



Bakst: At the Assembly: Gay marriage, gay divorce



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If Rhode Island legislators can't bring themselves to embrace gay marriage, do you suppose they might at least have the courtesy and common sense to legalize same-sex divorce?

House Majority Leader Gordon Fox is sponsoring such a bill in light of a 2007 state Supreme Court ruling that the Family Court here lacked the jurisdiction to grant a divorce to two Providence women wed in Massachusetts.

Good for Fox. And I hope he goes further and pushes as well for broader legislation, kicking around the General Assembly for years, to allow two women or two men to marry here.

As for the divorce bill, you would think it a simple matter. I don't imagine there are thousands of Rhode Island gay couples who wed in Massachusetts and now want to split. The measure strikes me as little more than a housekeeping detail.

Even Senate President Joseph Montalbano, who generally opposes same-sex marriage, says he might support the Fox measure. "If a marriage is valid elsewhere and the people happen to live here, I think they should probably be able to get a divorce here," he tells me.

House Speaker William Murphy, who also opposes gay marriage, says he needs to study up on the divorce situation.

I can foresee the bill running into trouble. The Catholic diocese, which successfully urged the Supreme Court to rule against the two Providence women, is also opposed to the Fox bill.

What would be the harm in amending state law to allow for such divorces? The Rev. Bernard Healey, diocesan lobbyist, tells me, "It's setting a social policy of recognizing non-traditional marriage, and I think every time you do that you chip away at traditional marriage."

Governor Carcieri was on the same side as the church in the high court case. As for the divorce legislation, his office says he "does not generally support any measure that would lend state recognition to same-sex marriages."

Fox, who is gay — and Catholic — finds it "unconscionable" that a man could go to Las Vegas, meet a stripper, immediately marry her, and have no problem coming back here and getting a divorce, while two Rhode Islanders of the same sex who wed out of state are "denied any relief in their home state."

What of passing a bill to allow two women or two men to wed here? State law does not expressly prohibit such marriages now, but language regarding licenses refers to a “female party” and a “male party.” With most State House leaders opposed to gay weddings, it may take years to change the situation.

Advocates long have pressed their case in the House Judiciary Committee and won support from many of its members, but the bill always gets bottled up.

Fox is aware of the argument that getting it approved in committee would be a step forward. But he says that, on the House floor, opponents easily might have the votes to turn it into a bill to expressly ban gay marriage. He is afraid it would then “fly through the House, the Senate, and be signed by this particular governor like greased lightning.”

I don’t share his fear. I’d like to see a bill allowing gay weddings emerge from committee and get a House floor debate. Sure, it likely would fail there or in the Senate. But airing the issue would be a start.

I don’t want to spare legislators from confronting this moral issue. And I can’t believe that a move to turn the marriage bill into an explicit ban would succeed. Rhode Islanders are too decent to let that happen.

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