

Bishop's Ruling of Law
Building BeLoved Community Resolution
North Central Jurisdiction Conference Special Session, 2021
Bishop David Alan Bard, presiding bishop
December 11, 2021

Statement of Facts

On Thursday, November 11, 2021 at the special session of the North Central Jurisdiction Conference a resolution was presented by a writing team of delegates who had been authorized to do so. The resolution was entitled "Covenant to Build BeLoved Community" (copy attached). Bishop David A. Bard (Michigan and Minnesota) was presiding.

Following discussion, including the offering of amendments, the resolution, as amended, was approved with 135 voting in favor, 32 opposed.

John Lomperis, lay delegate from the Indiana Conference made a request of Bishop Bard for a ruling of law:

In accordance with Paragraphs 51 and 2609.6 of the United Methodist Book of Discipline and in light of Judicial Council Decisions # 886, 1201, 1292, 1340, 1343, 1344, and 1403 I respectfully ask and request a decision on the following questions of law about the section of the covenant statement just adopted by the 2021 North Central Jurisdictional Conference special session, particularly the section that begins with "LGBTQIA+ clergy and laity are a gift ..." and that ends with "We will not restrict God's calling based solely on a candidate's sexual orientation or 65 gender identity" (which appears on lines 58-65 on page two of the version of this statement that was emailed to delegates last night):

-does this section of the statement impermissibly negate, ignore, violate, encourage actions that are contrary to, or discourage the enforcement of Discipline paragraphs 304.1-3, 341.6, 362, 635, 2701, 2702, 2704, 2711, or other relevant church law? And if so, is this section null, void, and of no effect?

-Does this section of the statement in any way limit or restrict the rights or obligations of bishops, district superintendents, counsels for the church, committees on investigation, trial courts, boards of ordained ministry, or district committees on ministry to fully comply with and uphold Paragraphs 304.1-3, 341.6, 362, 635, 2701, 2702, 2704, 2706, and 2711 of the Book of Discipline? If so, is this section of the statement null, void, and without effect?

Minutes of the Thursday proceedings are attached.

Ruling by Bishop Bard

Judicial Council decision 886 clearly states that annual conferences “may not legally negate, ignore, or violate provisions of the *Discipline*.” The Council has also ruled that an Annual Conference may not pass a resolution if “the action ignores Church Law and encourages a violation of Church Law” (JCD 1262). However, the Judicial Council in decision 1052 stated that “Annual Conferences are free to express their ideals and opinions as long as they do not attempt to negate, ignore, or contradict the *Discipline*,” and in decision 1120 affirmed that “an annual conference may adopt a resolution on human sexuality that is aspirational in nature.” In subsequent decisions (e.g. 1340, 1406), the Judicial Council has continued to affirm that annual conferences may adopt resolutions that are aspirational in nature. The Council has extended the same rights to jurisdictional conferences. “Jurisdictional conferences are free to adopt resolutions that are aspirational in nature, and to express their ideals and opinions so long as they do not attempt to negate, ignore, or contradict *The Book of Discipline*” (JCD 1340).

The resolution, “Covenant to Build BeLoved Community” arose out of conversations among delegates about the future United Methodist Church. The resolution itself is a mixture of aspirational statements, requests, and directives. The majority of the resolution is comprised of statements of values and exhortations, e.g. “we request;” “we implore;” “we encourage;” “we recommend.”

The particular paragraph which provides the focus for the requested ruling of law mirrors the language of the entire resolution, that is, it is comprised of statements of values joined by statements of encouragement or exhortation.

The opening statement of the resolution is rooted in values expressed in *Disciplinary* paragraph 161.G: *We affirm that all persons are individuals of sacred worth, created in the image of God. All persons need the ministry of the Church in their struggles for human fulfillment, as well as the spiritual and emotional care of a fellowship that enables reconciling relationships with God, with others, and with self.... We affirm that God’s grace is available to all.... We implore families and churches not to reject or condemn lesbian and gay members and friends. We commit ourselves to be in ministry with all persons.*

Following the opening sentences, members of the North Central Jurisdiction are “urged” to avoid pursuing charges against LGBTQIA+ clergy and allies. This is an aspirational and hortatory statement which encourages certain actions that are not otherwise deemed mandatory by The Book of Discipline. No one is required to file complaints.

A request is made of episcopal leaders to “dismiss charges related to LGBTQIA+ identity or officiating same gender weddings.” It is difficult to make a strong case that this statement represents a violation of The Book of Discipline. The resolution makes a request. Request language is aspirational and encouraging, not directive. Further, it is not clear precisely what is being requested. The aspiration is clear, namely, that judicial processes not be used against persons “related to LGBTQIA+ identity or officiating same gender weddings.” The Book of Discipline itself discourages the use of church trials, viewing them “as an expedient of last resort” (¶12707). Bishops are given the authority to dismiss complaints, but only for cause and only after engaging in a process seeking a just resolution, which is not a part of the judicial process (¶1362). Is the request that certain complaints be dismissed at the point in the process where such action might be considered? Is the request that such complaints not be considered

at all? Is the request to place such complaints in abeyance? That this is a request, and that the precise nature of the request is ambiguous speaks to the aspirational nature of this section of the resolution.

The resolution next “implores all our conference leaders, boards and agencies, to bring no harm to LGBTQIA+ people.” The word “implore” is hortatory in nature, and here what is being encouraged is rooted in ¶161.G, *We implore families and churches not to reject or condemn lesbian and gay members and friends. We commit ourselves to be in ministry with all persons*, as well as in our general rules to do no harm.

The statement about not restricting God’s calling “based solely on a candidate’s sexual orientation or gender identity” is, again, a statement of values whose implications cannot be determined abstractly or hypothetically. At the very least, the statement encourages fair treatment of LGBTQIA+ persons in church processes. Beyond that, its meaning is not clear.

Having examined the various statements in the paragraph of the resolution under review, the final question of the request for a ruling of law can be addressed. *Does this section of the statement in any way limit or restrict the rights or obligations of bishops, district superintendents, counsels for the church, committees on investigation, trial courts, boards of ordained ministry, or district committees on ministry to fully comply with and uphold Paragraphs 304.1-3, 341.6, 362, 635, 2701, 2702, 2704, 2706, and 2711 of the Book of Discipline?* Having argued that the language in this section of the resolution consists of statements of values and aspirational requests and exhortations, the resolution does not, therefore limit or restrict the rights or obligations of bishops, district superintendents, counsels for the church, committees on investigation, trial courts, boards of ordained ministry, or district committees on ministry to fully comply with and uphold Paragraphs 304.1-3, 341.6, 362, 635, 2701, 2702, 2704, 2706, and 2711 of The Book of Discipline.

As a statement about the future shape of The United Methodist Church, a statement which asserts important values and encourages consideration of how one might live into those values, this section of the resolution “Covenant to Build BeLoved Community” stands with the rest of the resolution approved by the North Central Jurisdiction.

Thursday Minutes/Amendments

Episcopacy Committee Motion: The North Central Jurisdiction states its intent to elect at its next regular session of the jurisdictional conference the number of bishops to total eight active bishops eligible for assignment by the NCJ Committee on the Episcopacy (§524.36), subject to further action of the General Conference, which has the authority to set the number of bishops to which a jurisdiction shall be entitled (§404.2b).

Approved; 142 Yes; 13 No; 92% - 8%

The previous question asked by Charles Boayue, Jr. (Michigan - clergy) for the record: "Can a special session of the jurisdictional or central conference authorize a special session that elects and assigns bishops of the United Methodist Church without General Conference authorization?"

Paul Black Is this document considered to be aspirational in intent, particularly in the language in line 61 and following, requesting "episcopal leaders dismiss charges" related to specific classes of complaints? Or is this a directive to the bishops on how they rule on such matters?

Alka Lyall Amendment: Line 40 We request the Mission Council evaluate their budget and demonstrate, and report at the next JC, how the budget incorporates antiracism work and healing institutional trauma. **Approved; 138 Yes; 20 No; 87% - 13%**

Alka Lyall Amendment: 2nd is like this Line 42 + - The Mission Council must designate sufficient NCJ funds for the purpose of convening Conference Commissions on Religion and Race and Annual Conference antiracism task force representatives in 2022 to operationalize ‘ and share a report at the next JC’: **Approved; 144 Yes; 14 No; 91% - 9%**

Matthew Laferty Amendment: I would like to amend the petition by addition: After first word of Line 5, “More than ever, we need to lean into the call of Hebrews 10:22-25 (CEB): “Therefore, let’s draw near with a genuine heart with the certainty that our faith gives us, since our hearts are sprinkled clean from an evil conscience and our bodies are washed with pure water. Let’s hold on to the confession of our hope without wavering, because the one who made the promises is reliable. And let us consider each other carefully for the purpose of sparking love and good deeds. Don’t stop meeting together with other believers, which some people have gotten into the habit of doing. Instead, encourage each other, especially as you see the day drawing near.” **Approved; 146 Yes; 13 No; 92% - 13%**

Jon Priebe Amendment: Add “and clergy” following “congregations” on lines 88 and 90. **Approved; 150 Yes; 9 No; 94% - 6%**

Andy Adams Amendment: Delete lines 87-90 “We encourage conferences and local churches to strive for reconciliation and understanding. However, some congregations may feel called to a different future in the faith. We grieve each separation. NCJ annual conferences should use existing disciplinary and conference provisions to accommodate local congregations seeking disaffiliation.” Replace them with: We honor the expressed desire of some churches and church leaders to leave the United Methodist Church to participate in other denominations. We call

bishops and NCJ annual conferences to handle any separation in as gracious and amicable way as possible, avoiding property lawsuits and other forms of bitter fighting. We further call bishops and NCJ annual conferences to assist local churches by developing strategies and resources on how to have difficult conversations in ways that reduce harm and ensure the open and accurate sharing of information about options as they discern their future.

*** Call for the Question on Adams Amendment by Lonnie Chafin: **Approved; 135 Yes; 33 No; 80% - 20%**

After Andy Adams Summation his Amendment: **Not Approved; 46 Yes; 123 No; 46% - 73%**

Aleze Fulbright Amendment: Line 51 to reflect: of color, RESOURCES TO SUPPORT THE RECRUITMENT AND DEVELOPMENT FOR LEADERS OF COLOR (LAY AND CLERGY), and developing programs for youth/young adults of color. **Approved; 146 Yes; 17 No; 90% - 10%**

Becky Boland MOTION: I move for a limit of three speeches for and against on each motion today. **Approved; 148 Yes; 16 No; 90% - 10%**

Hwa-Young Chong Amendment: add "sexism" in the sentence in lines 15 and 16: "We confess....colonialism, racism, sexism, classism, and heterosexism." **Approved; 149 Yes; 10 No; 94% - 6%**

Sara Isbell Amendment: insert at Line 88 following the word "faith" - New sentence: "We respect our siblings who depart and desire to do no harm as we anticipate cooperative ecumenical efforts in the future." **Approved; 153 Yes; 11 No; 93% - 7%**

Andy Call Amendment: Add to the end of line 75: "We remain committed to our continuing call to make disciples of Jesus Christ for the transformation of the world and by sharing and living the Gospel." **Approved; 150 Yes; 12 No; 93% - 7%**

Becky Boland Call the Question on the Covenant as Amended. Bishop Bard ruled out of order due to not having 2 speeches for and 2 speeches against the motion to approve The Covenant.

Becky Boland made a motion to Suspend the Rules: **Approved; 131 Yes; 36 No; 78% - 22%**

Becky Boland made a motion to end debate by Calling the Question on all before us. **Approved; 131 Yes; 36 No; 78% - 22%**

Covenant Document as amended before the body: **Approved; 135 Yes; 32 No; 81% - 19%**

Kennetha Bigham-Tsai Point of Privilege & Motion: Thanked the writing team and moved the NCJ having just passed The Covenant to Build Beloved Community affirm the Narrative of the

Council of Bishops approved at their November 2021 meeting. **Approved; 131 Yes; 31 No; 81%- 19%**

https://www.unitedmethodistbishops.org/files/websites/www/a+narrative+for+the+continuing+united+methodist+church..._.pdf

John Lomperis Question of Law In accordance with Paragraphs 51 and 2609.6 of the United Methodist Book of Discipline and in light of Judicial Council Decisions # 886, 1201, 1292, 1340, 1343, 1344, and 1403 I respectfully ask and request a decision on the following questions of law about the section of the covenant statement just adopted by the 2021 North Central Jurisdictional Conference special session, particularly the section that begins with “LGBTQIA+ clergy and laity are a gift ...” and that ends with “We will not restrict God’s calling based solely on a candidate’s sexual orientation or 65 gender identity” (which appears on lines 58-65 on page two of the version of this statement that was emailed to delegates last night):-does this section of the statement impermissibly negate, ignore, violate, encourage actions that are contrary to, or discourage the enforcement of Discipline paragraphs 304.1-3, 341.6, 362, 635, 2701, 2702, 2704, 2711, or other relevant church law? And if so, is this section null, void, and of no effect? --Does this section of the statement in any way limit or restrict the rights or obligations of bishops, district superintendents, counsels for the church, committees on investigation, trial courts, boards of ordained ministry, or district committees on ministry to fully comply with and uphold Paragraphs 304.1-3, 341.6, 362, 635, 2701, 2702, 2704, 2706, and 2711 of the Book of Discipline? If so, is this section of the statement null, void, and without effect?

Dave Nuckles made a motion that NCJ affirm the grassroots Call to Grace Letter (appearing at www.acalltoGrace.com). Was ruled by Bishop Bard to be appropriately before us as within the scope of the call for the special session. **Approved; 128 Yes; 31 No; 81% - 19%**

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Interested Parties

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