SPLC Southern Poverty Law Center

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July 12, 2012

Via Hand Delivery and Fax

Charlie Dixon, Director
Mississippi Agriculture & Forestry Museum
1150 Lakeland Drive
Jackson, Mississippi 39216
Fax: (601) 982-4292

Dear Mr. Dixon,

We write on behalf of Ceara Sturgis and her mother, Veronica Rodriguez. Veronica is planning a ceremony to memorialize the commitment between her daughter Ceara and Ceara's same-sex partner. Veronica and Ceara are from Jackson, Mississippi, and would like to use the Masonic Hall at the Mississippi Agriculture & Forestry Museum for this event. They have confirmed that the Masonic Hall is available for rental on August 11, 2012 or any subsequent Saturday in the fall. Enclosed is the request for use permit and $350 payment.

The Museum, which is owned and operated by the state, has previously refused to rent its facilities for same-sex commitment ceremonies, on the basis that such ceremonies violate state law. In support of its policy, the Museum has relied on a 2009 letter in which Attorney General Jim Hood opined that the Museum may restrict use of its property to events that are "legal" under state law and therefore may "prohibit same gender marriages on museum property." A spokesperson for the Museum recently reiterated the claim that same-sex commitment ceremonies "are a representation of a union, and state law says that a union can only be between a man and a woman."

The Museum's policy is premised on a misguided and erroneous interpretation of Mississippi state law and, further, violates the United States Constitution. We intend to challenge the Museum's policy in federal court if the Museum does not rescind its policy against same-sex commitment and marriage ceremonies and honor our clients' request.

The Mississippi Constitution states that a marriage "may be valid under the laws of this State only between a man and a woman." The Mississippi Code states that "[a]ny marriage between persons of the same gender is prohibited and null and void from the beginning." These two laws mean only that Mississippi does not recognize same-sex marriages as valid marriages — that is, that Mississippi does not afford same-sex couples the rights it affords married couples. Nothing in these two laws supports the claim that the state can prohibit a same-sex couple from conducting a wedding or other ceremony on state grounds. *Lawson v. Honeywell Int'l, Inc.*, 75 So. 3d 1024,

1030 (Miss. 2011), *reh'g denied* (Dec. 15, 2011) ("This Court 'cannot ... add to the plain meaning of the statute or presume that the legislature failed to state something other than what was plainly stated.'"). Same-sex commitment ceremonies or weddings, by themselves, are not illegal under either the Mississippi Constitution or the Mississippi Code. Accordingly, the Museum's policy is not supported by the most basic reading of state law.

In any event, a policy that prohibits the renting out of state facilities for a same-sex wedding or other ceremony celebrating a same-sex relationship would violate the First and Fourteenth Amendments.

Under the First Amendment, the Museum, because it allows the general public to use its facilities, is a "limited public forum" and, as such, may not discriminate against speech or expressive conduct on the basis of viewpoint. *E.g., Rosenberger v. Rector and Visitors of the University of Virginia*, 515 U.S. 819, 829-30 (1995) ("viewpoint discrimination ... is presumed impermissible when directed at speech otherwise within the forum's limitations"). As evidenced by public records, the Museum rents its facilities to civic groups, social clubs, Bible study groups, businesses, professional associations, and families. The Museum also routinely rents its facilities, including the Masonic Hall, to heterosexual couples for weddings, wedding rehearsal dinners, and/or wedding receptions.

The Museum's refusal to rent the same facilities to same-sex couples for the same purposes constitutes viewpoint discrimination in violation of the First Amendment. "The First Amendment generally prevents government from proscribing speech, or even expressive conduct, because of disapproval of the ideas expressed." *R.A.V. v. City of St. Paul, Minn.*, 505 U.S. 377, 382 (1992) (citing *Texas v. Johnson*, 491 U.S. 397, 406 (1989) (state law that prohibited the burning of an American flag was unconstitutional)). *See also, e.g., Chiu v. Plano Indep. Sch. Dist.*, 260 F.3d 330, 350 (5th Cir. 2001) ("It is well settled that viewpoint discrimination is a clearly established violation of the First Amendment in any forum."). The Museum may not refuse same-sex couples the same access to its facilities merely because it disapproves of same-sex weddings or other ceremonies or because it disagrees with the view that same-sex couples can have loving and committed relationships.

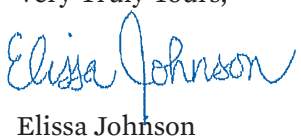
Moreover, the policy violates the Equal Protection Clause of the United States Constitution. Under the Fourteenth Amendment, a state may not single out a class of citizens for different treatment, absent a valid state interest. *E.g., Romer v. Evans*, 517 U.S. 620, 635 (1996). Here, there is no valid state interest in refusing same-sex couples the equal use of the museum's facilities. The state may not punish or prohibit same-sex relationships. *Lawrence v. Texas*, 539 U.S. 558, 583 (2003). Further, a commitment ceremony or same-sex wedding ceremony does not require that the state recognize or endorse the committed same-sex couple as a married couple — indeed, under Mississippi's current discriminatory laws, there are no legal consequences at all for the state when a same-sex couple declares their commitment to one another. The Museum's policy appears to be driven only by an animus towards same-sex couples. Animus and moral disapproval, however, are not valid state interests. *Lawrence*, 539 U.S. at 583 (O'Connor, J., concurring) ("Moral disapproval of a group cannot be a legitimate governmental interest under the Equal Protection Clause . . ."); *Romer*, 517 U.S. at 635 ("We must conclude that Amendment 2 classifies homosexuals not to further a proper legislative end but to make

them unequal to everyone else. This Colorado cannot do."). The Museum may not single out same-sex couples for different treatment.

As there is no legal basis for the Museum's policy, we trust the Museum will rescind its unlawful policy against same-sex commitment and wedding ceremonies and honor Ceara and her mother's request that they be permitted to rent the Museum's facilities on August 11, 2012, or on a subsequent available Saturday. If the Museum refuses, we will proceed by filing a lawsuit.

Please advise us of your position by no later than 5 p.m. CST, July 25, 2012.

Very Truly Yours,



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