

Gay and Lesbian Activists Alliance of Washington, D.C.  
P.O. Box 75265, Washington, DC 20013  
Wednesday, June 19, 2013

All Councilmembers  
Council of the District of Columbia  
1350 Pennsylvania Avenue, NW  
Washington, DC 20004

Dear Councilmember:

Happy Juneteenth. I write today concerning the June 18 action in the Committee of the Whole on Bill 20-118, the Marriage Officiant Amendment Act of 2013 – specifically, Councilmember Bowser's placement of the bill on the non-consent agenda for the June 26 additional legislative meeting. **We urge members to stand firm in support of the expanded options for marriage officiants and to oppose removing any of those options from the bill.**

I testified for the bill on behalf of GLAA at a hearing on March 14, and attended the markup of the bill by the Committee on Judiciary and Public Safety on June 6. Ms. Bowser is a member of the committee, but I did not see her at the markup. While of course any member has the right to remove items from the consent agenda, we are perplexed as to why Ms. Bowser did not raise her concerns earlier in the process.

Ms. Bowser's comments during the COW discussion included the following: "Is there in the bill a separation between the state's process and this solemnization that you're discussing?" "I just wanted to understand the notion of the couple being able to solemnize their own marriage.... Wouldn't it be important to have an officiant?" "It just seems to me that having the couple marry themselves without a witness just seems odd, not to have some recognition of it."

I thought the answers provided by Mr. Wells and Chairman Mendelson were quite clear, but Ms. Bowser's removal of the bill from the consent calendar suggests either continued confusion or opposition to the provision she raised. As Mr. Wells stated, "The license requirements remain the same. That does not change." The expansion of options for the ceremonial aspect has no effect on the requirements for registration for the marriage license.

Ms. Bowser's comments suggest that she thinks it is somehow improper to allow a couple to serve as their own officiants. Once it is understood that this pertains only to the ceremonial aspect, as was made clear on June 18 by Chairman Mendelson and Mr. Wells, her persistent objection makes no sense unless it stems from a confusion of the civil aspect of marriage with the religious aspect. Bill 20-118 deals only with civil marriage. The right of people of faith to solemnize their weddings in the traditional manner is completely unaffected by this legislation.

That being the case, we would strongly object to any attempt by Ms. Bowser to deny couples a particular ceremonial option solely because she (or perhaps a constituent who communicated with her on the subject) is uncomfortable with it. Anyone who wants a third-party officiant will

be free under this bill to have one of their choosing. The only difference is the addition of more options to best serve all of the diverse couples who marry in our city.

Mr. Wells, like his predecessors at Judiciary, was eager to look at best practices in other states to inform the committee as its staff worked on the details of the bill. We are always happy to assist in such research. Thus we know that a similar provision allowing couples to self-officiate is contained in Colorado Revised Statute 14-2-109. Here is a link:

<http://tinyurl.com/ncpw3xy>

You will recall that the phrase "Religious Freedom" appeared up front in the title of our marriage equality bill in 2009. That phrase was not strictly necessary, since the First Amendment to the U.S. Constitution would have rendered invalid any provision interfering with religious freedom. It was included to make our collective intentions abundantly clear. GLAA and I have gone beyond the call of duty in this regard. During and after our long struggle for marriage equality in the District, I have often stated that any religious minister must have the right to do three things: bar me from his sanctuary, deny me his sacraments, and denounce me from his pulpit. (And our most outspoken opponents were indeed men; some even oppose women serving as ministers.)

We in GLAA have stoutly defended the rights of our opponents to their free expression. For example, in late 2009, the anti-gay group Stand for Marriage DC placed an ad on the sides of Metrobuses urging a referendum on the marriage equality bill. A pro-gay group, Full Equality Now DC, launched an effort urging WMATA to remove the ads. I quickly drafted a letter defending our opponents' right to place their offensive ad. It was co-signed by the local ACLU chapter, the Gertrude Stein Democratic Club, the Campaign for All DC Families, and others who shared GLAA's commitment to free expression. Here is a link to the letter:

<http://www.glaa.org/archive/2009/letter2wmata1218.shtml>

This won praise from *Washington Post* columnist Colby King, himself a strong supporter of marriage equality, in his column on December 26, 2009 (link at <http://tinyurl.com/42876hh>). He called our letter "a good – but rare – example of citizens standing up for the principle of protecting despised speech of a disagreeable speaker. We owe them thanks for supplying the essential ingredient that has been missing in this year's freewheeling debates: tolerance. And to think, it occurred in our nation's capital. First Amendment and freedom lovers should be proud."

I am duly proud that we did the right thing in advancing marriage equality without trampling on the rights of those who opposed us. Unfortunately, our opponents often do not share our commitment to freedom of speech and free exercise of religion. They routinely seek to impose their particular religious doctrines on the rest of our diverse society using the power of the state. It is as if the only people entitled to our constitutional freedoms are people who agree with them. When they fail to succeed in bullying their fellow citizens, they play the victim. We know, based on our experience with the marriage equality bill, that most of you see through that ploy.

In the present case, Ms. Bowser's comments about what "just seems odd" to her are redolent of the same unfortunate impulse to impose one group's religious sensibilities on everyone else by foreclosing options they dislike. But we are more inclusive here in the District. **I am confident, therefore, that you will resist any attempt to remove officiant options from the bill.**

Having said that, we have no objection to Mr. Barry's request that Council members be included explicitly in the same manner as the Mayor (although, as was made clear at the COW meeting, members have the same right under the bill's existing language to become officiants the same as anyone else). We leave that to your collective judgment. We in GLAA believe in the politics of addition, not subtraction. That commitment has taken us very far, and helped us win equality in a way that left our city and its good people more unified rather than less.

Thank you for your attention to this matter. Feel free to contact me by return email or at the mobile phone number below.

Sincerely,

Richard J. Rosendall  
President  
(202) 328-6278

CC: Mayor Vincent Gray  
GLAA members  
News organizations  
Art Spitzer, Legal Director, ACLU of the Nation's Capital  
Martín Garcia, President, Gertrude Stein Democratic Club  
Peter Rosenstein, President, Campaign for All DC Families  
Colbert I. King, *The Washington Post*