

SUBJECT TO FINAL EDITING

JUDICIAL COUNCIL OF THE UNITED METHODIST CHURCH

DECISION NO. 1399

IN RE: Review of a Bishop's Ruling on a Question of Law in the Mountain Sky Annual Conference Regarding the Legality of the Resolution *All Are Welcome*.

DIGEST OF CASE

The Decision of Law of Bishop Karen Oliveto is affirmed.

STATEMENT OF FACTS

At its regular session, on June 15, 2019, the Mountain Sky Annual Conference passed Resolution MSC-10, entitled "All Are Welcome," which states:

Whereas, The Mountain Sky Conference of The United Methodist Church and its antecedent bodies have been intentionally inclusive, purposefully collaborative, creatively experimental, boldly diverse, and outwardly focused for more than 100 years;

Whereas, we encourage diverse ministry settings, a gracious approach to contextual ministry, and a rich theological dialogue;

Whereas, following the wisdom of 1 John, we choose to love well and trust that perfect love casts out fear;

Whereas, we are convinced it is not necessary to think alike in order to love alike; Whereas, we have been ordaining the people of God into representative ministry without regard for sexual orientation since 1982;

Whereas, we have been blessed by the leadership of Bishop Karen Oliveto, the first openly lesbian bishop in the United Methodist connection; and

Whereas, we find the punitive and prohibitive language of the Traditional Plan adopted at the 2019 General Conference not in keeping with Christian teaching; now, therefore, be it

Resolved, That we, the members of the Mountain Sky Conference of The United Methodist Church, cannot and will not comply with the strict requirements of the Traditional Plan adopted at the 2019 General Conference;

Resolved, That we reject and will not enforce the punitive and exclusionary policies in The Book of Discipline focused against gay and lesbian persons, their partners, allies, or their friends as a faithful, biblical witness to the love of God revealed in Jesus Christ;

Resolved, That we will welcome all persons into the full life of our congregations and annual conference, regardless of gender identity, sexual orientation, or where they are on their faith journey;

Resolved, That we will support the clergy of the Mountain Sky Conference who, as a matter of Christian conscience and pastoral faithfulness, choose to conduct

same-sex unions and that we will take no disciplinary action against them on this matter;

Resolved, That we will affirm calls to ministry based solely on the discernment of the gifts and graces necessary to fulfill that call;

Resolved, That we will work to build God's Beloved Community, a connection that has room for all and condemnation for none, among persons of good will that the Reign of God may come upon the earth; and

Resolved, That we will commit ourselves to robust and thorough dialogues of life and faith, and to building bridges of understanding and trust between persons who have been divided on this issue, that our common love of God in Christ may be affirmed, lived out, and witnessed to the world.

Resolved, That we will embrace and support the desires of churches who choose not to perform same sex marriages or desire not have LGBTQIA+ persons as clergy as requested by the local church without repercussions or decreased level of support from the annual conference.

The request for a Decision of Law posed the following question:

In light of paragraph 604 of *The Book of Discipline* which states, "The annual conference, for its own government, may adopt rules and resolutions not in conflict with the Discipline of the [sic] United Methodist Church..." and in light of Judicial Council Decision No. 1120 (October 30, 2009), which states that "...an annual conference may not legally negate, ignore, or violate provision of the Discipline, even where disagreements are based upon conscientious objection to those provisions...", is it lawful for the Mountain Sky Conference of the [sic] United Methodist Church to consider and adopt petition MSC-10?

Within thirty days, on July 11, 2019, Bishop Karen Oliveto issued her Decision of Law, in which she ruled:

With sincere regret and shared pain, I am forced to rule that actions 1, 2, and 4 are contrary to the Book of Discipline and out of order. However, the remaining petition is in order and remains lawful.

JURISDICTION

The Judicial Council has jurisdiction under ¶¶ 51, 56.3, and 2609.6 of *The Book of Discipline of The United Methodist Church, 2016* [hereinafter *The Discipline*].

ANALYSIS AND RATIONALE

In its long-standing jurisprudence, the Judicial Council has stated that annual conferences may not legally negate, ignore or violate provisions of *The Discipline* with which they disagree even when the disagreements are based upon conscientious objection to those provisions. JCD 96, 886, 1044. Annual conferences may express an aspiration or a prophetic appeal for a change in Church Law, JCD 1262, but not encourage actions that violate Church law. JCD 1292. However, an annual conference may adopt a resolution on human sexuality that is aspirational in nature. JCD 1120. 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. Actions 1, 2, and 4 are not aspirational, since they openly call for and encourage violating provisions of *The Discipline* related to human sexuality. Based on those principles, Bishop Oliveto was correct in ruling that actions 1, 2, and 4 of Resolution MSC-10 were unlawful and that the remainder could be upheld as aspirational.

RULING

The Decision of Law of Bishop Karen Oliveto is affirmed.

Lidia Romao Gulele was absent.

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

November 1, 2019