

Request for a Decision on a Question of Law Arising From Action Taken on a Motion Voted Upon at the Clergy Session of the Northern Illinois Conference (June 5, 2016)

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 Northern Illinois Conference has stated that the Board of Ordained Ministry’s policy will be, “*We publicly affirm that lesbian, gay, bisexual, transgender, queer, questioning, intersex, and straight candidates will be given equal consideration and protection in the candidacy process. Sexual orientation and gender identity are not and will not be considered in the evaluation of candidates by the Board of Ordained Ministry of the Northern Illinois Conference.*” (see <https://www.umcnic.org/an-open-letter-to-the-united-methodist-church/>), and

In light of the fact that the clergy session has now voted to refuse to direct the Northern Illinois Annual Conference Board of Ordained Ministry to inquire of candidates for licensing, commissioning, or ordination whether or not they in fact meet the referenced disciplinary requirements,

(continued)

A request for a ruling of law is hereby made in two parts:

- a) 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?
- b) Can the Conference Board of Ordained Ministry legally recommend to the clergy session a candidate whom they believe to be in violation of the fidelity, celibacy, or definition of marriage standard?

Submitted during the Clergy Session of the Northern Illinois Annual Conference, June 5, 2016,
by Scott N. Field, Ordained Elder, Northern Illinois Conference

Address:
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A copy of the motion voted upon and defeated by the Clergy Session is included here with its rationale:

Motion Concerning Northern Illinois Conference Board of Ordained Ministry's "Open Letter to the United Methodist Church"

Submitted by Scott N. Field, Elder, Northern Illinois Conference of The United Methodist Church to the Clergy Session meeting at the Annual Conference Session, June 5, 2016

Rationale:

We commend the Northern Illinois Annual Conference Board of Ordained Ministry for its policy that no person recommended to be considered for licensing, commissioning, or ordination shall be excluded on the basis of sexual orientation or gender identity. The standards of the *Book of Discipline* are related to behavior rather than orientation or identity. All persons to be commissioned or ordained have agreed to make a complete dedication of themselves to the highest ideals of the Christian life as set forth in pars. 103-105; 160-166 in the *Book of Discipline* (par. 310.2d). In practicing transparency, integrity, and accountability on behalf of the Northern Illinois Conference, its mission, and its local congregations, the Board of Ordained Ministry has the sole responsibility to ascertain if candidates for licensing, commissioning and ordination meet the minimum requirements set forth in the *Book of Discipline*. Given the singular role of the Conference Board of Ordained Ministry to determine whether or not candidates meet the established standards for licensing, commissioning and ordination and given the ambiguity of the "Open Letter to the United Methodist Church" regarding the intent and impact of the Board's policy stated in the "Open Letter", the following motion is offered:

Action:

We direct the Northern Illinois Annual Conference Board of Ordained Ministry, as a body amenable to the annual conference, for the sake of the unity of the church and the integrity of our shared covenant as United Methodists, to maintain the minimum standard for licensed or ordained ministry of "fidelity in marriage and celibacy in singleness," with marriage as defined by The United Methodist Church, "the union of one man and one woman" (*Discipline*, ¶¶ 161B, 304.3, 330.5(c)3, 335(c)3).

We further direct the Northern Illinois Annual Conference Board of Ordained Ministry to ascertain in their interviews with candidates that such candidates meet this minimum standard, as set forth by our *Book of Discipline*.



The United Methodist Church

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July 5, 2016

Request for a Decision on a Question of Law Arising From Action Taken on a Motion Voted Upon at the Clergy Session of the Northern Illinois Conference (June 5, 2016) by Rev. Scott Field

The following motion was brought to the floor of the clergy session on June 5, 2016 by Rev. Scott Field, a member of the Northern Illinois Conference:

We direct the Northern Illinois Annual Conference Board of Ordained Ministry, as a body amenable to the annual conference, for the sake of the unity of the church and the integrity of our shared covenant as United Methodists, to maintain the minimum standard for licensed or ordained ministry of “fidelity in marriage and celibacy in singleness,” with marriage as defined by The United Methodist Church, “the union of one man and one woman” (*Discipline*, ¶¶ 161B, 304.3, 330.5(c)3, 335(c)3).

We further direct the Northern Illinois Annual Conference Board of Ordained Ministry to ascertain in their interviews with candidates that such candidates meet this minimum standard, as set forth by our *Book of Discipline*.

The motion was defeated.

Subsequently Rev. Field made a request for a Decision of Law, “arising from *action* (emphasis mine) taken on the motion voted upon at the clergy session.” Following a preamble of Disciplinary citations, the request reads as follows:

A request for a ruling of law is hereby made in two parts:

- a) 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?
- b) Can the Conference Board of Ordained Ministry legally recommend to the clergy session a candidate whom they believe to be in violation of the fidelity, celibacy, or definition of marriage standard?



While it is proper to request a Decision of Law at a clergy session, this request for a Decision of Law is moot and hypothetical and therefore improper for me as the presiding bishop of the Northern Illinois Annual Conference to rule on for the following reasons:

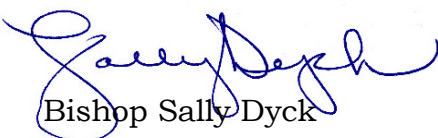
- 1) There was no action taken because the motion to direct the Board of Ordained Ministry (BOOM) was defeated. "Requests for rulings by a Bishop in an Annual Conference... should be based upon some action taken or proposed to be taken, wherein under the specific facts in each case some doubt may have arisen as to the legality of the action taken or proposed (JCD 33)." Had the motion passed, BOOM could have been requested to add requirements to its examination of candidates, as was suggested in the failed motion, but that action wasn't taken due to the defeat of the motion.
- 2) JCD #396 states that once legislation is defeated, it becomes a hypothetical question because no action has occurred to warrant a Question of Law. While the original motion made by Rev. Field was under discussion in the clergy session (although the BOOM's recent and public statement on consideration of all candidates regardless of sexual identity was not discussed nor mentioned prior to his motion), it was defeated.
- 3) The request is moot and hypothetical because the two-part request is really asking for a Declaratory Decision:

- 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?
- Can the Conference Board of Ordained Ministry legally recommend to the clergy session a candidate whom they believe to be in violation of the fidelity, celibacy, or definition of marriage standard?

No one knows for sure if the BOOM has recommended candidates for commissioning or ordination who have a sexual identity, behavior, history or belief in violation of the stated disciplinary paragraphs. Therefore, these questions are hypothetical because "there is no legal question involved, since no action is cited in which it is alleged the law has been violated (JCD #33)."

Rev. Field's request was for a Decision of Law, not a Declaratory Decision, so it was not handled as a request for a Declaratory Decision. A request for a Declaratory Decision requires two-thirds recommendation of the annual conference/clergy session and therefore it is not in the Judicial Council's jurisdiction nor mine to rule on it.

Therefore, since a Question of Law is an attempt to appeal an action, and since there was no action under consideration due to a *failed* motion, since there was no proof, evidence, or experience to suggest that there has been illegal action, and since it is in actuality a request for a Declaratory Decision, it is moot and hypothetical and improper for me to give a ruling.



Bishop Sally Dyck