



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: Laurie Haller
 Address: 2301 Rittenhouse Street City: Des Moines
 State/Province: Iowa ZIP/Postal Code 50321 Country: U.S.
 Phone: 515-974-8902 Fax: 515-283-8672 E-mail: bishop@iaumc.org
 Annual Conference: Iowa Date of session: 06/11/2019 (month/day/year)
 Question(s) of Law: See Exhibit 2, attached hereto.

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

Constitution: _____ Book of Discipline: 613.19
 Judicial Council Decision(s): 1340, 1292

Signature: Jane Haller Date: June 26, 2019
 Bishop of The United Methodist Church (month/day/year)

The following must be attached:

- Decision of Law, including facts, rationale and ruling
 - Text of the written request for decision
 - Minutes of annual conference proceedings (relevant portions only)
 - List of names and addresses of interested parties
 - 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.

**IOWA ANNUAL CONFERENCE
OF THE UNITED METHODIST CHURCH**

**BISHOP'S RULING OF LAW ON QUESTION OF LAW NO. 1
PRESENTED DURING THE 2019 SESSION OF THE ANNUAL CONFERENCE**

STATEMENT OF THE QUESTION OF LAW AND DECISION

BACKGROUND AND PROCEDURE

During the morning Plenary Session of the 2019 Iowa Annual Conference (“**Conference**”) on June 11, 2019, Clergy Member Reverend John Gaulke, of the Altoona United Methodist Church, Altoona, Iowa, after being duly recognized, rose and verbally requested that I enter a ruling on a question of law which is substantially similar to that set forth below, and attached hereto. Rev. Gaulke initially made the request for a ruling on a question of law during the debate of 2019 Action Item 506, entitled a Resolution for the Disapproval of the Traditional Plan (“**Action Item 506**”). I reminded Rev. Gaulke that this request would not be in order until final action was taken on Action Item 506; Rev. Gaulke renewed his request Action Item 506, with as amended, was passed by the Conference. I granted leave for Rev. Gaulke to submit his question of law in writing after close of the Conference session, which I received timely in my offices one week later on June 18, 2019. The Conference session ended mid-day on Tuesday, June 11, 2019. This Ruling is attached to my Report for submission to the Judicial Council of The United Methodist Church. Also included with this Ruling and my Report are: Exhibit 1) Minutes, June 11 Plenary Session; Exhibit 2); Request for a Bishop’s Decision of Law (at times, “**Request**”); Exhibit 3) Names and Addresses of Interested Parties; and, Exhibit 4) Action Item 506.

REQUEST FOR DECISION OF LAW

Rev. Gaulke’s Request for a Bishop’s Decision of Law focuses on the second paragraph of the Action 506 which states:

FURTHER, BE IT RESOLVED, in light of our current IAC budget crisis, the IAC should prioritize the full funding of conference missions, new ministry starts, and clergy support before funds or monies shall be expended for background investigations, complaints, just resolutions, or clergy trials pertaining to LGBTQ+ ordination and marriage.

Action Item 506, Resolution ¶ 2(Ex. 4). “IAC” is an acronym for the Iowa Annual Conference. Rev. Gaulke states for his request:

There are two words that I believe cause this resolution to be out of order. They are: *should prioritize*. To say that the Iowa Annual Conference should prioritize the way that it spends its funds is to give direction in spending that may not allow the Iowa Annual Conference to fulfill its disciplinary obligations. The word, *should*, is to recommend, often with moral obligation, a particularly suitable direction. In my opinion the Iowa Annual Conference does not have the authority to recommend a spending plan that would violate its Disciplinary responsibilities.

Further, the prioritization of spending favors the LGBTQ+ cause. It would appear that the IAC would be free to pursue background investigations, complaints, just

resolutions or clergy trials for anyone except those “pertaining to LGBTQ+ ordination and marriage.”

Although 613.19 is quoted, on lines 20 &21, to support the premise of the makers of Resolution #506 it is not quoted in context. 613.19 also says, “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.”

The spending prioritization of Resolution #506, in my opinion, promotes (favors) the acceptance of homosexuality since spending should not be used on investigations, complaints or trials *pertaining to LGBTQ+ ordination and marriage.*”

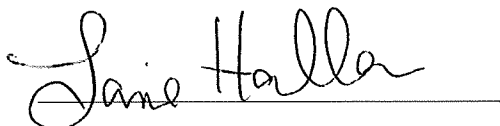
Thus, in my opinion, Resolution #506 is in conflict with the discipline. It attempts to prioritize how Conference monies are spent. The Discipline does not allow for prioritization which would limit or prohibit the use of funds required by the discipline.

Request (Ex. 2).

RULING, ANALYSIS AND RATIONALE

Pursuant to the requirements of The Discipline of the United Methodist Church 2016 (hereinafter, *The Discipline*), I am instructed to respond “with a ruling to all submitted questions of law.” See “Guidelines for Bishop’s Rulings on Questions of Law,” Rules of Practice and Procedure, The Judicial Council of the United Methodist Church, Appendix A (last revised on May 23, 2018).

As set forth above, I am asked whether the second “be it resolved” paragraph Action Item 506 violates sections of *The Discipline* due to mandating actions by the conference regarding trials and expenditure of funds. This paragraph suggests conference prioritization of fully funding conference missions, new ministry starts and clergy support before funds or monies are expended for background investigations, complaints, just resolutions, or clergy trials pertaining to LGBTQ+ ordination and marriage. *The Discipline* does not “authorize annual conferences to impose financial controls or eliminate funding for fair process proceedings based on the nature of the charge.” Dec. 1340 (*See also Dec. 1292*). Accordingly, Action Item 506 violates *The Discipline* as it directs the annual conference to prioritize funding in such a way that funding could be eliminated “altogether for fair process proceedings involving specific prohibited aspects of human sexuality.” Dec. 1340.



Bishop Laurie Haller

EXHIBIT 1

Tuesday morning, June 11, 2019

1. CALL TO ORDER. Bishop Laurie Haller.
2. PRAYER. Diana Sagastizado, opening prayer.
3. ANNOUNCEMENTS. Nitza Dovenspike, Conference Secretary.
4. AGENDA. Brian Oliver, Chair of Business and Agenda provided schedule update.
5. PERSONAL PRIVILEGE. Rob Lanford offered information about Upper Midwest Extension Course of Study School
6. PERSONAL PRIVILEGE. Gretchen Small expressed thanks for conference support.
7. PERSONAL PRIVILEGE. Paige Weesner spoke on behalf of the Diakonos to express thanks for conference support.
8. PERSONAL PRIVILEGE. Kevin Gingerich shared a travel experience to Jerusalem.
9. PERSONAL PRIVILEGE. Jackie Bardole offered an update on an earlier prayer request.
10. PRESENTATION. Rev. David Swinton received thanks for his conference worship leadership. Rev. Swinton described and interpreted the altar visual layouts during the Conference sessions.
11. MOTION. Simon Campbell moved to limit points of personal privilege for the remainder of the conference to thirty seconds. Adopted.
12. LEGISLATIVE ACTION. Action Item 506.
 - a. Cephas Davis asked question on Decision of Law on action item 506. Bishop Laurie Haller answered the question.
 - b. Rev. John Gaulke asked for Decision of Law on action item 506. Request ruled out of Order.
 - c. Rev. Dr. Lanette Plambeck spoke on the Milford amendment to action item 506.
 - d. Amendment Adopted.
 - e. MOTION. Fred Lewis moved to amend 506, as amended, at the end of the resolution, add: "Further be it resolved, the IAC will aspire to support and affirm couples in same gender-marriages, pastors who perform same-gender weddings, and lesbian, gay, bisexual, transgender, and queer clergy and candidates for ministry." Failed.
 - f. MOTION. Alexis Johnson moved to Call the question on Amended Action Item 506. Adopted.
 - g. Action Item 506, as amended. Adopted.
 - h. John Gaulke requested a Decision of Law on Action Item 506. Request accepted by Bishop Laurie Haller.
13. BREAK.
14. PRAYER. Bishop Laurie Haller.
15. MOTION. Paul Fredricksen moved that the IAC 2020 receive a report of effects made to remediate pastors and churches refusing to pay apportionments. Withdrawn.
16. LEGISLATIVE ACTION
 - a. John Rothlisberger moved Action Item 509. Failed.

17. INFORMATION. Bishop Haller spoke on the concept and importance of apportionments.
18. MOTION. Rev. Alejandro Alfaro-Santiz moved to suspend the rules. Failed.
19. MOTION. Rev. Andrea Kraushaar moved to suspend the rules to consider amendment to the budget. Failed.
20. BUDGET. Jon Disburg moved the working budget to be the final budget. Adopted.
21. MOTION. Tom Shinkle moved to suspend the rules to consider percentage of general church apportionments. Failed.
22. NOMINATION. Robyn Thomas, co-chair of Nominating Committee, moved the Annual Conference Ballot with amendments. Adopted.
23. MOTION. Alexis Johnson moved to suspend the rules so that two clergy may serve on two Boards. Failed.
24. PERSONAL PRIVILEGE. Erica Shannon Stueve, point of personal privilege to acknowledge the work of the Nominations Committee.
25. PERSONAL PRIVILEGE. Rev. La Tonya Calderon to speak on behalf of the General and Jurisdictional Conference delegates.
26. MOTION. Harlan Gillespie moved the Reconciling Motion.
27. MONITORING REPORT. Alex Bruning presented the COSROW monitoring report.
28. CLOSING REMARKS. Bishop Haller brought closing announcements, acknowledgements, and personal remarks.
29. ADJOURNMENT. Brian Oliver moved adjournment. Adjournment at 11:53.

June 18, 2019

To: Bishop Haller

Subject: A Request for Bishop's Decision of Law in regard to my objection as to the legality of action item number #506 Disapproval of the Traditional Plan

On line 31 of #506 it states, *"FURTHER, BE IT RESOLVED, in light of our current IAC budget crisis the IAC should prioritize the full funding of conference missions, new ministry starts, and clergy support before funds or monies shall be expended for background investigations, complaints, just resolutions, or clergy trials pertaining to LGBTQ+ ordination and marriage."*

There are two words that I believe cause this resolution to be out of order. They are: *should prioritize*. To say that the Iowa Annual Conference should prioritize the way that it spends its funds is to give direction in spending that may not allow the Iowa Annual Conference to fulfill its disciplinary obligations. The word, *should*, is to recommend, often with moral obligation, a particularly suitable direction. In my opinion the Iowa Annual Conference does not have the authority to recommend a spending plan that would violate its Disciplinary responsibilities.

Further, the prioritization of spending favors the LGBTQ+ cause. It would appear that the IAC would be free to pursue background investigations, complaints, just resolutions or clergy trials for anyone except those "pertaining to LGBTQ+ ordination and marriage."

Although 613.19 is quoted, on lines 20 & 21, to support the premise of the makers of Resolution #506 it is not quoted in context. 613.19 also says, *"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."*

The spending prioritization of Resolution #506, in my opinion, promotes (favors) the acceptance of homosexuality since spending should not be used on investigations, complaints or trials *pertaining to LGBTQ+ ordination and marriage.*

Thus, in my opinion, Resolution #506 is in conflict with the discipline. It attempts to prioritize how Conference monies are spent. The Discipline does not allow for prioritization which would limit or prohibit the use of funds required by the discipline.

Sincerely,



Pastor John Gaulke

EXHIBIT 3

INTERESTED PARTIES

Rev. Katie Dawson
Immanuel United Methodist Church
2900 49th Street
Des Moines, IA 50310
Phone: 515-277-1100
Email: katied@iumc.org

Rev. John Gaulke
Altoona United Methodist Church
602 5th Avenue SW
Altoona, IA 50009
Phone: 515-494-6177
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EXHIBIT 4

ACTION ITEM 506

RESOLUTION: DISAPPROVAL OF THE TRADITIONAL PLAN

WHEREAS, “Our Theological Task” (see ¶105, p.80-91) invites and encourages us to continuously engage in faithful and serious reflection on our biblical and theological inheritance and celebrates “The wonder of God’s grace at work with us and among us,” and has led the people called United Methodists to demonstrate nuanced and robust understandings about matters as diverse as divorce and the ordination of women, and in that spirit rejecting literalism that harms or excludes LGBTQ+ persons;

WHEREAS, despite no biblical mandate to discriminate against LGBTQ+ persons, The United Methodist Church has singled out LGBTQ+ persons for punitive action, while seemingly ignoring biblical teachings on matters such as efforts to secure pensions (Matthew 6:19-20);

WHEREAS, our first General Rule (¶104, p.78) concerns “doing no harm”;

WHEREAS, United Methodists with diverse theological appreciations all earnestly vow “to resist evil, injustice, and oppression in whatever forms they present themselves” (United Methodist Hymnal, p. 34);

WHEREAS, ¶613.19 prohibits annual conference funds from being used to “violate the expressed commitment of the UMC ‘not to reject or condemn lesbian and gay members and friends’”; and

WHEREAS, by adopting elements of the Traditional Plan, we have done great harm to our LGBTQ+ siblings.

THEREFORE, BE IT RESOLVED, we urge the Iowa Annual Conference (IAC) to express disapproval of the Traditional Plan and apologize for the harm inflicted on LGBTQ+ persons, their families, and the body of Christ. We urge the IAC to “affirm that all persons are individuals of sacred worth, created in the image of God,” (§161.G) and assert that no human being is incompatible with Christian teaching.

FURTHER, BE IT RESOLVED, in light of our current IAC budget crisis, the IAC should prioritize the full funding of conference missions, new ministry starts, and clergy support before funds or monies shall be expended for background investigations, complaints, just resolutions, or clergy trials pertaining to LGBTQ+ ordination and marriage.

Submitted by:

Eric Schubert

Brian K. Milford

Heecheon Jeon

Lanette Plambek

Melissa Drake

J. Robert Burkhart

Brody Tubaugh

Melodee Carstens

Joyce Webb

Cathy Nutting

Lucas Fillmore