



The Commonwealth of Massachusetts
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MITT ROMNEY
GOVERNOR

KERRY HEALEY
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FOR IMMEDIATE RELEASE:
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DEFENDING RELIGIOUS LIBERTY, ROMNEY TO FILE BILL EXEMPTING RELIGIOUS INSTITUTIONS FROM GAY ADOPTION REQUIREMENT

Calling it an issue of "religious liberty," Governor Mitt Romney today said he plans to file legislation to permit religious institutions to perform adoptions without violating the tenets of their faith.

Today, the board of Catholic Charities voted to stop doing adoptions because of state law which requires that gays be given equal consideration for the placement of children. Because of the Church's teaching, Catholic agencies may not provide adoptions to gay parents.

"This is a sad day for neglected and abandoned children. In this case, it's a mistake for our laws to put the rights of adults over the needs of children. While I respect the board's decision to stay true to their principles, I find the current state of the law deeply disturbing and a threat to religious freedom," said Romney.

"I ask the Legislature to work with me on a bill that I will file to ensure that religious institutions are able to participate in the important work of adoption in a way that always respects and never forces them to compromise their firmly held beliefs," he said.

Romney's bill would authorize religious organizations to provide adoption services consistent with their beliefs by creating an exemption from the state's nondiscrimination laws.

All Massachusetts adoption agencies are licensed by the state Department of Early Education and Care (EEC).

In addition, since 1977, the state Department of Social Services (DSS) has contracted with Catholic Charities to provide special needs adoption services to children with severe emotional and physical needs. Currently, the waiting list for children in DSS care awaiting adoption is close to 700.

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March 15, 2006

To the Honorable Senate and House of Representatives:

I am filing for your consideration a bill entitled "An Act Protecting Religious Freedom." This bill will allow religious institutions to continue to be licensed to provide adoption services in the Commonwealth without violating the tenets of their faith. The immediate issue concerns the decision by Catholic Charities in Boston to terminate their adoption program because the legal requirement that gays be given equal consideration as prospective adoptive parents violated their deeply held religious beliefs.

Our country was founded on the principles of liberty and equality for the sake of establishing civil and religious freedom. As a result, one of our bedrock beliefs as a people, affirmed in the Massachusetts Constitution and guaranteed by the Free Exercise Clause of the First Amendment to the United States Constitution, is that all have religious freedom as a matter of right. The practical effect of this great achievement is that, while our society is pluralistic and tolerant, we have always shown respect for and welcomed the influence of religion and religious opinion in our lives and in the public life of our nation. It is a matter beyond dispute, and a prerequisite to the preservation of liberty, that government not dictate to religious institutions the moral principles by which they are to carry out their charitable and divine mission.

Furthermore, as Governor, I have an obligation to ensure that child placement services in the Commonwealth are intact and working in the interest of orphaned and abandoned children. Catholic Charities has been providing special needs children with adoption placement services for many years. Their withdrawal from this important work creates hardship in the provision of child welfare services. In this case, the needs of children must come before the rights of adults.

For these reasons, the bill I am filing authorizes religious organizations to provide adoption services without regard for the statutory prohibition on discrimination on the basis of sexual orientation. This exemption does not, however, authorize discrimination among prospective adoptive parents based on race, creed, national origin, gender or handicap.

Because I believe it is important to safeguard religious liberty as well as the interests of our most vulnerable citizens, I urge your prompt and favorable consideration of this bill.

Respectfully submitted,

A handwritten signature in black ink that reads "Mitt Romney".

Mitt Romney



The Commonwealth of Massachusetts

IN THE YEAR TWO THOUSAND SIX

AN ACT PROTECTING RELIGIOUS FREEDOM.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Chapter 15D of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by adding the following section:-

Section 6. Notwithstanding the provisions of any general or special law, regulation or requirement to the contrary, it shall be lawful for any religious or denominational institution or organization, or any organization operated for charitable or educational purposes which is operated, supervised or controlled by or in connection with a religious organization, to take any action with respect to the provision of adoption or foster placement services which is calculated by such organization to promote its religious principles and which does not discriminate among prospective adoptive parents on the basis of race, creed, national origin, gender, handicap or any other classification triggering judicial review under a strict scrutiny analysis under either the Equal

Protection Clause of the United States Constitution or the Constitution of the Commonwealth.

SECTION 2. Chapter 18B of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by adding the following section:-

Section 23. Notwithstanding the provisions of any general or special law, regulation or requirement to the contrary, it shall be lawful for any religious or denominational institution or organization, or any organization operated for charitable or educational purposes which is operated, supervised or controlled by or in connection with a religious organization, to take any action with respect to the provision of adoption or foster placement services which is calculated by such organization to promote its religious principles and which does not discriminate among prospective adoptive parents on the basis of race, creed, national origin, gender, handicap or any other classification triggering judicial review under a strict scrutiny analysis under either the Equal Protection Clause of the United States Constitution or the Constitution of the Commonwealth.

SECTION 3. Section 9 of chapter 28A of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by inserting in line 93 thereof after the phrase "or for adoption." the following:-

Notwithstanding the provisions of any general or special law, regulation or requirement to the contrary, it shall be lawful for any religious or denominational institution or

organization, or any organization operated for charitable or educational purposes which is operated, supervised or controlled by or in connection with a religious organization, to take any action with respect to the provision of adoption or foster placement services which is calculated by such organization to promote its religious principles and which does not discriminate among prospective adoptive parents on the basis of race, creed, national origin, gender, handicap or any other classification triggering judicial review under a strict scrutiny analysis under either the Equal Protection Clause of the United States Constitution or the Constitution of the Commonwealth.

SECTION 4. Chapter 210 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by adding the following section:-

Section 11B. Notwithstanding the provisions of any general or special law, regulation or requirement to the contrary, it shall be lawful for any religious or denominational institution or organization, or any organization operated for charitable or educational purposes which is operated, supervised or controlled by or in connection with a religious organization, to take any action with respect to the provision of adoption or foster placement services which is calculated by such organization to promote its religious principles and which does not discriminate among prospective adoptive parents on the basis of race, creed, national origin, gender, handicap or any other classification triggering judicial review under a strict scrutiny analysis under either the Equal Protection Clause of the United States Constitution or the Constitution of the Commonwealth.

SECTION 5. Section 92A of chapter 272 of the General Laws, as appearing in the 2004 Official Edition is hereby amended by inserting after the phrase "such an establishment." in line 48 thereof, the following:-

Notwithstanding the provisions of any general or special law, regulation or requirement to the contrary, it shall be lawful for any religious or denominational institution or organization, or any organization operated for charitable or educational purposes which is operated, supervised or controlled by or in connection with a religious organization, to take any action with respect to the provision of adoption or foster placement services which is calculated by such organization to promote its religious principles and which does not discriminate among prospective adoptive parents on the basis of race, creed, national origin, gender, handicap or any other classification triggering judicial review under a strict scrutiny analysis under either the Equal Protection Clause of the United States Constitution or the Constitution of the Commonwealth.

SECTION 6. This act shall take effect upon its passage.