

**Bishop's Ruling of Law**  
**Building BeLoved Community Resolution**  
**North Central Jurisdiction Conference Special Session, 2021**  
**Bishop David Alan Bard, presiding bishop**  
**December 11, 2021**

**Statement of Facts**

On Thursday, November 11, 2021 at the special session of the North Central Jurisdiction Conference a resolution was presented by a writing team of delegates who had been authorized to do so. The resolution was entitled "Covenant to Build BeLoved Community" (copy attached). Bishop David A. Bard (Michigan and Minnesota) was presiding.

Following discussion, including the offering of amendments, the resolution, as amended, was approved with 135 voting in favor, 32 opposed.

John Lomperis, lay delegate from the Indiana Conference made a request of Bishop Bard for a ruling of law:

*In accordance with Paragraphs 51 and 2609.6 of the United Methodist Book of Discipline and in light of Judicial Council Decisions # 886, 1201, 1292, 1340, 1343, 1344, and 1403 I respectfully ask and request a decision on the following questions of law about the section of the covenant statement just adopted by the 2021 North Central Jurisdictional Conference special session, particularly the section that begins with "LGBTQIA+ clergy and laity are a gift ..." and that ends with "We will not restrict God's calling based solely on a candidate's sexual orientation or 65 gender identity" (which appears on lines 58-65 on page two of the version of this statement that was emailed to delegates last night):*

*-does this section of the statement impermissibly negate, ignore, violate, encourage actions that are contrary to, or discourage the enforcement of Discipline paragraphs 304.1-3, 341.6, 362, 635, 2701, 2702, 2704, 2711, or other relevant church law? And if so, is this section null, void, and of no effect?*

*-Does this section of the statement in any way limit or restrict the rights or obligations of bishops, district superintendents, counsels for the church, committees on investigation, trial courts, boards of ordained ministry, or district committees on ministry to fully comply with and uphold Paragraphs 304.1-3, 341.6, 362, 635, 2701, 2702, 2704, 2706, and 2711 of the Book of Discipline? If so, is this section of the statement null, void, and without effect?*

Minutes of the Thursday proceedings are attached.

## Ruling by Bishop Bard

Judicial Council decision 886 clearly states that annual conferences “may not legally negate, ignore, or violate provisions of the *Discipline*.” The Council has also ruled that an Annual Conference may not pass a resolution if “the action ignores Church Law and encourages a violation of Church Law” (JCD 1262). However, the Judicial Council in decision 1052 stated that “Annual Conferences are free to express their ideals and opinions as long as they do not attempt to negate, ignore, or contradict the *Discipline*,” and in decision 1120 affirmed that “an annual conference may adopt a resolution on human sexuality that is aspirational in nature.” In subsequent decisions (e.g. 1340, 1406), the Judicial Council has continued to affirm that annual conferences may adopt resolutions that are aspirational in nature. The Council has extended the same rights to jurisdictional conferences. “Jurisdictional conferences are free to adopt resolutions that are aspirational in nature, and to express their ideals and opinions so long as they do not attempt to negate, ignore, or contradict *The Book of Discipline*” (JCD 1340).

The resolution, “Covenant to Build BeLoved Community” arose out of conversations among delegates about the future United Methodist Church. The resolution itself is a mixture of aspirational statements, requests, and directives. The majority of the resolution is comprised of statements of values and exhortations, e.g. “we request;” “we implore;” “we encourage;” “we recommend.”

The particular paragraph which provides the focus for the requested ruling of law mirrors the language of the entire resolution, that is, it is comprised of statements of values joined by statements of encouragement or exhortation.

The opening statement of the resolution is rooted in values expressed in *Disciplinary* paragraph 161.G: *We affirm that all persons are individuals of sacred worth, created in the image of God. All persons need the ministry of the Church in their struggles for human fulfillment, as well as the spiritual and emotional care of a fellowship that enables reconciling relationships with God, with others, and with self.... We affirm that God’s grace is available to all.... We implore families and churches not to reject or condemn lesbian and gay members and friends. We commit ourselves to be in ministry with all persons.*

Following the opening sentences, members of the North Central Jurisdiction are “urged” to avoid pursuing charges against LGBTQIA+ clergy and allies. This is an aspirational and hortatory statement which encourages certain actions that are not otherwise deemed mandatory by The Book of Discipline. No one is required to file complaints.

A request is made of episcopal leaders to “dismiss charges related to LGBTQIA+ identity or officiating same gender weddings.” It is difficult to make a strong case that this statement represents a violation of The Book of Discipline. The resolution makes a request. Request language is aspirational and encouraging, not directive. Further, it is not clear precisely what is being requested. The aspiration is clear, namely, that judicial processes not be used against persons “related to LGBTQIA+ identity or officiating same gender weddings.” The Book of Discipline itself discourages the use of church trials, viewing them “as an expedient of last resort” (¶12707). Bishops are given the authority to dismiss complaints, but only for cause and only after engaging in a process seeking a just resolution, which is not a part of the judicial process (¶1362). Is the request that certain complaints be dismissed at the point in the process where such action might be considered? Is the request that such complaints not be considered

at all? Is the request to place such complaints in abeyance? That this is a request, and that the precise nature of the request is ambiguous speaks to the aspirational nature of this section of the resolution.

The resolution next “implores all our conference leaders, boards and agencies, to bring no harm to LGBTQIA+ people.” The word “implore” is hortatory in nature, and here what is being encouraged is rooted in ¶161.G, *We implore families and churches not to reject or condemn lesbian and gay members and friends. We commit ourselves to be in ministry with all persons*, as well as in our general rules to do no harm.

The statement about not restricting God’s calling “based solely on a candidate’s sexual orientation or gender identity” is, again, a statement of values whose implications cannot be determined abstractly or hypothetically. At the very least, the statement encourages fair treatment of LGBTQIA+ persons in church processes. Beyond that, its meaning is not clear.

Having examined the various statements in the paragraph of the resolution under review, the final question of the request for a ruling of law can be addressed. *Does this section of the statement in any way limit or restrict the rights or obligations of bishops, district superintendents, counsels for the church, committees on investigation, trial courts, boards of ordained ministry, or district committees on ministry to fully comply with and uphold Paragraphs 304.1-3, 341.6, 362, 635, 2701, 2702, 2704, 2706, and 2711 of the Book of Discipline?* Having argued that the language in this section of the resolution consists of statements of values and aspirational requests and exhortations, the resolution does not, therefore limit or restrict the rights or obligations of bishops, district superintendents, counsels for the church, committees on investigation, trial courts, boards of ordained ministry, or district committees on ministry to fully comply with and uphold Paragraphs 304.1-3, 341.6, 362, 635, 2701, 2702, 2704, 2706, and 2711 of The Book of Discipline.

As a statement about the future shape of The United Methodist Church, a statement which asserts important values and encourages consideration of how one might live into those values, this section of the resolution “Covenant to Build BeLoved Community” stands with the rest of the resolution approved by the North Central Jurisdiction.