

American Civil Liberties Union

American Civil Liberties Union Fund of Michigan

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March 7, 2008

Mark Robison
President
Brotherhood Mutual Insurance Co.
6400 Brotherhood Way
Fort Wayne, Indiana 46825

Dear Mr. Robison:

The ACLU of Michigan recently became aware of Brotherhood Mutual's decision to deny property insurance coverage to the West Adrian United Church of Christ in Michigan.

According to an article which appeared in the *Wall Street Journal*, dated January 8, 2008, Brotherhood turned down the Michigan church because of its support for same-sex marriage and the ordination of gay clergy. Brotherhood cited alleged property damage to churches that have taken "controversial stances" as the reason for this denial. While churches have had their coverage revoked in the past in response to specific acts of violence or property damage, we believe that is highly unusual for an insurance company to deny coverage because of fears about a backlash regarding a political position, rather than actual acts of violence or threats of violence against the church. Indeed the West Adrian's Pastor, Reverend John Kottke has stated that there have been no acts of violence or threats against his church, or its parent organization. Furthermore, unlike other local branches of the United Church of Christ, West Adrian has never officially endorsed a resolution specifically affirming gay rights.

Brotherhood's spokesperson in the article, Mitzi L. Thomas was unable to cite any examples of violence attributable to a church's support for gay clergy or same-sex marriage. She also did not provide any examples as to how support for gay rights has resulted in litigation against churches. Certainly there has been no split in the United Church of Christ, a socially progressive church, over its position in support of gay rights. Ms. Thomas indicated that Brotherhood has refused to insure churches that have advocated violence, are part of a militia group, have engaged in picketing at military funerals, and have made statements against religious leaders of other faiths, where there have been incidents of property damage and litigation associated with these positions.

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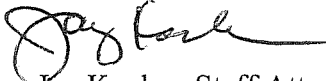
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This is not the first time that Brotherhood Mutual has taken negative action against a church for its supportive stance on gay issues. In 2003, after being insured for 13 years, Brotherhood Mutual terminated the insurance of the Skyridge Church of the Brethren in Kalamazoo because of “taking a stand on the controversial issue of ordaining homosexuals,” as stated by Bridget Simpson, Senior Manager for Customer Service for your company at the time. Ms. Simpson, in her letter dated June 3, 2003 stated that “(t)he publicity is viewed as an increase in hazard by the underwriting department.” Her letter did not refer to any specific policy or facts to support this contention.

We are concerned that Brotherhood Mutual, in denying West Adrian, has made a subjective judgment as to what constitutes an insurance risk, without any regard to actual facts and actuarial information to support this contention. We believe that Brotherhood’s rationale for denial provides an open invitation for insurance companies to discriminate against churches based on their political viewpoints, regardless of whether or not the church is an actual insurance risk for property damage.

I would appreciate the opportunity to discuss this matter further with someone from your organization. Should we not receive a response from your organization, we will request that the Michigan Office of Insurance and Financial Services look into this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Jay Kaplan", with a long horizontal flourish extending to the right.

Jay Kaplan, Staff Attorney
LGBT Project
(313)578-6812



Skyridge Church of the Brethren

394 South Drake Road
Kalamazoo, MI 49009-1112
Telephone: (269) 375-3939

February 1, 2008

Ms. Mitzi Thomas, Vice President of Corporate Communications
Brotherhood Mutual Insurance Company
6400 Brotherhood Way
Ft. Wayne, IN 46825

Pastor:
Debbie Eisenbise

Dear Ms. Thomas:

A recent article in *The Wall Street Journal* (Tues. Jan. 8, 2008) stated "Ms. Thomas said she wasn't aware of other churches Brotherhood Mutual turned down because of positions on gay clergy or marriage...." We are writing to inform you that the rejection of a quote for the West Adrian United Church of Christ congregation may have been the first *quote* rejected for this reason, but not the first time your company has refused insurance on these grounds.

In 2003, after being insured at our current location by Brotherhood Mutual for thirteen years, our insurance policy was terminated due to "a stand on the controversial issue of ordaining homosexuals." (Please see a copy of the attached letter from Bridget Simpson, Senior Manager of Customer Service for your company at that time.) Our response was to seek another insurance carrier and to inform other open and affirming congregations in our denomination and amongst the Mennonites of your action. (Please see our attached response.)

Congregations, agencies and individuals who came to know of our situation were at the time outraged and a number wrote to your company with regard to your policy. Some, we know, looked elsewhere for insurance, because supporting the inclusion of all people is *not* a real liability, and should never be considered such.

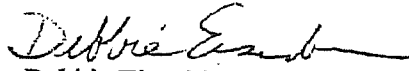
In Kalamazoo and our environs, there are at least six publicly open and affirming congregations and at least a dozen more which welcome gay and lesbian people openly but have not taken a decidedly public stand. None of us have ever experienced any kind of vandalism or difficulty related to this. Our historic peace stance is a much more volatile issue than our support of those of all sexual orientations who wish to join the church.

Five years ago, when we received your notice terminating our insurance, we thought that your agency was misguided and shortsighted. Now, we see that you have chosen to imbed homophobia in your corporate structure and through your policies encourage culture prejudice that has no basis in reality.

We are quite pleased with the insurance coverage we are now receiving from one of your competitors. We hope they will gain more business from the disclosures made by *The Wall Street Journal*. The church can not be dissuaded from practicing grace and love for all people as Jesus taught, regardless of any consequences.

Yours in Christ,


Wayne Theobald, Church Board Chairperson


Debbie Eisenbise, Pastor

***Continuing the work of Jesus *Peacefully *Simply *Together**



6400 Brotherhood Way

P.O. Box 2227

Fort Wayne, IN 46801-2227

260.482.8668

fax: 260.483.7525

www.brotherhoodmutual.com

June 3, 2003

Jan Wright
Skyridge Church of The Brethren
394 S Drake Rd.
Kalamazoo, MI 49009

Subject: Cancellation of Policy
Policy Number: 21M5A046988

Dear Ms. Wright:

Thank you for giving us an opportunity to answer your questions regarding the cancellation of your insurance policy.

Skyridge Church of the Brethren drew publicity and media attention to their church by taking a stand on the controversial issue of ordaining homosexuals. The publicity is viewed as an increase in hazard by the underwriting department.

Therefore, the underwriting department is not willing to continue coverage or rewrite this risk. Your insurance coverage will cancel on August 20, 2003.

Should you have additional questions you may contact me at 1-800-333-3735, ext. 5660.

Sincerely,

A handwritten signature in cursive script that reads "Bridget A. Simpson".

Bridget A. Simpson, CIC, CISR
Senior Manager - Customer Service

C: Dykstra Agency #0134



P.O. Box 2227
Fort Wayne, MI 48801-2227

POLICY NUMBER

21W5A0239514

**CANCELLATION
OR NONRENEWAL**

AGENT 0134 DYKSTRA AGENCY INC
AGENT PHONE 616-364-9421

YOUR POLICY WILL NOT BE RENEWED AND COVERAGE
WILL CEASE ON 12/20/03 AT THE HOUR INDICATED
IN THE POLICY.

DOES NOT MEET CURRENT UNDERWRITING
GUIDELINES

SKYRIDGE CHURCH
OF THE BRETHREN
& JAN WRIGHT
394 S DRAKE RD
KALAMAZOO MI 49009

Tom Rozema CPCI
VICE PRESIDENT - UNDERWRITING

INSURED'S COPY 9/17/03

(MICHIGAN)

Your Right to a Hearing: If you have any reason to believe that we have improperly denied you of your insurance, or charged an incorrect premium for that insurance, you are entitled to have your complaint resolved through one of the procedures described below and to a review by the Michigan Insurance Bureau if we fail to resolve the dispute.

We will provide you, upon request and payment of a reasonable copying charge, with information pertinent to the denial of insurance or to the premium charged.

We will attempt to resolve any dispute promptly and informally, while protecting both your interests and ours. You have the right to participate in any process for resolving the complaint either by telephone discussion, by mail or by a private informal managerial level conference. If conference is by telephone, we will identify all persons listening to the telephone conference by name and title. We will either provide toll free telephone service or pay all telephone charges associated with such telephone conferences. If you wish to have a private conference by telephone, please call us collect at the following number, unless the number indicated is toll free:

1-800-333-3735

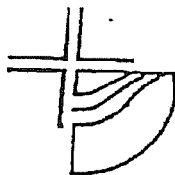
If we fail to provide a process for resolving the complaint and a proposed resolution within 30 days after your request or if you disagree with the proposed resolution after processing your complaint, you are entitled to a determination of the matter by the Commissioner of Insurance.

If you wish to review any complaint with us, please contact us at the address shown above. This should be done before contacting the Michigan Insurance Bureau. If after conferring with us you feel the dispute has not been satisfactorily resolved, you may contact the Michigan Insurance Bureau, PO Box 30220, Lansing, Michigan 48909.

You also have the right to appoint another person to act in your behalf throughout the appeal process.

Replacement of Your Home Insurance: If the policy being terminated is one that insures your home and you wish to replace such insurance you should attempt to obtain such insurance in the voluntary insurance market by contacting your agent or another insurance company. If such insurance is unobtainable in the voluntary market, you may be able to obtain insurance through the Michigan Basic Property Insurance Association, 200 Renaissance Center, Suite 1500, P.O. Box 33617, Detroit, Michigan, 48243 (Phone Number: 313/877-7400). Either consult your agent or contact the Association directly for information on applying for insurance through the Association.

IF THIS NOTICE PERTAINS TO AUTOMOBILE LIABILITY INSURANCE, ACCORDING TO MICHIGAN LAW, YOU MUST NOT OPERATE OR PERMIT THE OPERATION OF ANY MOTOR VEHICLE TO WHICH THIS "NOTICE" APPLIES, OR OPERATE ANY OTHER VEHICLE, UNLESS THE VEHICLE IS INSURED AS REQUIRED BY THE LAW.



Skyridge Church of the Brethren

394 South Drake Road
Kalamazoo, MI 49009-1112
Telephone: (269) 375-3939

Pastor:
Debbie Eisenbise

October 20, 2003

Bridget A Simpson
Senior Manager - Customer Service
Brotherhood Mutual Insurance Company

Dear Bridget,

Skyridge is a special place and we are blessed to be able to share our ministry with others. While we were disappointed at your recent cancellation of our policy due to 'publicity and media attention', other churches in our denomination (Church of the Brethren) have expressed dismay. These other churches include congregations that agree and disagree with our stance as an open and affirming church for gays and lesbians.

The reason the other churches in our denomination have expressed dismay at your action stems from the heritage of the Church of the Brethren. Congregants of the denomination have in the past, and will in the future, take stands in accordance with their understanding and interpretation of the New Testament. These stands include many positions that may draw 'publicity and media attention' on controversial issues. These stand for the other churches include issues such as non-violent approaches to conflict resolution and pacifism in general.

Other churches in the denomination have asked us where your action leaves them. While we cannot answer for you, we can share with other churches our experience and your rationale as expressed in your correspondence of June 3, 2003 on this particular matter.

Blessings,

Chuck Miller
Stewards Committee Chair