

LEGISLATIVE SUMMARY
LEGISLATIVE COMMITTEE 10
JUDICIAL ADMINISTRATION

Renewal and Reform Coalition (RRC)
Priority petitions in bold italics

CHARGEABLE OFFENSES

These petitions deal with various chargeable offenses that are proposed to be added.

Pet 60070 Page 1017 Chargeable Offense Amend and Support

Those who disagree with our church’s standards and teaching regarding sexuality and marriage have taken to “ecclesiastical disobedience,” including disrupting meetings and imposing their agenda on bodies of the church. Such behavior is not in keeping with Christian conferencing and indeed is a form of bullying. As such, it should not be allowed in the church. Church bodies should not be held hostage by a vocal minority of demonstrators, nor should the body’s ability to do what the church tasks it to do be prevented (often at great expense of the time wasted). The proposed petition needs to be amended to add the phrase “by conduct that violates that body’s rules.” The full chargeable offense would then read, “interfering with the General Conference or another United Methodist body or agency’s ability to conduct business by conduct that violates that body’s rules.”

Pet 60890 Page 1021 Chargeable Offenses Oppose

This petition proposes adding as a chargeable offense “waging war.” While most Christians would agree that war is heinous and not in keeping with God’s ultimate will, most Christians would also agree that in a fallen world, war is a necessary evil of last resort in order to protect innocent people from the aggression of others. Romans 13:1-5 states that God gives the one in authority the right to “bear the sword” as “God’s servant, an agent of wrath to bring punishment on the wrongdoer.” John the Baptist did not command soldiers to abandon their occupation (Luke 3:14), and the first Gentile convert was a commanding officer in the Roman army (Acts 10).

Pet 60593 Page 1021 Chargeable Offense Oppose

This petition would add “believer’s baptism” as a chargeable offense. The phrase is vague and undefined. While our doctrinal standards encourage infant baptism, they do not deny baptism to youth or adults who come to Christ later in life and have not been baptized. Such baptism could be a chargeable offense under this petition. Furthermore, our doctrinal standards do not forbid infant dedication, should the parents so desire.

Pet 60160 Page 1018 Fiscal Malfeasance Oppose
Pet 60933 Page 1018 Fiscal malfeasance Support

These petitions add a new chargeable offense, fiscal malfeasance. Financial misconduct is not necessarily covered under the chargeable offense “crime,” since some instances of misconduct are not prosecuted in the secular legal system or the person is not convicted. Petition 60160 is insufficient because it does not define the offense. Petition 60933 gives a good definition that

makes clear what is meant by the offense. Accountability for financial stewardship and integrity are essential for any non-profit organization, including especially the Christian Church.

COUNSEL FOR THE CHURCH

The process of church discipline and accountability are essential for a functioning denomination. To maintain the integrity of the process, the counsel for the church must agree with the provision of the *Discipline* he/she is asked to uphold through the accountability process. Having a church counsel who publicly has opposed the disciplinary provision they are tasked to uphold erodes trust and creates the appearance of impropriety. Petition 60595 seems the best way to accomplish this, although other options could be considered. Some of the language from 60594 could be incorporated in 60595.

<i>Pet 60595</i>	<i>Page 1023</i>	<i>Commitment of Counsel for the Church</i>	<i>Support</i>
Pet 60559	Page 1025	Selecting Counsel	Not recommended
Pet 60594	Page 1026	Selecting Counsel	Consider

EPISCOPAL ACCOUNTABILITY

It is currently nearly impossible for bishops to be held accountable for maintaining their conduct within the requirements of the *Discipline*. No bishop has ever been brought up on charges through the committee on investigation since the church was founded in 1968, despite the filing of substantive complaints. One major reason is that a bishop’s colleagues and friends are the ones tasked with holding the bishop accountable. The Council of Bishops sees itself as powerless to foster accountability. Regional differences in the church mean that different standards are used for bishops in different parts of the U.S. and the world. A variety of proposals have been submitted to rectify this situation and enable greater accountability.

<i>Pet 60029</i>	<i>Page 1011</i>	<i>Revision of Episcopal Complaint Process</i>	<i>Support</i>
<i>Pet 61029</i>	<i>Page 1022</i>	<i>Revision of Episcopal Complaint Process</i>	<i>Support</i>
<i>Pet 61030</i>	<i>Page 1024</i>	<i>Revision of Episcopal Complaint Process</i>	<i>Support</i>
<i>Pet 61031</i>	<i>Page 1027</i>	<i>Revision of Episcopal Complaint Process</i>	<i>Support</i>
<i>Pet 61032</i>	<i>Page 1031</i>	<i>Revision of Episcopal Complaint Process</i>	<i>Support</i>
<i>Pet 60923</i>	<i>Page 1017</i>	<i>Revision of the Episcopal Complaint Process</i>	<i>Support</i>
<i>Pet 60920</i>	<i>Page 1022</i>	<i>Revision of the Episcopal Complaint Process</i>	<i>Support</i>
<i>Pet 60921</i>	<i>Page 1024</i>	<i>Revision of the Episcopal Complaint Process</i>	<i>Support</i>
<i>Pet 60922</i>	<i>Page 1026</i>	<i>Revision of the Episcopal Complaint Process</i>	<i>Support</i>
<i>Pet 60924</i>	<i>Page 1031</i>	<i>Revision of the Episcopal Complaint Process</i>	<i>Support</i>

The three sets of petitions above represent two different proposals to revise the complaint process for bishops. Petition 60029 comes from the Kentucky Conference, the second group is similar, submitted from Reynoldsburg, OH. The third group of petitions is a slightly different approach submitted by the Western Pennsylvania Conference. We suggest the committee take the best of all the proposals and combine them into one. Important principles for reforming the episcopal complaint process include: 1) placing the disposition and handling of complaints out of the hands of fellow bishops as much as possible, 2) ensuring that a representative group of laity and clergy will deal with complaints against bishops, 3) ensuring that bishops will be held accountable to a global body, rather than a body made up only from their jurisdiction or central conference, and 4) ensuring that complaints are dealt with in a timely manner without the possibility of lengthy delays.

GLOBAL STRUCTURE

These two petitions are similar amendments to the constitution that are part of a comprehensive plan to restructure the church at the global level. The ultimate aim of this plan is to create the U.S. as its own central conference that is able to adapt the *Book of Discipline* to the unique needs of our cultural situation. In reality, it is an attempt to structure the church in a way that lessens the voices of African, European, and Filipino delegates in denominational affairs and would ultimately allow the U.S. part of the church to permit same-sex weddings and the ordination of self-avowed practicing homosexuals. It is ironic that for many years the U.S. has had a determinative voice in how the central conferences operated, but now that the central conferences are able to have a strong voice in U.S. affairs, that voice is being rejected. The Renewal and Reform Coalition opposes this attempt to restructure the church in an effort to resolve our theological differences.

<i>Pet 60212</i>	<i>Page 1005</i>	<i>Global Church Structure - Judiciary</i>	<i>Oppose</i>
<i>Pet 60988</i>	<i>Page 1006</i>	<i>Global Connectional Conference – Judiciary</i>	<i>Oppose</i>

HOMOSEXUALITY

The church's balanced, compassionate, and biblically faithful position on the practice of homosexuality has been reaffirmed by ten General Conferences over 40 years. Despite vociferous disagreement by some parts of the church, it still represents the majority opinion of the grass roots church membership worldwide. Changing the church's position to allow same-sex weddings and/or the ordination of self-avowed practicing homosexuals would separate our church from 2,000 years of the church's consensus teaching and from 95 percent of world Christians today. It would also provoke separation of The United Methodist Church, forcing those who could not in good conscience live with the progressive position to leave the church. It is important to maintain clear lines of accountability to what our church has taught for 44 years and continues to require today. We oppose any efforts to remove or weaken the chargeable offenses.

<i>Pet 60766</i>	<i>Page 1018</i>	<i>Chargeable Offenses</i>	<i>Oppose</i>
<i>Pet 60762</i>	<i>Page 1019</i>	<i>Removing Practice of Homosexuality from List</i>	<i>Oppose</i>
<i>Pet 60763</i>	<i>Page 1019</i>	<i>A Third Way – Chargeable Offenses</i>	<i>Oppose</i>
<i>Pet 60764</i>	<i>Page 1019</i>	<i>Chargeable Offenses</i>	<i>Oppose</i>
<i>Pet 60765</i>	<i>Page 1020</i>	<i>Chargeable Offenses</i>	<i>Oppose</i>
<i>Pet 60904</i>	<i>Page 1020</i>	<i>Chargeable Offenses</i>	<i>Oppose</i>
<i>Pet 60767</i>	<i>Page 1020</i>	<i>Chargeable Offenses</i>	<i>Oppose</i>
<i>Pet 60888</i>	<i>Page 1021</i>	<i>Chargeable Offenses</i>	<i>Oppose</i>
<i>Pet 60905</i>	<i>Page 1021</i>	<i>Chargeable Offenses</i>	<i>Oppose</i>
<i>Pet 60889</i>	<i>Page 1021</i>	<i>Chargeable Offenses</i>	<i>Oppose</i>

<i>Pet 60796</i>	<i>Page 1034</i>	<i>Support of LGBT Persons</i>	<i>Oppose</i>
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This resolution would ask United Methodists to ignore the standards we have set as a church for how we expect our clergy to behave. Such an approach undermines the connection that binds us together, makes our General Conference decisions meaningless, and creates a precedent for ignoring other parts of the *Discipline* with which individuals disagree.

JUST RESOLUTION

Just resolution is an honorable attempt to resolve possible violations of the *Discipline* in a more amicable way that avoids the need for a trial. Recently, however, the just resolution process has been used to circumvent the requirements of the *Discipline* and in effect condone violations of its requirements. These petitions aim to restore integrity to the just resolution process.

Pet 60027 Page 1010 Complainant as Party to Just Resolution Support

This petition requires that the complainant have a say in whether the complaint is considered “resolved” through a just resolution. Reconciliation (the aim of a just resolution) cannot take place without the participation and agreement of the complainant. It is important to note that the complainant’s refusal to accept a just resolution does not automatically lead the complaint to trial. It would still have to pass the committee on investigation before a trial could be held, and that body could dismiss the complaint without trial.

Pet 60028 Page 1011 Definition of Just Resolution Support

This petition defines a just resolution as one where the respondent apologizes for acknowledged violations of the *Discipline* and commits not to repeat the offense. Without these elements, a just resolution is not “just,” nor does it truly resolve the complaint. It *de facto* condones the violation. Without these elements, there is no expression of repentance, so there can be no effective restoration of the respondent to the church body.

Pet 60391 Page 1015 Just Resolution Before and After Referral to Counsel No Position

This petition distinguishes between a resolution obtained before referral to a counsel for the church and after such referral, requiring the complainant’s agreement in the former case, but not the latter. While an improvement on the current situation, it would not prevent the abuse of the resolution process to circumvent the requirements of the *Discipline*, once a complaint was referred to counsel for the church.

Pet 60806 Page 1016 Just Resolution Support
Pet 60807 Page 1029 Just Resolution Support

These petitions would require any just resolution involving the acknowledged offense of performing a same-sex wedding to include an unpaid suspension of one year for the clergy person involved. This provision would again prevent the abuse of the just resolution process to avoid significant consequences for violations of the *Discipline*.

PENALTIES

The issue of penalties in trials needs clarification from several aspects. In addition, recent and growing instances of disobedience to the church’s prohibition on performing same-sex weddings threaten to make this prohibition meaningless. In very few cases has a meaningful consequence been levied against a person found to have committed the offense. Consequences have ranged from a 24-hour suspension to writing a paper to no consequences at all. A specific penalty is needed regarding this offense because it is the only offense for which a nationally orchestrated campaign of disobedience is being pursued. Since this is a global requirement, there should be a consistent understanding of the penalty, which removes ambiguity and prevents the tacit condoning of violations of the *Discipline* by levying no meaningful consequence. The first petition represents the best alternative of a clear and consistent penalty for this offense.

Pet 60810 Page 1030 Mandatory Penalty Support

Pet 60808 Page 1027 Consequences Not Recommended
Pet 60809 Page 1030 Consequences Not Recommended

While the intent of these identical petitions is laudable in imposing set penalties, they are unclear in their details and ramifications. A simpler and more straightforward approach seems preferable.

Pet 60596 Page 1029 Penalties Support
This petition would allow penalties that include restitution and/or the renewal of membership or ordination vows. A recent Judicial Council decision has disallowed anything other than a punitive penalty, which would preclude any more restorative approach that a trial court might wish to take.

Pet 60673 Page 1028 Management of Judicial Just Resolution Agreements Support
This petition would task the committee on investigation with the supervision of any just resolution or trial court penalty. This would ensure that a judicial body maintains jurisdiction, rather than the current practice of turning that responsibility over to a bishop or cabinet or board of ordained ministry.

Pet 60597 Page 1032 Clarify Appeals Committee Powers Support
This petition clarifies that an appeals committee cannot undo the penalty imposed by a trial court unless there are egregious errors of church law. It also provides that the appeals committee cannot invent a new penalty, but must impose a penalty within the range of options considered by the trial court. This restrains the appeals committee from undoing the hard work of the trial court without sufficient cause.

APPEALS

The ability to appeal is guaranteed in the church constitution. Appeals are an essential part of the judicial process in order to ensure a level playing field and prevent errors of church law or process from denying a just result of a trial or proceeding.

Pet 60069 Page 1032 Church Right to Appeal Support
This petition provides the same right of appeal to the church as exists for the respondent. In a system where pastors serve as lawyers and bishops as judges, errors in church law are to be expected. There needs to be a fair system to address such errors in order to ensure a just outcome. It is unfair to grant the right of appeal to the respondent, but not to the church.

Pet 60592 Page 1009 Availability of Records in Appeal Support
This petition ensures that all relevant materials from previous trials are available to both sides when there is an appeal of a current case. That legal history is essential for maintaining continuity and the value of precedent in deciding questions of church law. Such materials were denied to a counsel for the church during a recent appeal.

Pet 60911 Page 1032 Administrative Review Process Support
This petition provides needed clarity regarding the appeals process in administrative matters. It is prompted by Judicial Council Decision 1276, which noted the lack of clarity and asked General Conference to address it.

JUDICIAL COUNCIL

Since the Judicial Council is the primary interpreter of church law, it is essential that the church be able to operate under an authoritative interpretation. These two petitions allow greater access to bring questions of church law interpretation and implementation to the Judicial Council. Petition 60527 allows the annual conference, the basic unit of the church, to request such interpretations. Petition 60521 allows the annual conference lay leaders, as the primary representative body of laity, to request such interpretations.

Pet 60527	Page 1009	Annual Conference Declaratory Decision Requests	Support
Pet 60521	Page 1009	AACLL Authority to Request Decisions	Support

ORGANIC JURISDICTIONAL SOLUTION

This petition is part of a comprehensive plan to allow each jurisdiction to set its own standards for ministry, which would allow some jurisdictions to permit same-sex weddings and the ordination of self-avowed practicing homosexuals. This plan would also allow local churches to affiliate with a different annual conference, annual conferences to affiliate with a different jurisdiction, and jurisdictions to change their boundaries to include churches that want to affiliate with them. The Renewal and Reform Coalition believes that allowing jurisdictions to set their own standards would lead to a slow-motion splintering of the church and would not resolve the conflict over the church's stance on sexuality and marriage. Petition 61014 sets up jurisdictional courts tasked with interpreting that jurisdiction's unique standards and adaptations of the *Discipline*.

Pet 61014	Page 1008	Jurisdictional Judicial Courts	Oppose
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Further information on these and other issues facing the 2016 General Conference may be found on the RRC website: www.methodistcrossroads.org