

**BALTIMORE-WASHINGTON CONFERENCE
OF THE UNITED METHODIST CHURCH**

**BISHOP’S RULING OF LAW ON QUESTION OF LAW No. 1
PRESENTED DURING THE 2014 SESSION OF THE ANNUAL CONFERENCE**

STATEMENT OF THE QUESTION OF LAW AND SUMMARY OF DECISION

During the Fourth Plenary Session of the 2014 Annual Conference, the members voted to pass five resolutions concerning human sexuality. Thereafter, the Rev. Stephen Ricketts, pastor of Providence-Fort Washington United Methodist Church, presented the following question of law in writing:

Request a ruling on a point of law regarding our voting procedure and process on the five resolutions that were passed by secret ballot Friday night.

Specifically, was the vote on the resolutions legal and in compliance with [the] 2012 BOD since we did not have the chance to offer amendments?

¶604.1-structure did not provide protection against discrimination.

For the reasons explained below, my decision is that the procedure and process used by the Annual Conference to vote on the five human sexuality resolutions was lawful and did not violate the *Discipline*.

BACKGROUND

Long before the opening of the 2014 Annual Conference, the following five resolutions concerning human sexuality were proposed for the body’s consideration:

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| Resolution No. 6 | Resolution to End Discrimination in West Virginia |
| Resolution No. 7 | Resolution to Stop Clergy Trials |
| Resolution No. 10 | Resolution to Agree to Disagree on Issues Pertaining to Gender and Sexual Minorities |
| Resolution No. 11 | Inclusive Conference Resolution |
| Resolution No. 14 | Resolution that the Baltimore-Washington Conference of The United Methodist Church supports the removal of all provisions in the <i>Book of Discipline</i> and Social Principles that discriminate against or restrict the participation of laity or clergy based on their sexual identity. |

The first plenary session of the 2014 Annual Conference was held on Thursday afternoon, May 29, 2014. During that opening session, Jen Ihlo, Chair of the Conference's Rules Committee, provided a summary of the rules of the session. Immediately after that presentation, and in anticipation that the Conference would be taking up the aforementioned resolutions the following day, Cynthia Taylor, Chair of the Conference's Discipleship Council, rose to make a formal motion to suspend the rules of the session for the purpose of allowing the body to consider and vote on those specific resolutions using a "circle process" that aimed to strengthen Christian community by encouraging dialogue, rather than debate, around the human sexuality issues that had long divided so many in The United Methodist Church family. This motion to suspend the rules was seconded, at which point Ms. Taylor provided the body with the following explanation of the motion's purpose:

I move the rules be suspended for Friday evening so that, rather than a time of debate, questions, and amendments, the body will consider the five resolutions relating to human sexuality as outlined at the pre-conference briefings, held May 15 and May 17, 2014.

The Sessions Committee and the Discipleship Council believe that following our usual debate format fosters 'speeches,' often by the same folks each year, and limits our ability to have conversation with one another about significant matters affecting our Conference and the worldwide United Methodist Church.

We believe that this process, as designed, will allow for that conversation to take place in a healthy, faith-filled environment. Each person in a group will have an opportunity to speak without interruption. The process also allows for a written ballot on each of the five resolutions.

Bishop, this is my motion.

Following Ms. Taylor's statement, I called for a vote.¹ The motion passed, with well over two-thirds of the members present voting in favor of the motion, as required by our rules. *Rules*, ¶ 5410.1.J.32.

The five resolutions on human sexuality were then presented to the Annual Conference for its consideration during the Fourth Plenary Session held on Friday evening, May 30. At the outset, Assistant to the Bishop Rev. Maidstone Mulenga; myself and the Rev. Dr. Karin Walker all spoke to describe the "Circles of Grace" process that was to be used in considering those resolutions. The process had been developed by a team selected by the Sessions Committee and arose from broad-based discussions that had started at the Connectional Table's meeting in February and concluded with the concurrence of the Discipleship Council at its meeting on May 13. The basic components of the circle process may be described as follows:

1. The body would participate in a time of holy conferencing by gathering into groups of approximately 10 persons.
2. Sitting together in a circle, each group would discuss the resolutions among themselves.

¹ Under the Conference's Rules of the Session, a motion to suspend the rules is not subject to debate. *Manual on Policies and Procedures of the Baltimore-Washington Conference of The United Methodist Church* ("Rules"), ¶ 5410.1.J.18.

3. Prior to the discussion, the maker of each resolution would have one minute to summarize why he or she believes the resolution is important and should be adopted by the Annual Conference.
4. After these brief presentations, each group would begin its dialogue, with the aid of a facilitator, who would seek to ensure that no one dominated the conversation and everyone in the group had an opportunity to be heard.
5. Each group was asked to center the discussion around three questions:
 - a. What do you perceive as the impact of this resolution on the Baltimore-Washington Conference in particular and The United Methodist Church in general?
 - b. Where do you see God in this resolution?
 - c. How can we continue be God's love and build bridges as we discuss this resolution?
6. At the conclusion of the period of discussion, the Bishop would offer a prayer, following which the members were to record their vote on paper ballots, which the facilitators would collect and deliver to the tellers.

After this summary, the body heard presentations from the resolution's proponents, after which the small groups engaged in their facilitated discussions for nearly an hour. The facilitators then passed out written ballots to those in their groups. Facilitators stood to indicate when their group had finished voting, and the tellers then came to collect the ballots. The tellers secured the ballots, took them to a designated counting area, and tallied the votes immediately. The evening ended with prayers.

The following day, I announced the results of the voting. The results were as follows:

Resolution No. 6	806 in favor; 49 opposed
Resolution No. 7	519 in favor; 334 opposed
Resolution No. 10	549 in favor; 304 opposed
Resolution No. 11	548 in favor; 304 opposed
Resolution No. 14	511 in favor; 344 opposed

ANALYSIS AND RATIONALE

The General Conference has empowered each annual conference to adopt rules and regulations "for its own government," so long as they are "not in conflict with the Discipline," and provided that in exercise of its powers, each annual conference shall act in all respects in harmony with the policy of The United Methodist Church with respect to elimination of discrimination." *Discipline*, ¶ 604.1. Pursuant to this authority, the Baltimore-Washington Conference has adopted its own "Rules of the Session," which govern (among other things) the parliamentary procedures to be used at each session of the Annual Conference. (*See Manual on Policies and Procedures of the Baltimore-Washington Conference of The United Methodist Church*, ¶ 5410.1.J.)

In addition, like most rules of parliamentary procedure, the Conference's rules allow motions to suspend the rules of the session: "The operation of any of the provisions of the Rules of the Session may be suspended at any time by two-thirds of the members present and voting." *Id.*, ¶ 5410.1.J.32. *See also id.*, ¶ 5410.1.J.29.b (reiterating that a motion to suspend the rules requires a two-thirds vote, not a simple majority); *id.*, ¶ 5410.1.J.18 (providing that motions to suspend the rules are not subject to debate). Nothing in the *Discipline* precludes an annual conference from adopting the commonplace parliamentary practice of allowing two-thirds of all members present and voting to suspend their own rules for a particular purpose, including obtaining conference action on resolutions of the type that were being presented for the body's consideration in this instance.

It is important to note that both laity and clergy were given detailed advance notice about the process for suspending the rules, the proposed discernment process, and the resolutions at issue during the mandatory preconference sessions on May 15 and May 17. This means there was plenty of time for members of the Annual Conference to pray, discuss, and decide whether they supported suspending the rules.

Please note further that the ballot was not "secret" as presented in the question. A "written" ballot is not "secret" in the way that term seems to imply. It was not a "secret" or last-minute plan for the vote on the resolutions to be taken by written ballot; again, that was the considered choice and action of the Annual Conference to vote in that manner.

Accordingly, the annual conference's decision to suspend its rules and adopt the circle process for voting on these resolutions was lawful under its own rules of parliamentary procedures, which the Conference has been empowered by the General Conference to enact, and which are not in conflict with the *Discipline*. As the Cynthia Taylor, Chair of the Conference's Discipleship Council stated, in elaborating on her motion to suspend the rules, the principal purpose of that motion was precisely to *dispense* with "a time of debate, questions, and amendments," because that "format fosters 'speeches'" and otherwise "limits our ability to have conversation with one another about significant matters affecting our Conference and the worldwide United Methodist Church." Provided a two-thirds majority was achieved (and it was), it was lawful and within the rights of the body to agree with Ms. Taylor and to adopt the Circles of Grace process for its deliberations on these particular resolutions.

For these reasons, it is my ruling that the procedure and process used by the Annual Conference to vote on the five human sexuality resolutions was lawful and did not violate the *Discipline*.

In addition, regarding the last part of the Question of Law presented here, every member of the Annual Conference who was present was given a chance to vote on all the resolutions. Therefore, I conclude that the annual conference's decision to suspend the rules and adopt the circle of grace process for this purpose was consistent "with the policy of The United Methodist Church with respect to elimination of discrimination." *Discipline*, ¶ 604.1.