

Anne Underwood, Esq.

Testimony in Support of L.D. 1020 ¹
**“An Act To End Discrimination in Civil Marriage
and Affirm Religious Freedom”**

Senator Bliss, Representative Priest, and distinguished members of the Judiciary Committee, my name is Anne Underwood and I reside in Topsham.

As a practicing Roman Catholic and attorney, I thank each of you for your daily work on behalf of our democratic form of government. A government based not on *Halachah* (Jewish), *Shari' a* (Islamic), or *Canon Law* (Roman Catholic), but on Civil Law.

Our civil law draws many core values -- respect for life, the dignity of persons, the integrity of covenant and contract -- from each religious tradition, but it does not prefer the dogma or doctrinal demands of any. This restraint your legislative predecessors enshrined in the Establishment and Free Exercise clauses of the First Amendment.

No faith community can sanctify civil law for its adherents; and no arm of the government can enforce the dogma of any faith community for its citizens. Constitutionally, you as legislators cannot interfere with Bishop Malone's ecclesiastical decisions regarding my standing in the Catholic Church. Constitutionally, Bishop Malone cannot interfere with your actions regarding my marital status in the State of Maine.

I am a heterosexual woman married 24 years to a man, so interference by the Bishop with my marital status under State jurisdiction is moot -- on the point of sexual orientation. However, I was married outside of the Catholic Church, in a garden by a Unitarian minister to a non-Catholic man; a second marriage for each. While this is of no consequence to you, it is potentially of great interest to Bishop Malone.

My marriage, valid in the State of Maine, is *not* approved under the doctrine of the Catholic Church. And there is nothing you can or should do to change Church doctrine. For me and the thousands of other Maine Catholics who have lived in State-licensed marriages that our Church does not approve, our relationship with the Church is between us and our Church. You

¹ Prepared for but not given at the April 22, 2009 Judiciary Committee Hearing; read into Maine House of Representatives record by Rep. David Webster, 05/05/09.

as legislators have conferred the benefits and responsibilities of our heterosexual marriages through civil law without regard for Canon law.

My marriage is one example of how faithful Catholics chose practices that do not conform to teachings of the Vatican/Bishops. Catholic social teaching not only permits but requires primacy of conscience if one, after prayerful study and discernment, feels compelled to follow conscience over dogma. Love and respect for human dignity and personal freedom for neighbor and self ground these moral choices of conscience.

It is the conscience-based *practice* of the laity that often changes the direction of Vatican teaching: e.g. the Vatican's 19th century acceptance of Galileo's 16th century heresy (the earth revolved around the sun)²; the Vatican's condemnation in 1891 of human slavery³ *twenty-seven years after* the Emancipation Proclamation.

We faithful Catholics are not monolithic followers of our bishops. We are schooled that ultimately we are accountable to God for our interpretation and response to the awesome movement of the Holy Spirit. We face change with courage. We do not see the present as what must always be, but are open to the prophetic summons of what *could be*, what God is calling us and our society to become.⁴

I pray you will see LD 1020 as an opportunity to expand civil law justice by permitting state sanctioned marriage for lesbian and gay people in Maine.

Thank you.

² *Providentissimus Deus*, 1893, Pope Leo XIII.

³ *Rerum Novarum*, 1891, Pope Leo XIII.

⁴ "There is a growing awareness of the exalted dignity proper to the human person, since he stands above all things, and his rights and duties are universal and inviolable. Therefore, there must be made available to all men everything necessary for leading a life truly human, such as food, clothing, and shelter; the right to choose a state of life freely and to found a family, the right to education, to employment, to a good reputation, to respect, to appropriate information, to activity in accord with the upright norm of one's own conscience, to protection of privacy and rightful freedom. even in matters religious." §26, *Gaudium et spes (Pastoral Constitution on the Church in the Modern World)*, 1965.