

Gay and Lesbian Activists Alliance of Washington, DC 2010 Questionnaire for Councilmember Phil Mendelson, At-Large

Thank you for the opportunity to respond to your questionnaire. Throughout my political career I have been an advocate for civil liberties and human rights. As Councilmember, I have striven to be a leader in advancing the rights of Lesbian, Gay, Bisexual, and Transgender people. I have worked closely with GLAA and other groups to address legislative and oversight needs. I have worked with GLAA in crafting strategies to advance equal rights without creating opposition on the Council, in the community, or from the Congress. We have been overwhelmingly successful, most notably on marriage equality, but also for a large number of other issues discussed below. I am humbled by the awards that I have received from GLAA, the Stein Club, and the DC Center. I believe that I have been as strong an ally as anyone on the Council, and I would like to continue to lead the Council in advancing full equality for all of our citizens.

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?

Yes. Marriage is a fundamental right that must not be denied to same-sex couples. Ballot measures that subject the rights of minorities to a popular vote usually result in the loss of those rights. The authors of the Constitution were acutely aware of this problem and did not provide for direct democracy. An initiative that would ban same-sex couples to marry would be neither right, just, nor constitutional.

A referendum or initiative to deny a group their rights would be unconstitutional. The 14th Amendment states in part:

No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Further, our own D.C. Human Rights Act states:

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,

Councilmember Phil Mendelson

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.

It is the duty and obligation of every elected official to defend the equal rights of all our citizens. I will do so with all of the means available to me.

I worked with GLAA to systematically change or repeal all of the laws that were used in *Dean vs. D.C.* which found that the D.C. Human Rights Act (HRA) did not require the District to provide equal marriage rights to same-sex couples. I wrote or introduced more than a dozen bills amending marriage rights and responsibilities in the D.C. Code to be gender-neutral, and repealing other potentially discriminatory marriage laws. Because of these changes the Board of Elections and Ethics (BOEE) was able to find that *Dean* was not relevant in a challenge to the marriage equality legislation and that the four ballot measures were improper as they would violate the HRA. I testified four times in writing and three times in person before the BOEE that the proposed ballot measures were improper. I was the only Councilmember or candidate to testify.

I have been gratified to see the D.C. Courts uphold our HRA restriction on initiatives and referendums. The decision of the Court of Appeals was unanimous that the proposed initiative would lead to discrimination in violation of the HRA. I have confidence that the U.S. Supreme Court would similarly find in our favor in the very unlikely situation that they accept an appeal.

I was one of the introducers of the Religious Freedom and Marriage Equality Amendment Act and marked it up as Chair of the Committee on Public Safety and the Judiciary. I amended the bill—with the recommendations of GLAA and others—to be as strong as possible, and rejected numerous amendments to weaken it or compromise human rights. I worked with Congresswoman Eleanor Holmes Norton to ensure that the Congress would not interfere with our law or force a ballot measure. I will continue to oppose any initiative that would take away marriage equality and will work with GLAA and the LGBT community to develop the best strategy to do so.

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?

Yes. I publicly stated my intent to immediately introduce a bill restoring equal rights at the D.C. for Democracy forum. As I worked with GLAA and other activists to make sure that same-sex couples can marry, I will do the same to maintain that right. Since the D.C. Court of Appeals has

upheld the Initiative, Referendum, and Recall Procedures Act, we only face interference from the U.S. Congress. I do not believe that the current Congress will take that action, and I am confident that the risk fades with the passage of time.

A public vote on whether or not someone has equal rights is not appropriate. Rights cannot be taken away because a group is unpopular. All public officials have an obligation to defend the rights of minorities in defense of the Constitution.

Justice Anthony Kennedy wrote in *Romer v. Evans*:

We must conclude that Amendment 2 classifies homosexuals not to further a proper legislative end but to make them unequal to everyone else. This Colorado cannot do. A State cannot so deem a class of persons a stranger to its laws.

Judge Vaughn R. Walker concluded in *Perry v. Schwarzenegger*:

Proposition 8 fails to advance any rational basis in singling out gay men and lesbians for denial of a marriage license. Indeed, the evidence shows Proposition 8 does nothing more than enshrine in the California Constitution the notion that opposite sex couples are superior to same-sex couples. Because California has no interest in discriminating against gay men and lesbians, and because Proposition 8 prevents California from fulfilling its constitutional obligation to provide marriages on an equal basis, the court concludes that Proposition 8 is unconstitutional.

And Judge Walker also wrote:

That the majority of California voters supported Proposition 8 is irrelevant, as “fundamental rights may not be submitted to [a] vote; they depend on the outcome of no elections.”

There is no rational basis for the District to deny equal marriage rights to gay and lesbian people, and a popular vote may not be used to remove those rights. I do believe that we would win a ballot measure on marriage equality if it were held in the District, but a measure of that nature should never be put to the voters.

I will lead the Council to use all available legislative actions to prevent the rights of a minority to be taken away by a majority. I believe that there are a variety of strategies that may be employed to maintain our rights and commitment to human rights. I will want to discuss with GLAA and other community activists to craft strategies that we can all support.

I will introduce legislation for the immediate re-passage of civil marriage equality in this worst-case scenario, and any other legislation necessary to maintain human rights for all of our residents.

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. This was advanced significantly with the passage of the Religious Freedom and Marriage Equality Amendment Act. Prior to the law going in effect, same-sex couples didn't have access to marriage and employers commonly provided family benefits only to legally married couples. I also introduced the "Accrued Sick and Safe Leave Act of 2008" (DC Law 17-152), which recognizes the rights of acting parents and domestic partners to take leave from work to take care of their families. Providing a different level of benefits would be a clear violation of the D.C. Human Rights Act.

The U.S. Department of Labor announced that the federal Family and Medical Leave Act (FMLA) would similarly apply to a person acting as a parent, even without a legal or biological relationship. This is significant for the same-sex couples who may be unmarried, domestic partnered or married, but without federal recognition of their relationship. This adds to the range of laws that would be violated in providing unequal benefits.

The advancement of near universal healthcare in the District in the past few years—although not yet fully implemented—has largely separated employment and relationships from access to healthcare. This largely eliminates the problem of legal discrimination affecting the access to healthcare financing. However, problems with different levels of care and outcomes remain.

Catholic Charities ended their contract with the District to provide foster care services because they would not agree to provide healthcare for some of their employees. While it is unfortunate that they did not expand their insurance coverage, I am pleased that the National Center for Children and Families was able to take over the contract seamlessly and provide an equal level of employee benefits without discrimination.

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. I rejected the conscience clause amendment proposed by Councilmember Alexander and the business exemption proposed by the Catholic Archdiocese. Section 2.2 of Agenda 2010 describes my work in keeping those proposals out of the Religious Freedom and Marriage Equality Amendment Act.

The conscience clause was not part of the Public Safety and the Judiciary Committee's mark-up bill. Committee member Alexander proposed the amendment at the committee meeting. It was rejected 4 to 1 as it would have encouraged and increased anti-gay discrimination. That is exactly counter to the purpose of the bill and the intent of the Council described in the preamble to the Human Rights Act, "... to secure an end in the District of Columbia to discrimination for any reason other than that of individual merit..."

The business exemption was intended to be used only in rare circumstances, and not as a general blanket policy.

§ 2-1401.03 (a) "...a 'business necessity' exception is applicable only in each individual case where it can be proved by a respondent that, without such exception, such business cannot be conducted; a 'business necessity' exception cannot be justified by the facts of increased cost to business, business efficiency, the comparative characteristics of one group as opposed to another, the stereotyped characterization of one group as opposed to another, and the preferences of co-workers, employers, customers or any other person..."

The proposed amendment would have expanded 'business necessity' to cover a broad swath of discrimination justified only on religious preference. This is antithetical to the intent of the Human Rights Act and the goal of the Religious Freedom and Marriage Equality Amendment Act in ending discrimination against gay and lesbian people.

I was, and continue to be, unwilling to expand discrimination. I appreciate your recognition in the Agenda of my efforts to expand and not restrict rights in the legislation.

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. That 25% of people with HIV do not know that they are infected is central to the spread of the disease. HIV positive people who do not know their status put themselves and their loved ones unknowingly at risk. To combat the lack of knowledge we will need to make HIV testing as routine as cholesterol testing. This will require us to make sure hospitals, clinics, and private doctors all make this a routine test with an opt-out option. Standard care for HIV now reduces the virus in the blood to undetectable levels, allowing people to live normal lives, and significantly reducing their risk of infecting others.

Stigma associated with HIV will need to be reduced. As a Councilmember I prevented additional stigma by blocking the mandatory testing of HIV for marriage licenses, which would have resulted in a permanent ban of people with HIV from marrying. I also blocked mandatory testing

of prisoners, which would have potentially jeopardized our award winning model program in the corrections department. That program has a better than 90% testing rate and provides related counseling and treatment. We need to look through the DC Code to identify any laws that add to stigma and address them. A good test is whether we would handle Hepatitis C in a similar manner.

We need to identify those people who are not routinely accessing healthcare and engage them. Typically these are poor and marginalized people, often with a range of special health needs. This may include the homeless, immigrants, and prostitutes. We also need to target specific populations at high risk or with high rates of infections. Transgender people face one of the highest rates of HIV, but because they are numerically small, they have been largely ignored by our public healthcare system.

Helping people learn their HIV status, and providing patient-appropriate counseling and treatment, will go a long way toward reducing overall healthcare costs by providing preventative and early intervention care which is far less expensive than late-term and crisis care.

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. The District must undertake performance audits as we do with other grants. The DC Center's Toolkit campaign is an excellent model of how community groups can involve volunteers and provide greater condom, lube, and information distribution to a much wider audience than HAHSTA could alone. Assigning particular organizations responsibility for distribution to specific sites will make it relatively easy to check a group's performance in distribution.

The use of condoms is the safest and most effective prevention method for reducing HIV transmission among sexually active people. No one should become infected for lack of a condom. Recently it was reported that recipients of free condoms in the District were asking for different brands. This should be accommodated as much as possible to ensure that they are used. We also need to ensure that condoms remain readily available in schools and correctional facilities. Instruction on proper use must also be provided in an age- and setting-appropriate manner.

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. Each of these constituent service offices should have the same structural mechanisms to meet the needs of their communities. The DC Center, Mautner Project, Wanda Alston House, and many other organizations were hit with severe budget cuts resulting from the ethical scandal that ended earmarks, and the economic crisis which cut programs across the District. I strongly advocated for the removal of earmarks which had no accountability, oversight, or audits. The \$500,000 grant to the DC Center for a building was unfortunately eliminated as an earmark, but would have likely been eliminated from an austere budget in any event. We had to cut into essential services to balance the budget, which is a legal requirement.

Once the economy recovers, we will have to look into providing funding for smoking cessation programs targeting the LGBT community like those the D.C. Center and the Mautner Program had operated; programs targeting LGBT youth; the Crystal Meth Working Group; and the facilities needed to meet the needs of the community such as the Wanda Alston House, the DC Center, and the SMYAL buildings for the programs for young people. The grant process—given to the offices of GLBT Affairs and African Affairs—is appropriate for this.

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.

One of the most significant barriers to a well functioning agency is frequent changes in leadership. Dr. Shannon L. Hader resigned in June after serving for just 3 years. She was one of the longest serving directors in ten years. That is a serious managerial problem that prevents continuity and implementation of long-term programs. Dr. Nnemdi Kamanu Elias has been made the interim head of the agency. She had served as the department's chief medical officer, so she has had a role in the current programs that have shown some promise. I would like to see a director serving for an extended period so that their reforms and programs can take hold without interruption. I will urge the Mayor, Council, and the director to make a commitment to continuity. It is a relief that the agency's programs were not contingent on one personality and Dr. Elias is able to step up and run the agency. We need to ensure that we have competent, able, and talented people at more than just the director level. A strong team needs to be in place that can run the agency without constant supervision. Protocols and procedures need to be in place so that the agency can continue to function even with staff changes.

I will encourage the D.C. Partnership for HIV/AIDS Progress, which not only brings more funding to the District, but also innovative science-based programs. As stated on their website, the D.C. Partnership centers on four research efforts:

- Identifying populations at high risk for HIV acquisition and developing effective interventions for reducing their risk;
- Establishing a District-wide data analysis mechanism to identify and address health issues and outcomes for people receiving HIV care and treatment;
- Augmenting the city's HIV-related subspecialty medical care and enhancing access to research studies; and
- Conducting a pilot program to study the voluntary test-and-treat concept aimed at stemming new cases of HIV infection.

Creating programs that simultaneously treat people with HIV and hepatitis will be a significant improvement over treating those diseases separately. Additionally, treating HIV and mental health issues together will also be an improvement.

I will also encourage the inclusion of health questions related to transgender people in all of our health surveys. The recent Report of Lesbian, Gay and Bisexual Health in the District of Columbia by the Office of LGBT Affairs was based on a single report that did not have any information about the health of transgender people.

I will encourage the development of a comprehensive city-wide LGBT health report which includes information from the Behavioral Risk Factor Surveillance Survey (BRFSS), the Youth Risk Behavior Survey (YRBSS), the National HIV Behavioral Surveillance Survey, and the Adult Tobacco Survey, among others. The surveys have only begun to ask questions related to transgender health in 2009, so it may be a few years before enough data has been gathered for a useful report. The health report should also include information from people using the District's public health services. This should include information from organizations that are funded through HAHSTA. The local data is already inclusive of transgender people. A report on LGBT health should also make specific recommendations for how to make improvements. The current report identifies health disparities, but no recommendations on how to address them.

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. While there is not a separate budget line-item for this training, I will work with the Metropolitan Police Department (MPD) and Fire/EMS to make sure that the LGBT sensitivity training continues. The Tyra Hunter training in the Fire/EMS Department must be more than just a name. The MPD needs to expand its training to include refresher courses for veteran officers. Funding may be less of an issue than leadership. I will work to make sure that we have both.

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

Yes. I have been the primary advocate for the Office of Police Complaints, repeatedly restoring proposed budget cuts. Public trust is critical for the police to do their jobs effectively. An independent agency investigating alleged police conduct is critical to gaining the public trust and identifying officers that are not acting in a professional manner for the public good. The vast majority of MPD officers are doing an outstanding job in protecting the public, but a few unprofessional officers will undermine the good and hazardous work if left unchecked.

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?

Yes. I have a proven track record of opposing these types of tactics.

I have held several public hearings that allowed opponents of these efforts to have a voice. Further, since many of these efforts require legislative change, I have consistently challenged these tactics as Chair of the Committee on Public Safety and the Judiciary. I have publicly opposed the Trinidad checkpoints, anti-loitering laws in their many iterations (anti-gang civil injunctions, hot spot no loitering zones, and public nuisance abatement), and the secure communities program. I do not believe that crime can be addressed in a substantive manner through tactics that are uncertain in their effectiveness but certain in their detrimental effect on civil liberties. Indeed, research suggests that these strategies are counterproductive to long-term crime reduction. At my recommendation the Council has rejected these strategies.

I removed a proposed section of the Omnibus Public Safety Act of 2006 that would have had the effect of police targeting transgender people on the suspicion that all transgender people are prostitutes.

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 worked in conjunction with community stakeholders in order to hold public hearings on the issues surrounding the liaison units. I believe that a full-time sergeant, dedicated to the

GLLU will be a strong asset to the effectiveness of the unit. Further, it would be a strong statement that the District takes seriously crime that targets the LGBT community.

I am concerned that there is no apparent succession plan in place since Sgt. Brett Parson stepped down as head of the special liaison unit. The reduction in staffing of the GLLU is not acceptable. The unit needs to be restored to full strength and return to community policing, which was central to its award winning success.

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. I have two primary areas of concern with the Metropolitan Police Department's crime statistics. First is how the data is presented. Second is how the data is collected. District residents and community groups that proactively participate in crime prevention must be able to understand and rely on the data presented. I believe that more can be done to explain the basis for crime statistics so that there is a better understanding about what is happening and what needs to be done. Data collection is also critical for the public's understanding of crime. I believe that more must be done in order to ensure that bias-related crimes are correctly identified and reported so that stakeholders are informed.

I held a public oversight hearing on "Hate Crimes in the District of Columbia and Police Response to Reports of Hate Crimes," November 20, 2009. Testimony covered trends, police response, and prosecution. A report on hate crimes, released the evening before, was discussed—in particular, the lack of gender identity and expression as a category. As a result, I demanded and received a revised report. This legally required report needs to be updated and issued annually. The MPD should be able to write the report without relying on the Office of GLBT Affairs to do the work. I commend GLAA, Gays and Lesbians Opposing Violence (GLOV), and the DC Trans Coalition (DCTC) for reading, analyzing, and testifying on the report in less than 24 hours.

We need better analysis of the discrepancy between media and GLOV reported hate crimes and the number in the report. The MPD no longer has a lack of FBI reportable categories as an excuse, since the recently passed Matthew Shepard Act added sexual orientation and gender identity and expression to the federal categories. Ignoring D.C. laws was never a valid excuse, but now it is completely removed.

I will continue to hold hearing on the Metropolitan Police Department's gathering and analysis of crime statistics with an emphasis on ensuring greater comprehensiveness and objectivity.

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

Yes. The “Attorney General for the District of Columbia Clarification and Elected Term Amendment Act of 2010,” D.C. Law 18-160 was authored by and pushed through the Council by me. The majority of jurisdictions, 43 of the 50 states, elect their attorney general. The city’s chief legal officer needs to represent the public’s interest and not any particular branch of government. Electing the Attorney General provides a greater likelihood of independence.

Based on his actions as Acting Attorney General, as well as his testimony at his confirmation hearing, it was apparent that Peter Nickles had no intent to represent the interests of the public, but instead only that of the Mayor. I believe his understanding of the role of the Attorney General to be fundamentally flawed, and I led the effort to disapprove his confirmation.

An elected attorney general could investigate or charge the mayor and the council members who violate the law. Whether it is inappropriately awarding contracts without the required approval of the Council, or raiding dedicated funds to balance the budget, the Mayor’s own attorney cannot charge and prosecute him. Without an independent attorney general, the Executive operates with impunity.

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. I will continue to ensure that the Office of Human Rights has the budget that it needs to reach a finding of probable cause in the legally prescribed time. D.C. Code § 2-1403.05 requires that a finding of probable cause be issued in 120 days. While we may not be able to get to that level of performance in the short term, we should have that as our goal. Longer than 210 days is not acceptable. People must not be dissuaded from filing complaints because of bureaucratic delays.

§ 2-1403.05. Investigation.

(a) With the exception of complaints alleging unlawful discrimination in residential real estate transactions brought pursuant to this chapter or the FHA, the Office shall serve, within 15 days of said filing, a copy thereof upon the respondent, and upon all persons it deems to be necessary parties; and shall make prompt investigation in connection therewith.

(b) Within 120 days, after service of the complaint upon all parties thereto, the Office shall determine whether, in accord with its own rules, it has jurisdiction; and if so, whether there is probable cause to believe that the respondent has engaged or is engaging in an unlawful discriminatory practice.

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

Yes. I have always opposed honoring people who promote discrimination. The D.C. Human Rights Act committed this government to fight discrimination on every basis but merit. One of the ways that we live up to the Human Rights Act is not honoring those who oppose that value. While my staff and I will always be alert to this issue while reviewing proposals for honors; we may not be as familiar with some people or organizations as GLAA. I look for your guidance in identifying problems if they appear in the D.C. Register or Council calendar. I will not allow the Council to honor anyone or group that we know to promote discrimination.

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

Yes. I cosponsored and voted for the “Human Rights Clarification Amendment Act of 2005” (B16-0389), and I supported and voted for the “Prohibition of Discrimination on the Basis of Gender Identity and Expression Amendment Act of 2008” (D.C. Law 17-177). Implementing and enforcing this law should be a higher priority for the Office of Human Rights. The serious problems with discrimination in employment, housing, and public accommodations against transgender people needs to be addressed. Having a qualified transgender person on the Commission on Human Rights is just one way to bring a focus to the problem and raise the issue’s profile on the Commission and in the Office on Human Rights. The D.C. Department of Employment Services needs to be questioned about their hiring practices, the disparity between the population and employment, and whether they are actively recruiting transgender candidates. The Office of GLBT Affairs should look into hiring a person to make transgender issues a priority in that office. I was glad to hear all of the mayoral candidates at the D.C. for Democracy forum say that they would appoint a transgender person to the Commission on Human Rights. Only the mayor can make the appointment, but I will support a qualified transgender nominee.

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. The Office of Human Rights deals with a specialized area of law. The staff and director must make judgments on the law’s applicability, breadth, and limitations, all the while being

sensitive to the personal and emotional nature of discrimination. This is quite different from other agencies where the director is focused on management, finances, and service delivery; although the OHR director must also handle these issues. Some reasonable minimum qualifications can and should be adopted. I have done this with the Attorney General in the “Attorney General for the District of Columbia Clarification and Elected Term Amendment Act of 2010” (D.C. Law 18-160). The Attorney General must be a member of the D.C. BAR for at least 5 years and have worked as an attorney, judge, or law professor for 5 of the prior 10 years in D.C. I support the adoption of minimum levels of education and experience in human rights for future directors.

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?

Yes. I have always opposed vouchers. The federal and District government should use its resources to improve the schools for all of our students, and not pay for some to leave our school system. Vouchers have provided private school tuition for not more than 2,000 students, which is less than 3 percent of the roughly 67,000 students in the District’s public school population. It is our responsibility to improve both public and public charter schools.

Taxpayer-funded programs should not be allowed to function outside of the protections guaranteed by our Human Rights Act. Nearly all of the voucher funding has gone to religious schools which are exempted from protecting our children, teachers, and other employees from discrimination. This situation is analogous to the Archdiocese seeking exemption from the Marriage Equality law. It is discriminatory and I do not support it.

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

Yes. Homelessness is a problem in every American city, and the D.C. government in cooperation with community organizations must work harder to alleviate the causes as well and provide services and housing. Homeless youth are particularly vulnerable to abuse, illness, survival sex and a host of other problems. I was gratified to see the Wanda Alston House open. It is a great asset to our city, although it cannot help all of the youth who need help. We must assure that all of our shelters and services are available to everyone without regard to sexual orientation, gender identity and expression. We must further ensure that there is adequate shelter, housing, and other services for all homeless youth. LGBT homeless youth must not have anything less than their straight counterparts.

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. Abstinence education is desirable as part of a comprehensive sexual education program. There is no substitute for sexual health education that is thorough, frank and age appropriate. Sexual education must provide scientifically accurate information regarding safer-sex practices, harm-reduction strategies, and human sexuality. We cannot expect a positive outcome from deliberately withholding health information from our students. Education in our public schools should be based solely on science.

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?

Yes. I’ve always believed consenting adults can decide what is best and appropriate for themselves. Adult entertainment is part of the wide range of entertainment that is and should be available in the District. A number of adult-oriented businesses—especially those oriented to toward LGBT people—were displaced by the baseball stadium, which I opposed due to its financing plan. Businesses had very limited options to move to other locations due to extremely restrictive regulations. I was a co-sponsor of Bill 16-589, “The One-Time Relocation of Licensees Displaced by The Ballpark Amendment Act of 2006,” and I voted for the final bill, Bill 17-109, which allowed for some additional options for relocating.

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?

Yes. Harassment of businesses must not be permitted. However, I would want to hear from all parties in designing a solution. I am open to legislation that will help businesses, but we must also have fair and equitable regulations that permit adversely affected neighbors, ANCs, and community associations to comment. Restrictions are warranted against people who are found to be abusing the regulatory systems to harass businesses, much as nuisance litigants are prevented from filing suits in court without prior permission. This would need to be done with great concern for due process so that communities are not unduly restricted from petitioning the government. The process also must not be allowed to drag out as this can be extremely expensive for a business put on hold. Delays can sometimes be as long as a year for the ABC adjudication

process to finish. A more timely process would help, perhaps with stricter deadlines. Many businesses are supported by their neighbors and there should be some formal way to include their comments as well. The challenge will be to find a balance between the rights of neighbors and the rights of businesses.

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 transgender people?

People resorting to survival sex are the least likely to benefit or be able to manage the regulations, business licenses, tax filing, and the other requirements of running a business. Many will continue to work in the underground economy without the benefits that legalization might provide. In order to help the most vulnerable we need to improve the social services that will keep people from needing to engage in selling their bodies for survival. We need to improve education, job training, housing, drug and alcohol treatment, mental health treatment, and reduce discrimination. Specific high-risk populations will need targeted programs with wrap-around services. Programs such as the Wanda Alston House provide options, especially for LGBT youth who might otherwise be homeless—to get them off the streets and provide the stability that they need for education, job training, and employment. Helping Individual Prostitutes Survive (HIPS) is another group that should be funded to help prostitutes find the resources that they need for options beyond survival sex.

Your record is part of your rating. Please list any actions that you have taken that may help illustrate your record on behalf of gay men, lesbians, bisexuals, and transgender people.

- I introduced the amendment recognizing marriages from other jurisdictions.
- I was an introducer of the Religious Freedom and Marriage Equality Amendment Act.
- I held a hearing with over 220 witnesses on the marriage equality bill.
- I rejected the proposed conscience clause amendment and the proposed business exemption.
- I wrote the final marriage equality bill as Chair of the Committee on Public Safety and the Judiciary.
- I worked with Congresswoman Eleanor Holmes Norton to ensure that the Congress would not interfere with our law or force a ballot measure.
- I testified four times in writing and three times in person before the BOEE that the proposed ballot measures were improper. I was the only Councilmember or candidate to testify.

- I was the only Councilmember or candidate to speak at the rally in Dupont Circle the night the California Supreme Court upheld Prop 8.
- I worked with GLAA to systematically change or repeal all of the laws that were used in *Dean and Gill vs. D.C.* which found that the D.C. Human Rights Act (HRA) did not require the District to provide equal marriage rights to same-sex couples.
- I wrote or introduced more than a dozen bills amending all marriage rights and responsibilities in the D.C. Code to be gender-neutral, and repealing other potentially discriminatory marriage laws. The two major bills were the Omnibus Domestic Partnership Equality Amendment Act of 2008 and the Domestic Partner Equality Act of 2006.
- I wrote the “Accrued Sick and Safe Leave Act of 2008” (D.C. Law 17-152), which recognizes the rights of acting parents and domestic partners to take leave from work to take care of their families.
- I wrote and worked with GLAA, Nancy Polikoff, Michelle Zavos, and others on the Domestic Partnership Judicial Determination of Parentage Act of 2009. D.C. now has the strongest parental rights law in the country. Efforts by the Attorney General to kill the bill were rejected.
- I blocked the provision of the Safe Marriage Amendment Act to permanently ban people with HIV from getting married.
- I stopped efforts to create mandatory HIV testing for marriage licenses and in correction facilities. Mandatory testing would undermine the HIV prevention strategy and is not supported by public health officials.
- I repealed all of the remaining anti-gay laws in the criminal code, especially the notorious SLIP laws.
- I have been the primary advocate for the Office of Police Complaints, restoring and increasing funding over time.
- I removed a section of a proposed law that would have the effect of police targeting transgender people on the suspicion that all transgender people are prostitutes.
- I held hearings on hate crimes in the District.
- I demanded and received the first report on hate crimes. I required that the MPD amend the report to properly identify hate crimes by their legal categories, separating crimes based on sexual orientation from those based on gender identity and expression.
- I co-sponsored and voted for the “Human Rights Clarification Amendment Act of 2005,” and I supported and voted for the “Prohibition of Discrimination on the Basis of Gender Identity and Expression Amendment Act of 2008,” D.C. Law 17-177.
- I wrote the “Attorney General for the District of Columbia Clarification and Elected Term Amendment Act of 2010,” D.C. Law 18-160.
- I was a co-sponsor of Bill 16-589, “The One-Time Relocation of Licensees Displaced by The Ballpark Amendment Act of 2006”. And voted for the final bill, now D.C. Law 17-24, which allowed for some additional options for nightclubs that offer nude dancing to relocate.

- I introduced the Legalization of Marijuana for Medical Treatment Initiative Amendment Act of 2010 and ensured that the focus would be on medical treatment as the sponsors of the initiative intended.
- I co-introduced and worked for passage of the Department of Health Functions Amendment Act of 2005 (D.C. Law 16-90) which prohibits smoking inside workplaces including bars and restaurants.