

SUBJECT TO FINAL EDITING

JUDICIAL COUNCIL OF THE UNITED METHODIST CHURCH

DECISION NO. 1468

[Docket No. 1022-11]

IN RE: Review of a Bishop’s Ruling on Questions of Law in the Indiana Annual Conference Regarding the Legality of the Resolution *A Commitment to Grace in the Indiana Conference*.

DIGEST

An annual conference resolution is proper under Church law if its language does not cross the line between aspirational and prescriptive. Resolution #5, entitled “A Commitment to Grace in The Indiana Conference,” passed by the Indiana Annual Conference at its 2022 session contains prescriptive language that runs counter to *The Discipline* and is, therefore, null and void. The decision of Bishop Julius C. Trimble is reversed.

STATEMENT OF FACTS

On June 11, 2022, during the plenary session of the Indiana Annual Conference, a point of order was raised and a discussion ensued as to whether Resolution #5, entitled “A Commitment to Grace in The Indiana Conference,” was properly before the body for consideration. Bishop Trimble ruled that it was properly before the body for consideration. This resolution reads in full:

Whereas 1122 of the Book of Discipline reminds us that we make disciples as we continue the mission of seeking, welcoming, and gathering persons into the community of the body of Christ;

And whereas in the Indiana Conference this work includes people of all ages, races, abilities, gender identities, and sexual orientations;

Therefore be it resolved that we shall support every church and clergyperson in our conference who is seeking to faithfully serve God and their communities to the best of their abilities and in accordance with their deeply held, God-given convictions. We shall strive to honor and trust contextual expressions of ministry,

including the decisions of clergy to choose which weddings they officiate and congregations to choose which weddings they host, so long as they are between two consenting, committed adults. We shall also embrace and encourage God's call to ministry in diverse persons and will seek to not restrict God's calling solely on the basis of a candidate's sexual orientation or gender identity. Further, we shall respect the decisions of any who feel they cannot remain a part of the Indiana Conference in light of these commitments.

After the vote to adopt the resolution, a clergy member submitted the following Question of Law:

In accordance with Paragraphs 51 and 2609.6 of the United Methodist Book of Discipline (Discipline) and considering Judicial Council Decisions (JCD) # 886, 1201, 1292, 1340, 1343, 1344, and 1435; I respectfully ask and request a bishop's decision of law on the following questions regarding Resolution R-5 "A COMMITMENT TO GRACE IN THE INDIANA CONFERENCE," just adopted by the 2022 session of the Indiana Annual Conference:

1. Does any part of this resolution impermissibly discourage the enforcement of church law, or otherwise encourage or express support for actions that negate, ignore, or violate our church law, particularly church law prohibiting "self-avowed, practicing homosexual" clergy (Discipline I 304.3, 2702.1.b) and "ceremonies which celebrate homosexual unions" (Discipline I 341.6, 2702.1.b)? If so, is this resolution null, void, and without effect, in whole or in part?
2. Does this resolution authorize, permit, or encourage clergy in our conference to conduct or local churches in our conference to host "ceremonies which celebrate homosexual unions" or "same-sex wedding ceremonies"? If so, is all or part of this resolution null, void, and without effect, considering Discipline I 341.6 and 2702.1.b?
3. Does this resolution prohibit, restrict, or discourage complaints from being filed, processed, valid bills of charges from being certified, or such complaints and charges potentially resulting in a church trial (after an unsuccessful effort for just resolution) and penalty for clergy who commit the chargeable offense of "performing same-sex wedding ceremonies" (Discipline I 2702.1.b)? If so, is this resolution null, void, and without effect, in whole or in part?
4. Does this resolution discourage or prevent district committees on ministry or the board of ordained ministry, or the clergy session from making "the full examination and thorough inquiry into the person's fitness" (particularly Discipline I 304.3) as a candidate for: (1) annual election as local pastor; (2) election to associate membership; (3) election to provisional membership; or (4) election to full conference membership in light of Discipline I 635.2.h,

- 304.2, 304.3, 305, 306, 310 and JCD # 1343, 1344 or does the resolution discourage disapprovals of ministry candidates who may be otherwise qualified but who clearly do not meet the standards of Discipline I 304.3? If so, is this resolution null, void, and without effect, in whole or in part?
5. Does this resolution encourage district committees on ministry or the board of ordained ministry, or the clergy session to approve ministry candidates who do NOT meet the requirement of Discipline I 304.3 prohibiting the approval of any candidate who “openly acknowledges to a bishop, district superintendent, district committee of ordained ministry, Board of Ordained Ministry, or clergy session that the person is a practicing homosexual; or is living in a same-sex marriage, domestic partnership or civil union, or is a person who publicly states she or he is a practicing homosexual” in light of JCD #702, 708, 722, 725, 764, 844, 984, 1020, 1341? If so, is this resolution null, void, and without effect, in whole or in part?

On July 11, 2022, Bishop Trimble issued the following ruling, which states in relevant parts:

The specific words “shall support,” “strive to honor and trust,” and “shall also embrace and encourage,” are aspirational in nature to express ideals and opinions, which is precisely what this resolution does. Because the language of the resolution is clearly aspirational, it does not run afoul of the Book of Discipline. Indeed, Decision 1292 cited in the request for decision discusses that the term “support” as used in another resolution was aspirational and not in violation of the Book of Discipline. Further, the language “seek not to restrict God’s calling on the basis of a candidate’s sexual orientation” is close to saying it will not be considered. However, it is Bishop Trimble’s ruling that this does not violate the Book of Discipline or Decision 1341 in that a celibate person can be advanced as a candidate no matter what that person’s orientation is.

Again, after reviewing Resolution # 5, “A commitment to Grace in the Indiana Conference,” Bishop Trimble ruled that the resolution was properly before the body and belonged to the body for discussion and debate.

Jurisdiction

The Judicial Council has jurisdiction under ¶ 2609.6 of *The 2016 Book of Discipline* [hereinafter the *Discipline*].

Analysis And Rationale

In determining whether an annual conference resolution is proper under Church law, the Judicial Council distinguishes between *aspirational* and *prescriptive* language. The Council consistently held that “annual conferences are free to adopt resolutions that are aspirational in nature, and to express their ideals and opinions so long as they do not attempt to negate, ignore, or contradict *The Discipline*.” JCD 1044, 1052, 1111. Conversely, they are prohibited from passing resolutions that are prescriptive in nature. Prescriptive is a resolution if it “was meant to be a call to action that runs counter to *The Discipline*.” JCD 1340. We find that Resolution #5 adopted by the Indiana Annual Conference crosses the line between aspirational and prescriptive.

First, the language of the resolution encourages “clergy to choose which weddings they officiate and congregations to choose which weddings they host, so long as they are between two consenting, committed adults.” This is a clear deviation from General Conference’s definition of marriage as a covenant “that is expressed in love, mutual support, personal commitment, and shared fidelity between a man and a woman.” ¶ 161C [emphases added]. The General Conference has legislative power over all matters distinctly connectional, including the authority to define marriage “by limiting it to ‘the marriage covenant...between a man and a woman.’” JCD 1185. An annual conference, therefore, is without power to unilaterally change this definition.

Second, the resolution’s reference to “a candidate’s sexual orientation or gender identity” is not simply an aspirational statement of inclusiveness but a call to ignore human sexuality in the candidacy process. It is a departure from previous decisions in which the Judicial Council held that “the duty of the Board [of Ordained Ministry] is to conduct a careful and thorough examination and investigation, not only in terms of depth but also breadth of scope...including those provisions set forth in paragraphs that deal with issues of race, gender, sexuality, integrity, indebtedness, etc.” JCD 1343, 1344. Under these precedents, the Board of Ordained Ministry can only recommend to the Clergy Session a candidate for whom they have conducted a thorough examination, including, but not limited to, sexual identity, and who has met the disciplinary standards for fitness. JCD 1469.

Resolution #5 is a call to action that contradicts and runs counter to *The Discipline* and is, therefore, null and void and of no legal force or effect. The bishop erred in ruling that “the language of the resolution is clearly aspirational, it does not run afoul of the Book of Discipline.”

Decision

An annual conference resolution is proper under Church law if its language does not cross the line between aspirational and prescriptive. Resolution #5, entitled “A Commitment to Grace in The Indiana Conference,” passed by the Indiana Annual Conference at its 2022 session

contains prescriptive language that runs counter to *The Discipline* and is, therefore, null and void. The decision of Bishop Julius C. Trimble is reversed.

March 7, 2023

Separate Opinion

We dissent from the majority decision because our understanding and application of former Judicial Council decisions leads us to a different result. We would affirm the ruling of the presiding Bishop, Julius Trimble.

Kabamba Kiboko
Beth Capen

March 7, 2023