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A Faith-Fueled Fight

Spiritual principles undergird
couple's decision to press
Arizona marriage lawsuit

By Liz Massey

oe Connolly and Terry Pochert are a Valley couple whose legal 2008 California marriage formed the cornerstone for one of the two cases that brought marriage equality to Arizona on Oct. 17.

Their marriage is now considered valid in the eyes of Arizona's laws, and the lawsuit for which they were the lead plaintiffs (*Connolly vs. Jeanes*) was based on secular arguments.

But to hear Connolly and Pochert tell it, their decision to take a stand for equal relationship recognition is one deeply rooted in their faith and supported by their faith community.

"This lawsuit has been a grassroots, faith-based effort," Connolly said, adding that, for them, the legal proceedings centered on experiences related to their church, University Lutheran Church in Tempe.

As it turns out, attorney Shawn Aiken has also attended the church, and some of the earliest efforts to recruit additional plaintiffs relied on current or past church affiliations.

IN THE BEGINNING

The couple's California wedding, on July 4, 2008, was the culmination of years of commitment. They originally met in 1995 in Michigan, where both of them held jobs in the media industry.

They quickly fell in love and moved to Arizona in 1998 after Pochert retired to work on various business projects. When California began offering same-sex marriage in June 2008, Connolly and Pochert jumped at the chance to obtain legal recognition for their bond. At the time, marriage equality in Arizona seemed light years away.

"We wish we could have been the first couple in Arizona to legally marry,"

Pochert said. “But we wanted to seal our relationship as soon as possible.”

The couple was pleased that they had been able to marry during the four-month window in which same-sex marriages were being legally performed in California — before the passage of Proposition 8.

When that marriage-blocking initiative was invalidated by the U.S. Supreme Court in June 2013, and their marriage was once again clearly recognized, at least in one state, the two began discussing what they could do to push marriage forward in the Grand Canyon State.

ACTION IN ARIZONA

“We’re a couple that’s just lived our lives,” Pochert said. “We’re not activists. But after the Supreme Court decisions, we began talking to each other, saying, ‘What can we do to help?’”

Their motivation was further stoked by their friendship with a same-sex couple at University Lutheran, who each had a child from a previous relationship and became parents to another child.

They had mentored the children of this couple, and after the court’s decision, they realized how vulnerable the family was, since only one member of the couple could legally be considered the parent for each of the children.

After looking into a few other options, Connolly and Pochert turned to church acquaintance Aiken, hoping he could recommend an attorney willing to represent them in the lawsuit. To their surprise, Aiken

told them he’d take the case himself. The suit, with its four initial plaintiffs, was originally filed on Jan. 6, 2014. Several more plaintiffs were added shortly thereafter, and the suit was re-filed in February.

Aiken said that he agreed to take the suit, in part, because he was looking for a significant, interesting case to work on, and because the outcome could potentially impact so many same-sex couples in Arizona. He also said he agreed to represent Connolly and Pochert because he knew they had the commitment to see the legal proceedings through to the end.

“Joe and Terry (and all of the plaintiffs) agreed to give up the last shred of their privacy in service of this lawsuit and other Arizonans,” Aiken said. “Their strength and patience led to the unwavering commitment needed to see this through. Others may not have withstood the pressure or scrutiny brought on by the case.”

FREEDOM OF RELIGION

Religion — Connolly’s and Pochert’s, specifically — played a key role in their decision to invest themselves in an action as public as a lawsuit.

They originally sought to include a “freedom of religion” argument for marriage equality in their case, along with the Constitutionally based equal-protection and full-faith-and-credit arguments that eventually prevailed.

“When we started, I wanted the suit to be about religious freedom,” Connolly explained. “We were planning on using the arguments advanced in *Windsor* (the federal case that dismantled a large portion of the Defense of Marriage Act), but they were preventing us from marrying within our faith.”

University Lutheran is a member of the Evangelical Lutheran Church in America, a denomination that affirmed in 2009 that its clergy may officiate same-sex marriage ceremonies. But not all religious groups are so open minded, they’d learn.

“We were very upset that the state of Arizona hired attorneys from the Alliance Defending Freedom, an ultra-right religious organization, to defend the suit,” Pochert said. “They didn’t represent *our* faith in the least.”

THE STATE OF THE UNIONS

One of the aspects that made Arizona’s marriage equality court battle unique was that Connolly and Pochert’s suit was not merged with a similar suit in the state that had been filed by the Lambda Legal team (*Majors vs. Jeanes*, formerly

Majors vs. Horne).

However, attorneys from both cases met and had friendly interactions throughout the time when their cases were being decided.

Connolly said that he and Pochert had not met any of the other plaintiffs in their suit until a week after their case was filed, and didn’t get a chance to meet some of them until the ruling was handed down last month. But, he said, the couple felt they had a connection with all of the LGBT persons represented in both cases.

“It’s amazing that 33 people came together in two lawsuits to fight for marriage in Arizona,” he said. “All of them had compelling stories, and had a good mix of similarities and unique situations.”

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Attorney Shawn Aiken represented Connolly and Pochert in their suit.

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— Terry Pochert

The couple said that they have been “overwhelmed” by the positive response that has come their way in the aftermath of the ruling.

Connolly, who started a new technical writing job the day the lawsuit was initially filed, said that his boss had been understanding about the legal process and that he had received almost 100 percent positive feedback from those in his workplace who recognized his name in news reports on the ruling.

THE NEXT STEPS

Despite the joy and celebration that followed their court case’s role in bringing marriage equality to Arizona, Connolly and Pochert are adamant that the battle for LGBT equality isn’t over, citing employment,

education and adoption laws as three areas where laws need to be changed in order to ensure people of all sexual orientations and gender identities are treated fairly.

As a first step, Connolly and Pochert are working with others to develop a marriage enrichment course for same-sex couples at their church and hope to play a role in facilitating discussions in churches about LGBT relationships.

Connolly credited a relationship-enrichment class that he and Pochert attended at Faith Lutheran Church in central Phoenix when they first moved to the Valley with helping them enjoy their long and happy relationship.

“Pastor Richard ‘Dick’ Staats and his wife, Linda, gave us the tools to manage our relationship, including the tough spots,” he said. “That’s a real gift. Our



Dotting i's: Making things official at the couple's California wedding.

hope is that every same-sex couple gets that chance.”

Pochert noted that Rev. Staats (now retired) provided a good example for believers in how he treated the couple more than a decade ago — one that could be helpful for faith communities welcoming newly married same-sex couples into their midst now.

“Pastor Dick would wait

for us both to get to the communion rail before serving us. That tiny little statement to Joe and I was so powerful,” he said. “As we go into the future, watching the words that we use, the way we shake hands, matters — we can speed along healing with these small gestures of respect to same-sex couples.”



My favorite quote is from J.R.R. Tolkien “Little by little, one travels far.”

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Community Advocate, and a student of a Maricopa Community College

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