

Beth Stroud Trial Eyewitness Account

BY Rev. Karen Booth

Day 1 – December 1, 2004

Doors to the gymnasium at Camp Ibanah were opened at 8:00 AM . Media and observers were signed in. Media was given a press kit and introduced to communications representatives from Eastern PA Conference and United Methodist Communications. Beth was represented by a media consulting firm – Moore Consultants – headed by Jana Moore, assisted by Dr. Roger Harless. I had requested press credentials because I was reporting on the trial for our TC newsletter and had been asked to also write the report for Good News magazine, which was not sending one of their own reporters.

Jury selection began at 9 AM and had not concluded by 10 AM at the time for devotions. Presiding Bishop, Joseph Yeakel welcomed the crowd and explained the preliminaries of the trial process. Thirteen clergy members in full connection were to be chosen for the jury out of a pool of 66 who had been nominated by their District Superintendents. Nominees were sent letters and asked four questions for qualification:

- to affirm that they were members in full connection,
- to eliminate themselves if they had served in any official Conference capacity that made them privy to the particulars of the case,
- to eliminate themselves if they had already pre-determined guilt or innocence of the accused,
- to eliminate themselves if they could not in conscience abide by the current standards of the Book of Discipline.

Three people were excused for health reasons and fourteen more were excused under items 3 and 4 above, leaving a pool of 49. The 13 jurors and 2 alternates were then chosen by lot, and counsel for the Church and Respondent each had the right of refusal of a certain number of people.

Bishop Yeakel shared the plan for the first day, which would include instructions to the jury, opening statements by the Church and the Respondent (Beth) and the presentation of the Church case. The Respondent (defense attorneys) would present its arguments tomorrow. He said a church trial was an expedient of last resort. That The United Methodist Church is connectional, conciliar, itinerant, and episcopal. We “may not ignore, delete or disobey the Discipline even if we disagree with it.” When there is an assumption that has happened, when covenant is broken, then if not resolved, it leads to a church trial.

Bishop Marcus Matthews led the opening devotions, a candle lighting and prayer service. The Bishop prayed for grace, justice and mercy for the trial participants, for wisdom and direction for the jury and those who will interpret the church law, for the church universal, that where there is error it may be corrected, and where there is division there may be unity. He invited each person to enter into personal prayer and ended with the Lord’s Prayer. The Bishop announced that The United Methodist Church has a careful and fair process to adjudicate church law, and that the overarching focus of the trial was “to discern God’s will for God’s church.”

The court was then dismissed until 1:30 PM

Respondent’s defense team held a press conference while the trial court was recessed. They announced that Bishop Yeakel had informed them that morning that they would not be permitted to present their six expert witnesses who would have delivered a constitutional critique of the UMC policy on homosexuality. They expressed their surprise and deep disappointment in that

decision. (Since none of their witnesses had shown up that morning, nor none from the church side who would have rebutted their testimony, it is hard to believe the decision was made only that morning. I think it was a play for media sympathy.) Though they were not permitted to present their arguments to the trial court (jury), they did release their full arguments, with documentation to the media. And they said it would be "read into the record" to be used in case of appeal – which could go all the way to the Judicial Council.

Without going into detail, their arguments were:

- ◆ the Eastern PA Annual Conference has not defined the terms "self-avowed practicing homosexual" or "status," as required by the Judicial Council, and could therefore not legally charge Beth or bring her to trial;
- ◆ the General Rules of the UMC are violated because the prohibition against homosexuality is not found anywhere in them, so the prohibition against homosexual practice is a new "rule of conduct" that cannot be required. Enforcing that rule of conduct "does harm" to some United Methodists, another violation of the General Rules;
- ◆ homosexuality is a "status" protected by the United Methodist Constitution because "It is the consensus of the scientific community that homosexuality is a status." Homosexual conduct is inseparable from this status or orientation and cannot be excluded because it is based on "an unchangeable personal characteristic." (Apparently Beth's side is permitted to define "status," while the Church is not!);
- ◆ requiring Beth to live celibate is a violation of paragraph 103 of the Articles of Religion* and would have "adverse consequences" for her, according to one of the expert witnesses, Dr. Robert Sadoff. (*To distinguish Methodism from Roman Catholicism, Wesley stated that Methodist pastors would not have to "vow the estate of single life");
- ◆ to forbid Beth's "monogamous, committed relationship," is discrimination based on status.

(If you read the Respondent's witness testimony, cross examination and closing arguments closely, you will see that several of the above arguments were nonetheless insinuated into the court record, all with the Presiding Bishop's tacit approval. One objection from church counsel was overruled.)

Beth's counsel acknowledged that they had little defense left, other than to explain Beth's call to ministry, and that she can only live fully as "who she is" in relationship with her lesbian partner, Chris. They will prove she is a respected minister who should be allowed to continue in ministry. When questioned, Beth answered that she hadn't decided if she would appeal, and she didn't know if she would testify today or tomorrow. She said she did not expect to win the case, but if she did it would be a "powerful work of the Holy Spirit." She confirmed that she would be "back to work Saturday" at First United Methodist Church of Germantown (FUMCOG) as a lay minister doing much of the same ministry that she was already doing. She had no regrets for any of her actions and believes that eventually the UMC will change its policy.

Beth's partner Chris Paige was introduced. An editor at "The Other Side" magazine, she said she was proud of what Beth was doing.

Fred Day, Senior Pastor at FUMCOG told the media how much the church loves and supports Beth. He spoke of how the UMC prides itself on its inclusivity. He claimed that the denomination is "not of one mind" on the issue of homosexuality, clearly demonstrated in what we were witnessing at the trial. He concluded that since Beth has all the gifts and graces for ordained ministry, she should be allowed to continue as an Elder.

During the recess, I was approached by a reporter from the local NBC affiliate and asked to comment about the trial. The short interview took place in the media room. I was then accosted by Stephen Drachler of United Methodist Communications who told me to surrender my press credentials. He said I would have to choose between being media or an advocate. If I chose to retain my press credentials, I would not be permitted to give interviews or express my personal

opinion about the trial. If I chose advocate, I would have observer status and could give opinion to the other reporters, but would not have access to the press room or press conferences. I chose advocate/observer. Stephen told me that other advocates such as IRD and Soul Force had been denied press credentials as well.

Due to a power outage, the trial did not resume until 2:30 PM . After the opening prayer, jurors were introduced. Bishop Yeakel addressed the trial court citing relevant church law and reminding the people that the Discipline is the law of the church and may not be rejected, ignored or violated even for conscience sake. He also explained that ordination and appointment are sacred trusts, and when there is supposed violation of that trust, clergy are subject to review. He reminded the jury of Beth's presumption of innocence until proven otherwise.

The Bishop then reviewed the charge and specifications against Beth Stroud. She has been charged under Discipline Paragraph 2702.1b – engaging in practices which the denomination has declared incompatible with Christian teaching. The charge was evidenced in four specifications, a meeting with Bishop Peter Weaver, a letter to the members of FUMCOG, a sermon preached in April of 2003, and a questioning by the Eastern PA Committee on Investigation, in all of which Beth had admitted to involvement in a lesbian sexual relationship. When asked how she pleaded, Beth said, “Not guilty.”

In opening arguments, Church Counsel Rev. Tom Hall stated no one questioned that Beth was a good person and a good pastor, with strong support from her congregation and evidence of effective ministry. The trial court was not sitting in judgment on her competency, performance or capability. Nor were they sitting in judgment on the Book of Discipline – which has established boundary lines around “who we are” as United Methodist clergy together. Some view these boundary lines as a hedge of protection provided by reasonable laws. Others view these same boundaries as stifling, as fences and walls, and as “not fair.” These boundary lines are debated every four years at General Conference and this trial is not the arena to do so. The issue instead is accountability, the standards that clergy all agree to honor by virtue of their ordination vows. The charge to the trial court is to try to discern if our colleague has stepped over the line of sacred trust. To determine “who we are as clergy at this moment, in this time and in this place.” In the end, it is a very simple case, and the trial court should find her guilty.

Dr. Dennis Williams, counsel for the Respondent (Beth) started by saying that he was “not glad in this day that the Lord has made.” He had no joy because their team would not be permitted to present the arguments and witnesses they had planned. He offered the standard pro-gay arguments that have been heard consistently over the last several years:

- ◆ that in a “bewildered society” there are more important things to be doing than arguing over sexuality,
- ◆ that Jesus was “hardly concerned” about the issue, and that there was no evidence he had ever said anything about homosexuality, let alone condemning it,
- ◆ that even though Wesley wrote that Scripture seemed to prevent women from teaching/preaching, he nonetheless allowed them to if “under the extraordinary impulse of the Spirit.” We should do the same for Beth, since she is clearly under the impulse of the Spirit.

Dr. Williams hoped the trial would be a “learning moment for all of us.”

He further argued that the Church believes “a rule is a rule,” but that this is not a “slam-dunk” case. The 2000 Book of Discipline is much more nuanced than the Church will admit. (As Beth's charge was filed previous to 2004 General Conference, she was tried under the earlier Discipline.) Beth has not violated sacred trust, but sought to be faithful. The “grand truths that run through the whole of Scripture,” and not isolated texts, and “the grand truths” that run through the whole of the Book of Discipline would prove that. Finally, simply ask “Is her ministry being blessed by God?”

Before the Church presented its case, Bishop Yeakel informed the audience that the jury was permitted to ask the witnesses questions if the Bishop determined they were appropriate. Bishop Peter Weaver of the Boston area (previously of Eastern PA Conference) was called as the first witness for the Church. He testified that Beth had initiated contact and met with him in March of 2003. "Yearning to be honest," she had disclosed that she was living in a covenanted, lesbian relationship. (She had begun this relationship in 2000.) She informed him that she intended to send a letter to her congregation revealing her sexual orientation and partnered relationship, and that she would also preach a sermon about it a week later.

April 19, 2003 a letter was sent to FUMCOG members with a copy to the Bishop. A quote from the letter was shown to the trial court by PowerPoint. It said, "Being more fully open about my sexual orientation and my family life with my partner will put my credentials as an ordained United Methodist minister at risk."

Bishop Weaver responded to the letter by another face-to-face meeting with Beth in which he explored various options with her by which a complaint would not have to be filed – a commitment to celibacy, a transfer of clergy credentials to another church body, or fulfillment of her calling through lay ministry in the UMC. When Beth rejected these options, he met with FUMCOG to explain the disciplinary process. He then filed an official complaint, but even after that, met with Beth three additional times from fall 2003 to January 2004 to more fully explore the options for compliance with the Discipline, so that they could "with integrity and caring come to common ground." When it was finally clear that none of these options was acceptable to Beth, the Bishop moved it on to Committee on Investigation, which moved the complaint on to trial.

Under cross examination, Bishop Weaver again reiterated the thoroughness and caring of his interaction with Beth, indicating that after charges were filed, he would have moved the process back to the supervisory phase any time Beth had sought that resolution. At this time, Rev. Williams introduced the constitutional argument about celibacy that was part of their disallowed strategy. However, Bishop Weaver countered that Wesley was referring only to heterosexual expression in marriage, which is the denominational standard.

The Church then called Beth as a witness, and she acknowledged that the charge and all of the specifications were true. She verified that she had disclosed her lesbian relationship in the meeting with Bishop Weaver, in the letter to FUMCOG and in her April 2003 sermon. She admitted that she confirmed she was a "self-avowed, practicing homosexual" to the Committee on Investigation, which included genital intimacy. She was asked if she is still currently sexually active as a lesbian and answered "yes."

In the cross examination, Dr. Williams asked her why she had started the ordination process knowing the position of the UMC. She answered that she had explored a more "welcoming" church, but that the UMC and Philadelphia were "home." In a very revealing statement, she said, "I thought I would never make it through the ordination process. I assumed I would be asked about my sexuality." Dr. Williams asked her why she decided in 2003 to disclose her sexual orientation and practice. She answered because the silence was compromising her faith and her ministry. "I was teaching that God is an inclusive God, but I wasn't living that out." When asked why she had chosen a trial, she said it was a "learning moment" for the church, to time to grow, a time for "deep listening," a time to be open to each other and to change minds, a time to witness so that people alienated from God might hear the good news.

At this point, Church counsel requested that the trial move immediately to the penalty phase since she had already acknowledged the charge and specifications to be true and accurate. Bishop Yeakel denied this motion and said it would be common courtesy to allow the defense their case tomorrow.

The first day ended with one of the jurors asking Beth why she had pleaded “not guilty” if she acknowledged the charge/specifications to be true. Beth answered that to plead “guilty” would be to say that she had violated sacred trust as an ordained pastor and she didn’t believe she had done that.

The trial court was dismissed to reconvene the next day at 8:30 AM.

Day 2 – December 2, 2004

Rev. Hilda Campbell, Director of Human Relations for the EPA Annual Conference, offered an “advocacy” prayer, asserting that God had used women in hard places in the past – “non-traditional” women – to bring growth and change to the Church.

Church counsel asked the Presiding Bishop to move the trial on to the penalty phase without hearing the defense witnesses, who would serve as character witnesses for Beth. Since her character and effectiveness were not under question, and since she had already admitted to guilt, could the trial proceed without them? The Bishop again said that it was common courtesy to allow the witnesses and the trial would proceed as planned.

Newly elected Bishop, John Schol was the first witness called. After stating his own educational and service background, he was asked to comment on Beth. He first met her in 1997 when he was Senior Pastor over her first appointment at West Chester UMC. As a colleague, Beth was a “person of great integrity.” She was a great preacher, as if she had been in ministry for a long time. One of the ten best sermons he had ever heard was her last before leaving West Chester . He particularly noted her pastoral care and concern in the serving of communion and in ministering to a cancer victim. He said in her evaluations, she consistently was rated as exceeding expectations.

He was then asked if he knew about Beth’s sexual orientation, and he acknowledged that she had shared about her lesbianism with him before they began ministering together. She indicated at the time that she was not in a committed relationship. Under cross examination, Church counsel asked Bishop Schol if a similar situation occurred in his Annual Conference, how would he respond? What action would he take? Schol responded that the Bishop’s role is to “help ensure clear understanding and healthy process in hard issues,” to show compassion and caring, always trying to find the gospel truth in challenging times, and make sure the process works.

The jury asked Bishop Schol two hypothetical questions that the Presiding Bishop deemed out of order. Another jury question about the trial charges was referred to later review.

Rev. Fred Day, Senior Pastor of FUMCOG, was the second witness called. After stating his own educational and service background, he was asked when he first knew Beth, and answered that he knew her as a “promising candidate” when serving on the Cabinet as a District Superintendent and on the Board of Ordained Ministry. He came to know her well as her Senior Pastor at FUMCOG, and believed she was an excellent pastor with transformational leadership skills. When asked what some of those skills were, he read off a list of her qualifications: life-long, baptized Methodist, recognized call at an early age, founded in the United Methodist Church, deeply spiritual, centered and grounded, an effective administrator, good preacher, has evident gifts of an Elder, exceptional pastor. When asked to comment about her integrity, he said, “It’s on my list,” and that “God made her and called her as she is.”

When questioned about Beth’s sexual orientation, Day acknowledged that he knew about it and about her relationship with her partner. But he justified that by saying that the testimony of Scripture is far from clear and that when the Church is in such a state of uncertainty and flux about it, we cannot risk sacrificing people of such excellent heart and faith when we are not of

one mind. During this part of his testimony, Day indicated that he thought it unfair to ask someone to live without the intimacy of a sexual relationship.

Before cross examination, Church Counsel asked the Presiding Bishop to strike Day's testimony about Scriptural interpretation from the record as it was a violation of the requirement not to make a constitutional argument. Bishop Yeakel responded that the testimony had been spontaneous and would stand.

Church counsel then asked Day point blank "Is it acceptable to violate the order of the Discipline because you have a good, effective pastor?" Day answered, "Unreservedly, yes." It was his belief that the Discipline was not clear on the subject of homosexuality, that LGBT persons are condemned as unworthy and not "allowed to rise to sacred orders" as Elders.

A jury member asked if Day would comment on his beliefs from the perspective of the Wesleyan quadrilateral of Scripture, tradition, reason and experience. Bishop Yeakel ruled the question out of order.

Dennis Williams' closing argument for the Respondent (Beth) opened by reiterating their team's disappointment at being denied the presentation of their full case. He told the jury that they were confronted with a moral issue, but not the moral issue that the Church was trying to make. The real heart of the matter was whether all United Methodists, regardless of status, are afforded equal rights and equal opportunities. He also reiterated the contention that the "grand truths that run through the whole of Scripture and the Book of Discipline" support their case. Just as Peter's vision of the sheet of clean and unclean animals justified the "status" of Gentile believers, so the "status" of LGBT persons was also now at stake. Also the jury should allow Beth to continue to minister because preventing that would violate Wesley's General Rule to "Do no harm." (Note that several of these arguments are actually the ones Yeakel had earlier said they would not be allowed to present.)

Tom Hall's closing argument for the Church was a simple review of the facts – that Beth's acknowledged meeting with Bishop Weaver, her letter to FUMCOG, her sermon – all confirmed the validity of the formal charge and the corresponding specifications. He noted that even Bishop Weaver's deep regard for Beth had not prevented him from honoring clergy accountability. Beth's decision to live outside the boundaries of accountability is what is in dispute, not her calling or effectiveness. He concluded that the jury should "lovingly but firmly hold a good pastor accountable."

At this time, one more item was offered as an exhibit – a folder of personal letters of support from Beth's congregation.

Bishop Yeakel reviewed the pertinent Church law with the jury. He told them they needed nine votes to sustain a conviction and that no abstentions were allowed. They would need to vote on the total charge and all four of the specifications. And the finding would have to be because of "clear and convincing" evidence. The jury verdict takes place immediately and is subject to 30 day appeal, but can not be overset until appeal is completed. He said that Church and Respondent's Counsel would make final statements before the penalty phase, and that at the time of the report there would be no demonstration allowed. He then dismissed the jury for deliberation.

Shortly before the jury returned with the first verdict, a bit after lunch, Bishop Yeakel announced that one of the media representatives would be recording the verdict. The jury returned, and spokesperson Nicholas Camacho read the verdict. On all four specifications – guilty by a 12/1 vote. On the formal charge as a whole – guilty by a 12/1 vote.

In his closing statement for the penalty phase, Church Counsel Tom Hall reminded the jury that Judicial Council ruling #985, dated May 5, 2004, decided that a Bishop cannot appoint a person who is found guilty of being a "self-avowed, practicing homosexual." Since Beth is not

appointable, the logical penalty is to take away her clergy credentials, and this is the penalty that the Church requests.

In his closing arguments for the Respondent, Dennis Williams told the jury that they have the power to determine the penalty. Of the following options – expulsion from the Church, revoking of credentials and Annual Conference membership, suspension from the functions of office, and a lesser penalty – Williams requested they consider a “creative,” lesser penalty. He asked them to remember that Beth was a person of integrity, that she could no longer remain silent about “the gift of her sexuality,” and that she was a woman whom God had used to “build bridges of care across canyons of despair.” He hoped that the jury would fix a lesser penalty and allow Beth to continue in ministry, follow her calling and exercise the office of ordination.

The jury was again dismissed for deliberation, with Bishop Yeakel reminding participants that no demonstration would be allowed. However, just before the jury returned, he announced that at the request of Beth’s Staff Parish Relations Committee Chairperson he would allow a silent demonstration at the reading of the verdict – that her church members could stand in support of her.

The jury returned and Nicholas Camacho again read the penalty verdict. The jury voted 7/6 to take away her clergy credentials. At this time, several of Beth’s supporters turned their backs on the court. They began humming and then singing a protest song. Bishop Yeakel told Beth she had thirty days to appeal, and then he concluded the trial.

In conversation with me after the trial, Bishop Yeakel said that the church would one day have to apologize to Beth for what it had done. Rev. Fred Day shared the same sentiment on Bishop Yeakel’s behalf at a public press conference after the trial.