

Temple Beth Am Board of Directors
Motion in Support of
LGBTQ DIGNITY AND RIGHTS
including endorsement of
WASHINGTON SAFE ALLIANCE/WASHINGTON WON'T DISCRIMINATE
May 1, 2016

Temple Beth Am (TBA) maintains a long history of supporting the rights of all human beings. Our Jewish values have called our community to speak out and act to support all those who suffer from discrimination, bigotry, and exclusion. From the early days of the Civil Rights Movement to the more recent legalization of Marriage Equality, our synagogue stands up and voices our collective desire to see our society respect the rights of all. Before us today is a new threat to the civil liberties of a targeted group of people – transgender individuals. We, Temple Beth Am, stand opposed to any action that unfairly targets, singles out, discriminates, or puts at risk transgender individuals. This includes, but is not limited to, so-called “bathroom bills,” legal efforts that deny the rights of transgender people from using a single-sex facility (bathroom or locker room) based upon gender identity (the gender they identify as and know themselves to be). These efforts would allow private and public entities to bar people from single-sex facilities based on their anatomy or sex assigned at birth if different from the gender for which the facility is segregated. These efforts parade in the guise of public safety, but they are no more than a mask hiding discrimination of transgender people. Our Jewish values call us to fight any such action.

While the current action in Washington state is focused on transgender individuals, the introduction of numerous anti-LGBTQ bills in various states and municipalities across the country leads us to restate our support for the broader spectrum of LGBTQ rights.

Background

The Union for Reform Judaism and the Religious Action Center of Reform Judaism describe the current landscape of LGBTQ rights this way:¹

“The struggle for equality for gay, lesbian, bisexual and transgender (LGBT) individuals is at the forefront of the modern civil rights movement. [The Union for Reform Judaism sees] anti-LGBT discrimination both condoned and approved by local and federal governments on a range of topics, including employment, marriage, immigration, and adoption. Though progress is being made, much work remains.

“Civil rights refer to all those rights that allow a citizen to fully participate in civic society; the struggle for civil rights is a the struggle to achieve equal opportunity for all, regardless of race, religion, national origin, gender, sexual orientation, gender identity or disability. In the 20th century, civil rights advocates worked to eliminate gender- and race-based discrimination in the housing market, voting booths, the workplace, and in government services, among other rights. Today, enshrining such equality in the law for LGBT families and individuals remains a chief goal of our Jewish commitment to social justice.

“In a new pattern of equality that reflects cultural and political changes across the country, local, state, and federal legislatures, as well as courts, have begun to apply the principles of equality to

¹ <http://www.reformjudaism.org/jewish-views-lgbt-equality>

sexual orientation. Just as acceptance of the LGBT community has moved from the fringe closer to the mainstream of North American culture in recent years, the battle for equal rights for LGBT individuals has become a flourishing area of the law.”

Recent years have seen many successes in the fight for LGBTQ inclusion and equal rights, culminating in the 2015 United States Supreme Court case *Obergefell v. Hodges*, legalizing marriage for all couples in all fifty states. However, in the wake of this triumphant victory, opposition has not gone quietly into the night. In its place, there has been a steady rise in many local, state, and federal actions to limit LGBTQ rights. The most common have taken two forms – religious freedom protection laws (which generally would allow an individual’s religious belief to outweigh existing anti-discrimination laws and even precedents such as *Obergefell*) and bathroom bills.

In 2015-2016, transgender citizens have been a primary target of legislation in cities such as Houston, and states including Indiana, North Carolina, Georgia, Mississippi, and Tennessee. In the State of Washington in 2016, six different bills were introduced in the 2016 legislative session that would repeal non-discrimination rights put in place 10 years ago to protect our transgender friends, family, coworkers, and neighbors from discrimination on the job, in housing, and in public places.

Within these past 10 years, there has been no increase in public safety incidents in public bathroom facilities, which many of these laws claim to prevent. As advocates have noted, just as the issue was not drinking fountains during the Jim Crow era, the issue is not really safety in public bathrooms now. In reality, transgender people are at greater risk for physical harm and abuse in our current society. According to the 2011 report “Injustice At Every Turn: A Report of the National Transgender Discrimination Survey” published by the National Center for Transgender Equality and the National Gay and Lesbian Task Force, 53% of transgender survey respondents reported being verbally harassed or disrespected in a place of public accommodation. Eight percent of respondents reported being physically attacked or assaulted in places of public accommodation.

When the Anderson-Murray Anti-Discrimination law passed the Washington State legislature in 2006 it extended protections to people on the basis of sexual orientation, gender identity, and gender expression. It provided protections against discrimination in employment, housing, credit, insurance, and places of public accommodation. The law went into effect June 8, 2006. In December 2015 the Human Rights Commission clarified the law enacting a rule (WAC 162-32) stating all restrooms, locker rooms and dressing rooms shall be used by individuals based upon their gender identities.

While none of the bills introduced into the 2016 legislature passed out of session, the Family Policy Institute of Washington has filed Initiative 1515 (I-1515) and is currently seeking enough signatures to be on the fall 2016 ballot to reverse the state Human Rights Commission's ruling that protects transgender people in bathrooms.

We must remain vigilant for this and other actions being taken nationwide that seek to remove hard-won protections and affirmatively allow discrimination against groups of people based on false stereotypes and demeaning slurs. Our country has evolved in a mighty and just way in its understanding of gender identity and expression, but the fight continues on many fronts. We aim to be on the forefront of history and stand up for our beliefs and values. The civil rights movement continues.

Jewish Values

We are guided by the basic belief that all human beings are created *b'tzelem Elohim*, in the Divine

image, as it says in Genesis 1:27, "God created humans in God's image, in the image of God, God created them." As Jews, we are intimately acquainted with the effects of bigotry. Our ancestors knew both the continuing indignities of second-class citizenship and the constant fear of xenophobic violence; this history teaches us that discrimination against any members of a community threatens the security of the entire community.

Rabbi Akiva teaches that the core lesson of the Torah is Leviticus 19:18, "Love your neighbor as yourself. I am Adonai," words proudly emblazoned above Temple Beth Am's sanctuary door. In order to live up to these values, we must take them to heart as a synagogue and a movement. It is our actions, not just our beliefs, which demonstrate our commitment to our tradition.

At its 2015 Biennial, the Union for Reform Judaism (URJ) unanimously passed a resolution in support of the Rights of Transgender and Gender Non-Conforming People.² The resolution received international attention for being the most comprehensive policy on welcoming transgender people adopted by a major religious movement. The resolution cites the following Jewish values in support of the position:

Two key Reform responsa highlight the imperative toward full inclusion of transgender people in accordance with Jewish tradition. A 1990 responsum (CCAR 5750.8) affirmed that being transgender alone is not a basis to deny someone conversion to Judaism. A 1978 responsum affirmed that a rabbi may officiate at the wedding of two Jews if one partner has transitioned to the gender with which they identify, as opposed to the one they were assigned at birth ("Marriage After a Sex-change Operation" in *American Reform Responsa*, Vol. LXXXVIII, 1978, pp. 52-54). These responsa reflect biblical tradition that teaches us that all human beings are created *b'tselem Elohim*—in the Divine image. As it says in Genesis 1:27, "And God created humans in God's image, in the image of God, God created them." From this bedrock principle stems our commitment to defend any individual from the discrimination that arises from ignorance, fear, insensitivity, or hatred. Knowing that members of the transgender and gender non-conforming communities are often singled out for discrimination and even violence, we are reminded of the Torah's injunction, "do not stand idly while your neighbor bleeds" (Leviticus 19:16).

The resolution further affirmed the URJ's commitment to the full equality, inclusion and acceptance of people of all gender identities and gender expressions. It also "encouraged Reform congregations, congregants, clergy, camps, institutions and affiliates, including NFTY, to continue to advocate for the rights of people of all gender identities and gender expressions."

On May 2, 2016, a statement entitled, "Reform Movement Leaders Speak Out Against State-Level Anti-LGBT Legislation," was jointly released by the Union for Reform Judaism, Central Conference of American Rabbis, Religious Action Center of Reform Judaism, Commission on Social Action of Reform Judaism, North American Federation of Temple Youth.³ The resolution calls for state and federal action for non-discrimination protections for the LGBT community, citing the personal connection our people has with other minority who are being targeted:

² <http://www.urj.org/what-we-believe/resolutions/resolution-rights-transgender-and-gender-non-conforming-people>

³ <http://ccarnet.org/about-us/news-and-events/reform-movement-leaders-speak-out-against-state-level-anti-lgbt/>

We know personally and professionally how the United States, through our Constitution and laws, has protected, ensured and enhanced religious freedom and religious diversity. Such freedom has allowed the Jewish people – and people of all faiths – to flourish in this country to a degree nearly unmatched anywhere else in the world. As Jews remain a religious minority in every state, we also know the importance of maintaining a balance between religious freedom and the many other rights and freedoms that define who we are as Americans. Any laws that aim to impinge on or imperil an individual’s fundamental dignity and humanity must be rejected.

Rabbi Richard Levy notes that Leviticus 19:2 opens with the words, “You shall be holy, for I, Adonai, am holy”. The actions we take as a modern, moral, ethical congregation and society should not be held trapped in the cherry-picking of biblical verses to substantiate a discriminatory and limited view of the world. Instead, we are meant to rise above our human discomforts and aspire for divine holiness. “We can do this... We can do better and emulate God.”⁴ Our Jewish laws call us to being loving, humble, and just. We are commanded to seek love and welcome the other into our midst. We are called to be a holy people and a “light unto the nations” (Isaiah 49:6).

Prior Temple Beth Am Action

Temple Beth Am (TBA) maintains a long history advocating on behalf of the LGBTQ community and speaking out against discrimination. In 1994 the TBA membership voted at its annual meeting to oppose anti-gay legislation and initiatives. In 2004, TBA joined the Religious Coalition for Equity, formed to advocate for the inclusion of sexual orientation into Washington law. This effort led by the Coalition helped lead to the legislative enactment of the Anderson-Murray Anti-Discrimination law.

In 2009 the TBA Board of Trustees voted to take a position in support of the Domestic Partnership Law on behalf of the congregation. This vote authorized the TBA clergy to support same sex marriages. As a result, the TBA social action committee drafted a statement for TBA Board consideration to ensure the congregation would establish consistent practices supporting gay and lesbian marriage.

In 2011 TBA became one of six pilot congregations participating in the Welcoming Synagogues Project. This effort, sponsored by HUC-JIR Institute on Judaism and Sexual Orientation, involved a TBA task force over a 12-month period to engage in an in-depth look at how TBA could be welcoming for all LGBTQ Jews of all ages. From this effort arose the Welcoming Synagogue Initiative that has sponsored forums, hosted Pride Shabbat, and provided a resource for the TBA community on issues such as transgender discrimination.

TBA played an active role in the Washington state Freedom to Marry Campaign in 2012, culminating in the successful passing of Referendum 74. Members sponsored and participated in phone banking, the rabbis and lay leaders spoke out on the issue at public events, and members engaged in other supportive efforts of this successful effort. As a result of TBA’s involvement in this effort, the congregation was awarded the prestigious URJ Fain Award honoring URJ synagogues for exemplary social justice work.

Current Efforts

During the 2016 legislative session, the Washington Safety and Access for Everyone (SAFE) Alliance was formed to respond to the bills and initiatives to overturn the Human Rights Commission rule supporting transgender rights. This group is comprised of organizations and individuals across Washington State,

⁴ <http://www.reformjudaism.org/learning/torah-study/achrei-mot-k'doshim/being-holy—and-staying-alive>

including transgender and LGBTQ groups, civil rights organizations, business organizations, women's rights advocates, domestic violence organizations, youth centers, and faith groups. In April 2016, Washington Won't Discriminate (WWD) was formed specifically to challenge Initiative 1515. The Union for Reform Judaism has officially endorsed both the SAFE Alliance and WWD.

TBA Resolution – in support of the rights of LGBTQ people

WHEREAS, Temple Beth Am maintains a long history of supporting equal rights for all, including LGBTQ people;

WHEREAS, Temple Beth Am was part of the Religious Coalition for Equality, which was formed in 2004 to advocate for inclusion of sexual orientation in Washington Law Against Discrimination;

WHEREAS, the Washington State Legislature passed a 2006 law protecting transgender people from discrimination in employment, housing, credit, lending, insurance, and in places of public accommodation;

WHEREAS, Temple Beth Am's delegation to the 2015 URJ Biennial, with support of the Board of Trustees, voted in favor of the URJ Resolution on the Rights of Transgender and Gender Non-Conforming People;

WHEREAS, the Washington Human Rights Commission enacted rule WAC 162-32 in 2015 protecting the rights of Transgender persons to use restrooms, locker rooms and dressing rooms based upon gender identity;

THEREFORE LET IT BE RESOLVED, that:

- Temple Beth Am restates our support for the civil rights of all LGBTQ people;
- Temple Beth Am supports and endorses the efforts of Washington SAFE Alliance, Washington Won't Discriminate, and any similar organizations or initiatives formed to protect the rights of transgender people and all LGBTQ people;
- Its Senior, Associate, and Assistant Rabbis and the Board President can act and sign documentation as agents of Temple Beth Am advocating in support of rights for all LGBTQ people, and in opposition to any efforts to curtail anti-discrimination protection in the state of Washington, and will inform the Congregation of the action(s) they have taken;
- All of TBA's Rabbis, and the Welcoming Synagogue Initiative, TBA members and/or staff working in coordination with an appropriate TBA Rabbi, may provide educational opportunities for congregants on relevant issues related to anti-discrimination protection for LGBTQ people through a range of means, such as sermons, Religious School curricula, adult education programs, etc;
- TBA's Welcoming Synagogue Initiative in consultation with an appropriate TBA Rabbi, may communicate advocacy opportunities through TBA communication outlets (e.g., Bulletin, website, Facebook page, use of TBA phones, etc.);
- TBA's Senior, Associate, and Assistant Rabbis, and Welcoming Synagogue Initiative in collaboration with an appropriate TBA Rabbi, may build coalitions with other organizations, especially interfaith partners, other like-minded Jewish congregations, and other Jewish organizations to work on these issues;

- TBA's Senior, Associate, and Assistant Rabbis, and Welcoming Synagogues Initiative in collaboration with an appropriate TBA Rabbi, may circulate petitions inside and outside of the TBA community and may also notify congregants of opportunities to sign other organizations' petitions (e.g. Religious Action Center of Reform Judaism);
- The Welcoming Synagogue Initiative in collaboration with an appropriate TBA Rabbi, may organize in-person, social media, email or phone drives to support specific legislation or advocacy opportunities; and
- When an issue related to anti-discrimination protection for LGBTQ people is urgent enough, the TBA Executive Committee at its discretion may decide upon a course of quick action to provide an immediate response based on our moral imperatives to speak out as a congregation.