

## JUDICIAL COUNCIL OF THE UNITED METHODIST CHURCH

### DECISION NO. 1375

IN RE: Petition for Declaratory Decision from the Council of Bishops regarding the constitutionality of legislative Petitions 90052 and 90078.

#### DIGEST OF CASE

Petition 90052 is unconstitutional because it infringes upon the right of the Annual Conference to vote on all matters relating to the character and conference relations of its clergy members under ¶ 33 of the Constitution. Petition 90078 is unconstitutional because the creation of a Global Episcopacy Committee violates ¶¶ 49 and 50 of the Constitution.

#### STATEMENT OF FACTS

On February 22, 2019, the Council of Bishops [hereinafter Petitioner] submitted a request to determine the constitutionality of legislative Petitions 90052 and 90078, printed in the *Advance Daily Christian Advocate* on pp. 197 and 211, respectively. The Petitioner, Lonnie Brooks, Rev. Keith D. Boyette and Mary Daffin, on behalf of Rev. Maxie Dunnam, filed briefs as Interested Parties. Thomas Starnes submitted an *amicus* brief on behalf of a group of Chancellors.

#### JURISDICTION

The Judicial Council has jurisdiction pursuant to ¶ 2609.2 of *The Book of Discipline of the United Methodist Church, 2016* [hereinafter *The Discipline*]. Petitioner has standing to file this request for Declaratory Decision under the same provision.

#### ANALYSIS AND RATIONALE

##### 1. Constitutionality of Petition 90052

Legislative Petition 90052 seeks to amend ¶¶ 362 and 2702 by adding language that eliminates the entire supervisory response process “if the complaint alleges the respondent is in violation of any provision of ¶ 2702.1(b)” and creates “a special committee on investigation elected by each General Conference at its regular session” to handle judicial complaints. Under this proposal, each College of Bishops will nominate four clergypersons who are not bishops and four professing members. “From this pool of candidates the General Conference shall elect four clergy members in full connection and three professing members to serve as members of the special committee on investigation.” [underlines omitted]

In JCD 1296, the Judicial Council ruled that the General Conference could not abolish the

Committee on Investigation without violating a clergyperson's right to fair and due process. Importantly, it held that the "action of the 2012 General Conference to delete the role of the Committee on Investigation for clergy members of an annual conference is unconstitutional." [emphasis added].

Under ¶ 33 of the Constitution, the

annual conference is the basic body in the Church and as such shall have reserved to it the right to vote...on all matters relating to the character and conference relations of its clergy members...with the exception that the lay members may not vote on matters of ordination, character, and conference relations of clergy except that the lay members of the conference board of ordained ministry and the committee on investigation may vote on matters of ordination, character, and conference relations of clergy... [emphasis added]

Both JCD 1296 and ¶ 33 clearly stipulate that the Committee on Investigation is elected *by and for* members of *an Annual Conference*. By removing this body from the Annual Conference and placing it under the authority of the General Conference and Colleges of Bishops, Petition 90052 infringes upon the constitutional right of an annual conference, particularly of the clergy and lay members of the Committee on Investigation, to vote on all matters relating to the character and conference relations of its clergy members, and is, therefore, unconstitutional.

## **2. Constitutionality of Petition 90078**

By amending ¶ 512, Petition 90078 seeks to create a Global Episcopacy Committee to handle (1) requests for "transfers of bishops across jurisdictional or central conference lines" [emphasis in original] and (2) the complaint process for "any complaints filed against bishops who are alleged to have not fulfilled their commitment under ¶ 2801.7a or who are alleged to have committed one of the chargeable offenses under ¶ 2702.1a-b."

The Constitution, in ¶ 49, permits transfers of bishops "from one jurisdiction to another jurisdiction" under specific conditions, the fourth of which is:

(4) All such transfers shall require the approval by a majority vote of the members present and voting of the jurisdictional committees on episcopacy of the jurisdictions that are involved. [emphases added]

There is no parallel provision for transfers of bishops along *central conference* lines. It is beyond General Conference's power to fill this gap. Absent clear grant of constitutional authority, transfers from one central conference to another central conference and from a jurisdictional conference to a central conference are constitutionally prohibited. The creation of the Global Episcopacy Committee would also blur the lines between the responsibilities of the jurisdictional committees on episcopacy and those of the central conferences.

Paragraph 50 of the Constitution reads in relevant part:

The jurisdictional conference shall elect a standing committee on episcopacy to consist of one clergy and one lay delegate from each annual conference, on nomination of the annual conference delegation. The committee shall review the work of the bishops, pass on their character and official administration, and report to the jurisdictional conference

its findings for such action as the conference may deem appropriate within its constitutional warrant of power. [emphases added]

The General Conference enacted enabling legislation in ¶ 413, which outlines the process for handling complaints against bishops. Paragraphs 50 and 413 unmistakably stipulate that the complaint process is handled by the jurisdictional conference *and* the jurisdictional Committee on Episcopacy. By removing this process from the jurisdictional conference and jurisdictional Committee on Episcopacy and placing it under the Global Episcopacy Committee, Petition 90078 directly violates ¶ 50 and is unconstitutional.

### **RULING**

Petition 90052 is unconstitutional because it infringes upon the right of the Annual Conference to vote on all matters relating to the character and conference relations of its clergy members under ¶ 33 of the Constitution. Petition 90078 is unconstitutional because the creation of a Global Episcopacy Committee violates ¶¶ 49 and 50 of the Constitution.

February 23, 2019

Ruben Reyes was absent.

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