

Bishop's Report To The Judicial Council Of The United Methodist Church

1. This is the form which the Judicial Council is required to provide for the 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. The reporting of such decisions is mandatory, whether or not they are appealed. (See ¶¶ 56, and 2609 of 2008 *The Book of Discipline*, and Judicial Council *Decision* 153, ¶ 3 under "jurisdiction.")

2. This form may also be used to report decisions on questions of law when such decisions are appealed by one-fifth of the members of the conference. (See ¶¶ 56 and 2609 of 2008 *The Book of Discipline*, and Judicial Council *Decision* 153, ¶ 2 under "jurisdiction.")

Please check whether this report is under 1 or 2

Report of an episcopal decision made by Bishop Alfred Wesley Gwinn, Jr.

during the session of the North Carolina Annual Conference, meeting at
Raleigh, NC on June 14, 2012.

Subject: The Reverend Chris Humphreys, an associate member and pastor of Center UMC in Sanford, NC, requested a ruling on four questions he asked about what constitutes promoting the acceptance of homosexuality.

Please attach the following relevant documents and information:

If under No. 1 - The text of the written request for decision; the decision, and, optionally, the reasoning behind it; notation of appeal, if taken; pertinent background information, etc.

If under No. 2 - The parliamentary situation; the decision, and, optionally, the reasoning behind it; transcript of the appeal taken; pertinent background information, etc.

DECISION OF LAW

Bishop Alfred Wesley Gwinn, Jr.

North Carolina Annual Conference, Southeastern Jurisdiction, of The United Methodist Church

WRITTEN REQUEST FOR DECISION ON QUESTIONS OF LAW:

On June 14, 2012, during the general session, of The North Carolina Annual Conference meeting in Raleigh, North Carolina (the “Annual Conference”), Bishop Gwinn received into the record of the Annual Conference a written request for decisions of law on a series of questions. The request, made by C.J. Humphreys, an associate member and pastor of Center United Methodist Church in Sanford, North Carolina, was offered after the Report of the Conference Council on Finance and Administration had been presented, discussed and approved by the body. A copy of Mr. Humphrey’s request is attached in its entirety and labeled as “Exhibit 1.”

Mr. Humphreys requested the Bishop’s decision on the following questions of law:

“Bishop Gwinn, before GCFA submit their budget; I request clarification on two paragraphs of the Book of Discipline and a ruling on whether or not the four points below constitute promoting the acceptance of homosexuality.

“Under the General Conference Section:

“¶ 806.9. It (General Council on Finance and Administration) 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” (¶ 161.F). The council shall have the right to stop such expenditures. It shall not limit the Church’s ministry in response to the HIV epidemic.

“Under the Annual Conference Section:

“¶ 613.20. To ensure that no annual conference 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 UMC “not to reject or condemn lesbian and gay members and friends” (¶ 161.F). The council shall have the right to stop such expenditures. This restriction shall not limit the Church’s ministry in response to the HIV epidemic, nor shall it preclude funding for dialogs or educational events where the Church’s official position is fairly and equally represented.

“With this in mind, I request clarification on the following questions as they relate to the above paragraphs.

“1. Does the performance of same sex union or same sex marriage ceremonies constitute promoting the acceptance of homosexuality?”

“2. Does the election or appointment of a self-avowed practicing homosexual to a position of authority within an ecumenical group constitute promoting the acceptance of homosexuality?”

“3. Does advocating for the legalization of same sex marriages or having a policy statement opposed to the Constitutional Amendment referred to as "The Defense of Marriage Act" constitute promoting the acceptance of homosexuality?”

“4. Does the admittance of an organization that performs same sex unions and marriages into an ecumenical group constitute promoting the acceptance of homosexuality?”

“I believe that some clarification of the phrase “promotes the acceptance of homosexuality” is needed. As it is currently applied it seems to have a fluid definition based upon a person’s opinion. While I am confident of what activities may fit that definition, I am aware that there are others who will disagree with my understanding. It is clear to me that the vagueness of the phrase, “promote the acceptance of homosexuality,” needs clarification so that our Discipline may be more completely understood.”

At the time of Mr. Humphreys’ request, Bishop Gwinn noted that in accordance with ¶ 2609.6 of The Book of Discipline 2008, he would take the matter under advisement and make his ruling within thirty days of the close of the Annual Conference.

THE DECISION OF BISHOP GWINN AND REASONING BEHIND THE DECISION

These requests are improper, and the Bishop may not give any substantive response to these questions. They essentially call for a ruling in the nature of a declaratory decision. Mr. Humphreys requested clarification as to the meaning, application or effect of Paragraphs 613.20 and 806.9 of The Book of Discipline 2008, which require each Conference Council on Finance Administration and the General Council on Finance and Administration, respectively, to ensure that no United Methodist funds are used “to promote the acceptance of homosexuality.” Only the Judicial Council has jurisdiction to make a ruling in the nature of a declaratory decision pursuant to Paragraph 2610 of The Book of Discipline 2008 as to “the constitutionality, meaning, application, or effect of the Discipline or any portion thereof or of any act or legislation of a General Conference.” The Book of Discipline does not give the presiding Bishop the privilege of making such declaratory decisions.

Moreover, these requests for a decision of law were moot and hypothetical pursuant to Judicial Council Decisions 969 and 799 because they did not state their connection to a specific action taken by the Annual Conference and were not raised during the deliberation of a specific matter upon which the Annual Conference takes action. “Moot and hypothetical questions shall not be decided. . . . Questions of law shall be germane to the regular business, consideration, or discussion of the Annual Conference and shall state the connection to a specific action taken, or the questions must be raised during the deliberation of a specific issue of a matter upon which the conference takes action.” (Judicial Council Decision No. 799.) Mr. Humphreys’ questions did not involve any legal question, since no action was cited which allegedly violated the law. (Judicial Council Decision No. 33.)

Signed: _____

Alfred Wesley Gwinn, Jr.
Resident Bishop of the Raleigh Area
The United Methodist Church

Date mailed to the Secretary of the Judicial Council: _____

Required copies to:
Secretary of the Judicial Council (13 Copies)
Bishop (1 Copy)

EXHIBIT 1:

Bishop Gwinn, before GCFA submit their budget; I request clarification on two paragraphs of the Book of Discipline and a ruling on whether or not the four points below constitute promoting the acceptance of homosexuality.

Under the General Conference Section:

¶806.9. It (General Council on Finance and Administration) 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” (¶ 161.F). The council shall have the right to stop such expenditures.¹⁹ It shall not limit the Church’s ministry in response to the HIV epidemic.

Under the Annual Conference Section:

¶613.20. To ensure that no annual conference 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 UMC “not to reject or condemn lesbian and gay members and friends” (¶ 161.F). The council shall have the right to stop such expenditures. This restriction shall not limit the Church’s ministry in response to the HIV epidemic, nor shall it preclude funding for dialogs or educational events where the Church’s official position is fairly and equally represented.

With this in mind, I request clarification on the following questions as they relate to the above paragraphs.

- 1) Does the performance of same sex union or same sex marriage ceremonies constitute promoting the acceptance of homosexuality?
- 2) Does the election or appointment of a self-avowed practicing homosexual to a position of authority within an ecumenical group constitute promoting the acceptance of homosexuality?
- 3) Does advocating for the legalization of same sex marriages or having a policy statement opposed to the Constitutional Amendment referred to as "The Defense of Marriage Act" constitute promoting the acceptance of homosexuality?
- 4) Does the admittance of an organization that performs same sex unions and marriages into an ecumenical group constitute promoting the acceptance of homosexuality?

If none of the above “promotes the acceptance of homosexuality,” then what does?

While I am confident of what activities may fit that definition, I am aware that there are others who will disagree with my understanding. It is clear to me that the vagueness of the phrase, “promote the acceptance of homosexuality,” needs clarification so that our Discipline may be more completely understood.

Thank you and God bless,

The Reverend Chris D. Humphreys
Center United Methodist Church
4141 S Plank Road
Sanford, NC