

DECISION 1283

IN RE: Review of a Bishop's Decision of Law in the Baltimore-Washington Annual Conference Regarding the Resolution, "Agree to Disagree on Issues Pertaining to Gender and Sexual Minorities" in Light of ¶¶ 324.13, 2702.1b, and 2704.2a and Judicial Council Decisions 1111, 1115, 1120, and 1218

DIGEST

The Bishop's ruling that none of the cited sections of Resolution No. 10 violate the *Discipline*, nor do they conflict with the decisions of the Judicial Council, is affirmed.

STATEMENT OF FACTS

During the 2014 session of the Baltimore-Washington Annual Conference, a resolution titled "Agree to Disagree on Issues Pertaining to Gender and Sexual Minorities" was passed. Three paragraphs of this resolution were then lifted up in a request that the bishop provide a ruling of law. The three paragraphs were:

Therefore, let it be resolved that the Baltimore-Washington Conference be strongly encouraged to:

1. Support LGBT lay members who marry and to consider refraining from filing complaints against pastors who perform marriages between gender and sexual minorities; and
2. Consider refraining from using its resources to investigate or enforce a ban on marriages between gender and sexual minorities, or for church trials, or for otherwise disciplining clergy that perform same-sex marriages; and
3. Consider refraining from using its resources to investigate the gender or sexual orientation of a minister or candidate for ministry and consider refraining from using its resources to enforce a ban on the certification of an LGBT candidate for ministry, or the ban on ordination of an LGBT minister.

The question of law asked if these three sections were in compliance with the *Discipline*.

The Bishop concluded that

the resolution at issue here does not have ‘prescriptive force’ for actions of clergy, for those charged with supervision or for those whose responsibility it is to examine candidates for licensing and ordination; it does call upon those who do these things to be strongly ‘encouraged’ to consider the use of our resources in how we do these things with regard to human sexuality...it is aspirational and not prescriptive.

The Bishop ruled that Resolution 10 does not violate, negate or ignore the provisions of the *Discipline* referenced in the question of law.

JURISDICTION

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

ANALYSIS AND RATIONALE

The Bishop’s ruling offers a point by point analysis of the Resolution. He cites Decisions 913, 1021, and 1044. In particular, Decision 1044 notes the important distinction of aspirational nature that does not negate, ignore or violate the *Discipline*.

The Baltimore-Washington Conference’s resolution “Agree to Disagree on Issues Pertaining to Gender and Sexual Minorities” appears to offer another option to the ongoing dilemma in which the church finds itself. It encourages what might be termed a path of least harm to all parties. It encourages support for injured parties and reducing as much as possible the expenditure of church resources to adjudicate infractions of the *Discipline* followed by calling for the General Conference to change the *Discipline*.

The Bishop’s ruling speaks to the aspirational nature of the resolution’s content which he ruled does not negate, ignore or violate the *Discipline*.

DECISION

The Bishop's ruling that none of the cited sections of Resolution No. 10 violate the *Discipline*, nor do they conflict with the decisions of the Judicial Council, is affirmed.

J. Kabamba Kiboko was absent.

Timothy K. Bruster, first clergy alternate, took part in this decision.

William B. Lawrence, President

F. Belton Joyner, Jr., Secretary

October 25, 2014