IN THE

United States Court of Appeals

FOR THE FIFTH CIRCUIT

RIMS BARBER; CAROL BURNETT; JOAN BAILEY; KATHERINE ELIZABETH DAY; ANTHONY LAINE BOYETTE; DON FORTENBERRY; SUSAN GLISSON; DERRICK JOHNSON; DOROTHY C. TRIPLETT; RENICK TAYLOR; BRANDILYNE MANGUM-DEAR; SUSAN MANGUM; JOSHUA GENERATION METROPOLITAN COMMUNITY CHURCH,

Plaintiffs-Appellees,

—v.—

GOVERNOR PHIL BRYANT, STATE OF MISSISSIPPI; JOHN DAVIS, EXECUTIVE DIRECTOR OF THE MISSISSIPPI DEPARTMENT OF HUMAN SERVICES,

Defendants-Appellants.

(*Caption continued on inside cover*)

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI, JACKSON

BRIEF FOR *AMICI CURIAE* THE BISHOP OF THE EPISCOPAL DIOCESE OF MISSISSIPPI, GENERAL SYNOD OF THE UNITED CHURCH OF CHRIST, RECONSTRUCTIONIST RABBINICAL ASSOCIATION, RECONSTRUCTIONIST RABBINICAL COLLEGE AND JEWISH RECONSTRUCTIONIST COMMUNITIES, UNION FOR REFORM JUDAISM, UNITARIAN UNIVERSALIST ASSOCIATION, UNITED SYNAGOGUE OF CONSERVATIVE JUDAISM, COVENANT NETWORK OF PRESBYTERIANS, FRIENDS FOR LESBIAN, GAY, BISEXUAL, TRANSGENDER, AND QUEER CONCERNS, METHODIST FEDERATION FOR SOCIAL ACTION, MORE LIGHT PRESBYTERIANS, MUSLIMS FOR PROGRESSIVE VALUES, THE OPEN AND AFFIRMING COALITION OF THE UNITED CHURCH OF CHRIST, RECONCILING MINISTRIES NETWORK, RECONCILINGWORKS: LUTHERANS FOR FULL PARTICIPATION, AND RELIGIOUS INSTITUTE, INC. IN SUPPORT OF PLAINTIFFS-APPELLEES

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CAMPAIGN FOR SOUTHERN EQUALITY;
THE REVEREND DOCTOR SUSAN HROSTOWSKI,

Plaintiffs-Appellees,

—v.—

PHIL BRYANT, in his Official Capacity as Governor of the State of Mississippi;
JOHN DAVIS, in his Official Capacity as Executive Director of the
Mississippi Department of Human Services,

Defendants-Appellants.

Nos. 16-60477, 16-60478

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

RIMS BARBER; CAROL BURNETT; JOAN BAILEY; KATHERINE ELIZABETH DAY; ANTHONY LAINE BOYETTE; DON FORTENBERRY; SUSAN GLISSON; DERRICK JOHNSON; DOROTHY C. TRIPLETT; RENICK TAYLOR; BRANDILYNE MANGUMDEAR; SUSAN MANGUM; JOSHUA GENERATION METROPOLITAN COMMUNITY CHURCH, Plaintiffs-Appellees,

v.

GOVERNOR PHIL BRYANT, STATE OF MISSISSIPPI; JOHN DAVIS, EXECUTIVE DIRECTOR OF THE MISSISSIPPI DEPARTMENT OF HUMAN SERVICES, Defendants-Appellants.

CAMPAIGN FOR SOUTHERN EQUALITY; THE REVEREND DOCTOR SUSAN HROSTOWSKI, Plaintiffs-Appellees,

v.

PHIL BRYANT, in his Official Capacity as Governor of the State of Mississippi; JOHN DAVIS, in his Official Capacity as Executive Director of the Mississippi Department of Human Services, Defendants-Appellants.

CERTIFICATE OF INTERESTED PERSONS

The undersigned counsel of record certifies that the following listed persons and entities as described in the fourth sentence of Fifth Circuit Rule 28.2.1 have an interest in the outcome of this case. These representations are made in order that the judges of this court may evaluate possible disqualification or recusal.

1. Campaign for Southern Equality, Plaintiff-Appellee.

2. Susan Hrostowski, Plaintiff-Appellee.

3. Paul, Weiss, Rifkind, Wharton & Garrison LLP, Counsel for Plaintiffs-Appellees the Campaign for Southern Equality and Susan Hrostowski (the "CSE Plaintiffs-Appellees") (Roberta A. Kaplan and Joshua D. Kaye representing).

4. Dale Carpenter, Counsel for the CSE Plaintiffs-Appellees.

5. Fishman Haygood, LLP, Counsel for the CSE Plaintiffs-Appellees (Alysson Mills representing).

6. Rims Barber, Plaintiff-Appellee.

7. Carol Burnett, Plaintiff-Appellee.

8. Joan Bailey, Plaintiff-Appellee.

9. Katherine Elizabeth Day, Plaintiff-Appellee.

10. Anthony Laine Boyette, Plaintiff-Appellee.

11. Don Fortenberry, Plaintiff-Appellee.

12. Susan Glisson, Plaintiff-Appellee.

13. Derrick Johnson, Plaintiff-Appellee.

14. Dorothy C. Triplett, Plaintiff-Appellee.

15. Renick Taylor, Plaintiff-Appellee.

16. Brandiilyne Mangum-Dear, Plaintiff-Appellee.

17. Susan Mangum, Plaintiff-Appellee.

18. Joshua Generation Metropolitan Community Church, Plaintiff-Appellee.

19. McDuff & Byrd, Counsel for Plaintiffs-Appellees Rims Barber, Carol Burnett, Joan Bailey, Katherine Elizabeth Day, Anthony Laine Boyette, Don Fortenberry, Susan Glisson, Derrick Johnson, Dorothy C. Triplett, Renick Taylor, Brandiilyne Mangum-Dear, Susan Mangum, and Joshua Generation Metropolitan Community Church (the "Barber Plaintiffs-Appellees") (Robert B. McDuff, Sibyl C. Bird, and Jacob W. Howard representing).

20. Mississippi Center for Justice, Counsel for the Barber Plaintiffs-Appellees (Beth L. Orlansky, John Jopling, Charles O. Lee, and Reilly Morse representing).

21. Lambda Legal, Counsel for the Barber Plaintiffs-Appellees (Susan Sommer and Elizabeth Littrell representing).

22. Phil Bryant, in his official capacity as the Governor of the State of Mississippi, Defendant-Appellant.

23. John Davis, in his official capacity as Executive Director of the Mississippi Department of Human Services, Defendant-Appellant.

24. James Otis Law Group, LLC, Counsel for Defendant-Appellants Phil Bryant and John Davis (Jonathan F. Mitchell and D. John Sauer representing).

25. Alliance Defending Freedom, Counsel for Defendant-Appellants Phil Bryant and John Davis (Kevin H. Theriot representing).

26. Drew L. Snyder, Counsel for Defendant-Appellant Phil Bryant.

27. Office of the Attorney General for the State of Mississippi, Counsel for Defendant-Appellant John Davis (Tommy D. Goodwin, Paul E. Barnes, and Douglas T. Miracle representing).

28. *Amici Curiae* supporting Plaintiffs-Appellees: Rt. Rev. Brian R. Seage, Bishop of the Episcopal Diocese of Mississippi; General Synod of the United Church of Christ; Reconstructionist Rabbinical Association; Reconstructionist Rabbinical College and Jewish Reconstructionist Communities; Union for Reform Judaism; Unitarian Universalist Association; United Synagogue of Conservative Judaism; Covenant Network of Presbyterians; Friends for Lesbian, Gay, Bisexual, Transgender, and Queer Concerns; Methodist Federation for Social Action; More Light Presbyterians; Muslims for Progressive Values; The Open and Affirming Coalition of the United Church of Christ; Reconciling Ministries Network; Reconciling Works: Lutherans For Full Participation; Religious Institute, Inc. ("Religious *Amici* Supporting Plaintiffs-Appellees"). None of the Religious *Amici* Supporting Plaintiffs-Appellees issues stock or has a parent corporation that issues stock.

29. Kramer Levin Naftalis & Frankel LLP, Counsel for Religious *Amici* Supporting Plaintiffs-Appellees (Jeffrey S. Trachtman representing).

Respectfully submitted,

/S/ JEFFREY S. TRACHTMAN
JEFFREY S. TRACHTMAN

Attorney of Record for
Religious Amici *Supporting Plaintiffs-Appellees*

January 4, 2017

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STATEMENT PURSUANT TO FED. R. APP. P. 29(a) & 29(c)(5)

Pursuant to Rules 29(a) & 29(c)(5) of the Federal Rules of Appellate Procedure, the undersigned states that all parties have consented to the filing of this *amicus curiae* brief: Letters of consent to the filing of all *amicus curiae* briefs were filed by each party with the Clerk of the Court. The undersigned further states that no counsel for a party authored this brief in whole or in part, and no counsel for a party made a monetary contribution intended to fund the preparation or submission of this brief. In addition, no persons or entities other than the *amici curiae* joining this brief, their members, or their counsel made a monetary contribution to the preparation or submission of the brief.

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December 23, 2016

INTERESTS OF *AMICI CURIAE*

Amici curiae ("*Amici*") represent a broad range of religious stakeholders that affirm and cherish human dignity, freedom of religion and conscience, and equal rights. *Amici* represent diverse faith traditions 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 wrong for Mississippi to sanction discrimination based on the religious beliefs of only *some* citizens with respect to the dignity and place in civic life of LGBT persons and their families. Such discrimination violates the Establishment Clause and the Equal Protection Clause of the United States Constitution and inhibits, rather than protects, the Free Exercise of religion.

The individual interests of each of the *Amici* are listed in Addendum A to this brief.

INTRODUCTION AND SUMMARY OF ARGUMENT

Over a century and a half ago, Alexis de Tocqueville reflected on religion's central role in the birth of the English colonies in America and its "peculiar power" in the cultural life of the United States.[1] He simultaneously identified a necessary corollary at the heart of religious freedom: "In America religion has, if one may

[1] Alexis de Tocqueville, *Democracy in America*, Vol. II, Part 1, Ch. 1, at 432 (J.P. Mayer ed. (1969), George Lawrence trans. (1966), First Harper Perennial Modern Classics (2006).

put it so, defined its own limits. There the structure of religious life has remained entirely distinct from the political organization. It has therefore been easy to change ancient laws without shaking the foundations of ancient beliefs."[2]

Tocqueville may have been overly optimistic about the ease with which ancient laws submit to change. But his reflection remains strikingly relevant following the United States Supreme Court's decision confirming same-sex couples' freedom to marry and the subsequent passage of the law deemed unconstitutional by the District Court. Appellants and *amici* supporting them argue that HB 1523 protects, in a neutral way, the right to hold fast to ancient beliefs. In fact, both HB 1523 and the State officials supporting it would place a thumb – and, more specifically, a government-sanctioned *religious* thumb – on the scale of contemporary cultural debate involving gender identity and sexual orientation, even to the point of interfering with rights protected by the Constitution. Such government favoritism for one set of religious views further offends the First Amendment by demeaning and rendering second-class the beliefs of religious actors who do not adhere to the government-blessed doctrine.

Religious people and entities have every right to engage in this debate. But *Amici* here, who represent a diverse cross section of American religious belief and practice stretching back to colonial times, respectfully submit that they are in a

[2] *Id.* (paragraph break omitted).

unique position also to affirm that those whose religious and moral convictions are sincerely held should not fear that the foundations of their beliefs can be shaken in any ultimately harmful way by changes in secular law. *Amici* firmly hold that the proper antidote for any discomfort that social change imposes on religious believers is to be found within religion itself – not in the employment of secular law to protect *some* religious beliefs at the expense of *other* religious beliefs, or at the expense of other individuals' constitutional rights. The same may be said of employing some religious beliefs, but not others, to *fashion* secular state law. *Amici* accordingly submit that the judgment below should be affirmed as consistent with fundamental principles of both religious freedom and equal protection.

Reversal, in contrast, would do a disservice to both law and religion. As the Supreme Court once observed, the "first and most immediate purpose [of the Establishment Clause] rested on the belief that a union of government and religion tends to destroy government and to degrade religion." *Engel v. Vitale*, 370 U.S. 421, 431 (1962). As *Amici* demonstrate here, the American religious panorama embraces a multitude of theological perspectives on LGBT persons, as well as on the relationships of love and intimacy that these individuals form. Some longstanding pillars of the faith community – including the Episcopal Church, the General Assembly of the Unitarian Universalist Association, and the Union for Reform Judaism – explicitly objected to HB 1523. And millions of religious

individuals and leaders embrace LGBT persons *as persons* and, in many cases, support their civil and even religious unions. These views are widely embraced by Mainline and Evangelical Protestants, Roman Catholics, members of the Religious Society of Friends (Quakers), Jews of the Reconstructionist, Reform, and Conservative movements, as well as many individual Mormons, Muslims, and Orthodox Jews. Mississippians are no exception to this grand mosaic, and Mississippi faith leaders who are among *Amici* here reflect a growing embrace of equality within mainstream religions in this State and across the United States.

Confirming that HB 1523 is unconstitutional will not impinge upon religious doctrine or practice. Each religion or religious congregation will remain free, as now, to determine who satisfies its requisites for faith profession and to conceptualize marriage in keeping with their religious tenets. Affirmance will do *nothing* to undercut religious individuals' or entities' core freedoms of speech, association, and worship, which sometimes call for protection through exemptions or accommodations. *See, e.g., Hosanna-Tabor Evangelical Lutheran Church & Sch. v. EEOC*, 132 S. Ct. 694 (2012). On the other hand, the Supreme Court "ha[s] consistently held that the right of free exercise does not relieve an individual of the obligation to comply with a valid and neutral law of general applicability on the ground that the law proscribes (or prescribes) conduct that his religion prescribes (or proscribes)." *Emp't Div., Dep't of Human Res. of Oregon v. Smith*, 494 U.S.

872, 879 (1990) (quotation and citation omitted), *overturned on other grounds by legislative action* (Nov. 16, 1993).

Because existing legal rules balance religious exercise rights and duties imposed on all by public accommodation or other civil rights laws, *Amici* submit that the best way to ensure *all* people retain the First Amendment right to speak, preach, pray, and practice their religious beliefs with respect to gender and sexual orientation is by keeping the State neutral with respect to such beliefs. Affirmance in this case will not constitute an attack on religion or signal a judicial imprimatur on changing social mores. Rather, affirmance would recognize that the religious pluralism woven into the fabric of American law, culture, and society embraces creative tension, while confirming that all, regardless of faith, are entitled to equal protection under the law.

ARGUMENT

The American religious landscape is vast and diverse.[3] Religious adherents differ on contentious issues, and religious bodies have evolved and disagreed over

[3] A recent study confirmed that significant majorities of Americans believe in God (89%) and have some formal religious affiliation (76.5%). Pew Research Center, U.S. Religious Landscape Survey, *U.S. Public Becoming Less Religious* 3 (Nov. 3 2015), http://www.pewforum.org/files/2015/11/201.11.03_RLS_II_full_report.pdf; *see also America's Changing Religious Landscape*, Pew Research Center, 4 (May 12, 2015), http://www.pewforum.org/files/2015/05/RLS-08-26-full-report.pdf. But Americans also embrace diverse religious affiliations and viewpoints, including various Christian denominations, Jews, Muslims, Buddhists, Hindus, and others. *Id.* In Mississippi, 41% of the population has identified as Evangelical Protestant,

time, whether on marriage or other civil rights and social issues.[4] Given that history, and the wide range of modern religious thought on the dignity and place in civic life of LGBT persons and their families, it would be a mistake to elevate any one view on marriage, gender identity, or sexual orientation above all others as the "religious" or "morally convicted" view.[5]

Indeed, such elevation would be wrong, because the Constitution bars the government from privileging certain religious views over others. *Larson v. Valente*, 456 U.S. 228, 244 (1982). Constitutional jurisprudence over a century old makes clear that civil marriage is a secular institution. *Maynard v. Hill*, 125 U.S. 190, 210 (1888). Religious freedom means that all voices may contribute to the

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24% as Historically Black Protestant, 12% as Mainline Protestant, and 4% as Roman Catholic, with 14% unaffiliated. *Id.* at 146.

[4] For example, the American Baptist Church revised its earlier belief in church and social segregation by race. Pamela Smoot, *Race Relations, How Do Baptists Treat Their Brothers and Sisters?*, History Speaks, To Hard Questions Baptists Ask (2009), http://www.baptisthistory.org/smootracerelations.pdf. A prominent law and religion scholar also has noted that religions' shifting views on usury, the dissolubility of marriage, and slavery reveal "the displacement of a principle or principles that had been taken as dispositive." Michael J. Perry, *Religion in Politics*, 29 U.C. Davis L. Rev. 729, 772 n.94 (1996).

[5] For example, certain amici supporting Appellants contend that "[t]his case underscores the collision between religious liberty and LGBT rights" and that "*Obergefell* unleashed an assault on conscience, contrary to the Framers' intent that religion 'must be left to the conviction and conscience of every man.'" Brief of *Amici Curiae* North Carolina Values Coalition and Liberty, Life, and Law Foundation in Support of Defendants-Appellants and Reversal, at 12, 18 (Doc. 00513741529) ("NCVC *Amici*"). Respectfully, NCVC *Amici* do not speak for the consciences or religious convictions of undersigned *Amici* here, who support LGBT rights, and many of whom supported the *Obergefell* plaintiffs.

national conversation about marriage, but particular religious perspectives may not be elevated through the force of law over others, creating government endorsement for denying access to everyday incidents of civic life, including marriage, to religiously disfavored groups. This injures both the disfavored groups and religious actors holding views disfavored by the government. While "political debate and division, however vigorous or even partisan, are normal and healthy manifestations of our democratic system of government," such "division *along religious lines* was one of the principal evils against which the First Amendment was intended to protect." *Lemon v. Kurtzman*, 403 U.S. 602, 622 (1971) (emphasis added).

I. A Wide Cross-Section Of American Religious Traditions Recognizes The Dignity Of LGBT Persons And Their Relationships

Certain *amici* supporting Appellants have broadly argued that "[n]ew laws [that] symbolically declare same-sex intimacy acceptable . . . marginalize religious practice and doctrine."[6] *Amici* here respectfully submit that this paints a distorted portrait, ignoring that the religious practice and doctrine of *other* "[p]owerful religious voices [that] have shaped sexual morality for centuries"[7] – such as are

[6] NCVC *Amici*, at 8; *see also* Brief *Amicus Curiae* Of Christian Legal Society And National Association Of Evangelicals In Support Of Appellants And Reversal, at 4, 27, 29 (Doc. 00513744765) ("CLS *Amicus*") (repeatedly invoking "traditional religion" and "the traditional religious view of marriage").

[7] NCVC *Amici* at 8.

represented among *Amici* here – *have* deemed same-sex intimacy acceptable, and have done so independently of so-called "new" *secular* law.

Indeed, religious Americans increasingly affirm that the dignity of LGBT persons logically and theologically follows from the premise that all persons have inherent dignity. In some traditions, this affirmation affects religious practice – *e.g.*, in clergy ordination generally,[8] or more specifically with respect to selection for prominent religious leadership, as seen in the July 2016 election of the Rev. Dr. Karen Oliveto as the first openly lesbian bishop in the United Methodist Church.[9] In other traditions, this foundational premise has led to religious affirmation of gender identity diversity or same-sex unions, as further described below. Because such religious diversity undeniably exists, reversing the decision of the district court and sanctioning the purportedly neutral accommodation for "religion" sought by HB 1523 proponents[10] would only throw the weight of government squarely behind *one* increasingly challenged religious viewpoint, heightening societal

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[8] *See* Brief for *Amici Curiae* President of the House of Deputies of the Episcopal Church, *et al.*, Supporting Petitioners, *Obergefell v. Hodges*, 135 S. Ct. 2584 (2015) ("*Obergefell* Religious *Amici* Brief"), notes 17-18 and accompanying text (describing emergence in various U.S. faith traditions, beginning in late 1970s, of policies and norms governing lesbians and gays in ministry roles).

[9] Affirmation United Methodists for Lesbian, Gay, Bisexual, Transgender and Queer Concerns, *Affirmation Affirms Election of First Gay Bishop* (July 30, 2016), http://www.umaffirm.org/site/current-events/24-latest-news/140-affirmation-affirms-election-of-first-gay-bishop.html.

[10] *See generally* NCVC *Amici*, at 16-30.

divisions along religious lines – precisely what the Establishment Clause is meant to guard against. *See Lemon*, 403 U.S. at 622.

Religious respect for LGBT persons – including by "traditional" religions – is deep, but not new. Over thirty years ago, the United Church of Christ, with nearly one million members today, adopted a policy of membership nondiscrimination regarding sexual orientation.[11] 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."[12] Many other faiths similarly embrace the foundational theological belief in the dignity of LGBT Americans *as persons*. The Episcopal Church, the United Methodist Church, the Evangelical Lutheran Church in America, the Presbyterian Church (U.S.A.), the Unitarian

[11] Open and Affirming Coalition United Church of Christ: UCC Actions, *Resolution: Calling on United Church of Christ Congregations to Declare Themselves Open and Affirming* (1985), http://www.ucccoalition.org/about/history/ucc-actions/ (scroll and follow hyperlink for year 1985).

[12] Union of Reform Judaism: Resolutions, *Gay and Lesbian Jews* (1989), http://www.urj.org/what-we-believe/resolutions/gay-and-lesbian-jews. *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), http://borngay.procon.org/sourcefiles/CCAR_Homosexuality.pdf (last visited Apr. 29, 2014) ("all Jews are religiously equal regardless of their sexual orientation").

Universalist Church, Reconstructionist Judaism, and myriad others in Mississippi and nationwide adhere to this basic tenet.[13]

Meanwhile, as some legislatures increasingly focus on measures targeting transgender persons, religious bodies as diverse as the First Parish Church in Plymouth, Massachusetts – tracing its roots to the Pilgrims – and the Rabbinical Assembly's Committee on Jewish Laws and Standards have affirmed the rights of transgender and gender non-conforming persons.[14] And at the same time that Appellants urge this Court to uphold HB 1523 to protect some individuals' objections to so-called "transgender behavior,"[15] the Jewish Theological Seminary, founded in the late 19th century, has moved to designate two all-gender bathrooms, revise application procedures to address gender self-identification concerns, and

[13] *See Obergefell* Religious *Amici* Brief, notes 8-13 and accompanying text.

[14] First Parish in Plymouth, *Resolution Demanding That All Persons, Regardless of Sexual Orientation or Gender Identification, Receive Equal Treatment Under the United States Constitution and the Laws of the Land* (2013), http://firstparishplymouthuu.org/wp/wp-content/uploads/2014/07/Equal-treatment-lgbti-brief.pdf; The Rabbinical Assembly, *Committee on Jewish Laws and Standards, Resolution Affirming the Rights of Transgender and Gender Non-Conforming People* (2016) (urging all levels of government to review policies and practices to ensure full equality of transgender people under law, and encouraging all organizations affiliated with Judaism's Conservative movement to educate themselves and their employees about needs of transgender and gender non-conforming people), http://www.rabbinicalassembly.org/story/resolution-affirming-rights-transgender-and-gender-non-conforming-people (last visited Nov. 4, 2016).

[15] Appellants' Br. at 32 n.24.

adapt certain rituals to ensure that "individuals may be called to the Torah without the traditional gender-specific language 'son of' or 'daughter of.'"[16]

Religious individuals, too, have demonstrated an increasingly positive view of LGBT Americans. Four years *before* the *Obergefell* decision supposedly "unleashed an assault on conscience" and religion,[17] a notable study found that a majority of Americans *from most major religious groups* had positive moral and theological views of gay and lesbian people, including 62% of Roman Catholics, 63% of white Mainline Protestants, and 69% of non-Christian, religiously affiliated Americans.[18] Today, post-*Obergefell*, little over four out of ten Americans state that same-sex marriage runs counter to their religious beliefs.[19] Meanwhile, a majority of Mississippians (51%) *oppose* "allowing a small business owner in

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[16] Jewish Theological Seminary, *History of JTS*, http://www.jtsa.edu/history-of-jts (last visited Nov. 4, 2016); Uriel Heilman, *Even Orthodox Jews starting to wrestle with transgender issues*, Jewish Telegraphic Agency (Apr. 5, 2016), http://www.jta.org/2016/04/05/news-opinion/united-states/even-orthodox-jews-starting-to-wrestle-with-transgender-issues (last visited Nov. 4, 2016).

[17] NCVC *Amici* at 12.

[18] Robert P. Jones, Daniel Cox & Elizabeth Cook, Public Religion Research Institute, *Generations at Odds: The Millennial Generation and the Future of Gay and Lesbian Rights*, 18-20 (Aug. 29, 2011), http://publicreligion.org/site/wp-content/uploads/2011/09/PRRI-Report-on-Millennials-Religion-Gay-and-Lesbian-Issues-Survey.pdf.

[19] Betsy Cooper, *et al.*, *Majority of Americans Oppose Laws Requiring Transgender Individuals to Use Bathrooms Corresponding to Sex at Birth Rather than Gender Identity*, Public Religion Research Institute (Aug. 25, 2016), http://www.prri.org/research/lgbt-2016-presidential-election/.

[their] state to refuse to provide services to gay or lesbian people, [even] if doing so violates their religious beliefs" – an opinion shared by an even larger majority nationally (59%).[20] Individual liberties should not be subject to public opinion polls, but such data is instructive as to pluralism in religious viewpoints.[21]

In sum, clergy ordination policies, religious affirmation that LGBT persons possess the same inherent dignity as any other person, and congregations' express welcome to LGBT persons and their families make clear that HB 1523's express preference for some religious views over others with respect to LGBT persons and their relationships draws a stark line right across the fabric of Mississippi's – and America's – religious landscape. Precisely because the First Amendment aims to protect religious exercise, it should not be invoked in a way that will heighten religious divides over already-sensitive political differences.

II. Diverse Faith Groups And Religious Observers Affirm LGBT Persons' Relationships And Place In Civic Life

HB 1523 is purportedly intended to protect private conscience and belief. But the district court found that its effect is to stigmatize and exclude LGBT persons, their relationships, and families across wide swaths of civic life. Such exclusion offends rather than protects the religious beliefs of *Amici* here, and

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[20] *American Values Atlas*, Public Religion Research Institute (2015) http://ava.publicreligion.org/#lgbt/2015/States/srvref/m/US-MS (last visited Nov. 30, 2016).

[21] *See* discussion *supra*, note 3.

counters findings that a majority of Mississippians (54%) *support* "laws that would protect [LGBT] people against discrimination in jobs, public accommodations, and housing" – an opinion shared by a 71% majority nationally.[22] Indeed, certain undersigned *Amici* expressly opposed HB 1523's exclusionary purpose and effect. To cite but two examples, the Bishop of the Episcopal Diocese of Mississippi observed before HB 1523 was signed into law that his community "stands as one with our brothers and sisters in the LGBT community" because "[o]ur baptismal covenant requires that each of us will respect the dignity of every human being. It does not provide an exception to that respect" – unlike the exceptions in HB 1523 itself.[23] Union of Reform Judaism Rabbi Jeremy Simons, who testified before the district court (ROA. 16-60478.1172:14–17, 16-60478.1184:1–11, 16-60478.1185:3–1186:8), also spoke out against HB 1523: "You shall not oppress the stranger, for you were strangers in the land of Egypt . . . . You will read that 36

[22] *American Values Atlas*, Public Religion Research Institute (2015), http://ava.publicreligion.org/#lgbt/2015/States/lgbtdis/m/national (last visited Nov. 30, 2016).

[23] Statement by the Rt. Rev. Brian R. Seage, Bishop of the Episcopal Diocese of Mississippi, HB 1523 Press Release 033116 – In Light of Senate Passage, The Episcopal Church in Miss. (Mar. 31, 2016), http://www.dioms.org/dfc/newsdetail_2/3178220. After HB 1523 was signed, the Episcopal bishop decried the legislation for "effectively creat[ing] an additional class of citizens in Mississippi." Statement from the Bishop of the Diocese of Mississippi (Apr. 5, 2016), http://www.dioms.org/dfc/newsdetail_2/3178285.

times in the Bible. That is more than any other commandment by far . . . . This is not about religion . . . . This is about bigotry."[24]

In addition to these voices, all *Amici* attest that numerous and diverse religious traditions *affirm* LGBT persons' and relationships' place in civic life. Many faiths, each in their own way, specifically accord religious significance to the loving, committed *relationships* that same-sex couples enter. For example, nearly twenty years ago the South Central Yearly Meeting of Friends affirmed – as have approximately 250 other Quaker meetings across the nation – that it would endorse marriages of persons "under the care of Monthly Meetings without regard to gender."[25] The Evangelical Lutheran Church in America has described how "the neighbor and community are best served when same-gender relationships are

[24] Sierra Mannie, *Simons Says: HB 1523 'Is About Bigotry*, Jackson Free Press (July 6, 2016), http://www.jacksonfreepress.com/news/2016/jul/06/simons-says-hb-1523-about-bigotry/; *see also* Draft Minutes of 55th General Assembly of the Unitarian Universalist Association Held in Columbus, Ohio (July 8, 2016) (condemning HB 1523 and similar measures in other states), Unitarian Universalist Association: General Assembly, http://www.uua.org/ga (scroll and follow "General Assembly 2016"; then follow "DRAFT Minutes hyperlink) (last visited Nov. 30, 2016).

[25] Friends for Lesbian, Gay, Bisexual, Transgender, and Queer Concerns, *Collected Marriage Minutes*, South Central Yearly Meeting of Friends, *Minute* (1999), http://flgbtqc.quaker.org/minutes.html (last updated Nov. 16, 2015).

lived out with lifelong and monogamous commitments that are held to the same rigorous standards, sexual ethics, and status as heterosexual marriage."[26]

Support for same-sex relationships in religious doctrine and practice likewise has informed a diverse array of formal marriage rituals. In the wake of *Obergefell*, The Episcopal Church's General Convention (its highest legislative body) amended its canon law to recognize marriage between two persons, and authorized marriage ceremonies that refer to "the couple" or "spouses" as well as "husband" or "wife."[27] The Presiding Bishop of the Evangelical Lutheran Church of America afforded individual clergy and congregations the freedom to determine whether to solemnize same-sex marriages and to what degree such marriages are recognized.[28]

But such changes in religious marriage ritual do not simply flow from changes in secular law – in some instances, they long pre-dated *Obergefell*. For

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[26] Evangelical Lutheran Church in America, *Human Sexuality: Gift and Trust* 20 (Aug. 19, 2009), http://www.elca.org/Faith/Faith-and-Society/Social-Statements/Human-Sexuality.

[27] Journal of the 78th General Convention of The Episcopal Church, Resolutions 2015-A0136 & 2015-A0154, at 778-83 (New York: General Convention 2015), http://www.episcopalarchives.org/cgi-bin/acts/acts_resolution.pl?resolution=2015-A036, http://www.episcopalarchives.org/cgi-bin/acts/acts_resolution.pl?resolution=2015-A054.

[28] Letter of Elizabeth A. Eaton, Presiding Bishop of the Evangelical Lutheran Church in America (June 30, 2015), http://download.elca.org/ELCA%20Resource%20Repository/Letter_on_Supreme_Court_Decision.pdf?_ga=1.178451175.279518488.1472961181.

example, the Unitarian Universalist Association began celebrating the unions of same-sex couples in the same manner as any other consenting adult couple's union more than three decades ago.[29] Many other mainstream religions – including the United Church of Christ, the Presbyterian Church, the Evangelical Lutheran Church, and Conservative, Reform, and Reconstructionist Judaism – have moved towards some form of embracing *religious* recognition for same-sex unions.[30] The simple fact that even the more limited sphere of *religious* marriage in the United States exhibits a tremendous diversity of views and practices regarding same-sex unions undermines any ability to lay sole claim to being the bearer of "traditional religion" and "the traditional religious view of marriage," as certain *amici* supporting Appellants seem to do.[31]

Such religious diversity is of even greater moment in light of HB 1523's attempt to leverage the religious beliefs of *some* individuals to limit others' civil rights – specifically, but not only, with respect to equal access to secular incidents of civil marriage rights – like wedding reception spaces – made available to the general public. More than a century ago, the Supreme Court held that "marriage is often termed . . . a civil contract . . . *and does not require any religious ceremony for its solemnization*." *Maynard*, 125 U.S. at 210 (emphasis added). Recognizing

[29] *See generally Obergefell* Religious *Amici* Brief, note 30 and accompanying text.

[30] *Id.*, notes 24-33 and accompanying text.

[31] CLS *Amicus*, at 4, 27, 29.

that civil and religious marriage necessarily are different, and that diversity amongst their own theological perspectives undercuts any claim that religion speaks with one voice on marriage, *Amici* reject the premise that *some* religious views (or *any* religious views) should be permitted to dictate the scope of others' civil rights.

III. Affirming That HB 1523 Is Unconstitutional Will Not Impinge Upon The Fundamentals Of Religious Belief And Practice, But Rather Will Prevent One Set Of Religious Beliefs From Being Imposed Through Civil Law

Affirming the district court's decision will not threaten First Amendment freedoms to decide which forms of gender identity, sexual orientation, or marriage are (or are not) consistent with religious beliefs. Nor will affirmance unduly burden religious persons and institutions in pursuing public and business activities when claims of individual conscience appear to conflict with the requirements of civil rights laws that apply to everyone. To the contrary, reversal predicated on the notion, for example, that Mississippi could (under any standard of review) deny equal protection to one sub-group of couples legally entitled to marry in order to preserve the religious liberty of those who wished to discriminate against them would improperly favor one set of religious views (*e.g.*, rejecting civil marriage for same-sex couples on religious grounds) against other religious views (*e.g.*, like those of *Amici* here, favoring equal treatment under law for same-sex couples).

A. Affirmance Will Not Interfere With The Exercise Of Religious Freedoms, Including The Freedom To Teach Religious Principles Concerning Gender And Sexuality, Or To Set Parameters For Religiously Sanctioned Marriage That May Differ From Those Established Under Civil Law

Any purported concern on the part of Appellants that *Obergefell* rendered HB 1523 necessary in order to protect *religious exercise* from state interference in Mississippi is illusory. However government defines civil marriage or determines who has a constitutional right to participate in it, existing constitutional principles protect the autonomy of religious entities to teach *religious* principles concerning gender and sexuality and to define *religious* marriages to comport with their respective tenets. *See Hosanna-Tabor*, 132 S. Ct. at 709 (affirming principle that certain "matter[s are] 'strictly ecclesiastical,'" meaning they are "the church's alone") (citation omitted). In this manner, religion and the state respect each other's own proper realm. *See generally McCollum v. Bd. of Educ.*, 333 U.S. 203, 212 (1948) ("[T]he First Amendment rests upon the premise that both religion and government can best work to achieve their lofty aims if each is left free from the other within its respective sphere.").

The Supreme Court explicitly affirmed this premise with respect to marriage in *Obergefell*:

> [I]t must be emphasized 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. The First

> Amendment ensures that religious organizations and persons are given proper protection as they seek 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. The same is true of those who oppose same-sex marriage for other reasons. In turn, those who believe allowing same-sex marriage is proper or indeed essential, whether as a matter of religious conviction or secular belief, may engage those who disagree with their view in an open and searching debate.

135 S. Ct. at 2607. *Amici* supporting Appellants concede that *Obergefell* protects religious adherents' First Amendment rights.[32] They nevertheless assert HB 1523 was necessary to ensure that, *e.g.*, pastors are not "forc[ed] . . . to perform a same-sex wedding in violation of his religious convictions" and that houses of religious worship are not "require[ed] . . . to host a same-sex wedding in violation of the adherents' religion."[33] This purported concern is, of course, completely specious.

It bears repeating that our Constitution's longstanding respect for religious autonomy has permitted various religions to enforce religious sexual norms or define religious marriage in ways that would be unenforceable under civil law –

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[32] Brief for the States of Texas, Arkansas, Louisiana, Nebraska, Nevada, Oklahoma, South Carolina, Utah, and Paul R. Lepage, Governor of Maine, as *Amici Curiae* in Support of Appellants (Doc. No. 00513744771) ("States *Amici*"), at 2, 5 (citing *Obergefell*, 135 S. Ct. at 2607).

[33] *Id.* at 4; *see also id.* at 27 (arguing that protections on basis of sexual orientation in Jackson, Mississippi's antidiscrimination ordinance mean that "a Catholic priest who performs traditional marriage ceremonies would face the choice of performing same-sex weddings in violation of his faith or risk the City's retaliation and substantial legal fees to defend the lawfulness of his choices.").

e.g., declining to sanctify or even recognize marriages between persons of different faiths and races, or successive marriage following divorce. Conservative Judaism, for example, prohibits interfaith marriages,[34] as did the Roman Catholic Church's Code of Canon Law for much of the twentieth century.[35] The Mormon Church discouraged interracial marriage well after the Supreme Court ruled in *Loving v. Virginia*, 388 U.S. 1 (1967), that the Constitution requires states to allow interracial civil marriages.[36] And Roman Catholic priests "cannot recognize the union of people who are civilly divorced and remarried,"[37] even though states do.

The existence and persistence of such differences show why affirmance here will not burden core religious liberty. Even after Mississippi began to recognize and license the civil marriages of same-sex couples – as it previously did for interfaith couples, interracial couples, and couples re-marrying after divorce – religions that disapprove of such unions, and their adherents, have remained free to

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[34] Leadership Council of Conservative Judaism, *Conservative View on Intermarriage* (Mar. 7, 1995), http://www.mazorguide.com/living/Denominations/conservative-intermarriage.htm.

[35] Michael G. Lawler, *Interchurch Marriages: Theological and Pastoral Reflections, in* Marriage in the Catholic Tradition: Scripture, Tradition, and Experience 222 (Todd A. Salzman, *et al.*, eds., 2004).

[36] *See Interracial Marriage Discouraged*, The Deseret News, June 17, 1978, at 4 ("Now, the brethren feel that it is not the wisest thing to cross racial lines in dating and marrying." (quoting President Spencer W. Kimball in a 1965 address to students at Brigham Young University)).

[37] United States Conference Of Catholic Bishops, *Compendium – Catechism Of The Catholic Church*, ¶ 349 (2006).

define *religious* marriage however they wish. Any faith may 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 marital status, deviation from sexual norms, or any other characteristic deemed religiously significant. The Constitution's religious freedoms guarantee that diverse religious traditions and beliefs, including the sole right to define who can marry *religiously*, will flourish regardless of post-*Obergefell* changes in civil marriage laws.

B. Affirmance Will Not Impermissibly Burden Religious Individuals And Entities In Governing Their Own Public And Business Affairs

HB 1523's proponents also have expressed concern for the free exercise rights of religious or other morally convicted individuals opposed to gender identity diversity or same-sex couples' marriage rights in the civic and commercial realms. Appellants' purported concern appears to relate mainly to the enforcement of public accommodation laws that protect individuals from discrimination on account of sexual orientation where such laws exist, rather than marital status.[38] But the fact that same-sex couples now may marry civilly does not create an undue *religious exercise* burden for religious business owners who do not wish to serve same-sex couples.

[38] *See, e.g.*, States *Amici*, at 17-28.

The law recognizes a critical distinction between religious exercise in its own right – which subsection III(A), above, makes clear is at no risk if HB 1523 is unconstitutional – and scenarios where religious convictions may inform a private actor's conduct in the public sphere. On the one hand, the Supreme Court not long ago ruled that an employment discrimination claim by the former employee of a religious institution had to yield to the employer's First Amendment right to determine who qualifies as a minister under its *religious* understanding of that term. *Hosanna-Tabor* 132 S. Ct. at 707, 709. On the other hand, even firmly held religious beliefs do not require *carte blanche* exemption from obligations uniformly imposed by civil law that do not target religious practice. *See, e.g.*, *Smith*, 494 U.S. at 890 (holding state may deny unemployment benefits to person fired for unlawful use of peyote, even where drug was used for religious ritual); *Gillette v. United States*, 401 U.S. 437, 461 (1971) (sustaining military selective service against free exercise claim by those opposing a particular war on religious grounds, noting that Supreme Court decisions "do not at their farthest reach support the proposition that a stance of conscientious opposition relieves an objector from any colliding duty fixed by a democratic government.").

Here, religious individuals or institutions acting in a more secular sphere – such as by providing for-profit wedding services available to all – can be required to balance their First Amendment liberties with their obligation to obey applicable

civil rights laws. A wedding facility owner must be permitted to embrace his belief that an interracial marriage should not be religiously solemnized – and to preach that belief publicly. But he simultaneously may be penalized for refusing to rent his wedding facility to an interracial couple. Even assuming he views providing wedding venue services through the *lens* of his faith, he is not engaged in religious exercise *per se* in choosing to rent his facility to the public. He must accept the fact that a "colliding duty fixed by a democratic government" – such as a duty not to discriminate on the basis of race – does not give way in the face of his religious beliefs. *Id*.

In jurisdictions that have public accommodation laws protecting LGBT persons, the distinction is the same. Same-sex couples have a constitutional right to marry. No law impinges the hypothetical facility owner's right to disapprove of the marriage of two men on religious grounds. But as a provider of services to the general public, he cannot claim an absolute, free exercise right to deny that couple service for the very same reason. *See id*. Indeed, a great many religious Americans recognize the importance of that distinction. White evangelical Protestants excepted, "majorities of every major religious group – including 68% of white mainline Protestants, 68% of black Protestants, 63% of Catholics, 77% of non-Christian religious Americans, and 74% of religiously unaffiliated Americans

– oppose allowing small business owners to deny service to gay and lesbian individuals on the basis of the owners' religious beliefs."[39]

Enforcing public accommodation laws that do not unduly burden *religious practice* – as opposed to commercial practice by religious people – does not violate the Free Exercise Clause. And an existing body of law governs the appropriate scope of public accommodation laws in rare cases where their enforcement may give rise to general free expression concerns. But a wholesale exemption from such laws for those who hold particular religious views is not warranted simply because "those who hold traditional religious and moral convictions" may face social or political disapproval for engaging in discrimination.[40] The First Amendment protects opinion, but does not insulate one person's expression of opinion from others' right to criticize it.

C. Reversal Will Harm Religious Individuals And Entities, Such As Are Represented By *Amici* Here, Whose Religious Views And Practices Do Not Comport With The Government-Sanctioned Religious Views Favored In HB 1523

Giving special protection to "those who hold traditional religious and moral convictions," as urged by some *amici* supporting Appellants, would cause real

[39] Cooper, *supra* note 19.

[40] *See, e.g.*, Brief of *Amicus Curiae* Foundation for Moral Law in Support of Defendant-Appellant Governor Phil Bryant, at 15 (Doc. 00513743601) (arguing that "it is those who hold traditional religious and moral convictions who are threatened with stigma").

harm. Reversal would confer state sanction on the religious beliefs of those who favor the views protected by HB 1523 and thereby deem second-class the beliefs of religious individuals and entities such as are represented by *Amici* here. The State should not wade into the religious waters appurtenant to today's cultural battlefields, but rather should leave to religious (and non-religious) people the task of debating the religious significance of differing norms regarding gender identity, sexual orientation, and civil marriage rights. As certain *amici* supporting Appellants themselves observe, the Free Exercise Clause shares an amendment with the Free Speech Clause.[41] Undersigned *Amici* respectfully submit that robust enforcement of *all* constitutional guarantees best ensures all voices' equal access to discourse in the public square.

Since this Nation's founding, the concept of religious liberty has included the equal treatment of all faiths without discrimination or preference. *See Larson*, 456 U.S. at 244 ("The clearest command of the Establishment Clause is that one religious denomination cannot be officially preferred over another."). Government action that places a specifically *religious* thumb – or, rather, a thumb associated with *specific religious tenets* but not others – on the scale of public debate involving gender identity and marriage rights for same-sex couples is wrong. That is what HB 1523 does, and in doing so it violates both the Establishment Clause

[41] States *Amici*, at 16-17.

and the Equal Protection Clause. Such discrimination harms individual LGBT people simply trying to exercise their basic rights in civil society, and also injures religious entities and individuals who see the force of law placed behind religious ideas antithetical to their own. By affirming the judgment below, this Court will ensure that civil law neither favors nor disfavors any particular religious viewpoint, even as it affirms that individual faith communities and individual religious believers remain free to determine for themselves whether to accord religious sanction to particular persons or their unions.

CONCLUSION

For the foregoing reasons, *Amici* respectfully submit that the Court should affirm the judgment of the court below that HB 1523 is unconstitutional.

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE WITH FED. R. APP. P. 32(a)

1) This brief complies with the type-volume limitation of Fed. R. App. P. 32(a)(7)(B) & 29(b) because this brief contains 6,055 words, excluding the parts of the brief exempted by Fed. R. App. P. 32(a)(7)(B)(iii).
2) This brief complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type style requirements of Fed. R. App. P. 32(a)(6) because this brief has been prepared in a proportionally spaced typeface using Microsoft Word 2010 in 14-point Times New Roman font.

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CERTIFICATE OF SERVICE

I hereby certify that on January 4, 2017 I electronically mailed the foregoing to the Court's Case Managers for review.

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ADDENDUM A: STATEMENTS OF INTEREST OF *AMICI CURIAE*

Amicus curiae Rt. Rev. Brian R. Seage is the Bishop of the Episcopal Diocese of Mississippi. The Episcopal Bishop supports the availability of civil marriage to all people, regardless of sexual orientation.

Amicus curiae General Synod of the United Church of Christ is the representative body of the this Protestant denomination of nearly one million members worshipping throughout the United States.

Amicus curiae 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.

Amicus curiae Reconstructionist Rabbinical College and Jewish Reconstructionist Communities educates leaders, advances scholarship, and develops resources for contemporary Jewish life.

Amicus curiae Union for Reform Judaism, whose 900 congregations across North America *include* 1.3 million Reform Jews, is committed to ensuring equality for all of God's children, regardless of sexual orientation.

Amicus curiae Unitarian Universalist Association was founded in 1961 and has nurtured a heritage of providing a strong voice for social justice and liberal

religion. Unitarian Universalism is a caring, open-minded faith community that traces its roots in North America back to the Pilgrims and the Puritans.

Amicus curiae United Synagogue of Conservative Judaism ("USCJ") is the congregational arm of Conservative 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.

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

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

Amicus curiae 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.

Amicus curiae More Light Presbyterians represents lesbian, gay, bisexual, and transgender people in the life, ministry, and witness of the Presbyterian Church (U.S.A.) and in society.

Amicus curiae 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.

Amicus curiae The Open and Affirming Coalition of the United Church of Christ represents 1,200 congregations in the UCC with nearly 250,000 members that, after a period of study, dialogue and prayer, have adopted a covenant of welcome to lesbian, gay, bisexual and transgender Christians. Open and Affirming churches support the relationships of their LGBT members, recognize their marriages, and advocate for their LGBT neighbors when their rights or dignity are under attack.

Amicus curiae 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.

Amicus curiae Reconciling Works: Lutherans For Full Participation embodies, inspires, advocates and organizes for the acceptance and full participation of people of all sexual orientations and gender identities within the Lutheran communion, its ecumenical and global partners, and society at large.

Amicus curiae Religious Institute, Inc. is a multi-faith organization whose thousands of supporters include clergy and other religious leaders from more than 50 faith traditions. The Religious Institute partners with the leading mainstream and progressive religious institutions in the United States.