



Issue Paper

The United Methodist Church and Same Sex Marriage

Official Position as of the 2004 Book of Discipline

¶161.II.C — **Marriage** -- We affirm the sanctity of the marriage covenant that is expressed in love, mutual support, personal commitment, and shared fidelity between a man and a woman. We believe that God's blessing rests upon such marriage, whether or not there are children of the union. We reject social norms that assume different standards for women than for men in marriage. We support laws in civil society that define marriage as the union of one man and one woman. The 1996 Book of Discipline inserted the language "Ceremonies that celebrate homosexual unions shall not be conducted by our ministers and shall not be conducted in our churches."

¶2702—**Chargeable Offenses and the Statute of Limitations**-- A bishop, clergy member of an annual conference (¶368), local pastor,¹⁴ clergy on honorable or administrative location, or diaconal minister may be tried when charged (subject to the statute of limitations in ¶ 2702.4)* with one or more of the following offenses: (a) immorality including but not limited to, not being celibate in singleness or not faithful in a heterosexual marriage;*** (b) practices declared by The United Methodist Church to be incompatible with Christian teachings¹⁵ including but not limited to: being a self-avowed practicing homosexual; or conducting ceremonies which celebrate homosexual unions; or performing same-sex wedding ceremonies;*** (c) crime; (d) failure to perform the work of the ministry; (e) disobedience to the Order and Discipline of The United Methodist Church; (f) dissemination of doctrines contrary to the established standards of doctrine of The United Methodist Church; (g) relationships and/or behavior that undermines the ministry of another pastor;¹⁶ (h) child abuse;** (i) sexual abuse;¹⁷ (j) sexual misconduct** or (k) harassment, including, but not limited to racial and/or sexual harassment; or (l) racial or gender discrimination.¹⁸

¶341.6 of the *2004 Discipline* says, "ceremonies that celebrate homosexual unions shall not be conducted by our ministers and shall not be conducted in our churches." The paragraph proscribes certain conduct by the clergy of The United Methodist Church.

Historical Background of the Issue

Preceding the issue of same sex marriage was interracial marriage. In December of 1912 a Georgia Representative proposed a constitutional amendment that would limit marriage between the races. This is the first mention of federal involvement in an issue that had been primarily governed by state law.

In 1970, Jack Baker, a student at the University of Minnesota, unsuccessfully applies for a marriage license with his partner, Jim McConnell. They do, however, manage to file joint tax returns in 1972 and 1973." In 1971, the Minnesota Supreme Court ruled in one of the Baker-McConnell lawsuits that "the institution of marriage as a union of man and woman uniquely involving the procreating and rearing of children within the family is as old as the book of Genesis." In 1976, two gay men participated in a service of "holy union." They had asked for and were denied the blessing of the Episcopal Church for this union. In 1977, child custody for same sex couples became an issue.

In 1983, spousal rights for same sex couples came to the forefront in a case where the care of a brain-damaged quadriplegic by her same sex partner was challenged by the patient's family. In 1984 the first domestic partnership laws were passed by the City of Berkley, California. In July of 1989, the New York Court of Appeals rules that a lesbian or gay couple living together for at least 10

years can be considered a family for purposes of rent control protection, the first time a state's highest court rules that a gay couple can be called a family.

In 1992 same sex couples began to receive domestic partner benefits. In 1996, President Clinton signed the "Defense of Marriage Act," which defined marriage as "a legal union between one man and one woman as husband and wife" and defines a spouse as "a person of the opposite sex who is a husband or a wife." On September 14, 1997 the Reverend Jimmy Creech, senior pastor of First United Methodist Church in Omaha, Nebraska, performed a covenant service for two women. Afterward, charges were brought against him and a confidential process of review begun in Nebraska Annual Conference. In late summer, 1997, a few weeks after Rev. Jimmy Creech performed the service of blessing for a lesbian couple, Rev. Gregory Dell of *Broadway United Methodist Church* in Franklin Park, Illinois presided at his 33rd same-sex ceremony. The Judicial Council eventually upheld the legality of the prohibition of the union of same sex couples in the Discipline.

On May 21, 2003, the Federal Constitutional Amendment was introduced. Rep. Marilyn Musgrave introduces a proposed amendment to the Constitution of the United States, which declares: "Marriage in the United States shall consist only of the union of a man and a woman. Neither this Constitution or the constitution of any State, nor state or federal law, shall be construed to require that marital status or the legal incidents thereof be conferred upon unmarried couples or groups." The long history of controversy about marriage, first interracial marriage and later same sex marriage, indicates that this has been an issue for almost 100 years in this country. The issue of same sex marriage continues to be one of the most divisive issues in American politics and culture and in the United Methodist Church.

Why This Will Be an Issue for This General Conference

In February of this year, Foundry United Methodist Church in Washington D. C. announced that it will recognize same-sex unions in special ceremonies that fall just short of an official wedding. Though it is among a handful of United Methodist churches to do so, the action, which became effective February 1, has aroused new interest in the issue. In the church's February newsletter, Reverend Dean Snyder, the church's pastor, announced he will lead services that "recognize and honor lesbian and gay committed relationships." These church services, however, will not be "ceremonies that celebrate homosexual unions" as provided in the Church's Book of Discipline. Dr. Snyder said that this action reflects an "attempt to be ecclesiastically obedient while at the same time offering pastoral care to our members."