



SINGLE MEMBER DISTRICT 5A11

SLOWE SCHOOL DEMOUNTABLE

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To: Kenneth McGhie – Executive Director of BOEE

From: Janae Grant – Vice Chair 5A & Commissioner 5A11

Date: January 27, 2010

RE: Referendum on the Religious Freedom and Civil Marriage Equality Amendment Act of 2009

Dear: Mr. McGhie

Greetings. As an active Commissioner within my SMD 5A11 located in the Woodridge area of NE, we have been consistently weighing in on this special and important matter regarding the Jury and Marriage Amendment which was feebly shot down and then raised again regarding the definition titled Marriage Initiative of 2009 and now again as it relates to what was approved the by DC Council as the Religious Freedom and Civil Marriage Act.

Its noteworthy to highlight that *interestingly* prior to April 2009 DC was not discriminating against same-sex couples who where married in other jurisdictions according to the Human Rights Act of 1977. However, we have been selective according to the rules that the Board of Elections and Ethics wants to uphold as of late both pre and post Dean of 1995. *Dean v. the District of Columbia* in which the DC Court of Appeals decided that DC law did not allow for same sex marriage licenses which has since been upheld to the point where in 1996 *the Defense of Marriage Act* came into effect. The Defense of Marriage Act (DOMA) does two things. First, it provides that no State shall be required to give effect to a law of any other State with respect to a same-sex "marriage." For further clarification it means *"No State, territory, or possession of the United States, or Indian tribe, shall be required to give effect to any public act, record, or judicial proceeding of any other State, territory, possession, or tribe respecting a relationship between persons of the same sex that is treated as a marriage under the laws of such other State, territory, possession, or tribe, or a right or claim arising from such relationship."*¹ Simply put, the Jury and Marriage Amendment is a violation of the law according to DOMA, since **no state is authorized to recognize same-sex marriage**, why you ask - because the ***full faith and credit clause*** has never been interpreted to require states to recognize marriages celebrated in other states that are contrary to the public policy of the particular state.² Additionally, what DOMA puts in place is the provision that has allowed for states to decide for themselves if the state wants to consider same-sex marriage legal. It permitted any state to refuse recognition to any same-sex marriage performed in any other state. In other words – to nullify any hint of discrimination, DC ought to put to a vote the Marriage Initiative and let the registered residents of DC decide if they want their jurisdiction to recognize same-sex marriage.

¹ <http://www.lectlaw.com/files/leg23.htm> - Defense Of Marriage Act" 5/96 H.R. 3396 Summary/Analysis

² <http://www.answers.com/topic/defense-of-marriage-act> - The Defense of Marriage Act (DOMA) (P.L. 104-199; 110 Stat. 2419)

The second substantive section of the bill amends the U.S. Code to make explicit **what has been understood under federal law for over 200 years; that a marriage is the legal union of a man and a woman as husband and wife**, and a ***spouse is a husband or wife of the opposite sex***.³ I find it disingenuous that what was long under federal law, and then upheld by our DC Court of Appeals later becomes water under the bridge to satisfy some who knew going into such a relationship didn't come with the legal option to marry. It also defined "marriage" as **exclusively the union of one man and one woman for all purposes under federal law**.⁴

However, let's not be ignorant to the fact that DC has one of the most progressive Domestic Partnership provisions in place and that if this really was a matter of sole discrimination as would be opponents express then, we would also be trying to dissolve Domestic Partnership, which is not the case, nor even being considered. Instead of discrimination we have disillusion to try to rearrange and alter a basic definition that has been known since from the beginning of time, that marriage was a union between a man and a woman. Another basic definition is the right to vote, and while opponents try to attach the Civil Rights with this matter, coincidentally, they are doing what we are **still fighting for and trying to get which is our right to vote**. Methodically, if it was worth fighting for then, it is still worth fighting for now but the opponents would have you think that the Civil Rights was fought for the upholding of the obstruction of justice, and yet that is what they want to have happen to the District of Columbia, they want to further the obstacles of justice by preventing us as humans to have our right to vote. I would hope that the BOEE not deny the residents of the District of Columbia the right to vote, on this matter and all matters that would alter the very fabric of our laws, benefits and judgments.

Finally, we should at least follow similar action as 62% of the United States did by voting on the definition of marriage. Since this matter is of extreme importance and will alter the future generations to come, it is of must prudence to properly understand the legal ramifications and allow for the residents to decide how they want to be defined. When we allow democracy to rule, we all win. This matter came before the Board, not necessarily by majority, thus we need to allow the democratic process to have it way, which doesn't suggest that just because a matter is heard that it becomes law, nor does it suggest that the majority will go one way, but it does allow for public domain and that alone is a Human Right which should not be violated. **I urge the BOEE to not squander this opportunity again**. Let the democratic process prevail, and allow democracy to weigh in on this matter and allow everyone their right to vote and decide both individually and collectively, the marriage definition.

Simply and emphatically put, **I/we reject** the Religious Freedom and Civil Marriage Equality Amendment Act of 2009 and uphold that marriage is a union between a man and a woman recognized in the District of Columbia since 1901 and that the residents be allowed to vote on this matter through a referendum.

Janae Grant

Thank you kindly,
Commissioner - 5A11
Janae Grant
Grant...It done

³ <http://www.lectlaw.com/files/leg23.htm> - Defense Of Marriage Act" 5/96 H.R. 3396 Summary/Analysis

⁴ <http://www.answers.com/topic/defense-of-marriage-act> - The Defense of Marriage Act (DOMA) (P.L. 104-199; 110 Stat. 2419)