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DECISION NO. 985

IN RE: Request for a Declaratory Decision from the General Conference Regarding the Application of the *Discipline* to Actions of an Annual Conference in a Church Trial and the Meaning, Application or Effect of ¶ 304.3 of the *Discipline* to the Findings of the Trial Court.

DIGEST

The Judicial Council does not have authority to review the findings of the trial court in the Reverend Karen T. Dammann case. A bishop may not appoint one who has been found by a trial court to be a self-avowed, practicing homosexual.

STATEMENT OF FACTS

On a motion from a delegate, the 2004 General Conference requested a declaratory decision of the Judicial Council on the following questions:

1. In light of Judicial Council decision 886 and the one just handed down [984], what is the application of the *Book of Discipline* to the ruling of the trial court in its verdict in the case of Rev. Karen Dammann?
2. In light of the finding of the trial court that the Rev. Karen Dammann is a self-avowed practicing homosexual, and in light of Judicial Council decision 886 and the decision just handed down[984], what is the meaning, application, and effect of ¶ 304.3 of *The Book of Discipline* of The United Methodist Church, which states that “self-avowed practicing homosexuals are not to be accepted as candidates, ordained as ministers, or appointed to serve in The United Methodist Church,” regarding whether a bishop may or may not appoint someone found by a trial court to be a self-avowed practicing homosexual?

Jurisdiction

The Judicial Council has jurisdiction under ¶ 2610 of the *2000 Discipline*.

Analysis and Rationale

Question 1

As relates to the findings of the trial court in the case of the Reverend Karen T. Dammann, the Judicial Council has no authority to review the findings of that trial court.

1 Paragraph 2715.10 states: “The Church shall have no right of appeal from findings of the trial
2 court”
3

4 *Question 2*
5

6 The following comments in the Analysis and Rationale do not address the case of the
7 Reverend Karen T. Dammann. This decision shall be applied only prospectively.
8

9 The Judicial Council rendered a declaratory decision as to the meaning, application and
10 effect of ¶ 304.3 of the *2000 Discipline* in Decision 984. That Decision is now incorporated into
11 this Decision by reference.
12

13 A bishop may not appoint a clergy person who has been found by a trial court to be “a
14 self-avowed, practicing homosexual.” It is, however, up to a trial court to make that
15 determination.
16

17 Paragraph 31 of the Constitution of The United Methodist Church states in part:
18

19 The annual conference is the basic body in the church and as
20 such shall have reserved to it the right to vote on . . . all matters relating to
21 the character and conference relations of its clergy members, and on the
22 ordination of clergy and such other rights as have not been delegated to
23 the General Conference under the Constitution
24

25 Under the provisions of ¶ 328.1 of the *2000 Discipline*, all elders in full connection and
26 in good standing in the annual conference are *entitled* to an appointment. A bishop does not
27 have the authority to refuse to appoint any elder in full connection who is in good standing in the
28 annual conference.
29

30 **Decision**
31

32 The Judicial Council does not have authority to review the findings of the trial court in
33 the Reverend Karen T. Dammann case. A bishop may not appoint one who has been found by a
34 trial court to be a self-avowed, practicing homosexual.
35

36 May 4, 2004
37

Dissenting & Concurring Opinion Decision 985

We dissent from the Judicial Council's ruling that it does not have jurisdiction to respond to question one of the request for declaratory decision from the General Conference. The Judicial Council has properly stated that it has no authority to review the findings of the trial court in the case of the Reverend Karen T. Dammann, but that is not the question asked in the request for declaratory decision. The first question asked by the General Conference requests a declaratory decision on the application of the *Book of Discipline* to the ruling of the trial court in its verdict in the case of Reverend Karen T. Dammann in light of Decisions 886 and 984. The Judicial Council has jurisdiction over this request under ¶ 2610 of the *2000 Discipline*. Where a trial court jury negates or ignores the *Discipline*, the only vehicle for the Church to hold the trial court jury accountable for such action is through the vehicle of a declaratory decision request. As ¶ 2610 provides, the "Judicial Council . . . shall have jurisdiction to make a ruling in the nature of a declaratory decision as to the . . . application of the *Discipline*." We believe that the actions of the trial court jury in the trial of Reverend Karen T. Dammann raise serious questions that go to the core of the application of the *Discipline*.

The *Discipline* is "the only official and authoritative Book of Law of The Methodist Church (United Methodist Church)...." Decision 96. The *Discipline* "regulates every phase of the life and work of the Church." Decision 886. "All entities of the Church are bound by the provisions of the *Discipline*, and . . . no entity or individual member of the Church has the right to negate or ignore the *Discipline*. . . . [To do so] would leave the Church without any enforceable law, which would lead to chaos in the Church." Decision 886.

The Judicial Council is charged with interpreting church law and deciding questions that involve the constitutionality, meaning, application or effect of the *Discipline* or any portion thereof. ¶54.5 Constitution; ¶2610.1 *2000 Book of Discipline*; Decision 463. Paragraph 55 of the Constitution says the decisions of the Judicial Council are final.

A church trial, on charges brought against a clergy member of an annual conference, must be conducted in accordance with church law enunciated in the *Discipline* and an annual conference through its trial court may not negate, ignore or violate church law set forth in the *Discipline*. In like manner, a trial jury is not free to disregard the interpretation that the Judicial Council has given to church law. When an annual conference or an entity of an annual conference negates, ignores or violates provisions of the *Discipline*, its action in doing so is null, void and of no effect. See Decisions 876, 878, 900, 983. An annual conference trial court is an entity of the Church.

The trial court in the trial of the Reverend Karen T. Dammann negated, ignored and violated the *Discipline*, specifically ¶304.3 of the *Discipline*. The trial court sustained the

specification that Reverend Karen T. Dammann is a self-avowed practicing homosexual but refused to sustain the charge that she had engaged in practices declared by The United Methodist Church to be incompatible with Christian teaching. The law of the Church is that “the practice of homosexuality is incompatible with Christian teaching.” Paragraph 304.3, *2000 Discipline*; Decisions 980 and 984. In Decision 980, the Judicial Council said: “The practice of homosexuality is declared by the *Discipline* to be incompatible with Christian teaching.” This was the law of the Church when the charges were brought and the trial held. The application of this provision of Church law to the findings of the trial court is not an *ex post facto* application. The trial court in the trial of The Reverend Karen T. Dammann negated, ignored and violated provisions of the *Discipline*. Therefore, its ruling in failing to sustain the charge that The Reverend Karen T. Dammann has engaged in practices declared by The United Methodist Church to be incompatible with Christian teaching is null, void and of no effect.

We concur with the Judicial Council’s response to the second question asked by the General Conference that a bishop may not appoint one who has been found by a trial court to be a self-avowed practicing homosexual. Paragraph 304.3 of the *Discipline* provides, in relevant part:

Since the practice of homosexuality is incompatible with Christian teaching, self-avowed practicing homosexuals are not to be accepted as candidates, ordained as ministers, or appointed to serve in The United Methodist Church.

In Decision 920, the Judicial Council held that the prohibition of appointment contained in ¶ 304.3 must be exercised in compliance with the rights of all persons who are in full membership. Paragraph 304.3 establishes one minimum standard for the ordained ministry of the church, not only with respect to ordination, but also for good standing and appointment. As stated in Decision 920,

[W]hile the annual conference makes any determination which would effect a change in ministerial standing and conference relations, it is the General Conference which establishes the minimum standards for the ordained ministry of the church. The Constitution, ¶ 15, gives the General Conference the power to fix the basic requirements for ministry. Paragraph 304.3 of the *Discipline* was enacted by the General Conference pursuant to the power invested in it by the Constitution.

The constitutionality of ¶ 304.3 was affirmed in Decision 544. Decision 544 states, “[o]rdination in The United Methodist Church is not local, nor provincial, but worldwide. While each Annual Conference is a door through which one may enter the ministry of the entire church, the Annual Conference cannot reduce nor avoid stipulations established by the General Conference which must be met by the church’s ministry everywhere.” This principle has been repeatedly reaffirmed by the Judicial Council. See Decisions 313, 318, 325, 612, 823, 862.

Decision 920 declares that ¶ 304.3 “is such a minimum standard, not only for ordination, but also for good standing and appointment.” *See also* Decision 844.

Decision 920 as modified by Memorandum 930 outlined a procedure, which has to be followed to ensure that fair process is accorded a clergy member of an annual conference whose eligibility for appointment is questioned under ¶ 304.3. Where the process outlined in Decision 920 culminates with a trial and where the trial court sustains a specification that the clergy member is a self-avowed practicing homosexual, the clergy member is no longer in good standing under ¶ 325.1 and cannot be appointed to serve in The United Methodist Church as provided in ¶ 304.3. No such clergy member could then be listed on the roll of clergy who are in good standing in the annual conference. The presiding bishop of the annual conference has both the authority and the responsibility to rule out of order any motion which would have the effect of listing such a person on the roll of clergy members who are in good standing. *See* Decision 690.

Fair process has been accorded Rev. Karen T. Dammann and the result is she is found to be a self-avowed practicing homosexual. The application of the *Discipline* to the finding of the trial court means Rev. Karen T. Dammann is not in good standing and cannot be appointed to serve in The United Methodist Church.

Mary A. Daffin
Rodolfo C. Beltran
Keith D. Boyette
James Holsinger

**Concurring in Part and Dissenting in Part
Decision 985**

We concur with the majority in saying that the Judicial Council does not have jurisdiction in Question 1. Additionally, we believe the Judicial Council does not have jurisdiction to consider the request in Question 2. This is simply another attempt to find a way to overturn the trial court decision in the case of The Rev. Karen T. Dammann. Par. 2715.10 of the *2000 Discipline* is very clear in its statement that the decision of the trial court is final and that the church has no appeal from that decision. Further, this attempt is in direct contravention of Par. 31 of the Constitution which gives only the annual conference the right to vote on matters of conference relations of clergy members. The General Conference may not erode those rights by continually adding requirements which take that right away from the annual conferences. The prevailing opinion erodes those rights of the annual conference even further than the General Conference has already done.

Sally Curtis AsKew
Sally Brown Geis
Larry Pickens