Where All Belong: Religion and the Fight for LGBT Equality in Alabama

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I. FROM BOSTON TO BIRMINGHAM

From 2003 to 2005, I spent nearly two years working as a legal assistant at a Boston-based lesbian, gay, bisexual, and transgender (LGBT) civil rights organization. During my time there, I witnessed monumental events unfold in the struggle for LGBT equality. On November 18, 2003, the Massachusetts Supreme Judicial Court handed down its decision in Goodridge v. Department of Public Health, granting marriage equality to LGBT people in Massachusetts. In the spring of 2004, the Massachusetts state legislature held a rancorous and emotional state Constitutional Convention to debate the merits of an amendment to rescind this newly-won right. At midnight on May 17, 2004, following the expiration of the court’s 180-day stay of entry of judgment in Goodridge, I stood among the thousands of cheering people outside Cambridge City Hall as the first same-sex couples in the United States received legal marriage licenses. As I came to the end of my time in Boston and prepared to attend law school, I read an article by journalist Bob Moser in which he related the nightmare of discrimination and violence that LGBT people face in Alabama. He described the terrifying and vicious hate crimes perpetrated against gay Alabamians Scotty Joe Weaver, Roderick George, Billy Jack Gaither, and others; the horrors that confront queer youth on a daily basis at home and school; and the efforts of the gay community to fight for equality. Moved by what I read,

3. Id. at 970.
4. See generally, Mary L. Bonauto, Goodridge in Context, 40 HARV. C.R-C.L. L. REV. 1 (2005) (reviewing the Goodridge decision and the developments that led up to it).
5. Bob Moser, Unsweet Homo Alabama, OUT MAGAZINE, Jan. 2005, at 60. Nearly every person I interviewed in Alabama had read the article and reacted strongly. The responses ranged from agreement with the portrayal to disappointment at its perceived one-sidedness.
I did more research, and contacted people throughout the state including students, teachers, youth, parents, political activists and lobbyists, church members and pastors—black and white, straight and gay—to find out more. In July 2005, I traveled to Alabama for ten days to interview these and other people. In Alabama, I expected to find a community under siege, closeted, and afraid. In his article, Moser described being chased down the streets of Montgomery by “SUVs full of teenage boys hollering, ‘Hey, faggot!’” I felt like I was planning a trip to a hostile, foreign country.

But, after ten days and hundreds of miles, driving through Birmingham, Tuscaloosa, Auburn, Montgomery, and Mobile, I found a community far more diverse than I had imagined. Some people were very out—something I would not have thought possible. Other people were deeply closeted—silenced by the fear of losing their jobs or social ostracism. Some were hopeful and saw great potential in the LGBT community. Others were pessimistic about the future. Some people openly questioned why they had stayed so long in a place so unwelcoming. For others, Alabama was—and always would be—home.

What struck me most, though, in all my conversations, was the degree to which religion lies at the heart of the LGBT experience in Alabama. Religion is

6. I arrived in Birmingham, Alabama, on July 16, 2006, and departed on July 25, 2005. I conducted twenty-five interviews with forty-one people from across the state. The project was self-funded and independent of any organization. Everyone I interviewed gave me permission to quote them. In some instances, last names are omitted to protect confidentiality.

7. Moser, supra note 5 at 63.

8. Reverend Helene Loper told me “My partner and I walk through the mall holding hands. . . . No one’s ever said anything. We just watch them walk into things!” Interview with Reverend Helene Loper, Member, Soulforce Alabama and Former Chair, Equality Alabama, in Montgomery, Ala. (July 16, 2005). Lyndsey Robinson, a graduate student in social work in her mid-twenties at University of Alabama at Birmingham also holds hands with her partner in public. “People will look. . . . It’s easier for lesbians, especially older [people]. We don’t act afraid, [though] people have told me I need to be careful.” Interview with Lyndsey Robinson, Liaison to Safe Zone, Gay/Straight Student Alliance at University of Alabama at Birmingham, in Birmingham, Ala. (July 20, 2005).

9. Cari Searcy, co-chair of Mobile’s Bay Area Inclusion, “Alabama’s First LGBT Community Center,” and her partner Kim told me that the city had waived the fee for Mobile’s first pride parade in summer 2005, and that two Mobile city council members attended the funeral of hate crime victim Scotty Joe Weaver. Interview with Cari Searcy, Co-Chair, Bay Area Inclusion and Kimmerlie Simms, Board of Directors, Bay Area Inclusion, in Mobile, Ala. (July 24, 2005). “If we could just get the community together and show numbers, then the LGBT community could achieve great things,” they told me. Id.

10. Craig Cannon, from Mobile, long-time activist and leader of University of South Alabama’s Alliance for Sexual Diversity, lamented the constant exodus of LGBT people from the state, “We fight the fight from refugee camps [i.e., cities outside the state]. People flee the minute they can.” Interview with Craig Cannon, President, University of South Alabama Alliance for Sexual Diversity, in Mobile, Ala. (July 24, 2005).

11. Howard Bayless of Equality Alabama jokingly told me, “I stayed to change things, and [also] because I was too stupid to leave.” Interview with Howard Bayless, Chair, Equality Alabama, in Birmingham, Ala. (July 19, 2005).

12. Zach Childree said, referring to the place where he grew up, “I still miss home sometimes. It’s beautiful country.” Interview with Zach Childree, Board of Directors, Equality Alabama, in Birmingham, Ala. (July 19, 2005). See also infra note 99.
the primary source of opposition to LGBT equality, both legally and culturally. However, within the LGBT community, religious institutions, leaders, and faith itself empower and unify the community like no other force. In the words of Covenant Community Church of Birmingham pastor J.R. Finney, "Religion . . . permeate[s] [Alabama]. It's the vocabulary of the state."\(^{13}\)

Before I left on my journey South, a co-worker in Boston suggested I ask Alabamians how to make the case there for separating church and state. It did not take long before I knew the answer: you don’t. “It’s not a popular idea,” Ken Baker, a lobbyist and activist with Equality Alabama, told me. And in recent years, Baker said, “it’s only gotten worse.”\(^{14}\) “In Alabama,” joked Reverend Felicia Fontaine of Soulfuse Alabama, an interfaith LGBT organization, “you home-school if you want to teach evolution.”\(^{15}\) Nearly every person I talked to emphasized that Alabama “is the Bible Belt.” The statistics bear this out. Seventy-eight percent of Alabamians identify as born-again Christians.\(^{16}\) Even scanning the radio dial, the religiosity of the culture is readily apparent. Christian stations make up nineteen percent of the spectrum in Alabama, while in Massachusetts it is a meager two-and-a-half percent.\(^{17}\) When meeting somebody new, the question of where one goes to church, “is one of the first things . . . people . . . want to know,” Tony Felts, a 25-year-old student at the University of South Alabama told me.\(^{18}\)

In the midst of this culture of conservative Christianity lives a sizable LGBT community. The 2000 United States Census found 8,109 same-sex couples living in Alabama,\(^{19}\) thirty-five percent of whom were raising children.\(^{20}\)

\(^{13}\) Interview with Reverend J.R. Finney II, Pastor, Covenant Community Church of Birmingham, in Birmingham, Ala. (July 19, 2005).

\(^{14}\) Interview with Ken Baker, Former Co-Director, Equality Alabama, in Montgomery, Ala. (July 22, 2005).

\(^{15}\) Interview with Reverend Felicia Fontaine, Coordinator, Soulfuse Alabama, in Montgomery, Ala. (July 16, 2005).

\(^{16}\) See Moser, supra note 5 at 64.


\(^{18}\) Interview with Tony Felts, Student, University of South Alabama, in Mobile, Ala. (July 24, 2005).

\(^{19}\) The census found 3,980 same-sex male and 4,129 same-sex female “unmarried-partner households.” U.S. Census Bureau, American Factfinder, http://factfinder.census.gov/servlet/DSTTable?_bm=y&-context=d&-ds_name=DEC_2000_SF1_U&_mt_name=DEC_2000_SF1_U_PCT014&-CONTEXT=dt&_tree_id=4001&-all_geo_types=N&-geo_id=0400US01&-search_results=01000USA&-format=&-lang=en (last visited Mar. 25, 2006). The census did not count single LGBT people, and it is possible that some same-sex couples did not indicate their relationship because they were not out. Thus, this is likely a significant undercount of the total number of LGBT people in the state. See Gary J. Gates, Census 2000, GLBTQ: AN ENCYCLOPEDIA OF GAY, LESBIAN, BISEXUAL, TRANSGENDER, AND QUEER CULTURE, 2004, http://www.glbtq.com/social-
Many of these people are just as committed to their faith as their straight neighbors. "One thing I think you'll find here that you probably won't find elsewhere," Reverend Felicia Fontaine told me, "is that some of the strongest leadership comes out of the faith community."\(^2\) She went on, "While some of our toughest adversaries" come from the faith community, so do "some of our most profound supporters."\(^2\)

In the first section of this paper, I provide an overview of the legal and political terrain that LGBT Alabamians currently face and the deep influence that conservative Christianity has played in shaping it. Next, I explore the ways in which Christianity pervades Alabama's culture and the parallel institutions and individuals that have sprung up to serve the LGBT community's needs. I also examine the central role these leaders and organizations play in strengthening and unifying a diverse and sometimes-divided community to make the case for LGBT equality in a hostile environment. I conclude that, in Alabama, religious institutions must continue to take the lead in building the LGBT community up from the inside and laying the groundwork for more aggressive strides in the future.

II. THE FAITHFUL OPPOSITION

This decade has witnessed a dramatic evolution in the legal status of LGBT Americans. In June 2003, the United States Supreme Court issued its landmark decision in *Lawrence v. Texas* striking down the handful of remaining state sodomy laws.\(^23\) A few months later, in November, the Massachusetts Supreme Judicial Court issued its ruling in *Goodridge*, extending marriage equality to LGBT families.\(^24\) Since 2003, more states have passed employment nondiscrimination laws\(^25\) and several more have enacted relationship recognition statutes.\(^26\)

Unfortunately, this upward tick at the national level and in certain other
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state governments has been met with a significant backlash in Alabama. Before Lawrence, in 2002, Chief Justice Roy Moore of the Alabama Supreme Court issued an anti-gay custody ruling so violent and vehement that it drew national attention. Since then, Alabama legislators have picked up the gauntlet, filing a bill to ban books that deal with LGBT issues, proposing to prohibit LGBT people from adopting children, and sending an amendment to voters that would ban same-sex marriage. The thread that runs through all of these proposals is the appeal made to conservative Christian values.

A. The Courts: Ex parte H.H.

In 2002, Chief Justice Moore of the Alabama Supreme Court wrote a special concurrence in Ex parte H.H., a child custody case in which the mother, a lesbian, requested a modification of custody, because, she alleged, her ex-husband was abusing their children. The trial court held that the evidence was insufficient to warrant changing the children’s living arrangement, but the Alabama Court of Civil Appeals reversed and awarded custody to the mother. On largely evidentiary grounds, the Alabama Supreme Court’s majority opinion reversed the appellate court’s decision, holding that the appeals court had abused its discretion by re-evaluating the evidence presented to the trial court.

A statement in the majority opinion spurred Chief Justice Moore’s special concurrence: “The Court of Civil Appeals also held that... there was no evidence indicating [the mother’s] homosexual relationship would have a detrimental effect on the well-being of the children.” The Chief Justice strenuously disagreed. In his concurrence he called homosexuality, among other things, “an inherent evil against which children must be protected.” To justify his position, Chief Justice Moore cited Alabama’s long history of anti-gay legislation and his theories about the Christian roots of the American legal

27. Ex parte H.H., 830 So. 2d 21, 23 (Ala. 2002). The recent history of Alabama custody cases has been tragic for gay and lesbian parents. In Ex parte D.W.W., the court upheld an order changing custody to the father and severely restricting the lesbian mother’s visitation, requiring all visits to occur under the supervision of the maternal grandmother at her home. 717 So. 2d 793, 794 (Ala. 1998). In his dissent, Justice Kennedy pointed to the ample evidence in the record of the father’s alcoholism and abusiveness, and concluded, “While I am not attempting to condone [the mother’s] lifestyle, I cannot ignore the fact that the trial court’s decision appears to be founded primarily on prejudice.” Id. at 797. In Ex parte J.M.F., the trial court was so concerned with the children coming into contact with the lesbian mother’s same-sex partner that it prohibited the mother from “exercis[ing] her right of visitation... in the presence of a person to whom she is not related by blood or marriage” only allowing exception for “the general public, casual, professional, platonic, or business relationships.” 730 So. 2d 1190, 1994 (Ala. 1998).

28. Ex parte H.H., 830 So. 2d 21 at 23.
29. Id. at 25.
30. Id.
31. Id. at 27. Following the decision, State Representative Alvin Holmes (D-Montgomery), the only openly LGBT-supportive legislator in the Alabama state legislature, introduced a bill (which failed to pass) to refute the usage of Moore’s term ‘inherent evil’ to refer to gay people. Legislature Briefs, BIRMINGHAM NEWS, Mar. 6, 2002.
system. Chief Justice Moore asserted that while “natural law forms the basis of the common law...natural law is the law of nature and nature’s God as understood by men through reason, but aided by direct revelation found in the Holy Scriptures.” The Chief Justice pointed out that under Henry VIII, a person convicted of sodomy could receive the death penalty. Even today, he said, the State “carries the power of the sword... to prohibit conduct with physical penalties... even execution.” Equating homosexuality with criminality, he added, “[the state] must use [its] power to prevent the subversion of children toward [a homosexual] lifestyle, [and to discourage] a criminal lifestyle.” Following a minor uproar over the decision, the Chief Justice attempted to backpedal and disclaim any notion that he supported executing gay people. Even so, the message was clear. The Chief of Alabama’s highest court had condemned an entire segment of the state’s population, invoking the wrath of the law–divine and man-made–against the gay people of the state.

B. The Legislature: “Dig a Big Hole and Dump Them In”

The year after Ex parte H.H., the United States Supreme Court and the

32. Moore cited the 1901 Alabama Constitution provision that disqualified those convicted for sodomy from voting. Ex parte H.H., 830 So. 2d at 31 (quoting ALA. CONST. art. VIII, § 182 (repealed 1996)). He also cited a 1992 statute that “[forbade] the use of public funds or facilities by a college or university to ‘directly or indirectly, sanction, recognize, or support... any organization... that fosters or promotes a lifestyle or actions prohibited by the sodomy and sexual misconduct laws...’ Id. at 31 (quoting ALA. CODE § 16-1-28 (1975)). Chief Justice Moore failed to mention that Section 16-1-28 had been struck down as unconstitutional viewpoint discrimination in violation of the First Amendment. Gay Lesbian Bisexual Alliance v. Sessions, 917 F. Supp. 1548 (M.D. Ala. 1996), aff'd, 110 F.3d 1543 (11th Cir. 1997).

33. Ex parte H.H., 830 So. 2d at 29-30 (emphasis added). Chief Justice Moore also quoted Blackstone on this point, “If we could be as certain of the [natural law] as we are of the [revealed law] both would have an equal authority; but till then, they can never be put in any competition together.” Id. at 30, n.8 (quoting 1 WILLIAM BLACKSTONE, COMMENTARIES *42). As proof that God disapproved of LGBT people, the Chief Justice also quoted Genesis 1:27 and 2:24 and Leviticus 20:13 (King James).

34. Id. at 34.
35. Id. at 35.
36. Id.
37. Under fire for his remarks on executing gay people, the Chief Justice later said that he was merely stating the “range of punishment” available for punishing criminals in Alabama–from misdemeanors to capital crimes. Greg Garrison, Moore Defends Remarks on Homosexuality, BIRMINGHAM NEWS, Mar. 24, 2002. He emphasized that “he never intended [to propose the death penalty for sodomy].” Id.
38. About 100 gay rights supporters—including members of church groups—held a rally on the steps of the state judicial building that drew speakers from across the country. See Stan Bailey, Gays, Others Rally for Less of Moore Some Church Leaders Join Call to Oust Chief Justice, BIRMINGHAM NEWS, Feb. 23, 2002. As this article goes to press, Moore is running for the Republican nomination for Governor of Alabama against incumbent Bob Riley. Charles J. Dean, Riley Says He'll Seek Re-election: GOP Governor Vows Not to Use Faith for Gain, BIRMINGHAM NEWS, Oct. 9, 2005, 1A.
39. See infra note 53 and accompanying text (State Representative Gerald Allen (R-Cotontdale) explaining what would be done with banned texts if his proposed bill to ban public funding for books that “promote” homosexuality passed).
Massachusetts Supreme Judicial Court handed down their rulings expanding the spheres of liberty and freedom for LGBT people. As parts of the nation reeled and President Bush endorsed a federal constitutional amendment to ban marriage equality for same-sex couples, Alabama state legislators sought ways to contain the perceived menace of LGBT equality.

The primary focus of anti-gay politicians in Alabama was (and still is) the passage of a state constitutional amendment barring same-sex couples from marriage. In August 2004, the Alabama Christian Coalition decided to make passage of a constitutional amendment to ban same-sex marriage its “top proactive legislative priority.” Not one year later, their goal was achieved. On March 10, 2005 the Senate unanimously passed the state constitutional amendment, and in the House, the measure passed 85 to 7. The News reports described senators as “tripping over one another to get to the microphone” to express support for the measure. Representative Alvin Holmes (D-Montgomery), the only state legislator openly supportive of LGBT equality, unsuccessfully attempted a filibuster.

Legislators in support of the amendment offered rationales drawn from their religious perspectives. Senator Erwin described the amendment as a “resounding clarion call to the rest of the country to come home to family values.” Senator Roger Bedford (D-Russellville) said, “As a Christian, I believe God ordained marriage to be between a man and a woman.” Senator Hinton Mitchem (D-Albertville) said that banning marriage for same-sex couples

45. Holmes compared the measure to the “tactics . . . used by Adolf Hitler.” Id. In the course of the filibuster, Holmes offered $700 to anyone who could show him where “in the Bible . . . it says that marriage is between a man and a woman.” Jannell McGrew & John Davis, Capitol Insider, MONTGOMERY ADVERTISER, Feb. 13, 2005, at C3.
47. Id.
went “to the core of family values.”\textsuperscript{48}

In a March 2004 article interviewing strong supporters of the amendment, the Birmingham News spoke to a dentist in the Pelham area who had put up a sign outside his practice displaying Leviticus 20:13, “If there is a man who lies with another man, both have committed a detestable act. They shall be put to death.”\textsuperscript{49} The reporter also spoke to a pastor in West Birmingham who posted a sign on his church that read, “AIDS is God’s curse on a homosexual life.”\textsuperscript{50} The pastor explained, “The Lord spoke to me. He’s cursing that population because it insults his creation.”\textsuperscript{51} From the dentist’s office to the church bulletin board, these examples illustrate the all-encompassing and un concealed universe of hostility that many gay Alabamians face.

Besides building a high wall around the institution of marriage, Alabama legislators sought other ways to demean their LGBT constituents. In December 2004, State Representative Gerald Allen (R-Cottondale) filed a bill to “prohibit the expenditure or use of public funds or public facilities by any state agency or public entity for the purchase, production, or promotion of . . . materials, or activities that sanction, recognize, foster, or promote” homosexuality.\textsuperscript{52} When a reporter asked Allen what he recommended should be done with all the books “promot[ing]” homosexuality on the shelves of state libraries—everything from science textbooks to the writings of southern icons Truman Capote and Tennessee Williams—Allen responded, “I guess we dig a big hole and dump them in and bury them.”\textsuperscript{53} The preamble of the bill quoted a statute requiring Alabama educators to instruct students that “from a public health perspective . . . homosexuality is not a lifestyle acceptable to the general public” and that homosexuality is a “criminal offense.”\textsuperscript{54} The problem, Allen wrote, was that

\textsuperscript{48} Id.
\textsuperscript{49} Greg Garrison, Churches Take Sides on Same-Sex Unions, BIRMINGHAM NEWS, Mar. 14, 2004. The dentist, Keith Dillard, said he put up the sign because he’s “a Bible-believing Christian . . . it’s applicable to the times we live in.” Id. With respect to the fact that the person who posted this sign was a doctor, Lecia Brooks, a Montgomery-area queer activist, told me about the harassment she received from her OB-GYN when she came out to him. She commented on the general hostility among health care professionals toward LGBT people and said that she “did not know what gay men do for physicians” in Alabama. Interview with Lecia Brooks, Queer Activist, Montgomery, Ala., in Montgomery, Ala. (July 22, 2005).
\textsuperscript{50} Garrison, supra note 49.
\textsuperscript{51} Id.
\textsuperscript{53} One librarian commented, “Half the books in the library could end up being banned.” Kim Chandler, Gay Book Ban Goal of State Lawmaker, BIRMINGHAM NEWS, Dec. 1, 2004, at 1A. For his efforts, Allen was given the “Muzzle” award by the Thomas Jefferson Center for Protection of Free Expression. Censorship Advocate, MONTGOMERY ADVERTISER, Apr. 14, 2005, at A7.
\textsuperscript{54} H.B. 30 (quoting ALA. CODE § 16-40A-2 (2005)). While Section 16-40A-2 is still law in Alabama, Lawrence overturned all criminal penalties for consensual sodomy. See Lawrence, 539 U.S. at 578. So although Alabama teachers are still required by law to tell their students that sodomy is a “criminal offense,” it is no longer legally true.
there was no policy to ban books with these forbidden ideas from state-funded libraries and schools. \[55\]

Just four months later, Senator Hank Erwin (R-Montevallo) proposed a bill to prohibit gay people from adopting children. \[56\] While Alabama’s 1998 Marriage Protection Act effectively prohibited same-sex couples from adopting children anyway, gay individuals were not barred—an unacceptable loophole in Senator Erwin’s eyes. \[57\] Senator Erwin had more unkind words when one million dollars of AIDS funding for the poor reached the legislature for approval in April 2005. During debate, Senator Erwin took the floor to express his opinion that “the best lifestyle to avoid AIDS is to . . . live a monogamous lifestyle with your future wife, your future spouse . . . . We need to appeal to change the lifestyle, to embrace a lifestyle that is godly and holy, [so] that [gay] people would repent of what they’re doing and go back to church.” \[58\]

Senator Erwin might be surprised to find that many gay people never left church in the first place—they just built their own.

III. FAILING FORWARD: THE “GAY CHURCH” IN ALABAMA

Recognizing that Alabama’s culture speaks a vocabulary of faith, the “gay church” in Alabama may be the best-positioned LGBT movement in the state to strengthen the community on the inside and to empower people to build bridges of understanding with their straight neighbors. Currently, there is no federal employment nondiscrimination act that applies to sexual orientation, \[59\] and many

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58. While the funding bill passed the senate, the only opposition to Erwin’s sentiment mustered in the chamber came from Senator Roger Smitherman (D-Birmingham) who insisted that not all people with AIDS were infected through the “ungodly” means to which Erwin was referring. David White, AIDS Drug Funding Clears Hurdle, BIRMINGHAM NEWS, Apr. 14, 2005, at 1B.
LGBT Alabamians remain invisible—not just to their neighbors, but to their political representatives as well. Many legislators simply refuse to believe that there are any gay people in their district. Reverend Fontaine faced this firsthand when she met with her own representative. “I corrected his assumption,”60 she told me. Gay religious institutions help many people make the first step toward advocating on their own behalf, because they provide community and affirmation that is lacking elsewhere in society. As Luwanna Rhodes, a senior deacon at Covenant Community Church in Birmingham told me, “I never thought I’d be political, but as I’ve grown spiritually and realized who I am, and [that] God is OK with who I am . . . I can be a voice for people that are not able to come out.”61

A. Strengthening the Community

Across the state, religious institutions play a vital role in the LGBT community. The largest gay organization in Birmingham, the largest city in Alabama, is the Covenant Community Church of Birmingham.62 There are Metropolitan Community Church congregations throughout the state in Huntsville, Montgomery, Gadsden, and Mobile,63 but Covenant is the largest of the major LGBT-inclusive churches.64 Covenant is also the largest gay landowner in the city of Birmingham.65 In terms of bringing people together, providing a safe space for newly-out or closeted people, affirming individuals who have been brutally abused by their families and culture, and delivering the message of equality to the rest of society, the church is as integral to the LGBT community of Alabama as traditional churches are to the straight Alabama population—perhaps even more so.

My second night in Birmingham, I witnessed firsthand how central religion is for some LGBT people. Following the evening worship service at Covenant, I
joined four men who had invited me out to dinner at the local Olive Garden. When our dishes arrived, I picked up my fork to dig in, when one of the men turned to another across the table and asked with a soft drawl, “Would you lead us in the blessing?” For a moment I was confused, not realizing that “blessing” was another way of saying “grace”–and then I saw their palms up on the table and their heads bowed. I dutifully did likewise. After my new friend said his prayer, the group cheerfully resumed conversing and eating, without missing a beat. I had never witnessed anything like it before.

For me, this experience crystallized just how essential faith and church are for the vast majority of Alabamians—gay or straight. From Sunday morning services to Sunday evening services, to Wednesday night Bible study, Alcoholics Anonymous ministries, seniors outreach, and youth groups, “institutions of faith are community centers,” Howard Bayless, director of Equality Alabama emphasized, “they’re not just churches.” Pastor Finney told me that, “the secret of the black church,” especially during the civil rights movement, was that the church was “more than just a faith community, it was also the center of social life.” Both institutions provide a sanctuary of affirmation and safety in a hostile culture.

Church is where you grow up; it’s where you meet your friends, your role models, your teachers; and it’s where your whole community gathers. Tammy, a schoolteacher in the Gadsden area involved with the Anniston chapter of Parents, Families, and Friends of Lesbians and Gays (PFLAG), explained how happy she was to find a welcoming spiritual community at the MCC in her town. “I knew growing up in a church that I needed spiritual feeding. I needed that fellowship of other Christians around me . . . I don’t know what I would’ve done were it not for my church . . . It was an amazing feeling. Finally, I can sit here and open my Bible, sing praises, worship God, pray, tithe, with people just like me. And if I have a significant other, I can put my arm around her. For the first time I [am] able to worship freely.” Franklin Trimm, a Mobile resident in his mid-fifties, who was raised a fundamentalist Christian and came out after divorcing his wife of 25 years, found the Mobile, Alabama MCC to be a “wonderful place” for someone like him. He added, “[the church is] almost like a hospital for people coming out.”

“In the South,” Glenda Elliott, the coordinator of the University of Alabama Birmingham Safe Zone program and an advocate for LGBT youth in the school system, told me, “the connection to family and church is very deep.”

66. Interview with Howard Bayless, supra note 11.
67. Id.
69. Interview with Tammy, Member, Anniston, Ala. Chapter of Parents, Families, and Friends of Lesbians and Gays (PFLAG), in Birmingham, Ala. (July 18, 2005).
70. Interview with Franklin Trimm, Resident, Mobile, Ala., in Mobile, Ala. (July 24, 2005).
71. Id.
72. Interview with Glenda Elliott, Coordinator of Training, Safe Zone Program at the University of Alabama at Birmingham and Advisor, Birmingham Area Gay, Straight, Lesbian & Questioning Youth (BAGSLY), in Birmingham, Ala. (July 20, 2005).
Tragically, it is an all too common experience for LGBT people to find that church connection severed. Lyndsey Robinson, a graduate student in her mid-twenties at the University of Alabama-Birmingham, felt compelled to leave her church when it became outspokenly anti-gay. She described the gradual realization that "this place where I [felt] safe [had turned] against me." She hasn't been an active member since. "I felt like my [church]... had rejected me... I wanted to go up there and say, 'I'm here, and I'm on your church council.'" But she didn't. Lyndsey explained that the aftermath has "been a painful thing... I don't feel like I have a church body." Lyndsey's story is not unusual.

Jeff Johnson, a Birmingham resident and member of PFLAG expressed a similar view. "Religion is important to us. We were brought up in it. It's as important to us as gay people as it is to our [straight] parents and friends... When you're from way back in the swamp, the church is not only a big part of your life, it's the only social outlet that you have."

With creativity and courage, the LGBT community has built its own churches. Located in a residential area near the interstate, the Covenant Community Church of Birmingham is one prominent example of this addition to the Alabama church landscape. The sanctuary is a modest brick building topped with a red steeple. Adjacent is a small two-story administrative building. From the outside, it would be impossible to know that between the church's walls a revolution is going on in the hearts of Alabama's LGBT community.

When I first entered the church, I found a stand in the lobby holding pamphlets. One caught my eye. On the cover, a row of rainbow-colored sheep danced around the title: "Gay By God." The pamphlet posed the question that confronts so many LGBT Alabamians: "Gay or Christian?" The answer was on the next line: "You can be both!" Elise, a Birmingham area teacher, told me how sorely needed this message is within the LGBT community. "I'm back in the faith, but in my own circle of friends, I'm in the minority. Most of them still believe what we were told [as children], that we are unworthy of God's love and [that we are] second-class citizens. We [have the struggle of] first getting the message out to our own community... [that] we're not unworthy of God's love." This is what I found to be the mission of Covenant.

Sitting at a desk strewn with papers and framed photos and a well-stocked bookshelf behind him, Pastor Finney explained his work, "What we seek to do here at this church is to restore that faith journey that was sacred to people—that
has been lost through a gross injustice of trying to keep people out of God’s family... We go overboard to make you feel welcome here... There’s just so many places in this world where you’re not welcome–where our community is not welcome.” He added, “We are not going to concede our faith journey to someone else’s bigotry.”

On the Sunday I visited Covenant, nearly two hundred people heeded Finney’s call. The first hymn, “Joyful people, come and worship,” began and the choir swayed and sang, some with eyes closed or arms upraised—the organist and piano player accompanied the congregation. Everyone sang, “Giving praise for our church family / In God’s house, where all belong,” breaking spontaneously into beautiful harmonies. It was moving to hear these lyrics in one of the few places where LGBT Alabamians could truly feel welcome. Two candles were lit: one to “[remember] to pray and work for justice” and the other as a memorial for members of Covenant who had died from AIDS. After welcoming the people to prayer, the congregation recited the Covenant Affirmation: “I am a child of God! I celebrate God’s Holy Spirit coming into my life!... [M]otivate me to be a witness of the Gospel: Offering Hope, Showing Faithfulness, Sharing Joy.”

This three-part mantra forms the core of the church’s philosophy. In the middle of the service, a student from nearby Samford College—a conservative Baptist school—was called up to the front to be officially welcomed by the congregation. She was greeted with riotous applause.

Also during the service, a stuffed teddy bear, or “prayer bear” was passed up and down the pews—a tag attached to its ear with neat handwriting that listed a woman’s name and “Cancer–No Insurance.” Each person in attendance held the bear for a moment—some prayed over it, others simply hugged it. Later that week, it was to be given to its namesake to let her know that the people at Covenant were thinking about her—that hundreds had prayed for her, and that she had not been forgotten. A community that strong and caring can only grow stronger. And as the church grows, so does the scope of its mission. “Right now we are a church that’s on the move,” Finney said, “and we believe that God has called us to this community for a purpose.”

Covenant was founded twenty-five years ago with twelve members in an unmarked storefront. Today it has 189 official members, a congregation of 300, and ten or twelve new visitors every week.

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82. Covenant Metropolitan Community Church, Sunday Worship Service Program: Ninth Sunday After Pentecost (July 17, 2005) (unpublished worship service program, on file with the author).
83. Covenant Metropolitan Community Church, Sunday Worship Service Program: Ninth Sunday After Pentecost (July 17, 2005) (unpublished worship service program, on file with the author).
85. Covenant Metropolitan Community Church, Sunday Worship Service Program: Ninth Sunday After Pentecost (July 17, 2005) (unpublished worship service program, on file with the author).
86. E-mail from Reverend J.R. Finney, II, Pastor, Covenant Community Church, to Daniel
ministries and programs, ranging from Children’s Church—for the growing number of children in the congregation, to Alcoholics Anonymous, to special ministries for seniors and people with HIV/AIDS. The church is a hub and a beacon—both spiritually and by its physical presence. But, as Finney is quick to point out, Covenant’s goal is “not to grow this church for the goal of having a large church.” Instead he said, “my goal is for us to grow this church to be a voice of hope in this community—in every way.”

Covenant also serves as a model for unity in the LGBT community. When I entered Covenant’s sanctuary for the morning worship service, the first thing I noticed was the diversity of the congregation. Segregation lingers on in many southern churches—but not at Covenant. I saw black and white people, senior citizens, couples with children, young people, and students. Unfortunately, that spirit of harmony is not a uniform phenomenon throughout the Alabama LGBT community.

Racism and sexism are still fundamental problems. For Tony Felts, a white college student at the University of South Alabama who grew up in a small rural town, the level of racism within the gay community confounds and disturbs him. While he emphasized that “not everybody out here is a racist,” he admitted that “racism is very prevalent in the gay community . . . You hear nigger out of white people almost as much as you hear faggot out of straight people.” From his experience, Tony found little difference between gay and straight Alabamians in this regard. “[I]t’s about the same in both communities,” he told me. “It’s more of a cultural thing . . . I’m not defending it, but it’s kind of a fact of life that that’s the way people are down here.” Franklin decided to leave the Mobile MCC when an emotional debate broke out over the hiring of a new pastor. “The gay men at MCC didn’t want a female pastor,” he told me. “There was never any discussion of a Biblical reason for this . . . but it was typical of the gender divide [in the congregation].”

Despite these deep and painful divisions, there are signs of growing cohesion. Besides the interracial cooperation evident at Covenant, at the Montgomery Pride event I attended, the diversity of ages, races, and religious affiliations was evident. Ken Baker took a special pride in the wide array of people that came to the new Equality Alabama headquarters for the celebration.

88. Id.
89. “‘Eleven o’clock on Sunday is still the most segregated hour of the week,’ says the Rev. Arthur Price, pastor of Sixteenth Street Baptist Church . . . referring to a statement the Rev. Martin Luther King Jr. made July 19, 1962 . . . to the National Press Club in Washington . . . The legal barriers of Jim Crow laws are gone, but many of Birmingham’s churches are still predominantly white or black.” Marie A. Jones, Segregated Sundays: King Would Be Disappointed: Blacks, Whites Worship Apart, BIRMINGHAM NEWS, Sept. 22, 2002, Lifestyle Section.
90. Interview with Tony Felts, supra note 18.
91. Id.
92. Interview with Franklin Trimm, supra note 70.
"That’s what it’ll take," he said, referring to the crowd, “different people working together."93

B. Finding Common Ground

While church is central to life for many LGBT Alabamians, that is not so for all. “A lot of people,” Lyndsey told me, “feel very raw about religion.”94 Given the cruelty and rejection that many LGBT people endure at the hands of religious leaders and institutions, this is understandable. But even those who are uncomfortable with religion seem to agree that it represents the LGBT community’s best hope for reaching out to the rest of Alabama.

Lecia Brooks, an African American queer activist who relocated in 2004 from Los Angeles to a Montgomery-area civil rights organization, told me that she often feels like she’s the only one who didn’t “come from a religious tradition.”95 “It’s not important for me to be accepted by the church in ways that [queer Alabamians] feel a need to be.”96 One visit to the local MCC was enough for her. “I went to [Montgomery] MCC once, very sweet, whatever, but it was just like gay people trying to do the same thing that straight people do.”

However, she still appreciated the role that faith has to play in the fight for LGBT equality in Alabama. “Progress has been and will continue to be made through” groups like MCC, she said.97 Brooks predicted that supportive straight pastors and congregations are “going to be the ones who’ll be able to educate their people about” queer equality issues.98 “So [while] that’s an effective strategy,” Brooks said, “It just doesn’t work for me personally.”99

Zach Childree, a twenty-three-year-old activist and journalist whose harrowing coming out experience was profiled in Moser’s article, takes a pragmatic view.100 “I think you can’t talk about anything in this state without talking about religion,” he told me.101 Yet, at the same time, he wants to maintain his distance. “I think it’s possible to speak someone’s language in a way they’ll

93. Interview with Ken Baker, supra note 14.
94. Interview with Lyndsey Robinson, supra note 8.
95. Interview with Lecia Brooks, supra note 49.
96. Id.
97. Id.
98. Id.
99. Id.
100. Moser, supra note 5, at 64. Childree’s experience is a brutal testament to the abuse many Alabamian LGBT youth endure. After he was outed by his sister, his parents sent him to a professional counselor. When that failed to turn him straight, his parents brought him before their entire church congregation where “all the deacons laid hands on [him] and prayed.” Id. at 64-65. When these and other efforts (including an exorcism) failed to “cure” him, his parents sent him a letter telling him he was no longer welcome “to eat a meal at [their] house.” His social security card and other legal documents were enclosed. Id. at 66. As Moser explained, “In Alabama, families are the frontline defenders against even a hint of homosexuality.” Id. at 65.
101. Interview with Zach Childree, supra note 12.
Pastor Finney is on the front lines of the struggle to bridge the gap between straight and gay Alabamians. When I asked Finney how his straight conservative Christian colleagues react to him, he laughed and recounted how his friend—a pastor at MCC Huntsville—had once told him, “J.R., you and I are the most dangerous homosexuals in this state.” Why? “Because we can talk Evangelical God-talk to the Evangelical Right-Wing, and they just don’t know how to handle it.”

Finney described to me how he addresses a conservative Christian audience. “One of the things that I deliberately do . . . is I start off talking about my Evangelical background and my Evangelical beliefs. Things that are so common to them, like being born again—that’s language they understand, [but] they don’t expect that to come from a gay person.” Finney laughed, “It completely blows their mind.”

Using that vocabulary of faith is a powerful tool when communicating with fellow Christians, as Kay Hendrix, Congregational Care Minister at Covenant, found. She told me of an experience she had with a conservative Christian colleague at work. “She knew that I had given my life to Christ, but what . . . puzzled her was how could I do that and be gay. It gave me a chance to interact with her, to show how I could do that. And she could see that there was a difference in my life. That really confused her, because she didn’t think that was possible.”

“As people see that there are people of faith in support [of LGBT equality] it will at least get them thinking that maybe what they were taught is wrong,” Ken Baker of Equality Alabama told me. And in delivering that message, there is a right way and a wrong way. Reverend Lillian knows this better than most. Her father, former Birmingham mayor David Vann was pivotal in the civil rights movement because he was one of the few people trusted by both sides. Reverend Lillian told me that, for LGBT people, “change [will come] not from flags on the capitol, but quiet, safe, civil dialogue.” She said, “you need to make people aware [of the issues facing LGBT people] without frightening them.” Howard Bayless agreed. “Loud and proud doesn’t work here,” he told me. “Behind the scenes is better,” quiet conversation with “a piece of pie and a
It was the quiet power of love that convinced Reverend Bennie Liggins, a straight African American pastor, that equality for gay people was a matter of simple justice. While a military chaplain pursuing his Masters degree in crisis counseling at Emory University, he came face to face with gay people for the first time through work at the local hospital’s AIDS ward. “Homophobia had been a part of my ethos,” Liggins, explained. But after getting to know the men in the ward—most of them African American—his view evolved. “I saw partners who had spent 25 years together. [One of them would be] in the emergency room, and the partner wouldn’t be allowed in,” he recounted. “It became very much a justice issue for me.”

Today, Liggins is one of the Alabama LGBT community’s strongest straight allies. The anti-gay statements made by pastors and politicians sound familiar to him. “This is the same [kind of rhetoric] as [was used] during the civil rights movement,” he told me. As a teen, he witnessed Martin Luther King, Jr. deliver his famous “I’ve Been to the Mountain Top” sermon the night before his assassination. “I’m very much a product of that movement,” he told me.

As a pastor in Montgomery, he helped to grow a United Church of Christ congregation from a handful of members to 700 persons. One Sunday, he invited a lesbian minister to preach, and was shocked by the response. Liggins was accused of bringing “that woman in to teach our kids to be lesbians.” Ultimately, due to his conflict with members of the congregation over the issue of LGBT equality and other matters, he decided it was time for him to move on. Today, Liggins is head of the Unity Worship Center, a ministry focused on problems as diverse as HIV/AIDS education, tutoring disadvantaged students, the needs of incarcerated people and drug abuse.

Liggins emphasized that he is not alone in his views on gay rights. “There are a lot of people like me, but they don’t want to talk about it,” Liggins said. “It’s our scripture too,” he said. “Probably about forty to sixty percent of pastors would tell you that there’s no reason that gays and lesbians cannot be ordained or a full part of the community. But they would never say it openly.” He also urged that “more people who are gay and lesbian Christians have to take up the fight as well . . . They have to stand up and say, ‘I belong here.’”

111. Interview with Howard Bayless, supra note 11.
112. Interview with Reverend Bennie R. Liggins, Pastor, Unity Worship Center, in Montgomery, Ala. (July 23, 2005).
113. Id.
114. Id.
115. Id.
116. Id.
117. Id.
118. Id.
119. Id.
120. Id.
121. Id.
CONCLUSION: BRINGING HOPE

For many LGBT people, heeding Liggins’s call is too difficult or too dangerous. Pastor Finney told me that in many cases, it isn’t “just a matter of coming out or parental approval. It could be a threat to your life.” Tammy and Elise, two of the people quoted in this article, are both teachers and active MCC congregants. Elise and her partner traveled to Provincetown, Massachusetts to get married in 2004. Yet, neither Elise nor Tammy can be as out as they want to be in their communities. “I feel torn,” Tammy told me. “I want to be more of an activist, but because I’m in education, I can’t.”

In the midst of this oppression, many people will continue to find hope, empowerment, and a voice through churches like Covenant and the MCC’s. As Pastor Finney told me, “My job is to be in the middle of this red state and bring hope,” he said. “When I go on public airwaves, TV, the radio stations and all those things, I could care less what other people are saying, the people who debate me or anything like that, I could care less. I’m not going to change their mind, and they’re not going to change mine. My reason for doing that is that somebody is out there listening that needs to hear a voice of reason in the middle of this insanity. And that’s always my goal. That’s always my goal.”

Finney recognizes that achieving equality for LGBT people in Alabama will take a long time and a great effort. But he’s hopeful and determined. When the time comes and the rest of the country has accepted the truth that LGBT citizens deserve equal justice under the law, “Alabama will come kicking and screaming,” Reverend Finney told me. “And so I understand that, and I’m willing to fight in the trenches on this.”

At the same time, Finney is not naïve about the challenges he and others face. “I realize that at any time, in Alabama, a nut could mow you down. I understand that. But you also have to understand that I grew up in the civil rights era, when a threat to your life was a very common thing. So I understand, and I don’t fear death. I’m not homesick,” he laughed, “but I don’t fear death.”

With a smile, he told me, “I understand that the most we can hope for is to fail forward. But somebody has to fail forward here in Alabama.”

123. Interview with Elise, supra note 78.
124. Interview with Tammy, supra note 69.
126. Id.
127. Id.
128. Id.