

DECISION 1272

IN RE: A Request from the Upper New York Annual Conference for a Declaratory Decision Regarding the Constitutionality and Validity of ¶ 101

DIGEST

Paragraph 101 of the *2012 Discipline* is constitutional. Under the Constitution of The United Methodist Church, the General Conference has legislative authority for the work of the Church outside of the United States and has vested in it the powers to determine what portions of the *Discipline* may or may not be adapted by the central conferences. Hence, ¶ 101 is a valid portion of church law.

STATEMENT OF FACTS

At its 2014 regular session, the Upper New York Annual Conference adopted R2014.1, a resolution asking the Judicial Council for a declaratory decision on “the constitutionality and validity” of ¶ 101 in the 2012 *Book of Discipline*. The text of the resolution asserts:

Whereas, ¶ 31 Article IV of the Constitution of the United Methodist Church outlines the "powers and duties" of central conferences; and

Whereas, ¶ 59 Article I of the Constitution of the United Methodist Church outlines the procedures for amending the Constitution; and

Whereas, ¶ 101 alters the "powers and duties" of central conferences by naming previously adaptable sections of the Book of Discipline as now "not subject to adaptation" and thereby effectively altering the Constitution of the United Methodist Church (¶ 31); and

Whereas, ¶ 101 was added to the 2012 Book of Discipline without any attempt to seek "the ratification of the amendment by the required two-thirds affirmative vote of the aggregate number of members of the several annual conferences present and voting" as required in ¶ 59 Article I; and

Whereas, ¶ 101 states that "the Standing Committee on Central Conference Matters has primary responsibility for proposing to General Conference revisions to this paragraph" (¶ 101) implies a role of for this committee is a violation of the process for amending the Book of Discipline and more specifically the Constitution of the United Methodist Church (¶ 60).

Therefore be it resolved that the Upper New York Annual Conference refers this matter to the Judicial Council for a declaratory decision as to the constitutionality and validity of paragraph 101 of the 2012 Book of Discipline and the powers it bestows on the Standing Committee on Central Conferences.

A clergy member of the Upper New York Annual Conference submitted a brief in support of the resolution.

JURISDICTION

The Judicial Council has jurisdiction under ¶ 2610 of the *2012 Discipline*.

ANALYSIS AND RATIONALE

When presented with a request from an annual conference for a declaratory decision on "the constitutionality, meaning, application, or effect of the *Discipline* or any portion or of any act or legislation of a General Conference," the Judicial Council must first decide whether it has jurisdiction to render the declaratory decision that is sought. In the *2012 Discipline*, ¶ 2610 specifically identifies the only bodies within the Church that are authorized to submit requests for declaratory decisions. In addition, the long history of jurisprudence within the Judicial Council has

been “to construe our jurisdiction strictly and with restraint.” See Decision 535. In Decisions 255, 301, 452, and 1114, for instance, Judicial Council restraint has been evident in determining that a request for a declaratory decision must show that there will be direct and tangible effect on the work of the body submitting the petition. This restraint has also been evident in Decision 1118, which had to discern the breadth of the authorization in the *Discipline* granting the right of “any annual conference” to request a declaratory decision on matters relating to annual conferences or the work therein. The Judicial Council has continued to construe such jurisdiction narrowly and to resist requests from one annual conference that affect work in another annual conference.

At the same time, the history of jurisprudence in the Judicial Council has also considered the matter of existing legislation in the *Discipline* where some doubt exists about the merits of a portion of church law. In particular, where there is a “need for some definite interpretation of law,” the Judicial Council provides precedent for addressing a specific question. See Decision 189.

This instant case presents, in a narrow way, such a need for a “definite interpretation of law” in the Church because it seeks “a declaratory decision as to the constitutionality” (see ¶ 2610) of a specific paragraph in the *Discipline*, namely ¶ 101. The constitutional question is the matter that brings this request for a declaratory decision within the range of Judicial Council jurisprudence. What the annual conference poses is a question that impacts the work of “annual conferences” with specific reference to a single paragraph in the *Discipline*. The annual conference seeks a declaratory decision about the legitimacy of ¶ 101 under the Constitution.

The text of R2014.1 and the arguments submitted in support of it perceive three problems with the legislation in ¶ 101 of the *2012 Discipline*: that it is tantamount to an amendment of the Constitution without having been adopted by the mandatory process for amending the Constitution; that it ignores the precedents established by decisions of the Judicial Council; and that it bestows inappropriate, if not illegal, authority on one of the Standing Committees of the General Conference.

The first argument is without merit. Paragraph 16 of the Constitution establishes that “The General Conference shall have full legislative power over all matters distinctively connectional,” and in ¶ 16.4 the Constitution establishes the authority of the General Conference to “provide for ... the work of the Church outside of the United States of America.” Paragraph 31 of the Constitution establishes the authority of the General Conference to confer certain powers upon the Central Conferences in addition to those that are specifically listed in ¶ 31. Moreover, ¶ 31.5 authorizes that Central Conferences can make “rules and regulations ... including such changes and adaptations of the General *Discipline* as the conditions in the respective areas may require, subject to the powers that have been or shall be vested in the General Conference.” Hence, General Conference authority to adopt such legislation as the current ¶ 101 is well within the existing provisions of the Constitution. Related provisions of church law already exist in ¶ 543 of the *2012 Discipline*. No amendment of the Constitution was needed for the General Conference to take the legislative action that is reflected in ¶ 101.

The second argument is also without merit. Previous decisions of the Judicial Council (for example Decisions 142 and 147) have indeed addressed specific matters such as Baptism and church law regarding membership on a local church governing board, and such decisions have identified certain limits to the freedom of Central Conferences to modify the *Discipline*. However, those limits have a clear constitutional assignment in “the powers that have been or shall be vested in the General Conference.” See ¶ 31.5. The General Conference, therefore, has a legitimate legislative role in the matter that is addressed in ¶ 101.

The third argument is also without merit. In designating the Standing Committee on Central Conference Matters as the body with “primary responsibility for proposing to General Conference revisions to this paragraph [101],” the General Conference did not confer exclusive authority for this responsibility on any entity nor did it limit the liberty of any other entity, individual, or organization with standing to submit petitions for changing church law or the Constitution. Paragraph 101 does not remove any authority from any body to seek a change in the church law.

Paragraph 101 provides a list of “portions of the *Book of Discipline* [that] are not subject to change or adaptation except by action of the General Conference.” That list includes Part V of the Discipline, namely “Social Principles Preface, Preamble, and ¶¶ 160-166.” While the General Conference has constitutional authority to designate those portions of the *Discipline* that “are not subject to change or adaption” by Central Conferences, it is important to note that the Social Principles, as stated in their own Preface (page 103 of the *2012 Discipline*) are “not to be considered church law.”

DECISION

Paragraph 101 of the *2012 Discipline* is constitutional. Under the Constitution of The United Methodist Church, the General Conference has legislative authority for the work of the Church outside of the United States and has vested in it the powers to determine what portions of the *Discipline* may or may not be adapted by the central conferences. Hence, ¶ 101 is a valid portion of church law.

Kabamba Kiboko was absent.

Timothy K. Bruster, first clergy alternate, took part in this decision.

William B. Lawrence, President

F. Belton Joyner, Jr., Secretary

October 25, 2014