

No. 19-123

In The
Supreme Court of the United States

◆

SHARONELL FULTON, ET AL.,
Petitioners,

v.

CITY OF PHILADELPHIA, PENNSYLVANIA, ET AL.,
Respondents.

◆

**On Writ Of Certiorari To The United States
Court Of Appeals For The Third Circuit**

◆

**BRIEF FOR *AMICI CURIAE* PRESIDENT OF THE
HOUSE OF DEPUTIES OF THE EPISCOPAL CHURCH;
THE RABBINICAL ASSEMBLY; UNITED SYNAGOGUE
OF CONSERVATIVE JUDAISM; CENTRAL
CONFERENCE OF AMERICAN RABBIS; CENTRAL
ATLANTIC, PENN CENTRAL, PENN NORTHEAST,
PENNSYLVANIA SOUTHEAST, AND PENN WEST
CONFERENCES OF THE UNITED CHURCH OF CHRIST;
RECONSTRUCTING JUDAISM; RECONSTRUCTIONIST
RABBINICAL ASSOCIATION; UNION FOR REFORM
JUDAISM; UNITARIAN UNIVERSALIST ASSOCIATION;
COVENANT NETWORK OF PRESBYTERIANS; FRIENDS
FOR LGBTQ CONCERNS; MEN OF REFORM JUDAISM;
METHODIST FEDERATION FOR SOCIAL ACTION;
MORE LIGHT PRESBYTERIANS; MUSLIMS FOR
PROGRESSIVE VALUES; RECONCILING MINISTRIES
NETWORK; WOMEN OF REFORM JUDAISM;
AND INDIVIDUAL FAITH LEADERS IN SUPPORT
OF RESPONDENTS AND AFFIRMANCE**

◆

JEFFREY S. TRACHTMAN
Counsel of Record
NORMAN C. SIMON
TOBIAS B. JACOBY
JASON M. MOFF
BENJAMIN NEUHAUS
KRAMER LEVIN NAFTALIS & FRANKEL LLP
1177 Avenue of the Americas
New York, New York 10036
(212) 715-9175
jtrachtman@kramerlevin.com
Counsel for Amici Curiae

TABLE OF CONTENTS

| | Page |
|--|--------|
| TABLE OF AUTHORITIES..... | ii |
| INTEREST OF <i>AMICI CURIAE</i> | 1 |
| INTRODUCTION AND SUMMARY OF ARGUMENT | 6 |
| ARGUMENT | 11 |
| I. The Inherent Dignity Of LGBT Persons And Their Families Informs The Theology Of A Wide Cross-Section Of American Religious Traditions | 12 |
| II. Diverse Faith Groups And Religious Observers Affirm The Place Of LGBT Persons And Families In Civic Life And Favor Their Protection Under Anti-discrimination Laws and Obligations | 16 |
| III. Antidiscrimination Provisions In Government Contracts To Provide Public Social Services Do Not Substantially Burden Fundamental Rights Of Religious Belief And Practice | 22 |
| IV. Permitting Exemptions Based On Religious Convictions Would Undermine Anti-discrimination Laws And Obligations | 28 |
| CONCLUSION..... | 35 |
| APPENDIX A: LIST OF <i>AMICI CURIAE</i> | App. 1 |

TABLE OF AUTHORITIES

| | Page |
|--|-----------|
| CASES | |
| <i>Bostock v. Clayton County</i> , 140 S. Ct. 1731 (2020) | 29 |
| <i>Bowen v. Roy</i> , 476 U.S. 693 (1986) | 23, 26 |
| <i>Burwell v. Hobby Lobby Stores, Inc.</i> , 573 U.S. 682 (2014) | 30 |
| <i>Church of Lukumi Babalu Aye, Inc. v.</i> <i>City of Hialeah</i> , 508 U.S. 520 (1993) | 27 |
| <i>Duncan v. Kahanamoku</i> , 327 U.S. 304 (1946) | 32 |
| <i>Employment Division v. Smith</i> , 494 U.S. 872 (1990) | 9, 22 |
| <i>Gonzales v. O Centro Espirita Beneficente</i> <i>Uniao do Vegetal</i> , 546 U.S. 418 (2006) | 28, 32 |
| <i>Heart of Atlanta Motel, Inc. v. United States</i> , 379 U.S. 241 (1964) | 32 |
| <i>Hernandez v. C.I.R.</i> , 490 U.S. 680 (1989) | 23 |
| <i>Hosanna-Tabor Evangelical Lutheran</i> <i>Church & Sch. v. EEOC</i> , 565 U.S. 171 (2012) | 9, 24, 27 |
| <i>Johnson v. Robison</i> , 415 U.S. 361 (1974) | 23 |

TABLE OF AUTHORITIES—Continued

| | Page |
|---|----------------|
| <i>Larson v. Valente</i> , 456 U.S. 228 (1982) | 33 |
| <i>Lawrence v. Texas</i> , 539 U.S. 558 (2003) | 31 |
| <i>Loving v. Virginia</i> , 388 U.S. 1 (1967) | 25 |
| <i>Masterpiece Cakeshop, Ltd. v.</i> <i>Colorado Civil Rights Commission</i> , 138 S. Ct. 1719 (2018) | 10, 29, 30, 31 |
| <i>McDaniel v. Paty</i> , 435 U.S. 618 (1978) | 27 |
| <i>Newman v. Piggie Park Enterprises, Inc.</i> , 390 U.S. 400 (1968) | 31 |
| <i>Obergefell v. Hodges</i> , 135 S. Ct. 2584 (2015) | 9, 21, 24, 32 |
| <i>Our Lady of Guadalupe Sch. v.</i> <i>Morrissey-Berru</i> , 140 S. Ct. 2049 (2020) | 24 |
| <i>Roberts v. U.S. Jaycees</i> , 468 U.S. 609 (1984) | 28 |
| <i>Sherbert v. Verner</i> , 374 U.S. 398 (1963) | 28, 32 |
| <i>Trinity Lutheran Church v. Comer</i> , 137 S. Ct. 2012 (2017) | 33 |

TABLE OF AUTHORITIES—Continued

| | Page |
|--|--------|
| OTHER AUTHORITIES | |
| 217th General Assembly, Theological Task Force on Peace, Unity and Purity of the Church, <i>A Season of Discernment</i> (2006), https://perma.cc/A97F-H2EB | 15 |
| Sarah Pulliam Bailey, <i>ELCA Lutherans Elect First Openly Gay Bishop</i> (June 3, 2013), https://perma.cc/K8DE-E6GD | 13 |
| Zac Baker, Reconciling Works: Lutherans for Full Participation, <i>Georgia Clergy Unite to Oppose Religious Refusal Bills</i> (Jan. 14, 2015), https://perma.cc/33QB-WXS8 | 19, 20 |
| <i>Business Resolution: Confronting Sexual Orientation and Gender Identity Discrimination</i> , General Assembly of the Unitarian Universalist Association (2010), https://perma.cc/E8XR-7GDM | 15 |
| Central Conference of American Rabbis, <i>Report of the Ad Hoc Committee on Homosexuality and the Rabbinate of the Central Conference of American Rabbis Annual Convention</i> (1990), https://perma.cc/46L3-NPXF | 13, 14 |
| Central Conference of American Rabbis, <i>Resolution on State Religious Freedom Restoration Acts</i> (May 6, 2015), https://perma.cc/J3ZK-KTGD | 19 |

TABLE OF AUTHORITIES—Continued

| | Page |
|--|------|
| Elliot Dorff, Daniel Nevins & Avram Reisner, <i>Rituals and Documents of Marriage and Divorce for Same-Sex Couples, et al.</i> (Feb. 24, 2010), https://perma.cc/5HS8-4FLW | 13 |
| Evangelical Lutheran Church in America, <i>Human Sexuality: Gift and Trust</i> (Aug. 19, 2009), https://perma.cc/TS27-YH38 | 15 |
| Daniel Greenberg et al., Public Religion Research Institute, <i>America’s Growing Support for Transgender Rights</i> (June 11, 2019), https://perma.cc/SS2R-C4ET | 20 |
| <i>Interracial Marriage Discouraged</i> , The Deseret News, June 17, 1978, https://perma.cc/TXJ4- SUQT | 25 |
| Journal of the 78th General Convention of The Episcopal Church, Resolutions 2015-A036 & 2015-A054 (New York: General Convention 2015), https://perma.cc/32UW-84CE , https://perma.cc/ 8T4J-CSDK | 14 |
| Leadership Council of Conservative Judaism, <i>Conservative View on Intermarriage</i> (Mar. 7, 1995), https://perma.cc/Z69N-CLCF | 25 |
| <i>Lesbian Rabbi Is to Become President of Reform Group</i> , N.Y. Times (Mar. 15, 2015), https://perma.cc/E4TQ-JCJR | 13 |
| Letter of Elizabeth A. Eaton, Presiding Bishop of the Evangelical Lutheran Church in America (June 30, 2015), https://perma.cc/ 4VWJ-PGDT | 14 |

TABLE OF AUTHORITIES—Continued

| | Page |
|---|------|
| LGBTQ Ministries Multicultural Growth and Witness, <i>LGBT History & Facts for Unitarian Universalists</i> (2012), https://perma.cc/4P5V-L62E | 13 |
| Complaint, <i>Maddonna v. U.S. Dept. of Health and Human Services</i> , 6:19-cv-03551, ECF Doc. No. 1 (D.S.C. Dec. 20, 2019)..... | 34 |
| Minutes of the Twenty-Eighth General Synod of the United Church of Christ (July 1-5, 2011), https://perma.cc/D6BT-HCWL | 18 |
| Anthony Moujaes, <i>UCC social justice advocates keep watch on ‘religious freedom’</i> , United Church of Christ (Apr. 12, 2016), https://perma.cc/6MTF-FNGM | 20 |
| Mireya Navarro, <i>Openly Gay Priest Ordained in Jersey</i> , N.Y. Times, Dec. 17, 1989, https://perma.cc/2ZEJ-FG2E | 13 |
| Pew Research Center, <i>Detailed Tables</i> , https://perma.cc/5MTJ-SMQG | 11 |
| Pew Research Center, <i>Religious Landscape Study Database Tool</i> , https://perma.cc/WV2H-AW4V | 11 |
| Pew Research Center, <i>When Americans Say They Believe in God, What Do They Mean?</i> (Apr. 25, 2018), https://perma.cc/98FM-BZQ6 | 11 |

TABLE OF AUTHORITIES—Continued

| | Page |
|--|------|
| Press Release, The Episcopal Church in Mississippi, <i>Statement by the Rt. Rev. Brian R. Seage, Bishop of the Episcopal Diocese of Mississippi</i> (Mar. 31, 2016), https://perma.cc/3HZD-52J7 | 19 |
| Public Religion Research Institute, <i>Broad Support for LGBT Rights Across all 50 States: Findings from the 2019 American Values Atlas</i> (Apr. 14, 2020), https://perma.cc/V2XK-97P4 | 16 |
| <i>Race and the Priesthood</i> , The Church of Jesus Christ of Latter-day Saints, https://perma.cc/QC27-QUH5 | 25 |
| <i>Reconstructionist Movement Endorses Civil Marriage for Same-Sex Couples</i> , Reconstructionist Rabbinical College, <i>et al.</i> (Feb. 24, 2010), https://perma.cc/HEA7-VQS9 | 14 |
| Resolution 2006-A167, <i>Reaffirm Church Membership of Gay and Lesbian Persons</i> , 75th General Convention of The Episcopal Church (2006), https://perma.cc/267N-HEJM | 15 |
| Resolution of Immediate Witness, <i>Support of the Right to Marry for Same-Sex Couples</i> , General Assembly of the Unitarian Universalist Association (1996), https://perma.cc/EJ2A-AC42 | 13 |
| <i>Resolution On Clarifying the Position of the PC(USA) Regarding Appropriate Boundaries of Religious Liberty</i> , 223rd PC(USA) General Assembly (2018), https://perma.cc/8BBC-57B2 | 18 |

TABLE OF AUTHORITIES—Continued

| | Page |
|---|------|
| <i>Resolution On Same Gender Officiation</i> , 111th Convention of the Central Conference for American Rabbis (Mar. 2000), https://perma.cc/52JN-SVY5 | 13 |
| <i>Resolutions: Calling on United Church of Christ Congregations to Declare Themselves Open and Affirming</i> , Open and Affirming Coalition United Church of Christ: UCC Actions (1985), https://perma.cc/G4SQ-R7GZ | 14 |
| <i>Resolutions: Gay and Lesbian Jews</i> , Union for Reform Judaism (1989), https://perma.cc/JD9S-D43W | 14 |
| <i>The Right of LGBT Parents to Adopt and Raise Children: A Resolution of Witness</i> , 28th General Synod of the United Church of Christ (July 1-5, 2011), https://perma.cc/R8L6-J2ND | 19 |
| Amy Stone, <i>Out and Ordained</i> , <i>New York’s Jewish Theological Seminary Graduates its First Openly Lesbian Rabbi</i> , <i>Lilith</i> (2011), https://perma.cc/EDD2-544E | 13 |
| United Church of Christ, <i>In Support of Equal Marriage Rights for All</i> (July 4, 2005), https://perma.cc/6VUY-3C36 | 13 |
| United Church of Christ, <i>Order for Marriage, An Inclusive Version</i> , https://perma.cc/HEK3-LTM3 | 13 |
| United States Conference of Catholic Bishops, <i>Compendium—Catechism Of The Catholic Church</i> (2006)..... | 25 |

TABLE OF AUTHORITIES—Continued

| | Page |
|---|--------|
| Sharon Youngs, Presbyterian Church (USA), <i>Presbyterian Church (USA) Approves Change In Ordination Standard</i> (May 10, 2011), https://perma.cc/ZES4-8FBV | 13 |
| Rabbi Shawn I. Zevit, <i>JRF Homosexuality Report and Inclusion of GLBTQ Persons</i> , https://perma.cc/3MUM-K4KQ | 13, 15 |

INTEREST OF *AMICI CURIAE*¹

Amici curiae (“*Amici*”) comprise a broad range of religious stakeholders (including more than 400 individual clergy and faith leaders) who represent traditions rooted in centuries of American history and who affirm religious liberty and equal rights.²

The Rev. Gay Clark Jennings is the President of the House of Deputies of The Episcopal Church. In that capacity, Jennings presides over a legislative chamber consisting of more than 800 elected clergy and lay leaders representing all dioceses of The Episcopal Church as part of its bicameral governing body, the General Convention.

The Rabbinical Assembly is the international association of Conservative rabbis who serve various religious, educational and other institutions. 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.

United Synagogue of Conservative Judaism (“USCJ”) is the congregational arm of Conservative

¹ Respondents have granted blanket consent for the filing of *amicus* briefs. Petitioners and Intervenor-Respondents have consented to the filing of this *amicus* brief. No counsel for a party authored this brief in whole or in part, and no person or entity besides the undersigned *Amici* and their counsel made a monetary contribution intended to fund its preparation or submission.

² Appendix A lists all *Amici*.

Judaism in North America. USCJ is committed to 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.

The Central Conference of American Rabbis, whose membership includes more than 2,000 Reform rabbis, opposes discrimination against all individuals, including gays and lesbians, for the stamp of the Divine is present in each and every human being.

The Central Atlantic Conference of the United Church of Christ includes 160 UCC congregations, 25,000 members, and approximately 350 ordained ministers in the Mid-Atlantic region, covering New Jersey, Delaware, Maryland, the District of Columbia and parts of Virginia and West Virginia. Following the gospel message of love and justice, we believe that all people, with no exceptions, are part of the beloved community of God.

The Penn Central Conference of the United Church of Christ includes 184 congregations that passionately declare and demonstrate the courageous love of Christ by engaging justice issues in the community and world, to create a better future for all creation to flourish.

The Penn Northeast Conference of the United Church of Christ is united in faith, created to service, committed to care. Through this we seek to be inclusive

and welcoming as we equip, empower and support those who are engaged in Christ's ministry.

The Pennsylvania Southeast Conference of the United Church of Christ is the link that connects 160 congregations and more than 30,000 members in a commitment to God's inclusive love and care of the diversity inherent to creation. Therefore, we advocate for antidiscrimination provisions in all human systems and organizations that provide the services which flow from our covenant with God and our social contract with our fellow citizens.

The Penn West Conference of the United Church of Christ is a Conference of the United Church of Christ with 101 local churches in western Pennsylvania and western Maryland that has the following mission: "Engaging in covenantal relationships; sharing God's love with all."

Reconstructing Judaism represents the affiliated Reconstructionist Jewish congregations in the United States and abroad. Reconstructing Judaism cultivates and supports Jewish living, learning, and leadership in a changing world. We strive to realize the following core values in every initiative and interaction: sacred study, holiness, diverse and inclusive community, hope and healing, justice and sustainability, and evolving Judaism.

The Reconstructionist Rabbinical Association ("RRA"), established in 1974, is the professional association of Reconstructionist rabbis. Comprised of over

300 rabbis, the RRA represents the rabbinic voice within the Reconstructionist movement.

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.

The 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.

Covenant Network of Presbyterians, a national group of ministers and lay leaders, seeks to support the mission and unity of the Presbyterian Church (U.S.A.); articulate and act on the church's historic, progressive vision; work for a fully inclusive church and society; and find ways to embody the grace and hospitality of the gospel.

Friends for Lesbian, Gay, Bisexual, Transgender, and Queer Concerns is a Quaker faith community within the Religious Society of Friends (Quakers). FLGBTQC deeply honors, affirms, and upholds that of God in all people. We seek to know that of God within ourselves and others. We seek to express God's truth in the Quaker and in the lesbian/gay/bisexual/transsexual/transgender communities, as it is made known to us.

Men of Reform Judaism come to this issue out of deep commitment to ensuring equality for all of God's children, regardless of sexual orientation.

The 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 lift, ministry, and witness of the Presbyterian Church (U.S.A.) and in society.

Muslims for Progressive Values is guided by the following ten principles, each of which is rooted in Islam: collective identity, equality, separation of religious and state authorities, freedom of speech, universal human rights, gender equality, LGBTQ inclusion, critical analysis and interpretation, compassion, and diversity.

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.

Women of Reform Judaism represents more than 65,000 women in nearly 500 women's groups in North America and around the world and comes to this issue rooted in a commitment to speaking and acting forcefully against discrimination.

Amici come from faiths that have addressed social and religious questions affecting lesbian, gay, bisexual, and transgender (“LGBT”) people and their families in different ways over time. But *Amici* unite in believing it is both morally correct and constitutionally permissible to require private foster care agencies to comply with neutral and generally applicable antidiscrimination obligations when performing government contracts to provide taxpayer-funded public child welfare services.

◆

INTRODUCTION AND SUMMARY OF ARGUMENT

Petitioners and several *amici* supporting them seek an unfounded constitutional right to discriminate against same-sex couples when providing public child welfare services under a taxpayer-funded government contract. Their position is based in no small measure on a false dichotomy between LGBT equality and the free exercise of religion—for example, asserting an inherent “clash between anti-discrimination rights and religious liberty.”³

The dichotomy is false because our legal system distinguishes between the ironclad protections provided to religion in its own sphere and the different

³ Brief of The Institute for Faith and Family (“IFF Br.”), at 12. *See also* Brief of Foundation for Moral Law, at 1 (asserting “this case . . . exemplifies a recurring problem in the clash between religious liberty and same-sex relations.”).

balances that society strikes in laws and obligations regulating interactions in the civil sphere, including in the provision of publicly funded social services. Petitioners and certain *amici* supporting them seek to blur this crucial distinction built into our constitutional system, but the values they purport to espouse do not require this result. The undersigned *Amici* also represent religious voices that affirm religion as a central element of personal identity and believe that marriage has a sacred spiritual significance. But their religious faith in the common humanity of all persons leads *Amici* to view this case as one concerning discrimination against same-sex couples, and not one in which religious liberty is in jeopardy. Personal religious views are entitled to the utmost respect but do not provide a license to write those views into government contracts to provide public services and thus dictate how those services are provided.

The posited dichotomy between LGBT rights and people of faith is false for another reason: Within the diverse panorama of American religious thought, a large and growing portion of the religious community welcomes, accepts, and celebrates LGBT individuals and their families and rejects the notion that they should be subject to discrimination based on differing religious views. Views embracing LGBT equality—based on the religious belief in the dignity and worth of all people—are widely shared by, among others, Christian denominations such as The Episcopal Church, the Evangelical Lutheran Church in America, the Presbyterian Church (USA), and the United

Church of Christ; the Unitarian Universalist Association; Judaism’s Conservative, Reconstructionist, and Reform movements; and countless individual religious believers from faiths ranging from Roman Catholicism to Islam. Consistent with these views, many leaders among longstanding pillars of the faith community—including Episcopalians, Lutherans, Presbyterians, and Unitarian Universalists, as well as the Central Conference of American Rabbis and the United Church of Christ—have objected to claims for broad religious exemptions from antidiscrimination laws applicable to the performance of government contracts for the provision of social services. Any suggestion that “religion” or “people of faith” as a whole reject LGBT equality is false and insulting to millions of Americans of faith. And, given the broad and growing religious support for LGBT equality, any claim that enforcing antidiscrimination provisions in government contracts will discourage faith-based organizations from providing social services is, at the very least, vastly overstated.

Amici accordingly urge the Court to reject a free exercise-premised right to discriminate when performing government contracts to provide public services. Philadelphia has chosen to prohibit discrimination by its contracted foster care agencies so that responsible families who can provide a good home for a child in need are not turned away and Philadelphians are not subjected to discrimination in a public program. The Constitution does not prevent Philadelphia from doing this. Petitioners have every right to their religious beliefs and to lawfully act on those beliefs in their

personal and religious lives. But when a private foster care agency like Catholic Social Services (“CSS”) provides taxpayer-funded services to the public under a government contract, its religious beliefs do not exempt it from neutral, generally applicable antidiscrimination obligations governing the provision of those services.

There is no need for the Court to revisit *Employment Division v. Smith*, 494 U.S. 872 (1990), because CSS is not entitled to the exemption it seeks under *any* legal standard. As a threshold matter, CSS cannot show that Philadelphia is substantially burdening the free exercise of religion. Affirming the decision below will not impinge upon religious doctrine or practice. Religions and religious people will remain free to determine what and who satisfies the requisites for practice of their faith. *See Hosanna-Tabor Evangelical Lutheran Church & Sch. v. EEOC*, 565 U.S. 171, 195 (2012) (recognizing that certain matters are “‘strictly ecclesiastical’” and therefore “‘the church’s alone’”) (citation omitted). This includes defining marriage within the faith and preserving marriage practices consistent with those tenets. *See Obergefell v. Hodges*, 135 S. Ct. 2584, 2607 (2015) (affirming right of religions to define marriage according to principles of their faith).

In any event, Philadelphia also has a compelling interest in preventing discrimination based on sexual orientation that justifies any incidental infringement on CSS’s ability to act consistently with its religious views in screening potential foster parents. Permitting CSS to turn away same-sex couples because of their

sexual orientation directly undermines this compelling interest and causes the very injury the antidiscrimination obligations in Philadelphia’s contracts are designed to prevent. If an agency refused to certify an interracial couple based on the religious belief that marriage can exist only between persons of the same race, few would credit this as a legitimate free exercise objection. The injury to any interracial couple turned away would be obvious and palpable—and hardly remedied by an offer to refer them to another agency. The injury to a same-sex couple rejected simply because of who they are is no different. To find otherwise would deny their inherent dignity. Such a result cannot be squared with this Court’s pronouncement in *Masterpiece Cakeshop, Ltd. v. Colorado Civil Rights Commission*, 138 S. Ct. 1719, 1727 (2018), that “gay persons and gay couples cannot be treated as social outcasts or as inferior in dignity and worth” and “[f]or that reason the laws and the Constitution can, and in some instances must, protect them in the exercise of their civil rights.”

Moreover, the religious exemption sought by Petitioners and certain *amici* supporting them admits of no coherent limiting principle. In the name of religious liberty, the claimed exemption would open the door to wholesale evisceration of civil rights enforcement and, paradoxically, religious discrimination against people of faith, as religious government contractors would be free to deny services to those of different religious affiliations and convictions. Any attempt by government to pick and choose among claimed exemptions—for

example, by permitting discrimination against LGBT individuals but not discrimination based on race or religion—would itself raise constitutional concerns by impermissibly favoring some religious views and practices over others.

Amici submit that the best way to ensure that all people retain the First Amendment right to speak, preach, pray, and practice their religious beliefs—including with respect to sexual orientation and marriage—is to prevent illegal discrimination in the civil sphere regardless of its basis. Affirming the ability of state and local governments to prevent discrimination in the provision of public social services under a taxpayer-funded government contract will not constitute an attack on religion or signal a judicial imprimatur on changing social mores. Rather, such a result will confirm that the religious pluralism woven into the fabric of American law, culture, and society requires that all, regardless of faith, are entitled to equal treatment under the law.

◆

ARGUMENT

America’s religious landscape is vast and diverse.⁴ Religious adherents differ on contentious issues,

⁴ See Pew Research Center, *When Americans Say They Believe in God, What Do They Mean?* (Apr. 25, 2018), <https://perma.cc/98FM-BZQ6>; Pew Research Center, *Detailed Tables*, <https://perma.cc/5MTJ-SMQG>; Pew Research Center, *Religious Landscape Study Database Tool*, <https://perma.cc/WV2H-AW4V>.

including intra-denominationally, and religious bodies have evolved and disagreed over time on various civil rights and social issues. In view of that history and the wide range of modern religious thought concerning respect for LGBT persons, their families, and their place in civic life, it would be wrong to conclude that even-handed enforcement of antidiscrimination statutes that protect LGBT individuals is inherently hostile to or inevitably in conflict with religion or people of faith. Particular religious perspectives on civil marriage and family should not, on the ostensible ground of accommodating religious exercise, deny a protected class of otherwise qualified persons the opportunity to be foster parents. Religious liberty means that all voices may contribute to our national conversation on LGBT equality. But particular religious perspectives may not be accorded special privileges or permitted to undermine neutral, generally applicable protections against discrimination in the provision of government contracted and funded social services.

I. The Inherent Dignity Of LGBT Persons And Their Families Informs The Theology Of A Wide Cross-Section Of American Religious Traditions

Religious Americans increasingly affirm that the dignity of LGBT persons follows logically and theologically from the basic tenets of their religion. Some traditions reflect this evolution in approving LGBT

persons for ministry,⁵ selecting prominent leaders,⁶ extending religious blessing and rites to same-sex unions,⁷ or otherwise providing religious affirmation of

⁵ See Mireya Navarro, *Openly Gay Priest Ordained in Jersey*, N.Y. Times, Dec. 17, 1989, <https://perma.cc/2ZEJ-FG2E>; LGBTQ Ministries Multicultural Growth and Witness, *LGBT History & Facts for Unitarian Universalists* (2012), <https://perma.cc/4P5V-L62E>; Rabbi Shawn I. Zevit, *JRF Homosexuality Report and Inclusion of GLBTQ Persons*, <https://perma.cc/3MUM-K4KQ>; Central Conference of American Rabbis, *Report of the Ad Hoc Committee on Homosexuality and the Rabbinate of the Central Conference of American Rabbis Annual Convention* (1990), <https://perma.cc/46L3-NPXF>; Amy Stone, *Out and Ordained, New York's Jewish Theological Seminary Graduates its First Openly Lesbian Rabbi*, Lilith (2011), <https://perma.cc/EDD2-544E>; Sharon Youngs, Presbyterian Church (USA), *Presbyterian Church (USA) Approves Change In Ordination Standard* (May 10, 2011), <https://perma.cc/ZES4-8FBV>.

⁶ See, e.g., Sarah Pulliam Bailey, *ELCA Lutherans Elect First Openly Gay Bishop* (June 3, 2013), <https://perma.cc/K8DE-E6GD>; *Lesbian Rabbi Is to Become President of Reform Group*, N.Y. Times (Mar. 15, 2015), <https://perma.cc/E4TQ-JCJR>.

⁷ See LGBTQ Ministries Multicultural Growth and Witness, *LGBT History & Facts for Unitarian Universalists* (2012), <https://perma.cc/4P5V-L62E>; Resolution of Immediate Witness, *Support of the Right to Marry for Same-Sex Couples*, General Assembly of the Unitarian Universalist Association (1996), <https://perma.cc/EJ2A-AC42>; LGBTQ Ministries Multicultural Growth and Witness, *LGBT History & Facts for Unitarian Universalists* (2012), <https://perma.cc/4P5V-L62E>; United Church of Christ, *In Support of Equal Marriage Rights for All* (July 4, 2005), <https://perma.cc/6VUY-3C36>; United Church of Christ, *Order for Marriage, An Inclusive Version*, <https://perma.cc/HEK3-LTM3>; Elliot Dorff, Daniel Nevins & Avram Reisner, *Rituals and Documents of Marriage and Divorce for Same-Sex Couples*, Rabbinical Assembly (Spring 2012), <https://perma.cc/5HS8-4FLW>; *Resolution On Same Gender Officiation*, 111th Convention of the Central Conference for American Rabbis (Mar. 2000), <https://perma.cc/52JN-SVY5>; *Reconstructionist Movement Endorses Civil Marriage*

LGBT relationships and of the children whom LGBT persons love, nurture, and raise.

Such practices show that *religious* respect for LGBT persons, their relationships, and their families—including by “traditional” or “mainstream” religions—is deep, but not new. It was thirty-five years ago that the United Church of Christ, with nearly one million members today, adopted a policy of membership nondiscrimination regarding sexual orientation.⁸ In 1989, the 45th General Assembly for the Union of Reform Judaism, representing 1.3 million Reform Jews, resolved to “urge [its] member congregations to welcome gay and lesbian Jews to membership, as singles, couples, and families.”⁹ More recently, in 2009, the Evangelical Lutheran Church in America, with approximately 3.5 million members, adopted a statement

for Same-Sex Couples, Reconstructionist Rabbinical College, *et al.* (Feb. 24, 2010), <https://perma.cc/HEA7-VQS9>; Journal of the 78th General Convention of The Episcopal Church, Resolutions 2015-A036 & 2015-A054, at 778-83 (New York: General Convention 2015), <https://perma.cc/32UW-84CE>, <https://perma.cc/8T4J-CSDK>; Letter of Elizabeth A. Eaton, Presiding Bishop of the Evangelical Lutheran Church in America (June 30, 2015), <https://perma.cc/4VWJ-PGDT>.

⁸ *Resolutions: Calling on United Church of Christ Congregations to Declare Themselves Open and Affirming*, Open and Affirming Coalition United Church of Christ: UCC Actions (1985), <https://perma.cc/G4SQ-R7GZ>.

⁹ *Resolutions: Gay and Lesbian Jews*, Union for Reform Judaism (1989), <https://perma.cc/JD9S-D43W>. *Cf.* Central Conference of American Rabbis, *Report of the Ad Hoc Committee on Homosexuality and the Rabbinate of the Central Conference of American Rabbis Annual Convention*, 262 (1990), <https://perma.cc/46L3-NPXF>.

affirming that the church “has called upon congregations and members to welcome, care for, and support same-gender couples and their families.” The statement acknowledges that “families are formed in many ways,” including “where the parents are the same gender.” “The critical issue with respect to the family is not whether it has a conventional form but how it performs indispensable individual and social tasks. *All* families have responsibility for the tasks of providing safety, shielding intimacy, and developing trustworthy relationships.”¹⁰ The Episcopal Church,¹¹ the Presbyterian Church (USA),¹² Reconstructionist Judaism,¹³ Unitarian Universalism,¹⁴ and myriad other faiths similarly embrace a theological belief in the fundamental human dignity of LGBT Americans and their families.

¹⁰ Evangelical Lutheran Church in America, *Human Sexuality: Gift and Trust*, 19, 23 (Aug. 19, 2009), <https://perma.cc/TS27-YH38> (emphasis added).

¹¹ Resolution 2006-A167, *Reaffirm Church Membership of Gay and Lesbian Persons*, 75th General Convention of The Episcopal Church (2006), <https://perma.cc/267N-HEJM>.

¹² 217th General Assembly, Theological Task Force on Peace, Unity and Purity of the Church, *A Season of Discernment*, 20 (2006), <https://perma.cc/A97F-H2EB>.

¹³ See Zevit, *supra*, note 5.

¹⁴ *Business Resolution: Confronting Sexual Orientation and Gender Identity Discrimination*, General Assembly of the Unitarian Universalist Association (2010), <https://perma.cc/E8XR-7GDM>.

II. Diverse Faith Groups And Religious Observers Affirm The Place Of LGBT Persons And Families In Civic Life And Favor Their Protection Under Antidiscrimination Laws and Obligations

Religious endorsement of the dignity of LGBT persons extends beyond theological expressions to advocacy for equal treatment in civil society. Traditions that run the gamut of American religious expression support legal nondiscrimination protections for LGBT individuals. Majorities of Americans who identify as Unitarian Universalists (88%), Jews (75%), Hispanic Catholics (75%), white Catholics (74%), Buddhists (74%), white mainline Protestants (74%), Black Protestants (72%), Latter-day Saints (70%), Hindus (68%), Hispanic Protestants (67%), Muslims (64%), Orthodox Christians (63%), and white evangelical Protestants (61%) favor laws protecting LGBT people against discrimination in jobs, public accommodations, and housing.¹⁵ Furthermore, majorities of Americans who identify as Unitarian Universalists (70%), Jews (65%), Buddhists (63%), Black Protestants (63%), Orthodox Christians (61%), Hispanic Catholics (58%), Hindus (57%), white Catholics (56%), white mainline Protestants (54%), Hispanic Protestants (54%), and Muslims (53%) oppose religiously based refusals to provide business services to gay and lesbian people.¹⁶

¹⁵ Public Religion Research Institute, *Broad Support for LGBT Rights Across all 50 States: Findings from the 2019 American Values Atlas* (Apr. 14, 2020), <https://perma.cc/V2XK-97P4>.

¹⁶ *Id.*

To be sure, polling data should never determine the scope of individual liberties. But such evidence does illustrate—contrary to the suggestion of some *amici* supporting Petitioners that LGBT equality broadly threatens “religion”—an emerging consensus among people of divergent faith beliefs that enforcing principles of antidiscrimination in the civic arena is compatible with, or at least does not endanger, their religious practices.

Indeed, many religious groups deem the embrace of civil nondiscrimination to be encouraged or even required by foundational religious tenets. For example, in 2018, the General Assembly of the Presbyterian Church (USA) unanimously passed a resolution to “[d]irect the Stated Clerk and the Office of Public Witness” of that body, and “[e]ncourage synods and presbyteries,” to oppose legislative, judicial, and administrative efforts at the state and federal levels to limit the protection of persons based upon, among other things, sexual orientation, gender identity, or gender expression. The General Assembly further resolved to:

Encourage all Presbyterians to distinguish between our historical understanding of our religious freedom to practice the essential tenets of our faith, and the misuse of the term religious freedom as a justification for discrimination in the provision of secular employment or benefits, healthcare, public or commercial services or goods, or parental rights to persons based on race, ethnicity, sex, gender, physical limitations, sexual

orientation, gender identity, religion or gender expression.¹⁷

As another example, in the context of foster care and adoption, the General Synod of the United Church of Christ resolved in 2011 to “defend the rights of all children to have loving parents without regard to sexual orientation, gender identity, and gender expression,” to “call[] on all states to evaluate prospective adoptive parents solely on the basis of their individual character and ability to parent, not on their sexual orientation or gender identity,” to encourage the church’s health and human services agencies to “honor the rights of LGBT [sic] persons to adopt,” and to urge local, state, and national legislators to “support the rights of all children to have a loving parent or parents without regard to the parent’s sexual orientation, gender identity, and gender expression.”¹⁸ The church stated that its “biblical and theological rationale” for the resolution was that:

The care and nurture of children is a moral responsibility for families, the church and the community. Care for orphaned children is the very definition of “religion that is pure and undefiled before God” (James 1:27). The protection of children from harm is Christ’s

¹⁷ *Resolution On Clarifying the Position of the PC(USA) Regarding Appropriate Boundaries of Religious Liberty*, 223rd PC(USA) General Assembly (2018), <https://perma.cc/8BBC-57B2>.

¹⁸ Minutes of the Twenty-Eighth General Synod of the United Church of Christ at 38–39 (July 1–5, 2011), <https://perma.cc/D6BT-HCWL>.

commandment, for “whoever welcomes one such child in my name welcomes me” (Matthew 18:5), and “it is not the will of your Father in heaven that one of these little ones should be lost” (Matthew 18:14).¹⁹

Individual religious leaders also have been compelled by their faith to advocate for civil nondiscrimination. For example, the Bishop of the Episcopal Diocese of Mississippi opposed state legislation seen as privileging certain religious views with respect to LGBT rights, including same-sex couples’ marriage rights, declaring that the “baptismal covenant requires that each of us will respect the dignity of every human being.”²⁰

Religious leadership and advocacy groups have also, over the course of several years, explicitly opposed interpreting constitutional doctrines or extending legislative provisions protecting religious freedom to “enable religious liberty claims to prevail in a way that would permit discrimination against protected classes and other minorities, including but not limited to the LGBT community.”²¹

¹⁹ *The Right of LGBT Parents to Adopt and Raise Children: A Resolution of Witness*, 28th General Synod of the United Church of Christ (July 1-5, 2011), <https://perma.cc/R8L6-J2ND>.

²⁰ Press Release, The Episcopal Church in Mississippi, *Statement by the Rt. Rev. Brian R. Seage, Bishop of the Episcopal Diocese of Mississippi* (Mar. 31, 2016), <https://perma.cc/3HZD-52J7>.

²¹ See Central Conference of American Rabbis, *Resolution on State Religious Freedom Restoration Acts* (May 6, 2015), <https://perma.cc/J3ZK-KTGD>; see also Zac Baker, *Reconciling Works: Lutherans for Full Participation, Georgia Clergy Unite to Oppose*

The broad religious support for LGBT nondiscrimination under civil law extends to support for equal legal treatment for LGBT relationships and families, including in the selection of foster parents. The undersigned *Amici* accept and welcome LGBT persons as foster parents. This acceptance is born not only from *Amici*'s religious belief in the common humanity of all persons, but also from *Amici*'s belief that agencies that contract to provide taxpayer-funded social services to the public should abide by civil antidiscrimination rules.

Many religious Americans agree with *Amici* that private organizations should not discriminate against LGBT individuals when those organizations enter the civil sphere, such as when they accept government funding to provide a social service to the public. For example, in the context of adoption agencies, “[m]ore than six in ten of the religiously unaffiliated (65%), Catholics (63%), white mainline Protestants (61%), and white evangelical Protestants (59%)” “oppose allowing religiously affiliated agencies that receive federal funding to refuse to place children with qualified gay and lesbian couples based on religious objections.”²²

Religious Refusal Bills (Jan. 14, 2015), <https://perma.cc/33QB-WXS8>; Anthony Moujaes, *UCC social justice advocates keep watch on ‘religious freedom’*, United Church of Christ (Apr. 12, 2016), <https://perma.cc/6MTF-FNGM>.

²² Daniel Greenberg et al., Public Religion Research Institute, *America’s Growing Support for Transgender Rights* (June 11, 2019), <https://perma.cc/SS2R-C4ET>.

In short, a broad swath of American religious institutions and individuals embrace LGBT persons' civil equality. This position, shared by *Amici* here, is grounded in an abiding sense that the essential worth and dignity of all people is not just a guidepost of theological reflection, but also an ethical precept that should inform equal application of civil law to LGBT persons. Certainly there are contrary views within the rich diversity of American religious thought and practice. But Petitioners and certain *amici* supporting them cannot be heard to speak for all religious people.²³ No one view speaks for “religion”—even if, contrary to the Establishment Clause, it were appropriate to give weight to religious views in applying the Constitution’s secular promise of equal protection. It is no longer possible, if it ever were, for anyone to claim that a rejection of dignity and equality of LGBT people represents the unified view and voice of Christianity, much less American religion as a whole.

²³ See, e.g., Pet. Br. 37 (“The least restrictive alternative cannot be *complete exclusion of religious agencies* and the families they serve.”) (emphasis added); Brief of Great Lakes Justice Center (“Great Lakes Br.”), at 3–4 (prohibitions against discrimination based on sexual orientation and gender identity “*necessarily require Christian people* to: 1) relinquish their religious identity recognized by this Court in *Obergefell v. Hodges*; and 2) surrender their right to freely exercise their religious conscience protected by the First Amendment”) (emphasis added); Brief of the Coalition for Jewish Values (“CJV Br.”), at 5 (Philadelphia’s antidiscrimination obligations force “*faith-based agencies*” to choose between “abandon[ing] the field of caring for children” and “abandon[ing] some of [their] beliefs about faith, family, and ministry”) (emphasis added).

In light of this and the broad *religious* support for LGBT civil nondiscrimination, claims by Petitioners and *amici* supporting them that enforcing antidiscrimination provisions in government contracts will discourage faith-based organizations from providing social services²⁴ are, at the very least, vastly overstated.

III. Antidiscrimination Provisions In Government Contracts To Provide Public Social Services Do Not Substantially Burden Fundamental Rights Of Religious Belief And Practice

Premised in part on the false dichotomy between LGBT equality and religious liberty, Petitioners and certain *amici* supporting them ask the Court to revisit *Smith* and impose a heightened form of strict scrutiny to any government action that affects a party's ability to act completely in accord with its religious convictions.²⁵

The Court need not revisit *Smith* to decide this case because CSS's claimed exemption fails under any test. As a threshold matter under this Court's pre-*Smith* jurisprudence, which Petitioners and *amici* supporting them seek to apply, CSS must show that the burden Philadelphia purportedly is placing on religion

²⁴ *See id.*

²⁵ *See, e.g.*, Pet. Br. 34–35; Brief for The Church of Jesus Christ of Latter-day Saints (“Latter-day Saints Br.”), at 14, 23–24; Brief of New Hope Family Services, Inc., *passim*.

is “substantial.”²⁶ Philadelphia is not substantially burdening religious practice or belief. CSS’s claim fails on that ground alone. Moreover, as discussed in Point IV, *infra*, even if strict scrutiny applied here, Petitioners’ claimed exemption would fail because civil rights enforcement is a compelling state interest that cannot be effectively pursued if parties performing public contracts are permitted to opt out of nondiscrimination laws based on their private religious preferences.

Petitioners and certain *amici* supporting them assert that prohibiting discrimination against same-sex couples would force CSS and other religious foster care agencies to violate their religious beliefs about marriage and give up their ministry.²⁷ Undersigned *Amici* deeply respect and value the sanctity of religious belief

²⁶ See, e.g., *Hernandez v. C.I.R.*, 490 U.S. 680, 699 (1989) (“The free exercise inquiry asks whether government has placed a substantial burden on the observation of a central religious belief or practice and, if so, whether a compelling governmental interest justifies the burden.”); *id.* (“We do . . . have doubts whether the alleged burden imposed by the [tax] deduction disallowance on the Scientologists’ practices is a substantial one.”); *Bowen v. Roy*, 476 U.S. 693, 707 (1986) (“the nature of the burden [on religious liberty] is relevant to the standard that the government must meet to justify the burden”); *Johnson v. Robison*, 415 U.S. 361, 385 (1974) (“The withholding of educational benefits involves only an incidental burden upon appellees’ free exercise of religion—if, indeed, any burden exists at all.”).

²⁷ See, e.g., Pet. Br. 22 (arguing Philadelphia is attempting to “coerce” CSS to “either violate Catholic teachings on marriage or close down”); IFF Br. 31 (“Philadelphia requires a religious organization to contravene its religious doctrine by approving relationships it considers immoral.”). See also note 23, *supra*.

and practice and the freedom to choose one's ministry. But that sanctity is not threatened here.

Existing constitutional principles protect the autonomy of religious entities and individuals to teach and shape their religious beliefs concerning sexuality, marriage, and family life and to preserve religious practices that comport with their respective tenets. See *Hosanna-Tabor*, 565 U.S. at 195 (affirming principle that certain “matter[s] are] ‘strictly ecclesiastical,’” meaning they are “the church’s alone”) (citation omitted); see also *Our Lady of Guadalupe Sch. v. Morrissey-Berru*, 140 S. Ct. 2049, 2055 (2020) (“The First Amendment protects the right of religious institutions ‘to decide for themselves, free from state interference, matters of church government as well as those of faith and doctrine.’”) (quoting *Kedroff v. Saint Nicholas Cathedral of Russian Orthodox Church in North America*, 344 U.S. 94, 116 (1952)). Thus, in recognizing civil marriage equality for all couples, the Court in *Obergefell* made clear that “religions, and those who adhere to religious doctrines, may continue to advocate with utmost, sincere conviction that, by divine precepts, same-sex marriage should not be condoned,” and that the First Amendment continues to protect the right “to teach the principles that are so fulfilling and so central to their lives and faiths, and to their own deep aspirations to continue the family structure they have long revered.” 135 S. Ct. at 2607.

Obergefell honored the longstanding freedom of religions to impose their own definitions of marriage independent of civil law. Indeed, this respect for

religious autonomy permits various religions to define religious marriage in ways that would be wholly unenforceable under civil law. For example, Conservative Judaism prohibits its clergy from officiating at interfaith marriages.²⁸ Roman Catholicism declines to recognize the union of those civilly divorced and remarried.²⁹ And the Church of Jesus Christ of Latter-day Saints taught that “mixed-race marriages are a sin” well after *Loving v. Virginia*, 388 U.S. 1 (1967), ruled the Constitution requires states to allow interracial civil marriages.³⁰

The existence and persistence of such differences show why affirming the decision below will not burden fundamental religious exercise rights, including those pertaining to marriage. Post-*Obergefell*, religions, faith-based organizations, and persons of faith remain free to define *religious* marriage as limited to the union of one man and one woman and to withhold spiritual blessing from any marriages, or bar those entering into them from being congregants at all, just as they have been free to do so on grounds of faith, race, prior

²⁸ Leadership Council of Conservative Judaism, *Conservative View on Inter-marriage* (Mar. 7, 1995), <https://perma.cc/Z69N-CLCF>.

²⁹ United States Conference of Catholic Bishops, *Compendium—Catechism Of The Catholic Church*, ¶ 349 (2006).

³⁰ See *Interracial Marriage Discouraged*, The Deseret News, June 17, 1978, at 4, <https://perma.cc/TXJ4-SUQT>; *Race and the Priesthood*, The Church of Jesus Christ of Latter-day Saints, <https://perma.cc/QC27-QUH5>. The Church has since formally disavowed these previous teachings. *Id.*

marital status, deviation from sexual norms, or any other characteristic deemed religiously significant.

Philadelphia’s antidiscrimination provisions do not impinge upon any of these rights. First, Philadelphia’s contract does not require agencies to engage in any religious activity, provide religious services, or express religious views. Foster care agencies are not somehow required to *religiously* endorse unions they find offensive, or indeed to make *any* finding or endorsement concerning marriage during the certification process. Agencies certify whether prospective foster parents are qualified to care for foster children under civil, non-religious criteria. All Philadelphia requires is that, in doing so, they not discriminate on the basis of sexual orientation. None of this substantially burdens CSS’s free exercise of religion.

Second, the antidiscrimination requirement is simply part of the obligations CSS voluntarily adopted by choosing to enter into a contract to perform governmental services. This context provides another, independent reason why Philadelphia’s antidiscrimination provisions do not substantially burden CSS’s free exercise of religion. In entering into taxpayer-funded government contracts to provide non-religious social services to the public, agencies have no constitutional right to write their personal religious views into those contracts or dictate how governmental services to the public are provided. *Cf. Bowen*, 476 U.S. at 699–700 (“The Free Exercise Clause . . . does not afford an individual a right to dictate the conduct of the Government’s internal procedures.”). Agencies like CSS are

choosing to reach out to assume a government function. Government is not reaching into the agency or its religion. This case is therefore nothing like *Hosanna-Tabor*,³¹ where government sought to interfere with the freedom of religious groups to select their own ministers. 565 U.S. at 189. Nor is Philadelphia “interfering with religious decisions about marriage and child-rearing”³² or “exploiting its authority to license religious activity.”³³ And Philadelphia most certainly has not “broken into the sanctuary and invaded religious territory where it has no business.”³⁴

Crucially, in *Amici*’s view, Philadelphia also is not singling out or imposing special disabilities on purportedly disfavored religious actors or religious views.³⁵ Undersigned *Amici* acknowledge and embrace the need to protect minority religious views from unfair government suppression, but that is not what is going on here. Philadelphia is enforcing nondiscrimination as a secular policy, regardless of the agency’s religious affiliation or beliefs (or lack thereof) and regardless of whether or not the discrimination is motivated by religion.

³¹ See, e.g., Pet. Br. 22; IFF Br. 32; Latter-day Saints Br. 29; Brief of the United States Conference of Catholic Bishops, at 3–4.

³² Pet. Br. 22 (citing *Wisconsin v. Yoder*, 406 U.S. 205 (1972)).

³³ *Id.* (citing *Cantwell v. Connecticut*, 310 U.S. 296 (1940), and *Niemotko v. Maryland*, 340 U.S. 268 (1951)).

³⁴ IFF Br. 10.

³⁵ See *Church of Lukumi Babalu Aye, Inc. v. City of Hialeah*, 508 U.S. 520 (1993); *McDaniel v. Paty*, 435 U.S. 618 (1978).

In short, *Amici* respectfully submit that this case presents no substantial free exercise issue.

IV. Permitting Exemptions Based On Religious Convictions Would Undermine Antidiscrimination Laws And Obligations

Even if this Court were to find a substantial burden on religion and apply strict scrutiny to CSS's free exercise claim, it still should uphold the antidiscrimination obligation in Philadelphia's foster care contracts and reject the religious exemption sought by CSS and endorsed by certain *amici* supporting Petitioners.

CSS is not seeking the type of free exercise exemption, like protection for not working on the Sabbath³⁶ or ritual use of a controlled substance,³⁷ that arguably has only an incidental impact on the overall government regulatory scheme at issue. Rather, CSS claims the right to directly injure a class of people expressly protected by antidiscrimination provisions, which would undermine and defeat the central and compelling purpose of Philadelphia's antidiscrimination obligation. *See Roberts v. U.S. Jaycees*, 468 U.S. 609, 623 (1984) (state has "compelling interest in eradicating discrimination against its female citizens").

³⁶ *Sherbert v. Verner*, 374 U.S. 398 (1963).

³⁷ *Gonzales v. O Centro Espirita Beneficente Uniao do Vegetal*, 546 U.S. 418 (2006).

Philadelphia has every right to protect a group this Court has said should be protected. In *Masterpiece*, the Court broadly found that “gay persons and gay couples cannot be treated as social outcasts or as inferior in dignity and worth” and “[f]or that reason the laws and the Constitution can, and in some instances must, protect them in the exercise of their civil rights.” 138 S. Ct. at 1727; *see also Bostock v. Clayton County*, 140 S. Ct. 1731, 1823 (2020) (Kavanaugh, J., dissenting) (“The Court has previously stated, and I fully agree, that gay and lesbian Americans ‘cannot be treated as social outcasts or as inferior in dignity and worth.’”) (quoting *Masterpiece*, 138 S. Ct. at 1727). Refusing to certify same-sex couples as qualified to be foster parents simply because of their sexual orientation—because of who they *are*—impermissibly treats them as “social outcasts or as inferior in dignity and worth.” *Masterpiece*, 138 S. Ct. at 1727.

Petitioners and certain *amici* supporting them suggest that, like the example posited in *Masterpiece* of clergy refusing to solemnize same-sex weddings, CSS’s refusal to certify that same-sex couples are qualified to care for foster children is “‘an exercise of religion . . . that gay persons could recognize and accept without serious diminishment to their own dignity and worth.’”³⁸ Leaving aside that the antidiscrimination enforcement at issue here does not compel religious exercise or impinge on core religious belief or practice, same-sex couples *cannot* “recognize and accept” this

³⁸ Pet. Br. 35 (quoting *Masterpiece*, 138 S. Ct. at 1727); Brief for Nebraska (“Nebraska Br.”), at 31 (same).

discrimination “without serious diminishment to their own dignity and worth.” If an agency refused to certify interracial couples based on a religious belief that marriage can exist only between persons of the same race, few would deny the serious injury to the dignity and worth of any interracial couple turned away on that ground. The injury to a same-sex couple rejected simply because of who they are is no different.

An offer to refer a same-sex couple to another agency would not remedy the indignity. To be sure, a couple turned away from one agency may, at least in certain localities, still be certified by a different agency, just as a Black person turned away from a lunch counter may find another place to eat. The issue is not access to a service, but equal respect and dignity. If anything, the referral heightens the injury by reinforcing the notion that only certain doors in civil society are open to LGBT Americans. *See Masterpiece*, 138 S. Ct. at 1727 (“signs saying ‘no goods or services will be sold if they will be used for gay marriages’ . . . would impose a serious stigma on gay persons.”).³⁹ And the stigma imposed by the rejection and referral may well

³⁹ In *Burwell v. Hobby Lobby Stores, Inc.*, 573 U.S. 682, 692 (2014), the statutory requirement that employers provide health insurance coverage for contraception was not the “least restrictive means” of serving the government’s interest under RFRA, since there were “other ways in which Congress or HHS could equally ensure that every woman has cost-free access to” contraceptives. Here, by contrast, there is no way to prevent the dignitary injury of discrimination other than to prohibit the discrimination itself.

deter some couples from seeking to be certified elsewhere out of fear of being rejected a second time.

Certain *amici* supporting Petitioners argue that the comparison to racial discrimination is inappropriate.⁴⁰ But this Court drew precisely that parallel in *Masterpiece* by citing *Newman v. Piggie Park Enterprises, Inc.*, 390 U.S. 400, 402 n.5 (1968). See *Masterpiece*, 138 S. Ct. at 1727. *Newman* rejected the contention that enjoining racial discrimination in public accommodations “constitutes an interference with the ‘free exercise of the Defendant’s religion.’” *Newman*, 390 U.S. at 402 n.5. *Masterpiece* cited *Newman* for the proposition that while “religious and philosophical objections are protected, it is a general rule that such objections do not allow business owners and other actors in the economy and in society to deny protected persons [*i.e.*, gay and lesbian persons] equal access to goods and services under a neutral and generally applicable public accommodations law.” *Masterpiece*, 138 S. Ct. at 1727 (citing *Newman*, 390 U.S. at 402 n.5).

The parallel to racial discrimination also flows logically from *Masterpiece*’s finding that “gay persons and gay couples cannot be treated as social outcasts or as inferior in dignity and worth.” *Masterpiece*, 138 S. Ct. at 1727. *Masterpiece* follows other recent decisions of this Court grounding LGBT equality in a jurisprudence of human dignity. *Lawrence v. Texas*, 539 U.S. 558 (2003), acknowledged “that adults [who] may

⁴⁰ See Nebraska Br. 33; Brief of Galen Black, at 15; IFF Br. 11.

choose to enter upon [a same-sex intimate] relationship . . . retain their dignity as free persons.” *Id.* at 567. In confirming same-sex couples’ right to marry, *Obergefell* affirmed that fundamental liberties “extend to certain personal choices central to individual dignity and autonomy,” and that “[t]here is dignity in the bond between two men or two women who seek to marry and in their autonomy to make such profound choices.” 135 S. Ct. at 2597, 2598-99. Notably, Justices of this Court began invoking the concept of human dignity in connection with the movement for *racial* justice in the post-World War II era. See *Duncan v. Kahanamoku*, 327 U.S. 304, 334 (1946) (Murphy, J., concurring) (decrying racism as “render[ing] impotent the ideal of the dignity of the human personality”); *Heart of Atlanta Motel, Inc. v. United States*, 379 U.S. 241, 250 (1964) (denying persons equal access to a public accommodation constitutes a “deprivation of personal dignity”); *id.* at 291 (Goldberg, J., concurring) (“The primary purpose of the Civil Rights Act of 1964 [was] the vindication of human dignity.”).

Beyond the immediate impact on LGBT individuals and families, it is worth noting that Petitioners and *amici* supporting them have not offered any coherent principle limiting the religious exemption they propose.⁴¹ Under their approach, claimed exemptions

⁴¹ The individual exemption CSS seeks directly undermines Philadelphia’s compelling interest in preventing discrimination based on sexual orientation. Thus, unlike in *Gonzales*, 546 U.S. at 436-37, or *Sherbert*, 374 U.S. at 407, the objection to the claimed exemption does not turn on a “slippery slope” argument. *Amici* do respectfully submit, however, that the Court should

logically could not be limited to discrimination against same-sex couples or even to the foster care context. Any government-contracted social service provider harboring a deep religious conviction, for example, that marriage between people of different races is sacrilegious, could seek the same exemption advanced in this case. Constrained by the First Amendment, courts would be unable to reject religiously motivated racial discrimination while upholding religiously motivated discrimination against same-sex couples. *See Trinity Lutheran Church v. Comer*, 137 S. Ct. 2012, 2019 (2017) (“The Free Exercise Clause protect[s] religious observers against unequal treatment.”); *Larson v. Valente*, 456 U.S. 228, 244 (1982) (“The clearest command of the Establishment Clause is that one religious denomination cannot be officially preferred over another.”).

Likewise, government-contracted social service providers could turn away potential clients for not sharing the agency’s *religious* beliefs. This is not a hypothetical concern. Until it was revealed at the preliminary injunction hearing, CSS had a policy “to refuse to certify any prospective foster parent without a ‘clergy letter’ from a religious minister.” Pet. App. 55a n.4. The district court pointed out that this policy excludes “prospective foster parents whose religious exercise does not include a relationship with a minister, prospective foster parents who choose not to associate with any religious tradition, or prospective foster parents who

consider how a ruling in this case will affect civil rights enforcement generally.

associate with a religious tradition that does not have religious ministers willing or able to provide a clergy letter.” *Id.* CSS abandoned its “clergy letter” requirement, but at least one group of *amici* supporting Petitioners appears to argue that faith-based agencies providing public social services under taxpayer-funded government contracts *should* be permitted to discriminate against people who do not share their faith.⁴² And according to a pending complaint, the largest taxpayer-funded foster care agency in South Carolina, Miracle Hill Ministries, did just that when it turned away a potential foster family because of their Catholic faith.⁴³

Ultimately, *any* type of discrimination otherwise prohibited by a civil rights statute or obligation could be the basis for an “exemption” so long as the agency wishing to discriminate expresses a sincere religious conviction barring compliance. Petitioners’ proposed exemption thus threatens civil rights enforcement all across America. A broad range of faith-based organizations with differing views provide important social services to the public through taxpayer-funded contracts with government entities. In many localities, these contracts contain antidiscrimination provisions that unquestionably serve a compelling state interest to prevent discrimination. If this Court were to recognize a constitutional right for government service providers to opt out of non-discrimination requirements that

⁴² See CJV Br. 10 n.9.

⁴³ Complaint, *Maddonna v. U.S. Dept. of Health and Human Services*, 6:19-cv-03551, ECF Doc. No. 1 (D.S.C. Dec. 20, 2019).

conflict with their faith, it would create an untenable situation in which exceptions could well swallow the rule and members of the public would increasingly face discrimination when seeking to participate in government programs.

The Court should preserve the dignity of LGBT persons and avoid all of the foregoing problems by rejecting CSS's asserted free exercise right to exempt itself from antidiscrimination provisions in Philadelphia's foster care contracts.

◆

CONCLUSION

For the foregoing reasons, *Amici* respectfully submit that the Court should affirm the decision below.

Respectfully submitted,

JEFFREY S. TRACHTMAN

Counsel of Record

NORMAN C. SIMON

TOBIAS B. JACOBY

JASON M. MOFF

BENJAMIN NEUHAUS

KRAMER LEVIN NAFTALIS &

FRANKEL LLP

1177 Avenue of the Americas

New York, New York 10036

(212) 715-9175

jtrachtman@kramerlevin.com

Counsel for Amici Curiae

August 20, 2020

App. 1

APPENDIX A

LIST OF *AMICI CURIAE*

The Rev. Gay Clark Jennings, President of the House of Deputies of The Episcopal Church; the Rabbinical Assembly; United Synagogue of Conservative Judaism; Central Conference of American Rabbis; Central Atlantic Conference of the United Church of Christ; Penn Central Conference of the United Church of Christ; Penn Northeast Conference of the United Church of Christ; Pennsylvania Southeast Conference of the United Church of Christ; Penn West Conference of the United Church of Christ; Reconstructing Judaism; Reconstructionist Rabbinical Association; Union for Reform Judaism; Unitarian Universalist Association; Covenant Network of Presbyterians; Friends for Lesbian, Gay, Bisexual, Transgender, and Queer Concerns; Men of Reform Judaism; Methodist Federation for Social Action; More Light Presbyterians; Muslims for Progressive Values; Reconciling Ministries Network; Women of Reform Judaism.

Amici curiae leaders of United States religious communities spanning a rich diversity of American faith traditions include: Maryam Abdallah, Ministry Leader, New Covenant Christian Church, Whites Creek, TN (Disciples of Christ, Christian Church); Bishop Allyson Nelson Abrams, Pastor, Empowerment Liberation Cathedral, Washington, DC (United Church of Christ); Rev. Dr. Amy Aitken, Pastor, Riviera United Methodist Church, Los Angeles, CA (United Methodist Church); Rev. Brian Akers, Senior Minister, Oneness

App. 2

Center for Spiritual Living Columbia, Columbia, MD (New Thought); Rev. Ann Marie Alderman, Minister, Unitarian Universalist Congregation of Somerset Hills, Somerville, NJ (Unitarian Universalist Association); Rev. Charles Alger, Interim Pastor, First Congregational Church of Santa Barbara, Santa Barbara, CA (United Church of Christ); Sheri Allen, Cantor, Congregation Beth Shalom, Arlington, TX (Jewish – Reform); Rabbi Ruth Alpers, Staff Chaplain, Cincinnati Children’s Hospital Cincinnati, OH (Jewish – Reform); Rabbi Thomas Alpert, Rabbi, Temple Etz Chaim, Franklin, MA (Jewish – Reform); Rev. Dr. Eileen Altman, Associate Pastor, First Congregational Church of Palo Alto, Palo Alto, CA (United Church of Christ); Brian Ammons, Chaplain and Director of Spiritual Life, Warren Wilson College, Swannanoa, NC (Alliance of Baptists); Rev. Dr. Raymont Anderson, Senior Minister, The Center for Spiritual Living Greater Baltimore, Bear, DE (New Thought); Rev. Robin Anderson, Reverend, Commonwealth Baptist Church, Alexandria, VA (American Baptist Church); Rev. Susan Anderson-Smith, Associate Rector for Justice and Reconciliation, St. Bartholomew’s Church, New York, NY (The Episcopal Church); Rev. Joy Atkinson, Reverend (Ret.), Berkeley, CA (Unitarian Universalist Association); Rev. Jennifer Aull, Pastor, Greenpoint Reformed Church, New York, NY (Reformed Church in America); Rabbi Lia Bass, Rabbi, Jewish Institute for Lifelong Learning and Innovation, Arlington, VA (Jewish – Conservative); Rev. Alice Batcher, Hospice Chaplain, Old First Church, Lakewood, NJ (American Baptist USA); Rev. Dr. Bonnie Bates, Conference

App. 3

Minister, Penn Northeast Conference, Palmerton, PA (United Church of Christ); Pastor Laurie Bayen, Pastor, Windsor United Methodist Church, Windsor, CA (United Methodist Church); Rev. Helen Baylies, Reverend (Ret.), Reading, MA (Unitarian Universalist Association); Rev. Jasmine Beach-Ferrara, Executive Director, Campaign for Southern Equality, Asheville, NC (United Church of Christ); Rabbi Anne Belford, Rabbi, Houston, TX (Jewish – Reform); The Rev. Daniel Bell, Protestant Chaplain, Tufts University, Medford, MA (The Episcopal Church); The Rev. Michel Belt, Episcopal Priest, St. Peter's, Madison, NJ (The Episcopal Church); Rabbi James Bennett, Senior Rabbi, Congregation Shaare Emeth, St. Louis, MO (Jewish – Reform); Rabbi Leah Berkowitz, Rabbi, Congregation Kol Ami, Elkins Park, PA (Jewish – Reform); Rev. Dr. Larry Bethune, Senior Pastor Emeritus, University Baptist Church Austin, Austin, TX (American Baptist Church); Rev. Claire Beutler-Cruise, Reverend (Ret.), Milwaukee, WI (United Church of Christ); Rev. Lindsay Louise Biddle, Chaplain of a Senior Retirement Community, Duluth, MN (Presbyterian Church (USA)); Rev. Dr. Lara Blackwood Pickrel, Senior Minister, First Christian Church, Smithville, MO (Disciples of Christ, Christian Church); Rabbi Joe Blair, Rabbi, Temple Israel, Charleston, WV (Jewish – Reform); Rev. Daryl Blanksma, Pastor, Trinity United Methodist Church, Eugene, OR (United Methodist Church); Rabbi Barbara Block, Rabbi, Springfield, MO (Jewish – Reform); Rev. Bill Bloom, Clergy in Residence, United Christian Church, Ambler, PA (Disciples of Christ, Christian Church); Rev. Glynden Bode,

App. 4

Reverend (Ret.), Houston, TX (United Methodist Church); Rev. Robert Bohmfalk, Reverend, Seguin, TX (United Methodist Church); Rev. Jeremy Bork, Minister for Youth, Westminster Presbyterian Church, Grand Rapids, MI (Presbyterian Church (USA)); Rev. Dr. Anita Bradshaw, Associate Conference Minister, Mayflower United Church of Christ, Minnesota Conference of the United Church of Christ, Minneapolis, MN (United Church of Christ); Rev. Christina Branum-Martin, Minister, Unitarian Universalist Fellowship of Clemson, SC, Decatur, GA (Unitarian Universalist Association); Rabbi Amanda Brodie, Rabbi, Ezra Academy, Woodbridge, CT (Jewish – Conservative); Rabbi Deborah Bronstein, Rabbi (Ret.), Congregation Har HaShem, a Reform congregation, Boulder, CO (Jewish – Reform); Rev. James E Brooking, Pastor, West Covina United Methodist Church, West Covina, CA (United Methodist Church); Rev. Dr. Beth Brown, Pastor, Lincoln Park Presbyterian Church, Chicago, IL (Presbyterian Church (USA)); Rev. Jeffrey Brown, Minister Emeritus, Unitarian Congregation in Missis-sauga, Forest Dale, VT (Unitarian Universalist Association); Rev. Dr. Tim Bruster, Senior Pastor, First United Methodist Church of Fort Worth, Fort Worth, TX (United Methodist Church); Rev. Lee Bryce, Senior Minister, First Congregational United Church of Christ, Fort Worth, TX (United Church of Christ); Rabbi Shawna Brynjegard-Bialik, Rabbi, Paper Mid-rash, Castaic CA (Jewish – Reform); Bishop Pat Bum-gardner, Senior Pastor, Metropolitan Community Church of New York, New York, NY (Metropolitan Community Church); Rev. Richard Burdick, Senior

App. 5

Minister, Unity North Atlanta, Marietta, GA (Unity); Pastor Charles Burnett-Morrow, Pastor/Founder, The One Church In Christ Jesus, Inc., Dallas, TX (Pentecostal); Rev. Catherine Cadieux, Reverend (Ret.), Westminster West Congregational Church, Bellows Falls, VT (United Church of Christ); Rev. Dr. Juancho Campañano, Pastor, First United Methodist Church, Aurora, IL (United Methodist Church); Rabbi Debra Cantor, Rabbi, B'nai Tikvoh-Sholom, Bloomfield, CT (Jewish – Conservative); Rev. Tom Capo, Minister, Unitarian Universalist Congregation of Miami, Miami, FL (Unitarian Universalist Association); Rev. Dennie Carcelli, Reverend (Ret.), Fauntleroy UCC, Seattle, WA (Presbyterian Church (USA)); Rev. Dr. Sarah Carpenter-Vascik, Reverend (Ret.), Dennis Union Church, Elkins Park, PA (United Church of Christ); Rev. Jason Carson Wilson, Minister of Social Justice Education & Advocacy at University Church in Chicago, Founding Executive Director at Bayard Rustin Liberation Initiative, Washington, DC (United Church of Christ); Rev. Susanne Carter, Reverend (Ret.), Presbytery of the Western Reserve, Willoughby, OH (Presbyterian Church (USA)); Pastor Maria Caruana Associate Pastor, City of Refuge UCC, San Francisco, CA (United Church of Christ); Rev. James Dae Jaang Casebolt, Dharma teacher, Belmont Zen Center, St. Clairsville, OH (Buddhist); Rabbi Kerry Chaplin, Spiritual Counselor, Beit T'Shuvah, Los Angeles, CA (Jewish); Rev. Leslie Chartier, Chaplain, Albany, OR (Unitarian Universalist Association); Rev. J. Hoo Cherry, Calvary Episcopal, Pittsburgh, PA (The Episcopal Church); Rev. Joe Cleveland, Minister, Unitarian Universalist

App. 6

Congregation of Saratoga Springs, Saratoga Springs, NY (Unitarian Universalist Association); Sensei Roger Cochran, PhD, Practice Leader, South Atlanta Zen Sangha, Fayetteville, GA (Buddhist); Rabbi Jody Cohen-Gavarian, Rabbi, (Ret.) Hollywood, FL (Jewish – Reform); Rev. Lindsay Collins, Lead Pastor, Allensville United Methodist Church, Roxboro, NC (United Methodist Church); Rev. Mary Frances Comer, Lead Minister, Piedmont Unitarian Universalist Church, Charlotte, NC (Unitarian Universalist Association); Rev. Jim Conn, Reverend (Ret.), Church in Ocean Park, Santa Monica, CA (United Methodist Church); Rev. Christian Coon, Pastor of Emerging Ministries, Urban Village Church, Chicago, IL (United Methodist Church); Rev. Kathy Cooper Ledesma, Senior Pastor, Hollywood United Methodist Church, Hollywood, CA (United Methodist Church); Rev. D. Scott Cooper, Assistant Minister of Congregational Life, First Unitarian Universalist Church of Houston, Houston, TX (Unitarian Universalist Association); Rev. Deborah Cox, Reverend (Ret.), Metropolitan Community Church of Detroit, Waterford, MI (Metropolitan Community Church); Rev. Katie Lee Crane, Minister Emerita, First Parish of Sudbury, Sudbury, MA (Unitarian Universalist Association); Rev. Lauri Jo Cranford, District Superintendent, Three Rivers District, Kingsport, TN (United Methodist Church); Don Croll, Cantor, Congregation Beth El Binah, Dallas, TX (Jewish – Reform); Rev. Michael Crumpler, LGBTQ and Multicultural Programs Director, Boston, MA (Unitarian Universalist Association); Rev. Dr. Chuck Currie, University Chaplain, Pacific University, Portland, OR

App. 7

(United Church of Christ); Rev. Dr. Kenneth Cuthbertson, Reverend (Ret.), Presbytery of Santa Fe, Albuquerque, NM (Presbyterian Church (USA)); Rev. Jim Dale, Reverend (Ret.), First United Methodist, Decorah, IA (United Methodist Church); Rev. Scott Dalgarno, Pastor, Wasatch Presbyterian Church, Salt Lake City, UT (Presbyterian Church (USA)); Rabbi Faith Joy Dantowitz, Rabbi, Congregation Emeth, Morgan Hill, CA (Jewish – Reform); Rev. Frederick Davie, Executive Vice President, Union Theological Seminary, Long Island City, NY (Presbyterian) ; Rev. Daniel Charles Davis, Minister, Unitarian Universalist Fellowship of New Bern, New Bern, NC (Unitarian Universalist Association); Rev. Bruce Davis, Senior Pastor, Altus Grace and Blair UMCs, Altus, OK (United Methodist Church); Rev. Daniel Davis, Pastor, Iola First Presbyterian Church, Iola, KS (Presbyterian Church (USA)); Rev. Dr. Miguel De La Torre, Iliff School of Theology, Littleton, CO (Southern Baptist); Rev. Paula Degree, Chair, Open & Affirming Committee, Dennis Union Church, Dennis Port, MA (United Church of Christ); Rev. Juan del Hierro, Associate Minister, Unity on the Bay, Miami, FL (Unity); Rev. Helen DeLeon, Reverend, Webster Presbyterian Church, Webster, TX (Presbyterian Church (USA)); Rev. Miriam Diephouse-McMillan, Hospital Chaplain, Trenton, NJ (Presbyterian Church (USA)); Rev. Tania Dozeman, Associate Pastor, First United Methodist Church of Holland, Holland, MI (United Methodist Church); Rabbi Paula Mack Drill, Rabbi, Orangetown Jewish Center, Orangeburg, NJ (Jewish – Conservative); Rev. Louise Dumas, Reverend (Ret.), Living Faith UMC, Putnam, CT (United

App. 8

Methodist Church); Rev. David Dunn, Pastor, Unitarian Universalist Metro Atlanta North, Roswell, GA (Unitarian Universalist Association); Rev. Michael Dunson, Reverend (Ret.), Belton, TX (Disciples of Christ, Christian Church); Rabbi Doris Dyen, Rabbi, Makom HaLev, Pittsburgh, PA (Jewish – Reconstructionist); The Very Rev. M.E. Eccles, Rector, St. Martin’s Episcopal Church, Mount Prospect, IL (The Episcopal Church); Rev. Amelia Edson, Reverend, Falmouth Congregational Church, Falmouth, ME (United Church of Christ); Rabbi Denise Eger, Senior Rabbi, Congregation Kol Ami, West Hollywood, CA (Jewish – Reform); Rabbi Bruce Elder, Rabbi, Congregation Hakafa, Glencoe, IL (Jewish – Reform); Rev. Donna Faith Eldredge, Reverend (Ret.), First Congregational Church, Portland, OR (United Church of Christ); Rev. Dr. John Elford, Senior Pastor, University United Methodist Church, Austin, TX (United Methodist Church); Scott Elliott, Deacon, St Gregory’s Church, Chicago, IL (The Episcopal Church); Rabbi Cindy Enger, Director of Rabbinic Placement, Central Conference of American Rabbis, New York, NY (Jewish – Reform); Pastor Alycia Erickson, Senior Pastor, Pikes Peak Metropolitan Community Church, Colorado Springs, CO (Metropolitan Community Church); Rabbi Dr. Andrew Ettin, Rabbi, Temple Israel, Pfafftown, NC (Jewish); Rabbi Nathaniel Ezray, Rabbi, Congregation Beth Jacob, Redwood City, CA (Jewish – Conservative); Karen Fedorchak, Deacon Emeritus, St Mary’s Episcopal Church, Manchester, CT (The Episcopal Church); Kenneth Feibush, Cantor, Temple Sholom of West Essex, Montclair, NJ (Jewish – Reform); Rev. Dr. Laurie Pound

App. 9

Feille, Senior Minister, First Christian Church (Disciples of Christ), Minneapolis, MN (Disciples of Christ, Christian Church); Dave Ferguson, Seventh-day Adventist Kinship International, Orinda, CA (Seventh Day Adventist); Rev. Michael Fieleke, Reverend and Guiding Teacher, Boundless Way Zen, Worcester, MA (Buddhist); Rabbi Brian Fink, Rabbi, Marlene Meyerson JCC Manhattan, New York, NY (Jewish – Reconstructionist); Rabbi Robyn Fisher, Rabbi, Temple Beth Or, Miami, FL (Jewish); Rev. Susan Fleenor, Reverend (Ret.), Presbytery of the Redwoods, CO (Presbyterian Church (USA)); Rev. Andrew Fleishman, Associate Pastor, Wasatch Presbyterian Church, Salt Lake City, UT (Presbyterian Church (USA)); Rabbi Andi Fliegel, Rabbi, Congregation Beth Israel, West Hartford, CT (Jewish – Reform); Rev. Sarah Flynn, Reverend (Ret.), Williston, VT (United Methodist Church); Rev. Annie Foerster, Minister, First Jefferson Unitarian Universalist Church, Fort Worth, TX (Unitarian Universalist Association); Pastor Jerrold Foltz, Pastor Emeritus, Wellspring United Church of Christ, Centreville, VA (United Church of Christ); Rabbi Scott Fox, Rabbi, Temple Israel of Long Beach, Long Beach, CA (Jewish – Reform); Rev. John Freesemann, Pastor, Holy Redeemer Lutheran Church, San Jose, CA (Lutheran – ELCA); Rabbi Michael Friedland, Rabbi, Sinai Synagogue, South Bend, IN (Jewish – Conservative); Rev. Amelia Fulbright, Designated Senior Pastor, University Baptist Church, Austin, TX (American Baptist USA); Rev. Emily Gage, Minister of Faith Development, Unity Temple Unitarian Universalist Congregation, Oak Park, IL (Unitarian Universalist

App. 10

Association); The Rev. Jose Gandara-Perea Rector, Emmanuel Episcopal Church of Orcas Island, Eastsound, WA (The Episcopal Church); Rev. Stephanie Gannon, Minister, East Suburban Unitarian Universalist Church, Pittsburgh, PA (Unitarian Universalist Association); Rev. Wesley Garcia, Reverend (Ret.), Hettinger, ND (American Baptist USA); Rev. Steve Gardner, Pastoral Assistant, South Street Christian Church, Springfield, MO (Disciples of Christ, Christian Church); Rabbi Thomas Gardner, Rabbi, Riverdale Temple, Bronx, NY (Jewish – Reform); Rev. William Garrett, Minister of Pastoral Care & Administration, Christian Church, Bordentown, NJ (Disciples of Christ, Christian Church); Bev Gavenda, Baptist Deacon, University Baptist Church of Austin, Austin, TX (American Baptist Church); The Rev. Sharon Gearing, Church Pastor, First Presbyterian Church, South Charleston, South Charleston, WV (Presbyterian Church (USA)); Rabbi Gary Gerson, Rabbi Emeritus, Oak Park Temple B'nai Abraham Zion, Oak Park, IL (Jewish – Reform); Rev. Rebekah Gienapp, Deacon, United Methodist, Memphis, TN (United Methodist Church); Rev. Alice Ann Glenn, Reverend (Ret.), Monterey UMC, Monterey, CA (United Methodist Church); Rabbi Rachel Goldenberg, Rabbi/Founder, Malkhut Queens, NY (Jewish); Rev. Robert Goldstein, Reverend (Ret.), Resurrection Lutheran Church, Chicago, IL (Lutheran – ELCA); Rabbi Elizabeth Goldstein, Rabbi, Congregation Ner Shalom, Woodbridge, VA (Jewish – Reform); Rabbi Jeffrey Goldwasser, Rabbi, Temple Sinai, Cranston, RI (Jewish – Reform); Rabbi Linda Henry Goodman, Rabbi Emerita, Union Temple of

App. 11

Brooklyn, Garden City, NY (Jewish – Reform); Rev. Darrell Goodwin, Associate Conference Minister, Iowa, Nebraska, and South Dakota Conferences (United Church of Christ); Rev. Cheryl Walenta Gorvie, Pastor, Bethany Lutheran Church, Dallas, TX (Lutheran – ELCA); Rabbi Pamela Gottfried, Rabbi, Congregation Bet Haverim, Atlanta, GA (Jewish – Reconstructionist); Rev. Elizabeth Goudy, Pastor, Metropolitan Community Church of the Lehigh Valley, Bethlehem, PA (Metropolitan Community Church); Father Harry Grace, Retired, Episcopal Diocese of Western New York, Buffalo, NY (The Episcopal Church); Rev. Susan Graceson, Associate Pastor, Immanuel Presbyterian Church, Falls Church, VA (Presbyterian in America); Tanya Greenblatt, Cantor, Congregation Beth Am, Tampa, FL (Jewish – Reform); Rev. Dr. Mike Gregg, Pastor, Royal Lane Baptist Church, Dallas, TX (Alliance of Baptists); Rev. Mary Grigolia, Minister, Oberlin Unitarian Universalist Fellowship & Olmsted Unitarian Universalist Congregation, Oberlin, OH (Unitarian Universalist Association); Rabbi Joshua Gruenberg, Senior Rabbi, Chizuk Amuno Congregation & Schools, Pikesville, MD (Jewish – Conservative); Rev. Dr. James Guest, Reverend (Ret.), Carrollton, TX (United Methodist Church); Sensei Robert Gunn, Sensei, Deep Ocean Zendo, Virginia Beach, VA (Buddhist); Melissa Guthrie Loy, Executive Director and Minister, Disciples LGBTQ+ Alliance, Indianapolis, IN (Disciples of Christ, Christian Church); Rev. Edgar Gutierrez-Duarte, Priest, St. Luke's Episcopal Church, Chelsea, MA (Evangelical Protestant); Rev. Dr. Debra Haffner, Minister, UUCR, Reston, VA (Unitarian

App. 12

Universalist Association); April Hall, Pastor, Kenai & North Star UMC, Nikiski, AK (United Methodist Church); Rev. Dr. Sid Hall, Lead Minister, Trinity Church of Austin, Austin, TX (United Church of Christ); Rev. Laura Hallett, Minister, Centers for Spiritual Living, Denver, CO (New Thought); Rev Bruce Handy, Pastor, Marshville, NC (United Methodist Church); Rev. Linda Hansen, Reverend (Ret.), New Berlin, WI (Unitarian Universalist Association); The Rev. Michelle Hansen, Priest in Charge, All Saints Episcopal Church, East Hartford, Waterbury, CT (The Episcopal Church); Pastor Nancy Hanson, Pastor, Messiah, Washburn, WI (Lutheran – ELCA); Rabbi Laura Harari, Rabbi (Ret.), Laguna Woods, CA (Jewish – Reform); Rev. Lu Harding, Reverend (Ret.), Trinity United Methodist, Chesnee, SC (United Methodist Church); Pastor Lindsay Harren-Lewis, Associate Pastor, Fairmount Presbyterian, Cleveland Heights, OH (Presbyterian Church (USA)); Rev. Dorothy Harris, Pastor, Unity Fellowship Church of Columbia, Essex, MD (Unity Fellowship); Pastor Jeffery Haskins, Chief Executive Officer, Unity Fellowship of Christ Church Philadelphia, Philadelphia, PA (Unity Fellowship); Rev. Dr. Pamela Hawkins, Reverend (Ret.), Belmont United Methodist Church, Nashville, TN (United Methodist Church); Rev. Dr. Katie Hays, Founder-Pastor, Galileo Christian Church (Disciples of Christ), Fort Worth, TX (Disciples of Christ, Christian Church); Rev. Mel Hazlewood, Pastor, Cherokee United Methodist Church and Valley Spring United Methodist Church, Marble Falls, TX (United Methodist Church); Rev. Lowell Headley, Reverend (Ret.), King Ave UMC,

App. 13

Columbus, OH (United Methodist Church); Rev. Dr. Jane Heckles, Reverend (Ret.), United Church of Christ, Claremont, CA (United Church of Christ); Rev. Tom Heger, Pastor (Ret.), Mission Presbytery, San Antonio, TX (Presbyterian Church (USA)); Rev. Russell Heiland, Senior Minister, Unity of Fairfax, Oakton, VA (Unity); Rev. Richard Edward Helmer, Rector, Church of Our Saviour, Mill Valley, CA (The Episcopal Church); Rev. Dr. Katharine Henderson, President, Auburn Seminary, New York, NY (Presbyterian Church (USA)); Rev. L Jeannette Hickman, Reverend (Ret.), Caldwell Presbyterian, Charlotte, NC (Presbyterian Church (USA)); Rev. Linda Higgins, Co-Pastor, Tree of Life, Midlothian, VA (United Church of Christ); Rev. Page Hines, Associate Pastor, United Methodist Church, Haslet, TX (United Methodist Church); Rabbi Cynthia Hoffman, Teacher, Congregation Bet Haverim, Davis, CA (Jewish – Reform); Rev. Judi Hoffman, Lead Pastor, St. John’s UMC, Memphis, TN (United Methodist Church); Rev. Mary Lara Hoke, Minister, First Church Unitarian, Littleton, MA (Unitarian Universalist Association); Rev. Juliana Holm, Pastor, Brush Valley Fusion of Faith, Rebersburg, PA (United Church of Christ); Rev. Lynn Hopkins, Minister, Unitarian Universalist Fellowship of Montgomery, Montgomery, AL (Unitarian Universalist Association); Rev. Cathleen Hough, Senior Minister, Center for Spiritual Living, East Hawaii, Hilo, HI (New Thought); Rev. Dr. Jo Hudson, Pastor, The New Church – Chiesa Nuova, Dallas, TX (United Church of Christ); Rev. Dr. Tracy Hughes, Lead Minister, United Church of Christ, Aurora, CO (United Church of Christ); Rev. Reagan Humber,

App. 14

Pastor, House for All Sinners and Saints, Denver, CO (The Episcopal Church); Rev. Tracy Hunter, Hospice Chaplain, Lakewood Ranch, FL (United Methodist Church); Rev. Brian Hutchison, Pastor, Emerald City Metropolitan Community Church Seattle, Seattle, WA (Metropolitan Community Church); Rev. Kenneth Ingram, Pastor, St. Paul's UCC, Laramie, WY (United Church of Christ); Rabbi Rachel Isaacs, Rabbi, Colby College, Waterville, ME (Jewish – Conservative); Rev. Paula Jackson, Rector, Church of Our Saviour/La Iglesia de Nuestro Salvador, Cincinnati, OH (The Episcopal Church); Rev. Phil Jamison, Managing Chaplain, Three Rivers Hospice, Monroeville, PA (Presbyterian Church (USA)); Rev. Virginia Jarocha-Ernst, Co-Minister, Unitarian Universalist Congregation of Monmouth County, Lincroft, NJ (Unitarian Universalist Association); Rev. Sandra John, Pastoral Counselor, Spiritual Director, Soul Awakening, Chico, CA (American Baptist Church); Rev. Elizabeth Jones, Reverend (Ret.), Trinity United Methodist, Seal Rock, OR (United Methodist Church); Rev. Todd Jones, Associate Pastor, FUMC Harlingen, Harlingen, TX (United Methodist Church); Rev. Elizabeth Jones, Reverend (Ret.), Seal Rock, OR (United Methodist Church); Rev. Allan B. Jones, Reverend (Ret.), Santa Rosa, CA (United Methodist Church); Rev. Susan Joseph Rack, Pastor, Christ Presbyterian Church of Martinsville NJ, Martinsville, NJ (Presbyterian Church (USA)); Rabbi Rachel Kahn-Troster, Deputy Director, T'ruah: The Rabbinic Call for Human Rights, Teaneck, NJ (Jewish – Conservative); Rabbi Debra Newman Kamin, Rabbi, Am Yisrael, Highland Park, IL (Jewish – Conservative); Rev. Ann

App. 15

Kansfield, Pastor, Greenpoint Reformed Church, Brooklyn, NY (Reformed Church in America); Rev. Hannah Kardon, Teaching Pastor, Urban Village Church, Chicago, IL (United Methodist Church); Rev. Robert Karli, Reverend (Ret.), First English Lutheran Church, Austin, TX (Lutheran – ELCA); Rev. James (K) Karpen, Senior Pastor, St. Paul & St. Andrew United Methodist Church, New York, NY (United Methodist Church); Rev. Karen Kaser-Odor, Chaplain, Hospice of Stanly, Concord, NC (United Methodist Church); Rabbi Neal Katz, Rabbi, Congregation Beth El, Tyler, TX (Jewish – Reform); Ms. Myra Kazanjian, Parish Associate, Sixth Presbyterian Church, Bethel Park, PA (Presbyterian Church (USA)); Rev. Kayla Kelly, Campus Chaplain, Central Methodist University/ Pilot Grove UMC, Fayette, MO (United Methodist Church); Linda Kennedy, Deacon, North Congregational United Church of Christ, Columbus, OH (United Church of Christ); Rev. Dr. Edward Kern, Pastor, Trinity Lutheran Church, San Antonio, TX (Lutheran – ELCA); Rev. Rick King, Lead Pastor, Falcon Heights Church, Falcon Heights, MN (United Church of Christ); Rev. Dan King, Minister Emeritus, First UU Church of Houston, Houston, TX (Unitarian Universalist Association); Rev. Carl Kline, Reverend (Ret.), Carl Kline, Brookings, SD (United Church of Christ); Rabbi Myriam Klotz, Senior Program Director, Institute for Jewish Spirituality, Philadelphia, PA (Jewish); Rev. Harry Knox, Reverend (Ret.), Quitman, GA (Metropolitan Community Church); Rabbi Alison Kobey, Rabbi, Congregation Or Chadash, Rockville, MD (Jewish – Reform); Rabbi Rachel Kobrin, Rabbi, Congregation

App. 16

Rodef Shalom, Denver, CO (Jewish – Conservative); Rabbi Debra Kolodny, Rabbi, Portland's UnShul, Portland, OR (Jewish Renewal); Rabbi Randall Konigsburg, Rabbi, Beth Sholom B'nai Israel, Manchester, CT (Jewish – Conservative); Rabbi Dr. Robert Kravitz, Hospital Chaplain, JFCS Arizona, Scottsdale, AZ (Jewish – Reform); Rev. Jonipher Kwong, Ministerial Credentialing Director, Los Angeles, CA (Unitarian Universalist Association); Rev. Lori Kyle, Minister, First Unitarian Church of Louisville, Louisville, KY (Unitarian Universalist Association); Rev. Michelle LaGrave, Interim Minister, Emerson Unitarian Universalist Church, Houston, TX (Unitarian Universalist Association); Rabbi Howard Laibson, Rabbi (Ret.), Congregation Shir Chadash, Lakewood, Seal Beach, CA (Jewish); Rabbi Karen Landy, Rabbi, Havurat Shalom in Andover, Andover, MA (Jewish – Reconstructionist); Rabbi Amichai Lau-Lavie, Founding Spiritual Leader, New York, NY (Jewish); Rev. Wayne A Laws, Minister of Social Justice, Mountain View United Church Aurora, CO (United Church of Christ); Rev. Erica Lea-Simka, Pastor, Albuquerque Mennonite Church, Albuquerque, NM (Mennonite); Rev. Rahel Lee-Yoo, Chaplain Resident, Houston Methodist, Pearland, TX (United Methodist Church); Rev. Charlotte Lehmann, Minister, Bull Run Unitarian Universalist, Manassas, VA (Unitarian Universalist Association); Rev. Marnie Leinberger, Pastor, Milagro Christian Church, Pueblo, CO (Disciples of Christ, Christian Church); Rev. Donald Lemke, Interim Pastor, Trinity Lutheran Church of Middle Village, Forest Hills, NY (Lutheran – ELCA); Pastor Melissa Lemons, Pastor for

App. 17

Community Ministry, Unity Lutheran, Wilmington, DE (Lutheran – ELCA); Rev. Ardis Letey, Reverend (Ret.), Trinity United Methodist Church, Seal Rock, OR (United Methodist Church); Rabbi Elias Lieberman, Rabbi, Falmouth Jewish Congregation, Falmouth, MA (Jewish – Reform); Rabbi Ellen Lippmann, Rabbi Emerita, Kolot Chayeinu/Voices of Our Lives, Brooklyn, NY (Jewish); Rabbi Alan Litwak, Senior Rabbi, Temple Sinai of North Dade, North Miami Beach, FL (Jewish – Reform); Rev. Michael Lonergan, Pastor, Church of the Painted Hills UCC, Tucson, AZ (United Church of Christ); Rev. Ann Lovejoy Johnson, Rector, St Mary’s Episcopal Church, Manchester, CT (The Episcopal Church); Rev. Dr. Robert Lowry, Senior Pastor, Fondren Presbyterian Church (USA), Jackson, MS (Presbyterian Church (USA)); Rev Greg Lugn, Reverend (Ret.), Christian Church, (Disciples of Christ), Lincoln, NE (Disciples of Christ, Christian Church); Rev. Mark Lukens, Pastor, Bethany Congregational UCC, East Rockaway, NY (United Church of Christ); Rabbi Dana Magat, Senior Rabbi, Temple Emanu-El, San Jose, CA (Jewish – Reform); Rev. Kristin Maier, Minister, Unitarian Universalist Fellowship of Northfield, Northfield, MN (Unitarian Universalist Association); Rabbi Bryan Mann, Rachlin Director of Jewish Life, Vassar College, Poughkeepsie, NY (Jewish); Rabbi Paula Marcus, Senior Rabbi, Temple Beth El, Aptos, CA (Jewish – Reform); Rabbi Marc Margolius, Senior Programs Director, Institute for Jewish Spirituality, New York, NY (Jewish); Rev. Jennifer Martin, Pastor, Central Presbyterian Church, Eugene, OR (Presbyterian Church (USA)); Rev. Lea Matthews, Pastor, St. Paul

App. 18

& St. Andrew UMC, New York, NY (United Methodist Church); Nancy Maxwell, Denomination Level Elder (equivalent to a Bishop), Universal Fellowship of Metropolitan Community Churches, Kansas City, MO (Metropolitan Community Church); Rev. James L. McCall, Minister & Pastoral Counselor (Ret.), Grace Presbytery / St. Andrew's Presbyterian Church, Dallas, TX (Presbyterian Church (USA)); Rev. Dr. Jill McCrory, Interim Pastor, Open Door Metropolitan Community Church, Kensington, MD (Alliance of Baptists); Rev. Jean McCusker, Reverend (Ret.), United Church of Christ, Sioux Falls, SD (United Church of Christ); Rev. Emily McGinley, Executive Pastor, Urban Village Church, Chicago, IL (Presbyterian Church (USA)); Rev. Dr. Kathryn McLean, Minister At Large, Presbytery of St. Augustine, Miami, FL (Presbyterian Church (USA)); Rev. Rob McPherson, Lead Pastor, Hillsdale First United Methodist Church, Hillsdale, MI (United Methodist Church); Rev. Mark Meeks, Minister, Capitol Heights Presbyterian Church, Denver, CO (Presbyterian Church (USA)); Pastor George M Melby, Pastor (Ret.), George Martin Melby, Kansas City, KS (American Baptist USA); Rev. Troy Mendez, Dean of Trinity Cathedral, Trinity Episcopal Cathedral, Phoenix, AZ (Episcopal Church); Pastor David Meredith, Lead Pastor, Clifton United Methodist Church, Cincinnati, OH (United Methodist Church); Rev. Chris Mereschuk, Pastor, United Church of Christ, Northampton, MA (United Church of Christ); Rev. Ben Meyers, Minister, Unitarian Universalists of San Mateo, San Mateo, CA (Unitarian Universalist Association); Rev. Barbara Meyers, Affiliated Community Minister, Mission Peak

App. 19

Unitarian Universalist Congregation, Fremont, CA (Unitarian Universalist Association); Rabbi Edith Meyerson, Associate Director for Pastoral Counseling and Bereavement Services, Department of Geriatrics and Palliative Medicine – Icahn School of Medicine at Mount Sinai, New York, NY (Jewish – Reform); Rev. Stacey Midge, Pastor, Mount Auburn Presbyterian Church, Cincinnati, OH (Presbyterian Church (USA)); Rev. Amanda Miller Garber, Lead Pastor, RISE UMC, Rockingham, VA (United Methodist Church); Rev. Joel Miller, Interim Minister, All Souls Church, Indianapolis, IN (Unitarian Universalist Association); Rev. Dr. Scott Miller, Pastor, Drayton Presbyterian Church, Berkley, MI (Presbyterian Church (USA)); Rev. George Miller, Pastor, Emmanuel UCC, Sebring, FL (United Church of Christ); Rev. Joel Miller, Interim Minister, All Souls Unitarian Church, Indianapolis, IN (Unitarian Universalist Association); Rev. Michael Miller, Minister of LGBT Ministries, Houston, TX (Disciples of Christ); Rev. Doug Mitchell, Reverend, Westminster Presbyterian Church Emeritus, Minneapolis, MN (Presbyterian Church (USA)); Rev. Marsha Mitchiner, Reverend, First Existentialist Congregation of Atlanta, Atlanta, GA (Unitarian Universalist Association); Rabbi Katie Mizrahi, Rabbi, Or Shalom Jewish Community, San Francisco, CA (Jewish – Reconstructionist); Rev. Rick Modglin-Green, Associate Pastor, Central Woodward Christian Church-Disciples of Christ, Troy, MI (Disciples of Christ, Christian Church); Rev. John Moody, Reverend (Ret.), Episcopal Church, New York, NY (Episcopal Church); Rev. David Moon-Wainwright, Co-Pastor, United Christian Parish,

App. 20

Lakeport, CA (Presbyterian Church (USA)); Rev. Peter Moore, Pastor, Greenfield Presbyterian Church, Berkeley, MI (Presbyterian Church (USA)); Rev. Amy Zucker Morgenstern, Parish Minister, Unitarian Universalist Church of Palo Alto, Palo Alto, CA (Unitarian Universalist Association); The Rev. Michael Mumme, Senior Pastor, Canyon Lake United Methodist Church, Canyon Lake, TX (United Methodist Church); Rev. Nelson Murphy, Associate Conference Minister (Interim), Central Atlantic Conference, Baltimore, MD (United Church of Christ); Richard Nadel, Cantor, Temple Beth Ahm Yisrael, Springfield, NJ (Jewish); Rabbi Robin Nafshi, Rabbi, Temple Beth Jacob, Concord, NH (Jewish – Reform); Rev. Cody Natland, Pastor, Moran United Methodist Church, Spokane, WA (United Methodist Church); Rabbi Ariel Naveh, Rabbi, Illini Hillel at the University of Illinois, Champaign, IL (Jewish – Reform); Rev. Dr. Mark Newton, Reverend (Ret.), Westside Unitarian Universalist Congregation, Seattle, WA (Unitarian Universalist Association); Rev. Dana Norton, Pastor, New Covenant UMC, Mesquite, TX (United Methodist Church); Rev. Seth Novak, Pastor, Agnus Dei Lutheran Church, Gig Harbor, WA (Lutheran – ELCA); Rev. Wm. Lance Oberds, Reverend (Ret.), United Christian Church, Langhorne, PA (Disciples of Christ, Christian Church); Rev. Tom Obrien, Pastor, Memorial Congregational Church, Sudbury, MA (United Church of Christ); Asher O’Callaghan, Pastor, Highlands Lutheran Church, Denver, CO (Lutheran – ELCA); Rev. Dr. Claudene Oliva, Affiliate Minister, Unitarian Universalist Church of Bowling Green, Bowling Green, KY (Unitarian Universalist

App. 21

Association); Rev. Dr. Linda Olson Peebles, Interim Lead Minister, Thomas Jefferson Memorial Church – Unitarian Universalist, Alexandria, VA (Unitarian Universalist Association); Rev. Janet Onnie, Senior Minister, Tri-County Unitarian Universalists, Summerfield, FL (Unitarian Universalist Association); Rev. Sheryl Padgett, Minister, Unity of the White Mountains, Lakeside, AZ (Unity); Rev. Dennis James Sagon Parker, Priest Associate, St. David of Wales Parish, Portland, OR (The Episcopal Church); Rev. Rich Peacock, Reverend (Ret.), Troy First United Methodist Church, Troy, MI (United Methodist Church); Rev. Maressa Pendermon, Reverend, Unity Fellowship Church, Greater Atlanta, Decatur, GA (Unity Fellowship); The Rev. Gregory Peters, Reverend, St. Alban's Episcopal Church, Seattle, WA (The Episcopal Church); Rabbi Julie Pfau, Congregational Rabbi and a Hospice Chaplain, Temple B'nai Abraham, Philadelphia, PA (Jewish – Reconstructionist); Rabbi Bruce Pfeffer, Rabbi, Congregational Rabbi (part-time) in Mattoon, Indianapolis, IN (Jewish – Reform); Rev. Ann Pitman, Parish Associate for Pastoral Care, First Presbyterian Church, Fort Wayne, IN (Presbyterian Church (USA)); Rev. Amanda Poppei, Senior Minister, Unitarian Universalist Church of Arlington, Arlington, VA (Unitarian Universalist Association); Rev. Bernice Powell Jackson, Pastor, First United Church of Tampa, Tampa, FL (United Church of Christ); Rev. Carla Pratt Keyes, Pastor, Ginter Park Presbyterian Church, Richmond, VA (Presbyterian Church (USA)); Rev. Cecil Prescod, Minister of Faith Formation, Ainsworth United Church of Christ, Portland, OR (United Church

App. 22

of Christ); Rev. Laura Queen, Priest Associate, The Church Pension Group, Strafford, CT (The Episcopal Church); Rev. Matthew Querns, Pastor, Yorktown UMC, Yorktown Heights, NY (United Methodist Church); Rabbi Michael Ragozin, Rabbi, Congregation Shirat Hayam, Swampscott, MA (Jewish – Conservative); Rev. Sheri Randolph, Minister, First Congregational UCC of Barstow CA, Barstow, CA (United Church of Christ); Rev. Dr. Paul Rasor, Reverend (Ret.), Unitarian Universalist Association, Lawrence, KS (Unitarian Universalist Association); Rabbi Esther Reed, Senior Associate Director, Rutgers Hillel, New Brunswick, NJ (Jewish); Rabbi Rebecca Reice, Senior Rabbi, Congregation Shir Ami, Austin, TX (Jewish – Reform); Rev. Wilma Reichard, Reverend, Ladera Community Church, Portola Valley, CA (United Church of Christ); Rev. Thomas Reinhart-Marean, Reverend (Ret.), Garland, TX (United Methodist Church); Kimi Floyd Reisch, Program Minister, Open and Affirming Coalition of the UCC, Cottage Grove, MN (United Church of Christ); Rev. Lawrence Richardson, Lead Pastor, Linden Hills United Church of Christ, Saint Paul, MN (United Church of Christ); Ken Richmond, Cantor, Temple Israel, Natick, MA (Jewish – Conservative); Rev. Jim Rigby, Pastor, Saint Andrews Presbyterian, Austin, TX (Presbyterian Church (USA)); Rev. Adam Robersmith, Senior Minister, The Universalist Church of West Hartford, West Hartford, CT (Unitarian Universalist Association); Rev. Brandan Robertson, Lead Pastor, Missiongathering Christian Church, San Diego, CA (Disciples of Christ, Christian Church); Rev. Christopher Roe, Minister for Spiritual Life and

App. 23

Learning, Fountain Street Church, Grand Rapids, MI (American Baptist USA); Pastor Beth Rogers, Minister, UCC of Hummelstown, Hummelstown, PA (United Church of Christ); Rev. Jonathan Rogers, Community Minister, Unitarian Universalist Association, Decatur, GA (Unitarian Universalist Association); Rev. Carol Rose, Pastor, Shalom Mennonite Fellowship, Tucson, AZ (Mennonite); Rev. Patricia Ross, Pastor, St Paul's, Gualala, CA (The Episcopal Church); Rev. Christopher Ross, Pastor, Saint Peter's United Church of Christ, Kiel, WI (United Church of Christ); Rev. Chip Roush, Minister, First Unitarian Church of South Bend, South Bend, IN (Unitarian Universalist Association); Rev. Edwin (Ed) Rowe, Pastor Emeritus, Central United Methodist Church Detroit, Detroit, MI (United Methodist Church); Rabbi J.B. Sacks, Rabbi, Congregation Am HaYam, Ventura, CA (Jewish – Conservative); Rabbi Jeffrey Saxe, Rabbi, Temple Rodef Shalom, Falls Church, VA (Jewish – Reform); The Rev. Stuart Schadt, Rector, Trinity Episcopal Church, Manassas, VA (The Episcopal Church); Rabbi Craig Scheff, Rabbi, Orangetown Jewish Center, Orangeburg, NY (Jewish – Conservative); Pastor Michele Schenk, Member of Clergy in Residence, United Christian Church, Washington Crossing, PA (Disciples of Christ, Christian Church); Rabbi Simone Schicker, Rabbi, Temple B'nai Israel, Kalamazoo, MI (Jewish – Reform); Rabbi Howie Schneider, Rabbi, Santa Cruz, CA (Jewish Renewal); Pastor Clint Schneklath, Pastor, Good Shepherd Lutheran Church, Fayetteville, AR (Lutheran – ELCA); Rev. King Schoenfeld, Pastor, Historic Trinity, St. Louis, MO (Lutheran – Missouri Synod); Rev. Bob

App. 24

Schoenhals, Pastor, Ferndale First United Methodist Church, Ferndale, MI (United Methodist Church); Rev. Nancy Schongalla-Bowman, Clergy in Residence, United Christian Church, Levittown, Yardley, PA (United Church of Christ); Rev. Leslie Scoopmire, Rector, St. Marton's Episcopal Church, Ellisville, Saint Louis, MO (The Episcopal Church); Cathy Scott, Deacon, Holy Family Episcopal Church, Fishers, IN (The Episcopal Church); Rev. Kimberly Scott, Senior Pastor, Cross Roads, Phoenix, AZ (United Methodist Church); Rev. Cathy Scott, Deacon, Holy Family Episcopal Church, Indianapolis, IN (The Episcopal Church); Rabbi Drorah Setel, Rabbi, Temple Emanu-El, Rochester, NY (Jewish – Reform); Rev. Michelle Sevig, Associate Pastor, Holy Trinity Lutheran Church, Chicago, IL (Lutheran – ELCA); Rabbi Scott Shafrin, Associate Rabbi, Kol Rinah, Saint Louis, MO (Jewish – Conservative); Rabbi Zach Shapiro, Rabbi, Temple Akiba of Culver City, Culver City, CA (Jewish – Reform); Very Rev. Canon Martini Shaw, Rector, African Episcopal Church of St. Thomas, Philadelphia, PA (The Episcopal Church); Rev. David Sickelka, Sr. Minister, Urbandale United Church of Christ, Urbandale, IA (United Church of Christ); Rabbi Becky Silverstein, Rabbi/Founder, Beyn Kodesh l'Chol, Jamaica Plain, MA (Jewish); Rev. Richard Simeone, Reverend (Ret.), Cambridge, MA (The Episcopal Church); Rev. Nicolette Siragusa, Pastor, Brookside Community Church, Brookside, NJ (United Church of Christ); Rabbi Raina Siroty, Rabbi, The Jewish Temple, Alexandria, LA (Jewish – Reform); Rev. D Gregory Smith, Associate Priest, St. James Episcopal Church, Bozeman, MT

App. 25

(The Episcopal Church); Rev. Kate E. Smith, Pastor of Mission and Outreach, Hyde Park Community United Methodist Church, Cincinnati, OH (United Methodist Church); Rev. Kelly Smith, Pastor, Calvary United Methodist Church, Pittsburgh, PA (United Methodist Church); Rev. Lynette Sparks, Senior Pastor, Westminster Presbyterian Church, Grand Rapids, MI (Presbyterian Church (USA)); Kerith Spencer-Shapiro, Senior Cantor, University Synagogue, Irvine, CA (Jewish – Reform); Rev. Phyllis Spiegel, Rector, St. Anne Episcopal Church, West Chester, OH (The Episcopal Church); Rabbi David Spinrad, Senior Rabbi, Beth El Hebrew Congregation, Alexandria, VA (Jewish – Reform); Rabbi Hannah Spiro, Rabbi, Hill Havurah, Washington, DC (Jewish); Rabbi Toba Spitzer, Senior Rabbi, Congregation Dorshei Tzedek, West Newton, MA (Jewish – Reconstructionist); Pastor Sarah Stadler, Pastor, Grace Lutheran Church, Phoenix, AZ (Lutheran – ELCA); Rev. LuAnne Stanley Hook, Director of Community Involvement, First United Methodist Church of Holland, Holland, MI (United Methodist Church); Rabbi Sonya Starr, Rabbi, Columbia Jewish Congregation, Columbia, MD (Jewish – Reconstructionist); Rabbi Oren Steinitz, Rabbi, Congregation Kol Ami, Elmira, NY (Jewish Renewal); Pastor Mark Stephenson, Pastor, Hollywood United Methodist Church, Hollywood, CA (United Methodist Church); Rabbi Jeffrey Stiffman, Rabbi Emeritus, Congregation Shaare Emeth, Saint Louis, MO (Jewish – Reform); Rev. Gail Stratton, Community Minister, Unitarian Universalist Congregation of Oxford (Affiliated), Abbeville, MS (Unitarian Universalist Association); Rev. Nita

App. 26

Strauss, Minister, Unity Spiritual Center of Peace, Tucson, AZ (Unity); Rev. Dr. Roland Stringfellow, Senior Pastor, Metropolitan Community Church of Detroit, Detroit, MI (Metropolitan Community Church); Rabbi Joshua Strom, Rabbi, Congregation B'nai Yisrael, Armonk, NY (Jewish – Reform); Rev. Siri Strommen, Pastor, ELCA, Bloomington, MN (Lutheran – ELCA); Rev. Scott Summerville, Reverend (Ret.), Asbury UMC, White Plains, NY (United Methodist Church); Rev. Martha Swords-Horrell, Pastor, First United Methodist Church, Oneonta, NY (United Methodist Church); Rev. Jan Taddeo, Minister, Unitarian Universalist Congregation of Gwinnett, Grayson, GA (Unitarian Universalist Association); Pastor Emeritus Richard Taylor, Pastor Emeritus, Beneficent Congregational Church, Easton, PA (United Church of Christ); Rev. Duncan Teague, Minister, Abundant Love Unitarian Universalist Congregation, Decatur, GA (Unitarian Universalist Association); Rev. Terry Teigen, Reverend (Ret.), Fauntleroy Church, Seattle, WA (United Church of Christ); Rev. Lisa Telomen, Associate Pastor, United Methodist Church of Geneva, Geneva, IL (United Methodist Church); Rev. Abbey Tennis, Lead Minister, First Unitarian Church of Philadelphia, Philadelphia, PA (Unitarian Universalist Association); Rabbi Elliott Tepperman, Senior Rabbi, Bnai Keshet, Reconstructionist, Montclair, NJ (Jewish – Reconstructionist); Rev. Dr. Neil Thomas, Senior Pastor, Cathedral of Hope UCC, Dallas, TX (United Church of Christ); Rev. Karen Thompson, Senior Pastor, upRising, Austin, TX (Metropolitan Community Church); Rev. Troy Treash, Senior Pastor, Resurrection Metropolitan Community

App. 27

Church, Houston, TX (Metropolitan Community Church); Rev. Gayle Tucker, Pastor, Congregational Church of Jefferson Park UCC, Chicago, IL (United Church of Christ); Rev. Carol Van Buskirk, Minister of Non-Traditional Worship, Pleasant Grove UMC, Raleigh, NC (United Methodist Church); Rev. Shirley Van Damme, Hospice Spiritual Coordinator, Reno, NV (Metropolitan Community Church); Kathleen Van Sickle, Deacon (Ret.), San Francisco, CA (The Episcopal Church); Rev. Kristin Vaughn, Senior Pastor, Mt. Hope United Church of Christ, Whitsett, NC (United Church of Christ); Rev. Daniel Vélez-Rivera, Vicar, Saint Gabriel's Episcopal Church, Leesburg, VA (The Episcopal Church); Rev. Britt Vickstrom, Pastor, Immanuel Lutheran Church Davenport, IA (Lutheran – ELCA); Rev. Christopher Walker, Pastor, Brewersville UMC and York UMC, Livingston, AL (United Methodist Church); Rev. Dr. Kate Walker, Minister, Mt. Vernon Unitarian Church, Alexandria, VA (Unitarian Universalist Association); Rev. Deborah Warner, Rector, Church of the Messiah, Woods Hole, MA (The Episcopal Church); Rev. Margaret Warn-Walker, Reverend (Ret.), Metropolitan Community Church, Abilene, TX (Metropolitan Community Church); Rev. Joe Webb, Pastor, New Wineskins Community, Williamstown, WV (United Methodist Church); Rabbi Donald Weber, Rabbi Emeritus, Temple Rodeph Torah, Lenox, NJ (Jewish – Reform); Rabbi Simkha Y. Weintraub, Rabbi (Ret.), Brooklyn, NY (Jewish – Conservative); Rev. Daniel Weir, Priest Associate, Christ Episcopal Church, Intervale, NH (The Episcopal Church); Rev. Audrua Welch Malvaez, Associate Pastor, Plymouth

App. 28

Park United Methodist Church, Irving, TX (United Methodist Church); Rev. Kim Wells, Pastor, Lakewood United Church of Christ, Saint Petersburg, FL (United Church of Christ); Rev. Mike Wernick, Rector / Pastor, Two Churches, Grand Rapids, MI (The Episcopal Church); Rev. Alice Wesley, Reverend (Ret.), East Shore Unitarian Church in Bellevue, Bellevue, WA (Unitarian Universalist Association); Rev. Kate West, Pastor, First Congregational United Church of Christ, Belle Plaine, IA (United Church of Christ); Rev. Brian Wharton, Pastor, First United Methodist Church, Hawkins, TX (United Methodist Church); Rev. Sandy Williams, Reverend (Ret.), Founders MCC, Los Angeles, CA (Metropolitan Community Church); Rev. Christina Williams, Minister, North Falmouth Congregational Church, North Falmouth, MA (United Church of Christ); Rev. Mollie Williams, Reverend, Trinity Episcopal Church, Indianapolis, IN (The Episcopal Church); Pastor Paul Winterstein, Interim Pastor, Lutheran Church of the Good Shepherd Seattle, WA (Lutheran – Missouri Synod); Rev. Kimberly Wisecup, Pastor, Summit on 16th, Columbus, OH (United Methodist Church); Rev. Dr. Janet Wolfe, Reverend (Ret.), First Presbyterian Church, Marshfield, WI (Presbyterian Church (USA)); Rev. Shirley Wooden, Reverend (Ret.), Westminster Presbyterian, Rockford, IL (Presbyterian Church (USA)); Chaplain Laura Woods, On-call Chaplain, Local Hospital System, Edmond, OK (United Church of Christ); Rev. Mike Wright-Chapman, Minister of Spiritual Formation, Walk Humbly Spirituality Center, Arlington, TX (United Church of Christ); Rev. Sharon Wylie, Minister, Chalice Unitarian

App. 29

Universalist Congregation, Escondido, CA (Unitarian Universalist Association); Rev. Seth Wynn, Reverend, Agape MCC, Burleson, TX (Metropolitan Community Church); Matthew Zaradich, Deputy to General Convention, Episcopal Diocese of Chicago, All Saints' Episcopal Church, Chicago, IL (The Episcopal Church); Rabbi Elaine Zecher, Senior Rabbi, Temple Israel of Boston, Boston, MA (Jewish – Reform); Rabbi Rachel Zerlin, Rabbi, Temple Emanu-El, Providence, RI (Jewish – Conservative); and Rev. Phyllis Zillhart, Hospice Chaplain, Fairview Hospice, Minneapolis, MN (Lutheran – ELCA).
