

POSSIBLE CONSEQUENCES OF POSSIBLE ACTIONS REGARDING MARRIAGE EQUALITY

DOCUMENT OVERVIEW

On June 24, 2015, the U.S. Supreme Court (SCOTUS) issued a ruling in favor of marriage equality, which legally recognized same-sex marriages in all 50 states. Prior to that time, United Methodist pastors in states where marriage equality was already in place faced a major dilemma, and since the 2015 SCOTUS decision this dilemma extends to all UM clergy. That is, should they minister to and perform weddings for all congregants, including LGBTQ members? Or should pastors uphold the *Book of Discipline*, which requires them to fully minister to some and not to others?

Current church policy poses a challenge for laity as well. Individuals who value inclusion and equality may wrestle with their participation and stewardship in a congregation whose actions do not align with their core beliefs. Along those same lines, laity who embrace more traditionalist theological views about the bible and *Book of Discipline* may find discussions and steps toward equality for all members to be misaligned with their core beliefs.

Nationwide, there are a number of congregations in which clergy and laity have decided to be in ministry with all rather than exclude any. This document highlights the actions that some churches have taken and the potential consequences for both clergy and laity. Where possible a case study, that is, precedents or known examples from the connection, are provided.

Please note that this document is informational and meant for conversation and discussion. As always, the Discernment Team encourages everyone to prayerfully discern the ways that God is calling FUMC Austin to be in ministry together and with our neighbors.

SCENARIO 1: FUMC Austin clergy officiate at same-sex wedding ceremonies, regardless of location.

SCENARIO 2: Same-sex weddings are held on FUMC Austin premises, whether FUMC Austin clergy or other clergy officiate the ceremonies.

Consequences:

- Any United Methodist lay or clergy member, within or outside of the Rio Texas Annual Conference, could file a complaint against Taylor Fuerst as senior pastor. Michael Mumme and Cathy Stone, as associate pastors, could also face complaints.
- A complaint would be possible if same-sex weddings are conducted on FUMC Austin's premises and/or Taylor or other clergy conduct a same-sex wedding.
 - Complaints would be based on the violation of ¶2702.1(b) of the 2016 *Book of Discipline* which includes "conducting ceremonies which celebrate homosexual unions; or conducting ceremonies or performing same-sex wedding ceremonies."
 - Allowing same-sex weddings to occur within the church facilities, because it is expressly prohibited by the *Book of Discipline*, could also be considered a chargeable offense under ¶2702.1(d) as "disobedience to the order and discipline of the United Methodist Church."
 - Elders bear the responsibility for any services of worship that take place on their premises, thus same-sex wedding ceremonies performed by non-United Methodist clergy on FUMC Austin premises are still problematic.
 - With regard to marriage ceremonies, ¶340.2(3a) states that "the decision to perform the ceremony shall be the responsibility of the pastor."
 - Although not guaranteed, a complaint against the senior pastor (or other clergy) could be resolved by a just resolution by the Bishop.
 - Subject to a six-year statute of limitations, complaints could result in church trial.

Any United Methodist who feels called to do so may file a complaint against lay members of FUMC, and in this case, members of the FUMC Discernment Committee in accordance with ¶2702.2(c) and ¶2702.2(d) of the 2016 *Book of Discipline* which deems the following as chargeable offenses: c) disobedience to the order and discipline of the United Methodist Church; and d) dissemination of doctrines contrary to the established standards of the UMC.

- Should a complaint surface, the pastor or District Superintendent, in compliance with ¶2703.3 of the *Book of Discipline*, will work to resolve the complaint.
- If a resolution is not reached, additional procedures occur that can lead to trial.

Case Study–Scenario 1

- Some churches, notably Foundry UMC in Washington, DC, have permitted same-sex weddings on their premises without repercussions.
- The last known church trial took place in 2013 and was that of Rev. Frank Schaefer, who presided at his gay son's wedding in 2007. He was found guilty and defrocked, but later reinstated in another conference in 2014.
- Since 2013, more than 50 known complaints have been filed against UMC clergy, including two bishops, in connection with same-sex wedding ceremonies. All have either been ignored or resolved by just resolution with results varying from minor limitations of pastoral duties to complete suspension.

Case Study–Scenario 2

- Following the 2015 SCOTUS decision, one Capital District church celebrated all marriages. Complaints were filed against the senior pastor, but were resolved before proceeding to trial.
- In 2014, several retired Rio Texas Annual clergy agreed to conduct same-sex weddings and there were no repercussions following their announcement.
- At least three Capital District pastors (one in full connection and two retired) have conducted same-sex weddings following the 2015 SCOTUS decision. Complaints have been filed against all the three clergy but have not resulted in long-term pastoral limitations.
- There are five reconciling UM churches in the Capital District. No complaints have been filed against laity who lead reconciling efforts for same-sex weddings.

NOTE: FUMC Austin clergy have stated they will not at this time perform same-sex weddings because performing same-sex weddings is prohibited by the Book of Discipline, and therefore they view it as a breach of their ordination vows to uphold the order and discipline of the UMC. For this reason, any aspect of either Scenario 1 or Scenario 2 is unlikely in the near future without such a change.

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