

## Democracy and Home Rule

- **Respect D.C. authorities on D.C. laws.** The question of whether same-sex marriages from Massachusetts or elsewhere should be recognized by the District of Columbia is properly left to the District's own legal authorities interpreting our local laws. Strong feelings on the issue are not a legitimate basis for Congress to substitute its judgment for that of our Corporation Counsel.
- **Respect local accountability.** The Mayor and members of the D.C. Council were elected by District voters and are answerable to them. Their varied positions, mostly in support of gay families, are a matter of public record. Congressional second-guessing and nullification of strictly local decisions offends fundamental American principles of democracy.
- **Respect D.C. Home Rule.** We recognize that Congress has a special responsibility for the District under Article I, Section 8 of the Constitution. But Congress has also recognized our citizens' equal stake in liberty and self-government by establishing a Home Rule charter for the District. Please respect the principle of Home Rule and do not use us as political pawns.
- **No clear federal interest.** Family law has traditionally been decided at the state rather than the federal level, in keeping with principles of federalism. Without a clear federal interest, there is no reason for Congress to intrude on the right of District voters to decide our own family law through our elected representatives. Culture-war politics hardly qualifies as a clear federal interest.

- **Treat D.C. the same as the states.** The 1996 Defense of Marriage Act guarantees states the right to establish their own policies on marriage, and explicitly permits them to decide for themselves whether or not to recognize same-sex marriages from other jurisdictions. Indeed, a long-standing public policy exception to the Constitution's Full Faith & Credit clause already allows states to deny recognition to out-of-state marriages that would violate an established public policy of that state. 39 states have passed laws prohibiting same-sex marriages in their states. No court case has overturned any of this. We in the District of Columbia ask that we be afforded the same right of self-determination as the fifty states.

## Protecting All Families

- **Basic fairness.** According to the General Accounting Office, there are 1,138 rights, benefits, and privileges related to marriage under federal law. The District has no ability to affect any of that. But under our own laws, according to research of the D.C. Code by the Gay and Lesbian Activists Alliance, there are 212 rights and responsibilities associated with marriage. Through D.C.'s domestic partners program, which Congress finally allowed us to implement in 2002, we have extended some of those protections to registered domestic partners. These protections include hospital visitation, medical decision making, taking leave to care for a partner or a partner's children, decisions over disposition of a deceased partner's remains, protection under our domestic violence law, and the right of District government employees to purchase health insurance for their partners at their own expense. These protections are a matter of basic fairness and decency, and harm no one. Indeed, the harm would come by denying these protections to registered partners who are not permitted to marry.

- **Do not attack gay families.** In the name of defending families, advocates of anti-gay policies would cause harm to many actual families by denying them legal protections taken for granted by other citizens. No family is helped by harming gay families or making them strangers in the eyes of the law.
- **Do not block non-marriage alternatives.** Many conservative opponents of same-sex marriage, including President Bush, have indicated that they are not opposed to civil unions or other legal arrangements short of marriage that would provide protections for gay families. Abolishing or limiting the District's domestic partners program would give the lie to this expression of compassionate conservatism.
- **Commitment and stability benefit not only the individuals involved, but society as a whole.**
- **The American dream belongs to everyone.** A policy of exclusion against same-sex couples, based essentially on denial that gay people really exist, amounts to red-lining the American dream and saying that "liberty and justice for all" does not apply to you if you're a member of an unpopular minority.
- **We have many gay citizens, and they pay taxes.** Not only do gay people and gay families really exist, they live in D.C. in higher numbers than most of the country. According to the Human Rights Campaign's analysis of data from the 2000 census, there are 3,678 same-sex partner households in the District of Columbia, which is a 66% increase from 1990. The District ranks first among the states in the percentage of coupled households that are gay or lesbian (5.14 percent). These families pay taxes, they are contributing members of their communities, and they deserve the same protections as their neighbors.

▪ **Gay patriots who are good enough to die for their country are good enough to enjoy the rights they are defending.**

The Servicemembers Legal Defense Network reports that discharges under the U.S. military's "Don't Ask, Don't Tell" policy have decreased during the war in Iraq, an indication that military and civilian leaders recognize that defeating terrorism is more important than appealing to people's prejudice or establishing one religious doctrine over another. Historically, the District of Columbia has contributed disproportionately to our nation's defense. If our gay sons and daughters can be put in harm's way to defend our country, surely they and their families can be afforded equal justice under the law when they return home.



## References

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## Defending Gay Families in Washington, D.C.

Talking points for meetings with members of Congress

May 16, 2004

*"We hurt our fellow citizens and our community when we deny gay people civil marriage and its protections and responsibilities. Rather than divide and discriminate, let us come together and create one nation. We are all one people. We all live in the American house. We are all the American family. Let us recognize that the gay people living in our house share the same hopes, troubles, and dreams. It's time we treated them as equals, as family."*

— Rep. John Lewis of Georgia