



Dear Pastor

The DRC has received many calls from churches asking for counsel regarding the same-sex marriage laws. The question is asked, “Does the church need to change its bylaws to protect itself from a discrimination lawsuit?”

The short answer is **“No. Amending the bylaws is not necessary. However, the church should consider adopting policies and practices to avoid other complications.”** Let me explain.

The General Council Bylaws already strictly prohibits A/G ministers and churches from participating in and officiating same-sex weddings.¹ The General Council Bylaws govern credentialed minister and affiliated churches, and supersede local bylaws, clearly establishing our doctrine and practice in this matter. The first amendment to the Constitution of the United States forbids the government from making any law that restricts the free exercise of religion and therefore cannot force churches to act against their doctrines or practices. The bottom line is that General Council Bylaws already establish our doctrine and practice in this area, and additional amendments are not needed to protect the church from lawsuits.

However, the bylaws alone can’t protect the church from every possible problem.

One potential problem might be a lawsuit for non-religious discrimination. For example, if the church routinely rents the facilities to heterosexual unbelievers but refuses to rent the facilities to homosexual unbelievers, then the church might be sued. It could be argued that this church is operating a “wedding business” which may not have the right to discriminate on the basis of religion.² Furthermore, it could

¹ *General Council Bylaws, ARTICLE IX, Section 5. Divorce and Remarriage. (3) Same-sex ceremonies. No minister shall perform any type of marriage, cohabitation, or covenant ceremony for persons who are of the same sex. Such a ceremony would endorse homosexuality which is a sin and strictly forbidden in God’s Word (Leviticus 18:22; 20:13; Romans 1:26,27; 1 Corinthians 6:9; 1 Timothy 1:9-11). Any minister of our Fellowship who performs a ceremony for these types of disapproved relations, unless innocently deceived into doing so, shall be dismissed from the Fellowship.*

² *Courts are adjudicating this issue right now—to what extent does an individual’s right to the free exercise of religion extend to corporations and businesses? Courts differ on this issue.*

be argued that this church is not discriminating on religious grounds at all (since it did not exercise any religious restrictions in the other weddings) but is only discriminating against homosexuals. The church bylaws may not protect the church in this instance because it is not following them consistently.

Another potential problem is that of unknowingly renting the facility for a same-gender wedding. For example, Linda rents the facility for her wedding to “Chris”. On the day of the wedding it is discovered that “Chris” is actually “Christine.” The Pastor is stuck with the task of facing a crowd of guests and explaining why he is canceling the wedding.

Solution: Every church needs to adopt policies and practices about weddings that are consistent with General Council bylaws, restricting weddings solely on the basis of religious qualifications (all of them), and pre-screening all weddings on the basis of these qualifications.

The simplest policy is one that restricts weddings in the facility to members and adherents of the Assemblies of God and/or requires that all weddings in the facility be officiated by a minister that is credentialed by the Assemblies of God. See the sample policy attached.^A The benefit of this policy is that it is effective, brief, and it covers all religious qualifications without drawing attention to any specific exclusion. This policy is probably appropriate for churches that do not make their facilities available for outside weddings.

Some churches may want a more flexible policy. They may want to open their doors to the community as an outreach and find this policy too restrictive. These churches will need to draft a more comprehensive policy that references the appropriate religious qualifications (it should not point to one exclusion and ignore all of the others.) I have attached a sample of such a policy, which was adopted by one of our churches that makes their facility available for individuals who are not church members. It should be noted that this policy was designed for a specific church situation, and may not be appropriate or applicable to every church. Churches that want to adopt this type of policy may use it as a template, but they should seek legal counsel.^B

Another potential problem is the public relations nightmare that will result from a poorly worded response to a question about homosexual weddings. For example, someone may come to the church to ask about the church’s stand on homosexuality. If the Pastor is not available, someone else may try to answer the question. That person may not give a correct answer and probably shouldn’t be the spokesman for the church.

Solution: The church needs to have a prepared written statement to these questions and instruct individuals to hand out the statement and/or refer the question to the Pastor. ^C

We want to urge every Church Board to put this on their agenda for discussion and action.

Dr. Jay Herndon
District Secretary-Treasurer

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Appendix ^A (Brief policy)

Our church's policy on weddings

Marriage is an institution that is ordained by God and is to be celebrated within the community of faith. It is the policy of Grace Assembly of God that its facilities will be made available for weddings for members of Assemblies of God churches, and that all weddings within its facility must be officiated by clergy who are credentialed with the Assemblies of God."

Appendix ^B (Comprehensive policy)

Holy Assembly of God Wedding Policy

Holy Assembly of God Church, Golden, California, also known as Holy Assembly of God Church of Golden ("Church") is a General Council affiliated church of the Assemblies of God ("AOG") adopting its Tenets of Faith and Official Statement of Fundamental Truths. As an affiliated church, Holy Assembly of God Church San Jose and its licensed, ordained and certified ministers are subordinate to the General Council on matters of doctrine and conduct. (Art. IV Sec 6 of Bylaws AOG, General Council) The Church has bound itself to spiritual unity and cooperative fellowship with the Northern District Council of the Assemblies of God and the General Council of the Assemblies of God.

For the purposes of providing guidance to its Officials and members, the Church adopts the following policy for marriage within the Church ("Marriage Policy"):

The Bible teaches that God established the marriage relationship in the ultimate and final act of Creation--marriage is God's creation. God continued to develop and the definition of marriage, establishing standards, responsibilities, and privileges. Foremost among these standards is that marriage is intended to be a permanent and exclusive relationship between a man and a woman. It is a complex and multi-faceted union (spiritual, sexual, familial, financial, and more.) As such, marriage is not only a covenant commitment between spouses, but is a covenant commitment made to God and to the community of faith. (Genesis 2:24; Mark 10:9; Ephesians 5:31) Therefore, many Christians seek to have their marriage solemnized in a house of worship, officiated by a minister, and in the presences of a congregation.

It is the belief of this church that wedding ceremonies performed in this house of worship must comply with scriptural teachings and are only to be performed by ministers which are credentialed by the Assemblies of God.

General Council policies allow ministers to decline to perform wedding ceremonies on religious grounds when, in their view, such marriage violates the scripture: inter-family relations (first-cousins), immaturity, inter-faith, and previously (unqualified) divorces.

General Council policies prohibit Assemblies of God ministers from performing wedding ceremonies that involve: bigamy, polygamy, polyandry, polyamory, incest, under-age, and same-gender individuals.

Pursuant to General Council Bylaws and doctrines, a ceremony seeking to join members of the same gender in holy matrimony, or covenant ceremony or cohabitation ceremony shall not be officiated by any Assemblies of God minister. Such a ceremony would endorse homosexuality which is a sin and strictly forbidden in God's Word (Leviticus 18:22; 20:13; Romans 1:26, 27; 1 Corinthians 6:9; Timothy 1:9-11). Any Official who performs such a ceremony shall be dismissed from fellowship and credentials revoked (Art. IX Sec 5(d) of Bylaws AOG, General Council).

Any person submitting a wedding application form seeking to have a marriage ceremony performed by an Official of the Church or held on Church property ("Applicant") shall affirm in writing their agreement with the Church Tenets of Faith and the approved Doctrines and Practices of the Assemblies of God and shall conduct themselves in a manner in keeping therewith.

Any Applicant seeking to be married shall attend at least six pre-marital counseling sessions with the Official who will be performing the wedding ceremony or other qualified person as chosen by the pastoral staff having sufficient training, experience and spiritual understanding to provide such counseling.

Any Official performing a marriage ceremony whether or not employed by the Church, shall affirm their agreement with the Church Tenets of Faith and the approved Doctrines and Practices of the Assemblies of God and shall conduct themselves in a manner which is in keeping therewith.

The Official assigned by the Church to implement the procedures contained in this Marriage Policy, in his or her sole discretion, may decline to make Church facilities available for, and/or decline to officiate at, a ceremony when, in his or her judgment, there are significant concerns that one or both of the Applicants may not be qualified to enter into the sacred bond of marriage for theological, doctrinal, moral, or legal reasons.

A civil government's sanction of a union will be recognized as a legitimate marriage by the Church only to the extent that it is consistent with the definition of marriage as a union ordained by God and confirmed by Jesus Christ to be a permanent relationship between a man and a woman as referenced in this Marriage Policy.

Reply to Request to Perform a Same Gender Marriage Ceremony

I/the Church am/is unable to agree to the request to officiate at a ceremony to join members of the same gender in holy matrimony, or a covenant ceremony or a cohabitation ceremony whether or not on Church Property. Such action is inconsistent with the Tenets of Faith of this Church to which I/We adhere as a member of the Assemblies of God, is not an approved doctrinal policy or practice of our faith and is strictly forbidden in God's Word. Performance of such a ceremony by an official of the Church on or off Church Property will result in the revocation of ministerial credentials and dismissal from the Fellowship.

Appendix ^c (General, brief statement on homosexuality.)

Our church's position on homosexuality:

We believe that God loves all people. It is because He loves us that He prescribes behaviors that He knows are beneficial to us and society and prohibits those that are not beneficial to us and society. We admit that we don't always know the "whys" behind these prohibitions, but we trust that they are true. The Bible clearly states that sexual intimacy is intended to be exercised between a husband and wife

within the confines of a marriage relationship. Sexual activity outside of marriage is forbidden. The Bible further states that sexual activity between same gender individuals is forbidden. Our church affirms these commandments as doctrine.

Nevertheless, our church also believes that everyone is welcome to gather with the church and to worship God and hear the Word of God, regardless of the degree to which they affirm these doctrines or align their lives to them. Our worship service is a public meeting and anyone is welcome to come. We also believe that everyone has the right to be treated with dignity and love, and everyone who attends a meeting at our church will be treated as such and will not be singled out, demeaned, or ridiculed.

For a more comprehensive theological statement on this subject, including scripture references, please see the Position Paper found on the website of the General Council of the Assemblies of God.