CONTESSA GALLERY

SUPREME COURT OF THE UNITED STATES

UNITED STATES v. WINDSOR, EXECUTOR OF THE ESTATE OF SPYER, ET AL.,570 U.S. 744 (2013)

EXCERPTS OF BRIEF OF AMICI CURIAE BISHOPS OF THE EPISCOPAL CHURCH IN THE STATES OF CALIFORNIA, CONNECTICUT, IOWA, MAINE, MARYLAND, MASSACHUSETTS, NEW HAMPSHIRE, NEW YORK, VERMONT, AND WASHINGTON AND THE DISTRICT OF COLUMBIA; THE JEWISH THEOLOGICAL SEMINARY OF AMERICA; MANHATTAN CONFERENCE OF THE METROPOLITAN NEW YORK SYNOD OF THE EVANGELICAL LUTHERAN CHURCH IN AMERICA; THE RABBINICAL ASSEMBLY; THE RECONSTRUCTIONIST RABBINICAL ASSOCIATION; RECONSTRUCTIONIST RABBINICAL COLLEGE; RABBI AKIVA HERZFELD OF SHAAREY TPHILOH; THE UNION FOR REFORM JUDAISM; UNITARIAN UNIVERSALIST ASSOCIATION; UNITED CHURCH OF CHRIST; THE UNITED SYNAGOGUE OF CONSERVATIVE JUDAISM; AFFIRMATION; COVENANT NETWORK OF PRESBYTERIANS; FRIENDS FOR LESBIAN, GAY, BISEXUAL, TRANSGENDER, AND QUEER CONCERNS; METHODIST FEDERATION FOR SOCIAL ACTION; MORE LIGHT PRESBYTERIANS; PRESBYTERIAN WELCOME; RECONCILING MINISTRIES NETWORK; RECONCILINGWORKS: LUTHERANS FOR FULL PARTICIPATION; AND RELIGIOUS INSTITUTE, INC. ON THE MERITS AND IN SUPPORT OF AFFIRMANCE IN FAVOR OF RESPONDENT EDITH SCHLAIN WINDSOR, Feb. 28, 2013

"Amici curiae ('Amici') represent a broad range of religious groups, organizations, and leaders who support equal treatment for same-sex couples affecting state-regulated civil marriage. While Amici come from faiths that have approached issues with respect to lesbian and gay people and their families in different ways over the years, they are united in the belief that, in our vast, diverse and pluralistic society, particular religious views or definitions of marriage should not be permitted to influence who the state permits to marry or how legally married couples are treated by the federal government.
Such rights must be determined by reference to principles of equal protection under the law....

Over a century and a half ago, Alexis de Tocqueville reflected on the central role of religion in the birth of the English colonies in America and its 'peculiar power' in the cultural life of the United States, while simultaneously observing the necessary corollary that lies at the heart of religious freedom: 'In America religion has, if one may put it so, confined itself within 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.' Tocqueville's observation bears directly on the issues before this Court. By historical and legal tradition, American pluralism extends to religion and its expression. Amici here affirm and embody that pluralism and submit that the judgment below should be affirmed as consistent with fundamental principles of equal protection and religious freedom....

The American religious panorama embraces a multitude of perspectives on lesbian and gay people and same-sex relationships. A vast range of religious perspectives affirms the inherent dignity of lesbian and gay people, their relationships, and their families. This affirmation reflects the deeply rooted belief, common to many faiths, in the essential worth of all individuals and, more particularly, the growing respect accorded within theological traditions to same-sex couples.
Thus, some faiths celebrate same-sex couples' marriages identically to those of different-sex couples.
Others solemnize same-sex relationships in ways other than marriage.

Faiths embracing same-sex couples – both theologically and with respect to the distinct issue of equality under civil law – participate in the mainstream of American religious observance. They include Mainline Protestant denominations such as the United Church of Christ and the Episcopal Church; the Unitarian Universalist Church; portions of the Religious Society of Friends (Quakers); and Judaism's Reform, Reconstructionist, and Conservative movements. Millions of religious individuals from other faiths also embrace and celebrate same-sex couples, including members of many other Protestant denominations, Roman Catholics, Orthodox Jews, and Muslims. These citizens comprise a major part of the American religious landscape....

Certain amici supporting reversal have argued that civil recognition for the marriages of same-sex couples would alter a longstanding 'Christian' definition of 'marriage.' But this and other religiously based arguments for limiting civil recognition of marriage to different-sex couples cannot constitutionally be given weight by this Court. Crediting such arguments would improperly both enshrine a particular religious belief in the law – itself prohibited under the Establishment Clause – and implicitly privilege religious viewpoints that oppose marriage equality over those that favor it.
For these and other reasons, civil recognition of same-sex relationships, including through marriage,
is fundamentally consistent with the religious pluralism woven into the fabric of American law, culture, and society."

Julie Torres '23