

KLM ATTORNEYS LLC

Matthew Morley, Esquire
morley@klmattorneys.com

213-215 W. Miner Street
Second Floor
West Chester, PA
19382

Tel: 610.650.0439
Fax: 610.572.7280

June 27, 2019

VIA USPS CERTIFIED MAIL

Clerk Price of the Judicial Council
5556 N. Sheridan Road, #610
Chicago, IL 60640

Re: *Report by Bishop on Decision of Law*

Dear Sir or Madam:

I am writing on behalf of Bishop Peggy A. Johnson, in my capacity as the Chancellor of the Eastern Pennsylvania Conference of The United Methodist Church. At Annual Conference, the legality of a resolution was called into questions and, after Bishop Johnson determined that the resolution was aspirational and, consequently, legal, a majority of those present and voting asked that the question of legality of this resolution be referred to the Judicial Council.

As such, I am enclosing eight copies of the following:

1. A completed form "Report by Bishop on Decision of Law;"
2. Text of the written request for a decision;
3. Relevant portions of the minutes from Annual Conference relating to resolution 2019-13;
4. Resolution 2019-13, as passed; and
5. List of names and addresses of interested parties.

I am also emailing a copy of this package via pdf to secretary@umcjudicialcouncil.org, along with MS Word versions of all of the above items excluding the "Report by Bishop on Decision of Law," which we only have in PDF form.

Clerk Price of the Judicial Council
June 27, 2019
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I believe these enclosures, along with the email to secretary@umcjudicialcouncil.org, constitute all of the information required. However, should you require anything further, please do not hesitate to contact me so that we may supplement this report.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Matthew Morley", is written over a horizontal line.

Matthew Morley, Esquire

Chancellor, Eastern Pennsylvania Conference of The
United Methodist Church

Enclosures (as noted)

cc: Bishop Peggy A. Johnson – via email: pjohnson@epaumc.org

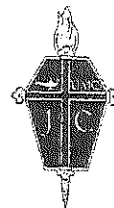
Rev. Dr. Christopher L Fisher – via USPS: First United Methodist Church
420 Saylor Street
Schuylkill Haven, PA 17972

Rev. James F. McIntire – via USPS: Royersford UMC
380 Church St.
Royersford PA 19468

Rev. Lydia E. Muñoz – via USPS: Kennett: Church of the Open Door
P.O. Box 1287
Kennett Square PA 19348



JUDICIAL COUNCIL OF THE UNITED METHODIST CHURCH
 CONSEIL JUDICIAIRE DE L'EGLISE METHODISTE UNIE
 RECHTSHOF DER EVANGELISCH-METHODISTISCHEN KIRCHE
 CONSELHO JUDICIAL DA IGREJA METODISTA UNIDA
 CONSEJO DE LA JUDICATURA DE LA IGLESIA METODISTA UNIDA



Report by Bishop on Decision of Law

This form is to be used for (please check one):

- Reporting of decisions of law made by bishops in response to questions of law submitted to them in writing during the regular business of a conference session (§ 56.3 Const. and § 2609.6 *The Book of Discipline 2016*).
- Reporting of episcopal decisions on questions of law when such decisions are appealed by one-fifth of the members of the conference (§ 56.2 Const. and § 2609.7 *The Book of Discipline 2016*).

Name of Bishop: Peggy A. Johnson

Address: P.O. Box 820 City: Valley Forge

State/Province: Pennsylvania ZIP/Postal Code 19482-0820 Country: United States

Phone: 610-666-1442 Fax: 610-666-9181 E-mail: pjohnson@epaumc.org

Annual Conference: Eastern Pennsylvania Date of session: _____ (month/day/year)

Question(s) of Law: Whether resolution 2019-13, especially line 44, which declares that the Eastern Pennsylvania Conference considers itself a "One Church Conference in spirit" is aspirational in nature and therefore legal under the Discipline and the Constitution.

Authorities Cited (indicate paragraph or decision number where applicable):

Constitution: _____ Book of Discipline: _____

Judicial Council Decision(s): 1044, 1052, 1111

Signature: Peggy A. Johnson
 Bishop of The United Methodist Church

Date: 6-26-19
 (month/day/year)

The following must be attached:

- o Decision of Law, including facts, rationale and ruling
- o Text of the written request for decision
- o Minutes of annual conference proceedings (relevant portions only)
- o List of names and addresses of interested parties
- o Other relevant materials (e.g. conference rules, resolutions, policies, reports)

- Eight (8) hard copies must be submitted via USPS or other delivery service to:
 Clerk Price of the Judicial Council, 5556 N. Sheridan Road, #610, Chicago, IL 60640, USA
- Electronic copies in both Word and PDF (with security features disabled) must be submitted to: secretary@umcjudicialcouncil.org.

Text of Appeal

"I appeal to Judicial Council the legality of resolution 2019-13, especially line 44, which declares that that Eastern Pennsylvania Conference "considers itself a "One Church" Conference in spirit." Is it legal for the EPA Conference to consider itself a "One Church" Conference in spirit?

Attendant facts: Please note that the question had been asked of the bishop earlier in debate before the resolution was passed whether the resolution was legal, because it appeared to ask the Annual Conference to act in violation of the decision of 2019 General Conference. The bishop declared at that time that the resolution was aspirational and we were still required to uphold the discipline, and therefore in her view the resolution was legal.

I appeal the Bishop's ruling of law pronounced before the vote on the legality of the resolution, as well as line 44 of the resolution itself, as passed.

Minutes Relevant to Resolution 2019-13

Bishop Johnson called on Rev. Jim McIntire or Rev. Lydia Muñoz to present Resolution 2019-13. Rev. McIntire, Pastor of Royersford, explained that Rev. Muñoz, his wife, who was to present with him, is presiding at a funeral of a 31-year old who lost a fight against cancer. He asked for prayers for his wife and Church of the Open Door. Rev. McIntire then moved adoption of Resolution 2019-13. Bishop said the motion is in order and asked Rev. McIntire if he would like to speak to it. He spoke of our brokenness, our disagreement, noting that we are hurting and afraid, are apologetic in the communities in which we are ministering, and are in need of healing. After quoting Matthew 5:38-42, Rev. McIntire noted that this passage is Jesus' call to resist the oppressive powers around us and to reject the regressive attacks against us. He noted that it has been said that we must now search out each other's life choices to decide to our satisfaction whether or not others are living in a same sex relationship. Continuing, he noted that it has been said that District Committees and Boards of Ordained Ministry must recognize some gifts for ordained ministry but reject and exclude a person's sexuality as a gift. It has been said that our clergy who are found to have performed an illegal wedding with which we disagree are to lose their means of financial support for at least one year, putting at risk their children and families, and homes, their congregations, and their sacred lives. It has been said that The United Methodist Church is a safe space, a place of welcome, except when we disagree with your life expression or your understanding of God's love, welcome to all unless you want to be married or ordained. Concluding, he said, "But we say the spirit of this Annual Conference is that we will hold each other accountable in love only, and not as punishment, that we will embrace each other in unity and not in the temptation of condemnation, that we will commit to praying for each other rather than prying into each other's lives, that we will not act precipitously or in vengeance, that we will not be quick to judge but act only in full prayerful discernment, that we refuse to live a corporate life of fear but rather an abundant life of unity and compassion and faith. You have heard it said you shall love your neighbor and hate your enemy but we hear Jesus' response, 'I say to you, love your enemies and pray for those who persecute you.' So we proclaim that the spirit of this Annual Conference is one of unity and not division, prayer and not persecution, love and not hate. You have heard it said, 'Do no harm, do good, and stay in love with God.' So we, as an Annual Conference say, 'Do no harm, do good, and stay in love with God.'

Bishop Johnson called on Timothy Fisher, Pastor of Pen Argyl, who submitted a substitute resolution, a copy of which the Bishop has received. She asked for the slide of the substitute motion to be shown and for it to be read by Rev. Fisher.

Substitute Motion: WHEREAS, the 2019 General Conference Special Session spoke to the issue of human sexual behavior standards as we define them in the UM Book of Discipline regarding adoption of a plan to unify the United Methodist Church; and WHEREAS, the Eastern Pennsylvania Conference in accordance with our United Methodist Social Principles is firm in acknowledging "that sexuality if God's good gift to all persons," that "all persons regardless of age, gender, marital status, or sexual orientation, are entitled to have their human and civil rights ensured and to be protected against violence," and that we "implore families and churches not to reject or condemn lesbian and gay members and friends;" and WHEREAS, congregations, individuals, laity and clergy of the Eastern Pennsylvania Conference are in full and faithful ministry in diverse ways with people of varying expressions of sexual orientation and gender identity, including LGBTQIA persons; and WHEREAS, Jesus primary call was "repent and believe in the gospel" (Mark 1:15); and WHEREAS, we as United Methodist followers of Jesus are committed to not excluding anyone from access to God's grace and to fully providing the most faithful ministries to, for and with all of God's children; and WHEREAS, our baptismal

because he is disturbed by the language of the original motion noting that the wording "estimated 65% of delegates from the United States," sounds very nationalist. He noted the eight years of the Call to Action which has tried to help us avoid all these "isms," so he is in favor of preserving the substitute.

Bishop called on (*name unintelligible - Robert Laverty? from Rolling Hills or Romansville Church ?*) who spoke against the substitution, noting that the substitute amendment is in plain words, games. It's talking about the Traditional Plan when what we're presented with is the One Church Plan. This is not a substitute. It is an alternate resolution.

Bishop called on Joan Trout, Boehm's Church in Willow Street, speaking in favor of the substitute, noting that there are two reasons, the first being that she is troubled about voting on a resolution that is against the current Book of Discipline, especially after the Traditional Plan was voted as the plan to go with at the February Special Conference. Her second reason is that though many things were said by the folks who stood here, those of us who feel differently desire to hate no one, desire to exclude no one. She noted that persons have different ideas about what is right, what is God's will, and how they should respond to that. She concluded saying that people of good will are on both sides of this question and she is very troubled by anyone who says that's not true.

Bishop called on Scott Johnson, Equalizing Lay Member from Orwigsburg Church, speaking against. He said that the words that we say may not be the words that others hear. He shared a story about a young man who told him matter-of-factly that he knows he is going to hell and that he is okay with that. His church had condemned him for being gay and he didn't know that some Christians love and accept him as he is. And even with those deep scars, he has brought Christ into the lives of many people in his community. Mr. Johnson continued, sharing about a text he got from a friend whom he had helped to legally change her name, telling him that the Pennsylvania Department of Vital Records is going to reissue her birth certificate, correcting her gender identity. He's invited her often to his church, and even though she grew up in church, she will not worship where she may be hurt. Church is not a safe place. About a month ago, Mr. Johnson cautioned his church council that some people were going to feel unwelcome when the membership was told they plan to follow the Traditional Plan on human sexuality. He did not expect that the first person to leave the congregation would be his wife whom he had met there and has been married to for 42 years. She is no longer comfortable worshipping where others feel unwelcome. He reiterated that our words "I love you" and "All Are Welcome" may not be what others hear. His greatest regret in life is not those he knows he has hurt but those he has hurt and never knew.

Bishop called on Julian Milewski of the North District, Kulpmont Church, who spoke in favor of the substitution, noting having watched a group of people gather at a microphone to show support of a speaker, and he felt bullied. He doesn't see where the equity that everyone claims they want to see was showing. He understands that in his family he has "the same thing, and I love them, there is nothing wrong with that, they are children of God." He concluded, saying that a little earlier we talked about this book (he held a book up), and then said, "We can change the Book of Discipline; are you going to rewrite the Bible?"

Bishop called on Tim Thomson-Hohl of Ardmore Church, who spoke against the substitute resolution, noting that we all understand that the Book of Discipline got changed or reaffirmed in St. Louis, so we can't change that, per se. He suggested that what we can do is stand up and say "No" in spirit and create a rainbow wave, which he and others feel was a very bad decision. He continued, "So until we actually

change the Discipline next year, we can affirm the love of Christ for all. The substitute motion does not take us down that path." He implored voting against the substitute.

Bishop called on Don Bergen (sp?), Equalizing Delegate, North District, speaking in favor of the resolution. Mr. Bergen (?) reviewed the number of hours spent in prayer and fasting and the dollars spent to discern God's will at the February Special Session. He expressed it is a sad commentary on our processes and structure if the General Conference decision is rejected. He suggested we might as well all go home if we can't come to a decision and live by it after all that.

Bishop called on Barb Revere, Equalizing Lay Delegate of the East District and First Church of Germantown, speaking against the resolution. She gave testimony that Jesus loves her because the Bible tells her so. She concluded, calling for the question.

Bishop noted that calling for the question is in order. She asked for and received a second. Two-thirds is needed to approve calling the question. Rev. McIntire requested the last word, noting that the substitute resolution is not germane to the original resolution and therefore is out-of-order. Bishop reminded him that the vote at hand is to call the question. VOTE calling for the question was APPROVED.

Bishop announced that we are ready to vote on the substitute resolution and offered prayer before the vote.

Bishop called on Rev. McIntire whose POINT OF ORDER noted that a substitute resolution must be germane to the motion that is before the body, explaining that the substitute motion is not germane to the subject before the body because it addresses an affirmation of the Traditional Plan and the resolution before the body asks that the One Church Plan be adopted in spirit and, therefore, should be ruled out of order.

Bishop announced that a standing vote will need to be counted by the Tellers. The substitute resolution does not pass: 170 voted in favor; 309 voted against; 21 abstentions.

Bishop recognized Joe DiPaolo, First Church of Lancaster, to ask a question about a point of order. He asked, since the One Church plan which was considered and rejected by the St. Louis Conference included as part of it our changing the language on the conducting of same sex marriages and ordination of homosexuals, etc., would not this resolution then put us out of compliance with the Discipline, and therefore, should this resolution be ruled out of order? The Bishop responded that it is her assessment that this is really one of the many, many things that we've done in this body and in other conferences around the country and has been ruled with the Judicial Council that "aspirational" kinds of things are in order, but noting that we still have to maintain the Discipline. She repeated so as to be sure to be heard, that the Discipline has to be maintained, no matter what is voted here. She continued, saying that if this is voted, "it is only aspirational, in my opinion."

MOTION: Rev. DiPaolo then moved that to postpone, indefinitely, the consideration of this resolution. Motion was seconded and Rev. DiPaolo explained why he made the motion, sharing that he was in St. Louis and many others watched online. He said that no one came away from that experience not feeling battered and abused, and he does not see the point of re-litigating, re-fighting, and re-playing St. Louis here in Oaks today. He noted that all it will accomplish is to have more of us further apart than we were before, divide us, and have many more people leave feeling battered and abused. He continued, saying that in the end, we'll take a vote and perhaps 50% plus a few will win or lose, will pretend it is the will of

the body, and go away, once more, even more divided than before. He asked, "And to what end?" He reminded that body that we cannot override the decisions of General Conference and that Minneapolis is less than a year away where this will be dealt with again. He concluded saying that he does not see anything good or healthy coming out of having this debate now.

Bishop recognized an unidentified speaker who asked to know the total number of votes cast. Secretary Speer re-read the vote tally.

Bishop recognized Hannah Adair Bonner, rising to speak against postponing indefinitely, noting that a few minutes ago, in an earlier speech, someone said they have "such things" in their family. She reminded that body that people are not things. Bishop reminded her to speak to the motion. Rev. Bonner continued, saying that it is important for the people in this room who have been made to feel that way to receive the opportunity to be told by this Conference that there is a place for them where they can be loved. She continued, noting that to postpone voting indefinitely is to deny the people gathered in this room to send that message to our young people, to our LGBTQ+ people, to those who are struggling with the things they've heard and experienced this year. She concluded, asking to be able to have this conversation so that all of us can have the opportunity to know that there is a place here. She doesn't want the body to be denied the opportunity to affirm that she, as a queer clergyperson, is a part of this body and "that this body does not want to see this limb cut off." She would like the body to have the opportunity to send the message to the LGBTQ community that it agrees with God, that LGBTQ persons are fearfully and wonderfully made and are worthy of being embraced in God's house.

Bishop recognized John Longmire of Hempfield Church to speak in favor of postponement. He first expressed to those with whom he disagrees that he has love for many of them, but that if the resolution were to pass through, he would have to go back to his local church and tell them they have a choice of either being loyal to the General Conference and what was passed or to the Eastern Pennsylvania Conference and what it has passed, and that will cause division. He reminded the body that 2020 is so close, suggesting that there will be petitions for new ideas, even amiable separation. He recommends tabling.

Bishop recognized Colleen Kristula, retired elder located at FUMCOG, who opposes tabling the resolution, explaining that when our political system passes legislation that we think is wrong, the larger population tells the Congress people. She acknowledged that we sent people to General Conference, but noted that we don't agree with the outcome. She believes the resolution is our opportunity to send the message that, though we sent delegates to General Conference, we disagree with the outcome and want that to be known.

Bishop recognized Robert Erb, Layperson from Valley Forge Church, who spoke in favor of postponement, saying that, for one reason, the resolution, as printed, falsely asserts that the question of the adopted plan is now before the Judicial Council though the decision has now been rendered. His second reason is that the resolution refers to concerns about the exchange of money and gifts for votes being investigated, which is a false assertion, having been checked out by the Ethics Committee. The effort to resurrect a defeated plan suggesting that this Conference considers itself to be a One Church Plan conference is divisive by dividing us from the global UMC and suggests that we are enlightened and know better than the General Conference, which is shamefully elitist. He concluded, noting that worse is that the resolution is a subtle demonstration of racism, conveying the message that we Americans would have easily passed the One Church Plan if it weren't for the Africans who don't appreciate our culture and values, and asked the body to vote to table the resolution.

Bishop called on Joanne Miles, newly ordained Deacon of St. Luke's in Bryn Mawr, who spoke against tabling, noting that at this time, to live into our baptismal covenant, to accept the freedom and power God gives us to resist evil and injustice in whatever form, the time is now, not next. She concluded saying that every delay causes harm.

Bishop called on Gene Errickson, serving St. John's Church in Paradise, who spoke for tabling the resolution because, though he agrees with the sentiments of the resolution, he doesn't think passing the resolution is going to do any good, but will serve only to divide the body further.

Bishop called on Lynn Jaeger, Laity delegate from Chestnut Hill United Church, speaking against postponement, who finds it very odd that the replacement resolution got a vote, and now there is a postponement resolution that, if passed, would not allow the first resolution to be voted upon. She asked that the body be able to have a vote on the first resolution since there was a majority who rejected the replacement resolution.

Bishop Johnson called on Walt Unterberger, Senior Pastor of Colemanville, who spoke in favor of tabling, sharing that what he has been hearing is that the resolution is essentially "aspirational." What he's also been hearing throughout this Annual Conference is about the benefits and importance of being together and working together and our being united for the mission of God's kingdom. He noted, however, that on this issue we are far from united, reminding that there is a denominational process. He suggested that if the resolution were passed, agreeing that it is aspirational, we would be aspiring to hurt each other and dis-unifying, amounting to shooting ourselves in the foot.

Bishop called on (*unidentified person*) who called the question. She received a second. Bishop reminded the body that two-thirds are needed to call the question. The body voted to call the question.

A standing vote was then taken to indefinitely postpone Resolution 2019-13. Those in favor of postponing numbered 246; against tabling: 251; there were 3 abstentions. The motion to table Resolution 2019-13 failed.

Bishop called on (*unidentified person*) who called for the question on the main motion. A second was received. Two-thirds are needed to call the question. Calling for the question was approved.

Bishop called on Rev. McIntire to speak on the resolution one last time prior to going to a vote. Rev. McIntire noted that the intention in presenting the resolution is to call us to a time of discernment, to voluntarily commit to not be more divisive, to continue to search for answers, to continue to hear and to find ways to love each other. He clarified that the call is not to disobey the Discipline, but to allow us to make changes that this church demands. He concluded, saying that we are broken, in disagreement, hurting, and afraid, and implored the body to strive together to be in unity and to be an Annual Conference that does no harm, does good, and that stays in love with God. He implored the body to agree to do that and invited delegates to vote in favor of the resolution.

A standing vote was then taken on Resolution 2019-13. Those in favor numbered 273; those against numbered 208; there were 15 abstentions. Resolution 2019-13 passed and Bishop Johnson offered prayer.

Point of Order: Bishop Johnson recognized Chris Fisher, First Church, Schuylkill Haven, who requested that the Judicial Council review this resolution because of the unclear language of "aspiration to disobey the Discipline." A vote was taken to refer the resolution to the Judicial Council and it passed.

RESOLUTION 2019 - 13

RESOLUTION TO THE 2019 ANNUAL CONFERENCE SESSION

Relating to Affirming that the Eastern Pennsylvania Conference is a "One Church Plan" Conference

Presented by Rev. James F. McIntire and Rev. Lydia E. Muñoz

WHEREAS, the 2019 General Conference Special Session was not in consensus regarding adoption of a plan to unify the United Methodist Church; and

WHEREAS, Bishops and leaders from across the denomination have issued statements which continue to lead the UMC forward toward a more unified body; and

WHEREAS, it has been estimated that 65% of delegates from the United States voting at the 2019 Special Session voted in support of the "One Church Plan" endorsed by our Council of Bishops; and

WHEREAS, the question of the constitutionality of the adopted plan is before the Judicial Council and questions regarding the validity of certain delegate credentials as well as concerns regarding the exchange of money and gifts for votes are being investigated; and

WHEREAS, the Eastern Pennsylvania Conference in accordance with our United Methodist Social Principles is firm in acknowledging "that sexuality is God's good gift to all persons," that "all persons, regardless of age, gender, marital status, or sexual orientation, are entitled to have their human and civil rights ensured and to be protected against violence," and that we "implore families and churches not to reject or condemn lesbian and gay members and friends;" and

WHEREAS, congregations, individuals, laity and clergy of the Eastern Pennsylvania Conference are in full and faithful ministry in diverse ways with people of varying expressions of sexual orientation and gender identity, including LGBTQIA+ persons; and

WHEREAS, we as United Methodist followers of Jesus are committed to not excluding anyone from access to God's grace and to fully providing the most faithful ministries to, for and with all of God's children; and

WHEREAS, our baptismal covenant calls us to "accept the freedom and power God gives [us] to resist evil, injustice, and oppression in whatever forms they present themselves"

THEREFORE BE IT RESOLVED, that until or when the denomination resolves the divisiveness evident in the 2019 Special Session, the Eastern Pennsylvania Conference considers itself a "One Church" Conference in spirit, committed to continued support of ministry to, for and with all persons regardless of sexual orientation or gender identity.

Persons responsible for presenting this resolution: James F. McIntire and Rev. Lydia E. Muñoz

Interested parties:

Rev. Dr. Christopher L Fisher
First United Methodist Church
420 Saylor Street
Schuylkill Haven, PA 17972

Matthew Morley, Esquire (Conference Chancellor)
KLM ATTORNEYS LLC
213-215 W. Miner Street
West Chester, PA 19382

Rev. James F. McIntire
Royersford UMC
380 Church St.
Royersford PA 19468

Rev. Lydia E. Muñoz
Kennett: Church of the Open Door
P.O. Box 1287
Kennett Square PA 19348