

Why Judicial Council Decision 1032 Must Be Reversed or Overturned:

An Open Letter to the Council of Bishops of The United Methodist Church

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To the Council of Bishops:

In your unanimous “Pastoral Letter to the People of The United Methodist Church” dated 2 November 2005, you addressed the effects and implications of Decision 1032 of the Judicial Council of The United Methodist Church, dated 29 October 2005. Your pastoral letter explained the circumstances of the case which lead to Decision 1032 in this way:

The Judicial Council, our denomination’s highest judicial authority, recently issued a decision regarding a pastor’s refusing a gay man’s request for membership in the church. In the case, this man was invited to join the choir at the United Methodist Church in the community. As he became more active in the choir and the church, he asked to transfer his membership from another denomination to The United Methodist Church. Because he is a practicing homosexual, the pastor refused to receive him into church membership. The Judicial Council upheld the pastor’s refusal of membership. Judicial Council Decision 1032 asserts that as a part of his or her administrative responsibilities under ¶ 304.3(b)(1) of the Discipline,¹ “the pastor in charge of a United Methodist church or charge is solely responsible for making the determination of a person’s readiness to receive the vows of membership” [emphasis added]. This assertion is inaccurate and untrue. The phrase “readiness to receive the vows of membership” does not occur anywhere in the Discipline, nor does any semantically equivalent phrase or expression. The word “readiness” cannot be found anywhere in the Discipline, let alone in connection with church membership. The phrase “solely responsible” also does not occur anywhere in the Discipline, let alone in connection with powers or responsibilities of a pastor in charge.

The Meaning of Church Membership

Paragraph 216 begins a subsection of the Discipline headed “The Meaning of Membership.” The first section of ¶ 216 reads as follows:

Christ constitutes the church as his body by the power of the Holy Spirit (1 Corinthians 12:13, 27). The church draws new people into itself as it seeks to remain faithful to its commission to proclaim and exemplify the gospel. Baptism is the sacrament of initiation and incorporation into the body of Christ. After baptism, the church provides the nurture that makes possible a comprehensive and lifelong process of growing in grace. Becoming a professing member requires the answer of faith of the baptized person

made visible in a service of profession of Christian faith and confirmation using the vows of the Baptismal Covenant.”

Christ is the primary actor here, calling to people through the Holy Spirit, inviting them to become members of the community that constitutes his body in the world. The requirement for responding to that call by becoming a professing member is “the answer of faith of the baptized person made visible” through a public service using the vows of the Baptismal Covenant. The clear assumption of this language is that if and when persons decide that they are prepared to make their faith visible to the congregation through their public affirmation of the requisite vows, they may do so. There is no stipulation here that they must previously have satisfied the pastor in charge of their “readiness” to do so, as is asserted by Decision 1032.

Paragraph 203 describes the local church as “a connectional society of persons who have been baptized, have professed their faith in Christ, and have assumed the vows of membership in The United Methodist Church.” It does not say that they have assumed the vows of membership only after having satisfied the pastor in charge of their “readiness” to do so.

Paragraph 215.4 affirms that “a baptized or professing member of any local United Methodist church is a member of the global United Methodist connection and a member of the church universal.” When one takes the vows of church membership, one is becoming a member not only of a particular local church, but of the worldwide Church. The implications of Decision 1032 contradict this clearly established principle. If “the pastor in charge of a United Methodist church or charge is solely responsible for making the determination of a person’s readiness to receive the vows of membership,” then there can be no assumption of uniformity across “the global United Methodist connection” of the conditions under which individuals may become members of the Church. Membership in this local church may be premised on different conditions than membership in that local church, depending entirely on the determination of each pastor in charge of what constitutes “readiness” for church membership. The fabric of the church as “a connectional society” is thereby torn into shreds, and the meaning of church membership radically transformed

Eligibility for Church Membership

The most important paragraph of the Discipline relating to membership in The United Methodist Church is ¶ 4, which is Article IV of the Constitution and is entitled “Inclusiveness of the Church.” It reads in full as follows:

The United Methodist Church is a part of the church universal, which is one Body in Christ. The United Methodist Church acknowledges that all persons are of sacred worth. All persons without regard to race, color, national origin, status, or economic condition, shall be eligible to attend its worship services, participate in its programs, receive the sacraments, upon baptism be admitted as baptized members, and upon taking vows declaring the Christian faith, become professing members in any local church in the connection. In The United Methodist Church no conference or other organizational unit

of the Church shall be structured so as to exclude any member or any constituent body of the Church because of race, color, national origin, status or economic condition. There is no specification in this paragraph of the precise terms or conditions under which a person either may or must take the indicated vows. The force of this paragraph, as indicated by its title, is inclusiveness and permission: "All persons . . . shall be eligible . . . upon baptism . . . [and] upon taking vows declaring the Christian faith . . . [to become] professing members. . . ." There is no indication here of any condition required prior to the taking of membership vows other than baptism. This paragraph is in accord with the current advertising and public relations slogan which proclaims that The United Methodist Church is a church of "open hearts, open minds, [and] open doors." This paragraph of the Constitution means that any and all baptized persons are welcome to become—that they may become—members of The United Methodist Church, if and when they decide that they are willing and able to take the requisite vows of membership. There is no indication in the Constitution of The United Methodist Church, or anywhere else in the Discipline, that the eligibility of any person to take the vows of membership is in any way contingent on the determination of his or her "readiness" to do so by the pastor in charge.

Paragraph 214 of the Discipline begins Section V of Part V, Chapter One, "The Local Church," and is entitled "Church Membership." It reads as follows:

The United Methodist Church is a part of the holy catholic (universal) church, as we confess in the Apostles' Creed. In the church, Jesus Christ is proclaimed and professed as Lord and Savior. All people may attend its worship services, participate in its programs, receive the sacraments and become members in any local church in the connection (§ 4). In the case of persons whose disabilities prevent them from reciting the vows, their legal guardian[s], themselves members in full covenant relationship with God and the Church, the community of faith, may recite the appropriate vows on their behalf.

In accordance with § 4 of the Discipline, to which it specifically refers, § 214 is clearly and unambiguously permissive in nature and inclusive in scope. It says plainly that all people may attend the worship services of The United Methodist Church, may participate in its programs, may receive the sacraments, and may become members in any local church in the connection. Paragraph 214 does not say that they (meaning "all people") shall or must do any or all of this—indeed, the imperative language of "shall" would be entirely inappropriate in such a context. But § 214 also does not say that they (meaning "all people") may do all of this—that is, that they have permission to do all of this—only after having satisfied the pastor in charge of their "readiness" to do so.

Paragraph 215 of the Discipline states that "The membership of a local United Methodist church shall include those who have been baptized and those who have professed their faith." Note that the imperative "shall" is used here, in contrast to the permissive "may" that is used in § 214. Paragraph 215 then goes on to distinguish between the "baptized membership" and the "professing membership" of the local church. The "professing membership" of the local church is defined as including "all baptized people who have come into membership by profession of faith through

appropriate services of the baptismal covenant in the ritual or by transfer from other churches.” This definition does not include a qualifying provision saying “but only after having satisfied the pastor in charge of their ‘readiness’ to do so.”

Preparation for Church Membership

Paragraph 216.3 states that “Preparation for the experience of profession of faith and confirmation shall be provided for all people, including adults.” It goes on to say that normally young persons should be completing the sixth grade before they take part in such preparation, and that “When younger people, of their own volition, seek enrollment in preparation for profession of faith and confirmation, such preparation shall be at the discretion of the pastor.” This is one of only two instances in which the phrase “discretion of the pastor” occurs in the Discipline.² The “discretion of the pastor” specified in ¶ 216.3 relates clearly and specifically to the nature or type of preparation that is deemed appropriate for “younger people” as they approach the experience of profession of faith and confirmation. Whatever may be the case with “younger people,” this paragraph cannot legitimately be construed in a way that requires adults to satisfy the pastor in charge of their “readiness” to take the vows of church membership.

United Methodist pastors in charge have an important role to play in the preparation of their parishioners for church membership, educating and counseling and advising them, nurturing them in their spiritual growth and development, and guiding them toward the point at which they are willing and able to take the step of being baptized (if they are not already baptized) and becoming professing members of The United Methodist Church by taking the vows of church membership. As you, the bishops of the Church, have affirmed in your pastoral letter, “pastors have the responsibility to discern readiness for membership. . . .” However, that pastoral discernment is a process that must take place within the context of the life of the congregation and under the conditions for church membership established by the Church as a whole acting through the General Conference. It is simply not the true that, as Decision 1302 asserts, the pastor in charge is “solely responsible for making the determination of a person’s readiness to receive the vows of membership” [emphasis added].³

Indeed, it is really more accurate to say that the pastor’s responsibility is to help his or her parishioners come to the point at which they—the individual persons involved—discern their own “readiness” to take that step. The necessary permission or authorization for them to do so has already been granted, and the conditions under which they are permitted to do so have already been established by the General Conference of The United Methodist Church through the “may” language of the Discipline, particularly in ¶ 214 and ¶ 225. If any baptized Christian decides that he or she is ready to take the vows of church membership and so to fulfill the conditions of entry into a covenant relationship with God and the members of the local church, and so indicates to his or her pastor, then leaving aside the theological and ethical issues involved, it is not at all clear how any passage in the Discipline can properly be construed as providing legitimate grounds for the pastor to refuse membership to that person.

What, then, is a pastor in charge to do in a case where he or she has serious concerns or reservations about the “readiness” of an individual to take the vows of church membership and enter into a covenant relationship with God and the church? There is nothing in the Discipline that specifically addresses such a situation: there are no provisions relating to the discernment of “readiness” for church membership comparable to the policies and procedures that are clearly stipulated when charges or complaints are made against either clergy or laity. In such a situation, the assumption must be that under the connectional principles of United Methodist polity, the pastor in charge will seek the counsel and advice of his or her district superintendent and bishop, who are charged with general supervisory responsibility for the Church.⁴ United Methodist clergy do not function as independent ecclesiastical “Lone Rangers”; instead they function within a connectional system of super-intendency and mutual accountability. There certainly is no warrant in the Discipline for a pastor in charge of any United Methodist church or charge to assume that he or she is “solely responsible” for making a determination, in isolation and without supervisory consultation, about the “readiness” of an individual for membership in The United Methodist Church.

The Vows of Church Membership

Paragraph 217 specifies the vows that anyone desiring to become a professing member of The United Methodist Church must publicly affirm. The paragraph begins with a statement about what is happening when people take the step of becoming professing members of the Church:

When persons unite as professing members with a local United Methodist church, they profess their faith in God, the Father Almighty, maker of heaven and earth; in Jesus Christ his only Son, and in the Holy Spirit. Thus, they make known their desire to live their daily lives as disciples of Jesus Christ. They covenant together with God and with the members of the local church to keep the vows which are a part of the order of confirmation and reception into the Church. . . .

The seven specific vows which immediately follow detail the commitments that such persons are making before God and in the presence of the congregation of the local church of which they are becoming a part. But the language of the introductory statement leading up to the vows clearly focuses on the persons who are making those vows: they profess their faith, they make known their desire to live as disciples, they enter into covenant to keep the vows that they are making. And with whom do they enter into covenant? “They covenant together with God and with the members of the local church.” The pastor acts as an agent in the making of this covenant, but is not a party to it. The covenant is made by the individual with God and the church, under the conditions specified by the church. Nothing in the language of ¶ 217 suggests that a person entering into this covenant relationship with God and the church must previously have satisfied the pastor in charge of their “readiness” to do so.

Termination of Church Membership

The United Methodist Church regards the taking of vows of church membership and entering into a covenant relationship with God and the members of the local church as very serious business. Paragraph 221 of the Discipline clearly states that “All members are to be held accountable for faithfulness to their covenant of baptism.” What then happens if an individual fails to live out the vows that he or she has made and violates the covenant into which he or she has entered? The Discipline has very specifically stated policies and procedures for handling such an unfortunate eventuality.

Paragraph 221.3 says that “If a professing member should be accused of violating the covenant and failing to keep the vows as stated in ¶ 217, then it shall be the responsibility of the local church, working through its pastor and its agencies, to minister to that member in compliance with the provisions of ¶ 228 in an effort to enable the member to faithfully perform the vows and covenant of membership.” Paragraph 228, under the heading “Care of Members,” details the ways in which a local church shall “endeavor to enlist each member in activities for spiritual growth and in participation in the services and ministries of the Church and its organizations.” It includes instructions for how to respond to members who simply cease to participate in the life of the local church. Paragraph 228.2(b)(1) says that “If a professing member residing in the community is negligent of the vows or is regularly absent from the worship of the church without valid reason, the pastor and the membership secretary shall report that member’s name to the church council, which shall do all in its power to reenlist the member in the active fellowship of the church.” If these efforts do not bear fruit, ¶ 228 indicates the procedures under which an absent or inactive member may be officially removed from the church rolls.

But what about a situation in which a professing member doesn’t simply “drop out of sight” and cease to be active in a local church (where the provisions of ¶ 228 apply), but breaks his or her vows of membership and violates the covenant into which he or she had entered in other ways, or if the procedures specified in ¶ 221.3 are not effective in restoring him or her to faithful participation in the covenant? Paragraph 221.5 speaks to such a situation: “In the further event that those efforts fail to effect reconciliation and reaffirmation of the vows and covenant of ¶ 217 by the professing member, then the professing members of the church may pursue the procedures set forth in ¶¶ 2702.3, 2706.5, and 2714.”

The paragraphs to which reference is made here specify the procedures for bringing formal charges against a professing member of The United Methodist Church and for conducting a formal church trial. Paragraph 2702.3 states in very clear terms the specific offenses for which formal charges may be brought against a professing member of The United Methodist Church.

Paragraph 2706.5 outlines the requirements for a “bill of charges and specifications,” and ¶ 2714 outlines the procedures to be followed in the conduct of a formal trial on charges of a lay member of a local church.⁵ If the trial court finds that the charges brought against such a person “are proven by clear and convincing evidence,” then the trial court is empowered to “impose such penalties as it may determine,” including

termination of the professing membership, “provided that the trial court shall first consider other remedies that would fulfill the provisions of ¶ 221.”

A process of communal discernment by the Church, exercised through the trial court and based on conditions stated in the Discipline, is involved in the decision to remove someone from membership in The United Methodist Church. The pastor in charge is not solely responsible for making such a decision.

Restoration of Church Membership

So what happens if a person voluntarily withdraws from professing membership in The United Methodist Church in the face of such formal charges, or has his or her professing membership terminated as the result of a formal church trial, and then later seeks to be restored to church membership? The Discipline wisely makes provision for a “return to the fold” of such a “lost sheep” in ¶ 242.5:

A person who withdrew under charges or was removed by trial court (¶ 2714) may ask to return to the church. Upon evidence of a renewed life, approval of the charge conference, and reaffirmation of the baptismal vows, the person may be restored to professing membership.

Even in this most difficult of circumstances, the procedure specified here for restoring someone who has been a “backslider” (to use that peculiarly Wesleyan expression) to full professing membership in the Church depends on that person’s “evidence of a renewed life” and that person’s reaffirmation of the vows that he or she took at baptism, in conjunction with the “approval of the charge conference.” This paragraph does not say with the “approval of the pastor in charge.” The conditions here stipulated for restoration of a “backslider” to full professing membership do not include that person’s having previously satisfied the pastor in charge of his or her “readiness” to do so, as Decision 1032 would have it.

A process of communal discernment by the Church, exercised through the charge conference and based on conditions stated in the Discipline, is involved in the decision to restore someone to membership in The United Methodist Church. The pastor in charge is not solely responsible for making such a decision.

Pastors as Administrators in Relation to Church Membership

On the basis of the examination presented here of the most important provisions of the Constitution and the Discipline of The United Methodist Church related to professing membership and the “vows of membership” associated therewith, it seems extraordinarily difficult to comprehend how the majority opinion of the Judicial Council in Decision 1032 can assert that “the pastor in charge of a United Methodist church or charge is solely responsible for making the determination of a person’s readiness to receive the vows of membership” [emphasis added], particularly when that decision does not cite any specific passages from the Discipline as providing support or

grounding for the assertion. It does not do so precisely because there are no such passages in the Discipline.

Decision 1032 attempts to ground the implausible assertion that “the pastor in charge of a United Methodist church or charge is solely responsible for making the determination of a person’s readiness to receive the vows of membership” by reference to ¶ 340, which is concerned with the “Responsibilities and Duties of Elders and Licensed Pastors.” In particular, it appeals to ¶ 340.3(a), which states that those responsibilities include “To be the administrative officer of the local church and to assure that the organizational concerns of the congregation are adequately provided for.”⁶ Decision 1032 then correctly notes that “Paragraph 340.3(b)(1) further provides that elders and licensed pastors are to “administer the provisions of the Discipline.” Indeed they are—the Discipline is quite clear about that fact. However, Decision 1032 then makes the illogical leap from premises of the general administrative role of elders and licensed pastors as “administrative officers of the church” and their responsibility to “administer the provisions of the Discipline” directly to the assertion that “As a part of these administrative responsibilities, the pastor in charge of a United Methodist church or charge is solely responsible for making the determination of a person’s readiness to receive the vows of membership” [emphasis added]. The postulated premises do not provide a foundation that is anything like adequate to support the weight of the conclusion that Decision 1032 attempts to build upon them.

Decision 1032 tries to establish a link between the responsibility of pastors as “administrative officers of the church” in ¶ 340.3(a) and their duty to “administer the provisions of the Discipline” in ¶ 340.3(b)(1) on the one hand, and the provisions of ¶ 214 concerning eligibility for membership in The United Methodist Church on the other. Decision 1032 then cites Judicial Council Decision 930, which in reversing the prior Decision 920 “established the premise that ‘shall’ cannot be used to replace ‘may’ in the Discipline,” and then proceeds to argue that in ¶ 214, the “the General Conference has determined that any person ‘may’ become a member of any local church in the connection” [emphasis added]. Decision 1032 then turns to ¶ 225, which it quotes at length:

A member in good standing in any Christian denomination who has been baptized and who desires to unite with The United Methodist Church may be received as either a baptized or a professing member by a proper certificate of transfer from that person's former church, or by a declaration of Christian faith, and upon affirming willingness to be loyal to The United Methodist Church (see ¶¶ 214-217).
Decision 1032 then asserts that “Decision 930 applies to this paragraph of the Discipline as well, and may means may.”

“May” and “Shall” in Relation to Church Membership

In normal English usage, “may” is the language of possibility or permission, while “shall” is the language of commandment or injunction. In some cases, “may” is basically synonymous with “might,” as in “It might (or may) rain today.” Then again, it might (or

may) not rain today. Either outcome is possible. In most cases, both “may” and “shall” presuppose a relationship between two (or more) parties, in which one party has status or authority or power not possessed by the other party (or parties). If a mother tells her daughter that she shall take out the garbage, that is an order. If a mother tells her daughter that she may watch television, that is permission. If a mother tells her daughter that she may watch television but only after she has finished her homework, that is conditional permission. Both “shall” and “may” presuppose “can,” which is the language of ability. A commanding “shall” is pointless unless the one being commanded has the ability to do that which is being commanded. A permitting “may” also presupposes not only the ability but also the desire to do that which is permitted. Unless the daughter wants to watch television, her mother’s permission to do so is meaningless to her.

Decision 1032 entirely ignores the fact that the “may” and “shall” language of the Discipline functions in exactly the same way. It is the General Conference of The United Methodist Church that is speaking through the language of the Discipline, saying in some cases that something “may” be done and in other cases that something “shall” be done. The assumption is that the General Conference has the power and authority to speak in this way, to grant permission and to issue injunction as may be necessary in the Church. Decision 1032 apparently seeks to interpret the “may” of ¶ 214 and ¶ 225 as expressing possibility rather than permission, and then conditions the possibility on the determination of the pastor in charge. This misconstrues the “may” of ¶ 214 and ¶ 225 by entirely ignoring the fact that the only logical object or referent of the “may” of those paragraphs is those individual baptized persons who may become—who are invited, welcomed, and permitted by the General Conference to become—professing members of The United Methodist Church, whether by profession of faith or transfer of membership. The assumption of such “may” language is that those baptized persons have the ability to become professing members when and if they have the desire to do so. They are authorized or permitted to become members of the church when they decide that they are ready, willing, and able to take the vows of membership—which is the only condition set by General Conference on the permission that is granted through the language of the Discipline.

Decision 1032 distorts the clearly inclusive and permissive “all” and “may” language of ¶ 214 and ¶ 225, to produce the unfounded statement that “the pastor is not required by the Discipline to admit into membership all persons regardless of their willingness to affirm vows of membership.” Through this illogical linguistic alchemy, Decision 1032 transforms the statement “that the General Conference has determined that any person ‘may’ become a member of any local church in the connection” into the antithetical statement that a pastor has the right to refuse the vows of church membership in The United Methodist Church to any person that he or she deems “not ready or able to meet the requirements of the vows of church membership.” As Rev. Susan T. Henry-Crowe, a member of the Judicial Council, said in her dissent from the majority opinion in Decision 1032,

This decision compromises the historic understanding that the Church is open to all. The Judicial Council cannot interpret something that is not stated in the Discipline.

Nothing in the Discipline gives pastors discretion to exclude persons presenting themselves for membership in the Church. (See ¶4 and ¶138)
Supervision and Church Membership

Decision 1032 then goes even farther, ignoring the historic principles of connectionalism and supervision that have characterized Methodist polity since the days of John Wesley, by asserting that the pastor in charge of a United Methodist church or charge “cannot be ordered by the district superintendent or bishop to admit into membership a person deemed [by the pastor] to be unable to meet the requirements of the vows of membership.” In so doing, Decision 1032 implicitly attempts to usurp the powers and authority of the bishops of the Church by imposing unconstitutional limits on the broad mandate that is given to the bishops by the Constitution to provide for the “general oversight and promotion of the temporal and spiritual interests of the entire church, and for carrying into effect the rules, regulations, and responsibilities enjoined by the General Conference” (¶ 47), which includes their supervisory responsibilities over clergy under appointment (¶¶ 401, 404, 414–16).

Decision 1032 effectively establishes the pastor in charge of a United Methodist church or charge as the sole judge and arbiter of “readiness” (or “fitness”) for church membership, notwithstanding the mandates of inclusiveness articulated in the Constitution and Discipline of The United Methodist Church (¶ 4; see also ¶ 138). As you, the Council of Bishops, said in your pastoral letter, referring to ¶ 4, “the General Conference has clearly spoken through the denomination’s Constitution on inclusiveness and justice for all as it relates to church membership.” Decision 1032 simply disregards and sets aside both the letter and the spirit of what the General Conference has said on this matter, and in so doing engages in unwarranted and apparently ideologically driven judicial activism.

The kind of local pastoral autonomy that is established, perhaps unintentionally, by Decision 1032, has at least the potential to degenerate into pastoral tyranny. Decision 1032 creates a de facto (if not de jure) congregationalism within The United Methodist Church that is entirely inconsistent with the historic connectionalism of United Methodist polity, in which every church member “is a member of the global United Methodist connection” (¶ 215.4). It creates a situation in which there are absolutely no controls on the decisions that individual pastors may make about who is and who is not “ready” (or “fit,” or “worthy”) to become a member of The United Methodist Church. Pastors are by Decision 1032 effectively permitted to build congregations in their own image and likeness, denying membership to whomever they please for whatever reason they may deem adequate or sufficient, without being responsible for their decisions or actions to anything other than their own conscience and convictions, and without any oversight or accountability to anyone else, or to the established structures of The United Methodist Church.

That, in the final analysis, is why the inaccurate and untrue assertion of Judicial Council Decision 1032 that “the pastor in charge of a United Methodist church or charge is solely responsible for making the determination of a person’s readiness to receive the

vows of member-ship” [emphasis added] is so pernicious, and why it must be reversed on reconsideration by the Judicial Council or overturned by legislative action at the next General Conference. And that is why is it so important that you, the bishops of The United Methodist Church, have so clearly and unambiguously stated in your pastoral letter that “pastors are accountable to the bishop, superintendent, and the clergy on matters of ministry and membership,” including discernment of readiness for membership.

Homosexuality and Church Membership

Article IV of the Constitution of The United Methodist Church states that “All persons without regard to race, color, national origin, status, or economic condition, shall be eligible to attend its worship services, participate in its programs, receive the sacraments, upon baptism be admitted as baptized members, and upon taking vows declaring the Christian faith, become professing members in any local church in the connection” (§ 4). The word “status” was added to Article IV article by amendment of the Constitution in 1992. Since that time there has been a considerable amount of discussion across the Church about the precise meaning of the term “status” in Article IV. In Decision 702, dated 30 October 1993, the Judicial Council said:

While the General Conference could define terms one way, we can foresee that the various annual conferences could adopt differing definitions. Regardless of whether there may be one definition or many, no such definition may void, violate or otherwise pre-empt the force of law of § 304.3 of the Discipline.

At one of its regular sessions in 2005, the California-Nevada Annual Conference adopted a resolution stating that the conference “hereby defines the word ‘status’ as including sexual orientation such as heterosexuality, homosexuality, bisexuality and transgendere-d.” Bishop Beverly Shamana ruled that resolution concerning the meaning of the word “status” did not “violate or otherwise pre-empt the force of law” of § 304.3 of the Discipline. In Decision 1020, issued on 29 October 2005, the Judicial Council upheld Bishop Shamana’s ruling, referring to the precedent of Decision 702:

While the General Conference could define terms one way, we can foresee that the various annual conferences could adopt differing definitions. Regardless of whether there may be one definition or many, no such definition may void, violate or otherwise pre-empt the force of law of § 304.3 of the Discipline.

Paragraph 304.3 of the Discipline says that in the understanding of The United Methodist Church, “The practice of homosexuality is incompatible with Christian teaching” (see also § 161(G), which is part of the Social Principles). Whether or not one agrees or disagrees (as I do) with this position, on whatever grounds and for whatever reasons, it is clearly the current position of the Church. Paragraph 304.3, which is concerned with qualifications for ordination, goes on to state that “self-avowed practicing homosexuals are not to be certified as candidates, ordained as ministers, or appointed to serve in The United Methodist Church.” That statement in § 304.3, however, applies only to qualifications for the candidacy, ordination, or appointment of clergy; it does not have anything to do with qualifications for lay membership in the

Church. The Constitution and Discipline emphatically do not say that “self-avowed practicing homosexuals are not to be accepted by the pastor in charge as members of The United Methodist Church.”

On 17 June 2005, the California-Nevada Annual Conference adopted a resolution entitled “We Will Not Be Silent.” The resolution articulated a number of “inclusion principles” to be acted upon by local churches within the annual conference. One of those principles is “To make plans to welcome and include LGBT (Lesbian, Gay, Bi-Sexual, Transgendered) persons in leadership roles in the church.” Bishop Beverly J. Shamana ruled that as a matter of church law, this resolution concerning lay involvement and leadership in local churches by LGBT persons does not encourage or require district superintendents to hold churches accountable for a position specifically at odds with ¶304.3 of the 2004 Discipline, which applies only to clergy certification, ordination and appointment. In Decision 1028, issued on 29 October 2005—the same day that it issued Decision 1032—the Judicial Council upheld Bishop Shamana’s decision:

The Bishop is correct in her ruling that ¶ 304.3 applies to persons in the ordained ministry and the prohibition against certifying, ordaining, and appointing self-avowed practicing homosexuals to serve in the Church. The adopted provision says the district superintendent would be asking for a report on how the church is making plans to welcome lesbian, gay, bi-sexual and transgendered persons into the leadership of the church. Paragraph 214 of the Discipline states, “[a]ll people may attend its [The United Methodist Church] worship services, participate in the programs, receive the sacraments and become members in any local church in the connection....” Further, The United Methodist Church is committed to be in ministry for and with all persons. ¶161G, 2004 Discipline and Decision 913.

Paragraph 2702.3 states in very specific terms the offenses for which formal charges may be brought against a professing member of The United Methodist Church. Neither “homosexuality” nor “homosexuality practice” is specified in ¶ 2702.3 as an offense for which charges may be brought against a professing member of a local church. This contrasts very sharply with ¶ 2702.1, which states that charges may be brought against clergy (including bishops, clergy members of an annual conference, local pastors, clergy on honorable or administrative location, or diaconal ministers) for a far wider range of offenses, including “immorality including but not limited to, not being celibate in singleness or not faithful in a heterosexual marriage” and “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.” As the contrast between the list of “chargeable offenses” stipulated in ¶ 2702.1 and in ¶ 2702.3 plainly indicates, clergy in The United Methodist Church are held to different standards than are lay members.

The United Methodist Church, speaking through its Constitution and the Discipline, has emphatically not said that homosexual persons may not become members of the Church. You, the bishops of the Church, have confirmed this in your pastoral letter,

saying plainly and directly that “homosexuality is not a barrier” to membership in The United Methodist Church. Judicial Council Decision 1028 confirms the same principle, with reference to ¶ 214 and ¶ 161(G) of the Discipline. Whatever his or her personal beliefs or opinions about the matter may be, no pastor in charge in any United Methodist church or charge has any right or authority to make any determination to the contrary.

Conclusion

This open letter represents the thoughts and views of one United Methodist lay person. Mine is only one voice, but I feel compelled to use it in an attempt to say as clearly and cogently as possible why I think Judicial Council Decision 1032 is so misguided in its judgment, so flawed in its reasoning, so wrong in its conclusions, and so dangerous to the Church. I urge you, indeed I implore you, as the episcopal leaders of the Church, to expend every possible effort to ensure that this decision is reconsidered and reversed by the Judicial Council at the earliest possible moment, and if the Judicial Council refuses to reconsider and reverse this decision, to exercise leadership in efforts to overturn it through appropriate legislative enactment at the 2008 General Council.

Faithfully yours,
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