

## **DOCKET FOR APRIL 2014**

DOCKET 0414-1

*IN RE: Review of a Bishop's Decisions of Law in the Desert Southwest Annual Conference Regarding a Resolution Entitled "Marriage Equality Resolution"*

### **MARRIAGE EQUALITY RESOLUTION**

WHEREAS, the recent SCOTUS ruling makes Marriage Equality legal in California, and,

WHEREAS, Our Annual Conference consist of part of California, and

WHEREAS, the continuing denial of full access to all the rights and privileges in the United Methodist Church is causing deep spiritual harm to our LGBT brothers and sisters and is a threat to us all; and

WHEREAS, our membership vows call us "to resist evil, injustice and oppression in whatever forms they present themselves"; and

WHEREAS, we are called to be obedient to the whole of church law which calls the church to be in ministry with all people, including lesbian, gay, bisexual, transgender, and queer (LGBTQ) persons.

WHEREAS, the opening section of The Book of Discipline, which reminds us of serious flaws and shortcomings manifest in the larger history of Methodism. Shortcomings specifically listed include our previous accommodation of racial segregation by establishing a race-based Central Jurisdiction, and our extended denial of ordination rights and prominent leadership roles for women, and

WHEREAS, the "Social Principles" of The United Methodist Church (Part IV) strongly endorses the Universal Declaration of Human Rights with emphasis on respect for the inherent dignity of all persons. Explicitly cited are the full rights of racial, ethnic, and religious minorities; and the rights of children, young people, the aging, women, men, immigrants, and persons with disabilities. The list concludes by declaring the full human rights of all persons without regard to their sexual orientations, a reference that suggests rational and experiential grounds for endorsing the rights of same-sex couples to marry, and

WHEREAS, It is in the context of these traditions that we must address current shortcomings in United Methodist polity, in particular, forty-one years of prejudicial language portraying the life practices of gay and lesbian persons as "incompatible with Christian teaching," a standard that has excluded them from ordination, from marriage, and in some cases even from church membership (Judicial Council Ruling 1032). These exclusionary principles are prominent components of the "chargeable offenses" assigned to the "Judicial Administration" (chapter 7, par. 2702). Such unjust rules, combined with the prosecution of clergy who refuse to uphold them, are themselves incompatible with United Methodist visions of inclusiveness, which call of "Open Hearts, Open Minds, and Open Doors."

WHEREAS, The Desert Southwest Annual Conference is part of the Larger Western Jurisdiction, which adopted the "Statement of Gospel Obedience" that states the denomination is in error in its stance on the practice of homosexuality and urged United Methodists to operate as if that position does not exist.

WHEREAS, at last years (*sic*) Annual Conference we resolved that the Desert Southwest Conference reaffirm its commitment to and work for the full civil and ecclesiastical rights and privileges of all persons including LGBT persons and that the Desert Southwest Conference of the United Methodist Church work together to build a fully inclusive church. We commit to be in ministry with all people, regardless of their economic status, race, age, ethnicity, gender, sexuality, disability, or immigration status, therefore let it be

RESOLVED that the Desert Southwest Annual Conference and the United Methodist Churches of the Desert Southwest Annual Conference make a public statement supporting and upholding Marriage Equality. Let it further be

RESOLVED that the Desert Southwest Annual Conference and the United Methodist Churches of the Desert Southwest Annual Conference will support our clergy who take the bold and faithful stand to minister to all equally and include all in the life of the church, which includes but is not limited to, conducting ceremonies which celebrate homosexual unions; or performing same-sex wedding ceremonies where it is civically legal to do so. Let it further be

RESOLVED, that the Desert Southwest Annual Conference and the United Methodist Churches of the Desert Southwest Annual Conference, will support (spiritually, emotionally and prayerfully) clergy who are brought up on charges for conducting ceremonies which celebrate homosexual unions; or performing same-sex wedding ceremonies.

Welcoming and Reconciling Committee

## BISHOP'S DECISION

The Resolution invites the members of the annual conference to participate in the ministry of the annual conference, and makes a case that this participation will strengthen the ministry of the annual conference. The Resolution upholds the right of an annual conference to make public statements that announce its support of, or opposition to, a proposition or idea and thereby publicly declare a point of view; and the Resolution calls upon each person in covenant with one another as disciples of Jesus Christ, to offer support through spiritual care, emotional nurture, and prayer, as that person undergoes the process of facing formal complaints or charges in the church's response to formal complaints for such actions. The Resolution does not legally negate, ignore, or violate the *Discipline* and is in concert with the provisions of Judicial Council Decision 1220. The Resolution is not out of order.

## DOCKET 0414-2

*IN RE: Review of a Bishop's Decisions of Law in the Philippines Central Conference Regarding the Legality of Proposed Rules for the Election of Bishops in Light of Judicial Council Decision 1249*

Without the minutes of the December 12, 2012, session, the Judicial Council cannot make a determination of whether the requests for a decision of law were received during the regular business of a session. The longstanding jurisprudence of the Judicial Council has been that requests for decisions of law shall be germane to the regular business, consideration, or

discussions of the Annual Conference and shall state the connection to the specific action taken, or the questions must be raised during the deliberation on a specific issue of a matter upon which the conference takes action. Also, without the Committee on Plan of Organization and Rules of Order Proposal and the Philippines Central Conference Plan of Organization and Rules of Order the Judicial Council is unable to review the Bishop's decision of law.

Consequently, the matter is remanded to the Philippines Central Conference, and it is instructed to forward to the Secretary of the Judicial Council the minutes of the December 12, 2012, session of the Twentieth Regular session of the Philippines Central Conference and copies of the Committee on Plan of Organization and Rules of Order Proposal and the Philippines Central Conference Plan of Organization and Rules of Order within sixty days as of this decision. (Decision 1249)

#### DOCKET 0414-3

*IN RE: Review of a Bishop's Decision of Law in the Southwest Texas Annual Conference Regarding the Meaning, Effect, and Application of ¶¶ 313 and 635.2 in Regards to the Discontinuance of a Certified Candidate in Light of Judicial Council Decision 1244*

In Decision 1244 the Judicial Council of the United Methodist Church reversed my ruling that the request for a Ruling of Law presented to me by Rev. John Elford was moot and hypothetical and therefore not a proper question of law. The matter was remanded to me for an opinion within 60 days. The copy of the Decision forwarded to me was dated October 26, 2013.

The question asked of me by Rev. Elford was:

"In response to the Southwest Texas Conference Board of Ordained Ministry's decision to remove Mary Ann Kaiser from the Candidacy process at their June 6, 2013 meeting, I request a ruling of law as to whether a Board of Ordained Ministry can discontinue the candidacy of a certified candidate for ordained ministry who has been appropriately recommended by a District Committee on Ordained Ministry without an interview and examination by the Board of Ordained Ministry?"

#### **Decision of Law**

It is the responsibility of the Board of Ordained Ministry to examine and interview all candidates recommended to it by a District Committee on Ordained Ministry (Par. 635.2h, 635.2j, and 324.11). The Austin District Committee recommended the candidate (Par. 324.10). In this case, the responsibility for full examination by the Board of Ordained Ministry was not carried out. Therefore, the action of the Board in effectively discontinuing the candidacy of Mary Ann Kaiser was not appropriate according to the Discipline and is of no effect. Since the action of the Clergy Session was to uphold the action of the Board of Ordained Ministry, and the action of the Board of Ordained Ministry was not in keeping with the Discipline, I rule that Ms. Kaiser remains a Candidate for Ministry and is due full examination, including an interview, by the Board of Ordained Ministry.

DOCKET 0414-4

*IN RE: Review of a Bishop's Decisions of Law in the Greater New Jersey Annual Conference Regarding the Relationship Between the Annual Conference and "A Future with Hope" in Light of Judicial Council Decision 1259*

The Greater New Jersey Annual Conference (GNJAC), meeting at a Special Session held on November 2, 2013 at Ocean Grove, New Jersey, passed a resolution asking the Judicial Council to reconsider Decision 1258, in which it ruled "Mr. John Bishop cannot be both a voting member of the Conference Council on Finance and Administration and a voting member of the board of A Future With Hope, Inc." This letter is the rationale of the maker of the motion. I have also attached my formal request to this letter along with the relationship agreement between GNJAC and A Future With Hope, Inc. This statement has been in development for the past six months and was approved at the Special Session.

If the present ruling stands, we will have no eligible laity or clergy who may serve on CFA with vote because all of our churches are receiving a portion of the mission fund campaign to be used for local mission through their congregation. As it stands, the Judicial Council has indicated that the Future with Hope Mission Fund Campaign are funds of the annual conference and our local churches are receiving funds from this campaign and therefore laity and clergy are unable to serve. Instead we believe these are pass through funds, much like General Church apportionments, which further puts members of GCFA to serve on a conference CFA. We believe this is too broad of an interpretation.

Also regarding other agencies of the conference, an example, like A Future with Hope, Inc., the United Methodist Homes of New Jersey (UMHNJ) is an incorporated non-profit with a relationship with the GNJAC. Like A Future with Hope, Inc., the board of the UMHNJ is elected by the GNJAC. Like A Future with Hope, Inc., the UMHNJ receives no budgeted monies from the GNJAC. Also like A Future with Hope, Inc., the UMHNJ solicits pledges and donations from the people and churches of the Greater New Jersey Annual Conference. The Bishop of the GNJAC, a District Superintendent (who usually serves the district in which the corporate headquarters of the UMHNJ is located) and a Conference Ministries Team member also serve on the Board of the UMHNJ ex-officio with vote. In past years, the GNJAC has also passed resolutions directing local churches to include the Fellowship Fund of the UMHNJ in local church budgets at the level of \$2.50 per member. However, the GNJAC has never prevented persons who serve on the Conference Council on Finance and Administration (CFA) from also serving as members of the UMHNJ.

The Judicial Council has requested, pertaining to Decision 1259, "the corporate documents of the non-profit corporation, A Future with Hope (including but not limited to articles of incorporation or charter, bylaws, corporate resolutions, organizational minutes and any documents filed with the State of New Jersey)." These have already been sent to the Judicial Council, under separate cover. If, after reviewing these documents, the Judicial Council rules that A Future with Hope, Inc., is an organization related to the GNJAC in a way like the UMHNJ, The Annual Conference asks the Judicial Council to reverse its ruling that Mr. John Bishop cannot serve both on the CFA and the board of A Future with Hope, Inc.

DOCKET 0414-5

*IN RE: A Request from the General Council on Finance and Administration for a Declaratory Decision Regarding the Meaning, Application, and Effect of the Use of General Agency Funds to Subsidize Benefit Premiums for General Agency Employees and Their Same-Gender Spouses in Light of ¶ 806.9 or Other Disciplinary Provisions*

Pursuant to ¶ 2610 of the 2012 *Discipline*, the General Council on Finance and Administration of The United Methodist Church (GCFA) requests the Judicial Council to make a ruling in the nature of a declaratory decision on the meaning, application, and effect of the 2012 Discipline with respect to the use of general agency funds to subsidize benefit premiums for general agency employees and their same-gender partners.

For several decades, GCFA has administered what is now called the General Agencies Welfare Benefits Program (GAWBP). The GAWBP provides health, disability, life, and other benefits to employees and retirees of the general agencies receiving general Church funds and other United Methodist affiliated organizations. The benefits offered under the GAWBP are approved by GCFA upon recommendation of its Committee on Personnel Policies and Practices. (See ¶ 807.12b)

As is common with many employee benefit plans, the employers participating in the GAWBP pay a portion of the benefit premiums for covering the employee, his or her spouse, and his or her dependents. In accordance with a policy adopted by GCFA's Board of Directors on October 21, 2013, employees eligible to participate in the GAWBP may now enroll their same-gender partners as "spouses" under the GAWBP, provided their relationship is a marriage, civil union, or comprehensive domestic partnership recognized under the civil law of some state. The question is whether this employer "subsidy" for coverage of either the employee or the employee's same-gender partner violates the *Discipline* when the employer is a general agency and hence, the employer's subsidy comes from general agency funds.

The Judicial Council has, at least twice before, addressed the use of United Methodist funds in the context of providing benefits to same-gender partners.

In Decision 1030, the Judicial Council stated that:

The annual conference council on finance and administration is charged, under ¶ 612.19 of the 2004 *Discipline*, with the responsibility of determining whether United Methodist funds are being used to supply domestic partner benefits under a conference health benefits plan, and, if so, whether such expenditure promotes the acceptance of homosexuality.

And in Decision 1075, the Judicial Council stated that:

The Conference Council on Finance and Administration determined that no annual conference funds would be used to supply domestic partner benefits because the cost of

the coverage would be paid by the lay employee. Having made the determination that no United Methodist funds would be used to provide domestic partner benefits, the Conference Council's inquiry did not have to go any further. They had discharged their responsibility under the provision. The Conference's Domestic Partners Benefit Plan does not violate ¶ 612.19.

In the instant case, the analogue to ¶ 612.19 of the *2004 Discipline* is ¶ 806.9 of the *2012 Discipline*, which states that:

It [GCFA] shall be responsible for ensuring that no 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 or violate the expressed commitment of The United Methodist Church "not to reject or condemn lesbian and gay members and friends" (II 161F). The council shall have the right to stop such expenditures. It shall not limit the Church's ministry in response to the HIV epidemic.

Therefore, GCFA requests the Judicial Council for a declaratory decision that:

- (1) The use of general agency funds to subsidize the premium costs for employees and their same-gender spouses enrolled in the GAWBP does not violate ¶ 806.9 of the *2012 Discipline*, or in the alternative, that GCFA's determination that such premium subsidies do not violate ¶ 806.9 of the *2012 Discipline* is dispositive on this issue, and
- (2) The use of general agency funds to subsidize the premium costs for employees and their same-gender spouses enrolled in the GAWBP does not violate any other provision of the *2012 Discipline*.