

No. 75934-1

SUPREME COURT OF THE STATE OF WASHINGTON

HEATHER ANDERSEN and LESLIE CHRISTIAN, et al., Respondents,

v.

KING COUNTY, et al., Appellants,

Appeal from the Superior Court of King County
The Honorable William L. Downing

CELIA CASTLE and BRENDA BAUER et al., Respondents,

v.

STATE OF WASHINGTON, Appellant,

Appeal from the Superior Court of Thurston County
The Honorable Richard D. Hicks

**MOTION FOR LEAVE TO FILE *AMICUS CURIAE* BRIEF
ON BEHALF OF MULTIFAITH WORKS,
COALITION FOR RELIGIOUS EQUALITY,
AND WASHINGTON FAITH COMMUNITIES**

David Donnan, WSBA #19271
1511 Third Avenue, #701
Seattle, WA 98101
(206) 587-2711

Vanessa Soriano Power, WSBA
#30777
STOEL RIVES LLP
600 University Street, #3600
Seattle, WA 98101
(206) 624-0900

Attorneys for Multifaith Works, Religious Coalition for Equality,
and Washington Faith Communities

I. IDENTITY & INTEREST OF MOVING PARTIES

Amici curiae include a wide variety of religious faiths, traditions, and other religious organizations throughout the State of Washington. *Amici* include: Multifaith Works, the organizer of the Multifaith Alliance of Reconciling Communities, the Religious Coalition for Equality, and numerous individual congregations from across the state. See Appendix A for *amici* Statements of Interest.

Multifaith Works is an inter-faith, not-for-profit organization which works to build a “community of compassion” across lines of religion and spirituality, particularly in service of people living with AIDS. One program within Multifaith Works is the Multifaith Alliance of Reconciling Congregations (MARC) which endeavors to educate and support clergy and laypeople from multiple traditions regarding human dignity and sexuality, particularly with respect to homophobia and religious intolerance of homosexual people. Multifaith Works seeks to support the dignity and equal rights of all people, include the right of same-gender couples to marry. See Appendix A pp. 1-2.

The Religious Coalition for Equality is an interfaith association of lay person and clergy committed to a twofold purpose: to educate Washington State citizens about and advocate for marriage equality for all

couples and the civil rights of all. Under the auspices of the Religious Coalition for Equality, 227 individual religious leaders from around the state have joined in signing a “Statement of Faith-Based Support for Same-Sex Marriage.” See Appendix A p. 3; Appendix B.

Amici also include the following congregations from across the State of Washington:

- All Pilgrims Christian Church, United Church of Christ and Disciples of Christ;
- Seattle First Baptist Church;
- Bet Alef Meditative Synagogue of Bellevue;
- Temple Beth Am;
- Bethany United Church of Christ;
- Temple Beth Or;
- Broadview Community United Church of Christ;
- Central Lutheran Church of the Holy Trinity;
- Community Church of Joy;
- Olympia Friends Meeting;
- Olympia Unitarian Universalist Congregation;
- Pullman-Moscow Friends Meeting;
- Tacoma Friends Monthly Meeting;
- Rainbow Cathedral Metropolitan Community Church;
- University Friends Meeting;

- Walla Walla Friends Meeting;
- Wallingford United Methodist Church; and
- West Seattle Unitarian Universalist Fellowship.

See Appendix A pp. 4 – 21.

Amici support the right of all committed couples to marry, regardless of gender. *Amici* recognize the fundamental distinction between civil marriage, sanctioned by the state, and the religious rites of matrimony, governed by an individual faith's practice. *Amici* believe that the constitutional protections of equal protection and the free exercise of religion require equal rights of access, without regard to gender or sexual orientation, to civil marriage.

II. GROUNDS FOR RELIEF & ARGUMENT

Amici are familiar with the issues and the scope of argument presented in filings before this Court. *Amici* are able to provide broader context for the Court's consideration of the views of various religious communities in its review of constitutional issues related to the right of all committed couples to marry and specific counterpoint to the express and implied arguments of Appellants/Intervenors.

III. CONCLUSION

For all the foregoing reasons, *amici* should be granted leave to file an *amici curiae* brief. *Amici* respectfully request that this Court accept the accompanying *amici curiae* brief for consideration.

DATED this 7th day of February 2005.

STOEL RIVES LLP

By: David Donnan
David Donnan, *by VSP*
WSBA # 19271
1511 Third Ave., #701
Seattle, WA 98101
(206) 587-2711

By: Vanessa Soriano Power
Vanessa Soriano Power,
WSBA #30777
600 University St., #3600
Seattle, WA 98121
206-624-0900

APPENDIX

AMICI STATEMENTS OF INTEREST

Multifaith Works

Multifaith Works envisions the building of compassionate and inclusive community by utilizing the efforts of people of diverse cultural, ethnic, and spiritual backgrounds. We help in this process by mobilizing volunteers from many spiritual and cultural backgrounds to provide practical and emotional support, and housing, for people living with AIDS or other life-threatening illnesses. Through all of our programs, Multifaith Works promotes understanding and acceptance of human diversity.

In all our work we are committed to:

- Treating all people with dignity and respect, while modeling behavior that is affirming and respectful of human diversity.
- Maximizing our clients' independence as much as possible.
- Striving to bring comfort to people who are suffering, healing and reconciliation to people who are alienated, and peace to people who are dying.
- Building a supportive community among all persons involved in our various projects.
- Using the shared values and perspectives of our various traditions to guide our work.
- Honoring individual spiritual perspectives and the integrity of our various beliefs while simultaneously respecting the constitutional separation of church and state.

With this vision, mission and set of values, it is easy to understand why Multifaith Works is at the forefront of efforts to establish equal

marriage rights for same sex couples. It is a matter of simple dignity and respect; it is a strenuous belief in the equal rights of all people in this country; and it is a fervent belief in the separation of church and state based on our understanding of the incredible diversity of religious beliefs among us.

Through our program, the Multifaith Alliance of Reconciling Congregations, Multifaith Works has worked hard to bring together like-minded clergy and congregations in support of what we hold to be a basic human right.

Religious Coalition for Equality

The Religious Coalition for Equality is an interfaith association of lay persons and clergy committed to a twofold purpose: to educate Washington State citizens about and to advocate for marriage equality for all couples and the civil rights of all. Under the auspices of the Religious Coalition for Equality, over 227 individual religious leaders from around the state have joined in signing a “Statement of Faith-Based Support for Same-Sex Marriage.” The coalition communities of faith represented range from Protestant to Catholic, Jewish to Buddhist, Druid to Wiccan, and others.

All Pilgrims Christian Church; United Church of Christ and Disciples of Christ

The pastors of All Pilgrims have performed hundreds of wedding ceremonies for same gender couples. Each time, they experience the couples involved as possessing the same qualities and traits that we see in heterosexual couples. Same gender couples seek to solidify their union in marriage. They seek legal protection from outside forces who want to harm their tender reality. Many same gender couples have children who deserve and demand to receive the same legal protections that children in heterosexual unions receive and rely on.

Gay and Lesbian couples strengthen what is called the institution of marriage. We have all been inspired by the commitment of homosexual couples who thrive everyday despite homophobia; while many of their heterosexual counterparts take for granted the rights and privileges they have. There is absolutely no reason to deny Gay and Lesbian couples the legal rights of marriage. We need to separate the religious and civil issues in this case. As ministers of God and Jesus Christ, we declare that homosexuality is a natural part of God's plan for humanity. That homosexual marriages are equal to heterosexual marriages. We fervently pray that the justices and people of this country will see just how incredible and beautiful they are.

Seattle First Baptist Church

Seattle First Baptist Church was founded in 1869. Seattle First Baptist has a long history of engagement in social and justice issues in the community. Seattle First Baptist has been a “welcoming and affirming” church for over three decades, and prides itself on the way in which it becomes involved in issues such as the right of all committed couples to marry.

Bet Alef Meditative Synagogue of Bellevue

Bet Alef is a synagogue that celebrates a spiritual approach to Jewish tradition in an inclusive and welcoming community. Bet Alef is ten years old, located in Bellevue, and is creating a house of prayer for all people. The Synagogue is active in the interfaith community in Seattle and, coming from a spiritual approach, believes in the goodness and the divine of every living being, regardless of race, creed, or sexual orientation. Bet Alef believes that everyone has goodness deserving of regard and respect.

Temple Beth Am

Temple Beth Am of Seattle is preparing to celebrate its 50th anniversary as a congregation. We are a diverse community of 800 families and are members of the largest movement in Judaism, the Reform Movement. Our rabbis have been blessing gay and lesbian marriages for the past seven years and our national movement of rabbis has endorsed the right of gays and lesbians to wed based on our interpretation of Jewish Law. Therefore we believe that the state, by refusing to sanction these marriages, is limiting our religious freedom and is establishing a particular religious viewpoint that runs counter to our system of beliefs. For this reason our board voted unanimously to sign on to support this *amicus curiae* brief. Protecting the freedom of minorities, bringing blessing to people's relationships, and encouraging the sanctity of marriage is something to which we are very committed and believe that the freedom to marry, for gays and lesbians equally in the same manner that heterosexual couples do, will help us to fulfill our religious mission in this great country.

Bethany United Church of Christ

Bethany United Church of Christ opened in 2000, as an extension of the nearly century-old progressive Congregational/United Church of Christ presence in South Seattle's Beacon Hill neighborhood. The latter is one of the most ethnically and economically diverse areas in Seattle, if not the state of Washington. Since its inception, Bethany UCC has been an "Open and Affirming" congregation that seeks to model Christian principles by including people of all races, ethnic origins, cultural backgrounds, ages, and sexual orientations in all aspects of church life and governance. Our congregation reflects this diversity and contains both male-female and same-sex couples and parents. Bethany UCC recognizes that all individuals are God's beloved and that we are called to seek justice for any members of our community who are oppressed. On January 27, 2005, Bethany's Governing Board, on behalf of the congregation, voted unanimously to sign on in support of this *amici curiae* brief.

Temple Beth Or

Temple Beth Or, which began 20 years ago, is the only Jewish organization in Snohomish County and serves Jews from there and from four other counties. Temple Beth Or is a warm, compassionate, vibrant, spirited, inclusive, and participatory Reform Jewish community. We are religiously and geographically diverse, serving the northern Puget Sound region of Washington State. We believe the characteristics of *kiddushin*, of a holy relationship, are independent of the gender of the couple. Holiness requires a permanent commitment, a fierce interdependence, and a mission that transcends just having a loving, caring, respectful, and permanent relationship.

Broadview Community United Church of Christ

Broadview Community United Church of Christ is a “small but mighty” congregation that for decades has been at the forefront of a wide range of community and international concerns.

Broadview is a theologically and socially diverse faith community, rooted in both scripture and contemporary reflection. It is one of a growing number of “Open and Affirming” congregations which have, after much prayer and dialogue, chosen to “affirm that lesbian, gay and bisexual persons are welcomed...in the same spirit and manner used in the acceptance of any member,” and “are expected and encouraged to share in liturgy, spirituality, life, employment and leadership.” Each Sunday bulletin states, and the variety of members demonstrate that Broadview “celebrates its diversity in religious background, sexual orientation, race, age and abilities.” In keeping with the spirit of being Open and Affirming and active in social justice matters, Broadview wholeheartedly supports marriage equality for all people, regardless of sexual orientation.

Central Lutheran Church of the Holy Trinity

Central Lutheran Church of the Holy Trinity, located on Capitol Hill in Seattle, was founded in 1890 and has a long tradition of advocacy on issues of peace and social justice. Central welcomes all people – including all gay and lesbian people – to participate fully in the life of the congregation. The congregation adopted its formal “Affirmation of Welcome” in 1991, but has welcomed openly gay people and has performed marriages of same-gender couples since the 1970s. About ten percent of Central’s 270 active members are gay or lesbian. Many of these are same-gender couples in long-term, committed relationships, several of whom are raising children. One of Central’s members has been elected as a delegate to the 2005 Churchwide Assembly of the Evangelical Lutheran Church in America, which will be considering a churchwide policy on blessing of same-gender unions. (Currently, each congregation is allowed to perform such unions, but there is no national approval of the practice.) Central is strongly interested in supporting the relationships of all couples and families and believes that allowing same-gender couples access to civil marriage will do just that.

Community Church of Joy

Community Church of Joy is an inclusive Christian community. Headed by an African-American pastor, the church is a multi-racial congregation of Christians seeking to grow in Christ through worship, discipleship, and service. The church advocates for justice for all, and welcomes all people regardless of race, gender, or sexual orientation. It is a congregation dedicated to being a community of faith, justice, and liberation.

Olympia Friends Meeting

Olympia Friends Meeting is composed of members of the Religious Society of Friends (Quakers). We believe there is the “Light of God” in each person and that we need to support human rights and justice for all people. We have passed a Minute in support of gay marriage and have taken gay marriages under our care.

Olympia Unitarian Universalist Congregation

The Unitarian Universalist Association (UUA) recognized Olympia Unitarian Universalist Congregation as a Welcoming Congregation on October 14, 1997. Gay or lesbian persons have been contributing and positive members of the congregation since that date and before. We have also had gay/lesbian members of our Ministerial Search Committee, our Committee on Ministry and our Board and in many other capacities. Most recently our Intern Minister, who has now received preliminary fellowship from the UUA, is lesbian. Our ministers have performed Commitment ceremonies for gay/lesbian couples for at least 10 years. Most recently, by motion on June 10, 2004, the Board of Trustees, on behalf of the congregation, voted to display our support for inclusion of gay and lesbian persons by seeking to participate in this action as *amicus curiae*.

Pullman-Moscow Friends Meeting

Pullman-Moscow Friends Meeting, a member Meeting of North Pacific Yearly Meeting, holds the historic and central testimony of Friends, that all persons have that of God within them, and are consequently to be valued. This central testimony leads us to oppose violence in all its forms, to seek justice for all, to practice simplicity in our lives, to express integrity in our actions, and to uphold the equality of all people. For these reasons, we have supported the rights of same-sex couples to seek religious marriage under the care of our Meeting in precisely the same way as their opposite-sex counterparts since 1988.

Tacoma Friends Monthly Meeting

Tacoma Friends Monthly Meeting has officially approved identical treatment of homosexual and heterosexual marriages since 1987. We take the position that homosexual couples have the right to legally recognized civil unions and are pleased to have the opportunity to reaffirm this position publicly.

Rainbow Cathedral Metropolitan Community Church

Rainbow Cathedral Metropolitan Community Church (MCC) has been present in Yakima for over ten years. We have celebrated same-sex unions since 1994 and are part of a larger denomination that understands same-sex unions to be spiritual and sacramentally equivalent to marriage. MCC has been performing same-sex unions since 1969 and since the early 1970s in Washington State.

We believe that allowing same-sex marriage for couples is an issue of justice, both in terms of legal equality and in terms of economics. We believe that granting same-sex couples the legal right to marry strengthens our communities and families. It does not take away any of the rights of any heterosexuals, but adds a dimension of stability to all our families.

University Friends Meeting

University Friends Meeting (UFM), Seattle, Washington, is a Meeting in the unprogrammed tradition of the Religious Society of Friends. UFM decided to marry same-sex couples, according to its regular Quaker practice, in May 1992. UFM also recognizes that marriage is both a religious and civil institution. In 1997 UFM decided to support the legalization of same-sex marriage. This position was taken as a result of listening for Divine guidance and seeking Truth as best we could. Thus we do believe that God desires and accepts fully those couples, heterosexual or homosexual, who make loving commitments towards each other. We take this stand for marriage as a spiritual and personal commitment within a faith community.

Walla Walla Friends Meeting

Walla Walla Friends Meeting (Quaker) was established in 1980. In 1988, the meeting adopted a statement of its belief in the value of long-term, exclusive relationships between two persons of whatever sex, and its conclusion that the nurturing of thoughtfully considered committed relationships is the essence of what has been have traditionally recognized under the name "marriage," which is both a civil and religious concept. The meeting believes that such a relationship should be afforded respect by the state, and all benefits traditionally associated with the life-long commitment of two individuals in marriage. As a religious body, the Walla Walla Friends Meeting stands ready to recognize and honor such a relationship among its members, and believes it has an obligation to do what it can to assure respect for such a relationship by the state.

Wallingford United Methodist Church

Founded in 1912, Wallingford United Methodist Church became a Reconciling Congregation in 1984, openly welcoming all people into the full life of the local church, regardless of sexual orientation. A diverse congregation encompassing people of all ages and backgrounds, Wallingford UMC continues to work for full inclusion of sexual minorities into the United Methodist denomination, both regionally and globally

