

**THE SADDEST DAY:  
GENE LEGGETT AND THE ORIGINS OF  
THE INCOMPATIBLE CLAUSE**

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Nearly half a century has passed now since the chaotic 1971 meeting of the Southwest Texas Annual Conference. From the wreckage of that session emerged the language of the United Methodist Social Creed that declares homosexuality “to be incompatible with Christian teaching.”

The Gene Leggett case in Southwest Texas Conference brought into the open a growing question about the relationship of the new United Methodist Church to homosexuality. The interaction since that time has raised the stakes for the church in regard to the issue, lifting the specter that it might divide the denomination, that homosexuality might be the issue which dis-unites The United Methodist Church.

This essay seeks to relate the events and context of the Leggett affair in the early 1970s. The purpose is to get the story on the record while most of the participants are still living.<sup>1</sup> This account does not seek to detail the ensuing controversy over homosexuality, but only the beginning episodes.

**The Cultural Context**

The year 1971 was right in the middle of the social, cultural, and political upheavals of the 1960s.<sup>2</sup> This was the so-called “Aquarian Revolution,” the sharp and unexpected reaction to the decorum of the previous decades. Everything that Middle America held dear came under challenge. The church revival of the postwar years was winding down; Methodist membership peaked in 1965 and began an absolute decline, though it had been in a relative decline for several decades as measured against American popula-

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<sup>1</sup> As a matter of full disclosure, the author was a participant in many of the events described in this article. Some assertions not otherwise footnoted come from my own experiences and observations. I was a seminary classmate of Wil Schaefer, college roommate of Jerry Smith, and acquaintance for nearly 60 years of Bishop Dan Solomon. Most important, Gene and Fanny Sterling Leggett were friends through my wife, their high school classmate and fellow MYFer. The Leggetts and the Sledges were close for two overlapping years at seminary, frequently sharing meals. We were attendants in each other’s weddings. I was asked to officiate at Fanny’s subsequent wedding to a widower who was also a friend. We continued to maintain friendship, if not always close contact, with Gene until his death and with Fanny to this day. A draft of this essay has been seen by Wil Schaefer, Don Hand, Fanny Leggett Ross, and Steven Leggett.

<sup>2</sup> The boundaries of the turbulent “sixties” could be interpreted to be the assassination of President Kennedy in 1963 and the resignation of President Nixon in 1973.

tion growth.<sup>3</sup> The same trends were affecting most mainline churches. A growing trend toward secularization seriously eroded the moral authority of religious proclamation.

The eternal verities all came into question. The battle cry of the “Age of Aquarius” was “if it feels good, do it!” There was a palpable rise of extramarital sex—cohabitation, illegitimacy, pornography and vulgarity in film and print and verbal discourse, risqué clothing styles, erotic dance moves, increased homosexual visibility. And this overt sexuality was increasingly accepted by society. One sign of the times was the change of course of the Methodist Mission Home and Training School in San Antonio. Founded late in the nineteenth century as a home for unwed mothers, the Mission Home emerged from the conversion of a Madam, Mary Volino, who donated her “house of ill repute” to the Methodist Church to be a rescue home for its former inmates and others. Throughout the first half of the twentieth century, scores of unwed mothers delivered their children there, many of whom were then adopted by Methodist families throughout the state. By 1970, the stigma of illegitimate birth was diminishing, and with it the need for the Mission Home services, so the institution began to find another role of service by developing a ministry for the deaf.<sup>4</sup>

Recreational drug use mushroomed and the “Hippie” movement gained vogue. Anarchist student movements such as the Students for a Democratic Society and the “Weathermen” launched verbal and physical attacks against college campuses. Profanity and vulgarity edged deeper and deeper into everyday discourse. Assassination<sup>5</sup> seemed to be chosen as an acceptable resolution for political and racial disagreement.

Not all change was necessarily negative, of course, but it was still change. The civil rights movement challenged the national practice of racial segregation—sometimes violently on both sides—but with some overall progress. Protests against the growing war in Viet Nam questioned the authority and judgment of the government, for good or ill. Other radical societal changes included revolutions in popular music, dance patterns, hair styles, and clothing fashions. All of these things, and more, critiqued the moral gentility of previous years. The traditional patterns of doing things, particularly the disciplined, ordered, and structured ways of behavior, were now placed in doubt. This free-wheeling Dionysian revolution was a sharp swing of the pendulum away from the disciplined Apollonian society of the 1950s.<sup>6</sup> The

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<sup>3</sup> *Historical Statistics of the United States* Washington: Bureau of the Census, 1975, Series H 803; See also Franklin H. Littell, *From State Church to Pluralism* (Garden City, NY: Doubleday Anchor Books, 1962), 31-32.

<sup>4</sup> Evan Jones, “Holy Whore: How the World’s Oldest Profession Shaped the History of the Methodist Church in Texas” in *Heritage Journal* 9 (2013): 3-23.

<sup>5</sup> John F. Kennedy, Martin Luther King Jr., Robert F. Kennedy, George Lincoln Rockwell (head of the American Nazi Party), Malcolm X, Medgar Evers, and others.

<sup>6</sup> The nineteenth-century German philosopher Friedrich Nietzsche coined the terms “Apollonian” and “Dionysian” in a work called *The Birth of Tragedy* to describe two contrasting cultural patterns. Apollonian society was disciplined, structured, and rational. Dionysian society was free-wheeling, emotional, and intuitive.

tone of American politics mirrored the cultural chaos.

And it was not only culture and politics in flux. The churches also faced physical and psychological crises because of a decline in membership after generations of expansive growth. The Methodist Church and the Evangelical United Brethren Church merged in 1968, in the process erasing a *de jure* line separating white and black Methodists. These developments left the church in confusion, as the United Methodist Church adapted to new relationships and organization. Newly blended annual conference fellowships were not yet settled into full trust and brotherhood. Traditional worship patterns were giving way to more “relevant” styles. With all the changes in church structures, other issues could emerge more easily. If some things were up for grabs, maybe everything was.

It was in the very midst of this cultural and ecclesiastical turmoil that the Southwest Texas Conference gathered in San Antonio in late May, 1971, for its regular annual meeting. It turned out to be anything but regular.

### **The Schaefer Case in Southwest Texas Conference**

The Rev. Wil Schaefer grew up in San Antonio, graduating from Edison High School and Trinity University in the city. Schaefer was the golden boy of his seminary class at Perkins School of Theology. Handsome, bright, personable, with a mop of wavy blond hair, a beautiful wife, and an exemplary social conscience, he was regarded by many as the classmate most likely to become a bishop, a comment that would come up more than once. He even drove a convertible! After graduation in 1960, he entered the ministry of the Southwest Texas Conference. Bishop A. Frank Smith ordained him elder and appointed him to Alamo Methodist Church, one of the three dozen Methodist congregations in San Antonio. At his request, he was appointed to a congregation in a poorer section of the city.<sup>7</sup> At Alamo Church, his ministry flourished. After a few years, he was re-assigned to Trinity Methodist Church in northwest San Antonio, near the site of the new Methodist hospital. Here he led in erecting a new church building and in developing a program of ministry for the hospital. In 1968, Schaefer received appointment to First Methodist Church<sup>8</sup> in Laredo on the Mexican border. It was a great assignment for the thirty-three-year-old minister, and well deserved. First Methodist Church was the oldest and largest Protestant congregation in the predominantly Hispanic town. One of his clergy peers wrote that Schaefer “was the golden-haired boy who was sure to go far,” and with the Laredo appointment, “he seemed to be on his way.”<sup>9</sup>

At Laredo, his parishioners quickly came to regard him as a “sure winner.” Articulate, dynamic, well-educated, he seemed an excellent prospect for a Methodist bishop someday.” He engaged himself at once in the life of

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<sup>7</sup> Telephone interview with Wil Schaefer, November 21, 2016.

<sup>8</sup> This was the correct terminology for that moment; the general conference creating the *United* Methodist Church took place two months later.

<sup>9</sup> Robert R. Ross, Jr. to the author, November, 2016.

the community, developing a radio ministry and attracting young people. He “had a flair—some called it flamboyancy—that appealed to people.”<sup>10</sup> His worship services followed traditional Methodist liturgy and style, with the pastor wearing a standard black pulpit robe. The Laredo Church grew and its ministry seemed to be prospering in every respect.

Then, sometime in the summer of 1970, things changed. Schaefer doffed his robe one Sunday and cast it aside, saying that it was “an unnecessary symbol.” His sermons changed, and he adopted what one church member called “a Johnny Carson type routine.” Another complained that “the sermons became more and more about Wil Schaefer and less and less about God.”<sup>11</sup> He spoke of his personal issues and invited the attendees to share their own problems openly as well. The penultimate heresy came when he decided to do away with the offering in the Sunday morning service. At this point, his board balked and the offering was reinstated. But in the midst of all this, church attendance dropped by half, and the church finances suffered. What was happening to the golden boy? Somewhere the great promise had gone awry.

In late 1970, the McAllen District Superintendent, Sam L. Fore, received word from the Laredo church where Schaefer was pastor that there was something wrong, not only in the church, but even more so at the parsonage. Schaefer and his family had been joined there by a divorcee, Mrs. Judy Nash, 27. Judy Nash and Mrs. Rita Schaefer met in San Antonio and Nash had been doing “readings” for Rita. Later, Nash came to Laredo to see Mrs. Schaefer. She stayed at the parsonage on these occasions. But the suspicion grew that relations between the minister and the other woman went far beyond pastoral.

Dr. Fore made a trip up the Rio Grande to Laredo in January, 1971, to investigate the rumors. Schaefer readily admitted to an intimate relationship with Nash, but defended it by saying he was in love with both his wife and the other woman. Mrs. Nash, Schaefer said, was a “clairvoyant”<sup>12</sup> and had been a great help to him in his spiritual development.<sup>13</sup> He stated that he was in love with Mrs. Nash, and she with him, and he refused to give up his relationship with either woman. He argued, in effect, that love conquers all, and that unbounded love was a Christian concept. If there was a *menage a trois* here, it did not last long. Rita Schaefer took the children and moved home to California. Judy Nash’s husband filed for divorce.<sup>14</sup> Sam Fore did not accept that Schaefer’s definition fell within the proper interpretation of Christian love and asked Schaefer to accompany him to San Antonio to lay the matter before Bishop O. Eugene Slater, who had episcopal supervision of the Southwest Texas Conference.

<sup>10</sup> Associated Press article in Abilene (TX) *Reporter News*, January 24, 1971: 7.

<sup>11</sup> Associated Press article in Abilene (TX) *Reporter News*, January 24, 1971: 7.

<sup>12</sup> He later termed her talent “intuitive counseling.” He also used the word “psychic.” Telephone interview with Wil Schaefer, November 21, 2016.

<sup>13</sup> Associated Press article in Abilene (TX) *Reporter News*, January 24, 1971, p. 7.

<sup>14</sup> Telephone interview with Wil Schaefer, November 21, 2016.

The three men met at the bishop's office. After hearing Fore's account and Schaefer's response, Slater asked the minister to surrender his credentials. When Schaefer refused, the bishop, following the Discipline,<sup>15</sup> activated the conference Committee on Investigation. Slater also relieved Schaefer as the Laredo pastor as of January 14.<sup>16</sup>

In short order the Committee recommended a trial. Bishop Slater, as a party to the investigation, asked Bishop W. Kenneth Pope of the Dallas-Fort Worth area to come to San Antonio to preside.<sup>17</sup> The charges were immorality, unministerial conduct, and disobedience to church law.<sup>18</sup> The thirteen clergymen on the jury heard the charges and the defense.<sup>19</sup> Schaefer and Mrs. Nash attended, dressed in what was then called "mod" fashion. He provided a written statement arguing that the proceedings were illegal. At the conclusion of a two-day trial, the thirteen ministers deliberated for three hours before concluding that Schaefer was guilty on all three counts.<sup>20</sup> Schaefer announced that he would appeal to the South Central Jurisdiction but the convictions stood and the church court asked him to turn in his credentials as a United Methodist clergyman.<sup>21</sup> The Jurisdictional Court of Appeals upheld the conviction at its May 20 meeting.<sup>22</sup>

In the meantime, Dr. Fore appeared in the Laredo pulpit to announce that Schaefer had been relieved for cause, and was no longer the pastor. The reason, the DS said, was that Schaefer had entered into an adulterous relationship with another woman and refused to end it. Wasting no time, Bishop Slater on February 1, 1971, announced the appointment of the Rev. John Gibbs, currently assigned to the Conference staff as associate program director, to fill the pulpit in Laredo and to do what he could to bring healing.<sup>23</sup>

People in Laredo were upset, of course, but mainly saddened by the course of events. Many affirmed that they liked Schaefer, but not what he was doing.<sup>24</sup> Bishop Slater remembered that "Mr. Schaefer was an able minister in his church and an effective person in his community. All of us were shocked and grieved over the experience."<sup>25</sup> All kinds of wild rumors about the situation spread throughout the conference. Schaefer's characterization

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<sup>15</sup> *Discipline* of the United Methodist Church, 1968, para. 1740.1.

<sup>16</sup> *Journal* of the Southwest Texas Conference, 1971: 72

<sup>17</sup> O. Eugene Slater, *Oliver's Travels: One Bishop's Journey* (Nashville: Parthenon Press for Oliver Eugene Slater, 1988), 195.

<sup>18</sup> *Discipline* of the United Methodist Church, 1968, para. 1721.1. a, e, c.

<sup>19</sup> *Discipline* of the United Methodist Church, 1968, para. 1740.5. and 1740.7.

<sup>20</sup> The transcript of the trial proceedings could not be consulted for this essay. The documents are still sealed by the conference office. E-mail from Bonnie Saenz, Rio Texas Archivist, to Robert W. Sledge, November 21, 2016. Only the announced result of the trial is public knowledge.

<sup>21</sup> *Chicago Tribune*, March 13, 1971, archives.chicagotribune.com/1971/03/13/page/111/article/other-woman-costs-him-minister-post; accessed October 23, 2016.

<sup>22</sup> *Journal* of the Southwest Texas Conference, 1971: 72.

<sup>23</sup> *Journal* of the Southwest Texas Conference, 1971: 72

<sup>24</sup> Associated Press article in *Abilene Reporter News*, January 24, 1971: 7.

<sup>25</sup> Slater, *Oliver's Travels*, 195.

of Mrs. Nash as “a clairvoyant”<sup>26</sup> expanded as it spread, so that she came to be seen as a New Age Svengali who had somehow bewitched the pastor. Those who knew of the situation only by rumor even referred to her as “the witch.” This was not necessarily a commentary on her character, but rather on her spiritual bent.<sup>27</sup> Schaefer’s relationship with Nash appeared to be the principal cause of his radical change as pastor.<sup>28</sup>

Schaefer moved back to San Antonio and announced that he was bringing charges against Bishop Slater for maladministration. In a letter to the bishop, with copies to every clergy member of the conference, Schaefer laid out a series of eleven charges documenting his assertion of maladministration. He concluded, “We are not only dealing with matters of church law, but beneath that with the salvation of our Souls related to the way in which we conduct ourselves in absolute obedience to the Law of God, which is Love and Truth. Anything less than absolute commitment to these principles may be termed ‘adultery.’”<sup>29</sup> That put an unexpected spin on the term.

Reports of the Schaefer case caused great commotion and dismay among the ministers of the annual conference. Part of the concern was stirred by statements from Schaefer mailed to all the preachers. He sent out a five-page single-spaced manifesto entitled “Christian Perfection,” with a cover letter inviting further discussion. “A great deal has been said about my actions, my sanity, and my judgement. However, there seems to be very little concern about my motivation.”<sup>30</sup> Rumbblings of the distress among the preachers soon reached Bishop Slater’s ears. The ministers of the annual conference seemed so seriously upset that the bishop decided he had to summon a special executive session to deal with the confusion, anger, and grief evident among them. This called session met at Laurel Heights UMC in San Antonio on April 17. There was heated and pained discussion at the gathering, though the trial had already concluded.

A few weeks afterwards, at the scheduled annual conference meeting in Travis Park UMC in San Antonio in early June, Schaefer made a dramatic appearance to turn in his credentials. As the conference business session neared adjournment for lunch one day, Schaefer came down the aisle carrying his ordination documents like a bouquet, but instead of flowers at the top, there were flames. He dropped the fiery mass on the table before the startled bishop, announcing, “Here, Bishop Slater, are my credentials.” The bishop murmured “Thank you, Wil,” as Schaefer marched up a different aisle and out a back door.<sup>31</sup> A young pastor, Rev. Jerry Smith, was sitting on the front

<sup>26</sup> Associated Press article in *Abilene Reporter News*, January 24, 1971: 7.

<sup>27</sup> Interview with Marjorie Stout Sledge, October 21, 2016. She was a long-time friend, high school classmate, and fellow MYF member.

<sup>28</sup> A brief account of the Schaefer affair is found in Walter Vernon et al, *The Methodist Excitement in Texas* (Dallas: Texas United Methodist Historical Society, 1984): 371-372, chapter 12 on “The United Methodist Church” by Robert C. Monk.

<sup>29</sup> Wil A. Schaefer to Bishop O. Eugene Slater, February 15, 1971, author’s collection.

<sup>30</sup> Wil A. Schaefer to “Dear Friends,” March 6, 1971, author’s collection.

<sup>31</sup> Slater, *Oliver’s Travels*, 195.

row. He jumped up and grabbed up the metal trash can near the bishop, so that Slater could push the burning mass into it. Then Smith picked up the bishop's water carafe and doused the flames.<sup>32</sup> A lay delegate sitting a few feet away "marveled at the coolness of Bishop Eugene Slater, one of the kindest, most gentle persons I have known." The layman, Donald Hand, "was amazed at the rudeness and display of contempt exhibited by a man of the cloth."<sup>33</sup>

The stunned gathering did a couple of minor items of business and then adjourned for lunch. By the time the conference reconvened at 1:30 p.m., all evidence of the fire had been cleared away, except for a slight odor that lingered in the sanctuary.<sup>34</sup>

But then, in 1976, Schaefer, now divorced from his first wife and married to Judy Nash, made public apologies to the bishop and the conference. He even asked Bishop Slater to baptize his and Judy's child, which Slater agreed to do.<sup>35</sup> In his address to the 1976 meeting of the Conference, Schaefer said "I would like to do today in public what I have done some months back, in private. I want to extend a personal apology to Bishop Slater and to my brothers and sisters in the ministry for any suffering I may have helped to cause this conference in the past . . . Now through the grace of God I have a new calling . . . I have learned that the root of all happiness and holiness rests in the scriptural laws and traditions."<sup>36</sup> Even in the most bizarre of circumstances, it seems, redemption is possible.

### **The Leggett Case in the Southwest Texas Conference**

Though it was the occasion for the assembly at Laurel Heights, the Schaefer matter was not the only confrontation at the April, 1971, special meeting of the preachers. The gathering to discuss the Schaefer matter prompted some very emotional debate. In the midst of the discussion, the Rev. Gene Leggett, an elder under special appointment, stood to defend Schaefer, in the process announcing himself to be an active homosexual. His argument was that most of the conference members already knew he was a homosexual and had tacitly agreed to ignore it; the same courtesy, he said, should be extended to Schaefer.

Immediately, Rev. R. Floyd Curl, former member of the denominational

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<sup>32</sup> Telephone interview with Rev. Jerry Jay Smith, November 1, 2016. From a distance, Rev. Dan Solomon thought that one of the district superintendents did this.

<sup>33</sup> Donald J. Hand, "Don Hand: Homosexuality and the 1972 Social Principles—Did the Conflict Begin with 'The Language'?" (<http://juicyecumenism.com/tag/don-hand>), accessed October 30, 2016.

<sup>34</sup> *Journal of the Southwest Texas Conference*, 1971: 80. The present author missed all the "fireworks." He was a teller for the election of clergy delegates to the 1972 General Conference and was out of the auditorium counting votes at the time. The tellers heard about it in a hurry, and the smell of smoke still lingered when they went in to see what was going on.

<sup>35</sup> Slater, *Oliver's Travels*, 195.

<sup>36</sup> *Journal of the Southwest Texas Conference*, 1976: 54.

Judicial Council<sup>37</sup> and the most respected clergyman in the conference, stood to speak. Dr. Curl said that he hated to do it but he had to prefer charges of immorality against Leggett and to demand an immediate trial.<sup>38</sup> Bishop Slater said, “Now, Brother Curl, we are not going to deal with that today.” When Curl pressed the point, Bishop Slater ruled the motion out of order<sup>39</sup> and a motion then passed to refer the Leggett case to the conference Board of Ministry.<sup>40</sup> The ministers returned to their parishes thoroughly bewildered. When the annual conference met six weeks later, perhaps matters could be ironed out.

Franklin Gene Leggett was born in Edinburg, Texas, in 1935. He almost never used the name “Franklin.” In high school, he was popular, excelling in vocal music and academics. He was a cheerleader and an officer in various clubs. He graduated valedictorian of his class. Gene’s classmates voted him “best all-round boy” in his sophomore year, an unusual recognition for one who was not a varsity athlete. In his senior year, they voted him “most likely to succeed.”<sup>41</sup> Like Wil Schaefer, he was a young man of great promise. He was an active leader in his local and district MYF groups and was obviously destined for the Methodist ministry.<sup>42</sup>

Upon graduation from high school, Leggett entered Pan American College<sup>43</sup> in his home town, completing a degree in English in three years. At Pan American, he was president of the college honor society and of his senior class. He was co-editor of the college yearbook, *El Bronco*, and was active in choir, drama, forensics, and student senate. After Pan American, he entered Perkins School of Theology in Dallas in the fall of 1956. At the end of his first semester at Perkins, he returned to Edinburg to marry his childhood sweetheart, Fanny Sterling. Like Gene, Fanny was a choir soloist and a campus leader. In high school she was a popular member of several organizations, including National Honor Society. At Pan American, she majored in elementary education and was honored as junior class favorite, Prom Queen, Future Teachers Association president, and president of the women’s service club, the Bronquettes. Both Gene and Fanny were among the few students listed in *Who’s Who* on the Pan American campus.<sup>44</sup>

Gene Leggett always drew a following. He had a charismatic personality which, combined with his intellect and wit, drew people to him wherever he went. At the same time, his demeanor was not that of one who attempted to dominate; rather he simply was attractive as a personality, quite apart from a

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<sup>37</sup> Nolan B. Harmon, ed. *Encyclopedia of World Methodism* (Nashville: United Methodist Publishing House, 1974), 1287. His son, Dr. Robert F. Curl, Jr., received the Nobel Prize for Chemistry in 1996.

<sup>38</sup> Telephone interview with Rev. Jerry Jay Smith, November 1, 2016.

<sup>39</sup> Bishop Dan Solomon to the author, Nov. 8, 2016. Slater was right, based on 1968 *Discipline*, paragraphs 1720 and 661.4.

<sup>40</sup> Slater, *Oliver’s Travels*, 195.

<sup>41</sup> *The Bobcat*, the Edinburg High School yearbook, 1953, passim.

<sup>42</sup> Interview with Marjorie Stout Sledge, November 21, 2016.

<sup>43</sup> Now the University of Texas-Rio Grande Valley.

<sup>44</sup> *El Bronco*, the Pan American College yearbook, 1956, passim.



fair measure of good looks.<sup>45</sup>

In seminary, Gene was an academic star, excelling in Greek class and in other subjects. By the time of his graduation, he was offered a full scholarship toward a doctorate in New Testament studies at Union Theological Seminary in New York City. Moving to the east coast, he accepted an appointment as pastor of a small church in New Jersey, which he would serve while pursuing his studies at Union. Fanny was pregnant with their first child, John, who arrived during their stay in New Jersey.<sup>46</sup>

But something else had happened to Gene Leggett. While he was at Perkins, he began to explore the lifestyle of the Dallas homosexual community. This led to him into a hidden life that neither his wife nor his friends suspected. He confessed his new interest to his favorite professor, a New Testament scholar and renowned church musician. The professor responded by admitting that he himself was, maybe, homosexual, but had chosen to remain with his ailing wife and to refrain from practicing his leanings. With this and their scholarly interests in common, the two became almost as close as father and son.<sup>47</sup>

In New York, Leggett had access to a whole new world of homosexual culture, and probably plunged deeper into the lifestyle, while maintaining a normal relationship with his wife and his church. The homosexual scene proved overpowering and he frequently skipped his classes. This apparently wore on him to the extent that, after a year, he decided to abandon his studies at Union and return to Texas to receive an appointment. In 1961, Bishop Paul Galloway assigned him as associate pastor of Travis Park Methodist Church in downtown San Antonio. For many years, it was the largest congregation in the Southwest Texas Conference, the regular site of the annual conference meetings, the “Cathedral Church” of the conference.<sup>48</sup>

When Gene Leggett was appointed to the staff at Travis Park, he obviously came into a plum assignment. Here he could use his talents and his instincts for the underdog to full advantage for himself and for the church. The senior pastor was the Rev. Dr. J. Walter Browers. New Bishop Paul V. Galloway brought Browers with him from Oklahoma in September, 1960, to fill the vacancy left by the election to the episcopacy of the Travis Park pastor, Kenneth Copeland. Galloway was elected bishop, also in 1960, from the pastorate of Boston Avenue Methodist Church in Tulsa, a famous gateway to the episcopacy. Browers had been his district superintendent. It looked like cronyism, and the appointment was widely resented by the ministers of the Southwest Texas Conference, a regrettable but not surprising reac-

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<sup>45</sup> Interview with Fanny Sterling Leggett Ross, November 5, 2016.

<sup>46</sup> Interview with Fanny Sterling Leggett Ross, November 5, 2016.

<sup>47</sup> Interview with Fanny Sterling Leggett Ross, November 5, 2016.

<sup>48</sup> Travis Park United Methodist Church is the lineal descendant of the first Methodist congregation in San Antonio, dating the early 1840s. The nearby park was named for the commander of the ill-fated Texan defenders of the Alamo, a few blocks to the east. He was the same William B. Travis whose appeal to the New York *Christian Advocate* in October, 1835, triggered the dispatch of the first Methodist missionaries to the republic of Texas several months later.

tion toward an outsider appointed to the largest church in the conference.<sup>49</sup> Unfortunately, Browsers was not really a strong choice for the prestigious appointment. Rev. Don Post, who, like Gene Leggett, was assigned to be an associate pastor at Travis Park, later characterized the senior pastor (perhaps unfairly) as “a real fruitcake.” He remembered that “Gene and I didn’t dare look at each other on the dais for fear of laughing.”<sup>50</sup> So, what seemed like a perfect appointment for the young man struggling with his secret sexual identity may have turned out to be problematic.<sup>51</sup> Indeed, before long, Leggett connected with the homosexual network in San Antonio and began to integrate himself into it. A second son, Steven, was born to the couple in 1961.

Perhaps he welcomed a move to a church of his own after a year at Travis Park. In 1962, Bishop Galloway sent the Leggett family to Dilley. Dilley, Texas, is located halfway between San Antonio and Laredo on the main highway connecting the two old cities in the sparsely-populated area called the South Texas brush country.<sup>52</sup> For a man of Leggett’s intellect and orientation, the appointment must have been uncomfortable. Before long, he developed the habit of making Saturday trips to San Antonio, presumably for homosexual trysts. He picked up several speeding tickets racing home down I-35 in the wee hours of Sunday mornings to lead the church services. One of his confidants said that Gene spoke of “staying out late to trick on Saturday nights and then fighting to keep awake in the pulpit on Sunday mornings.”<sup>53</sup> His wife noticed that he would never look at her from the pulpit on such occasions.<sup>54</sup> The double life was tearing him apart with guilt and anxiety. Meanwhile, the couple’s third son, Mark, was born in Dilley.

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<sup>49</sup> However cordially he may have been welcomed at first, Bishop Galloway himself was ultimately not well received in Southwest Texas either. Bishop A. Frank Smith retired in 1960 after 25 strong years of leadership over the conference, which put anyone who succeeded him in a difficult position. The clergy and the laity were used to Smith’s style. Bishop Galloway’s style, on the other hand, grated on the preachers from the start. He got off on the wrong foot, so to speak, when one of his very first acts as bishop was to harangue his ministers for wearing short socks, so that when they crossed their legs while seated, some skin might show. He warned them that he did not want to see any portion of bare leg. This did not seem to the ministers to be a very high spiritual priority. Since the pastors were accustomed to addressing the chair as “Bishop Smith,” they sometime slipped up and did the same with Bishop Galloway. Before long, there came the suspicion that they did it on purpose. Galloway left after one quadrennium.

<sup>50</sup> Religious Archives Network (<http://lgbtran.org/ProfileMemories.aspx?MID=68>, accessed October 14, 2016).

<sup>51</sup> Rev. Browsers served as senior minister at Travis Park until 1968 when he transferred out of the conference and was replaced by Rev. Ralph Seiler.

<sup>52</sup> Known today as Interstate 35, the route has been in use since the first Spanish settlements in the region in seventeenth century under the title of “El Camino Real,” the King’s Highway. Still later, the route between Laredo and San Antonio was designated as the part of the U. S. path of the Pan American Highway linking Alaska and Southern Chile. Dilley was a shipping point for the area’s main products, cattle, peanuts, and watermelons. The town’s population was a little over 2,000, the majority of them Hispanic ([http://en.wikipedia.org/wiki/Dilley, Texas](http://en.wikipedia.org/wiki/Dilley,_Texas), accessed October 28, 2016).

<sup>53</sup> “Gene Leggett, 1935-1987” by Peter Madison, Religious Archives Network (<http://lgbtran.org/ProfileMemories.aspx?MID=68>, accessed October 14, 2016.)

<sup>54</sup> Interview with Fanny Sterling Leggett Ross, November 5, 2016.

In 1963, the family moved again, this time to Austin where Gene was assigned as an associate pastor at University United Methodist Church.<sup>55</sup> For twenty-five years, it had been served by Dr. Edmund Heinsohn, an erudite and respected pastor whose early training was in law. In 1958, he retired and was followed by Rev. James William (“Billy”) Morgan, coming from a very successful pastorate with college students at First Methodist Church in Georgetown, near the campus of the Methodist Church’s oldest Texas college, Southwestern University. Morgan was a superb pulpit man and a courageous liberal, but could sometimes be abrupt in pastoral situations.<sup>56</sup> University Church itself had developed a reputation for high-class music, social service, student programs, brilliant preaching, and liberal inclinations.

As he had in other appointments, Leggett soon connected with the local homosexual scene. His activities in that arena became increasingly visible, to the point that some of the lay people of University Church began to develop suspicions. While normally quite tolerant, University Church membership could not quite extend that toleration to a suspected homosexual pastor who had leadership among their youth and the university students. In 1965, when the suspicions became stronger, one member hired a private investigator to trail Rev. Leggett and to report back. The investigator soon returned with ample evidence of homosexual activity.

When this was disclosed to Rev. Morgan, he summoned his associate to his office for a confrontation with the accusers. Leggett readily confirmed that the allegations were based on fact. He was then given a choice—resign and find himself another appointment where he would not have parish responsibilities, or else be fired and outed. He was not yet ready to subject his family to such public censure, so he accepted the deal. He worked out an agreement with the prestigious Dallas Theatre Center, a satellite program of San Antonio’s Trinity University, to work toward a degree in religious drama, one of his early interests.

The move to Dallas was successful for Gene, but not for the family. In 1966, Gene and Fanny announced to their friends that they were separating. No hint of the problem was indicated in the announcement, merely that “we have decided that it will be best for us and the children if we live separately. We do not know what this will ultimately mean . . . .”<sup>57</sup> Fanny by this time was aware of her husband’s broken marriage vows, and she filed for divorce soon after the separation, keeping custody of the three boys. She left

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<sup>55</sup> The unique church building, erected in 1906, was (and is) located at 24<sup>th</sup> and Guadalupe Streets, on the west edge of the University of Texas campus. West across Guadalupe (also known as “The Drag”) was the big UT Wesley Foundation building on a large lot. In addition to facilities for its ministry to the campus, it housed the central offices of the state Methodist Student Movement. The Wesley Foundation had a long history of shared ministries with University Church. The congregation’s membership came from many parts of the city, but included many University faculty, staff, and students. State office-holders and employees were also prominent among its members.

<sup>56</sup> Interview with Fanny Sterling Leggett Ross, November 5, 2016.

<sup>57</sup> Fanny and Gene Leggett to “Dear Relatives and Friends,” September, 1966, author’s collection.

Gene's sexuality out of the divorce decree, merely naming "incompatibility" as grounds. The family was so impecunious by this time that Fanny had to borrow money from her brother to pay for the divorce. Naturally, Gene did not contest it. She stayed in Dallas, finding work as an elementary school teacher. There followed a debilitating ordeal of near poverty, as she tried to make ends meet while caring for the three small boys. Gene was in no position to help much financially and the family barely scraped by. Gene was ordered to pay child support of \$100 a month but since he did not have a regular job, that often did not come through.<sup>58</sup>

The appointment to the Theatre Center was extended after the first year. Gene thrived in that context, and engaged in his own form of ministry to other homosexuals in the troupe.<sup>59</sup> He set himself up with others as "The House of the Covenant," a couple of blocks from the Dallas Theatre Center. The enterprise ministered to homosexuals and others on the fringes of society. He probably did not have one "significant other" at the time.<sup>60</sup> But that year, he decided that he needed to reveal his secret life.

### **The 1971 Meetings of the Southwest Texas Conference**

At the Laurel Heights session of the ministers of the Southwest Texas Conference in the aftermath of the Schaefer trial, Leggett decided to ask "my brothers to deal publically with what they have known privately." He thought that the ministers all knew that he was homosexual but did not want to address the issue openly, content to let the matter lie. "Most of the ministers and leaders of the church have known this about me for some five years. We have lived by an unspoken agreement of 'you leave me alone and I'll leave you alone.'"<sup>61</sup> His perception was not entirely accurate, because many did not know or even suspect. One young pastor said his response was surprise and shock. He thought, "that's a shame," referring to talent lost to the church.<sup>62</sup> He was not alone in that reaction.

In any case, Leggett felt that living in the half-light was "neither healthy nor Christian."<sup>63</sup> Thus he took the opportunity to double the shock of the ministerial gathering by announcing publicly that "I am a homosexual." With that, the wheels began to turn to bring his ministerial covenant into

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<sup>58</sup> Interview with Fanny Sterling Leggett Ross, November 5, 2016.

<sup>59</sup> "Gene Leggett, 1935-1978" by Peter Madison, Religious Archives Network (<http://lgbtran.org/ProfileMemories.aspx?MID=68>), accessed October 14, 2016.

<sup>60</sup> Interview with Fanny Sterling Leggett Ross, November 5, 2016.

<sup>61</sup> Gene Leggett to "Dear Relatives and Friends," April, 1971, author's collection. This was an early version of "Don't ask, don't tell."

<sup>62</sup> Telephone interview with Rev. Jerry Jay Smith, November 1, 2016.

<sup>63</sup> Gene Leggett to "Dear Relatives and Friends, April, 1971, author's collection. This replicated the language of the separation letter which asserted that the marriage was "a façade that was neither true, healthy, nor needless to say, Christian."

question.<sup>64</sup>

Having dropped his bombshell, Gene later in the month addressed a letter to “Dear Relatives and Friends” in which he reiterated his announcement. He explained that “this is not some new and frightening facet of my personality. I am still the same Gene Leggett you have always known. With some of you, I have felt free to discuss this side of my nature; with some I have been fearful to do so; with most of you it hasn’t been necessary—we have continued to care for each other as we are.” He went on to say he understood that many would not condone his situation. “The Church is quite upset to have it in the open . . . I do not know what action the Conference intends to take, but it could involve a trial.”<sup>65</sup>

It did not involve a trial. A hearing before the Board of Ministry resulted in the decision to ask the conference to vote for involuntary location on Leggett, essentially revoking his ordination and ending his conference membership. Such a motion would be voted on by the ministers only. Leggett was present at the Board of Ministry meeting and expressed his dissent to the proposed action. Though the matter of homosexuality never got on the record, it was clear to all that his avowed sexual orientation was the reason he was “unacceptable.” The Board asked him to request location when the Conference met the following month.<sup>66</sup> In a note to the Board on the opening day of the Conference, he responded by declining to do so, arguing “that I do not feel that I am unacceptable to the work of the Ministry. . . [rather] I am in a unique position to carry on a ministry which is unprecedented in the field of Christian witness in this conference . . . . Therefore, as a Christian and a Methodist minister, I cannot in good conscience comply with your request.”<sup>67</sup> This forced the Board to push for involuntary location. As news of his intention reached Leggett’s homosexual friends, they planned a protest.

They were waiting in the audience when the conference convened on the evening of May 31 for its opening business session. There were opening prayers and hymn-singing after which the conference began to organize with the appointment of assistant secretaries and tellers. The Travis Park pastor, Ralph Seiler, extended a welcome and offered the facilities of the church for the conference business. Bishop Slater thanked the pastor for his welcome

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<sup>64</sup> *Discipline of the United Methodist Church*, 1968, para. 368: “Whenever it is determined by the Board of the Ministry that in their judgment a member of the Annual Conference is unacceptable, inefficient, or indifferent in the work of the ministry or that his conduct is such as to impair seriously his usefulness as a minister . . . they shall notify him in writing and ask him to request location at the next session of the Annual Conference. If he refuses or neglects to locate as requested, the conference may by count vote, on recommendation of the Board of the Ministry, locate him without his consent. In the case of involuntary location, the authority to exercise the ministerial office shall be suspended and the district superintendent shall require from him his credentials to be deposited with the secretary of the conference.”

<sup>65</sup> Gene Leggett to “Dear Relatives and Friends,” April, 1971, author’s collection.

<sup>66</sup> Ernest T. Dixon, Jr., Chairman of the Board of Ministry of the Southwest Texas Conference to F. Gene Leggett, May 31, 1971, Rio Texas Conference Archives.

<sup>67</sup> F. Gene Leggett to the Board of the Ministry, Southwest Texas Conference, May 31, 1971. Rio Texas Conference Archives.

Even as Slater was voicing his response, a commotion broke out. “Bishop Slater was interrupted,” the official conference minutes reported, “by an unknown young man with a group of unshaven and disorderly spectators sitting near the pulpit. The young man finally introduced himself as a representative from the ‘Gay Liberation Group’ and tried to read a manifesto from a printed page which branded the ministerial body as being hypocrites and with other undefinable shouts.”<sup>68</sup> The “Gay Liberation Front” demanded to be recognized while they presented their ten-point manifesto. The very name “Gay Liberation Front” was an incendiary title in the lexicon of the day, and the fact that the manifesto was “collectively written by members from Gay Liberation in San Antonio, Austin, Houston, Dallas, Denton, San Francisco, Detroit, and New York” was equally provocative. The group insisted that the Conference conduct “no further business until this issue is settled.”<sup>69</sup>

After a preface denouncing the church’s record on suppression of homosexuals, the group appended a list of ten demands:

1. That the church accept the authenticity of the gay lifestyle;
2. That the church repudiate “the false categories of heterosexuality and homosexuality;”
3. “That the church cease to reinforce the nuclear family, which oppresses women, children, and gay people;”
4. That the church cease to define gay people by their sexuality alone;
5. That the church actively campaign in Texas to end civil penalties directed against sodomy;
6. That the church make “sizeable reparations to gay people;”
7. That the church acknowledge that oppression of gays is an extension of oppression of women and third world peoples;
8. That the church stop “its perpetuation as an economic entity;”
9. That the church change its rituals to “coincide with the consciousness of gay people;”
10. That the church publically “cease the harassment of Gene Leggett and support in all ways necessary—including financial—the House of the Covenant, which is the Southwest Texas Methodist Conference’s only link to the gay community.”<sup>70</sup>

This disruption met with resistance. The conference refused to grant the spokesman a hearing on the floor. The shouting continued and many in the room began to converge on the group. Eventually, a compromise was reached whereby “delegates agreed by a narrow margin to allow the group five minutes after Rev. Bob Breihan, the respected head of the University of Texas Wesley Foundation, said it was the conference’s duty to listen to them.” One man from the audience shouted that the homosexuals were also voting. “‘I was voting for my freedom, which I’ve never had,’ retorted Pat Brown, a long-haired young man wearing a leather see-through vest and carrying a leather purse.”<sup>71</sup>

Bishop Slater set the Gay Liberation speaker, Stephen Allain, to be the

<sup>68</sup> *Journal of the Southwest Texas Conference*, 1971: 47.

<sup>69</sup> “Gay Libs ‘Crash’ Methodists Meeting,” *Austin Statesman*, June 1, 1971: 1, 10.

<sup>70</sup> Typescript (four pages), in Rio Texas Conference Archives.

<sup>71</sup> “Gay Libs ‘Crash’ Methodists Meeting,” *Austin Statesman*, June 1, 1971: 10.

last business of the morning.<sup>72</sup> Not satisfied, the protesters refused to leave the bar of the conference. "But after consultation, they filed from the front section." After Allain's statement, no further action was taken by the conference; the demands were so extreme that it was clear the protesters had no expectation of having them met. They simply wanted to make their point. It did nothing to create sympathy for Gene Leggett, and indeed, many presumed that he was behind the whole business.<sup>73</sup>

In the afternoon session, Slater appointed a Committee on Reference to deal any other issues of this sort, headed by Breihan and including leading pastors Barcus Moore and Elmer Hierholzer plus laymen Preston Dial and Dr. John Q. T. King.<sup>74</sup>

In the afternoon session, Rev. Murray Johnson, secretary of the Board of Ministry got the floor to open the debate on Gene Leggett, but Leggett was not present in the auditorium, so the matter was deferred to the next day.<sup>75</sup>

The proposal recommending involuntary location finally came before the annual conference on June 2, 1971. The chairman of the Board of Ministry, Dr. Ernest Dixon, presented the report. The vice-chair, Rev. Bill Hathaway, then read the Board's rationale for its action, titled "A Definition of Unacceptability." Several younger pastors spoke against approving the recommendation, while some older pastors spoke in favor. One minister, Richard K. Heacock, Jr., denounced the proposal, and threatened to resign if it passed. He questioned the Board's criteria for deciding what constituted "unacceptability" and asked how Leggett had failed to meet the standard, whatever it was. That was the same question that Leggett asked and continued to ask. Everyone knew the answer, but did not want to bring it into the open. After a motion to table failed, Leggett took the floor to speak in opposition. He said he wanted to continue to be an accredited Christian minister, "hopefully as a Methodist." He spoke of his work in the "House of the Covenant" in Dallas. He concluded by alluding to the homosexual demonstration earlier, and chided the conference for the "hate and animosity and . . . derisive laughter" directed toward the protesters.<sup>76</sup> He noted that he was not a member of the group, but was in sympathy with them and their demands.

A call for a secret ballot was deflected when the one of the Board of Ministry members reminded the Conference that the Board had voted by show of hands, and he thought the conference membership should take the same responsibility. Bishop Slater reminded the assembly that only clergy could vote.

Many of the members were confused about what was taking place. Some thought the wrong process was being followed, that instead of involuntary

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<sup>72</sup> *Journal of the Southwest Texas Conference*, 1971: 48.

<sup>73</sup> Jerry Smith telephone interview; "Leggett Ousted by Methodists," *San Antonio News*, June 2, 1971, 10-A.

<sup>74</sup> *Journal of the Southwest Texas Conference*, 1971: 48.

<sup>75</sup> *Journal of the Southwest Texas Conference*, 1971: 49.

<sup>76</sup> "Homosexual Minister Is Ousted by Southwest Texas Methodists," *New York Times*, June 3, 1971: 4.

location there should be charges and a trial, as Floyd Curl had proposed earlier. Others thought he was being located for “unappointability,” that is, that there was no appointment available in which he would be acceptable. Since his current appointment was to the Dallas Theatre Center, where there had been no complaints, that outcome seemed to be inappropriate. But what the Board of the Ministry actually said was that there was no *congregation* in the conference where he could be accepted as pastor, and the right word was “unacceptability.” The vote probably was skewed to some degree by this ambiguity.

In due course, the bishop ordered a standing vote. By a margin of 144 to 117, the recommendation to locate Leggett passed.

When Bishop Slater announced the results of the vote of the ministers, there was a burst of applause and cheers from the floor. One layman who was clapping and shouting loudly was quieted by his pastor, sitting next to him. The veteran minister reached over and stilled the layman’s hands, saying, “Don’t applaud. This is the saddest day in the history of this annual conference.”<sup>77</sup>

A member of the Gay Liberation Front jumped up and demanded to be heard. The bishop ruled him out of order. Leggett stood to say that he was deeply pained to have to return his credentials as a minister and also to surrender his membership in the United Methodist Church.<sup>78</sup> Later, in fact, he changed his mind about leaving the church, which was his right. His ministerial credentials had been lifted, but not his membership.

“He was escorted from the conference by Wil Schaefer,” the conference secretary reported.<sup>79</sup> This was after Schaefer had been suspended, but two days before his own dramatic exit.<sup>80</sup>

San Antonio’s Trinity University, which had a loose relationship with Leggett’s employer, the Dallas Theatre Center, immediately distanced itself from the matter, making it known that Leggett was “not an employee of the University. Trinity’s Dean Bruce Thomas said that Leggett was not on the Trinity University payroll, ‘for which I have to admit I’m thankful.’”<sup>81</sup>

More drama followed. Rev. Bob Williams stood to say that to the bishop that “I can no longer be a part of this brotherhood and render my credentials to you also, sir.” Then Richard Heacock also made good on his promise to resign if Leggett was removed. The bishop accepted both resignations.<sup>82</sup> The next day, Board chair Ernest Dixon announced that both Williams and Heacock had reconsidered their requests and would not seek to withdraw

<sup>77</sup> The author was sitting in the pew directly behind them and witnessed the exchange.

<sup>78</sup> *Journal of the Southwest Texas Conference*, 1971: 52.

<sup>79</sup> *Journal of the Southwest Texas Conference*, 1976: 52.

<sup>80</sup> Jerry Smith telephone interview; “Leggett Ousted by Methodists,” in *San Antonio News* June 2, 1971: 10-A.

<sup>81</sup> “Leggett Said Not on Payroll of Trinity U,” in *San Antonio News*, June 2, 1971: 10-A. Trinity is a Presbyterian school.

<sup>82</sup> *Journal of the Southwest Texas Conference*, 1971: 52; “Homosexual Minister Is Ousted by Southwest Texas Methodists,” *New York Times*, June 3, 1971: 4.



from the ministry.<sup>83</sup> Heacock, ironically, was a first cousin to the wife Leggett had left for his new orientation.

The 1971 annual conference had yet one more disruption to endure regarding homosexuality. At the closing session of the conference on Saturday morning, a number of members of the homosexual community showed up at Travis Park for the reading of the appointments, the climactic event of the meeting. As Bishop Slater began reading, a half dozen young men, clad in dresses and other garb calculated to offend, rose in the horseshoe-shaped balcony and began to shout slogans denouncing the meeting and the bishop. They dropped insulting banners over the edge of the balcony and paraded about, generally disrupting the proceedings. In view of the chaotic scene, Bishop Slater gave up trying to read the appointments, mentioned instead that they could be found in the next day's newspapers, and adjourned the conference. As the shell-shocked attendees made their way to the exits, a few clergymen tried to parley with the protesters in a conciliatory manner, but probably made no headway. Fortunately, there was no violence or even serious confrontation. Most of those present simply wanted to get out of there. Many assumed that Leggett had arranged this demonstration also, but again he denied that he had done so.

The 1971 conference also faced other social issues. The matter of civil rights for African Americans was addressed on several occasions, with representatives of black organizations in San Antonio being invited to speak. These, however, were not contentious presentations. The transition from the Central Jurisdiction—in which a number of African-American congregations and ministers had merged into the white majority of the conference—had proceeded smoothly enough, though the appointments showed black pastors remained at black churches and white pastors at white churches. But black ministers chaired at least two important conference committees. There was a black district superintendent in the largest district. The first clergy delegate elected to General Conference in 1971, Dr. Ernest Dixon, was African American and so was the second lay delegate, Dr. John Q. T. King.

In Crystal City, where Rev. Wayne Murph was pastor, a contentious dispute had arisen among Mexican-Americans and Anglos over administration of the town and of the school district. The Hispanics had gained control of the city council in the early 1960s, but had failed to govern effectively and had been voted out in favor of a blended leadership. Then a new dispute arose, this time over the ethnicity of the cheerleaders at the high school, and this led to more racial protest. From this turmoil, there emerged a militant political movement called "La Raza Unida," which gained power in Crystal City and spread across the state. The party rejected the go-slow tactics of LULAC<sup>84</sup> and the American G.I. Forum<sup>85</sup> in favor of the confrontational

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<sup>83</sup> *Journal of the Southwest Texas Conference*, 1971: 60.

<sup>84</sup> League of United Latin American Citizens.

<sup>85</sup> The G.I. Forum was a veteran's organization composed almost entirely of Hispanics. South Texas Latinos were *strongly* represented in the military in World War II.

approach of Saul Alinsky, “foregoing the use of nice language.”<sup>86</sup> It was officially organized in Crystal City in January, 1970, and won control of the city council and school board in Crystal City and two nearby communities in the April elections. This drew national attention and a good deal of confrontation in the community. Murph’s church, almost totally Anglo in membership, was caught in the midst of this, seeking to do what was right but not sure what that was.<sup>87</sup> This caused no particular stir at the conference itself, maybe because there already so much drama to digest, but it contributed to the crisis atmosphere.

It must also be said that, in spite of all the excitement, the conference conducted its routine business and the most of the delegates did not carry the crisis mentality home with them.

The Southwest Texas Conference had long been regarded as the most liberal and the most open conference in Texas. Other conferences were, to one degree or other, reputedly dominated by groups of older ministers who held tightly to the district superintendent slots, conference board chairmanships, and General Conference seats. It was generally believed (at least in Southwest Texas) that leadership opportunities were greater in that conference.<sup>88</sup>

The Southwest Texas Conference delegation to the 1968 General Conference was headed by Dr. John Deschner, professor of theology at Perkins. The six clergy delegates that year included only two veterans from the 1964 group. All were considered either moderates or liberals. The 1972 and 1976 General Conference clergy leaders, Dr. Ernest Dixon and the Rev. Prenza Woods respectively, were both former members of the Central Jurisdiction West Texas Conference. The 13-man—it was not until 1980 that the first female minister, the Rev. Janice R. Huie, was elected to the General Conference from Southwest Texas—1972 group included only three hold-overs from 1968. There was latitude for many to exercise clergy leadership in the conference.

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<sup>86</sup> Handbook of Texas On-Line, “Raza Unida Party” (<https://tshaonline.org/handbook/online/articles/war01>); see also [https://en.wikipedia.org/wiki/Raza\\_Unida\\_Party](https://en.wikipedia.org/wiki/Raza_Unida_Party)), accessed November 12, 2016.

<sup>87</sup> *Journal of the Southwest Texas Conference*, 1971: 51.

<sup>88</sup> The Methodists of Texas had a strong sense of common identity, divided into conferences or not. They had numerous joint projects, to the point that Texas was almost a sub-jurisdiction of its own with its own flavor. As a result, the half-dozen annual conferences held close, if informal, connection. Perkins School of Theology at SMU was the principal center for ministerial education; few aspiring ministers sought seminary training outside the state. Clergy members of the several conferences were thus often classmates who kept in touch with each other. The Texas annual conferences jointly owned or supported Southwestern University, the Waco Methodist Home, the Methodist Mission Home and Training School in San Antonio, Lydia Patterson Institute in El Paso, the *Texas Christian Advocate*, the Texas Methodist Student Movement, the Texas Methodist College Foundation and more. In 1936, in Houston and again in 1966, in Dallas, the white annual conferences held their respective meetings together in one city. There was considerable movement of preachers back and forth among the half dozen white conferences, and between the two black conferences. There were more Methodists in Texas than any other state. See Walter Vernon, et al., *The Methodist Excitement in Texas*, Chapter 1.

Among the laity, there was less variety. Judge Tom Reavley of Austin, the Conference Chancellor and sometimes Conference Lay Leader, led the lay delegation in 1968, 1972, and 1976. Dr. John Q. T. King, president of Huston-Tillotson College in Austin; businessman James M. Walker of San Antonio, who was often Lay Leader himself; and Mrs. Norris McMillan from Mason, a leader of the conference woman's societies, served on the 1968 and 1972 lay delegations. The 1972 delegation also included a new member who was to play a significant role in the General Conference that year. He was attorney Donald J. Hand of San Antonio, generally considered to be somewhat more conservative than the others. When Reavley later left the post of chancellor, Hand was his replacement.

Don Hand's election was a surprise. He was attending only his second annual conference as the lay delegate from Highland Terrace UMC in San Antonio, and had been only moderately prominent in laymen's affairs. Few knew his name. He was a novice regarding church politics and did not campaign for election to the delegation. Though a newcomer, he was no shrinking violet. Most lay delegates never speak on the conference floor; Hand rose several times to address various issues. He was disturbed by the chaos of the 1971 protests. He came most fully to prominence by a simple act during one of the 1971 evening services when a pair of homosexual activists disrupted the worship by loudly berating Bishop Slater about the Leggett dismissal. Hand recalled:

I was seated across the sanctuary near the front on the right hand side. I looked around the sanctuary and saw that no one was engaged in an effort to quell the disturbance. I thought, "This is ridiculous." I got up, walked to the side aisle, down that aisle to the front of the church, across the front to the aisle on the left side where the males stood. I told them that they were violating state law by disrupting a church service and could be prosecuted. They would not sit down. I told them that I and others in the gathering wanted to hear the bishop speak. This also was ineffective. So I moved quite near the two and in a low voice suggested it would be well if they would be seated and quiet. They agreed and were seated. I returned to my seat by way of the route by which I had come.<sup>89</sup>

As a result of this dramatic action, the Southwest Texas lay members elected him a delegate to the General Conference. He knew very little about what was expected of him as a delegate, but would have nearly a year to find out. When the 1972 General Conference met, the newcomer Hand spoke several times, but one instance would stand out above all others.

Southwest Texas was an open-minded conference by the standards of the time and section, understanding that all its ministers, as human beings, had their flaws and their sins. But it was not so open-minded as to condone flagrant and unapologetic adultery among its clergy, either heterosexual or homosexual. In both the Schaefer and Leggett matters, there were innocent parties who were deeply wounded.

In order to obviate any doubt as to the validity of the conference's ac-

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<sup>89</sup> <http://juicyecumenism.com/tag/don-hand>, accessed October 30, 2016.

tion regarding Gene Leggett, the body appealed to the Judicial Council for a decision on the constitutionality of paragraphs 368 and 369 of the 1968 *Discipline* under which the process had been conducted. In a long statement, the Council responded in April, 1974, that the conference had acted in accordance with constitutional principles, but noted that Leggett had the right to appeal the decision to the conference at a later time.<sup>90</sup>

### General Conference, Atlanta, May, 1972

Like all General Conference delegates, Don Hand received substantial amounts of printed material during the next few months, outlining what was likely to be proposed at the Atlanta meeting. One item on the agenda was the preparation of the "Social Principles," a document which detailed the official stance of the new denomination regarding various matters in the secular world. The statement contained the official United Methodist position on such varied issues as water, ethnic minority rights, property, crime and rehabilitation, war and peace, rights of children, human sexuality, and civil disobedience. Many of these were "hot button" topics at the time. One sub-category under the heading of "The Nurturing Community" was "Marriage," which included the line "We do not recommend marriage between two persons of the same sex." This was an unusually tepid pronouncement and probably related to another sub-category in the same section, "Human Sexuality," which also proclaimed a similar vague statement.<sup>91</sup> Unofficially, no one expected that all United Methodists would be in full agreement with every paragraph of the Social Principles, but it was at least a guideline for denominational social stances. Whether it was more than that, perhaps law rather than mere suggestion, was not clear.<sup>92</sup>

The 1972 General Conference opened at the Atlanta Civic Center on the evening of April 16 with a communion service. The next morning the conference convened to get itself organized and begin deliberations, most of which were done in committees. One committee established the order in which bishops would preside over sessions, beginning with Bishop Paul Hardin of Columbia, South Carolina, president of the Council of Bishops, and eventually including O. Eugene Slater of San Antonio to preside over the thirteenth session.<sup>93</sup> The bishops so honored were picked by a "Committee on Presiding Officers" composed of one layperson and one minister from each of the five American jurisdictions, one layperson and one minister representing, collectively, the overseas annual conferences, and four members at large. A continuing pool of five bishops was established, from which one

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<sup>90</sup> Judicial Council Decision #351.

<sup>91</sup> *Discipline* of The United Methodist Church, 1972, para. 72 b and 72 c.

<sup>92</sup> See Christopher Waldrep, "The Use and Abuse of the Law: Public Opinion and United Methodist Church Trials of Ministers Performing Same-Sex Union Ceremonies," *Law and History Review* 30.4 (November, 2012): 965-967.

<sup>93</sup> *Journal* of the General Conference of the United Methodist Church, 1972: 15. At a meeting during the conference, the United Methodist Council of Bishops elected Slater to succeed Hardin as its president.

would be chosen each day, with the understanding that ample notice was given the bishop.<sup>94</sup> Rev. Jack Tuell of Pacific Northwest chaired the committee, with Rev. Woodie White of the Detroit Conference as vice chair. Both these men, plus members J. Chess Lovern and C. Dale White, would later become bishops themselves.<sup>95</sup>

There were just over 1,000 authorized voting delegates and probably 95% were present, most of the no-shows being from overseas conferences. A number of alternate delegates were also in attendance, along with non-voting delegates from provisional and mission conferences. The members were equally divided between lay and clergy.

A number of issues were up for debate, especially the Social Principles document. One element of the Social Principles was a statement on “Human Sexuality.” This statement essentially continued the assertions of the Methodist Church’s “Social Creed” and the EUB Church’s “Basic Beliefs Regarding Social Issues and Moral Standards of the Evangelical United Brethren Church.” The 1968 *Discipline* simply published these two statements unchanged from the two uniting denominations, pending the preparation of a unified document for the unified church in 1972.<sup>96</sup>

The “Social Principles” draft presented for approval by the 1972 General Conference was a much longer document than its predecessors; it echoed the attitudes of the previous statements but did not borrow much of their language—it was a new composition. The previous allusions to homosexuality had been tangential at most because the matter was simply not a visible issue at that point. The 1968 EUB statement, discussing divorce, said that “marriage is of divine appointment and the union of one man and one woman [is to be] entered into mutually.” The parallel Methodist statement of 1968 made no mention, even obliquely, of homosexuality at all. The new proposal’s section on “Human Sexuality” addressed the matter in language that seemed to many delegates to be too weak. It began by recognizing sexuality as part of God’s gift to humankind, a gift which was not yet well understood. It affirmed that “sex between a man and a woman is to be clearly affirmed only in the marriage bond.”<sup>97</sup> A little farther along, it affirmed the rights of homosexuals to the ministry of the church, saying that they were as much persons of sacred worth as were heterosexuals, deserving of full civil rights.

This passage could be, and was, interpreted as a veiled endorsement of homosexuality. For example, it called upon heterosexuals to act out their sexual life only “in the marriage bond” while making no strictures of any kind on homosexual acts. Of course, the notion of homosexual marriage was only barely on the church’s radar in 1972. Nevertheless, the statement, by making no further mention of homosexuality, left the church in an official

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<sup>94</sup> *Journal* of the General Conference of the United Methodist Church, 1972: 180-181.

<sup>95</sup> *Journal* of the General Conference of the United Methodist Church, 1972: 22.

<sup>96</sup> *Discipline* of the United Methodist Church, 1968, paras. 96 (Methodist) and 97 (EUB)].

<sup>97</sup> All this is better understood in the context of the era’s challenge to the nation’s and the church’s traditional norms for sexual behavior.

stance which would have been opposed by a substantial majority of United Methodists.

The Committee on Calendar set April 26 as the time for the presentation of the Social Principles discussion. The chair for the morning happened to be Bishop O. Eugene Slater. The Conference began the day by hearing a speech of welcome from Georgia governor Jimmy Carter. Governor Carter won the conference membership with his gracious words, which included quotes from Paul Tillich and Reinhold Niebuhr. He expressed appreciation for the Wesleyan footprints in Georgia at St. Simon's Island and Savannah.<sup>98</sup> Bishop Slater responded in kind. Carter departed and the Conference got down to the business of the day. Rev. Edsel Ammons of the Northern Illinois Conference, chairman of the Committee on Christian Social Concerns, took the floor to introduce the proposal on Social Principles. His committee included some "heavy hitters," such as Dr. Albert Outler of Perkins School of Theology and the North Texas Conference, who had delivered the keynote address at the 1968 Uniting Conference; Dr. Georgia Harkness of the Southern California-Arizona Conference, the church's foremost female theologian; Rev. Harold Bosley from Northern Illinois Conference, the pastor of the prestigious Christ Church, Methodist in New York City; Rev. Leroy Hodapp of Southern Indiana Conference, and Judge Tom Reavley, the chancellor of the Southwest Texas Conference, the committee's vice-chair.<sup>99</sup> Hodapp and Ammons were both elected bishops four years later.

This was one of several different reports that would come from the Committee on Christian Social Concerns, and after a few opening statements, Ammons introduced Rev. Robert W. Moon of the California-Nevada Conference, chairman of the subcommittee that dealt with the "Statement on Social Principles." In his prefatory remarks, Ammons mentioned that the statement was "the fruit of four years of solid effort and prayer by the Study Commission and of many hours of painstaking and prayerful consideration and labor of both a Sub-committee and a Legislative Committee of this Conference." He went on to say that not everyone would agree with every item in the document, but "its weaknesses . . . will not limit its impact upon the communities which are served by the United Methodist Church . . . Let no one here discount the importance of what we say here about ourselves whether in this document as it is presently constituted or as it may be perfected by this body . . . It does indeed matter what we say and do here at this hour, or conversely, what we do not say or fail to do." Obviously, Ammons recognized that the proposal would meet some opposition; indeed, he seemed to be inviting revision.<sup>100</sup>

Rev. Robert W. Moon, the subcommittee chair, was an outspoken liberal who had marched with King at Selma in 1965 and with King again in Fresno seeking fair housing laws. He had vigorously protested the Vietnam War and

<sup>98</sup> *Journal of the General Conference of the United Methodist Church*, 1972: 449-453.

<sup>99</sup> *Journal of the General Conference of the United Methodist Church*, 1972: 154-156.

<sup>100</sup> *Daily Christian Advocate*, General Conference of the United Methodist Church, 1972: 702.

the nuclear arms race. Most germane to this measure, “he challenged his fellow Methodists as an early advocate for ordination of gays and lesbians.”<sup>101</sup> But Moon was merely the chairman of the 90-member subcommittee, so his personal convictions, while influential, were not definitive.

Moon began by saying that this statement would replace paragraphs 96 and 97 in the 1968 Discipline, the Methodist and EUB statements on social matters respectively. Once Moon completed his introduction, Slater opened the floor for discussion. The preamble to the statement came under immediate fire. Rev. William Grove of the Western Pennsylvania Conference moved to substitute the original preamble as designed by the Study Committee for the preamble the General Conference committee had just crafted in its place. Albert Outler and Harold Bosley both defended the revised statement and the motion failed.<sup>102</sup> As the conference worked its way through the early sections of the proposal, two more minor changes were suggested and accepted by Moon.

Then the matter of the statement on homosexuality came up. The proposed language read in part:

We reject all sexual expressions which damage or destroy the humanity God has given us as a birthright, and we affirm only that sexual expression which enhances that same humanity, in the midst of diverse opinion as to what constitutes that enhancement. Homosexuals no less than heterosexuals are persons of sacred worth, who need the ministry and support of the church in their struggles for human fulfillment, as well as the spiritual and emotional support of a fellowship which enables reconciling relationships with God, with others, and with self. Further, we insist that homosexuals are entitled to have their human and civil rights ensured.<sup>103</sup>

Insurance man Russell Kibler, sitting as an alternate delegate from South Indiana, rose to ask a question. “We have a statement there . . . ‘Further we insist that homosexuals are entitled to have their human and civil rights insured.’ What do we mean by this?” Moon responded that it was directed toward the problem that homosexuals were sometimes fired from their jobs when their orientation became public. This seemed to Kibler an unsatisfactory response and he moved that the closing sentence be deleted. He agreed to the preceding portion of the text, but thought that the last sentence implied approval of homosexual activity. He was especially fearful of homosexual males “preying upon the young men of our community.”<sup>104</sup>

Carlton Dodge, a layman from Reading, Pennsylvania, stood to offer an amendment to the Kibler amendment, extending the deletion to include the previous sentence as well. In the debate, attorney Kenneth Cooper from

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<sup>101</sup> Rev. Robert Moon obituary, ([www.stmarksumc.com/article/rev-robert-moon-obituary](http://www.stmarksumc.com/article/rev-robert-moon-obituary)), accessed Nov. 16, 2016. Some of the behind-the-scenes deliberations of the subcommittee are shown in Christopher Waldrep, “The Use and Abuse of the Law: Public Opinion and United Methodist Church Trials of Ministers Performing Same-Sex Union Ceremonies.” Waldrep mistakenly placed the 1972 General Conference in Dallas. He thought the Shipps and Hand statements were essentially the same thing, a conclusion the present author finds misleading, at best.

<sup>102</sup> *Daily Christian Advocate*, 703-704.

<sup>103</sup> *Discipline* of the United Methodist Church, 1972, para. 72.

<sup>104</sup> *Daily Christian Advocate*, 705-706.

Alabama/West Florida spoke in support of the removal of both sentences. He said that he was the only member of the Committee on Christian Social Concerns to vote against the document before the Conference, and he did so because of this portion. "Before this Committee, a Mr. Leggett from our own church appeared and he spoke very strongly in favor of what this committee had come up with." Leggett implied, according to Cooper's account of his testimony, that at least two "high officials in the Methodist Church in this Conference" were also prepared to come out as homosexuals.<sup>105</sup> Cooper argued that the church could in fact reach out to drunkards and adulterers and homosexuals without any statement like this, which might appear to condone homosexuality. "But for the protection of the young boys who are coming up, I urge you to vote 'yes' to the elimination of the two sentences."<sup>106</sup>

Gene Leggett had submitted a memorial to the General Conference in March, identifying himself as "an ordained Methodist minister currently suspended by involuntary location." He called for a statement that would affirm that "sexuality, without distinctions of sexual preferment (heterosexual, homosexual, or autosexual) is a gift of God to be shared to his glory."<sup>107</sup> This petition, one of several he submitted, was referred to the Committee on Christian Social Concerns and then to Moon's subcommittee on the Social Principles statement. Leggett had been allowed to address the full committee prior to the completion of its report to the General Conference.

In response to Cooper's comments, Dr. Katherine Wilcox from West Michigan Conference was recognized. She argued, from her perspective as a clinical psychologist, that it was necessary to have legal protections for homosexuals. She affirmed that homosexuals were no more likely to commit crimes than anyone else.<sup>108</sup>

A moment of levity crept in when a delegate asked that the members of the Conference refrain from applauding the speeches on this controversial subject, "so that we can sit and listen carefully and make an impartial judgment based upon our Christian conscience and make a fair decision to all sides." This call was met with an even louder round of applause, to which Bishop Slater, smiling, said, "Your plea is in order, sir, but I am not sure that

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<sup>105</sup> The persons remain unidentified, but one was almost certainly Rev. Finis Crutchfield, pastor of Boston Avenue Church in Tulsa and the lead clergy delegate from Oklahoma. Crutchfield, however, had no intentions of "coming out." Leggett had heard rumors, through his homosexual contacts in Dallas, that the Boston Avenue pastor was a well-known and active homosexual. The rumors were true, though the allegations were not widespread in church circles. Two months after the 1972 General Conference adjourned, the South Central Jurisdiction elected Crutchfield to the episcopacy. Appointed to supervise the Texas Conference from Houston, Crutchfield led a double life, administering the conference in a suit by day and cruising gay bars in "Levis, boots, a country and western shirt, a belt with a big buckle, and a cowboy hat" in the evenings. In the homosexual world, he answered to the alias of "Jimbo." See Emily Yoffe, "The Double Life of Finis Crutchfield" in *Texas Monthly*, October, 1987: 104ff. Bishop Crutchfield's hidden life became general public knowledge only after he died from AIDS in 1987.

<sup>106</sup> *Daily Christian Advocate*, 706.

<sup>107</sup> Petition to the 1972 General Conference from Gene Leggett.

<sup>108</sup> *Daily Christian Advocate*, 707.



it has been heeded.” The Conference roared with laughter before returning to the business at hand.<sup>109</sup>

Rev. Marvin Boyd from Northwest Texas asked to offer a substitute motion for the amended amendment, a motion which he believed would resolve the matter. Bishop Slater questioned whether that was in order, but let Boyd proceed.<sup>110</sup> Boyd wanted to strike the term “homosexuals” in the last sentence and replace it with “all persons” so that it would read “Further, we insist that all persons are entitled to have their human and civil rights ensured.” The two sentences would remain, altered only by the Boyd amendment.<sup>111</sup>

In the parliamentary wrangling that ensued, Rev. C. W. Hancock from South Georgia asked the question that was uppermost in the minds of many delegates who thought the statement was too weak. “I would like to know if it is the interpretive mind of the Committee that in this Report as they have presented it to us, that they are saying that homosexuality is a normal and acceptable expression of sexuality in our society.” While Moon wanted to answer yes to the question, he realized that such an answer would have set off a firestorm of protest. His response was evasive. “I have a feeling that the General Conference itself would not want to say that . . . I think that we were not trying to answer that question at all by the statement.” Hancock was not satisfied with Moon’s explanation. “Are you saying that the answer is ‘no?’” Moon tried again: “We are not trying to answer the question as to the normality of homosexuality. We did not produce that kind of document.” He went on to explain that “we did not develop this, as one of the speakers suggested, as a result of hearing a homosexual [Gene Leggett] speak to us.” The document was not influenced by the witnesses the committee had heard, he said, but rather had been in development for several years: “It is not anything that comes to us hurriedly or as a result of a plea made by a homosexual himself.”<sup>112</sup> With a little more parliamentary clarification, the Conference voted to accept the Boyd substitute.

Then the assembly bogged down again in parliamentary procedure. The previous question (the call to vote immediately without further debate) was moved and passed, but several delegates still wished to speak to the matter. Dr. Robert Young, assistant dean of Duke Divinity School and a clergy delegate from Western North Carolina, moved that the conference reconsider the call for the previous question, saying that he understood that debate was only ended on the Boyd substitute, not on the whole matter, as Bishop Slater seemed to have suggested. By this time the Conference, and its presiding officer, seemed totally confused.

Eventually, they got it straightened out and heard a motion by Rev. Victor Vinluan from the Philippines to add “We do not recommend marriage between persons of the same sex.” Ethicist Dr. Walter Muelder, dean of Boston

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<sup>109</sup> *Daily Christian Advocate*, 707.

<sup>110</sup> Slater and Boyd were old friends. And it was in order.

<sup>111</sup> *Daily Christian Advocate*, 707.

<sup>112</sup> *Daily Christian Advocate*, 708-709.

University School of Theology, spoke in opposition, saying that the matter was not yet sufficiently clear in the mind of the church to speak definitively in that fashion. The discussion pro and con continued and then Slater called for a vote, and the Vinluan amendment passed. At that point, there was a commotion on the conference floor that drew the bishop's attention; a young man wished to address the gathering, but they did not agree to hear him.<sup>113</sup> Rev. Clarence Borger of the Kansas West Conference moved that word "support" in the statement be changed to "care," so that it would read that homosexuals, like others, should be given "the spiritual and emotional care of a fellowship which enables reconciling relationships with God, with others, and with themselves." Before the matter could come to a vote, Rev. Moon agreed to accept the change on behalf of the committee.<sup>114</sup> This was a critical concession on Moon's part. The original statement could have been interpreted as a proactive endorsement of homosexuality. The change removed that ambiguity and seemed to settle things. But not quite.

Attorney Don Hand from Southwest Texas got the bishop's attention for an amendment. Hand proposed the addition of a clause at the end of the statement, a clause that he believed would set a lot of minds at rest. The last sentence said "we insist that all persons are entitled to have their human and civil rights ensured." Hand moved that the period be changed to a comma and adding the words "though we do not condone the practice of homosexuality and consider this practice incompatible with Christian doctrine." After a member seconded the motion, Hand spoke to it, saying that it took nothing away from the language expressed earlier in the statement, but added a biblical balance to the church's stance.<sup>115</sup>

Before the debate could go any further, Dr. Hammell P. Shipps, a physician from Southern New Jersey, offered a substitute for the Hand motion. His resolution called for the church to make a stronger and clearer denunciation of homosexuality, asserting that "the Bible condemns the practice of homosexuality and gives no basis for approving it as an acceptable way of life." As a second point, he affirmed that churches should minister to "the homosexual in his desperate need for God's love." The resolution also called a study of "the cause and cure of homosexuality." After some parliamentary clutter, a motion to vote immediately passed. Dr. Moon, on behalf of the Committee, had the last word, and he spoke vigorously against the substitute.

The conference voted to reject the Shipps substitute, and that brought the Hand amendment again before them. Slater put the question to the assembly, and, after the show of hands, announced: "And, I believe, the amendment carries."<sup>116</sup> A delegate from the Philippines again wished to be heard, and finally was granted the right. But he was interrupted by a motion to recess, the

<sup>113</sup> The minutes do not identify the person or his motivation, but in the context of the debate, it seems likely to have been similar to the disruptions in San Antonio the previous year.

<sup>114</sup> *Daily Christian Advocate*, 710-712.

<sup>115</sup> *Daily Christian Advocate*, 712.

<sup>116</sup> *Daily Christian Advocate*, 713.

Conference having already gone well past the stated time of adjournment.

Slater passed the gavel, probably with a sigh of relief,<sup>117</sup> to the next designated presiding officer, Bishop Edward Pendergrass. In the afternoon, the whole sexuality element of the document was disposed of quickly. Moon asked to change one word of the Hand amendment, making “Christian doctrine” to read “Christian teaching” and the Conference concurred. With that, the Conference settled the disputed section. Other portions of the Social Principles report were debated throughout the afternoon, but without the complications experienced in the morning.

Don Hand, the author of the “incompatible” terminology, later explained his thoughts as the discussion of the issue went forward. Throughout the conference, and especially during the debate of April 26, Hand was disturbed by what he considered a soft stance on homosexuality. His experiences in Southwest Texas the previous year were strong in his consciousness. He thought the statement on Social Principles was fatally weak. It seemed to him to reflect “the ideology of the sexual revolution of the late 1960s and early 1970s in its embrace of recreational sexual intercourse as a means of personal gratification and a civil right. As such, it was a serious departure from the teachings of the Christian tradition that risked conforming the moral standards of the Church to the licentious behavior of the world.”<sup>118</sup> He sensed that the mood of the assembly was uneasy. Later, participants characterized the feeling in like fashion, using words like tense, heavy, awaiting the fireworks, fearful, troubling, and divided.<sup>119</sup>

As Hand listened to the debate on the Social Principles, he feared that the statement as it stood would result in the breakup of the church. He racked his brain for some way of fixing it. “Suddenly,” he recalled, “a proposal complete with punctuation hit me.” He thought of changing the closing period to a comma and adding “though we do not condone the practice of homosexuality and consider the practice incompatible with Christian doctrine.” He showed the draft to Tom Reavley, a fellow lay delegate from Southwest Texas, for his opinion. Judge Reavley, it will be recalled, was vice-chair of the Committee on Christian Social Concerns. Reavley thought it would resolve the dilemma, but was doubtful that it would pass. “But maybe you should try it.”<sup>120</sup> That was all the encouragement Hand needed.

Perhaps a little diffident as a first-timer at General Conference, he nevertheless went to the nearest microphone and waved his orange cardboard,

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<sup>117</sup> Slater recalled that “I found it difficult to be the skillful presiding officer that the body deserved as these highly emotional issues were discussed. I did my very best with the help of the good Lord and my esteemed colleagues, Bishops James Thomas, Ralph T. Alton, and Roy H. Short,” (*Oliver’s Travels*, 211).

<sup>118</sup> Donald J. Hand, “Don Hand: Homosexuality and the 1972 Social Principles—Did the Conflict Begin with ‘The Language’?” (<http://juicyecumenism.com/tag/don-hand>), accessed October 30, 2016.

<sup>119</sup> Bishop Ray Owen, “The Incompatible Factor: The Practice of Homosexuality,” Pamphlet, 2003, 18.

<sup>120</sup> Hand, “Don Hand: Homosexuality and the 1972 Social Principles.”

seeking the attention of the presiding officer. Slater recognized him, in both senses of the word. Hand proposed the amendment, argued briefly on its behalf and sat down to see what would happen. “There was no anger that I could detect in the entire discussion that morning. I did not speak in anger. My emotions consisted of concern for the viability of The United Methodist Church as a Christian denomination in a rapidly changing world.” After passage of the amendment, during the lunch recess, a district superintendent from one of the Pennsylvania conferences thanked him, indicating that the statement would “save 12 churches in my district.”<sup>121</sup>

In a message to Bishop Ray Owen some years later, Hand told the bishop that his motivation for presenting the amendment was “a concern; an inspiration; a response to that inspiration; and the courage to stand up and present the words deemed . . . to be an acceptable solution to the dilemma before the body.” In fact, Hand did feel genuinely inspired—“At the time I spoke, I experienced the strange sensation that the words were not mine. I knew I was expressing the words, but somehow I did not feel I was in full control of what I was saying.”<sup>122</sup>

### Epilogue: The “Incompatible” Clause since 1972

The language adopted in 1972 has remained the official stance of the United Methodist Church to this day. It is one part of a larger debate which includes related issues—the solemnization of homosexual unions, the use of United Methodist church buildings for such ceremonies, the ordination and appointment of homosexual ministers, and the question of whether the denomination can remain intact in the face of conscientious disobedience to the church’s law and to covenanted vows.

This account has not attempted to trace the issue in the church at large much beyond 1972. It shows how Gene Leggett’s journey nearly half a century ago became the occasion for the continuing debate in the denomination.

### Leggett’s Appeal for Reinstatement

In 1973, Gene applied for reinstatement of his clerical orders. The Southwest Texas Board of Ministry asked for a Judicial Council decision on whether this would be permissible. Part of the issue was whether the ground rules of 1968 or the modified law of 1972 should apply. On this matter, the Council ruled that Leggett could not be held to the 1972 rules. “The final sentence in Paragraph 367 of the *1972 Discipline* cannot take away any rights not taken away by the legislation of the *1968 Discipline*.”<sup>123</sup> Another element in the decision to permit application for readmission was that no

<sup>121</sup> Donald J. Hand, “Don Hand: Homosexuality and the 1972 Social Principles.”

<sup>122</sup> Bishop Ray Owen, “The Incompatible Factor: The Practice of Homosexuality,” 18, 19. Owen applauded the language of the “incompatible” statement and traced its history through succeeding general conferences down to the twenty-first century. There were a few minor factual errors in the Owen account, but none that materially affected the main point of his thesis.

<sup>123</sup> Judicial Council of the United Methodist Church, decision #384, April, 1974.

specific charges had been filed in 1971 and therefore Leggett was “in good standing” when the Conference involuntarily located him.

Most of the rest of the Leggett appeal went against him. He was not, as he hoped, found to be a member of the local church Charge Conference as a clergyman, though he could be as a layman. He could not now request a church trial. The confusing language of the Disciplines mixing the terms “suspended” and “terminated” was to be treated as if the two terms were the same. When he was suspended, his orders were in fact terminated.

But the decision did open the door for Leggett to apply for readmission. He moved from Dallas to San Antonio and joined St. Stephen’s UMC. The church employed him as their janitor and he became an active member, working on several projects as a lay person, including teaching Sunday school. A part of the groundwork for his plan to seek reinstatement, he consulted friends about the form of the petition.<sup>124</sup> He established himself with the congregation and built a reputation for dependability, piety, and service. On the strength of that experience, he asked the St. Stephen’s Charge Conference to “certify his character and recommend of the Annual Conference the restoration of his [ministerial] credentials.”<sup>125</sup> He told the press, “Affirmative action by the St. Stephen’s congregation . . . would constitute a vote of confidence in my ability to serve in the ministry. A local church would be attesting to my character and the congregation would recommend that the conference restore my credentials.”<sup>126</sup> The meeting agreed to do so, by a vote of 20 to 4, with one abstention.<sup>127</sup> This was the first step on the disciplinary path to restoration.

Yet the move was evidence of a coming conflict. “Storm clouds are gathering again over the issue and battle lines are being drawn for another showdown at Portland” at the 1976 General Conference. Leggett’s appeal evoked a prediction from Rev. Paul Morell, chairman of the “Good News” organization, that acceptance of homosexuals into the ministry would be “the most divisive event in the church since the slavery issue.”<sup>128</sup>

St. Stephen’s forwarded their endorsement to Bishop Slater, who announced its receipt to the 1975 meeting of the annual conference. It was referred to the Board of Ministry.<sup>129</sup> Board chair Dan Solomon reported to the conference that the Board had taken the appeal under consideration and voted non-concurrence 25-1. Mrs. Frances Opitz, a prominent lay member of the annual conference and a member of St. Stephen’s, rose to support the motion of non-concurrence. This was a surprising development, given the church’s previous recommendation. One can read between the lines to see

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<sup>124</sup> Gene Leggett to “Dear Rob,” February 1, 1975, author’s collection.

<sup>125</sup> Called Charge Conference, St. Stephen’s UMC, Ted Richardson, San Antonio District Superintendent, presiding, April 13, 1975, Rio Texas Conference Archives.

<sup>126</sup> *Dallas Morning News*, April 12, 1975, p. 26A.

<sup>127</sup> Called Charge Conference, St. Stephen’s UMC, April 13, 1975, Rio Texas Conference Archives.

<sup>128</sup> *Dallas Morning News*, April 12, 1975: 26A.

<sup>129</sup> *Journal of the Southwest Texas Conference*, 1975: 40.

that something serious had happened between Gene and the congregation. Mrs. Opitz said:

We [at St. Stephen's] acknowledge the concern and action the conference has given to our request.

As the lay delegate of St. Stephen's, I wish to express our growing concern . . . for the treatment of minority groups with equity and fairness. We value the contributions Gene Leggett has made to and in our congregation, and we acknowledge and accept his demonstration of the injustice he seems to have experienced in his role as our janitor. We were not aware of any insensitivity to his feelings and frustration in this task.

It is also important that we express our conflict and distress over his widely varying behavior in different groups, our growing lack of clarity over Gene's priority of clerical orders or personal cause, and finally in the last few days his calling of St. Stephen's and the church into accountability without offering reciprocal integrity.

We want to go on record that not every guitar and banner church is a sucker for any tactic that comes along—even St. Stephen's United Methodist Church. We concur with the recommendation of the Board of Ministry of the Southwest Texas Conference.<sup>130</sup>

That statement sealed the case and the conference approved the report, Leggett's path to reinstatement was blocked, only seemingly permanently.

In February, 1976, Leggett tried yet again. He wrote to St. Stephen's asking for another endorsement of his candidacy.<sup>131</sup> The same day he addressed a similar letter to Rev. Solomon, District Superintendent Ted Richardson, and Bishop Slater, stating his intent to re-apply.<sup>132</sup> Solomon responded in due course, saying that the Board had discussed the plea and voted to refuse it, "feeling that its understanding of your situation does not warrant a reconsideration of past decisions with regard to the restoration of your ministerial credentials." A subsequent appeal to Bishop Slater met a warmer reception. Slater invited Leggett to send him a summary of his church activities for the year past, and signed off, "Thank you, Gene. May the Lord bless and keep you. Cordially, O. Eugene Slater."<sup>133</sup>

Encouraged, perhaps, by the bishop's kindness, Leggett responded, but without adding much clarity. He complained that he did not know what the standards were for being acceptable to the conference and what he must change to be in compliance. With that in mind, he asked for a hearing to discuss matters.<sup>134</sup> But that did not answer the bishop's request and was disingenuous in any case. Leggett knew very well what the problem was; he was simply trying to force the church to say it—homosexuality!

The new pastor at St. Stephen's, Rev. Barrett Renfro, found that Leggett intended to ask the congregation for its endorsement again, despite the Board of Ministry action. Leggett had told the bishop that there was "a strong pos-

<sup>130</sup> *Journal of the Southwest Texas Conference*, 1975: 50.

<sup>131</sup> Gene Leggett to Charge Conference, St. Stephen's UMC, February 11, 1976, Rio Texas Conference Archives.

<sup>132</sup> Gene Leggett to Solomon, Richardson, Slater, February 11, 1976, Rio Texas Conference Archives.

<sup>133</sup> O. Eugene Slater to Gene Leggett, March 22, 1976, Rio Texas Conference Archives.

<sup>134</sup> Gene Leggett to O. Eugene Slater, March 26, 1976, Rio Texas Conference Archives.

sibility” that St. Stephen’s would again support his appeal.<sup>135</sup> The chairman of the Board of Ministry heard of the appeal, and made sure that Renfro knew the Board had already unanimously turned down Leggett’s request for a hearing.<sup>136</sup>

On May 12, 1976, San Antonio D.S. Richardson again called a charge conference at St. Stephen’s to address the renewed Leggett request. Two members of the Board of Ministry, Rev. Mary Elizabeth Raper and Rev. Charles Giesler, were also present to explain the Board’s thinking. A motion passed to convert the meeting into a “church conference,” which would allow all members to vote. There ensued a long discussion of the history of Leggett’s appeals, of the Disciplinary requirements, of St. Stephen’s recent history, of the Board of Ministry’s discussions, and finally Gene’s letter asking for reinstatement. With the informative ground work laid, Richardson turned the chair over to a St. Stephen’s layman, Craig Allen, to lead the congregation’s discussion. The meeting listed on a board a succession of considerations to be involved in the decision. These boiled down to four issues:

“How is moral conduct defined; by Christian understanding or by social mores?  
This congregation has never understood that we can say yes OR no.  
Do we trust Gene’s reasons for wanting his credentials restored?  
Are we voting on Gene?”<sup>137</sup>

The discussion went on for some time, with “nearly every member present” and even one non-member given a chance to speak. Then they voted, by secret ballot. By a margin of 32 votes no, 19 votes yes, and one abstention, St. Stephen’s declined to endorse Leggett’s candidacy.<sup>138</sup> The next morning, Pastor Renfro informed Gene by letter of the results of the vote.<sup>139</sup> That was the end of the road for Gene Leggett’s quest for reinstatement through the disciplinary process.

St. Stephen’s did not hate homosexuals as individuals, but it had its problems with them as a pressure group. Three years after the last Leggett discussion, Pastor Renfro read a statement from his pulpit showing the frustrations the congregation still felt. He was angry about the disruptive Gay Liberation protests still going on at the annual conference meetings. “As pastor of one of the two churches in the conference who have open homosexuals as members, I feel I should make some comments.” He denounced the disruptions, the discourtesy, the unauthorized use of names in pamphlets, and the demonstrations at the ordination service. This last was directed at Gene Leggett in particular. These were examples of “serious, calculated breaches of community and another instance of the bad judgment and self-defeating tactics so

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<sup>135</sup> Gene Leggett to O. Eugene Slater, March 26, 1976, Rio Texas Conference Archives.

<sup>136</sup> Dan E. Solomon to Barrett Renfro, April 14, 1976, Rio Texas Conference Archives.

<sup>137</sup> Minutes of St. Stephen’s UMC Charge Conference, May 12, 1976, Marty Dillon recording secretary, Rio Texas Conference Archives.

<sup>138</sup> Minutes of St. Stephen’s UMC Charge Conference, May 12, 1976, Marty Dillon recording secretary, Rio Texas Conference Archives.

<sup>139</sup> Barrett Renfro to F. Gene Leggett, May 13, 1976, Rio Texas Conference Archives.

typical of this group.” He went on to say that homosexuals had been and still were welcome at St. Stephen’s, but that mutual respect had not been given by the Gay Caucus. He concluded, “I want it understood that homosexuals are welcome within the church, but that I will no longer consider members of the Gay Caucus for any leadership roles.”<sup>140</sup>

### Leggett’s Protests at the Southwest Texas Conference

One of Leggett’s most dramatic acts was a multi-year protest at the annual ordination service. At the appointed time, the candidates for deacons’ and elders’ orders would gather at the altar to answer the traditional Wesleyan questions for aspiring preachers. At the left end of the altar, separated but clearly visible, Gene Leggett knelt, his face wrapped in a bandanna<sup>141</sup> as a gag, to symbolize his silencing from United Methodist pulpits. It did not disrupt the service, but it did diminish the moment for the ordinands. Dan Solomon remarked, “I am not sure at which year it was that Gene Leggett began his vigil at the altar rail during the ordination service, with a red bandanna ‘gag’ tied around his face and open mouth. I do remember that he maintained his vigil, absolutely still like a soldier before the casket of a fallen hero. This continued all the years I was at Travis Park [as pastor], and perhaps beyond. In the wisdom of the bishops, no efforts were made to remove him from the altar.”<sup>142</sup> He continued the dramatic silent protest until the year before his death.<sup>143</sup>

Other actions included setting up an unauthorized display of pro-homosexual material at the conference meeting place. Leggett was in the forefront of the protest. By 1979, this was the Villita Assembly Hall, a large secular meeting venue in San Antonio, the meeting having grown too large for the Travis Park sanctuary.<sup>144</sup> Chess Lovern, the presiding bishop, said that the gays were not welcome because of their “discourteous” actions, but would not be forcibly removed. Lovern told the dozen protesters that “I do not wish to be unkind except to say to you that this conference has been through the trauma of the question several times before and it would be of no ser-

<sup>140</sup> Barrett Renfro, “A Pastoral Letter to the Membership of St. Stephen’s United Methodist Church, San Antonio, Texas,” June 3, 1979, Rio Texas Conference Archives.

<sup>141</sup> It’s a minor point, but others think the gag was a clerical stole. See the Religious Archives report by Rowe and Huskey. R. W. Holmen, in *Gay Clergy*, also says it was stole. The author recalls that it was a bandanna and so do Dan Solomon and Jerry Smith—and we were there. Sid Hall also says a bandanna at Gene’s last appearance. See Dr. Sid Hall, III, “An Open Letter to the Board of Ordained Ministry of the Southwest Texas Conference of the United Methodist Church” (<http://riorecociling.com/2014/04/23/an-open-letter-to-the-board-of-ordained-ministry-of-the-southwest-texas-conference-of-the-united-methodist-church>), November 8, 2016. Since Leggett’s protest happened numerous times, it is maybe possible that both could be true.

<sup>142</sup> Dan E. Solomon, letter to the author, November 6, 2016.

<sup>143</sup> Dr. Sid Hall, III, “An Open Letter to the Board of Ordained Ministry of the Southwest Texas Conference of the United Methodist Church.” Hall’s essay mentions Gene Leggett several times as a victim of the Conference’s limited understanding.

<sup>144</sup> David Real, “Methodist Gays Claiming Victory at Conference,” *San Antonio Light*, May 30, 1979 (Leggett/San%20Antonio%20Light%20/Article%20May%2030%201979.pdf.), accessed December 12, 2016.



vice to you or the conference to open the matter in this manner again.”<sup>145</sup> Coincidentally, Lovern had once been pastor at First Methodist Church, Edinburg, while Gene was a child.

Leggett’s ordination protest was revived some years after his death. In June, 2016, the “Rio Texas<sup>146</sup> Reconciling Team” called for a demonstration at the ordination service:

A small group of witnesses will wear all-black (or dark) clothing and rainbow stoles and sit on the side(s) of the auditorium. During the three times that the ordinands are blessed, the witnesses stand silently for the duration of the blessing. All respectful participants are welcome to join in this witness.

The Rio Texas Reconciling Team developed this witness in 2014, repeated it in 2015, and plans to do so again in 2016, in support of M. Barclay and other ordinands who have not been treated fairly, because of their perceived sexual orientation or gender identity, by our conference Board of Ordained Ministry. We also wish to honor the memory of Gene Leggett who held a witness during the Southwest Texas Annual Conference ordination service for many years after being stripped of his ordination. The Rio Texas Reconciling Team ordination service witness is designed to provide a safe and respectful means for those who wish to call attention to an unjust situation. We plan to repeat this witness every year in memory of those who cannot be ordained due to their sexual orientation or gender identity.<sup>147</sup>

### **Leggett as a Founder of Church-wide Gay Rights Movement**

It can be said that his appearance at the 1972 General Conference was a catalyst for the gathering of people in similar circumstance. He met Rick Huskey at the Atlanta conference. Together, they began to contact other homosexual Methodists hoping to build a communication network. In 1975, the two attended a meeting of like-minded LGBT Methodists in Evanston, Illinois. Out of that meeting came the United Methodist Gay Caucus, which later metamorphosed into the group “Affirmation.” With a non-threatening name, this organization effectively lobbied for full inclusion of homosexuals into the Methodist system, though their efforts bore no legislative fruit.<sup>148</sup>

Gene thus became an active leader in national efforts to change the United Methodist mind on homosexuality. This latter portion of Leggett’s life is

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<sup>145</sup> Leggett/San%20Antonio%20Express%20article%20May%2029%201979.pdf.

<sup>146</sup> The new name of the Southwest Texas Conference, reflecting the merger of the English-language Southwest Texas Conference and portions of the Spanish-speaking Rio Grande Conference.

<sup>147</sup> <https://rioreconciling.com/2016/05/27/annual-conference-2016/>, accessed December 12, 2016.

<sup>148</sup> R. W. Holmen, *Queer Clergy: A History of Gay and Lesbian Ministry in American Protestantism* (Cleveland: Pilgrim Press, 2013), 363-367.

mostly beyond the scope of this essay.<sup>149</sup> His efforts and his example made him a hero in the gay community. In 2015, a quarter century after his death, persons gathered in San Antonio to remember. A memorial celebration of Gene's life and witness was held in the Travis Park sanctuary in August, 2015. It was called the "Gather at the River Conference," and it was a rallying point for the LGBT crusade for full acceptance in the United Methodist Church. Gene was hailed a pioneer, perhaps the first in Methodist circles, to raise the case publicly.<sup>150</sup>

### Gene Leggett, the Person

The Gene Leggett story had elements of pain for the man himself, as he struggled to reconcile his sexual inclinations with his Christian calling. But Gene himself was not the only one affected by his personal internal debate. No one will be able to measure the anguish caused to his wife or the confusion heaped on his straight friends. His sons, John, Steven, and Mark, lost their father's presence and financial support. However, they remained in contact with him, and on good terms. In fact, John moved in with his father to complete high school. They were called to his hospital room as he lay dying. Fanny's struggle to sustain herself and her sons economically and emotionally after the divorce was an epic in itself. Gene credited her for the way the boys accepted their father's choices, and the pair remained friends.

Gene Leggett passed away at the age of 52 in 1987. It is not certain whether the cause was related to his lifestyle; the official diagnosis was hepatitis.<sup>151</sup> Another source alleges AIDS as the cause.<sup>152</sup> His sons and Fanny were at his side during his last day. Fanny's new husband generously gave moral support through the whole heart-rending episode. Steven, who understood his father's faults, nevertheless later remarked that "my brothers and I benefited from the character of two great men."<sup>153</sup>

Beginning in seminary, Gene's identity was closely bound to his sexuality. It dominated and focused his being. Homosexuality, side by side with

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<sup>149</sup> Several sources can explain his role in the homosexual rights movement after 1972. None of them are neutral accounts, and should be approached accordingly. By selection of topic, by word use, and by attitude, they are strongly critical of opponents of the gay viewpoint. One is Christopher Waldrep, "The Use and Abuse of the Law: Public Opinion and United Methodist Church Trials of Ministers Performing Same-Sex Union Ceremonies" noted earlier. Also noted earlier is R. W. Holmen, *Queer Clergy: A History of Gay and Lesbian Ministry in American Protestantism*. Yet another was a short, informative essay by Kenneth Rowe and Rick Huskey, "A Profile: Gene Leggett" on the internet for "The Lesbian, Gay, Bisexual and Transgender Religious Archives Network" (<http://lgbtran.org/profile.aspx?ID=236>). A sympathetic but much more balanced study is found in Russell Richey, Kenneth Rowe, and Jean Miller Schmidt, *The Methodist Experience in America: A History* (Nashville: Abingdon, 2010), 467-475, 530-536.

<sup>150</sup> <https://www.lgbtran.org/Exhibits/Sampler/gene-leggett-tribute.aspx>, accessed December 12, 2016.

<sup>151</sup> Peter Madison, "Gene Leggett Obituary," (<http://lgbtran.org/exhibits/profiles/gene-leggett/Obituary>), accessed January 4, 2017.

<sup>152</sup> Chris Ritter, "The UMC's Messy Language about Sexuality," (<https://peopleneedjesus.net/2016/04/21/the-umcs-messy-language-about-sexuality/>) accessed November 29, 2016.

<sup>153</sup> Email, Steven B. Leggett to Robert W. Sledge, January 17, 2017.

his Christian calling, defined who he was. But though it seemed to master and control his life, homosexuality was not the only facet of his identity. His assertion in his “outing” letter also had some validity—“I am the same Gene Leggett you have always known.” A few years before his final illness, he attended his high school class’s thirtieth reunion. Everyone present at Edinburg’s Echo Hotel ballroom that evening knew his circumstance—after all, his picture had been in *Life Magazine*. But in that setting, he circulated unselfconsciously and comfortably as just one of the group, renewing old friendships, mixing with athletes and cheerleaders and the whole class, laughing and remembering and fitting in. For a few hours at least, he was not the homosexual martyr or the gay crusader; he was simply “the same Gene Leggett you have always known.”<sup>154</sup>

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<sup>154</sup> The author was present that evening with his wife, a member of the EHS class of 1953.