

**A SUMMARY OF THE DISCIPLINE HEARING COMMITTEE'S DECISION CONCERNING
PASTOR BRADLEY E. SCHMELING**

SUMMARY:

1. The discipline hearing committee constituted to hear charges against Pastor Bradley Schmeling has released its decision.
2. The ELCA's disciplinary policy regarding clergy in committed same-gender relationships is **not** contained in the ELCA Constitution, but in the document *Definitions and Guidelines for Discipline*. The committee has expressed near-unanimous concern that the ELCA's policy against pastors in same-gender relationships "may very well violate the constitution and bylaws of this church."
3. The committee has affirmed Pastor Schmeling's ministry at St. John's Lutheran Church, finding as a fact that the congregation has flourished in membership, participation, and giving during Pastor Schmeling's service.
4. The committee has called for the ELCA to remove the policy through both the church's highest judicial and legislative bodies, Committee on Appeals and the Churchwide Assembly. And the committee has delayed removing Pastor Bradley until after the 2007 Churchwide Assembly (which meets August 6-12, 2007, in Chicago).

WHAT DOES THIS MEAN?

- The committee expressed **nearly unanimous** concern that the church's policies on pastors in same-gender relationships "are at least bad policy, and may very well violate the constitution and bylaws of this church."
 - The committee noted "the troublesome clause in *Definitions and Guidelines* [which] was a part of that document when it was originally approved on November 19, 1989": "Practicing homosexuals are precluded from the ordained ministry of this church."
 - The committee also noted Pastor Schmeling's arguments that the ELCA Constitution itself, the original pastoral intent of *Definitions and Guidelines*, and the decisions of the 2005 Churchwide Assembly (in Orlando) **all** create discretion **not** to discipline Pastor Schmeling in any form.
- The committee said that, under ELCA's constitutional standards, they "would find almost unanimously that Pastor Schmeling is **not** engaged in conduct that is incompatible with the ministerial office, and would find with near unanimity that no discipline of any sort should be imposed against him."
 - The standards governing ELCA ministers are contained in Chapter 7 of the ELCA Constitution.
 - The committee also said that if the decision were only by the standards of the ELCA Constitution, they "would find, with near unanimity, that there is nothing about Pastor Schmeling's acknowledged and stipulated homosexual relationship that would impede the proclamation of the Gospel or the right administration of the sacraments."
- The committee has found that, during Pastor Schmeling's time at St. John's, congregational membership, attendance in worship, participation by young people, and benevolent giving have all increased. All of these things are decreasing in the ELCA as a whole.

- The committee has found as a fact that “since 2001, St. John’s has grown substantially in membership (a cumulative 52% at the time of the hearing), in attendance at worship (up 31% at the time of the hearing), and in stewardship (up more than 70% at the time of the hearing).” The committee found as a fact that “the trends in congregation membership, in worship attendance and in stewardship at St. John’s also suggest that Pastor Schmeling has had the support of the vast majority of the congregation from the very beginning.”
- The committee has found that Pastor Schmeling “is recognized as an innovative worship leader and has been called upon by the synod to plan and organize worship at two synod assemblies.”
- The committee also found that he “is able to communicate with young people, share the faith in a manner that they find interesting and helpful, and help them develop language for talking about their faith.” Furthermore, he “possesses the patience and other qualities that are required to walk with a particular young person on a journey from confirmation to agnosticism to atheism and back to agnosticism, with the hope that the journey will finally return that young person the faith.”
- **The committee called for the ELCA’s highest judicial and legislative authorities to change the policy, because of its concern that it is “at least bad policy, and may very well violate the constitution and bylaws of this church.”**
 - **JUDICIAL PATH:** Decisions of the discipline hearing committee can be appealed to a denomination-wide body, the Committee on Appeals. The committee affirmed that it is bound by the decisions of the Committee on Appeals, and considered the possibility that the Committee on Appeals could determine that the policy is unconstitutional.
 - **LEGISLATIVE PATH:** The committee took the extra step of suggesting resolutions that it felt should be considered by the denomination’s highest legislative body, the biennial Churchwide Assembly, which is from August 6-12, 2007, in Chicago.
 - The primary means to have resolutions considered by the Churchwide Assembly is for them to first be passed by the denomination’s regional bodies, called “synods.”
 - The committee recommended that the Churchwide Assembly “remove the language that specifically precludes practicing homosexuals from service as ordained ministers of this church” and “remove the specific prohibition against homosexual sexual relationships.”
 - The committee also recommended that the Churchwide Assembly take steps to reinstate pastors “who have resigned or have been removed from the rosters of this church solely because they have entered into a lifelong partnership with another person of the same sex that is mutual, chaste, and faithful, [to apply for reinstatement immediately, as an exception to the usual requirement of a minimum of five consecutive years without call that must elapse before an application for reinstatement may be considered.]”
- **The committee has delayed action until Pr. Schmeling has had a chance to appeal the decision and the denomination has attempted to change the policy.**
 - The committee has voted not to remove Pastor Bradley until after the conclusion of the Churchwide Assembly. The committee’s decision does not take effect until August 15, 2007.

- Unless and until the Committee on Appeals or the Churchwide Assembly remove the policy from the document *Definitions and Guidelines for Discipline*, seven of the twelve committee members felt constrained to apply that document.