

June 13, 2008

Dear Pastors of the Sierra Pacific Synod,

Three weeks ago, the California Supreme Court issued a ruling on same-gender marriages, and since that time, some of you have been asked if you would be willing to perform such marriages. Since we are nearing a time of transition in the leadership of our synod, we felt it was important that both of us write to you as a beginning to what will no doubt be a continuing conversation on how the church, both locally and regionally, will respond to such requests and this ruling. This letter is written to provide you with pastoral guidance, ecclesiastical understandings and a word about our context for you to consider in your ministries. Clergy serving in Nevada may accept this as an aid to understanding the context of our life together as synod.

PASTORAL GUIDANCE

As pastors who have been called to serve in the office of bishop, we appreciate your desire to provide appropriate pastoral care and leadership in your context. While there may be a sense of urgency around this issue, this does not preclude the need to prayerfully consider one's pastoral and theological responsibilities in exercising the duties of the office of pastor. This is a moment for us to consider and teach from the rich legacy of the Lutheran witness and understanding of marriage as a civil institution governed by state laws. Marriage is not, in our teachings, a sacrament; rather, when a pastor of this church officiates at a wedding, s/he does so as both an officer of the state and an ordained minister providing prayer, assurances of God's blessing and the support of a wider community for each couple. The mixing of these two "offices" creates a necessity for dialogue in a time such as this.

If someone were to ask you to officiate at a same-gender marriage, some of you may be clear in your desire to refrain from offering such a ceremony. It should be understood that no pastor is required to preside over any marriage for which s/he does not feel it would be pastorally appropriate to perform such a service. We also understand that some of you may choose to offer such a ceremony, but are concerned about possible consequences for such a choice. In whatever manner you choose to respond to such requests, please be assured of our support for you as you prayerfully deliberate such questions and choose to act out of your pastoral sensibilities.

Past practice in our synod has been to request pastors who have been asked to preside at covenant blessings to consult with the bishop. Now, in the changed context of California, we invite such consultations to continue, where we will together consider the following:

- Consultation with your congregational leadership.
- Conversation with the congregation.
- Avoidance of ceremonies as media events.
- Ways in which a ceremony may be offered in keeping with current ELCA policy

- Assurance that your typical pre-marital counseling processes are followed.

Such a conversation would likely include counsel that, while neither of us may have intentions to bring charges for discipline against a pastor who chooses to solemnize a same-gender marriage, we cannot guarantee that other pastors or congregations will not choose to do so, as is allowed in the sections of the ELCA Constitution and By-Laws quoted at the end of this letter.

ECCLESIASTICAL UNDERSTANDINGS

While the ELCA has not granted approval of same-gender marriages or provided rituals for such ceremonies, there are statements of this church which recognize that pastors and congregations may desire to offer ministry to same-gender couples seeking blessing or marriage.¹ We have sought counsel and guidance from the other two ELCA bishops who serve in California, as well as the Secretary of the ELCA, David Swartling. In a memo dated May 27, 2008, Mr. Swartling offers the following:

“The constitution and bylaws, as well as related policy documents of the ELCA, do not provide a basis for pastors of this church to officiate at a same-sex marriage. Under ELCA policy, marriage is defined as a covenantal relationship between a man and a woman. The Churchwide Assembly has had opportunities to change this policy, both to make it less restrictive and to make it more restrictive. It has declined to do so.

In light of ELCA policy, pastors, synodically authorized ministers, and congregations may be subject to discipline if they officiate at same-sex marriages and allow them to take place in their buildings. ELCA governing documents identify those who may initiate charges; those who may bring charges against a pastor are enumerated in ELCA 20.21.03,² and those who may bring charges against a congregation are listed in ELCA 20.31.03.³ These provisions mean that bishops cannot preclude the commencement of disciplinary action, even if they personally desire to exercise restraint pending the 2009 Churchwide Assembly.”

You might be asking, in the words of Luther, “*What does this mean?*” Simply put, it means that as pastors in the ELCA, we are expected to abide by the standards and policies of this church, and are not, therefore, constitutionally permitted to solemnize same-gender marriages. This does not mean, however, that you are prohibited from offering pastoral care to same-gender couples who seek the blessing of the church in their lives, a position that was affirmed in a 1993 statement by the Conference of Bishops:

“Nevertheless, we express trust in and will continue dialogue with those pastors and congregations who are in ministry with gay and lesbian persons, and affirm their desire to explore the best ways to provide pastoral care for all to whom they minister.”

Of course, ours is not the only denomination living into these questions. We invite you to dialogue with your sisters and brothers in Christ of other churches, as no doubt we will also be doing with our counterparts, as together we seek to add depth and breadth to our discussions.

OUR CONTEXT: DELIBERATION AND DISCERNMENT

In 1990, the Sierra Pacific Synod voted in Assembly to adopt an Affirmation of Welcome, similar to statements which have been enacted in many Reconciling in Christ congregations. Some of our communities of faith have become Reconciling in Christ congregations to amplify that witness, while others continue to offer a gracious welcome to all who seek to live under God’s gracious love in Jesus. Four years ago, the Sierra Pacific Synod, as it met in Assembly, passed Resolution 04-05, entitled “In Support of Civil Marriage:”

“Resolved, that the Sierra Pacific Synod in Assembly affirms that marriage and other civil rights protections are essential to making all families safer and more secure; and be it further

Resolved, that the Sierra Pacific Synod in Assembly affirms the right of every American to marry, including lesbian, gay, bisexual and transgender couples; and be it finally

Resolved, that the Sierra Pacific Synod in Assembly supports the efforts to make civil marriage for lesbian, gay, bisexual and transgender couples a reality in our country and opposes any attempts to discriminate against lgbt couples and individuals.”⁴

In 1993, our Synod, meeting in Assembly “commended (the) Synod Council for encouraging pastors to deliberate prayerfully and to use wise pastoral discretion in decisions regarding the blessing of monogamous, covenantal, same-sex relationships; encouraged on-going Scripturally-based discussion; and, in acknowledging differing views, encouraged respect for serious conscience-directed deliberation so that "our unity is in the Gospel of Jesus Christ and not in mandated conformity in all matters of pastoral practice.”⁵

It isn't lost on us that this Church continues to be in a time of deliberation and discernment regarding human sexuality, including issues related to the full inclusion of GLBT persons in our churches and on the roster of this Church. At the 2007 Churchwide Assembly, an assembly action (CA07.06.28)⁵ was strongly approved to encourage restraint of discipline as we await the outcome of further conversation and action on this issue at the 2009 Assembly. We choose to receive this as helpful counsel for us in the office of bishop with regard to the issue of same-gender marriage, and will be guided by this sensibility in the exercise of our ministry. We hope the pastors and congregations of our synod will also receive this as helpful counsel as we move forward in our ministry together.

A FINAL WORD

It is our hope this letter will prove helpful to you in these changing times. We welcome conversation with you, either as individuals or in your conference or other gatherings. We affirm our desire and calling to support the gracious pastoral care you will offer in your context of ministry, and offer our prayers for you in doing so. Please remember us in your prayers during this time of transition in the leadership of our synod. We pray that in all the conversations that will ensue from living in these questions, both those who request same-gender marriages and their congregations will be able to celebrate life-long commitment in a gracious, Christ-centered way.

God's blessing and strength be with you all.

Sincerely,

David G. Mullen, Bishop

Mark W. Holmerud, Bishop-elect

expression. The ELCA's 1996 message, *Sexuality: Some Common Convictions*, stated:

Marriage is a lifelong covenant of faithfulness between a man and a woman. In marriage, two persons become "one flesh;" a personal and sexual union that embodies God's loving purpose to create and enrich life. By the gift of marriage God "founded human community in a joy that begins now and is brought to perfection in the life to come."

In 1993, the ELCA's Conference of Bishops stated:

We, as the Conference of Bishops of the Evangelical Lutheran Church in America, recognize that there is basis neither in Scripture nor tradition for the establishment of an official ceremony by this church for the blessing of a homosexual relationship. We, therefore, do not approve such a ceremony as an official action of this church's ministry. Nevertheless, we express trust in and will continue dialogue with those pastors and congregations who are in ministry with gay and lesbian persons, and affirm their desire to explore the best ways to provide pastoral care for all to whom they minister.

Recent synodical actions do not change the ELCA's stance upholding marriage.

In 1999, the Churchwide Assembly (this church's highest legislative authority) called upon all members and congregations to continue dialogue regarding homosexuality. The assembly voted:

To continue discerning conversations about homosexuality and the inclusion of gay and lesbian persons in our common life and mission and to encourage churchwide units, synods, congregations, and members of this church to participate in thoughtful, deliberate, and prayerful conversations through use of such resources as "Talking about Homosexuality—A Guide for Congregations."

To reaffirm 1991 and 1995 actions of the Churchwide Assembly of the Evangelical Lutheran Church in America that "Gay and lesbian people, as individuals created by God, are welcome to participate fully in the life of the congregations of the Evangelical Lutheran Church in America." [excerpts from CA99.06.27]

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² **20.21.03.** Charges against an ordained minister which could lead to discipline must be specific and in writing, subscribed to by the accuser(s), and be made by one or more of the following:

- a. at least two-thirds of the members of the congregation's council, submitted to the synodical bishop;
- b. at least one-third of the voting members of the congregation, submitted to the synodical bishop;
- c. at least two-thirds of the members of the governing body to which the ordained minister, if not a parish pastor, is accountable, submitted to the synodical bishop;
- d. at least 10 ordained ministers of the synod on whose roster the accused ordained minister is listed, submitted to the synodical bishop;
- e. the synodical bishop; or
- f. the presiding bishop of this church, but only with respect to an accused who is a synodical bishop (or who was a synodical bishop at any time during the 12 months preceding the filing of written charges), submitted to the secretary of this church.

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³ **20.31.03.** Charges against a congregation which could lead to discipline must be specific and in writing, subscribed to by the accuser(s), and be made by one or more of the following:

- a. at least one-fifth of the voting members of the congregation, submitted to the synodical bishop;
- b. at least three other congregations of the synod, submitted to the synodical bishop;
- c. the Synod Council; or
- d. the synodical bishop.

⁴ Minutes, Sierra Pacific Synod Assembly, May13-15-2004.

⁵ HISTORY OF ACTIONS BY THE ASSEMBLIES OF THE SIERRA PACIFIC SYNOD, ELCA

Pertaining to ELCA Rules Affecting Gay & Lesbian Clergy and Related Disciplinary Issues 1988 -2000 --
http://www.spselca.org/News/June_2000/Gay-Lesbian_Actions/gay-lesbian_actions.html

⁶ RESOLVED, that in an effort to continue as a church in a moral deliberation without further strife and pain to its members, the Churchwide Assembly prays, urges, and encourages synods, synodical bishops, and the presiding bishop to refrain from or demonstrate restraint in disciplining those congregations and persons who call into the rostered ministry otherwise-qualified candidates who are in mutual, chaste, and faithful committed same-gender relationship; and be it further RESOLVED, that the Churchwide Assembly prays, urges, and encourages synods, synodical bishops, and the presiding bishop to refrain from or demonstrate restraint in disciplining those rostered leaders in a mutual, chaste, and faithful committed same-gender relationship who have been called and rostered in this church.

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