

**RES 10-5**

**SUBJECT: Request Judicial Council Reconsider Decision 1032**

SUBMITTED BY: Richard Bentley, Mary Elizabeth Moore, Lily Villamin, Mark Stephenson, Jim Conn, Catie Coots, Harry Kuruma, Carole Kuruma, Janet Gollery McKeithen, Kent Fromer, JoAnn Yoon Fukumoto, Louis Chase, Debbie Gara, Dan Gara, Nester Gerente, Jennifer Gutierrez, Richard Bolin, Frank Wulf, Susan Stouffer, Amy Rosenbaum, Jean Roe Smith, Mary Larson, Krista McVey, William P. Miller, Candie ODell, Kathy Cooper-Ledesma, Jay Sowell, Carla Bailey, Sharon Bowles, Phil Bowles, Natalie Houghtby-Haddon, Afrie Songco Joye, Veda Veach, Suzanne James, Diane Kenney, DarEll Weist, Ed Hoffman, David K. Farley, Page Eaves, Jim Brooking, Francisco Canas, Nan Self, Sheena Trotter-Dennis, Holly Reinhart-Marean, Charlene Zuill, Lisa Gay Santiago, Kent Fromer, Phil Freeman, Connee Freeman, Gary Lynn, Tom Reinhart-Marean, Virginia Fifield, Barbara Ripple, Thomas Hill, Frank E. Trotter, Jr., John Cobb, Mark Ulrickson

ESTIMATED FISCAL IMPACT: No additional funds needed

SOURCE OF STAFF TIME: None

**Resolution passed with a majority vote during Plenary #6, June 20, 2010.**

**WHEREAS** on October 25, 2005, the denomination's Judicial Council considered the case of a Virginia pastor who had denied membership in the United Methodist Church to a prospective member seeking to transfer in from another denomination; and

**WHEREAS** the pastor made this decision based solely on the prospective member's homosexual orientation and persisted with this decision in spite of being advised by the Bishop, District Superintendent and Clergy Session of the Annual Conference that he should reconsider it; and

**WHEREAS** the Judicial Council upheld the pastor's right to make this decision and deduced a general right and responsibility for all United Methodist pastors unilaterally to ascertain a person's readiness to take membership vows in the United Methodist Church; and

**WHEREAS** this Judicial Council Decision 1032 is in tension with The United Methodist Church's commitment to inclusiveness as articulated in Article IV of the Constitution of The United Methodist Church and Paragraph 139 of the 2008 *Book of Discipline*, which defines inclusiveness as "openness, acceptance, and support that enables all persons to participate in the life of the Church, the community, and the world," and

**WHEREAS** Judicial Council President Susan Henry-Crowe wrote in dissent against Decision 1032 that it "compromises the historic understanding that the Church is open to all. The Judicial Council cannot interpret something that is not stated in the Discipline. Nothing in the Discipline gives pastors discretion to exclude persons presenting themselves for membership in the Church (See ¶4 and ¶13[9])<sup>(1)</sup>, and

**WHEREAS** Judicial Council member Jon Gray wrote in dissent to Decision 1032 that “The permissive language contained in Paragraphs 214 through 225 [of the *Book of Discipline*] is an invitation to persons who seek membership”<sup>(2)</sup>, and

**WHEREAS** the General Conference, in response to Judicial Council Decision 1032, strengthened Paragraph 225 of the 2008 *Book of Discipline* to state: “A member in good standing in any Christian denomination who has been baptized and who desires to unite with The United Methodist Church shall be received as either a baptized or a professing member,” and

**WHEREAS** the Council of Bishops unanimously requested the Judicial Council to reconsider Decision 1032<sup>(3)</sup>, and

**WHEREAS** manifest injustice has resulted from the application of Decision 1032 in denying persons membership in The United Methodist Church and will continue to do so if this decision is not overturned, and

**WHEREAS** the Judicial Council Rules Of Practice provide that, “whenever a decision of the Judicial Council is shown clearly to be in error, or in order to prevent a manifest injustice resulting from the interpretation of a Judicial Council decision, the Judicial Council on its own motion...may, by a majority vote, reconsider any ruling or action taken by it”<sup>(4)</sup>;

**THEREFORE, BE IT RESOLVED** that the Conference Secretaries, on behalf of the California-Pacific Annual Conference, request that the Judicial Council on its own motion, and pursuant to its standing Rules of Practice, reconsider Decision 1032, issue a new finding that Decision 1032 is null and void, and direct that any prospective members denied membership as a result of Decision 1032 be offered admission into membership in The United Methodist Church.

**Footnotes:**

<sup>1</sup> Henry-Crowe Dissent from JCD 1032, 10/29/2005.

<sup>2</sup> Gray Dissent from JCD 1032, 11/8/2005.

<sup>3</sup> A Pastoral Letter to the People of the United Methodist Church from the Council of Bishops, 11/2/2005

<sup>4</sup> Judicial Council Rules Of Practice VIII. A