

SUBJECT TO FINAL EDITING

## JUDICIAL COUNCIL OF THE UNITED METHODIST CHURCH

### DECISION NO. 1370

IN RE: Petition for Declaratory Decision from the Standing Committee on Central Conference Matters regarding the constitutionality, meaning, application, and effect of ¶ 408.1(b) in relation to ¶¶ 30, 542.2, 543.17, and 2201.2 of *The Book of Discipline 2016*.

#### DIGEST OF CASE

The role and function of the Standing Committee on Central Conference Matters under ¶ 2201.2 is to review all legislative petitions and resolutions relating to central conferences and to recommend them directly to the General Conference for enactment. The action of the General Conference in the adoption Calendar Item 218 without a report from the Petitioner was null and void. We do not reach the question of the constitutionality of ¶ 408.1(b) as adopted by the 2016 General Conference.

#### STATEMENT OF FACTS

On July 28, 2017, the Standing Committee on Central Conference Matters (the “Petitioner”) filed a Petition for Declaratory Decision on the following questions:

1. Is ¶ 408.1b of the 2016 United Methodist Book of Discipline in conflict with ¶ 30, ¶ 542.2, ¶ 543.17 and ¶ 2201.2, thus making ¶ 408.1b unconstitutional? Further,
2. What is the understanding of the role and function of The Standing Committee on Central Conference matters in relationship to the review and recommendation of legislation related to the Central Conferences?

Since it missed the deadline for inclusion in the October 2017 Docket, this Petition was deferred first to the October 2018 meeting due to the cancellation of the April 2018 meeting and then to the February 2019 Special Session of the Judicial Council.

#### JURISDICTION

The Judicial Council has jurisdiction pursuant to ¶ 2610.1 of *The Book of Discipline of the United Methodist Church, 2016* [hereinafter *The Discipline*] As “any body created or authorized by the General Conference,” Petitioner has standing to file a request “on matters relating to or affecting the work of such body” under ¶ 2610.2(c).

#### ANALYSIS AND RATIONALE

##### **1. Role and Function of the Standing Committee on Central Conference Matters**

The General Conference defined the organization, role, and function of the Standing Committee on Central Conference Matters [hereinafter Petitioner] in ¶¶ 2201.1-5. It created the Petitioner to “serve as the coordinating body to study the structure and supervision of The United Methodist Church in its work outside the United States and its territories and its relationships to other Church bodies” ¶

2201.1.

Relevant here is § 2, which reads in part:

The standing committee shall meet at least twice within the quadrennium in order to review, consider, and develop resolutions and petitions related to central conferences . . . . It shall review and prepare such recommendations as it considers necessary for presentation directly to the General Conference. The committee shall submit its report and recommendations in accordance with the timelines governing general agencies for submission of petitions and resolutions. *All resolutions and petitions related to central conferences presented to the General Conference shall be referred to the committee for consideration, and the committee shall report its recommendations directly to the General Conference.*

¶ 2201.2. (emphasis added)

The General Conference intended that *all* pieces of legislation relating to central conferences be referred to, reviewed and reported by Petitioner directly to the General Conference for consideration and action. Under ¶ 2201.2, Petitioner is in charge of the legislative process as far as central conference matters are concerned. In other words, to be enacted by the General Conference, a petition or resolution must first go through Petitioner's vetting process. It is undisputed that the 2016 General Conference approved Petition No. 60974-MH-408-1b as Calendar Item 218 without the consideration of or input by Petitioner. Consequently, absent Petitioner's review and recommendation, General Conference could not enact 408.1(b) without violating its own policy in ¶ 2201.2. The adoption of Calendar Item 218 was null and void. ¶ 408.1(b) of the *The Discipline, 2012* is revived.

## **2. Constitutionality of ¶ 408.1(b)**

Having held that the action of the General Conference in adopting Calendar Item 218 was null and void, there is no need for the Judicial Council to consider whether or not ¶ 408.1(b) is unconstitutional.<sup>1</sup>

## **RULING**

The role and function of the Standing Committee on Central Conference Matters under ¶ 2201.2 is to review all legislative petitions and resolutions relating to central conferences and to recommend them directly to the General Conference for enactment. The action of the General Conference in the adoption Calendar Item 218 without a report from the Petitioner was null and void. We do not reach the question of the constitutionality of ¶ 408.1(b) as adopted by the 2016 General Conference.

February 21, 2019

Beth Capen participated in discussion.

Kent Fulton, second lay alternate, was seated and voting when the decision was adopted.

Ruben Reyes was absent.

Warren Plowden, first lay alternate, participated in this decision.

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<sup>1</sup>We are guided by our avoidance in undertaking a constitutional question by the oft quoted language of Justice Louis B. Brandeis in his concurring opinion in *Ashwander v. Tennessee Valley Authority*, 297 U.S. 288 (1936):

Considerations of propriety, as well as long-established practice, demand that we refrain from passing upon the constitutionality of an act of Congress unless obliged to do so in the proper performance of our judicial function, when the question is raised by a party whose interests entitle him to raise it. *Blair v. United States*, 250 U.S. 273, 279, 39 S. Ct. 468, 470.

[...]

The Court will not pass upon a constitutional question although properly presented by the record, if there is also present some other ground upon which the case may be disposed of. This rule has found most varied application. Thus, if a case can be decided on either of two grounds, one involving a constitutional question, the other a question of statutory construction or general law, the Court will decide only the latter. *Siler v. Louisville & Nashville R. Co.*, 213 U.S. 175, 191, 29 S.Ct. 451; *Light v. United States*, 220 U.S. 523, 538, 31 S.Ct. 485.