

SUBJECT TO FINAL EDITING

THE JUDICIAL COUNCIL OF THE UNITED METHODIST CHURCH

MEMORANDUM NO. 1381

In Re: Review of a Bishop's Ruling on a Question of Law in the Upper New York Annual Conference Regarding Whether the Adopted Resolution, *A Call for Structural Change*, Attempts to Negate, Ignore or Violate The Book of Discipline.

During the 2019 regular session of the Upper New York Annual Conference, the annual conference adopted a resolution pursuant to which a question of law was asked. The Judicial Council is unable to ascertain specifically that which occurred without the official record. We take this opportunity to reiterate the responsibility of the Secretary of the Annual Conference as enunciated in JCD 799: "Question of law shall be entered in the Annual Conference journal record as an exact statement of the questions and the ruling of the bishop by the secretary of the Annual Conference and properly submitted to the Judicial Council [¶ 2609.6]."

We, therefore, defer further consideration pending the receipt of the official record from the Secretary. The Secretary of the Annual Conference is directed to provide to the Secretary of the Judicial Council a copy of the official record within thirty days of this memorandum.

DIGEST

Deferred to Spring 2020 Session.

Lidia Romao Gulele was absent.

Warren Plowden, first lay alternate, participated in this decision.

Due to the temporary delay of Øyvind Taliesin, Angela Brown, second clergy alternate, took part in the deliberations in this matter.

November 1, 2019



JUDICIAL COUNCIL OF THE UNITED METHODIST CHURCH
 CONSEIL JUDICIAIRE DE L'EGLISE METHODISTE UNIE
 RECHTSHOF DER EVANGELISCH-METHODISTISCHEN KIRCHE
 CONSELHO JUDICIAL DA IGREJA METODISTA UNIDA
 CONSEJO DE LA JUDICATURA DE LA IGLESIA METODISTA UNIDA



Report by Bishop on Decision of Law

This form is to be used for (please check one):

- Reporting of decisions of law made by bishops in response to questions of law submitted to them in writing during the regular business of a conference session (§ 56.3 Const. and § 2609.6 *The Book of Discipline 2016*).
- Reporting of episcopal decisions on questions of law when such decisions are appealed by one-fifth of the members of the conference (§ 56.2 Const. and § 2609.7 *The Book of Discipline 2016*).

Name of Bishop: Mark J. Liebb
 Address: 7481 Henry Clay Blvd. City: Liverpool
 State/Province: NY ZIP/Postal Code 13088 Country: USA
 Phone: 315-898-2620 Fax: _____ E-mail: _____
 Annual Conference: Upper New York Date of session: _____ (month/day/year)
 Question(s) of Law: _____

Authorities Cited (indicate paragraph or decision number where applicable):

Constitution: _____ Book of Discipline: _____
 Judicial Council Decision(s): _____

Signature: [Signature] Date: _____
Bishop of The United Methodist Church (month/day/year)

The following must be attached:

- Decision of Law, including facts, rationale and ruling
 - Text of the written request for decision
 - Minutes of annual conference proceedings (relevant portions only)
 - List of names and addresses of interested parties
 - Other relevant materials (e.g. conference rules, resolutions, policies, reports)
- Eight (8) hard copies must be submitted via USPS or other delivery service to:
 Clerk Price of the Judicial Council, 5556 N. Sheridan Road, #610, Chicago, IL 60640, USA
- Electronic copies in both Word and PDF (with security features disabled) must be submitted to: secretary@umcjudicialcouncil.org.

**RULING OF LAW
UPPER NEW YORK ANNUAL CONFERENCE**

**Mark J. Webb, Bishop
June 24, 2019**

STATEMENT OF FACTS

On Friday, June 7, 2019, in plenary session of the 2019 session of the Upper New York Annual Conference, the conference addressed Resolution UNYAC2019.3 entitled: "A Call for Structural Change." (**Exhibit A**). A vote was taken on the resolution as presented and the body supported it 645-363.

REQUEST FOR A DECISION ON CHURCH LAW

On June 7, 2019 immediately after the vote on Resolution UNYAC2019.3, the Reverend Kevin Slough, a clergy member of the Upper New York Conference was recognized and made the following request for a Ruling of Law.

"I request a Decision of Law regarding Resolution UNYAC2019.3. Does the resolution attempt to negate, ignore or violate The Book of Discipline of The United Methodist Church?"

By Paragraph 2609.6, I have thirty (30) days to render this decision.

JURISDICTION

The Judicial Council has jurisdiction under paragraphs 51 and 56.3 of the Constitution of The United Methodist Church and paragraph 2609 of the 2016 Book of Discipline as modified by Judicial Council Decision 1244.

ANALYSIS AND RATIONAL

Resolution UNYAC2019.3 calls for notification to The Council of Bishops that the Upper New York Conference finds the stipulations of the Traditional Plan not acceptable, calls on the 2020 General Conference to adopt a structural realignment of the United Methodist Church that creates an expression of Wesleyan Methodism that allows for both traditional and progressives understandings of LGBTQ clergy and same-gender weddings to co-exist within the Church and encourages a immediate moratorium on any punitive action related to LGBTQ clergy and same-gender weddings.

Judicial Council Decision 96 made clear the principle that the Discipline is the only authoritative book of law of the Church. All entities of the Church are bound by its provisions. All actions of an annual conference must be faithful to and consistent with the Discipline. An annual conference may express disagreement with other bodies of The United Methodist Church, but is still subject to the Constitution, the Discipline and the decisions of the Judicial Council. In Decision 886, the Judicial Council established the principle that annual conferences may not legally negate, ignore or violate provisions of the Discipline with which they disagree, even when the disagreements are based on conscientious objections to those provisions.

The Judicial Council has had many occasions to address matters involving human sexuality over recent years, setting forth very clear guidelines for permissible action in relation to existing Church Law. Under these guidelines, the Judicial Council has been clear that “[a]n 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; see also Decision 1111 (“Annual conferences 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.”). In addition to not being allowed to directly negate, ignore or violate the Discipline, the Judicial Council has held that annual conferences may not encourage other entities to violate Church law, or discourage the enforcement of Church law. Decisions 1262 and 1292.

The “therefore be it resolved” in Resolution UNYAC2019.3 that calls for notification to the Council of Bishops that the stipulations of the Traditional Plan are not acceptable for the conference is an expression of disagreement and is not in violation of Church law consistent with Decision 1262 of the Judicial Council.

The first “be it further resolved” in Resolution UNYAC2019.3 that calls on the 2020 General Conference to adopt a structural realignment of the United Methodist Church that creates an expression of Wesleyan Methodism that allows for both traditional and progressive understandings of LGBTQ clergy and same-gender weddings to co-exist within the Church is aspirational in nature and is not a violation of Church law consistent with Decision 1262 of the Judicial Council.

The second “be it further resolved” in Resolution UNYAC2019.3 that encourages the imposition of an immediate moratorium on any punitive action related to LGBTQ Clergy and same-gender weddings, is not aspirational in nature. In this section the resolution attempts to encourage a moratorium on the filing of complaints against pastors involved in chargeable offenses and would serve as an endorsement or encouragement of such prohibited actions or to discourage the enforcement of Church law (¶12702.1b). See Decisions 1262 and 1292, of the Judicial Council.

RULING OF LAW

For these reasons, it is my ruling of law that Resolution UNYAC2019.3 adopted by the Upper New York Conference on June 7, 2019 is in order in parts and null and void in another part.

1. The therefore be it resolved that the Upper New York Annual Conference notify the Council of Bishops that the stipulations of the Traditional Plan are not acceptable for our conference is a statement of disagreement, aspirational in nature and does not negate, ignore or violate The Book of Discipline of The United Methodist Church.
2. The be it further resolved that the Upper New York Annual Conference call on the 2020 General Conference to adopt a structural realignment of the United Methodist Church that creates an expression of Wesleyan Methodism that allows for both traditional and progressive understandings of LGBTQ clergy and same-gender weddings to co-exist in the Church is aspirational in nature and does not negate, ignore or violate The Book of Discipline of The United Methodist Church.

3. The be it further resolved that given the forthcoming structural change, we encourage Bishop Webb, the Board of Ordained Ministry, and other members of the Conference leadership team to, as an act of grace, impose an immediate moratorium on any punitive action related to LGBTQ clergy and same-gender weddings is not aspirational in nature; negates, ignores or violates The Book of Discipline of The United Methodist Church and is null and void.

(Minutes Relevant to Ruling of Law)

Friday, June 7, 2019
Afternoon Plenary

UNYAC2019.3 – A Call for Structural Change

Suzanne Allen, Chair of the Committee on Petitions and Resolution and introduced Stephen Cady, clergy, to make an opening statement.

Stephen Cady, clergy, made an opening statement in support of the petition, which calls for a structural realignment that creates an expression of Wesleyan Methodism that allows for both traditional and progressive understandings of LGBTQ clergy and same-gender weddings to co-exist within the church.

There was no discussion. A time of silent prayer was held before the vote. The petition is adopted by a vote of 645, yes and 363, no.

Kevin Slough, clergy, requested a Decision of Law from the Bishop. The Bishop has 30 days to respond.

Exhibit A

UNYAC2019.3 - A Call for Structural Change

Whereas, Enormous cultural and theological gaps remain in our global church; and

Whereas The Council of Bishops, The Commission on a Way Forward, and the 2019 General Conference were unable to find a satisfactory resolution to the impasse in the United Methodist Church around LGBTQ clergy and same-gender weddings in our churches; and

Whereas The Traditional Plan passed at the 2019 General Conference serves as a rejection of compromise and a theologically diverse denomination; and

Whereas Only structural separation will allow all Annual Conferences and Local Churches to effectively Make Disciples of Jesus Christ for the Transformation of the World.

Therefore Be It Resolved That the Upper New York Annual Conference notify the Council of Bishops that the stipulations of the Traditional Plan are not acceptable for our Conference; and

Be It Further Resolved That the Upper New York Annual Conference call on the 2020 General Conference to adopt a structural realignment of the United Methodist Church that creates an expression of Wesleyan Methodism that allows for both traditional and progressive understandings of LGBTQ Clergy and same-gender weddings to co-exist within the Church; and

Be It Further Resolved That given the forthcoming structural change, we encourage Bishop Webb, the Board of Ordained Ministry, and other members of the conference leadership team to, as an act of grace, impose an immediate moratorium on any punitive action related to LGBTQ Clergy and same-gender weddings.

Docket 0420-06

Interested Parties & Persons To Whom Notice Shall Be Given

Rev. Kevin Slough (requested Bishop's Ruling)
pastorkevin@trinitygrandisland.org

Rev. Dr. Stephen Cady (submitted and introduced petition)
scady@asburyfirst.org

Jeffrey J. Hodge, Upper New York Annual Conference Secretary
unysecretary@yahoo.com

Bishop Mark J. Webb (Presiding Bishop)
bishopwebb@unyumc.org