



Written by [Jack Kenny](#) on June 4, 2009

## New Hampshire Climbs on “Gay” Marriage Bandwagon

The enactment of the law, which takes effect on January 1, 2010, followed months of wrangling and a few weeks of artful dodging by Lynch, who signed the state’s civil union law two years ago, saying then that he believed the term “marriage” should be reserved for heterosexual unions. Lynch had balked at signing the marriage bill, laying out as conditions for his approval a conscience protection for religious organizations and associations, non-profits working in conjunction with religious organizations or associations and any individual employed, supervised, or managed by a religious organization or association or non-profit working in conjunction with same. The above-named categories will be exempt from lawsuits charging discrimination if they refuse to provide services or accommodations for same-sex couples. Not exempt are independent business people, like photographers and caterers, who may object to providing services for same-sex “weddings.”



New Hampshire is now the sixth state where same-sex unions have the status of marriage, joining Iowa and four of the other five New England states — Massachusetts, Vermont, Connecticut, and Maine. Rhode Island, with the heaviest population of Catholics, remains the only New England State to resist the trend. Massachusetts made the change after its Supreme Judicial Court ruled in 2003 that the state must provide marriage on an equal basis to same-sex couples. Iowa’s Supreme Court made a similar ruling earlier this year. Legislatures in Maine, Vermont, and New Hampshire have all made the change in the last two to three months.

In New Hampshire, where Democrats took control in the 2006 elections and consolidated their gains in 2008, Democratic majorities provided the margins of victory in each house on Wednesday. Lynch, making the most of both his reversal on the marriage issue and his insistence on protection for religious organizations, signed the legislation at once, calling the occasion a “day to celebrate in New Hampshire. Today should not be considered a victory for some and a loss for others. Today is a victory for all the people of New Hampshire, who, I believe, in our own independent way, want tolerance for all,” the governor said.

But one woman whose independence was not tolerated was state Senator Sheila Roberge, who was removed from the Committee of Conference by Senate President Sylvia Larsen, D-Concord. Roberge, a



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Republican from Bedford and senator for the past quarter of a century, opposed passage of the same-sex marriage legislation and was removed despite a legislative rule that requires at least one member of the minority party to be a committee member.

Valid or not, the move underscores how far the fortunes of the Grand Old Party have fallen in the Granite State since Roberge was first elected in 1984. That year, the Reagan landslide over former Vice President Walter Mondale, combined with Governor John H. Sununu's crushing defeat of Democratic opponent Chris Spirou gave the Republicans a clean sweep of all major and most minor offices in a state that, until recent years, has been solidly Republican since the party was founded before the Civil War.

The statewide Roman Catholic Diocese of Manchester opposed the legislation, while the New Hampshire Council of Churches took no stand. The Episcopal Diocese of New Hampshire, whose bishop is openly homosexual, supported the change in the marriage law. Lynch, a Catholic, champions abortion "rights" and opposed the state's short-lived parental notification law. By holding out for the exemptions for religious organizations, he is obviously hoping to avoid alienating the Catholic vote. The exemption language is similar to what the Catholic bishop, the late Leo E. O'Neil, insisted on when "sexual orientation" was added to the protected categories in the state's anti-discrimination law in 1997.

"It's an entirely different question," said Manchester attorney Brad Cook, who was representing the diocese at the State House through much of the '90s. For one thing, the First Amendment to the U.S. Constitution protects religious bodies in the practice of their faith, Cook noted. And the language approved in the amendment to the anti-discrimination law in 1997 included a specific statement that "nothing in that law will suggest any change in the definition of marriage in New Hampshire or anything about adoption," Cook recalled. In Massachusetts, Catholic Charities of Boston ended its adoption services a few years ago when a directive from the Vatican, forbidding the placement of children with homosexual or lesbian couples, appeared to put the agency on a collision course with that state's anti-discrimination law.

The move by the New Hampshire governor has been called political maneuvering meant to offset criticism of his switch from his previous statements about limiting marriage to unions between a man and a woman, a position he reaffirmed as recently as April 15 of this year. Now Lynch is calling for repeal of the federal Defense of Marriage Act that defines marriage as a male-female relationship. The repeal would allow same-sex married couples to file joint tax returns and receive various entitlements, such as Social Security benefits accrued by a deceased spouse.

Earlier this year, the New Hampshire House passed a bill to add transgendered persons to the categories protected against discrimination under state law. The law guaranteed equal access to all public facilities and opponents quickly dubbed it "the bathroom bill," raising fears that sexual deviants would have access to public lavatory and shower facilities segregated by gender. Despite the House vote and a public campaign for passage by Speaker Terie Norelli, D-Portsmouth, the Senate defeated the bill 24-0. Lynch took no position on the measure, providing critics with what they say is further evidence of lack of leadership from the corner office. "The only thing John Lynch believes in his heart of hearts is that it's fun to be governor," one former lobbyist observed. Opponents of the same-sex marriage bill are determined that the governor's fun will end with next year's election.

"The governor evidently has no problem misleading the voters of this state," said Kevin Smith, executive director of Cornerstone Policy Research, an organization that, through its legislative action committee, spearheaded opposition to the marriage legislation. "We are confident that the voters will



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not soon forget.” That sentiment was echoed by Brian Brown, executive director of the National Organization for Marriage, which has been battling the “gay” marriage effort on many fronts, including California, where voters recently passed a referendum affirming marriage as a union between a man and a woman. The California Supreme Court, which had previously ruled in favor of same-sex marriage, has since ruled that the result of the binding referendum will stand, though same-sex marriages performed between the court’s original ruling and the new law will still be valid.

“If Gov. Lynch decides to seek another term, you can be certain he will have to answer to voters,” Brown said after the governor signed the New Hampshire marriage bill. In the meantime, New Hampshire will have to live with the new meaning of an old song by a duo called Mickey and Sylvia:

“Love Is Strange.”

*Photo of Gov. Lynch signing “gay” marriage bill: AP Images*



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