



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: Grant J. Hagiya

Address: P.O. Box 6006 City: Pasadena

State/Province: CA ZIP/Postal Code: 91102 Country: USA

Phone: 626-568-7312 Fax: 626-796-7297 E-mail: bishop@calpacumc.org

Annual Conference: California-Pacific Date of session: 06/15/2019 (month/day/year)

Question(s) of Law: Is the adoption of Resolution 19-07 by the California-Pacific Annual Conference lawful?

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

Constitution: ¶¶ 20, 50, 51 Book of Discipline: ¶¶ 362-363, 2609.6, 2610.2(j), 2701-2718

Judicial Council Decision(s): 799, 1044, 1283, 1292, 1297, 1341

Signature: 
Bishop of The United Methodist Church

Date: 07/11/2019
(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.

DECISION OF LAW

Bishop Grant J. Hagiya
California-Pacific Annual Conference

FACTUAL BACKGROUND

During its thirty-fifth session, on June 15, 2019, the California-Pacific Annual Conference passed Resolution 19-07 (hereinafter RES 19-07), entitled "ACTION OF NONCONFORMITY WITH THE GENERAL CONFERENCE OF THE UMC." Printed in the *Preliminary Report* on page 103, RES 19-07 states (in relevant parts):

WHEREAS, an estimated 60-70% of U.S. delegates at the 2019 Special Session of General Conference voted against the Traditional Plan that sought to strengthen exclusion against LGBTQIA+ persons serving as clergy and to increase punitive measures against those already ordained and against any clergy officiating at same-gender weddings.

WHEREAS, the California-Pacific Annual Conference overwhelmingly affirms and celebrates that God's inclusion of LGBTQIA+ persons are full, equal, and celebrated participants in all aspects in the life of the church and have repeatedly adopted resolutions and legislation to that effect.

THEREFORE, BE IT RESOLVED, in affirmation of our commitment to a fully inclusive, grace filled, compassionate church, the California-Pacific Annual Conference:

- Will not conform to, comply, or cooperate with any provisions of the Traditional Plan, unconstitutional or otherwise;
- Will not conform to, comply, or cooperate with any provisions in The Book of Discipline of The United Methodist Church that discriminate against LGBTQIA+ persons, including marriage (161.B), the incompatibility clause (161.F), ordination and appointments (304.3), homosexual unions (341.6), AC funding ban (613.19), GCFA funding ban (806.9), chargeable offenses pertaining to being "a self-avowed practicing homosexual" or to officiating at weddings regardless of sex or gender identity (2702.1b,d); or
- Will not conform to, comply, or cooperate with any other provisions relating to minimum penalties or the composition, certification of membership, and responsibilities of the Board of Ordained Ministry, among many others.

BE IT FURTHER RESOLVED, no funds, resources or monies of the California-Pacific Annual Conference (either through direct or indirect payments through the conference) shall be expended for the purpose of just resolutions, background investigations, or the process of complaints against clergy because of sexual or gender identity or their ministry with and for LGBTQI+ persons of faith.

Supported by a vote of 82.7% in Legislative Committee, RES 19-07 was placed on the consent calendar and presented for action to the plenary in the afternoon of June 15. Theodore Smith, a lay member of the annual conference, moved that the resolution be removed from the consent calendar, asking "Can an Annual Conference disavow General Conference?" *UM Daily*, p. 4. The Smith motion for removal was not supported. Subsequently, the bishop called for vote on the consent calendar and it was supported.

Moments later, Mr. Smith took to the microphone and raised a point of order by stating "that the Bishop ended the legislative session without ruling on constitutionality of Resolution 19-07." *UM Daily*, p. 5. In response, a clergy member rose to explain "that questions of constitutionality may be resolved by petitioning the Judicial Court [*sic*] or by submitting a request for a ruling of law in writing, which requires approval by 50% of the body." *Id.* There was, however, no further statement or request from the lay member.

Prior to adjournment of the plenary, Theodore Smith gave two handwritten notes to the Secretary of the Annual Conference. The first one read:

DECLARATORY RELIEF OF RESOLUTION 19-07

I seek declaratory relief of the constitutionality of Resolution 19-07. Can the annual conference defy doctrines established by the General Conference?

The second note stated:

RULING OF LAW REQUEST

Can as a matter of law in Resolution 19-07 the annual conference defy the doctrinal ruling of the General Conference? This is a request for a ruling of law by the Bishop Grant Hagiya.

Both notes were signed by Theodore Smith and dated 6/15/19.

JURISDICTION

Since it aimed at the removal of RES 19-07 from the consent calendar, the Smith motion was not a motion seeking a Declaratory Decision from the Judicial Council. Even if it were, the motion was defeated. Nothing in the record shows that the Annual Conference had passed a motion for Declaratory Decision. Only the Annual Conference as a body, not an individual, is authorized to request a Declaratory Decision. Therefore, the first handwritten note, entitled

“DECLARATORY RELIEF OF RESOLUTION 19-07,” does not meet the requirements to be a valid Petition for Declaratory Decision under *Discipline*, ¶ 2610.2(j).

However, the second handwritten note contains a valid request for a ruling of law. “A question of law, to be proper, must be germane to the regular business or discussion, substantively connected to a specific action taken, or raised during the deliberation of an Annual Conference.” JCD 1372. See also JCD 1329 and 799. It meets all three requirements because it is (1) germane to the discussion on the Smith motion, (2) substantively connected to the passing of RES 19-07, and (3) raised during the afternoon plenary and submitted prior to adjournment on June 15.

Consequently, Theodore Smith’s Question of Law is properly before me. As bishop presiding in the session of the Annual Conference, it is my duty under *Discipline*, ¶¶ 51 and 2609.6 to rule on the merits of the request.

ANALYSIS

The Question of Law asks if the adoption of RES 19-07 by the California-Pacific Annual Conference was lawful. In its longstanding jurisprudence, the Judicial Council said that a resolution adopted by an Annual Conference is lawful as long as it is aspirational in nature. In JCD 1044, the Council described “aspirational” in following terms:

The resolution does not seek to define and fix the conditions, privileges, and duties of Church membership. The resolution does not carry or propose any penalties or actions if a congregation or clergyperson chooses not to agree or comply. Annual conferences may express disagreement with other bodies of The United Methodist Church, but they are still subject to the Constitution, the *Book of Discipline*, and the decisions of the Judicial Council.

This was affirmed and consistently applied in Decisions 1283, 1292, and 1297. An Annual Conference cannot legally defy the actions of the General Conference “even when the disagreements are based upon conscientious objection to those provisions.” JCD 1044. “Under the long-standing principle of legality, no individual member or entity may violate, ignore, or negate Church law.” JCD 1341. Further, “the principle of legality means that all individuals and entities are equally bound by Church law, which shall be applied fairly and without regard to race, color, national origin, status, or economic condition. It forbids selective or partial enforcement of Church law at all levels of the connection and demands that *The Discipline* in its entirety be followed without distinction.” JCD 1366.

The key question is “whether the language of [RES 19-07] is *aspirational* or *prescriptive* in nature.” JCD 1340 (emphasis in original). Asked differently, does it merely express disagreement with the actions of the 2019 Special Called Session of General Conference or does it seek to prescribe future actions of the Annual Conference? The language of RES 19-07 does not merely express disagreement with the Traditional Plan or parts of the *Book of Discipline*. The phrase “Will not conform to, comply, or cooperate with any provisions” repeated three times in the first part (“**BE IT THEREFORE RESOLVED**”) is clearly prescriptive because the purpose, as indicated by the title “ACTION OF NONCONFORMITY...,” is to negate, ignore or violate those provisions of the *Discipline* with which the authors disagree. This part of the resolution violates the principle of legality as defined by the Judicial Council in Decisions 1341 and 1366.

In the second part (“**BE IT FURTHER RESOLVED**”), the resolution directs the Annual Conference to cut all funding sources for “just resolutions, background investigations, or the process of complaints against clergy because of sexual or gender identity or their ministry with and for LGBTQI+ persons of faith.” Here the objective is to prevent the allocation of financial resources to all aspects of judicial administration that relate to or affect LGBTQ persons.

In Decision 1340, the Judicial Council affirmed the ruling of a bishop who determined that the “Untitled Resolution” passed by the Northeastern Jurisdictional Conference in 2016 “infringed upon *The Discipline’s* fair and orderly judicial procedures” because it sought to impose a moratorium on church trials by instructing conferences to state that no funds were available for investigations and trials involving LGBTQ persons or clergy persons for officiating at same-sex weddings. “To hold otherwise,” the Council said, “would impinge on a clergy person’s right to trial by a committee and of an appeal under ¶ 20, Art. IV of the Constitution.” *Id.*

The *Book of Discipline* establishes elaborate procedures, rights and duties for everyone involved in the complaint process all of which require adequate funding and resourcing. *Discipline*, ¶¶ 362-363, 2701-2718. A clergy person, regardless of his/her sexual orientation, is entitled to a fair process. A process cannot be fair, objective, and impartial if the bodies and individuals charged with the implementation are unable to function due to lack of funding or resources. For all intents and purposes, RES 19-07 is a moratorium on church trials similar to the one contemplated in the “Untitled Resolution.” By cutting monies and hindering the proper functioning of the judicial process, the resolution passed by the Annual Conference denies a clergy person the right to trial by a committee and of an appeal guaranteed under ¶¶ 20 and 58 of the Constitution.

RULING OF LAW

For the reasons outlined above, I rule that it is not lawful for the California-Pacific Annual Conference to adopt RES 19-07 because it violates the principle of legality and the fair process rights of clergy persons. The resolution is, therefore, unconstitutional, null and void.

Respectfully submitted,

Bishop Grant J. Hagiya
Resident Bishop, Los Angeles Episcopal Area

INTERESTED PARTIES:

- Theodore Smith, requester
1107 S. Street Andrews Place
Los Angeles, CA 90019-3630
E-mail: Maugasa2@gmail.com
- Rev. Bob Rhodes, Conference Secretary
California-Pacific Annual Conference
P.O. Box 6006
Pasadena, CA 91102
E-mail: bob@rhodesnetwork.com

2019 CAL-PAC PRELIMINARY REPORT

RES 19-07 | ACTION OF NONCONFORMITY WITH THE GENERAL CONFERENCE OF THE UMC

SUBMITTED BY: Mark Stephenson, Norma Kehrberg, JoAnn Yoon Fukumoto, Cedrick Bridgeforth, Patricia Farris, Sandy Olewine, Molly Vetter, Mele Maka, Richard Bentley, Ken Ellis, Liz Roark, Dione Taylor, Mary Hawkins, Monalisa Tuitahi, Rosie Rios, Mele Faiva Blagojevich, Frank Wulf, Piula Ala'ilima, Tonya Harris, Nestor Gerente

ESTIMATED FISCAL IMPACT: Unknown

SOURCE OF STAFF TIME: Unknown

WHEREAS, an estimated 60-70% of U.S. delegates at the 2019 Special Session of General Conference voted against the Traditional Plan that sought to strengthen exclusion against LGBTQIA+ persons serving as clergy and to increase punitive measures against those already ordained and against any clergy officiating at same-gender weddings.

WHEREAS, the California-Pacific Annual Conference overwhelmingly affirms and celebrates that God's inclusion of LGBTQIA+ persons are full, equal, and celebrated participants in all aspects in the life of the church and have repeatedly adopted resolutions and legislation to that effect.

THEREFORE, BE IT RESOLVED, in affirmation of our commitment to a fully inclusive, grace-filled, compassionate church, the California-Pacific Annual Conference:

- Will not conform to, comply, or cooperate with any provisions of the Traditional Plan, unconstitutional or otherwise;
- Will not conform to, comply, or cooperate with any provisions in *The Book of Discipline of The United Methodist Church* that discriminate against LGBTQIA+ persons, including marriage (161.B), the incompatibility clause (161.F), ordination and appointments (304.3), homosexual unions (341.6), AC funding ban (613.19), GCFA funding ban (806.9), chargeable offenses pertaining to being "a self-avowed practicing homosexual" or to officiating at weddings regardless of sex or gender identity (2702.1b,d); or
- Will not conform to, comply, or cooperate with any other provisions relating to minimum penalties or the composition, certification of membership, and responsibilities of the Board of Ordained Ministry, among many others.

BE IT FURTHER RESOLVED, no funds, resources or monies of the California-Pacific Annual Conference (either through direct or indirect payments through the conference) shall be expended for the purpose of just resolutions, background investigations, or the process of complaints against clergy because of sexual or gender identity or their ministry with and for LGBTQI+ persons of faith.

RULES CHANGES

RULES 19-01 | COMMUNICATIONS COMMISSION MEMBERS

Rule Change: VIII. E.

The Communications Commission requests a rules change to amend the number of committee members from 12 to 9 people to facilitate greater ease of getting together for meetings, greater cohesion and greater agility.

E. Communications Commission

1. In compliance with ¶646 The Discipline, the purpose of the Conference Communications Commission is to undergird the mission and vision of the California-Pacific Conference through

Hagiya charged them to take their authority as a Deacon. Each ordinand received a stole to represent the mantle they took up. Rev. Jeanette Marie Bragunier, Rev. Chelsea Laine Simon, Rev. Melissa Catherine Spence were ordained as Deacons.

As the Candidates for Ordination as Elder stood behind the Communion Table, Bishops Hagiya, Harvey, and Jordan examined them for Ordination as an Elder and then Bishops Hagiya and Ruíz prayed over them. As the candidates knelt one at a time before Bishop Hagiya, all those present to support them stood. Bishops Hagiya, Harvey, Jordan, and Ruíz placed hands on each candidate's head while their District Superintendent, support person, and clergy support person placed a hand on the candidate's shoulder. Each ordinand placed their hands on the Bible, Bishop Hagiya charged them to take their authority as an Elder. Each ordinand received a stole to represent the mantle they took up. Rev. Pablo Daniel Róvere and Rev. Hee Jung Yu were ordained as Elders.

The congregation sang "Sweet, Sweet Spirit."

Veda Ward invited the congregation to give to the offering, which supported the internship program created by Conference Leadership and Discipleship Ministries. "Grand Choeur Dialogué" by Eugène Gigout (1844-1925) and arranged by Jaebon Hwang. The congregation sang the doxology and Rev. Hee Jung Yu shared a prayer.

Bishop Hagiya invited the gathering to a time of confession. After corporate prayer and a time of silence, Bishop Harvey offered words of assurance and pardon. Bishops Hagiya, Harvey, Ruíz, and Jordan consecrated Holy Communion and each member of the congregation prayed the Lord's Prayer in their native language. Bishop Harvey broke the bread and Bishop Hagiya blessed the cup. Bishop Hagiya invited members of the congregation who feel a call to some kind of ministry to meet with one of the District Superintendents. The congregation was invited to receive Holy Communion while the Tongan Caucus sang traditional Tongan hymns. After communion Bishop Hagiya led a prayer and worship concluded with "The Church's One Foundation." The organ, brass, and timpani played "Toccata from Symphony No. 5" by Charles Marie Widor (1844-1937) as the postlude.

Bishop's Awards
June 15, 2019, 1:30 PM

Bishop Grant J. Hagiya welcomed the gathering to a celebration of distinguished clergy and laypersons who have devoted their lives to extraordinary service in The United Methodist Church and the California-Pacific Annual Conference. Recipients of the 2019 Bishop's Awards were: Rev. Dr. Faith Joanne Conklin, Kenneth Ellis, Rev. Edward A. Hoffman (posthumously), Rev. Dr. Woong-Min Kim, Rev. Ken E. McMillan (posthumously), Tyler Pottenger, Tetsu Tanimoto, and George Williams. The recipient or a representative shared a reflection on their ministry and the award.

Bishop Hagiya lead the group in hearty applause and announced a brief time of greeting in the lobby. The next session was scheduled to convene in ten minutes.

Plenary 4
June 15, 2019, 3:00 PM

Call to Order Bishop Grant J. Hagiya called the body to order.

Orders of the Day Rev. Cathie Capp moved the orders of the day. **They were approved.**

Announcements Rev. Won-Seok Yuh celebrated the new technology use the day before and reminded the body to please return all voting devices. Bishop Hagiya affirmed his excitement and encouraged return of the devices. Resolutions 19-24 and 19-25 were added to the legislation to be considered. Rev. Yuh announced that room keys and meal cards are to be returned by 8:00 pm.

Vote: Consent Calendar Rev. Lydia Sohn offered thanks to all who served in legislative sessions and presented the consent calendar, which includes all items that were supported by an 80+% vote in concurrence or in non-concurrence. Rev. Sohn **moved the Consent Calendar.**

Ted Smith **moved removal of Resolution 19-07 from the Consent Calendar.** It was seconded. He asked, "Can an Annual Conference disavow General Conference?" Rev. Sohn explained that by the conference rules, there must be 50 votes to remove a Resolution. **Bishop Hagiya called for a vote on the motion and it was not supported.** Bishop Hagiya noted that the staff will check on constitutionality.

Bishop Hagiya called for a vote on the Consent Calendar and it was supported.

Honoring Our Retired Clergy (Video) Videos were shown celebrating the ministry of Rev. Ramona Cass, Rev. Craig Dorval, Rev. Rich Garner, and Rev. Virginia Wheeler.

Legislative Items Not on Consent Calendars Rev. Sohn introduced Resolution 19-13, "Do No Harm Each Other in The United Methodist Church," which received 35% of the vote in concurrence as amended at legislative session. The resolution received many amendments but was not approved. Bishop Hagiya noted that a portion of the resolution was out of order and explained that as the resolution stands, it cannot be passed as it infringes on the rights of the SPRC. No questions were raised. **Bishop Hagiya ruled Resolution 19-13 out of order.**

Rev. Sohn **moved Resolution 19-14 "Preparing for Amicable Separation of The United Methodist Church"** which received 58.18% of the vote for concurrence at legislative session. Rev. Richard Bentley **"move to send Resolution 19-14 to the new task force created in RES 19-06.** It was seconded. The task force would be charged with how to move forward. Rev. Bentley said that the Resolution does not have clear language. Rev. Hakchoon Lim, Laguna Hills Korean UMC, spoke in favor of referral. He shared the pain that he has experienced as a result of the conflict between progressives and traditionalists. Rev. Lim expressed the pain that his community is experiencing and referenced the story of Abraham and Lot's physical separation in Genesis. Rev. Riley McRae spoke against the motion, but in support of Chinese, Vietnamese, Korean, and other communities who are in pain and need to be listened to. Rev. McRae shared what Rev. Lim taught him. Bishop Hagiya said one person cannot speak for another person. **Bishop Hagiya called for a vote on the motion to refer and it was supported.**

Rev. Sohn **moved Resolution 19-24, "Staff 'Change Navigator.'"** Bishop Hagiya ruled that the resolution has financial implications and according to our Rules cannot go forward until it is considered by Conference Finance & Administration. Bishop Hagiya stated that the 2020 Budget needs to be reduced and this would add \$100,000.

Rev. George Hooper **moved "refer Resolution 19-24 be referred to the SRC" Staff Relations Committee.**

Rev. Mark Ulrickson, an author of Resolution 19-24, noted that he was told not to take it to CFA. He was concerned with referring it versus giving clear directions. There was no statement from the body showing support.

Bishop Hagiya called for a vote on the motion to refer and it was supported.

Rev. Sohn moved Resolution 19-25, "Western Jurisdiction College of Bishops to Convene Special WJ Conference."

Rev. Richard Bentley spoke in favor of the resolution. He noted that during the 2017 Annual Conference a similar resolution was passed before the 2019 Special Session of the General Conference, but no other annual conference passed a similar resolution. Other annual conferences have asked Cal-Pac asking to pass this resolution. He said that this opportunity for dialogue would help the Western Jurisdiction discern what to do going forward.

Howard Hudson, Chair of Conference Finance and Administration, noted that a budget for 2020 has already been passed and asked if there is a fiscal impact that needs to be considered before voting. Bishop Hagiya ruled that there is not room in the Jurisdictional budget for a Special Session of Jurisdictional Conference.

Rev. Gilbert Stone asked if it is possible to have the 2020 Jurisdictional Conference before General Conference. Bishop Hagiya answered that this would be unconstitutional.

Bishop Hagiya called for a vote on the motion and it was supported.

Rev. Sohn reported that the legislation for 2019 had been concluded. There was hearty applause.

Rev. Michele Johns asked for a point of personal privilege. She voiced concerns about how Resolution 19-14 regarding amicable separation was handled. The body moved on quickly and she was concerned that persons in the body did not have time to speak. Rev. Johns did not want anyone to feel silenced and said "I am sorry" and promised to listen. Rev. Johns was thanked by Bishop Hagiya.

Bishop Hagiya reported that there will be listening posts throughout the conference where everyone will be invited to speak up and be heard. He asked local churches to host these gatherings and invited congregations and individual people to use grassroots organizing to join in dialogue and connection with one another.

Ted Smith asked for a point of order. He stated that the Bishop ended the legislative session without ruling on constitutionality of Resolution 19-07.

Rev. Bentley spoke from the floor, reporting that questions of constitutionality may be resolved by petitioning the Judicial Court or by submitting a request for a ruling of law in writing, which requires approval by 50% of the body.

Introduction of 2020 GC/JC Delegates Bishop Hagiya recognized the delegates and alternates elected to the 2020 General Conference and Jurisdictional Conference. There was great support and applause.

General Conference delegates are:

RULING OF LAW REQUEST

CAN AS A MATTER OF LAW
IN RESOLUTION 19-07, THE
ANNUAL CONFERENCE DRAFT
THE DOCTRINAL RULING OF
THE GENERAL CONFERENCE?

THIS IS A REQUEST FOR A
RULING OF LAW BY THE
BISHOP GRANT HATHORN

Therese J. Dutton
Relg. A
6/10/18

6/15/19

DECLARATORY RELIEF OF CONSTITUTIONALITY OF RESOLUTION 19-07

I SEEK DECLARATORY RELIEF OF
THE CONSTITUTIONALITY OF RESOLUTION
19-07. CAN THE ANNUAL CONFERENCE
DEFY DOCTRINE ESTABLISHED BY THE
GENERAL CONFERENCE?

Resolute D. Allen
Delegite