

## UULM and the Supreme Court on Marriage for Same-Sex Couples

By Eric Alan Isaacson, Attorney and UU from First UU Church, San Diego - March 2008

Thanks to an interfaith effort led by the UULM and California Faith for Equality, religious voices calling for marriage equality are forcefully represented in the pending Marriage Cases, in which the California Supreme Court heard arguments on March 4. Among the voices calling for the court to grant the same right to marry to same-sex couples as mixed-sex couples is an interfaith group whose amicus curiae or “friend of the court” brief was filed on behalf of the UUA, the United Church of Christ, the Union for Reform Judaism, the Universal Fellowship of Metropolitan Community Churches, California Faith for Equality, the California Council of Churches and other faith groups and clergy.

That brief began nearly three years ago, when the board of trustees and ministers of the First Unitarian Universalist Church of San Diego to support the same-sex couples in the consolidated Marriage Cases that were then pending before Superior Court Judge Richard A. Kramer, but that clearly were headed for the California Court of Appeal and Supreme Court. What started as a local effort in San Diego swiftly grew into an effort to file on behalf of UUs throughout the state.

Then, under the guidance of UULM’s Rev. Lindi Ramsden, the effort grew to represent other faith groups too – first in the California Court of Appeal and then in the California Supreme Court. The argument comes before the California Supreme Court roughly 60 years after its 1948 decision overturning California’s statutes outlawing mixed-race marriages. By a narrow 4-3 vote, *Perez v. Sharp* rejected precedents upholding laws against interracial marriage, ruling that marriage is a fundamental civil right that the state cannot deny to mixed-race couples.

Justice Edmonds, whose concurrence provided the majority’s critical fourth vote, declared that the right to marry also “is protected by the constitutional guarantee of religious freedom.” If the couple’s faith tradition honored mixed-race unions, Justice Edmonds reasoned, it violated fundamental principles of religious freedom for the State of California to abridge their right to marry merely because others thought that races should not mix. Since the couple in question was Catholic, it’s ironic that the California Catholic Conference stands against the right to marry in the now-pending marriage cases, having joined a brief filed by Ken Starr on behalf of the Church of Jesus Christ of Latter-Day Saints that asserts “virtually all faith communities” oppose recognizing same-sex marriages and warns the California Supreme Court not to issue a decision that would produce “deep tensions between civil and religious understandings of that institution.” The interfaith filing led by UULM makes abundantly clear to the court that many faith communities in fact support the right of all persons to marry—regardless of gender, sexual orientation, race, or ethnicity.

Whatever the Supreme Court decides in the same-sex Marriage Cases, the nature of the public discourse has been changed as people of faith speak out together for recognizing marriage as a fundamental civil right. The California Supreme Court typically issues decisions within 90 days after argument.