



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*).

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 Phone: 972-526-5000 Fax: 972-526-5002 E-mail: bishop@ntcumc.org
 Annual Conference: North Texas Date of session: 06/2-4/2019 (month/day/year)
 Question(s) of Law: Regarding the One Church Resolution submitted to the North Texas Annual
 Conference: Is that Resolution legal since it seeks to "negate, ignore or violate provisions
of the Discipline which they disagree." JCD 886

Authorities Cited (indicate paragraph or decision number where applicable):
 Constitution: 56.3 Book of Discipline: 2609.6
 Judicial Council Decision(s): 886, 913, 1021, 1044, 1283, 1292, 1297, 1340

Signature: Michael McKee Date: July 2, 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.

LIST OF INTERESTED PARTIES

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The North Texas Annual Conference of the United Methodist Church
BISHOP'S DECISION OF LAW
Rendered pursuant to a Request for a Decision of Law submitted on June 4, 2019
Bishop Michael McKee

July 2, 2019

SYNOPSIS OF RULING

The Resolution adopted by the North Texas Annual Conference on June 4, 2019 is legal. The Resolution does not negate, ignore or violate of the Book of Discipline. The Resolution is aspirational.

STATEMENT OF FACTS

The 2019 North Texas Annual Conference was presided over by Bishop Michael McKee. It began on June 2, 2019 and ended on June 4, 2019. On Tuesday, June 4, 2019, Rev. Ann Willet, a member of the body, moved the adoption of a resolution entitled "One Church Resolution" (referred to herein as "Resolution"). The motion was seconded, and the Resolution was adopted by the North Texas Annual Conference body by an overwhelming majority.¹ The verbiage of the Resolution is attached as Exhibit A.

After the Resolution was adopted, Rev. Fred Durham submitted a request for a Bishop's Decision of Law to determine whether the Resolution was legal. The verbiage of Rev. Durham's request for a decision of law is attached as Exhibit B.

RATIONALE

By the plain language of the Resolution, it does not violate the Book of Discipline. The Resolution is entirely comprised of statements that are aspirational. The Resolution contains no provision that negates a provision of the Book of Discipline, ignores a provision

¹ 591 voted in favor of the resolution; 144 voted against the resolution; and 11 abstained from the vote. The relevant minutes are attached as Exhibit C.

of the Book of Discipline, nor violates a provision of the Book of Discipline. The Resolution is the expression of a sentiment of how the membership of the North Texas Annual Conference wishes to respect and regard one another.

The operative portion of the Resolution is the verbiage following the words, "Therefore be it resolved," which sets forth the only actions contained in the Resolution. Those actions are the following: to pray for one another, not to impede the ministry of others, to seek common ground with others, to be in ministry with a variety of people, to refrain from speaking ill-will of one another, and to model the treatment of all people as persons of sacred worth. Each statement of action in the Resolution is consistent with the provisions of the Book of Discipline. None of the operative statements contained in the Resolution negate, ignore or violate the Book of Discipline, nor are they contrary to it in any way.

The preamble portion of the Resolution contains aspirational statements. The preamble does not contain action statements. The preamble sets forth information regarding the experience of the North Texas Annual Conference in relation to the proposed One Church Plan, which had been presented at the specially called 2019 General Conference. The preamble reflects the dream, hope, and aspiration of the members of the North Texas Annual Conference that members would regard each other with the depth of respect that had been reflected in the wished-for One Church Plan legislation. There are no operational statements or action statements in the preamble. It does not negate, ignore or violate the Book of Discipline.

The request for a decision of law cites Judicial Council Decision 886. The questions posed in JCD 886 were policy questions rightly decided by the Judicial Council. Individual

members and entities of the Church are bound by the provisions of the Book of Discipline. No individual member or entity of the Church can legally violate the Book of Discipline. These rulings are correct and fundamental to the right functioning of the United Methodist Church. I uphold these tenets by this decision and note the important implications of the policies established by JCD 886. Additionally, it is important to note the decisions that have applied JCD 886 to actual matters in controversy and the analysis of those matters in the context of those that called for actions in violation of the Book of Discipline versus the those that were aspirational. This decision recognizes and gives full faith and credit to the law, as clarified by the Judicial Council, that entities in the Church are free to adopt resolutions that are aspirational in nature and express their ideals and opinions so long as they do not negate, ignore, or contradict the Book of Discipline. This is a beautiful sentiment that embodies the sacred and revered nature of the protection of dialogue and expression within the United Methodist Church. The Resolution in the instant matter is one such statement of aspiration that is not in violation.

In Judicial Council Decision 1340, the matter in controversy was actionable, not aspirational, and the actions called forth were in opposition of the Book of Discipline. In that instance, the resolution stated that annual conference entities would make no funds available for investigations and trials of certain matters related to human sexuality. The resolution in that case called for the elimination of funding for certain processes that could not be eliminated under the Book of Discipline. In that instance, the resolution was not legal. Clearly, the resolution called for action in violation of the Book of Discipline.

In Judicial Council Decision 1297, there were four matters in controversy. The first three matters in controversy were ruled to be aspirational by the Judicial Council, namely:

prayer support for clergy brought to trial for solemnizing same gender marriage vows; urging the Board of Ordained Ministry, the Cabinet, and the Bishop to do all in their power to make the conference a place of welcome and refuge for those convicted by church trial courts for presiding over same gender Christian weddings; and urging the next General Conference to allow Annual Conferences a local option to discern matters of sexuality. The Judicial Council found that only the fourth matter contained any problematic language fearing that clergy would construe the language as encouragement to violate the prohibition regarding same gender weddings. The Judicial Council modified the fourth matter to assure clarification that same gender weddings were not encouraged, accordingly. It is important to note that the Judicial Council gave wide breadth to the Annual Conference to speak and aspire when there was no call of action contrary to the Book of Discipline.

Judicial Council Decision 1292 likewise affirmed, in part, and modified, in part, a Bishop's Decision of Law. In that instance, the Judicial Council upheld the aspirational statements of a resolution (supportive statements toward lesbian, gay, bisexual and transgender lay members who were married) and rendered null and void the provisions encouraging actions in violation of the Book of Discipline (mandates to withhold resources for investigations authorized by the Book of Discipline).

Judicial Council Decision 1283 perhaps provides the best guidance in addressing the instant matter. In JCD 1283, the Judicial Council upheld the Bishop's Decision of Law that the resolution adopted by the Annual Conference was aspirational. It should be noted that the resolution in JCD 1283 contained strong language explicitly in support of LGBT members. The resolution adopted by the Annual Conference was a statement toward

agreeing to disagree on issues pertaining to gender and sexual minorities. The resolution asked the conference to consider refraining from filing complaints against pastors who perform marriages between gender and sexual minorities; to consider refraining from using resources to investigate or enforce a ban on marriages between gender and sexual minorities; to consider refraining from using resources for church trials or discipline of clergy that perform same-sex marriages; to consider refraining from using resources to investigate the gender or sexual orientation of ministers or candidates for ministry; and to consider refraining from enforcement of a ban of LGBT candidates for ministry or ordination of LGBT ministers. The Bishop concluded that the resolution at issue did not have prescriptive force for actions of clergy or for those charged with supervision and examination of candidates for licensing or ordination. The Bishop noted that the resolution voiced strong encouragement for consideration of how resources would be used but held that the encouragement was aspirational, not prescriptive. The Bishop's ruling was upheld by the Judicial Council on these points. In affirming the Bishop's ruling, the Judicial Council wrote that the resolution in question

appears to offer another option to the ongoing dilemma in which the church finds itself. It encourages what might be termed a path of least harm to all parties. It encourages support for injured parties and reducing as much as possible the expenditure of church resources to adjudicate infractions of the Discipline followed by calling for the General Conference to change the Discipline. The Bishop's ruling speaks to the aspirational nature of the resolution's content, which he ruled does not negate, ignore or violate the Discipline.

JCD 1283 (*citing* Judicial Council Decisions 913, 1021, and 1044). Based on the guidance of JCD 1283, it is clear that the Resolution in the instant matter is not contrary to the provisions of the Book of Discipline.

RULING

The Resolution entitled “One Church Resolution” adopted by the North Texas Annual Conference on June 4, 2019 is legal. The contents of the preamble of the Resolution are aspirational; they do not contain items of action; and they do not negate, ignore or violate the Book of Discipline. Likewise, the operational portion of the Resolution is aspirational and contains no action that negates, ignores or violates the Book of Discipline. Each of the calls to action in the operation portion of the Resolution is consistent with the provisions of the Book of Discipline. Upholding each other in prayer, refraining from impeding the ministry of another, seeking common ground with others, being in ministry with a variety of people, refraining from speaking ill-will of one another, and modeling the treatment of all people as persons of sacred worth are appropriate calls to action under the Book of Discipline and will not be abridged.

EXHIBIT A

One Church Resolution

WHEREAS the One Church Plan provides a generous unity that gives conferences, churches, and pastors the flexibility to uniquely reach their missional context without disbanding the connectional nature of The United Methodist Church and

WHEREAS in the One Church Plan, no annual conferences, bishops, congregations, or pastors are compelled to act contrary to their convictions and

WHEREAS the plan grants space for traditionalists to continue to offer ministry as they have in the past; space for progressives to exercise freely a more complete ministry with LGBTQ persons; and space for all United Methodists to continue to coexist without disrupting their ministries and

WHEREAS the One Church Plan removes the language from The Book of Discipline used in the United States that restricts pastors and churches from conducting same-sex weddings and annual conferences from ordaining self-avowed practicing homosexual persons. It adds language that intentionally protects the religious freedom of pastors and churches who choose not to perform or host same-sex weddings and Boards of Ordained Ministry and bishops who choose not to credential or ordain self-avowed practicing homosexual persons.

THEREFORE BE IT RESOLVED that as people of the North Texas Conference we aspire to behave as One Church Congregations and Conference.

BE IT FURTHER RESOLVED that:

We will pray for one another

We will allow for contextual ministry and pastoral care and not impede the work of others in ministry

We will seek to find common ground and actively be in ministry with people who are different from us

We will not speak ill of one another and we will model that all people are of sacred worth.

EXHIBIT B

Request For A Decision of Law

Regarding the One Church Resolution submitted to the North Texas Annual Conference: Is that Resolution legal since it seeks to “negate, ignore or violate provisions of the Discipline with which they disagree.” JCD 886.

Fred Durham
Clergy

EXHIBIT C

MINUTES

Legislative Matters

Ann Willet and Tommy Brumett introduced themselves as sponsors of the One Church Resolution. Brumett noted that The United Methodist Church is in turmoil over the issue of human sexuality, all trying in their own ways to read and interpret God's word. Everyone is in a different place, so to move forward the church needs to give each other time and space. This is what they hope the document will do. Willet said they were there to present the One Church Resolution and asked that everyone be sure they had a copy before she proceeded. Willet moved that the One Church Resolution be adopted as a Conference. The motion was seconded.

Willet explained that the resolution was aspirational and based on the one church covenant, expressing a desire to be one as a conference. Willet said that over 1300 persons in the conference had signed the covenant and that other conferences, like the Great Plains conference, had passed similar resolutions. Willet acknowledged that the conference does not have the power to change the BOD; however, they can affirm one another and let their voices be heard. The proposal is not binding or restrictive, said Willet, rather it encourages churches to find the answers that work best for them. The document is aspirational. Brumett then read the document, and Willet concluded the reading.

Bishop McKee then asked for speeches for and against. Fred Durham requested a point of information. Does the passage of the resolution mean that we would allow people to perform same sex unions and the BOM to ordain a self-avowed, practicing homosexual? Willet said that it did not mean that it would happen, rather that people would be allowed to do ministry in their context. Durham responded that it would then mean that people are being allowed to do that. Brumett said that they were not encouraging anyone to go against the BOD but to give each other the space, time and grace to work this out together over time. Durham repeated the question and asked if a church that decided to do so could do this. Brumett said that aspirational means that this is their hope, to give each other the freedom to do ministry in their own context. Durham asked if that means that if they choose to do same-sex unions, that that would be allowed. Willet said that they had answered the question. Bishop McKee said that the question had been asked and answered. Durham then attempted to raise a point of order and was told he would have to return to the mike for that.

Bishop McKee asked for the first speech against. Becky Heflin from Lakewood UMC said that she was most definitely not for the resolution although she would most likely vote for it. As the mother of a non-binary, transgender child, Heflin remembered at 10 years old the story of Jesus and the 99 who were safe in the fold but Jesus was not content until the one that had been left out had been returned to the fold. Heflin said that the church has left LGBTQ+ children standing alone on a hill. Heflin then reference Martin Luther King's letter from the Birmingham Jail who preferred a positive peace rather than a negative peace. For 44 years, said Heflin, the church has opted for the absence of tension rather than justice for our LGBTQ+ whom we have left standing out in the cold. The One Church Plan is only a temporary solution with no plan for what comes next. Jesus did not choose the absence of tension. He rejected the negative peace that did not extend justice to all and calls us to complete that great work.

Kenneth Wolverton, Grace Avenue UMC, spoke for the resolution. He acknowledge that some were disappointed with St. Louis, others were happy. He keeps hearing the question, "What do we do?" At some point, Wolverton said, we have to move from "what" to "how?" He spoke for the One Church Resolution because it gives a road map for how to live out our hopes, learning each other's stories versus selling our own stories. Wolverton urged the body to vote "yes."

John Wesley Crenshaw, lay person from Forney UMC, noted that other groups want to be included as well as LGBTQ+, all groups classified as sinners. He noted other groups who say that rape is acceptable. He asked Brumett and Willet if they are intending to include those groups of people as well in the future. Bishop McKee asked Brumett if he would like to respond to the question. Brumett replied that he was inclined not to answer but did, saying that they are trying to work this out together, that what they are not proposing is that they have a church of no rules but that they live under the rule of love, guided by the Holy Spirit.

Eric Markinson, layleader of the Metro District and member of Grace UMC Dallas, spoke in favor of the resolution. Markinson identified as a cis-gendered man and said that it is complicated, saying that God has canonized diversity. Markinson said that as a man in a ten-year-old relationship with another man who had still joined a church which excludes him from marriage and from ordination. He joined because he loves Wesley's love of Jesus Christ, his connection of personal and social holiness, of being locked in polite conversation with people who disagree with him, but he does want to be married to Steve. He wants to be married in his church, but he would not dream of making others come who did not want to come. One thing is simple – the love of God in Jesus Christ. If we cannot think alike, may we not love alike?

Robert Royalty, lay representative from Van Alstyne UMC, spoke as a third generation Methodist. Royalty's brother David was a gay man who had HIV. The family accepted him and his partners. He said that he had cared for his brother when he had a stroke

for several months. He said there are many people like him who are working and going to church but oblivious to what happened in St. Louis. He warned that if the One Church Plan comes to reality, many will leave the church because the church has left them.

Rob Spencer, pastor of FUMC Paris, said he was certain of one thing: churches in outlying areas have better cooks. He went on to say that their tables are important to them and that, having had conversations with others in outlying areas, he knows that they believe it is important to make room for all at the table. This kind of table makes a stronger family and allows for movement and deep thinking. Spencer said he was strongly in favor of the resolution.

Fred Durham spoke to a point of order on the basis that people be allowed to live in their own context. His point of order was based on Judicial Council decision #886, of May 9, 2000: "The discipline is the law of the church which regulates every phase of the life and work of the church; as such, annual conferences may not legally negate or violate provisions of the discipline with which they disagree even when the disagreements are based upon conscientious objections to those provisions." Durham requested that the resolution be ruled out of order.

Bishop McKee responded that he would not rule the resolution out of order in that the sponsors had made it clear that the resolution is aspirational.

Roger Little, laity from Blue Ridge UMC, rose to speak against the resolution. He asked why we would not be honoring the Holy Bible and the Holy Spirit which makes it clear that marriage is between a man and a woman. He said he wanted the church to be in the world but not of the world.

He asked why we would abandon what the Bible says about marriage. Willet said that while she honored Little's longstanding membership in the United Methodist Church, she emphasized that there are other interpretations of scripture which allow more inclusion and can reach people for Christ that others cannot reach.

Stan Copeland, Lovers Lane UMC, rose to make a point of order that when it comes to a vote, paper ballots should be used. Motion was seconded. It was non-debatable. The question was called and approved.

Mark Stamm rose to a point of order and proposed an editorial amendment to the resolution's last line to include the words "we will" model that all people are of sacred worth. Amendment was accepted and passed.

Bishop McKee referred back to Brumett and Willet for a final word. Brumett said that the church is in difficult days and uncharted waters but as United Methodists we have always believed that God's love is for all and that the Holy Spirit moves in new and creative ways to reach others. Brumett said that after preaching the Sunday after General Conference on that issue, he received email after email saying, "Pastor, let me tell you about my son," and such. Brumett urged that the resolution be passed.

Bishop McKee reminded them that all lay and all clergy could vote, the only exceptions being read by the conference secretary. Paper ballots were distributed with instructions to vote "yes," "no," or "abstain." Ballots were collected for tellers to count.

An item of information was presented by Andy Lewis and Rachel Baughman. Lewis referenced Bishop McKee's statement, "I don't care if you're a Republican or a Democrat, but we need to pay attention so that children don't die in the hands of our government. In light of the response, Baughman and Lewis wanted to make the conference aware of an opportunity. Dallas is being called to join other cities to help border cities handle overwhelming influx of legal asylum-seeking persons. The North Texas Conference has a call to respond to this need and to requests from Dallas County Judge Clay Jenkins and Faith Forward Dallas who have brought together the expertise to turn this narrative around. Help is needed for funding, transit assistance, and respite to help connect them with their sponsors in the United States. All families traveling to Dallas have been thoroughly vetted and released to connect with their sponsors. Each family will remain for no longer than 60 hours. Baughman said that this is an opportunity to attend to the needs of those who have been told by the world that they are not welcome. Baughman said that Oak Lawn UMC will be serving as a respite center. She invited people to contact Lewis or Baughman or go online to volunteer. Baughman emphasized the need for other faith communities to open their doors. She urged the North Texas Conference to come alongside them and do this. Bishop McKee called for a vote of affirmation. It passed.

Bishop McKee spoke to the murders of transgender persons in the metroplex area. He said he intends to issue a statement pertaining to his deep concern on this ongoing criminal activity and violence in the community.

Mike Baughman moved to add 30 minutes to the schedule to add other important legislative matters to the agenda. The motion was seconded. John Dorff asked what would happen to the legislation that had not yet been considered if there was a hard stop; the bishop responded that they would lay on the table. The bishop was unable to discern by a show of hands so he asked for tellers to count hands. The tellers counted. The motion failed – 312 against; 264 for.

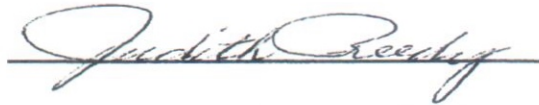
Conference Secretary Judith Reedy then read the vote tally for the One Church Resolution. 591 – yes; 144 – no; 11 abstained. The vote passed. The bishop then announced that he had a request for a decision of law. He said that he has 30 days to rule and that he will probably take most of those 30 days. Regarding the One Church Resolution submitted to the North Texas Annual

Conference, is that resolution legal since it seeks to negate, ignore or violate provisions of the discipline with which they disagree, Judicial Council ruling #886. Fred Durham, clergy. No vote was required.

**Closing Worship of Communion and Sending Forth
With "Reading" of Appointments**

Bishop McKee, the newly ordained, and the cabinet served Holy Communion to the Conference as the names of churches and those appointed appeared on the Conference screens.

I, Judith Reedy, Conference Secretary for the North Texas Annual Conference, do hereby sign these minutes of the Annual Conference, Tuesday afternoon session, June 4th, 2019, as a true and accurate recording of the events of annual conference.

A handwritten signature in cursive script, reading "Judith Reedy", is written over a horizontal line.

Judith Reedy, Conference Secretary, North Texas Annual Conference