**Regarding North Carolina Same-Sex Marriage, Amendment 1**

What is currently on the books in North Carolina regarding Same Gender Marriage?

When considering the proposed Amendment to the North Carolina Constitution, one must be aware that there are currently laws on the books which effectively state that marriage is to be defined as between a man and a woman. And that, same gender marriages are already not considered valid in North Carolina, even if they have been performed in a state that recognizes same gender marriage. These statutes are cited below:

**NC General Statute 51-1**

A valid and sufficient marriage is created by the consent of a male and female person who may lawfully marry, presently to take each other as husband and wife, freely, seriously and plainly expressed by each in the presence of the other, either:

1. In the presence of an ordained minister of any religious denomination, a minister authorized by a church, or a magistrate; and
2. With the consequent declaration by the minister or magistrate that the persons are husband and wife; or

In accordance with any mode of solemnization recognized by any religious denomination, or federally or State recognized Indian Nation or Tribe.

Marriages solemnized before March 9, 1909, by ministers of the gospel licensed, but not ordained, are validated from their consummation. (1871-2, c. 193, s. 3; Code, s. 1812; Rev., s. 2081; 1908, c. 47; 1909, c. 704, s. 2; c. 897; C.S., s. 2493; 1945, c. 839; 1965, c. 152; 1971, c. 1185, s. 26; 1977, c. 592, s. 1; 2000-58, ss. 1, 2; 2001-14, ss. 1, 2; 2001-62, ss. 1, 17; 2002-115, ss. 5, 6; 2002-159, s. 13(a); 2003-4, s. 1; 2005-56, s. 1; 2007-61, s. 1; 2009-13, s. 1.)

**NC General Statute 51-1.2**

Marriages, whether created by common law, contracted, or performed outside of North Carolina, between individuals of the same gender are not valid in North Carolina. (1995 (Reg. Sess., 1996), c. 588, s. 1.)

What The Proposed Amendment to the NC Constitution Says:

The proposed amendment to Article 14 of the NC Constitution would add Section 6, which would read: "Sec. 6 Marriage. Marriage between one man and one woman is the only domestic legal union that shall be valid or recognized in this State. This section does not prohibit a private party from entering into contracts with another private party; nor does this section prohibit courts from adjudicating the rights of private parties pursuant to such contracts."

On the May ballot voters will see the following:

[ ] For [ ] Against

**Constitutional amendment to provide that marriage between one man and one woman is the only domestic legal union that shall be valid or recognized by this State.**
As a United Methodist people, in addition to holy scripture, we often turn to our Social Principles for guidance when faced with issues of human rights/issues in today’s world.

“The Social Principles are a prayerful and thoughtful effort on the part of the General Conference to speak to the human issues in the contemporary world from a sound biblical and theological foundation as historically demonstrated in United Methodist traditions. They are a call to faithfulness and are intended to be instructive and persuasive in the best of the prophetic spirit; however, they are not church law. The Social Principles are a call to all members of The United Methodist Church to a prayerful, studied dialogue of faith and practice.” (Cited in Social Principles www.umc.org)

One may find a link to our Social Principles in their entirety at www.umc.org. They can also be accessed in our Book of Discipline.

What do the relevant portions of our Social Principles say?

161 A) The Family—We believe the family to be the basic human community through which persons are nurtured and sustained in mutual love, responsibility, respect, and fidelity. We affirm the importance of loving parents for all children. We also understand the family as encompassing a wider range of options than that of the two-generational unit of parents and children (the nuclear family). We affirm shared responsibility for parenting where there are two parents and encourage social, economic, and religious efforts to maintain and strengthen relationships within families in order that every member may be assisted toward complete personhood.

¶ 161 B) Marriage—We affirm the sanctity of the marriage covenant that is expressed in love, mutual support, personal commitment, and shared fidelity between a man and a woman. We believe that God’s blessing rests upon such marriage, whether or not there are children of the union.

We reject social norms that assume different standards for women than for men in marriage. We support laws in civil society that define marriage as the union of one man and one woman.

¶ 161 F) Human Sexuality—We affirm that sexuality is God’s good gift to all persons. We call everyone to responsible stewardship of this sacred gift.

Although all persons are sexual beings whether or not they are married, sexual relations are affirmed only with the covenant of monogamous, heterosexual marriage.

We deplore all forms of the commercialization, abuse, and exploitation of sex. We call for strict global enforcement of laws prohibiting the sexual exploitation of children and for adequate protection, guidance, and counseling for abused children.

All persons, regardless of age, gender, marital status, or sexual orientation, are entitled to have their human and civil rights ensured and to be protected against violence. The Church should support the family in providing age-appropriate education regarding sexuality to children, youth, and adults.
We affirm that all persons are individuals of sacred worth, created in the image of God. All persons need the ministry of the Church in their struggles for human fulfillment, as well as the spiritual and emotional care of a fellowship that enables reconciling relationships with God, with others, and with self.

The United Methodist Church does not condone the practice of homosexuality and consider this practice incompatible with Christian teaching. We affirm that God’s grace is available to all. We will seek to live together in Christian community, welcoming, forgiving, and loving one another, as Christ has loved and accepted us. We implore families and churches not to reject or condemn lesbian and gay members and friends. We commit ourselves to be in ministry for and with all persons.

¶ 162 J) Equal Rights Regardless of Sexual Orientation—Certain basic human rights and civil liberties are due all persons. We are committed to supporting those rights and liberties for all persons, regardless of sexual orientation.

We see a clear issue of simple justice in protecting the rightful claims where people have shared material resources, pensions, guardian relationships, mutual powers of attorney, and other such lawful claims typically attendant to contractual relationships that involve shared contributions, responsibilities, and liabilities, and equal protection before the law.

Moreover, we support efforts to stop violence and other forms of coercion against all persons, regardless of sexual orientation.


After carefully reading these paragraphs from our Social Principles, it is apparent to this writer that our United Methodist Church is not of one mind with regard to the issues of Human Sexuality, Marriage, the Family and Equal Rights for Persons Regardless of Sexual Orientation.

On the one hand, in paragraph 161 F, our church embraces language that states that the practice of homosexuality is incompatible with Christian teaching. While, on the other hand, in the same paragraph, our church also states that persons of a homosexual orientation are individuals of sacred worth, to whom and for whom God’s grace is available and who should be accepted into the community of faith without prejudice.

On Marriage, our Social Principles (paragraph 161 B.) clearly state that: “We affirm the sanctity of the marriage covenant that is expressed in love, mutual support, personal commitment, and shared fidelity between a man and a woman…”
But when discussing the concept of Family (paragraph 161 A.), our Social Principles offer another point of view: “We also understand the family as encompassing a wider range of options than that of the two-generational unit of parents and children. We affirm shared responsibility for parenting where there are two parents and encourage social, economic, and religious efforts to maintain and strengthen relationships within families in order that every member may be assisted toward complete personhood.” This description of family does not appear to state gender specificities (ie: male and female) but it does speak of the “nuclear family”.

Finally, in paragraph 162 J., regarding Equal Rights Regardless of Sexual Orientation, our Social Principles clearly state that: “Certain basic human rights and civil liberties are due all persons. We are committed to supporting those rights and liberties for all persons, regardless of sexual orientation.

We see a clear issue of simple justice in protecting the rightful claims where people have shared material resources, pensions, guardian relationships, mutual powers of attorney, and other such lawful claims typically attendant to contractual relationships that involve shared contributions, responsibilities, and liabilities, and equal protection before the law.”

As this writer understands this paragraph, it appears to say that there are basic human rights and civil liberties due to all persons, without regard to sexual orientation. One might consider that the right to legally marry is among said rights and liberties. The paragraph goes on to suggest that there are certain “contractual relationships” whereupon whose assets, guardianships, and powers of attorney, as well as other rights should and must be protected.

Does this recognition of the existence of certain “contractual relationships” suggest the possibility for a recognition of the lawful marriage of same gendered individuals? One might suggest that this is a matter open to interpretation.

Clearly our church is not of like mind. The issue of same gender marriage is a very complex and difficult issue, which requires careful and prayerful consideration. It is our hope that the people called Methodists will lay aside political agendas, practice holy conferencing, and respond in faithful ways.

The Amendment will be the focus of upcoming Jack Crum Conference on Prophetic Ministry. This event will be held on April 14, 2012 at Fairmont UMC in Raleigh, NC. The Jack Crum Conference is a program of the NC Conference Methodist Federation on Social Action.

Brian W. Wingo, chair
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