



THE UNITED METHODIST CHURCH  
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CYNTHIA FIERRO HARVEY  
BISHOP

July 21, 2016

Rev. Luan-Vu "Lui" Tran

[secretaryjudicialcouncil@gmail.com](mailto:secretaryjudicialcouncil@gmail.com)

Dear Rev. Tran,

Greetings in the name of Jesus Christ.

Meeting in Wichita, Kansas, on Friday, July 15, 2016, and with a quorum present, the South Central Jurisdictional Conference passed (by majority vote) a motion made by Mrs. Dixie Brewster, lay delegate of the Great Plains Annual Conference, to request a declaratory decision from the Judicial Council. The motion was as follows:

#### **MOTION FOR A DECLARATORY DECISION**

*Bishop, I move that the South Central Jurisdictional Conference request a declaratory decision from the Judicial Council on the following matter:*

*Is the nomination, election, consecration, and/or assignment as a bishop of The United Methodist Church of a person who claims to be a "self-avowed practicing homosexual" or is a spouse in a same-sex marriage lawful under The Book of Discipline of the United Methodist Church.*

*Specifically,*

*What is the application, meaning and effect of ¶ 304.3, ¶ 310.2d, ¶ 341.6, and ¶ 2702.1 (a), (b), and (d) in regard to the nomination, election, consecration and/or assignment as bishop of a person who claims to be a "self-avowed practicing homosexual" or is a spouse in a same-sex marriage or civil union? Further ---*

- *Does a public record that a nominee for the episcopacy is a spouse in a same-sex marriage disqualify that person from nomination, election, consecration and/or assignment as a bishop in The United Methodist Church?*

- *If a jurisdictional conference nominates, elects, consecrates, and/or assigns a person who, by virtue of being legally married or in a civil union under civil law to a same-sex partner, would be subject to a chargeable offense, is the action of the jurisdictional conference null and void?*
- *Is it lawful for one or more of the bishops of a jurisdiction to consecrate a person as bishop when the bishop-elect is known by public record to be a spouse in a same-sex marriage or civil union?*
- *When a bishop, district superintendent, district committee on ordained ministry, Board of Ordained Ministry, or clergy session becomes aware or is made aware that a clergy person is a spouse in a same sex marriage or civil union of public record, does such information in effect and in fact amount to a self-avowal of the practice of homosexuality as set forth in ¶ 304.3, related footnotes and related Judicial Council Decisions?*

This petition is submitted on behalf of the South Central Jurisdictional Conference under the authority of United Methodist Book of Discipline Par. 2610 (2)(f), in that it pertains to “matters relating to or affecting jurisdictions or jurisdictional conferences or the work therein,” that is, the qualification and election of bishops by jurisdictional conferences pursuant to Book of Discipline Par. 27 (2) and Article V of the United Methodist Constitution. Specifically, the petition addresses action by the Western Jurisdiction in electing Rev. Karen Oliveto, reported to be an openly gay clergy member, as a bishop. Accordingly, the petition will directly affect Bishop Oliveto, her qualifications and the efficacy of her election as bishop. More generally, the petition will affect all jurisdictions and jurisdictional conferences of the United Methodist Church, who have an interest in the election and appointment of bishops in the United Methodist Church. The maker of the motion, Mrs. Dixie Brewster, will be notified of her need (as maker of the motion) to identify all persons/entities affected by or having an interest in matters addressed in the petition, and of her right to file a brief as authorized by Appendix B of the Rules of Practice and Procedure of the Judicial Council. Thank you for your attention to this matter, and please let me know if anything further is needed.

Respectfully submitted,



Bishop Cynthia Fierro Harvey  
Resident Bishop, Louisiana Area  
The United Methodist Church

Copy: Bishop Michael McKee

CFH/km

## Declaratory Decision Request

David Severe <scjdirector@scjumc.org>  
To: secretaryjudicialcouncil@gmail.com

Mon, Jul 25, 2016 at 12:44 PM

Rev. Luan-Vu "Lui" Tran  
Secretary, The Judicial Council of the UMC

Dear sir,

Bishop Harvey, who was in the chair when the following motion was placed has indicated that I, as secretary of the SCJ Jurisdictional Conference must be the person to submit the request, along with an excerpt of the Minutes of the Conference.

Here is the excerpt:

**MOTION FOR A DECLARATORY DECISION - Dixie Brewster**, Great Plains Annual Conference Bishop, I move that the South Central Jurisdictional Conference request a declaratory decision from the Judicial Council on the following matter: Is the nomination, election, consecration, and/or assignment as a bishop of The United Methodist Church of a person who claims to be a "self-avowed practicing homosexual" or is a spouse in a same-sex marriage lawful under The Book of Discipline of the United Methodist Church. Specifically, What is the application, meaning and effect of ¶ 304.3, ¶ 310.2d, ¶ 341.6, and ¶ 2702.1 (a), (b), and (d) in regard to the nomination, election, consecration and/or assignment as bishop of a person who claims to be a "self-avowed practicing homosexual" or is a spouse in a same-sex marriage or civil union? Further ---

- Does a public record that a nominee for the episcopacy is a spouse in a same-sex marriage disqualify that person from nomination, election, consecration and/or assignment as a bishop in The United Methodist Church?
- If a jurisdictional conference nominates, elects, consecrates, and/or assigns a person who, by virtue of being legally married or in a civil union under civil law to a same-sex partner, would be subject to a chargeable offense, is the action of the jurisdictional conference null and void?
- Is it lawful for one or more of the bishops of a jurisdiction to consecrate a person as bishop when the bishop-elect is known by public record to be a spouse in a same-sex marriage or civil union?
- When a bishop, district superintendent, district committee on ordained ministry, Board of Ordained Ministry, or clergy session becomes aware or is made aware that a clergy person is a spouse in a same sex marriage or civil union of public record, does such information in effect and in fact amount to a self-avowal of the practice of homosexuality as set forth in ¶ 304.3, related footnotes and related Judicial Council Decisions?

Rationale – does not want the United Methodist Church to split. If this declaratory decision was accepted by our Jurisdictional Conference, it would prevent the split

**David Livingston**, Great Plains Annual Conference – speech against

\_\_\_\_\_How do you request a declaratory decision from the Judicial Council? Can it come from an individual or a church or only from a Jurisdictional Conference?

**Bishop Harvey** – after discussion and vote, Bishop Harvey will submit it to the Judicial Council. Para. 2610 *The Book of Discipline* describes who can make requests for a declaratory decision.

\_\_\_\_\_If I heard correctly there are two groups outside of the Bishops that can request a declaratory decision.

**Bishop Harvey** read the pertinent section of *The Book of Discipline* again

**John Mills**, Arkansas Annual Conference – speech for

**Motion to table Andrew Ponder Williams**, Missouri Annual Conference - Seconded 2/3 majority required

For 90 (46.88%) Against 102 (53.13%)

**Call the question** – Question is called

**Point of order** – North Texas Annual Conference – speeches for and against are not equal. **Bishop Harvey** – call the question supersedes

**Request for Prayer** - Olivia Pruet, Louisiana Annual Conference, who also prayed

**Bishop Harvey** – will abide by a majority

**Vote on Motion** Yes 109 No 84

If you need further information from me, please let me know.

Sincerely,

David Severe



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July 26, 2017

Rev. Luan-Vu "Lui" Tran

RE: Request for Expedited Consideration of South Central Jurisdictional Conference Request for Declaratory Decision

Dear Rev. Tran,

Grace and peace to you from God our Creator and the Lord Jesus Christ.

On July 20, 2016, the executive committee of the Council of Bishops voted to support the expedited consideration of the resolution passed by the South Central Jurisdictional Conference on July 15, 2016. The executive committee is aware that the resolution requesting a declaratory decision by the Judicial Council was not passed until the day of the Judicial Council's deadline for its October docket. The committee further understands that you communicated to Bishop Harvey on July 21 that the matter would be placed on the April 2017 docket.

The matter addressed by the resolution of the South Central Jurisdictional Conference is of great importance to The United Methodist Church and to the work of the Council of Bishops. A ruling before April 2017 is needed to avoid the uncertainty surrounding the election of Bishop Karen Oliveto and its effect on the administration of the church. Rule IV(C) of the Rules of the Judicial Council permits expedited consideration of a matter, and the executive committee urges the Judicial Council to consider the request for declaratory decision no later than the October docket.

Sincerely,

To: *Amici Curiae* and Interested Parties *in re* Petition from the South Central Jurisdictional Conference for Declaratory Decision

From: Lui Tran, Secretary of the Judicial Council

Re: Decision of Executive Committee of the Judicial Council

You have been identified as an interested party or *amicus curiae* in the above referenced matter.

The Executive Committee of the Judicial Council met on August 16, 2016 and made the following decision:  
**The *Southcentral Jurisdiction Petition for Declaratory Decision* will be placed on the Spring 2017 Docket. The request of the Council of Bishops of July 20, 2016 for expedited consideration of this matter is denied. Due to the importance of this petition, all interested parties and *amici curiae* must be given sufficient time to prayerfully consider the issues in order to prepare their briefs.**

The Spring meeting of the Judicial Council is scheduled for April 25-28, 2017 in New York. Briefs for this docket item must be filed with the Secretary of the Judicial Council no less than sixty (60) days before the session at which the matter will be considered (Art. V.G RPP). For the Spring session, the deadline for filing briefs is **February 24, 2017**. "Any reply to a brief must be received within seven (7) days after the deadline for filing briefs" (Art. V.I RPP).

Any request for an oral hearing on this matter must be received by the Secretary of the Judicial Council in writing on or before **February 24, 2017**. Oral hearings are not automatic and must be requested. The granting of an oral hearing in all matters is entrusted to the discretion of the President of the Judicial Council (Art. VI.A RPP).

If you choose to submit a brief, you should refer to the *Guidelines for the Preparation of Briefs for the Judicial Council of The United Methodist Church*. This document can be found on the website of the Judicial Council (<http://www.umc.org/who-we-are/judicial-council>).

Briefs should be sent to:  
Lui Tran, Secretary  
Judicial Council of The United Methodist Church  
11138 Del Amo Boulevard, Suite 134  
Lakewood, California 90715

Please let me know if you have any questions. Thank you for your cooperation.

Peace and grace,

**Lui Tran**  
**Secretary**



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