

SUBJECT TO FINAL EDITING

JUDICIAL COUNCIL OF THE UNITED METHODIST CHURCH

DECISION NO. 1389

IN RE: *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, *Response To Action of 2019 General Conference*, Attempts To "ignore or contradict" the 2016 Book of Discipline.

DIGEST OF CASE

The Judicial Council affirms Bishop Webb's ruling of law that Resolution UNYAC2019.2 adopted by the Upper New York Conference on June 7, 2019. The first part (1) is in order, and the second (2) part is null and void.

1. The therefore be it resolved that the Upper New York Annual Conference (UNYAC) condemns the decision of the 2019 General Conference to pass the Traditional Plan and apologizes for the harm that it has caused LGBTQIA+ persons, their families, their friends, and the body of Christ. We affirm that all persons are individuals of sacred worth, created in the image of God, but we also assert and affirm that no human being is incompatible with Christian teaching is a statement of disagreement, aspirational in nature and does not negate, ignore or violate *The Book of Discipline of The United Methodist Church, 2016*.

2. The be it further resolved that we strongly recommend that UNYAC refrain from expending funds or monies (either directly through payments or indirectly through the time of employees of the conference) for the purpose of background investigations, complaints, just resolutions, or clergy trials pertaining to LGBTQIA+ ordination and marriage is not aspirational in nature, negates, ignores or violates *The Book of Discipline of The United Methodist Church, 2016* and is null and void.

STATEMENT OF FACTS

On Friday, June 7, 2019, in plenary session of the 2019 session of the Upper New York Annual Conference, the conference addressed Resolution UNYAC2019.2 entitled: "UNYAC Response to Actions of 2019 General Conference." The text of the resolution reads:

UNYAC2019.2 - UNYAC Response to Actions of 2019 General Conference

Whereas, using appropriate, quality biblical scholarship, there is no biblical mandate to discriminate against LGBTQIA+ persons and relationships.

Whereas, the United Methodist Church is capable of great nuance in the matter of biblical interpretation as displayed in its treatment of issues such as divorce and the ordination of women, but reverts to simplistic literalism when it comes to the full inclusion of LGBTQIA+ persons in its life and ministry; and

Whereas, the United Methodist Church has singled out LGBTQIA+ persons for special punitive action while ignoring the "clear biblical teaching" on other matters such as pensions (Matthew 6:19-20); and

Whereas, much of the Traditional Plan had already been ruled unconstitutional before it was voted upon; and
Whereas, the first general rule that John Wesley gave the people called Methodists concerns “doing no harm”; and
Whereas, United Methodists promise “to resist evil, injustice, and oppression in whatever forms they present themselves”; and
Whereas, by passing the Traditional Plan, the denomination has done great, and perhaps irreparable harm to our LGBTQIA+ siblings, their families and friends.
Therefore be it resolved, that the Upper New York Annual Conference (UNYAC) condemns the decision of the 2019 General Conference to pass the Traditional Plan and apologizes for the harm that it has caused LGBTQIA+ persons, their families, their friends, and the body of Christ. “We affirm that all persons are individuals of sacred worth, created in the image of God,” but we also assert and affirm that no human being is incompatible with Christian teaching; and
Be it further resolved, that we strongly recommend that UNYAC refrain from expending funds or monies (either directly through payments or indirectly through the time of employees of the conference) for the purpose of background investigations, complaints, just resolutions, or clergy trials pertaining to LGBTQIA+ ordination and marriage.

Prior to debate beginning on the resolution, Bishop Webb advised the body that the resolution as written was out of order in that the “be it further resolved” was not aspirational and called the conference to violate the Book of Discipline by recommending the imposition of financial controls or elimination of funding for fair process proceedings. The advisement included the instructions that during the debate the body had the opportunity to bring the resolution in order.

The presenter of the resolution stated that they had been told by the Committee on Resolutions and Petitions that the petition as worded and presented was in order and had addressed concerns identified in an earlier submission. Throughout the debate of the resolution, speeches were made regarding Bishop Webb’s advisement that the “be it further resolved” was not aspirational. After debate had concluded, Bishop Webb did not make any parliamentary rulings regarding whether the resolution was or was not out of order. A vote was taken on the resolution as presented and the body supported it 619-384.

Immediately after the vote on Resolution UNYAC2019.2, a clergy member of the Upper New York Conference was recognized and made the following request for a Ruling of Law. “I request a Decision of Law regarding whether Resolution UNYAC2019.2 attempts to ignore or contradict the Book of Discipline, 2016?”

On June 24, Bishop Webb made the following decision of law: For these reasons, it is my ruling of law that Resolution UNYAC2019.2 adopted by the Upper New York Conference on June 7, 2019 is in order in part and null and void in another part.

1. The therefore be it resolved that the Upper New York Annual Conference (UNYAC) condemns the decision of the 2019 General Conference to pass the Traditional Plan and apologizes for the harm that it has caused LGBTQIA+ persons, their families, their friends, and the body of Christ. We affirm that all persons are individuals of sacred worth, created in the image of God, but we also assert and affirm that no human being is incompatible with Christian teaching is a

statement of disagreement, aspirational in nature and does not negate, ignore or violate The Book of Discipline of The United Methodist Church.

2. The be it further resolved that we strongly recommend that UNYAC refrain from expending funds or monies (either directly through payments or indirectly through the time of employees of the conference) for the purpose of background investigations, complaints, just resolutions, or clergy trials pertaining to LGBTQIA+ ordination and marriage is not aspirational in nature, negates, ignores or violates The Book of Discipline of The United Methodist Church and is null and void.

JURISDICTION

The Judicial Council has jurisdiction under paragraphs 51 and 56.3 of *the Constitution of The United Methodist Church* and paragraph 2609 of *The Book of Discipline of The United Methodist Church, 2016* [hereinafter *The Discipline*] as modified by Judicial Council Decision 1244.

ANALYSIS AND RATIONALE

Resolution UNYAC2019.2 condemns the decision of the 2019 General Conference to pass the Traditional Plan and apologizes for the harm that it has caused LGBTQIA+ persons, their families, their friends, and the body of Christ. It affirms that all persons are individuals of sacred worth, created in the image of God, and asserts and affirms that no human being is incompatible with Christian teaching. Additionally, it strongly recommends that UNYAC refrain from expending funds or monies (either directly through payments or indirectly through the time of employees of the conference) for the purpose of background investigations, complaints, just resolutions, or clergy trials pertaining to LGBTQIA+ ordination and marriage.

Judicial Council Decision (hereinafter JCD) 96 made clear the principle that *The Discipline* is the only authoritative book of law of the Church. All entities of the Church are bound by its provisions. All actions of an annual conference must be faithful to and consistent with the Discipline. An annual conference may express disagreement with other bodies of The United Methodist Church, but is still subject to the *Constitution, The Discipline* and the decisions of the Judicial Council. In JCD 886, the Judicial Council established the principle that annual conferences may not legally negate, ignore or violate provisions of the Discipline with which they disagree, even when the disagreements are based on conscientious objections to those provisions.

The Judicial Council has had many occasions to address matters involving human sexuality over recent years, setting forth very clear guidelines for permissible action in relation to existing Church Law. Under these guidelines, the Judicial Council has been clear that “[a]n annual conference may adopt a resolution on human sexuality that is aspirational in nature; however, an annual conference may not negate, ignore or violate *The Discipline*, even when the disagreements are based upon conscientious objections to those provisions.”

JCD1120; see also JCD 1111 (“Annual conferences may not negate, ignore or violate provisions of the Discipline with which they disagree, even when the disagreements are based on conscientious objections to the provisions.”). In addition to not being allowed to directly negate, ignore or violate *The Discipline*, the Judicial Council has held that annual conferences may not encourage other entities to violate Church law, or discourage the enforcement of Church law. JCD 1262 and 1292.

The “therefore be it resolved” in Resolution UNYAC2019.2 that condemns the decision of the 2019 General Conference to pass the Traditional Plan and apologizes for the harm that it has caused LGBTQIA+ persons, their families, their friends, and the body of Christ, and affirms that all persons are individuals of sacred worth, created in the image of God, and asserts and affirms that no human being is incompatible with Christian teaching is an expression of disagreement and is not in violation of Church law consistent with JCD 1262 of the Judicial Council.

The ‘be it further resolved’ in Resolution UNYAC2019.2 that strongly recommends that UNYAC refrain from expending funds or monies (either directly through payments or indirectly through the time of employees of the conference) for the purpose of background investigations, complaints, just resolutions, or clergy trials pertaining to LGBTQIA+ ordination and marriage is not aspirational in nature.

In this section the resolution attempts to eliminate funding for fair process proceedings involving specific prohibited aspects of human sexuality. *The Discipline* does not authorize annual conferences to impose financial controls or eliminate funding for fair process proceedings based on the nature of the charges. Rather *The Discipline* requires annual conferences to expend funds to ensure that all complaint proceedings, including those involving human sexuality, are fair and orderly.

This section of the resolution is Unconstitutional. Under the Constitution of the United Methodist Church, only the General Conference has the authority to change trial process, including assigning a body within the Church with financial oversight over fair process proceedings. Indeed, the General Conference alone is charged with “provid[ing] a judicial system and a method of judicial procedure for the Church, except as herein provided.” *Constitution* ¶ 16(7). Given this broad expression of legislative authority, jurisdictional and annual conferences are preempted from enacting resolutions that would infringe upon *The Discipline’s* fair and orderly judicial procedures. (JCD 736 [holding that annual conferences “may not adopt provisions in their sexual harassment policies and procedures which ... violate or conflict with fair process”]). Restrictions on fair process funding would also substantially interfere with the constitutionally protected “privileges of our clergy of right to trial by a committee and of appeal,” which cannot be abolished. *Constitution* ¶ 20. The “be it further resolved” would also negate, ignore and violate these provisions in the Constitution.

RULING

The Judicial Council affirms Bishop Webb’s ruling of law that Resolution UNYAC2019.2 adopted by the Upper New York Conference on June 7, 2019. The first part (1) is in order, and the second (2) part is null and void.

1. The therefore be it resolved that the Upper New York Annual Conference (UNYAC) condemns the decision of the 2019 General Conference to pass the Traditional Plan and apologizes for the harm that it has caused LGBTQIA+ persons, their families, their friends, and the body of Christ. We affirm that all persons are individuals of sacred worth, created in the image of God, but we also assert and affirm that no human being is incompatible with Christian teaching is a statement of disagreement, aspirational in nature and does not negate, ignore or violate *The Book of Discipline of The United Methodist Church, 2016*.

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Lidia Romao Gulele was absent.

Warren Plowden, first lay alternate, participated in this decision.

November 1, 2019