

JUDICIAL COUNCIL OF THE UNITED METHODIST CHURCH

DECISION 1430

Docket No. 1021-1 (Formerly Docket 1019-8 deferred by Memorandum 1381 and Docket 0420-6 deferred by Memorandum 1411)

IN RE: Review of a Bishop's Ruling on a Question of Law in the Upper New York Annual Conference Regarding Whether the Adopted Resolution, "A Call For Structural Change," Attempts to Negate, Ignore or Violate The Book of Discipline.

DIGEST

The review of the purported Bishop's ruling of law in this case is not properly before the Judicial Council. The Judicial Council was not provided the "exact statement of the question submitted and the ruling of the bishop" as they were entered into the annual conference journal as required by ¶ 2609.6 of *The Book of Discipline 2016* [hereinafter the *Discipline*].

STATEMENT OF FACTS

At the Friday, June 7, 2019, plenary session of the Upper New York Annual Conference considered and adopted Resolution UNYAC2019.3 entitled "A Call for Structural Change." That resolution read as follows:

WHEREAS enormous cultural and theological gaps remain in our global church; and

WHEREAS the Council of Bishops, The Commission on the Way Forward, and the 2019 General Conference were unable to find a satisfactory resolution to the impasse in the United Methodist Church around LGBTQ clergy and same gender weddings in our churches; and

WHEREAS the Traditional Plan passed at the 2019 General Conference serves as a rejection of compromise and a theologically diverse denomination; and

WHEREAS only structural separation will allow all Annual Conferences and Local Churches to effectively Make Disciples of Jesus Christ for the Transformation of the World.

THEREFORE, BE IT RESOLVED that the Upper New York Annual Conference notify the Council of Bishops that the stipulations of the Traditional Plan are not acceptable for our Conference; and

BE IT FURTHER RESOLVED that the Upper New York Annual Conference call on the 2020 General Conference to adopt a structural realignment of the United Methodist Church that creates an expression of Wesleyan Methodism that allows for both traditional and progressive understandings of the LGBTQ Clergy and same-gender weddings to co-exist within the Church; and

BE IT FURTHER RESOLVED that given the forthcoming structural change, we encourage Bishop Webb, the Board of Ordained Ministry, and other members of the conference leadership team to, as an act of grace impose an immediate moratorium on any punitive action related to LGBTQ Clergy and same-gender weddings.

The initial filing with the Judicial Council failed to include the minutes of the proceedings of the Annual Conference on June 7, 2019, thus making it impossible for the Council to understand and evaluate the series of discussions and actions relating to the above resolution. The Secretary of the Judicial Conference tried numerous times to get the official minutes of that meeting of the annual conference as recorded in the official record of the annual conference as evidenced by the several deferrals of this docket item. We were provided with informal minutes of the proceedings as part of the Bishop's Ruling of Law, but those informal minutes cannot form the basis for the Judicial Council to take action because they were not part of the formal reporting of the proceedings of the annual conference. The Interim Conference Secretary of the annual conference ultimately provided the Secretary of the Judicial Conference a link to the online version of the Conference Journal/official record of the Daily Proceedings on the relevant day. That official record at page 26 contains no record of "an exact statement of the exact statement of the question submitted and the ruling of the bishop" as required by ¶ 2609.6 of the *Discipline*.

Jurisdiction

The Judicial Council has jurisdiction under ¶ 2609.6 of the 2016 *Discipline*.

Analysis and Rationale

In a long line of Judicial Council cases, the requirement of ¶ 2609.6 of *The Discipline* has been deemed mandatory before the Judicial Council will entertain and act upon a request for review of a bishop's decision of law. See JCD 1130. Although the Council has jurisdiction under that paragraph to consider whether the request is properly submitted, The Council is clearly instructed not to act unless the annual conference secretary has entered "in the annual conference journal an exact statement of the question submitted and the ruling of the bishop." ¶ 2609.6. The

online account of the official proceedings contains no such “exact statement...” As far back as 1953, in JCD 153, the Judicial Council has recognized the essential nature of providing the exact statement from the official records of the annual conference. Although at that time and under those circumstances the Council declined jurisdiction, the more recent Judicial Council authority notes that the Council will take jurisdiction for the limited purpose of determining whether the procedures outlined in *The Discipline* were followed. In JCD 1130 the Council took jurisdiction and noted emphatically the following:

Paragraph 2609.6 of the Discipline requires the annual conference secretary to enter into the annual conference journal an exact statement of the questions submitted and the ruling of the bishop. Closing or attempting to limit the annual conference record would frustrate the clear policy of the General Conference that favors openness and transparency in annual conference proceedings. There is no provision for confidential questions to, or confidential answers from a bishop in an annual conference session. The provisions of paragraph 2609.6 are mandatory.

To the extent that there is tension between earlier precedent and later cases, we follow the more recent precedent and take jurisdiction for the limited purpose of determining whether the dictates of *The Discipline* regarding the mandatory nature of the official annual conference record for referral of the review of a bishop’s decision of law to the Judicial Council were followed. They clearly were not in this case, so we vacate the ruling.

Ruling

The ruling of law is vacated.

March 15, 2022