

SUBJECT TO FINAL EDITING

JUDICIAL COUNCIL OF THE UNITED METHODIST CHURCH

DECISION NO. 1392

IN RE: Review of a Bishop's Ruling on a Question of Law in the North Texas Annual Conference Concerning Whether the Adopted One Church Resolution Negates, Ignores or Violates *The 2016 Book of Discipline*.

DIGEST

The bishop's decision of law is affirmed. The resolution, though it highlights the One Church Plan, is aspirational. The resolution is merely expressing disagreement with the current language of the Discipline and it merely expresses aspirational hopes. There is no positive statement urging disobedience to the church's clearly stated position on issues of sexuality – homosexuality, LBGTQIA+ and same sex marriage.

STATEMENT OF FACTS

The records submitted reflect the following:

On Tuesday, June 4, 2019, during the afternoon session of the North Texas Annual Conference, a clergy member of the conference and one of the sponsors of the resolution entitled "One Church Resolution", moved for the adoption of the resolution. The resolution read as follows:

WHEREAS the One Church Plan provides a generous unity that gives conferences, church, and pastors the flexibility to uniquely reach their missional context without disbanding the connectional nature of the United Methodist Church and

WHEREAS in the One Church Plan, no annual conferences, bishops, congregations, or pastors are compelled to act contrary to their convictions and

WHEREAS the plan grants space for traditionalists to continue to offer ministry as they have in the past; space for progressives to exercise freely a more complete ministry with LGBTQ persons, and space for all United Methodists to continue to coexist without disrupting their ministries and

WHEREAS the One Church Plan removes the language from The Book of Discipline used in the United States that restricts pastors and churches from conducting same-sex wedding and annual conferences from ordaining self-avowed practicing homosexual persons. It adds language that intentionally protects the religious freedom of pastors and churches who choose not to perform or host same-sex weddings and Boards of Ordained Ministry and bishops who choose not to credential or ordain self-avowed practicing homosexual persons.

THEREFORE BE IT RESOLVED that as people of the North Texas Conference we aspire to behave as One Church Congregations and Conference.

BE IT FURTHER RESOLVED that:

We will pray for one another

We will allow for contextual ministry and pastoral care and not impede the work of others in ministry

We will seek to find common ground and actively be in ministry with people who are different from us

We will not speak ill of one another and we will model that all people are of sacred worth.

The motion was seconded. During the ensuing debate a clergy delegate requested for the resolution to be ruled out of order. Bishop Michael McKee refused to rule the resolution out of order. He stated as reason that the sponsors had made it clear that the resolution was aspirational.

An editorial amendment to the resolution was proposed. The amendment was accepted and passed. The vote tally for the resolution was 591 – yes; 144 – no; and 11 abstained. The vote passed.

The bishop stated that he had a request for a decision of law as follows:

Regarding the One Church Resolution submitted to the North Texas Annual Conference: Is that Resolution legal since it seeks to “negate, ignore or violate provisions of the Discipline with which they disagree. JCD 886.

On July 2, 2019, Bishop McKee gave his ruling of law, declaring the resolution to be legal; that it did not negate, ignore or violate the Book of Discipline; and that it was aspirational. No briefs were filed.

JURISDICTION

The Judicial Council has jurisdiction under ¶¶ 51 and 56.3 of the Constitution and under ¶2609.6 of *The Book of Discipline of The United Methodist Church, 2016* (hereinafter *The Discipline*).

ANALYSIS AND RATIONALE

The Book of Discipline is the law of the Church that regulates every phase of the life and work of the Church. Decision 96 made clear the principle that *The Discipline* is the only authoritative book of law of the Church. All actions of a jurisdictional or annual conference must be faithful to and consistent with *The Discipline*. A jurisdictional or annual conference may express disagreement with other bodies of The United Methodist Church, but it is still subject to the Constitution, *The Discipline* and the decisions of the Judicial Council. See JCD 1120.

In a long line of decisions the Judicial Council has upheld and reaffirmed 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. See JCDs 1044, 1052, 1111. This body also ruled that a resolution or declaration is

considered aspirational as long as it is not “prescriptive”, that is, does not demand or encourage actions that are contrary to Church law. JCD 1340.

The current controlling principle is that a conference – jurisdictional, central, or annual - resolution may express disagreement with the current language of *The Discipline* and may express aspirational hopes, but a conference may not legally negate, ignore or violate provisions of *The Discipline*, even when disagreements are based upon conscientious objection to those provisions.

Three sets of petitions were submitted by various members of the Commission on a Way Forward: the One Church Plan; the Connectional Conference Plan; and the Traditional Plan. On February 26, 2019, the Special Session of General Conference passed by a vote of 438 to 384 the amended Traditional Plan.

The One Church Plan sought to add to the Book of Discipline by changing many provisions that relate to homosexuality. The proposed changes included changes to ¶¶ 161.C, 161.G, and the footnote to ¶ 310.2(d) and sought to change the definition of marriage by substituting the phrase “between two adults” for “between a man and a woman” and “heterosexual”. It also sought to amend ¶ 304.3 by retaining the first sentence of the current provision but removing the prohibition on ordaining, certifying and appointing self-avowed practicing homosexual persons.

The resolution, though it highlights the One Church Plan, is aspirational. The resolution is merely expressing disagreement with the current language of *The Discipline* and it merely expresses aspirational hopes. There is no positive statement of disobedience to the church’s clearly stated position on issues of sexuality – homosexuality, LBGTQIA+ and same sex marriage.

The resolution of the North Texas Annual Conference is a permissible statement of mere disagreement. The resolution does not negate, ignore and limit the Discipline as reflected in current disciplinary language.

The resolution is legal.

DECISION

The bishop’s decision of law is affirmed. The resolution, though it highlights the One Church Plan, is aspirational. The resolution is merely expressing disagreement with the current language of the Discipline and it merely expresses aspirational hopes. There is no positive statement urging disobedience to the church’s clearly stated position on issues of sexuality – homosexuality, LBGTQIA+ and same sex marriage.

Lidia Romao Gulele was absent.

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

Øyvind Helliesen was absent and did not participate in this decision.

Angela Brown, second clergy alternate, participated in this decision.

November 1, 2019