

Bishop's Decision of Law

(A decision of law made by a bishop in response to a written question during the annual conference session)

The request for a decision of law regarding certain proceedings and procedures of the Board of Ordained Ministry is denied inasmuch as such proceedings and procedures of an independent Conference board is not a subject upon which a decision of law can be made, and also in part because certain questions are hypothetical and out of order.

At the Clergy Session of the 2016 Annual Conference, the session had voted in a single vote by a vote of more than two-thirds of those present and voting to approve the 13 candidates for provisional membership and voted in a single vote by a vote of more than two-thirds of those present and voting to approve the 14 candidates for full membership as an ordained elder, same being all the candidates put forth by the Board of Ordained Ministry. After the voting, Rev. Steven M. Knutsen, an associate member without vote, requested a Decision of Law on whether certain proceedings and procedures of the Board of Ordained Ministry were in accordance with the Book of Discipline's stipulations.

The request asserts two of the candidates "have openly avowed their homosexuality," but the names of those referred to are nowhere indicated in the request, nor is any evidence provided upon which the assertion can be evaluated. Thus, the effect of the request is to solely question the internal substantive proceedings of the Board of Ordained Ministry.

Four questions are presented:

"1. Is the Conference Board of Ordained Ministry required to ascertain whether a candidate meets the qualifications for candidacy and ordained ministry, including whether or not she or he is exhibiting 'fidelity in marriage and celibacy in singleness' or is a self-avowed practicing homosexual?"

Clergy members in full connection "have sole responsibility for all matters of ordination, character, and conference relations of clergy." *Book of Discipline* ¶ 602.1(a). The question presented concerns the internal activities of the Board of Ordained Ministry. It is improper for the Bishop to issue a substantive opinion pursuant to the leading Judicial Council Decision 872 and its many progeny. See also *Decision 799*.

Further, the word "ascertain" questions whether some form of investigation is required to be conducted by the board in its process for evaluating candidates. This question is improper for a Bishop's response. As the Judicial Council ruled in Decision 872, the Constitution does not grant to Bishops "powers and authorities which are reserved to other organizational bodies and divisions in the Constitution."

"2. Can the Conference Board of Ordained Ministry legally recommend to the clergy session a candidate whom they believe to be a self-avowed practicing homosexual or otherwise in violation of the fidelity and celibacy standard?"

This question seeks an improper decision from the Bishop about the internal workings of the

ordination process regarding the processes and procedures utilized by the Board of Ordained Ministry. *See the leading Judicial Council Decision 872. See also Decision 1166.*

“3. Are the candidates in question in fact eligible for candidacy, commissioning as a provisional member, ordination as a full elder, and appointment as a United Methodist clergy as defined by the *Book of Discipline*?”

Since the “candidates in question” are not identified and there is no information as to a specific person, this question is hypothetical and is ruled out of order.

Furthermore and/or in the alternative, this question addresses a candidate’s eligibility which is an internal, substantive determination of the Board and is improper for a Bishop’s response.

“4. Is an act of commissioning and/or ordaining an ineligible candidate by a United Methodist Bishop a valid act of ministry according to the *Book of Discipline*, even if the candidate is approved by the clergy session?”

Like Question 3, this question is hypothetical and can only be answered in the context of specific facts regarding the ineligibility of the candidate as it relates to a specific “act of ministry” identified in a particular paragraph in the *Book of Discipline*. *See Judicial Council Memorandum 1118.* Therefore, this question is ruled out of order.

Furthermore and/or in the alternative, to the extent that this question implies that the responsibility of the Bishop includes conducting an independent investigation of clergy candidates approved by vote of the clergy session, the Bishop has no such role. *See Decision 872.* The responsibility of the Bishop is ceremonial only (subject to the general questions asked as part of the ordination service). BOD ¶ 415.6. The Chairperson of the Board of Ordained Ministry introduced the candidates by indicating that all candidates had been interviewed and all Disciplinary requirements were followed. Investigations of elders by Bishops occur only in the context of specific complaints against clergy. BOD ¶ 2701ff. Thus, once again this question is improper for a Bishop’s response.

In conclusion, it is improper for the Bishop to issue a substantive decision on the questions presented, and, as to Questions 3 & 4, they are hypothetical and are ruled out of order.

Request for a Decision on a Question of Law

Under ¶ 2609.7, I submit the following question of law:

In light of the fact that Par. 16, Article IV of the Constitution of the 2012 *Book of Discipline* gives the General Conference “the full legislative power over all matters distinctively connectional,” and

In light of the fact that Par. 604.1 of the 2012 *Book of Discipline* stipulates that “The Annual Conference, for its own government may adopt rules and regulations *not in conflict* with the Book of Discipline of The United Methodist Church,” (see Judicial Council Decision 886 and others, including Decisions 7, 313, 318, 513, 536, 544, 823, and 1321) and

In light of the fact that Par. 304.3 of the 2012 *Book of Discipline* expressly stipulates that “self-avowed practicing homosexuals are not to be certified as candidates, ordained as ministers, or appointed to serve in The United Methodist Church,” and

In light of the fact that Pars. 304.2, 310.2d, 322.1, 324.9o, 330.5(c)3, and 335c3 of the 2012 *Book of Discipline* stipulate that the requirements of candidacy and clergy membership include “fidelity in marriage and celibacy in singleness,” and

In light of the fact that Par. 161B of the 2012 *Book of Discipline* defines marriage as “the marriage covenant that is expressed in love, mutual support, personal commitment, and shared fidelity between a man and a woman,” (see Judicial Council Decision 1185), and

In light of the fact that the official website of the New York Conference has openly stated that the Board of Ordained Ministry’s policy will be, “*We publicly affirm that lesbian, gay, bi-sexual, transgender, questioning, intersexed, and straight candidates will be given equal consideration and protection in the candidacy process.*” This policy also states that “*These standards are based upon the disciplinary guidelines for the role of clergy (Book of Discipline ¶329, ¶340), but are also intentionally augmented through the discernment of the nuances and challenges of each annual conferences [sic] ministry setting(s).*” (see <http://www.nyac.com/newsdetail/new-york-conference-boom-formally-welcomes-lgbtqi-candidates-for-ministry-4032571>), and

In light of the fact that two candidates, one for provisional membership and one for full membership as an ordained elder, recommended by the board and approved by this clergy session have openly avowed their homosexuality,

A request for a ruling of law on the following questions is hereby made:

1. Is the Conference Board of Ordained Ministry required to ascertain whether a candidate meets the qualifications for candidacy and ordained ministry, including whether or not she or he is exhibiting “fidelity in marriage and celibacy in singleness” or is a self-avowed practicing homosexual?

2. Can the Conference Board of Ordained Ministry legally recommend to the clergy session a candidate whom they believe to be a self-avowed practicing homosexual or otherwise in violation of the fidelity and celibacy standard?
3. Are the candidates in question in fact eligible for candidacy, commissioning as a provisional member, ordination as a full elder, and appointment as a United Methodist clergy as defined by the *Book of Discipline*?
4. Is an act of commissioning and/or ordaining an ineligible candidate by a United Methodist Bishop a valid act of ministry according to the *Book of Discipline*, even if the candidate is approved by the clergy session?

Respectfully,
Steven M. Knutsen