

SUBJECT TO FINAL EDITING

JUDICIAL COUNCIL OF THE UNITED METHODIST CHURCH

DECISION NO. 1482

[Docket No. 0423-11]

IN RE: Review of a Bishop’s Ruling on Two Questions of Law in the Wisconsin Annual Conference, that were Deferred by Decision 1459 Docket 1022-22: “Since the Pastor is not a member of the local congregation, is it appropriate to subject them to the implementation by the Wisconsin Annual Conference of ¶ 2553? ... [C]an the conference require clergy to ‘remain with The United Methodist Church, retire, or surrender credentials’ ...?”

DIGEST

An annual conference cannot condition the disaffiliation of a local church upon a requirement that the pastor of a withdrawing church make a written statement as to whether he or she desires to remain in the United Methodist Church, retire or surrender their credentials. Clergy who withdraw from their annual conference membership by written request or by simply leaving their appointment have not surrendered their credentials unless action is taken against them under ¶¶ 327.6, 362, 2707 or 2711.

STATEMENT OF FACTS

This case was originally decided during the 2022 Fall session, JCD 1459 (Docket 2022–22). We deferred a ruling on two of the questions of law which were put to the bishop during the annual conference session and invited interested persons and *amici curiae* to file a brief on questions 4 and 5.

These were:

4. Since the Pastor is not a member of the local congregation, is it appropriate to subject them to the implementation by the Wisconsin Annual Conference of ¶2553? This paragraph and implementation only apply to local congregations wishing to disaffiliate.

5. Additionally, can the conference require clergy to “remain with the United Methodist Church, retire, or surrender credentials” when the Discipline provides for transfer of credentials? This seems to contradict ¶ 360 with voluntary withdrawal of membership and transfer to another denomination.

Bishop Hee-Soo Jung issued a ruling of law on these questions:

The credentials for clergypersons to serve in The UMC are strictly governed by the Discipline. If a member of the clergy is appointed to a congregation that disaffiliates under paragraph ¶ 2553, and the clergyperson opts to leave with the congregation, or otherwise leave The UMC, the member is deemed to have withdrawn from The UMC and has surrendered his or her credentials. Although the Discipline provides for appointments outside the denomination, such appointments must meet all requirements of the Discipline and are generally not intended for local congregations that have disaffiliated from The UMC. Therefore, the requirement that clergypersons appointed to disaffiliating congregations declare their intention is fully consistent with the Discipline, including Paragraph 2553, which in no way alters the credentialing and appointment process.

Jurisdiction

The Judicial Council has jurisdiction under ¶ 2609.6 of *The 2016 Book of Discipline* [hereinafter the *Discipline*].

Analysis and Rationale

Questions 4 and 5 are referring to a provision in the *Wisconsin Annual Conference Local Church Disaffiliation Process*, which adds numerous additional terms, conditions, and procedures to the requirements of ¶ 2553. One of these is a requirement, which is a condition of disaffiliation, that a pastor “notify the District Superintendent in writing of his/her intention to remain in the United Methodist Church, retire, or surrender credentials to continue to lead the local church after disaffiliation.”

This requirement is totally inconsistent with ¶¶ 2553 and 601.1 Disaffiliation applies only to local churches, not clergy. There is no connection between these paragraphs. While it is true that an annual conference can add terms and conditions to ¶ 2553, those terms and conditions must not only be consistent with and not in conflict with ¶ 2553 but must be consistent with and not in conflict with all of the other provisions in the *Discipline*. An annual conference cannot condition disaffiliation of a local church on any such statement by clergy, especially one which incorrectly states that withdrawal or surrender of conference membership is a surrender of credentials.¹

Clergy members in good standing can withdraw their membership in the annual conference by written request or by simply leaving their appointment, see ¶ 360.1. Unless action is taken against them under ¶¶ 327.6, 362, 2707, 2711 or JCD 696, their clergy credentials remain intact and are not affected by any withdrawal of membership in the annual conference.

Decision

An annual conference cannot condition the disaffiliation of a local church upon a requirement that the pastor of a withdrawing church make a written statement as to whether he or she desires to remain in

the United Methodist Church, retire or surrender their credentials. Clergy who withdraw from their annual conference membership by written request or by simply leaving their appointment have not surrendered their credentials unless action is taken against them under ¶¶ 327.6, 362, 2707 or 2711.

April 25, 2023

Concurring Opinion

Judicial Council Decision 696 is a relevant precedent that is applicable to the issues raised within the questions of law that were asked in the above matter. United Methodists may not hold membership in two denominations simultaneously. In Decision 696 the Judicial Council set forth the following:

There is no disciplinary provision authorizing an ordained member of The United Methodist Church to hold membership in another denomination as a lay person. The Discipline speaks directly on the subject of lay persons who join another denomination and who fail to follow the procedures of transfer of membership. Par. 241 of the [1992] Discipline states that “upon receiving confirmation of a member's reception into another congregation ... the membership shall thereby be terminated.” Par. 242 of the Discipline further provides that if a person joins another church the word “withdrawn” shall be entered after the person's name on the membership roll and be reported to the next Charge Conference.

In the case of ordained ministers, provisions in Par. 453.2, under the heading “Withdrawal to Unite with Another Denomination,” and under Par. 453.5 entitled “Withdrawal Between Conferences,” clearly lead one to the conclusion that joining another denomination constitutes a voluntary WITHDRAWAL by the clergy member from the denomination. These two paragraphs, coupled with the language of Par. 241, constitute the fact that a person cannot belong to another denomination and remain a member of The United Methodist Church. To hold otherwise would create a situation wherein ministers could hold dual membership with other denominations and lay persons could not.

In addition, it is important to note that the use of the word “right” in discussing disaffiliation is not the same concept of “right” that we normally associate with, for example, inalienable rights. In the context of disaffiliation, “right” is more akin to “permissible” and in this context the permissibility is very narrow, extremely limited, and carries many conditions.

Beth Capen

April 25, 2023

ⁱOf course, it is the right and indeed the duty of a DS to find out the preferences of his or her clergy during the appointment season. However, this is a far cry from a requirement that one leave, retire or surrender as a condition of a local church departing the denomination.