

## **DECISION 1285**

### **IN RE: Review of a Bishop's Decision of Law in the Baltimore-Washington Annual Conference Regarding the Legality of Voting Procedures on Resolutions Related to Human Sexuality with Consideration of ¶ 604.1**

#### **DIGEST OF CASE**

The Bishop's decision is affirmed in part and modified in part. The Judicial Council does not have jurisdiction in parliamentary matters. Annual conference rules that make no distinctions because of race, color, national origin, status, or economic condition and apply to all members are not discriminatory.

#### **STATEMENT OF FACTS**

At the first plenary session of the Baltimore-Washington Annual Conference, meeting May 29, 2014, in Baltimore, Maryland, the Annual Conference by more than a three-fourths majority approved this motion to suspend the rules:

To suspend the rules in order to have a period of holy conferencing followed by a written ballot with regard to the five resolutions relating to human sexuality: (1) Resolution to End Discrimination in West Virginia, (2) Resolution to Stop Clergy Trials, (3) Agree to Disagree on Issues Pertaining to Gender and Sexual Minorities, (4) Inclusive Conference Resolution, and (5) the Resolution that the BWC Support the Removal of all Provisions in the Book of Discipline and Social Principles That Discriminate against or Restrict the Participation of Laity and Clergy Based on Their Sexual Identity.

During the fourth plenary session meeting on May 30, 2014, the Annual Conference engaged in a small group "circle process" for the discussion of the resolutions. The members then voted on the resolutions by written ballot.

At the fifth plenary session (May 31, 2014), the Bishop announced that each of the resolutions had been approved. An elder in full connection asked for a ruling of law and in writing presented the Bishop with a two-part question. The question is as follows:

Request a ruling on a point of law regarding our voting procedures and process on the five resolutions that were passed by secret ballot Friday night.

Specifically, was the vote on the resolution legal and in compliance with (the) 2012 BOD since we did not have a chance to offer amendments?  
¶604.1—structure did not provide protection against discrimination

In a timely way, the bishop submitted his rulings:

For the reason explained below, my decision is that the procedure and process used by the Annual Conference to vote on the five human sexuality resolutions was lawful and did not violate the *Discipline*. In addition, regarding the last part of the Question of Law presented here, every member of the Annual Conference who was present was given a chance to vote on all the resolutions. Therefore, I conclude that the annual conference's decision to suspend the rules and adopt the circle of grace process for this purpose was consistent "with the policy of The United Methodist Church with respect to elimination of discrimination." *Discipline*, 604.1

The Annual Conference provided minutes of the relevant plenary sessions and copies of the five resolutions.

## **JURISDICTION**

Bishops are required to submit their decisions of law (¶ 2609.6) to the Judicial Council which then determines whether or not the request and the decision are proper.. In this matter, the Judicial Council has jurisdiction in part under ¶¶ 51

and 56.3 of the Constitution and ¶ 2609.6 of the *2012 Discipline* as modified by Decision 1244 and lacks jurisdiction in part.

### **ANALYSIS AND RATIONALE**

The first part of the question regarding voting procedures is a parliamentary inquiry and the Judicial Council has no jurisdiction. This point is reflected, among other places, in Judicial Council Decision 1117:

Our longstanding jurisprudence is that the Judicial Council has no jurisdiction to review a parliamentary ruling of a bishop in an annual conference.

Parliamentary rulings by a presiding bishop may be challenged only by an appeal to the body during the annual conference session. There is no disciplinary authority for the Judicial Council to assume jurisdiction of a parliamentary ruling by a presiding bishop.

Decision 999 held that the Judicial Council does not have jurisdiction to review parliamentary rulings of episcopal leaders made during annual conference sessions. See Decisions 898, 941, 943, and 953. In order for a request to be a parliamentary ruling, the chair must rule on the request in the parliamentary session affording the opportunity for an appeal of the chair's ruling to the body.

See also Judicial Council Decisions 953, 1234, and 1252.

The second part of the question asks if ¶ 604.1 had been violated because there were no provisions for amending the resolutions. That paragraph reads as follows:

**¶ 604. Powers and Duties—1.** The annual conference, for its own government, may adopt rules and regulations not in conflict with the *Discipline* of The United Methodist Church, provided that in exercise of its

powers, each annual conference shall act in all respects in harmony with the policy of The United Methodist Church with respect to elimination of discrimination.<sup>38</sup> (See ¶ 4, Article IV.)

The paragraph refers to ¶ 4, Article IV, which states:

**¶ 4. Article IV. Inclusiveness of the Church**—The United Methodist Church is a part of the church universal, which is one Body in Christ. The United Methodist Church acknowledges that all persons are of sacred worth. All persons without regard to race, color, national origin, status,<sup>4</sup> or economic condition, shall be eligible to attend its worship services, participate in its programs, receive the sacraments, upon baptism be admitted as baptized members, and upon taking vows declaring the Christian faith, become professing members in any local church in the connection.<sup>5</sup> In The United Methodist Church no conference or other organizational unit of the Church shall be structured so as to exclude any member or any constituent body of the Church because of race, color, national origin, status or economic condition.<sup>6</sup>

There is no evidence in the record to indicate that any member of the Annual Conference was excluded because of race, color, national origin, status or economic condition. The rules adopted by the Annual Conference applied to all members regardless of race, color, national origin, status, or economic condition.

## **DECISION**

The Bishop's decision is affirmed in part and modified in part. The Judicial Council does not have jurisdiction in parliamentary matters. Annual conference rules that make no distinctions because of race, color, national origin, status, or economic condition and apply to all members are not discriminatory.

J. Kabamba Kiboko was absent.

Timothy K. Bruster, first clergy alternate, took part in this decision.

William B. Lawrence, President

F. Belton Joyner, Jr., Secretary

October 25, 2014

### **CONCURRING OPINION**

I concur in part.

Although apparently novel, the aim of the “circle process”, as explained by the movant to suspend the rules, is “so that rather than a time of debate, questions and amendments”, the body will consider the resolutions with conversation with one another, instead hearing speeches. The conversation takes place in a healthy, faith-filled environment. Each person in a group will have an opportunity to speak without interruption. The process allows for a written ballot in each of the resolutions.

Calling it “Circles of Grace” process, the bishop and two others outlined the procedure as follows:

1. The body participates in a time of holy conference by gathering into groups of approximately 10 persons.
2. Each group sits together in a circle to discuss the resolutions among themselves.
3. Prior to discussion, the maker of each resolution has 1 minute to summarize its importance to be adopted by the Annual Conference.
4. Each group centers discussion around three questions:

- a. What do you perceive as the impact of this resolution on the Baltimore-Washington Conference in particular and the United Methodist Church in general?
  - b. When do you see God in this resolution?
  - c. How can we continue God's love and build bridges as we discuss this resolution?
5. At the conclusion of discussion, the Bishop offers a prayer, then the members record their vote on paper ballots delivered to the tellers.

Evidently, members of the annual conference were given advance notice on suspension of rules, the proposed discernment process and the resolutions. There was ample time to reflect, discuss and decide. Nothing was wrong with a written or secret ballot, as that was the choice of the Conference. More than the required two-thirds vote supported the procedure.

Was the vote on the resolutions legal and compliant with the *Discipline* given the absence of the usual formality to offer amendments? Was there discrimination? ¶604.1 prescribes that the annual conference, for its own government, may adopt rules and regulations not in conflict with the Discipline, provided that in the exercise of its powers, it shall act in all respects in harmony with the Church policy respecting the elimination of discrimination. The discrimination relates to ¶4, Article IV on Inclusiveness of the Church, the relevant part of which pertains to eligibility in its programs and that no conference shall be structured so as to exclude any member of constituent body because of race, color, national origin, status or economic condition. None of these provisions was transgressed in the questioned procedure. The Conference Rules of the Session

specifically allow its suspension at any time by two-thirds of the members present and voting. The *Discipline* does not preclude that procedure in obtaining conference action on resolutions. The same principle applies to the “circle process”.

The voting procedure adopted by the Baltimore-Washington Conference in 2014 in considering and passing the five resolutions related to human sexuality complied with ¶604.1 of the *2012 Book of Discipline*. The “circle process” followed, involving holy conversation, discussion and dialogue in small groups, instead of the usual parliamentary practice of debate, questions and amendments preceding the members’ recording of their vote on paper ballots was legal. It conformed to the Rules of the Session which allowed its suspension by two-thirds vote of members present and voting. Said Rules do not conflict with the *Discipline*. Bishop Marcus Matthews’ decision of law deserves affirmance.

Ruben T. Reyes

October 25, 2014