

## Religious

*Eliminating discrimination in civil marriage will not impinge upon religious doctrine or practice.* (p. 3)

*More than three thousand clergy from numerous faiths have endorsed an open letter by the Religious Institute, Inc. calling for marriage equality.* (p. 16)

*Eliminating DOMA's unconstitutional distinction between lawfully married couples solely based on sexual orientation would not change, mandate, control, or interfere with any other party's religious practices. The religious freedoms embodied in the Constitution guarantee that diverse religious traditions and beliefs, including the sole right to define who can marry religiously, will flourish regardless of changes in civil marriage laws.* (p. 23)

*While amici respect all fellow faiths, including those that embrace different religious views on marriage, it is constitutionally impermissible to impose religious views through civil law to curtail the right of same-sex couples to civilly marry.* (p. 25)

### **Summary of Brief**

*Amici curiae* signers represent a broad range of religious groups, organizations, and leaders who support equal treatment for same-sex couples with respect to state-regulated civil marriage. They believe all people deserve equal protection under state and federal law, regardless of an individual's religious beliefs.

### **Notable Quotes**

"Recognizing that civil and religious marriage are necessarily two different things, and further undercutting any claim that religion speaks with one voice on marriage, many religions – Including Amici here – have distinct positions supporting equal civil marriage rights for same-sex couples." (p. 13-14)

"Catholic teaching joins other mainstream religions in affirming the fundamental human dignity of lesbian and gay individuals and calling for an end to "any forms of injustice, oppression, or violence against them."<sup>1</sup> Consistent with the latter teaching, many individual American Catholics have come to favor marriage equality: polling conducted by the Pew Forum in late 2011 showed that "[a]mong Catholics as a whole, supporters" of marriage for same-sex couples had come to "outnumber opponents (52% vs. 37%)," whereas just one year before, 46% had favored same-sex marriage while 42% expressed opposition."<sup>2</sup> (p. 17-18)

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<sup>1</sup> See, e.g., Statement, Bishops' Committee on Marriage and Family, *Always Our Children: A Pastoral Message To Parents Of Homosexual Children And Suggestions For Pastoral Ministers* (1997), available at <http://www.usccb.org/issues-and-action/human-life-and-dignity/homosexuality/always-our-children.cfm> (last visited Feb. 23, 2013) (observing that "respect for the God-given dignity of all persons means the recognition of human rights and responsibilities," such that "the fundamental human rights of homosexual persons must be defended and . . . all of us must strive to eliminate any forms of injustice, oppression, or violence against them.").

<sup>2</sup> The Pew Forum on Religion and Public Life, *Religion and Attitudes Toward Same-Sex Marriage* (Feb. 7, 2012), available at <http://www.pewforum.org/Gay-Marriage-and-Homosexuality/Religion->

Where lawful civil marriages of same-sex couples are recognized, the First Amendment's guarantees continue to protect the decisions of those faiths that choose not to solemnize such marriages, as well as those that do. Therefore, affirmance here would not alter the freedom of all religious communities to decide which religious unions are consistent with their beliefs. Nor would affirmance burden religious persons and institutions in the pursuit of their religious activities or the exercise of conscience. To the contrary, reversal predicated on certain of the arguments of religious amici regarding express or implicit religious definitions of marriage would improperly favor one set of religious views (e.g., rejecting the marriages of same-sex couples) against other religious views (e.g., like those of Amici here, favoring equal treatment under law for married same-sex couples). (p. 18-19)

"Were the federal government to start recognizing the lawful civil marriages of same-sex couples – as it does interfaith marriages, interracial marriages, and re-marriages after divorce – religions that disapprove of such unions would remain free to define *religious* marriage however they wish." (p. 22)

"Since this nation's founding, the concept of religious liberty has included the equal treatment of all faiths without discrimination or preference. See Larson, 456 U.S. at 244 ("The clearest command of the Establishment Clause is that one religious denomination cannot be officially preferred over another."). Government action denying recognition on religious or quasi-religious grounds to the civil marriages of same-sex couples violates this principle by putting the force of law behind one set of religious views." (p. 25)

"By affirming the judgment of the court below that Section 3 of DOMA is unconstitutional without reference to religiously based arguments, and affirming the constitutional promise of equal treatment for lawfully married different- and same-sex couples, this Court will ensure that civil law neither favors nor disfavors any particular religious viewpoint, and it will leave individual faith communities free to determine for themselves whether or not to add religious sanction to particular unions." (p. 27)

### **Amici Curae**

*Amici Curae* includes, 16 religious organization and 29 names Bishops of the Episcopal Church.

**Bishops of The Episcopal Church** include the Rt. Rev. Marc Handley Andrus, Bishop of California; the Rt. Rev. Mary Gray-Reeves, Bishop of El Camino Real (Cal.); the Rt. Rev. J. Jon Bruno, Bishop of Los Angeles (Cal.); the Rt. Rev. Diane Jardine Bruce, Bishop Suffragan of Los Angeles (Cal.); the Rt. Rev. Mary D. Glasspool, Bishop Suffragan of Los Angeles (Cal.); the Rt. Rev. Barry L. Beisner, Bishop of Northern California; the Rt. Rev. James R. Mathes, Bishop of San Diego (Cal.); the Rt. Rev. Chester L. Talton, Bishop of San Joaquin (Cal.); the Rt. Rev. Ian T. Douglas, Bishop of Connecticut; the Rt. Rev. Laura J. Ahrens, Bishop Suffragan of Connecticut; the Rt. Rev. James E. Curry, Bishop Suffragan of Connecticut; the Rt. Rev. Mariann Edgar Budde, Bishop of Washington (D.C.); the Rt. Rev. Alan Scarfe, Bishop of Iowa; the Rt. Rev. Stephen T. Lane, Bishop of Maine; the Rt. Rev. Eugene Taylor Sutton, Bishop of Maryland; the Rt. Rev. Joe Goodwin Burnett, Assistant Bishop of Maryland; the Rt. Rev. James Joseph Shand, Bishop of Easton (Md.); the Rt. Rev. M. Thomas Shaw SSJE, Bishop of Massachusetts; the Rt. Rev. Gayle E. Harris, Bishop Suffragan of Massachusetts; the Rt. Rev. Douglas J. Fisher, Bishop of Western Massachusetts; the Rt. Rev. A. Robert Hirschfeld, Bishop of New Hampshire; the Rt. Rev. Andrew M.L. Dietsche,

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and-Attitudes-Toward-Same-Sex-Marriage.aspx (last visited Feb. 23, 2013) (citing comparative data from Aug.-Sept. 2010 and Oct. 2011).

Bishop of New York; the Rt. Rev. Lawrence C. Provenzano, Bishop of Long Island (N.Y.); the Rt. Rev. Gladstone B. Adams III, Bishop of Central New York; the Rt. Rev. Prince G. Singh, Bishop of Rochester (N.Y.); the Rt. Rev. R. William Franklin, Bishop of Western New York; the Rt. Rev. Thomas C. Ely, Bishop of Vermont; the Rt. Rev. Gregory H. Rickel, Bishop of Olympia (Wash.); and the Rt. Rev. James E. Waggoner, Jr., Bishop of Spokane (with respect to the portion of the diocese located in the State of Washington). As Bishops serving in civil jurisdictions where same-sex couples have been granted the right to marry, The Episcopal Church has authorized them to provide a “generous pastoral response” to civilly married couples.

**The Jewish Theological Seminary of America** is a preeminent institution of Jewish higher education that integrates rigorous academic scholarship and teaching with a commitment to strengthening Jewish tradition, Jewish lives, and Jewish communities. As the intellectual center of the Conservative Movement, JTS is committed to educating the public on Jewish perspectives regarding important social issues and providing an informed Jewish voice on those issues.

**Manhattan Conference of the Metropolitan New York Synod of the Evangelical Lutheran Church in America** represents the pastors and members of the Evangelical Lutheran Church in America in the Manhattan area. The Evangelical Lutheran Church in America was formed from three separate and well-established North American church bodies: The American Lutheran Church, The Association of Evangelical Lutheran Churches, and The Lutheran Church in America.

**The Rabbinical Assembly** is the international association of Conservative rabbis. Since its founding in 1901, the Assembly has been the creative force shaping the ideology, programs, and practices of the Conservative movement, and is committed to building and strengthening the totality of Jewish life. Rabbis of the Assembly serve congregations throughout the world, and also work as educators, officers of communal service organizations, and college, hospital, and military chaplains.

**The Reconstructionist Rabbinical Association (“RRA”)**, established in 1974, is the professional association of Reconstructionist rabbis. Comprised of nearly 300 rabbis, the RRA represents the rabbinic voice within the Reconstructionist movement.

**Reconstructionist Rabbinical College (“RRC”)** educates leaders, advances scholarship and develops resources for contemporary Jewish life.

**Rabbi Akiva Herzfeld of Shaarey Tphiloh** serves the oldest Mainline Orthodox synagogue north of Boston. The congregation was founded in 1904 on Newberry Street in Portland, Maine and moved to its present location in 1954.

**The Union for Reform Judaism**, whose 900 congregations across North America include 1.5 million Reform Jews, is committed to ensuring equality for all of God’s children, regardless of sexual orientation. Amicus curiae Unitarian Universalist Association was founded in 1961 and has nurtured a heritage of providing a strong voice for social justice and liberal religion. Unitarian Universalism is a caring, open-minded faith community that traces its roots in North America back to the Pilgrims and the Puritans. Amicus curiae United Church of Christ has more than 5,100 churches and 1.1 million members across the United States, and serves God in the co-creation of a just and sustainable world.

**The United Synagogue of Conservative Judaism (“USCJ”)** is the congregational arm of Conservative Judaism in North America. USCJ is committed to a dynamic Judaism that is learned and passionate,

authentic and pluralistic, joyful and accessible, egalitarian and traditional, and thereby seeks to create the conditions for a powerful and vibrant Jewish life for the individual members of its sacred communities.

**Affirmation** represents LGBTQ people and their supporters in the United Methodist Community.

**Covenant Network of Presbyterians**, a broad-based, national group of clergy and lay leaders, seeks to support the mission and unity of the Presbyterian Church (USA), articulate and act on the church's historic, progressive vision, work for a fully inclusive church, and find ways to live out the graciously hospitable gospel by living together with all our fellow members in the Presbyterian Church (USA).

**Amicus curiae Friends for Lesbian, Gay, Bisexual, Transgender, and Queer Concerns ("FLGBTQC")** is a faith community within the Religious Society of Friends. FLGBTQC deeply honors, affirms, and upholds that of God in all people.

**Methodist Federation for Social Action** mobilizes clergy and laity within The United Methodist Church to take action on issues of peace, poverty and people's rights within the church, the nation, and the world.

**More Light Presbyterians** represents lesbian, gay, bisexual, and transgender people in the life, ministry, and witness of the Presbyterian Church (USA) and in society.

**Presbyterian Welcome** is a diverse community of countless individuals representing lesbian, gay, bisexual, and transgender people in the Presbyterian Church (USA), through education, advocacy, and relationship building.

**Reconciling Ministries Network** serves lesbian, gay, bisexual, and transgender United Methodists and their allies to transform their world into the full expression of Christ's inclusive love. Reconciling Ministries Network envisions a vibrant Wesleyan movement that is biblically and theologically centered in the full inclusion of God's children.

**ReconcilingWorks: Lutherans For Full Participation** organizes lesbian, gay, bisexual, and transgender individuals and their allies within the Lutheran communion and its ecumenical and global partners. Amicus curiae Religious Institute, Inc. is a multi-faith organization whose thousands of supporters include clergy and other religious leaders from more than 50 faith traditions. The Religious Institute partners with the leading mainstream and progressive religious institutions in the United States.