

Nos. 14-556, 14-562, 14-571, 14-574

Supreme Court of the United States

No. 14-556

JAMES OBERGEFELL, *et al.*, and BRITTANI HENRY, *et al.*,

Petitioners,

—v.—

RICHARD HODGES, Director,
Ohio Department of Health, *et al.*,

Respondents.

(Caption continued on inside cover)

ON WRITS OF CERTIORARI TO THE UNITED STATES
COURT OF APPEALS FOR THE SIXTH CIRCUIT

BRIEF FOR *AMICI CURIAE* PRESIDENT OF THE HOUSE OF DEPUTIES OF THE EPISCOPAL CHURCH AND THE EPISCOPAL BISHOPS OF KENTUCKY, MICHIGAN, OHIO, AND TENNESSEE; GENERAL SYNOD OF THE UNITED CHURCH OF CHRIST; JEWISH THEOLOGICAL SEMINARY; RECONSTRUCTIONIST RABBINICAL ASSOCIATION; RECONSTRUCTIONIST RABBINICAL COLLEGE AND JEWISH RECONSTRUCTIONIST COMMUNITIES; UNION FOR REFORM JUDAISM; UNITARIAN UNIVERSALIST ASSOCIATION; 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; MUSLIMS FOR PROGRESSIVE VALUES; THE OPEN AND AFFIRMING COALITION OF THE UNITED CHURCH OF CHRIST; PARITY; RECONCILING MINISTRIES NETWORK; RECONCILING WORKS: LUTHERANS FOR FULL PARTICIPATION; RELIGIOUS INSTITUTE, INC.; AND 1,900 INDIVIDUAL FAITH LEADERS IN SUPPORT OF PETITIONERS AND IN FAVOR OF REVERSAL

JEFFREY S. TRACHTMAN

Counsel of Record

NORMAN C. SIMON

JASON M. MOFF

KURT M. DENK

KRAMER LEVIN NAFTALIS

& FRANKEL LLP

1177 Avenue of the Americas

New York, New York 10036

jtrachtman@kramerlevin.com

Attorneys for Amici Curiae

No. 14-562

VALERIA TANCO, *et al.*,

—v.—

Petitioners,

BILL HASLAM, Governor of Tennessee, *et al.*,

Respondents.

No. 14-571

APRIL DEBOER, *et al.*,

—v.—

Petitioners,

RICK SNYDER, Governor of Michigan, *et al.*,

Respondents.

No. 14-574

GREGORY BOURKE, *et al.*, and TIMOTHY LOVE, *et al.*,

—v.—

Petitioners,

STEVE BESHEAR, Governor of Kentucky, *et al.*,

Respondents.

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INTERESTS OF *AMICI CURIAE*¹

Amici curiae (“*Amici*”) comprise a broad range of religious groups, organizations, and leaders (including nearly 2,000 individual clergy) who support equal treatment for same-sex couples with respect to civil marriage. While *Amici* come from faiths that have approached issues affecting lesbian and gay people and their families in different ways over the years, they are united in the belief that, in our vastly diverse and pluralistic society, particular religious views or definitions of marriage should not be permitted to influence which couples’ marriages the state recognizes or permits. Such rights must be determined by religiously neutral principles of equal protection under the law.

The interests of each of the organizational *Amici*, and a complete list of individual *Amici*, are set forth in Appendix A to this brief.

¹ Pursuant to Supreme Court Rules 37.3 and 37.6, all parties have consented to the filing of this *amicus curiae* brief: A letter of consent to the filing of this *amicus curiae* brief was filed by the Petitioners in these matters with the Clerk of the Court and a blanket consent for the filing of *amicus curiae* briefs has been given by Respondents in these matters. 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 *Amici*, their members, or their counsel made a monetary contribution to the preparation or submission of the brief.

INTRODUCTION AND SUMMARY OF ARGUMENT

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, 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’s reflection bears directly on the cases before this Court. By historical and legal tradition, American pluralism extends to religion and its expression. *Amici* here embrace and embody that pluralism and bear witness to the diversity of religious viewpoints on marriage across various faiths and denominations. Certain Respondents and/or *amici* supporting them in the proceedings before the Court of Appeals would justify a state’s refusal to permit same-sex couples to marry, or to recognize such couples’ valid out-of-state marriages, in part based on certain religion-premised beliefs with respect to marriage.³ Others invoke amor-

² 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)) (paragraph break omitted).

³ See, e.g., Br. of the Coalition of Black Pastors from Detroit, Outstate Michigan, and Ohio as *Amici Curiae* Supporting Defendants-Appellants at 1, *DeBoer, et al. v. Snyder, et al.*, No. 14-1341, 6th Cir. (“*DeBoer*”) (May 15,

phous concerns about “religious liberty.”⁴ *Amici* here submit that reversal of the judgments below would in fact be consistent with fundamental principles of both equal protection and religious freedom.

The American religious panorama embraces a multitude of theological perspectives on lesbian and gay people and their intimate relationships. A vast range of religious perspectives affirms the inherent dignity of these women and men, 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’

2014) (urging reversal to support “2.7 million citizens of Michigan who cast their vote and enacted the Michigan Marriage Amendment to secure the sanctity of the traditional family, as it is defined by God in the Bible”); Br. *Amicus Curiae* of Public Advocate of the United States, *et al.*, in Support of Appellants and Reversal at 30-32, *DeBoer* (May 15, 2014) (citing biblical definitions of marriage).

⁴ See Br. of Appellant Lance D. Himes at 16, 50, *Obergefell, et al. v. Himes*, No. 14-3057, 6th Cir. (“*Obergefell*”) (Apr. 10, 2014) (suggesting that “desire not to alter the definition of marriage without first taking steps to consider religious liberty issues” would be sufficient rationale for Ohio’s failure to recognize same-sex couples’ out-of-state marriages); see also, e.g., Br. *Amicus Curiae* of The Becket Fund for Religious Liberty in Support of Defendants-Appellants and Reversal at 4-27, *DeBoer* (May 13, 2014) (arguing that “according legal recognition to same-sex marriage without robust protections for religious liberty will trigger wide-ranging church-state conflict”); Br. of *Amicus Curiae* North Carolina Values Coalition and Liberty, Life, and Law Foundation in Support of Defendants-Appellants and Reversal at 24-28, *DeBoer* (similar).

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, the Episcopal Church, and the Presbyterian 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 Mainline and Evangelical Protestant denominations, Roman Catholics, Mormons, Orthodox Jews, and Muslims. This grand mosaic includes millions of Kentucky, Michigan, Ohio, and Tennessee citizens of diverse faith backgrounds, many of whom today celebrate and embrace equal rights for same-sex couples and their families. *Amici* who are faith leaders in these states, and throughout our nation, are also a testament to the growing embrace of equality within mainstream American religion.

Eliminating discrimination in civil marriage will not impinge upon religious doctrine, conscience, or practice. All religions would remain free—as they are today with thirty-seven states and the District of Columbia permitting same-sex couples to marry—to define *religious* marriage in any way they choose. Nor would reversal interfere with religious institutions' or individuals' other constitutionally protected speech or activities, as forecast by certain *amici* that have supported

Respondents.⁵ The types of conflicts anticipated already can and sometimes do arise under public accommodation and employment laws whenever religiously affiliated organizations or religious individuals operate in commercial or governmental spheres. Courts know how to respond if civil rights law enforcement infringes First Amendment rights. Other Respondent *amici* have argued that permitting civil marriages of same-sex couples would gut longstanding definitions of marriage informed by “religious doctrines.”⁶ But crediting such arguments would both enshrine religious beliefs in the law—which the Establishment Clause prohibits—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 through lawful marriage is fundamentally consistent with the religious pluralism woven into the fabric of American law, culture, and society. Reversal in these cases would not “take sides” with one religious view against another or constitute an attack on religion. Nor would it

⁵ See, e.g., Br. of Becket Fund, *supra* note 4, at 20-21 (arguing that legally recognizing same-sex couples’ marriages poses risk that religious people and institutions will be penalized by state and local governments) and Br. of North Carolina Values Coalition, *supra* note 4, at 26 (asserting risk exists that courts will order religious entities to marry same-sex couples).

⁶ See, e.g., Br. of *Amici Curiae* United States Conference of Catholic Bishops, *et al.*, in Support of Defendants-Appellants and Supporting Reversal at 1, 3, *DeBoer* (urging relevance of “theological perspectives” and “religious doctrines” in support of “the traditional husband-wife definition of marriage”).

signal an impermissible judicial imprimatur on changing social mores. Rather, reversal would recognize the creative tension inherent in religions' interface with our pluralistic, changing society while confirming that all, regardless of faith, are entitled to equal protection under the law.

ARGUMENT

The American religious landscape is vast and diverse.⁷ Religious adherents differ on contentious issues, and religious bodies have themselves evolved and disagreed over time—on marriage as

⁷ According to a U.S. Religious Landscape Survey from the Pew Forum on Religion & Public Life, more than 90% of Americans believe in God or a universal spirit and more than 80% have some formal religious affiliation. Pew Forum on Religion & Public Life, *Religious Beliefs and Practices: Diverse and Politically Relevant* at 5, 8 (June 2008), <http://religions.pewforum.org/pdf/report2-religious-landscape-study-full.pdf> (last visited Feb. 24, 2015). Religious affiliations and viewpoints also are diverse:

- i. While over 75% of religiously affiliated Americans are Christian, this group is comprised of: Protestants, including Evangelical (26.3%), Mainline (18.1%), and Historically Black (6.9%) churches; Roman Catholics (23.9%); Mormons (1.7%); Jehovah's Witnesses (0.7%); Orthodox (0.6%); and Others (0.3%).
- ii. Other religiously affiliated Americans are diverse as well, comprised of Jews (1.7%), Buddhists (0.7%), Muslims (0.6%), Hindus (0.4%), and other faiths (approximately 1.5%).
- iii. Yet other sizeable blocks of the American public are unaffiliated, whether agnostic (2.4%), atheist (1.6%), or nothing in particular (12.1%).

Id. at 217. More recent, Gallup data confirms that, as of May 2014, 86% of Americans believed in God or a universal spirit.

well as other civil rights and social issues.⁸ In view of that history and the wide range of modern religious thought on same-sex unions, it would be

Gallup, *Religion* (2015), available at <http://www.gallup.com/poll/1690/religion.aspx#> (last visited Feb. 24, 2015).

The states whose laws are at issue in these cases likewise reflect our nation's broad religious diversity. In Kentucky, 49% of the population has identified as Evangelical Protestant, 17% as Mainline Protestant, 14% as Catholic, 12% as Unaffiliated, and 5% as Historically Black Protestant. Pew Forum on Religion & Public Life, *Religious Affiliation: Diverse and Dynamic* at 98 (February 2008), <http://religions.pewforum.org/pdf/report-religious-landscape-study-full.pdf> (last visited Feb. 24, 2015). In Michigan, 26% of the population has identified as Evangelical Protestant, 23% as Catholic, 19% as Mainline Protestant, 17% as Unaffiliated, and 8% as Historically Black Protestant. *Id.* at 97. In Ohio, 26% of the population has identified as Evangelical Protestant, 22% as Mainline Protestant, 21% as Catholic, 17% as Unaffiliated, and 7% as Historically Black Protestant. *Id.* In Tennessee, 51% of the population has identified as Evangelical Protestant, 18% as Mainline Protestant, 12% as Unaffiliated, 8% as Historically Black Protestant, and 7% as Catholic. *Id.* at 98.

⁸ See Michael Perry, *Religion in Politics*, 29 U.C. Davis L. Rev. 729, 772 n.94 (1996) (chronicling shifts in religions' views on usury, the dissolubility of marriages, and slavery, and noting that "[i]n each case one can see the displacement of a principle or principles that had been taken as dispositive"). As one example, the American Baptist Church once believed that churches and other institutions should be segregated on the basis of race, but later revised that view. See Pamela Smoot, *Race Relations: How Do Baptists Treat Their Brothers and Sisters?*, in *History Speaks To Hard Questions Baptists Ask* (2009), <http://www.baptisthistory.org/smootracerelations.pdf> (last visited Feb. 24, 2015). As another example, the Roman Catholic Church once sought to curtail women's suffrage but later championed it. See Rosemary Radford Ruether, *Women, Reproductive Rights and the Catholic Church*, 16 *Feminist Theology* 184, 185 (Jan. 2008).

a mistake to elevate any one view on marriage above all others as “the religious” view. Indeed, it would be constitutionally inappropriate, because civil marriage is a secular institution, *see Maynard v. Hill*, 125 U.S. 190, 210 (1888), and the Constitution bars the government from favoring certain religious views over others, *see Larson v. Valente*, 456 U.S. 228, 244 (1982). Religious freedom means that, while *all* voices may contribute to our national conversation, *particular* religious perspectives on marriage can neither be privileged nor permitted to control the civil definition of marriage for all.

I. A Wide Cross-Section Of American Religious Traditions Recognizes The Dignity Of Lesbian And Gay Citizens’ Relationships And Families

With time, and across traditions, religious Americans have affirmed that the dignity of lesbian and gay people logically and theologically follows from the premise that all persons have inherent dignity. In some traditions, this affirmation has affected religious practice—*e.g.*, in the ordination of clergy. In others, it has led to various forms of religious affirmation of same-sex unions and of the children whom women and men in these unions love, nurture, and raise. Certain couples who are party to the very suits before this Court have been religiously married or invoked God in the context of their unions, even though they have been denied civil marriage.⁹ All of this

⁹ Dominique James and Rev. Maurice Blanchard, among the couples suing in the *Bourke* and *Love* cases, were married in a religious ceremony in 2006 “because of their deep spiritual beliefs,” but have been denied a Kentucky

confirms that no one “religious” view of even the rite of marriage predominates in America, putting aside the separate question of whether there is a common religious viewpoint on access to civil marriage.

A. The Inherent Dignity Of Lesbian And Gay Individuals Informs The Theology Of Numerous Religious Believers And Bodies

Nearly three decades ago, the United Church of Christ, with 1.1 million members today, adopted a policy of membership nondiscrimination with regard to sexual orientation.¹⁰ In 1989, the 45th

marriage license. American Civil Liberties Union, *Bourke v. Beshear & Love v. Beshear—Plaintiff Profiles*, Jan. 14, 2015, available at <https://www.aclu.org/lgbt-rights/bourke-v-beshear-love-v-beshear-plaintiff-profiles> (last visited Feb. 24, 2015). Another Kentucky couple, Tammy Boyd and Kim Franklin, were married in Connecticut in 2010, moving Ms. Boyd to proclaim: “May God see all things wonderful in this lifetime—and may all things happen the way it was meant to be: In love.” Adam Polaski, *Meet the Plaintiffs Standing Up for Marriage at the 6th Circuit Today*, Aug. 6, 2014, available at <http://www.freedomtomarry.org/blog/entry/meet-the-plaintiffs-standing-up-for-marriage-at-the-6th-circuit-today> (last visited Feb. 24, 2015).

¹⁰ General Synod of the United Church of Christ, *Resolution: Calling on United Church of Christ Congregations to Declare Themselves Open and Affirming* (July 2, 1985), <http://ucccoalition.org/wp-content/uploads/2013/09/1985-CALLING-ON-UNITED-CHURCH-OF-CHRIST-CONGREGATIONS-TO-DECLARE-THEMSELVES-OPEN-AND-AFFIRMING.pdf> (last visited Feb. 24, 2015) (citing Romans 12:4 for proposition that “Christians . . . are many members, but . . . one body in Christ” and encouraging congregations to adopt “a Covenant of Openness and Affirmation” with lesbian and gay members of the faith).

General Assembly for the Union of Reform Judaism, which represents 1.3 million Reform Jews, resolved to “urge [its] member congregations to welcome gay and lesbian Jews to membership, as singles, couples, and families” and to “embark upon a movement-wide program of heightened awareness and education to achieve the fuller acceptance of gay and lesbian Jews in our midst.”¹¹ Many other faiths similarly embrace the foundational theological belief in the dignity of lesbian and gay Americans *as persons*. The Episcopal Church,¹² the United Methodist Church,¹³ the

¹¹ Union of Reform Judaism, 60th General Assembly, Resolution, *Gay And Lesbian Jews* (Nov. 1989), available at http://urj.org/about/union/governance/resol/?syspage=article&item_id=2065 (last visited Feb. 24, 2015). Cf. Union of Reform Judaism, 45th General Assembly, Resolution, *Human Rights Of Homosexuals* (Nov. 1977), available at http://urj.org/about/union/governance/resol/?syspage=article&item_id=2158 (last visited Feb. 24, 2015) (affirming the “belief that private sexual acts between consenting adults are not the proper province of government and law enforcement agencies”); 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* at 262 (1990), http://borngay.procon.org/sourcefiles/CCAR_Homosexuality.pdf (last visited Feb. 24, 2015) (“all Jews are religiously equal regardless of their sexual orientation”).

¹² 75th General Convention of The Episcopal Church, Resolution 2006-A167, (2006), available at http://www.episcopalarchives.org/cgi-bin/acts/acts_resolution-complete.pl?resolution=2006-A167 (last visited Feb. 24, 2015).

¹³ United Methodist Church, *Social Principles & Creed*, available at <http://www.umc.org/what-we-believe/the-social-community> (last visited Feb. 24, 2015).

Evangelical Lutheran Church in America,¹⁴ the Presbyterian Church (U.S.A.),¹⁵ the Unitarian Universalist Church,¹⁶ Conservative¹⁷ and Reconstructionist¹⁸ Judaism, and myriad others in Kentucky, Michigan, Ohio, Tennessee, and nationwide adhere to this basic tenet.

¹⁴ 11th Churchwide Assembly of the Evangelical Lutheran Church in America, *A Social Statement on Human Sexuality: Gift and Trust* at 20 (Aug. 19, 2009), available at <http://www.elca.org/Faith/Faith-and-Society/Social-Statements/Human-Sexuality> (last visited Feb. 24, 2015).

¹⁵ Presbyterian Church (U.S.A.), Theological Task Force on Peace, Unity and Purity of the Church, Final Report as approved by the 217th General Assembly, *A Season of Discernment* at 20, (2006), http://pres-outlook.org/wp-content/uploads/2009/10/www.pcusa.org_peaceunitypurity_final_report_final-report-revised-english.pdf (last visited Feb. 24, 2015).

¹⁶ General Assembly of the Unitarian Universalist Association, Business Resolution, *Confronting Sexual Orientation and Gender Identity Discrimination* (2010), available at <http://www.uua.org/statements/statements/169267.shtml> (last visited Feb. 24, 2015).

¹⁷ Rabbinical Assembly, *Resolution In Support Of Equal Rights And Inclusion For Gay, Lesbian, Bisexual, And Transgender (GLBT) Persons* (2011), available at <http://www.rabbinicalassembly.org/story/resolution-support-equal-rights-and-inclusion-gay-lesbian-bisexual-and-transgender-glb-person> (last visited Feb. 24, 2015); see also E. Dorff, D. Nevins, & A. Reisner, *Homosexuality, Human Dignity & Halakhah: A Combined Responsum For the Committee on Jewish Law Mand Standards* (2006), http://www.rabbinicalassembly.org/sites/default/files/public/halakhah/teshuvot/20052010/dorff_nevins_reisner_dignity.pdf (last visited Feb. 24, 2015).

¹⁸ Rabbi Shawn I. Zevit, *JRF Homosexuality Report and Inclusion of GLBTQ Persons*, available at <http://archive.is/3a6x> (last visited Feb. 24, 2015) (citation omitted).

Religious individuals, too, have demonstrated an increasingly positive view of lesbian and gay Americans. According to Public Religion Research Institute data, the majority of Americans from most major religious groups have 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.¹⁹

Meanwhile, 57% of white Mainline Protestants and 50% of American Roman Catholics support the ordination of gay and lesbian clergy.²⁰ Unsurprisingly, therefore, some denominations—both Christian and Jewish—long have permitted openly lesbian and gay clergy.²¹ Others more

¹⁹ Public Religion Research Institute, *Generations at Odds: The Millennial Generation and the Future of Gay and Lesbian Rights*, at 18-19 (Aug. 29, 2011), <http://publicreligion.org/site/wp-content/uploads/2011/09/PRRI-Report-on-Millennials-Religion-Gay-and-Lesbian-Issues-Survey.pdf> (last visited Feb. 24, 2015).

²⁰ Public Research Institute, *supra* note 19, at 20.

²¹ The Unitarian Universalist Church called its first openly gay minister to serve as leader for a congregation in 1979. See Unitarian Universalist Association of Congregations, Unitarian Universalist LGBT History Timeline, *available at* <http://www.uua.org/lgbtq/history/20962.shtml> (last visited Feb. 24, 2015). The seminary for Reconstructionist Jews began accepting gay and lesbian applicants in 1984. See Zevit, *supra* note 18. The Central Conference of American Rabbis endorsed the view in 1990 that “all rabbis, regardless of sexual orientation, be accorded the opportunity to fulfill the sacred vocation which they have chosen.” Central Conference of American Rabbis, *supra* note 11, at 261. The Episcopal Church ordained its first openly gay priest in 1977, see Mireya Navarro, *Openly Gay Priest Ordained in New Jersey*, N.Y. Times, Dec. 17, 1989, at 54,

recently have amended their practices to admit openly lesbian and gay people to various forms of ministry.²² Such changes have extended to top leadership eligibility as well, as in the election of

amended its canon law in 1994 to prohibit discrimination on the basis of sexual orientation in ordained and lay ministry, *see* 71st General Convention of the Episcopal Church, Resolution 1994-D007, *available at* http://www.episcopalarchives.org/cgi-bin/acts/acts_resolution.pl?resolution=1994-D007 (last visited Feb. 24, 2015), and amended its law again in 2012 to prohibit discrimination on the basis of gender identity and expression, *see* Archives of the Episcopal Church, The Acts of Convention 1976-2012, *available at* http://www.episcopalarchives.org/cgi-bin/acts/acts_resolution.pl?resolution=2012-D002 (last visited Feb. 24, 2015).

²² *See, e.g.*, Presbyterian Church (U.S.A.), *Presbyterian Church (U.S.A.) Approves Change In Ordination Standard* (May 10, 2011), *available at* <http://www.pcusa.org/news/2011/5/10/presbyterian-church-us-approves-change-ordination/> (last visited Feb. 24, 2015) (reporting that new language in church’s Book of Orders effectively would open ordained ministry to persons in same-gender relationships); Amy Stone, *Out and Ordained, New York’s Jewish Theological Seminary Graduates its First Openly Lesbian Rabbi*, *Lilith* (2011), *available at* <http://lilith.org/articles/out-and-ordained/> (last visited Feb. 24, 2015) (indicating that Conservative Jewish movement welcomed gay and lesbian rabbinical and cantorial students to Jewish Theological Seminary in 2007); Bishop Mark S. Hanson, *Message to Rostered Leaders* (Aug. 22, 2009), <http://www.salem.sycamore.org/committees/task-forces/civil-unions/Bishop’s%20Message%20August%202009.pdf> (last visited Feb. 24, 2015) (citing Resolution 2 of 2009 Evangelical Lutheran Church in America Churchwide Assembly as resolving to find “a way for people in such publicly accountable, lifelong, monogamous, same-gender relationships to serve as rostered leaders of the church”); Sarah Pulliam Bailey, *ELCA Lutherans Elect First Openly Gay Bishop* (June 3, 2013), *available at* <http://www.religionnews.com/2013/06/03/elca-lutherans-elect-first-openly-gay-bishop/> (last visited Feb. 24,

the first openly gay bishop in the Episcopal Church in 2003.²³

Whether it be the ordination of lesbian and gay clergy, the express welcome to lesbian and gay congregants and their families, or the affirmation that lesbian and gay individuals possess the same inherent dignity as any other person, the American religious landscape includes same-sex couples and their families and affirms their role in both faith communities and civil society at large.

B. A Vast Spectrum Of American Faith Groups And Religious Observers Affirms Same-Sex Couples' Relationships In A Multitude Of Ways, Including By Celebrating And Solemnizing Their Marriages

Many faiths also more specifically accord doctrinal and theological affirmation to the loving, committed *relationships* that same-sex couples have elected to enter—unsurprisingly, in ways as diverse as America’s religious families. Most recently, the General Assembly of the Presby-

2015). More recently, a United Methodist Church committee affirmed a proposal, formally to be voted on this May, that would “remove church legislation that punishes clergy for being ‘self-avowed practicing homosexuals’ or officiating gay weddings.” Zoe Mintz, *United Methodist Church Moves to Allow LGBT Clergy and Gay Marriage*, Feb. 12, 2015, available at <http://www.ibtimes.com/united-methodist-church-moves-allow-lgbt-clergy-gay-marriage-1814812> (last visited Feb. 24, 2015).

²³ See Laurie Goodstein, *Openly Gay Man Is Made A Bishop*, N.Y. Times, Nov. 3, 2003, at A1; see also Laurie Goodstein, *Episcopal Vote Reopens a Door to Gay Bishops*, N.Y. Times, July 14, 2009, at A11.

terian Church (U.S.A.)—the largest U.S. Presbyterian denomination—approved a recommendation permitting pastors to officiate at same-sex weddings²⁴ and recommended that the Church’s 171 presbyteries ratify a change to the Book of Order indicating that “marriage involves a unique commitment between two people.”²⁵

Such decisions are no mere fad. Nearly thirty years ago, the Detroit Friends Meeting in Michigan affirmed—as approximately 250 other Quaker meetings around the country similarly have—that both homosexual and heterosexual couples seeking to unite their love would be celebrated and supported by the community.²⁶ Friends Meetings in

²⁴ Presbyterian Church (U.S.A.), *Press Release—General Assembly Approves Recommendation Giving Pastors Discretion to Perform Same-Gender Marriage Ceremonies*, June 20, 2014, available at <http://www.pcusa.org/news/2014/6/20/press-release-presbyterian-church-us-general-assembly/> (last visited Feb. 24, 2015) (deciding that pastors would be able “to participate in any such marriage they believe the Holy Spirit calls them to perform.”). The United Methodist Church may undertake a similar move in coming months. See discussion *supra*, note 22.

²⁵ *Id.* This measure was approved by a vote of 71% of the General Assembly. Laurie Goodstein, *Presbyterians Vote to Allow Same-Sex Marriages*, N.Y. Times, June 20, 2014, at A11.

²⁶ See Detroit Monthly Meeting, *Minute* (Jan. 12, 1986), available at Friends for Lesbian, Gay, Bisexual, Transgender, and Queer Concerns, *Collected Marriage Minutes*, <http://flgbtqc.quaker.org/minutes.html> (last visited Feb. 24, 2015). Other Friends Meetings in Michigan have followed suit—*e.g.*, in Ann Arbor, Kalamazoo, and Red Cedar. See *id.*

Ohio and Tennessee have adopted similar stances over the past fifteen to twenty years as well.²⁷

The Evangelical Lutheran Church in America has described the manner in which same-sex unions are, and are expected to be, like different-sex unions in several constitutive dimensions: “[T]he neighbor and community are best served when same-gender relationships are lived out with lifelong and monogamous commitments that are held to the same rigorous standards, sexual ethics, and status as heterosexual marriage. [We] surround such couples and their lifelong commitments with prayer to live in ways that glorify God, find strength for the challenges that will be faced, and serve others.”²⁸

Support for same-sex relationships in religious doctrine and practice likewise has informed a diverse array of formal marriage rituals. The Conservative, Reform, and Reconstructionist Jewish movements allow their rabbis to perform religious

²⁷ See *id.*, Nashville, TN Friends Meeting, *Minute* (June 9, 1996), and Oxford, OH Friends Meeting, *Minute* (1998); see also Marty Grundy, ed., *Seeking God’s Will on Same Sex Relationships: The Experience of Cleveland Friends Meeting* at 49-51, 91 (2010) (reprinting Cleveland, OH Friends Meeting *Minutes* (May 22, 1994 and June 26, 1994) calling a meeting “to celebrate and witness” as Nancy Reeves and Lynn Clark affirmed their relationship to be a marriage, and *Minute* (Feb. 28, 2010) approving, “regardless of sexual orientation or gender,” an “understanding that marriage is a covenant relationship between [a] couple and God”).

²⁸ See, e.g., Evangelical Lutheran Church in America, 11th Churchwide Assembly, *Human Sexuality: Gift and Trust* at 20 (Aug. 19, 2009), available at <http://www.elca.org/Faith/Faith-and-Society/Social-Statements/Human-Sexuality> (last visited Feb. 24, 2015).

wedding ceremonies for same-sex couples. Indeed, this practice was approved by a unanimous vote of the Rabbinical Assembly's Committee on Jewish Law and Standards.²⁹

The Unitarian Universalist Association began celebrating the unions of same-sex couples as it would any other consenting adult couple's union in 1979 and formally affirmed this practice in 1984.³⁰ The United Church of Christ adopted a

²⁹ See, e.g., E. Dorff, D. Nevins, & A. Reisner, *Rituals and Documents of Marriage and Divorce for Same-Sex Couples*, Rabbinical Assembly (Spring 2012) (endorsing Conservative rabbis' right to solemnize marriages of same-sex couples and memorializing 15-0-1 vote by the Rabbinical Assembly's Committee on Jewish Law and Standards to approve endorsement), <http://www.rabbinicalassembly.org/sites/default/files/public/halakhah/teshuvot/2011-2020/same-sex-marriage-and-divorce-appendix.pdf> (last visited Feb. 24, 2015); *id.* at 6 ("The Rabbinical Assembly maintains standards of rabbinic practice regarding marriage, and we shall apply the same standards to same-sex couples."); 111th Convention of the Central Conference for American Rabbis, *Resolution On Same Gender Officiation*, (Mar. 2000), available at <http://ccarnet.org/rabbis-speak/resolutions/2000/same-gender-officiation/> (last visited Feb. 24, 2015) (Reform movement); Lisa Tuttle, *Reconstructionist Movement Issues Joint Statement On Same-Sex Marriage Bans* (Nov. 17, 2008), available at <http://www.jewishrecon.org/files/Reconstructionist%20statement%20on%20same-sex%20marriage%20bans.doc> (last visited Feb. 24, 2015) (noting that in series of resolutions beginning in 1993 Reconstructionist movement affirmed holiness of commitments made by same-sex couples).

³⁰ See LGBTQ Ministries Multicultural Growth and Witness, *LGBT History & Facts for Unitarian Universalists* (2011), <https://www.uua.org/documents/lgbtq/history.pdf> (last visited Feb. 24, 2015); General Assembly of the Unitarian Universalist Association, Resolution of Immediate Witness, *Support of the Right to Marry for Same-Sex Couples*

marriage equality resolution on July 4, 2005, and its current Order for Marriage—a template for marriage ceremonies—is designed for use in any marriage ceremony regardless of gender.³¹ The Episcopal Church acknowledged in 2000 that its membership includes same-sex couples living in “lifelong committed relationships . . . characterized by fidelity, monogamy, mutual affection and respect, careful, honest communication and the holy love which enables those in such relationships to see in each other the image of God,” and in 2012 approved a provisional liturgy for the blessing of same-sex unions that may be used with the permission of the local bishop.³² And some faiths that do not celebrate or solemnize marriages of same-sex couples *per se* accord recognition to them in various other ways.³³

(1996), *available at* <https://www.uua.org/statements/statements/14251.shtml> (last visited Feb. 24, 2015); Unitarian Universalist Association, *Unitarian Universalist LGBTQ: History & Facts*, *available at* <http://www.uua.org/lgbtq/history/185789.shtml> (last visited Feb. 24, 2015).

³¹ United Church of Christ, *Order for Marriage, An Inclusive Version*, http://www.ucc.org/worship/pdfs/323_346i_order-for-marriage-inclusive.pdf (last visited Feb. 24, 2015).

³² See 73rd General Convention of the Episcopal Church, Resolution 2000-D039 (2000), *available at* http://www.episcopalarchives.org/cgi-bin/acts/acts_resolution-complete.pl?resolution=2000-D039 (last visited Feb. 24, 2015); 77th General Convention of the Episcopal Church, Resolution 2012-A049, (2012), *available at* http://www.episcopalarchives.org/cgi-bin/acts/acts_resolution-complete.pl?resolution=2012-A049 (last visited Feb. 24, 2015).

³³ For example, the Evangelical Lutheran Church in America’s (“ELCA”) 2009 Churchwide Assembly resolved by a vote of 619 to 402 to “commit itself to finding ways to allow

In short, even limited to the sphere of *religious* marriage, organized religion in the United States exhibits a tremendous diversity of views and practices regarding same-sex unions.

II. Recognizing The Necessary Distinction Between Civil And Religious Marriage, A Growing Number Of Faiths Support Civil Marriage Equality

More than a century ago, this 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. *Amici* are therefore mindful that their own theological perspectives on marriage are distinct from the civil law on marriage. Recognizing that civil and religious marriage necessarily are two different things, and further undercutting any claim that religion speaks with one voice on marriage, many religions—including those represented by *Amici* here—have distinct positions supporting equal *civil* marriage rights for same-sex couples.

Amici do not suggest that their spiritual views on civil marriage equality should be imposed on anyone else. Rather, they present some of their beliefs here to counter the notion that any one segment of the religious community can claim divine or some other universally normative

congregations that choose to do so to recognize, support and hold publicly accountable life-long, monogamous, same-gender relationships.” Hanson, *supra* note 22. Following that action, more than 300 ELCA congregations have performed blessings over same-sex couples’ unions, while many more have adopted other policies and practices affirming same-sex couples’ relationships. See ReconcilingWorks, *RIC Congregations List*, available at <http://www.reconcilingworks.org/ric/ric-congregations-list#results> (last visited Feb. 24, 2015).

authority as a basis for exclusively reserving civil marriage for heterosexual couples—as, for example, some *amici* suggest by stating that their “theological perspectives, though often differing, converge on a critical point: that the traditional husband-wife definition of marriage is vital to the welfare of children, families, and society. [Such f]aith communities . . . are among the essential pillars of this Nation’s marriage culture.”³⁴ Under-signed *Amici*—including nearly 2,000 individual religious leaders spanning a rich diversity of American faith traditions—submit that their faith communities, too, are among the pillars supporting the institution of marriage in America. *Amici* therefore respectfully urge the Court to bear this diversity in mind when assessing the broad cultural implications of the decision it must reach in these cases, at this juncture of American history.

In this light, *Amici* note that two Christian denominations that trace their history directly to the Puritans of New England support civil marriage for gay and lesbian couples.³⁵ Nearly two decades ago, in 1996, the Unitarian Universalist Association formally resolved to support equal civil marriage rights in part because the marriage equality debate “ha[d] focused on the objections of certain religious communities” to equal access to

³⁴ Br. of United States Conference of Catholic Bishops, *et al.*, *supra* note 6, at 1.

³⁵ See generally Mark W. Harris, *Unitarian Universalist Origins: Our Historic Faith* (2015), available at <http://www.ucsummit.org/wordpress/visitors/uu-history/#.VOzv5L10yUk> (last visited Feb. 24, 2015); United Church of Christ, *Short Course in the History of the United Church of Christ*, <http://www.ucc.org/about-us/short-course/shortcourse.pdf> (last visited Feb. 24, 2015).

marriage.³⁶ In 2004, the Association further affirmed that “Civil Marriage is a Civil Right” and opposed any amendment of the United States Constitution to bar same-sex couples from marrying.³⁷ The following year, in 2005, the United Church of Christ “affirm[ed] equal marriage rights for couples, regardless of gender, and declar[ed] 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.”³⁸ Indeed, the very church founded by the Pilgrims who sailed on the Mayflower in 1620—First Parish in Plymouth, now a Unitarian

³⁶ General Assembly of the Unitarian Universalist Association, Resolution of Immediate Witness, *supra* note 30.

³⁷ General Assembly of the Unitarian Universalist Association, Action of Immediate Witness, *Oppose Federal Marriage Amendment* (2004), available at <http://www.uua.org/statements/statements/13433.shtml> (last visited Feb. 24, 2015).

³⁸ General Synod of the United Church of Christ, Resolution, *In Support of Equal Marriage Rights for All* (July 4, 2005), <http://ucccoalition.org/wp-content/uploads/2013/09/in-support-of-equal-marriage-rights-for-all-with-background.pdf> (last visited Feb. 24, 2015). Echoing the proper distinction between religious and civil marriage, the UCC’s General Synod concluded that “theologically and biblically, there is neither justification for denying any couple, regardless of gender, the blessings of the church nor for denying equal protection under the law in the granting of a civil marriage license, recognized and respected by all civil entities.” *Id.* It also observed that “legislation to ban recognition of same-gender marriages further undermine[s] the civil liberties of gay and lesbian couples and contributes to a climate of misunderstanding and polarization increasing hostility against gays and lesbians.” *Id.*

Universalist congregation—has issued a proclamation invoking its historical pursuit of religious freedom, recounting its long history of openness to lesbian and gay congregants, and calling for full civil marriage equality for same-sex couples.³⁹ Given its historical pedigree, the First Parish proclamation underscores the resonance of today’s marriage equality debate with the nation’s founding ideal of liberty.

In addition, the Reform,⁴⁰ Reconstructionist,⁴¹ and Conservative⁴² movements of Judaism all

³⁹ See First Parish Church 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* (Feb. 2013), <http://firstparishplymouthuu.org/wp/wp-content/uploads/2014/07/Equal-treatment-lgbti-brief.pdf> (last visited Feb. 24, 2015).

⁴⁰ At its 1997 General Assembly, the Union of American Hebrew Congregations (now the Union for Reform Judaism) resolved to “[s]upport secular efforts to promote legislation which would provide through civil marriage equal opportunity for gay men and lesbians.” See Union of American Hebrew Congregations, General Assembly Resolution, *Civil Marriage for Gay and Lesbian Jewish Couples* (Oct. 29–Nov. 2, 1997), available at http://urj.org/about/union/governance/reso/?syspage=article&item_id=2000 (last visited Feb. 24, 2015). As part of the foundation for this resolution, the UAHC recognized that, “[n]o less than heterosexual couples, gay men or lesbians living in monogamous domestic relationships have demonstrated, like their counterparts, love for one another, compassion for the sick, and grief for the dead.” *Id.* The 1997 resolution built on a 1996 resolution of the Central Conference of American Rabbis (“CCAR”) “support[ing] the right of gay and lesbian couples to share fully and equally in the rights of civil marriage.” 107th Convention of the Central Conference of American Rabbis, Resolution, *On Gay and Lesbian Marriage* (Mar. 1996),

support equal civil marriage rights for same-sex couples, as does the American Friends Service Committee of the Religious Society of Friends (Quakers).⁴³ The Religious Institute, Inc. in 2004

available at <http://ccarnet.org/rabbis-speak/resolutions/1996/on-gay-and-lesbian-marriage-1996/> (last visited Feb. 24, 2015). The CCAR resolution specifically recognized that civil marriage is a question of civil law and thus completely distinct from rabbinic officiation at religious marriages. *Id.*

⁴¹ The Jewish Reconstructionist movement adopted a resolution in favor of full civil marriage equality for same-sex couples. See Reconstructionist Rabbinical Association, *et al.*, *Reconstructionist Movement Endorses Civil Marriage for Same-Sex Couples* (Apr. 2004), available at <http://www.rrc.edu/news-media/news/reconstructionist-movement-endorses-civil-marriage-same-sex-couples> (last visited Feb. 24, 2015).

⁴² The Rabbinical Assembly—representing Conservative Judaism—resolved in 2011 to “support the extension of civil rights and privileges granted to married persons to same sex couples,” and as early as 1990, had resolved to “work for full and equal civil rights for gays and lesbians in our national life.” *Resolution In Support Of Equal Rights*, *supra* note 17.

⁴³ In 2004, the Executive Committee of the American Friends Service Committee Board of Directors, acting at the direction of the full board, approved a “minute” setting forth its “support for equal civil marriage rights for lesbian, gay, bisexual, and transgender people.” See American Friends Service Committee, AFSC Board Executive Committee Statement on Equal Marriage (2004), <http://afsc.org/sites/afsc.civicactions.net/files/documents/AFSC%20Board%20Minute.pdf> (last visited Feb. 24, 2015). Noting that some advocate civil unions for same-sex couples, while reserving civil marriage for heterosexual couples, the Executive Committee disagreed: “It is our belief that government sanction should be applied equally. All couples should be granted civil union licenses or all should be granted marriage licenses.” *Id.* Like *Amici* here, the AFSC Executive Committee was “careful to distinguish between civil law, in which no single religious view should predominate, and the right of various faith traditions, denominations, and congregations to decide for

released an Open Letter to Religious Leaders on Marriage Equality, and as of January 2015 had received the endorsement by more than 4,600 religious leaders, representing over fifty traditions, of the Institute’s Religious Declaration on Sexual Morality, Justice, and Healing, which includes a call for marriage equality.⁴⁴

In 2006, the Episcopal Church likewise called on federal, state, and local governments to provide same-sex couples protections equivalent to those “enjoyed by non-gay married couples” and “oppose[d] any state or federal constitutional amendment that prohibits same-sex civil marriage or civil unions,” a stance growing out of its “historical support of gay and lesbian persons as children of God and entitled to full civil rights.”⁴⁵ And a decade ago, the United Methodist Church called for the “equal protection before the law” of couples and families who have “shared material resources, pensions, guardian relationships,

themselves whether they will perform, support, or recognize [same-sex] marriages.” *Id.*

⁴⁴ Religious Institute, *An Open Letter to Religious Leaders on Marriage Equality* (2004), <http://www.religiousinstitute.org/wp-content/uploads/2013/08/OL-Marriage-Equality.pdf> (last visited Feb. 24, 2015); *Religious Declaration on Sexual Morality, Justice, and Healing* (Jan. 2015), available at <http://www.religiousinstitute.org/religious-declaration-on-sexual-morality-justice-and-healing/> (last visited Feb. 24, 2015); *List of Endorsers* (Aug. 28, 2014), available at <http://www.religiousinstitute.org/religious-declaration-on-sexual-morality-justice-and-healing/list-of-endorsers/> (last visited Feb. 24, 2015).

⁴⁵ 75th General Convention of The Episcopal Church, Resolution 2006-A095, available at http://www.episcopalarchives.org/cgi-bin/acts/acts_resolution-complete.pl?resolution=2006-A095 (last visited Feb. 24, 2015).

mutual powers of attorney, and other such lawful claims.”⁴⁶

Even within faiths officially opposed to civil marriage equality—a position their leaders remain free to express—many adherents (in some cases, a majority) nonetheless have come to support same-sex couples’ right to civil marriages. For example, the Roman Catholic Church hierarchy is strongly opposed to both civil and religious marriage for same-sex couples.⁴⁷ Yet Catholic teaching joins other mainstream religions in affirming the fundamental human dignity of lesbian and gay individuals and in calling for an end to “any forms of injustice, oppression, or violence against them.”⁴⁸

⁴⁶ United Methodist Church, *Equal Rights Regardless of Sexual Orientation*, The Book of Discipline of The United Methodist Church (2004), available at <http://master.umc.org/interior.asp?mid=1753> (last visited Feb. 24, 2015).

⁴⁷ United States Conference of Catholic Bishops, *Between Man And Woman: Questions And Answers About Marriage And Same-Sex Unions* (2003), available at <http://www.usccb.org/issues-and-action/marriage-and-family/marriage/promotion-and-defense-of-marriage/questions-and-answers-about-marriage-and-same-sex-unions.cfm> (last visited Feb. 24, 2015).

⁴⁸ See, e.g., United States Conference of Catholic Bishops, Statement of the Bishops’ Committee on Marriage and Family, *Always Our Children: A Pastoral Message To Parents Of Homosexual Children And Suggestions For Pastoral Ministers* (1997), available at <http://www.usccb.org/issues-and-action/human-life-and-dignity/homosexuality/always-our-children.cfm> (last visited Feb. 24, 2015) (observing that “respect for the God-given dignity of all persons means the recognition of human rights and responsibilities,” such that “the fundamental human rights of homosexual persons must be defended and . . . all of us must strive to eliminate any forms of injustice, oppression, or violence against them.”).

Consistent with the latter teaching, a growing majority of American Catholics have come to favor marriage equality.⁴⁹ Indeed, recent Public Religion Research Institute data show that significant majorities within prominent American religious communities support civil marriage equality: 83% of Jewish Americans; 62% of white Mainline Protestants; and 58% and 56% of white and Hispanic Catholics, respectively. The freedom to marry is embraced as well by 73% of religiously unaffiliated Americans.⁵⁰ The Institute also has documented rapidly shifting support for marriage equality among Evangelical Christians—and not just among the young.⁵¹ There are American Muslims, too, who believe that their religious faith is not

⁴⁹ Compare Public Religion Research Institute, *A Shifting Landscape: A Decade of Change in American Attitudes about Same-sex Marriage and LGBT Issues*, at 10 (Feb. 26, 2014), http://publicreligion.org/site/wp-content/uploads/2014/02/2014.LGBT_REPORT.pdf (last visited Feb. 24, 2015) (showing that, in 2013, 57% of Catholics supported marriage for same-sex couples) with Pew Forum on Religion and Public Life, *Religion and Attitudes Toward Same-Sex Marriage* (Feb. 7, 2012), available at <http://www.pewforum.org/Gay-Marriage-and-Homosexuality/Religion-and-Attitudes-Toward-Same-Sex-Marriage> (citing comparative data from Aug.-Sept. 2010 and Oct. 2011 to show that, just three years before, only 46% of Catholics had favored equal marriage rights).

⁵⁰ *Id.*

⁵¹ Elizabeth Dias, *How Evangelicals Are Changing Their Minds on Gay Marriage*, *Time*, Jan. 15, 2015, available at <http://time.com/3669024/evangelicals-gay-marriage/> (last visited Feb. 24, 2015) (citing Public Religion Research Institute data in reporting that, although the National Association of Evangelicals opposes same-sex marriage, support for it “across all age groups of white evangelicals has increased by double digits over the past decade”).

contravened when the government affords marriage rights to same-sex couples.⁵² In fact, in a March 2014 survey, 59% of *all* adults nationwide, including 62% of White non-evangelical Protestants, 70% of White Catholics, and 81% of people who claim no religion, voiced support for marriage equality.⁵³

While individual liberties should not be subject to public opinion polls, the preceding surveys make clear that American religious thought and practice embrace a rich diversity. No one view speaks for “religion”—even if, contrary to the Establishment Clause, it were appropriate to give weight to religious views in the application of the Constitution’s secular promise of equal protection.

III. Civil Marriage Equality For Same-Sex Couples Will Not Prejudice Religious Belief Or Practice, But Rather Will Prevent One Set Of Religious Beliefs From Being Imposed Through Civil Law

Affording civil marriage rights to same-sex couples will not threaten the First Amendment freedom of all religious communities to decide

⁵² See, e.g., Muslims for Progressive Values, Press Release, *Muslims for Progressive Values Applauds President Obama’s Support of Marriage Equality* (May 9, 2012), available at <http://prlog.org/11871240-muslims-for-progressive-values-applauds-president-obamas-support-of-marriage-equality.html> (last visited Feb. 24, 2015) (applauding *Windsor* and *Perry* decisions for marriage equality).

⁵³ *Gay issues find increasing acceptance*, Wash. Post, Mar. 6, 2014, available at http://www.washingtonpost.com/page/2010-2019/WashingtonPost/2014/03/05/National-Politics/Polling/release_301.xml?uuid=MCZgxKQjEeO4ZTiyVNkgYw (last visited Feb. 24, 2015).

which unions are and are not consistent with their religious beliefs or otherwise to control their core religious practices. Nor would reversal here unduly burden religious persons and institutions in the pursuit of their public, community, or commercial activities. Religious actors become subject to public accommodation laws and other neutral government regulation when they engage in the public sphere. The potential conflicts that may thus arise are governed by existing law and have nothing to do with respecting equal marriage rights for other individuals. To the contrary, affirmance predicated on religious grounds, including the notion that a state may deny equal protection to one subgroup in order to preserve the “religious liberty” of those who wish to discriminate against them with respect to *public* matters and *civil* rights, would be inappropriate and unconstitutional. Such a holding would improperly favor one set of religious views (*e.g.*, rejecting civil marriage equality) against other religious views (*e.g.*, like those of *Amici* here, favoring equal treatment under law for same-sex couples).

A. Reversal Would Not Interfere With The Freedom To Set Parameters For Religiously Sanctioned Marriage That May Differ From Those Established Under Civil Law

Any purported concern that marriage equality for same-sex couples would interfere with religious practice is wholly illusory. However civil authorities define marriage, existing constitutional principles protect the autonomy of various religious entities to define *religious* marriages to comport with their respective tenets. *See*

Hosanna-Tabor Evangelical Lutheran Church & Sch. v. EEOC, 132 S. Ct. 694, 709 (2012) (affirming principle that certain “matter[s] are] ‘strictly ecclesiastical,’” meaning they are “the church’s alone” (citation omitted)); *see also Epperson v. Arkansas*, 393 U.S. 97, 104 (1968) (“The First Amendment mandates governmental neutrality between religion and religion, and between religion and nonreligion.”). In this manner, religion and the state reciprocally respect their own proper spheres. *See 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.”).

This tradition of respect for religious autonomy has, indeed, permitted various religions to define religious marriage in ways that would be unenforceable under civil law—declining to sanctify or even recognize, for example, marriages between persons of different faiths and races or successive marriage following divorce. Conservative Judaism, for example, prohibits interfaith marriages,⁵⁴ as did the Roman Catholic Church’s Code of Canon Law for much of the twentieth century.⁵⁵ The Mormon Church discouraged interracial marriage

⁵⁴ Leadership Council on Conservative Judaism, *Conservative View on Intermarriage* (Mar. 7, 1995), available at <http://www.mazorguide.com/living/Denominations/conservative-intermarriage.htm> (last visited Feb. 24, 2015).

⁵⁵ Michael G. Lawler, *Interchurch Marriages: Theological and Pastoral Reflections*, in *Marriage in the Catholic Tradition: Scripture, Tradition, and Experience*, Ch. 22, at 222 (Todd A. Salzman, *et al.*, eds. 2004).

well after this Court’s ruling in *Loving v. Virginia*, 388 U.S. 1 (1967), that the Constitution forbids bans on interracial civil marriages.⁵⁶ And because the Roman Catholic Church teaches that “[t]he remarriage of persons divorced from a living, lawful spouse is not permitted by God’s law as taught by Christ,”⁵⁷ its priests “cannot recognize the union of people who are civilly divorced and remarried”⁵⁸—even though civil jurisdictions obviously do.

The existence and persistence of such differences demonstrate that reversal here would not burden religious liberty. Were all states to recognize and permit the civil marriage of same-sex couples—as they do for interfaith couples, interracial couples, and couples re-marrying after divorce—religions that disapprove of such unions would remain free to define *religious* marriage however they wish. All faith groups could continue to withhold spiritual blessing from any marriages—and, indeed, bar those entering into them from being congregants at all—just as they are now free to do so on grounds of faith, race, prior marital status, or any other characteristic deemed religiously significant.

⁵⁶ 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)).

⁵⁷ United States Conference Of Catholic Bishops, *United States Catholic Catechism For Adults* ¶ 290 (2006).

⁵⁸ United States Conference Of Catholic Bishops, *Compendium—Catechism Of The Catholic Church* ¶ 349 (2006).

Amici supporting Respondents before the Court of Appeals failed to explain how their *religious* practice would be burdened by according other people equal civil marriage rights. Leaving aside the public accommodation law issues addressed *infra* in Point III(B), certain of these *amici* express a generalized concern that opponents of equal marriage rights will somehow be prevented from expressing their religious conscience on such matters.⁵⁹ But the Free Exercise Clause does not protect religious actors from reactions to their expressed views. There is no protected constitutional right not to be considered—correctly or incorrectly—a “discriminator,” and religious liberty does not require freedom from discomfort. Indeed, a core component of many religious traditions involves speaking to, if not *against*, secular culture and its practices. Liberty under our Constitution protects such religious practice and speech. But that liberty interest cannot be transformed into a basis for privileging certain such practices and speech at the expense of other citizens’ own fundamental constitutional rights.

In this respect it is no accident that the Free Exercise Clause shares an amendment with the Free Speech Clause. Robust enforcement of *all*

⁵⁹ See, e.g., Br. of North Carolina Values Coalition, *supra* note 4, at 26 (arguing that “redefining marriage” would constitute “judicial intrusion on thought and speech” that “encroaches on freedom of religion—a right that, unlike even traditional marriage, is explicitly guaranteed by the Constitution”); Br. of United States Conference of Catholic Bishops, *et al.*, *supra* note 6, at 30 (“[A] judicial decision declaring traditional marriage unconstitutional would render those who believe in traditional marriage social and political outcasts.”).

constitutional guarantees best ensures equal access for all voices to discourse in the public square.⁶⁰ Eliminating states' unconstitutional and unequal treatment of same-sex couples under civil law will not change, mandate, control, or interfere with any parties' religious practices. The religious freedoms embodied in the Constitution guarantee that diverse religious traditions and beliefs, including the sole right to define who can marry *religiously*, will flourish regardless of changes in civil marriage laws.

B. Civil Marriage Of Same-Sex Couples Does Not Unconstitutionally Burden Religious Conscience Or Exercise In Commercial Or Other Public Settings

Some *amici* supporting Respondents here suggested to the Court of Appeals that the civil marriage of same-sex couples will impede religious individuals or religiously identified entities from serving their communities or engaging in commerce in a manner consistent with their conscience. For example, the *Obergefell* Respondents argued that deliberation over potential “legal adjustments” with respect to “balanc[ing] protections for religious liberty” warranted Ohio’s refusal to recognize same-sex couples’ marriages.⁶¹ Others have argued that mandating marriage equality would trigger a wave of private civil litigation

⁶⁰ See William P. Marshall, *Solving the Free Exercise Dilemma: Free Exercise as Expression*, 67 Minn. L. Rev. 545, 546-47 (1983) (arguing free exercise of religion bears directly on free speech, both having their proper public dimension, with Religion Clauses, together, offering “unitary protection for individual liberty”).

⁶¹ Br. of Appellant Himes, *supra* note 4, at 16.

under anti-discrimination laws and the penalization of religious people and institutions by state and local governments.⁶²

But the types of disputes anticipated by these *amici* have more to do with existing civil rights laws barring discrimination based on sexual orientation, where such laws exist, than with any conflicts likely to arise based on marital status. The extent to which any religious institution or business is regulated as a public accommodation or an employer is determined by existing law. Compare *Elane Photography, LLC v. Willock*, 309 P.3d 53, 59 (N.M. 2013) (holding state prohibition against discrimination on basis of sexual orientation in public accommodations was not unconstitutionally applied to wedding photographer who objected, for religious and free speech reasons, to photographing same-sex couple's commitment ceremony), *cert. denied* 134 S. Ct. 1787 (Apr. 7, 2014), with *Hosanna-Tabor Evangelical Lutheran Church & Sch. v. EEOC et al.*, 132 S. Ct. 694, 707, 709 ("The purpose of the [ministerial] exception [to employment discrimination laws] is not to safeguard a church's decision to fire a minister only when it is made for a religious reason. The exception instead ensures that the authority to select and control who will minister to the faithful—a matter 'strictly ecclesiastical'—is the church's alone" (internal citation omitted)).

When religious institutions or religiously minded individuals act in a secular sphere, the balance between civil rights enforcement and First Amendment liberties may vary in particular cases. But such issues have nothing to do with the con-

⁶² Br. of The Becket Fund, *supra* note 4, at 12, 20-21.

stitutional right to marry and, in any event, are not presented for decision here.

C. While *Amici* Respect All Fellow Faiths, Including Those That Embrace Different Religious Views On Marriage, It Is Constitutionally Impermissible To Impose Religious Views Through Civil Law To Curtail Civil Marriage Rights Of Same-Sex Couples

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 defining marriage rights on religious or quasi-religious grounds violates this principle by putting the force of law behind one set of religious views.

Several Respondent *amici* in the proceedings below have sought to cast these cases in avowedly religious terms that would wreak havoc with the Establishment Clause. For example, one group of *amici* “believe[s] that the Bible defines what constitutes sound doctrine, not the culture, gender, or personality,” and urged a ruling by the court below that would show “support [for] the vote of 2.7 million citizens of Michigan who cast their vote and enacted the Michigan Marriage Amendment to secure the sanctity of the traditional family, *as it is defined by God in the Bible.*”⁶³ But it would be plainly improper to

⁶³ See Br. for Coalition of Black Pastors, *supra* note 3, at 1 (emphasis added).

enshrine such religious views in civil law. “Courts are not arbiters of scriptural interpretation” and “should not undertake to dissect religious beliefs.” *Thomas v. Review Bd. of Indiana Employment Sec. Div.*, 450 U.S. 707, 715-16 (1981).

Other Respondent *amici* have insisted that their doctrinal opposition to marriage for same-sex couples is fueled not by animus towards gay people, but rather “[f]idelity to [r]eligious [b]eliefs” regarding “the personal, familial, and social virtues of traditional marriage.”⁶⁴ But it is not the dimension of potential animus that renders these justifications irrelevant to determining the permissible scope of civil marriage rights. It is, rather, that these views are frankly *religious*—and, moreover, that they represent *particular* religious views among *others* that differ, as the foregoing overview of American religious views on marriage amply demonstrates. Any attempt to have this Court embrace specifically religious views or definitions of marriage must be rejected, among other reasons because that result would disfavor and disadvantage *other religious believers*, like *Amici* here.

By reversing the judgment of the court below without reliance on religiously based arguments, and by affirming the constitutional promise of equal treatment for different- and same-sex couples, this Court will ensure that civil law neither favors nor disfavors any particular religious viewpoint. Requiring equal treatment for different- and same-sex couples with respect to civil marriage will, in fact, reaffirm the religious

⁶⁴ Br. of United States Conference of Catholic Bishops, *et al.*, *supra* note 6, at 7-8.

liberty fundamental to this nation's founding identity. When the freedom to marry is fully respected, *all* couples will have the right to a solemnized union before a justice of the peace, while all individual faith communities will retain the right to decide who among such couples may seek religious sanction of their union.

CONCLUSION

For the foregoing reasons, *Amici* respectfully submit that the Court should reverse the judgments of the Court of Appeals holding that Michigan's, Kentucky's, Ohio's, and Tennessee's exclusions of same-sex couples from equal civil marriage rights is constitutional.

Respectfully submitted,

JEFFREY S. TRACHTMAN

Counsel of Record

NORMAN C. SIMON

JASON M. MOFF

KURT M. DENK

KRAMER LEVIN NAFTALIS

& FRANKEL LLP

1177 Avenue of the Americas

New York, New York 10036

jtrachtman@kramerlevin.com

Attorneys for Amici Curiae

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APPENDIX

**APPENDIX A:
STATEMENTS OF INTEREST
OF *AMICI CURIAE***

Amicus curiae the Rev. Gay Clark Jennings of Sagamore Hills, Ohio, is the President of the House of Deputies of The Episcopal Church. In that capacity, Jennings presides over a legislative chamber consisting of more than 800 elected clergy and lay leaders representing all dioceses of The Episcopal Church as part of its bicameral governing body, the General Convention. Jennings has represented the Diocese of Ohio in the General Convention for more than 24 years.

Amici curiae Bishops of The Episcopal Church in Kentucky, Michigan, Ohio, and Tennessee include The Rt. Rev. Terry Allen White, Eighth Bishop of Kentucky; The Rt. Rev. Douglas Hahn, Seventh Bishop of Lexington (Ky.); The Rt. Rev. Wendell N. Gibbs Jr., Tenth Bishop of Michigan; The Rt. Rev. Whayne M. Hougland Jr., Ninth Bishop of Western Michigan; The Rt. Rev. Rayford J. Ray, Eleventh Bishop of Northern Michigan; The Rt. Rev. Todd Ousley, Second Bishop of Eastern Michigan; The Rt. Rev. Mark Hollingsworth Jr., Eleventh Bishop of Ohio, and The Rt. Rev. David C. Bowman, The Rt. Rev. William D. Persell, and The Rt. Rev. Arthur B. Williams Jr., Assisting Bishops in the Diocese of Ohio; The Rt. Rev. Thomas E. Breidenthal, Ninth Bishop of Southern Ohio, The Rt. Rev. Kenneth L. Price Jr., Retired Bishop Suffragan in the Diocese of Southern Ohio, and The Rt. Rev. Bavi Edna Rivera, Assisting Bishop in the Diocese of Southern Ohio; The Rt. Rev. Don E. Johnson, Third Bishop of West Tennessee; and The Rt. Rev.

George D. Young III, Fourth Bishop of East Tennessee. These bishops, who are all members of the House of Bishops of the General Convention, have authorized the blessing of same-sex couples in Episcopal churches in their jurisdictions, including for couples who have already entered into civil marriages in other jurisdictions.

Amicus curiae General Synod of the United Church of Christ is the representative body of the this Protestant denomination of approximately 1.1 million members worshipping in approximately 5,100 local churches throughout the United States.

Amicus curiae The Jewish Theological Seminary (“JTS”) is a preeminent institution of Jewish higher education that integrates rigorous academic scholarship and teaching with a commitment to strengthening Jewish tradition, Jewish lives, and Jewish communities. As the intellectual center of the Conservative Movement, JTS is committed to educating the public on Jewish perspectives regarding important social issues and providing an informed Jewish voice on those issues.

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 (“UCSJ”) 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 Affirmation represents lesbian, gay, bisexual, transgender, and queer concerns and their supporters in the United Methodist Community.

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 Parity is a diverse community of countless individuals representing lesbian, gay,

bisexual, and transgender people in the Presbyterian Church (U.S.A.), through education, advocacy, and relationship building.

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 ReconcilingWorks: 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.

Amici curiae leaders of United States religious communities spanning a rich diversity of American faith traditions include: Scott Aaseng, Consulting Minister, Unitarian Universalist Association, First Unitarian Church of Hobart, Hobart, IN; Daayiee Abdullah, Imam, Muslim–Sunni, Mecca Institute, Washington, DC; Susan Abold, Rev. (Retired), United Methodist Church, Chaplain, South Austin Medical Center, Austin, TX; Ruth Abusch-Magder, Rabbi, Jewish–Reform,

Be'chol Lashon, San Francisco, CA; Manda Adams, Rev., United Church of Christ, United Church of Christ, Buffalo, NY; Tiffany Adams, Sr. Pastor, Kingdom Outreach Fellowship, Columbia, SC; Ruth Adar, Rabbi, Jewish-Reform, Lehrhaus Judaica, San Leandro, CA; Michael Adee, Dr., Presbyterian Church USA, Global Faith and Justice Project, Santa Fe, NM; Sara Adler, Rabbi, Jewish-Conservative, Hospital Chaplain, Ann Arbor, MI; Amitai Adler, Rabbi, Jewish, Temple B'nai Israel, Aurora, IL; Julie Adler, Rabbi, Jewish, Aitz Hayim Center for Jewish Living, Deerfield, IL; Daniel Adolphson, Associate Pastor, Disciples of Christ, Christian Church, First Christian Church (Disciples of Christ), Minneapolis, Minneapolis, MN; Julia Aegerter, Rev. Dr. (Retired), Unitarian Universalist Association, UU Church of Evansville IN, Evansville, IN; Jory Agate, Rev., Unitarian Universalist Association, Unitarian Universalist Association, Cambridge, MA; Timothy Ahrens, Sr. Minister, United Church of Christ, First Congregational Church, Columbus, OH; Aileen Aidnik, Rev., Episcopal Church, St. Francis Episcopal, Shingle Springs, CA; Mona Alfi, Rabbi, Jewish-Reform, Cong. B'nai Israel, Sacramento, CA; Susie Allen, Rev., United Church of Christ, Executive Soul, Boxborough, MA; Diana Allende, Rev., Unitarian Universalist Association, Auburn Unitarian Universalist Fellowship, Opelika, AL; Willie Allen-Faiela, Rector, Episcopal Church, St. Stephen's Episcopal Church, Miami, FL; Matt Alspaugh, Minister, Unitarian Universalist Association, Unitarian Universalist Church of Youngstown, Youngstown, OH; Jason Alspaugh, Rev., American Baptist Church, First Baptist Church of Dayton, Dayton, OH; Janice Altenburger,

Pastor, Lutheran–ELCA, Lutheran Church of Our Savior, Irwin, PA; Eileen Altman, Associate Pastor, United Church of Christ, First Congregational Church of Palo Alto, Palo Alto, CA; Renni Altman, Rabbi, Jewish–Reform, HUC-JIR, Great Neck, NY; Israel Alvaran, Rev. Dr., United Methodist Church, Reconciling Ministries Network, San Francisco, CA; Craig Amlin, Ordained Clergy, United Church of Christ, United Church of Christ, Camp Director, Indianapolis, IN; Vince Amlin, Associate Minister, United Church of Christ, United Church of Gainesville, Gainesville, FL; Kharma Amos, Associate Director of Formation and Leadership Development, Metropolitan Community Church, Metropolitan Community Churches, Tallahassee, FL; Rosemary Ananis, Bishop, Old Catholic Church, Province of the U.S., Diocese of New England, Wells, ME; Jane Anderson, Rev., United Church of Christ, United Church of Christ, Appleton, WI; Neal Anderson, Rev., Unitarian Universalist Association, Unitarian Universalist Fellowship of Northern Nevada, Reno, NV; Allan Anderson, Rev. (Retired), United Methodist Church, Pathways Counseling Associates, Inc., Lowell, MA; Cheryl Anderson, Pastor, United Church of Christ, First Congregational Church, UCC, Washington, CT; Rachel Anderson, Rev., Unitarian Universalist Association, Unitarian Universalist Minister, Berkeley, CA; Tawnya Anderson, Pastor, Presbyterian Church USA, Unity Presbyterian Church, Upper Marlboro, MD; Bobbi Anderson, Rev., Eagle’s Wing Christian Church, Seymour, TN; Judith Anderson-Bauer, Rev., Lutheran–ELCA, Pastor, Duluth, MN; Susan Anderson-Smith, Rev., Episcopal Church, Imago Dei Middle School (Episcopal), Tucson, AZ; Lindsay Andreolli-

Comstock, Executive Director, Alliance of Baptists, The Beatitudes Society, Raleigh, NC; Thomas Andrews, Priest (Retired), Episcopal Church, Episcopal Church, Millersville, MD; Amy Andrews, Minister, United Life Church, Mobile, AL; Dana Anesi, Cantor, Jewish-Reform, Temple for Universal Judaism, Hebrew Union College, White Plains, NY; Kate Anthony, Clerk, Quaker, Community Friends Meeting, Cincinnati, OH; Ghazala Anwar, Dr., Muslim-Non-Sectarian, Starr King School for the Ministry, Berkeley, CA; Beth Appel, Rabbi, Jewish-Reform, Temple Emanu-El, Tuscon, AZ; Victor Appell, Rabbi, Jewish-Reform, Union for Reform Judaism, New York City, NY; Andrew Arakawa, Postulant to the Priesthood, Episcopal Church, Church of the Holy Apostles, Hilo, HI; Beth Archer, Ruling Elder, Presbyterian Church USA, John Knox Presbyterian Kirk, Kansas City, MO; Rev. Charlie Archibald, Unitarian Universalist Community Minister, Unitarian Universalist Association, UU Fellowship of San Luis Obispo County, Nipomo, CA; James Arends, Bishop, Lutheran-ELCA, La Crosse Area Synod-ELCA, La Crosse, WI; Ellen Armour, Carpenter Assoc. Professor of Theology, Vanderbilt Divinity School, Nashville, TN; Sally Armstrong, Director of Religious Education, Unitarian Universalist Association, Unitarian Church of Montpelier, Montpelier, VT; Wayne Arnason, Rev. Dr., Unitarian Universalist Association, Co-Minister and West Shore Church, Bay Village, OH; Dale Arnink, Rev. Dr. (Retired), Unitarian Universalist Association, Los Alamos, NM Unitarian Church, Los Alamos, NM; Nancy Arnold, Rev., Unitarian Universalist Association, Unitarian Universalist Congregation of the South Fork, Valley Stream, NY; Erica Asch, Rabbi,

Jewish–Reform, Temple Beth El, Augusta, ME; Lisa Ashley, Spiritual Director and Chaplain, Unitarian Universalist Association, Youth Chaplaincy Coalition, King County Detention Center, Bainbridge Island, WA; Michael Ashmore, Rev. Deacon, Episcopal Church, Diocese of Western NC, Asheville, NC; David Aslesen, Rev., United Methodist Church, Grace United Methodist Church, Lake Bluff, IL; Aqueelah As-Salaam, Rev., United Church of Christ, United Church of Christ, Snellville, GA; Leah Atkinson-Bilinski, Reverend, United Church of Christ, Eastern Association, Missouri Mid-South Conference, Washington, MO; John Auer, Rev. (Retired), United Methodist Church, Clergy, Fresno, CA; Jennifer Aull, Rev., United Church of Christ, Greenpoint Reformed Church, Brooklyn, NY; Elan Babchuck, Rabbi, Jewish–Conservative, Temple Emanu-El, Providence, Providence, RI; Rev. Burton Bagby-Grose, Pastor, United Church of Christ, St. Paul United Church of Christ of Corpus Christi, Corpus Christi, TX; Suzan Bailey, Reverend, Unity, Unity of Leesburg, Leesburg, FL; Victoria Bailey, Rev. (Retired), United Methodist Church, University United Methodist Church, Austin, TX; Marcy Bain, Reverend, Presbyterian Church USA, Presbyterian, Dayton, OH; Ethan Bair, Rabbi, Jewish–Reform, Temple Sinai, Reno, NV; David Baird, Rev., United Methodist Church, Chaplain, State of CT, Putnam, CT; Brian Baker, Dean, Episcopal Church, Trinity Episcopal Cathedral, Sacramento, CA; Scott Allan Baker, The Rev. Dr. (Retired), United Methodist Church, Ordained Member, Florida Conference, Pisgah, NC; Brett Ballenger, The Rev., Lutheran–ELCA, Prince of Peace Lutheran Church, Marlton, NJ; Randall Balmer, Rev. Dr., Episcopal Church,

Dartmouth College, White River Junction, VT; Anne Bancroft, Rev., Unitarian Universalist Association, Theodore Parker Unitarian Universalist Church, Newton, MA; Keith Barber, Ruling Elder, Presbyterian Church USA, First Presbyterian Church of Albany, Albany, NY; Claudia Barber, Rev., All Creatures ULC, Redford, MI; Tim Barger, Affiliate Minister, Unitarian Universalist Association, First Unitarian Church of Toledo, Toledo, OH; Lee Barker, President, Unitarian Universalist Association, Meadville Lombard Theological School, Chicago, IL; Daniel Bar-Nahum, Rabbi, Jewish-Reform, Temple Emanu-El of East Meadow, East Meadow, NY; William S. Barned, The Rev. Dr., United Methodist Church, Senior Pastor, St. Luke's United Methodist Church, Orlando, FL; Ann Barner, Rev. (Retired), Presbyterian Church USA, Presbyterian Interim Minister, Harrisonburg, VA; Janice Barnes, Pastor, United Church of Christ, Trinity UCC, St. Louis, MO; Rebecca Barnes, The Rev., Episcopal Church, Vicar, New York, NY; Loletta Barrett, Rev. Dr., United Church of Christ, Pastor, First Friends Church, Whittier, A Quaker Meeting, Whittier, CA; Jennie Barrington, Interim Minister, Unitarian Universalist Association, The Unitarian Universalist Church of Little Rock, Arkansas, Little Rock, AR; Rev. Wendy Bartel, Co-Minister, Unitarian Universalist Association, Sierra Foothills Unitarian Universalists, Auburn, CA; Dustin Bartlett, Rev., United Church of Christ, Estelline United Church of Christ, Estelline, SD; Rev. Robin Bartlett, Pastor, Unitarian Universalist Association, First Church in Sterling, Sterling, MA; Joshua Barton, Rabbi, Jewish-Conservative, Vanderbilt University,

Nashville, TN; Kristin Barton, Minister/High Priestess, Wiccan, Coven leader, Blue Star Wicca (licensed, ordained), Coon Rapids, MN; Molly Baskette, Senior Minister, United Church of Christ, First Church Somerville UCC, Arlington, MA; Eliot Baskin, Rabbi, Jewish–Reform, Har Shalom Durango, Greenwood Village, CO; Clarence Bass, Professor of Theology Emeritus (Retired), American Baptist Church, Bethel Theological Seminary (University), St. Paul, MN; Rev. Alice Batcher, Rev., American Baptist Church, Pulpit Supply, Lakewood, NJ; Bonnie Bates, Associations Minister for Congregational Vitality & Development, Unity Fellowship, Eastern Ohio & Western Reserve Associations, Stow, OH; Lindsay Bates, Rev. Dr., Unitarian Universalist Association, Senior Minister, Unitarian Universalist Society of Geneva, Geneva, IL; C. Mark Batten, Assistant Director of Admissions Operations & Communications, United Methodist Church, Wake Forest University School of Divinity, Clemmons, NC; Lisa Batten, Rev., United Methodist Church, Wesley Foundation of Kalamazoo, United Methodist Campus Ministry, Mendon, MI; Jordana Battis, Rabbi, Jewish, Temple Beth Shalom, Natick, MA; Peter Bauck, Rev., Lutheran–ELCA, Hospital Chaplain, Minneapolis, MN; Doug Bauder, Rev., Moravian Church, Indiana University, Bloomington, IN; David Bauer, Rabbi, Jewish–Reconstructionist, Director of Social Justice Programming, Congregation Beit Simchat Torah, New York, NY; Constance M. Baugh, Rev. Dr. (Retired), Presbyterian Church USA, Retired Presbyterian Clergy, Goshen, MA; HL Baxter, Director of Children’s Ministries, UCC, First Congregational, Fort Worth, TX; Barbara Baxter, Rev. (Retired),

Episcopal Church, St. Luke's Episcopal Church, Jamestown, NY; Darcy Baxter, Rev., Unitarian Universalist Association, Unitarian Universalist Fellowship of Stanislaus County, Modesto, CA; Margaret Beard, Rev., Unitarian Universalist Association, All Faiths Unitarian Congregation, Fort Myers, FL; CathyAnn Beaty, Rev. (Retired), United Church of Christ, United Church of Christ, St. Paul, MN; Marci Beaudoin, Director of Lifespan Religious Education Ministry, Unitarian Universalist Association, Valley Unitarian Universalist Congregation, Chandler, AZ; Chanin Becker, Cantor, Jewish, Scarsdale Synagogue, Scarsdale, NY; Rabbi Shelley Kovar Becker, Rabbi, Jewish-Reform, Gishrei Shalom Jewish Congregation, New York, NY; Ruth Bosch Becker, Rev. (Retired), Lutheran-ELCA, Former Lutheran Campus Pastor, Pittsburgh, PA; Kerra Becker English, Rev., Presbyterian Church USA, Ashland Presbyterian Church, Midlothian, VA; Katherine Beckett, Intentional Interim Minister, United Church of Christ, Memorial United Church of Christ, Walbridge, OH; Margaret Beckman, Rev., Unitarian Universalist Association, First Universalist Church of Pittsfield, Maine, Holden, ME; Ricky Behan, Minister of Word and Sacrament, Reformed Church in America, Third Reformed Church, Albany, NY; Emily Bel, Rev., Forgiving Heart Christian Co. Unity Church, Columbus, GA; Ken Beldon, Lead Minister, Unitarian Universalist Association, WellSprings Congregation, Conshohocken, PA; Anne Belford, Rabbi, Jewish-Reform, Temple Sinai, Houston, TX; Mark Belletini, Rev. Dr. (Senior Minister), Unitarian Universalist Association, First Unitarian Universalist Church, Columbus, OH; Lisa Bellows, Rabbi, Jewish-Reform, Congrega-

tion Beth Am, Glenview, IL; Marci Bellows Lindenman, Rabbi, Jewish–Reform, Temple B’nai Torah, Massapequa, NY; Virginia Bemis, Rev. Dr. (Retired), Episcopal Church, retired, Ashland, OH; Margaret Benefiel, Rev. Dr., Quaker, Andover Newton Theological School, Dorchester, MA; Br William Henry Benefield, Friar, Episcopal Church, Brotherhood of St. Gregory, San Antonio, TX; James Bennett, Rabbi, Jewish–Reform, Congregation Shaare Emeth, Saint Louis, MO; Mandy Bennett, Rev., Ecumenical Catholic Communion, ECC Parish Center, Claremont, CA; Eve Ben-Ora, Rabbi, Jewish–Reform, Temple Beth Torah, Fremont, CA; J. Brad Benson, Rev., Episcopal Church, Rector, St. Thomas Episcopal Church, Bath, NY; James Benton, Rev. (Retired), Disciples of Christ, Retired, Fort Worth, TX; Tor Berg, Rev., Lutheran–ELCA, First Lutheran Church, Bothell, Bothell, WA; Franklyn Bergen, Rev. (Retired), Episcopal Church, Episcopal Church of St. Matthew, Tucson, Tucson, AZ; Martha Berger, Rev., Episcopal Church, St. Francisco Episcopal Church, Menomonee Falls, WI; Deb Bergeson-Graham, Pastor, Presbyterian Church USA, Faith Presbyterian Church, Franklin, WI; Leah Berkowitz, Rabbi, Jewish–Reform, Gann Academy, Watertown, MA; Adam Berman, Pastor, Church of the Nazarene, Reading, PA; Holli Berman, Cantorial Soloist, Jewish–Reform, Congregation Har HaShem, Boulder, CO; Sharon Bernstein, Cantor, Jewish, Congregation Sha’ar Zahav, San Francisco, CA; Jane Berquist, Deacon (Retired), United Methodist Church, Troy UMC, Framington Hills, MI; Matt Berryman, Executive Director, United Methodist Church, Reconciling Ministries Network, Chicago, IL; Kathryn Bert, Reverend, Unitarian Universalist

Association, Senior Minister Unitarian Universalist Church of Greater Lansing, East Lansing, MI; Julia Bertalan, The Rev., United Church of Christ, United Church of Christ, Millbury, OH; Bill Bess, Rev., Presbyterian Church USA, First Presbyterian Church, Havana, FL; Raymond A. Besse, SJC, Archbishop, Reformed Church in America, Universal Fellowship of Christ Church, Las Vegas, NV; Sofia Betancourt, Rev., Unitarian Universalist Association, Unitarian Universalist Church of Fresno, Clovis, CA; Marie Betcher, Rabbi, Jewish–Reform, Congregation Shir Ami, Cedar Park, TX; Larry Bethune, Senior Pastor, American Baptist Church, University Baptist Church, Austin, TX; Jody Betten, Rev., United Church of Christ, First Congregational Church, Elkhart, IN; Claire Beutler-Cruise, Rev., United Church of Christ, United Church of Christ, Specialized Ministry, Milwaukee, WI; Howard Beutler-Cruise, Pastor (Retired), United Church of Christ, Retired ELCA/Now UCC, Milwaukee, WI; Jonathan Biatch, Rabbi, Jewish–Reform, Temple Beth El, Madison, WI; Raeanna Biddle, Rev., Metropolitan Community Church, Aurora, CO; W. Michael Biklen, Rev. (Retired), United Methodist Church, Iowa Conference United Methodist Church, Muscatine, IA; Ruth Billington, Rev. (Retired), Presbyterian Church USA, Westminster Presbyterian Church, Fort Collins, CO; Martin Billmeier, Pastor, Lutheran–ELCA, St. Lucas Lutheran, Toledo, OH; Cheryl Birney, Rev., Disciples of Christ, Christian Church, Grateful Life Community Christian Church (Disciples of Christ), Huntsville, AL; Len Bjorkman, Rev. Dr. (Retired), Presbyterian Church USA, PCUSA, Owego, NY; Geoffrey A. Black, General Minister and President, United Church of Christ, United

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Spring Lake, MI; Mary-Gene Boteler, Rev., Presbyterian Church USA, Second Presbyterian Church, Saint Louis, MO; Rebecca Bourret, The Rev., Lutheran–ELCA, Christ Lutheran Church, Natick, MA; James Boutell, Pastor, United Methodist Church, Marne United Methodist Church, Marne, MI; Thom Bower, Rev. Dr., United Church of Christ, Interim Minister, First Congregational Church of Lockport, Northfield, IL; Erin Boxt, Associate Rabbi, Jewish–Reform, Temple Kol Emeth, Marietta, GA; John Boylan, Father, Order of Ecumenical Franciscans, Order of Ecumenical Franciscans, Lacey, WA; Rev. Shawn E. Bracebridge, Pastor, United Church of Christ, West Stockbridge United Church of Christ, Albany, NY; Daniel Bradfield, Pastor, Disciples of Christ, Christian Church, Bixby Knolls Christian Church, Long Beach, CA; Calvin Brandenburg, Rev. Dr., Methodist/Interfaith, Brownsburg, IN; Bonnie Brandon, Rector, Episcopal Church, St. Andrew’s Episcopal Church, Anaheim, CA; Dave Brauer-Rieke, Bishop, Lutheran–ELCA, Oregon Synod–Evangelical Lutheran Church in America (ELCA), Portland, OR; Rachael Bregman, Rabbi, Jewish, Temple Beth Tefilloh, Brunswick, GA; Anne Brener, Rabbi, Jewish–Reform, Academy for Jewish Religion California, Los Angeles, CA; Richard Brewer, Rev. Canon (Retired), Episcopal Church, The Episcopal Church, Whitehall, NY; Kenneth Brickman, Rabbi (Retired), Jewish–Reform, Temple Beth-El, Jersey City, NJ; Barnett Brickner, Rabbi, Jewish–Reform, Temple Israel of Alameda, Alameda, CA; Greg Briggs, Associate Pastor, United Church of Christ, Bethlehem United Church of Christ, Ann Arbor, MI; Rev. Lisabeth Brimm, Chaplain, United Church of Christ, Wrentham Developmental Center, Matta-

poisett, MA; Judy Brock, Rev., Disciples of Christ, Christian Church, Minister, Frisco, TX; Oscar Brockmeyer, Rev., United Church of Christ, United Church of Christ, Pomfret Center, CT; Rev. Celestine Brooks, Authorized Minister, United Church of Christ, United Church of Christ, Reynoldsburg, OH; Josh Brown, Rabbi, Jewish-Reform, Temple Israel in Omaha, Omaha, NE; Bryant Brown, Minister, Unitarian Universalist Association, Thomas Paine Unitarian Universalist Fellowship, Collegetown, PA; Carolyn Brown, Rev. (Retired), Unitarian Universalist Association, Ordained Unitarian Universalist Association Minister, Albuquerque, NM; Jeffrey Brown, Rev., Unitarian Universalist Association, Chaplain, THP, Leicester, VT; John E. Brown, Rev. (Retired), Presbyterian Church USA, Evangelical Lutheran Church, Walkersville, MD; Douglas Browne, Pastor, Presbyterian Church USA, Westminster Presbyterian Church, Columbus, OH; Kellie Browne, Pastor, Presbyterian Church USA, John Calvin Presbyterian Church, Salisbury, NC; Walter Brownridge, The Very Rev., Episcopal Church, Dean-The Cathedral of St. Andrew, Honolulu, HI; Pamela Brubaker, Professor of Religion, Emerita (Retired), Brethren, California Lutheran University, Thousand Oaks, CA; N. Eugene Brundige, Rev., United Methodist Church, New Horizons, Columbus, OH; Lee Ann Bryce, Senior Minister, United Church of Christ, First Congregational Church-Fort Worth, Fort Worth, TX; David Bryce, Senior Minister, Unitarian Universalist Association, The First Church In Belmont, Unitarian Universalist, Belmont, MA; Shawna Brynjegard-Bialik, Rabbi, Jewish-Reform, Temple Ahavat Shalom, Northridge, CA; Eliza Buchakjian-Tweedy, Rev., United

Church of Christ, First Church Congregational, Rochester, NH; Susan Buchanan, The Rev., Episcopal Church, Rector—St. Thomas' Episcopal Church, Richmond, VA; Daniel Budd, Rev., Unitarian Universalist Association, First Unitarian Church of Cleveland, Shaker Heights, OH; Samuel Buehrer, Senior Minister, United Church of Christ, Sylvania United Church of Christ, Sylvania, OH; Rosa Buffone, Rev., Ecumenical Catholic Communion, Holy Spirit Catholic Community, Newton, MA; Leonetta Bugleisi, Rev., Unitarian Universalist Association, Unitarian Universalist Church of Farmington & Brighton, Sterling Heights, MI; Michelle Buhite, Rev., Unitarian Universalist Association, Unitarian Universalist Church, Spartanburg, SC; Chris Buice, Rev., Unitarian Universalist Association, Tennessee Valley Unitarian Universalist Church, Knoxville, TN; Rev. Pat Bumgardner, Rev., Metropolitan Community Church, Metropolitan Community Church of New York, New York, NY; Richard Burdick, Minister, Unity, Unity North Atlanta Church, Marietta, GA; Richard Burgess, Transitional Pastor, Lutheran—ELCA, Faith Lutheran Church, West Hartford, CT; Michael Burke, Rector, Episcopal Church, St. Mary's Episcopal Church, Anchorage Alaska, anchorage, AK; Rev. Jim Burklo, Associate Dean of Religious Life, United Church of Christ, University of Southern California, Los Angeles, CA; Phillip Burnett, Member South Central Conference Board of Directors, United Church of Christ, UCC, Mansfield, TX; Stephanie Burns, Rev. Dr., Metropolitan Community Church, New Day Metropolitan Community Church, Naples, FL; Christa Burns, Pastor, Presbyterian Church USA, Faith Presbyterian Church, Baltimore, MD;

Tamira Burns, Rev., Universal Unitarian, Mesa, AZ; Suzanne Burris, Rev.Dr., United Church of Christ, Congregational UCC of Mitchell, Interim Minister, Mitchell, SD; Grace Burson, The Rev., Episcopal Church, Rector, Church of the Holy Spirit, Plymouth, NH; Victoria Burson, Pastor, Metropolitan Community Church, MCC Baltimore, Middle River, MD; Garlinda Burton, Deaconess, United Methodist Church, United Methodist Church, Nashville, TN; Sue Burwell, Pastor, United Methodist Church, Wauwatosa Ave. United Methodist Church, Wauwatosa, WI; Miriam Bush, Rev., Reformed Church in America, Covenant Church, Muskegon, MI; Judith Bush, Associate Clerk, Quaker, Palo Alto Friends Meeting, Palo Alto, CA; Laurie Bushbaum, Reverend, Unitarian Universalist Association, First Universalist Unitarian Wausau, Wausau, WI; Matthew Buterbaugh, Rector, Episcopal Church, St. Matthew's Episcopal Church, Kenosha, WI; Charles Butler III, Rev., Rising Sun Outreach Ministry, Hyattsville, MD; Sam Byrd, Rev., Unitarian Universalist Association, Westfield Center Universalist Church, Homerville, OH; Mary Byrne, Rev. (Retired), United Methodist Church, Volunteer Counselor at Africa University, Mutare, Zimbabwe, Whitewater, WI; Bridget Cabrera, Deputy Director, United Methodist Church, Reconciling Ministries Network, Chicago, IL; Lyngine Calizo, Subdeacon, Independent Catholic Christian Church, St. Mary of Grace Parish, Philadelphia, PA; Andy Call, Rev., United Methodist Church, First United Methodist Church of Oberlin, Oberlin, OH; Lyn Stangland Cameron, Minister, Unitarian Universalist Association, Unitarian Universalist Church in Idaho Falls, Idaho Falls, ID; Rebecca Cameron, Rev., Hospital

Chaplain, Stockton, CA; Lane Campbell, Director of Religious Education, Unitarian Universalist Association, First Unitarian Universalist Church of Columbus, OH, Columbus, OH; Phil Campbell, Rev. Dr., United Church of Christ, Northern Light United Church, Juneau, AK; Karen Campbell, The Rev., Episcopal Church, Christ Church, Sag Harbor, NY; Scott Campbell, The Rev. (Retired), United Methodist Church, Harvard-Epworth United Methodist Church, Cambridge, MA; Paul Canady, Associate Rector, Episcopal Church, Christ Church, New Bern, NC; Grace Cangialosi, Rev., Episcopal Church, Episcopal Church, Ruckersville, VA; Debra Cantor, Rabbi, Jewish-Conservative, B'nai Tikvoh-Sholom, Bloomfield, CT; Tom Capo, Rev., Unitarian Universalist Association, DuPage Unitarian Universalist Church, Naperville, IL; Robin Caracciolo, Director of Religious Education, Unitarian Universalist Association, Unitarian Universalist Church of Worcester, Worcester, MA; Michael Carbone, Founder and Sr. Pastor, Be the Light Chapel, Dover, FL; David Carlson, The Rev. (Retired), Episcopal Church, Episcopal Diocese of Michigan, Madison Heights, MI; Erik Carlson, Senior Minister, Unitarian Universalist Association, Unitarian Universalist Church of Stockton, IL, Stockton, IL; Sylvia Carlson, Rev. (Retired), Presbyterian Church USA, Presbyterian Voices for Justice, Greensburg, PA; Walter Carlson, The Rev., United Methodist Church, Coal City UMC, Coal City, IL; Jan Carlsson-Bull, Minister, Unitarian Universalist Association, Unitarian Universalist Church in Meriden, Meriden, CT; Julie Carmean, Rev. Dr., United Methodist Church, William Street UMC, Delaware, OH; Kathie Carpenter, Consultant and registrar,

United Church of Christ, Open and Affirming Coalition of the United Church of Christ, Needham, MA; Tom Carpenter, Co-chair Forum on the Military Chaplaincy, Presbyterian Church USA, Forum on the Military Chaplaincy, Los Angeles, CA; Katy Carpman, Credentialed Religious Educator, Unitarian Universalist Association, Unitarian Universalist, Houston, TX; Kenneth Carr, Rabbi, Jewish–Reform, Congregation Or Ami, Lafayette Hill, PA; Harvey Carr, Founding Pastor, Reconciliation Christian Ministries, Jacksonville, FL; Seth Carrier-Ladd, Rev., Unitarian Universalist Association, Unitarian Universalist Church of Muncie, Muncie, IN; Helen Carroll, Minister, Unitarian Universalist Association, Unitarian Universalist, Lewisville, TX; Ken Carroll, Rev., Metropolitan Community Church, The Rock Metropolitan Community Church, Chattanooga, TN; Tracey Carroll, The Rev., Episcopal Church, St. David’s Episcopal Church, Shawnee, OK; Mary Carson, Rev., Episcopal Church, Church of the Redeemer, Lorain, OH; Amber Carswell, The Rev., Episcopal Church, St. Mark’s Episcopal Church, Jonesboro, AR; Cynthia Caruso, Associate Rector, Episcopal Church, Episcopal Church of the USA, Austin, TX; Donald Cashman, Rabbi, Jewish–Reform, B’nai Sholom Reform Congregation, Albany, NY; John Caster, Honorably Retired (Retired), Presbyterian Church USA, Presbyterian Church (USA), Cincinnati, OH; Lynne Castle, Ruling Elder, Presbyterian Church USA, PCUSA, Lafayette, LA; Michael Castle, Rev. Dr., United Church of Christ, Harmony Creek Church, Dayton, OH; Rev. Dr. Ignacio Castuera, Director, United Methodist Church, Latino Project, Claremont, Claremont, CA; Brooks Cato, The Rev., Episcopal Church, Christ Episcopal Church,

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Pastor, Lutheran–ELCA, St. Luke’s Lutheran Church of Logan Square, Chicago, IL; Mark Christian, Lead Minister, Unitarian Universalist Association, First Unitarian Church of Oklahoma City, Oklahoma City, OK; Diane Christopherson, Rev. Dr., United Church of Christ, United Church of Christ, Adrian, MI; Katherine Churchwell, The Rev., Episcopal Church, The Episcopal Diocese of Texas, Houston, TX; Matthew Cimorelli, Pastor, Lutheran–ELCA, Reformation Lutheran Church, Tinton Falls, NJ; Richard Cizik, Rev. Dr., Anglican, President, New Evangelical Partnership for the Common Good, Fredericksburg, VA; Nan Clancy, Rev., Presbyterian Church USA, First Presbyterian Church, Celina, OH; Megan Clapp, Rev., Lutheran–ELCA, Faith Lutheran Church, Andover, IA; Samantha Clark, Rev., United Church of Christ, Hospital Chaplain, Pine Lake, GA; Anthony Clark, Minister, United Church of Christ, Arlington Community Church UCC, Kensington, CA; Paul Clark, Pastor, Lutheran–ELCA, Fresno State University, Fresno, CA; Dan Clark, Interim minister, United Church of Christ, First Congregational Church, UCC, Bexley, OH; Peggy Clarke, Minister, Unitarian Universalist Association, First Unitarian Society of Westchester, Hastings on Hudson, NY; Shannon Clarkson, Rev. Dr. (Retired), United Church of Christ, UCC, Guilford, CT; Marguerite Clason, Rev. (Retired), Unitarian Universalist Association, Minister Emerita, UU Society of Cleveland, Willoughby, OH; Judith Clausen, Retired Pastor (Retired), United Church of Christ, The Church of the Good Shepherd, Denver, CO; Kelli Clement, Rev., Unitarian Universalist Association, Minister of Social Justice, First Unitarian Society, Minneapolis, Minneapolis, MN; Joseph Cleveland, Rev.,

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Unitarian Universalist Church, Houston, TX;
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UT; Janet Edwards, Rev. Dr., Presbyterian
Church USA, Parish Associate, Community House
Presbyterian Church, Pittsburgh, PA; Denise
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ami, West Hollywood, CA; Thomas Eggebeen, Rev.
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Presbyterian Minister, Los Angeles, CA; Janet
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United Methodist Church, Macon, IL; Ken Ehrke,
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of Hope Mid-Cities, Bedford, TX; Millard Eiland,
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Church, Memorial United Methodist Church,
White Plains, White Plains, NY; Kathy Ekeberg,
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Church, St. Paul’s Church, Brunswick, ME; Paul
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Lutheran School of Theology at Chicago, Chicago,
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Episcopal Cathedral of St. John the Evangelist,
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Methodist Church, University UMC, Austin, TX;
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Episcopal Diocese of Los Angeles, San Pedro, CA;
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Associate Professor of Pastoral Care & Counseling, Disciples of Christ, Christian Church, Earlham School of Religion, Richmond, IN; Tim Higgins, Rector, Episcopal Church, St. Ann's Episcopal Church -Diocese of Maine, Gorham, ME; Scott Hill, Seminarian, United Church of Christ, Altadena Community Church, Los Angeles, CA; David Hill, Pastor, United Church of Christ, The First Church in Oberlin, United Church of Christ, Oberlin, OH; Anita Hill, Deputy Director, Lutheran-ELCA, ReconcilingWorks: Lutherans for Full Participation, Saint Paul, MN; Georgia Hillesland, Rev., United Church of Christ, Boynton Beach Congregational UCC, Boynton Beach, FL; Christine Hillman, Rev., Unitarian Universalist Association, Unitarian Universalist Church of Olinda, Royal Oak, MI; JT Hills, Pastor, United Church of Christ, Evangelical United Church of Christ, Tell City, IN; Carol Hilton, Rev. (Retired), Unitarian Universalist Association, Minister Emerita Palomar U.U. Fellowship, Oceanside, CA; BK Hipsher, Rev. Dr., Metropolitan Community Church, Sunshine Cathedral, Arlington, MA; Lori Hlaban, The Rev., Unitarian Universalist Association, Unitarian Universalist Church West, Brookfield, WI; Kim Hoare, Rev., United Church of Christ, The Carpenter's Boat Shop, Pemaquid, ME; Lisa Hobbs, Rev., Christ the Cornerstone Church, St. Petersburg, FL; Phil Hobson, Minister, United Church of Christ, First Congregational Church, Charlotte, MI; Mark Hoelter, Rev., Unitarian Universalist Association, Member, All Souls Church, Unitarian, Washington, DC; Christopher Hofer, The Very Rev., Episcopal Church, Rector, St. Jude, Wantagh, NY; M. Lara Hoke, Rev., Unitarian Universalist Association, Unitarian Universalist

Congregation in Andover, Andover, MA; John C. Holbert, Rev. Dr. (Retired), United Methodist Church, Southern Methodist University, Dallas, TX; Keith Holder, Rev., Pulpit Held, Brooklyn, NY; Heather Leigh Holder-Bobo, Pastor, Presbyterian Church USA, Ogden Memorial, Chatham, NJ; Cheri Holdridge, Rev., United Methodist Church, The Village United Methodist/United Church of Christ, Toledo, OH; Arthur Holland, Rev., United Methodist Church, Lafayette Street UMC, Shelby, NC; Juliana Holm, Pastor, United Church of Christ, Rebersburg Charge UCC, Vienna, VA; Charles Holm, Rev., Presbyterian Church USA, First Congregational Church (UCC), River Edge, NJ; Mark Holmerud, Bishop, Lutheran–ELCA, Sierra Pacific Synod, Evangelical Lutheran Church in America, Sacramento, CA; Candy Holmes, Rev., Metropolitan Community Church, Metropolitan Community Churches, Bowie, MD; Brad Holmes, Teacher, Cooperative Baptists, CBF Chaplain Endorsement, Gaffney, SC; Arthur Holt, Minister (Retired), Unity, Upward Bound Journal (a Unity Publishing Ministry), Ocala, FL; Kierstin Homblette, Rev., Unitarian Universalist Association, Beloved Community Ministries of Colorado, Denver, CO; Keith Homstad, Rev. (Retired), Lutheran–ELCA, ELCA Pastor, Northfield, MN; Jeff Hood, Rev. Dr., Southern Baptist, Cathedral of Hope United Church of Christ, Denton, TX; Cathy Hoop, Rev., Presbyterian Church USA, University Presbyterian Church, Tuscaloosa, AL; Gloria Hopewell, Rev. Dr., Episcopal Church, Grace Episcopal Church, Galena, IL; C. Lynn Hopkins, Minister, Unitarian Universalist Association, Unitarian Universalist Fellowship of Montgomery, Montgomery, CO; Lynn Hopkins, Minister, Unitarian Universalist

Association, Unitarian Universalist Fellowship of Montgomery, Montgomery, AL; Rev. Debra Hopkins, Pastor, New Life Christian Fellowship, Charlotte, NC; Ivan Horn, Rev. (Retired), United Church of Christ, Pastor of Friedens UCC, Hecker, IL; Laura Horton-Ludwig, Associate Minister, Unitarian Universalist Association, Unitarian Universalist Congregation of Fairfax, Reston, VA; Daniel Horwitz, Rabbi, Jewish–Conservative, Cong. Beth Yeshurun, Houston, TX; Josh Hosler, The Rev., Episcopal Church, St. Paul’s Episcopal Church, Bellingham, WA; Elizabeth Hoster, Rector, Episcopal Church, Trinity Episcopal Church Toledo Ohio, Toledo, OH; David Houdeschell, Pastor (Retired), United Church of Christ, Eastern Ohio Association, UCC, Canton, OH; Renee House, Rev. Dr., Reformed Church in America, Old Dutch Church, Kingston, NY; Tim House, Rev., Unitarian Universalist Association, Foxborough Universalist Church, Upton, MA; Molly Housh Gordon, Minister, Unitarian Universalist Association, Unitarian Universalist Church, Columbia, MO; Rev. Shaman Jerome Howell, Shaman–Minister, Native American, International Assembly of Spiritual Healers and Earth Stewards Con., Fostoria, OH; Deborah Howland, Rev., United Church of Christ, Calvary Memorial UCC, Wauwatosa, WI; Karen Howland, Ruling Elder, Presbyterian Church USA, PCUSA, Trussville, AL; Timothy Hoyer, Pastor, Lutheran–ELCA, Gloria Dei Lutheran Church, Jamestown, NY; Barry Hubbard, Elder, Presbyterian Church USA, University Presbyterian Church, San Antonio, San Antonio, TX; Langdon Hubbard, Rev., Presbyterian Church USA, First Presbyterian Church, East Aurora, NY; Rosanna Hudgins, Iya Omo l’awo, Ifa/Orisa–West African

based Spiritual Tradition, Minneapolis, MN; Jo Hudson, Rev. Dr., United Church of Christ, Gathering Pastor, Extravagance United Church of Christ, Dallas, TX; Jo Hudson, Gathering Pastor, United Church of Christ, Extravagance United Church of Christ, Dallas, TX; Lacey Hudspeth, Rev., Episcopal Church, Episcopalian, Baltimore, MD; Elsie Huebner, Minister, Unity, Unity Community Church, Safety Harbor, FL; Ellen Huffman, Rev., Disciples of Christ, Christian Church, Fringe Community, Columbus, OH; Rosalind Hughes, Priest-in-Charge, Episcopal Church, Church of the Epiphany, Euclid, OH; Tracy L. Hughes, Rev. Dr., United Church of Christ, United Church of Christ, Tucson, AZ; Cynthia Huling Hummel, Rev. Dr. (Retired), Presbyterian Church USA, PCUSA, Elmira, NY; Daniel Hulseapple, Pastor (Retired), United Church of Christ, United Church of Christ, Middletown, NY; Alice Hunt, President, United Church of Christ, Chicago Theological Seminary, Chicago, IL; Alice Hupp, Senior Minister, Disciples of Christ, Christian Church, Park Place Christian Church, Wichita Falls, TX; Maggie Hurst, Rev., Alliance of Baptists, Alliance of Baptists, Pollocksville, NC; Julie Hutson, Pastor, Lutheran-ELCA, Luther Memorial Lutheran Church, Seattle, WA; Colleen Igle, Minister, United Methodist Church, King Avenue United Methodist Church, Columbus, OH; David Inglis, Associate Minister, United Church of Christ, First Congregational Church UCC, Crystal Lake, IL; Keith Inouye, Rev., United Methodist Church, Wesley United Methodist Church, San Jose, CA; Barbara Ireland, Rev., The Church Within, Hudson, MI; Rebecca Irwin-Diehl, Rev., American Baptist Church, Associate Minister, Second

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Rabbinical Student, Jewish–Reform, HUC-JIR, Brooklyn, NY; Rachel Kahn-Troster, Rabbi, Jewish–Conservative, T’ruah: The Rabbinic Call for Human Rights, New York, NY; Mark Kaiserman, Rabbi, Jewish–Reform, Reform Temple of Forest Hills, Forest Hills, NY; Beth Kalisch, Rabbi, Jewish–Reform, Beth David Reform Congregation, Gladwyne, PA; Eric Kaminetzky, Rev., Unitarian Universalist Association, Edmonds Unitarian Universalist Church, Edmonds, WA; Lewis Kamrass, Rabbi, Jewish–Reform, Isaac M. Wise Temple, Cincinnati, OH; Katie Kandarian-Morris, Parish Minister, Unitarian Universalist Association, Unitarian Universalist Fellowship of Durango, Durango, CO; Ann Kansfield, The Rev., Reformed Church in America, Greenpoint Reformed Church, Brooklyn, NY; Norman Kansfield, Retired Seminary President (Retired), Reformed Church in America, New Brunswick Theological Seminary, East Stroudsburg, PA; Daniel Kanter, Senior Minister, Unitarian Universalist Association, First Unitarian Church of Dallas, Dallas, TX; Greg Kanter, Rabbi, Jewish–Reform, Temple Sinai, Delray Beach, FL; Min Kantrowitz, Rabbi, Jewish, Jewish Community Center of Albuquerque, Albuquerque, NM; Seth Kaper-Dale, Rev., Reformed Church in America, Reformed Church of Highland Park, Highland Park, NJ; Erik Karas, Transitional Pastor/Priest in Charge, Lutheran–ELCA, Prince of Peace / St. Mark’s, Augusta, ME; Valinda Karjala, Moderator of the Congregation, Disciples of Christ, Christian Church, Chair of Church Board, Olympia, WA; Valinda Karjala, Moderator of the Congregation, Disciples of Christ, Christian Church, Chair of Church Board, Olympia, WA; James Karpen, Rev., United

Methodist Church, Senior Pastor Church of St. Paul and St. Andrew, New York, NY; Debra Kassoff, Rabbi, Jewish–Reform, Hebrew Union Congregation, Greenville, MS; Alan Katz, Rabbi, Jewish–Reform, Temple Sinai, Rochester, NY; Louis Kavar, Rev. Dr., United Church of Christ, Ordained Minister, Atlanta, GA; David Kay, Rabbi, Jewish–Conservative, Congregation Ohev Shalom, Orlando, FL; Lorelei Kay, Rev., Presbyterian Church USA, Westminster Presbyterian Church, Gallup, NM; Leora Kaye, Rabbi, Jewish–Reform, Congregation Rodeph Sholom, Manhattan, NY; Martha Kearse, Associate Pastor, Cooperative Baptists, St. John’s Baptist Church, Charlotte, NC; Rachael Keefe, Rev. Dr., United Church of Christ, Living Table United Church of Christ, St. Paul, MN; Lois Keen, Priest, Episcopal Church, Trinity Parish, Wethersfield, CT; John Keeny, Rev., United Methodist Church, King Avenue UMC, Columbus, OH; Robert Keithan, Rev., Unitarian Universalist Association, Faith Organizing and Training Consultant, Washington, DC; Rev Keller, Rev., Unitarian Universalist Association, Unitarian Universalist Women’s Federation, Decatur, GA; Karen Kelley, Rev., Presbyterian Church USA, Pastor, Westminster Presbyterian Church, Jackson, MI; D’Vorah Kelley, Rev., Unitarian Universalist Association, Interfaith, Keene, NH; Scott Kenefake, Rev. Dr., Presbyterian Church USA, PCUSA, New York, KS; Rev. William Kennedy, Community Minister, Unitarian Universalist Association, Unitarian Universalist Fellowship of Redwood City, Redwood City, CA; Rodney Kennedy, Lead Pastor, American Baptist Church, First Baptist Church of Dayton, Dayton, OH; Lisa Keppeler, The Rev., Episcopal Church,

Church of the Holy Nativity, Wrightstown, PA; Penny Kessler, Cantor, Jewish–Reform, United Jewish Center, Bethel, CT; Elizabeth Ketcham, Rev., Unitarian Universalist Association, Minister, Pacific Unitarian Universalist Fellowship, Gearhart, OR; David Key, Director of Baptist Studies, Southern Baptist, Emory University’s Candler School of Theology, Atlanta, GA; Carla Keyes, Pastor, Presbyterian Church USA, Ginter Park Presbyterian Church, Richmond, VA; Katherine Killebrew, Rev. Dr., Presbyterian Church USA, Collingswood Presbyterian Church, Camden, NJ; Maureen Killoran, Rev. Dr., Unitarian Universalist Association, First Unitarian Universalist Church of San Antonio, San Antonio, TX; Glenn M Kimball, Rev. (Retired), United Church of Christ, UCC and Disciples of Christ, Laurelville, OH; Rev. Donald King, Pastor, Lutheran–ELCA, Hope Evangelical Lutheran Church, Cleveland Heights, OH; Rick King, Rev., United Church of Christ, United Church of Christ, Longmont, CO; Laura King, Rev., United Methodist Church, Mt. Union and Huntingdon, Mount Union, PA; Rev. Dan King, Minister, Unitarian Universalist Association, First Congregational Parish, Kingston, MA; Roy King, Community Minister, Unitarian Universalist Association, UUA, Mountain View, CA; Naomi King, Rev., Unitarian Universalist Association, City of Refuge Ministries, Lovell, ME; Debbie King Quale, Pastor, United Methodist Church, United Methodist, Lake Crystal, MN; Cecilia Kingman, Minister, Unitarian Universalist Association, Edmonds Unitarian Universalist Church, Seattle, WA; Robin Kinney, Rev., Universal Life Church, St. Paul, MN; Fr. Kevin Kinsel, Administrative

Pastor, Independent Catholic Community, Christ the Good Shepherd Independent Catholic Community, Ferndale, MI; Bruce Kintigh, Pastor, United Methodist Church, Birchwood and Trinity UMCs, Battle Creek, MI; Paul Kipnes, Rabbi, Jewish-Reform, Congregation Or Ami, Calabasas, CA; Michael Kirby, Pastor, Presbyterian Church USA, Good Shepherd Presbyterian Church, Chicago, IL; Brian Kirk, Senior Pastor, Disciples of Christ, Christian Church, First Christian Church, Saint Joseph, MO; Jessica Kirschner, Rabbi, Jewish-Reform, Independent, San Francisco, CA; Jim Kitchens, The Rev., Presbyterian Church USA, PneuMatrix, Sacramento, CA; Noah Kitty, Rabbi, Jewish-Reconstructionist, Congregation Etz Chaim, Wilton Manors, FL; Beth Klafter, Rabbi, Jewish-Reform, Temple Beth David, Melville, NY; Richard Klein, Rabbi (Retired), Jewish-Reform, Temple Emanu-El, Sarasota, FL; Dena Klein, Rabbi, Jewish-Reform, Chavurat Tikvah, Rye Brook, NY; Jonathan Klein, Rabbi, Jewish-Reform, Clergy and Laity United for Economic Justice, Los Angeles, CA; Lori Klein, Rabbi, Jewish Renewal, Bay Area Hospital, Capitola, CA; R. Kevin Kline, Pastor, Lutheran-ELCA, ELCA, St. Louis, MO; Asher Knight, Rabbi, Jewish-Reform, Temple Emanu-El, Dallas, TX; Kimberly Knight, Minister of Digital Community, United Church of Christ, Extravagance United Church of Christ, Decatur, GA; William Knight, Rev. Dr., Metropolitan Community Church, Open Arms Metropolitan Community Church, Hilo, HI; Betty Kniss, The Rev., United Methodist Church, Minister, Ocean View United Methodist Church, Juno Beach, FL; Harry Knox, Rev., Metropolitan Community Church, President and CEO, Religious Coalition

for Reproductive Choice, Silver Spring, MD; Kathryn Knox, Reverend, CSL School of Spiritual Leadership, Tampa, FL; Debbie Knox-Griffin, Minister, Restoration Inclusive Ministries, Morrow, GA; Alison Kobey, Rabbi, Jewish-Reform, Congregation Or Chadash, Damascus, MD; Timothy Kobler, Pastor, United Methodist Church, Wesley Foundation at the University of Tennessee Knoxville, Knoxville, TN; Tony Koch, Rev., Universal Life Church, Minneapolis, MN; Erik Koepnick, Rev., United Church of Christ, Guest House of Milwaukee, Milwaukee, WI; Stephanie Kolin, Rabbi, Jewish-Reform, Union for Reform Judaism, Los Angeles, CA; Debra Kolodny, Rabbi, Jewish Renewal, Executive Director, Nehirim, Portland, OR; Jake Kopmeier, Rev., Metropolitan Community Church, King of Peace, MCC, Staff, Saint Petersburg, FL; Elisa Koppel, Rabbi, Jewish-Reform, Temple Beth-El, San Antonio, TX; Kathleen Korb, Rev. (Retired), Unitarian Universalist Association, Unitarian Universalist United Fellowship, St. Petersburg, FL; Richard Koster, Retired from ministry, Christian Universalist Association, Fort Thomas, KY; Drew Kovach, Archpriest, The Inclusive Orthodox Church, Honolulu, HI; Kenneth Kovacs, Pastor/ Head of Staff, Presbyterian Church USA, Catonsville Presbyterian Church, Catonsville, MD; Karakay Kovaly, Associate Area Minister, Disciples of Christ, Christian Church, Mission West of the CCSW, Spearman, TX; Elizabeth Krajewski, Rev., Lindisfarne Community, New London, NH; Phillip Krakowiak Sr., Salm, Lutheran-Missouri Synod, First Lutheran Church, West Haven, CT; Hartmut Kramer-Mills, Rev. Dr., Reformed Church in America, First Reformed Church of New Brunswick, New

Brunswick, NJ; Kristin Krantz, The Rev., Episcopal Church, Memorial Episcopal Church, Baltimore, Ellicott City, MD; Mary E. Kraus, Rev. Dr. (Retired), United Methodist Church, United Methodist, Washington, DC; Hilary Krivchenia, Senior Minister, Unitarian Universalist Association, Countryside Church Unitarian Universalist, Palatine, IL; Kurt Kuhwald, Rev., Unitarian Universalist Association, Faith Alliance for a Moral Economy/UU EJ Collaborator, Oakland, CA; Joshua Kullock, Rabbi, Jewish–Conservative, West End Synagogue, Nashville, TN; Carolyn Kuntz, Senior Pastor, United Methodist Church, First United Methodist Church, Madison, WI; Jonathan Kupetz, Rabbi, Jewish–Reform, Temple Beth Israel, Pomona, CA; Khelen Kuzmovich, Rev., Presbyterian Church USA, Presbyterian Church (USA), Winston-Salem, NC; Yanchy Lacska, Rev., Hospital Chaplain, Hudson, WI; Jen Lader, Rabbi, Jewish–Reform, Temple Israel, West Bloomfield, MI; Rabbi Howard Laibson, Rabbi, Jewish–Reform, Congregation Shir Chadash, Seal Beach, CA; James E. Lake, The Rev., United Methodist Church, Senior Minister, Ocean View United Methodist Church, Juno Beach, FL; Larry B Lake, The Rev. Dr., United Methodist Church, Christian Ethicist and CEO of Bay View Healthcare, St. Augustine, FL; B. Hugh Lake Jr., The Rev. Dr. (Retired), United Methodist Church, Ordained Member, Florida Conference, St. Augustine, FL; Susan LaMar, Minister, Unitarian Universalist Association, Channing Memorial Church Unitarian Universalist, Catonsville, MD; Nicole Lamarche, Organizing Pastor, United Church of Christ, Silicon Valley Progressive Faith Community, San Jose, CA; Ryan Lambert, Pastor, United Church of Christ,

Kirkland Congregational United Church of Christ, Bothell, WA; Allen LaMontagne, The Rev., Episcopal Church, Priest, Selbyville, DE; Eugene LaMothe, Rev., Unitarian Universalist Association, All Souls Unitarian Universalist Church, Cranberry Lake, NY; John LaMunyon, Pastor, Lutheran–ELCA, Lutheran, Sammamish, WA; H. Darrell Lance, Rev. Dr. (Retired), American Baptist Church, Colgate Rochester Crozer Divinity School, Rochester, NY; Lydia Land, Chaplain, Disciples of Christ, Christian Church, FCC-Petersburg, Petersburg, VA; Cynthia Landrum, Minister, Unitarian Universalist Association, Universalist Unitarian Church of East Liberty, Clarklake, MI; Chris Lane, Pastor, United Methodist Church, Central United Methodist Church, Traverse City, MI; Stephen Lane, The Rt. Rev., Episcopal Church, Bishop of Maine, Portland, ME; Tina Lang, Associate Pastor, United Methodist Church, First United Methodist, Madison, WI; Jeffrey Lang, Rev., Presbyterian Church USA, West Sunbury United Presbyterian Church, West Sunbury, PA; Andrew Lang, Executive Director, United Church of Christ, Open and Affirming Coalition of the United Church of Christ, Cleveland, OH; Theresa Langdon, Pastor, Lutheran–ELCA, Faith Lutheran Church, Salisbury, MD; Augusta Lange, Rev. (Retired), United Methodist Church, East Ohio Conference United Methodist Church, Wooster, OH; Rev. Dr. Diane Langworthy, Pastor, United Church of Christ, Pulpit at the New Smyrna Beach United Church of Christ, New Smyrna Beach, FL; Sam Lanham, Rev., Presbyterian Church USA, First Presbyterian Church, Lamesa, TX; Alan LaPayover, Rabbi, Jewish–Reconstructionist, Reconstructionist Rabbinical College, Philadelphia,

PA; Ronald LaRocque, Pastor, Metropolitan Community Church, Metropolitan Community Church of Winston-Salem, Winston Salem, NC; Rachel Larson, Pastor, Lutheran–ELCA, Trinity Lutheran Church, Laramie, WY; Alisa Lasater Wailoo, Lead Pastor, United Methodist Church, Capitol Hill United Methodist Church, Alexandria, VA; Jason Latty, Rev., Episcopal Church, Judah Deliverance Ministry, Philadelphia, PA; Michael Adam Latz, Rabbi, Jewish–Reform, Shir Tikvah Congregation, Minneapolis, MN; Sari Laufer, Rabbi, Jewish–Reform, Congregation Rodeph Sholom, New York, NY; Bob Lawrence, Rev., United Church of Christ, Executive Director of Tulsa Alliance, Tulsa, OK; David John Lawrence, Elder, Disciples of Christ, Christian Church, East Dallas Christian Church, Irving, TX; Wayne A Laws, Rev., United Church of Christ, Mountain View United Church, Aurora, CO; Kevin Lawson, Intern Minister, Unitarian Universalist Association, Westside Unitarian Universalist Congregation, Seattle, WA; Fr Bob Layne, Episcopal Priest (Retired), Episcopal Church, St. David's Parish, Topeka, KS; Michael Leary, Magus, Roma Kris, Saint Paul, MN; Paul LeClair, The Rev., Episcopal Church, The Episcopal Diocese of Michigan, Rochester Hills, MI; Angela Leddy, Minister, The Church Within, Indianapolis, IN; Darla Ledger, Rev., United Church of Christ, Bethesda United Church of Christ, Rockville, MD; Donna Tara Lee, Rev., Wiccan, Priestess, Gainesville, FL; Sonja Lee, Pastor, Unity Fellowship, Unity Fellowship Church Charlotte, Charlotte, NC; Edward Lee, Bishop (Retired), Episcopal Church, The Episcopal Church, Merion Station, PA; Suzi Lee, Rev. Dr. (Retired), Presbyterian Church USA, San

Francisco Theological Seminary, El Cerrito, CA; Dirkje Legerstee, Rev. Dr., United Church of Christ, UCC, Westford, MA; Serena Leiser, Seminarian, United Church of Christ, Andover Newton Theological School, Westborough, MA; Joanna Leiserson, Interim Rector, Episcopal Church, Episcopal Church, Covington, KY; Donald Lemke, Pastor, Lutheran–ELCA, Christ Lutheran Church, Ozone Park, NY; Michele Lenke, Rabbi, Jewish–Reform, Temple Beth Shalom, Needham, MA; Darah Lerner, Rabbi, Jewish–Reform, Congregation Beth Wl, Bangor, ME; Devon Lerner, Rabbi, Jewish–Reform, Society for Classical Reform Judaism, Arlington, MA; Joshua Lesser, Rabbi, Jewish–Reconstructionist, Congregation Bet Haverim, Atlanta, GA; Dan Lessner, Shaliach Tzibbur & President Comunidad Hebraea de San Miguel de Allende, Jewish–Conservative, USCJ, San Miguel de Allende, TX; Robert Levine, Senior Rabbi, Jewish–Reform, Congregation Rodeph Sholom, New York, NY; David Levy, Senior Rabbi, Jewish–Reform, Temple Shalom, Succasunna, NJ; Karen Lewis, Director of Children’s Ministries, Unitarian Universalist Association, First Unitarian Church of Dallas, Dallas, TX; Ellen Lewis, Rabbi, Jewish–Reform, CCAR, Bernardsville, NJ; Gerald Libby, Affiliate Community Minister, Unitarian Universalist Association, Melrose UU Church, Melrose, MA; Valerie Lieber, Rabbi, Jewish, Kane Street Synagogue, Brooklyn, NY; Jeff Liebmann, Minister, Unitarian Universalist Association, Unitarian Universalist Fellowship of Midland, Midland, MI; Ingrid Lilly, Visiting Scholar and Theological Educator, Presbyterian Church USA, Pacific School of Religion; San Francisco

Theological Seminary, Graduate Theological Union (Berkeley), Oakland, CA; Seth Limmer, Senior Rabbi, Jewish–Reform, Chicago Sinai Congregation, Chicago, IL; Tracey Lind, The Very Rev., Episcopal Church, Trinity Cathedral, Cleveland, OH; John Linder, Senior Rabbi, Jewish–Reform, Temple Solel, Paradise Valley, AZ; Lucas Lindon, The Rev., United Church of Christ, Sylvania United Church of Christ, Sylvania, OH; Justin Lindstrom, Dean, Episcopal Church, Saint Paul’s Episcopal Cathedral, Oklahoma City, OK; Eliza Linley, The Rev., Episcopal Church, St. John’s Episcopal Church, Aptos, CA; Dawn S. Liphart, The Rev., United Methodist Church, Pastor and Licensed Mental Health Counselor, Inman Memorial United Methodist Church, Jacksonville, FL; Kari Lipke, Pastor, Lutheran–ELCA, The Garden, Seattle, WA; Ellen Lipman, Rabbi, Jewish–Reform, Kolot Chayeinu / Voices of Our Lives, Brooklyn, NY; Rev Elayne Lipp, Rev. (Retired), Lutheran–ELCA, ELCA Lutheran, Minneapolis, MN; Jane Lippert, Rev., United Methodist Church, United Methodist, Traverse City, MI; Greg Litcofsky, Rabbi, Jewish–Reform, Temple Emanuel of West Essex, Livingston, NJ; Tera Little, Minister, Unitarian Universalist Association, Throop Unitarian Universalist Church, Pasadena, CA; Sharon Litwin, Rabbi, Jewish–Conservative, Israel Tour Connection, Teaneck, NJ; Caroline Litzenberger, Rev. Dr., Episcopal Church, Diocese of Oregon, Portland, OR; Nancy Livingston, Rev. Dr. (Retired), United Church of Christ, Retired Pastor, Columbus, OH; Dennis Lloyd, Rector, Episcopal Church, Church of the Holy Apostles, Wynnewood, PA; Jeanne Lloyd, Rev., Unitarian Universalist Association, Mattatuck Unitarian

Universalist Society, Canton, CT; Joshua Lobel, Rabbi, Jewish–Reform, Congregation Beth El, Sugar Land, NY; Robert L. Logan, Bishop (Retired), Community of Christ, Coastal Bend Mission Center (USA), Georgetown, TX; Rev. Virginia Lohmann Bauman, Senior Pastor, United Church of Christ, St. John’s Evangelical Protestant Church (UCC), Columbus, OH; Rachel Lonberg, Interim Minister, Unitarian Universalist Association, Greater Nashville Unitarian Universalist Congregation, Nashville, TN; Jennifer Long, Rev., United Methodist Church, United Methodist Church, Oklahoma City, OK; Robert Long, Fully Ordained Pastor (Retired), United Methodist Church, United Methodist Church, Niskayuna,, NY; Anthony Lorenzen, Rev., Unitarian Universalist Association, Thoreau Woods Unitarian Universalist Church, Huntsville, TX; Emily Losben-Ostrov, Rabbi, Jewish–Reform, Sinai Reform Temple, Bay Shore, NY; Michael Lotker, Rabbi, Jewish–Reform, Jewish Federation of Ventura County, Camarillo, CA; David Louder, Campus Pastor, Episcopal Church, Lutheran-Episcopal Campus Ministries, Kalamazoo, MI; Campbell Lovett, Conference Minister, United Church of Christ, Michigan Conference, United Church of Christ, East Lansing, MI; Kyle Lovett, Rev., United Church of Christ, United Church of Christ (UCC), Honolulu, HI; Shayna Lowe, Cantor, Jewish–Reform, Congregation Rodeph Sholom, New York, NY; Jacqueline Luck, Rev., Unitarian Universalist Association, Holston Valley UU Church, Johnson City, TN; Mark J Lukens, Pastor, United Church of Christ, Bethany Congregational UCC, East Rockaway, NY; Jeffrey B. Lukens, Senior Pastor, United Church of Christ, Lordship Community Church, United

Church of Christ, Stratford, CT; JoAnn Lumley, Lay Eucharistic Minister, Episcopal Church, Episcopal, Sayre, PA; Sarah Lund, Rev. Dr., Disciples of Christ, Christian Church, Christian Theological Seminary, Indianapolis, IN; Rev. Robin Lunn, Executive Director, American Baptist Church, Association of Welcoming & Affirming Baptists, Milford, NH; Zack Lyde, Pastor, American Baptist Church, At Johns Missionary Baptist Church, Brunswick, GA; Leah Lyman Waldron, Rev., United Church of Christ, Praxis UCC, Atlanta, GA; Suzelle Lynch, Rev., Unitarian Universalist Association, Unitarian Universalist Church West, Brookfield, WI; Trey Lyon, Community Pastor, Cooperative Baptists, Park Avenue Baptist Church, Atlanta, GA; Kal Lyons, Elder, Presbyterian Church USA, Presbyterian Church of Kane, Kane, PA; Sarah Mack, Rabbi, Jewish-Reform, Temple Beth-El, Providence, RI; Ruth MacKenzie, Rev., Unitarian Universalist Association, First Universalist Church of Minneapolis, St. Paul, MN; Doug Mackey, Rev., United Methodist Church, United Methodist Churches of Syracuse, Syracuse, NY; John Maddox, Pastor, LGBT Ministries, Arabi, LA; Jim Magaw, Minister, Unitarian Universalist Association, UU Church of the South Hills, Pittsburgh, PA; Sue Magidson, Rev. Dr., Unitarian Universalist Association, San Leandro Hospital, Berkeley, CA; Michael Mahoney, United Methodist Ordained Elder (Retired), United Methodist Church, West Ohio Conference, Columbus, OH; Kathryn Marie Mainard O'Connell, Rev., Presbyterian Church USA, First Presbyterian Church (USA) of Little Rock, Little Rock, AR; Anthony Makar, Senior Minister, Unitarian Universalist Association, Unitarian

Universalist Congregation of Atlanta, Atlanta, GA; Bonnie Malone, Rev., Episcopal Church, Saint George Episcopal Church, Maple Valley, WA; Connie Mangin, Rev., Metropolitan Community Church, Exodus MCC, Abilene, TX; Sharon Manning-Lew, Rev., Episcopal Church, St. Augustine Episcopal Church, Peekskill, NY; Donald Manworren, Rev. Dr. (Retired), Disciples of Christ, Christian Church, Office of the General Minister and President, Plano, TX; Evelyn Manzella, The Rev., Episcopal Church, St. James Episcopal Church, Wooster, OH; Devorah Marcus, Rabbi, Jewish-Reform, Temple Emanu-El of San Diego, San Diego, CA; Janet Marder, Rabbi, Jewish-Reform, Congregation Beth Am, Los Altos Hills, CA; Matthew Mardis-LeCroy, Senior Minister, United Church of Christ, Plymouth Congregational United Church of Christ, Des Moines, IA; Ari Margolis, Rabbi, Jewish-Reform, Temple Beth Or, Raleigh, NC; Marvin Marsh, Rev. Dr. (Retired), American Baptist Church, Central Baptist Church, Wayne, PA; Suzanne Marsh, Rev., Unitarian Universalist Association, Minister, Unitarian Universalist Church of the Desert, Rancho Mirage, CA; Katrina Marsh, Rev. Dr., Rivers of Living Water NY/NJ, Brooklyn, NY; Barbara Marshall, Outreach Minister/Coordinator, Episcopal Church, St. Patrick's Episcopal Church, Madison Hts., MI; Joretta Marshall, Executive Vice President and Dean, United Methodist Church, Brite Divinity School, Fort Worth, TX; Lyn Marshall, Intern Minister, Unitarian Universalist Association, Allen Avenue Unitarian Universalist Church, Bradford, NH; Lynn Martin, Rev., United Church of Christ, Community Congregational UCC, Pinckney, MI; Ed Martin, Rev. Dr. (Retired), United Church of

Christ, Prof. Emeritus United Theological Seminary, Vancouver, WA; Jennifer Martin, Teaching Elder/Campus Minister, Presbyterian Church USA, The Koinonia Center & Central Presbyterian Church, Eugene, OR; Matthew Martin, Rev., Lutheran–ELCA, EndHungerNE.org, New England Synod ELCA, Marshfield, MA; Edwin Martin, Retired Presbyterian Minister (Retired), Presbyterian Church USA, Westminster Presbyterian Church, Minneapolis, MN; Betty Martin Lewis, Rev., Unity, Unity South Shore Tampa Bay, Ruskin, FL; Tom Martinez, Rev., United Church of Christ, All Souls Bethlehem Church, Brooklyn, NY; Anne Mason, Rev., Unitarian Universalist Association, Unitarian Universalist Church of Lancaster, Lancaster, PA; Jenny Mason, Pastor, Lutheran–ELCA, Light of the World Lutheran Church, Farmington, MN; Selma Massey, Rev. Dr., Founder/Pastor, WHOSOEVER Ministry, Detroit, MI; Mark Mast, Rev. Dr., Reformed Church in America, Pulpit Held, New Platz, NY; Jeremy Master, Rabbi, Jewish–Reform, Temple of Israel, Greenville, SC; Thea Mateu, Pastor, United Church of Christ, San Dimas Community Church UCC, San Dimas, CA; H. Scott Matheney, Chaplain and Dean of Religious Life, Presbyterian Church USA, Elmhurst College, Elmhurst, IL; Michael-Ray Mathews, Rev., Alliance of Baptists, Alliance of Baptists–Racial Justice & Multiculturalism Community, San Jose, CA; Emily Mathis, Rabbi, Jewish, Temple Beth Shalom, West Newton, MA; Susan Matranga-Watson, Rev. / Chaplain, Unitarian Universalist Association, Oregon Department of Corrections, Milwaukie, OR; Rev. Kathryn Matthews Huey, Dean of Amistad Chapel, United Church of Christ, Amistad Chapel

United Church of Christ, Cleveland, OH; Robin Mavis, Lay Minister, Wiccan, WiCoM, Coon Rapids, MN; Michael McAlister, Rev. (Retired), United Methodist Church, Piperton United Methodist Church, Nashville, TN; Jill McAllister, The Rev., Unitarian Universalist Association, UU Fellowship of Corvallis, OR, Philomath, OR; Chris McArdle, Rev., United Church of Christ, St. Luke's United Church of Christ, Columbus, NE; George McCall, Dr. (Retired), Presbyterian Church USA, Retired Minister, Overland Park, KS; Kathleen McCallie, Pastor, United Church of Christ, Phillips Theological Seminary, Tulsa, OK; Katlin McCallister, Rev., Episcopal Church, St. Alban's Episcopal Church, Tucson, AZ; Katy McCallum Sachse, Pastor, Lutheran-ELCA, Holy Spirit Lutheran Church, Kirkland, WA; John McCann, Lay Eucharistic Minister, Episcopal Church, Trinity Wall Street Parish, New York, NY; Oscar McCarter, Rev. Dr. (Retired), Presbyterian Church USA, Covenant Presbyterian Church, Northport, AL; George McClain, Rev. Dr./Professor, United Methodist Church, New York Theological Seminary, Staten Island, NY; John McClelland, Rev. (Retired), Presbyterian Church USA, Member of Pines Presbytery PC(USA), Homer, LA; LeAnne McComb, Ruling Elder, Presbyterian Church USA, Second Presbyterian Church, Nashville, TN; Donald McCord, Rev. Dr. (Retired), Disciples of Christ, Christian Church, Central Christian Church, Indianapolis, IN; Jill McCrory, Pastor, Alliance of Baptists, Twinbrook Baptist Church, Rockville, MD; Suzan McCrystal, Rev., Unitarian Universalist Association, Minister, First Unitarian Universalist Church, Columbus, OH; Jean McCusker, Rev. (Retired), United Church of Christ, Bloom in the

Desert, Sioux Falls, SD; Mark McDaniel, Rev., Presbyterian Church USA, Corydon Presbyterian Church, Indiana, Bedford, IN; James L. McDonald, Rev. Dr., Presbyterian Church USA, President and Professor of Faith and Public Life, San Francisco Theological Seminary, San Anselmo, CA; Gail McDougale, Rev. Ms. (Retired), United Church of Christ, First Congregational United Church of Christ, Port St. Lucie, FL; Gary McElroy, Co-Chair, Commission for Racial Understanding, Episcopal Church, Episcopal Diocese of Ohio, Chagrin Falls, OH; David V. McFarland, Rev., Unitarian Universalist Association, Allegheny Unitarian Universalist Church, Pittsburgh, PA; Rev. Dr. Barbara McGarey, Pastor, Presbyterian Church USA, New Life PCUSA, Albuquerque, NM; Reb. Will McGarvey, Pastor, Presbyterian Church USA, Community Presbyterian Church of Pittsburg California, Pittsburg, CA; Rhonda McIntosh, Elder (Retired), Presbyterian Church USA, Faith Presbyterian Church, Mathias, WV; Nancy McKay, Rev. (Retired), United Church of Christ, Mira Vista UCC and Spiritual Director, Berkeley, CA; Roger McKinney, Rev., Disciples of Christ, Christian Church, Hiram Christian Church (Disciples of Christ), Hiram, OH; Laurie McKnight, Rev., Presbyterian Church USA, Pastor, Maysville, KY; Diggitt McLaughlin, Ministerial Candidate, Unitarian Universalist Association, UU, Saint Paul, MN; Patrick McLaughlin, Rev., Unitarian Universalist Association, Unitarian Universalist Church of Manchester, Manchester, NH; Christie McManus, Rev. Deacon, Episcopal Church, St. Francis Episcopal Church, Fair Oaks, CA, Gualala, CA; Rosemary Bray McNatt, President, Unitarian

Universalist Association, Starr King School for the Ministry, Berkeley, CA; Virginia McNeill, Rev.Dr., Episcopal Church, St. Luke's, Los Gatos, CA, Los Gatos, CA; Alex McNeill, Executive Director, Presbyterian Church USA, More Light Presbyterians, Hyattsville, MD; Rob McPherson, Pastor, United Methodist Church, Buchanan First United Methodist Church, Buchanan, MI; Ralph Mecklenburger, Rabbi, Jewish-Reform, Beth-El Congregation, Fort Worth, TX; Joshua Medlin, Clerk, Quaker, Fall Creek Friends Meeting, Anderson, IN; Michelle Meech, Ministry Developer, Episcopal Church, Episcopal Diocese of Michigan, Ypsilanti, MI; Nancy Meehan Yao, Rev., Presbyterian Church USA, Hector and Hammondsport Presbyterian Churches, Hector, NY; Deborah Meinke, Rev. Dr., Presbyterian Church USA, Presbytery of Cimarron, Stillwater, OK; George M. Melby, Pastor (Retired), American Baptist Church, Hospital/Hospice Chaplain, Kansas City, KS; David Mellott, VP of Academic Affairs and Dean of the Seminary, Metropolitan Community Church, Lancaster Theological Seminary, Lancaster, PA; Betty Mendl, Deacon, MCC, Round Rock, TX; David Meredith, Senior Pastor, United Methodist Church, Clifton United Methodist Church, Cincinnati, OH; Jo Merrick, Pararabbi, Jewish-Reform, Temple Beth Am, Seattle, WA; Rev. Dr. Jim Merritt, Senior Pastor, Metropolitan Community Church, Holy Cross Metropolitan Community Church, Pensacola, FL; Gretchen Mertes, Pastor, Lutheran-ELCA, Roots of the Table Lutheran Church, Seattle, WA; Andrew Mertz, Director of Youth and Young Adult Ministries, Unitarian Universalist Association, Joseph Priestley District, Manassas, VA; Donna Merz, Rev., Presbyterian Church USA, Presbyterian

Church (USA), Los Angeles, CA; David Messner, Minister, Unitarian Universalist Association, Unitarian Universalist Church of Savannah, Savannah, GA; Eric Meter, Rev., Unitarian Universalist Association, Associate Minister, Columbus, OH; Cheri Metier, Rev., Disciples of Christ, Christian Church, Christian Church (Disciples of Christ) Pacific Southwest Region, San Diego, CA; Valyn Metropoulos, Pastor, Lutheran–ELCA, Amazing Grace Lutheran Church of Grays Harbor, Aberdeen, WA; Gerald Metzger, Rev., United Church of Christ, Bethany Congregational UCC, San Antonio, TX; Barbara Metzinger, Rabbi, Jewish–Reform, Congregation B’nai Israel, Monroe, LA; Judith Meyer, Minister Emerita (Retired), Unitarian Universalist Association, Unitarian Universalist Community, Santa Monica, CA; Robin Meyers, Senior Minister, United Church of Christ, Mayflower Congregational UCC Church, Oklahoma City, OK; Barbara Meyers, Rev., Unitarian Universalist Association, Mission Peak Unitarian Universalist Congregation, Fremont, CA; Jay Michaelson, Rabbi, Jewish Renewal, Elat Chayyim, Brooklyn, NY; Waltrina Middleton, Rev. Dr., United Church of Christ, United Church of Christ National Office, Cleveland, OH; Stacey Midge, Associate Minister, Reformed Church in America, First Reformed Church of Schenectady, Schenectady, NY; Sarah Midzalkowski, Rev., Episcopal Church, University Lutheran Church, East Lansing, MI; Laurence Milder, Rabbi, Jewish–Reform, Congregation Beth Emek, Pleasanton, CA; Rev. Andrew C. Millard Ph.D., Minister, Unitarian Universalist Association, Unitarian Universalist Fellowship of the Peninsula, Newport News, VA; George Miller, Rev., United Church of Christ, Emmanuel United

Church of Christ, Sebring, FL; Joe Miller, Rev. Dr. (Retired), United Methodist Church, Ordained Elder in the United Methodist Church, Newton, TX; Diane Miller, Rev. Dr., Unitarian Universalist Association, The First Religious Society, Carlisle, MA; Heather Miller, Rabbi, Jewish–Reform, Beth Chayim Chadashim, Los Angeles, CA; Michelle Miller, Rev., United Methodist Church, United Methodist Pastor, Crookston, MN; Julie Miller, Rev., Disciples of Christ, Christian Church, Central Christian Church, Indianapolis, IN; Joel Miller, Pastor, Mennonite, Columbus Mennonite Church, Columbus, OH; Nancy Miller, Rev., United Methodist Church, Elder in Eastern PA Annual Conference Extension Ministry, Hospice Chaplain, Cape May Courthouse, NJ; Philip V. Miller, The Rev. (Retired), Christian Church (Disciples of Christ), Military Chaplain, Cherry Log, GA; Rachel Miller Solomin, Rabbi, Jewish–Conservative, Congregation Kol Emeth, Mountain View, CA; Jill Mills, Rev., Presbyterian Church USA, Pastor, Ann Arbor, MI; Jennifer Mills-Knutsen, Rev., United Church of Christ, St. Luke’s United Church of Christ, Jeffersonville, IN; John Millspaugh, Rev., Unitarian Universalist Association, Beyond Carnism, Medford, MA; Sarah Millspaugh, Rev., Unitarian Universalist Association, Unitarian Universalist Association, Medford, MA; Craig Minich, Rev., Lutheran–ELCA, ELCA, San Carlos, CA; David Minnick, Interim Senior Pastor, United Church of Christ, Spring Glen Church, UCC, Hamden, CT; Sydney Mintz, Rabbi, Jewish–Reform, Congregation Emanu-El, San Francisco, CA; Tiana Mirapae, Kohenet, Jewish Renewal, Temple of Sophia–Wellspring of Shekhinah’s Love, Montague, MA; Michael Misenheimer, Minister, Sacred Recovery,

Atlanta, GA; Douglas Mitchell, Associate Pastor for Faith in Action, Presbyterian Church USA, Westminster Presbyterian Church, Minneapolis, MN; Randle Mixon, Rev. Dr., American Baptist Church, First Baptist Church, Palo Alto, CA; Rev. Rick Modglin-Green, Associate Pastor, Disciples of Christ, Christian Church, Central Woodward Christian Church, Farmington Hills, MI; P Moeller, Rev. Dr. (Retired), United Church of Christ, UCC, Roswell, NM; Gulie Molkenthin, Rev., Sanctuary of The Beloved, Kimmell, IN; Rob Molla, Director of Human Resources, Unitarian Universalist Association, Unitarian Universalist Association, Boston, MA; Joellynn Monahan, The Rev., United Church of Christ, Clergy in Covenant at Plymouth United Church of Christ, Oakland, CA; Perry Montrose, Director of Lifespan Religious Education and Faith Development, Unitarian Universalist Association, Community Unitarian Church at White Plains, White Plains, NY; Paul Moody, Rev., Lutheran-ELCA, Mount Olive Evangelical Lutheran Church, Rochester, MN; Karen Mooney, Minister, Unitarian Universalist Association, Beverly Unitarian, Riverside, IL; Chris Moore, Senior Pastor, United Church of Christ, Fellowship Congregational United Church of Christ, Tulsa, OK; Joseph Moore, Pastor/Head of Staff, Presbyterian Church USA, Central Presbyterian Church, Austin, TX; Mary Moore, Rev., Unitarian Universalist Association, Miami Valley Unitarian Universalist Fellowship Dayton, Ohio, Dayton, OH; Michael Moore, Rev., Presbyterian Church USA, First Presbyterian Church, DeFuniak Springs, FL; Calvin Moore, Rev., Presbyterian Church USA, PCUSA, Los Angeles, CA; Richard Moore, Rev. Dr. (Retired), United Church of Christ, Pilgrim Place,

Claremont, CA; Tony Moore, Rev., United Church of Christ, Forks UCC, Northampton, PA; David Morabito, Worship Leader, Independent, Hazel Park, MI; Peter Morales, President, Unitarian Universalist Association, Unitarian Universalist Association, Boston, MA; John Morehouse, Lead Minister, Unitarian Universalist Association, Pacific Unitarian Church, Rancho Palos Verdes, CA; Melanie Morel-Ensminger, Rev., Unitarian Universalist Association, Hammond Unitarian Church, New Orleans, LA; George Morgan, Rev. Dr. (Retired), Presbyterian Church USA, HR Synod Executive, Trinitu, FL; Jessie Morgan, Student Clergy, Metropolitan Community Church, Holy Cross Metropolitan Community Churches, Pensacola, FL; Peg Morgan, Minister, Unitarian Universalist Association, Westside Unitarian Universalist Congregation, Seattle, WA; Faith Morgan, Clerk, Quaker, Yellow Springs Friends Meeting, Yellow Springs, OH; Stasa Morgan-Appel, Priestess & Witch, Roses, Too! Tradition, Princeton, NJ; Amy Morgenstern, Rev., Unitarian Universalist Association, Unitarian Universalist Church of Palo Alto, Palo Alto, CA; Craig Moro, Minister, Unitarian Universalist Association, Atkinson Memorial Church, Salem, OR; Debra Morra, Rev., Unitarian Universalist Association, Community Unitarian Church, White Plains, NY; Mike Morran, Rev., Unitarian Universalist Association, 1st Unitarian Society of Denver, Denver, CO; Jake Morrill, Minister, Unitarian Universalist Association, Oak Ridge Unitarian Universalist Church, Oak Ridge, TN; Dianne Morrison, Rev., United Methodist Church, TC Christ United Methodist Church, Traverse City, MI; Lauren Morse-Wendt, Diaconal Minister, Lutheran-ELCA, Edina Community Lutheran

Church, Edina, MN; Rev. David Morton, Pastor of Mission and Outreach (Retired), United Methodist Church, United Methodist, Battle Creek, MI; Susie Moskowitz, Rabbi, Jewish–Reform, Temple Beth Torah, Melville, NY; Richard Mosley, Jr., Rev., United Methodist Church, Hemenway, Evanston, IL; Deborah Moss, Rev., Unity, Unity of Tampa Church, Tampa, FL; Marion Moss, Rev. (Retired), Unity, Minister Emeritus–Unity of Tampa, Tampa, FL; Victoria Moss, Teaching Elder (Minister), Presbyterian Church USA, Ridgewood Presbyterian Church, Ridgewood, NY; Leslie Moughty, Pastor, United Church of Christ, First Congregational UCC of Brainerd, Brainerd, MN; Amanda Mountain, Deaconess, United Methodist Church, The United Methodist Church, Chicago, IL; The Rev. Deniray Mueller, Legislative Liaison, Episcopal Church, Diocese of Southern Ohio, Columbus, OH; David Muffett, Director of Youth Ministries, Presbyterian Church USA, The Presbyterian Church of Bowling Green, Bowling Green, KY; Jeffrey Mullinix, Pastor, United Methodist Church, Glenwood United Methodist Church, Columbus, OH; Karen Muntzing, Rev., United Methodist Church, UMC, Hilliard, OH; Karen Muntzing, Associate Pastor, United Methodist Church, Hilliard UMC, Hilliard, OH; Robert Murphy, Rev., Unitarian Universalist Association, Unitarian Universalist Fellowship, Falmouth, MA; Timothy Murphy, Executive Director, Disciples of Christ, Christian Church, Progressive Christians Uniting, Los Angeles, CA; Richard Murphy, Pastor, Unitarian Universalist Association, People’s Church, Ludington, MI; Rev. Grace M Murray, Pastor, United Church of Christ, Plymouth Congregational United Church of Christ, Fargo, ND; Stephen Butler Murray,

President and Professor of Systematic Theology and Preaching, American Baptist Church, Ecumenical Theological Seminary, Detroit, MI; Joy Myers, Rev., Presbyterian Church USA, Associate Pastor, Edwardsville, IL; Robin Nafshi, Rabbi, Jewish-Reform, Temple Beth Jacob, Concord, NH; Jennifer Nagel, Pastor, Lutheran-ELCA, Salem English Lutheran Church, Minneapolis, MN; Rita Nakashima Brock, Rev. Dr., Disciples of Christ, Christian Church, Write Divinity School, Soul Repair Center, Ft. Worth, TX; Sarah Napoline, Rev., Unitarian Universalist Association, Andover Newton Theological School, Newton Center, MA; Rabbi Fred Natkin, Rev. Dr., Jewish-Reform, Mateh Chaim, Boynton Beach, FL; Rabbi Natkin, Dr. Rabbi, Professor, Chaplain, Jewish, Mateh chaim, US Navy Chaplain, Boynton Beach, FL; Gretchen Naugle, Pastor, Episcopal Church, St. Luke's, Wymore, NE; Ron Neff, Rev., Unity, Unity of Stuart, Stuart, FL; Danielle Neff, Rev., United Church of Christ, United Church of Christ, York, PA; Sally Neff, Cantor, Jewish-Reform, Temple Beth Torah, Nyack, NY; Rev. Jane Nelson, Senior Pastor, Metropolitan Community Church, MCC Sacred Journey, Hendersonville, NC; John Nelson, The Rev. Dr., United Church of Christ, Niantic Community Church, Niantic, CT; Julie Nemecek, Rev. Dr., Presbyterian Church USA, Elder, Spring Arbor, MI; Christie Neuger, Professor Emerita of Pastoral Theology (Retired), United Methodist Church, Brite Divinity School, Minneapolis, MN; Brian Newcomb, Rev. Doctor, United Church of Christ, David's United Church of Christ, Kettering, OH; Christy Newton, Senior Minister, Disciples of Christ, Christian Church, First Christian Church (Disciples of Christ), Vallejo,

CA; Mark Newton, Rev. Dr., Unitarian Universalist Association, Westside Unitarian, Seattle, WA; Christine Ng, Senior Minister, United Church of Christ, Central Congregational Church, Dallas, TX; Elizabeth Nguyen, Community Minister, Unitarian Universalist Association, First Parish Cambridge, UU, Cambridge, MA; Kari Nicewander, Rev., United Church of Christ, Senior Minister, Immanuel Congregational UCC, West Hartford, CT; Jane Ellen Nickell, Chaplain, United Methodist Church, Allegheny College, Meadville, PA; Jonathan Niketh, Pastor, Lutheran–ELCA, First Lutheran Church, Lynn, MA; Victor Nixon, Rev. (Retired), United Methodist Church, Pulaski Heights United Methodist Church, Little Rock, AR; Joshua Noblitt, Minister, United Methodist Church, Saint Mark United Methodist Church, Atlanta, GA; Molly Nolan, Director of Religious Education, Unitarian Universalist Association, Unitarian Universalist Church in Meriden, Meriden, CT; Robin Norsworthy, The Rev. Dr., Christian Church (Disciples of Christ), Cherry Log Christian Church, Cherry Log, GA; Seth Novak, Pastor, Lutheran–ELCA, Agnua Dei Lutheran Church, Gig Harbor, WA; Theresa Novak, Rev., Unitarian Universalist Association, Berkeley Fellowship of Unitarian Universalists, San Anselmo, CA; Richard Nugent, Director, USA Church Staff Finances, Unitarian Universalist Association, Unitarian Universalist Association, Washington, DC; Milton Nunez-Coba, Rev., Presbyterian Church USA, PCUSA, Englewood, NJ; Osarieme Obaseki, Evangelist, What About Us Global Ministries, McKinney, TX; Diana O'Brien, Rev., Unitarian Universalist Association, LGBT Open Ministry, Wilton Manors, FL; Jean

O'Brien, Rev., Disciples of Christ, Christian Church, Christian Church (Disciples of Christ), Saginaw, MI; Tom O'Brien, Rev., United Church of Christ, Memorial Congregational Church of Sudbury, Sudbury, MA; Gail O'Day, Dean and Professor of New Testament and Preaching, United Church of Christ, Wake Forest University School of Divinity, Winston-Salem, NC; Colleen Ogle, Rev., United Methodist Church, King Avenue UMC, Columbus, OH; Madeline Lyn Oglesby, Minister, Unitarian Universalist Association, Shoreline Unitarian Universalist Society, Guilford, CT; Jesse Olitzky, Rabbi, Jewish-Conservative, Congregation Beth El, South Orange, NJ; Claudene Oliva, Rev. Dr., Unitarian Universalist Association, Unitarian Universalist Congregation, Flint, MI; Andy Oliver, The Rev., United Methodist Church, Director of Communications, Reconciling Ministries Network, Chicago, IL; Donna Olsen, Volunteer Clergy on Staff, Metropolitan Community Church, All God's Children Metropolitan Community Church, Minneapolis, MN; James Olson, Rev. Dr., United Church of Christ, St. John's United Church of Christ, Chicago, IL; Reg & Barbara Olson, Rev. Dr., Presbyterian Church USA, St. Luke Middletown, Monroe, OH; Dan Ornstein, Rabbi, Jewish-Conservative, Congregation Ohav Shalom, Albany, NY; Karin Orr, Rev. Dr. (Retired), United Methodist Church, Centreville United Methodist Church, Grand Rapids, MI; Randy Orso, Rev., Moderator, and Founder, Universal Life Church Monastery LGBTI Clergy Association, Hawley, PA; Gaye Ortiz, Rev. Dr., Unitarian Universalist Association, Unitarian Universalist Church of Augusta, Augusta, GA; Charles Ortman, Rev., Unitarian Universalist Association, Unitarian

Universalist Congregation, Montclair, NJ; Roger Osgood, Senior Minister, Disciples of Christ, Christian Church, Heights Christian Church, University Heights, OH; Barbara Ostfeld, Cantor (Retired), Jewish-Reform, American Conference of Cantors, Buffalo, NY; James Ostrander, Coordinator of Homebound Ministries, United Methodist Church, First United Methodist Church, Madison, Madison, WI; Donald Ott, Bishop (Retired), United Methodist Church, Council of Bishops, Muskego, WI; Jordan Ottenstein, Rabbi, Jewish-Reform, Beth-El Congregation, Fort Worth, TX; Judith Ovadia, Cantor, Jewish-Reform, Temple Shaarei Shalom, Boynton Beach, FL; Deborah Owen, Rev., Disciples of Christ, Christian Church, Disciples of Christ/United Church of Christ, Champaign, IL; Linda Owens, Associate Pastor, Presbyterian Church USA, Bound Brook Presbyterian Church, Bound Brook, NJ; Gina Pace, High Priestess/Minister, Wiccan, Universal Life Church, Scranton, PA; Deborah Packard, Rev., Presbyterian Church USA, 1st Presbyterian Church of Potsdam, Potsdam, NY; Shelley Page, Rev., Unitarian Universalist Association, Unitarian Universalist Church of Ogden, Ogden, UT; Jane Page, Rev. Dr., Unitarian Universalist Association, Unitarian Universalist Fellowship of Statesboro, Statesboro, GA; Rene Pak, Reverend, United Methodist Church, Faith Community / Cedar Grove UMCs, Bayville, NJ; Andrew Paley, Senior Rabbi, Jewish-Reform, Temple Shalom, Dallas, TX; Lois Pallmeyer, Rev., Lutheran-ELCA, Gloria Dei Lutheran Church, St. Paul, MN; Wendy Pantoja, Rev., Unitarian Universalist Association, Unitarian Universalist Congregation of Miami, Miami, FL; Elizabeth Parab, The Rev., Episcopal Church, Diocese of El

Camino Real, Redwood City, CA; Dennis J. Parker, Rev., Episcopal Church, St. Stephen's Episcopal Parish, Portland, OR; Charles Parker, Senior Pastor, United Methodist Church, Metropolitan United Methodist Church, Washington, DC; Ellen Parker, High Priestess, Hearthside Haven, East Hartford, CT; William Parnell, Archdeacon for Mission, Episcopal Church, Diocese of New York, New York, NY; James Parrish, Rev., Unitarian Universalist Association, Unitarian Universalist Fellowship, Fayetteville, AR; Fr. Jamie Parsley, Priest in Charge, Episcopal Church, St. Stephen's Episcopal Church, Fargo, ND; Susan Parsons, Rector, Episcopal Church, St. Peter's Episcopal Church, Redwood City, CA; Dustin Parsons-Schwarz, Rev., Disciples of Christ, Christian Church, Disciples of Christ, Springfield, VA; Maricclair Partee Carlsen, The Rev., Episcopal Church, Rector of St. Mary's Episcopal Church, Hamilton Village, PA; Cameron Partridge, The Reverend Dr., Episcopal Church, Episcopal Chaplain at Boston University, Medford, MA; Carolyn Patierno, Rev., Unitarian Universalist Association, All Souls Unitarian Universalist Congregation, New London, CT; Barbara Patten, Rev., United Church of Christ, Chaplain Cape Albeon, St. Louis, MO; Jennifet Paty, Rev., MCC, Augusta, ME; Denis Paul, Rev., Unitarian Universalist Association, East Shore Unitarian Universalist Church, Kirtland, OH; Rev. Pawelek, Minister, Unitarian Universalist Association, Unitarian Universalist Society: East, Manchester, CT; Andrew Peabody, Rev., United Methodist Church, Clergy Serving in Extension Ministry, Conyers, GA; Brennan Pearson, Associate Pastor for Families and Fellowship, Presbyterian Church USA, Westminster

Presbyterian Church, Minneapolis, MN; Patricia Pearson, Rev. Dcn., Episcopal Church, Episcopal Diocese of California, Danville, CA; Emily Peck-McClain, Rev., United Methodist Church, New York Annual Conference, Harrisonburg, VA; Jennifer Peek, Student Minister, Unitarian Universalist Association, Unitarian Universalist Fellowship of Elkhart, Elkhart, IN; Julie Peeples, Senior Minister, United Church of Christ, Congregational United Church of Christ, Greensboro, NC; Lawrence Peers, Rev., Unitarian Universalist Association, Christian Theological School, Philadelphia, PA; Duffy Peet, Rev., Unitarian Universalist Association, Pocatello Unitarian Universalist Fellowship, Pocatello, ID; Debra Peevey, Rev., Disciples of Christ, Christian Church, Journey of the Heart Ministries, Surprise, AZ; Ann Pellegrino, Presiding Clerk, Quaker, Lafayette (IN) Friends Meeting, Lafayette, IN; Derek Penwell, Senior Minister, Disciples of Christ, Christian Church, Douglass Blvd Christian Church, Louisville, KY; Summer Perella, Chapalin, Reading Health System, Reading, PA; Mary Perrin, Rector, Episcopal Church, St. Martin of Tours Episcopal Church, Kalamazoo, MI; Elana Perry, Rabbi, Jewish-Reform, Temple Sinai, Atlanta, GA; Shoshana Perry, Rabbi, Jewish-Reform, Congregation Shalom, Westford, MA; Hara Person, Rabbi, Jewish, Central Conference of American Rabbis, Brooklyn, NY; Clare Petersberger, Rev., Unitarian Universalist Association, The Towson Unitarian Universalist Church, Towson, MD; Paul Petersen, Pastor, Lutheran-ELCA, Bethel Lutheran Church, Madison, WI; Glenn C. Petersen, Rev., Lutheran-ELCA, Mountain View Lutheran Church, Puyallup, WA; Thomas Peterson, Rev.

(Retired), Lutheran–ELCA, Parish Pastor, Pompano Beach, FL; Amy Peterson Derrick, Director of Religious Education, Unitarian Universalist Association, Religious Educator, Mahtomedi, MN; David Pettee, Ministerial Credentialing Director, Unitarian Universalist Association, Unitarian Universalist Association, Boston, MA; Bruce Pfeffer, Rabbi, Jewish–Reform, Reform Movement (Jewish), Indianapolis, IN; Ronnie Phares, Rev., Unitarian Universalist Association, Mountain Vista Unitarian Universalist Congregation, Tucson, AZ; Shane Phelan, Rev. Dr., Episcopal Church, Companions of Mary the Apostle, West Park, NY; Susan Phillips, Rev., Presbyterian Church USA, First Presbyterian Church, Gresham, WI; Tom Phillips, Ordained Minister, Claremont School of Theology, Upland, CA; Michael Piazza, Sr. Pastor, United Church of Christ, Virginia-Highland Church, Atlanta, GA; David Pickett, Treasurer, Ruling Elder Commissioner, Presbyterian Church USA, Presbytery of West Jersey, Vineland, NJ; Ann Pitman, Rev., Presbyterian Church USA, Presbyterian Church (USA), Ashland, KY; David Pittle, Dr., Presbyterian Church USA, Congregation for Spiritual Exploration, San Rafael, CA; Mir Plemmons, Rev., Chaplain, Chaplain, OSC, Chaplain in Pacific Northwest Fandom, Renton, WA; Ann Plumley, Pastor, United Church of Christ, Pastor, First Church of Christ in Mansfield Center, Congregational, UCC, Coventry, CT; Ron Pogue, Priest, Episcopal Church, Interim Rector, Arlington, TX; LeDayne Polaski, Executive director, Alliance of Baptists, Baptist Peace Fellowship of North America, Charlotte, NC; Alton Pollard III, Dr., Howard University School of Divinity, Washington, DC;

Pamela Griffith Pond, Rev., Lutheran–ELCA, St. Paul’s Lutheran Church, Vallejo, CA; Jason Poole, Youth Minister, Lutheran–ELCA, ELCA 1st Year Seminary Student, Janesville, WI; Deborah Popelance, The Rev. Dr., Unitarian Universalist Association, First Parish inn Wayland Unitarian Universalist, Natick, MA; Amanda Poppei, Senior Leader, Ethical Culture, Washington Ethical Society, Washington, DC; Don Portwood, Pastor, United Church of Christ, Lyndale United Church of Christ, Minneapolis, MN; Rev. Eric Posa, Interim Minister, Unitarian Universalist Association, Unitarian Church of Harrisburg, Harrisburg, PA; Kimberly Poteat, Rev., American Baptist Church, Hominy Baptist Church, Candler, NC; Michael Poulos, Rev., Presbyterian Church USA, First Presbyterian Church, Asheville, NC; Lois Powell, Rev., United Church of Christ, United Church of Christ, Cleveland Heights, OH; John Powell, Priest-in-charge, Episcopal Church, St. John’s Church, Maple Shade, NJ; Bernice Powell Jackson, Rev., United Church of Christ, First United Church of Tampa, Trinity, FL; Lora Powell-Haney, Director of religious education, Unitarian Universalist Association, UU Congregation of Frederick, Myersville, MD; Erin Powers, Director of Religious Exploration for Children and Youth, Unitarian Universalist Association, Unitarian Universalist Association, Tampa, FL; John Powers, The Rev., United Methodist Church, Superintendent, Gulf Central District, Largo, FL; Kristen Pratt, Rev. (Retired), United Church of Christ, Chaplain/Counselor, Los Altos, CA; David Prentice, Rev., Episcopal Church, Emmanuel Church, Wakefield, MA; Lisa Presley, Rev. Dr., Unitarian Universalist Association, Unitarian Universalist, South Lyon, MI; Sarah

Pressly-James, First Year Seminary Student, United Church of Christ, Chicago Theological Seminary, Grayslake, IL; Marsha Price, Former Adult Sunday School Teacher and Deacon, Presbyterian Church USA, Grace Presbyterian Church & Union Presbyterian Church, Ambridge, PA; Sally Priesand, Rabbi (Retired), Jewish-Reform, Monmouth Reform Temple, Tinton Falls, NJ; Chett Pritchett, Executive Director, United Methodist Church, Methodist Federation for Social Action, Washington, DC; Anabel Proffitt, Rev. Dr., Presbyterian Church USA, Childwold Memorial Presbyterian Church, Lancaster, PA; Steven Protzman, Rev., Unitarian Universalist Association, Unitarian Universalist Society of Iowa City, Iowa City, IA; Robyn Provis, Rev. Dr., Lutheran-ELCA, Salem Evangelical Lutheran, Richfield, MN; Joy Christi Przeworski, Rev., St. James Episcopal Congregation, West Hartford, CT; Jeanne Pupke, Rev., Unitarian Universalist Association, First Unitarian Universalist Church, Richmond, VA; Laura Queen, The Rev., Episcopal Church, CPG, Stratford, CT; Melinda Quellhorst, Rev., United Church of Christ, Grace United Church of Christ, Lancaster, OH; Karen Quinlan, Minister, Unitarian Universalist Association, James Reeb Unitarian Universalist Congregation, Madison, WI; Marge Ragona, Rev. (Retired), Metropolitan Community Church, Pastor, Birmingham, AL; Katherine Ragsdale, president, Episcopal Church, Episcopal Divinity School, Cambridge, MA; Suzanna Raker, Dr., Native American, Episcopal, Calumet, MI; Beth Rakestraw, Rev., Metropolitan Community Church, Divine Peace MCC, Clarkston, MI; Daniel Ramm, Pastor (Retired), Reformed Church in America, Flatbush Reformed Church, New York,

NY; Lindi Ramsden, Acting Dean of Students and Community Life, Unitarian Universalist Association, Starr King School for the Ministry, San Jose, CA; Charlsie Ramsey, Rev. (Retired), Presbyterian Church USA, Pastor of Hanover Presbyterian Church, Howard, OH; Christy Ramsey, Rev., Presbyterian Church USA, Presbytery of Nevada, Carson City, NV; Donald Randall, Community Minister, Unitarian Universalist Association, UU Fellowship, Athens, GA; Peg Randall Gardner, Director of Children's and Family Ministries, United Methodist Church, Methodist, Mequon, WI; Dieter Randolph, The Rev., Unity, Unity of Clearwater, Saint Petersburg, FL; Fr. Jerry Rankin, Priest in Charge, Episcopal Church, St. John's Episcopal Church, Abilene, KS; Donald Ransom, Rev., Senior. Clergy, Newark, NJ; Paige Rappleye, Religious Education Coordinator / Youth Group Advisor, Unitarian Universalist Association, Glacier Unitarian Universalist Fellowship, Kalispell, MT; Erik Rasmussen, Rev., United Methodist Church, Woodbury United Methodist Church, Woodbury, NY; NaDine Rawls, Pastor, Free to Be, Lithia Springs, GA; Tonyia Rawls, Bishop, Sacred Souls Community Church, Charlotte, NC; Robert Rea, The Rev. (Retired), Episcopal Church, Episcopal, Norcross, GA; Bradley Redeker, Rev., Reformed Church in America, AtlantiCare Regional Medical Center, Mays Landing, NJ; Suzanne Redfern-Campbell, The Rev. Dr., Unitarian Universalist Association, Unitarian Universalist Church of Las Cruces, Las Cruces, NM; Sarah Reed, Rev., United Church of Christ, Nationwide Children's Hospital, Columbus, OH; Deana Reed, Rev. Dr., Presbyterian Church USA, Covenant Presbyterian Church, Napa, CA;

Jennifer Rehbein, Director of Religious Education, Unitarian Universalist Association, Unitarian Universalist Fellowship of Lower Bucks, Ewing, NJ; David Reinwald, Cantor, Jewish-Reform, Temple Beth Sholom, Santa Ana, CA; Karen Reiss Medwed, Rabbi Dr. (Retired), Jewish-Conservative, Northeastern University, Atlanta, GA; Julia Rendon, The Rev., United Church of Christ, Crossroads UCC, Indianola, IA; Rev. Tom Ressler, Minister, Rev., United Church of Christ, St. Paul United Church of Christ, St. Louis, MO; Layne Richard-Hammock, Director of Lifespan Faith Development, Unitarian Universalist Association, West Shore Unitarian Universalist Church, Rocky River, OH; Nancy Richards, Rev. (Retired), United Church of Christ, United Church of Christ, Cedar Mountain, NC; Rev. Marilyn Richards, Minister, Unitarian Universalist Association, First Church Unitarian of Athol, Athol, MA; Sarah Richards, Minister, Unitarian Universalist Association, Carbondale Unitarian Fellowship, Murphysboro, IL; Cherylann Richards, Rev., United Church of Christ, Pediatric Hospice and Palliative Care Chaplain at Nationwide Children's Hospital, Columbus, OH; Angela Richardson, Rev., Old Catholic Church, Ohio Orthodox Catholic Church, Cincinnati, OH; Sarah Richey, Rev., Disciples of Christ, Christian Church, Hampton Park Christian Church, Sylvania, OH; Ian Riddell, Minister, Unitarian Universalist Association, Unitarian Universalist Congregation of Las Vegas, Las Vegas, NV; Julie Rigano, Religious Education Intern, Unitarian Universalist Association, First Unitarian Society of Westchester, New York, NY; Arthur Riihimaki, Clerk of Session, Presbyterian Church USA, Westminster Presbyterian Church, West Hartford,

CT; Meg Riley, Rev., Unitarian Universalist Association, Church of the Larger Fellowship, Minneapolis, MN; Dr. Tim Riley, Head Minister, Universal Life Church / ALOHA branch Molokai, Hawaii, Kaunakakai, HI; Joshua Rinas, The Rev., Lutheran-ELCA, First Lutheran Church of Southington, Southington, CT; Allise Riney, Pastor, Pentecostal, KOF, North Augusta, SC; Heather Rion Starr, Rev., Unitarian Universalist Association, Co-Minister, Unitarian Society of Hartford, Hartford, CT; DiAnna Ritola, Rev., Mother Grove Goddess Temple, Asheville, NC; Jessica Rivera-Walker, Reverend, Lutheran-ELCA, Pastor, Northwest Lower Michigan Synod, Holland, MI; Adam Robersmith, Rev., Unitarian Universalist Association, Second Unitarian Church, Chicago, IL; Mary Robert, Assistant Rector, Episcopal Church, All Saints Episcopal Church, Mobile, AL; Cindy Roberts, Rev., United Methodist Church, Douglas Community United Methodist Church, Douglas, AK; The Rev. John Roberts, Pastor, Lutheran-ELCA, Unity Evangelical Lutheran Church, Chicago, IL; Josephine Robertson, The Rev., Episcopal Church, St. John's Episcopal Church, Kirkland, WA; Kathleen Robertson King, Rev., Presbyterian Church USA, United Campus Ministry, Kalamazoo, MI; Allyson Robinson, Former Transitional Pastor, Alliance of Baptists, Calvary Baptist Church, Washington, DC; Cynthia Robinson, Rev., United Church of Christ, New Ark United Church of Christ, Newark, DE; Yair Robinson, Rabbi, Jewish-Reform, Congregation Beth Emeth, Wilmington, DE; Tracey Robinson-Harris, Interim Minister, Unitarian Universalist Association, First Church in Jamaica Plain, Boston, MA; Kimberly Rodrigue, Pastor,

Presbyterian Church USA, Trinity Presbyterian Church, Nashville, TN; Diana Rogers, Rector, Episcopal Church, Epiphany Episcopal, Middletown, CT; Tandi Rogers, Rev., Unitarian Universalist Association, Unitarian Universalism Association, Tacoma, WA; Dawn Roginski, Rev. Dr., Lutheran–ELCA, Lutheran Church of the Holy Trinity, Vallejo, CA; Kristen Rohm, Rev., Unitarian Universalist Association, SouthWest Unitarian Universalist Church, North Royalton, OH; Megan Rohrer, Pastor, Lutheran–ELCA, Grace Lutheran Church, San Francisco, CA; Kathleen Rolenz, Rev., Unitarian Universalist Association, West Shore Unitarian Universalist Church, Bay Village, OH; Rev. Jean Rollin, Minister, United Methodist Church, Common Ground: A United Methodist Community, Cambridge, MN; Ann Romanczuk, Minister, Unitarian Universalist Association, Unitarian Universalist Association, St. Paul, MN; Ervin G. Roorda, Rev. Dr. (Retired), Presbyterian Church USA, Preston Hollow Presbyterian Church, Mill Creek, WA; Jason Rosenberg, Rabbi, Jewish, Rabbi of Congregation Beth Am, Tampa, FL; Adam Rosenwasser, Rabbi, Jewish–Reform, Associate Rabbi, Washington, DC; Amy Ross, Rabbi, Jewish–Reform, Temple Emanu-El, Dallas, TX; Rev. Christopher Ross, Pastor, United Church of Christ, First Reformed United Church of Christ, Manitowoc, WI; Patricia Ross, The Rev., Episcopal Church, St. Francis Church, Fair Oaks, CA; Nori Rost, Rev. Dr., Unitarian Universalist Association, All Souls Unitarian Universalist Church, Colorado Springs, CO; Alan Rowbotham, Rev. (Retired), Unity, Minister Emeritus, First Unity Church, St. Petersburg, FL; Jerry Roy, Bishop-Elect, Episcopal Church, Mid-Atlantic

Diocese, Universal Anglican Church, Annandale, VA; Leah Roy-Ehri, Meeting Clerk, Quaker, Bloomington Monthly Meeting, Bloomington, IN; Renee Ruchotzke, Minister, Congregational Life, Unitarian Universalist Association, Unitarian Universalist Association, Kent, OH; Carol Rudisill, Minister (Retired), Unitarian Universalist Association, Unitarian Universalist, Sierra Madre, CA; Bonnie Ruggiero, Ruling Elder, Presbyterian Church USA, Willow Grove Presbyterian Church, Scotch Plains, NJ; Pamela Rumancik, Minister, Unitarian Universalist Association, Unitarian Church of Hinsdale, Hinsdale, IL; Vicki Rush, Ruling Elder, Presbyterian Church USA, Faith Presbyterian Church, Indianapolis, IN; Jill Russell, Minister, Reformed Church in America, Hope Church, Holland, MI; Susan Russell, Rev. Canon, Episcopal Church, All Saints Episcopal Church, Pasadena, CA; Bruce Russell-Jayne, Rev. (Retired), Unitarian Universalist Association, Member All Souls Unitarian (Universalist) Church, Carmel, IN; Gregory Ryan, Senior Pastor, United Church of Christ, Oakland Christian United Church of Christ, Suffolk, VA; Nathan Ryan, Rev., Unitarian Universalist Association, Unitarian Church of Baton Rouge, Baton Rouge, LA; Denise Ryder, Rev. Dr., Cooperative Baptists, Roudebush VA Medical Center, Greenwood, IN; Aaron Saari, Rev., United Church of Christ, First Presbyterian Church of Yellow Springs, Yellow Springs, OH; ReBecca Sala, Manager of Pastoral Care, Unitarian Universalist Association, Stamford Hospital, Stamford, CT; Kent Saleska, Rev., Unitarian Universalist Association, Unitarian Universalist, Wayzata, MN; John Salmon, Rev. (Retired), Presbyterian Church USA, PCUSA, Portland, OR; Cynthia Salo, Pastor,

Lutheran–ELCA, Central Lutheran Church, Seattle, WA; Lee Marie Sanchez, Rev., Unitarian Universalist Association, Unitarian Universalist, Huntington Beach, CA; William Sanford Ryan, Youth Minister, Disciples of Christ, Christian Church, Azle Christian Church, Azle, TX; Joan Saniuk, Rev. Dr., Metropolitan Community Church, MCC New England Ministries, Medford, MA; George Sartin, Rector, Episcopal Church, Church of the Advent, Tallahassee, FL; Donald Satterthwaite, Co-Clerk, Quaker, Green Country Friends, Bixby, OK; Deborah Saxe, Rev., Disciples of Christ, Christian Church, Disciples Gathering, Westerville, OH; John Saxon, Lead Minister, Unitarian Universalist Association, Unitarian Universalist Fellowship of Raleigh, Raleigh, NC; Frank Schaefer, Rev., United Methodist Church, Lead Pastor, Isla Vista Student Ministry/SBK United Methodist Church, Isla Vista, CA; Frank Schaefer, The Rev., United Methodist Church, University United Methodist Church/Isla Vista Student Ministry, Isla Vista, CA; Lisa Schafers, Minister, American Marriage Ministries, Lincoln, NE; Daria Schaffnit, Rev., United Church of Christ, Ordained Minister of the Word and Sacrament, Spiritual Coach, Lake Orion, MI; Daniel Schatz, Minister, Unitarian Universalist Association, BuxMont Unitarian Universalist Fellowship, Warrington, PA; Philip Schechter, Rabbi (Retired), Jewish–Reform, Rabbi in Residence 1st Presbyterian Church, Stamford, CT; Tandy Scheffler, Minister of Faith Formation, Unitarian Universalist Association, Oak Ridge Unitarian Universalist Church, Oak Ridge, TN; Amy Scheinerman, Rabbi, Jewish, Howard County Jewish Hospice Program, Columbia, MD; Christopher Schelin, Assistant to the Dean of

Faculty, Cooperative Baptists, Starr King School for the Ministry, Pinole, CA; Elizabeth Scheuerman, The Rev. (Retired), Unitarian Universalist Association, UU Minister, New York, NY; The Rev. Dr. Rick Schlosser, Executive Director, United Methodist Church, California Council of Churches, Sacramento, CA; Bradley Schmeling, Senior Pastor, Lutheran–ELCA, Gloria Dei Lutheran Church, St. Paul, MN; Ben Schmidt, Rev. (Retired), Pentecostal, Pentecostal, Enid, OR; Christian Schmidt, Minister, Unitarian Universalist Association, First Parish in Malden, Universalist, Malden, MA; Rev. Kathy Schmitz, Minister, Unitarian Universalist Association, First Unitarian Church of Orlando, Orlando, FL; Clint Schnekloth, Lead Pastor, Lutheran–ELCA, Good Shepherd Lutheran Church, Fayetteville, AR; Lauren Schoeck, The Rev., Episcopal Church, St. James, Lancaster, PA; Lia Scholl, Pastor, Alliance of Baptists, Wake Forest Baptist Church, Winston-Salem, NC; Rebecca Schorr, Rabbi, Jewish–Reform, Central Conference of American Rabbis, Emmaus, PA; Edward Schreur, Rev. Dr., Reformed Church in America, Greenville Community Church, Scarsdale, NY; Chris Schriener, Rev. Dr. (Retired), Unitarian Universalist Association, Minister Emeritus, Mission Peak Unitarian Universalist Congregation, Fremont, CA; Jana Schroeder, Clerk, Quaker, Clear Creek Friends Meeting, Richmond, IN; Rev. Celeste Anne Schroeder, Spiritual Director, New Thought, One Spirit New Thought Community, Knoxville, TN; Justin Schroeder, Sr. Minister, Unitarian Universalist Association, Unitarian Universalist, Minneapolis, MN; Rebecca Schroeder, Rev., United Church of Christ, Guerneville Community Church, United Church of Christ, Santa Rosa, CA;

Rev. Michael Schuenemeyer, Executive for Health and Wholeness Advocacy, United Church of Christ, United Church of Christ, Cleveland, OH; Heidi Schuler, Rev., United Church of Christ, Southeast Conference of the United Church of Christ, Ellijay, GA; Matthew Schultz, Pastor, Presbyterian Church USA, First Presbyterian Church of Anchorage Alaska, Anchorage, AK; William Schulz, President, Unitarian Universalist Association, Unitarian Universalist Service Committee, Cambridge, MA; Catherine Schuyler, Pastor, Duluth Congregational Church, Duluth, MN; Beth Schwartz, Rabbi, Jewish-Reform, Temple Israel, Columbus, GA; David Schwartz, Rev., Unitarian Universalist Association, Sr. Co-Minister of the First Unitarian Church of Chicago, Chicago, IL; Teresa Schwartz, Rev., Unitarian Universalist Association, First Unitarian Church of Chicago, Chicago, IL; Carolyn Schwarz, Rev., Disciples of Christ, Christian Church, Pine Valley Christian Church, Wichita, KS; Cathy Scott, Rev., Episcopal Church, Episcopal Church, Indianapolis, IN; Annie Scott, Credentialed Dir. of Lifespan Religious Education, Unitarian Universalist Association, Atkinson Memorial Church, Lake Oswego, OR; Dayle Scott, Rev. Dr. (Retired), American Baptist Church, American Baptist Seminary of the West, San Leandro, CA; Diane Scribner Clevenger, Rev., Senior Minister, Unity, Unity of Naples, Unity Worldwide Ministries, Naples, FL; Elizabeth Scriven, The Rev., Episcopal Church, St. Clare of Assisi Episcopal Church, Ypsilanti, MI; Catherine Scudera, Minister, Unitarian Universalist Association, First Parish in Needham, Needham, MA; Dawn Seaman, Rev., Reformed Church in America, Community Church of Keyport, Keyport, NJ;

Magdalyn Sebastian, Rev., Disciples of Christ, Christian Church, Providence Hood River Memorial Hospital, Hood River, OR; Louise Seipel, Senior Pastor, United Methodist Church, Broad Street United Methodist Church, Columbus, OH; James Semmelroth Darnell, Rev., United Church of Christ, United Church of Christ, Washington, DC; Amy Sens, Pastor, United Church of Christ, six:eight UCC, Baltimore, MD; Michele Sevacko, Rev. Dr., New Thought, International Metaphysical Ministry, Walkertown, NC; Dave Shackle, Pastor, United Church of Christ, Brecksville United Church of Christ, Brecksville, OH; Susie Shaefer, Rev., Episcopal Church, Episcopal Diocese of Michigan, Ann Arbor, MI; Michael Shaffer, Rev., United Methodist Church, Klemme/Goodell United Methodist Churches, Klemme, IA; Scott Shafrin, Rabbi, Jewish–Conservative, The Epstein School, Atlanta, GA; Kate Shaner, Rev., United Church of Christ, Minister of Mission, First Community Church, Powell, OH; Katherine Shaner, Assistant Professor of New Testament, Lutheran–ELCA, Wake Forest University School of Divinity, Winston Salem, NC; Wayne Shannon, Chaplain, United Church of Christ, United Church of Christ, Madison, WI; Janet Shannon, Pastor, United Church of Christ, Westminster UCC, Spokane, WA; Dean Shapiro, Rabbi, Jewish–Reform, Temple Emanuel, Tempe, AZ; Zach Shapiro, Rabbi, Jewish–Reform, Temple Akiba, Culver City, CA; JoAnne Sharp, Ruling Elder, Presbyterian Church USA, PCUSA, Pflugerville, TX; Bill Sharpe, University Chaplain (Retired), United Methodist Church, N.C.S.U., Gibsonville, NC; Ruth Shaver, Rev., United Church of Christ, Ordained United Church of Christ Clergy,

Schellsburg, PA; Amy Shaw, Rev., Unitarian Universalist Association, Lake Country Unitarian Universalist Church, Hartland, WI; W. Lee Shaw, Rev. (Retired), Episcopal Church, Episcopal Church, Salt Lake City, UT; Joshua Shawnee, Associate Pastor, Disciples of Christ, Christian Church, First Christian Church (Disciples of Christ), Shawnee, OK; Wayne Shearier, Pastor, Lutheran–ELCA, Holy Trinity Lutheran Church, Niles, MI; Virginia Sheets, Ruling Elder, Presbyterian Church USA, White Lick Presbyterian Church, Brownsburg, IN; Randy Sheinberg, Rabbi, Jewish–Reform, Temple Tikvah, New Hyde Park, NY; Misty-Dawn Shelly, Rev., Unitarian Universalist Association, Unitarian Universalist Congregation of Fort Wayne, Fort Wayne, IN; Laura Shennum, Rev., Unitarian Universalist Association, Cascade Unitarian Universalist Fellowship, East Wenatchee, WA; Carey Shepard, Chaplain, Disciples of Christ, Christian Church, Hospital, Dupont, WA; Steven Sherman, Pastor, Disciples of Christ, Christian Church, First Christian Church, Oak Ridge, TN; Jonathan Sherrod, Teaching Elder, Presbyterian Church USA, Westminster Presbyterian Church, Raleigh, NC; Richard Shields, Priest, Episcopal Church, Episcopal Diocese of Hawaii, Honolulu, HI; Rhonda Shipley, Minister, The Church Within, Indianapolis, IN; Josh Shipman, The Rev., Episcopal Church, Seminary of the Southwest, Austin, TX; Richard Shives, Rev., United Methodist Church, Asst. Minister Zion UMC, Cumberland, MD; Richard Short, General Presbyter (Retired), Presbyterian Church USA, Presbytery of Eastern VA, Roswell, GA; Candace Shultis, Rev. Dr., Metropolitan Community Church, King of Peace Metropolitan Community

Church, Saint Petersburg, FL; Andy Sidden, Pastor, United Church of Christ, Garden of Grace United Church of Christ, Newberry, SC; Bryan Siefert, Rev., United Methodist Church, Senior Pastor in Local Parish, Knightdale, NC; Ruth Sievert, Pastor, Lutheran-ELCA, ELCA, Long Beach, CA; Dan Sikowitz, Rabbi, Jewish-Reform, Congregation Kol Ami of Frederick, Frederick, MD; Sara Sills, Clergy Candidate, Metropolitan Community Church, Metropolitan Community Church, Mobile, AL; Jenn Simmons, Community Pastor, Disciples of Christ, Christian Church, National Avenue Christian Church, Springfield, MO; Melissa Simon, Rabbi, Jewish-Reform, Hillel Director and Jewish Chaplain at Muhlenberg College, Allentown, PA; Rebekah Simon-Peter, Rev., United Methodist Church, Bridge Works Ministry, Casper, WY; Ellen Sims, Rev., United Church of Christ, Open Table United Church of Christ, Mobile, AL; Suzanne Singer, Rabbi, Jewish-Reform, Riverside Temple Beth El, Riverside, CA; Jacob Singer-Beilin, Rabbi, Jewish-Reform, Old York Road Temple-Beth Am, Abington, PA; Leela Sinha, Rev., Unitarian Universalist Association, First Parish Church, Portland, ME; Nicolette Siragusa, The Rev., United Church of Christ, First Congregational UCC, Grand Ledge, MI; Rebecca Sirbu, Rabbi, Jewish, CLAL-The National Jewish Center for Learning and Leadership, Teaneck, NJ; Raina Siroty, Cantor, Jewish-Reform, HUC JIR, Los Angeles, CA; Karen Sisk, Elder, Presbyterian Church USA, Paw Creek Presbyterian Church, Charlotte, NC; Mark Skrabacz, Minister, Unitarian Universalist Association, San Gabriel Unitarian Universalist Fellowship, Georgetown, TX; Michael Slagenweit-Coffman, Hospice

Chaplain, United Church of Christ, Unity Point Health, Cedar Rapids, IA; Rachel Small Stokes, Associate Pastor, United Church of Christ, Church of Christ, Union (Union Church), Berea, KY; Andrew Smith, Rev., Presbyterian Church USA, Clarkton Presbyterian Church, Clarkton, NC; Earl Smith, Rev., United Church of Christ, New Hope United Church of Christ Deland, Deland, FL; Kathy Smith, Director of Religious Education, Unitarian Universalist Association, Community UU Church, Plano, TX; Lynda Smith, Rev., Unitarian Universalist Association, Unitarian Universalist Fellowship of Athens Ohio, Columbus, OH; Donald Smith, Rev. (Retired), Presbyterian Church USA, Synod of Southern California and Hawaii, Glendale, CA; Gary Smith, Rev., United Church of Christ, East Side Congregational United Church of Christ, Binghamton, NY; Mark Smith, Chaplain, Presbyterian Church USA, Capital Health Regional Medical Center, Hamilton, NJ; Robb Smith, Unitarian Universalist Lay Community Minister, Unitarian Universalist Association, Impact of NYS, Albany, NY; Katie Smith, Resident Pastor, United Methodist Church, United Methodist Church, Dayton, OH; Rusty Smith, Bishop, Presiding Bishop of the Evangelical Anglican Church, Sandia Park, NM; Charles Smith, O.S.F., Archbishop, Old Catholic Church, Our Lady of Peace Cathedral, Ohio Orthodox Catholic Church, Cincinnati, OH; Ed Sniecienski, Rev. Canon (Retired), Episcopal Church, Church of the Ascension, Los Angeles, CA; Lathe Snyder, The Rev., Social Service Agency, Centerville, OH; Nathan Sobers, Co-Moderator, Presbyterian Church USA, More Light Presbyterians, Seattle, WA; Lynn Sodora, Director

of Religious Education, Unitarian Universalist Association, UU Fellowship of Sussex County, Newton, NJ; David Soliday, Minister, Unitarian Universalist Association, Delaware Unitarian Universalist Fellowship, Delaware, OH; Jeannette Solimine, Pulpit Supply/Volunteer Chaplain, United Church of Christ, Pacific Northwest Conference–UCC, Colfax, WA; Eric Solomon, Rabbi, Jewish–Conservative, Beth Meyer Synagogue, Raleigh, NC; Elliott Sommerville, Rev., Pentecostal, The Fellowship of Affirming Ministries, Atlanta, GA; Suzi Spangenberg, Chaplain, Unitarian Universalist Association, California Pacific Medical Center, Davies Campus, San Francisco, CA; Suzi Spangenberg, Chaplain, Unitarian Universalist Association, California Pacific Medical Center, Davies Campus, San Francisco, Berkeley, CA; Danny Spears, Senior Pastor, MCC Northern Virginia, Alexandria, VA; Fr. Bob Spencer, Priest (Retired), Episcopal Church, Episcopal Church, Eagle, ID; Larry Spencer, The Rev. (Retired), Presbyterian Church USA, First Presbyterian Church, Arlington, TX; Scott Spencer, Rev., United Methodist Church, Oklahoma Conference, The United Methodist Church, Ponca City, OK; Blake Spencer, Rev. Dr., Presbyterian Church USA, Ocean Heights Presbyterian Church, Egg Harbor Township, NJ; Jeffrey Spencer, Senior Pastor, United Church of Christ, Niles Discovery Church, Fremont, CA; Scott Sperling, Rabbi, Jewish–Reform, Valley Council, Winchester, VA; Rev. Nancy Spier Lee, Reverend, United Church of Christ, Local Church, Dupo, IL; Erin Splaine, Minister, Unitarian Universalist Association, First Unitarian Society in Newton, Newton, MA; C. Joseph Sprague, Bishop (Retired), United Methodist Church,

United Methodist, Columbus, OH; Stephen Sprinkle, Professor of Practical Theology, Alliance of Baptists, Brite Divinity School, Dallas, TX; Rex Sprouse, Presiding Clerk, Quaker, Ohio Valley Yearly Meeting, Bloomington, IN; Norma Spurgin, The Rev. (Retired), Presbyterian Church USA, Faith Community Church, Big Lake, MN; Michaela St. Marie, Rev., United Methodist Church, United Methodist, Baldwinsville, NY; Lauren Stanley, Rev. Dr., Episcopal Church, Priest-in-Charge, Rosebud Episcopal Mission (West), Mission, SD; Thomas Starnes, Rev. (Retired), United Methodist Church, United Methodist Church, Rehoboth Beach, DE; William Stayton, Rev. Dr. (Retired), American Baptist Church, Widener University, Northumberland, PA; Julie Stecker, Associate in Ministry, Lutheran–ELCA, Delaware-Maryland Synod, Baltimore, MD; Lloyd Steffen, University Chaplain, United Church of Christ, Lehigh University, Bethlehem, PA; Linda Steigman, Rabbi, Jewish–Reform, Jewish, Prairie Village, KS; Howard Stein, Rabbi, Jewish, Temple Hadar Israel, Pittsburgh, PA; Peter Stein, Rabbi, Jewish–Reform, Temple B'rith Kodesh, Rochester, NY; Eleanor Steinman, Rabbi, Jewish–Reform, Temple Beth Hillel, Valley Village, CA; Bruce Steinway, Pastor, Lutheran–ELCA, Evangelical Lutheran Church in America, Naugatuck, CT; Greg Stemm, Clerk, Quaker, St. Petersburg Meeting of the Religious Society of Friends, St. Petersburg, FL; Darryl Stephens, Professor, United Methodist Church, Lancaster Theological Seminary, Lancaster, PA; Gregory Sterling, Rev., Yale Divinity School; Henry L. Slack Dean, Lilian Claus Professor of New Testament, New Haven, CT; John Sterrett, Rev., United Church of Christ, St. Peter's UCC, Dubois, IN; Elizabeth Stevens,

The Rev., Unitarian Universalist Association, UU Church of the Palouse, Moscow, ID; Brigit Stevens, Associate Conference Minister, United Church of Christ, Iowa Conference United Church of Christ, Des Moines, IA; Deborah Stevens, Rev. Dr., United Methodist Church, North Broadway UMC-Senior Pastor, Columbus, OH; Barbara Stevenson, Volunteer, Unitarian Universalist Association, NWUU Church, Detroit, MI; Alexander Steward, Rev., Lutheran-ELCA, Immanuel Lutheran Church, Allegan, MI; Arthur Stewart, Senior Minister, Christian Church (Disciples of Christ), Midway Hills Christian Church, Dallas, TX; Rob Stewart, The Rev. (Retired), Presbyterian Church USA, PCUSA, Chattanooga, TN; Marian Stewart, Minister, Unitarian Universalist Association, Unitarian Universalist, Kirkland, WA; Jeffrey Stiffman, Rabbi Emeritus (Retired), Jewish-Reform, Congregation Shaare Emeth, St. Louis, MO; Jeanette Stokes, The Rev., Presbyterian Church USA, Resource Center for Women and Ministry in the South, Durham, NC; Krishna Stone, Rev., Gay Men's Health Crisis, Brooklyn, NY; Julie Stoneberg, Minister, Unitarian Universalist Association, Unitarian Fellowship of Peterborough, Peterborough, MN; Rev. Seth Stout, Co-Pastor, Disciples of Christ, Christian Church, Fringe Community [CC (DOC)], Columbus, OH; Louise Stowe-Johns, Pastor, United Methodist Church, United Methodist Church, Amityville, NY; Eric Strader, Rev., United Methodist Church, Senior Pastor, Denver, CO; Loren Strait, Rev., Disciples of Christ, Christian Church, Christian Church (Disciples of Christ), Des Moines, IA; Erik Strand, Pastor, Lutheran-ELCA, Edina Community Lutheran Church, Edina, MN; Deanna Straw,

Rev., Disciples of Christ, Christian Church, Christian Church in Ohio, Athens, OH; Bonnie Streigold, Cantor, Jewish–Conservative, Or Olam East 55th Street Synagogue, Astoria, NY; Yvonne Schumacher Strejcek, Rev., Unitarian Universalist Association, Unitarian Universalist Assn, UUMA, and Michigan UU Social Justice Network, Brighton, MI; Yvonne Schumacher Strejcek, The Rev., Unitarian Universalist Association, Ordained Unitarian Universalist minister, Brighton, MI; Kevin Strickland, Rev., Lutheran–ELCA, Director for Worship of the ELCA, Chicago, IL; Mary Strieff, Communications Chair, Unitarian Universalist Association, Shoreline UU Society, Guilford, CT; Karen Strok, Rabbi, Jewish–Reform, Leo Baeck Temple, Sherman Oaks, CA; Fr. Daniel Stroud, Assistant to the Rector, Episcopal Church, St. Thomas’ Episcopal Church, Whitemarsh, PA; Lara Stroud, The Rev., Episcopal Church, St. Thomas’ Episcopal Church, Whitemarsh, PA; Theron Stuart, Rev., Cooperative Baptists, First Baptist Church, Decatur, GA; Elwood Sturtevant, Rev., Unitarian Universalist Association, Thomas Jefferson Unitarian Church, Louisville, KY; Serena Sullivan, Rev. (Retired), Presbyterian Church USA, PC(USA), Tacoma, WA; Joseph Summers, Vicar, Episcopal Church, The Episcopal Church of the Incarnation, Ann Arbor, MI; Scott Summerville, Pastor, United Methodist Church, Asbury Crestwood UMC, Yonkers, NY; Ann Svennungsen, Bishop, Lutheran–ELCA, Minneapolis Area Synod, Minneapolis, MN; Steve Swafford, President, Metropolitan Community Church, Metropolitan Community Church, Dexter, OR; Nadine Swahnberg, Rev., Unitarian Universalist Association, Unitarian Universalist

Community Minister, Lakewood, CO; Javen Swanson, Associate Pastor, Lutheran–ELCA, Gloria Dei Lutheran Church, Saint Paul, MN; Marvin Sweeney, Professor of Hebrew Bible, Jewish, Claremont School of Theology, Claremont, CA; Michael Sweeney, Professor, United Methodist Church, Head of Church Leadership Board and Sunday School Teacher, Athens, OH; Laurie Sweigard, Rev., Alliance of Baptists, Central Baptist dually aligned ABC-USA and Alliance of Baptists, Wayne, PA; JeanAnne Swope, Rev. (Retired), Presbyterian Church USA, PCUSA, Whitefish, MT; Kate Taber, Rev., Presbyterian Church USA, Presbyterian Church (USA) World Mission Agency, Atlanta, GA; William Taber, Rev., American Baptist Church, York Baptist Church, York, NY; Nigel Taber-Hamilton, Rector and Senior Pastor, Episcopal Church, St. Augustine’s in the Woods Episcopal Church, Freeland, WA; Jan Taddeo, Rev., Unitarian Universalist Association, Unitarian Universalist Congregation of Gwinnett, Grayson, GA; Heather Tadlock, Rev., Presbyterian Church USA, John Calvin Presbyterian Church, Tulsa, OK; Jenn Tafel, Rev., Q-Cross at MSU, Ovid, MI; Melvin G. Talbert, Bishop (Retired), United Methodist Church, Western Jurisdiction, Hermitage, TN; Justin Tanis, Dr., Center for Lesbian and Gay Studies in Religion and Ministry at Pacific School of Religion, Berkeley, CA; Kirstin Tannas, Rev., Lutheran–ELCA, Unity Lutheran Church, Detroit, MI; Beth Tanner, Rev. Dr., Presbyterian Church USA, New Brunswick Theological Seminary, Somerset, NJ; Joshua Taub, Rabbi, Jewish–Reform, Temple Emanuel, Beaumont, TX; Leslie Tawnamaia, Rev. (Retired), Unitarian Universalist Association, Community Minister, Marshfield, VT;

Julie Taylor, Rev., Unitarian Universalist Association, Emerson UU Chapel, St. Louis, MO; Leslie Taylor, Transitional Pastor, United Church of Christ, Advent United Church of Christ, Columbus, OH; Scott Taylor, Sr. Minister, Disciples of Christ, Christian Church, First Christian Church, Grand Island, NE; Susan Taylor, Rev., Episcopal Church, St. John's Episcopal Church, Randolph, VT; Vivian Taylor, Executive Director, Episcopal Church, Integrity USA, Cambridge, MA; Paul Tellstrom, Rev.Dr., United Church of Christ, Irvine United Congregational Church, Irvine, CA; Patricia Templeton, The Rev., Episcopal Church, St. Dunstan's Episcopal Church, Atlanta, GA; Elaine Tenbrink, Minister of Membership and Adult Ministries, Unitarian Universalist Association, First Universalist Church of Minneapolis, Minneapolis, MN; Carmen TenEyck-McDowell, Minister, Unitarian Universalist Association, Evergreen Unitarian Universalist Fellowship, Marysville, WA; Andrew Tengwall, Pastor, Lutheran-ELCA, Lutheran Church of the Savior, Kalamazoo, MI; Abbey Tennis, Interim Advancement Director, Unitarian Universalist Association, Starr King School for the Ministry, Oakland, CA; Bill S. Tepper, Rabbi, Jewish-Reform, Congregational Rabbi, Chattanooga, TN; Miriam Terlinchamp, Rabbi, Jewish-Reform, Temple Sholom, Cincinnati, OH; David Teutsch, Rabbi, Jewish-Reconstructionist, Director, Center for Jewish Ethics, Reconstructionist Rabbinical College, Philadelphia, PA; David Teutsch, Rabbi, Jewish-Reconstructionist, Reconstructionist Rabbinical College, Wyncote, PA; Jane Thickstun, Interim Associate Minister, Unitarian Universalist Association, Unitarian Universalist Congregation

of Atlanta, Atlanta, GA; Robert Thomas, The Rev., Episcopal Church, St. Peter's Episcopal Church, Seward, AK; Dr Thomas, Senior Pastor, Metropolitan Community Church, Founders Metropolitan Community Church Los Angeles, Los Angeles, CA; James Thomas, Pastor, Presbyterian Church USA, First Presbyterian Church of Iselin, Iselin, NJ; Heather Thomason, Rev., Disciples of Christ, Christian Church, Hospice Chaplain, Little Canada, MN; Laird Thomason, Rev. Dr. (Retired), Disciples of Christ, Christian Church, Capital Caring, North Bethesda, MD; John Thompson, Elder, Presbyterian Church USA, Church of Reconciliation, Chapel Hill, NC; Edward Thompson, Rev., Unitarian Universalist Association, Unitarian Church in Westport, Norwalk, CT; Patricia J Thompson, Rev. (Retired), United Methodist Church, Puffer/Wolcott United Methodist Churches, Morrisville, VT; Stephanie Thompson, Minister, United Church of Christ, St. John United Church of Christ, Riegelsville, PA; William L. Thompson, III, The Rev. (Retired), Christian Church (Disciples of Christ), Ordained Minister, Cherry Log, GA; Adriene Thorne, Rev., Reformed Church in America, Middle Collegiate Church, Bronx, NY; Barbara Threet, Rev., Unitarian Universalist Association, Melrose Unitarian Universalist Church, Melrose, MA; Rachel Timoner, Rabbi, Jewish-Reform, Leo Baeck Temple, Los Angeles, CA; Michael Tino, Minister, Unitarian Universalist Association, Unitarian Universalist Fellowship of Northern Westchester, Peekskill, NY; Kevin Tisdol, Minister of Administration, Metropolitan Community Church, Sunshine Cathedral, Ft Lauderdale, FL; John Tolley, Rev. Dr. (Retired), Unitarian Universalist Association, Meadville

Lombard Theological School, Crawfordsville, IN; Michelle Torigian, Pastor, United Church of Christ, UCC Clergy, Cincinnati, OH; Shoshanah Tornberg, Rabbi, Jewish–Reform, Congregation Or Ami, Lafayette Hill, PA; Gerald L. Toshalis, Rev. Dr. (Retired), United Methodist Church, First United Methodist Church, Kalamazoo, MI; Mary Kay Totty, Rev., United Methodist Church, Dumbarton United Methodist Church, Washington, DC; Emilie Townes, Carpenter Professor of Womanist Ethics and Society, American Baptist Church, Vanderbilt Divinity School, Nashville, TN; Sandra Tracy, Bereavement Counselor, Quaker, Quaker, Knoxville, TN; Edward Travers, Rev., Pastor, San Antonio, TX; Troy Treash, Rev., Metropolitan Community Church, Resurrection Metropolitan Community Church, Houston, TX; Daniel Treiser, Rabbi, Jewish–Reform, Temple B’nai Israel, Clearwater, FL; Dale Tremper, Rev. Dr. (Retired), United Methodist Church, Travis Park United Methodist Church, San Antonio, TX; James Triplett, Associate Senior Pastor, Pentecostal, Affirming Pentecostal Church international, Chicago, IL; Carol Trissell, Rev. Dr., Metropolitan Community Church, MCC of Topeka, Lawrence, KS; Richard Trudeau, The Rev., Unitarian Universalist Association, Minister Emeritus, UU Church, Weymouth, MA; Kari Tuling, Rabbi, Jewish–Reform, Temple Beth Israel, Plattsburgh, NY; Mike Tupper, Pastor, United Methodist Church, Parchment UMC, Lawrence, MI; Rev. Paul Turner, Senior Pastor, Gentle Spirit Christian Church, Decatur, GA; Pat Turner-Sharpton, The Rev. Dr., United Methodist Church, Senior Minister, First United Methodist Church, St. Augustine, FL; Karen Turney, Elder, Presbyterian Church USA, Covenant Presbyterian

Church, Atlanta, GA; Connie Tuttle, Rev., Circle of Grace Community Church, Tucker, GA; Sara Tweedy, Rev., United Methodist Church, Memorial UMC, White Plains, NY; Ian Twiss, Rev., Episcopal Church, Trinity Episcopal Church, Belleville, MI; Ross Tyler, Rev., United Church of Christ, St. John's—United Church of Christ, Indianapolis, IN; Jennifer Tyler, Pastor, United Methodist Church, United Methodist Church, Wahpeton, ND; Mike Underhill, Pastor, United Church of Christ, Nexus United Church of Christ, Cincinnati, OH; Kirby Unti, Bishop, Lutheran—ELCA, Northwest Washington Synod ELCA, Renton, WA; Olivia Updegrove, Rev. Dr., Disciples of Christ, Christian Church, Families and Children's Ministry, Milford, OH; Steve Urie, Rev., Joplin Diversity Fellowship, Joplin, MO; Marta Valentin, Rev., Unitarian Universalist Association, First Church Unitarian Littleton, Littleton, MI; David Van Dyke, Rev. Dr., Presbyterian Church USA, First Presbyterian Church, Stamford, CT; Gloria Van Houten, Rev., United Church of Christ, United Church of Christ, Sarasota, FL; Chuck Van Houten, Pastor, United Methodist Church, Stony Brook Community Church, Stony Brook, NY; Lois Van Leer, Rev., Unitarian Universalist Association, Woodinville Unitarian Universalist Church, Woodinville, WA; John Van Nuys, Rev. Dr., Presbyterian Church USA, Wabash Avenue Presbyterian Church, Crawfordsville, IN; Kathleen Van Sickle, The Venerable, Episcopal Church, St. Alban's Episcopal Church, Albany, CA; Joan VanBecelaere, Rev., Unitarian Universalist Association, Central East Region of the UUA, Columbus, OH; Kelly VanBrouwer, Rev., United Church of Christ, Loyola, Berwyn, IL; Vladimir

Vandalov, Rev. Father, Orthodox-Catholic Church of America, Oxford, MI; Rose Vanden Eynden, Rev., United Spiritualists of the Christ Light Church, Cincinnati, OH; Cornelis vanderBent, Rev., NACCC National Office, Lakeland, MN; James VanderWeele, Senior Minister, Unitarian Universalist Association, Community Church Unitarian Universalist, New Orleans, LA; Marlin Vanderwilt, Pastor Emeritus (Retired), Reformed Church in America, Hope Church, RCA, Holland, MI; Mary Vano, The Rev., Episcopal Church, St. Margaret's Episcopal Church, Little Rock, AR; David Vasquez-Levy, President, Lutheran-ELCA, Pacific School of Religion, Berkeley, CA; Barbara Vaughan, Pastor, Presbyterian Church USA, Berkeley-Hillside Presbyterian Church, Downers Grove, IL; Kristin Vaughn, Rev., United Church of Christ, UCC, Whitsett, NC; Rev. Deborah Vaughn, Chaplain, Alliance of Baptists, Hospice, Gaithersburg, MD; Joanne Verburg, Rev. (Retired), Disciples of Christ, Christian Church, Local Congregation, Black Mountain, NC; Javier Viera, Dean and Professor of Pastoral Theology, United Methodist Church, Drew University Theological School, Madison, NJ; Janet Vincent, Priest (Retired), Episcopal Church, Episcopal Church, Cottekill, NY; Enid Virago, Rev. Dr. (Retired), Unitarian Universalist Association, Virginia Commonwealth University, North Chesterfield, VA; Marion Visel, Rev., Unitarian Universalist Association, First Parish in Concord, Concord, MA; C.T. Vivian, Rev. Dr., Founder, C.T. Vivian Leadership Institute, Atlanta, GA; Rebecca Voelkel, Rev. Dr., United Church of Christ, Lyndale United Church of Christ, Minneapolis, MN; The Rev. Gina Volpe, Rector, Episcopal Church, Church of the Holy Nativity, Chicago, IL;

Carl vom Eigen, Rev. (Retired), Presbyterian Church USA, Presbyterian Church USA, Tarpon Springs, FL; Patricia Wagner, Rev., United Methodist Church, Maynard Avenue United Methodist Church, Columbus, OH; Lori Walke, Rev., United Church of Christ, Mayflower Congregational UCC, Oklahoma City, OK; Elizabeth Walker, Supervisory Chaplain, Episcopal Church, Federal Bureau of Prisons—FPC Alderson, Lewisburg, WV; Kate Walker, Rev., Unitarian Universalist Association, Mt. Vernon Unitarian Church, Alexandria, VA; Kurt Walker, Rev., United Church of Christ, Faith United Church of Christ, Indianapolis, IN; Kyle Walker, Pastor, Presbyterian Church USA, Faith Presbyterian Church, Austin, TX; Marlene Walker, Rev. Dr., Unitarian Universalist Association, North Shore Unitarian Church, Deerfield, IL; Vicki Walker, Minister of Missions & Outreach, United Methodist Church, UMC, Tampa, FL; Rev. Kenneth Walsh, Pastor, Reformed Church in America, Old Dutch Church of Kingston, Kingston, NY; Lora Walsh, Priest, Episcopal Church, St. Paul's Episcopal Church / Grace Episcopal Church, Fayetteville, AR; Linda Walsh, Chaplaon, CPSP / OUnI, Layton, UT; Laura Walters Baskett, Rev. Dr., Presbyterian Church USA, Central Florida Presbytery, DeLand, FL; Patricia Walton, Rev. (Retired), United Church of Christ, United Church of Christ, Beaumont, CA; Mark Walz, Rev., Unitarian Universalist Association, Unitarian Universalist Church of Oak Cliff, Dallas, TX; Alida Ward, Pastor, United Church of Christ, Greenfield Hill Congregational Church, Fairfield, CT; Beverly Waring, Rev., Unitarian Universalist Association, Hopedale Unitarian Parish, Marlborough, MA;

Peter Warmanen, Pastor, Lutheran–ELCA, House of Prayer Lutheran Church, Seabrook, TX; Deborah Warren, President & CEO, RAIN, Southern Baptist, RAIN, Charlotte, NC; Suzanne Wasilczuk, Rev., Unitarian Universalist Association, Mesabi Unitarian Universalist Church, Virginia, MN; Arthur Waskow, Rabbi, Jewish Renewal, The Shalom Center, Philadelphia, PA; Norm Wasson, Minister, United Methodist Church, FUMC Seiling, Seiling, OK; Kenneth Watkins, Rev., American Baptist Church, University Baptist Church, Columbus, OH; Janine M. Watkins, Rev. (Retired), United Methodist Church, Hillview United Methodist Church, Boise, ID; Lisa Watson-Barcia, Reverend, Lutheran–ELCA, St. Paul Lutheran Church, Terryville, CT; Maurine Waun, Rev., Unitarian Universalist Association, Unitarian Universalist Church of the Ohio Valley, Pittsburgh, PA; J. Dudley Weaver, Jr., The Rev., Presbyterian Church USA, Memorial Presbyterian Church, St. Augustine, FL; Amy Carol Webb, Rev., Unitarian Universalist Association, River of Grass Unitarian Universalist Congregation, Miami, FL; Pamela Webb, Rev. Dr. (Retired), Disciples of Christ, Christian Church, Disciples of Christ and United Church of Christ, Frisco, TX; Nancy Webb, Rev. (Retired), United Methodist Church, Grace United Methodist Church, Baltimore, MD; Pamela Webb, Rev. (Retired), Disciples of Christ, Christian Church, Christian Church (Disciples of Christ), Frisco, TX; Donald Weber, Rabbi, Jewish–Reform, Temple Rodeph Torah, Morganville, NJ; Josh Weinberg, Rabbi, Jewish–Reform, Association of Reform Zionists of America, Brooklyn, NY; Stephan Weinberger, Senior Pastor, United Methodist Church, Heritage United Methodist Church,

Howard City, MI; Daniel Weir, Rev. Canon (Retired), Episcopal Church, Priest Associate, Trinity Episcopal Church, Danvers, MA; Greg Weisman, Rabbi, Jewish–Reform, Temple Beth El of Boca Raton, Boca Raton, FL; Julia Weisz, Rabbi, Jewish–Reform, Congregation Or Ami, Calabasas, CA; Dwight Welch, Pastor, United Church of Christ, United Church of Norman UCC, Norman, OK; James Welch, Pastor, Community of Christ, Christian National Church, Port Orange, FL; Judy Welles, The Rev. (Retired), Unitarian Universalist Association, Minister Emerita, Unitarian Universalists of the Cumberland Valley, Boiling Springs, PA; Gail Wells, Rev. (Retired), United Church of Christ, Beaver UCC, Beavercreek, OH; Jeff Wells, Lead Pastor, United Methodist Church, Community United Methodist Church, Massapequa, NY; Mindi Welton-Mitchell, Pastor, American Baptist Church, Burien Community Church, Burien, WA; David Wendleton, Rev. (Retired), United Methodist Church, Kline Galland Hospice, Issaquah, WA; Chesster Wenger, Retired Pastor, Blossom Hill Mennonite Church (Retired), Mennonite, Lancaster Conference Mennonite Church, Lancaster, PA; Rev. Paul Werner, Pastor, United Church of Christ, Trinity Congregational UCC of Winter Haven, Tampa, FL; Mike Wernick, Rector, Episcopal Church, The Church of the Holy Cross, Kentwood, MI; Alice Blair Wesley, The Rev. (Retired), Unitarian Universalist Association, The Unitarian Association, Seattle, WA; Katharine West, Pastor, United Church of Christ, First Congregational United Church of Christ, Belle Plaine, IA; Traci West, Rev. Dr., United Methodist Church, United Methodist Clergy, Madison, NJ; Donald Wester, Senior Minister, United Church of

Christ, Faith United Church of Christ, Conway, AR; Louise Westfall, Senior Pastor, Presbyterian Church USA, Central Presbyterian Church, Denver, CO; Judith WestLee, Rev. (Retired), United Methodist Church, Elder, Minneapolis,, MN; Dan Weyand-Geise, Rev., Senior Pastor, United Church of Christ, First United Church of Christ, Cincinnati, OH; Brian Wharton, Rev., United Methodist Church, Faith UMC, Spring, TX; Sharon Wheeler, Rev., United Church of Christ, Associate Pastor, Burlington, NC; Josh Whinston, Rabbi, Jewish–Reform, Temple Beth David, Cheshire, CT; Aaron White, Associate Minister, Unitarian Universalist Association, First Unitarian Church of Dallas, Dallas, TX; Linda White, Acting Senior Minister, Disciples of Christ, Christian Church, Park Hill Christian Church, North Little Rock, AR; Robin White, Rev. (Retired), Presbyterian Church USA, More Light Presbyterians, Co Moderator, Mathias, WV; Justin White, Rev., United Methodist Church, Mississippi Annual Conference, Pelahatchie, MS; Jane White-Hassler, Rev. (Retired), Episcopal Church, Priest, Guilford, CT; Paul Whitlock, Rev., United Church of Christ, Desert Heritage Church, Mesa, AZ; Keith Whitmore, Bishop, Episcopal Church, Diocese of Atlanta, Atlanta, GA; Nancy Wichmann, Seminarian, Lutheran–ELCA, Bridge of Peace, Philadelphia, PA; Karen Wicker, Youth and Christian Education Coordinator, Lutheran–ELCA, Holy Trinity Lutheran Church, Toledo, OH; Cynthia Wickwire Lundquist, Rev. Dr., Presbyterian Church USA, Fredonia Presbyterian Church, Forestville, NY; David Widzer, Rabbi, Jewish–Reform, Temple Beth El of Northern Valley, Haworth, NJ; Gordon Wiersma, Rev., Reformed Church in America, Hope Church,

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Christian Church, First Christian Church, Texas City, TX; Tom Williams, Rev., Presbyterian Church USA, Oswego Presbyterian Church, Whitefish Bay, WI; Stephen J. Williams, Rev. (Retired), Episcopal Church, Local Church, Hobbs, NM; Robert D. Williams, Rev. Dr., Reformed Church in America, United Church of Spring Valley, Ridgewood, NJ; Sonya Williams, Rev., The Fellowship of Affirming Ministries/ United Church of Christ, Rex, GA; Newell Williams, President, Disciples of Christ, Christian Church, Brite Divinity School, Fort Worth, TX; Steve Willis, Senior Pastor, Disciples of Christ, Christian Church, First Christian Church, Las Vegas, NV; Ed Wills, Jr, Rector, Episcopal Church, St. Michael's Episcopal Church, Little Rock, AR; Rev. Elder Nancy Wilson, Moderator, Metropolitan Community Church, Metropolitan Community Churches, Sarasota, FL; Zachary Wilson, Presbyterian Minister, Presbyterian Church USA, Peace Presbyterian Church, Saint Paul, MN; Helen Wilson, Rev. Dr., United Church of Christ, Association Minister UCC CSEOA, Delaware, OH; Bernard Wilson, Rev. Dr., United Church of Christ, Chair, United Church of Christ Board of Directors, Weston, CT; Carl Wilton, Pastor, Presbyterian Church USA, Point Pleasant Presbyterian Church, Point Pleasant Beach, NJ; Vicki Wiltse, Rev. Dr., Community of Christ, Unitarian Universalist Fellowship of Midland, Midland, MI; Sian Wiltshire, Minister, Unitarian Universalist Association, Orange Coast Unitarian Universalist Church, Costa Mesa, CA; Kim Winchell, Diaconal Minister, Lutheran-ELCA, Evangelical Lutheran Church in America, Freeland, MI; Rev. Dr. Talon Windwalker, Minister, Buddhist, Order of the Boundless Way,

Olympia, WA; Laura Winer, Rabbi, Jewish-Reform, Temple Beth Israel, Fresno, CA; Paula Winnig, Rabbi, Jewish-Reform, Bureau of Jewish Education, Indianapolis, IN; Cheryl Winter, The Rev., Episcopal Church, St. Timothy's Episcopal Church, Hurricane, WV; Jane Winters, Rev., Presbyterian Church USA, PC(USA), Elmira, NY; Marvin Wiser, Rev., Disciples of Christ, Christian Church, Christian Church (Disciples of Christ), Berkeley, CA; Kellyann Wolfe, Dr., Episcopal Church, East Barnard Church, East Barnard, VT; Tamara Wolfson, Cantorial Intern, Jewish-Reform, Temple Adas Israel, Sag Harbor, NY; Julie Wolkoff, Rabbi, Jewish-Reform, Hospice Chaplain, Wellesley, MA; Rev. Roger Wolsey, Pastor, United Methodist Church, Wesley Chapel/Wesley Foundation, Boulder, CO; Beth Wolslegel, Director of Elementary Ministry, Lutheran-ELCA, ELCA Lutheran, St. Louis Park, MN; Elizabeth Wood, Rabbi, Jewish-Reform, The Reform Temple of Forest Hills, Forest Hills, NY; Stewart Wood, The Rt. Rev. (Retired), Episcopal Church, St. Paul's Episcopal Church, White River Junction, VT, White River Junction, VT; Coulter Wood, Worship Leader, AOG, Austin, MN; D. John Woodcock, The Rev., Church of the Loving Shepherd, West Chester, PA; John Wooden, Pastor, United Methodist Church, Stone Village Church, Columbus, OH; Vicki Woods, Reverend (Retired), United Methodist Church, United Methodist, Newport, ME; Leslie Woodward, Assistant Minister for Religious Education, Unitarian Universalist Association, Heritage Universalist Unitarian Church, Dayton, OH; Eric Woodward, Rabbi, Jewish, Congregation Tifereth Israel, Columbus, OH; Jo Anne Wright, The Rev. (Retired), Episcopal Church, Episcopal Church,

Vinita, OK; Dave Wright, University Chaplain, United Methodist Church, University of Puget Sound, Tacoma, WA; Julie Wright, Rev., Lutheran-ELCA, Associate Pastor, Cottage Grove, MN; Fred Wright, Minister (Retired), Unity, Association of Unity Churches, Brecksville, OH; Mike Wright-Chapman, Associate Pastor, United Church of Christ, Cathedral of Hope United Church of Christ, Dallas, TX; Lorna Wuertz, Deaconess, Presbyterian Church USA, Elder/Spiritual Director, Novato, CA; Sharon Wylie, Minister, Unitarian Universalist Association, Chalice Unitarian Universalist Congregation, Escondido, CA; Seth Wynn, Lead Pastor, Metropolitan Community Church, Agape Metropolitan Community Church, Burleson, TX; Ann Wynne-Phillips, Rev., United Church of Christ, Hospice Chaplain, Rotonda West, FL; Richard Xifo, Rev., Old Catholic Church, Ohio Orthodox Catholic Church, Cincinnati, OH; Rev. Dr. C. Denise Yarbrough, Director of Religious and Spiritual Life, University of Rochester, Episcopal Church, St. Peter's Church, Bloomfield, NY; The Rev. Dr. C. Denise Yarbrough, Director of Religious and Spiritual Life, University of Rochester, Episcopal Church, St. Peter's Church, Bloomfield, NY; Rev. Edwin Yates, Spiritual Director & Pastor, Metropolitan Community Church, Michigan Spirituality Center, Flint, MI; Laura Young, Rev., United Methodist Church, The Ohio Religious Coalition for Reproductive Choice, Westerville, OH; Evan Young, Campus Minister, Unitarian Universalist Association, United Campus Ministry, Glouster, OH; Nancy Yount, Rev., United Methodist Church, Brownsville United Methodist Church, Bremerton, WA; Karen-Marie Yust, Professor of Christian Education, United

Church of Christ, Union Presbyterian Seminary, Richmond, VA; Ahuva Zaches, Rabbi, Jewish-Reform, Congregation Or Ami (affiliated with the Union of Reform Judaism), Richmond, VA; Paul Zak, Rev., Universal Life Church, Palm Springs, CA; Rev. John Zamboni, Rector, Episcopal Church, St. Francis' Episcopal Church, Dunellen, NJ; Mivh Zedek, Senior Rabbi, Jewish-Reform, Emanuel Congregation, Chicago, IL; Amy Zehe, Associate Minister, Unity, Unity of Sarasota, Sarasota, FL; Reuben Zellman, Rabbi, Jewish-Reform, Congregation Beth El, San Francisco, CA; Amanda Zentz-Alo, Pastor, Lutheran-ELCA, Central Lutheran Church, Portland, OR; David Zerby, Senior Minister, Disciples of Christ, Christian Church, First Christian Church of Ashland, Canton, OH; Melissa Ziemer, Minister, Unitarian Universalist Association, Unitarian Universalist Church of Kent, Kent, OH; Annie Zimbel, Rev., Wiccan, Church of Avalon, St. Paul, MN; Brian Zimmerman, Rabbi, Jewish-Reform, Reform Movement, Dallas, TX; Terry Zimmerman, Rev. (Retired), Disciples of Christ, Retired; Christian Church Disciples of Christ, McKinney, TX; Jill Zimmerman, Rabbi, Jewish-Reform, Central Conference of American Rabbis (Reform), Los Angeles, CA; Judy Zimmerman, Rev., Unitarian Universalist Association, Minister, Mid-Columbia Unitarian Universalist Church, Hood River, OR; Misha Zinkow, Rabbi, Jewish-Reform, Temple Israel, Columbus, OH; James Ziobro, Rev., United Church of Christ, New York Conference, United Church of Christ, Homer, NY; and Jessica Zolondek, Pastor, United Church of Christ, Congregational UCC Minot/Granville, Minot, ND.