June 28, 2011

The Honorable Lincoln Chafee
222 State House
Providence, RI 02903-1196

Dear Governor Chafee:

We greatly appreciate your strong support for the freedom to marry, and understand that you had previously expressed a willingness to sign a civil union bill as an incremental, if incomplete, step forward. The bill put forth by the legislature, however, would create onerous and discriminatory hurdles for same-sex couples that no other state has ever put in place. As a result, we ask you to veto the bill should it come to your desk in its present form.

In their relationship recognition laws, many states have sought to secure equality for same-sex couples while vigilantly maintaining religious liberty protections. Indeed, while ending discrimination against same-sex couples in civil marriage, the legislatures of New York, Vermont, New Hampshire, and Connecticut reaffirmed that clergy and religious entities remain free not to solemnize or celebrate any wedding they do not wish to. The Rhode Island bill, however, goes far beyond this limited and reasonable assurance to allow religious organizations and their individual employees to <u>completely disregard the validity of a civil union in any context.</u>

By allowing individuals and institutions a free-floating license to discriminate against a whole class of people, in defiance of a general law, this bill represents a huge step backward from both Rhode Island's longstanding nondiscrimination commitments and the balance and language embraced in the law throughout the country. This amendment could allow individuals, who are legally required to recognize everyone else's legal commitments, to opt out of doing so only for gay and lesbian people. In practical terms, this law could allow religiously affiliated hospitals to deny a civil union spouse's right to be by his spouse's side and make medical decisions for him, and could allow religiously affiliated agencies to deny an employee's right to leave in order to care for his civil union spouse under Rhode Island Family and Medical Leave. This language creates an even more vulnerable situation for those who most critically need the protections that the civil union bill attempts to provide -- those couples with less financial means, who have the least control over where to access health care and who are most likely to need to avail themselves of religiously-affiliated social services.

In announcing your support for the freedom to marry, you invoked the proud legacy of your state's founder, Roger Williams. There is no question in our minds that the civil union law pending before the Rhode Island legislature, as written, violates Williams's emphasis on a "wall of separation" between church and state by allowing religious organizations and individual employees to attempt to disregard the validity of a civil union.

We respectfully request that you renounce this provision of the law, and if it remains in the bill, we urge that you veto it. We understand and respect your desire to provide protections and security for Rhode Island's same-sex couples, but so long as this language remains, those protections are drastically undermined. Rather than multiplying the inadequacies of a separate-and-unequal civil union approach, we urge you to veto this bill, and lead your state to enact full marriage, which is the tried-and-true status that fully honors and protects all loving and committed couples. We look forward to partnering with you to enact marriage legislation for Rhode Island in the very near future.

Sincerely,

American Civil Liberties Union
Family Equality Council
Gay & Lesbian Advocates & Defenders
Freedom to Marry
Human Rights Campaign
Lambda Legal Defense and Education Fund
Marriage Equality Rhode Island
National Center for Lesbian Rights
National Gay and Lesbian Task Force