

Faith Leaders Continue Marriage Fight in D.C.

✖ The District of Columbia Court of Appeals heard arguments Tuesday in a lawsuit seeking a ballot initiative to allow Washington, D.C., residents to vote on the definition of marriage.

If passed, the ballot initiative, filed by leaders with the Stand4MarriageDC Coalition, would repeal a law passed in December legalizing gay marriage in the district. The law went into effect in March.

“This hearing is of extreme importance to D.C. voters,” said Bishop Harry Jackson, chairman of Stand4MarriageDC, a coalition of faith leaders and district residents. “As D.C. residents and voters have witnessed in the past year, the D.C. government has repeatedly rebuffed the people’s efforts to put the definition of marriage to a vote of the people.”

The case dates back to September 2009, when Jackson and other district residents filed the Marriage Initiative of 2009 to allow voters to decide whether marriage would be defined as the union of one man and one woman. The district’s Board of Elections rejected the initiative, saying the measure would violate the Human Rights Act because the city council passed a law in May 2009 recognizing same-sex marriages performed elsewhere.

Stand4MarriageDC, represented by the Alliance Defense Fund (ADF), appealed the decision, arguing that the district charter guarantees citizens the right to initiate and vote on any legislation except budget items.

In January, the District of Columbia Superior Court upheld the election board’s November ruling.

Tuesday's hearing was before the full appeals court, though it is rare for all of the judges to hear a case before it has been heard by a three-judge appeals panel. ADF senior legal counsel Austin Nimocks, who gave oral arguments Tuesday, believes the appeals court is interested in the case because it is about more than marriage.

"This is about the fundamental right to vote," Nimocks told *Charisma*. "The citizens of D.C. are trying to exercise that fundamental right. That's why the Court of Appeals is interested in this case ... and we're very hopeful they will uphold that very fundamental premise, that the citizens have the right to exercise their voice."

Traditional marriage has been upheld in all 31 states where the definition of marriage has been put to a vote. A January *Washington Post* poll found that 56 percent of district residents support gay marriage, though 59 percent think the issue should be put before voters.

"[Voters] don't see the same danger that this council does," said Chuck Donovan, senior research fellow at the conservative Heritage Foundation's DeVos Center for Religion and Civil Society. "The council seems to be concerned the public will contradict it, and there's a record of that, that legislators have come out ahead of what the people want."

Donovan said denying a referendum based on the Human Rights Act could open a Pandora's box. "At the end of the day, if anything can be categorized by the city council as human rights that can include everything from pay raises for members of the council to parking meter fees or medical marijuana," he said. "Lots of things could be called human rights that people want to debate."

The appeals court is expected to rule on the case later this year.