

SUBJECT TO FINAL EDITING

JUDICIAL COUNCIL OF THE UNITED METHODIST CHURCH

DECISION NO. 1327

IN RE: Review of a Bishop's Decision of Law in the New England Annual Conference concerning the constitutionality and legality of a resolution titled "Action of Non-Conformity With the General Conference of The United Methodist Church."

DIGEST

The bishop's decision of law is affirmed.

STATEMENT OF FACTS

On Friday, June 17, 2016 in the regular session of the New England Annual Conference, the members of the Annual Conference adopted by a vote of 445 to 179 the following affirmation entitled "Action of Non-Conformity with the General Conference of the United Methodist Church":

The NEAC [New England Annual Conference] will not conform or comply with provisions of the *Discipline* which discriminate against LGBTQIA persons, including marriage (161.B), the incompatibility clause (162.F), ordination and appointments (304.3), homosexual unions (341.6), AC funding ban (613.19), GCFA funding ban (806.9), chargeable offenses pertaining to being "a self-avowed practicing homosexual" or to officiating at weddings for couples regardless of the sex of the partners (2702.1b, d).

The NEAC and its members will not participate in or conduct judicial procedures related to the *Discipline's* prohibitions against LGBTQIA persons.

The NEAC insists that any benefits available to clergy and employees and their families are available to all clergy and employees and their families, regardless of the sexes or genders of the partners, and requires the District Superintendents to inform all clergy under their supervision of this right.

The NEAC will realign its funding to reflect these commitments, using no reserve funds to pay for judicial procedures related to the *Discipline's* prohibitions against LGBTQIA persons, and instead requests the Connectional table and CCFA develop and fund programs of cultural competency, anti-racism, anti-ageism, anti-sexism, anti-oppression and anti-homophobia training at the conference and district levels, as well as for advocacy and implementation efforts related to the same.

Shortly after the passage of the affirmation, a clergy member of the conference requested a decision of law by the resident bishop as to the legality and constitutionality of the "Action of Non-Conformity" upon which the conference had just voted. Bishop Sudarshana Devadhar ruled on July 14, 2016 that the portion of the affirmation relating to the Social Principles is not a violation of law because the Social Principles

are not the law of the Church. The bishop ruled that all of the other paragraphs in the first paragraph of the affirmation violate *The Book of Discipline 2012* [hereinafter *The Discipline*] and are therefore violations of church law. The bishop further ruled that the second paragraph of the affirmation relating to conducting or participating in certain judicial procedures for certain offenses is reserved solely to the discretion of the bishop and not within the authority of the annual conference. The bishop noted in the ruling that the issue of benefits granted to clergy and employees and their families is not a violation of *The Discipline* and is within the discretionary purview of the annual conference. Finally, the bishop ruled that where the affirmation is in violation of *The Discipline*, the relevant statement about funding is also in violation of *The Discipline*. The Judicial Council is asked in this matter to review the decision of the bishop with respect to the legality and constitutionality of the relevant portions of the affirmation that the bishop ruled illegal and unconstitutional.

JURISDICTION

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

ANALYSIS AND RATIONALE

Paragraph 304.3 states clearly that “self-avowed practicing homosexuals are not to be certified as candidates, ordained as ministers, or appointed to serve in the United Methodist Church.” Paragraph 341.6 prohibits conducting of homosexual unions. Paragraphs 613.19 and 806.9 prohibit funding of the United Methodist Church to be directed to any use that would “promote the acceptance of homosexuality...”.

The portions of paragraph 1 of the affirmation that relate to certification, ordination, and appointment are in violation of ¶ 304.3. The provisions of the affirmation relating to homosexual unions violate ¶ 341.6. Similarly, the funding provisions of the affirmation violate ¶¶ 613.19 and 806.9. Thus, all of these portions of the “Action of Non-Conformity” are in direct violation of Church law and illegal under the relevant disciplinary provisions.

The bishop is affirmed in his decision that to refer certain offenses to a judicial proceeding is within the discretion of the bishop alone and not referred to the authority of the annual conference according to the provisions of ¶ 363 of *The Discipline*.

DECISION

The bishop's decision of law is affirmed.

Beth Capen was not present.

First lay alternate Warren Plowden participated in this decision.