

THE AISLE

of lost souls

*Church court finds gay-marriage reverend guilty—
then apologizes profusely for the injustice...*



Annie and Victoria Steinberg-Behrman, of Berkeley.

A Presbyterian church court offered a mixed message to same-gender couples last week when it found the Rev. Janie Spahr guilty of violating church law for officiating at the state-sanctioned weddings of gay and lesbian couples in 2008.

The panel of mostly silver-haired ministers and church elders rebuked the retired lesbian evangelist and simultaneously pronounced their love for her. After issuing the verdict, in a written statement read in a makeshift Napa courtroom, the commission said: "We call upon the church to re-examine our own fear and ignorance that continues to reject the inclusiveness of the Gospel of Jesus Christ."

The verdict reflects how far Presbyterians have come in accepting same-sex marriage, but also how divided the church remains over the question. While convicting Spahr, the commission even apologized on behalf of the church "for the harm that has been, and continues to be, done...in the name of Jesus Christ" to the eight lesbian and two gay couples who testified during a three-day trial about the discrimination leveled against them, their love for one another, Spahr's healing power and their marriages.

The pastor who recently retired to San Francisco from her San Rafael-based ministry officiated at the marriages of 16 gay and lesbian couples from June through November 2008, when they could legally marry in California. Spahr, 68, said her faith, her conscience and her ordination vows mandated her to bless the weddings of these men and women, many of them longtime friends. Her legal team contended that nothing in church law forbids a minister from performing same-sex weddings.

The prosecutor—JoAn Blackstone, a retired Mendocino County attorney acting on an anonymous complaint—argued that a decision in a prior ecclesiastical case against Spahr prohibits ministers from marrying lesbians and gays. Holding court in a Napa church social hall, the Presbytery of the Redwoods Permanent Judicial Commission said it felt bound by the prior decision and voted four to two to convict Spahr of violating the church's constitution and her ordination vows.



Evidence for the defense—a cross, a Bible and 'Book of Order 2009-2011.'

After the reading of the verdict and the commission's contradictory formal statement, Rev. Beverly White of Benicia, who voted in the majority, stood at the commission table under a cross with tears in her eyes and told Spahr and the gay and lesbian couples she married: "You know that we love you. Part of the reason for our decision was for the larger church to keep dealing with the

issue and to hear your voices."

The commission could have gone so far as to defrock the minister who has devoted her life to securing equal rights for homosexuals. Instead, it chose the lightest possible punishment—censure by rebuke—but immediately stayed the disciplinary measure pending an appeal. Spahr's defense attorneys said they would appeal.

The verdict surprised Spahr and her defense team—Scott Clark, a recent graduate of the San Francisco Theological Seminary in San Anselmo who practiced law in Alabama and lives with his gay partner in San Rafael, and the Rev. Beverly Brewster, a former trial lawyer who serves as the seminary's admissions director. Spahr looked shaken yet maintained her composure and a smile while the panel's moderator read a two-plus page statement. Many of Spahr's friends, relatives and people whose weddings she performed wept openly.

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CHURCH ELDER JAMES Jones, a Napa attorney who moderated the commission panel, voted with the majority to convict Spahr and delivered the verdict. Standing at a podium in the social hall of Covenant Presbyterian Church, he read from the decision: "In the reality in which we live today, marriage can be between same-gender as well as opposite-gender persons, and we, as a church, need to be able to respond to this reality as Dr. Jane Spahr has done with faithfulness and compassion.

"We give thanks for the courageous and heart-rending testimonies of the married couples who shared with us their great hurt through the policies of our church."

His silver hair combed neatly and wearing a suit and tie, Jones went on to ask the church appeals courts and the Presbyterian General Assembly to listen to the pain of the men and women who testified last week and "to do what needs to be done to move us as a church forward on this journey of reconciliation."



David Hanson, left, and Jeff Owens, who were married by Spahr, react to the verdict.



The Reverend Janie Spahr.



Commission member Beverly White listens as the verdict is read; she voted with the majority.



The defense team—Scott Clark, Spahr and Beverly Brewster—prayed after the decision was read.

"Stunning, isn't it?" Spahr asked, turning around in her seat at the defense table to face the couples whose marriages were at issue. "We're going out of here with all of us. It has been my greatest honor to have married you. We know that as oppressive systems change, we need people as magnificent as you to make it change."

The couples who testified earlier in the week waited, prayed and sang with Spahr for two-and-a-half hours that morning while the commission finished writing its decision. After the verdict, they huddled, crying and clasping hands, in a circle, their eyes trained on Spahr.

Holding the baby she named for Spahr, the Rev. Curran Reichert of the Congregational Community Church in Tiburon led the group, which included Spahr's ex-husband and his wife, in a solidarity hymn. Sara Taylor, whose Marin County Civic Center marriage to Sherrie Holmes sparked the complaint that led to the charges, walked out of the circle saying she was too angry to sing.

"A great wrong has been done to us today," Spahr said. The blue-eyed minister wore a necklace of rainbow-colored beads and a peace sign. "You don't love us if you don't vote for us. "This is a sad day for the church."

Holding hands, Spahr led the couples out of the church hall.

With five states and Washington, D.C., now recognizing homosexual marriages, clergy of many denominations could be forced, like Spahr, to choose between violating church rules and the Bible's directive for inclusiveness. Jean Southard, a retired Massachusetts Presbyterian minister, watched Spahr's trial with special interest. Southard officiated at the March 2008 legal wedding of two women just outside of Boston. Like Spahr, she was brought up on charges. Her Presbytery acquitted her, but an appeals court found her guilty of violating the church's constitution and her ordination vows. She expects the church's highest court



The six-member commission and their makeshift court.

to hear her appeal within the next six months.

According to the Pew Forum on Religion and Public Life, only the Unitarian Universalist Association of Congregations, the United Church of Christ and Reform and Reconstructionist Jewish rabbis fully support and endorse same-sex marriages. Other religions stand all along the spectrum of acceptance, with the Presbyterian Church and its 2.1 million members completely fractured.

Open to the public and the press, Spahr's church trial offered an emotional glimpse into the lives of men and women who have been locked out of their churches because of their sexual orientation. Each of the 10 couples sat at the witness table and recounted the pain and humiliating discrimination they have experienced. They also discussed their joy about being able to legally marry and to have their marriages recorded in church and state record books. And they testified about their dismay that the church had charged their beloved minister because she performed the ceremonies. An accountant, a doctor, an architect, teachers, a lawyer, a retired



Spahr embraces commissioner Daniel Christian, of San Rafael; he voted in the minority.

nurse, an occupational therapist, businessmen and ministers talked about coming out to themselves, to their families and to the Presbyterian Church.

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THE MOST POIGNANT stories may be the ones that could not be told. Fearing repercussions of publicity, Spahr asked the church commission to withhold the names of four of the same-sex couples she married. Disclosing the names of these still-closeted couples would threaten their jobs and their lives, Spahr said.

Seven of the women who testified had completed work in a seminary but either could not be ordained or had not been called to a ministry after revealing their homosexuality. One of the ministers had been brought up on Presbyterian Church charges herself for marrying a lesbian couple. A box of tissues sat on the table, and most of the witnesses needed them to wipe away their tears.

Cynthia Martin, a former top executive for Eastman Kodak who lives with her wife in Berkeley, told the church panel that when she was in college and realized she was a lesbian, she had nowhere to turn and felt so much self-hatred that she tried to kill herself.

"Marriage for me was like getting to the top of a very steep mountain," Martin said. Her friends in the audience nodded to say they felt the same way. "It was the top of Mount Everest, and we weren't alone. There was a whole supporting crowd."

Spahr led the crowd. She was present not just for the weddings but also for every step leading to them. Ministers Reichert and Katie Morrison testified that Spahr stood beside them when they felt forced to leave the Presbyterian Church so they, as out lesbians unable to find a ministry within the church, could work as pastors. They said Spahr was with them for their six years of fertility treatments. And she helped bring Reichert's reluctant parents into the couple's life. The night before they married, in a triumph she credited to Spahr, Reichert said her parents joined her and her bride in Spahr's San Rafael home and blessed their union by cooking ribs.

When their daughter was born, Spahr was at the hospital. They named the girl, now 1, Ellis Jane Reichert Morrison. "We named her Jane because we see Janie as a saint," Morrison said.

Why did they want to marry, Rev. Brewster asked Reichert and Morrison, who met while both were studying at the San Francisco Theological Seminary. "We wanted very

much to have our daughter not born out of wedlock," Morrison replied.

Spahr would not marry just anyone. Whether straight or gay, couples whose unions she blessed had to do what the couples called "the homework." Spahr met with each couple at least once a month for a year to discuss sexuality, spirituality, money and how to have a healthy relationship in a fractured culture.

David Hanson, burly and wearing a suit and tie, testified that he and his partner had been together for 14 years when they began meeting with Spahr and thought they knew everything there was to know about each other. But their discussions with Spahr were so illuminating and intimate that Hanson and Jeffrey Owens held hands in the car the whole hour-long ride home from Spahr's house in San Rafael house to theirs in Santa Rosa.

Like all the couples who testified, Hanson and Owens wanted to be married not just in the eyes of the state but also in the eyes of God.

While Spahr sat at a table with her two attorneys, prosecutor Blackstone, who in the early 1980s helped start an organization to encourage the Presbyterian Church to be more welcoming of gays and lesbians, sat alone. She put on no witnesses and only occasionally asked a question of the couples who testified. The prosecution case consisted of the charges, a newspaper story about Taylor and Holmes' Marin County marriage, their signed marriage certificate and Spahr's report of her activities during the year 2008.

Last week's church trial was Spahr's third. In 1991, a Rochester Presbyterian church called her to be a pastor. Because by then she was an open lesbian, the call was challenged and the Presbyterian Church's highest court ruled she could not serve.

The church also charged Spahr with violating its laws for officiating at two lesbian marriages in 2004 and 2005. The church's highest court acquitted Spahr of those charges, saying she did not violate church law because they were not legal marriages. The acquittal was as contradictory as last week's conviction.

In finding Spahr not guilty as charged, the Presbyterian Church U.S.A. General Assembly Permanent Judicial Commission ruled that its ministers "shall not state, imply, or represent that a same-sex ceremony is a marriage."

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IRONICALLY, IT IS the language from the church's highest court's acquittal of Spahr that prosecutor Blackstone used to argue that Spahr violated her vows and the church constitution when she performed the 2008 weddings.

Just a few weeks after the Permanent Judicial Commission acquitted Spahr, the California Supreme Court ruled gay marriage legal. Sara Taylor, who was Spahr's attorney at the time, immediately asked the commission to clarify its position in light of the change in state law. But the Permanent Judicial Commission refused to hear her plea.

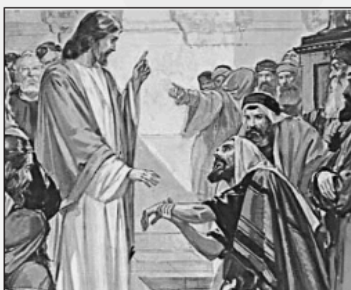
Blackstone interpreted the commission's silence as a continued prohibition against

same-gender marriage. Spahr's attorneys argued that the silence left Spahr no choice but to follow her conscience.

When the California Supreme Court legalized marriage for same-gender couples, Sara Taylor and Sherrie Holmes stood first in line. Spahr had watched her friends fall in love and build a life together with their daughter. Taylor had worked for four years defending Spahr against the first set of marriage charges.

During the first week in which gays and lesbians could legally tie the knot, on June 20, 2008, Spahr married Taylor and Holmes. By then, the pair had been living together in Novato for 18 years and never imagined they

through November 2008, when Proposition 8 put a stop to them, have withstood legal challenges. The state Supreme Court has ruled the marriages legal. A federal court judge recently found Proposition 8 unconstitutional. If the judge's ruling survives an appeal, gays and lesbians will again be able to legally marry in California.



The parable of Jesus healing a cripple on the Sabbath was used by the defense as a metaphor for placing morals above church doctrine.

Deborah Krause, dean of Eden Seminary in St. Louis, testified as an expert witness for the defense. She said there is no prohibition against same-sex marriage in scripture. The biblical scholar blasted the church's highest court for failing to respond to Spahr's plea for a clarification of its



JULE WARDER

FOR MORE INFO

To read the Pew Forum on Religion & Public Life religious groups' positions on same-gender marriage, go to <http://pewforum.org/Gay-Marriage-and-Homosexuality/Religious-Groups-Official-Positions-on-Same-Sex-Marriage.aspx>.

To read a 2007 *Pacific Sun* profile on the Rev. Janie Spahr, go to www.pacificsun.com/story.php?story_id=1421.

To read a *Pacific Sun* story on Sara Taylor and Sherrie Holmes' 2008 wedding, go to www.pacificsun.com/story.php?story_id=2150.

would be allowed to legally wed.

Giddy with excitement, Spahr told the couple's daughter and about 40 relatives and friends gathered that sunny day at the Marin Civic Center that she was marrying the two women in the eyes of the church as well as the state. "This is such a historic moment," she said. "This is a religious and a civil ceremony. We want you to know we are combining both, which some people get cranky about."

One Presbyterian Church member got so cranky about Taylor and Holmes' wedding that he urged church officials to investigate Spahr's role. A committee of three, including Blackstone, concluded she violated church law by officiating at the ceremony.

The 16 marriages in question, as well as some 18,000 same-sex marriages performed in California from June 2008

ask my church or my pastor to be involved in blessing my marriage," she said.

Blackstone, who wore her white hair swept up with a braid wrapped around her head, described Spahr as a "dear, longstanding friend." While waiting for the commission to deliver the verdict, Spahr and her supporters said a prayer for Blackstone: "We know how hard this has been for JoAn, our sister on the path"; and another prayer for Blackstone's husband, Elliott Blackstone, a San Francisco police sergeant who served as a liaison to the gay and lesbian community and died in 2006.

In her closing argument, Blackstone urged the commission to consider what she called the "silent majority," people who preferred not to testify but who voted for the gay-marriage ban.

"There's certainly great disagreement within our state, and after all, the majority of Californians passed Proposition 8. Our church simply is not ready at this time to make a change in the way our church defines marriage," Blackstone said.

"I would urge you to consider the whole church when you make your ruling. Traditional marriage is being threatened. There are people who indeed can't bear to see the definition changed. Please consider that silent majority."

Clark, who placed a bronze cross like a paperweight atop his Bible at the defense table, asked the commission to put itself in the story of Mark 3. Jesus enters a synagogue on the Sabbath and sees a man with a withered hand. Would he dare to heal him on the Sabbath?

"Jesus says to the man, 'Stretch out your hand; and the man's healed,'" Clark said in his closing argument. "The issue before the court today is where will the church place itself in that story. The church could place itself in the story with those who are silent. The church could place itself in the story and extend healing to a broken community. The church can put itself in the story with and as the man with the shriveled hand."

Then he asked the commission to learn from the courage of the gay and lesbian couples who testified. He reminded them of the testimony of Kathryn Mudie of Novato, a retired nurse who married her partner of 26 years on a meditation path behind Unity Church in Novato. Mudie said she could not believe it when she got a voice-mail message from Spahr saying the church had charged her with violating its laws for performing her wedding.

"What if the church has something to learn from Kathryn Mudie?" Clark asked. "She had to go back and listen to the message five times. She said, 'I couldn't believe it because I know that the Presbyterian Church welcomes everyone.' How wonderful it is that someone thinks that about us. What Kathryn has suggested to us, what these couples have suggested, what we have experienced in these two days, is a glimpse of what the church can be."

"And all we have to do is reach out a hand and say, 'Yes.'"

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