

## JUDICIAL COUNCIL OF THE UNITED METHODIST CHURCH

### DECISION 1297

#### **IN RE: Review of a Bishop's Decision of Law in the New England Annual Conference regarding Whether Its Resolution RS-204 Conforms to Article XXII of the Methodist Articles of Religion**

#### **DIGEST**

The Bishop's ruling that New England Annual Conference's Resolution 204, "To Affirm God's Call to Ministry and Marriage," is aspirational in nature, does not negate, ignore, nor violate the *2012 Discipline* nor is it unlawfully prescriptive is modified with reference to the ruling on Item 4, by adding the phrase "recognizing, however, that ¶ 341.6 of the *Discipline* states 'Ceremonies that celebrate homosexual unions shall not be conducted by our ministers and shall not be conducted in our churches.'"

#### **STATEMENT OF FACTS**

On Friday, June 13, 2014, The New England Annual Conference voted and passed Resolution 204, "To Affirm God's Call to Ministry and Marriage." The resolution, as passed, began with a "preamble" from the proposing group of conference members:

As those who oppose, seek to change, and intend to live in disobedience to the United Methodist Disciplinary language that "homosexuality is incompatible with Christian teaching" as a criteria for ordination and marriage and those policies that emanate from this language, we submit the following for adoption and implementation by the New England Annual Conference of the United Methodist Church, WHEREAS our Conference, just as the general church, is not of one mind, RESOLVED

1. We prayerfully support those clergy who have been brought to trial for solemnizing marriage vows for all properly prepared couples.
2. We strongly urge our Board of Ordained Ministry, Appointment Cabinet, and Resident Bishop to do all within their power to make the New England Annual Conference a place of welcome and refuge to those convicted by Church trial courts for presiding over same gender Christian weddings or faithfully responding to the call to ordained ministry.
3. We strongly urge the next General Conference of the United Methodist Church to remove all language that prohibits the ordination and marriage of persons based upon gender orientation or to allow Annual Conferences a "local option" to discern their own criteria in these matters.

4. We strongly urge our New England Conference congregations and their clergy to open their “hearts, mind, and doors” to all couples regardless of gender seeking to sanctify their unions in holy matrimony.

Following the passage of the Resolution, a request for a ruling of law was read and submitted in writing to the conference secretary, asking “Does RS 204 conform to Article XXII of the Methodist Articles of Religion (¶ 104), strongly urging clergy and congregations to perform ceremonies specifically prohibited by the General Conference?”

The Bishop limited his Decision of Law to the four enumerated parts of the resolution. His ruling stated:

Resolution 204—by which the 2014 New England Annual Conference voted to: (1) prayerfully support clergy brought to trial for solemnizing same gender marriage vows; (2) strongly urge the Board of Ordained Ministry, the Cabinet and Bishop to do all within their power to make the Conference “a place of welcome and refuge for those convicted by church trial courts for presiding over same gender Christian weddings or faithfully responding to the call to ordained ministry”; (3) strongly urge that the next General Conference remove certain prohibitive language from the Book of Discipline or to allow Annual Conferences a “local option” to discern their own criteria in these matters; and (4) strongly urge the New England Annual Conference congregations and clergy to open their hearts, minds and doors to all couples regardless of gender seeking to sanctify their union in holy matrimony—is a resolution that is thoroughly aspirational in nature. None of the actions being urged in any way break the mandates of the church rites and ceremonies noted in Article XXII. If the wording of Resolution 204 is read as I read it, nothing contained within the four corners of Resolution 204 would serve to mandate, negate, ignore, or violate The Book of Discipline, nor is any of it in any way unlawfully prescriptive in nature, and I rule that it is upheld as lawful in its entirety.

### **JURISDICTION**

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

### **ANALYSIS AND RATIONALE**

As the Bishop notes, Items 1-3 of the resolution are clearly aspirational and do not violate the *Discipline*. Item 1 asks the conference to provide prayerful support, a non-specific but certainly acceptable response to difficulties being experienced by clergy regardless of the circumstances. Item 2 urges the conference to be a “place of welcome and refuge,” again a

non-specific but certainly acceptable response. Item 3 is aspirational in urging General Conference to make changes in the *Discipline*.

Item 4 is somewhat more problematic. The minutes of the Annual Conference session suggest that discussion on the floor focused on Item 4 and modifications were made. Given the history of these gender issue resolutions, one might be prone to read into final drafts encouragement for violating the *Discipline's* prohibition of United Methodist clergy's performing same gender marriages or to have such marriages performed in United Methodist churches. Yet this particular item is in the context of The United Methodist Church's support for the concept of "open hearts, open minds and open doors" for everyone, which would presumably include those who are "seeking to sanctify their unions in holy matrimony." To be clear about this, the Judicial Council modifies the Bishop's decision of law in reference to Item 4 by adding the phrase "recognizing, however, that ¶ 341.6 of the *Discipline* states 'Ceremonies that celebrate homosexual unions shall not be conducted by our ministers and shall not be conducted in our churches,'" thus, making clear that the resolution does not urge breaking church law.

### DECISION

The Bishop's ruling that New England Annual Conference's Resolution 204, "To Affirm God's Call to Ministry and Marriage," is aspirational in nature, does not negate, ignore, nor violate the *Book of Discipline* nor is it unlawfully prescriptive is modified with reference to the ruling on Item 4, by adding the phrase "recognizing, however, that ¶ 341.6 of the *Discipline* states 'Ceremonies that celebrate homosexual unions shall not be conducted by our ministers and shall not be conducted in our churches.'"

Beth Capen was absent.

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

April 18, 2015

### CONCURRING AND DISSENTING

With due respect to my colleagues and the Bishop, I take the view that part of his ruling, specifically on Items 1 and 3, deserves affirmance for being aspirational, but that part pertaining to Items 2 and 4 is unacceptable, transgressing as it does the *Discipline* and the more pertinent Judicial Council decisions.

The Resolution, from its preamble to the four-fold call to ministry and marriage, is a mix of allowable aspiration and proscribed derogation of the *Discipline* and decisions of the Judicial Council. Opposing and seeking to change the Disciplinary tenet that "homosexuality is incompatible with Christian teaching" can be merely aspirational but expressing the intent "**to live in disobedience** to the United Methodist Disciplinary language" and submitting the thesis

**“for adoption and implementation”** certainly negates, ignores, or violates the Discipline, hence, unlawful.

Prayerfully supporting those clergy who are facing trial for solemnizing marriage vows for all properly prepared couples (Item 1) and strongly urging the next General Conference to remove all language that prohibits ordination and marriage of persons based on gender orientation, or allowing annual conferences to discern their own criteria in these matters (Item 3) are in the nature of aspiration.

As the bishop aptly noted, words of aspiration are non-mandatory, without prescriptive force, typically expressive of human hopes, dreams, goals or commitments seeking to change certain social policies, institutions or attitudes. (JCD 1218, 1220)

However, the call to strongly **urge** the Board of Ordained Ministry, Cabinet, and Bishop to do all within their power **to make** their Annual Conference a place of **refuge** to those **convicted** by Church trials for presiding over **same gender** weddings (Item 2) and to open their “hearts, minds and doors” to all couples **regardless** of gender seeking to sanctify their unions in holy matrimony (Item 4) cross the line of aspiration and partake of a call to action violative of Article XXII of the Articles of Religion and Judicial Council Decisions 886, 911, 1111, 1120, and 1250, among others.

To make the Annual Conference a place of welcome to all clergy-charged or convicted is perfectly right. That accords with our “open hearts, open minds, open doors” policy. Acts of welcome, among others, include admission to worship, programs and receiving the ministries of grace, healing and reconciliation.

But to advocate in a strong way that church officials, including the bishop, make the annual conference a place of refuge for clergy members convicted of solemnizing prohibited same-gender weddings is to shelter and protect, tolerate and encourage those convicted of indulging in the prohibition. That undermines and denigrates decisions of conviction by our trial courts. Only the Judicial Council can finally reverse said decisions. Respect for our courts would be eroded and that cannot be countenanced. To the same effect is the call to allow same-sex couples to be married in our Church, because solemnizing such marriage is a chargeable offense (§341.6 and §2702.1b) and the Judicial Council has a number of times ruled to affirm the sanctions.

Worth noting is the Bishop’s own reservation at the end of his reasoning:

“However, the Judicial Council may view Item #4 of Resolution 204, like the person who requested the ruling of law, that the words really are urging local congregations to have same-gender marriages in United Methodist churches and that the services be conducted by United Methodist clergy. If this is the interpretation to be

given, then Item #4 is a violation of the Discipline as discussed above and should therefore be removed from Resolution 204 as null and void.”

The Bishop’s decision of law should thus be modified. I would affirm that part of the ruling that it is aspirational, hence, legal to prayerfully support those clergy brought to trial for solemnizing marriage vows for all properly prepared couples (Item 1 of RS-204), and to strongly urge the next General Conference to remove all language that prohibits the ordination and marriage of persons based on gender orientation or to allow annual conferences to discern their own criteria in these matters (Item 3). But I would disallow the preface or premise “to live in disobedience” to the Discipline and I would reverse the holding that it is lawful to strongly urge the Board of Ordained Ministry, the Cabinet and the bishop to do all within their power to make the annual conference a place of refuge for those convicted by the Church trial courts for presiding over same gender weddings (Item 2) and to strongly urge the Conference congregations and their clergy to open their “hearts, minds and doors” to all couples regardless of gender seeking to sanctify their union in holy matrimony (Item 4). The latter two calls of action violate a vital part of Article XXII, Methodist Articles of Religion, referring to “openly break rites and ceremonies of the church to which he belongs, and which are not repugnant to the Word of God, and are ordained and approved by common authority...”, which is our Discipline. Although the Articles of Religion is, strictly, not a church law, it is one of the United Methodist Church’s explicit doctrinal standards (JCD 1185). It must be respected, not disobeyed or ignored, undermined or negated. It carries the same weight or importance as the Constitution and the Restrictive Rules, given the same rigorous requirement for their amendment requiring two-thirds majority of all the General Conference delegates present and voting and three-fourths vote of all the members of the annual conferences present and voting (Ibid).

Moreover, Item 2 undermines and denigrates decisions of conviction by our trial courts which only the Judicial Council can finally reverse, while Item 4 in reality urges local congregations to have same-gender marriages and that these be conducted by United Methodist clergy, which is a chargeable offense (§§ 341.6, 2702.1b).

Ruben T. Reyes

April 18, 2015