

SUBJECT TO FINAL EDITING

JUDICIAL COUNCIL OF THE UNITED METHODIST CHURCH

MEMORANDUM NO. 1347

IN RE: Petition for Declaratory Decision from the Denmark Annual Conference regarding the legality of the language added to *The Book of Discipline 2016* ¶ 161.G) stating "...and considers this practice incompatible with Christian teaching," in particular if it violates the First and Second Restrictive Rules (Constitution ¶¶ 17-18).

STATEMENT OF FACTS

Meeting in Copenhagen, Denmark, on Saturday, May 13, 2017, and with a quorum present, the Denmark Annual Conference passed (by majority vote) a motion made by District Superintendent and clergy delegate, Dr. Jørgen Thaarup, requesting a declaratory decision from the Judicial Council. The motion was as follows:

MOTION FOR A DECLARATORY DECISION The UMC Denmark Annual Conference hereby petitions the Judicial Council for a declaratory decision on the legality of the sentence added to the Book of Discipline ¶161.G) "... and considers this practice incompatible with Christian teaching."

JURISDICTION

The Judicial Council has no jurisdiction to answer questions from an annual conference that do not relate to annual conference or the work therein. See Judicial Council Decisions 33, 301, 452, 255, 535 and 1160.

Under ¶ 2610, the Judicial Council has jurisdiction to make a ruling in the nature of a declaratory decision as to the constitutionality, meaning, application, or effect of *The Book of Discipline 2016* [hereinafter *The Discipline*] or any portion thereof or of any act or legislation of a General Conference. The Judicial Council's jurisdiction to make such a ruling upon request of an annual conference is limited by the language of ¶ 2610.2 (j) which requires that a request from an annual conference must relate to annual conferences or the work therein. Our longstanding jurisprudence has interpreted ¶ 2610 to mean that a request for a declaratory decision that comes

from an annual conference must be germane to the regular business, consideration, or discussion of the annual conference and must have a direct and tangible effect on the work of the annual conference session. In Judicial Council Decision [hereinafter JCD] 452, the Judicial Council determined that to have jurisdiction, the question submitted for declaratory decision must have a direct and tangible effect on the work of the body submitting the petition. This principle has never been reversed or modified.

There is no showing in the record supplied that the request for a declaratory decision was germane to annual conference or the work therein, or that the request related to some action taken or to be taken by the Annual Conference. The Judicial Council has no jurisdiction to answer questions from an annual conference that do not relate to annual conferences or the work therein. *See* JCDs 33, 301 and 452.

It would be improper for the Judicial Council to answer questions beyond its authority. The Judicial Council has only such jurisdiction as is expressly granted to it by the Constitution and by the General Conference. Our lodestar principle has been that we may not assume jurisdiction to render a declaratory decision unless jurisdiction has been clearly vested in the Judicial Council. *See* JCD 29. Our long-standing policy is to construe our jurisdiction strictly and with restraint. *See* JCDs 255, 535, and 1160.

The Judicial Council lacks jurisdiction to consider this petition because the Denmark Annual Conference has failed to make any showing that the addition of the language “...and considers this practice incompatible with Christian teaching” to ¶161(G) of *The Discipline* in any way relates to actions taken or to be taken by the annual conference.

DIGEST

The Judicial Council lacks jurisdiction to consider this petition because the Denmark Annual Conference has failed to make any showing that the addition of the language “...and considers this practice incompatible with Christian teaching” to ¶161(G) of *The Discipline* in any way relates to actions taken or to be taken by the annual conference.

Øyvind Helliesen recused himself and did not participate in any of the proceedings related to this decision.

Tim Bruster, first clergy alternate, participated in this decision.

October 26, 2017