

SUBJECT TO FINAL EDITING

JUDICIAL COUNCIL OF THE UNITED METHODIST CHURCH

DECISION 1320

IN RE: Request for a Declaratory Decision from the General Conference regarding the meaning, application and effect of Petition 61057

DIGEST

Petition 61057 as amended by the Financial Administration legislative committee is in violation of ¶¶16.8 and 16.9 and is therefore unconstitutional.

STATEMENT OF FACTS

On May 17, 2016, The Financial Administration Committee brought Calendar item 421 to the General Conference session. This item established “a standing Committee on Strategy and Growth. This committee would be funded by using a carve-out of \$20 million from the World Service Fund.” The maker of the motion described it as “a supplement, a group of entrepreneurs and church leaders to develop and implement a strategy in conjunction with the work of the agencies and commissions.” Ten members were named with ten additional members to be named.

The wording of the amendment to petition 61057 was as follows:

Standing Committee on Strategy and Growth

During the 2017-2020 quadrennium, there shall be a Standing Committee on Strategy and Growth, directly responsible to the General Conference. Membership of the committee is to represent the best among the entrepreneurs of local church

revitalization. Its purpose is to develop and implement a strategy to first slow the decline in worship attendance and professions of faith, and then to return them to positive growth within the jurisdictional conferences.

The strategy's target is to arrest and reverse the decline by the end of 2024. The fruits from the work of the Committee during the 2017-2020 quadrennium must be sufficient to make reverse and (sic) decline by 2024 possible. This achievement also depends upon successful deployment of strategies among the agencies and the annual conferences and the program agencies. The Committee offers to the denomination an avenue by which entrepreneurs will have the platform for refinement of their programs and the funding to expand their collective works to a national scale. Such refinements and scale would be impossible without the platform and funding of the Committee by carving out \$20M of the World Service Fund for said funding.

A request then came to the floor and was passed that the General Conference request a declaratory ruling and decision from the Judicial Council as to whether any aspect of Petition 61057 is in conflict with the Constitution of The United Methodist Church. The motion passed by a vote of 579 to 221.

The Judicial Council received the verbatim report of the discussion as well as a brief citing issues raised by the amendment regarding its constitutionality.

JURISDICTION

The Judicial Council has jurisdiction under ¶2609.2.

ANALYSIS AND RATIONALE

Paragraph 16, Article IV of the Constitution of the United Methodist Church grants to the General Conference "full legislative power over all matters distinctively connectional, and in the exercise of this power shall have authority as follows": ¶ 16.8 states "To initiate and to direct all connectional enterprises of the Church and to provide boards for their promotion and

administration.” In Judicial Decision 364, the Council ruled that these are legislative functions and cannot be delegated. It is important to consider the holistic pattern of our Constitution, specifically here in reference to the duties of, and restrictions, upon the General Conference. The amendment itself does not include how membership is to be determined nor how the \$20 million is to be spent, clearly in conflict with ¶16.9, which gives the General Conference the responsibility for determining and providing for raising and distributing funds necessary to carry on the work of the Church, again a responsibility that cannot be delegated.

Judicial Council decisions, 1210 and 1310, clearly indicate the General Conference cannot take actions which would either (1) permit a “connectional enterprise” it has created to determine its own mission, functions, duties, and responsibilities or (2) authorize any such connectional enterprise to make those determinations for another. The proposed Standing Committee on Strategy and Growth would be given both of these unconstitutional powers.

The lack of specificity as to the duties and responsibilities of the proposed Standing Committee is unprecedented. The amendment merely states the Standing Committee’s “target is to arrest and reverse the decline [in worship attendance and professions of faith] by the end of 2024.” This is too broad and amorphous to meet the test of constitutionality established by Decisions 364, 1210, and 1310. Only setting a goal for a connectional enterprise is not enough. Any action in this regard by the General Conference must include the duties and responsibilities of the entity. This amendment is almost entirely devoid of any such detail. This lack of detail will necessarily lead to the Standing Committee determining its own duties, responsibilities, functions, and priorities. The Judicial Council has consistently held such delegation is unconstitutional.

Further, the amendment states the Standing Committee would engage in the “deployment of strategies among the agencies.” Delegation of this type of authority has been held to be in

violation of ¶ 16.8. As a “connectional enterprise” created by the General Conference, the proposed Standing Committee cannot dictate the duties, functions, or responsibilities of the general agencies.

Constitutional issues also arise with this amendment regarding the budget of the Standing Committee and how this group would expend and account for the \$20,000,000. Paragraph 16.9 makes it clear that only the General Conference can determine how general church funds are to be distributed. This is accomplished through the adoption of a quadrennial budget. In the circumstances where General Conference tried to delegate its authority to determine the distribution of funds, Judicial Decision 1210 found this action unconstitutional. Thus, it is not constitutional for General Conference to adopt a budget for this Standing Committee when one has not been proposed.

This legislation provides no mechanism for the General Conference to assume its designated constitutional responsibility for direction. The General Conference cannot create a free floating autonomous Standing Committee, with no membership selection criteria or process and no accountability for use of funds nor linkage to already established boards and commissions. (See Judicial Decisions 1210 and 1310.)

Further, the proposed creation of this Standing Committee addresses an issue in only one region of the global connection.

DECISION

Petition 61057 as amended by the Financial Administration legislative committee is in violation of ¶¶16.8 and 16.9 and is therefore unconstitutional.

May 19, 2016