

DECISION NO. 1515

IN RE: Petition for Declaratory Decision from the Postponed 2020 General Conference Regarding the Constitutionality, Meaning, Application, and Effect of Petition 20956 (¶101)

DIGEST

The portion of Petition 20956 (Calendar Item 283) adopted by the postponed 2020 General Conference, states that jurisdictional or regional conferences (as well as central conferences) may make changes and adaptations of the *General Book of Discipline*, without constitutional authority. Such changes would require amending the Constitution in accordance with the process set forth in ¶¶59-61. If the Constitutional amendments the General Conference adopted creating regional conferences and vesting in them the authority to adapt the *General Book of Discipline*, are ratified, the addition of the word “regional” in ¶101 would have the necessary authority. The rest of the amendments in Petition 20956 are severable and can remain in place whether or not the Constitution is amended.

STATEMENT OF FACTS

On May 3, 2024, during the last day of plenary session, the General Conference passed Petition 20956 (Calendar Item 283). The relevant portion of ¶101 as amended reads:

¶101. The *General Book of Discipline* reflects our Wesleyan way of serving Christ through doctrine and disciplined Christian life. We are a worldwide denomination united by doctrine, discipline, and mission through our connectional covenant. The *General Book of Discipline* expresses that unity. Each central, jurisdictional, or regional conference may make changes and adaptations to the *General Book of Discipline* to more fruitfully accomplish our mission in various contexts... [underline in original]

Subsequently, a delegate made the following motion:

I request a decision, a declaratory decision, from the Judicial Council regarding the constitutionality and applicability of the amended paragraph 101 as it relates to paragraph 27 and 31.5, and Article of our constitution, specifically, with our action at this General Conference on paragraph 101, do jurisdictions now have the authority to adapt *The Book of Discipline* in the same manner as central conferences and is such authority constitutional?

The motion passed. Since the petition was not received until after adjournment of the General Conference, the Judicial Council deferred this case to the 2024 Fall Docket. [Memorandum 1506](#) (Docket 0524-12).

JURISDICTION

The Judicial Council has jurisdiction pursuant to ¶2610 of *The Book of Discipline, 2016*, [hereinafter the *Discipline*].

ANALYSIS AND RATIONALE

The Constitution vests central conferences with certain rights and responsibilities, among them the authority to make changes and adaptations to the General *Discipline*. This right is contained in ¶31.5:

5. To make such rules and regulations for the administration of the work within their boundaries including such changes and adaptations of the General *Discipline* as the conditions in the respective areas may require, subject to the powers that have been or shall be vested in the General Conference. [emphasis added]

The power to make changes and adaptations to the General *Discipline* is a unique feature of our connectional polity that is extended only to central conferences in The United Methodist Church. See JCD [142](#), [147](#), [313](#), [904](#). This is evidenced by the fact that ¶27.5, the equivalent provision for jurisdictional conferences, is identical to ¶31.5, except for the phrase “including such changes and adaptations of the General *Discipline* as the conditions in the respective areas may require,” which is omitted in ¶27.5. Therefore, extending the adaptation right to jurisdictional conferences requires a constitutional amendment.

Prior to the 2024 amendment, the *Discipline* describes this authority of central conferences, stating “Each central conference may make changes and adaptations to the General Book of Discipline to more fruitfully accomplish our mission in various contexts.” ¶101, fourth sentence [emphasis added]. In [JCD 1272](#), the Judicial Council affirmed the constitutionality of ¶101 in its entirety, ruling that “¶101 is a valid portion of church law.” Petition 20956 amends ¶101 by extending the adaptation right to jurisdictional conferences with the insertion of the word “jurisdictional” in the fourth sentence. The General Conference may not extend an adaptation right for jurisdictions through legislative action. Any change to the Constitution, by addition or

subtraction, must go through the amendment process set forth in ¶¶59-61. As the record shows, this did not happen. In extending the adaptation right to jurisdictional conferences without following the required process, the General Conference exceeded its constitutional authority.

Similarly, the addition of the word “regional” to ¶101 is subject to the same constitutional infirmity at present. However, the postponed 2020 General Conference has approved amending the Constitution to add regional conferences. If and when such constitutional amendments are ratified, the amendment of ¶101 to add “or regional” conferences would be Constitutional.

The companion question is whether the unconstitutional part is severable from Petition 20956 so that the remainder can be saved and upheld as constitutional. In reviewing the constitutionality of the Traditional Plan passed by the 2019 General Conference, the Judicial Council offered the following analysis on the question of severability in [JCD 1378](#):

When the General Conference enacts a legislation that contains unconstitutional provisions, it is our duty to so declare and to determine if the remaining parts can be upheld separately. Unless it is evident that the General Conference would not have enacted those provisions that are within its legislative powers without those that are not, the invalid parts can be severed if what is left is not inextricably linked and can function independently. “When reviewing legislation for constitutionality, we defer to the legislative authority of the General Conference. In reviewing acts of the General Conference for constitutionality, our first inclination is to save legislation, if at all possible, and not destroy.” Absent clear evidence to the contrary, we are guided by the presumption of severability. [*See* [JCD 1378](#), *quoting* [JCD 1210](#)].

The Judicial Council then went on to articulate a three-step severability test, which “requires that we (1) identify the unconstitutional parts of the legislation in question, (2) declare them null and void, and (3) determine if they can be separated from the remainder. ‘For constitutional purposes, separation is inappropriate when the remaining part is so inextricably connected to the part declared invalid that what remains cannot independently survive’...or if it is evident that the General Conference would not have enacted what is left.” *See* [JCD 1378](#), *quoting* [JCD 1366](#) at 22.

The constitutionality of the insertion of the words “jurisdictional” and “regional” has been addressed above. The next step is to determine if the unconstitutional part can be separated from the remainder. After addressing the words “jurisdictional” and “regional,” Petition 20956 goes on

to address the work of the Standing Committee on Central Conference Matters, which applies to the existing central conferences. This does not exceed constitutional authority and is severable.

DECISION

The portion of Petition 20956 (Calendar Item 283) adopted by the postponed 2020 General Conference states that jurisdictional or regional conferences (as well as central conferences) may make changes and adaptations of the *General Book of Discipline* is without constitutional authority. Such changes would require amending the Constitution in accordance with the process set forth in ¶¶59-61. If the Constitutional amendments the General Conference adopted creating regional conferences and vesting in them the authority to adapt the *General Book of Discipline*, are ratified, the addition of the word “regional” in ¶101 would have the necessary authority. The rest of the amendments in Petition 20956 are severable and can remain in place whether or not the Constitution is amended.

Molly Hlekani Mwayera was absent. Erin Hawkins, first lay alternate, participated in this decision.

Øyvind Helliesen participated via Zoom.