

# JUDICIAL COUNCIL OF THE UNITED METHODIST CHURCH

## DECISION 1255

**IN RE: Review of a Bishop's Decision of Law in the New York Annual Conference Regarding the Application of ¶¶ 304.3, 341.6, and 2702 and Judicial Council Decisions 886, 1111, and 1115 to Petition Entitled "Commendation of Those Who Have Taken a Stand for Justice"**

### DIGEST

The decision of law by the Bishop is affirmed. The resolution as adopted is permissible because it is primarily a historical recounting of actions by others, is aspirational, and does not call for action that is contrary to the *Discipline*.

### STATEMENT OF FACTS

In its 2013 regular session, the New York Annual Conference adopted Petition Number 2013-310, which was titled "Commendation of Those Who Have Taken a Stand for Justice." The resolution is, in substance, a series of commendations directed toward specific individuals, both named and unnamed, who have provided pastoral care to same sex couples, who have performed ceremonies for same sex couples, and who have faced formal complaints as well as church trials for their actions.

A Lay Member of the Annual Conference, in the proper manner, requested that the Bishop make a decision of law, asking whether the adopted petition

violates *The Book of Discipline* Paragraphs 304.3, 341.6, and 2702 and Judicial Council Decisions 886, 1111, and 1115 and is therefore void.

The Bishop issued his decision of law in a timely fashion. The text of Bishop's decision, which was accompanied by an extended analysis of various Judicial Council decisions and precedents with possible bearing on the matter at hand, was brief:

Petition 2013-310 does not violate ¶¶ 304.3 (qualifications for ordination), 341.6 (ceremonies that celebrate homosexual unions) nor the chargeable offenses delineated in 2702 of the 2012 *Book of Discipline*.

### JURISDICTION

The Judicial Council has jurisdiction under ¶¶ 51 and 56.3 of the Constitution and under ¶ 2609.6 of the 2012 *Discipline* as modified by Decision 1244.

## ANALYSIS AND RATIONALE

Petitions like 2013-310 in the New York Annual Conference have repeatedly and continually been adopted by Annual Conferences in recent years, and they have been both repeatedly and continually brought to the Judicial Council through the mechanism of a request for a Bishop's decision of law. In its decisions, the Judicial Council has clearly shown that it is not a violation of Church law to aspire for changes to be made in church law. And the Judicial Council has consistently declared what Annual Conferences *cannot do*:

[A]nnual conferences may not legally negate, ignore, or violate provisions of the *Discipline* with which they disagree, even when the disagreements are based upon conscientious objections to those provisions  
(Decision 886)

[A] historical statement, without prescriptive force, which does not legally negate, ignore, or violate provisions of the *Discipline*, including the Constitution of The United Methodist Church [is permissible].  
(Decision 1021)

An Annual Conference 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.  
(Decision 1111)

An 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.  
(Decision 1120)

[A]n Annual Conference may not legally negate, ignore or violate provisions of the *Discipline* with which they disagree even when the disagreements are based upon conscientious objections to those provisions.  
(Decision 1185)

[A]n historical and aspirational statement, without prescriptive force, which does not legally negate, ignore, or violate provisions of the *Discipline* [is permissible].  
(Decision 1218)

In Petition 2013-310, the New York Annual Conference took positions that left no question about the aspirations of the conference for changes to occur in church law. But it did so by commending those persons or groups who in words and actions have appeared to share those aspirations, including some who have been convicted in church trials that arose from complaints filed against them for their words and actions. It did so without prescribing actions that violate the *Discipline*, negate church law, or ignore the church

mechanisms for dealing with persons who violate church law.

The request for a decision of law cited specific paragraphs in the *Discipline*, asking the Bishop to rule whether Petition 2013-310 violates ¶¶ 304.3, 341.6, and 2702. The language of a petition cannot violate those provisions of church law, for the cited paragraphs describe behaviors by persons that are specifically prohibited. A petition is not a person. The only way it could violate church law is by prescribing actions that are themselves contrary to church law or by calling upon individuals to negate or ignore church law. The petition in this case commends persons who may or may not have engaged in proscribed behaviors, but it does not prescribe that others should engage in those behaviors nor does it advise others to negate or ignore church law in the *Discipline*.

Therefore, Petition 2013-310 of the New York Annual Conference complies with the provisions of church law and is within the boundaries established by Judicial Council precedents.

### **DECISION**

The decision of law by the Bishop is affirmed. The resolution as adopted is permissible because it is primarily a historical recounting of actions by others, is aspirational, and does not call for action that is contrary to *Discipline*.

Beth Capen recused and took no part in this decision.

Sandra Lutz, first lay alternate, participated in this decision.

Dennis Blackwell was absent.

Timothy K. Bruster, first clergy alternate, participated in this decision.

October 26, 2013