

Testimony on Bill B20-0118

"Marriage Officiant Amendment Act of 2013"

**From Commissioner Bob Summersgill, ANC 3F07,
Delivered before the Committee on the Judiciary and Public Safety**

March 14, 2013

Good morning, Chairman Wells, Councilmembers and fellow citizens.

My name is Bob Summersgill. I am the Advisory Neighborhood Commissioner for 3F07. Thank you very much for introducing this legislation.

The addition of temporary officiants takes care of most of the people who find the current limit of judges and clergy serving as officiants too limiting. Right now, couples who wish to have a friend officiate their wedding need to have their friend become a minister on the internet and apply to be recognized by the D.C. Marriage Bureau. This is a necessary process under current law. It is a waste of everyone's time, and serves no purpose whatsoever. No governmental or societal need is served. The encouragement of people to become internet ministers is demeaning to people who have attended seminaries, studied, and trained to become clergy. Their credentials should not be minimized or ridiculed as the current law demands. This bill corrects that unfortunate situation.

There are two situations that the bill does not address: those people who would like to be professional officiants and those people who do not care to have a ceremony at all.

Professionals should not need to be clergy or judges in order to officiate. Dan Furmansky is a gay rights activist. He became a professional wedding officiant, <http://ameaningfulday.com/> by becoming an internet minister. He works with couples to plan their ceremony from simple to very elaborate.

Dan lists these reasons why a couple would arrange their wedding with him instead of a minister or a judge at the courthouse:

- May not belong to a church, synagogue or other place of worship
- Have family clergy who are not available for their wedding date, unable to travel to their wedding location, or uncomfortable officiating at same-sex unions
- Want a customized, personal wedding ceremony that fits their beliefs
- Are traveling to D.C. or Maryland to elope
- Are of different faiths and want to blend the wedding customs of their faiths or prefer a neutral but spiritual wedding ceremony
- Want a secular wedding ceremony with no reference to religion
- Want to include their children and/or their parents in their wedding ceremony
- Have a non-traditional wedding location

- Seek a Jewish wedding but want it to take place on Shabbat ...
- Would like to incorporate personal stories into their wedding ceremony
- May want to have a variety of customs in their wedding ceremony such as a wedding circle, sand ceremony, glass breaking, sheva brachot, cup of wine ceremony, jumping the broom, unity candle, blessing of the rings, or many more options that are available...

<http://ameaningfulday.com/faq.htm>

Dan should not have had to become an internet minister in order to be an officiant. That is a silly and wasteful requirement that reflects a time when religions filled government functions.

Humanist and atheist groups of course want their own officiants, but are denied recognition by the D.C. Marriage Bureau because they are not clergy as required by the current law. It is unreasonable for non-religious groups and people to be required to use religious officials for a civil government function, or otherwise be denied the same access to government that religious people have.

I strongly urge you to heed Justice David Souter in *Board of Education of Kiryas Joel Village School District v. Grumet*, 512 U.S. 687 (1994) who concluded that "government should not prefer one religion to another, or religion to irreligion."

It is a reasonable accommodation to allow anyone to be a marriage officiant, without regard to their religion or status as a religious official. Officiating is a civil function of the government. Religious officials should not be in any way denied the right to officiate, but neither should they hold a monopoly outside of the courthouse.

It is also unclear what government interest is served in requiring a ceremony. All legal requirements that a couple faces are already being checked by the Clerk of the Superior Court. §46-410, "Issuance of license—Duty of Clerk; false swearing by applicant deemed perjury" states:

It shall be the duty of the Clerk of the Superior Court of the District of Columbia before issuing any license to solemnize a marriage to examine any applicant for said license under oath and to ascertain the names and ages of the parties desiring to marry, and if they are under age the names of their parents or guardians, whether they were previously married, whether they are related or not, and if so, in what degree, which facts shall appear on the face of the application, of which the Clerk shall provide a printed form, and any false swearing in regard to such matters shall be deemed perjury.

It is a relatively small matter to authorize the Clerk to finalize the license and require the couple to declare through the contract they sign in the Clerk's presence that they are married under the law. That authority is almost already granted. §46-406(b) states in part,

...The Clerk of the Superior Court of the District of Columbia or such deputy clerks of the Court as may, in writing, be designated by the Clerk and approved by the Chief Judge, may celebrate marriages in the District of Columbia.

The option of not having a ceremony, and having the Clerk of the Superior Court of the District of Columbia—and the deputy clerks—witness the signing of the marriage license, should be made explicit.

Two good friends of mine, Frank and Joe were married by a judge in a superfluous ceremony as required law, and then went to their church to have a full ceremony before god, the church, the congregation, and their friends. The legal document was very important, but they didn't want it to be part of their religious celebration, or vice versa. The ceremony before the judge was merely to complete a governmental obligation that benefitted no one.

The end result of this legislation is of course not to take away anyone's choice for a wedding ceremony, but rather expand the range of options couples have to choose from. Picking an officiant, or having none, should be up to the couple, and not the government. Nor should the government be in the business of deciding who qualifies as religious enough to be an officiant.

I hope that you will be able to expand this legislation to allow people to become professional officiants, non-religious officiants, and eliminate the requirement to have a ceremony by authorizing the Clerk of the Superior Court of The District of Columbia to witness the signatures.

Thank you.

Bob Summersgill
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