

SUBJECT TO FINAL EDITING

JUDICIAL COUNCIL OF THE UNITED METHODIST CHURCH

DECISION NO. 1423

(Docket No. 1021-12)

IN RE: Review of a Bishop's Ruling on Questions asked in the New England Annual Conference Concerning Disaffiliation and the Legality of Certain Processes and Parliamentary Procedures Related Thereto During the Annual Conference Session.

DIGEST

Clergy members have the right to vote on disaffiliation resolutions that come before an annual conference. This voting right includes the right to make a motion to approve such resolutions. The second part of the Question of Law pertains to an issue arising directly from Bishop Devadhar's parliamentary ruling and is beyond the jurisdiction of the Judicial Council. The bishop's Decision of Law is affirmed.

STATEMENT OF FACTS

During the 2021 session of the New England Annual Conference, on June 11, 2021, resolutions were presented for the purpose of ratifying the disaffiliation agreements with three local churches: Chebeague Island United Methodist Church, Hope Gate Way United Methodist Church, and Tuttle Road United Methodist Church. Following the presentation, three clergy members, one of whom being the appointed pastor of Chebeague Island United Methodist Church, jointly moved the adoption of all three resolutions. The motion was seconded, and a video was played of the clergy members who made the motion and members from the three congregations, stating their reasons for voting to disaffiliate. The video included speakers who were non-members of the annual conference. Responding to objections by members who were against treating the three resolutions as one, Bishop Sudarshana Devadhar ruled that the resolutions would be divided. Thereafter, the debate began on RS-213, Chebeague Island United Methodist Church. Shortly after the discussion on the motion had begun, a clergy member raised the following Questions of Law:

#1 – Is it permissible for a clergy member of the Annual Conference to move the Motion for Disaffiliation of a local congregation?

#2 – Is it permissible for speeches to be made (via video) by persons who are not members of the Conference, where the body has not voted to admit them with voice to the meeting?

On July 1, 2021, Bishop Devadhar issued his Decision of Law in which he ruled (in relevant parts):

ANALYSIS AND RATIONALE

Question #1 – The persons jointly making the Motion to approve the Disaffiliation Agreement of Chebeague Island United Methodist Church were Pastor Melissa Yosua-Davis, who was the appointed pastor to this church, Pastor Linda Brewster, and Rev. Sara

Ewing-Merrill. At the time they made the motion, they were clergy members in good standing of the Annual Conference with voice and vote as provided by the Constitution, Section VI para. 32, Article I; 2016 BoD para. 369.1 and 602.1; and the New England Annual Conference Rules Article IV, sec. A. 1, see. Exhibit D. Therefore, the motion was lawful and valid.

Question #2 – The New England Annual Conference Rules provide that visitors may address the Conference during decision-making at the invitation of the Bishop, Conference Rules, Article VII, sec B, Exhibit E. Alternatively, visitors presenting non-denomination interests at a business session of the Conference shall be limited to three minutes and shall be heard only upon consent of the Conference as per New England Annual Conference Policies and Procedures, Art. IV. sec. A. 2., Exhibit F. For purposes of this Decision, it is not necessary to determine whether a disaffiliation presentation is “denominational” or “non-denominational” because the video in question was presented without prior compliance with either of these two Conference procedural requirements. The Book of Discipline empowers Annual Conferences to adopt their own rules and regulations not inconsistent with the Book of Discipline as per 2016 BoD, para. 604.1. The question of law was raised following the video presentation. The Bishop elected to proceed with the business session following the question of law. Alternatively, the Bishop could have received a Motion to Suspend the Rules under Conference Rules Art. XII sec. A., Exhibit G. Either way, the Bishop’s decision was a purely procedural one falling squarely within the Conference Rules and Policies, and not a question arising out of any provision of the Book of Discipline. The Judicial Council’s longstanding jurisprudence has been not to review decisions of parliamentary procedure made by an episcopal leader. J.C Decision 1295 (2015), citing J.C. Decisions 1131, 1130 and 98. The scope of this longstanding jurisprudence encompasses questions from the Annual Conference floor that raise “parliamentary issues”. J.C. Decision 1252 (2013). The question from the floor asked the Bishop to make a ruling based upon an interpretation of Conference Rule Article VII sec. B, or Conference Policy Art. IV sec. A.2. No interpretation of any provision of the Book of Discipline, or of church law was requested or required by the question. The question was inherently and solely procedural and parliamentary. The Bishop’s procedural decisions in this case therefore fall outside of the council’s powers of judicial review.

DECISION

The Motion for Disaffiliation of a local church was made by clergy members of the New England Annual Conference and was valid because the members were in good standing with both voice and vote. The non-members, who spoke without Annual Conference approval, did so as a result of procedural decisions made by the presiding Bishop and are not reviewable.

[footnote omitted]

JURISDICTION

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

ANALYSIS AND RATIONALE

Clergy members of an annual conference have the right to vote in matters that “have not been delegated to the General Conference under the Constitution.” Const., ¶ 33. The General Conference codified this right in *The Discipline* by declaring: “Clergy members in full connection shall have the right to vote on all matters in the annual conference except in the election of lay delegates to the General and jurisdictional or central conferences...” ¶ 602.1(a). In JCD 1379, we held that the disaffiliation of local churches “has ‘not been delegated to the General Conference under the Constitution,’ and, therefore, the final decision concerning exiting local churches belongs to the annual conference as part of its ‘reserved rights.’” JCD 1379, quoting Const., ¶ 33. This voting right, therefore, extends to disaffiliation resolutions that come before an annual conference. If they can vote, clergy members certainly can make a motion for the approval of such resolutions. Making a motion and voting on it are integral parts of annual conference membership and cannot be separated without infringing on a clergy person’s rights granted by the Constitution.

The record shows that the second part of the Question of Law pertains to an issue arising directly from Bishop Devadhar’s parliamentary ruling. In its longstanding jurisprudence, the Judicial Council “has no disciplinary authority for the Judicial Council to assume jurisdiction of a parliamentary ruling by a presiding bishop.” Memorandum 1356, citing Memoranda 898, 941, 1117, 1187 and 1205. The second question, therefore, is beyond the scope of our jurisdiction.

RULING

Clergy members have the right to vote on disaffiliation resolutions that come before an annual conference. This voting right includes the right to make a motion to approve such resolutions. The second part of the Question of Law pertains to an issue arising directly from Bishop Devadhar’s parliamentary ruling and is beyond the jurisdiction of the Judicial Council. The bishop’s Decision of Law is affirmed.