

SUBJECT TO FINAL EDITING

JUDICIAL COUNCIL OF THE UNITED METHODIST CHURCH

DECISION NO. 1398

IN RE: In Re: Review of a Bishop's Ruling on a Question of Law in the California-Pacific Annual Conference Regarding the Legality of Resolution 19-07 Entitled Action of Non-Conformity with The General Conference of the UMC.

DIGEST OF CASE

The Judicial Council affirms the bishop's decision of law that it is not lawful for the California-Pacific Annual Conference to adopt RES 19-07 because it violates the principle of legality and the fair process rights of clergy persons. The resolution is, therefore, unconstitutional, null and void.

STATEMENT OF FACTS

During its thirty-fifth session, on June 15, 2019, the California-Pacific Annual Conference passed a Resolution 19-07 (hereinafter RES 19-07}, entitled "ACTION OF NONCONFORMITY WITH THE GENERAL CONFERENCE OF THE UMC." It states:

WHEREAS, an estimated 60-70% of U.S. delegates at the 2019 Special Session of General Conference voted against the Traditional Plan that sought to strengthen exclusion against LGBTQIA+ persons serving as clergy and to increase punitive measures against those already ordained and against any clergy officiating at same- gender weddings.

WHEREAS, the California-Pacific Annual Conference overwhelmingly affirms and celebrates that God's inclusion of LGBTQIA+ persons are full, equal, and celebrated participants in all aspects in the life of the church and have repeatedly adopted resolutions and legislation to that effect.

THEREFORE, BE IT RESOLVED, in affirmation of our commitment to a fully inclusive, grace filled, compassionate church, the California-Pacific Annual Conference: Will not conform to, comply, or cooperate with any provisions of the Traditional Plan, unconstitutional or otherwise. Will not conform to, comply, or cooperate with any provisions in The Book of Discipline of The United Methodist Church that discriminate against LGBTQIA+ persons, including marriage (161.B}, the incompatibility clause (161.F}, ordination and appointments (304.3), homosexual unions (341.6), AC funding ban (613.19}, GCFA funding ban (806.9}, chargeable offenses pertaining to being "a self-avowed practicing homosexual" or to officiating at weddings regardless of sex or gender identity (2702.lb,d); or Will not conform to, comply, or cooperate with any other provisions relating to minimum penalties or the composition, certification of membership, and responsibilities of the Board of Ordained Ministry, among many others.

BE IT FURTHER RESOLVED, no funds, resources or monies of the California-Pacific Annual Conference (either through direct or indirect payments through the conference) shall be expended for the purpose of just resolutions, background investigations, or the process of complaints against clergy because of sexual or gender identity or their ministry with and for LGBTQI+ persons of faith.

Supported by a vote of 82.7% in Legislative Committee, RES 19-07 was placed on the consent calendar and presented for action to the plenary in the afternoon of June 15. A lay member of the annual conference, moved that the resolution be removed from the consent calendar, asking "Can an Annual Conference disavow General Conference?" The motion for removal was not supported. Subsequently, the bishop called for vote on the consent calendar and it was supported.

Moments later, the same lay member took to the microphone and raised a point of order by stating "that the Bishop ended the legislative session without ruling on constitutionality of Resolution 19- 07." In response, a clergy member rose to explain "that questions of constitutionality may be resolved by petitioning the Judicial Court [*sic*] or by submitting a request for a ruling of law in writing, which requires approval by 50% of the body." *Id.* There was, however, no further statement or request from the lay member. Prior to adjournment of the plenary, the lay member gave two handwritten notes to the Secretary of the Annual Conference. The first one read: DECLARATORY RELIEF OF RESOLUTION 19 -07; "I seek declaratory relief of the constitutionality of Resolution 19-07. Can the annual conference defy doctrines established by the General Conference?" The second note stated: RULING OF LAW REQUEST; "Can as a matter of law in Resolution 19-07 the annual conference defy the doctrinal ruling of the General Conference? This is a request for a ruling of law by the Bishop Grant Hagiya."

On the 11th of July Bishop Hagiya submitted the following ruling to the Judicial Council: For the reasons outlined above, I rule that it is not lawful for the California-Pacific Annual Conference to adopt RES 19-07 because it violates the principle of legality and the fair process rights of clergy persons. The resolution is, therefore, unconstitutional, null and void

JURISDICTION

The Judicial Council has jurisdiction under ¶¶51, 56.3, and 2609.6 of *The Book of Discipline of The United Methodist Church, 2016*, [hereinafter, *The Discipline*].

ANALYSIS AND RATIONALE

The Discipline is the law of the Church that regulates every phase of the life and work of the Church. Decision 96 made clear the principle that *The Discipline* is the only authoritative book of law of the Church. All actions of a jurisdictional or annual conference must be faithful to and consistent with *The Discipline*. A jurisdictional or annual conference may express disagreement with other bodies of The United Methodist Church, but it is still subject to the Constitution, *The Discipline* and the decisions of the Judicial Council. See Decision 1120.

In a long line of decisions, the Judicial Council has upheld and reaffirmed 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. *See* JCDs 1044, 1052, 1111. This body also ruled that a resolution or declaration is considered aspirational as long as it is not “prescriptive”, that is, does not demand or encourage actions that are contrary to Church law. JCD 1340.

The current controlling principle is that a conference – jurisdictional, central, or annual - resolution may express disagreement with the current language of *The Discipline* and may express aspirational hopes, but a conference may not legally negate, ignore or violate provisions of *The Discipline*, even when disagreements are based upon conscientious objection to those provisions.

RULING

The Judicial Council affirms the bishop’s decision of law that it is not lawful for the California-Pacific Annual Conference to adopt RES 19-07 because it violates the principle of legality and the fair process rights of clergy persons. The resolution is, therefore, unconstitutional, null and void.

Lidia Romao Gulele was absent.

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