

## JUDICIAL COUNCIL OF THE UNITED METHODIST CHURCH

### DECISION NO. 1253

#### **IN RE: Review of a Bishop's Decision of Law in the North Carolina Annual Conference Regarding the Application of ¶ 613.19 to the Conference Budget**

#### **DIGEST**

The decision of law by the Bishop is affirmed. The conclusion by the Annual Conference Council on Finance and Administration that the stipulation of the *Discipline* has been satisfied is sufficient to determine that the provisions of Church law have been satisfied.

#### **STATEMENT OF FACTS**

During the June 2013 session of the North Carolina Annual Conference, a clergy member requested that the Bishop make a decision of law specifically regarding line 54 of the "Budget Request for 2014," which proposed an allocation of funds for the North Carolina Council of Churches. The specific question of law was, "Does this line item violate ¶ 613.20 [*sic*]?"

Notwithstanding the incorrect citation of a paragraph in *2012 Discipline*, Bishop Hope Morgan Ward posted her decision of law within the prescribed time limit. She responded to the query, whether line item number 54 "constituted promoting the acceptance of homosexuality in violation of ¶613.19 of the *2012 Discipline*." The Bishop said that the Annual Conference Council on Finance and Administration had reviewed the work of the North Carolina Council of Churches and had concluded that it did not violate ¶ 613.19. She ruled that the CFA determination gave a sufficient basis for establishing that line 54 did not violate the *Discipline*. In her ruling, she cited Judicial Council Memorandum 1081 and Judicial Council Decision 1091 as precedents to assert that a review by CFA was both necessary and sufficient to satisfy the requirements of church law in ¶ 613.19. Her decision

...is that the North Carolina Conference Council on Finance and Administration, as is their responsibility, has reviewed their financial support of the North Carolina ...Council of Churches and concluded that such support did not "promote the acceptance of homosexuality" and was therefore not in violation of Paragraph 613.19 of the 2012 Book of Discipline.

The Minutes from the North Carolina Annual Conference Council on Finance and Administration for March 27, 2012, report on the discussion of a budget request from the North Carolina Council of Churches. It included specific attention to and consideration of ¶ 613.20 in the 2008 *Discipline*. It also included references to the political debate, which was then current in the State of North Carolina, about a proposed amendment to the state Constitution known as “Amendment One.” At the end of its discussion, the Conference Council on Finance and Administration adopted the following motion:

We have reviewed the activities of the North Carolina Council of Churches, including without limitation its opposition to the proposed Amendment One, and we have concluded that they do not violate paragraph 613.20 of The 2008 Book of Discipline.

### **JURISDICTION**

The Judicial Council has jurisdiction under ¶¶ 51 and 56.3 of the Constitution and under ¶ 2609.6 of the 2012 *Discipline* as modified by Decision 1244.

### **ANALYSIS AND RATIONALE**

In ¶ 613.19 of the 2012 *Discipline*, which amended and renumbered ¶ 613.20 of the 2008 *Discipline*, Church law assigns to the Conference Council on Finance and Administration the following responsibility:

To ensure that no annual conference board, agency, committee, commission, or council shall give United Methodist funds to any gay caucus or group, or otherwise use such funds to promote the acceptance of homosexuality or violate the expressed commitment of The UMC “not to reject or condemn lesbian and gay members and friends” (¶ 161F). The council shall have the right to stop such expenditures.

In Memorandum 1081, the Judicial Council declared that the council on finance and administration of the annual conference “is charged with the primary authority and responsibility to ensure that such funds are not given or used in a manner proscribed...” and directed the annual conference in that case “to make the determination required” by the *Discipline*. The Judicial Council ruled in Decision 1091 that the annual conference council on finance and administration, having completed its review and having made its determination that the church’s funds were being expended in accordance with church

law, provided the necessary and sufficient evidence that the conference was acting in accordance with the *Discipline*.

Both of these precedents have direct and immediate relationship to this instant case. When the Judicial Council issued Memorandum 1081, it retained jurisdiction over the matter until the Conference Council on Finance and Administration conducted its work and made the required determination. In Decision 1091, the Judicial Council left no doubt that necessary and sufficient compliance with church law on this specific topic was the responsibility of the Annual Conference Council on Finance and Administration. Those precedents were established in the Judicial Council's review of a decision of law in the Western North Carolina Annual Conference, but they involved the same question about the same agency—namely, whether including the North Carolina Council of Churches in the budget of an annual conference would violate church law. Since this instant case is a Bishop's decision of law in the North Carolina Annual Conference, it is not technically the reconsideration of the previous item that involves a Bishop's decision of law in the Western North Carolina Conference. But it is the same state, the same statewide council of churches, and the same issue on which the Judicial Council has already ruled. Indeed, it leads the Judicial Council to cite our clear precedents.

The Judicial Council has repeatedly recognized the responsibility of the annual conference council on finance and administration in applying Church law in this matter. As it now appears in ¶ 613.19, church law is clear. So are the previous decisions of the Judicial Council. Besides the aforementioned Memorandum 1081 and Decision 1091, there is another clear precedent—on a different question—in Decision 1030 regarding domestic partner benefits. Church law places in the hands of the conference council on finance and administration the task of determining a proper implementation of ¶ 613.19.

This request for a decision of law does not raise any new issues. It simply asks again the same question that has been asked—and answered—before.

In her decision of law, the Bishop was correct in citing the prior actions by the Judicial Council and in recognizing the action of the Conference Council on Finance and Administration.

### **DECISION**

The decision of law by the Bishop is affirmed. The conclusion by the Annual Conference Council on Finance and Administration that the stipulation of the *Discipline* has been satisfied is sufficient to determine that the provisions of Church law have been satisfied.

F. Belton Joyner, Jr. recused and took no part in this decision.

Dennis Blackwell was absent.

Timothy K. Bruster, first clergy alternate, participated in this decision.

October 26, 2013