



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: Mark J. Liebb
 Address: 7481 Henry Clay Blvd. City: Liverpool
 State/Province: NY ZIP/Postal Code 13088 Country: USA
 Phone: 315-898-2620 Fax: _____ E-mail: _____
 Annual Conference: Upper New York Date of session: _____ (month/day/year)
 Question(s) of Law: _____

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

Constitution: _____ Book of Discipline: _____
 Judicial Council Decision(s): _____

Signature: [Signature] Date: _____
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.

**RULING OF LAW
UPPER NEW YORK ANNUAL CONFERENCE**

**Mark J. Webb, Bishop
June 24, 2019**

STATEMENT OF FACTS

On Friday, June 7, 2019, in plenary session of the 2019 session of the Upper New York Annual Conference, the conference addressed Resolution UNYAC2019.2 entitled: "UNYAC Response to Actions of 2019 General Conference." **(Exhibit A)**.

Prior to debate beginning on the resolution, Bishop Webb advised the body that the resolution as written was out of order in that the "be it further resolved" was not aspirational and called the conference to violate the Book of Discipline by recommending the imposition of financial controls or elimination of funding for fair process proceedings. The advisement included the instructions that during the debate the body had the opportunity to bring the resolution in order.

The presenter of the resolution stated that they had been told by the Committee on Resolutions and Petitions that the petition as worded and presented was in order and had addressed concerns identified in an earlier submission. Throughout the debate of the resolution, speeches were made regarding Bishop Webb's advisement that the "be it further resolved" was not aspirational. After debate had concluded, Bishop Webb did not make any parliamentary rulings regarding whether the resolution was or was not out of order. A vote was taken on the resolution as presented and the body supported it 619-384.

REQUEST FOR A DECISION ON CHURCH LAW

On June 7, 2019, immediately after the vote on Resolution UNYAC2019.2, Pastor Jose Cotto, a clergy member of the Upper New York Conference was recognized and made the following request for a Ruling of Law.

"I request a Decision of Law regarding whether Resolution UNYAC2019.2 attempts to ignore or contradict the Book of Discipline, 2016?"

By Paragraph 2609.6, I have thirty (30) days to render this decision.

JURISDICTION

The Judicial Council has jurisdiction under paragraphs 51 and 56.3 of the Constitution of The United Methodist Church and paragraph 2609 of the 2016 Book of Discipline as modified by Judicial Council Decision 1244.

ANALYSIS AND RATIONAL

Resolution UNYAC2019.2 condemns the decision of the 2019 General Conference to pass the Traditional Plan and apologizes for the harm that it has caused LGBTQIA+ persons, their families, their friends, and the body of Christ. It affirms that all persons are individuals of sacred worth, created in the image of God, and asserts and affirms that no human being is incompatible with Christian teaching. Additionally, it strongly recommends that UNYAC refrain from expending funds or monies (either directly through payments or indirectly through the time of employees of the conference) for the purpose of background investigations, complaints, just resolutions, or clergy trials pertaining to LGBTQIA+ ordination and marriage.

Judicial Council Decision 96 made clear the principle that the Discipline is the only authoritative book of law of the Church. All entities of the Church are bound by its provisions. All actions of an annual conference must be faithful to and consistent with the Discipline. An annual conference may express disagreement with other bodies of The United Methodist Church, but is still subject to the Constitution, the Discipline and the decisions of the Judicial Council. In Decision 886, the Judicial Council established the principle that annual conferences may not legally negate, ignore or violate provisions of the Discipline with which they disagree, even when the disagreements are based on conscientious objections to those provisions.

The Judicial Council has had many occasions to address matters involving human sexuality over recent years, setting forth very clear guidelines for permissible action in relation to existing Church Law. Under these guidelines, the Judicial Council has been clear that “[a]n annual conference may adopt a resolution on human sexuality that is aspirational in nature; however, an annual conference may not negate, ignore or violate the Discipline, even when the disagreements are based upon conscientious objections to those provisions.” Decision 1120; see also Decision 1111 (“Annual conferences 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.”). In addition to not being allowed to directly negate, ignore or violate the Discipline, the Judicial Council has held that annual conferences may not encourage other entities to violate Church law, or discourage the enforcement of Church law. Decisions 1262 and 1292.

The “therefore be it resolved” in Resolution UNYAC2019.2 that condemns the decision of the 2019 General Conference to pass the Traditional Plan and apologizes for the harm that it has caused LGBTQIA+ persons, their families, their friends, and the body of Christ, and affirms that all persons are individuals of sacred worth, created in the image of God, and asserts and affirms that no human being is incompatible with Christian teaching is an expression of disagreement and is not in violation of Church law consistent with Decision 1262 of the Judicial Council.

The “be it further resolved” in Resolution UNYAC2019.2 that strongly recommends that UNYAC refrain from expending funds or monies (either directly through payments or indirectly through the time of employees of the conference) for the purpose of background investigations, complaints, just resolutions, or clergy trials pertaining to LGBTQIA+ ordination and marriage is not aspirational in nature.

In this section the resolution attempts to eliminate funding for fair process proceedings involving specific prohibited aspects of human sexuality. The Discipline does not authorize annual conferences to impose financial controls or eliminate funding for fair process proceedings based on the nature of the charges. Rather the Discipline requires annual conferences to expend funds to ensure that all complaint proceedings, including those involving human sexuality, are fair and orderly.

For example, in every Church trial the “presiding officer may have legal counsel, who shall not be the conference chancellor, at the expense of the annual conference holding the trial.” Discipline ¶ 2708[1]. Likewise, the annual conference must produce a “verbatim record of all proceedings ... by stenograph or other appropriate means,” which is a mandated expense and necessary for appellate process. Discipline ¶ 2710[8]. If venue is changed, “the cost of prosecution shall be borne by the conference where the case originated.” Discipline ¶ 2708[4]. And, on appeal, the “expense for counsel for the Church shall be paid by the annual conference.” Discipline ¶ 2716[4]. All of these are expenses that, under the Discipline, are mandatory and must be paid regardless of the charges brought. Neither the CFAs nor the annual conferences have the discretion to impose financial controls or limit the funding for them.

I also find that this section of the resolution is Unconstitutional. Under the Constitution of the United Methodist Church, only the General Conference has the authority to change trial process, including assigning a body within the Church with financial oversight over fair process proceedings. Indeed, the General Conference alone is charged with “provid[ing] a judicial system and a method of judicial procedure for the Church, except as herein provided.” Constitution ¶ 16[7]. Given this broad expression of legislative authority, jurisdictional and annual conferences are preempted from enacting resolutions that would infringe upon the Discipline’s fair and orderly judicial procedures. (Decision 736 [holding that annual conferences “may not adopt provisions in their sexual harassment policies and procedures which ... violate or conflict with fair process”]). Restrictions on fair process funding would also substantially interfere with the constitutionally protected “privileges of our clergy of right to trial by a committee and of appeal,” which cannot be abolished. Constitution ¶ 20. The “be it further resolved” would also negate, ignore and violate these provisions in the Constitution.

RULING OF LAW

For these reasons, it is my ruling of law that Resolution UNYAC2019.2 adopted by the Upper New York Conference on June 7, 2019 is in order in part and null and void in another part.

1. The therefore be it resolved that the Upper New York Annual Conference (UNYAC) condemns the decision of the 2019 General Conference to pass the Traditional Plan and apologizes for the harm that it has caused LGBTQIA+ persons, their families, their friends, and the body of Christ. We affirm that all persons are individuals of sacred worth, created in the image of God, but we also assert and affirm that no human being is incompatible with Christian teaching is a statement of disagreement, aspirational in nature and does not negate, ignore or violate The Book of Discipline of The United Methodist Church.
2. The be it further resolved that we strongly recommend that UNYAC refrain from expending funds or monies (either directly through payments or indirectly through the time of employees of the conference) for the purpose of background investigations, complaints, just resolutions, or clergy trials pertaining to LGBTQIA+ ordination and marriage is not aspirational in nature, negates, ignores or violates The Book of Discipline of The United Methodist Church and is null and void.

Exhibit A

UNYAC2019.2 - UNYAC Response to Actions of 2019 General Conference

Whereas, using appropriate, quality biblical scholarship, there is no biblical mandate to discriminate against LGBTQIA+ persons and relationships.

Whereas, the United Methodist Church is capable of great nuance in the matter of biblical interpretation as displayed in its treatment of issues such as divorce and the ordination of women, but reverts to simplistic literalism when it comes to the full inclusion of LGBTQIA+ persons in its life and ministry; and

Whereas, the United Methodist Church has singled out LGBTQIA+ persons for special punitive action while ignoring the “clear biblical teaching” on other matters such as pensions (Matthew 6:19-20); and

Whereas, much of the Traditional Plan had already been ruled unconstitutional before it was voted upon; and

Whereas, the first general rule that John Wesley gave the people called Methodists concerns “doing no harm”; and

Whereas, United Methodists promise “to resist evil, injustice, and oppression in whatever forms they present themselves”; and

Whereas, by passing the Traditional Plan, the denomination has done great, and perhaps irreparable harm to our LGBTQIA+ siblings, their families and friends.

Therefore be it resolved, that the Upper New York Annual Conference (UNYAC) condemns the decision of the 2019 General Conference to pass the Traditional Plan and apologizes for the harm that it has caused LGBTQIA+ persons, their families, their friends, and the body of Christ. “We affirm that all persons are individuals of sacred worth, created in the image of God,” but we also assert and affirm that no human being is incompatible with Christian teaching; and

Be it further resolved, that we strongly recommend that UNYAC refrain from expending funds or monies (either directly through payments or indirectly through the time of employees of the conference) for the purpose of background investigations, complaints, just resolutions, or clergy trials pertaining to LGBTQIA+ ordination and marriage.