

Maryland legislators table gay marriage bill until 2012

Jerry Filteau | Mar. 15, 2011



Supporters of traditional marriage demonstrate in Annapolis, Md., prior to a March 11 debate in the Maryland House of Delegates. (CNS/George P. Matysek Jr.)

ANALYSIS

ANNAPOLIS, Md. -- After two weeks of tension and occasional high drama, the Maryland House of Delegates delayed a showdown on same-sex marriage until next year.

The House decided March 11 to return a controversial bill to legalize same-sex marriage to its Judiciary Committee -- a move that effectively tables it for the remainder of this year's legislative session but keeps it alive for when the Legislature reconvenes next January.

Political observers said House supporters of the bill believed that with the political turmoil surrounding the issue over the previous two weeks, they were just a couple of votes short of the 71 delegates needed to pass it.

If the House had approved the bill, it would have made Maryland the sixth state (plus the District of Columbia) to legalize same-sex marriages. The state's Senate had narrowly passed the bill Feb. 24 and Gov. Martin O'Malley had pledged to sign it if it came to his desk.

Critical opposition to the legalization of same-sex marriage came from Maryland's Catholic bishops, but perhaps even more so from pastors of many black churches, especially in populous Prince George's County.

Four days after the Senate vote Cardinal Donald Wuerl of Washington, Archbishop Edwin O'Brien of Baltimore and Bishop Francis Malooly of Wilmington, Del., urged Maryland's 1.2 million Catholics to contact their state delegates and urge defeat of the bill.

Calling marriage "our society's most valued and important social unit," the bishops said, "The measure would dismantle our state's legal recognition of the true procreative nature of marriage, and contains inadequate conscience protections for religious institutions and individuals."

"The union of one man and one woman in marriage," they said, is "our society's foundational institution."

The Baltimore Archdiocese covers most of the state. The Washington Archdiocese includes three counties in southern Maryland along with Montgomery and Prince George's counties neighboring the District of Columbia. The Wilmington Diocese includes the nine Maryland counties east of the Chesapeake Bay.

Ironically, for church opponents who fought the bill vigorously, the one-year delay in the vote could seriously weaken their chances of defeating the legalization of gay marriage in the state.

Had the legislation been enacted this year, it was almost certain to be contested by a statewide popular referendum, which would have taken place in November 2012. But the recent trend of opinion polls nationwide and in Maryland indicates waning popular opposition to gay marriage: A statewide referendum in 2012 might well have defeated the proposed law, but if the trend holds up, a 2013 or 2014 referendum on the same issue could be more likely to uphold such a law.

Many observers believe a recent decision by the Obama administration not to defend the 1996 federal Defense of Marriage Act in courts could accelerate the trend of public opinion in favor of legalizing same-sex marriage.

Francis DeBernardo, executive director of New Ways Ministry, an unofficial Catholic ministry to gay, lesbian, bisexual and transgender persons based in Maryland, recently reported in a small book, *Marriage Equality: A Positive Catholic Approach*, that polls indicate both general and Catholic support for same-sex marriage has been growing nationally and in Maryland.

According to a November 2009 poll focusing on Maryland, "a 49 percent plurality of Maryland Catholics favor legislative action that would allow gay and lesbian couples to marry, while 42 percent are opposed. Compared to all Maryland voters, Catholics are more supportive of marriage equality. Of all Maryland voters, 47 support legalizing marriage between same-gender couples while 44 percent oppose it," he wrote.

His book was released in Baltimore Feb. 19 at a Marriage Equality conference for Catholics supportive of legalization of same-sex marriage.

DeBernardo noted that in a 2008 national Public Religion Research poll, "only Catholics who are over 65 years old show greater opposition than support" for legalization of same-sex marriage -- a finding he interpreted as an indication that the slight plurality of Catholics (46-43 percent) then opposed to same-sex marriage is growing from year to year. That and other recent polls have shown that among younger age groups a substantial majority of voters think same-sex marriages should be legalized.

According to local news reports, opposition of black churches to same-sex marriage played a critical role between the Maryland Senate vote and the House decision, especially in Prince George's County -- ranked the 70th wealthiest county in the nation and by far the nation's most affluent county with a predominantly African-American population.

While the Maryland Catholic Conference had been very active in lobbying and testimony against gay marriage throughout the legislative session, the 25-21 Senate vote approving the bill appeared to spark wide concern among black churches that previously had not paid a great deal of attention to it.

The Baltimore Sun, the state's largest daily, analyzed what it regarded as "a waning of Catholic influence in this heavily Catholic state" after the Senate vote.

It noted that Gov. O'Malley supported the legislation as did House Speaker Michael Busch (D-Anne Arundel), and that while Senate President Thomas V. Mike Miller Jr. (D-Calvert) voted against the measure, he also headed off a filibuster by opponents that could have prevented it from moving forward. The governor and both

legislative leaders are Catholics. About 27 percent of Marylanders are Catholic, well above the national average of 23 percent.

Unexpected drama over the marriage bill came when a scheduled vote in the House Judiciary Committee March 1, previously considered a slam dunk, had to be postponed when two Democratic committee members who supported the bill failed to show. Their surprise absence provoked a flurry of media speculation and analysis that carried over to the entire process over the next 10 to 12 days.

One of the no-shows, freshman Del. Tiffany Alston, an African-American Democrat from Prince George's who had earlier signed on as a sponsor of the bill, later told reporters she avoided the meeting because she needed more time to think and pray about the issue.

She said she personally supported legalizing gay marriage, but had to consider the strong opposition of her constituents to the bill. According to the Washington Post, much of the opposition lobbying was generated by black churches in her county.

Alston eventually voted against the measure in committee, and the committee moved the bill on to House consideration only by a tie-breaking vote by the committee chair -- who usually does not cast a vote.

Maryland is currently one of three states, along with New York and Rhode Island, that do not allow same-sex marriages but recognize such marriages performed legally in other U.S. jurisdictions.

Since 2003 five states -- Connecticut, Massachusetts, New Hampshire, Vermont and Iowa -- and the District of Columbia have legalized same-sex unions as marriages, either by court order or legislative action.

Of the other 45 states, 29 have passed constitutional amendments in recent years banning same-sex marriages and 12 have laws defining marriage as only the union of one man and one woman. A number of states, however, recognize civil unions or domestic partnerships as conferring upon partners in those unions many or all of the civil rights enjoyed by married couples.

[Jerry Filteau is NCR Washington correspondent.]

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