

PCUSA court clears cleric in gay marriage case

by [Daniel Burke](#) in the [March 8, 2011](#) issue

The top court of the Presbyterian Church (U.S.A.) has found a Boston minister not guilty of violating church rules against performing gay marriages. The narrow ruling keeps the churchwide ban in place.

The

PCUSA's Permanent Judicial Commission on February 2 cleared Jean Southard of charges that she violated church rules and her ordination vows by marrying two women in 2008 in Massachusetts, where gay marriage is legal.

The wedding took place before the PCUSA had determined, later in 2008, that the ban on same-sex marriage is "mandatory" for ministers, the 16-member court ruled. The court said that the rule should not be applied retroactively to Southard's case.

Clergy in

the PCUSA, which has about 2.2 million members, are allowed to bless same-sex relationships but are not permitted to "state, imply, or represent" those ceremonies as marriages. A regional church court in California found a minister guilty of that offense late last year.

Four

members of the church's high court issued a concurring opinion arguing that the denomination should lift its ban on gay marriages because it marginalizes gay, lesbian and bisexual people. In a separate concurring opinion, three court members said Southard should have consulted with church officials before officiating at the same-sex ceremony.

Southard

said in a statement, "I am saddened that this verdict does not make it possible for ministers to do the good and loving thing for their

parishioners without the fear that someone will accuse them of violating church law." —RNS