

Kenneth J. McGhie, General Counsel
District of Columbia Board of Elections and Ethics
441 4th St NW, Suite 250
Washington, DC 20001

11 June 2009

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

Dear Mr McGhie:

My name is Keshini Ladduwahetty. I am a resident of the District of Columbia and serve as Chair of DC for Democracy, an independent progressive organization with more than 400 members. Our membership is diverse in age, sex, marital status, sexual orientation, religion, national origin, race and color. We are active on many issues having to do with the quality of life in the District, including, but by no means limited to, protections for human and civil rights, and we believe we were the first non-GLBT organization in the city to endorse marriage equality.

We have carefully reviewed Section 1287a, The Jury and Marriage Amendment Act of 2009, as well as the applicable provisions of the District's Human Rights Act in light of the proposed referendum, which would have the effect of reversing or overriding Section 1287a. We understand that the Section in question confers legal recognition by the District of same sex marriages legally entered into in other states.

It is our considered view that Section 1287a, passed by a vote of 12–1 by the Council and signed by the Mayor, is both legal and wise public policy for the District. It means that a married couple moving to DC from California, Connecticut, Iowa, Maine, Massachusetts, New Hampshire, or Vermont would have all the rights associated with marriage in DC, whether that couple is made up of a man and a woman, two women, or two men.

Further, it seems obvious that a referendum to undo that law — proposing to strip the rights from a couple made up of two men or two women and refuse to recognize their marriage — violates the Human Rights Act by authorizing discrimination based on sex and sexual orientation. Such a referendum would not only be unwise as a matter of public policy, but would also be illegal.

We urge the Board to find the proposed referendum invalid.

Respectfully submitted,

Keshini Ladduwahetty, Chair
DC for Democracy

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