

Sunday, October 25, 2020

Rev. Charlie Hinkle Discusses Pope Francis and Same Sex Unions

Clackamas United Church of Christ

Rev. Charlie Hinkle discusses Pope Francis's recent comments in support of same-sex unions. Charlie is a retired lawyer. He was the lead lawyer for the ACLU here in Portland, Oregon. Charlie is a long-time member of Clackamas UCC and he happens to be a gay Christian. Charlie reflects on the recent comments from Pope Francis in support of same-sex unions and the history of the movement toward same-sex unions and marriage. We are so grateful for Charlie's lifelong work to make Portland and the world a more just and loving place.



Charlie Hinkle:

It was a week of a surprise in a way as you hear those words from Pope Francis and it illustrates the history that our society, our world has gone through in the past maybe 30 years with respect to the issue of gay unions or gay marriage, same-sex marriage I guess it's a better way of putting it.

So I want to talk a bit about Pope Francis and what he had to say, but I thought I'd start by putting it in a bit of a historical perspective. I'm not going to give you the whole history of the development of the law and the theology on this issue, but just a few highlights along the way with special attention to the Catholic church because after all, Pope Francis is a Roman Catholic. He's the head of the church. He speaks, Roman Catholics listen, we all listen to this good and decent man.

The movement for same-sex marriage really got started in a big way only about in 1990, the last decade or so of the of the 20th century. Most people, I dare say, didn't take it very seriously in the beginning but the Hawaii Supreme Court was giving indications in the 1990s that it might rule that the Hawaii Constitution required the state to issue marriage licenses to same-sex couples on the same basis that they did to opposite sex couples. That raised alarm bells in many circles around the country and around the world. One of the places where it raised an alarm bell was in the Vatican, the headquarters of the Roman Catholic Church. So in 2003, the Vatican office in charge of all things doctrinal issued a statement saying that "Respect for homosexual persons cannot lead

in any way legal recognition of homosexual unions.” Well, I don't know if the Vatican thought that this pronouncement would put an end to all further discussion of the possibility of same-sex marriage, but if that was their goal they fell somewhat short. It was in November of that very same year, 2003, that the Massachusetts Supreme Court ruled that the Constitution of that state required that marriage licenses be made available to same-sex couples. Now that ruling by the Massachusetts court was a bombshell and it set in motion a flurry of activity all around the country.

For those of you who are in other states or other countries this morning, you may not be familiar with our geography here, I want to say that our Clackamas church is just outside of Multnomah County. Multnomah County is the most populous county in the state of Oregon and it's where Portland is located. We are just a few miles outside of that county. Four months after the Massachusetts Supreme Court issued that ruling which applied only, of course, in Massachusetts, that ruling that same-sex couples who had a legal right to be married, four months later the Multnomah County Commission decided to begin issuing marriage licenses to same-sex couples. And they did so because they had asked for a legal opinion from me as to whether or not they could do that. I wrote them a legal opinion which, I think, is still available on the web, saying that they not only could do it, but that they were obligated to do it as a matter of equality and equal protection. So, they began one fine morning in March of 2004 issuing marriage licenses to same-sex couples and the line went around the block of the county office.

That caused a firestorm of opposition here in Oregon. The opponents of same-sex unions sprang into action. They got an initiative placed on the election ballot for the November election that fall of 2004. They proposed to amend the state Constitution to prohibit same-sex marriages. It got on the ballot and it was really no contest. Oregon voters approved that amendment by a margin of 57 to 43 and a few months later the State Supreme Court ruled that all those marriage licenses that the County had issued were invalid. Something like 1,800-1,900 marriages of same-sex couples became invalid overnight. So in Oregon, we were back to square one.

The discussion about same-sex marriage wouldn't go away. The General Synod of our United Church of Christ meets every two years. It sort of acts as the national assembly, the national convention for our church and it met in Atlanta in 2005. At that convention, the Synod adopted a resolution stating that the United Church of Christ affirms equal marriage rights for couples regardless of gender. Now our UCC disagrees with the Catholic church on many things and we made it clear in that 2005 Synod resolution that same-sex marriage was one of the fundamental issues that we did disagree with our Catholic friends about. Not every UCC member agreed with that resolution, but UCC members everywhere all across the country were willing, and actually did begin, to reconsider their own attitudes on this subject.

One of the members one of the UCC who began to rethink his position on the subject was a member of a UCC church in Chicago. This member had stated publicly the year before the Synod

back in 2004 that he was okay with civil unions for same-sex couples, but he wasn't ready to support same-sex marriage. But then a year after the Synod, now we're up in 2006, that same man published a book in which he said that he had come to realize that it is my obligation as a Christian to remain open to the possibility that my unwillingness to support gay marriage is misguided and that Jesus's call to love one another might demand a different conclusion. The name of that book was *The Audacity of Hope*. The author's name was Barack Obama.

Two years after that book was published, Obama was elected President and one of the states that he carried overwhelmingly was California. He won California with more than 60 percent of the vote, but on that same election day in November 2008, in California the voters of that state approved an initiative commission on a vote of 52 to 48 percent that amended the state constitution in basically the same way that Oregon voters had amended our constitution four years earlier. The California amendment was very short – one sentence – only marriage between a man and a woman is valid or recognized in California.

Two of the main supporters of that initiative of the campaign to have that initiative approved were the Catholic church, which put about 3 million dollars into the effort, and the Church of Latter-Day Saints which spent over 20 million dollars to get that initiative approved, so one step forward, one step back. That's been the history of this social movement as in every other social movement, but the conversation continued and the process that Obama was going through was really the same process that millions of Americans were going through.

A couple of years go by, Obama is now in the White House. In 2010, he was asked again about the issue and he said that he was still unwilling to sign on to same-sex marriage, but that, “attitudes evolve, including my own. It is an issue that I wrestle with because I have a whole host of friends who are in gay partnerships. I have staff members who are in committed, monogamous relationships who are raising children and who are wonderful parents.” And that was a truth that many people were confronting at that time. Yes, they are your neighbors, your friends, family members, your church colleagues, they have families, they do make wonderful parents. That was 2010.

Two years go by, it's now 2012, and in May of that year Joe Biden, the Vice President serving under Obama, announced that he now supported same-sex marriage. He said, “I have evolved on that issue.” As well and within about two weeks after Biden made that statement, Obama went on I think it was Good Morning America, or one of the morning tv shows, and announced that he had, in fact, changed his mind as well. That was May of 2012.

Obama now says, “I believe that same-sex couples should be able to get married.” Well, while all of these conversations are going on within the churches, within the political realm, within societies in general all around the world really, conversations were also going on in our court systems. People were filing lawsuits all across the country hoping to get various state supreme courts to

follow the example of that Massachusetts court several years before and ruled that state constitutions required states to issue marriage licenses to same-sex couples. So a lot of litigation was bubbling along and then all of a sudden, almost before we knew it, the big one hit. The U.S. Supreme Court chimed in. In June of 2015, it ruled on a five to four vote that the United States Constitution guarantees the right of same-sex couples to get married. A five to four vote as I said. Two of those five votes in the majority are no longer on the U.S. Supreme Court and it's a decision that is now very much in jeopardy thanks to the fact that we elected Donald Trump as President. He's made three appointments, the third will be confirmed tomorrow undoubtedly. The conservatives will have a six to three majority on the court, not just for this year, but for decades to come. Two of the justices who were in the minority who voted against the gay rights decision in 2015 have repeatedly said that they want to overturn it, and now they have three more allies on the court. So it may be just a matter of time before the constitutional decision of the U.S. Supreme Court regarding same-sex marriage becomes a relic of history. Elections have consequences.

One of the blessings of the human species is that we have the ability to change our minds. It was only 16 years ago, and then 12 years ago, after all when the voters of Oregon and then California voted to amend their state constitutions to prohibit same-sex marriage. But in July of this year, think about this, in July of this year the Gallup Poll reported that 67% of Americans, two-thirds of all Americans, now support same-sex marriage. That is a remarkable amazing shift in public opinion and attitudes just over the course of 10 or 15 years. People do change their minds.

That leads me to talk for a moment about what Adam actually did ask me to talk about this morning. Recall that in 2003, the Roman Catholic church had pronounced that it opposed legal recognition of homosexual unions. Well, on Wednesday of this week the documentary film was shown at a film festival in Rome, a documentary about Pope Francis. And in one of the interviews in that film Pope Francis said this – homosexuals have a right to be a part of the family, they are children of God and have a right to a family. What we have to create is a civil union law. That way they are legally covered. Well, conservatives in the Roman Catholic church heard that and they went through the roof. The Pope had actually made those comments in that interview that was recorded a year ago, but it had been suppressed by the Vatican for these many months by the conservatives of the Vatican. They didn't want that word for the Pope to get out into the public, but it was part of the documentary and when the documentary film was shown now the lid was off and the statement became public knowledge.

The Pope's most prominent opponent adversary on doctrinal matters in the Roman Catholic church is a man named Cardinal Burke. He used to be the archbishop of St. Louis here in our country and he now is a Vatican official in charge of all things doctrinal. He immediately put out a statement saying that the Pope was speaking only for himself. The Pope's words were his own private opinion. They are contrary to scripture. They aren't binding on the church. They aren't binding on

its members. Well, fortunately that was a private opinion of Cardinal Burke and it too is not binding on the church.

Not everybody in the Roman Catholic church is as conservative as Cardinal Burke is. There is an organization of LGBTQ Catholics called New Ways Ministry. Its executive director issued a statement this week, after that documentary was shown which pointed this out, that said – a pope sets the tone for the church and what he is doing is sending a signal to bishops and church leaders that a welcome for gay and lesbian couples has to go forward. Well, it's been said that trying to get the Catholic church to change its position on any subject is like trying to get a battleship that's going full steam ahead to make a u-turn. It takes awhile for a battleship to make a u-turn. Pope Francis certainly knows that. He's been trying to nudge the Catholic church one way or another on several issues over the last few years and this wasn't the first time, in fact, that he had expressed sympathy on LGBTQ issues.

Shortly after he became Pope in 2013, he made headlines when he was asked whether gay men should be priests. Pope Francis said if someone is gay and he searches for the Lord and has goodwill, who am I to judge. Well, we don't know how much success Pope Francis will have in pushing the Catholic church in new directions on this issue, or any other issue. There are a lot of issues on which we in the United Church of Christ disagree very profoundly with our Catholic friends. They exclude women from the priesthood, more than half of the world's population cannot become priests in the Roman Catholic church. We disagree. The Catholic church prohibits persons who've been divorced and remarried from taking communion. The UCC doesn't turn anyone away from the community table in our churches. The Catholic church prohibits LGBTQ persons from acting as godparents because LGBTQ persons are people of moral inferiority, set bad examples for children. The UCC disagrees. We probably disagree with Pope Francis on any or all of those issues that I just mentioned. Pope Francis is not a UCC pastor. Pope Francis is no Adam Erickson. But it is said that so much Catholic teaching is based on excluding people. You can't be a priest in our church, you can't take communion with us, you can't be a godparent, you can't get married in our church.

I don't mean to single out the Catholic church as particularly reprehensible on this point, it's a universal human characteristic to want to exclude other people, to want to draw lines. It is remarkable how much time and energy the entire human race spends on excluding other people. You can't enter our country, you can't join my club, you can't join our army, you can't work in my company, you can't teach in my school, you can't eat in my restaurant, or swim in my swimming pool, you can't live in my neighborhood, you can't vote. But as I said a moment ago, human beings can change their minds. We have that ability. Human beings can change their minds. Churches change their minds. It just takes time.

One of the most famous Japanese haiku that came to us from the Japanese culture was written about 200 years ago. This is what it says – oh snail climb Mount Fuji, but slow, slowly.

I think Pope Francis took a step up Mount Fuji this week. Let's hope that he takes another and another and another. Let's hope he keeps pushing. Let's hope that we can all keep pushing and maybe one fine day we will all get to the top of that mountain together.

