



---

February 04, 2021

The Honorable Luke Clippinger  
Judiciary Committee, room 101  
House Office Building  
Annapolis, MD 21401-1991

Re: SUPPORT HB0449 (SB0488) Family Law - Marriage - Licenses and Records

Chairman and Members of the Committee

This bill makes a minor and needed correction to Criminal Law §3-321. It replaces the words "husband" and "wife" with the phrases "PARTY ONE" and "PARTY TWO". There is not proper justification for our laws, including our marriage laws, to be discriminating against same sex couples. The U.S. Constitution's Equal Protection clause forbids subtle discrimination just as much as it forbids obvious discrimination.

Originally, sodomy laws were part of a larger body of law - derived from church law - designed to prevent nonprocreative sexual activity anywhere, and any sexual activity outside of marriage. The U.S. Supreme Court said in 1996, in *Romer v. Evans*, that states could not discriminate against gay people on the basis of "disapproval," undermining the leveraging of anti-sodomy laws as justification for discrimination against gay people. The Supreme Court ruled in *Lawrence et al. v. Texas* (2003) "The State cannot demean their existence or control their destiny by making their private sexual conduct a crime. Their right to liberty under the Due Process Clause gives them the full right to engage in their conduct without intervention of the government."



Secular Maryland

<http://www.secularmaryland.us>

smd@secularmaryland.us