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Suspended pastor files appeal

By United Methodist News Service

The Rev. Greg Dell is appealing the decision of a trial court that suspended him, effective July 5, for performing a same-sex ceremony.

In March, the pastor of Broadway United Methodist Church in Chicago was found guilty of disobedience to the order and discipline of the denomination in a church trial. A panel of fellow clergy members imposed a penalty of indefinite suspension unless Dell agrees to sign a pledge to never again conduct such a ceremony.

The Rev. Larry Pickens, Dell's attorney and pastor of Maple Park United Methodist Church in Chicago, said an appeal was filed April 21 with Bishop Jack Tuell, who presided over the trial. Tuell then forwarded the appeal to the North Central Jurisdiction committee on appeals and to Bishop C. Joseph Sprague, who leads the church's Chicago Area.

The constitution of the United Methodist Church states that the denomination's jurisdictional conferences have the power "to appoint a committee on appeals to hear and determine the appeal of a traveling preacher of that jurisdiction from the decision of a trial committee." The Rev. Philemon Tutus of the Detroit Annual (regional) Conference is chairman of that committee.

"We think the trial court did not apply the evidentiary standard of clear and convincing evidence in relation to the verdict," Pickens told United Methodist News Service in a May 13 interview.

While Dell had not disputed his part in the ceremony, his "conviction" was based on a charge of disobedience to the church. Pickens explained that when the trial court finished its deliberations, a statement was made that it had difficulty determining whether Dell had been disobedient because what constituted disobedience was not adequately defined by the church or by its *Book of Discipline*.

In the appeal, Pickens also asserted that "the penalty itself is unconstitutional in that it's an indefinite penalty designed to extract a pledge based on future action."

The attorney said the committee on appeals has 30 days, once it receives notice of appeal, to give Dell a hearing date. That date can be within 120 days of the filing of the

appeal. Pickens has requested a hearing date in late July or mid-August.

"I think we would be asking that if there is a penalty, it would be time already served," he said, anticipating that the hearing would take place after Dell's suspension begins.

After July 5, Dell will become director of In All Things Charity, an unofficial network of clergy members and others who support the full inclusion of gays, lesbians and bisexuals in the life of the church.

Beyond the jurisdictional committee, the highest level to which an appeal could go would be the Judicial Council, the denomination's supreme court.

According to the *Book of Discipline*, Paragraph 2615, "The Judicial Council shall have power to review an opinion or decision of a committee on appeals of a jurisdictional or central conference if it should appear that such opinion or decision is at variance with the *Book of Discipline*, a prior decision of the Judicial Council, or an opinion or decision of a committee on appeals of another jurisdictional or central conference on a question of Church law."

Last August, the Judicial Council declared that a prohibition in the United Methodist Social Principles against the celebration of homosexual union ceremonies had the effect of church law. That ruling was cited by the prosecution during Dell's trial.