

SUBJECT TO FINAL EDITING

JUDICIAL COUNCIL OF THE UNITED METHODIST CHURCH

DECISION NO. 1393

IN RE: Review of a Bishop's Ruling on a Question of Law raised in the Tennessee Annual Conference as to Whether the Adoption of the Inclusion Resolution is "an Action of the Annual Conference according to ¶ 2553.

DIGEST OF CASE

The Decision of Law of Bishop William T. McAlilly is affirmed.

STATEMENT OF FACTS

At a regular session of the Tennessee Annual Conference on Friday, June 14, 2019, a clergy member requested a decision of law by the Presiding Bishop pursuant to ¶ 51 of *The Book of Discipline of The United Methodist Church, 2016* [hereinafter *The Discipline*]. The request was first made orally and later submitted in writing during the session of the Annual Conference. The question submitted was: "Is the passing of Inclusion Resolution 2019TN Conference an action of the annual conference according to ¶ 2553.1 (of The Book of Discipline of The United Methodist Church)?" The referenced Resolution, entitled "Inclusion Resolution" was adopted by the Annual Conference. The full Resolution reads as follows:

- (1) Whereas, the United Methodist Church has a tradition of great nuance in the matter of biblical interpretation (such as displayed in its treatment of slavery, divorce, and the ordination of women) but reverts to simplistic literalism when address full inclusion of LGBTQIA+ in its life and ministry;
- (2) And whereas, the United Methodist Church has singled out LGBTQIA+ persons and those who support full inclusion for special punitive actions;
- (3) And whereas, even though seven petitions within the Traditional Plan were ruled unconstitutional before it was presented for a vote at the 2019 General Conference, and that lack of constitutionality was upheld by the Judicial Council in April of 2019;
- (4) And whereas, the first general rule John Wesley gave the people called Methodists was, "Do no harm;"
- (5) And whereas, United Methodists promise in their baptisms "to resist evil, injustice and oppression in whatever forms they present themselves;"
- (6) And whereas, by passing the Traditional Plan, the denomination has done great harm, and perhaps irreparable harm, to our LGBTQIA+ brothers and sisters;
- (7) And whereas, by passing the Traditional Plan, the denomination has done great harm to our witness to the world as to the unconditional and inclusive love of Christ;

And whereas, the use of District and Conference funds for complaints and church trials related to LGBTQIA+ ordinations and marriages will divert funds needed to do the vital work of the mission and ministry of the church;

Therefore, be it resolved by the 2019 Tennessee Annual Conference that: the Tennessee Conference apologizes for the harm that actions at the 2019 Special Session of the General Conference have caused LGBTQIA+ persons, their families, their friends, and the body of Christ. We affirm that "all persons are individuals of sacred worth, created in the image of God," and urge all in ministry, whether lay or clergy, to affirm that no human being is incompatible with Christian teaching.

And be it further resolved, that we urge all lay and clergy in the Tennessee Conference to make all reasonable efforts to address issues related to LGBTQIA+ ordination and marriage in a manner so as to treat church trials and judicial processes as a last resort.

The Bishop ruled that the Request for a Decision of Law was not proper for consideration because the question it poses is hypothetical because the Annual Conference did not have before it any request for disaffiliation pursuant to ¶ 2553. The Bishop noted that the Question of Law related not to the content of the Inclusion Resolution before the body or to any doubt as to the legality of the Resolution itself, but instead the Resolution went to whether the Inclusion Resolution might constitute grounds for some future action that remains hypothetical. Because no business was before the Annual Conference that related to ¶ 2553, the question was hypothetical.

JURISDICTION

The Judicial Council has jurisdiction under ¶¶ 51, 56.3, and 2609.6 of *The Discipline*.

ANALYSIS AND RATIONALE

The Inclusion Resolution at issue here does not relate to any business before the Annual Conference and presupposes some future actions that have not yet occurred. We have said in a long line of Judicial Council Decisions that decisions that such actions of Annual Conferences are not proper for consideration because the question posed is hypothetical and should not be decided. *See* JCD 799, 1329, and 1372. The Bishop in this matter correctly ruled that the Request for a Decision of Law was out of order and not proper for consideration. In his Ruling the Bishop relies appropriately on the line of Judicial Council Decisions precluding the consideration of moot and hypothetical questions. An annual conference is well within its discretionary powers to express aspirational goals. The Inclusion Resolution here is no more than an aspirational statement that does not require further action of the Annual Conference.

RULING

The Decision of Law of Bishop William T. McAlilly is affirmed.

Lidia Romao Gulele was absent.

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

Øyvind Helliesen was absent and did not participate in this decision.
Angela Brown, second clergy alternate, participated in this decision.

November 1, 2019