

Remarks of Morris L. Floyd
to the Judicial Council of the
United Methodist Church

Lakeland, Florida

April 21, 1983

Members of the Judicial Council:

I am grateful for this opportunity to amplify the contents of my April 1, 1983, brief.

Bishop Jack Tuell erred when he ruled at the June 1982 session of the Pacific and Southwest Annual Conference that, under the provisions of Discipline Para 444, a minister may be placed on leave of absence without the minister's request.

I believe the Judicial Council's review of Para. 444 will show that the provisions are for a voluntary - or at least consensual - leave and that it does not allow for the imposition of a leave against the minister's will. It is true that the paragraph allows for the relationship to "be initiated by the minister or the Cabinet," but it also requires that the leave "be approved annually upon written request of the ministerial member" (Para 444.1, emphasis added) The tone of the whole paragraph, including a time limit,

clearly assumes that these leaves will be voluntary.

Contrary to Bishop Tuell's ruling, Paragraph 444 makes no specific provision for a leave of absence except as requested by the ministerial member. Initiation of the relationship by the Cabinet might include strong recommendation that the minister request a leave, but without that request no leave may be granted.

Bishop Tuell supports his ruling by reference to what he believed to be the legislative intent of the General Conference when it approved insertion of the phrase "or the Cabinet" in the sentence stating how the relationship may be initiated. However, when Para. 444 is compared with disciplinary provisions which do clearly permit adverse action against a minister's conference relation without the minister's request, we observe the latter all contain substantial due process safeguards in addition to recommendation by the Conference Board of Ordained Ministry and a simple majority vote of the ministerial members (cf. Paras. 447.3, 449.1, 449.2, 449.3, 2624). Since Para 444 lacks these safeguards, it seems unlikely that the General Conference intended to provide for an action without the minister's consent.

In the second place, and with further reference to

the intent of the General Conference, Bishop Tuell's ruling is in error because it ignores Division Two, Section III, Article IV of the Constitution of the United Methodist Church (Discipline, Para. 18), which states, in part: "The General Conference shall not do away with the privileges of our ministers of right of trial by a committee and of an appeal." As the right to an appointment is one of the fundamental privileges of ministerial membership in an annual conference, an action depriving a minister of that right without the minister's consent and without the option of trial (as would be the case if an involuntary leave of absence is possible under the provisions of Para 444), is in conflict with the Constitution. By ignoring the fourth restrictive rule, Bishop Tuell's ruling misses a key marker of the intent of the General Conference: If the General Conference did not intend to violate the fourth restrictive rule, it did not provide in Para. 444 for an involuntary leave, and Bishop Tuell's ruling was wrong.

On the other hand if the General Conference did provide in Para. 444 for an involuntary leave of absence without the right to trial, the paragraph is to that extent unconstitutional and therefore unenforceable. Bishop Tuell should have ruled to this effect and prohibited the granting of a leave of absence.

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without the minister's request.

Furthermore, if Para. 444.1 is interpreted as permitting a leave to be imposed without the minister's request, then Para 444.3 could be interpreted to allow for the involuntary termination of a minister's conference relation without trial, in further violation of the fourth restrictive rule. Either the provision is unconstitutional, therefore, or Para 444 anticipates that all leaves of absence will be at the minister's request. It is most reasonable to assume that Bishop Tuell incorrectly understood the action of the General Conference, which did not intend to write unconstitutional legislation. In either case, a ruling which permits a leave of absence to be granted without the minister's request is in error.

Bishop Tuell erred further when he failed to account in his ruling for the fact that Discipline Para. 449.31 provides the procedure for use of the leave of absence as a remedial action. Exhibit Five submitted with my brief shows that the Cabinet's purpose in proposing the leave was in remediation for my alleged change of appointment without episcopal approval. Though it is arguable whether 449.31 (e) allows for a leave of absence without the minister's request, it is evident that the provisions of 449.1 were more nearly applicable.

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in the case at hand - especially given the degree to which Para. 444 must be stretched if the Bishop's ruling were to be upheld. When asked to rule on the applicability of the provision of Para. 444, Bishop Tuell should have held that 449.1 was applicable instead.

The circumstances surrounding this case offer an especially vivid illustration of why we must erect and maintain barriers against arbitrary and capricious actions, even by an otherwise well-intentioned Bishop and Cabinet.

The Pacific and Southwest is one of those annual conferences blessed with such a supply of clergy that the Cabinet and Bishop have been heard to breathe sighs of relief when a minister leaving a special appointment locates another one rather than asking for a pastoral appointment. This condition together with overwork has meant that the Conference Board of Ordained Ministry has not performed the review of some proposed special appointments as required by Discipline Para. 439.1(d). All but the most outlandish such appointments have routinely been approved. Under these circumstances, it is clear that if I had requested a change from one special appointment to almost any other and behaved in the precise way that I did with regard to the proposed appointment

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to Lesbian and Gay Community Services, the outcome would have been very different.

But with the request to be in ministry among my own people, gay men, lesbians and their families, institutionalized homophobia resulted first in the creation of a ludicrous series of procedural barriers and then this attempt at slow termination via what will surely prove to be a succession of involuntary leaves until I go away, until Para 444.3 can be implemented, or until a frightened 1984 General Conference succumbs to right wing pressure and provides a mechanism for quick termination of openly gay and lesbian clergy.

Lacking the disciplinary authority for administrative termination (as was requested by the Bishop ~~by~~ at the 1980 General Conference), and lacking what is necessary to comply with existing disciplinary authority, Bishop Tuell and his Cabinet have taken advantage of a slightly ambiguous phrase in the Discipline, an overworked Board of Ordained Ministry, and a surprised executive session, in an ill-advised attempt to circumvent the due process protections of our Constitution and Discipline.

Why have they done this? Not, I think, because they

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are bad people. Though I disagree strongly with their judgment, I believe that Bishop Tuell, his Cabinet and others who have assented genuinely believe they are doing what is best for the church. But neither they nor indeed any of us is fully equipped to deal with the virulent effects of homophobia. Ironically, a large part of my ministry is to enable gay men, lesbians, their families, and others to overcome or avoid the awful emotional and physical violence homophobia causes in individual lives, as well as in church and in society. One tragic effect of homophobia in the church is that this ministry must be done largely outside and in spite of the institution.

The Judicial Council has no jurisdiction over homophobia. But the Judicial Council can act to prevent an injustice which resulted from homophobia. Overturning Bishop Tuell's ruling, moreover will help to ensure that we continue to invest meaning in the notion of the clergy as covenant community by enabling us to stay in relationship with each other. No doubt we will continue to be confounded by ambiguities and frustrated by our disagreements. But the frustration and the ambiguity are better than the alternative, which is to give up on one another. What's more, it is precisely in the midst of such difficulty that we have the opportunity to experience the Gospel with greatest clarity.

April 1, 1983

TO: The Judicial Council of the United Methodist Church

FROM: Morris L. Floyd

In re: Prerequisite of request by a minister for granting of a leave of absence under Para. 444 of the Discipline; action on a ruling by Bishop Jack Tuell at the June 1982 session of the Pacific and Southwest Annual Conference

Background

The following history is offered to assist the members of the Council in their understanding of the issues raised by this matter.

At the June 1980 session of the Annual Conference, pursuant to a request from the National Division of the General Board of Global Ministries, I was given a special appointment to serve on the staff of that Division; this appointment was renewed at the June 1981 session. Shortly after the June 1981 Annual Conference session, I was invited to become executive director of Gay Community Services, Inc., a non-profit community mental health agency located in Minneapolis, Minnesota, to be effective August 15, 1981. Subsequent to that invitation I wrote Bishop Tuell (Exhibit One) requesting a change in my appointment. The Board of Directors of Gay Community Services, Inc. also wrote Bishop Tuell requesting my appointment.

During the interim between these requests and the proposed effective date of the new appointment, Bishop Tuell responded neither to my June letter nor to my several attempts to contact him by telephone. Nor was there any communication from the Cabinet. In the absence of direction to the contrary, I proceeded with plans to assume the new position.

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Three weeks after assuming the new position and about ten weeks after the date of my original request, I received Bishop Tuell's letter refusing to make the special appointment and asking me either to request a pastoral appointment or to request a leave of absence (Exhibit Two). About two weeks after receiving Bishop Tuell's letter, I went to California to meet with him. In that meeting he agreed to an educational process for himself and the Cabinet to consider further my request for the special appointment. I submitted the plan for that process in October 1981, but heard no further action from the Bishop or the Cabinet until mid-March 1982.

That next communication was a letter from Robert Smith, Dean of the Cabinet. The letter (Exhibit Three) said that in January the Cabinet requested and the Board of Ordained Ministry agreed to place me on a leave of absence as an "interim" action, pending an appointment for the 1982-83 Conference year. The letter also invited me to make a presentation to the Cabinet regarding my appointment request. I traveled to California again to meet with the Cabinet and to request the Board of Ordained Ministry reconsider its approval of the leave of absence for the balance of the 1981-82 Conference year; after reconsideration, the Board reaffirmed its January decision on the basis that while my appointment was under consideration by the Cabinet, this was an appropriate interim status.

Subsequently, I was informed by the Cabinet that I would not be offered an appointment for the 1982-83 Conference year and that they were initiating a leave of absence for me (Exhibit Four). The rationale for this decision, offered only in response to my specific request, was that I had left my 1981-82 appointment "of my own volition." (Exhibit Five)

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The Cabinet offered no statement of the relationship between my action in the summer of 1981 to their action regarding the 1982-83 appointment, except for statements made by two members of the Cabinet in the June 1982 Executive Session. These Cabinet members expressed the opinion that I had violated disciplinary requirements and that the leave of absence was a substitute for more harsh penalties which might have been invoked. Interestingly, these issues were never mentioned in any of the ~~my~~ face-to-face sessions either with the Bishop or with the Cabinet. Neither did the Cabinet or the Bishop ever address further the discussions we held prior to the imposition of the 1982-83 leave of absence. The latter discussions concerned the role of ordained United Methodist clergy in ministry to and with gay and lesbian persons, the appropriateness of appointment of an openly gay clergy member, and the various institutional dilemmas perceived by the Bishop and the Cabinet in resolving those questions.

I have maintained that if I were not openly gay-identified or if I had not requested appointment to a gay/lesbian-identified institution, the response of the Bishop, Cabinet and Board of Ordained Ministry would have been very different. This perspective has been verified by the Cabinet's most recent action, which was again to refuse to offer any appointment and to request that I be placed on a leave of absence of the 1983-84 Conference year; at least the issues of gay-identification are now being named. (Exhibit Six and Exhibit Seven).

During the June 1982 Executive Session of the Annual Conference, the question now before the Judicial Council was placed before Bishop Tuell.

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His ruling immediately proceeded the vote on whether I should be "granted" a leave of absence, and he ruled out of order a motion to appeal his ruling to the Judicial Council.

Arguments

The Judicial Council should overturn Bishop Tuell's ruling for the following reasons, each of which is explicated in the following section:

Argument Number 1. Paragraph 444 of the United Methodist Discipline does not allow for the imposition of a leave of absence on an involuntary basis.

Argument Number 2. The Discipline does provide for the imposition of a leave of absence as a remedial or disciplinary action. That provision is contained in Paragraph 449.

Argument Number 3. Even if Paragraph 444 of the Discipline could be so construed as to allow for the imposition of an involuntary leave of absence, such a construction should not be allowed by the Judicial Council for the following reasons:

a) Paragraph 444 is unconstitutional, since it violates Section III, Article IV of the Constitution by effectively doing away with the privilege of ministers to trial by a committee and of an appeal;

b) Paragraph 444 is in conflict with Paragraph 449; since Paragraph 449 provides the constitutionally-required due process protections for the minister, the Provisions of Paragraph 449 should prevail.

Explication of Arguments in the Current Case

1. Paragraph 444 of the United Methodist Discipline does not allow for the imposition of a leave of absence on an involuntary basis.

Bishop Tuell based his ruling that a leave of absence may be imposed without a minister's consent on the second sentence in Para 444.1, which says, "This relationship may be initiated by the minister or the Cabinet, through the Board of Ordained Ministry, and granted or renewed by the vote of the ministerial members in full connection upon the board's recommendation." As additional support for his ruling, Bishop Tuell cited the legislative history of this provision, stating that the phrase "or the Cabinet" was inserted at the 1980 General Conference with the specific intent of allowing for an involuntary leave of absence.

Yet the rest of the Paragraph clearly assumes a leave of absence to the voluntary in nature, to wit:

a) Such a leave is said to be "granted." Requests are granted. By way of contrast, we have the language used in the provision related to involuntary retirement (Para. 447.3), which says that "the ministerial members of the Annual Conference in full connection may place any ministerial members in the retired relation with or without their consent...."

b) In the middle of Para. 444.1 appears the sentence "This relation shall be approved annually upon written request of the ministerial member at least ninety days prior to Annual Conference...."

c) Para. 444.1 provides against extending the leave of absence beyond five years.

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d) The other provisions of the Discipline which provide for adverse action against a minister's Conference relation without the minister's consent all include several levels of review for the recommendations, with appropriate appeals (as in Para. 449) or require a two-third vote of the ministerial members in full connection (as in Para. 447.3). Given the care which the General Conference has taken to provide due process protections against adverse actions, it may be argued that failure to do so in the case of the leave of absence assumes that such a leave will be consensual if not completely voluntary.

e) While the legislative intent of the General Conference, as cited by Bishop Tuell, is not completely irrelevant, it may be suggested that the Bishop could not possibly know the intent of the General Conference, and that the intent of the General Conference is best judged on the basis of its action.

In the matter at hand, the General Conference did not provide for a leave of absence on other than a consensual basis.

2. Unlike Para. 444, Para. 449 does provide for the imposition of a leave of absence among several remedial actions which may be recommended by the Board of Ordained Ministry in response to formal complaints lodged after consideration by the Joint Review Committee.

In the case at hand, no complaints were lodged, the Joint Review Committee was not convened, and the Board of Ordained Ministry was not requested to determine a program of remedial action. Therefore the Bishop and the Cabinet failed to follow the provisions of the Discipline with regard to involuntary leaves of absence. Bishop Tuell was incorrect in his ruling that such a leave may be imposed under the provisions of Para. 444, because it is Para. 449 which specifies how a leave of absence may be imposed without the

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consent of the ministerial member. Since the documentation clearly shows that the reason for the leave of absence was a complaint by the Cabinet about the minister's alleged abuse of the appointment process (see Exhibit Five), the provisions of Paragraph 444 were not applicable in this case.

3. Even if it should be concluded that Para. 444 sufficiently establishes the ability of the Annual Conference to "grant" a non-consensual leave of absence, Para. 444 should be held by the Judicial Council to be unconstitutional. Para. 444 violates Section III, Article IV of Division Two of the Constitution of the United Methodist Church (Discipline, Para. 18), since if the General Conference made possible an adverse action against a minister's conference relation, that would amount to an elimination of "our ministers right to trial by a committee and of an appeal;..." Such an elimination is expressly forbidden by this article of the Constitution.

Since the imposition of an involuntary leave of absence effectively denies the minister's claim upon the Annual Conference for an appointment, such a leave may only be considered an adverse action.

Unlike Para. 444, Para. 449 does provide the constitutionally-required protections of due process to the minister. Therefore, Bishop Tuell was incorrect in his ruling that Para. 444 allows for an involuntary leave of absence. The only provision of the Discipline for an involuntary leave which also provides the constitutionally-required right to trial and appeal is Para. 449.

Conclusion

The forgoing document sets forth the legal objections to Bishop Tuell's ruling in the matter of the involuntary leave of absence. There are other

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April 1, 1983

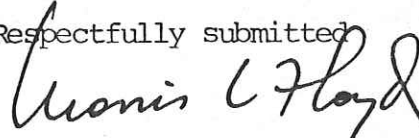
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persuasive concerns, however.

The United Methodist Church is an institution which has sought to embody in its governance the most noble ideals of both Christian faith and democratic procedures. These ideals require that those with power be limited from exercising that power so as to exclude those with minority or unpopular viewpoints. Given the realities of power in the Annual Conferences of the United Methodist Church, unjust actions against ministers with unpopular views will be virtually inevitable if it is easy to impose an involuntary leave of absence. When Boards of Ordained Ministry are appointed at the pleasure of the Bishop and when they are overloaded with other work, as was the case in the Pacific and Southwest Annual Conference during early 1982, the Board cannot be a sufficient check on the power of the Bishop.

I do not believe that Bishop Tuell or any other Bishop sets out intentionally to abuse the power conferred by the church. Our experience in every institution, however, is that without sufficient limits, power will be abused. If our integrity as a faith community is to be preserved, it is urgent that due process protections be ensured when adverse actions are proposed against clergy. The provisions of Para. 444 do not allow sufficient protection. I believe that the General Conference intends such protection to be in place when it provides for adverse action. Since that is not the case in Para. 444, I urge the Judicial Council to overturn Bishop Tuell's ruling.

Respectfully submitted



Morris L. Floyd
124 West Lake Street, Suite E
Minneapolis, Minnesota 55408

EXHIBIT ONE

152 Eighth Avenue, Apt. 6R
New York, New York 10011

June 23, 1981

Bishop Jack M. Tuell
Los Angeles Area
The United Methodist Church
472 East Colorado Boulevard
Box 6006
Pasadena, California 91109

Dear Bishop Tuell:

Gay Community Services of Minneapolis, Minnesota, has invited me to join their staff in the position of Executive Director, and I have accepted the offer. You will shortly receive a request from Gay Community Services, and I am also asking that you make the appointment, to be effective on August 15, 1981.

Gay Community Services, Inc. (hereafter, GCS) is a well-established and highly professional non-profit organization providing outpatient mental health care to lesbians, gay men and their families. The agency also makes appropriate referrals of its clients to a variety of other human service resources in the community and assists in making certain that the system works to their benefit. GCS functions as a part of the community mental health network of Hennepin County and receives a significant share of its funding through that source. The agency also provides a variety of educational services, including internships for graduate students, to the community at large.

While GCS is not church-related in any formal sense, there are historic ties to our denomination because of support given through United Methodist Voluntary Services some years ago. I have shared with the GCS Board of Directors some of the perspectives I would bring to this position as a ministerial appointment, and I find them to be appreciative and supportive of the ways my vocation and ordination will provide an additional dimension to my work.

Prior to making my decision, I have carefully reviewed the relevant provisions of our Discipline, including Paragraph 71F of the Social Principles, and I find nothing which would contraindicate the appropriateness of this appointment. On the contrary, it is one clear way in which the church can implement its affirmation of lesbians and gay men as "individuals of sacred worth, who need the ministry and guidance of the Church in their struggles for human fulfillment." It would also provide concreteness to our insistence that "all persons are entitled to have their civil and human rights assured."

Bishop Jack M. Tuell
June 23, 1981

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Both the history and the current reality of GCS indicate that by serving as its Executive Director I would be participating in a ministry "initiated in missional response to the needs of persons in special circumstances and unique situations...." (Para. 439.1(d), 1980 Discipline) While the agency has employed me primarily on the basis of my expertise and experience in human services administration. I am committed to an intentional fulfillment of my ordination vows to Word, Sacrament and Order. As already stated, I believe the appointment itself will reflect the representative character of ordained ministry; it is especially significant in light of the fact that the church has historically been responsible for much of the oppression and pain experienced by lesbians and gay men.

Beyond that important symbol, however, lies the usefulness of my ordination for building the kinds of relationships necessary for the work, including those with various segments of the religious community. I also anticipate a variety of opportunities for preaching and for celebration of the Sacraments as I become a part of the local United Methodist Church fellowship. By a copy of this letter, I am informing Bishop Colaw of my request for this appointment and of my availability as a resource for the work of that Annual Conference.

I suspect that the struggle of the Church for clarity about the meaning of the Gospel imperatives toward love and justice in relationship to homosexual persons will continue for some time. I anticipate that my work in this arena will contribute to that clarity and, within the limits imposed by the Discipline, I look forward to your support. As one part of my accountability to the Annual Conference relationship, I will be eager to engage you and other persons and groups in the Annual Conference in conversation around these issues. Consensus is yet a long way off, but I believe that the Church can make an important witness by insisting upon and modeling a humane and constructive dialogue as an alternative to the invective spawned of hate, ignorance and fear.

I will be away from New York for the next several weeks, but mail sent to my home address will be forwarded. Should you wish to discuss this with me by telephone, my secretary will be able to provide the necessary contact information. Her name is Mercedes Allen, and she can be reached at (212) 678-6030.

Grace and Peace!



Morris L. Floyd

cc: Bishop Emerson S. Colaw
The Rev. Tom Farley
The Rev. W. Edward Ramsey
Mr. Mike Garrett

EXHIBIT
TWO

THE UNITED METHODIST CHURCH

LOS ANGELES AREA

~~1000 SANTA MONICA BOULEVARD~~

~~LOS ANGELES, CALIFORNIA 90029~~

472 E. Colorado Blvd. Bx 6006
Pasadena, California 91109

JACK M. TUELL
RESIDENT BISHOP

III-13

September 1, 1981

The Rev. Morris L. Floyd
104 East 25th Street
Minneapolis, Minnesota 55404

Dear Morris:

I am sorry for the delay in responding to your letter of June 23rd in which you requested a special appointment to Gay Community Services of Minneapolis, Minnesota. I did have an opportunity to confer with the cabinet about this in July but then I was gone to the World Methodist Council and on vacation the last part of the summer.

I have decided that I will not make this special appointment. I have made this decision on the basis that the position does not in any way require the presence of an ordained person and I do not believe that the organization subscribes to the totality of The United Methodist position regarding homosexuality.

In the light of this, it would appear to me that unless you wish to accept a pastoral appointment that you ought to request a leave of absence. I will be waiting to hear from you regarding your wishes on that matter.

I am sorry that I have not been able to respond positively to your request, but I have given the matter a great deal of prayer and study and the decision I have made is in accordance with my conscience and my understanding of the church.

Faithfully yours,



Jack M. Tuell

JMT:dh

cc: Bishop Emerson S. Colaw
The Rev. Thomas K. Farley



PACIFIC AND SOUTHWEST ANNUAL CONFERENCE

SAN DIEGO DISTRICT

OF THE UNITED METHODIST CHURCH

4075 PARK BOULEVARD

SAN DIEGO, CALIFORNIA 92103

(714) 291-9374

JACK M. TUELL
RESIDENT BISHOP

REV. ROBERT SMITH
SUPERINTENDENT

EXHIBIT
THREE

March 11, 1982

The Rev. Morris Floyd, Executive Director
Gay Community Services, Inc.
2855 Park Ave.
Minneapolis, Minn. 55407

Dear Brother Morris:

This letter comes on behalf of the Bishop and the Cabinet to advise you of the action which the Cabinet has taken with reference to your appointment. In a session of the Cabinet held on January 20, 1982, it was the determination that you should be placed on Leave of Absence in accordance with the provisions of Par. 444 of the United Methodist Discipline. This action was taken in light of the fact that you are not in the appointment to which the Bishop had appointed you at the last session of the Annual Conference. In this determination to place you on Leave of Absence, the whole Cabinet was unanimous in its approval, the Bishop also gave his approval, and the Executive Committee of the Conference Board of the Ordained Ministry gave its approval. This is done so that you may be placed in an appropriate category until the next session of the Annual Conference.

The Cabinet has also been advised that you would like to have some time to talk and be in dialogue with the Cabinet at one of its sessions. You have suggested that you would need at least six hours. This seems hardly likely, in light of the fact that the Cabinet's agenda is a very heavy one indeed. The Cabinet is open to having you come and share with us if you can do so within the time limits that would necessarily be observed because of the press of our agenda. The next meeting of the Cabinet is scheduled for March 30 thru April 2nd. We will then meet next during the week of April 13 thru 16. Please advise me as to when you think you would be available to come and appear before the Cabinet and I will be happy to schedule you in for a period of time.


I do trust that this will make clear to you as to where the Cabinet is with reference to your status, inasmuch as you have left the appointment to which the Bishop appointed you at the last session of the Annual Conference. I hope also

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March 11, 1982

that you see that we have an openness to have you share with us but it must be within the limitations of the time that can be given to you. I am conveying this to you as the Dean of the Cabinet, when I discovered that this had not been officially conveyed to you.

Peace and goodwill,



The Rev. Robert Smith
District Superintendent and
Dean of the Cabinet

RS:jk

cc: Bishop Jack Tuell
The Rev. Tom Farley
The Rev. S.E. Collett

EXHIBIT
FOUR

THE PHOENIX  DISTRICT OF
THE UNITED METHODIST CHURCH

III-16

OFFICE
46 EAST OSBORN ROAD
PHOENIX, AZ 85012
(602) 263-7975

Pacific and Southwest Conference

PARSONAGE
2031 EAST STATE AVENUE
PHOENIX, AZ 85020
(602) 944-4745

May 10, 1982

The Rev. Morris L. Floyd
104 E. 25th St.
Minneapolis, Minnesota 55404

Dear Morris:

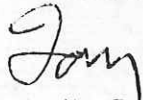
This letter is for the purpose of reporting to you the actions taken on your appointment by Bishop Tuell and the Cabinet. Last week Bishop Tuell shared with the Cabinet his decision that he does not plan to appoint you to the position of Executive Director of Gay Community Services, Inc.

After discussion the Cabinet took action to initiate, through the Board of Ordained Ministry, a leave of absence for you for the 1982-83 appointment year. This action is being communicated to the Board by our Cabinet secretary, Gene Collett.

Morris, I am genuinely sorry that we have not been able to come to decisions which are more responsive to your understanding of your ministry, and I still hope that our respective actions and communications will work out a mutually satisfactory conclusion to the matter.

With best personal wishes,

Most sincerely yours,



Thomas K. Farley

TKF/sm

cc: Bishop Tuell
Gene Collett
Robert Smith
Cornish Rogers

EXHIBIT
FIVE

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THE PHOENIX  DISTRICT OF
THE UNITED METHODIST CHURCH

Pacific and Southwest Conference

OFFICE
46 EAST OSBORN ROAD
PHOENIX, AZ 85012
(602) 263-7975

PARSONAGE
2031 EAST STATE AVENUE
PHOENIX, AZ 85020
(602) 944-4745

June 1, 1982

The Rev. Morris L. Floyd
104 E. 25th St.
Minneapolis, Minnesota 55404

Dear Morris:

I presented to the Cabinet your letter of May 17, 1982 with its request to register with the Cabinet your objection to its recent action to initiate a leave of absence for you for the 1982-83 appointment year and its request for the Cabinet's rationale. The Cabinet discussed these matters and took no new action.

The action to initiate the leave of absence appointment was based on your appointment with the Board of Global Ministries. The fact that you left of your own volition indicates that you are now unable to perform the full work of that appointment to which the Bishop would have been willing to continue to appoint you. Hence the action by the Cabinet.

With best personal regards

Sincerely your,



Thomas K. Farley

TKF/sm

cc: Bishop Jack M. Tuell
Gene Collett
Cornish Rogers

XHIBIT
SIX

III-18

Under the provisions of Par. 444 the cabinet is initiating this recommendation for leave of absence for Morris Floyd for the 1983-84 Conference year.

The reasons for this recommendation are as follows:

1. Although Mr. Floyd has requested under Par. 439 that he be appointed to the Lesbian and Gay Community Services, the bishop has declined to make such an appointment.
2. In regard to a pastoral appointment, Mr. Floyd has indicated in his request for appointment as follows: "As a gay man, my family will be different from what is traditional." This suggests that Mr. Floyd is stating his intent to move into a parsonage with a male companion. This is as unacceptable as would be the announced intent of a heterosexual person to move into a parsonage with a companion of the opposite sex to whom he/she was not married.
3. A minister, heterosexual or homosexual, who makes public statements about his/her sexual life which are widely understood to indicate immoral acts or acts declared by the United Methodist Church to be contrary to Christian teaching has the responsibility to clarify to the ministerial members and to the church the meaning of such public statement. If such clarification makes it clear that such acts are not taking place nor are they intended to take place, such minister could be considered for appointment.
4. In the absence of definite clarification of such statements by the minister involved, to the satisfaction of the Board of Ordained Ministry, cabinet and bishop, then such minister remains "temporarily unable to perform the full duties of his/her appointment" and should be given the status "leave of absence".

Adopted by the cabinet _____ 1983

Secretary

EXHIBIT
SEVEN

THE PHOENIX  DISTRICT OF
THE UNITED METHODIST CHURCH

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Pacific and Southwest Conference

ICE
EAST OSBORN ROAD
PHOENIX, AZ 85012
(602) 263-7975

PARSONAGE
2031 EAST STATE AVENUE
PHOENIX, AZ 85020
(602) 944-4745

March 8, 1983

The Rev. Morris Floyd
3224 Pillsbury Avenue So.
Minneapolis, MN. 55408

Dear Morris:

At the Cabinet meeting which we held last week the statement which is enclosed was approved by the Cabinet to initiate a recommendation for a leave of absence for you for the 1983-1984 Conference year. It is being sent by our secretary, Gene Collett, to the Board of Ordained Ministry as a recommendation to them.

I am writing to let you know that this is the action which the Cabinet has taken and want to be sure that you are informed about it at this time.

With kindest personal regards,

Most sincerely yours,



Thomas K. Farley

TKF/sm
enc.

EXHIBIT
EIGHT

III-20

3224 Pillsbury Avenue South
Minneapolis, MN 55408
March 19, 1983

Thomas K. Farley, Superintendent
Phoenix District of the United Methodist Church
546 East Osborn Road
Phoenix, AZ 85012

Dear Tom:

This will acknowledge your letter of March 8 communicating to me the Cabinet's action to initiate a leave of absence for me for the 1983-84 Conference year.

The purpose of this letter is to respond briefly to points two, three and four of the rationale for this action.

Regarding my alleged "intent to move into a parsonage with a male companion": that is not my intent and was not my intent at the time I wrote the request for appointment. I think it is quite a leap from my statement that "As a gay man, my family will be different from what is traditional." My comment at this point was meant rather to be illustrative of the type of preparation that would be needed with a congregation prior to the appointment of an openly gay pastor. I am discouraged that the Cabinet made this kind of inference because I had thought that you knew me better than to expect that I would be so insensitive to the dynamics of such an appointment; I had intended this as a statement of my understanding of the issues involved in making such an appointment.

Further, a pastoral appointment is not the Cabinet's only option. My breadth of experience and my administrative skills are such that I could be useful in many Conference staff settings.

Regarding my "public statements" which you say "are widely understood to indicate immoral acts or acts declared by the United Methodist Church to be contrary to Christian teaching": I have made no statements public or otherwise except to identify my same-sex affectional orientation. That is no more a statement about my sexual expression than would be the Cabinet's affirmation that they are heterosexual.

The "clarification" requested by this statement is an inappropriate attempt to place on me the burden of proof as to my "innocence" of immoral acts and thus to circumvent the due process required by the Discipline when there is concern about a minister's character. Since it is clear from the Cabinet's statement that the rationale for its action is concern about my

Thomas K. Farley
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character, the provisions of Para. 444 are not applicable. Instead, it is incumbent on those who are concerned about my character and who have evidence to support that concern to follow the procedures outlined in Paras. 449 and 2621-2624.

In order to discuss these issues and the Cabinet's concerns more thoroughly, I would like to meet with the Cabinet on April 11, 1983. This would give us an opportunity to resolve these matters prior to Annual Conference. Such a resolution is more likely to be productive and creative for all concerned.

Sincerely,

Morris L. Floyd

cc: Bishop Jack M. Tuell
The Rev. Dr. Cornish Rogers
The Rev. Robert B. Weirbach
The Rev. R. Preston Price

MLM/arm



THE UNITED METHODIST CHURCH

LOS ANGELES AREA

472 E. COLORADO BLVD, BOX 6006

PASADENA, CALIFORNIA 91109

JACK M. TUELL
RESIDENT BISHOP

May 11, 1983

The Rev. Morris L. Floyd
Lesbian and Gay Community Services, Inc
124 West Lake, Suite E
Minneapolis, Minnesota 55408

Dear Morris:

Thank you for your letter of May 2nd. I too have received a copy of the decision of the Judicial Council and was surprised to see included in the statement of fact the sentence "the minister was requested to accept a pastoral appointment and in light of his failure to so accept, it was suggested that he request a leave of absence." I agree with you that that was clearly not the case and how the Judicial Council got that idea I do not know.

I quite frankly have been confused by the Judicial Council as they have gone into the details of your particular situation, because the ruling was requested as a matter of law and I gave the ruling as an interpretation of the Discipline without regard to any particular individual case. The question was framed in terms of whether it was permissible under the Discipline to grant a leave of absence without the minister's consent and the answer to that has been given by the Judicial Council. So it is my opinion that this error in the statement of facts should not in any way affect the ruling that was made. If you are asking the Judicial Council to change that sentence to reflect the truth, I certainly agree with you on that, and you can so indicate to the Judicial Council.

Faithfully yours,

Jack M. Tuell

JMT:dh
cc: The Rev. Thomas K. Farley
Dr. Hoover Rupert