



NATIONAL CENTER FOR LESBIAN RIGHTS

Frequently Asked Questions About Marriage Equality in Washington D.C.

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How Did Washington D.C. Achieve Marriage Equality for Same-Sex couples?

In December 2009, the Washington D.C. Council passed the Religious Freedom and Civil Marriage Equality Act of 2009, which permits same-sex couples to marry in the District. Then Mayor Adrian Fenty signed the bill, which became law on March 3, 2010.

In an attempt to nullify the law, anti-marriage activists proposed a ballot initiative that would have allowed D.C. residents to vote on whether LGBT people should have the fundamental right to marry.

On November 17, 2009, the D.C. Board of Ethics and Elections rejected that proposed ballot measure. The Board explained that the proposed measure was unlawful because if passed, it would authorize discrimination that violates the D.C. Human Rights Act.

The D.C. Superior Court upheld the board's decision in January 2010.

Anti-marriage activists appealed the court's decision. On July 15, 2010, the D.C. Court of Appeals upheld the Superior Court's decision in a 5-4 decision.

Anti-marriage activists again tried to challenge the decision, asking the U.S. Supreme Court to take the case. On January 18, 2011, however, the Supreme Court refused to hear the appeal. This means the decision is now final, and the right of same-sex couples to marry in D.C. is secure.

Does this mean that the U.S. Supreme Court agrees with the D.C. Court of Appeals?

Not necessarily. Because the Supreme Court declined the appeal without commenting, it is impossible to know the reasons for the Court's decision.

Does this signal how the Supreme Court would rule if the *Perry v. Schwarzenegger* case goes to the Supreme Court?

Not necessarily. Because the Court declined to comment, it is impossible to know its reasoning and, therefore, whether that reasoning will be relevant to a possible *Perry v. Schwarzenegger* appeal. However, the refusal to allow a majority to place the rights of a minority on a ballot is one of the underlying issues in *Perry v. Schwarzenegger*, and the holding of the D.C. Court of Appeals will be a relevant consideration for the Ninth Circuit as it continues to consider the issues in that case.

Can Congress vote to overturn the marriage equality law? Or is it final?

Congress could enact legislation to repeal the marriage equality law, but it is unlikely they will do so.

D.C. is governed by the Home Rule Act, which gives Congress ultimate control over the District's local government. Because of this provision, Congress could have prevented the Religious Freedom and Civil Marriage Equality Act of 2009 from taking effect. It would have required both the House of Representatives and the Senate to pass a joint resolution of disapproval within 30 days of the law being enacted, and the President would have had to sign the resolution as well. Because the law was enacted in March 2010, that period has run.

In order to overturn the law at this point, Congress would have to enact legislation striking it down, and President Obama would have to sign it. The chances that such a law would pass are slim, although several anti-gay Republican Congressmen have threatened to introduce such legislation.

What is the economic impact of the new marriage equality law in DC?

A study by the Williams Institute at the University of California at Los Angeles found that permitting same-sex couples to marry will add over \$52.2 million to the

District of Columbia's economy over three years. This would increase local government tax and fee revenues by \$5.4 million and create approximately 700 new jobs.

You can access the study here:

<http://www2.law.ucla.edu/williamsinstitute/pdf/DC%20Econ%20Impact.pdf>

Who led the struggle for marriage equality in DC?

The struggle for marriage equality in DC was led primarily by LGBT people of color, African American clergy, and non-LGBT people of color. Some of the leading groups were DC for Marriage, Clergy United for Marriage Equality, the Gertrude Stein Democratic Club, and the National Black Justice Coalition. Many other groups were involved as well.

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