

PENALTY ARGUMENT
The Rev. Thomas Lambrecht, Church Counsel

By a unanimous verdict, you have found that Rev. Amy DeLong is guilty of conducting a ceremony which celebrated a homosexual union in violation of ¶ 2702.1b of the *Book of Discipline*. Contrary to the statements of some of those who testified yesterday afternoon, this is not some insignificant violation of the terms of the *Discipline*. We, Rev. DeLong, and every other pastor who is part of the Order of Elders of The United Methodist Church, are bound together by the covenant that we have joined, as it is expressed in the *Book of Discipline*. For that reason, we have agreed to uphold the *Discipline* and abide by its provisions. We have a process by which the *Discipline* can be changed. As the Judicial Council has recognized in Decision 833, it is the General Conference alone that has the authority to fix the powers and duties of elders. Only the General Conference has the authority to establish or alter the official rites and rituals of the church. Neither this annual conference, nor this Trial Court, has the authority to establish or alter official rites and rituals. No individual pastor has the authority to establish or alter official rites and rituals. The General Conference, fifteen years ago, unequivocally declared that “ceremonies that celebrate homosexual unions shall not be conducted by our ministers.” This provision is binding on every United Methodist pastor. When any of us violates a provision such as this, we are setting ourselves over against the Church that has ordained us, declaring that we will not submit to the authority of the Church. This we are not permitted to do.

Contrary to what you may have heard or assumed, the Church is not interested in retribution or punishment of Rev. Amy DeLong. As counsel for the Church, I am not asking you to expel Rev. DeLong from the church, deprive her of her credentials, or remove her as a clergy member of the Wisconsin Annual Conference in response to your determination of guilt.

The Church’s main interest in terms of penalty is that the requirements of our *Book of Discipline* are honored and complied with. We want to ensure that Rev. DeLong will conform her future behavior to the requirements of the *Book of Discipline*, so that we are not back here again in the future to do this all over again. In addition, we want to ensure that others in our church will know that we all have an obligation to conform our behavior to the requirements of the *Book of Discipline*. Otherwise, here and elsewhere, we will be facing the scenario of repeated disobedience to the Order and Discipline of The United Methodist Church. No church or denomination can long survive such rending of its covenant.

No doubt there are several ways to accomplish this goal of compliance with the *Book of Discipline*. We ask you to suspend Rev. DeLong from her ministerial office until such time as she indicates in a signed written statement that she is willing to conform to the requirements of the *Book of Discipline* by not performing any future ceremonies that celebrate homosexual unions, so long as that is the law of the church. We ask you to specify that this suspension be administered by the Conference Board of Ordained Ministry, which would have the authority to terminate the suspension as soon as Rev. DeLong delivers the signed statement indicating her willingness to abide by the *Discipline*. The virtue of this approach is that it is simple, easy to

administer, and the length of the suspension is left to the choice of Rev. DeLong, as she is given the opportunity to be restored completely to the covenant that she has breached. If you impose such a penalty, you will ensure that Rev. DeLong honors and complies with the requirements of the *Book of Discipline*. That is the goal of the Church in this case.

I will speak to you again in a few moments to respond to other options that may be suggested to you by counsel for Rev. DeLong.

REBUTTAL STATEMENT

I have enjoyed meeting and interacting with Rev. Scott Campbell and Mark Bromley of Rev. DeLong's counsel team. Even when we have disagreed, we have attempted to treat each other with mutual respect and Christian love. I want to thank you for the way you have conducted all of our exchanges. I would also like to commend Bishop Clay Lee for his gracious and clear leadership of these proceedings, ably assisted by Bill Waddell. And I would request that we recognize our silent, but indispensable partner, our court reporter. Also thank the Conference staff and local church, as well as the Trial Court.

Yesterday afternoon in testimony from various witnesses, and this morning in Rev. Campbell's summation, we have heard some interesting ideas about the appropriate penalty to be considered.

We heard an exposition of the principles of restorative justice, with its aim of reconciliation and restoration. We heard that what Rev. Amy DeLong did in performing the same-gender union service was actually right, even though it is wrong according to the *Discipline*, since it was designed to repair harm that has been done to GLBT persons by the Church down through the years. It was even suggested that an appropriate penalty might be commissioning Rev. DeLong to lead listening circles or dialog circles for church members, so that we could better understand each other. By this logic, we are to conclude that by doing wrong, we can somehow do right, and we are told that someone whose actions have demonstrated contempt for the Order and Discipline of the Church should instruct others on what is right, even when it is contrary to that Order and Discipline.

In considering the harm that is done, however, I invite you, the Trial Court, to consider other types of harm that are likely to be done by an inadequate penalty. Most locally, some United Methodists will become discouraged, feeling that there is a lack of accountability to our Church's rules. Some may even leave local congregations because of it. I have personally had faithful, highly involved members who left the UMC over the years because of this perceived lack of accountability. More broadly, harm will be done to the Church's covenant by an inadequate penalty, since it would appear that the terms of the covenant are optional, and each clergy member will feel free to interpret that covenant in their own terms and adjust their behavior accordingly, leading to disunity and widespread conflict. Most broadly, we need to consider our brothers and sisters in Africa, Latin America, and other parts of the world. We may

believe that becoming a more gay-affirming church will help our Church's witness in the United States (a belief that I personally would dispute), but there is no disputing that becoming a more gay-affirming church would severely harm our Church's witness in other countries, where our brothers and sisters are confronted with life and death circumstances in their conflict with radical Islam.

We also heard an exposition of our theology of marriage and the goods or purposes that it fulfills. It was suggested that Rev. DeLong's conducting a service of Holy Union should be seen as doing good, because it brought to a same-sex couple all the benefits that are found in Christian marriage. However, it is not for this Trial Court to decide whether it is appropriate for us as a Church to expand the concept of Christian marriage to include same-sex couples. That is a matter for General Conference to decide, and it has been decided by overwhelming margins in the votes of past General Conferences, where often over 70% and sometimes over 80% of delegates opposed the idea of recognizing or allowing same-sex marriage in the Church. It might also be noted that the same good or purposes of marriage could conceivably be fulfilled by other forms of marriage, such as polygamy. I know Dr. Sample testified that he did not support polygamy, but his ethical reasoning provided no rational basis for ruling polygamy out. Following this train of thought would be an ethical dead end.

We heard that the Church should not punish Rev. DeLong too harshly, since the Church has ignored other sexual sins and is not even-handed about sexual issues. I agree with Dr. Sample that the Church needs to be more even-handed about sexual sins. But as my mother used to say, "two wrongs don't make a right." Failing to adequately address some sexual sins is no reason to stop addressing other sexual sins. In fact, the Wisconsin Annual Conference has made progress during my 29 years of ministry in addressing the problem of clergy who are unfaithful to their marriage vows, addressing such issues promptly and firmly, while preserving the opportunity of restoration and reconciliation.

We heard a discourse about the matter of intent—was Rev. DeLong's action in performing a same-sex holy union service self-serving or in response to wider teachings. Giving Rev. DeLong the complete benefit of the doubt that her motives were pure in performing this service, this ethical reasoning by an expert in ethics still falls short of convincing. It boils down to "the end justifies the means." If my intent is noble, I can justify almost any behavior, even actions that contradict the *Book of Discipline*, and believe that I should not be accountable because my motives are pure. I am not comparing what Amy did to anything else, but that type of ethical reasoning can lead to the most horrific evils done in the name of a good motive or goal. It would be dangerous for us to follow that reasoning, especially given our almost infinite capacity as fallen human beings for rationalization and self-justification.

We heard that we don't really know what Christian teaching is, that there is an overarching principle that trumps what any person or body decides what Christian teaching is. That overarching principle is our experience of the grace of God. Whatever helps us experience more of God's grace is defined as good, and whatever stands in the way of that grace is defined as bad. The only problem with that approach is that the experience of God's grace is highly

personal and individual. Add to that our great capacity for fooling ourselves, and we set up a system where it is very likely that each person will define their experience of grace differently—and even call an event an experience of God’s grace when it is something else entirely. This approach leads to the disintegration of the Church body because each person gets to decide for themselves what is an experience of grace and what brings grace to a particular situation. Our individual interpretations of grace must not guide our determination of a penalty, for there is no unity that way, only individualization.

No, all these theories of ethics and justice prove ultimately not to work. They fail to secure the fundamental purpose of the penalty, which is not retribution, but restoration—not only restoration for the individual, but restoration for the Church body. The penalty of suspension until such time as Rev. DeLong commits herself to live by the terms of the covenant to which she agreed has the virtue of enhancing the unity of the Church around our common covenant. It is proportional to the offense, in that it withdraws the right to perform ordained ministerial functions from one who has abused that right by performing an ordained ministerial function contrary to the *Book of Discipline*. It gives maximum power to Rev. DeLong herself, who has the ability to choose the length of her penalty by choosing to return to live within the covenant and comply with the terms of the Discipline.

We began this trial experience two days ago with an extensive discussion of the meaning of “unwilling” and “unable.” Persons were asked if they were willing or able to apply the law of the Church to the facts presented. That same question was asked to Rev. Amy DeLong yesterday afternoon, when she was asked if she would make a commitment to abide by the requirements of the *Discipline* by not performing any more holy union services until such time as the General Conference changes that requirement. You heard her say that she is unwilling, and therefore unable, to make that kind of commitment at this time. The Church respectfully asks you to consider the penalty we have proposed, a penalty that honors our covenant, fosters greater unity in the Church, and strengthens the Church’s witness both here and around the world. We ask you to suspend Rev. DeLong from her ministerial office until such time as she indicates in a signed written statement that she is willing to conform to the requirements of the *Book of Discipline* by not performing any future ceremonies that celebrate homosexual unions so long as that is the law of the church. We ask you to specify that this suspension be administered by the Conference Board of Ordained Ministry, which would have the authority to terminate the suspension as soon as Rev. DeLong delivers the signed statement indicating her willingness to abide by the *Discipline*. Thank you.