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Will the Catholic Church kill gay marriage?

Inside the high-stakes battle over same-sex nuptials in Rhode Island

By DAVID SCHARFENBERG | February 23, 2011

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HOPEFUL MERI's Kathy Kushnir aims to win over undecided legislators.

Rhode Island's gay marriage moment has finally arrived. And the Catholic Church just might kill it.

The inauguration of Governor Lincoln Chafee and the rise of openly gay Speaker of the House Gordon Fox mean the state is finally positioned to join its New England neighbors in legalizing same-sex nuptials.

But the end game is proving trickier than advocates had hoped.

Proponents always knew they would have to get around Senate President M. Teresa Paiva Weed, the last great obstacle to same-sex marriage on Smith Hill.

But they've been caught off guard by the prowess of the church, which has joined with the nation's leading anti-gay marriage group to mount a surprisingly potent defense of the status quo.

Bishop Thomas J. Tobin is summoning lawmakers to his office; the opposition is bombarding legislators with phone calls; and the State House halls echo with chatter about what it all means for the next election.

Rhode Island's last great civil rights fight has become an intense, personal, unpredictable parlor game. And it will take some skillful maneuvering to win it.

IN THE HOUSE

The House of Representatives has become a far friendlier place for gay rights advocates since Fox took the reins from his more conservative predecessor, Bill Murphy. And as the *Phoenix* went to press, same-sex marriage advocates were still confident they would prevail in the chamber.

They hope for a vote in the House Judiciary Committee as soon as next week. And if the bill gets to the floor as expected, advocates predict they will pick up about 40 votes in the 75-member chamber — and maybe more.

But there has been more drama than anticipated.

Talk of the bill dying in the Senate has some in the House nudging Fox to bury it: why force legislators to go on the record on a divisive issue if the measure is destined to fail in the end?

The queasiness has even reached into the upper echelons of the House leadership, where the Speaker's top lieutenant — Majority Leader Nick Mattiello, a Catholic active in his church — has wavered in his support of the bill.

A break with the boss would not be unprecedented; when Fox was majority leader, after all, he parted ways with then-Speaker Murphy on same-sex nuptials. But circumstances were different then.

Fox was openly gay and could hardly be expected to oppose the push. And giving him a pass was a relatively easy decision, since same-sex marriage wasn't going anywhere with a certain veto from then-Governor Donald Carcieri looming over the legislature.

Today, the bill is actually in play. And if order is to be preserved in the top-down House, loyalty is a must; it was left to Fox's chief of staff Frank Anzeveno, a holdover from the more conservative Murphy days, to deliver the message to Mattiello.

In the end, observers say, it's hard to imagine majority leader actually breaking with the Speaker on such a high-profile bill. But his personal struggle has become a symbol of something larger — a potent anxiety hanging over the mushy middle in the House and the Senate.

That anxiety is, in no small part, the work of the Archdiocese of Providence.

The church has distributed fliers on Sundays urging parishioners to call their legislators. Similar appeals have appeared in the diocesan newspaper, the *Rhode Island Catholic*.

The Reverend Bernard Healey, the church's chief lobbyist, has been working the General Assembly hard. And Tobin's face-to-face meetings with elected officials have had some impact.

Representative Doreen Costa, a freshman Republican who serves on the House Judiciary Committee, says she was planning to vote the issue out of committee — even though she is personally opposed to same-sex marriage — before Tobin called her in and asked her to vote “no.”

“It's not every day you get a call from the bishop,” she says.

The church is coordinating its efforts with the local branch of the National Organization for Marriage, which has spent millions fighting same-sex marriage across the country.

Here in Rhode Island, NOM dropped \$100,000 on a television ad earlier this year arguing that Chafee — elected with 36 percent of the vote — does not have a mandate to push through same-sex marriage.

And since then, says Christopher Plante, executive director of NOM-RI, his group has targeted 38 members of the House who could decide the vote, flooding their districts with robocalls and mailers.

He pledges similar activity, if necessary, in the upper house.

“Senate members will learn very quickly,” he says, “that Rhode Islanders do not want marriage redefined.”

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THE LOBBYIST Plante, of NOM-RI, has teamed up with the Catholic Church in a vigorous defense of the status quo.

THE CASE

Or they could learn something else entirely.

A new survey from Public Policy Polling has 50 percent of Rhode Islanders favoring gay marriage and 41 percent opposed.

Marc Solomon, a consultant with Freedom to Marry — a national advocacy group that has been providing local activists with tactical advice and fundraising support — notes that not a single Massachusetts legislator who backed same-sex marriage in a pair of pivotal votes in that state lost re-election.

Even in the areas of the Bay State that most look like Rhode Island, he points out — the Catholic and Portuguese precincts of New Bedford and Fall River — voters did not blanch.

“It was the last thing on their minds,” he says.

It does not appear, at the moment, that advocates are making this case well enough to legislators; even some House supporters who have stayed with Fox during the church’s lobbying onslaught fret that a vote for gay marriage could cost them re-election.

But supporters are hoping to reclaim the momentum from the church and other opponents in short order.

Advocates made a strong showing at a hearing in the House Judiciary Committee a couple of weeks ago. And a successful vote there and on the House floor — particularly if the margins are wider than expected — should give supporters a head of steam moving into the Senate.

There, advocates plan to inundate the roughly 15 senators thought to be in play on the issue.

Marriage Equality Rhode Island (MERI), the leading force for same-sex marriage in the state, has already delivered more than 25,000 postcards to members of the General Assembly.

Massachusetts gay marriage advocate MassEquality has organized phone banks, prodding Rhode Island supporters to contact their legislators. And the group has built a “Call for MERI” widget on Marriage Equality Rhode Island’s web site that allows supporters to sign up and phone bank from home.

Advocates are also counting on a certain amount of support from the governor's office come crunch time. Chafee made high-profile mention of gay marriage in his inaugural address and supporters will press for continued use of the bully pulpit.

In the Senate chambers, meanwhile, sponsors are planning to lobby their colleagues with the sort of personal stories that can be powerful in a small, clubby institution.

The state's first openly gay senator, Donna Nesselbush, will be a prominent voice in this regard. But she will not be alone. "As a mother of a gay man, and as the aunt of a gay nephew who actually died of AIDS," says State Senator Rhoda Perry, a Providence Democrat, "I have a story."

Both Nesselbush and Perry serve on the closely divided Senate Judiciary Committee, which may prove the most crucial battleground in Rhode Island's same-sex marriage fight.

Indeed, the fear among advocates is that Paiva Weed will simply bottle up the bill in the committee, chaired by gay nuptials opponent Michael McCaffrey.

Forcing a vote on that panel — and, subsequently, on the Senate floor — will depend, in part, on advocates' ability to demonstrate that they have a majority in both venues. And that will be a challenge.

Two critical swing votes on the Judiciary Committee — Senators Paul Jabour of Providence and William Walaska of Warwick — tell the *Phoenix* they support civil unions over same-sex marriage.

And they seem to believe they have the popular opinion on their side; "Right now," Walaska says, "my constituents are telling me — from the phone calls, the letters — that they like things the way they are."

But advocates say they are confident they can win the key votes. They just need to get the bill to the Senate, they say; just need to engage a group of pols who have never really looked at the question head-on.

"That middle group — the 'lean yes,' 'lean no' group — can certainly move to 'yesses,'" says Kathy Kushnir, executive director of MERI.

BACK AGAIN

The advocates' most potent argument may sound something like this: we're not going away.

A certain segment of the legislature would prefer the issue simply disappear.

But burying the bill, supporters argue, will just mean continued political pain next year. And not just another round of heart-wrenching, headline-grabbing hearings and difficult votes.

No, the pain could be quite a bit sharper than most legislators realize.

The gay rights lobby is wealthy, national in reach — and increasingly sophisticated when it comes to electoral politics.

For years, gay donors concentrated their resources on glamorous, national campaigns, hoping for a savior that never came; Bill Clinton's "don't ask, don't tell" compromise was a bitter disappointment for many.

But in recent years, under the leadership of publicity-shy Colorado technology magnate Tim Gill, wealthy gay activists have begun to pour their cash into the sort of low-cost state races that are tipping the balance on same-sex marriage and other key gay rights issues.

In the 2006 elections, Gill's circle of donors knocked off 50 of the 70 state legislators his organization targeted around the country.

And last year, the Gill Action Fund perfected the art in New York, where it spent \$790,000 to defeat three incumbent state senators and a Republican candidate who opposed same-sex marriage.

The messages were poll-tested, brutally effective — and made no mention of gay nuptials. "Why would Sen. Bill Stachowski vote against mammograms for women?" one mailer asked.

Another targeted an already vulnerable Queens Democrat, Hiram Monserrate, who had been accused of domestic violence. The visual: a *New York Post* headline, "Trial Video Shows Senator Pulling Bloody, Screaming Gal," splashed across a series of still images from the video.

The wins haven't turned the tide altogether: the New York State Senate, which rejected a same-sex marriage bill by a surprisingly wide margin in December 2009, still doesn't have the votes to approve gay nuptials.

But the message to lawmakers — in New York and across the country — was hardly subtle. On the web site for Gill's Empire State effort, Fight Back New York, the word "defeated" is stamped in red on head shots of Monserrate and Stachowski alongside this warning: "Hey Albany: Are You Listening? There are consequences for standing in the way of equality."

Could this sort of effort come to Rhode Island? In a way, it already has.

Last year, Gill donated \$12,700 to gubernatorial hopeful Patrick Lynch, Congressional candidate David Cicilline, and nearly a dozen candidates for General Assembly.

Jon Stryker, a New York-based architect and philanthropist active in gay rights causes, gave \$10,750. And Esmond Harmsworth, a Boston-based literary agent who has supported gay rights initiatives and gay-friendly politicians for years, invested \$10,200 in Rhode Island races.

This year, Gill is paying \$9,000 per month for two of the state's top lobbyists, Rick McAuliffe and Jeffrey Taylor of the Mayforth Group.

And Solomon, of Freedom to Marry, says he fully expects gay money — local and national — to play a role in Rhode Island's 2012 races. "Lawmakers who vote for us and face tight races will get support," he says, "and politicians who vote against us will see opposition."

Brian Brown, president of the National Organization for Marriage, says his group will be active in Rhode Island, too.

This fall, NOM targeted three Iowa Supreme Court justices who voted to legalize gay marriage in that state, running television ads labeling them "liberal, out-of-control judges ignoring our traditional values."

All three of the judges lost their re-election bids — giving the lie, Brown argues, to the notion that backers of same-sex marriage don't suffer consequences at the polls.

But if NOM has triumphed elsewhere in the country, it is not clear that the group can win in the Northeast. Last fall, NOM claimed victory in dozens of races in the New Hampshire legislature. But observers like Andrew Smith, a political science professor at the University of New Hampshire, say the organization's efforts played little to no role in the GOP tide that swept the state.

And the group fell flat with a high-profile, \$1.5 million effort to oust New Hampshire Governor John Lynch, who signed that state's same-sex marriage law in 2009.

COMPROMISE?

Amid the increasingly tense politics in Rhode Island, there is plenty of chatter in the legislature about a compromise bill.

But civil unions, the solution du jour, are unacceptable for advocates who maintain that separate is not equal. And the Catholic Church, which views civil unions as a stepping stone to same-sex marriage, won't go along either.

Calls for a popular vote on the question are also dead in the water. In Rhode Island, only the General Assembly can put a question on the ballot. And that won't happen.

Same-sex marriage supporters have a philosophical objection — the majority should not vote on the rights of the minority. But they have a political one, too: gay marriage opponents have won in all 30 states that have turned the question over to the citizenry.

There is, in other words, no middle ground. This is an all-or-nothing fight — sharp-elbowed, unpredictable, and of great consequence.

The aspirations of thousands of gay and lesbian Rhode Islanders — and, perhaps, a passel of politicians — hang in the balance.

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