

Same-Gender Ceremonies & Church Law
WPA Annual Conference
Saturday, June 7, 2014
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This is meant to be an initial conversation of several throughout the year with regard to the issue of human sexuality and, in particular, our church's stance on the issue of same-gender ceremonies. More specifically, in cooperation with a team of pastors and laity from throughout our Annual Conference, I will be hosting a series of conversations over the next two years in anticipation of our 2016 General Conference session in Portland, Oregon.

The basis of those conversations will be centered on what I consider to be a higher-level question:

“How can we enter into deep, civil respectful conversations around subjects in which we disagree for the sake of the church that we love?”

More specifically,

“How can we preserve the unity of the church and be fully inclusive in the midst of our diversity?”

Whether or not we are able to answer these questions could, quite possibly, be a determining factor as to whether or not this denomination, as we now know it, survives.

Today, however, this may be more of a presentation than a conversation given the limits of our time and the need to set a proper context for future conversations. Today I wanted to lay out a brief foundation by addressing some of the questions that have come my way in response to what has been a very interesting and

diverse season for our church in relationship to these issues. More directly, the main question being asked is,

“How is it possible for us to see so many different outcomes to the issue of same-gender ceremonies when we have one Book of Discipline?”

It is very safe to say that our Book of Discipline has two very distinct and, it can be argued, competing viewpoints. On the one hand, Paragraph 161(f) of the 2012 Book of Discipline clearly states, *“We affirm that all persons are individuals of sacred worth, created in the image of God. All persons need the ministry of the Church in their struggles for human fulfillment, as well as the spiritual and emotional care of a fellowship that enables reconciling relationships with God, with others, and with self. The United Methodist Church does not condone the practice of homosexuality and considers this practice incompatible with Christian teaching. We affirm that God’s grace is available to all. We will seek to live together in Christian community, welcoming, forgiving, and loving one another, as Christ has loved and accepted us. We implore families and churches not to reject or condemn lesbian and gay members and friends. We commit ourselves to be in ministry for and with all persons.”*

Yet, our Book of Discipline clearly states in Paragraph 341.6 that, *“Ceremonies that celebrate homosexual unions shall not be conducted by our ministers and shall not be conducted in our churches.”* Further, in Paragraph 2702.1 it also states that one of the chargeable offenses within our church is *“practices declared by The United Methodist Church to be incompatible with Christian teachings, including but not limited to: being a self-avowed practicing homosexual; or conducting ceremonies which celebrate homosexual unions; or performing same-sex wedding ceremonies.”*

While that appears to be very clear-cut, there are several interesting considerations for us to ponder:

- 1) If our discipline encourages, in fact, implores families and churches not to reject or condemn lesbian and gay members and friends and if we commit ourselves to be in ministry for and with all persons, how do churches that have taken that part of our discipline seriously react when persons from the LGBTQ family approach them about ways in which they can be affirmed and recognized as people of sacred worth and used in the life of the congregation?
- 2) What does “celebrate” a homosexual union really mean? Webster’s Dictionary gives broad parameters in its definition: celebrate can mean throw a party or it can mean conduct a ceremony. Does the discipline prohibit one in 341 and authenticate another in 161f?
- 3) What does “in our churches” mean? Is that a literal interpretation – inside the walls of our church buildings or is it a broad interpretation with “our church” meaning the body of Christians who can assemble anywhere in a community and still be recognized as the people of Anytown United Methodist Church?

What I am suggesting to you is that our Book of Discipline is not as helpful in declaring what is or isn’t allowed as one might think.

Let’s take a look at the variety of responses to same-gender ceremonies that have happened over the past several months:

- 1) In November of last year, Frank Schaefer, a former UM pastor, was defrocked, stripped of his clergy credentials after he was found guilty of violating church law when he officiated at the marriage of his gay son. This case is being appealed, a clear provision in our BOD, and which will be

heard on June 20th. The appeal is centered on whether or not the trial was conducted in a proper fashion.

- 2) In the Pacific-Northwest, two pastors under complaint for performing same-sex unions, Rev. Cheryl Fear and Rev. Gordon Hutchins, were given twenty-four hour suspensions without pay.
- 3) In March of this year, a Just Resolution was reached without a trial in response to a complaint filed against Rev. Thomas Ogletree in New York.
- 4) And in October of last year, Bishop Melvin Talbert officiated at a same-sex wedding in Birmingham, Alabama. A complaint was filed in the appropriate manner and the outcome is still being determined. The interesting complication in this matter is that Bishop Talbert not only performed a same-gender ceremony, he is also accused of “undermining the ministry of another pastor” by performing that ceremony in another episcopal area against the wishes of the bishop of that area.

The question that is being asked is:

“How can the church have four incidences of same-gender marriages and have four different outcomes?”

The question, on one level, is very simple. While our Book of Discipline is very clear on what is a “Chargeable offense,” nowhere in the Book of Discipline is there a prescription of what the sentence must be for those offenses. None of the decisions stated above are outside the bounds of our Book of Discipline. Each “verdict” is acceptable and permissible because the Book of Discipline only states the violation, not the specific sentence.

This is not unlike how any other chargeable offense is treated in Paragraph 2702. In the case of “immorality” there are some who believe that this is a “one and done” offense and the sentence is

the surrendering of one's credentials. There are others who believe that through confession, counseling, and time, persons who commit this offense can and should be given another chance in ministry. Some people line up on the side of surrendering credentials while others line up on the side of restoration and healing. Which prescription is right? The Book of Discipline does not say, leaving a broad range of possibilities for the outcome of that complaint.

It is also important to note that when a complaint is filed, the complaint is between the person filing the complaint and the one to whom the complaint is focused, the respondent. It is, by Discipline, the role of the bishop to work tirelessly for what the Discipline calls a "just resolution" between the complainant and the respondent. What is difficult for some to embrace is that the just resolution is based on a mutual agreement between those two parties, not everyone else who would like to weigh in on what their opinion. So, when the two parties reach a mutually agreed upon solution and a signed Just Resolution is achieved, the matter ends. It ends confidentially unless, for example, a change of status is request of the BOOM as a part of the Just Resolution. It may not end like you would like. It may not even end like I would like – but the role of the bishop is to mediate and strive for a Just Resolution between the two parties.

There is one exception and that is what happened in the Thomas Ogletree case in New York. There was no "Just Resolution" achieved between the complainant the respondent. When no "Just Resolution" is reached, the matter is then turned over by the bishop to a person called the "counsel for the church." This person, a full elder in the conference, does her/his own investigation of the matter. She/he can write up a bill of charges and begin the process of a Church Trial or send it back to the bishop for further work. This work used to be done by a group called the Committee on Investigation; however, that group for

some reason was dissolved in the 2012 BOD leaving the entire responsibility to one person, the counsel for the church. In that particular case, the trial bishop determined that there was not enough work done in working toward the Just Resolution and asked the counsel for the church to do more work in that area. That raises two very interesting features of our Book of Discipline.

- 1) A bishop who presides at a trial, usually a retired bishop, is bound by Paragraph 2707 of the Book of Discipline which states: *“Church trials are to be regarded as an expedient of last resort. Only after every reasonable effort has been made to correct any wrong and adjust any existing difficulty should steps be taken to institute a trial.”* In the Ogletree case, it was determined that not enough work toward a Just Resolution had taken place and the matter was referred back to the counsel for the church.
- 2) The second interesting point is that according to the BOD, when a complaint is turned over to the counsel for the church it becomes the property of the church and not the property of the original complainant. The person filing the complaint agreed that the complaint was not a result of any harm done to him but was filed because of his belief that Ogletree’s action had done harm to the church. When it went to the counsel for the church, it became a church matter. The counsel for the church was able to reach a Just Resolution with Rev. Ogletree and a signed Just Resolution was achieved, thus ending the matter.

There is also one additional matter that needs to be clarified. Frequently when these matters arise, people like me get letters from folks who simply say, *“Bishop, what are you going to do about this?”* While I’m flattered by those comments I have to confess that bishops in The United Methodist Church do not have the power that bishops in some other denominations possess. Some bishops, for example, have the power to close churches at

will. I do not. They, according to their church laws, can make declarations on controversial actions. I cannot.

The only power that a UM bishop truly has is the power to appoint pastors to their various assignments (a power which is being questioned more and more every appointment season). Beyond that, a bishop's role is to carry out the decisions of the church that are reached by the two other branches of leadership in the church: the legislative branch and the judicial branch (We have three branches of leadership in our polity: the episcopal branch, the legislative branch, and the judicial branch). I can make a ruling of law based on a question raised at Annual Conference, but that ruling cannot take effect until the Judicial Council says yes or no to my decision. I appoint pastors but I do not have the authority to determine who will become a pastor. If I think a person should be ordained an Elder and the Board of Ordained Ministry decides otherwise, that person does not become a pastor. I only respond to the decisions made by the Board of Ordained Ministry. An interesting side note is that the General Conference has given the Annual Conference complete autonomy and discretion on the examination, approval and conduct of its pastors with one exception: performing same-gender ceremonies. It is the only directive on pastoral conduct passed down from the General Conference. All other directives come at the discretion and direction of Conference Boards of Ordained Ministry.

This reality is most especially true in the case of the General Conference. The Book of Discipline is very clear that the only body that can speak for The United Methodist Church is the General Conference. Not the bishops, not the Annual Conferences. The only way that church law can change is by action of the General Conference (which is also held accountable when decisions are referred to and reviewed by the Judicial Council). This is frustrating on a couple of fronts:

- 1) The General Conference only meets every four years.
- 2) It is made up of representatives (1/2 clergy/1/2 laity) from across the globe based on membership statistics within Annual Conferences.
- 3) It is a body of anywhere from 600 to 1,000 delegates. It might be noted that the last split in the church, which was anything but amicable, took place when there were only 180 delegates in attendance, all of which were clergy.
- 4) Many within the church are frustrated that the debate on our stance on homosexuality has been going on for over forty years. It all started in 1972 when the new Social Principles were presented. The “incompatible” language was a result of a motion on the floor during the final day of that conference. We have reached a point where the General Conference has become unable to have the credible, civil conversations I am hoping we can have here in our Annual Conference. The inability to have a credible, sustained conversation is demonstrated by the recurring pattern that has taken place at the site of the General Conference. Once the vote is taken on maintaining the current stance, a protest ensues, a negotiation happens which, as a result, ceases any further conversation and before we know it, any attempt at civil discourse has disappeared.

I am of the opinion that this pattern cannot continue. More and more states are permitting same-gender marriages. More and more pastors and congregations are being confronted with the pressures of what they are to do in response to the disciplinary mandate to involve all people in the life of their church. The ability we have had to make a decision and everyone walk away either celebrating their victory or licking their wounds will not be a pattern, moving forward, that will see the denomination remaining intact, as we now know it.

If we love our church, and I know that everyone here does, we must find a way to draw deep into the well of God's mercy and grace and find a way for good, kind, loving, people who share different theological perspectives, to have deeply prayerful, thoughtful conversations about how we preserve the unity of the church and be fully inclusive in the midst of our diversity.

Bishops cannot solve this issue. We are powerless, really. Annual Conferences cannot legislate changes that will solve this issue. They too are powerless, really. General Conference, up to this point has demonstrated its own version of dysfunction and powerlessness. But I believe that a ground swell of concerned, loving United Methodist Christians can create a movement of grace that can demonstrate to ourselves and the world that good people who disagree can indeed find a way to love one another and work together to preserve a church that has a wonderful theology, an enviable connectionalism, and a dynamic mission focus that deserves being maintained.