

History of 1913 Law

1843

- Massachusetts is the second state to repeal its ban on interracial marriages in 1843 (Pennsylvania was the first in 1780).
- MA lawmakers of 1843 agreed with a House recommendation that said of the state's ban on interracial marriage: The last relic of the old slave code of MA ought to be obliteration from the Statute Book of this Commonwealth...

1913

- The 1913 law was first proposed in 1912 by the National Conference of Commissioners on Uniform State laws and was a group comprised of judges, professors, lawyers and scholars.
- The group intended to create a set of uniform laws from state to state.

2003

- SJC establishes same-sex “marriages” in *Goodridge*
 - Majority Opinion:

“We also reject the argument suggested by the department, and elaborated by some amici, that expanding the institution of civil marriage in Massachusetts to include same-sex couples will lead to interstate conflict. We would not presume to dictate how another State should respond to today's decision. But neither should considerations of comity prevent us from according Massachusetts residents the full measure of protection available under the Massachusetts Constitution. The genius of our Federal system is that each State's Constitution has vitality specific to its own traditions, and that, subject to the minimum requirements of the Fourteenth Amendment, each State is free to address difficult issues of individual liberty in the manner its own Constitution demands.”
 - Justice Greaney quote for the majority:

“The argument, made by some in the case, that legalization of same-sex marriage in Massachusetts will be used by persons in other States as a tool to obtain recognition of a marriage in their State that is otherwise unlawful, is precluded by the provisions of G.L. c. 207, §§ 11, 12, and 13.”

2004

- David R. Kerrigan of the Attorney General's office memo to four town clerks:
 - “Although some states’ prohibitions of interracial marriage were among numerous prohibitions that the proposed uniform law aimed to enforce, there is not the slightest evidence that this purpose actually motivated the MA Legislature, which had repealed the Commonwealth’s ban on interracial marriage in 1843.”
- It is highly unlikely that MA lawmakers, who proudly threw open the door to interracial marriages in 1843, wrote a law in 1913 specifically to prevent it.

2006

- SJC upholds the 1913 law as constitutional in *Cote-Whitacre*
- Justice Spina quote for the majority:
 - “It is not the province of [the SJC] to dictate to other States how to construe their own specific statutes and public policy when confronted with the issue whether to recognize a same-sex marriage performed in Massachusetts.”
 - “MA has a significant interest in not meddling in matters in which another states, the one where a couple actually resides, has a paramount interest...”
- Attorney General Reilly’s Brief of the Appellees:
 - “The Couples [Plaintiffs] had also argued [in the trial court] that §§ 11 and 12 were enacted in 1913 in order to deter interracial couples from coming to Massachusetts to marry if barred by doing so by their home states, and that this asserted history undercut the statutes’ rationality. The court did not accept this historical argument, . . . and the Couples do not press it on appeal.”