

DECISION OF LAW

In Response to a Question of Law regarding the Constitutional Foundation for Inclusiveness in The United Methodist Church and the Petition for Non-Compliance by the Mountain Sky Conference with Restrictions on Ministry to/by/for LGBTQ Persons

STATEMENT OF FACTS

At the 2019 Mountain Sky Annual Conference session, a question of law was asked regarding petition MSC-10: *All Are Welcomed*. The petition passed with a 97.8% majority in legislative committee and moved to the consent calendar which was adopted by the body.

The question of law asked:

In light of paragraph 604 of The Book of Discipline which states, ‘The annual conference, for its own government, may adopt rules and resolutions not in conflict with the Discipline of the (sic) United Methodist Church...’ and in light of Judicial Council Decision No. 1120 (October 30, 2009), which states that ‘...an annual conference may not legally negate, ignore, or violate provision of the Discipline, even where disagreements are based upon conscientious objection to those provisions...’, is it lawful for the Mountain Sky Conference of the (sic) United Methodist Church to consider and adopt petition MSC-10? (Complete copy attached.)

The petition included eight actions:

1. Resolved, That we, the members of the Mountain Sky Conference of The United Methodist Church, cannot and will not comply with the strict requirements of the Traditional Plan adopted at the 2019 General Conference;
2. Resolved, That we reject and will not enforce the punitive and exclusionary policies in The Book of Discipline focused against gay and lesbian persons, their partners, allies, or their friends as a faithful, biblical witness to the love of God revealed in Jesus Christ;
3. Resolved, That we will welcome all persons into the full life of our congregations and annual conference, regardless of gender identity, sexual orientation, or where they are on their faith journey;
4. Resolved, That we will support the clergy of the Mountain Sky Conference who, as a matter of Christian conscience and pastoral faithfulness, choose to conduct same-sex unions and that we will take no disciplinary action against them on this matter;
5. Resolved, That we will affirm calls to ministry based solely on the discernment of the gifts and graces necessary to fulfill that call;

6. Resolved, That we will work to build God's Beloved Community, a connection that has room for all and condemnation for none, among persons of good will that the Reign of God may come upon the earth;
7. Resolved, That we will commit ourselves to robust and thorough dialogues of life and faith, and to building bridges of understanding and trust between persons who have been divided on this issue, that our common love of God in Christ may be affirmed, lived out, and witnessed to the world;
8. Resolved, That we will embrace and support the desires of churches who choose not to perform same sex marriages or desire not have LGBTQIA+ persons as clergy as requested by the local church without repercussions or decreased level of support from the annual conference.
(Complete copy attached.)

DISCUSSION

Actions 1, 2 and 4 were cited as the basis for questioning whether it is lawful for the Mountain Sky Conference of The UMC to consider and adopt petition MSC-10. Actions 1 and 2 would prevent compliance with or enforcement of disciplinary requirements and policies that deny the sacred worth and inclusion of LGBTQ persons called to ordered ministry. Action 4 would prevent enforcement of disciplinary restrictions on same-sex unions.

The tension raised by this question of law is embedded in the Book of Discipline itself as the General Conference has adopted restrictions on ministries within The UMC with/by/for LGBTQ United Methodists. Until 1972, no such restrictions on LGBTQ ordination or same-sex unions existed and all ministries within the church reflected the inclusionary principles in Article 1V of Division One of the Constitution:

[A]ll persons are of sacred worth. All persons without regard to race, color, national origin, status or economic condition, shall be eligible to attend its worship service, participate in its programs, receive the sacraments, be admitted as baptized members, and upon taking vows declaring the Christian faith, become professing members in any local church in the connection. In The United Methodist Church no conference of other organizational unit of the Church shall be structured so as to exclude any member or any constituent body of the Church because of race, color, national origin, status, or economic condition. (*2016 Discipline*, ¶ 4.)

In 1972, General Conference adopted the Social Principles of the newly formed UMC.

In its original form, Paragraph 72(C) was labeled “Human Sexuality” and read in relevant part as follows:

Human Sexuality. – We recognize that sexuality is a good gift of God, and we believe persons may be fully human only when that gift is acknowledged and affirmed by themselves, the church, and society. We call all persons to disciplines that lead to the fulfillment of themselves, others, and society in the stewardship of this gift. Medical, theological, and humanistic disciplines should combine in a determined effort to understand human sexuality more completely.

Although men and women are sexual beings whether or not they are married, sex between a man and a woman is to be clearly affirmed only in the marriage bond. Sex may become exploitive within as well as outside marriage. We reject all sexual expressions which damage or destroy the humanity God has given us as birthright, and we affirm only that sexual expression which enhances that same humanity, in the midst of diverse opinion as to what constitutes that enhancement. Homosexuals no less than heterosexuals are persons of sacred worth, who need the ministry and guidance of the church in their struggles for human fulfillment, as well as the spiritual and emotional care of a fellowship which enables reconciling relationships with God, with others, and with self. Further we insist that all persons are entitled to have their human and civil rights ensured.

The original language in Paragraph 72(C) neither condoned nor condemned homosexuality. The original language reflected the new denomination’s commitment to be in ministry to *all* persons. The original language acknowledged that LGBTQ persons were *already* sacred and *already* within the life and ministry of the church.

However, during plenary session of the 1972 General Conference, an amendment from the floor was offered to the final line of Paragraph 72 that purported to declare Church doctrine and reversed the constitutional commitment to inclusion of all persons: “though we do not condone the practice of homosexuality and consider this practice incompatible with Christian teaching.” No discussion occurred on what constituted “practice” or on what parts of Christian teaching this was based. By simple majority vote, the General Conference approved the amendment. From that moment on, The UMC took a course that veered away from its

constitutional declaration that all persons are of sacred worth and its constitutional commitment to be in ministry with/by/for all persons, including homosexuals.

Subsequent General Conferences built upon that one sentence an increasing marginalization of LGBTQ United Methodists. Restrictions were placed on the ordination of LGBTQ persons called to ordered ministry. LGBTQ candidates were somehow less sacred than others. These restrictions are in direct tension with the constitutional declaration of the universal sacred worth of all persons.

Many have questioned whether the General Conference unlawfully created doctrine by enacting legislation purporting to declare what is or is not compatible with Christian teaching. (*See, for example*, briefing on Docket No. 1017-11: *Petition for Declaratory Decision from the California-Pacific Annual Conference regarding the legality of the language added to The Book of Discipline 2016 ¶ 161.G stating “...and considers this practice incompatible with Christian teaching” in particular if it violates the First and Second Restrictive Rules (Constitution ¶¶ 17-18)*). The Judicial Council declined to rule on the merits of Cal-Pac’s petition, Memorandum No. 1354, October 27, 2017.)

Doctrine can only be changed by constitutional amendment. *Decision 358*. In *Decision 358* the Judicial Council noted that our doctrinal standards and General Rules (now in *2016 Discipline*, ¶ 104) are “basic documents in the life and structure of our Church . . . [and] are given even greater protection than the Constitution itself.”

Subsequent General Conferences added restrictions on same-sex unions. As LGBTQ United Methodists sought to be married in their churches, they were turned away due to these added restrictions. The restrictions on the rite or ceremony of marriage are in direct tension with our doctrinal standards and General Rules.

Article XXII of the Articles of Religion of The Methodist Church (§ 104) states:

“It is not necessary that rites and ceremonies should in all places be the same, or exactly alike, for they have been always different, and may be changed according to the diversity of countries, times and men’s manners, so that nothing be ordained against God’s Word...every particular church may ordain, change or abolish rites and ceremonies, so that all things may be done to edification.”

In the Mountain Sky Conference, LGBTQ persons have long been valued and valuable members of the Body of Christ. The recently adopted Traditional Plan hampers the historic commitments of this conference and punishes pastors and the conference for seeking to ensure that the rite of marriage within the church -- legal in the United States -- is made available to all the church’s members.

Paragraph 243 of the Book of Discipline sets forth the basic tasks of the local church:

The local church shall be organized so that it can pursue its primary task and mission in the context of its own community--reaching out and receiving with joy all who will respond; encouraging people in their relationship with God and inviting them to commitment to God's love in Jesus Christ; providing opportunities for them to seek strengthening and growth in spiritual formation; And supporting them to live lovingly and justly in the power of the Holy Spirit as faithful disciples.

This paragraph continues by setting forth the basic responsibilities of the local church. These responsibilities include “seeking inclusiveness in all aspects of its life.” This direction clearly includes offering the rite or ceremony of marriage to all persons, regardless of sexual orientation.

If an entire group of people are denied the church’s ministries simply because of their status as LGBTQ persons, our churches are not only violating basic principles established throughout the Book of Discipline, but also the very first of John Wesley’s General Rules: *Do No Harm*. (2016 Discipline, § 104, p. 78.)

General Conference has codified language in the Book of Discipline that does great harm and violates basic foundational principles of the denomination. The question of law highlights the tension created by these disciplinary restrictions on LGBTQ ordination and same-sex unions.

RULING

With sincere regret and shared pain, I am forced to rule that actions 1, 2, and 4 are contrary to the Book of Discipline and out of order. However, the remaining petition is in order and remains lawful.

Bishop Karen Oliveto
Mountain Sky Conference
of The United Methodist Church
July 12, 2019