

Bishop's Report To The Judicial Council Of The United Methodist Church

1. This is the form which the Judicial Council is required to provide for the reporting of decisions of law made by bishops in response to questions of law submitted to them in writing during the regular business of a conference session. The reporting of such decisions is mandatory, whether or not they are appealed. (See ¶¶ 56, and 2609 of 2008 *The Book of Discipline*, and Judicial Council *Decision* 153, ¶ 3 under "jurisdiction.")

2. This form may also be used to report decisions on questions of law when such decisions are appealed by one-fifth of the members of the conference. (See ¶¶ 56 and 2609 of 2008 *The Book of Discipline*, and Judicial Council *Decision* 153, ¶ 2 under "jurisdiction.")

Please check whether this report is under 1 or 2

Report of an episcopal decision made by Bishop **Jeremiah Park**

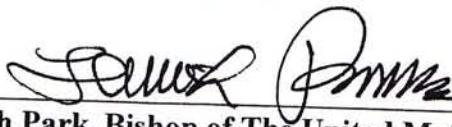
during the session of the **New York** Conference, meeting at **Hofstra University, Hempstead, New York**, on Friday, June 8, 2012.

Subject: Request for decision of law as to whether resolution 2012-305 of the New York Annual Conference violates paragraphs 161f, 304.3, 341.6, and 2702.1 (b,e) of the 2008 *Book of Discipline*.

Please attach the following relevant documents and information:

If under No. 1 - The text of the written request for decision; the decision, and, optionally, the reasoning behind it; notation of appeal, if taken; pertinent background information, etc.

If under No. 2 - The parliamentary situation; the decision, and, optionally, the reasoning behind it; transcript of the appeal taken; pertinent background information, etc.

Signed 
Jeremiah Park, Bishop of The United Methodist Church

Date mailed to the Secretary of the Judicial Council June 26, 2012

Required copies to:

Rev. F. Belton Joyner, Jr., Secretary of the Judicial Council (13 Copies)

Bishop Jeremiah Park (1 Copy)

Rev. John Roy (1 Copy) (maker of the request for decision of law)

DR. Dorothee Benz (1 Copy) (for MIND, submitter of original petition to Conference)

MR. Lawrence H. Mc Gaughy (1 Copy) (Conference Chancellor)

Submitted by John Roy

I request the Bishop issue a decision of law on the following question of law: Is Petition 2012-305 - The Spiritual Crisis Caused by the Requirement to Discriminate - unlawful, void and of no force or effect because it legally negates, ignores and/or violates provisions of the 2008 Book of Discipline of the United Methodist Church including, but not limited to Paragraphs 161(F), 304.3, 341.6, and 2702.1 (b, e). See Judicial Council Decisions 886, 1105, 1111, 1115, 1120, 1178, 1185 and 1201.



JEREMIAH J. PARK
RESIDENT BISHOP

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Bishop Jeremiah J. Park's Decision of Law regarding New York Annual Conference Item 3009 Petition 2012-305 adopted on June 8, 2012

DECISION OF LAW

Petition 2012-305 does not violate ¶¶ 161f (Social Principles, human sexuality), 304.3 (qualifications for ordination), 341.6 (ceremonies that celebrate homosexual unions) nor the chargeable offenses delineated in 2702.1(b) and (e) of the 2008 *Book of Discipline*.

Judicial Council Decision 1120 has a very succinct and clear statement of the principles which govern the review of Annual Conference resolutions passed in opposition to the provisions of the United Methodist Book of Discipline which restrict the rights of lesbian, gay, bisexual and transgendered persons:

The 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 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 Decision 886 the Judicial Council announced 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.

Judicial review of an annual conference resolution requires an intensive fact specific examination of the text of the annual conference resolution, and a clear understanding of the context of the annual conference debate. The context of the debate is normally supplied by a complete and comprehensive record of annual conference proceedings. The Judicial Council has reviewed numerous resolutions adopted by annual conferences concerning the issue of human sexuality. Judicial Council jurisprudence on this issue is not a model of clarity. Nevertheless, the current state appears to be that a resolution may *express disagreement* with the current language of the Discipline and may *express its*

aspirational hopes, but an annual conference may not legally negate, ignore or violate provisions of the Discipline, even when the disagreements are based upon conscientious objection to those provisions. (Emphasis added.) (Judicial Council Decision 1120)

In petition 305, in the first Be It Resolved, the Conference declares “its passionate opposition” to the position in Church law that restricts the rights of LGBT people. This expresses disagreement with the current language of the Discipline only, but it does not negate, ignore or violate provisions of the Discipline. (See Decision 1044)

In the second Be It Resolved, the Annual Conference acknowledges the pain of the Church’s discrimination against LGBT people, and acknowledges the historical fact that the clergy have acted as a matter of conscience in accordance with declarations and resolutions of the annual conference. This in no way challenges the previous decisions of the Judicial Council that clergy actions which violate the Discipline are not excused because they are taken as acts of conscience. Neither have the many previous resolutions of the Annual Conference referred to in this Resolution, but not the subject of this Request for a Ruling of Law, negated, ignored or violated provisions of the *Discipline*. Rather, they have all been pronouncements of disagreement.

In the third Be It Resolved, the Resolution states the enormous conflicts placed on the clergy of the UMC who disagree with the current language of the Discipline which restricts the rights of LGBT people. It recites those conflicts, naming first the binding nature of the Book of Discipline, together with their personal consciences. However, in so naming the conflict, the Resolution contains no call to action to clergy to be disobedient.

Finally, in the fourth and last Be It Resolved, the Resolution again makes a mere statement of fact that punitive actions against these historic expressions risk causing harm to many persons.

In sum, while representing the extreme pain and hurt that many members of the Annual Conference felt in the aftermath of the actions of the 2012 General Conference on these issues, the Resolution does not violate ¶¶ 161(F), 304.3, 341.6 and 2702.1, it never advocates disobedience, and the provisions of the Discipline which it opposes are not negated, ignored or violated.