

February 14, 2008

## SB290 – Religious Freedom and Civil Marriage Protection Act

### Sponsor Testimony

I come before you today to ask that you give SB290 a favorable report, and in doing so, grant my family, and the families of thousands of our constituents, the rights and responsibilities of marriage. Until this bill is passed, Maryland will remain a state where some families are at risk of being torn apart not because they lack the strength of commitment, but because they are invisible in the eyes of the law.

This bill is simple. It reiterates that no religious denomination will ever be required to recognize, perform, or bless any marriage that is against its beliefs. At the same time, it provides full equality under the law for thousands of same-gender couples in our state—couples like Mark and me.

With marriage, we can live our lives secure in the knowledge that we have the same legal rights, responsibilities, obligations, and protections that you enjoy.

Without marriage, I am at the mercy of doctors, nurses, and security guards for my partner to gain access to me in a hospital.

Without marriage, all of our financial planning and savings could be wiped out by inheritance taxes if one of us suffers an untimely death.

Without marriage, we live in a state of legal limbo that exacts a significant emotional and financial toll on our family, our children, and ourselves.

Without marriage, instead of security, we have fear. A fear that is always there. The fear that at the moments we are most vulnerable, afraid, and alone, our state could step in and take everything away from us – just because we cannot have a civil marriage.

That even one family lives with this fear is bad enough. But it is not just one family – not just my family. Thousands and thousands of Maryland families live with this fear.

And when that fear is created by the laws of the state itself, that is untenable. And just as untenable would be for this General Assembly to turn its back and do nothing.

At the same time, as important as the legal rights and responsibilities associated with civil marriage are, they are only part of the story.

Many of you know Mark, my partner. “Partner.” We had a church wedding seven years ago, and in the eyes of our religion, our families, our friends, and in my heart, he is my spouse. But under Maryland’s civil law, he is a legal stranger to me. He is just “my partner.” Even that term cheapens our relationship. It makes it sound like we are in a

business. It is a badge of dishonor I must wear every day, whenever I introduce Mark to anyone or even talk about him to someone who does not know us, because my state refuses to grant us civil marriage. I would never ask any of you to relegate your wives or husbands to being only your partners.

Without full and equal civil marriage, Maryland makes sure that thousands of its families never forget that they are outsiders. That they are not quite equal.

Our state and our nation were founded on principles of fairness and equality. These principles are timeless; unfortunately, their application has not been. Yet every generation of Americans has held out their hand to some who had been left out of the promise of equality – held out their hand and brought them fully into our civil society, saying, “You are not the other. You are us.”

This year marks the 60th anniversary of the first state court decision to overturn the laws banning interracial marriage. In its decision, the California Supreme Court wrote “human beings are bereft of worth and dignity by a doctrine that would make them as interchangeable as trains.” As a friend observed, when you are denied the freedom to marry the person precious and irreplaceable to you, it is not like you can just catch the next one.

Our country also has a long tradition of recognizing the difference between civil law and religious law. In that respect, I seek common cause with each member of the Committee. We all agree that each of our religions must remain free to define marriage as it so chooses. That has always been the case in Maryland, and this bill ensures that that will remain the case. None of us wants to live in a nation where the civil law dictates the tenets of our faith.

Just as importantly, we should not allow the teachings of a religion to dictate the civil law under which all of us must live. Some religions do not recognize divorce and subsequent remarriage. Some religions do not recognize a marriage unless it is performed in the name of Jesus. Others don’t recognize a marriage that is performed in the name of Jesus. Some clergy will not perform or recognize marriages between people of different faiths.

But our civil marriage law is rightly blind to our rich diversity of often-conflicting religious doctrines. Civil laws, unlike religious ones, apply to everyone, regardless of faith. That is why we do not allow the many different religious definitions of marriage to determine the definition of civil marriage.

With the Religious Freedom and Civil Marriage Act, Maryland can end an injustice against thousands of its citizens while respecting the critical independence of our religious institutions.

This bill represents the best ideals of Maryland, and that drive to live up to our ideals is the story of America.