



Dated: June 13, 2016

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*\*Pro hac vice application forthcoming*

**CERTIFICATE OF SERVICE**

I hereby certify that, on June 13, 2016, I electronically transmitted the above and foregoing document to the Clerk of the Court using the ECF system for filing.

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Social Work from the University of Southern Mississippi, and a Ph.D in Social Work from Tulane University.

4. I was ordained as an Episcopal priest in 1988 and I am the vicar of St. Elizabeth's Episcopal Church in Collins, Mississippi.

5. Before coming to St. Elizabeth's, I served St. Paul's Episcopal Church in Meridian, MS, a large downtown parish with about 500 members, and Holy Trinity Episcopal Church in Fayetteville, NC, also a large congregation.

6. My church now, St. Elizabeth's, is a small congregation, known in the community for its annual Mardi Gras Pancake suppers, its ministry to local foster children, and its beautiful outdoor chapel.

7. As an Episcopal Priest, I help my congregation and community celebrate life-cycle events from baptisms to funerals. I find particular joy in joining couples—both gay and straight—in holy matrimony.

8. Kathryn Garner and I have been together as a couple for nearly 27 years.

9. We had a religious ceremony 23 years ago, and were legally married on June 17, 2014 in an Episcopal wedding held at Washington National Cathedral in Washington, D.C. At our wedding, our now 16-year-old son, Hudson served as our best man.

10. My wife Kathy and I were plaintiffs in *Campaign for Southern Equality v. Mississippi Department of Human Services*, No. 3:15cv578-DPJ-FKB, filed September 11, 2015, in which we sought the legal right for me to adopt our son, Hudson, and become his legal parent alongside my wife.

11. Our son, Hudson, published an article in the Huffington Post about our case entitled “My Day in Court.” I have attached a true and correct copy of that article hereto as Exhibit A.

12. I am Christian and belong to the Episcopal Church.

13. I have many sincerely held religious beliefs, including the belief that the sacred institution of marriage is open to all loving couples and in the vital importance of joining together in Christian prayer.

14. Indeed, the Bishop of the Episcopal Church of Mississippi, in a letter dated June 3, 2016, the Rt. Rev. Brian R. Seage, Bishop of Mississippi, gave permission for congregations and clergy in the Diocese of Mississippi to use specific liturgies to perform marriage “for all couples legally entitled to marry.” I have attached hereto as Exhibit B a true and correct copy of Bishop Seage’s letter.

15. In that letter, Bishop Seage explained that “[w]ith this letter and effective immediately, I give permission to the congregations and clergy of the Diocese of Mississippi, canonically resident or licensed to serve here, to use the liturgies included in Liturgical Resources I: I will Bless You and You Will Be A Blessing, Revised and Expanded 2015. With The Book of Common Prayer (1979), these liturgies permit marriage in church for all couples legally entitled to marry, and are to be used according to the instructions and ‘rubrics’ that accompany them, and for the purposes for which they are intended.” *See* Ex. B at 1. He further noted that, “[w]hile these changes are beyond what we spoke of at Council in Biloxi, I believe that the changes are warranted in order to provide pastoral and spiritual support for everyone in our Diocese. I am aware that any change brings anxiety, but I’m also aware of the grace-filled way our church has walked together and supported the differing viewpoints that exist. I’m

calling on all of us to be pastors to each other. . . . I did not get to this point in my faith journey ‘lightly or unadvisedly.’ I arrived here after a lot of prayer and discernment, as well as engagement with Holy Scripture, the traditions of the Church and human reason.” *Id.* at 2.

16. I agree with Bishop Seage. My religious beliefs, like all Episcopalians’, are based on the teachings of Jesus Christ. Chief among those teachings is to “seek and serve Christ in all persons, loving your neighbor as yourself” and “strive for justice and peace among all people, and respect the dignity of every human being.” The Baptismal Covenant, Book of Common Prayer 305 (1979).

17. At my church I believe in welcoming all people. Episcopal doctrine calls on us to respect those who are different or hold different opinions from us and therefore we celebrate diversity within our faith community.

**My Sincerely Held Religious Beliefs are Burdened by HB 1523**

18. My family’s sincerely held religious beliefs have been harmed in significant ways by HB 1523.

19. When HB 1523 passed, it sent a clear message to me that my religious beliefs were less important and less worthy of protection than the three preferred religious beliefs that are granted special treatment by HB 1523.

20. As a devout Episcopalian, I felt deeply alienated and excluded when Mississippi, in passing HB 1523, blatantly extended benefits to a subset of favored Christian sects and denominations, but did not recognize my religious beliefs.

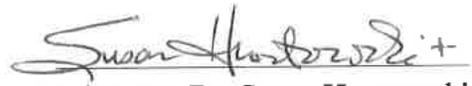
21. And as a married lesbian, and a mother to a son with two moms, HB 1523 also causes significant burdens on my family life. The state has gone out of its way to demean our

family and deny us the dignity enjoyed by other families in our state, and we worry that we will be subject to discrimination as a result of this law.

22. Kathy and I now constantly worry live in fear that a restaurant could refuse to seat our family if they viewed our dinner date as a celebration of our marriage. We also no longer feel safe to travel, because a hotel could refuse to let us stay in a room together. I would not have this fear if HB 1523 had not been passed.

23. Since Mississippi declared that neither the church to which I have devoted my life nor my wife with whom I share that devotion are worthy of respect, dignity, or equality under the law, I have felt deeply humiliated, stigmatized, and condemned by the State I call home.

Executed on June 13, 2016.

  
The Rev. Dr. Susan Hrostowski

# **EXHIBIT A**

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## THE BLOG

# My Day in Court

🕒 12/22/2015 09:39 am ET | Updated Feb 02, 2016

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 Hudson Garner  
15-year-old sophomore at Sacred Heart High School

"All rise," said the bailiff.

As the well-respected, well-spoken judge came in, the court room became silent. You could hear a pin drop in the enormous and intimidating room. Court security officers lined the walls. Adrenalin pumped through my veins and I felt more scared than the first time I found out I would be going to court with my parents to try to get the right for my mom, Susan, to legally be my mother.

Several weeks earlier, my parents called me out of my room. "Hey, Hud, come here we have to ask you something!" said my mom Kathy, my other mother.

Paranoid, I went through my mind trying to figure out what they knew that could get me grounded. But I wasn't going to get grounded. Susan chimed in asking me, "Would you like me to legally adopt you?"

"Hell yes," I replied. Then they asked if I would mind my name being printed in all of newspapers around the world, as well as other publicity. History was in the making. Of course, I said yes.

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# H





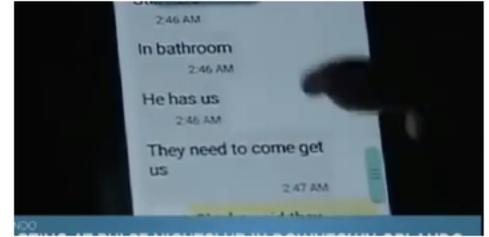
A crowd of people including my family, another family like mine and a different family trying to become foster parents gathered in the courtroom. When the judge called the court to order, the boring part began. Once the arguments had begun, our prestigious and almost rock star-like lawyer, Roberta Kaplan, had to stop multiple times to slow down and repeat what she said in her fast, New York accent so the court reporter could catch up. Ms. Kaplan's job was to explain our case to the judge, tell him all of the many reasons why this law should be declared unconstitutional and describe the damage it has caused to the many gay couples all across Mississippi.

Then the Governor's lawyers got up to tell their pointless points about why the law should be enforced. I felt hostile and angry towards them. As an athlete, I saw them as our competition. The obviously unprepared lawyers said that the Department of Human Services did home studies but did not decide if couples could adopt and that my family and the other family like ours should not even be here because we did not file for an adoption, when in fact it is illegal to even do that.

Then the fun part began. The entire court room got to hear three witnesses, Donna Phillips, my mom (Susan Hrostowski) and Dr. Powell (a professor from Indiana University). Mrs. Phillips took the stand answering questions from our other lawyer, Josh Kaye, another prestigious attorney who works with Ms. Kaplan. Mrs. Phillips' saddening testimony hit exactly the points Josh wanted. Then he asked "How is

H

### The Chilling Texts A Mother Received From Her Son In Orlando Gay Bar: 'He Has Us' (UPDATE)



### Deadliest Mass Shooting In U.S. History Leaves 50 Dead At Gay Orlando Nightclub



### Orlando Gunman's Father Says Son Was Upset By Gay Kiss, Not Motivated By Religion



### Bask In The Glow Of Adele Telling Critics To 'Suck My Dick' Mid-Concert



### The Orlando Massacre: A Reminder of the Dangers LGBT People Live With Every Day



Mrs. Phillips replied saying, "They have tried to take custody of our daughter and we haven't spoken since we filed this lawsuit." Then she began to cry.

Fear.

Fear is all that crossed my mind next. Susan was up. She talked about how great of a kid I am and how the law has affected us financially as well as emotionally. She said that I would be going to college soon and that since the University of Southern Mississippi did not recognize her as my legal parent I could not get half off like other employees whose children go to USM (My mom works there). She also said that she loves me more than anyone could ever love me and that she has always been there for me. She did this perfectly, just how she practiced many times before. She is actually my mom. Not legally, but emotionally.

Then the professor came up to the stand said that he has written multiple research papers on children living with two parents of the same sex and his studies had shown that kids like this end up equally or even better off than children with heterosexual parents.

By this time I thought we had sealed our victory. All three of these witnesses testified perfectly. All that was left was the rebuttal and a few legal procedures, but I was not thinking of them. I zoned out thinking about how I admire both of my parents. They have always stood up for things they have believed in even when people did not support them. My parents took a huge step not only for themselves, but also for many other gay couples all around the world. They made history and I couldn't be more proud of them.

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# **EXHIBIT B**



THE  
EPISCOPAL  
CHURCH®  
IN MISSISSIPPI

The Rt. Rev. Brian R. Seage  
Bishop

June 3, 2016

Dear Friends,

At Diocesan Council in January, I promised parish resources for discussions on same-sex marriage. Thank you for your patience while I gathered and prepared resources for your use. I promised the resources would be available during the Easter season — I apologize for taking beyond the great 50 days to deliver! I am indebted to a small group of clergy who assisted and advised me in the creation of these materials. Further, I owe a debt of gratitude to clergy and lay leaders who spoke openly with me about the Church's pastoral response, as well as community anxiety related to marriage equality. Time spent on retreat last fall with a diverse group of clergy was also a powerful and formative experience for me.

*With this letter and effective immediately, I give permission to the congregations and clergy of the Diocese of Mississippi, canonically resident or licensed to serve here, to use the liturgies included in Liturgical Resources I: I Will Bless You and You Will Be A Blessing, Revised and Expanded 2015. With The Book of Common Prayer (1979), these liturgies permit marriage in church for all couples legally entitled to marry, and are to be used according to the instructions and “rubrics” that accompany them, and for the purposes for which they are intended.*

This significant modification of our former Diocesan policy means that parishes and missions are no longer required to engage in a process of discernment and study, culminating with formal vestry action and submission to me of a petition requesting approval to perform same-sex weddings. Since the sacrament of marriage occurs within a community of faith, and is an outward and visible sign of the care and support extended to a couple, *I strongly encourage parishes and missions to engage in such discernment and study if that has not already been completed.* The resource page is intended to assist parishes and missions that may want to have conversations on this very important matter.

This next statement is important: While General Convention 2015 made multiple changes to the Marriage Canon, one part of the Canon did not change: **“It shall be within the discretion of any member of the clergy of this Church to decline to solemnize or bless any marriage (Canon I.18.7).”** Clergy have always had the discretion to marry, or not marry, any specific couple for any reason — this continues to be the case. While individuals or the vestry of a congregation may offer wisdom, influence and other concerns, I want to emphasize the decision remains with the priest in charge of the parish. The LGBT community does not want to be a “lightning rod” for conflict within their church home! It is critical for you to understand your parish's ability to respond when asked if they will support this couple in their new life in Christ.

John Maury Allin Episcopal Diocesan House

P.O. Box 23107, Jackson, MS 39225-3107 • 118 North Congress Street, Jackson, MS 39201-2604

Phone: (601) 948-5954 • To -free: 866-550-0872 • Fax: (601) 354-3401 • E-Mail: [nfo@d.oms.org](mailto:nfo@d.oms.org) • Website: [www.d.oms.org](http://www.d.oms.org)

Facebook: [www.facebook.com/TheEpiscopalChurchinMississippi](http://www.facebook.com/TheEpiscopalChurchinMississippi) • Twitter: @EpiscopalMS #benightchurch

It is my responsibility as bishop to provide access to the marriage liturgies approved for trial use by General Convention 2015. I realize that some of our clergy are willing to officiate and solemnize the marriage of same sex couples while others are not. I respect the faith and ministry of anyone who is unable “*to solemnize the marriages of same sex couples, because of their own conscience or because of their determination that to do so would cause irreparable harm to the unity of the congregation they serve. All clergy have my support, and will not face any disciplinary measures simply because of their personal theological position (Skirving - 2015).*” My only request is that you refer, to me, any same sex couple seeking marriage, so arrangements can be made to offer these services of the church.

While these changes are beyond what we spoke of at Council in Biloxi, I believe that the changes are warranted in order to provide pastoral and spiritual support for everyone in our Diocese. I am aware that any change brings anxiety, but I’m also aware of the grace-filled way our church has walked together and supported the differing viewpoints that exist. I’m calling on all of us to be pastors to each other.

While discerning this call to the episcopate, I spoke openly and honestly at the diocesan “walk-about” and other venues about my support for marriage equality and full inclusion for the LGBT community. I did not get to this point in my faith journey “lightly or unadvisedly.” I arrived here after a lot of prayer and discernment, as well as engagement with Holy Scripture, the traditions of the Church and human reason.

In these initial two years of my Episcopate, I’ve learned a great deal from men and women who do not share my opinion on this subject. Thank you for taking the time to speak with me while patiently sharing your concerns. I have emerged from those conversations enlightened by your faith and commitment to Christ. Further, you have clearly and carefully showed how your opinions are grounded, like mine, in discernment, prayer and study. We both hold divergent, yet strongly held, religious beliefs. Our Anglican history is very important to me as I know it is to you. I believe in the “via media” we represent and further believe that it is possible for scripture, tradition, and reason to support differing theological viewpoints. I know that differing viewpoints can create great discomfort. I’m certain there are many who agree with me. I’m also certain there are many who disagree with me. Further, I’m certain there are faithful individuals on both sides of the issue who have already left the church.

I pray that our Diocese will do what it does best, by ***being one church***. Specifically, we must continue to be a place of welcome to all people and a community centered in Christ, while affirming and nurturing the theological diversity of all people. I believe we can be a Church that promotes unity among its membership while simultaneously reaching out, in the name of Christ, to the world at large. Our baptismal covenant calls each of us to welcome, respect, and value those who are different, or hold different opinions, from us while expecting the same in return.

I continue to use the hashtag #being1church, yet, I am very aware of the variety of divergent opinions in this area. I pray that this letter and the attached resources will provide a way for our congregations to be together in spite of the well-constructed theological differences that exist. I am confident that our clergy and vestries will exercise the sort of leadership that will allow congregations to honor and respect all of their members, even across significant differences.

I humbly ask the LGBT community to continue to have patience with me and our Church. Your sacrifices through the years have been a ministry above and beyond the selfless giving you offer your faith communities. Please know that even if you have worshiped in a specific church for years, and are active in their ministry, there remains the possibility that the church and priest

may be unable to officiate at your wedding. Please find a way to be patient with them as they work with me to find a priest willing to solemnize your marriage. Remember that I have committed to making these services available to all members of the church.

Allow me to close by simply saying I'm sorry to all who are hurt by these actions as well as past action or inaction of the church. I suspect the list is long and includes people on both sides of this issue. I strongly believe that we are a church that can live as part of the *via media*. I strongly believe that we can still be *One Church* in spite of significant differences of opinion. As I've said before, whether clergy or lay we are called to live into our baptismal covenant ... respecting the dignity of every human being. I am confident that the Diocese of Mississippi can do that in spite of differences of opinion and thought. Please call on me if you have any questions but be patient — I suspect my inbox and voicemail will be quite full for a little while.

On the diocesan webpage ([www.dioms.org](http://www.dioms.org)) you can now find a *Marriages and Blessings* resource page under the drop-down menu entitled *Resources*. The links provided offer the assistance of which I spoke; please feel free to adapt these as necessary for your use. We intentionally tried to offer balanced material offering a comprehensive approach to any discussion. In particular, I commend to you the material *I Will Bless You and You Will be a Blessing*, which contains excellent essays written by people on both sides of the issues at hand.

Thank you for your ministry — May the Peace of the Lord be always with you,

+Brian R. Seage (signed)

The Rt. Rev. Brian R. Seage  
Bishop of Mississippi



3. I am the Executive Director of the Campaign for Southern Equality. I am also an ordained minister in the United Church of Christ.

4. We work across the South to promote the full humanity and equality of lesbian, gay, bisexual, and transgender people in American life.

5. We incorporated in 2011 in order to advocate for the full equality of LGBT people in American life and to increase public support for their rights.

6. We provide free legal clinics and resources to help LGBT Southerners protect their rights; engage in litigation to vindicate the rights guaranteed by the Constitution of the United States; and provide organizational support and training to local LGBT leaders.

7. Since 2012, we have worked actively with LGBT people across Mississippi. These efforts have included public advocacy promoting marriage equality, town hall events about LGBT equality, and free legal clinics.

8. We have been recognized as a proper institutional plaintiff with standing to sue on behalf of its members in two separate lawsuits challenging Mississippi's laws banning marriage between gay couples and adoption by gay couples. *Campaign for S. Equal. v. Bryant*, 64 F. Supp. 3d 906, 917–18 (S.D. Miss. 2014) (“*CSE I*”), *aff'd*, No. 14-60837, 2015 WL 4032186 (5th Cir. July 1, 2015); *Campaign for S. Equal. v. Miss. Dep't of Human Servs.*, \_\_\_ F. Supp. 3d \_\_\_, 2016 WL 1306202, at \*11 (S.D. Miss. Mar. 31, 2016) (“*CSE II*”).

9. The Campaign for Southern Equality has previously litigated cases to secure for LGBT Mississippians basic rights and equal dignity guaranteed by the Constitution. First, in *CSE I*, we won for gay and lesbian Mississippians the right to marry. 64 F. Supp. 3d at 913, *aff'd*, No. 14-60837, 2015 WL 4032186 (5th Cir. July 1, 2015).

10. More recently, in *CSE II*, we challenged Mississippi's adoption ban for gay and lesbian couples. The Court enjoined enforcement of Mississippi Code Section 93-17-3(5) which banned "couples of the same gender" from adopting. 2016 WL 1306202, at \*14.

11. On July 4, 2005, at the 25<sup>th</sup> General Synod of the United Church of Christ in Atlanta, delegates voted to adopt the resolution, "Equal Marriage Rights for All." I have attached a true and correct copy of that resolution hereto as Exhibit 1.

12. That Resolution states that "WHEREAS the Bible affirms and celebrates human expressions of love and partnership, calling us to live out fully that gift of God in responsible, faithful, committed relationships that recognize and respect the image of God in all people" and "the life and example of Jesus of Nazareth provides a model of radically inclusive love and abundant welcome for all." It resolved that "the Twenty-fifth General Synod of the United Church of Christ affirms equal marriage rights for couples regardless of gender and declares that the government should not interfere with couples regardless of gender who choose to marry and share fully and equally in the rights, responsibilities and commitment of legally recognized marriage[.]" *See* Exhibit 1.

13. Moreover, in September 2005, Rev. John Thomas, the General Minister and President of the United Church of Christ issued a public letter entitled "Reflections on 'Marriage Equality'." I have attached a true and correct copy of that letter hereto as Exhibit 2.

14. In that letter, Rev. Thomas writes: "Many have asked, 'How did we arrive at this decision in the life of the United Church of Christ?'" Quite frankly, some, though by no means all, have felt shocked, even 'blind-sided' by this decision, and assume it is a response merely to the current national political debates in our nation. In fact, this decision of the General Synod, while obviously responding to a pressing social and moral question, is part of a long trajectory

going back as far as four decades. It was not an ‘issue’ or the alleged ‘gay agenda’ that caught the attention of the church. It was the presence of gay and lesbian persons in our churches, as well as their families, who began to be unwilling to be silent about their sexual orientation, and who began to say to us that it is wrong to ask our gay, lesbian, bisexual, and transgender members to choose between their baptismal identity and their sexual identity.” *See Exhibit 2.*

15. The Campaign for Southern Equality’s membership includes LGBT people of many faiths who live, work, and pay income taxes in the State of Mississippi.

16. The Preferred Religious Beliefs in HB 1523 are in complete contradiction with the religious principles and values of many Campaign for Southern Equality members’ sincerely held religious beliefs.

17. Most, if not all, members of Campaign for Southern Equality believe that marriage should be recognized as a union between two loving partners.

18. Most, if not all, members of Campaign for Southern Equality believe that transgender men are men and transgender women are women.

19. Many of our members identify as Christian and believe in the teachings of Jesus Christ.

20. For instance, Kathryn (Kathy) Garner, the wife of Plaintiff Susan Hrostowski is an active member of Campaign for Southern Equality. She and her wife, Susan are active members of St. Elizabeth’s Episcopal Church in Collins, Mississippi.

21. Members of our organization hold a variety of religious faiths and moral beliefs, but they share in common the belief that the identities, relationships, and marriages of LGBT people have as much dignity as anyone else’s.

Executed on June 12, 2016.



Rev. Jasmine Beach-Ferrara

# **EXHIBIT 1**

## **EQUAL MARRIAGE RIGHTS FOR ALL**

[Adopted at the Twenty-fifth General Synod on July 4, 2005]

WHEREAS the Bible affirms and celebrates human expressions of love and partnership, calling us to live out fully that gift of God in responsible, faithful, committed relationships that recognize and respect the image of God in all people; and

WHEREAS the life and example of Jesus of Nazareth provides a model of radically inclusive love and abundant welcome for all; and

WHEREAS we proclaim ourselves to be listening to the voice of a Still Speaking God at that at all times in human history there is always yet more light and truth to break forth from God's holy word; and

WHEREAS many UCC pastors and congregations have held commitment services for gay and lesbian couples for some time, consistent with the call to loving, long-term committed relationships and to nurture family life; and

WHEREAS recognition of marriage carries with it significant access to institutional support, rights and benefits; and

WHEREAS children of families headed by same-gender couples should receive all legal rights and protections; and

WHEREAS legislation to ban recognition of same-gender marriages further undermine the civil liberties of gay and lesbian couples and contributes to a climate of misunderstanding and polarization, increasing hostility against gays and lesbians; and

WHEREAS a Constitutional Amendment has been introduced to this Congress to limit marriage to "only the union of a man and a woman"; and

WHEREAS equal marriage rights for couples regardless of gender is an issue deserving of serious, faithful discussion by people of faith, taking into consideration the long, Council of the United Church of Christ in April, 2004 called the church to action and dialogue on marriage;

THEREFORE LET IT BE RESOLVED, that the Twenty-fifth General Synod of the United Church of Christ affirms equal marriage rights for couples regardless of gender and declares that the government should not interfere with couples regardless of gender who choose to marry and share fully and equally in the rights, responsibilities and commitment of legally recognized marriage; and

LET IT BE FURTHER RESOLVED, that the Twenty-fifth General Synod of the United Church of Christ affirms equal access to the basic rights, institutional protections and quality of life conferred by the recognition of marriage; and

LET IT BE FURTHER RESOLVED, that the Twenty-fifth General Synod calls for an end to rhetoric that fuels hostility, misunderstanding, fear and hatred expressed toward gay, lesbian, bisexual and transgender persons; and

LET IT BE FURTHER RESOLVED, that the Officers of the United Church of Christ are called upon to communicate this resolution to local, state and national legislators, urging them to support equal marriage rights for couples regardless of gender.

In recognition that these resolutions may not reflect the views or current understanding of all bodies, and acknowledging the pain and struggle their passage will engender within the gathered church, the General Synod encourages the following:

LET IT BE FURTHER RESOLVED, that the Twenty -fifth General Synod calls upon all settings of the United Church of Christ to engage in serious, respectful, and prayerful discussion of the covenantal relationship of marriage and equal marriage rights for couples regardless of gender, using the “God is still speaking, about Marriage” study and

discussion guide produced by Wider Church Ministries of the United Church of Christ (available online at UCC.org); and

LET IT BE FURTHER RESOLVED, that the Twenty-fifth General Synod calls upon congregations, after prayerful biblical, theological, and historical study, to consider adopting Wedding Policies that do not discriminate against couples based on gender; and

LET IT BE FINALLY RESOLVED, that the Twenty-fifth General Synod urges the congregations and individuals of the United Church of Christ to prayerfully consider and support local, state and national legislation to grant equal marriage rights to couples regardless of gender, and to work against legislation, including constitutional amendments, which denies civil marriage rights to couples based on gender.

Funding for the implementation of this Resolution will be made in accordance with the overall mandates of the affected agencies and the funds available.

# **EXHIBIT 2**

*Reflections on “Marriage Equality”*

John H. Thomas  
General Minister and President  
United Church of Christ

September, 2005

Since the July 4, 2005 action of the General Synod affirming “marriage equality” I have received many letters and emails ranging from affirmation and appreciation to bewilderment and anger. Conversations with United Church of Christ members in several local churches have revealed a similar range of perspective. Several local churches have expressed through a formal vote their dissent from the position of the General Synod. A few local churches have voted to leave the United Church of Christ. Some local churches, not currently affiliated with the United Church of Christ, have expressed interest in affiliation. Many local churches are studying the General Synod’s action and many more will be entering into study processes this fall. The following reflections are one contribution to this dialogue taking place in the life of our church and seek to respond to some of the questions frequently asked by those who have corresponded with me.

Many have asked, **“How did we arrive at this decision in the life of the United Church of Christ?”** Quite frankly, some, though by no means all, have felt shocked, even “blind-sided” by this decision, and assume it is a response merely to the current national political debates in our nation. In fact, this decision of the General Synod, while obviously responding to a pressing social and moral question, is part of a long trajectory going back as far as four decades. It was not an “issue” or the alleged “gay agenda” that caught the attention of the church. It was the presence of gay and lesbian persons in our churches, as well as their families, who began to be unwilling to be silent about their sexual orientation, and who began to say to us that it is wrong to ask our gay, lesbian, bisexual, and transgender members to choose between their baptismal identity and their sexual identity.

A study on human sexuality commissioned by the Synod in the 1970's explored emerging understandings of homosexuality from a moral, theological, biblical, and scientific perspective. While a significant minority in the church dissented from the perspectives offered in *Human Sexuality*, the General Synod affirmed these perspectives which called in part for a more welcoming stance toward persons of all sexual orientations, and challenged the church to incorporate them into our common life. Also in the 1970's, local churches began to participate in the “Open and Affirming” process which invites congregations, after careful study, to declare that they are open and affirming to the membership of gay, lesbian, bisexual, and transgender persons in the life and ministry of the church. Local churches were not forced to participate in this initiative, but over the years several hundred have made this commitment.

At about the same time, Committees on Ministry in our Associations (which have the responsibility for examining candidates and ordaining on behalf of the whole church) began to be approached by openly gay and lesbian persons who were discerning calls to ministry and

presenting themselves for examination as candidates for ordination. Over time this experience led the General Synod in the early 1990's to encourage Associations to no longer consider sexual orientation, in and of itself, as a bar to ordination. Associations were, of course, free to accept or reject this advice, and some determined that they would not follow the Synod's encouragement on this issue. But increasingly most Associations have demonstrated their readiness to ordain openly gay or lesbian candidates who have received a call to an authorized ministry in the UCC and who meet the qualifications for ordination set forth in *Manual on Ministry*. Many of these persons have been called to serve as pastors by local churches and are now serving with distinction in all settings of the United Church of Christ.

Also in the late 1990's, ecumenical conversations and proposals led to dialogue on the various churches' convictions about the membership and ministry of gay, lesbian, bisexual, and transgender persons. While it is clear that the position of the United Church of Christ differs from that of many other denominations, in our partnership with the Christian Church (Disciples of Christ), our participation in Churches Uniting in Christ, and in our full communion agreement with the Presbyterian Church (USA), the Reformed Church in America, and the Evangelical Lutheran Church in America, views on homosexuality have consistently been deemed important and significant, but not "church dividing." In particular, an extensive formal dialogue on this matter with the Reformed Church in America determined that one could hold positions affirmed by the General Synod while remaining faithful to Scripture.

Finally, in recent years many same sex couples have approached their local churches requesting services of "blessing" for their covenantal partnerships or holy unions. Due to the autonomy of each setting in our polity, this decision, as with all other matters related to the worship and sacramental life of the church, remains the prerogative of a local church and its pastoral leadership. However, as these services of blessing have occurred, congregations have begun to experience the value of bringing the same sex relationships of their members within both the blessing and the discipline of the church where those relationships, like those of heterosexual couples, can be nurtured and shaped in healthy ways.

Affirmation of same gender marriage is, admittedly, a new step in this journey, one that is deeply challenging to many in our church even as others celebrate it. But it is a step that is part of a much longer theological and pastoral journey, a journey prompted not by political considerations, but by the gift and the challenge of gay, lesbian, bisexual and transgender persons in our midst. I know that the action of the General Synod did come as a shock to many of our members. But those who have been attentive to our life together for these four decades were not surprised, regardless of whether they agreed or disagreed with the decision.

Many who have written to me, while acknowledging all that I have written, continue to be offended by an action that, to them, appears to ignore or demean the Bible. **"How can we square this action of the General Synod with what the Bible says about homosexuality or about marriage?"** Those who raise this question typically point to six or seven passages in Genesis, Leviticus, and the letters of Paul. These texts have been the source of intense debate among scholars, though in recent years a consensus is emerging. First, it is now no longer clear that the passage in Genesis associated with Sodom refers to homosexuality at all; most scholars

believe the “sin of Sodom” was a failure to exhibit hospitality to strangers. Indeed, the issue is not merely failure to offer hospitality; it is the attempt by the men of Sodom to assault the visitors to Lot’s home. The sexual relations judged in Genesis 19 are not homosexual acts between loving adults, but violent abuse and rape committed by some citizens in Sodom against Lot’s guests. Curiously, Lot’s solution - offering his daughters to the mob for sexual violation - goes unchallenged in the story and, by inference, is affirmed. This affront to our modern sensibilities ought to caution us about too easily translating an ancient story into a contemporary ethical position. Just because the name “Sodom” has been associated with homosexuality in history should not deter us from a much more critical reading of the text. Throughout the Old Testament the injunction to show hospitality to strangers is lifted up as a high value. Many thoughtful readers of the text now believe that the sin of Sodom is violent treatment of the stranger, the abuse of the guest, not homosexual behavior between two loving partners.

Prohibitions in Leviticus are mingled with numerous other prohibitions about dietary, liturgical, sexual, and ethical matters which no one today believes are binding for Christians. On what basis do we select a verse or two on homosexuality as valid when there are no special criteria offered in the text itself for doing so? Why do we privilege some passages in Leviticus, while dispensing with many, indeed most others? No one has shown a reasonable criteria within the text itself, leaving us wondering whether we are using external cultural values to determine which text remains in effect, and which texts do not.

Paul’s admonitions against homosexual behavior seem clear, but he was writing in a time when no one had any concept of anything called sexual orientation. For Paul, only heterosexual activity was “natural.” But today there is a growing consensus among scientists of many disciplines that there is a percentage of the population that is oriented toward same gender sexual attraction. Thus it appears that, for some, homosexual relationships are “natural.” Paul writes with no knowledge of men or women involved in life-long, monogamous homosexual relationships. What he does know about is homosexual relationships between men and boys, a not uncommon practice in the ancient world. If this is true, then what appears to be so clear in Romans or Corinthians may not, in fact, be clear at all for us today.

Frankly, the Bible says very little about homosexuality and, as shown above, much of our traditional interpretation of those few texts is, at the very least suspect. The Bible does say a great deal about covenanted relationships. Fidelity, not homosexuality, is at the heart of the Gospel, and the call to fidelity is a gift and a discipline that makes as much sense for same gender couples as for heterosexual couples. Isn’t this what the church should focus on?

Over the years the church has heard the scripture speaking in new ways. There was a time when Christians believed the Bible condoned slavery. There was a time when Christians believed the Bible prohibited women from offering certain kinds of leadership in the church. In each case a few passages were identified to “prove” the point. But as Christians began to listen more carefully to the whole of Scripture, new insights emerged. Recently I saw a magnificent tomb stone behind an Episcopal Church in Georgia. It marked the grave of a prominent church member in pre-Civil War America. The inscription reads, “A profound statesman who laboured faithfully for the public good. A man gentle and true, a devoted husband and father, a kind

master.” Today no one would praise “a kind master.” As the hymn puts it, sometimes “time does make ancient good uncouth.” Not every new theological and biblical insight is true or valid. But we must recognize that interpretations change in light of new understandings, that to embrace new insights is not necessarily to abandon scripture but rather to read scripture in the light of life’s new challenges and opportunities under the guidance of the Holy Spirit. And it is to read every text in Scripture against the highest law which is the love of God and the love of neighbor.

If we are at least open to the possibility that our traditional reading of some texts in the Bible may be challenged, **are there other passages which encourage us to embrace a theology of inclusion?** Several stories in the Acts of the Apostles are suggestive. The baptism by Philip of the Ethiopian eunuch would have jolted the reader of Acts in Luke’s day with the story of welcome for a person doubly excluded because of his nationality and his sexual deformity. The story of Cornelius and Peter centers on the religious laws and purity codes prohibiting Jews from associating with Gentiles. Peter’s dream of being told to eat ritually unclean animals - “what God has made clean you must not call profane” - prompts him to determine that “God shows no partiality.” And the experience of the Holy Spirit being poured out on the Gentiles at the end of this story so astounded Peter and the others among the circumcised, that Peter moves to offer baptism: “Can anyone withhold the water for baptizing these people who have received the Holy Spirit?”

These stories are not about homosexuality. They are about the central question challenging the early church, a question as bitterly debated as today’s questions about homosexuality. Not all will find in these stories a persuasive argument for welcoming gay and lesbian persons into the full blessing and discipline of the church. Even so, they are a powerful reminder that inclusion, not exclusion, is the core trajectory of the Gospel witness from the very beginning. This becomes especially compelling when we look at the life and ministry of Jesus.

A thoughtful reading of the Gospels reveals time and again that Jesus was willing to share in table fellowship with those who were condemned or rejected by the cultural and religious norms of his day. Throughout his ministry Jesus challenged those who exclude. **But didn’t Jesus say even to those he welcomed, “Go and sin no more?”** Yes, but this begs the core question: “Is homosexual behavior sin?” Some behavior certainly is. Abusive or manipulative behavior is sin as it is for heterosexual couples. Promiscuous behavior is sin as it is for heterosexual couples. But is a commitment to life long fidelity by two persons sin simply because they not only share love, but also their gender? Can we not see that same gender couples who enter into the covenants of marriage are bearing witness to fidelity, not “living in sin.”

**But what about the Bible’s affirmation of marriage?** Actually, the Bible doesn’t say much about marriage either, particularly if we think only of the “traditional marriage” of one man and one woman of the last few centuries. The same Hebrew Bible that includes prohibitions about homosexuality in Leviticus offers models of family that include multiple wives. Jesus own genealogy in Matthew is filled with non-traditional relationships. The New Testament does include strong admonitions against divorce, including Jesus’ words that to divorce and remarry is

to commit adultery. While divorce is certainly not celebrated in our churches today, it is clearly accepted as a difficult and deeply disappointing step that is sometimes necessary and that should not separate a Christian from the care and love of the church. And no one who discovers new love after the pain of divorce is accused by our pastors of being an adulterer. Do Christians who divorce fail to take the Bible seriously? Or do they read the texts about divorce in the context of the whole Biblical message about a Gospel of forgiveness and grace? The phrase from one of the creation stories about “a man leaving his father and mother and clinging to his wife and becoming one flesh” is repeated several times. It is included in our marriage services as well. The Bible doesn’t talk about two men or two women becoming one flesh. But this is hardly surprising since the Biblical writers would never have experienced a committed, life-long covenantal relationship between a same-gender couple. The Bible describes, but does the Bible proscribe in this instance? To argue that the Bible’s silence about same gender marriage must be read as prohibition is like saying that because the Bible says nothing about new medical procedures allowing some women to conceive a child outside of “normal” sexual intercourse, such a procedure must be prohibited on Biblical grounds.

**So if the Bible is not quite so clear about homosexuality and marriage as we sometimes want to think, what does the Bible say about relationships?** At the center, of course, is the story of God’s faithfulness to a people, a fidelity that endures in spite of human sin and betrayal, a fidelity that is as intimate as the relationships within the Trinity, a fidelity that honors the flesh and its passions and pain through the Word made flesh of the incarnation. It is a fidelity that is to be lived out in our relationships to all that God relates us in covenant: the creation, the poor and the vulnerable, the stranger in our midst, and those who become our intimate partners in life. Sexual orientation, by itself, offers no inhibition to fulfilling these covenantal responsibilities. In our marriage service we describe marriage as a sacred covenant so that couples can “come to know each other with mutual care and companionship and share their new life with others as Jesus shared new wine at the wedding in Cana.” Theologically it is a sign of the “image of the union of Christ with the church.” These are vocations same gender couples are just as able to fulfill as heterosexual couples.

Even if one agrees with all or much of what I’ve said, some wonder **why we couldn’t talk about “blessing” instead of “marriage” for same gender couples.** Indeed, some same gender couples may prefer to have their union “blessed” by the church. It is clear, however, that marriage confers specific and important rights and responsibilities in the civil society and in the church. To deny some access to the name of marriage, and to some or all of the rights and responsibilities afforded heterosexual couples is to permanently relegate them to a lesser status, including the ability to care for life-long partners in a terminal illness, or to adopt children. Obviously there are many in our country today, and some in the church, who believe that such a lesser status is appropriate. Such a belief is strange in a country that “pledges liberty and justice for all.” Even if we could guarantee the same rights and responsibilities, separate has seldom meant equal in our society. Some same gender couples may prefer the blessing of a union to a marriage. But many yearn for a marriage equal in name and status. Throughout the Bible we are told to welcome the stranger. We in the United States have an ambiguous history when it comes to the stranger or the alien. Those who are different have received an uncertain welcome. But throughout the Hebrew texts we are reminded to welcome the alien in our midst as a “citizen.”

A marriage license is a sign of citizenship, just like a driver's license, a passport, and a social security card. In this land that honors freedom and equality, on what basis can we deny some this important sign of citizenship?

Finally, and quite apart from anything I've said thus far, some ask how the General Synod could take such an action without first asking our members their views. **Why wasn't I asked what I believed? Shouldn't each local church have gotten a vote? Shouldn't the action of a General Synod be submitted to the churches to be ratified?** There is nothing inherently wrong in any of these proposals. Some denominations do function in this way. Our polity, our way of decision making, is different. Does that mean the Synod or its officers don't care what our members think? No. In fact, there were numerous opportunities for local churches and individual members to study this issue well in advance using resources prepared by the national setting. Resolutions were published well prior to Synod on our web site and in *UCNews*. Delegates were encouraged to hear the views of the churches in the conferences they represent. In a representative polity, persons elected by local churches make decisions in Associations and Conferences; persons elected by Conferences or Associations make decisions at the Executive Council or the General Synod. In each case local church members are the ones who act, basing their vote on their own conscience, on their own interpretation of the Bible, on their own knowledge of what is good for the church, on their own conviction about what is just and right. Every Synod delegate I encountered in Atlanta was very aware of the diverse perspectives in the church. Those diverse perspectives were shared and discussed thoroughly. They were heard with respect. The discussion on the floor was prayerful and thoughtful. This discussion was no political debate in which one side tried to dominate the other. It was a time when the diverse views of the church were shared, tested, and heard. Our vote was followed not by celebration, but by prayer asking for God's presence in the weeks and months to come.

**What difference will this vote make?** Many members of the United Church of Christ, and many local churches, are thinking about marriage in a more intense and thoughtful way than ever before. Often this is in the midst of conflict and diverging views and, quite frankly, many do not appreciate the discomfort such conflict causes and wonder if having this particular question pressed right now is helpful to the church. I understand that concern and want you to know that I, too, wrestled with that question prior to the Synod. No time ever seems like the right time. Such has been the case throughout our history when the church has been asked to speak on an issue of compelling moral importance. Would local churches have had the conversation about marriage had some states not offered to marry same gender couples and the General Synod not spoken on the subject? I think it is likely that only a very few would have engaged their members on this question of such importance to both the church and the state.

Along with prompting needed dialogue, I have heard from countless people inside the United Church of Christ and beyond who experienced our vote as a witness to the Gospel, a word they had despaired of hearing from the church, a word that felt graciously liberating when what is often heard from the church sounds rigid and excluding. I don't think this vote will make us much bigger or much smaller. New members have been attracted by the vote in some places, something we celebrate. But in other places some members have felt they must leave. Those decisions are terribly painful for those congregations and for me. Also painful are

decisions by churches to withdraw mission support through Our Church's Wider Mission. While such an action may make a statement, it also deprives Conferences and the National Setting of dollars that nurture and support the church in countless ways, ways that unite us around common concern for the poor, for the vulnerable, and for the health and vitality of our congregations.

**Does this vote make us a "one issue church?"** No, in 2005 alone we have helped raise and distribute over \$4 million for tsunami relief, have started new congregations, have produced an exciting array of new worship resources, have placed ads on national television raising the visibility of our church, have advocated for peace and justice in the Sudan, in Israel/Palestine, and in the Philippines. I personally helped dedicate a dormitory for impoverished high school girls and a peace institute for a conflicted community, both in India, both made possible by gifts to Our Church's Wider Mission. Just a few weeks after Synod churches and members holding diverging views on marriage joined together in great generosity for the survivors of Katrina. If we are a one issue church, the issue seems to be compassion. **Does this vote lead us toward becoming a "gay church?"** No, our new members and our newly ordained ministers are gay and straight. What this vote does do is say we are a church seeking to extend an extravagant welcome, a church that is willing to follow its forebears in acts of evangelical courage. It does say that today the issue of equality is important to this church, that today those in our community who often feel most excluded and sometimes most vilified, particularly those who are gay, lesbian, bisexual, or transgender, are welcome here.

These reflections are intended to be a witness to my own conviction, convictions I believe were shared by many at our General Synod. I understand that many who read them will not be convinced. Deep differences remain between us. Because of that we will need to continue to listen to each other and to others who offer insight. In that spirit let me commend to you a new book on this subject: *What God Has Joined Together? A Christian Case for Gay Marriage* by David G. Myers and Letha Dawson Scanzoni (HarperSanFrancisco). This book begins not with individual rights, but with the importance of marriage, and argues that the church should do everything it can to strengthen marriage and extend it to all. Let me also commend to you the resources on marriage found on our website at [ucc.org](http://ucc.org).

I close with the prayer I offered immediately following the vote on marriage equality at General Synod. It was a prayer that attempted to include all, regardless of how they voted. It continues to be my prayer for the church today:

Lord Jesus, to you we live, to you we suffer, to you we die. Yours will we be in life and in death. Today, as in ancient Bethlehem, the hopes and fears of all the years are met in you. We give thanks for your presence during these days of prayer and discernment, and especially for your presence here this morning. We have felt your warm embrace, stilling us as we tremble with joy, with hope, with fear, with disappointment. Remind us that as we are tempted to run from each other, so too we run from you. We know that every choice confers a cost, so let us attend in the coming hours and days to those for whom this decision confers a particular burden. Let us find words that comfort rather than congratulate; let us seek to be a community of grace and forgiveness rather than organizing constituencies of protest, let us use our hands not to clap but to wipe away

every tear. And in all this may we know in surprising new ways the comfort of belonging to You. This is our prayer. Hear us, Lord Jesus. Amen.

Note: These reflections are a slightly revised version of a paper written and circulated informally in August, 2005.