

Rhode Island Bill Fails to Safeguard Religious Freedom

Alliance Defending Freedom Litigation Counsel Kellie Fiedorek will testify Tuesday on the lack of safeguards for religious freedom in a Rhode Island bill (H 5015) that proposes to **redefine marriage**.

“Religious freedom belongs to everyone, not just a handful of people,” says Fiedorek. “The government cannot limit constitutionally protected religious liberties in a way that’s foreign to the Constitution. This bill fails to ensure that those liberties will be respected for all Rhode Island citizens. The First Amendment’s guarantee of **religious freedom** for all Americans is not limited to the four walls of a church.”

Alliance Defending Freedom released a legal memo last week explaining how the absence of certain safeguards for religious freedom in the bill raises several constitutional concerns.

First, the bill does not provide protection for all persons who solemnize marriage. Although the bill protects ministers, clergy and religious institutions, “it directly undermines the religious freedom of other persons authorized under Rhode Island law to solemnize marriages—such as justices, judges, or court commissioners.” Therefore, these persons may be unjustly forced “to violate their conscience and religious beliefs where conflicts arise.”

Second, another provision in the bill prohibits the government from penalizing churches and religious denominations from refusing to solemnize a same-sex union, but “fails to account for individuals or businesses that possess sincere religious beliefs about marriage.” They would be “unprotected from

government discrimination should they choose to 'solemnize' only selected domestic unions based on a sincerely held religious belief."

Third, the bill only applies to the "refusal ... to solemnize a marriage" even though "domestic ceremonies and celebrations, whether they be same-sex or opposite-sex, oftentimes involve much more than mere solemnizations." It also "fails to protect many others, including pastors or counselors that provide pre- or post-marriage counseling to couples in accordance with their deeply held religious belief," as well as "wedding-venue owners, clerks, bed-and-breakfast establishments, bakeries, photographers, caterers, deejays, and perhaps others."