



Greg Dell Trial Updates: March 25

Compiled by CORNET

See also: [Friday, March 26 Updates](#)

Thursday Evening, March 25

From UMNS

8:25 P.M., Thursday, March 25, 1999

In his opening remarks at 6 P.M., the Rev. Larry Pickens, defense attorney for Gregory Dell, told members of the trial court that the case was not about following the letter of the law "but how we respond to human beings in need.

"This is not about a single act," he added. "This is a case that reflects a single ministry that has been effective for over 30 years."

Perkins questioned whether the covenant community formed by pastors is a rigid union bound by legal rules or "an organic and expansive community" allowing its members to live in a dynamic tension of life and faith.

"The irony of this moment is that Gregory Dell has done everything a pastor should do," Pickens said, noting some of his accomplishments. This case, he argued, represents what can occur when pastoral need and a church law conflict.

The defense described a historic situation where John Wesley, the founder of Methodism, violated a 1500-year-old law of the church to fulfill a pastoral need. Wesley needed more clergy to spread the faith and, as an elder, ordained several himself – in violation of law of

apostolic succession, a historic chain of ordination by bishops.

"If John Wesley had followed a rigid adherence of church law, none of us here today would have valid credentials of ordination," Perkins noted.

First witness for the defense was the Rev. Thomas Frank, professor of church administration and congregational life and director of Methodist Studies at Candler School of Theology in Atlanta. The son of a bishop and author of a recent book on "Polity, Practice and the Mission of The United Methodist Church," he was presented as an expert on polity issues.

Frank said he believes the phrase "order and discipline of the United Methodist Church" is open to interpretation and that the trial court can make its own judgment about what constitutes "disobedience."

He added that the *Book of Discipline* contains very little canon law about worship practices and that Paragraph 65c, forbidding ministers to perform same-sex union ceremonies, "is a bit of an oddity as canon law because it says something you can't do rather than what you can do."

Under cross-examination by Williams, Frank did not dispute that Paragraph 65c is legal and binding, but he reiterated that his interpretation of the Judicial Council decision was that a pastor could be liable for charges of disobedience, but not automatically considered disobedient. "That requires the judgment of a committee on investigations and trial court," he said.

During the redirect by Pickens, Frank declared that "if a specific violation of a single church law was sufficient to throw somebody out" of the church, it would be out of character for the United Methodist tradition.

Methodism, he explained, has not been about legalisms but about helping people grow in the knowledge and love of God.

The Rev. Phil Blackwell, program officer for the Northern Illinois Annual Conference, was to be called as the next witness, but church counsel objected, saying that his testimony had no relevance to the charge against Dell. After some discussion, Tuell agreed with Williams and Blackwell was not allowed to take the stand.

The two final witnesses for the evening testified about Dell's pastoral abilities. John McDermott, executive director of the Lakeview Action

Coalition, spoke about the pastor's involvement in the community surrounding Broadway United Methodist Church. He described Lakeview's population as being diverse in economic status, race, age, sexual orientation and religion. "It's known as the home community of the gay and lesbian population in Chicago," he added.

McDermott gave examples of Dell's extensive participation in neighborhood issues and organizations. "I know that Greg is respected by people of many faiths and many backgrounds," he said.

Sixteen-year-old Elizabeth Cutter talked about the impact Dell had on youth while serving as pastor of Euclid United Methodist Church in Oak Park, Ill., during the years when she was 2 to 12 years old.

"He strengthened my belief in God a lot," she said, praising the loving atmosphere he created at the church. "He always made everyone feel welcome, like they were needed and wanted."

The trial adjourned for the evening at 8:25 Lake view's It was to reconvene at 8:30 A.M. on Friday.

From Broadway UMC

3/25/1999 7:30 A.M.

The jury selected this morning consist of 8 white males, 1 black male and 4 white females. All jurors were selected from a pool of 54 ordained United Methodist elders from the Northern Illinois Conference. Bishop Tuell indicated that the individual juror names and appointments would not be made public during the course of the trial.

It is expected that the trial will continue late into tonight are reconvene Friday morning at 8:30 A.M. Supporters of the cause of justice and inclusion are invited to attend a brief worship service at the band shell in Fishel Park adjacent to First United Methodist Church of Downers Grove. The outpouring of support this morning was in marked contrast to the handful of evangelicals protesting at the trial site.

3/25/1999 6:30 P.M..

The prosecution rested after presenting only three witnesses. Details on

their case will be posted later tonight.

After a brief dinner break, the defense began with the Rev. Dr. Larry Pickens presenting his opening argument.

The complete text of his remarks follows.

This is a case that reaches to the heart and soul of the Covenant community of United Methodists. This is a case that has to do with how we deal with those who force us to face our differences as opposed to avoiding them as is often the case. We are here today in the spirit of John Wesley, Philip Otterbein, Mary McCloud Bethune, Black, Harry Hoosier, Francis Asbury, Thomas Coke, Richard Allen and Georgia Harkness.

We come here today, many of us on different sides, realizing the gravity of this time. This is a time of paradigm shift in the life of the United Methodist Church. You have been selected to participate in this event and it is my prayer that you will seize this opportunity to effectuate the peace making process in our church with respect to how we address same sex unions and homosexuality in the United Methodist Church. It may seem foreign to talk about peacemaking in a Church proceeding. The words of the late Yishak Rabin are true, you do not make peace with your friends. Some have declared war and have decided that what we do here will determine whether or not they will stay in or leave our church. Some have identified their enemies and now is the time to stop, reflect and determine who it is that we claim to be as United Methodists. It was Abraham Lincoln who once said that in the Civil War neither side wanted war and both sides prayed to the same God. But one side would make war, rather than stay in the Union and the other side would accept war rather than let it be rent asunder. So the war came. In other words, Abraham Lincoln understood that the Almighty has His own designs, and all we can do is pray to know God's will.

Creating the peace, however, is not your burden. Your task is to develop the context in which peace can occur. Your task is to be open to the telling of a story that is inclusive of the

faces, places, experience and realities of ministry. Your task is to be open to the story that is expressive of God's love. This case is about Greg Dell's courage and his desire to love all of God's people. It is about contextual ministry and the need to grow and remain flexible wherever any of us serve in ministry. This is a case about whether we are going to allow ministry to be extended to persons in ways that are affirming and supportive. This case is about the ministry of Greg Dell as he seeks to be in ministry with gay and lesbian persons as he provides a means of grace for persons seeking to be in covenant with Broadway UMC locally and the United Methodist Church on a global level. This case is about Pastoral integrity and the willingness to meet people where they are. This is a case about the human side of ministry. The Church would have you to believe that this is about the law and the letter of the law. This case, however, is about the people, the faces, the personalities, the real life stories of persons who have been effected by the ministry of Gregory Dell. This case is not about a single act. This is a case that reflects a single ministry of over 30 years. A ministry that has had an impact upon numerous individuals, giving dignity and worth to gay and lesbian persons. This is a story about a committed pastor. This is a case about integrity in ministry and compassionate Servant Leadership.

This is a case about the Covenant Relationship and mutual accountability. In a sense The United Methodist Church is on trial today because what we have to determine is whether the covenant is a set of rigid and legalistic rules and regulations or an organic and expansive, living community in which our dialogue and faith experiences serves in allowing us to live in dynamic tension and faith. This case is about the tension within our polity- the way in which we order and govern ourselves. The restriction of pastors from performing same sex unions and the requirement that our pastors be in ministry with all persons in contextual and practical ways is a confusing contradiction. It is the tension of affirming our love and acceptance of homosexuals while rejecting the expression of their sexuality. This is the corner into which our church has backed itself.

Greg Dell is a theological and ecclesiastical casualty of this quandary in which the church finds itself. With the world watching we must face our inherent contradiction today. With the world watching we must face the need to clarify who it is that we say we are as United Methodists. With the world watching we must face a respondent who has been faithful to ministry and has served the church well. The irony of this moment is that Gregory Dell has done everything that we say our pastors should do. he has taught his people about the love of Jesus Christ. He has evangelized, seeing his present congregation grow by more than 50 percent since becoming the pastor. He has involved his people in the United Methodist connection. His churches have paid their apportionments. He has asked his people to remain faithful to the United Methodist Church. Where is the disobedience? Where is the disorder? Where is the lack of Discipline?

This is a case about what it is that we do when pastoral need and Church law conflict. In September 1784 John Wesley confronted a dilemma. After the Revolutionary War most clergy in the colonies returned home. Francis Asbury was about the only minister that Wesley had in the whole New World. Wesley commissioned three new ministers that September and provided this certificate for Thomas Coke. The certificate stated whereas many of the people in the Southern provinces of North America, who desire to continue under my care, and still adhere to the doctrines and discipline of the Church of England, are greatly distressed for want of ministers to administer the sacraments of baptism and the Lord's Supper according to the usage of said Church. Wesley was concerned for the large, lost leaderless flock in North America. He felt pastoral called to send them ministers. So on September 1, 1784 at some time between 4:00 and *:00 A.M. Wesley ordained Richard Whatcoat and Thomas Vesey as presbyters (elder). The next morning Wesley, with those he just ordained, laid hands on Thomas Coke for the purpose of consecrating him superintendent of the Methodist work in the colonies.

What we often fail to consider is that Wesley, by his action,

broke not a 3-year-law of the church, but one which was over 1500 years old. John Wesley had been ordained elder by a bishop who had been ordained by a bishop, who had been ordained by a bishop, going back, the Church of England believed, to the Apostles themselves. Wesley broke a law that was significant and central to our faith context-the Apostolic Succession. Christianity. Wesley was faced with a conflict of pastoral need and church law. He was convinced in his own conscience that he was not breaking a church law of a millennium and a half of tradition. Was he right? Anyone who says that church law takes precedence over pastoral considerations faces a dilemma.

If John Wesley had followed a rigid adherence to church law none of us here today would have valid credentials of ordination. We are here today in the spirit of John Wesley. Was Greg Dell right? That's what this case is all about.

We, like Wesley, live in an age of conflict. As we deliberate our armed forces are engaged in the Balkans. Ours is a reality of polarizations. Like Wesley I hope that we can look for a third alternative to our present conflicts. Presently we are confronted with the conflict between tradition and modernity. We like Wesley must be open to the future and welcome all valid progress that is grounded in the overarching order of Divine Providence. The third alternative is the ability to make a distinction between God's sovereignty in creation and God's accommodations to human freedom. This is a case about our flexibility and willingness to accommodate human freedom, creativity and pastoral care within the Order and Discipline of our church.

We are not claiming as a defense that Greg Dell did not perform the ceremony proscribed in Par. 65c. What we are submitting, however, is that the question of whether a particular part of the *Discipline* has been violated, can only be decided in the context of the entire *Discipline*. If, as we believe, it is not possible in a parish context to honor both Par. 65c and other conflicting provisions of the *Discipline*; then it can hardly be a violation of the *Discipline* for a pastor to have to decide which of the conflicting rules must be

obeyed. Pastors must struggle in the local parish to understand what it means to be faithful to one's ordination vows and the sweeping imperative to minister to all people.

This is not a test case. This case arose out of a thoughtful decision by a dedicated pastor, ministering to the spiritual and temporal needs of his people. The crucial question presented in this case is how and whether a United Methodist pastor is to minister in this specific situation. Reduced to its essentials, the issue is whether the United Methodist Church has any mission any mission to the people of Broadway United Methodist Church. To answer this question the trial court will need information about Broadway, the larger community context and the experience of contextual ministry. We will present witnesses who will bring both personal testimony and general information about the church, the community and the mission of our people. This is a case about ecclesiastical obedience.

What we are asking , quite simply is whether Greg Dell's ministry at Broadway United Methodist Church may continue. The subtext of this trial is not sex but commitment.

I would like to outline for you the evidence we will offer so that you may have a feel for the flow of our case as you listen to the testimony of individual witnesses.

We invite you to seek the clarity that we have sought. We invite you to open your minds, your hearts and your spirits to a Holy Spirit that is not bound by strictures of rules but a Spirit that transforms and brings renewal to God's people in all generations.

Thursday Afternoon, March 25

From UMNS

4:15 dyeable, Thursday, March 25, 1999

The prosecution rested after Williams questioned the church's third witness, Chicago Area Bishop C. Joseph Sprague. Before Sprague took

the stand however, Williams called Dell himself as a witness.

Dell affirmed that he had agreed to uphold the laws of the church in taking his ordination vows and that mutual accountability is part of the ordination vow. When he performed the union ceremony last September he was aware that Paragraph 65c regarding same-sex union ceremonies was part of the church's polity.

"You conducted a homosexual union ceremony as a United Methodist minister in a United Methodist church?" Williams asked. "That's correct," Dell replied.

Williams had Dell read part of the Feb. 6 testimony given before the conference committee on investigation. In it Dell testified he had proceeded with Eccarius and Reinhardt in the same manner he would with any couple. They had come to him one year before, requesting a service, Dell said.

Williams asked Dell if the couple had requested the blessing of the church. "Yes," Dell responded. "You provided that service," Williams asked. "Yes," said Dell.

Toward the end of his time on the stand, Dell acknowledged that Paragraph 65c is binding on clergy.

Dell was followed to the stand by Sprague who acknowledged his opposition to the church's policy on homosexual unions. The Chicago Area Bishop said he felt it was his duty to sign the complaint against Dell because of his stand and the consensus reached by the Council of Bishops. Questioned by Williams about his own view on the policy, Sprague said he had worked hard to change church law on the issue but when he stood for election as bishop he vowed to uphold the law.

Pickens didn't cross examine Dell or Sprague. However, he did question Bashore, the prosecution's first witness, to clarify the role of the president of the Council of Bishops. Bashore confirmed that the president does not speak for the church. In one of the lighter moments of the afternoon, Pickens asked, "Are the members of the Council of Bishops bound by your thoughts and expressions?" After chuckles from the audience, Bashore replied, "No, I try to speak collegially on behalf of the Council of Bishops."

When Tuell reconvened the court at 3 collegial after a brief break, he led everyone in singing "Leaning on the Everlasting Arms" from the United Methodist Hymnal.

2:45 collegial, Thursday, March 25, 1999

Bishop Jack Tuell, presiding officer, opened the trial at 1:03 with a prayer.

He pointed to the provisions of the *Book of Discipline* and expressed hope that the trial could end by late Friday afternoon. "We are going to ensure that all parties have a fair opportunity to present their cases," he said.

He reminded participants that the event was not a secular or civil court. "We are ruled and governed by the *Book of Discipline* and its provisions."

In the United Methodist Church trial procedures, Tuell said "there is a presumption of innocence." The standard for conviction, he added, is "clear and convincing evidence."

Names of the 13 members of the trial court (jury) and two alternates were not announced. At least nine members must vote guilty in order for there to be a conviction. Fewer than nine votes means acquittal.

Tuell explained that participants in a United Methodist trial take no oaths. "In this setting, it is our presumption that it is the duty of Christians to tell the truth," he said.

Tuell read the charge and specification. "The Rev. Gregory R. Dell is charged with the offense of disobedience to the Order and Discipline of The United Methodist Church under Paragraph 2624.1(e) of the 1996 *Book of Discipline*." The specification is that "on or about Sept. 19, 1998, the Rev. Gregory R. Dell conducted a service celebrated as one of holy union between Mr. Keith Eccarius and Mr. Karl Reinhardt, two males."

Asked by Tuell how he plead, Dell said "not guilty."

The Rev. Stephen Williams, pastor of First United Methodist Church in Franklin Park, Ill., presented the case for the prosecution. He asserted that the respondent (Dell) knowingly and willingly disregarded the Judicial Council ruling that upholds the prohibition against United Methodist ministers performing same sex union ceremonies.

He said Dell did not perform the ceremony because there was a doubt about the law "but because he disagreed with the law."

Williams called the trial, a "brave and solemn moment" that will show whether accountability "really counts" in the church. The law in the *Book of Discipline* regarding same-sex union, as found in Paragraph 65c of the Social Principles, is clear, he said.

Williams claimed that Dell "placed his own agenda before his connectional duties" and "decided he was more qualified to interpret church law than the Judicial Council."

Church counsel called Bishop George Bashore of Pittsburgh, president of the Council of Bishops, as an expert witness on the *Book of Discipline*.

Williams asked Bashore to explain the role of the *Book of Discipline* and the authority of the General Conference and Judicial Council. Williams also pointed to portions of the *Book of Discipline* that refer to the expectations of persons seeking ordination and their accountability to the denomination.

Bashore explained that the General Conference is the highest legislative body in the church. "No one else has that power," he said.

Williams asked if General Conference has the authority to make prohibitions such as the statement against same-sex unions in the Social Principles. Bashore said it does.

Williams also referred to specific Judicial Council decisions of last August which said the Social Principles statement (65c) has the affect of church law and that the prohibition is constitutional.

In response to questions from Williams, Bashore agreed that the Judicial Council has said that performing a same-sex union ceremony is an act of disobedience.

From Broadway UMC

Downers Grove, Ill. (Mar 25, 12:30 P.M.) As jury selection was completed at the church trial of the Rev. Greg Dell for "disobedience of the Order and Discipline of The United Methodist Church" by celebrating the holy union of two gay men, The Rev. Dr. Larry Pickens, chief defense council,

made the following statement:

"It is our belief as the defense team that the voir dire trial court selection process was fair. We affirm the leadership of the presiding officer, Bishop Jack Tuell. We believe that the trial court selection process provides an optimum opportunity for a fair trial.

We further believe that this will be a trial before our peers. We look forward to moving into the trial stage and telling the story of ministry that is filled with integrity and grace."

Rev. Dr. Larry Pickens
Pastor, Maple Park UMC, Chicago
Chief defense counsel

From UMNS

12:15 void Thursday, March 25, 1999

The selection of jurors ended at about noon and the trial is scheduled to begin at 1 void

Thursday Morning, March 25

From Broadway UMC

3/25/1999 11:00 void

After a very moving outdoor worship service in Fishel Park, a group of supportive clergy and laity from across the country sang and marched in a circle of care. The talk was of justice and [Bishop Talbert's moving statement](#) of yesterday. Pictures to follow.

Jury selection began behind closed doors. Check back for reports as the public part of the trial begins.

From UMNS

9 Albert's Thursday, March 25, 1999

As he was entering the church for jury selection, the Rev. Larry Pickens, Dell's defense attorney, said he looked forward to the opportunity to

present his case. "In this context the words won't be twisted," he said.

8 Albert's, Thursday, March 25, 1999

Supporters of the Rev. Greg Dell gathered for a worship service in Fishel Park across the street from First United Methodist Church in Downers Grove, Ill., site for the church trial.

The park was decorated with signs of support for Dell, the pastor of Broadway United Methodist Church in Chicago who goes on trial today for performing a holy union service for two men last September. "God's Love is Inclusive," "God's Love Unites All," "Thank God for Greg Dell," and "The Church is on Trial Here," were some of the messages on the many signs posted around the park.

The worship event was described as "A service of prayer and justice: planting seeds along the journey." Amid the prayer and singing, the group heard from Keith Eccarius, one of the two men for whom Dell performed the holy union service that has led to the trial. Eccarius said that when he and Karl Reinhardt declared their commitment on Sept. 19 "who knew where we would be today."

"We felt we needed a declaration of our commitment to each other, Eccarius said. It was important to have that commitment blessed by the church, he said. "The most important reason was that we felt that we needed to be a witness to the community and to the United Methodist Church about how important this is to us and to all people to be included in all aspects of our church life. "We wanted people to know that couples in our community could have committed, long-term relationships and we wanted to plant a seed for the future."

Eccarius said he and Reinhardt were nervous at the time but they felt that what they were doing was important. "We had no idea it would turn into this but we are excited, we are thrilled to be a part of this."

Today a seed is being planted, Eccarius continued. "Many people think the outcome of this trial will be the end of this issue but it's really only just beginning."

Jury selection is to begin at 9:30 and is expected to last all morning. The court room will not be open until 1 Downers or until the last juror has been selected.

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