
By: **Senators Greenip, Brinkley, Colburn, Haines, Harris, Hooper, Jacobs,
Mooney, and Stoltzfus**

Constitutional Requirements Complied with for Introduction in the last 35 Days of
Session

Introduced and read first time: March 16, 2005

Assigned to: Rules

SENATE JOINT RESOLUTION

1 A Senate Joint Resolution concerning

2 **Definition of Marriage - Ceremony Between One Man and One Woman**

3 FOR the purpose of reaffirming that the institution of marriage has been and will
4 remain valid in Maryland only when the ceremony is between one man and one
5 woman; requesting the Maryland Attorney General to mount a good faith effort
6 to defend a certain English common law definition of marriage; providing that a
7 copy of this resolution be forwarded by the Department of Legislative Services to
8 certain individuals; and generally relating to the definition of marriage.

9 WHEREAS, In 1973 the Maryland General Assembly enacted and codified into
10 law the English common law definition of marriage in an appeal to the authority and
11 precedent of Article 5 of the Maryland Declaration of Rights which recognizes that
12 "the Inhabitants of Maryland are entitled to the Common Law of England ... as
13 existed on the Fourth day of July, seventeen hundred and seventy-six"; and

14 WHEREAS, It was clearly the intent of this legislative body that the institution
15 of marriage be defined as a union between a man and a woman in executing that law;
16 and

17 WHEREAS, On July 7, 2004 the American Civil Liberties Union filed suit in the
18 Baltimore City Circuit Court on behalf of nine couples seeking to have that law
19 overturned and to have their same-sex marriages recognized on the basis of
20 constitutional civil rights protections; and

21 WHEREAS, This legislative body has sworn an oath to support the Constitution
22 of the United States, the laws of the State, and the Maryland Constitution; and

23 WHEREAS, This legislative body, as recognized by the separation of powers, is
24 the law-making branch of government in the State and hereby forbids the courts of
25 Maryland from usurping the will of the General Assembly; now, therefore, be it

26 **RESOLVED BY THE GENERAL ASSEMBLY OF MARYLAND**, That we
27 reaffirm that the institution of marriage has been and will remain valid in Maryland
28 only when the ceremony is between one man and one woman; and be it further

1 RESOLVED, That the Maryland Attorney General is hereby requested to mount
2 a good faith effort to defend the English common law definition of marriage as it
3 existed on July 4, 1776, as did this legislature in 1973; and be it further

4 RESOLVED, That a copy of this Resolution be forwarded by the Department of
5 Legislative Services to the Honorable Robert L. Ehrlich, Jr., Governor of Maryland;
6 the Honorable Thomas V. Mike Miller, Jr., President of the Senate of Maryland; the
7 Honorable Michael E. Busch, Speaker of the House of Delegates; the Honorable
8 Robert M. Bell, the Chief Judge of the Maryland Court of Appeals; and the Honorable
9 J. Joseph Curran, Jr., the Maryland Attorney General.