

August 14, 2007

The Hon. Donald Carcieri  
Governor  
State House  
Providence, RI 02903

BY FAX AND MAIL

Dear Governor Carcieri:

An article in last week's *Providence Journal* described how your office spent \$15,000 in taxpayer dollars to hire a private attorney to write a brief in a case pending in the R.I. Supreme Court concerning the ability of validly-married same-sex couples to divorce in Rhode Island.

Among other things, the brief claims that recognizing same-sex couples (whether through marriage or civil unions) "could be disastrous for future generations" and "would have profoundly detrimental effects [upon] families, children and society." It would not surprise you to learn that our organizations strongly disagree with those beliefs. However, whatever one's views on the propriety of same-sex marriage, there are two much stronger reasons for Rhode Islanders to be distressed by the submission of this brief.

First, there is more than a little irony in paying \$15,000 to a private attorney to explain that same-sex marriages could lead to, among other things, "an increase in the existence of sub-optimal child rearing conditions." Considering that your proposed FY 2008 budget contained, among other things, a 50% reduction in the amount of maximum amount of child support passed through to parents enrolled in the Family Independence Program, a 57% cut in the state's subsidized child care program, and the elimination of automatic RItE Care eligibility for FIP recipients, it is rather audacious to argue – and to spend tax dollars to argue – that it is same-sex marriage that poses a threat to children, rather than proposed governmental policies like these that have been targeted directly at poor children most in need of state assistance.

But the portions of the brief that are even more shocking in attempting to divert responsibility for the status of poor children in Rhode Island are those dealing with no-fault divorce. Although it has not been publicized at all, your brief contains a frontal attack on the concept of no-fault divorce, a fundamental principle of family law for over three decades in Rhode Island (and much of the rest of the country). This attack is inexplicable. It is hard to imagine why the brief even touches on this issue, other than to turn the brief-writing opportunity into an ideological pulpit.

According to the brief filed in the name of your office, we are told that no-fault divorce has left "more children ill-equipped to cope in a world already fraught with problems" and created "a whole new class of inequality" for women and children. Indeed, the brief even cites a source as complaining that no-fault divorce had the apparently shocking consequence of leading women to take "steps to protect their human capital by entering the work force and pursuing education." We know there are some people out there who long for a return to the "idyllic" 1950's when women knew their place was in the kitchen, but we do not expect to hear echoes of it emanating from a Gubernatorial court brief!

This is not the place to discuss the significant research that describes the significant benefits that no-fault divorce laws brought for women, including a reduction in domestic violence, though we would be happy to share that research with you. Rather, we believe the public has a right to know whether the arguments contained in the brief truly reflect your position as Governor of the

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State of Rhode Island, or are instead the ideological-driven comments of private counsel hired at taxpayer expense.

If one takes at face value the arguments contained in your brief, they suggest a number of disturbing scenarios: that your office might consider proposing the repeal of the state's no-fault divorce statutes; that your numerous and deep proposed cuts to child welfare programs have been based on the view that policies like no-fault divorce are largely responsible for the poverty problems faced by our children, thus reducing the moral obligation of the state to address child poverty; and that it is thus the thousands of Rhode Islanders who have divorced in the past thirty-five years who are to blame for the poverty among children in the state. In short, we are left to wonder exactly what the connection is between the beliefs on no-fault divorce as expressed in this brief and your views on the government's role in alleviating the plight of the poor in our society.

We can only hope that the arguments made in the brief regarding no-fault divorce do not, in fact, represent your office's views, and that they instead represent the personal views, expressed without your knowledge, of the private attorney who prepared the brief. (Indeed, we note that the local counsel whose name appears on your brief also does not serve on your staff.)

If this is the case, then we strongly urge you to consider withdrawing your brief from the R.I. Supreme Court. Otherwise, we request that you formally clarify your position on these issues. When a brief filed in the R.I. Supreme Court appears to put much of the blame of childhood poverty and economic inequality faced by women on modern divorce laws, and further criticizes those laws for encouraging women to pursue educational opportunities, surely the public deserves to know exactly where the dividing line between your official policy positions and those of the private attorney hired to write the brief lies.

Thank you in advance for your attention to this, and we look forward to your response.

Sincerely,

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