

## Opening Argument The Rev. Scott Campbell, DeLong Counsel

Friends, please allow me to introduce myself to you. My name is Scott Campbell and I am a member of the New England Annual Conference. I'm a parish pastor in Cambridge, Massachusetts. I am a friend of Amy DeLong's, and when it became clear that this trial was likely to happen, Amy asked me to accompany her through this journey. I actually had no idea what I was in for. The process has taken the better part of the last year. This is my fifth trip to Wisconsin, and my church back home sometimes wonders whether I'm still under appointment to them.

Yet, I wouldn't trade a minute of this experience. What a gift it has been to come to know so many wonderful people in this beautiful state. It has been a blessing for which I will always be grateful. What I have discovered is that Wisconsin people have large hearts, an independent spirit and are deeply committed to doing what is right. I believe that this is a combination that will serve us well over the next few days.

Church trials have a long history in the United States. They go back at least to the 1690's in Salem, Massachusetts, my neck of the woods. Trials have sometimes been used to protect the church and its people from those who would seek to do them harm, but they have also been instruments the church has used when it is afraid of something it cannot understand.

Our *Discipline* does not get everything right. If it did we wouldn't have to change it so extensively every four years. But there is one thing that I am persuaded it does get right. It tells us that the purpose of a trial is to achieve justice. You know and I know that true justice only comes at a cost. In every age there have been women and men who have been willing to pay the price for changing the world. Their very being challenges the way things have been, and calls us into a new way of living together. What they do is costly because challenging the status quo ultimately displaces systems of privilege and power and sets loose a desperate fear among those who are its guardians. When the powerful are afraid, the timid had better close their shutters and bar their doors. But we know another story. It is a Pentecost story of frightened people overcoming their fears and changing the world. Fear can slow progress or even hand it temporary reverses, but it can never finally prevail. Only love lasts.

There are two charges in this case. The first is that Amy performed a holy union for a same gender couple. The second claim the prosecution is making is that Amy broke the law by being something—not by doing anything—but by being something that the church finds unacceptable. She is charged with “*being* a self-avowed practicing homosexual.” This trial will not be about whether that is a good thing or a bad thing, whether it is a good gift from God or something forbidden by the scriptures, or whether discrimination in the church is right or wrong. The only question that will be before us is whether the law of the Church has been broken.

The defense is going to follow the rules put in place by the church. We have little choice if this trial is to proceed. But if you listen faithfully and well, if you dig deep down within you and tap into the courage that is always required if justice is to be done, we are going to provide you with a place to stand that will allow you to abide by the restraints imposed by the church and to do what is right and just at the same time. We will not invite you to engage in jury nullification. We will not ask you to ignore the law of the church,

whatever you may think about it. We will offer you a way to understand all that is before us, to honor the law, and to dismiss the charges that have been brought by the church.

The case that the defense will present is a very simple one, and I want to explain it to you carefully. Some of what you will hear from us might sound like hair-splitting or quibbling over technicalities. That is the last thing that we want to do. Amy and our defense team have said from the beginning that we are not interested in an acquittal that does not honor the large issues that are at stake in this trial. But, because of the instructions you have just heard from the Presiding Officer, we must limit ourselves to small arguments. The only issue before us will be whether the specifications the Presiding Officer has read to you support the charges that Amy performed a holy union and that she is a self-avowed practicing homosexual.

Let me make part of your job easy for you. Amy did indeed conduct a beautiful, dignified and sacred service of covenant for Carrie Johnson and Carolyn Larson, two wonderful children of God whom you will have the opportunity to meet during this trial. We will not dispute that Amy conducted this ceremony on September 19, 2009 and subsequently reported it to Bishop Linda Lee. We will show that in doing so she was obedient to the highest laws in our *Discipline*.

We also will not dispute that Amy has self-avowed to her bishops and her District Superintendents from the very beginning that she is a lesbian and that she is living with a woman whom she loves deeply and who loves her. They have been together for 16 years.

What we will contest vigorously is that Amy ever self-avowed anything about what happens in the privacy of her relationship with Val to a bishop or a district superintendent or any official body of the church. Such conversations have not happened. The prosecution will tell you that it is reasonable to assume certain behavior occurs based on Amy's acknowledgment that she is in a partnered relationship. They will tell you that they don't have to present evidence showing that Amy is engaging in prohibited sexual practices because her openness about her love for Val, and the words she has spoken acknowledging that love ought to in themselves be enough.

Unfortunately for the prosecution, the law of the church says otherwise. It says it in two ways. First, the *Discipline* requires that all such acknowledgements be self-avowed. This is done for a very good reason. It is to keep third parties from making guesses about other people, including guesses about what they mean by what they say. Third parties, and this includes the representatives of the church, cannot pick a phrase out of context and insist that they know the meaning better than the person who uttered the words. Self-avowal means that the clergyperson herself must publicly own what is being alleged, completely and entirely.

The law of the church also says something else. ¶ 304.3 says that says self-avowed practicing homosexuals shall not be appointed to serve in the United Methodist Church, it is true. But the Judicial Council has made the intention of this paragraph crystal clear in Decision 1027. Here is what the Council says: "*No provision of the Discipline bars a person with a same-sex orientation from the ordained ministry of The United Methodist Church. Rather, ¶ 304.3 is directed towards those persons who practice that same-sex orientation by engaging in prohibited sexual activity.*" This means that in order to prove that Amy is to be deprived of her good standing and appointment status in the annual conference, the prosecution must present clear and convincing evidence that Amy is engaging in prohibited sexual activity.

It is important to note that if the church had such evidence Amy would not have been charged only with part “b” of the immorality clause in Chargeable Offenses portion of the *Discipline*. Part “b” deals with practices declared by the church to be incompatible with Christian teaching. If the church had such evidence, Amy would have been charged with the violation of part “a” as well. Part “a” deals with “not being celibate in singleness or not faithful in a heterosexual marriage.” Neither the original letter of complaint nor the Committee on Investigation alleged such behavior. The Presiding Officer has instructed you about the presumption of innocence. May I remind you that in the absence of “clear and convincing” evidence to the contrary, you must assume that the charges before you have no basis in fact. Our testimony will show that Amy did not acknowledge to her bishop or her superintendent or any other official body of the church that she was engaging in prohibited sexual activity.

Now, as I indicated a few moments ago, some of this may feel like nit-picking to you, and I can understand that. We are forced into such conversation because of the way the law of our church defines homosexual relationships. We would speak differently about what is essential in defining a relationship if it were up to us. What Amy understood herself to be saying about her sexuality in all of its fullness was beautifully captured by a young pastor in the New England Annual Conference last week on the conference floor. I want to take just a minute or two to share Will Green’s remarks with you because they express so well what Amy has openly acknowledged to the entire church. When Amy entered into a supervisory meeting it was the following understanding that she was attempting to communicate. Listen to what Will had to say:

*The practice of sexuality - ANYONE'S sexuality - is far more than one discreet event or activity that can be isolated, regulated and judged.*

*I know this because I have been given the gift of trying to figure out why God has blessed me with my sexual orientation. I have had to discern just how my sexuality is supposed to be fully integrated into my life.*

*Because I'm an out gay man, I have had the gift of face-to-face, heart-to-heart conversations about sex with my parents.*

*After prayer and study, I have had honest and meaningful interactions with my Bishop, with my District Superintendents and with many other people that have required me to address and integrate my sexuality. These conversations are never about how I do or do not have sex with someone else. These conversations are about my relationships, my emotional life, my personal decisions and my overall development because these are (the) things that make up my sexuality. This experience of integrating sexuality fully into one's life is a gift that gay, lesbian and bisexual Christians bring to the church. It strengthens the body of Christ and even heterosexual people need this gift of learning how to integrate and develop their sexuality into their lives so that they don't think that sexuality is just about having sex.*

*When we compartmentalize sex into one activity or action we risk becoming severely maladjusted, dysfunctional people. Sexuality is such an important part of being human that when we reject a person's maturely developed sexuality, we reject that person. When you reject healthy and holy expressions of sexuality in others, you reject the possibility for wholeness in yourself and you do harm to the body of Christ.*

*As I have come out of the closet, I have come to agree with the words of the Apostle Paul - "God has opened a door for me." And hand in hand with growing my understanding of sexuality has also come my acceptance of God's call on my life for leadership in this church. What I'm saying is that now we can go through this door together - so that we can develop into more mature Christians.*

Sisters and brothers of the trial court, there is no way that anyone is going to be able to argue you into doing the right thing in this trial if you do not know deep in your hearts already what is right. What the defense can offer you as members of the trial court is a place where you can legitimately stand to do what is right until the day comes when the vision of the church will render trials like this but a painful reminder of the church that used to be.

History will judge what happens over these next days. Just as history has judged slavery and the exclusion of women from ordained ministry, history will judge the church in this instance too. But make no mistake; it is not only history that will be the judge. We are being judged right now by younger generations within and beyond the church. And we will also judge ourselves. What we decide here is momentous. It will be with us for the rest of our lives. I believe that you will do all that is within you to see that true justice prevails, justice in the broadest and most profound sense. Thank you for your willingness to listen carefully, to think deeply and to decide wisely.