

Gay and Lesbian Activists Alliance of Washington, DC

2010 Questionnaire for D.C. Council Candidates

Responses of Mary M. Cheh

MARRIAGE AND FAMILY

1. Will you oppose any effort to hold an initiative in the District that would take away the civil marriage rights now enjoyed by same-sex couples, and publicly campaign for marriage equality in the event such an initiative is held?

Of course. As you know, my support for marriage equality is unequivocal. I will strenuously oppose any and all efforts to undercut marriage equality in the District.

2. If the District's civil marriage equality is taken away either directly by an act of Congress or by a ballot measure, will you support immediate re-passage of civil marriage equality?

Again, of course.

3. Do you agree that private contractors doing business with the District should be required to provide equal benefits including health insurance to same-sex partners?

Yes and, in that regard, please note that one of my first actions as a Councilmember was to urge PEPCO to provide equal benefits to domestic partners and that, in short order, they did so. (see attached letter)

4. Will you oppose legislation containing either a "conscience clause" that would allow anyone to claim a Human Rights Act exemption at will, as was proposed by Councilmember Yvette Alexander during consideration of the marriage equality bill last year; or a "business necessity" exemption that would allow taxpayer-funded charities run by religious groups to discriminate against married same-sex couples, as was proposed by the Archdiocese of Washington?

Yes and, again, as you know, I led the opposition to Councilmember Alexander's proposed amendment and also publicly and strenuously objected to the business necessity exemption for taxpayer-funded charities.

PUBLIC HEALTH

5. Do you support sufficient funding to ensure that the drive to make HIV testing routine among District residents includes counseling and treatment referrals for those testing positive?

Yes, though, as with all funding initiatives, all program amounts will reflect budgetary conditions.

6. Are you committed to continuing and expanding the District's condom distribution program to include water-based lubricant and tracking of their distribution to specified locations?

Yes. In that regard, please note that I support efforts to make free condoms and condom kits available in at-the-door baskets in nightclubs and restaurants.

7. Will you support legislation giving the directors of the Office of GLBT Affairs and the Office of African Affairs the authority to issue competitive grants as other minority constituent offices have, that will be open to organizations serving the populations within the offices' purview?

Yes.

8. Describe steps you will support to improve performance at the HIV/AIDS, Hepatitis, STD, and TB Administration (HAHSTA), including in HIV prevention, HIV/AIDS surveillance, and mental health services.

I think we need more oversight of HAHSTA and should consider an overhaul of that office.

PUBLIC SAFETY AND THE JUDICIARY

9. Will you support funding for mandatory lesbian, gay bisexual, and transgender (LGBT) sensitivity and diversity training for all members of the Metropolitan Police Department and the Fire and Emergency Medical Services Department?

Yes. But the need is broader. I think we need sensitivity and diversity training across all of our office and workplaces, including MPD and FEMS. We need to fill gaps, particularly with respect to sensitivity training concerning transgendered people.

10. Will you support a budget for the Office of Police Complaints large enough to avoid developing a backlog of cases?

Yes. But here again, precise amounts must reflect the then-existing budget circumstance.

11. Will you support efforts to rein in police officials who respond to legitimate crime concerns with unsustainable, media-centric quick fixes that infringe constitutionally protected civil liberties? And will you do so without waiting for courts to overturn them, as the U.S. Court of Appeals did to the Neighborhood Safety Zone initiative in 2009?

As you know, I publicly fought against this initiative and did so in the media and at Council hearings well before the Court of Appeals ruling. Indeed, it was one of the reasons I voted against Peter Nickles to be Attorney General.

12. Will you support maintaining the award-winning Gay and Lesbian Liaison Unit with both a citywide scope and a dedicated and well-trained central core unit with a full-time sergeant?

Yes. I was very disappointed when the Office lost Sergeant Brett Parson, whom I have come to know dating back well before becoming a Councilmember. He spoke of his activities in the Unit with my Criminal Procedure classes over the years. There should be a full-time sergeant who understands LGBT policing and the LGBT community.

13. Will you press for increased oversight of the Metropolitan Police Department's gathering and analysis of crime statistics to ensure greater comprehensiveness and objectivity, including transgender-related hate crime data?

Yes. There is a perennial problem with statistical reporting. And, in particular, discrepancies between local reporting and FBI reporting must be specifically explained.

14. Do you support making the D.C. Attorney General an elected position?

Yes. It must be acknowledged, however, that among the states, there are good arguments on both sides of the question. But, for the District, given our experience, and given the benefit of another District-wide officeholder and the ability to have a public discussion on the priorities of that office, the position should be elected.

HUMAN RIGHTS

15. Will you support a budget for the Office of Human Rights large enough to allow it to keep the backlog at below 70 aged cases; keep below 210 days the average time it takes to issue a probable cause finding; and expand education, prevention, and language access efforts?

Yes.

16. Will you block ceremonial resolutions and otherwise decline to honor individuals or organizations that promote any sort of bigotry?

Yes. But please be vigilant in providing assistance in identifying such persons or groups.

17. Are you committed to including a transgender representative on the D.C. Commission on Human Rights?

Yes. But the fact that someone is transgendered should not make appointment automatic--the individual must be otherwise thoroughly qualified.

18. Do you agree that the Director of the Office of Human Rights should be required to have professional training and experience in civil rights law enforcement?

Yes.

PUBLIC EDUCATION AND YOUTH

19. Will you oppose both federal and local voucher programs that fund students in religious schools that are beyond the protections of the D.C. Human Rights Act?

I have opposed voucher programs but, as a matter of equity and stability for students already enrolled in such programs, I would not oppose allowing those already in the program to continue. The students themselves have developed relationships and friendships and it may be disruptive, to them, to just cut them off.

20. *Will you support improved services and treatment for gay and transgender homeless youth, including transitional housing?*

Yes.

21. *Will you oppose the use of either federal or District taxpayer funds to promote “abstinence only until marriage” sex education that undermines safer-sex programs by excluding more comprehensive information?*

Yes. These programs are just ideologically driven and, by themselves, do not work.

CONSUMERS AND BUSINESSES

22. *Do you support the right of adults in the District to choose adult-oriented entertainment for themselves, and the right of appropriately licensed and zoned businesses to provide it?*

Of course. And they are constitutionally entitled to do so.

23. *Will you support legislation to curb abuses by NIMBYs who are now allowed to file an endless series of baseless complaints to harass or extort bars and restaurants?*

As phrased, the answer is yes. But, of course, it may be impossible to eliminate completely the use of process--otherwise valid--to harass bars and restaurants. We do have levers, though, such as the equivalent of Rule 11 sanctions and a bar on successive filings.

24. *What are your thoughts regarding GLAA’s proposal, explained in Agenda: 2010, to mitigate the problems associated with prostitution by legalizing and regulating it? What will you do to provide alternatives to survival sex for at-risk populations like homeless youth and transgenders?*

When I did a stint at the United States Attorney’s Office in the 1980s, the most troubling cases were prostitution prosecutions. I would consider alternatives to the criminal model but cannot now say where I would land on the issue. The criminal model has one advantage in that it enables the government to bring victims within its control and, with creative sentencing, to assist them in escaping their circumstances and getting services they need. Perhaps we have not done enough along these lines yet to know that this model should be abandoned.

APPENDIX

Here are some items beyond those referred to in the questionnaire itself:

- Passed legislation requiring insurance companies to pay for HIV/AIDS testing whenever someone comes to a hospital emergency room. At a Health Committee oversight hearing, pressed the Department of Health to see that the law was implemented.
- Introduced legislation (passed as part of the budget) prohibiting discrimination and harassment against unpaid interns.
- Introduced legislation (passed as part of the Omnibus Public Safety and Justice Amendment Act) adding homelessness as a protected class to the anti-bias crime laws.
- Co-sponsored the "Hate Crimes Training for Law Enforcement Amendment Act of 2007" and co-introduced the "Sense of the Council in Opposition to Acts of Hate Resolution of 2008"
- Opposed proposed rulemaking that would have removed the protections of the Human Rights Act to persons in custody.
- Shepherded the Healthy Schools Act, which among other things, requires public schools, including public charter schools, to provide health education to students. I received the DC Metro Teen AIDS Advocacy Award for my efforts on the Healthy Schools Act.
- In the 1980s, I spearheaded changes to the George Washington University's policy of anti-discrimination to include discrimination based on sexual discrimination.
- At GW Law, I participate in special programs (such as welcoming new admittees) aimed at out LGBT students.