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## Gay Marriage in the States

**L**ately it has seemed as if gay marriage was taking over the national policy debate. Massachusetts has been embroiled in a heated constitutional battle because of it. The presidential campaign is circling hesitantly around it. And in the last few days in San Francisco, more than 2,000 gay couples from across the country have flocked to City Hall and stood in the rain to get the marriage licenses suddenly offered to them by the city.

The Massachusetts and San Francisco events are a welcome indication that the nation is having a long-overdue discussion about the right of gay people to marry, and that the states are beginning to serve as laboratories for reform in this important area.

Americans have come a long way in a short time when it comes to gay rights. As recently as 1986, the Supreme Court rejected a claim that the Constitution protects consensual gay sex as "at best, facetious." Last year, however, the court overruled itself and struck down state sodomy laws as violating the Constitution's liberty guarantee. In his majority opinion, Justice Anthony Kennedy portrayed constitutional history as a forward march in which "persons in every generation can invoke" the Constitution "in their own search for greater freedom."

Gays have made significant strides in areas like employment and housing, but have faced considerably more opposition on the right to marry. There are, clearly, some people who object to any recognition of same-sex unions. But for many more, the hesitation concerns the use of the word "marriage." The uncertainty many Americans feel is reflected in the fact that poll responses on this subject vary widely, depending on the precise way in which the questions are worded.

This page fully supports the right of gay men and lesbians to marry, and we believe that in time they will have this right across the nation. But we also see a practical value in how the issue is currently unfolding. Louis Brandeis, the great Supreme Court justice, said he believed that the states should serve as social laboratories for the nation. Massachusetts and California — and Vermont, before them, with its civil unions law — are fulfilling that role right now. They have already started a national discussion of gay marriage, a very healthy thing in itself. If gay marriage takes hold in Massachusetts or California — in both states, the issue is still up in the air — it will allow the residents of slower-moving states to observe the experiment in action.

Opponents of gay marriage have been loudly calling for a constitutional amendment prohibiting any state from recognizing gay marriages. Despite the parade of horrors they haul out, their greatest fear appears to be that giving gay men and women the right to join legally and permanently with the ones they love will work out just fine, and that the American people will see that the fears being foisted on them are unfounded.