

**DOCKET FOR OCTOBER 2012**  
**Judicial Council, The United Methodist Church**

Docket 1012-1

*IN RE: Request from the General Conference for a Declaratory Decision as to the Constitutionality of Legislation Approved as Calendar Item 20 Regarding the Balance Between Clergy and Lay Membership of Annual Conference*

**Found on page 2737 of the DCA**

Docket 1012-2

*IN RE: Request from the General Conference for a Declaratory Decision as to the Constitutionality of Legislation Approved as Calendar Item 355 Regarding Guaranteed Appointments*

**Found on page 2760 of the DCA**

Docket 1012-3

*IN RE: Request for Reconsideration of Judicial Council Memoranda 1176, 1184, 1192, and 1205 Regarding Discontinuance of a Local Church*

**You should be receiving today the 4th Request for Reconsideration from Hamilton UMC which is filed because the Judicial Council has not yet defined, discussed, and applied the difference between a reviewable request of law that an Annual Conference does not have authority or jurisdiction under the Discipline to discontinue a local church in contrast to a nonreviewable parliamentary question when (1) The local church is not guided in assessment of its potential by the District Superintendent prior to the District Superintendent making a recommendation to Annual Conference to discontinue the local church, (2) The local church is not informed in a timely way of any variances from the purpose for which the church was organized, and (3) The local church is not notified that the Annual Conference will vote on a motion to discontinue the local church.**

**Fred Roesti**

Docket 1012-4

*IN RE: Request from the North Alabama Annual Conference for Review of a Bishop's Dismissal of a Complaint Against an Elder*

**Bishop Willimon then recognized Betty Likis, lay member Vestavia Hills, who presented the following motion:**

***On February 3, 2012, members of the Church of the Reconciler filed a complaint with Bishop Will Willimon about actions of District Superintendent Ron Schultz. The complaint was dismissed by Bishop Willimon on March 22, 2012 without any conversation with members of the Church of the Reconciler.***

***I make a motion that the ruling by Bishop Willimon which dismissed the church's complaint against District Superintendent Ron Schultz be referred to the Judicial Council for review.***

Bishop Willimon requested a clarification asking if she was asking to refer the actions of a Bishop to the Judicial Council for review. Ms. Likis stated that was correct.

Kathryn Coltrane, lay member Bluff Park United Methodist Church, seconded the motion.

Ms. Likis then shared the following with the Annual Conference:

***Fourteen months ago, Church of the Reconciler lost two pastors in June. Two new pastors were appointed. One was an interim, who left at the end of the summer, and the other left just this May. In January, another new minister was appointed. She left in April. And in May—May 1<sup>st</sup>— we had another new pastor appointed, Matt Lacey, whom we are very pleased to have.***

***With all these changes, there was no consultation even though the Discipline says, in many places, there is to be consultation with the District Superintendent and the Staff Parish Relations Committee.***

***I was very touched this morning when Bishop Swanson talked about how we need to be together. We need to work together. There is a connection we need to honor. We feel like this was not really honored in this situation.***

***Steve Lyles also mentioned this morning in his address how important the Discipline is in that we live by the Discipline. But even though the Discipline says there shall be a consultation with the Staff Parish***

*committee, there was none with all of these changes. This creates an awful lot of instability and mistrust and fear.*

*Church of the Reconciler is a vital ministry with the poor. There are a lot of churches that close because they are very old and they quit reaching out to the community, but Church of the Reconciler is reaching out to the community. We have a ministry to the poor which is a major focus of the United Methodist Church, I understand. Church of the Reconciler is doing this and we are not only doing it for the homeless and with the homeless, we are also doing it with many other churches in our area. Churches, who have money in their budgets for us. Churches, who come there and serve food and participate in programs.*

*We would like to emphasize how important the connection is. We do need each other to work together. And yet when we are not even allowed to talk about our needs with the District Superintendent, we feel like we have been shut out. We would like to see if we could do better in the future.*

**Bishop Willimon asked once again for clarification stating that a complaint had been brought against Rev. Schultz and the Bishop had ruled on the complaint. Then a complaint was brought against the Bishop to the College of Bishops and they ruled on it. He asked if this complaint was different because it was going to the Judicial Council. Ms. Likis agreed and added that no one has spoken to anyone at Reconciler through all these changes.**

Docket 1012-5

*IN RE: Request from the North Alabama Annual Conference for a Declaratory Decision as to the Legality of Membership in and/or Monetary Support of the Religious Coalition for Reproductive Choice by Agencies of The United Methodist Church*

**A Request to Bishop William H. Willimon and the North Alabama Annual Conference 2012 for a Judicial Council Ruling on the Legality of the United Methodist Church's Involvement with the Religious Coalition for Reproductive Choice**

**WHEREAS the General Board of Church and Society and the Women’s Division of the General Board of Global Ministries (and/or its successor body) are presently members and supporters of the Religious Coalition for Reproductive Choice (RCRC); and,**

**WHEREAS the Religious Coalition for Reproductive Choice advances abortion rights in any and all circumstances without exception; and,**

**WHEREAS the Methodist movement has historically affirmed all persons as equally valuable in the sight of God; and,**

**WHEREAS among the rights advocated and affirmed in the Social Principles of The Book of Discipline of the United Methodist Church: 2008 are—the Rights of Children, the Rights of Young People, the Rights of the Aging, the Rights of Women, the Rights of Persons with Disabilities, and the Right to Health Care. . . ; and,**

**WHEREAS the United Methodist Church also advocates the elimination of the death penalty because we believe all human life is sacred and created by God; and,**

**WHEREAS The Book of Discipline of the United Methodist Church: 2008, Chapter Five, Administrative Order, Section IV, General Board of Church and Society, ¶ 1004, Responsibilities, states the following: “The prime responsibility of the board is to seek the implementation of the Social Principles and other policy statements of the General Conference on Christian social concerns.”; and,**

**WHEREAS it appears the General Board of Church and Society is violating their prime responsibility by not upholding Paragraph 161J which states, “Our belief in the sanctity of unborn human life makes us reluctant to approve abortion. We cannot affirm abortion as an acceptable means of birth control, and we unconditionally reject it as a means of gender selection.” (Webster’s Dictionary defines sanctity as the state of being holy or sacred); and,**

**WHEREAS** the Women’s Division of the General Board of Global Ministries (and/or its successor body) is also in violation of the Social Principles by actively participating in the membership of and in providing support for the Religious Coalition for Reproductive Choice; and

**WHEREAS** it appears both the General Board of Church and Society and the Women’s Division of the General Board of Global Ministries (and/or its successor body) are using monies collected from United Methodist congregations in a manner that is in conflict with The Book of Discipline of the United Methodist Church: 2008; and

**THEREFORE I**, Junior Plunkett, a Full-Time Local Pastor in the North Alabama Conference of the United Methodist Church, am requesting a ruling from the Judicial Council of the United Methodist Church as to the legality of the membership in and/or the membership dues (and/or any monetary support or support of any kind) being extended to the Religious Coalition for Reproductive Choice by the General Board of Church and Society and by the Women’s Division of the General Board of Global Ministries (and/or its successor body).

**Submitted this 2nd day in June, 2012 by Junior Plunkett to Bishop William H. Willimon and the North Alabama Conference in its regular 2012 session at Birmingham-Southern College in Birmingham, Alabama.**

Docket 1012-6

*IN RE: Request from the Western Pennsylvania Annual Conference for a Ruling on the Legality of Certain Financial Actions and the Complaint Process Regarding the East Africa Annual Conference in Light of ¶¶ 258.4f, 413, and 613.13*

**Substitute motion by Robert Zilhaver: Approved.**

**I move that the Western Pennsylvania Annual Conference petition the Judicial Council to hear and determine the legality of the following actions in regard to Petition 106 in accordance with ¶2609.5 of the 2008 *Book of Discipline*.**

1) Were the funds given by the Pittsburgh East District of the Western Pennsylvania Conference to the East African Annual Conference used in accordance with ¶258.4.f?

2) Were the funds given by members of the Western Pennsylvania Annual Conference in the payment of Isaac Sebit in compliance with ¶ 258.4.f and ¶613.13?

3) Was the complaint filed by one member of the Western Pennsylvania Annual Conference (Nancy Denardo) properly dealt with in accordance with ¶413 of the 2008 *Book of Discipline*?

Docket 1012-7

*IN RE: Review of a Bishop's Decision of Law in the North Carolina Annual Conference Regarding Report of the Transition Team*

In accordance with the Constitution of the United Methodist Church, contained in the Book of Discipline, Article VII, ¶ 51, I hereby request an episcopal ruling on the following questions of law:

**Question 1.** Did the Transition Team established by the 2012 Session of the North Carolina Annual Conference and other officials of annual conference have authority under the *2008 Book of Discipline* to take actions resulting in changing the structure of the Annual Conference, namely in the closing of all district offices, terminating administrative employees in the districts, and moving all administrative functions to a centralized conference office without disclosure, discussion, debate and approval by the annual conference?

**Question 2** Does the North Carolina Annual Conference have authority under the *2008 Book of Discipline* to take actions changing the role and function of district superintendents? Namely, **do** the Transition Team and the Bishop of the North Carolina Annual Conference have authority to determine primary tasks of the superintendent as other than those defined in ¶¶ 419, 420, 421, 422, 423, and 424, by affirming, that the primary tasks of the district superintendents are coaching, mentoring, teaching, team-building, and vision casting and that the superintendents must be freed for relationship building among congregations and pastors for those tasks.

**Question 3 Do the Transition Team and other officials of the Annual Conference have authority to change the structure of the conference in creating a new office (in addition to administrative assistants) termed *assistant district superintendents* (who may be lay or clergy), the new assistants being named by the Bishop, giving them responsibilities formerly reserved to district superintendents (under ¶¶ 419-424 of the *2008 Book of Discipline*), without any discussion, debate or action taken by the Annual Conference?**

**Question 4 Do the actions being taken with regard to changing structure, closing of districts, changing of the role and function of the district superintendent and provision for new district officials, viz. assistant district superintendents, usurp the powers reserved to the General Conference in Article IV of the *Constitution*, ¶16.15 which states,**

**The General Conference shall have full legislative power over all matters distinctively connectional, and in the exercise of this power shall have authority as follows: To allow the annual conferences to utilize structures unique to their mission, other mandated structures notwithstanding.**

**and more especially ¶16.15**

**Question 5**

**Does the action taken by the Transition Team discriminate against rural church, clergy and laity by removing them from supervisory connection and thus giving unfair advantage to the churches located in the urban reaches of the greater Raleigh area?**

*IN RE: Review of a Bishop's Decision of Law in the North Carolina Annual Conference Regarding the Meaning, Effect, and Application of ¶¶ 613.20 and 806.9*

**Bishop Gwinn, before GCF A submit their budget; I request clarification on two paragraphs of the Book of Discipline and a**

ruling on whether or not the four points below constitute promoting the acceptance of homosexuality. Under the General Conference Section: ~806.9. It (General Council on Finance and Administration) shall be responsible for ensuring that no board, agency, committee, commission, or council shall give United Methodist funds to any gay caucus or group, or otherwise use such funds to promote the acceptance of homosexuality or violate the expressed commitment of The United Methodist Church "not to reject or condemn lesbian and gay members and friends " (~ 161.F). The council shall have the right to stop such expenditures. 19 It shall not limit the Church's ministry in response to the HIV epidemic. Under the Annual Conference Section: ~613.20. To ensure that no annual conference board, agency, committee, commission, or council shall give United Methodist funds to any gay caucus or group, or otherwise use such funds to promote the acceptance of homosexuality or violate the expressed commitment of the UMC "not to reject or condemn lesbian and gay members and friends" (~ 161.F). The council shall have the right to stop such expenditures. This restriction shall not limit the Church's ministry in response to the HIV epidemic, nor shall it preclude funding for dialogs or educational events where the Church's official position is fairly and equally represented. With this in mind, I request clarification on the following questions as they relate to the above paragraphs. 1) Does the performance of same sex union or same sex marriage ceremonies constitute promoting the acceptance of homosexuality? 2) Does the election or appointment of a self-avowed practicing homosexual to a position of authority within an ecumenical group constitute promoting the acceptance of homosexuality? 3) Does advocating for the legalization of same sex marriages or having a policy statement opposed to the Constitutional Amendment referred to as "The Defense of Marriage Act" constitute promoting the acceptance of homosexuality? 4) Does the admittance of an organization that performs same sex unions and marriages into an ecumenical group constitute promoting the acceptance of homosexuality?



If none of the above "promotes the acceptance of homosexuality," then what does?

While I am confident of what activities may fit that definition, I am aware that there are others who will disagree with my understanding. It is clear to me that the vagueness of the phrase, "promote the acceptance of homosexuality," needs clarification so that our Discipline may be more completely understood.

Docket 1012-9

*IN RE: Review of Revised Standing Rules of North Texas Conference in Light of Judicial Council Decision 1198*

**Greetings to you and the other members of the Judicial Council from Bishop W. Earl Bledsoe, the clergy, and the laity of the North Texas Annual Conference.**

**During last year's 2011 session of the North Texas Annual Conference, a request was made for a bishop's decision of law regarding the constitutionality of the amended standing rules related to the structure of the annual conference, specifically related to Paragraphs 629, 632, 633, and 642 of the *2008 Book of Discipline*. Judicial Council Decision No. 1198 was rendered on October 28, 2011, prefaced by the following digest of the case:**

**"The bishop's decision of law is reversed. Under ¶1604, an annual conference for its own government may adopt rules and regulations not in conflict with the Discipline of The United Methodist Church. All boards, commissions and committees mandated by the Discipline shall be maintained, clearly identified, and defined. The connectional relationships shall be clear and obvious. Any equivalent structures must be defined by name, function, connection, and membership. The cause is remanded to the North Texas Annual Conference for further revision and completion of its intended plan. Nomination and election of the members of the boards and committees of the operating agencies must be completed. We retain jurisdiction and instruct that the revised plan of structure be submitted to the Secretary of the Judicial Council no later than 30 days following the close of the 2012 regular session of the North Texas Annual Conference."**

Attached are documents which demonstrate compliance by the North Texas Annual Conference with the Judicial Council Decision, responding to specific requirements outlined in the Council's Analysis & Rationale:

- 1) "All boards, commissions and committees mandated by the Discipline shall be maintained, clearly identified and defined and the connectional relationship shall be clear and obvious."

Documented compliance:

- a) a copy of the Proposed Amendments to the Standing Rules of the North Texas Annual Conference (Attachment, pp. 1-6), specifically Legislative Item No. 4 (Attachment, pp. 2-5) as it relates to compliance with Paragraphs 629, 632, 633,, and 642 of the *2008 Book of Discipline*, and
- b) a copy of the portion of the Daily Proceedings from the Monday morning, June 4, 2012, business session relating to approval of the Proposed Amendments to the Standing Rules (Attachment, p. 7).

- 2) "The prescribed number of members with method of nomination, election, fixed terms and diversity of membership must be exactly as stated in the *2008 Discipline*."

Documented compliance:

- a) in addition to the approved Amendments to the Standing Rules [Legislative Items Nos. 2 & 3 (Attachment, p. 1) included above], a copy of the Committee on Nominations information booklet (Attachment, pp. 8-19, specifically pp. 14-17 regarding Paragraphs 629, 632, 633, and 642 of the *2008 Book of Discipline*);
- b) a copy of the North Texas Conference website, explaining the nominations process and detailing the nominations timeline (Attachment, p. 20-21);

- c) a copy of a sample Nominations Profile Sheet (Attachment, p. 22-23);
  - d) a copy of the Preface and Report of the Committee on Nominations to the annual conference session (Attachment, pp. 24-29), and
  - e) a copy of the portion of the Daily Proceedings from the Tuesday morning, June 5, 2012, business session relating to approval of the nominations (Attachment, p. 30).
- 3) "The method of funding of each structure must be defined in the adopted plan including submission in the prescribed manner as contained in the *2008 Discipline* to the conference council on finance and administration and for final action by the annual conference."

**Documented compliance:**

- f) a copy of the 2013 Apportionment Budget Recommendation from the Conference Council on Finance and Administration (Attachment, pp. 31-36, specifically pp. 3334, regarding Paragraphs 629, 632, 633, and 642 of the *2008 Book of Discipline*), and
- g) a copy of the portion of the Daily Proceedings from the Monday morning, June 4, 2012, business session relating to approval of the 2013 Apportionment Budget Recommendation (Attachment, p. 37).

Docket 1012-10

*IN RE: Review of a Bishop's Decision of Law in the Wisconsin Conference Regarding the Relationship Between a Clergy Covenant Adopted by the annual Conference and ¶¶ 16, 304, 311, 341, 2702, and Judicial Council Decision 1111 Clergy Covenant: An Invitation*

by Rev. Amy E. DeLong

May 2012

*A Preface*

In June of 2011, a trial court convened by The Wisconsin Annual Conference of The United Methodist Church found me guilty of conducting a holy union for a same gender couple. As a result, I was directed to "initiate a written document outlining procedures for clergy in order to help resolve issues that harm the clergy covenant, create an adversarial spirit, or lead to future clergy trials." This work was to be done collaboratively with Linda Lee, resident bishop of Wisconsin; Richard Strait, Chair of the Board of Ordained Ministry; Jorge Luis Mayorga, District Superintendent and Complainant; and Wesley White, an ordained elder of my choosing. In the following document this configuration of people will be referred to as "The Collaboration Group."

I am grateful for and indebted to the trial court for its creative and courageous *sentence*. The members of the court have shown that it is possible to respond to issues of church law in a non-retributive way. The sentence also gives voice and a place at the table to a member of a minority group that is systemically barred from full participation.

Though I cannot anticipate the many and varied reactions to this document, I hope that those already working diligently to challenge our church's unjust policies and practices will be strengthened to continue their endeavors. I hold such hopefulness cautiously because I know that there will be those from the religious right who will use my words as springboards from which to launch further campaigns of hate against Gay and Lesbian people, and there will *be* progressives who will continue to be unwilling to take real risks for the cause of justice and will simply persist with their nature and inadequate platitudes about inclusiveness and dialogue.

At the same time, I also realize that this assignment asks of me what has always been required of oppressed groups — I am being called upon to repair and improve the very system which renders me a second-class citizen. So, while I am grateful for the opportunity to speak my truth, I am distressed that once again the church looks to those whom it has harmed and continues to harm to find its own wholeness. Perhaps the theological lesson here is that only those we have oppressed can save us, because only they have seen us at our worst. (See II Kings 7:3-20; Matthew 15:21-28; *Genesis* 50:15-21; Acts 10)

*"Traditionally, In american [sic] society,  
it is the members of oppressed, objectified groups  
who are expected to stretch out and bridge the gap between  
the actualities of our lives and the consciousness of our oppressor."*

*(Andre Lorde)*

### *Our Process*

The Collaboration Group met four times: September 26, 2011, October 25, 2011, December 6, 2011, and March 12, 2012. (Meetings in July, August, January and February were not possible due to scheduling conflicts.)

During our time together, we established four foundational understandings with which the entire group agrees.

1. There are Lesbian, Gay, Bisexual, Transgender, Questioning and Inter= (LGBTQI) Christians serving faithfully at all levels of United Methodist Church leadership.
2. LGBTQI people are no threat to the well-being of the church or its membership.
3. Discrimination is morally reprehensible ("Inclusiveness means openness, acceptance, and support that enables all persons to participate in the life of the Church, the community, and the world; therefore, inclusiveness denies every semblance of discrimination" (1139, *Book of Discipline*)).
4. Heterosexism (the system- of advantages bestowed on heterosexuals granting them superior status and rights in a society only because of their sexual orientation) is fundamentally unjust.

The problem the Collaboration Group encountered immediately was that, while we may hold as true the above affirmations, we *are working within* the structure of a system that embraces heterosexism as a *virtue* and approves of discrimination based solely on sexual orientation. The current policies and practices of The United Methodist Church regarding LGBTQI persons parallel the way the church once institutionally supported racism (a system of advantages bestowed on white people granting them superior status and rights) and sexism (a system of advantages bestowed on male people granting them superior status and rights). As was once the case with women and people of color, The United Methodist Church takes Gay men and Lesbians out of the common conversation, denies our experiences and then requires us to submit to laws we largely had no voice in forming.

During one of the meetings of the Collaboration Group, it was suggested that we approach reconciliation and restoration of clergy differences around LGBTQI concerns in much the same way that Archbishop Desmond Tutu and Nelson Mandela led the post-apartheid Truth and

Reconciliation Commission in South Africa. It was immediately evident that such an approach could not be employed. Truth and reconciliation were possible in South Africa only *after* apartheid had been officially dismantled and there was widespread agreement that such a system was morally untenable and unjust. Restorative Justice can occur only sporadically in a context where mistreatment, abuse, and *harm* are ongoing (as is evidenced by the trial court sentence which led to this document), but cannot be sustained without intentional systemic changes.

*Procedures to help resolve Issues that harm the clergy covenant,  
create an adversarial spirit, or lead to future clergy trials.*

#### L END DISCRIMINATION

I think often of Paul's words to the Corinthians. "The eye cannot say to the hand, 'I don't need you!' And the head cannot say to the feet, 'I don't need you.' On the contrary, those parts of the body that seem to be weaker are indispensable, and the parts that we think are less honorable we treat with special honor... If one part suffers, every part suffers with it; if one part is honored, every part rejoices with it. Now you are the body of Christ, and each one of you is a part of it" (I Corinthians 12:21-23 and 26-27).

While The United Methodist Church continues to say to LOBTQI Christians, "I have no need of you," the truth is that our inclusion is not negotiable. Our membership in the Body of Christ and in the Kingdom of God does not rest on a final tally of votes at General Conference. It rests solely on the grace of God. This is a disturbing notion to folks who want God's grace to extend just far enough to let them in, but not so far that it lets just anyone in. For those who believe the primary role of a Christian is to guard purity and obey doctrine, this central *message* of the Gospel — that God's love is offered generously and evenly — is terribly offensive. Even John Wesley recognized, "There are few matters more repugnant to reasonable people than the grace of God." (As an aside, at General Conference 2012, delegates affirmed in a 56% to 44% vote that "God's grace is available to all." That 44% of the delegates disagree with such a statement shows that we, in our day, are still debating the importance of John Wesley's theology of grace.)

A step toward reconciliation that the church could make would be to distinguish between prejudice and discrimination. Prejudice means a *preconceived judgment, adverse opinion or leaning* formed without just grounds or sufficient knowledge. Discrimination, however, means to make a difference *in treatment or favor* on a basis other than individual merit.

While it is certainly possible for prejudices to be transformed into *acceptance*, such transformation frequently takes a great deal of time and is often *facilitated* by personal experience, education, a new revelation from *God*, or a combination of these and many others things. As such, requiring minority groups to change the prejudices of the majority before equal access and treatment can be granted is an incredible burden and an impossible feat which is paramount to works-righteousness.

I can accept someone *not liking* me because I'm gay (prejudice). I cannot, however, abide being *treated differently* in church and society because I'm gay (discrimination). The "legalization" of discrimination is particularly insidious because it often causes otherwise compassionate people to abandon their own consciences and submit to laws with which they fundamentally disagree. Note that Paul, when using his analogy of the body, does not speak of feelings, but only of actions. In other words, the head doesn't have to like the foot, but it does have to include the foot.

Unlike prejudice, discrimination can be ended immediately — individually through courageous and conscientious actions which *bend* toward justice; and systemically through legislation which prohibits categorical discrimination. It can also be ended corporately by groups of people who decide they will no longer cooperate with unjust laws. Failing legislative changes by governing bodies, we have the option of considering non-cooperation with directives we believe to be contradictory to the Gospel.

In defiance of its own guiding principles ("We insist that all *persons*, regardless of age, gender, marital status, or *sexual* orientation, are entitled to have their human and civil rights ensured" (1161G)), The United Methodist Church continues to implement and enforce a categorical discrimination of GLBTQI people which fraudulently deprives us of

the very sacred, civil and human rights the Church theoretically claims are due all persons. Aside from dismantling a basic understanding of justice and fairness, such practices and policies signify a clear departure from Wesleyan and Christian proclamations of equality, mercy and love upon which the church was *built*. Our denomination is not exempt from judgment when it fails to live up to its own highest ideals.

The codification of intolerance is bad for the souls of gay people, but it is worse for the soul of the church. What is true of individuals is true of institutions — we become sick, internally damaged, when we are guided by discrimination. No valiant or holy purpose can be achieved by contriving ways to disappear an entire population of God's people. Such endeavors only satisfy our most ignoble tendency to (re)create dividing walls among us. Categorical discrimination mocks and usurps the prerogative of God to bless, call, and send whomever God chooses. As always, the church's efforts to limit God's ability to live and move and have being beyond the construct of any given time or circumstance- will be futile. Love and grace, as always, will ultimately prevail.

## II. EXERCISE CONSCIENCE AND HONESTY IN ACTION

It is clear that The United Methodist Church's proscriptions have not inhibited God's desire or ability to call GLBTQI Christians to ministry, but they have created a culture of widespread dishonesty and fear within the church. Since the very beginning of the Methodist Movement, gifted and called Gay and Lesbian people have served the church faithfully as laity, clergy and bishops, but most have done so from the confines of the closet — fudging, denying, lying about our true selves. For years, seminary professors, district superintendents, bishops and fellow clergy have been confidants and coaches for Gay and Lesbian people, helping us find the language and the fortitude to maneuver ordination and appointment processes, '

The unspoken agreement, however, has been that we would not expose the duplicity of a system which requires our public silence. What makes today different from days gone by, however, is that GLBTQI clergy (or any clergy conducting same-gender unions) *are* increasingly refusing to *be* dishonest. My clergy colleagues never asked me why I presided



at a Holy Union, but they repeatedly asked why I didn't lie about it. 1 and many others are speaking candidly about who we are and about the ministries in which we are engaging. We are increasingly unwilling to *be* closeted in order to carry out the ministry to which we have been called.

As more and more clergy are honest about our sexual orientations and gender identities, and as more and more clergy openly perform same-gender unions, I doubt there will be a corresponding increase in church trials. I suspect that most cases will be conveniently ignored. This has been the standard operating procedure for years. In my case, every person in the chain of command (from people within the Board of Ordained Ministry to my Bishops) knew I was gay and partnered ... every person.

Those instances which simply cannot be overlooked will be dealt with "administratively." This often secretive process allows church leadership to feel satisfied that somehow the *Book of Discipline* has been upheld without requiring them to address the fundamental injustice of the church's polity. Attempts to avoid church trials, as evidenced by proposed legislation to General Conference 2012, are not meant to help gay folks. Such attempts are meant to serve the most suspect interests of the institution by tamping down controversy and shielding the church from public exposure of its proscriptions against sexual minorities.

I heard and confirmed a statement made by retired Bishop Joe Sprague. When *asked if* he thought the active bishops of The United Methodist Church would ever sign a statement calling for the full inclusion of GLBT people — like the one retired bishops recently signed — he said, "I believe that 80% of the Council of Bishops would support a statement like that." "However," Bishop Sprague went on to say, "I don't know what the courage quotient is right now, but I can only think of a few active bishops who would sign such a document."

On November 10, 2011 the Council of Bishops released a letter and through it, we learned that Bishop Sprague was incorrect. There are, in fact, no active bishops with the courage quotient to speak out. All 80% of those bishops who long for the full inclusion of all people

in the life of the church signed a document that states they support the Church's oppression and persecution of LGBTQI people.

In a time when the world seems to be torn apart with division, inequity, injustice, hatred and violence, as Christians we bear responsibility to give witness to a 'more excellent way.'... As bishops chosen, consecrated and assigned by the Church, we declare once again our commitment to this covenant we have made. As the Council of Bishops we will uphold the *Book of Discipline* as established by the General Conference (November 10, 2011 "Letter from the Council of Bishops").

What a stunning abdication of conscience and integrity by the church's highest officials. Our bishops could *have* raised up a deeply rooted scriptural understanding of fairness and equality, grace and acceptance (*Scripture*). They could have embraced our faith's and our denomination's long history of ministry for, with and to all people (*Tradition*). They could have pointed to evidence offered by science and medicine, psychology and sociology which overwhelmingly agrees that a same-gender orientation is as common and as natural as left-handedness (*Reason*). They could have held in their hearts all the LGBTQI people they know ... people whose stories they've heard and whose faithfulness they have witnessed (*Experience*). At the very least they could have acknowledged that a good many of *them disagree* with church law as it relates to Gay and Lesbian people, but they couldn't even bring themselves to that elementary level of honest discourse.

Perhaps the bishops engaged in lively debate in a closed session. If so, their letter does not reflect such a conversation. We did not receive a missive which promotes "a more excellent way" but instead a letter (signed as a unanimous body) which forwards regressive and false sentiments designed to ensure the civil and religious disenfranchisement of *God's* LGBTQI children. They chose to present a fictional united front and committed to blind allegiance to the *Book of Discipline*.

The letter written by our bishops is an example of what is endemic of all levels of the church — the easy betrayal of one's convictions in the face of conflict and the disingenuousness of sympathetic, deedless words offered in the context of oppression. In a January 2011 article, Presbyterian pastor Rev. Jim Rigby wrote, "Dr. Walt Herbert, emeritus professor of English at Southwestern University used the term, 'weeping executioners' to describe those who express concern for the oppressed, but will not leave their place in the hierarchy of oppression" (*Our Nation of Weeping Executioners* is available in full at [CommonDreams.org](http://CommonDreams.org)).

A friend recently sent me a link to the website for the late United Methodist Bishop Melvin Wheatley. I found the following paragraph in his biographical section:

In 1980, Wheatley sent shockwaves through the denomination when he broke ranks with his peers and refused to endorse the official position of The United Methodist Council of Bishops which states, in part, that "homosexuality is incompatible with Christian teaching." Wheatley said, "I will not accept [this statement]. It states as an absolute fact what is an insufficiently documented opinion: that gay persons can't be Christians. The statement violates the laws of logic because one positive exception destroys a negative absolute. I personally know not one, but at least 50 Gay men and Lesbians who are Christian...) take Jesus Christ very seriously in making judgments, and the more seriously I take him the stronger is my feeling that this statement is an inadequate representation of Christianity" ([www.melvinwheatley.com](http://www.melvinwheatley.com)).

Bishop Wheatley's actions, thirty years ago, remind us what fearlessness looks like and convict us of all the ways we fail to act thusly.

I think the church's trial of me may have brought an end to clergy trials for reasons of sexual orientation and same-gender unions. This is not because gay people have left, not because clergy are unwilling to conduct same-gender unions, not because church-sanctioned discrimination has ended, not because trials are an abominable way for people of faith to resolve conflict, but because trials are bad for business, and the church is going to make them disappear.

As I talk to people throughout the connection I most often hear trials like mine likened to two other historic events. One is the 1692 Salem Witch Trials, and the other is Nazi Germany where under Paragraph 175 of the German Penal Code hundreds of thousands of Gay men were sent to

concentration camps, their prison garb marked with a pink triangle.

I am intrigued by the perceived similarities between The United Methodist Church's discrimination of GLBTQI folks and Hitler's Germany. Surely the most striking comparison is that all systems of oppression are dependent on the acquiescence of the masses. While it is true that connections can be made between otherwise disparate events (especially when those events have roots in scriptural justification), I find myself more interested, in this particular instance, in how the modern struggle for GLBTQI liberation is *unlike* the Holocaust.

In Germany, in 1940, to have shown support for Gay Men and Lesbians, for Jews and for Gypsies might have meant death. And yet, people did it. Showing profound courage, many risked their lives to offer tangible, life-saving help. But today's struggle for full and equal rights does not require nearly that much courage. In the United States, in 2012, breaking the silence, standing in opposition to ignorance and intolerance, disobeying unjust laws, refusing to participate in and profit from unjust systems because of a misguided understanding of covenant will likely not get you killed. (I am sensitive to the fact that this is not true in all parts of the world.)

While engaging in these activities of resistance on behalf of GLSTQI people does require significantly less courage than defying Hitler, our fears do not seem to lessen proportionally. Our progressive allies have the unceasing ability to scare themselves into non- or insufficient action. Whether it is fear of punishment from the system, or of losing credentials or credibility, or whether it is simply fear of the criticism and disapproval that might come from taking a stand, the result is the same — self-saving silence and calculated passivity.

*"In the End, we will remember not the words of our enemies, but the silence of our friends."  
(Martin Luther King, Jr.)*

### III. ESTABLISH A CLEAR UNDERSTANDING OF OUR CLERGY COVENANT

In the *Book of Discipline*, the term "covenant" is used a lot without a clear definition for what is meant. Given the variety of clergy gifts, it does however seem to have more to do with support, mutual relationship and commitment to ministry than with a standard that may

not be violated. 13033 makes this relational *understanding* of covenant *clear*. It is interesting that the exact phrase "clergy covenant" appears only once in *the Book of Discipline*, in the context of explaining why clergy don't take oaths during church trials (12710.3).

The term "clergy covenant" was repeatedly used by the prosecution during the church's trial of me to imply that any violation or variation from of the *Book of Discipline* must be regarded as an offense against all other clergy. There is no such understanding in any of the references to "covenant" contained in the *Book of Discipline*.

In my experience, the term "clergy covenant" gets most consistently employed as an instrument for reprimand and punishment, but seldom as a celebrative one. For instance, how often do we hear the accusation, "He has broken the clergy covenant," but we never hear, "She has been presented with this year's Clergy Covenant Award for best showing us how to live in honest, supportive relationship,"

Nearly all professional organizations have a clearly established Code of Professional Ethics. That is not true for clergy in The United Methodist Church. Instead, we work without any functional or articulated Code, and then in moments of crisis turn to the only thing we have, which is an undefined, ambiguous term like "covenant." Additionally, we need to avoid the temptation to regard the current *Book of Discipline* as a de facto substitution for a Code of Ethics. To do so would be like usurping the Hippocratic Oath with each new finding in *the New England Journal of Medicine*.

The liability of working without an established Code of Ethics became *clear during* the Church's trial of me when potential jurors (all United Methodist Elders) were dismissed from service if they affirmed that their deliberations might be informed by a higher authority than current church law.

For me, covenant is a rich theological concept about promise and mutual relationship. Its roots are in the Latin word *convenire*, to come together. Unfortunately for GLBTQI people and our allies, the word "covenant" is often used in an abusive way, as a threat to persuade people, of otherwise good conscience, into conforming to discriminatory policies. It has become a mandate that

requires participation in a conspiracy of silence, transforming even our friends into mute bystanders to ecclesiastical bullying.

The Collaboration Group quickly learned that we do not have a common understanding or vision of the clergy covenant as a system of mutual support and accountability when we took turns sharing our understandings of its meaning. None of us turned to *the Book of Discipline* for the correct definition, as one does not exist there. Instead, our answers were deeply personal, reflecting our own particular values, insights, and desires. Our understandings of clergy covenant were multiple and divergent.

And yet, when it comes to issues of law and legislation we pretend to have a single, clear, consistent definition. This error can lead those in authority to act without the restraint that would naturally follow if the church were to openly acknowledge the deep divisions that exist among us.

As we work to define *our* covenant, we must:

1. Recognize that conflict is not to be avoided, but worked through with grace and honesty.
2. Create a definition — not for everyone, always — but for *us, now*. This requires avoiding generalized or coded religious language which reinforces an individualized interpretation of what covenant means.
3. Establish a Professional Code of Ethics which includes intentional relationship-building and modes of accountability.
4. Confront imbalances of power and avoid *the perils* of majority rule (i.e., the tyranny of the majority).
5. Seek protection of and equality for the vulnerable/minority by ending participation in discrimination (specifically against GLBTQI people).
6. Engage external assistance for an internal work of covenant-defining. Just as John Wesley had a variety of mentors from throughout the Christian community (his own Church of England, Roman Catholic, Moravian, etc.), it may be necessary for us to look beyond our own tradition for guidance (including members of the GLBTQI community and possibly the larger inter-faith community).

*"72 years ago, my African American preacher-father attended the  
'Methodist Unification Conference' in Kansas City (1939).  
He returned home with a sense of deep regret because the Conference 'unified'  
three branches of Methodism by developing a 'covenant' that  
placed 90% of black Methodists in the racially segregated Central Jurisdiction.  
There was a time when some neighborhoods had 'covenants'  
that kept black people from buying homes in that neighborhood  
Covenants that exclude are unworthy of what it means to be the Church."  
(Rev. Gil Caldwell in a post-trial written response to accusations that I had broken covenant)*

#### *Action Item: An Invitation*

Identifying that discrimination, duplicity and disagreement about the meaning of clergy covenant have contributed to an adversarial spirit is easy. Knowing how to repair the resulting broken relationships is much more complicated. This document to *the Wisconsin Annual Conference* cannot adequately set out procedures for the restoration because a broad representation of clergy has not had a part in creating or owning it. Such work must be done collaboratively with clergy who are willing to have a high level of investment both in the process and the outcome.

The Trial Court decision which sentenced me to this work presumed that the church is blinded by current disciplinary language to the extent that it cannot see a way forward. We are in deep need of developing and implementing new ways of living and being together. This, of course, includes the thorny and demanding work of resolving unspoken and deep-seated issues of power, distrust and fear which continue to block our desires to be different than we are.

The Constitution of The United Methodist Church declares that the Annual Conferences "shall have reserved to it the right to vote ... on all matters relating to the character and conference relations of its clergy members" (Section VI, 1 33, Article II). To that end, I propose that the clergy of the annual conference enter into deep conversation with one another in order to work toward a clearly articulated clergy covenant. This is not an undertaking that can be accomplished on our behalf, but one which demands the best that the whole body has to bring to it.

It will be crucial to the process to develop relational tools and opportunities among the clergy so that they have a significant base of contact with one another. If there is no personal, relational energy to hold us together, there will be no basis on which to go any further than we have so far come.

The question for the clergy of the Wisconsin Annual Conference becomes: *Is deepening our understanding of our covenant worth spending money, time and energy on as a central piece of our common life and the life of United Methodism in Wisconsin?*

If the answer is "No," then the policies and procedures we already have will simply need to be followed to their logical conclusion. The United Methodist Church will continue to tear itself apart and become increasingly irrelevant to its members and society, while destroying the souls of the LGBTQI folks and their allies who remain faithful.

If the answer is "Yes," if there truly is a yearning for a restored and new relationship among clergy — beyond charging one another and having winners and losers, beyond perceived purity and false unity — then a new and intentional process and supporting structure are needed. To this end, I invite the Clergy Session of the 2012 Annual Conference to consider the following:

- Authorize funding for and the development of a Conference Clergy Covenant Team.
- The Conference Clergy Covenant Team will be charged with the task of developing a Clergy Covenant employing the six itemized points on Page 8.
  - The Conference Clergy Covenant Team will be comprised of 12 members. District Superintendents will discern 2 clergy from each District who have the gifts to aid in the development of a Clergy Covenant for the benefit of clergy solidarity and congregational leadership. One retired clergy will be selected by the Retired Clergy Association. Additional Members of the Team will be Rev. Amy DeLong, Rev. Jim Cotter (or another member of the Trial Court), and Rev. Wesley White (from The Collaboration Team).
- The Conference Clergy Covenant Team will work together at least monthly. Participation in the Team will involve a *substantial commitment* of time and creative energy and must be regarded as a first priority.
- Conference-wide communications and regular progress reports will be an essential ingredient in this process as we seek transparency and create feedback loops which elicit participation from the broader clergy community.
- The Conference Clergy Covenant Team will return to the 2013 Clergy Session for approval of its



proposed Clergy Covenant.

- We request a starting fund of \$15,000 to cover travel, meeting costs, and communication expenses. Should more monies be needed, additional funding will be sought from the clergy on whose behalf work is being done, congregations that recognize the benefit a Clergy Covenant would have for them, the Board of Ordained Ministry, and the United Methodist Foundation. An accounting of this money will be made as part of a report to the Clergy Session.
- There will be accountability regarding the Clergy Covenant that is approved by the 2013 Clergy Session. The Conference Clergy Covenant Team will oversee an evaluation of its implementation and report back to the 2014 Clergy Session regarding any needed changes as a result of lived experience with a Clergy Covenant
- A similar evaluation will be made to the 2015 Clergy Session and the 2016 Clergy Session will evaluate whether or not additional Clergy Covenant work is in order.

There have been blessings aplenty in the process set in motion by the bold and creative decision of the Trial Court. May there be even more blessings that come from this invitation.

*"Brothers and sisters of the trial court,  
this is not a violation of covenant, but rather a vindication of conscience.  
These are not the seeds of schism but the sowing of our salvation.  
We are not engaged in the abrogation of accountability, but In the creation of community.  
God Is bringing forth something new in our midst"  
(Rev. Scott Campbell, Casing Arguments in the Mal of Rev. Amy DeLong)*

## Glossary of Terms

***Bisexual:*** Sexual, emotional and affectional attraction to both men and women.

***Choice:*** A false assumption that most people can choose to be heterosexual or homosexual.

***Coming Out:*** Sharing one's sexual orientation with others — an important step in self-acceptance and in fostering emotional, physical and spiritual health.

***Conversion or Reparative Therapy:*** An attempt to convert a homosexual person to heterosexuality by religious conversion or psychological counseling. These therapies have been discredited by the American Medical Association and the American Psychological Association as unsuccessful and destructive.

***Gay:*** A homosexual man, or any homosexual.

***Gender Identity:*** The inner sense of being male or female, which is sometimes *in conflict* with one's biological gender.

***LGBTQI:*** Abbreviation for Lesbian, Gay, Bisexual, Transgender, Questioning and Intersex.

***Heterosexism:*** The system of advantages bestowed on heterosexuals granting them superior status and rights in a culture and institutions of society only because of their sexual orientation.

***Heterosexual:*** Sexual, emotional and affectional attraction to members of the opposite sex.

***Homophobia:*** The irrational fear and hatred of same-sex sexual behavior and attraction. The fear of someone thinking you are gay.

***Homosexual:*** Sexual, emotional and affectional attraction to members of one's own sex.

***Internalized Homophobia:*** A sense of shame and self-hatred about one's own homosexuality caused by being taught that same-gender orientation is wrong.

***Intersex:*** A general term used for a *variety* of conditions in which a person is born with a reproductive or sexual anatomy that doesn't seem to fit the typical definitions of female or male. (One in every 100 births has bodies which differ from standard male or female. One or two in every 1000 births receive surgery to "normalize" genital appearance.)

***Lesbian:*** A homosexual woman.

***Questioning:*** Individuals who *are* questioning their sexual orientation or gender *identity*.

***Sexual Orientation:*** Enduring emotional, romantic, sexual or affectional attraction to another person, ranging along a continuum from exclusive homosexuality to exclusive heterosexuality. Most

scientists agree sexual orientation is the result of a complex interaction of biological, genetic and hormonal factors.

**Transgender:** Individuals whose gender expression and/or gender identity differs from conventional expectations based on the physical sex they were born into. Some may align their outward appearance and inner identity by altering their behavior, name, manner of dress, or by hormone therapy or surgery.

## QUESTIONS OF LAW FOR THE WISCONSIN ANNUAL CONFERENCE

In light of the action taken by the clergy session on May 31, 2012, to adopt the "Action Item: An Invitation" presented in response to the trial and sentencing of Rev. Amy DeLong:

1. Does the requirement that a "Clergy Covenant" be developed based on the principle of "ending participation in discrimination (specifically against OLBTQI people)" constitute a violation of provisions of the Book of Discipline which prohibit the candidacy, ordination, or appointment of self-avowed practicing homosexuals (1304.3, 311.2d) and the performing of same-gender unions (1341.6, 270/1b), and does it constitute a violation of 116 of the Constitution, which reserves to the General Conference "full legislative power over all matters distinctively connectional," including "to define and fix the powers and duties of elders, deacons, supply preachers, local preachers," and "to define and fix the powers and duties of annual conferences," and does it constitute a violation of Judicial Council decision 1111 and others, which state, "An annual conference may not negate, ignore, or violate provisions of the Discipline with which they disagree, even when the disagreements are based on conscientious objections to the provisions?"
2. Does the request for an appropriation of \$5,000 from the annual conference budget for the work of the "Conference Clergy Covenant Team" constitute a violation of 1613.20, which states that "no annual conference board, agency, committee, commission or council shall ... otherwise use [United Methodist] funds ... to promote the acceptance of homosexuality?"

Docket 1012-11

*IN RE: Request from the College of Bishops of the South Central Jurisdiction for a Declaratory Decision as to the Constitutionality, Meaning, Application, and Effect of ¶ 408.3a, with Reference to ¶¶ 16.5, 50, 358.3, and 362.2*

**The South Central Jurisdiction College of Bishops met Sunday, June 17. The College of Bishops voted to request a declaratory decision from the Judicial Council in accordance with ¶2610.2 (d). Specifically, we request that the Council rule on the constitutionality, meaning, application and effect of paragraph 408.3a of the 2008 Book of Discipline and the following questions:**

1. Is ¶408.3a in conflict with any par. of the Constitution, particularly ¶150 and 16.5?
2. Since a Bishop retains status as an Elder, do the following paragraphs of the *2008 Book of Discipline* have analogous implications? §358.3 (Speaks to the necessity for action by a body, i.e. Jurisdictional Conference, rather than simply a Committee or Board) 1.1362.2 (c) (Involuntary Retirement is a recommendation to a larger body, rather than an action of a smaller Committee or Board)
3. If there is no constitutional conflict, what procedures guide the Committee to ensure due process?
4. If there is a conflict with any part of the Constitution, what aspects of §408 provide a process by which the South Central Jurisdictional Conference and/or its Episcopacy Committee has the authority to place one of its bishops on retired status involuntarily?
5. If Bishop Bledsoe appeals any decision to the Judicial Council, what standards and criteria will the Council apply to evaluate any action taken by the South Central Jurisdiction and its Episcopacy Committee?

Docket 1012-12

*IN RE: Review of the Conference Plan of Structure of the South Carolina Annual Conference in Light of Judicial Council Decision 1204*

**SUBJECT: Report to the Council following the 2012 Annual Conference**

**NAME: Willie S. Teague**

Director of Conference Connectional Ministries, SC  
 Conference Chair of Conference Committee on  
 Transition

**DATE: June 18, 2012**

The "ANALYSIS AND RATIONAL" section of the decision states that:

1. "The... plan does not give the commission on archives and history a place in its programmatic organization. The budget for conference benevolences does not include a line item for a  
  
 commission on archives and history." The budget for 2013 moved the Archives and History budget to Connectional Ministries budget. Standing rule 48 was amended to add the chairperson of Archives and Ministries to the Discipleship Ministry Team as an ex-officio member with vote and voice.
2. "... the Council on Youth should relate directly to the Conference Connectional Ministries." Standing rule 48 was amended to state that the

Council on Youth is directly related Connectional Ministries.

3. "The plan does not include the mandated conference council on young-adult ministries." Standing rule 48 was amended to include the mandated council on young-adult ministries to the Discipleship Ministry Team.
4. "It is not clear from the record if the conference secretary of global ministries is a member of the Conference Board of Global Ministries ..." Standing rule 48 was amended to add the conference secretary of global ministries to the Outreach Ministry Team and the Conference Board of Global Ministries.

I believe we have addressed all of the issues raised in Decision 1204. Attached is the record of the action of the annual conference. I have asked conference secretary The Reverend Tim Rogers to certify the action of the Annual Conference.

### III. CONFERENCE CONNECTIONAL MINISTRIES (CCM) (Previously Conference Council on Connectional Ministries)

#### A. Function & Connections

The CCM shall encompass the functions and connectional relationships of disciplinary program-related agencies of the annual conference. (See conference agency functions in the Discipline paragraphs 629, 630, 631, 632, 634, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 654, and 655 of The Book of Discipline 2008) These program councils, boards, commissions, and committees shall be directly related to the Conference Connectional Ministries. The chair and members of program councils, boards, commissions, committees, and task forces designated under each Ministry Area shall have oversight for representing the functions of their respective conference agency in the CCM. The chair of each agency shall designate one of its members to function as Coordinator of Witness (See function in Par. 610).

#### FOUR MINISTRY AREAS

Members of Discipleship Ministries from each district shall be assigned to that Ministry Area along with mandated ex-officio members and other representatives. Each board, commission or committee in the Ministry Area shall elect a chairperson. This Ministry Area shall include:

- e. **Board of Education (Par. 630.2) (chairperson plus up to 3 members)....**
- f. **Council on Youth (Par.649) (chairperson plus up to 3 members) The Council on Youth, as all board and agencies. is directly related to CCM and all of its members are members of CCM,**
- g. **Age-Level on Children (Par 630.2) (chairperson plus up to 3 members)**
- h. **Age-Level on Older Adult (Par 630.2) (chairperson plus up to 3 members)**
- i. **Council on Young Adult Ministries (Par. 650.11**

**Discipleship ex-officio members mandated by the Discipline and other representatives:**

**Chair of short term task force as determined by the Ministry Area**

**Chairperson of Archives and History**

**Outreach ex-officio members mandated by The Discipline and other representatives:**

- 4 Chair of short-term task force as determined by the Ministry Area**
- 5. Conference secretary of global ministries**

Docket 1012-13

*IN RE: Request from the Baltimore-Washington Annual Conference Clergy Session for a Declaratory Decision on the Effect and Application of the Annual Conference's 2010 Policy Statement and Protocol on Appointment Making in Light of ¶¶ 337, 354, and 355 in the Case of an Elder in Full Connection*

**At the May 30, 2012 Executive Clergy Session of The Baltimore-Washington Annual Conference, held in the Grand Ballroom of the Baltimore-Marriott Waterfront Hotel, Baltimore, MD, the Rev. Valerie A. Barnes, full member elder of the Conference, rose and made a motion for a request for a Declaratory Decision from the Judicial Council. The motion was seconded and approved by the Executive Clergy Session. The request is as follows:**

**Request for a Declaratory Decision from the Judicial Council on the Effect and Application of the 2010 Policy Statement and Protocol on Appointment Making of the Baltimore-Washington conference of The United Methodist Church as well as ¶ 354, ¶ 355 and ¶ 337 (2008 Book of Discipline) in the case of Rev. Valerie A. Barnes.**

**Specifically, in 2010 did the Bishop, Cabinet, Board of Ordained Ministry and Conference Relations Committee appropriately follow the protocol for appoint making of the Baltimore-Washington Conference as well as ¶ 337 (2008 Book of Discipline) in the case of Rev Valerie A. Barnes? Did the Bishop, Cabinet, Board of Ordained Ministry and Conference Relations Committee appropriately apply ¶ 354 and ¶ 355 in lieu of an appointment for Rev. Barnes? Did the Bishop, Cabinet, Board of Ordained Ministry and Conference Relations Committee appropriately follow the protocol for request of Leave of Absence (¶ 354 and ¶ 355 2008 Book of Discipline)? Could the Conference Relations Committee and/or Executive Committee of the Board or Ordained Ministry have cancelled the request from Rev. Barnes for Voluntary Leave of Absence in the midst of the process?**

Docket 1012-14

*IN RE: Request from a Respondent Regarding the Jurisdiction and Powers of the Western Jurisdictional Committee on Appeals*

**Dear Dr. Joyner:**

**I write to file an appeal on the refusal of the Western Jurisdictional Committee on Appeal to consider a procedural motion relating his compensation or the lack thereof between the completion of the church trial of R. Maurice Copeland on May 16, 2012 and the end of his appeal process. I request that you share this immediately an emergency basis with at least the Executive Committee of the Judicial Council.**

**Following Judicial Council rulings 799, 830, 872 and 1202 (which make it plain that neither the Resident Bishop nor a Bishop presiding at a trial, once the trial is completed, may make either substantive or procedural rulings on matters in the judicial process), I filed an Emergency Appeal on a procedural matter with the Western Jurisdictional Committee on Appeals on behalf of Appellant R. Maurice Copeland. Perhaps I should more correctly say "I tried to file an appeal": it turns out that for reasons I do not know, the Western Jurisdiction College of Bishops failed to nominate a new Jurisdictional Committee on Appeals at the 2008 Western Jurisdictional Conference. As a result, none was elected. After correspondence with the Secretary of the Western Jurisdiction,**

and two of its bishops, it was determined, per the Discipline, that the committee elected at the 2004 Jurisdictional Conference was the one that still is in existence.

Following the advice of Bishop Elaine Stanovsky, Secretary of the Western Jurisdiction College of Bishops, I filed an email request for an Emergency Appeal on a procedural matter with Ms. Flora Bowers, President of the (2004) Western Jurisdictional Committee on Appeals: whether the Respondent was entitled to compensation during the time of his right of appeal, and if he chose to appeal, during the period of appeal. (All I have is her email address; I was not given her U.S. mailing address.)

As you can see from one of the attached copies of correspondence between Ms. Bowers and me, she refused to have the Western Jurisdictional Committee on Appeals even consider this request for an Emergency Appeal on the grounds of lack of jurisdiction. She not only refused to have the Committee consider the appeal, she did this without even seeing the brief that asserted the jurisdiction of this committee, and without even giving me an address to which I could send copies of the enclosed material.

It would be my request, not that the Judicial Council (or its Executive Committee) would rule on the details of this appeal, but that it would affirm the jurisdiction of the Jurisdictional Committee on Appeals to handle such an appeal, and order the Western Jurisdictional Committee on Appeals to hear and consider this appeal.

Thank you for consideration of this request.

Thomas H. Griffith

Counsel for the Appellant

California-Pacific Annual Conference v. R. Maurice Copeland

Dear Mr. Griffith,



**My name is Flora Bowers and I was chair of the WJCA during the 2004-2008 Quadrennium. It seems that I am still serving in that capacity. I have been in contact with Bishop Elaine Stanovsky regarding your question about assembling the WJCA with regard to a matter in which you are serving as defense counsel. After a careful reading of the 2008 Book of Discipline paragraphs regarding the work of the WJCA, paragraphs 2715 and 2716, the WJCA is called into session only after an appeal has been filed. Our work is to hear and determine appeals. When an appeal has been filed and we are notified, then our work begins and, according to P 2715.6, deals with the trial record and documents as evidence in the appeal. I hope this answers your inquiry. And it is my hope as well that a new committee will be elected at the 2012 Jurisdictional Conference.**

**Flora Bowers**

Docket 1012-15

*IN RE: Review of a Bishop's Decision of Law in the Baltimore-Washington Annual Conference Regarding Annual Conference Policy on Sexual Relations Between Clergy and Members in Light of ¶ 335*

**June 1, 2012**

**Rule of Law re: Policy, p. 68-pre-conference journal, lines 3-10**

**References to sexual relations between clergy and members, etc.**

***Book of Discipline* re: clergy behavior:**

**“fidelity in marriage, celibacy in singleness.”**

**Rev. Laura Schultz**

Docket 1012-16

*IN RE: Review of a Bishop's Decision of Law in the New York Annual Conference Regarding the Resolution “The Spiritual Crisis Caused by the Requirement to Discriminate” in Light of ¶¶ 161f, 304.3, 341.6, and 2702.1(b, e)*

**A request was brought forth by John Roy, clergy member from Westhampton UMC who approached the dais while the Conference remained in session. He presented the following request, in writing and signed by him, to the presiding Bishop:**

**"I request the Bishop issue a decision of law on the following question of law: Is the petition, 'The Spiritual Crisis Caused by the Requirement to Discriminate,' unlawful, void and of no force or effect because it legally negates, ignores and/or violates provisions of the 2008 *Book of Discipline* of The United Methodist Church including, but not limited to Paragraphs 161(F), 304.3, 341.6, and 2702.1 (b,e). See Judicial Council Decisions 886, 1105, 1111, 1115, 1120, 1178, 1185 and 1201. This pertains to lines 18, 19 and 30 on page 48 of the Preconference Reports and Petitions."**

#### **18 Petition #2012-305 - The Spiritual Crisis Caused by the Requirement to Discriminate**

**19 WHEREAS, in his "Letter from Birmingham Jail," Dr. Martin Luther King Jr. wrote "Injustice anywhere is a threat to justice**  
**20 everywhere. We are caught in an inescapable network of mutuality, tied in a single garment of destiny. Whatever affects**  
**21 one directly, affects all indirectly," and**

**22 WHEREAS, the nonviolent Civil Rights movement fought for justice and equality in civil and religious life in the United**  
**23 States with compassion and courage, yet injustice continues to threaten us in the United States and in The United**  
**24 Methodist Church, and**

**25 WHEREAS, the recognition of the full humanity, sacred worth and equal rights of gay and lesbian people is crucial to the**  
**26 civil rights struggle of our time, and**

**27 WHEREAS gay, lesbian and straight United Methodist laity and clergy are caught in an inescapable network of mutuality,**  
**28 tied in a single garment of destiny, and**

**29 WHEREAS, the continuing denial of full access to all the rights and privileges of church membership in The United**  
**30 Methodist Church is causing deep spiritual harm to our gay and lesbian brothers and sisters and is a threat to us all, and**

**31 WHEREAS, in his sermons "The New Birth" and "The Catholic Spirit," John Wesley taught that as long as we hold in**  
**32 common the essential elements of our faith, and as long as we unite in love, meaning that we love one another, that we**  
**33 commend each other to God in prayer, that we provoke each other to love and to good works, that we love each other**

34 not only in word but in deed and in truth, then our hearts are right and we should walk together hand in hand. Wesley  
35 further taught that differences of opinion ought not to tear this union of hearts asunder, and  
36 WHEREAS, the forcible denial of rights and privileges to gay and lesbian persons through provisions in the *Book of*  
37 *Discipline* serves as shackles on pastoral care and ministry; and in their harshly punitive application these provisions of  
38 the *Discipline* are not only a grave injustice, they strike at our union in affection, challenge our ability to live amicably in  
39 disagreement, and violate the sacred command to love our neighbors as ourselves, and  
40 WHEREAS, for over three decades the New York Annual Conference of The United Methodist Church has taken a stand  
41 calling for the inclusion of God's gay and lesbian children in the full life of the church. It has affirmed that "sexuality is  
42 God's good gift to all persons" and that the diversity of that gift should bar no one from answering the call to ministry,  
43 from recognition of her or his covenantal relationships, or from membership in the church community. It has gone on  
44 record in support of equal rights for lesbian, gay, bisexual and transgender people in civil society, and  
1 WHEREAS, in taking these positions at annual conference meetings and in petitions from the Conference to the UMC's  
2 General Conferences, this annual conference has acted in opposition to the doctrinal prejudice and institutional  
3 discrimination enshrined in the UMC's *Book of Discipline*, and  
4 WHEREAS, this annual conference intentionally and repeatedly embraced the name and mission of the "reconciling"  
5 movement. When the Judicial Council in 1999 prohibited conferences from labeling themselves as reconciling, our  
6 Conference passed a resolution accepting that position but also renewing its commitment and support for reconciling  
7 United Methodists and the Reconciling Congregations Program. It has explicitly and repeatedly rejected the national  
8 Church's assertion that homosexuality is "incompatible with Christian teaching," and  
9 WHEREAS, in 1972 the General Conference of The United Methodist Church enacted legislation inserting into our *Book*  
10 *of Discipline* abusive mischaracterizations of gay persons and subsequently added punitive regulations restricting  
11 equality in The United Methodist Church, and at every General Conference in the last forty years the voices of those  
12 wounded by these words and regulations have been raised, and the demand for justice has been pressed, but hearts  
13 have remained hardened, and the *Discipline's* prejudice has remained unchanged, and  
14 WHEREAS, in 1978 the clergy of the New York Annual Conference meeting in executive session stood in solidarity with a  
15 gay brother, Paul Abels, the first United Methodist pastor to come out, and over the objections of the bishop declared  
16 him to be a full elder in good standing, refusing to recommend for him a leave of absence, and  
17 WHEREAS, year after year the New York Annual Conference has declared itself to be in opposition to the bias,  
18 discrimination, exclusion, and punitive spirit of The United Methodist Church in regard to its characterizations of LGBT

19 people, its restrictions on their rights and privileges within The United Methodist Church, and the proscribing of the  
20 rights and duties of the clergy in ministering to all persons equally, and

21 WHEREAS, in 1999, the annual conference passed a resolution explicitly reflecting the Conference's belief that the UMC  
22 policy barring the recognition or celebration of "homosexual unions" "inhibits appropriate pastoral freedom in grace to  
23 respond fully and completely to God's call to inclusive ministries" and urging conference members to accordingly  
24 exercise restraint in filing charges against clergy, and in the event of church trials, to devise penalties reflective of the  
25 Conference's opposition to UMC policy, and

26 WHEREAS, in 2005, this annual conference passed a resolution that notes that "the *Book of Discipline's* assertion that  
27 'the practice of homosexuality is incompatible with Christian teaching' is unfounded in Scripture, unsupported by the  
28 lessons of the Gospel and indeed, itself incompatible with Christian teaching" and recognizing that "individuals may be  
29 called to acts of conscience in response to God's call to inclusive community," and

30 WHEREAS, in 2010, the New York Annual Conference passed a resolution explicitly reaffirming the 1999 resolution;  
31 urging clergy "to minister equally to all members of their churches and to consider the Conference's call to inclusive  
32 ministries in deciding how to honor their congregants' covenantal commitments;" and further strengthened its lived  
33 efforts to foster inclusive ministries by recommending a penalty of one day paid leave for clergy convicted of blessing a  
34 gay or lesbian relationship, and

35 WHEREAS, in 2011 leading African-American United Methodist scholars issued a declaration challenging The United  
36 Methodist Church to embrace equality; Black Methodists for Church Renewal's national body declared its members to  
37 be opposed to the discriminatory policies of The United Methodist Church and urged their repeal; and the majority of  
38 retired bishops of The United Methodist Church made a similar declaration, and

39 WHEREAS, in 2011 the United States military abolished its discriminatory policies with the repeal of Don't Ask Don't Tell  
40 and New York State enacted marriage equality, following upon the legalization of gay marriage in Connecticut in 2008,  
41 making the entire New York Annual Conference an area in which persons of the same sex are legally free to marry, and

42 WHEREAS, in 2011 the New York Annual Conference passed a resolution once again affirming our longstanding support  
43 for the full inclusion of LGBT people in The United Methodist Church and committing the Conference to take out ads in  
44 LGBT publications that state that our Conference disagrees with the UMC's prejudiced views and policies and that we  
45 are working to change them, and

1 WHEREAS, despite threats of punitive actions by individuals opposed to the full rights of LGBT persons and despite the  
2 institutional pledge to enforce discrimination against LGBT persons in The United Methodist Church, LGBT people are

3 finding welcoming places in The United Methodist Church and in the New York Annual Conference; they are finding  
4 clergy, laity and congregations embracing them joyfully as members of the body of Christ, as United Methodists in good  
5 standing and as gifted children of God entitled equally to all the ministries, ceremonies and sacraments of the church, and

6 WHEREAS, this welcoming spirit represents the future of The United Methodist Church and it brings to life our  
7 conference's decades-long commitment to inclusive ministry, and

8 WHEREAS, The United Methodist Church is facing a pastoral crisis wherein every clergyperson and every congregation  
9 has been or will be called upon to provide the full range of its ministries to LGBT persons, and the denial of such  
10 ministries wounds both those who are denied these means of grace and those who deny them, and

11 WHEREAS, significant numbers of laity and clergy have declared themselves unwilling to look into the eyes of  
12 conscientious and faithful people and deny them any of the ministries of the church on the basis of their sexual  
13 orientation, and

14 WHEREAS, The United Methodists Church cannot rightly claim to be a church of open hearts, open minds and open  
15 doors or to be a church that practices radical hospitality until our hearts, our minds, our doors and our polity truly are  
16 open to all.

17 THEREFORE BE IT RESOLVED, that the New York Annual Conference reaffirm its historic commitment to the civil and  
18 ecclesiastical rights and privileges of all persons, including LGBT persons, and declare its passionate opposition to  
19 continued distinctions of Church law that restrict the rights and privileges of LGBT people in The United Methodist  
20 Church, and

21 BE IT FURTHER RESOLVED, that the New York Annual Conference, acknowledging the grave pastoral crisis facing the  
22 Church at all levels with regard to the pastoral care of LGBT people, acknowledge that clergy, lay persons and  
23 congregations encountering institutional discrimination that inhibits equal access to the means of grace for all persons  
24 may feel bound by conscience to offer the ministries and sacraments of the church to all persons on an equal basis.  
25 Those who so act according to conscience do so in a way that is consistent with the long-standing principled declarations  
26 of this annual conference, and

27 BE IT FURTHER RESOLVED, that the New York Annual Conference acknowledge that leaders of the Conference, including  
28 cabinet members, bishops and members of boards and agencies of the annual conference , are also bound to exercise  
29 their consciences and are bound by Jesus's commandment to stand with the marginalized and the oppressed in our  
30 midst when called upon to enforce unjust laws, policies and procedures to the detriment of gay, lesbian, bisexual or

31 transgender individuals wishing to participate fully in the life of The United Methodist Church and those who minister  
32 faithfully to them, and  
33 BE IT FURTHER RESOLVED, that the Conference recognize that individuals who take punitive actions against others for  
34 offering the sacraments and rituals of the Church on an equal basis do so contrary to the spirit and declarations of the  
35 New York Annual Conference and risk grave harm to LGBT persons, their loved ones, their sisters and brothers in Christ,  
36 faithful clergy and the annual conference itself.

Docket 1012-17

*IN RE: Review of a Bishop's Decision of Law in the Tennessee Annual Conference Regarding the Resolution "Working Together to End Bullying"*

**Rev. Lea Thornton, Waynesboro UMC, requested a decision of law on Resolution 13a. Rev. Thornton stated, "I'm requesting a ruling on whether Resolution 13a violates the current Discipline." The Bishop ruled: "No, the Resolution does not violate the 2008 Book of Discipline", and further stated that his ruling would be reviewed by the Judicial Council.**

### **Working Together to End Bullying**

**Whereas, Many people are hurting from the effects of bullying in the forms of physical and verbal harassment, oppression, and exclusion; and**

**Whereas at least three youth within the bounds of the Tennessee Annual Conference, committed suicide after being bullied in their schools within the last year; and**

**Whereas, Paragraph 162 of the Book of Discipline states: "We affirm all persons as equally valuable in the sight of God. We therefore work toward societies in which each person's value is recognized, maintained, and strengthened. We support the basic rights of all persons to equal access to housing, education, communication, employment, medical care, legal redress for grievances, and physical protection. We deplore acts of hate or violence against groups or persons based on race, ethnicity, gender, sexual orientation, religious affiliation, or economic status. Our respect for the inherent dignity of all persons leads us to call for the recognition, protection, and implementation of the principles of**

**The Universal Declaration of Human Rights so that communities and individuals may claim and enjoy their universal, indivisible, and inalienable rights;" and**

**Whereas, the effects of bullying can halt the healthy development of all people socially, emotionally, and spiritually. According to a study by Iowa State University, "Individuals who are bullied experience severe emotional consequences such as anxiety, passivity, academic problems, social deficits, and low self-esteem." Bullying leads young people to isolation and prevents them from creating healthy friendships with their peers. This isolation can lead to participation in high risk behaviors; and**

**Whereas, Jesus taught, "you shall love your neighbor as yourself." (Matthew 22:39).**

**Be it therefore resolved, that the following resolution is adopted by the Tennessee Annual Conference**

**We vow that, as churches and people of faith, we will no longer be silent about the value of each and every life.**

**To that end, we categorically oppose the practices of bullying. We urge our churches, Committees, Campus Ministries, and Camp and Retreat Ministries to create safe space for each and every child of God, without regard to religion, race, ethnicity, culture, citizenship, socio-economic status, gender identity, physical or mental ability, and sexual orientation.**

**Further, in the spirit of advocating for safe sanctuary, we call upon every United Methodist to respond to acts of bullying with acts of compassion. We will take a public stand against speeches of hate, harassment and acts of violence filled with long-held prejudices against all persons.**

**Moreover, we call upon the Church and society to intentionally validate, support, and empower persons being injured by bullying behavior in workplaces, in schools, and in all environments.**

**Signed: Nashville Area Reconciling Ministries (NARM) Tennessee Annual Conference Clergy for Inclusion**

Docket 1012-18 *IN RE: Review of a Bishop's Decision of Law in the California-Pacific Annual Conference Regarding the Resolution "Resolution in Response to General Conference 2012"*

**I request an Episcopal ruling of law on the legality of Resolution 12-12 ("Resolution in Response to General Conference 2012"), which was passed by the California-Pacific Annual Conference on June 15, 2012 during Plenary 2.**

#### **RESOLUTION IN RESPONSE TO GENERAL CONFERENCE 2012**

**Whereas the 2012 General Conference of the United Methodist church hurt and condemned members of the LGBTQ community and their friends, and painted United Methodists as universally exclusive and judgmental,**

**Therefore Be It Resolved:**

- \* We renounce the statement that homosexuality is incompatible with Christian teaching, and declare that it is itself incompatible with the life and teachings of Jesus Christ;**
- \* We affirm the sacred worth of all persons including members of the LGBTQ community;**
- We commit to continuing to build inclusive Christian communities in our churches where LGBTQ lay people and clergy are loved and welcomed as they are;**
- We invite churches and individuals to adopt this statement and join us in living out its principles.**

This docket has the actual requests for Judicial Council action received by the Judicial Council inserted. This is done to comply with the amendment of ¶2608.1 by the 2012 General Conference.

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