Bill to legalize civil unions in Colorado dies

by Bill Howard by Catholic News Service

DENVER -- Nearly eight hours of emotional testimonies and legislator commentaries at the state Capitol in Denver March 31 ended in the defeat of a bill that would have created civil unions in Colorado.

Voting 6-5 along party lines to defeat the bill, legislators went back and forth on the legal and societal effects that the state Senate bill could have on Coloradans. The debate featured seven hours of public testimonies in a standing-room-only Old Supreme Court room.

At a prayer rally before the hearing, Denver Auxiliary Bishop James D. Conley told a crowd of more than 100 opponents of the bill that the measure was "just a clever way to create a springboard to impose same-sex marriage on Colorado. It will weaken marriage as an institution, which is already suffering in society."

While the bill's passage out of the Democrat-controlled Senate in mid-March seemed to be a foregone conclusion, there was less surety about the bill's fate with the House Judiciary Committee, in which Republicans held a one-member edge. In the Senate Judiciary Committee debate, one Republican, Sen. Ellen Roberts of Durango, voted with the majority Democrats.

When the House Judiciary Committee vote was finally taken around 9 p.m., audible groans from the large group of bill supporters in the gallery indicated that they were hoping that at least one of two Republicans -- Rep. Brian DelGrosso of Loveland and Rep. B.J. Nikkel of Denver -- could be swayed to endorse S.B. 172.

A second vote along party lines then postponed the bill indefinitely, effectively killing it for this legislative session.

Jennifer Kraska, executive director of the Colorado Catholic Conference, the bishops' public policy arm, called those legislators who opposed the bill courageous.

"The CCC has repeatedly pointed out that the key flaw to S.B. 172 was that in its language and practical effect, it created an alternative, parallel structure to marriage and this is bad public policy for the state of Colorado," she told The Colorado Catholic Herald, the Colorado Springs diocesan newspaper, in an April 4 statement.

The bill was co-sponsored in the state Senate by Democratic Sen. Pat Steadman of Denver and in the House by Democratic Rep. Mark Ferrandino of Denver. They are two of four openly gay legislators serving in the general assembly.

S.B. 172 would have created legal acknowledgment in Colorado of civil unions by unmarried adults regardless of gender for the purposes of giving them, according to the bill's wording, "legal benefits, protections and responsibilities that are granted under law to spouses."

Issues addressed in the bill by those testifying in favor it in both the House and Senate hearings were legal recourses in the case of a relationship dissolution, medical power of attorney, less red tape when adopting children, survivor benefits and property inheritance.

Legislator and public opposition argued that the bill was an attempt to legalize same-sex marriage and legislate around a 2006 state constitutional amendment that identifies marriage as being between one man and one woman, as well as a defeated referendum on that same ballot that would have legalized domestic partnerships.

They said that, with some S.B. 172 supporters claiming 70 percent of Coloradans support civil unions, proponents of civil unions could attempt a new ballot initiative rather than try to legislate it into Colorado law.

The bill's language described civil unions in the same way the state defines marriage, opponents said, which could lead to more people foregoing marriage for civil unions. Opposing legislators also took issue with claims that a civil unions bill would save the state approximately $5 million a year, saying the bill would create a separate class of Colorado citizens that would require a larger government to facilitate the various claims and choices needed specifically for civil unions.

In his column for the April 6 issue of the Denver Catholic Register, the archdiocesan newspaper, Archbishop Charles J. Chaput praised the lawmakers whose efforts led to the bill's defeat.

"Christians believe in the dignity of all human life, without exception," he said. "But the civil unions debate is not about ensuring the basic rights of homosexual persons. Those rights are already guaranteed under law. Nor is it finally about love or personal equality. Civil unions ensure neither of these any better than marriage does."

Archbishop Chaput said the debate over civil unions is "about securing legitimacy for social arrangements and personal behaviors that most societies and religious traditions have found problematic from long experience -- and that a great many people see as morally troubling."

People who oppose same-sex unions are against them "not because they are 'haters' or 'frightened' or 'bigots' or 'uneducated' -- that kind of language is the real bigotry in this debate -- but because they've carefully thought through the implications for society at large," he said.

As the final vote neared, legislators in favor of S.B. 172 said that marriage equality among heterosexual and same-sex couples was a civil rights issue that would not go away if the bill was defeated.

Ferrandino criticized opponents for making the bill "about religious or moral convictions against a certain group."

Republican Rep. Mark Barker of Colorado Springs disagreed in his closing comments.

"The citizens have already spoken and we need to respect that," he said. "If 70 percent feel this is important to make a referendum or amendment, then they should put it on the ballot. At that point, we'll have respected the will of the people. We have to trust the voters."

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