

SUBJECT TO FINAL EDITING

## **JUDICIAL COUNCIL OF THE UNITED METHODIST CHURCH**

### **DECISION NO. 1413**

**IN RE: Review of a Bishop's Ruling on a Matter of Law in the Greater New Jersey Annual Conference Concerning Initial Steps Being Taken in the Implementation of Provisions Set Forth in the "Way Forward Report" Prior to the Matter Being Deliberated and Decided by Formal Action of the Annual Conference and Without the Annual Conference's Approval and Authorization**

#### DIGEST

The bishop's is affirmed. No action was taken concerning the report called The Way Forward and the request for a ruling 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](http://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: as follows:

Does the GNJAC have a power or authority to make a decision for the local churches in the conference that negates, ignores and violates the rules & laws of the United Methodist Church, the provisions in The Book of Discipline, as the report of the GNJ Way forward team has presented, modified and passed by the number of the conference at the special session of the GNJAC on Oct. 26, 2019?

Bishop Schol announced that he has thirty days to rule on these. On November 22.

2019 Bishop Schol issued the following decision of law:

The Greater New Jersey (GNJ) Way Forward report was shared with the Special Session of the Greater New Jersey Annual Conference (GNJAC), through the pre-conference journal and orally at the conference. It was simply presented as a report and so there was no action that was or could be taken as to whether the report negated, ignored and/or violated *The Book of Discipline*

(2016) as amended at the February 2019 Special Session of the General Conference. Ten (10) recommendations from the GNJ Way Forward Team were acted on by the Annual Conference and each one is not only in concert with The Book of Discipline, but there are paragraphs specifically affirming these concepts, except for recommendation #7 which violated The Book of Discipline in that it removes the discretion of the Cabinet to carry out their mandated responsibilities. The report itself was not adopted, approved, rejected, received nor modified by the Annual Conference.

### **Jurisdiction**

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

### **Analysis and Rationale**

The Judicial Council affirms that the recommendations passed at annual conference session do not make decisions for local churches. 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. Any request for a ruling of law on the report is moot and hypothetical.

Of the 10 recommendations, nine (9) are not in violation of the paragraphs in *The Book of Discipline 2016*.

### **Decision**

The bishop's Decision of Law is affirmed. No action was taken concerning the report called The Way Forward and the request for a ruling 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

### **Dissenting Opinion**

I dissent with the decision and with the majority's determination to publish as is.

J. Kabamba Kiboko

May 5, 2021

### **Concur in Part and Dissent in Part**

I respectfully dissent from that portion of the Decision which states, "No action was taken concerning the report..." The ten items submitted to the Special Session of the Annual Conference for action were contained in the report, which was the subject and purpose of the Special Session. I believe that it would perhaps be more accurate to acknowledge that the ten action items were lifted from one section of the report while the report itself was not before the conference for action. As to the majority's affirmation of the Bishop's ruling concerning the plain language of the ten items, I concur albeit reluctantly given that the analysis avoids the contextual considerations and precedent dictates that context must be examined in these circumstances,

As to that portion of the bishop's ruling wherein he finds the question of law concerning the legality of the report itself to be moot and hypothetical, he predicates his ruling of law on his parliamentary determination: "The report itself was not adopted, approved, rejected, received nor modified by the Annual Conference." The matter thus becomes one of parliamentary interpretation and the Judicial Council has no jurisdiction over parliamentary matters. *See* Memorandum 546. *See also*, Decision 1117 [There is no disciplinary authority for the Judicial Council to assume jurisdiction of a parliamentary ruling by a presiding bishop. The Judicial Council has no jurisdiction to review this matter.]. *See generally*, 834, 941, 943, and 1163. The issue of parliamentary interpretation appears to be present in all five matters that resulted in questions of law from this annual conference special session (JCDs 1414, 1415, 1416, and 1417).

Beth Capen

May 5, 2021