



**COUNCIL OF THE DISTRICT OF COLUMBIA**  
THE JOHN A. WILSON BUILDING  
1350 PENNSYLVANIA AVENUE, N.W.  
WASHINGTON, D.C. 20004

June 9, 2009

Errol R. Arthur  
Chairperson  
Board of Elections and Ethics  
441 - 4th Street, NW, Suite 270N  
Washington, D.C. 20001

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

Dear Mr. Arthur and Members of the Board:

I am writing to express my strong opposition to the proposed measure, "Referendum Concerning the Jury and Marriage Amendment Act of 2009," as I believe it is not a proper subject for a referendum as it "authorizes, or would have the effect of authorizing, discrimination prohibited under Chapter 14 of Title 2", as described in D.C. Official Code § 1-1001.16(b)(1)(C).

Chapter 14 of Title 2 of the D.C. Official Code, commonly known as the Human Rights Act, is very broad and prohibits discrimination in 19 different categories for almost every reason, other than merit. The stated intent of the Council in passing the law in 1974, and reaffirmed by the elected Council under Home Rule in 1977 is stated in § 2-1401.01:

*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, 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.*

The proposed referendum would run counter to the public policy objectives of our Human Rights Act in both letter and spirit, and would prohibit the D.C. Government from providing recognition, and therefore service, programs, and benefits to same-sex couples legally married in other jurisdictions that are provided to other District married couples. Since the measure would permit discrimination not permitted under our Human Rights Act, this matter is therefore not properly a legal subject for a referendum.



There is a very long list of services, programs and benefits which the District accords to married couples – more than 250 rights and responsibilities -- which would be denied to same-sex couples legally married in other jurisdictions if this referendum were approved and passed. Denial of any one of these rights accorded to married couples would be sufficient to render the proposed measure an improper subject referendum per § 1-1001.16(b)(1)(C). In short, denial of marriage recognition to legally married same-sex couples, as the proposed measure would do, is prohibited under the Human Rights Act.

Thank you for your attention to this important matter. I hope you will find the proposed measure, "Referendum Concerning the Jury and Marriage Amendment Act of 2009," is not a proper subject of referendum as it "authorizes, or would have the effect of authorizing, discrimination prohibited under Chapter 14 of Title 2."

Sincerely,

A handwritten signature in black ink, appearing to read "Jack Evans", with a long, sweeping underline that extends to the right.

Councilmember Jack Evans  
Ward Two