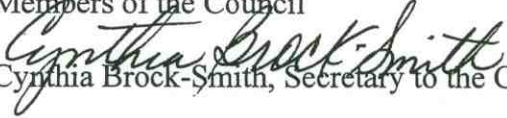


COUNCIL OF THE DISTRICT OF COLUMBIA
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

Memorandum

To: Members of the Council
From: 
Cynthia Brock-Smith, Secretary to the Council
Date: October 8, 2009
Subject: Referral of Proposed Legislation

Notice is given that the attached proposed legislation was introduced in the Legislative Meeting on Tuesday, October 06, 2009. Copies are available in Room 10, the Legislative Services Division.

TITLE: "Religious Freedom and Civil Marriage Equality Amendment Act of 2009", B18-0482

INTRODUCED BY: Councilmembers Catania, Mendelson, M. Brown, Evans, Bowser, K. Brown, Graham, Cheh, Wells and Chairman Gray


The Chairman is referring this legislation to the Committee on Public Safety and the Judiciary.

Attachment

cc: General Counsel
Budget Director
Legislative Services


Chairman Vincent C. Gray

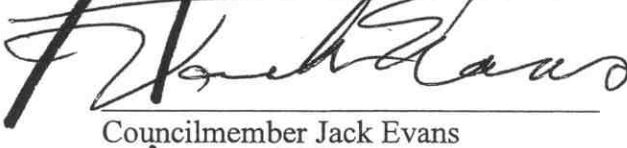

Councilmember David A. Catania 1
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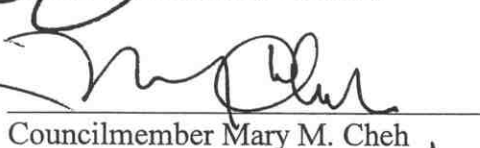

Councilmember Phil Mendelson


Councilmember Kwame R. Brown 3
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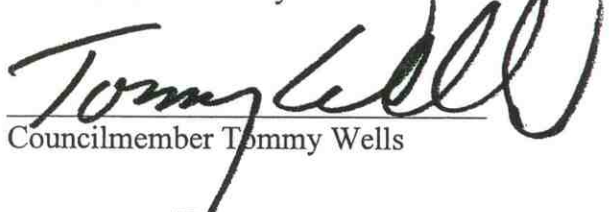

Councilmember Michael A. Brown


Councilmember Jim Graham 5
6


Councilmember Jack Evans


Councilmember Mary M. Cheh 7
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Councilmember Muriel Bowser


Councilmember Tommy Wells 9
10
11

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA 14
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Councilmembers Catania, Mendelson, Kwame Brown, Michael Brown, Graham, Evans, Cheh, 16
Bowser, Wells and Chairman Gray introduced the following bill, which was referred to 17
the Committee on _____ 18

To amend An Act To establish a code of law for the District of Columbia to permit same-sex 19
couples to marry in the District of Columbia; to ensure that no priest, minister, imam, or 20
rabbi of any religious denomination and no official of any non-profit religious 21
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organization authorized to solemnize marriages shall be required to celebrate any marriage if doing so violates his or her right to the free exercise of religion; to protect religious freedom with respect to doctrine and public accommodations; and to amend the Health Care Benefits Expansion Act of 1992 to discontinue the registration of new domestic partnerships after January 1, 2011 and to allow any existing domestic partners to either continue their domestic partnership or convert their domestic partnership into a marriage without paying an additional fee.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Religious Freedom and Civil Marriage Equality Amendment Act of 2009”.

Sec. 2. Chapter Forty-Three of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1391; D.C. Official Code § 46-401 *passim*), is amended as follows:

(a) A new section 1283a is added to read as follows:

“Sec. 1283a. EQUAL ACCESS TO MARRIAGE.—

“(a) Marriage is the legally recognized union of 2 people. Any person who otherwise meets the eligibility requirements of sections 1283 (D.C. Official Code § 46-401), 1284 (D.C. Official Code § 46-402), and 1285 (D.C. Official Code § 46-403) may marry any other eligible person regardless of gender. Each party to a marriage shall be designated “bride,” “groom,” or “spouse.”

“(b) Where necessary to implement the rights and responsibilities relating to the marital relationship or familial relationships, gender-specific terms shall be construed to be gender neutral for all purposes throughout the law, whether in the context of statute, administrative or court rule, policy, common law or any other source of civil law.”.

(b) Section 1288 (31 Stat. 1392; D.C. Official Code § 46-406), is amended by adding new subsections (c), (d) and (e) to read as follows:

“(c) No priest, minister, imam, or rabbi of any religious denomination and no official of any nonprofit religious organization authorized to solemnize marriages, as defined in this section, shall be required to solemnize any marriage in violation of his or her right to the free exercise of religion guaranteed by the First Amendment to the United States Constitution.

“(d) Each religious organization, association, or society has exclusive control over its own religious doctrine, teachings, and beliefs regarding who may marry within that particular religious tradition’s faith, as guaranteed by the First Amendment to the United States Constitution.

“(e) Notwithstanding any other provision of law, a religious organization, association or society, or a nonprofit organization which is operated, supervised, or controlled by or in conjunction with a religious organization, association, or society, shall not be required to provide services, accommodations, facilities or goods for a purpose related to the solemnization or celebration of a marriage, or the promotion of marriage, that is in violation of the entity’s religious beliefs, unless the entity makes such services, accommodations, or goods available for purchase, rental, or use to members of the general public. Any refusal to provide services, accommodations, facilities or goods in accordance with this section shall not create any civil claim or cause of action, or result in any District action to penalize or withhold benefits from such entity, unless such entity makes such services, accommodations, facilities, or goods available for purchase, rental, or use to members of the general public.”.

Sec. 3. Section 3 of the Health Care Benefits Expansion Act of 1992, approved June 11, 1992 (D.C. Law 9-114, D.C. Official Code § 32-702), is amended as follows:

(a) The ability to register a new domestic partnership in subsection (a) shall sunset as of January 1, 2011.

(b) A new subsection (j) is added to read as follows:

“(j) (1) Two persons in a valid domestic partnership pursuant to this act may apply for and receive a marriage license, and shall not be charged a marriage license fee, provided that the parties are eligible to marry pursuant to sections 1283 (D.C. Official Code § 46-401), 1284 (D.C. Official Code § 46-402), and 1285 (D.C. Official Code § 46-403) of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1391; D.C. Official Code § 46-401 *et seq.*).

“(2) A domestic partnership shall be dissolved by operation of law as of the date of the marriage stated on the certificate obtained pursuant to this section.”.

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973

(87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia
Register.

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**COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON PUBLIC SAFETY AND THE JUDICIARY
WITNESS LIST**

1350 Pennsylvania Avenue, NW 20004

ANNOTATED AS TESTIFIED

**COUNCILMEMBER PHIL MENDELSON, CHAIRPERSON
COMMITTEE ON PUBLIC SAFETY AND THE JUDICIARY
PUBLIC HEARING**

on

Bill 18-482, Religious Freedom and Civil Marriage Equality Amendment Act of 2009

WITNESS LIST

The Committee on Public Safety and the Judiciary held a public hearing on Bill 18-482 on Monday, October 26, 2009. Due to the large number of witnesses (269) who registered to testify on this legislation,* the Committee held a continuation of the hearing on Monday, November 2, 2009. Over the course of these two days, the Committee heard testimony from 219 witnesses, totaling nearly 17 hours of testimony. The following are the witnesses who actually testified; registrants who did not appear are not included on this annotated list.

PUBLIC HEARING: Monday, October 26, 2009, 3:30 p.m. 5th Floor Council Chambers:

- | | | |
|----|-------------------------|--|
| 1. | Bob Summersgill | Public Witness |
| 2. | Rick Rosendall | Vice President for Political Affairs, Gay and Lesbian Activists Alliance, Washington, DC |
| 3. | Nick McCoy** | Organizer, Human Rights Campaign |
| 4. | Geraldine Washington | Public Witness |
| 5. | Carolyn C. Steptoe | Commissioner, ANC 5A07 |
| 6. | Robert Vinson Brannum | Public Witness |
| 7. | Robert "Bob" King | Commissioner, ANC 5A12 |
| 8. | Kathryn A. Pearson-West | Public Witness |

* Per the Notice of Public Hearing that was published in the D.C. Register, the deadline for registration to testify regarding Bill 18-482 was close of business Thursday, October 22, 2009.

** Witness did not submit written testimony for the record. Per the Notice of Public Hearing published in the D.C. Register, the deadline for submission of written comments for inclusion in the official record was 5:00 p.m. Monday, November 9, 2009.

9. Janae Grant
Commissioner, ANC 5A11
10. Sultan Shakir**
Regional Field Director, Human Rights Campaign
11. Rev. Robert Hardies
Sr. Minister, All Souls Church, Unitarian;
Co-Chair, DC Clergy United for Marriage Equality
12. Jay Fiset
Vice Chairman, Arlington County Board
13. Harry Jackson, Jr.
Chairman, Stand4Marriage DC; Bishop, Hope Christian Church
14. Aisha C. Mills
Campaign for All DC Families
15. Tim Mahony
Vice President of Legislative and Political Affairs, Gertrude Stein Democratic Club
16. Rabbi Fred Scherlinder Dobb**
Adat Shalom Reconstructionist Congregation
17. Elaine Kelly
Public Witness
18. Rev. Dr. Mari Castellanos**
United Church of Christ
19. Kesh Ladduwahetty
Chair, DC for Democracy
20. Rev. Susan Hayward
First Congregational United Church of Christ of Washington DC
21. Rev. Dr. Dennis W. Wiley
Pastor, Covenant Baptist Church
22. Julie Verratti
Public Witness
23. Shana McDavis-Conway
Public Witness
24. Marisa Levy
Public Witness
25. Craig Howell
Public Witness
26. Peter Rosenstein
Public Witness
27. Rev. Dyan McCray**
Reverend and Founding Pastor, Unity Fellowship Church of Washington, DC

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|-----|-----------------------------|--|
| 28. | Tony Wagner | Public Witness |
| 29. | Kinda Hashem Liles | Public Witness |
| 30. | Barbara Helmick | DC for Marriage |
| 31. | Adam Bink | Public Witness |
| 32. | Andy Litsky | Chairman, ANC 6D |
| 33. | David Meadows | Executive Director, DC Democratic Party |
| 34. | Michelle Zavos | Public Witness |
| 35. | Clarence E. Brown III | Public Witness |
| 36. | Michael Jose Torra | Public Witness |
| 37. | Benjamin Thomas | Public Witness |
| 38. | Sara Hasham Liles | Public Witness |
| 39. | Rev. Paul Roberts Abernathy | Reverend and Rector, St. Mark's Episcopal Church |
| 40. | Tammy Seltzer | Public Witness |
| 41. | Edward S. Grandis | Public Witness |
| 42. | Juan Dario Campos Rondo | Public Witness |
| 43. | Phillip Pannell | DC Coalition of Black Lesbians, Gays, Bisexuals and Transgenders |
| 44. | Rev. Charles Arehart | Metropolitan Community Church of Washington |
| 45. | Isaiah J. Poole | Public Witness |
| 46. | Nancy D. Polikoff | Professor of Law, Washington College of Law, American University |
| 47. | Michael V. Sosso | Public Witness |
| 48. | Brian W. Campbell | Public Witness |

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|-----|------------------------|---|
| 49. | Peter Montgomery | Senior Fellow, People for the American Way Foundation |
| 50. | Charles Anderson | Public Witness |
| 51. | Eric Emerick | Public Witness |
| 52. | Richard J. Sylvester | Assumption Catholic Church |
| 53. | Jane Lincoln | Public Witness |
| 54. | Rev. John Wimberly | President, American Civil Liberties Union of the Nation's Capital |
| 55. | Martha Solt | The Friends Meeting of Washington |
| 56. | George Slaughter | Public Witness |
| 57. | Terry Chasteen | Board of Directors, Team DC |
| 58. | Jessica Katz | Public Witness |
| 59. | Gary Duke | Public Witness |
| 60. | John R. Ogden ** | Public Witness |
| 61. | David Sobelsohn | Commissioner, ANC 6D02 |
| 62. | Steven Delaney | Bishop, American Apostolic Church |
| 63. | Michael Crawford** | DC4Marriage |
| 64. | Rev. Amanda Poppei | Washington Ethical Society |
| 65. | Father Joseph Palacios | Adjunct Professor of Liberal Studies, Georgetown University |
| 66. | DeWayne L. Davis | Metropolitan Community Church |
| 67. | Patrick D. Mara | Executive Committee Member, DC GOP |
| 68. | Raymond Blanks | The Gerasene Group |
| 69. | Rev. Dean Snyder | Foundry United Methodist Church |
| 70. | Andrea Hughes | Public Witness |

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| 71. | John Klenert | Board of Directors, DC Vote |
| 72. | Clark Ray | Public Witness |
| 73. | Albrette Ransom | Public Witness |
| 74. | Gemma Henry | Public Witness |
| 75. | Mikel-Meredith Weidman | Public Witness |
| 76. | Jeremy Pittman | Public Witness |
| 77. | Bob Villaflor** | Public Witness |
| 78. | Jensen Villaflor** | Public Witness |
| 79. | Kathryn Taylor | Public Witness |
| 80. | Robert Falk** | General Counsel, Human Rights Campaign |
| 81. | Jane Golden-Belford | Chancellor and General Counsel,
Archdiocese of Washington |
| 82. | Most Rev. Martin Holley | Auxiliary Bishop,
Archdiocese of Washington |
| 83. | Edward Orzechowski | Chief Executive Officer and President
Catholic Charities of the Archdiocese of
Washington |
| 84. | Emmet Flood | Partner, Williams and Connolly, LLP |
| 85. | Hilary Treat | Public Witness |
| 86. | Jesse Lovell | DC for Democracy |
| 87. | Shawn Catherine Fisher | Public Witness |
| 88. | Amy Hinze-Pifer | Public Witness |
| 89. | Chris Collins | Vice President and Director, Public Policy,
The Foundation for AIDS Research |
| 90. | Joseph Towery | Public Witness |
| 91. | Lane Hudson** | Public Witness |

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| 92. | Joshua Deminter** | Public Witness |
| 93. | Rudi Riet | Public Witness |
| 94. | Beverly Hunter** | Public Witness |
| 95. | Ernestene Copeland** | Public Witness |

CONTINUATION: Monday, November 2, 2009, 9:30 a.m. 5th Floor Council Chambers:

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|------|---------------------------|--|
| 96. | Brian Ackerman | Public Witness |
| 97. | Peter Weiss** | Public Witness |
| 98. | Josh Altman | Public Witness |
| 99. | Lateefah Williams | National Committeewoman, DC Young Democrats |
| 100. | Daniel Epstein | Acting National Committeeman and Vice President for Administration and Finance, DC Young Democrats |
| 101. | Michael Cole | Public Witness |
| 102. | Steven Schwartz | Public Witness |
| 103. | Billy Fettweis | Public Witness |
| 104. | Eric Swanson | Public Witness |
| 105. | Daayiee Abdullah | Religious Advisor, GLBTQ Muslim Organization, Al-Fatiha Foundation |
| 106. | Korrell Sampson McCormick | Public Witness |
| 107. | Mark Levine | Counsel, Gertrude Stein Democratic Club |
| 108. | Jim Marks | Public Witness |
| 109. | Nick Apostol | Public Witness |

110.	Ilona Kadar	Equality Across America
111.	Eleanor Nace	Public Witness
112.	Danielle Moodie	Public Witness
113.	Thomas Lotito	Public Witness
114.	Anastasia Khoo**	Public Witness
115.	Barbara Morgan	Public Witness
116.	John Boggan	Public Witness
117.	Daniel Speck	Public Witness
118.	Meaghan Lamarre	Board Chair, Alternatives to Marriage Project
119.	Katherine Nelson	Public Witness
120.	Mike Silverstein	Chairman, ANC 2B
121.	Carlene Cheatham	Public Witness
122.	Matthew Sampson**	George Washington University College Democrats
123.	J. Preston Whitt	George Washington University College Democrats
124.	Vince Micone	Public Witness
125.	Thomas Metzger	Public Witness
126.	Michael DiNapoli	Public Witness
127.	Dan Massey	Public Witness
128.	Ellen Kahn	President, Rainbow Families D.C.
129.	Debra Linick	Assistant Director for DC and Northern Virginia, Jewish Community Relations Council of Greater Washington

130.	Ricci Levy	Executive Director, The Woodhull Freedom Foundation
131.	Hyacinth Alvaran	Diversity Coordinator, Human Rights Campaign
132.	Marshall Phillips**	Commissioner, ANC 5C08
133.	Cheryl Cort	Public Witness
134.	Andy Rollman	Public Witness
135.	Andrew Hertzberg	Public Witness
136.	Aaron Franklin	Public Witness
137.	Allen Rose	Dignity Washington
138.	J. Matthew Lowe	Public Witness
139.	Tadd Ruddell-Tabisola**	Public Witness
140.	Mary Lord	Public Witness
141.	Bryan Pruitt	Log Cabin Republicans DC
142.	Darin Henderson	Public Witness
143.	John DesMarteau	Public Witness
144.	Jeremy Ames	Public Witness
145.	Taka Ariga	Public Witness
146.	Marin Rose Graney	Public Witness
147.	Evanna Powell	Public Witness
148.	Sharon Moore	Public Witness
149.	Will Stephens	Chairman, ANC 2B
150.	Robert Turner	Public Witness
151.	Rev. Jill McCrory**	Association of Welcoming and Affirming Baptists

152.	David Merrill	Public Witness
153.	Dave Rosen	Public Witness
154.	Rev. Dr. Clark Lobenstine	The Interfaith Conference of Metropolitan Washington
155.	Brian Dittmeier	Public Witness
156.	Rev. Brian Merritt	The Palisades Community Church
157.	June Crenshaw	Public Witness
158.	Canyon Bosler	Public Witness
159.	Pierre Bynum	Public Witness
160.	Sheila Alexander-Reid	Public Witness
161.	Basil Kiwan	Public Witness
162.	Ruth Jacobs	Public Witness
163.	Rev. Anthony Evans**	Christ Living Ministry
164.	Christopher Mayor	Public Witness
165.	Kathy Plate**	Public Witness
166.	Timothy Tracey	Alliance Defense Fund
167.	Joseph Gaskins**	Public Witness
168.	Robert Rhyne**	Public Witness
169.	Michael C. Wilson	Public Witness
170.	Alison Delpercio	Public Witness
171.	Brian S. Brown**	Executive Director, National Organization for Marriage
172.	Joanne Savage**	Public Witness
173.	Trish Kent	Public Witness

