

Responses of Roman Catholic Bishops in Massachusetts to Goodridge Decision

Nov. 18, 2003

Statement of Archbishop Sean P. O'Malley Archbishop of Boston

Since the inception of the Commonwealth and the writing of the Massachusetts Constitution, jurists, public officials, and common sense have interpreted marriage as meaning a lifetime covenant between a man and a woman. It is alarming that the Supreme Judicial Court in this ruling has cast aside what has been not only that interpretation of the Massachusetts Constitution but the very definition of marriage held by peoples for thousands of years. My hope is that legislators will have the courage and common sense to redress this situation for the good of society.

Statement by Bishop Daniel P. Reilly, Bishop of Worcester On SJC Ruling on Same Sex Marriage

Today's vote by the Massachusetts Supreme Judicial Court rejects society's long held understanding of marriage as a union of a man and a woman. I am dismayed and disappointed by this decision. The closeness of the four to three vote demonstrates that this interpretation was not obvious and that all are not in agreement with redefining marriage.

Marriage is a natural institution and a sacred union rooted in the divine plan.

The ruling is also an affront to the legislative process that was already underway for a constitutional amendment to affirm marriage as we have always understood it in society, and that process is supported by over 100,000 Massachusetts voters. I join the many voices around our Commonwealth in urging our legislature not to abandon their constituents in the months ahead and keep the Marriage Affirmation and Protection Amendment alive for the 2006 ballot.

Statement of Bishop George Coleman, Bishop of Fall River

The marriage of a man and a woman is not just one form of association or institutional model among many others. Marriage as the union between a man and a woman has served the common good by providing children with both a mother and father, and by bringing men and women together according to the moral order. I reject the attempt to reduce all intimate personal relationships to the same level, leading to the

disappearance of the civil institution of marriage as understood in all human societies since time immemorial.

"The decision announced today in the Goodridge case is disappointing and should be reversed. It is my hope that the state Legislature will send the Marriage Affirmation and Protection Amendment to the 2006 ballot to let the people of Massachusetts reaffirm marriage as the union of one man and one woman.

Statement of the Massachusetts Catholic Conference

Goodridge Ruling “Radical” and “Devastating”

Today's radical decision in the Goodridge case to redefine marriage must be reversed. The court defies reason by rejecting an understanding of marriage tested over thousands of years and accepted nearly everywhere as the key to a stable society. Marriage as the union between a man and a woman has served the common good by providing children with both a mother and a father, and by bringing men and women together according to the moral order. After today's decision, marriage loses its distinctive social value. As devastating as the ruling is, it will not end the debate. We urge the state legislature to send the Marriage Affirmation and Protection Amendment to the 2006 ballot. Then the people of Massachusetts can reaffirm marriage as the union between one man and one woman, overriding the court's misguided decision in furtherance of sound public policy.

Brief Legal Analysis of Goodridge

Daniel Avila, Esq., Associate Director for Policy & Research

Delivered at Nov. 18 Press Conference at the State House

I would like to give a brief legal analysis of today's ruling in Goodridge. I want to note especially the ruling's probable and far-reaching impact on the lives of individuals and the policies of religious institutions in Massachusetts who disagree with the opinions expressed by the court's one vote majority.

First, the Court's majority accuses those who believe that marriage should be defined as the union between one man and one woman of wanting to harm gays and lesbians. In part IIIA of the ruling, the majority opinion says that “history must yield to a more fully developed understanding of the invidious quality of the discrimination”. The dictionary defines invidiousness as the desire to harm. In part IIIB, the majority

claims that “the marriage restriction is rooted in persistent prejudices against persons who are (or who are believed to be) homosexual.” Those are harsh and unfounded accusations!

Second, the majority goes on to say that “The Constitution cannot control such prejudices but neither can it tolerate them. . . . the law cannot, directly or indirectly, give them effect.” Those very words signal the Court’s desire to change not only the marriage license policy, but also to change every other law that can be viewed as, in some way or fashion, giving effect to the traditional understanding of marriage. For instance, our state’s anti-discrimination laws will now have to be applied to individual and institutional behavior that reflects that understanding. The majority specifically refers to the anti-discrimination laws. So this ruling goes far beyond any issue of performing religious ceremonies.

For example, this will mean that landlords will no longer be able to refuse to rent to same-sex couples whom the landlords deem to be living in an unmarried, and therefore immoral, sexual relationship. If the prospective renters have a marriage license, the refusal to rent will be actionable as discrimination. Also, religious institutions, such as hospitals, schools, and charities, will have to change their employment policies to recognize same-sex couples with marriage licenses as spouses. The Catholic Church, as announced by the Vatican earlier this year, cannot do that. So our ability to abide by our beliefs in our institutional policies will be directly threatened.

The Justices could point to no other justification for their ruling than their own beliefs. They have ordered the legislature to act within 180 days. That means the legislature is now being forced to change all the laws that address marriage, including the anti-discrimination laws. This is a travesty. Constitutional rulings of this magnitude historically have followed public consensus emerging in the form of constitutional amendments. Those few rulings that failed to follow this pattern have evoked universal scorn and public backlash. This Court acted without any public consensus to back its belief that we who oppose their opinion are no better than bigots. Now it is time for the people, acting through the referendum process, to be given a chance to respond.

Massachusetts Catholic Conference, West End Place, Suite 5, 150 Staniford Street, Boston MA
02114-2511

p: 617-367-6060 f: 617-367-2767 w: www.macathconf.org e: staff@macathconf.org