

Docket 1012-16

**Brief of *Amicus Curiae* by Methodists In New Directions
in Support of New York Annual Conference Resolution
2012-305—“The Spiritual Crisis Caused
by the Requirement to Discriminate”**

*IN RE: Review of a Bishop’s Decision of Law in the New York Annual
Conference Regarding the Resolution “The Spiritual Crisis Caused
by the Requirement to Discriminate” in Light of
¶¶ 161f, 304.3, 341.6, and 2702.1(b, e)*

Submitted by:

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*On Behalf of Methodists
In New Directions (MIND)*

I. Introduction

Petition 2012-305 (actually a resolution and referred to hereinafter as the “Resolution”) in the case at bar arose out of two sources: the deep pain and frustration experienced by LGBTQI persons and their allies in the wake of the 2012 General Conference in Tampa, Florida, and a recognition that the New York Annual Conference needed to go on record once again to detail its historical opposition to discrimination in The United Methodist Church against LGBTQI persons in all of its forms.

Because, at its base, that is what this resolution is: an historical record and recognition of fact. It is nothing new and in it is nothing which violates *The Book of Discipline of The United Methodist Church (2008)* (the “*Discipline*”), as discussed herein. Rev. John Roy’s Question of Law, which is in itself a non sequitur because it takes lines of the resolution out of context in an almost absurd fashion, identifies nothing in the resolution which negates, ignores or violates the *Discipline*. The statements in the resolution which Rev. Roy has identified are aspirational in nature, factual in nature, or historical in nature. This Judicial Council has already recognized that aspirational resolutions may disagree with the *Discipline* so long as they do not negate, violate, or ignore its provisions. Moreover, there is no harm to the *Discipline* or its ability to be enforced if a resolution characterizes facts and history in a particular way, especially as they relate to the history of affirming non-discrimination with respect to LGBTQI persons in the New York Annual Conference, as Bishop Park ably noted in his Decision of Law in this case.

II. Factual Background

The resolution adopted overwhelmingly by the plenary session of the New York Annual Conference contained four (4) “Resolved” clauses:

RESOLVED, that the New York Annual Conference reaffirm its historic commitment to the civil and ecclesiastical rights and privileges of all persons, including LGBT persons, and declare its passionate opposition to continued

distinctions of church law that restrict the rights and privileges of LGBT people in the United Methodist Church; and

BE IT FURTHER RESOLVED, that the New York Annual Conference, acknowledging the grave pastoral crisis facing the church at all levels with regard to the pastoral care of LGBT people, acknowledge that clergy, lay persons and congregations encountering institutional discrimination that inhibits equal access to the means of grace for all persons may feel bound by conscience to offer the ministries and sacraments of the church to all persons on an equal basis. Those who so act according to conscience do so in a way that is consistent with the long-standing principled declarations of this annual conference; and

BE IT FURTHER RESOLVED, that the New York Annual Conference acknowledge that leaders of the conference, including cabinet members, bishops and members of boards and agencies of the annual conference, while bound by the *Book of Discipline*, are also bound to exercise their consciences and are bound by Jesus's commandment to stand with the marginalized and the oppressed in our midst when called upon to enforce unjust laws, policies and procedures to the detriment of gay, lesbian, bisexual or transgender individuals wishing to participate fully in the life of the United Methodist Church and those who minister faithfully to them; and

BE IT FURTHER RESOLVED, that the conference recognize that individuals who take punitive actions against others for offering the sacraments and rituals of the church on an equal basis do so contrary to the historic expression of the New York Annual Conference at the risk of causing grave harm to LGBT persons, their loved ones, their sisters and brothers in Christ, faithful clergy and the annual conference itself.

If there were ever any question as to the propriety of the Resolution before the New York Annual Conference session, that was erased when the Resolution was amended from the floor by Rev. Scott Summerville. His amendment recognized that “[w]hile bound by the *Discipline*,” Bishops, District Superintendents, clergy, and laity are also agents of conscience bound to exercise their consciences. This does not encourage those individuals to violate the *Discipline*; it merely states a fact: they are individuals with individual conscience and bound to their conscience as well as the *Discipline*.

The specific request by Rev. John Roy was anomalous and non-contextual. This is the specific request as included in the Annual Conference Session Minutes:

A motion was brought forth by John Roy saying: “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. This pertains to lines 18, 19¹ and 30² on page 48 of the Preconference Reports and Petitions.

Taken out of context, lines 18, 19, and 30 mean nothing and most certainly do not ignore, negate, or violate the disciplinary paragraphs and Judicial Council decisions Rev. Roy identifies.

III. Legal Analysis

A. The original, specific Request for a Decision of Law Made on the floor of the plenary annual conference session was a non sequitur, referencing only Lines 18, 19 and 30 on page 48 of the Pre-Conference Journal; these lines within themselves do not negate, ignore, or violate the *Discipline*

Lines 18-19 state the following: “...ecclesiastical rights and privileges of all persons including LGBT persons and declare its passionate opposition to continued distinctions of Church law that restrict the rights and privileges of LGBTI people in The United Methodist...”

In and of itself, that language does not negate, ignore, or violate the *Discipline*. It merely

¹ The request seems to lack any context. Lines 18-19 of the Resolution as contained on page 48 in the Preconference Reports and Petitions states the following: “...ecclesiastical rights and privileges of all persons, including LGBT persons, and declare its passionate opposition to continued distinctions of Church law that restrict the rights and privileges of LGBT people in The United Methodist...” The full “THEREFORE BE IT RESOLVED” paragraph, on lines 17-20 of page 48 reads as follows: “THEREFORE BE IT RESOLVED, that the New York Annual Conference reaffirm its historic commitment to the civil and ecclesiastical rights and privileges of all persons, including LGBT persons, and declare its passionate opposition to continued distinctions of Church law that restrict the rights and privileges of LGBT people in The United Methodist Church,....”

² Line 30 on page 48 of the Preconference Reports and Petitions likewise lacks any context: “...midst when called to enforce unjust laws, policies and procedures to the detriment of gay, lesbian, bisexual or...” The full “RESOLVED” paragraph—as adopted and amended by the Annual Conference plenary session-- on lines 27-32 of the Resolution, reads: “BE IT FURTHER RESOLVED, that the New York Annual Conference acknowledge that leaders of the Conference, including cabinet members, bishops and members of boards and agencies of the annual conference, while bound by *The Book of Discipline*, are also bound to exercise their consciences and are bound by Jesus’s (sic) commandment to stand with the marginalized and the oppressed in our midst when called upon to enforce unjust laws, policies and procedures to the detriment of gay, lesbian, bisexual or transgender individuals wishing to participate fully in the life of The United Methodist Church and those who minister faithfully to them,...

expresses aspirational disagreement with the *Discipline* which is permissible. *See Judicial Council Decisions 913, 1021, 1028, 1044.*

Line 30 states: “...midst when called to enforce unjust laws, policies and procedures to the detriment of gay, lesbian, bisexual or...” Again, this line, in and of itself, does not negate, ignore, or violate the *Discipline*. It recognizes the principles present in ecclesiastical jurisprudence in this denomination: in the event of a complaint, just resolution “...in the hope that God’s work of justice, reconciliation and healing may be realized in the body of Christ.” ¶ 361.1, *Discipline*. “A just resolution is one that focuses on repairing any harm to peoples and communities, achieving real accountability by making things right insofar as possible and bringing healing to all the parties.” ¶ 361.1, *Discipline*. As Judicial Council Decision 1115—one of the decisions cited by the petitioner—determined itself: “In so far as the resolution expresses hope that disobedience to the order of the Church would be dealt with compassionately, the Bishop’s decision is in keeping with ¶ 361 and is affirmed.” *See Judicial Council Decision 1115*. Moreover, as the Bishop’s ruling in this case recognizes, while reciting the conflicting feelings clergy have who are bound by the *Discipline*, the entire third “Be It Resolved” clause recognizes the binding nature of *The Book of Discipline*. Therefore, it is entirely proper and does not negate, ignore, or violate the *Discipline*. If the Resolution were to be read as a whole, there is most definitely recognition that clergy cannot blithely ignore, negate, or violate the *Discipline* without consequence: The *Discipline* most certainly, if unfortunately, controls.

B. The first “Be It Resolved” of the Resolution expresses disagreement with the *Discipline*—which is permissible—but does not negate, ignore, or violate provisions of the *Discipline* (see *Judicial Council Decision Nos. 913, 1021, 1028, and 1044*)

There are two principles at work here that justify upholding the Resolution in its entirety:

1) The Resolution is aspirational in nature and, while expressing disagreement with the *Discipline*, does not negate, ignore, or violate provisions of the *Discipline* (see *Judicial Council Decision Nos. 913, 1021, 1028, and 1044*); and 2) The Resolution states the historical expressions of the New York Annual Conference and reflects statements of fact regarding New York Annual Conference positions which do not in and of themselves negate, ignore, or violate provisions of the *Discipline* (See *Judicial Council Decision No. 1021*). Merely expressing disagreement with the current language of the *Discipline*, as Bishop Park noted in his Decision of Law, does not negate, ignore, or violate provisions of the *Discipline*. Citing *Judicial Council Decision No. 1044*.

C. The second “Be It Resolved” of the Resolution acknowledges historical facts—which is permissible (see *Judicial Council Decision No. 1021*) but in no way challenges previous decisions of the Judicial Council nor does it excuse clergy for acts of conscience taken in violation of the *Discipline*

Merely stating an historical fact, that clergy will often act according to their consciences in making available the sacraments and rites of the Church does not in and of itself ignore, negate or violate provisions of the *Discipline*. As Bishop Park correctly noted in his Decision of Law regarding this portion of the Resolution: “...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.” See “Bishop’s Report to the Judicial Council of The United Methodist Church.” In Decision 1021, this Council recognized that a petition which was merely an historical statement which does not legally negate, ignore, or violate provisions of the *Discipline* were proper. *Judicial Council Decision No. 1021*. As the Judicial Council went on to

say, and the same could be said here, “The petition has no prescriptive force.” *Id.* We are not telling anyone to violate the *Discipline* nor are we prescribing violations of the *Discipline*; we are recognizing that there are those who have and will do so.

Moreover, making a commitment to be in ministry with all of God’s children is perfectly consistent with the *Discipline*. Paragraph 214 of the *Discipline* states: “[a]ll people may attend its [The United Methodist Church] worship services, participate in the programs, receive the sacraments and become members in any local church in the connection...” ¶ 214 (*cited in Judicial Council Decision 1028*). Decision 913 involved a resolution that expressed a similar sentiment that was upheld by this Judicial Council. There, the resolution expressed, in part, that “[w]e will continue to be in ministry with all of God’s children and celebrate the gifts diversity brings.” The Judicial Council determined the following

There is nothing in the resolution which violates the *Discipline* or Decision 911. Members of The United Methodist Church are not of one mind on the issue of homosexuality but we need to continue to be in dialogue with each other on the subject. Further, our Social Principles commit us to be in ministry with all persons. Par. 161.g of the 2000 *Discipline* states in part:
...Homosexual persons no less than heterosexual persons are individuals of sacred worth. All persons need the ministry and guidance of the church in their struggles for human fulfillment, as well and (sic) the spiritual and emotional care of a fellowship that enables reconciling relationships with God, with others, and with self... We commit ourselves to be in ministry for and with all persons.

We commit ourselves to be in ministry for and with all persons. That is the goal of this resolution. That is the goal of The United Methodist Church. That should be a goal we all embrace.

We are therefore hopeful that this Judicial Council recognizes that LGBTQI persons are entitled to the sacraments of the Church, those sacraments being baptism and the Lord’s Supper. We are hopeful that there is recognition that there is equal entitlement to all to the means of grace through these sacraments.

Where there may be understandable disagreement is whether LGBTQI persons should be entitled to all of the rites of the Church, such as same sex marriage. Methodists in New Directions, the *amicus curiae* in this case, believes they should be. But even having said that, we would not go so far as to say that offering the rites of the Church such as marriage for same-sex couples on an equal basis does not violate the *Discipline*. And this Resolution does not say that either. That is why it does not ignore, negate, or violate the provisions of the *Discipline* cited by Rev. Roy.

Rev. Roy cites Decision 1115. The resolution in that case stated: “Therefore, be it resolved that we recognize the pastoral need and prophetic authority of our clergy and congregations to offer the ministry of marriage ceremonies for same-gender couples.” *Judicial Council Decision No. 1115*. There are essentially two rulings contained in that decision: 1) “[i]n so far as the resolution expresses hope that disobedience to the order of the Church would be dealt with compassionately, the Bishop’s decision is in keeping with ¶ 361 and is affirmed;” and 2) “[i]n so far as the portion of the resolution which expresses support of conduct which is prohibited in ¶ 341.6, the Bishop’s ruling is reversed.” *Id.* In this case, there is quite a different resolution, wholly aspirational in nature, recognizing the pastoral crisis facing the church regarding the pastoral care of LGBTQI people. There is a recognition that some persons may violate the *Discipline* by making the sacraments and rites of the Church available on an equal basis.. And there is recognition that this is consistent with the New York Annual Conference’s declarations on the subject. But to say that the Resolution ignores, negates, or violates the *Discipline* would be false. People who violate the *Discipline* violate the *Discipline*. They are subject to and bound by its provisions, as the entirety of this Resolution states. This Resolution does not ignore or negate that fact.

D. The third “Be It Resolved” again acknowledges a fact—the conflict clergy of The United Methodist Church experience who disagree with the current language of the *Discipline* but nonetheless must follow it—but does not require or encourage clergy in any way to exercise disobedience to the *Discipline*

The arguments *supra* once again apply. Merely stating an historical statement has no prescriptive force which requires that anyone negate, ignore, or violate the provisions of the

Book of Discipline. We are acknowledging that persons are placed in an enormous conflict of conscience by denying LGBTQI persons full access and participation in the Church. We acknowledge that persons have consciences. But we never state that these same persons are not bound by *The Book of Discipline*. In fact, there is a clause in the Resolution that says that persons,

“...**while bound by the *Book of Discipline***, are also bound to exercise their consciences and are bound by Jesus’s (sic) commandment to stand with the marginalized and the oppressed in our midst when called upon to enforce unjust laws, policies and procedures to the detriment of gay, lesbian, bisexual, transgender or intersex individuals wishing to participate fully in the life of the (sic) United Methodist Church and those who minister faithfully to them...”

[emphasis added]. This resolution first names the binding nature of the *Book of Discipline* before recognizing a fact: the enormous burden placed upon persons who have a conscience and must enforce the *Discipline*. But it in no way is a call to disobedience or a call to violate the *Discipline* or even a recognition that the *Discipline* does not apply or would not be in force. It expresses the contrary. As Katherine Austin Mahle expressed in a persuasive concurring opinion: “There is no provision in the Discipline that prohibits an annual conference or a local church from declaring its mission consistent with the Book of Discipline.” *Judicial Council Memorandum No. 1200*.

E. The fourth and last “Be It Resolved” again makes a mere statement of fact: punitive actions against persons who exercise their consciences risk causing grave harm to many persons.

The very complaint process of The United Methodist Church recognizes that a punitive response—in lieu of a restorative justice model which is the goal—does risk causing grave harm to many persons. That is why Paragraph 361 is designed as it is: to insure that a just resolution is reached. See ¶ 361, *Discipline*. Justice tempered with mercy is the goal of our complaint

system, as recognized by this very Judicial Council. *See Judicial Council Decision 1115* (citing ¶ 361).

F. Aspirational resolutions, like the one in dispute in this case, are not binding and do not legally negate, ignore, or violate provisions of the *Discipline* with which it disagrees.

The petitioner cites Judicial Council Decision 1111, among others, for the proposition that this resolution seeks to negate, ignore, or violate provisions of the *Discipline*. However, this resolution is distinguishable from that involved in Decision 1111, which was offering up clergy to violate the *Discipline* by performing same-sex ceremonies. Such was considered an endorsement of conduct in violation of the *Discipline* and the Judicial Council considered it improper. But resolutions like this one, which are aspirational in nature and merely disagree with the *Discipline*, but do not violate it, are proper. As Decision 1111 notes:

An annual conference 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 the provisions. *See* Decision 911. The resolution in this case is distinguishable from those addressed in Decisions 913, 1021, 1028, and 1044. Those annual conference resolutions were aspirational in nature and did not constitute an annual conference endorsement of conduct that was in direct violation of the Discipline.

Judicial Council Decision No. 1111. Judicial Council Decision No. 1120 goes on to say:

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.

Judicial Council Decision No. 1120. Decision 1120 further surveyed the state of Church jurisprudence regarding aspirational resolutions:

In Decision 913 the Judicial Council affirmed a bishop's decision of law that was requested after the Desert Southwest Annual Conference adopted a resolution entitled "We will not be silent." The resolution was determined by the Judicial Council to be permissible because it did not contain language that negated, ignored or violated the *Discipline*. In Decision 1021, the Judicial Council affirmed a bishop's decision of law regarding a resolution in the Pacific Northwest Annual Conference that pledged to engage in respectful dialogue regarding differences of opinion. The decision was based on the fact that the resolution was an historical statement, was without prescriptive force and that it did not negate, ignore or violate the *Discipline*. In Decision 1044, the Judicial Council affirmed a bishop's decision of law regarding a previous resolution adopted by the Baltimore-Washington Annual Conference that pledged to model inclusive behavior in the acceptance of members into local congregations. The Baltimore-Washington resolution in that case was determined to be aspirational in nature and did not violate the *Discipline*. In Decision 1111, the Judicial Council considered a resolution from the California-Nevada Annual Conference that commended retired clergy who were willing to make themselves available to perform ceremonies that celebrate same sex unions and directed the Annual Conference to distribute the list of clergy to all local churches in the Annual Conference. Such a resolution was determined to be impermissible because it constituted an endorsement of actions that are prohibited and that constitute liability for a chargeable offense under the *Discipline*. We affirmed the bishop's decision of law that determined the resolution to be void and of no effect. In Decision 1115, we reversed a bishop's decision of law and determined that a resolution adopted by the California-Pacific Annual Conference was impermissible because it supported the need for pastors to offer ministry of marriage for same gender couples in ways that violate ¶ 341.6 of the *Discipline*.

Judicial Council Decision No. 1120. This resolution contains aspirations and statements of history and fact, not prescriptions to ignore, negate or violate the *Discipline*. It should be upheld.

G. Non-Binding Resolutions Are Just That—Non-Binding—And Do Not Require Clergy to Take Any Particular Action or Engage in Inaction of Any Sort that violates the *Discipline*

Decision 1021 recognized, as discussed *supra*, that "[t]he petition has no prescriptive force." Neither does this one. No one is required to engage in any particular action or inaction of any sort in violation of the *Discipline* as a result of this Resolution. Judicial Council member

Jon Gray described one such resolution in a concurrence as being worthy of Macbeth's commentary: "full of sound and fury signifying nothing." *Judicial Council Decision No. 1201*.

While we would not be so dismissive of our own Resolution, we would have to agree that no one is bound by it. It is a resolution, pure and simple, not a petition. It is descriptive, not prescriptive, in nature, and non-binding. As such, it does not ignore, negate, or violate the *Discipline*.

IV. Conclusion

In short, we respectfully pray that this Judicial Council uphold Bishop Park's well-reasoned Decision of Law regarding the Resolution, which recognized the aspirational, historical, and factual nature of the Resolution and likewise recognized that it did not ignore, negate, or violate the *Book of Discipline*.

Appendix “A”

Resolution 2012-305 from the 2012 New York Annual Conference: “The Spiritual Crisis Caused by the Requirement to Discriminate

WHEREAS, in his "Letter from Birmingham Jail," Dr. Martin Luther King Jr. wrote "Injustice anywhere is a threat to justice everywhere. We are caught in an inescapable network of mutuality, tied in a single garment of destiny. Whatever affects one directly, affects all indirectly"; and

WHEREAS, the nonviolent Civil Rights movement fought for justice and equality in civil and religious life in the United States with compassion and courage. Yet injustice continues to threaten us, in the United States and in the United Methodist Church; and

WHEREAS, the recognition of the full humanity, sacred worth and equal rights of gay, lesbian, bisexual, transgender and intersex people is crucial to the civil rights struggle of our time. Gay, lesbian and straight United Methodist laity and clergy are caught in an inescapable network of mutuality, tied in a single garment of destiny; and

WHEREAS, the continuing denial of full access to all the rights and privileges of church membership in the United Methodist Church is causing deep spiritual harm to our gay and lesbian brothers and sisters and is a threat to us all; and

WHEREAS, in his sermons "The New Birth" and "The Catholic Spirit," John Wesley taught that as long as we hold in common the essential elements of our faith, and as long as we unite in love, meaning that we love one another, that we commend each other to God in prayer, that we provoke each other to love and to good works, that we love each other not only in word but in deed and in truth, then our hearts are right and we should walk together hand in hand. Wesley further taught that differences of opinion ought not to tear this union of hearts asunder; and

WHEREAS, the forcible denial of rights and privileges to gay and lesbian persons through provisions in the *Book of Discipline* serves as shackles on pastoral care and ministry; and in their harshly punitive application these provisions of the *Discipline* are not only a grave injustice, they strike at our union in affection, challenge our ability to live amicably in disagreement and violate the sacred command to love our neighbors as ourselves; and

WHEREAS, for over three decades the New York Annual Conference of the United Methodist Church has taken a stand calling for the inclusion of God's gay and lesbian children in the full life of the church. It has affirmed that "sexuality is God's good gift to all persons" and that the diversity of that gift should bar no one from answering the call to ministry, from recognition of her or his covenantal relationships, or from membership in the church community. It has gone on record in support of equal rights for lesbian, gay, bisexual and transgender people in civil society; and

WHEREAS, in taking these positions at annual conference meetings and in petitions from the conference to the UMC's General Conferences, this annual conference has acted in opposition to the doctrinal prejudice and institutional discrimination enshrined in the UMC's *Book of Discipline*; and

WHEREAS, this annual conference intentionally and repeatedly embraced the name and mission of the "reconciling" movement. When the Judicial Council in 1999 prohibited conferences from labeling themselves as reconciling, our conference passed a resolution accepting that position but also renewing its commitment and support for reconciling United Methodists and the Reconciling Congregations Program. It has explicitly and repeatedly rejected the national church's assertion that homosexuality is "incompatible with Christian teaching"; and

WHEREAS, in 1972 the General Conference of the United Methodist Church enacted legislation inserting into our *Book of Discipline* abusive mischaracterizations of gay persons and subsequently added punitive regulations restricting equality in the United Methodist Church, and at every General Conference in the last 40 years, the voices of those wounded by these words and regulations have been raised, and the demand for justice has been pressed, but hearts have remained hardened, and the *Discipline's* prejudice has remained unchanged; and

WHEREAS, in 1978 the clergy of the New York Annual Conference meeting in executive session stood in solidarity with a gay brother, Paul Abels, the first United Methodist pastor to come out, and over the objections of the bishop declared him to be a full Elder in good standing, refusing to recommend for him a leave of absence; and

WHEREAS, year after year the New York Annual Conference has declared itself to be in opposition to the bias, discrimination, exclusion, and punitive spirit of the United Methodist Church in regard to its characterizations of LGBT people, its restrictions on their rights and privileges within the United Methodist Church, and the proscribing of the rights and duties of the clergy in ministering to all persons equally; and

WHEREAS, in 1999, the annual conference passed a resolution explicitly reflecting the conference's belief that the UMC policy barring the recognition or celebration of "homosexual unions" "inhibits appropriate pastoral freedom in grace to respond fully and completely to God's call to inclusive ministries" and urging conference members to accordingly exercise restraint in filing charges against clergy, and in the event of church trials, to devise penalties reflective of the conference's opposition to UMC policy; and

WHEREAS, in 2005, this annual conference passed a resolution that notes that "the *Book of Discipline's* assertion that 'the practice of homosexuality is incompatible with Christian teaching' is unfounded in Scripture, unsupported by the lessons of the Gospel and indeed, itself incompatible with Christian teaching" and recognizing that "individuals may be called to acts of conscience in response to God's call to inclusive community"; and

WHEREAS, in 2010, the New York annual conference passed a resolution explicitly reaffirming the 1999 resolution; urging clergy "to minister equally to all members of their churches and to consider the conference's call to inclusive ministries in deciding how to honor their congregants' covenantal commitments"; and further strengthened its lived efforts to foster inclusive ministries by recommending a penalty of one day paid leave for clergy convicted of blessing a gay or lesbian relationship; and

WHEREAS, in 2011 leading African-American United Methodist scholars issued a declaration challenging the United Methodist Church to embrace equality; Black Methodists for Church Renewal's national body declared its members to be opposed to the discriminatory policies of the United Methodist Church and urged their repeal; and the majority of retired bishops of the United Methodist Church made a similar declaration; and

WHEREAS, in 2011 the United States military abolished its discriminatory policies with the repeal of Don't Ask Don't Tell and New York State enacted marriage equality, following upon the legalization of gay marriage in Connecticut in 2008, making the entire New York Annual Conference an area in which persons of the same sex are legally free to marry; and

WHEREAS, in 2011 the New York Annual Conference passed a resolution once again affirming our longstanding support for the full inclusion of LGBT people in the United Methodist Church and committing the conference to take out ads in LGBT publications that state that our conference disagrees with the UMC's prejudiced views and policies and that we are working to change them; and

WHEREAS, despite threats of punitive actions by individuals opposed to the full rights of LGBT persons and despite the institutional pledge to enforce discrimination against LGBT persons in the United Methodist Church, LGBT people are finding welcoming places in the United Methodist Church and in the New York Annual Conference; they are finding clergy, laity and congregations embracing them joyfully as members of the body of Christ, as United Methodists in good standing and as gifted children of God entitled equally to all the ministries, ceremonies and sacraments of the church; and

WHEREAS, this welcoming spirit represents the future of the United Methodist Church and it brings to life our conference's decades-long commitment to inclusive ministry; and

WHEREAS, the United Methodist Church is facing a pastoral crisis wherein every clergyperson and every congregation has been or will be called upon to provide the full range of its ministries to LGBT persons, and the denial of such ministries wounds both those who are denied these means of grace and those who deny them; and

WHEREAS, significant numbers of laity and clergy have declared themselves unwilling to look into the eyes of conscientious and faithful people and deny them any of the ministries of the church on the basis of their sexual orientation; and

WHEREAS, the United Methodists Church cannot rightly claim to be a church of open hearts, open minds and open doors or to be a church that practices radical hospitality until our hearts, our minds, our doors and our polity truly are open to all;

THEREFORE BE IT RESOLVED, that the New York Annual Conference reaffirm its historic commitment to the civil and ecclesiastical rights and privileges of all persons, including LGBT persons, and declare its passionate opposition to continued distinctions of church law that restrict the rights and privileges of LGBTI people in the United Methodist Church; and

BE IT FURTHER RESOLVED, that the New York Annual Conference, acknowledging the grave pastoral crisis facing the church at all levels with regard to the pastoral care of LGBT people, acknowledge that clergy, lay persons and congregations encountering institutional discrimination that inhibits equal access to the means of grace for all persons may feel bound by conscience to offer the ministries and sacraments of the church to all persons on an equal basis. Those who so act according to conscience do so in a way that is consistent with the long-standing principled declarations of this annual conference; and

BE IT FURTHER RESOLVED, that the New York Annual Conference acknowledge that leaders of the conference, including cabinet members, bishops and members of boards and agencies of the annual conference, while bound by the *Book of Discipline*, are also bound to exercise their consciences and are bound by Jesus's commandment to stand with the marginalized and the oppressed in our midst when called upon to enforce unjust laws, policies and procedures to the detriment of gay, lesbian, bisexual or transgender individuals wishing to participate fully in the life of the United Methodist Church and those who minister faithfully to them; and

BE IT FURTHER RESOLVED, that the conference recognize that individuals who take punitive actions against others for offering the sacraments and rituals of the church on an equal basis do so contrary to the historic expression of the New York Annual Conference at the risk of causing grave harm to LGBT persons, their loved ones, their sisters and brothers in Christ, faithful clergy and the annual conference itself.

Passed June 8, 2012