

**Testimony Submitted to
The Board of Elections and Ethics
of the District of Columbia**

On behalf of
Americans for Democratic Action
Greater Washington ADA, Chapter

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For more than 62 years, Americans for Democratic Action (ADA) has made social and economic justice the cornerstone of our mission. No issue exemplifies this better than ADA's stand for civil rights. One of ADA's founders, Walter Reuther, who also founded the United Auto Workers Union, was one of the organizers of the 1963 Civil Rights March where Dr. King gave his famous "I have a Dream" speech. Walter Reuther was not African-American and did not face the racial discrimination and segregation that Dr. King was struggling to end, but he knew wrong when he saw it and had the courage to confront it. It is in that spirit that we submit this testimony.

ADA members come from all over the country and from all different backgrounds. We live in every part of our nation's capital, too. As a resident of the District of Columbia, I am proud that the District of Columbia has passed the Marriage Equality Act. Most of us are not lesbian, gay, bisexual or transgender. But each and every one of us believes an

injustice to one is an injustice to all and, like the late Walter Reuther, we know wrong when we see it.

That is why we are strongly in support of the District of Columbia's enactment of The Religious Freedom and Civil Marriage Equality Amendment Act of 2009, 18-248 which will become law on March 2, 2010, after Congressional review.

Government's role is to ensure fair treatment and equal opportunities for all citizens. The principles that our Nation was founded on, that all people "have the right to life, liberty, and the pursuit of happiness" are truths that call out for marriage equality just as they called out for the end to racial discrimination. The inevitable discrimination that flows from permitting some marriages but not others is both unfair and unconstitutional. It is a symbol of how our nation values some people - and their relationships - more than others. And it is reminiscent of a time we had hoped was long forgotten when marriages between people of different race were forbidden for the same irrational reasons for opposing marriages between these consenting adults.

Since our city already recognizes same-sex marriages performed in other states, and many of our LGBT neighbors have already wed, the burden is on opponents of marriage equality to now show proof that their warnings of dire consequences are more than just bigotry. Because since the District began recognizing out-of-state marriages, the walls have not come crashing down, the fabric of society is intact and marriage as an institution still goes

on. None of their predictions have come true here or in any other place that has embraced marriage equality, as all reasonable people knew it wouldn't.

Further, the argument by some that this measure should be decided at the ballot box by voters and that doing otherwise is somehow an affront to DC voting rights is disingenuous and opportunistic. In a representative democracy we elect our leaders to make decisions on our behalf. That is the very heart of what we seek at the Federal level and it is what we see happening here at the local level today. The effort to veto the actions of the local government by the use of referendum actually offers out-of-state interests an opportunity to influence locally enacted laws and undercuts decision-making by locally elected officials. The very actions we are seeking to end through DC Statehood. Subverting democracy is the goal of those seeking a referendum and *it* is the affront to DC voting rights. This "Referendum on the Religious Freedom and civil Marriage Equality Amendment Act of 2009," discriminates, or has the effect of discriminating, in violation of the DC Human Rights Act.¹

As allies, we will not leave the LGBT community to fight this battle alone. Americans for Democratic Action – and especially the Greater Washington Chapter of ADA – strongly support the legislation permitting marriage equality in the District of Columbia. It will advance civil rights in

¹ Letter from Peter J. Nickles, Attorney General for the District of Columbia to Kenneth J. McGhie, General Counsel, Board of Elections and Ethics, dated January 22, 2010. The OAG came to the conclusion that the proposed referendum, which is designed to foreclose the ability of same-sex couples to obtain legislative authorization to marry, thereby depriving them of the over 200 rights and responsibilities of marriage, is prohibited by the Human Rights act and, thus, is not a proper subject matter for referendum under District law.

the nation, reject state-sponsored discrimination, and reinforce the reputation of the District of Columbia as a progressive community of the 21st century.

Thank you for this opportunity to submit our testimony.