



# National Association for the Advancement of Colored People

Maryland State Conference of Branches

PO Box 67747 Baltimore, Maryland 21215

## TESTIMONY OF THE NAACP BEFORE THE SENATE JUDICIARY COMMITTEE IN OPPOSITION OF HB 48

March 1, 2006

Thank you, for the opportunity to testify in opposition of SB 690, which seeks to establish a constitutional ban on the rights of citizens of this great state. My name is Elbridge James, Chair of the Political Action Committee of the NAACP – Maryland State Conference of Branches. I am here to echo the sentiments of the leadership in the NAACP National Headquarters, our National Board of Directors, and the Maryland State Conference of Branches in their unanimous opposition to any legislation that removes or hinders the civil rights on an individual or group; which in effect, rendering these individuals to second class citizen status. A civil right for one adult must be a civil right for all adults.

To establish the precedence where it is acceptable to legislate away one group's rights begins the downward path to removing the civil rights and freedoms that we all enjoy as citizens. The National board of the NAACP recently passed a resolution to strengthen ALL families, including LGBT families. We are promising to "pursue all legal and constitutional means to support non-discriminatory policies and practices against persons based on race, gender, sexual orientation, nationality or cultural background." To this legislative body, on this issue, I present the words and sentiments of the Honorable Julian Bond, Chairman of the NAACP Board of Directors. In his presentation before the Human Rights Campaign he stated:

"I am proud to represent an organization that has fought for justice for all for nearly 100 years, and while we've won many victories, we know – you know – there are other battles yet to be waged and won. At the NAACP, we were proud to have opposed the federal marriage amendment and its wrong-headed versions in several states. President Bush backed amendments banning same-sex marriage, calling marriage 'the most fundamental institution of civilization.' Isn't that precisely why one should support, not oppose, [gay marriage](#)?"

Bond further stated, "Are Gay Rights Civil Rights? – Of course they are." He said, "Civil rights are positive legal prerogatives – the right to equal treatment before the law. These are rights shared by all – there is no one in the United States who does not – or should not - share in these rights."

“When others gain these rights, my rights are not reduced in any way. The fight for civil rights is a win/win game; the more civil rights are won by others, the stronger the army defending my rights becomes. My rights are not diluted when my neighbor enjoys protection from the law – he or she becomes my ally in defending the rights we all share.”

To be succinct, any act of discrimination against one group is an act of discrimination against us ALL. The fact that legislators in this great state have brought forward this legislation is also of deep concern because of Maryland's historic, and shameful, past when the state participated in legislative bigotry and discrimination towards Blacks, Asians, other people of color and gays. In Maryland's shameful period of legal discrimination, laws were initiated that prohibited basic civil rights protection in education, employment, housing and personal safety.

An example of which, was the state's miscegenation laws which forbid, under the real threat of imprisonment, any marriage between the races. As barbaric as these notions are today, they existed in Maryland and five (5) other states through the 1960's. (States: Delaware, Florida, Indiana, Maryland, Mississippi, and North Carolina) Of those states, four (4) have been the hot-bed of Klu Klux Klan activity. And while there are other chilling examples of Maryland's participation in legal discrimination in our past, we believe that this great state and its people have worked to remove those sentiments of bigotry and hatred from all our lives and those of our children.

And, if that is the case, why reverse this progress; who do you believe that you are protecting? What families have wrote or told you that their marriage is being threatened by a LGBT partnership that also wants to express their love and devotion through a civil marriage ceremony? Because this is the Judiciary Committee, tell me how this constitutional ban is going to reduce juvenile crime, address poverty and its association with drug addiction and crime, stop the importation of drugs and guns into our communities, and reduce domestic violence against women and children.

Among Black leadership, the NAACP is not alone in our sentiments. Attached is a cross section of support for the LGBT community on this issue. The NAACP is calling on each of you to refocus your efforts on “real” issues and leave the petty and nonsensical to fools in the street or other comical venues. You must be here to do the work of the people by passing laws that better society, bring inclusion and commitment, and offer hope for a better tomorrow. This bill does none of the above and only weakens us as a people.

Thank you and I would be happy to answer any questions.

## **Marriage Equality Supporters in the African American Community:**

### **Carol Moseley Braun, Ambassador**

"I believe this is a civil rights issue...My aunt, married a white man in the 1950s when their marriage was illegal in half the states of this country. Indeed, my uncle, had he taken his wife across the wrong state line, would have been guilty of a criminal violation.

It seems to me that if people want to marry a person of a different race that's no different than somebody wanting to marry someone of the same sex." ([Democratic Debate](#), Des Moines, IA, 11/24/03)

### **Michael Eric Dyson, Author and Professor**

"It wasn't that long ago that black folks themselves could not be married. We had to jump brooms and do all kind of informal things in slavery to recognize unions that the state failed to recognize, and that the Christian religion failed to acknowledge. In the 20th century as well, when interracial marriages, in some states still banned or looked upon askance. So the thing is is that black people need to be the last people in the world trying to justify theologically any bigotry toward or bias against or even resistance to people who want to be married." ([Tavis Smiley Show](#), NPR, 2/26/04)

### **Joycelyn Elders, Former Surgeon General**

"I see no problem with gay couples marrying. It's a decision between two people – the government has no business interfering.

I remember when it was against the law for blacks and whites to be married – and that wasn't very long ago. The same people who are fighting gay marriage fought black and white marriage and fought school integration." ([Elders defends same-sex marriage](#), Tri-Valley Herald, 03/14/04)

### **Henry Louis Gates, Jr., Harvard University Professor**

"I don't understand why the movement to legitimize gay marriage would bother people so much...We have to fight to educate people and transform that visceral response . . . (because) one of the strengths of the black civil rights movement is that it's served as a model for so many other movements. We who have suffered so much should also be the most compassionate." ([St. Petersburg Times](#), 1/18/04)

### **Rev. Peter Gomes, Harvard University Chaplain**

"If society waited for majority opinion and legislative action, African-Americans, for example, would still be enduring the indignities of separate but equal accommodation and the other manifestations of legal, social, and political segregation. If the decision of the Supreme Judicial Court in Goodridge is "judicial tyranny," let there be more of it...

To extend the civil right of marriage to homosexuals will neither solve nor complicate the problems already inherent in marriage, but what it will do is permit a whole class of persons, our fellow citizens under the law heretofore irrationally deprived of a civil right, both to benefit from and participate in a valuable yet vulnerable institution which in our changing society needs all the help it can get." ([Boston Globe](#), 2/8/04)

### **Coretta Scott King, Civil Rights Leader**

"I still hear people say that I should not be talking about the rights of lesbian and gay people and I should stick to the issue of racial justice. But I hasten to remind them that Martin Luther King Jr. said, 'Injustice anywhere is a threat to justice everywhere.' I appeal to everyone who believes in Martin Luther King Jr.'s dream to make room at the table of brother- and sisterhood for lesbian and gay people." ([Reuters](#), 3/31/98)

"Gays and lesbians stood up for civil rights in Montgomery, Selma, in Albany, Ga. and St. Augustine, Fla., and many other campaigns of the Civil Rights Movement. Many of these courageous men and women were fighting for my freedom at a time when they could find few voices for their own, and I salute their contributions." ([Chicago Tribune](#), 4/1/98)

**Rep. John Lewis (D-GA)**

"It is time to say forthrightly that the government's exclusion of our gay and lesbian brothers and sisters from civil marriage officially degrades them and their families. It denies them the basic human right to marry the person they love. It denies them numerous legal protections for their families.

This discrimination is wrong. We cannot keep turning our backs on gay and lesbian Americans. I have fought too hard and too long against discrimination based on race and color not to stand up against discrimination based on sexual orientation. I've heard the reasons for opposing civil marriage for same-sex couples. Cut through the distractions, and they stink of the same fear, hatred, and intolerance I have known in racism and in bigotry." ([Boston Globe](#), 11/25/03)

**Rev. Joseph Lowery, Civil Rights Leader**

"When you talk about the law discriminating, the law granting a privilege here, and a right here and denying it there, that's a civil rights issue. And I can't take that away from anybody." ([ABC News](#), 03/13/04)

**Clarence Page, Columnist**

"The president vowed to 'do what is legally necessary to defend the sanctity of marriage.' He did not explain precisely how gays and lesbians are attacking the sanctity of marriage by wishing to be bound by it.

In fact, same-sex marriages are not likely to have any impact on the sanctity of the president's marriage or my marriage or any other heterosexual's marriage. My wife and I would still be married and so would the president and the first lady--for better or worse, in sickness and in health, 'til death do us part, etc., etc." ([Chicago Tribune](#), 12/03/03)

**Rev. Al Sharpton, Presidential Candidate**

"I believe in equal human rights, before the law, for all human beings, and race, gender, disability, class or sexual orientation should not be a factor under the law. Even though we live under the law in a secular democratic society, religious groups must still be able to maintain their spiritual and moral option to either give or withhold a religious or sacred blessing to such unions. However, the government should not have that option. It must affirm the human and legal rights of everyone." ([HRC Presidential Candidates' Questionnaire](#), 07/03)

**Rev. William Sinkford, President, Unitarian Universalist Church**

"The Unitarian Universalist Association has a long-standing and deeply held religious commitment to support full equality for bisexual, gay, lesbian, and transgender people, and today's ruling is a significant step forward in guaranteeing that the rights enjoyed by heterosexual couples in the Commonwealth of Massachusetts are also available to its bisexual, gay, lesbian and transgender citizens....Unitarian Universalists today celebrate this ruling, and we again dedicate ourselves to work for justice, grounded in faith, which calls us to support everyone's full humanity, everyone's ability to love, and everyone's value in the world." ([Unitarian Universalist Church website](#), 11/18/03)

**Other Black Leaders Who Support Marriage Equality**

**Dr. Randall Bailey**, Professor of Hebrew Bible, Atlanta

**The Hon. Willie Brown**, Former Mayor of San Francisco

**Kecia Cunningham**, Decatur City Commissioner, Decatur, GA

**The Rev. James Forbes**, Minister, Riverside Church, Harlem

**Whoopi Goldberg**, Actor/Producer, New York

**Derrick Z. Jackson**, Boston Globe Columnist

**Ron Oden**, Mayor of Palm Springs, CA

**Ken Reeves**, City Councilor, Cambridge, MA

**Byron Rushing**, State Representative, Boston, MA

**Bishop Desmond Tutu**, Nobel Peace Prize winner, South Africa

**Herb Wesson**, California State Assembly Speaker-Emeritus

**The Rev. Cecil Williams**, Minister, Glide Memorial, San Francisco

**The Rev. Jeremiah Wright**, Trinity United Church of Christ, Chicago