



JUDICIAL COUNCIL OF THE UNITED METHODIST CHURCH
 CONSEIL JUDICIAIRE DE L'EGLISE METHODISTE UNIE
 RECHTSHOF DER EVANGELISCH-METHODISTISCHEN KIRCHE
 CONSELHO JUDICIAL DA IGREJA METODISTA UNIDA
 CONSEJO DE LA JUDICATURA DE LA IGLESIA METODISTA UNIDA



Report by Bishop on Decision of Law

This form is to be used for (please check one):

Reporting of decisions of law made by bishops in response to questions of law submitted to them in writing during the regular business of a conference session (**1J 56.3 Const.** and **1J 2609.6 *The Book of Discipline 2016***).

Reporting of episcopal decisions on questions of law when such decisions are appealed by one-fifth of the members of the conference (**1I 56.2 Const.** and **1J 2609.7 *The Book of Discipline 2016***).

Name of Bishop James E. Swanson, Sr.

Address: 320 Briarwood Drive

City: Jackson

State/Province: MS ZIP/Postal Code: 39206 Country: USA

Phone: 601-354-0515 Fax: _____ E-mail: bishop@mississippi-umc.org

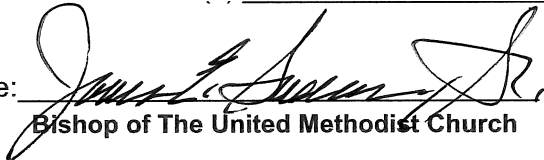
Annual Conference: Mississippi Date of session: July 13-15, 2022 (month/day/year)

Question(s) of **Law**: Does not the "Petition on Human Sexuality" approved by the Mississippi Annual Conference of the United Methodist Church result in establishing "a theological statement in regard to the morality or immorality of the practice of homosexuality" (emphasis in the original) suppose that an annual conference can unilaterally establish theological statements or is the establishment of theology reserved to the Book of Discipline voted on by the General Conference, as established in Paragraph 105.4?

Authorities Cited (indicate paragraph or decision number where applicable):

Constitution: _____ Book of Discipline: Paragraph 105

Judicial Council Decision(s): JCDs 1044, 1052, 1111, 1340

Signature: 
 Bishop of The United Methodist Church

Date: August 12, 2022
 (month/day/year)

The following must be attached:

- a Decision of Law, including facts, rationale and ruling
- o Text of the written request for decision
- o Minutes of annual conference proceedings
- a List of names and addresses of interested parties
- o Other relevant materials (e.g. conference rules, resolutions, policies, reports)

▶ Thirteen (13) hard copies must be submitted via USPS or other delivery service to:

**UMC Judicial Council, c/o LaNella Smith, Assistant to the J.C. Secretary,
 1215 Shady Lane, Durham, NC 27712**

▶ Electronic copies in both Word and PDF (with security features disabled) must be submitted to: secretary@umcjudicialcouncil.org.

Mississippi Annual Conference Decision of Law

Facts

On Friday, July 15, 2022; during plenary session of the Mississippi Annual Conference, the members of the Annual Conference passed a resolution entitled "Petition on Homosexuality" on a simple majority vote. Following the vote, Rev. Lance Presley, Elder, raised a Question of Law pertaining to the previously voted petition. The Bishop received the Question both orally and in writing, and informed the Conference that pursuant to if51, Article VII, and if2613, Bishops have the authority to rule on questions of law within 30 days after the close of the session of the Annual Conference. Due to the time constraints of the session, as well as giving adequate time for the Bishop to respond, Bishop Swanson would not be ruling during the session.

The Question asked was:

"Does not the "Petition on Human Sexuality" approved by the Mississippi Annual Conference of the United Methodist Church result in establishing "a theological statement in regard to the morality or immorality of the practice of homosexuality" (emphasis in the original) suppose that an annual conference can unilaterally establish theological statements or is the establishment of theology reserved to the Book of Discipline voted on by the General Conference, as established in Paragraph 105, Section 4?"

The petition in question is attached.

Ruling

It is the ruling of the Resident Bishop that the action by the Mississippi Annual Conference on the petition in question, "Petition on Human Sexuality", is in order. While it does seek to establish "a theological statement in regard to the morality or immorality of the practice of homosexuality" for the Mississippi Annual Conference, this does not violate the doctrinal authority of the Book of Discipline.

In addition, it is the right and responsibility of the local church, the annual conference and all levels of the connection to participate in theological reflection as long as it does not challenge the integrity of the Church's doctrinal understandings and affirmation.

Finally, in that the language and intent of this Petition to be "aspirational" in nature as that is does not require or advocate for actions that are prohibited by Church law.

Rationale

The petitioner's question is predicated upon the authority of the Book of Discipline in clarifying and offering theological standards for the Church. As referenced in if105, Section 4,

"While the Church considers its doctrinal affirmations a central feature of its identity and restricts official changes to a constitutional process, the Church encourages serious reflection across the theological spectrum. "

It is the doctrinal standards, not theological interpretation, that are within our denomination immutable, and upon which only the General Church can act through the process of amending the constitution.

Mississippi Annual Conference Decision of Law

¶105, Section 4, further defines theology as the ongoing discernment of the people of the church when it says,

"The theological task, though related to the Church's doctrinal expressions, serves a different junction. Our doctrinal affirmations assist us in the discernment of Christian truth in ever-changing contexts. Our theological task includes the testing, renewal, elaboration, and application of our doctrinal perspective in carrying out our calling "to spread scriptural holiness over these lands. "

This intentional, prayerful, and often uncomfortable work is the ongoing responsibility of the people of the United Methodist Church at all levels of our connection.

In addition, ¶ 105, Section 4, The Nature of our Theological Task, states that theological interpretation and discernment, is at its heart and practice *"communal. It unfolds in conversations open to the experiences, insights, and traditions of all constituencies that make up United Methodism. This dialogue belongs to the life of every congregation. It is fostered by laity and clergy, by the bishops, by the boards, agencies, and theological schools of the Church."*

It further defines that it is the responsibility of the Annual Conference to *"speak and act for United Methodists in their official decisions at appropriate levels. "*

While we honor that not all of those within our Annual Conference on these points of theological interpretation, the action of the Conference in adopting such a statement in no way attempts to define, represent, or mandate the feelings of members. In fact, ¶105 continues by recognizing that *"our conciliar and representative forms of decision-making do not release United Methodists as individuals from the responsibility to develop sound theological judgment. "*

Finally it needs to be understood that the intent and direction of the referenced petition was aspirational in nature, and does not have the authority, nor does it request that the Mississippi Annual Conference or its members action is any way that rejects the Book of Discipline. As referenced in Judicial Council decision 1340 *"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. "*

In saying so it acknowledges 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." (JCD 1044, 1052, 1111)

The petition in question, and the action of the Mississippi Annual Conference are not in violation of the Book of Discipline with regards to the authority reserved for the General Conference, nor the doctrinal standards of the General Church.

Submitted by



Bishop James E. Swanson, Sr
Resident Bishop, Mississippi Conference



Rev. Trey Harper
Secretary, Mississippi Conference

Question of Law

As required by ¶51. Article VII in the *United Methodist Book of Discipline*

Re: "Petition on Human Sexuality to the Mississippi Annual Conference" before the 2022 Session of the Mississippi Annual Conference of the United Methodist Church

Does not the "Petition on Human Sexuality" approved by the Mississippi Annual Conference of the United Methodist Church result in establishing "a theological statement in regard to the morality or immorality of the practice of homosexuality" (emphasis in the original) suppose that an annual conference can unilaterally establish theological statements or is the establishment of theology reserved to the Book of Discipline voted on by the General Conference, as established in Paragraph 105, Section 4?

Submitted by

Rev. Gavin Lance Presley

Elder

West Jackson District

Mississippi Annual Conference
July 14-16, 2022
Daily Minutes Excerpt

Friday, July 15, 2022C

Morning Plenary

9AM - 11:30AM

Agenda Item 2: Petitions and Resolutions

Rev. Stephen Sparks, Chair of the Petitions Committee shared that all of the petitions would be voted on by paper ballot and the results reported in the afternoon Session. At this point he introduced those committee members who would be introducing the Petitions. He then recognized Rev. Trey Harper, Conference Secretary, who called for Tellers to distribute paper ballots and then explained how the ballot would work, using the first Petition, the Dinas Prayer Petition, as the example.

Bishop Swanson recognized Rev. Lance Presley, Elder, for a question. Rev. Presley stated that earlier during the week, he had submitted a question of law in writing about the petition on human sexuality as required by 51 Article 7 requesting to know if it is appropriate for an Annual Conference to establish a theological statement as this resolution attempts to do or if as according to 105, Section 4 in the Book of Discipline that is reserved for General Conference and the Book of Discipline. He was asking that the Bishop receive this Question of Law.

Bishop Swanson said that he had received it, and that it was currently a moot and hypothetical question because the Annual Conference had not yet voted on the Resolution. But should he wish to raise it following the vote, to return to the microphone to be recognized.

Rev. Jill Shaw was recognized to present on the first two petitions. Following each petition, time was allotted for voting on the paper ballot. Mr. J.R. Hall presented the next three petitions. The same process was allowed for paper voting. Rev. Joey Shelton presented the final two resolutions.

During the voting period of these final two, Rev. Lance Presley was recognized to raise his question of law pertaining to the Petition on Human Sexuality. Bishop Swanson acknowledged receipt and responded that his question is moot and hypothetical until we actually vote and then we have 30 days to respond to it.

Spiritual Leadership

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August 12, 2022

RE: Question of Law submitted by Rev. Lance Presley, Elder, Mississippi Conference and relevant Decision of Law offered by Bishop James E. Swanson Sr, Resident Bishop, Mississippi Conference

PARTIES

Bishop James E. Swanson, Sr. Resident Bishop
Mississippi Annual Conference
320 Briarwood Drive
Jackson, MS 39206

Rev. Lance Presley
1060 St. Ann Street
Jackson, MS 39202

Rev. Trey Harper, Director of Spiritual Leadership
Mississippi Annual Conference
320 D Briarwood Drive
Jackson, MS 39206

Email Information Added by the Judicial Council:

Rev Trey Harper [Conf Sec'y] <tharper@mississippi-UMC.org>,

Rev Gavin Lance Presley [Asked Q] <glpresley@gmail.com>,

Bishop James E Swanson [Presiding Bishop] <bishop@mississippi-umc.org>,

Petition on Human Sexuality
To the
Mississippi Annual Conference

Whereas, the purpose of this petition is to establish a **theological statement** in regard to the morality or immorality of the practice of homosexuality; and

Whereas the debate and the issue regarding the practice of homosexuality has been an ongoing struggle within the United Methodist Church since 1972, and will continue to be until we as a Church stand on to the authority of God's Word as did Joshua in the early days of Israel (**Joshua 24:14-15**), and,

Whereas the Mississippi Annual Conference has been in a position to make its theological position known by voting on a petition entitled, "Petition on Human Sexuality" (Subtitled, "Petition on the Practice of Homosexuality"), and other such petitions since 2017, and,

Whereas the Mississippi Annual Conference has simply forwarded these petitions on to the General Conference without a vote reflecting the Annual Conference's position, and,

Whereas, this action of simply forwarding the petitions on to the General Conference, which has not met since the specially called 2019 General Conference in St. Louis, Missouri, that considered this issue of homosexuality at which time the language of the 2016 Discipline was upheld and the Traditional Plan was approved, and,

Whereas, the General Conference through the Judicial Council **has not enforced** its actions and rulings of the 2016 and 2019 General Conferences causing confusion within the worldwide United Methodist Church regarding the practice of homosexuality, which has neutralized God's truth that brings freedom, redemption and deliverance from homosexuality's bondage (**Hebrews 12:1-2**), and,

Whereas, this confusion within the Church has been aided by the inaction of the Mississippi Annual Conference voting on such related petitions causing confusion within our own Churches within the boundaries of our Conference, and,

Whereas, God Himself through His Word has established what constitutes HOLY AND UNHOLY BEHAVIOR and it is He (the Triune God - Yahweh), who is the ONLY One who has such authority (**Genesis 1:26-28; 2:7, 18-25, esp. 24; Matthew 5:17; Romans 15:4; II Timothy 3:16; Hebrews 4:12**), and

Whereas, the teaching of the Scriptures, God's Holy Word, on the practice of homosexuality is very clear and precise on its teaching in regard to the practice of homosexuality with EVERY reference whether directly or indirectly being condemnatory as an act contrary to God's standard of HOLY BEHAVIOR (**Genesis 1:26-28; 2:18-25; 19; Leviticus 18:22; 20:13; Romans 1:24-27; I Corinthians 6:9-11; I Timothy 1:8-11; Jude 7**).

Therefore, let it be resolved and made known, that the 2022 Mississippi Annual Conference in session at the Bancorp South Arena in Tupelo, Mississippi on July 13-15 makes its theological stance known to the United Methodist Church throughout the world that we stand on the authority of God's Word, the Holy Scriptures, declaring that the practice of homosexuality is contrary to God's standard of holy behavior, and consequently, is an immoral (sinful) act of behavior.

Furthermore, we are all sinners (**Psalm 53:1-3; Isaiah 53:6; Ezekiel 18:4; Romans 3:23**), who face different temptations, in need of God's grace, mercy, and strength through Jesus Christ's redeeming work on the Cross (**Isaiah 53:4-5; John 3:17-19; Romans 3:22; 5:8; Ephesians 2:8-9**), and it is this redeeming work of Christ that frees us to become holy in all of our conduct (**I Corinthians 10:13; Ephesians 1:3-6; Philippians 1:6; Colossians 3:1-17; I Peter 1:13-15**). We, the Mississippi Annual Conference, hereby declare that those, who practice homosexuality, which is no different from other immoral, sinful acts of sexual behavior, are in need of God's deliverance and cleansing power through His Holy Spirit.

Let it be further resolved, that we join with our homosexual brother and sister, who struggle as we all do with our own sinful acts of rebellion that we pray and help each other to commit our lives fully to the saving grace of our Lord and Savior Jesus Christ, thus enabling His Holy Spirit to do *His perfect work* within us {Philippians 1:6} as we all *'press toward the goal for the prize of the upward call of God in Christ Jesus'* (**Philippians 3:14**).

Respectfully Submitted,
G. Randy Owen
Retired Elder of the Mississippi Annual Conference
Of the United Methodist Church