

SUBJECT TO FINAL EDITING

JUDICIAL COUNCIL OF THE UNITED METHODIST CHURCH

DECISION NO. 1416

IN RE: Review of a Bishop's Ruling on a Matter of Law in the Greater New Jersey Annual Conference as to the Legality of the Actions Approved by the Annual Conference at its October Special Session on the Way Forward.

DIGEST

The Judicial Council affirms the bishop's Decision of Law that recommendation #7 is null and void because it removes the discretion of the Cabinet to carry out their mandated responsibilities.

STATEMENT OF FACTS

At the March 2019 Greater New Jersey Annual Conference Special Session, held to review the actions of the 2019 Special Session of the General Conference, a team was created called the GNJ Way Forward Team which was formed to help GNJAC move forward in light of the tension and confusion which was permeating the United Methodist Church. The team gave a report at the May 2019 Annual Conference and provided updates to the conference after each of their meetings. A Special Session of the Annual Conference was held on October 26, 2019 to hear about the team's work. The Way Forward Team presented a written report in the pre-conference journal and an oral report at the Special Session. No action was taken whatsoever concerning the report itself except for 10 recommendations from the team which were presented for vote by the Annual Conference. These were discussed, two items were amended, and the members of the Conference voted approval. The 10 recommendations that was approved was:

1. Continue to resource congregational leaders to make disciples and grow vital congregations to transform the world.
2. Shepherd all congregations into the future recognizing our diversity of culture, ethnicity and belief.
3. Create sacred space for congregations to thrive in their context.
4. Seek to eliminate harm to the people in our communities and congregations.

5. Care for youth in our congregations and in our communities, who face discrimination, hatred and harm because of their sexuality and gender identity. Death by suicide is significantly higher among LGBTQ youth than among their heterosexual and cisgender counterparts. The Team calls all congregations to be sensitive and alert to the needs of youth in our congregations and community and to use the resources for LGBTQ youth found at gnjumc.org/protecting-children-and-youth/end-harm-to-youth.
6. Make available trained facilitators to assist interested congregations with conversations about ministry with LGBTQ persons and to develop covenants about ministry with the LGBTQ community as well as other missional commitments that empower contextual ministries of justice, mercy and peace.
7. Honor congregational covenants, particularly the cabinet when making appointments and working with congregations.
8. Engage someone to coordinate and resource the covenanting process for congregations.
9. Make training and coaching available, particularly in congregations where there are differences concerning human sexuality, so that each person can see that others matter just like they do.
10. Provide a web page for congregations to communicate that they are a welcoming congregation who affirms the full inclusion of LGBTQ people so that people from the community, especially LGBTQ people, can locate a congregation to worship with and participate in ministry.

Just before the conclusion of the conference, a pastoral member requested a decision of law from Bishop Schol:

Do the provisions of the Greater New Jersey Way Forward Report, as presented to or modified by this special session of the Greater New Jersey Annual Conference, negate, ignore, and/or violate provisions of the Book of Discipline, including those provisions which take effect on January 1, 2020, including, but not limited, to paragraphs 161G, 304.3, 304.5, 341.6, 362.1(c), 362.1e), 413.3c, 413.3d(i), 415.6, 613.19, 635.1(a), 806.9, 2701.5, 2702.1b, 2706.5.c.3, 2711.3, 2715.10, and thus are the provisions of the Greater New Jersey Way Forward Report, as presented to or modified by this special session of the Greater New Jersey Annual Conference, null and void pursuant to Judicial Council.

Bishop Schol announced that he has thirty days to rule on these. On November 11, 2019 Bishop Schol issued the following Decision of Law:

The Greater New Jersey (GNJ) Way Forward report was shared with the Special Session of the Greater New Jersey Annual Conference (GNJAC),

through the pre-conference journal, online at www.gnjumc.org and orally at the conference. Ten recommendations from the GNJ Way Forward Team were acted on by the Annual Conference and nine (9) of them are in concert with The Book of Discipline with paragraphs specifically affirming the concepts. The exception is #7 which violated The Book of Discipline in that it removes the discretion of the Cabinet to carry out their mandated responsibilities. The report itself was not adopted, approved, rejected, received nor modified by the Annual Conference. It was simply presented as a report and so there was no action that was or could be taken as to whether the report negated, ignored and/or violated The Book of Discipline (2016) as amended at the February 2019 Special Session of the General Conference.

Jurisdiction

The Judicial Council has jurisdiction under ¶ 2609.6 of the *2016 Discipline*.

Analysis And Rationale

Of the ten (10) recommendations that were approved by the Annual Conference, nine (9) are not in violation of the paragraphs in *The Book of Discipline 2016* [hereinafter *The Discipline*]. However, recommendation #7 is in violation of *The Discipline* because it states that the Cabinet shall “honor congregational covenants...when making appointments...”.

The Discipline, in ¶¶ 425 through 430, gives the Cabinet the appointment making responsibilities, and no one or anything can take that discretion away from them. Therefore, recommendation #7 is null and void.

Decision

The Judicial Council affirms the bishop’s Decision of Law that recommendation #7 is null and void because it removes the discretion of the Cabinet to carry out their mandated responsibilities.

Dennis Blackwell recused himself and did not participate in any of the proceedings related to this decision.

May 5, 2021

Concurring Opinion

An annual conference resolution or statement cannot prevent or impede the Cabinet’s Disciplinary mandates related to the appointment of clergy and I thus concur with that aspect of the majority’s holding regarding the bishop’s ruling, although the analysis of the legality of

other nine items should include the *context* of the nine points, pursuant to Judicial Council precedents. That being said, absent context the nine points on their face, limited to the written words on paper, do not in and of themselves appear to violate the Discipline. There are obvious concerns that some members of the annual conference had pursuant to the content of this annual conference special session (some of which is referenced in the dissents to JCD 1413 and 1414).

Beth Capen
May 5, 2021