



ARCHDIOCESE OF BALTIMORE + ARCHDIOCESE OF WASHINGTON + DIOCESE OF WILMINGTON

**Statement to the Senate Judicial Proceedings Committee
Re: Senate Bill 290 - The Religious Freedom and
Civil Marriage Protection Act
And
Senate Bill 689 - Family Law – Domestic Partnerships**

OPPOSE

February 14, 2008

The Maryland Catholic Conference represents the public policy interests of the Catholic bishops serving Maryland from the Archdiocese of Baltimore, the Archdiocese of Washington, and the Diocese of Wilmington. We submit this testimony in opposition to Senate Bill 290 and Senate Bill 689.

Senate Bill 290 would redefine marriage by extending the name as well as all the state-related rights and benefits of marriage to any two individuals not otherwise prohibited from marrying in the state. Senate Bill 689 would essentially accomplish the same purpose, but would also change the term marriage throughout state law to the term domestic partnership. As outlined in the attached statement and a question-and-answer document issued recently by the Maryland bishops, we stand in opposition to any legislative effort that seeks to alter Maryland's current law defining marriage as existing only between one man and one woman.

At the outset, we wish to address a presumption inherent in the title of Senate Bill 290, the "Religious Freedom and Civil Marriage Protection Act." The bill presumably affords the religious freedom mentioned in the title by explicitly exempting religious institutions from solemnizing marriages "in violation of the right to free exercise of religion." Since the bill's radical transformation of the state's understanding of marriage would not be imposed on religious institutions and their adherents, it appears that this provision is included in order to remove any grounds for religious opposition to the bill.

This aspect of the bill suggests a fundamental misunderstanding of the foundation upon which both government and religion seek the common good, namely the inseparable tie between civil law and moral reasoning. The values that religion brings to the public square are not those that relate to particular religious customs or practices, but those that offer an understanding, based on a moral reasoning that can be shared commonly, of the best life for all human persons.

The Catholic Church, together with many other religious institutions, lends a voice to public policy debate on a wide and diverse range of issues – not in an attempt to “impose” our religious beliefs on others – but rather in an effort to achieve a common insight into the meaning of the existence we all share as human beings. We come before you to urge respect for the life and intrinsic value of all human persons, whether they are unborn, terminally ill, or convicted killers. We urge our lawmakers to consider first those in greatest need when distributing our state’s resources. We advocate for policies that recognize the role of parents as primary educators of their children, that welcome new Americans to our country, and that promote just wages and equitable employment opportunities for all.

While our advocacy for these policies is rooted in our faith’s understanding of the human person, we believe that understanding is relevant to, and worthy of consideration by, the women and men we have elected to enact laws upholding the common good and the best interests of society.

Our opposition today to the measures before you rests on an understanding of the nature of marriage shared across time, religions, cultures, and societies. That understanding – that marriage should be limited to the relationship between men and women – is based not on a social prejudice, but on a fact of nature: only a man and a woman are capable of bearing children through their sexual union. The nature of the marriage relationship between men and women precedes the status given it by religious institutions and governments alike. The religious recognition of marriage coincides with government’s on this point: the union of a man and woman is the only possible source – and their married relationship the best possible environment – for the children who will become society’s next generation. As the Maryland Court of Appeals commented in its ruling last year upholding the state’s marriage statute, “In light of the fundamental nature of procreation, ... safeguarding an environment most conducive to the stable propagation and continuance of the human race is a legitimate government interest.”

Let us be clear. The primary reason for preserving the legal recognition of marriage as existing only between a man and a woman is not for the sake of the couple, but for the sake of children and their elemental desire to know, and ideally to be raised and loved by, their biological mother and father. Erasing from law the uniqueness of the relationship between men and women and the distinction of that relationship from any other relationship would deny to future generations a recognition of our natural origin that lies at the very core of who we are as human beings.

Those who seek to overturn the state’s definition of marriage claim that same-sex couples, and in some cases, the children they are raising, are unjustly denied the same rights and benefits available to married couples. If there are legitimate needs of two individuals or alternative family relationships that merit extending certain rights and benefits ordinarily limited to married couples, we urge you to consider a means for doing so that does not require altering the definition of marriage.

Again, we urge you to uphold the institution of marriage between one man and one woman in Maryland, by rejecting Senate Bill 290 and Senate Bill 689.