

**COUNCIL OF THE DISTRICT OF COLUMBIA**

THE JOHN A. WILSON BUILDING
1350 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, D.C. 20004

June 9, 2009

Errol R. Arthur
Chairperson
Board of Elections and Ethics
441 - 4th Street, NW, Suite 270N
Washington, D.C. 20001

Re: Proposed "Referendum Concerning the Jury
and Marriage Amendment Act of 2009"

Dear Mr. Arthur and Members of the Board:

I am writing to express my strong opposition to the proposed measure, "Referendum Concerning the Jury and Marriage Amendment Act of 2009," as I believe it is not a proper subject for a referendum as it "authorizes, or would have the effect of authorizing, discrimination prohibited under Chapter 14 of Title 2", as described in D.C. Official Code § 1-1001.16(b)(1)(C).

Chapter 14 of Title 2 of the D.C. Official Code, commonly known as the Human Rights Act, is very broad and prohibits discrimination in 19 different categories for almost every reason, other than merit. The stated intent of the Council in passing the law in 1974, and reaffirmed by the elected Council under Home Rule in 1977 is stated in § 2-1401.01:

It is the intent of the Council of the District of Columbia, in enacting this chapter, to secure an end in the District of Columbia to discrimination for any reason other than that of individual merit, including, but not limited to, discrimination by reason of race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, status as a victim of an intrafamily offense, and place of residence or business.

The proposed referendum would run counter to the public policy objectives of our Human Rights Act in both letter and spirit, and would prohibit the D.C. Government from providing recognition, and therefore service, programs, and benefits to same-sex couples legally married in other jurisdictions that are provided to other District married couples. Since the measure would permit discrimination not permitted under our Human Rights Act, this matter is therefore not properly a legal subject for a referendum.