

Coalition Appeals Ruling Denying D.C. Marriage Vote

✖ Advocates for traditional marriage in the District of Columbia are appealing a ruling last week that denies voters a referendum on marriage.

In the 23-page ruling, D.C. Superior Court Judge Judith N. Macaluso upheld a D.C. Board of Elections and Ethics decision that the Marriage Initiative of 2009 would “authorize discrimination” against homosexuals and thus violates the city’s Human Rights Act. She also ruled that previous court decisions banning gay marriage in the district are no longer valid.

The Alliance Defense Fund (ADF)—which in November filed a lawsuit against the elections board on behalf of members of the Stand4Marriage DC Coalition—is appealing the decision. They say the anti-discrimination laws in question were written in the 1970s, long before same-sex marriage was being debated nationally, and should not be used to prevent a referendum.

“The people of D.C. have a right to vote on the definition of marriage, and the D.C. Charter guarantees that right,” said ADF attorney Timothy J. Tracey.

The court’s decision came as no surprise to Bishop Harry Jackson, chairman of the Stand4Marriage DC Coalition. He said his organization would continue to fight for the rights of residents in the district.

“We have always anticipated that our quest for voting rights on the issue of marriage would end up in our higher appeals court and today’s ruling confirms that is where the issue is headed,” Jackson said in a statement released Thursday.

Jackson said citizens have a legal right to vote on

legislation that would have “such a dramatic impact on their lives.”

Tracey said the ruling reduced the D.C. Charter to “just another law.”

“Outside the U.S. Constitution, the charter is the supreme law of the district, providing the people a broad right of initiative,” Tracey said. “This is unfortunate, but gives us the legal case to appeal the decision to the D.C. Court of Appeals.”

The District of Columbia City Council legalized gay marriage in December. The measure has been signed by Mayor Adrian Fenty and is currently awaiting a 30-day congressional review. If Congress does not repeal the decision, the city could begin issuing gay marriage licenses in March.