

SUBJECT TO FINAL EDITING

JUDICIAL COUNCIL OF THE UNITED METHODIST CHURCH

DECISION NO. 1417

IN RE: Review of a Bishop's Ruling on a Matter of Law in the Greater New Jersey Annual Conference concerning the Legality of Recent Conference Actions as well as Impermissible Delegations of Authority, Unconstitutional Assumptions of Authority, and Unauthorized Actions Being Taken within and/or on Behalf of the Annual Conference

DIGEST

The Judicial Council affirms the bishop's Decision of Law that point a) and b) in the question of law is moot and hypothetical.

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 lay member requested the for a decision of law from Bishop Schol:

In light of the various paragraphs in the Book of Discipline and the Judicial Council decisions, including but not limited to those related to ordination, appointments, chargeable offenses, delegation of authority and elsewhere, specifically including but not limited to paragraphs 33, 304.3, 425 to 430, 604.3, 613.19, and 2702 (both as stated in the 2016 edition of the Book of Discipline and amendments which became effective on January 1, 2020) and in numerous Judicial Council decisions including but not limited to 886,

1044, 1052, 1111, 1120, 1262, 1292, and 1340: Is it permissible for an annual conference to adopt legislation which:

(a) delegates to any committee, bishop, clergy or local church the right to exercise an option to establish rules under which local churches would be governed regarding matters reserved to the General Conference's legislative actions, such as has been delegated in the legislation of the October 26, 2019 Special Session of the Greater NJ Annual Conference;

(b) under which conference leadership, personnel and assets are utilized in "making available" facilitators and directing conference leadership to "engage" someone to coordinate the development of local church "covenants", as presented in conference legislative action authorizing implementation of some of the Way Forward report recommendations; and

(c) under which conference legislation is adopted which includes a call for the Cabinet to be bound by such local church covenants; and further, should not the Greater NJ annual Conference legislation of October 26, 2019 be declared null and void because it is in contradiction with numerous segments of the Book of Discipline, 2016 edition, as amended by the actions of the 2019 Special Session of General Conference?

Bishop Schol announced that he has thirty days to rule on these. On November 22, 2019 Bishop Schol issued the following decision of law:

Point (a) None of the 10 approved recommendations delegated to any committee, bishop, clergy or local church, the right to exercise an option to establish any rules regarding matters reserved to General Conference legislative action.

Point (b) The Annual Conference regularly provides resources, including facilitators, to help congregations in a variety of ministry areas, such as stewardship, conflict resolution, worship, small groups, vitality, mission and other areas which are provided at the request of the local church. Until such time as covenants are created which could be in violation of The Book of Discipline and Judicial Council rulings, any request for a ruling of law is premature (moot and hypothetical).

Point (c) The part of recommendation #7 which states that the Cabinet shall "honor congregational covenants when making appointments", is in violation of the responsibility and discretion given the Cabinet in ¶ 425 thru 430 and is therefore null and void.

Jurisdiction

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

Analysis and Rationale

The only items before the annual conference for approval were 10 recommendations which were presented, discussed, modified and approved (See statement of facts). The Judicial Council affirms that none of the 10 approved recommendations delegated to any committee, bishop, clergy or local church, the right to establish any rules regarding matters reserved to General Conference legislative action.

The bishop was correct in ruling that the annual conference regularly provides resources, including facilitators, to help congregations in a variety of ministry areas, such as stewardship, conflict resolution, worship, small groups, vitality, mission and other areas which are provided at the request of the local church. 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 and any request for a ruling of law is moot and hypothetical.

Decision

The Judicial Council affirms the bishop's decision of law that point a) and b) in the question of law is moot and hypothetical.

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

May 5, 2021