows: "Marriage in a much harder institution than either the doomsayers or the utopians ever seem to recognize. We can get a better perspective on today's marriage debates by remembering that although each apparently revolutionary proposal to change the marriage rules has shocked the conservatives of any given era, when such proposals surface in public debate, the underlying economic and social changes have already happened. Or to put it more simply, Western marriage today is a home for the heart; entering, furnishing, and exiting that home is your business alone. Today's marriage - from whatever angle you look - is justified by the happiness of the pair. When combined with the West's root commitment to officially treating the sexes as equal, that marriage philosophy makes it possible - no, necessary - to recognize the marriages of two people of one sex. Our society has endorsed what some of us think of as the most *spiritual* purpose of marriage, the refreshing of the individual spirit. And if we are to respect that spirit, same-sex couples belong. "

We have all been a party to the rhetoric that has been hurled over these past few months. It is nothing new. When they allowed married women to own property, it "virtually destroyed the moral and social efficacy of the marriage institution." When contraceptives were legalized, some said it "is not what the God of nature and grace, in His Divine wisdom, ordained marriage to be; but the lustful indulgence of man and woman. Religion shudders at the wild orgy of atheism and immorality the situation forebodes." Recognize marriage between the races, and you have a concept so "revolting, disgraceful, and almost bestial" that it would lead directly to "the father living with his daughter, the son with the mother, the brother with his sister, in lawful wedlock"-and bring forth children who would be "sickly, effeminate, and inferior." Making wives the legal equals of their husbands was a proposal that "criticizes the Bible, degrading the holy bonds of matrimony into a mere civil contract, striking at the root of those divinely ordained principles upon which is built the superstructure of society." Allowing divorce was "tantamount to polygamy," thereby throwing "the whole community into a general prostitution," making us all "loathsome, abandoned wretches, and the offspring of Sodom and Gomorrah."

Graff concludes, "Such warnings are usually based on the idea that changing a given rule changes the very *definition* of marriage. And of course, they're right: define marriage as a lifetime commitment, and divorce flouts its very definition. Define marriage as a vehicle for legitimate procreation, and contraception violates that definition. Define marriage as a complete union of economic interests, and allowing women to own property divides the family into warring and immoral bits. Define marriage as a bond between one man and one woman, and same-sex marriage is absurd. But define marriage as a commitment to live up to the rigorous demands of love, to care for each other as best as you humanly can, then all these possibilities - divorce, contraception, feminism, marriage between two women or two men - are necessary to respect the human spirit."

This brings us back to the original question posed by Anne Fredericks. How does allowing same-gender couples to marry affect heterosexual marriage? Anne, you will be happy to know that Ron Crews did expound on his answer to you. When asked a similar

question by the press two days before same-gender marriage was to be legalized, he stated that “my world changes in the fact that the marriage license I hold with my wife will no longer mean what it meant on May 16. It is not going to impact my relationship of almost 34 years, but the fact is that the word marriage has now been radically redefined by judicial fiat.” That was his answer; now here is mine. No one seems to dispute that marriage is a foundation of our society, but, as every homeowner knows, even foundations need attention. On May 17, 2004, the Supreme Judicial Court of Massachusetts sealed up one more crack of discrimination in the foundation of marriage and all marriages, including your marriage, Anne, to Craig, benefited from their actions because the foundation is now stronger.

On May 20, 2004, Andy Champagne and I completed our journey to marriage. We stood in this very church. The most Reverend Eric Cherry started our service of marriage with these words. “This evening’s ceremony is very special because Bob & Andy, in all ways but one, are already a married couple. They have shared their vows of commitment to each other previously and have been recognized by our Church as abiding in Holy Union. But, by this ceremony, their marriage shall be recognized by our Commonwealth. We celebrate the love and commitment that Bob & Andy have known, and further celebrate the legal recognition of their marriage.”

We are grateful to this community for nurturing us, supporting us through our difficult hours, and rejoicing with us at our victories. I have never been so proud of my religion as I have been during these past few weeks. The joy on the faces of each same-gender couple who has been legally married here, and the accompanying joy on the faces of those of you who have gathered to witness this history-in-the-making is proof positive of this religion’s covenant to uphold the inherent dignity and worth of everyone. Thank you, from the bottom of my heart.