

**Testimony of James M. Shannon, Former Attorney General of the Commonwealth
in Support of H.3677**

To the Joint Committee on the Judiciary

October 23, 2003

As a former Attorney General, I am pleased to express my support for H.3677, a bill that gives gays and lesbians equal access to civil marriage.

Massachusetts has, from our earliest days, led in the protection of equal rights for all. Our Constitution was a model for the framers of the U.S. Constitution. Protecting and expanding the rights of individuals through more than two centuries of societal change has been a hallmark of both our legal and political systems.

Most recently, Massachusetts has been at the forefront in guaranteeing civil rights for gays and lesbians. I am proud to have been a co-sponsor of national gay rights legislation as a Massachusetts Congressman in 1979 and as Massachusetts Attorney General to have testified in support of state legislation to protect the civil rights of gays and lesbians in 1987.

At the time of the enactment of the state civil rights legislation there was opposition to Massachusetts protecting gays and lesbians against discrimination in employment, housing and public accommodations. But the experience since that legislation was signed into law almost fifteen years ago shows how right that legislation was. Far from causing problems in our economy or communities, extending those legal protections to our gay and lesbian fellow citizens only made our state stronger.

That legislation laid the groundwork for the next advance in civil rights when the Supreme Judicial Court allowed co-parent adoption. Again the opponents' predictions of cataclysm were proven wrong. Far from threatening family values, establishing the right of gays and lesbians to adopt children has made it possible for thousands of Massachusetts children to have a more legally secure and stable life in loving homes. Because of that decision Massachusetts has more strong families, not fewer.

Now the legislature is being asked to take the next logical step to ensure equal rights for all in Massachusetts. Massachusetts has always rejected "separate but equal" rationalizations for discrimination. The only way to ensure equal rights for gays and lesbians is to extend civil marriage rights in Massachusetts to include them. Through this legislation we can provide all of the benefits and protections of marriage as allowed under state and federal law to those gay and lesbian couples who choose to marry.

While the adoption of civil union legislation would be a major step forward in advancing civil rights, there is no reason why the legislature should refrain from allowing civil marriage of gays and lesbian couples since this legislation, by addressing issues of portability, divorce and access to federal benefits will place committed gay and lesbian couples on the same legal footing as other couples in Massachusetts who wish to spend their lives together, raise families and share their property as allowed under our marriage laws. H.3677 is the right way to go to strengthen families and ensure full equality for our gay and lesbian citizens.

This is not a radical proposition but a matter of fundamental fairness. It is no more dramatic a step than was the passage of the law protecting civil rights of gays and lesbians almost fifteen years ago or the decision of the Supreme Judicial Court ten years ago regarding adoptions by gays and lesbians. Both of these advances are now accepted by the overwhelming majority of Massachusetts citizens.

Throughout our history Massachusetts has had a rich tradition of championing and expanding civil rights for all. This legislation, extending the right of civil marriage to gays and lesbians, is squarely in that tradition. I urge its speedy adoption by the legislature.