

REPORT ON THE STUDY OF THE
CONSTITUTIONALITY OF
SEVERAL CONFERENCE RESOLUTIONS
CONCERNING TELEVISION

By Roy S. Nicholson

Wesleyan Methodism is beset by the controversy over television. This has been accentuated by the nature of resolutions passed by certain Annual Conferences and local churches. Some of these resolutions, examples of which are cited below, have occasioned inquiries, appeals and notices of intention to appeal (if no acceptable amendments are made) on the ground that they contravene the provisions of our Book of Discipline.

One Annual Conference's resolution declares: "No pastor, conference preacher, or evangelist on the roll...shall be permitted to own a television set, or allow one to be brought into a church parsonage, and the Conference shall refuse any type appointment to one owning a television set."

Another Annual Conference's resolution provides: "No pastor, Conference Preacher, or Evangelist on the Roll...shall be permitted to own a television set, or allow one to be brought into a Conference owned parsonage. Beginning with the Conference of 1958 we instruct the Pastoral Relations Committee to refuse any type of appointment to one owning a television set."

A third Annual Conference resolved that television is a Satanic miracle to wreck the Christian Faith, and "that no minister or delegate be elected to office who has a television set or who is in favor of it... II

It is reported by its president that a fourth Annual Conference, on the basis of what these Conferences did, assuming their actions to be valid, amended a former resolution on television so as "not...to station ministers who own or have a television set in their possession.

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Repeated efforts have been made to guide Wesleyan Methodists toward the adoption of suitable principles by which each might ascertain God's will as to whether or not he should own a television set; and if he did own one, to formulate principles to govern the types of programs he would permit to be seen on his set, as well as the time and manner of its use. Apparently such efforts have been unavailing in certain areas of the Church.

In the hope of reaching a clearer understanding of the scope and magnitude of the problems involved, and of finding an acceptable way of reconciling the divergent interests as represented in the controversy over television and the reactions to these resolutions, long study and very careful attention has been given to this matter. Certainly one should hope for a solution short of an official appeal and a review thereof by the General Conference.

This statement contains the conclusions which have been reached as a result of the careful review of the Wesleyan Methodist Disciplines since 1843, the General Conference Minutes available, and the official histories through Dr. I. F. McLeister's excellent History of the Church. For obvious reasons, no reference is made to the revised edition of that work.

This is not! ruling on the questions at issue. It is offered as an explanation of the reasons why the President of the General Conference feels that such type resolutions are unconstitutional.

This statement is offered for the careful and prayerful study of those charged with the administration of the principles and polity of Wesleyan Methodism. The principles involved are vital. A wrong decision could prove fatal. The foundation of Wesleyan Methodism is at stake. May God guide each one to a correct decision in this hour of crisis.

Wesleyan Methodism is irrevocably committed to the glorious principles that it will be a constant rebuke to sin in all its forms, and a zealous and active advocate of holiness of heart and life. One of the greatest hindrances to holiness is the spirit of controversy. The unwholesome effects of the present controversy over the television question is to be regretted. All may never see alike, but each should deal with the other according to the spirit of Jesus and the law of love.

We are in a crisis of transition which is always fraught with pain and peril. The birth of anything new is accompanied by pain. The passing of the old is cause for grief. Today it is impossible to be static. We are bombarded with false fears and false hopes. Some would play the one against the other. It is imperative that we avoid involvement with ideas or forces which deprive of "freedom of action." There are conditions which can be corrected only by our being realistic. Evasion and derision are ineffective.

Today one hears much about "rights" and "privileges", but too often the corresponding idea of obligation and responsibility is overlooked. If the essential balance between privilege and responsibility, a concept which has governed Wesleyan Methodism for well over a century, is neglected it may prove to have been a fatal turn in our history. The relationship that exists between Conferences, churches

and ministers is a voluntary and mutual association by which each party binds itself to promote and protect the other's interests.

In his endeavor to reconcile differences of opinions over controversial matters} such as the question of television} one must deal with principles. That which is right and just must be consciously and resolutely followed} however difficult it may be to arrive at a decision. The effort to reach a proper decision may be an agonizing process because of the conflicting appeals and pressures from provincial interests as represented by the majority and minority groups. At such a time understanding and tolerance must be manifested by all concerned. Without that no reasonable reconciliation can be effected.

The designated administrator of the Church's law has a solemn responsibility to all the members of the Church. In our Church there have always been individuals and groups with divergent views on matters which the Church has left to the individual conscience. At some times the differences have been more apparent and presented with greater vehemence than at other times. The more unsettled world conditions are} in general} the greater is the agitation within the Church.

The duty of a Church administrator under our form of government is to strive for unity} despite the wide range of diversities. That has been the pattern since the Utica Convention of 1843. Then, according to our reliable Church historiansJ certain strong individuals and groups with diverse views on Church government and the conditions of church membership almost prevented the organization of the Church. Nevertheless, devotion to their high cause of abolishing slavery and organizing a Church without an episcopal form of government led them to compose their differences. Allowing divergence of

opinion, within prescribed limits, has strengthened rather than weakened Wesleyan Methodism. Our form of government has prevented the sudden and violent usurpation of power, as well as the silent and gradual encroachment upon individual rights.

The aim of Wesleyan Methodism is to develop members who are strong morally and spiritually, and who reconcile their differences in order to contribute to the general good. To achieve ideal standards for the character and conduct of its members, our Church has provided Articles of Faith for the guidance of one's beliefs, and Elementary Principles and General Rules to guide one's attitudes and actions. It is in the blending of beliefs, attitudes and conduct that character is exhibited. Granting each one private judgment, within the prescribed limits, does not encourage unrestricted license. Nor is there such rigidity that no adjustments would be possible when changing conditions require a change in controversial constitutional matters. As occasion required, decisive and definitive legislation on such matters has been enacted in accordance with due processes. Until desired changes are approved in the prescribed manner, the leader's task is to seek for a course as nearly that which is desired as is possible under the existing circumstances without violating the rights of those who may have a different opinion. The methods employed to achieve what is desired must be consistent with the ideal of the group. Some may be tempted to use a devious method to attain a desired end; but an improper method can stain a good motive. And to fight fire with fire can mean that both sides may be burned in the process.

Our democratic form of Church government involves a proper attitude on the part of those who govern, as well as those who are

governed. Our polity is founded on the principle that those who govern do so with the consent of the governed, to whom they are responsible and those who govern must do so prudently, with due regard for the rights of all. According to our polity, the will of the majority is decisive nevertheless, there are previously agreed upon restrictions which govern both the majority and the minority groups. They prevent the oppression of the minority in the administration of the will of the majority. Respect for the rights of the individual is a binding obligation on those who would govern with justice. The individual is the basic unit in any group, be it the majority or the minority. Each individual is created in the image of God, and has a soul which is destined for eternity. His destiny is determined by his free choices which reveal his true character. His right to think and choose for himself is inalienable. And to deprive any man of that right is to violate a vital principle of democratic government.

The present situation presents a real problem in achieving a workable balance between conflicting attitudes and philosophies as they concern the individual rights of our members and the authority of the Annual Conference. There must be no divided allegiance among our members, and no considering those members with whom we may disagree as inferior to those with whom we may agree. There must be no cultivation of a system of control which exists by an arbitrary use of power. There must be no distrust of the motives of those who may disagree with us. There must be no restriction of the rights of those who may question a course which may be proposed. To follow the constitutional method of securing concurrence before the proposed changes in our system are effective may take some time, but it is less perilous to those principles we hold dear.

The workable balance in Church administration requires both "character" and "law". The individual must develop a trustworthy character. There is also need for regulation, lest human weakness may cause one to feel entitled to unrestricted personal liberty while overlooking the equality of his brothers and their right to personal liberty. To possess rights for one's self requires that he accept the responsibilities those rights entail. Our success or defeat as a Church will depend more upon the attitudes which control our people as a whole than upon the actions of specific people. Our Church seems to be at the point where it must decide whether its main concern is to be with the periphery of things or with the soul of man.

Our dilemma is accentuated by the "hopelessly inconsistent demands and endlessly unsatisfied grievances" of groups whose interests vary greatly. They seem to feel that they cannot make any concessions on their interests without compromising their ideals and principles. The truth is that progress is possible only when provincial issues and personal interests are made secondary to the best interests of the whole Church.

The maintenance of our constitutional liberty obligates those charged with the burden of administration to be the guardians of each individual's rights, and to avoid becoming the instrument by which any group advances its interests through the forfeiture of others' rights. Devotion to Wesleyan Methodist polity must be more than a philosophy; it must be a steady practice. When any law intended for the good of all is "interpreted" and "applied" so as to exclude the rights of any group or of any individual, it signals the end of freedom and justice.

The extraordinary implications for ministers and churches in the Conferences' "interpretation" and "application" of these resolutions require that they be carefully evaluated. Such an appraisal should be made in the light of the Holy Scriptures, Church History, American History, Wesleyan Methodist History, and the Law of the Wesleyan Methodist Church as expressed in its Book of Discipline.

In the light of such records, the following are deemed sufficient reasons to challenge the constitutionality of these resolutions:

~ They Violate ~ of the Plain Principles Stated in ~ Scriptures. The New Testament gives no particular form of Church government, but it does enunciate principles which govern all believers in Christ. It teaches the privilege and responsibility of thinking for one's self. In Romans 14:5 Paul refers to a difference of personal opinions concerning the alleged superiority of one day to another, and concludes with this counsel: "Let every man be fully persuaded (margin, fully assured) in his ~ mind." In Romans 14:10 Paul discountenances their judging a brother and setting him at naught by reminding them, "we shall all stand before the judgment seat of Christ." In Romans 14:12 the principle of personal accountability is stressed in these words: "So then every ^{2:121.} of us shall give account of himself' to God." The spirit of controversy over matters not essential to salvation is rebuked by Paul in Romans 14:19: "Let us therefore follow after the things which make for peace, and things wherewith one may edify another."

II. They Violate One_of the Fundamental Principles of Protestantism. The ministry of the Holy Spirit in revealing the will of God to the individual heart is clearly taught in John, chapters 14 and 16; and in the Book of Acts and elsewhere in the Bible. The

Christian has direct personal access to God, through Jesus Christ. The Holy Spirit applies God's truth directly to the believer's heart, so that there is no need for the mediation or intervention of a human or earthly priest, or minister (however pious or sincere he may be) in order to know God's will for the individual's creed, character or conduct. ~ether it was so intended or not, these resolutions could establish dominion over the consciences of men, which is lithe most absurd of human pretensions" (Bascom).

This same author (Bascom) says: "Whenever the members of a church resign...the right of discussing freely and fearlessly the conduct of their leaders...whether it be done by direct concession... or indirectly...they renounce to a fearful extent one of the first principles of the Protestant religion..." (This quotation is taken from Bascom's Declaration of Rights which was included as a part or several editions of the Wesleyan Methodist Discipline by order of the General Conference. It appeared first in an abridged form in the 1845 Discipline, pages 125-128, following the first General Conference. It appeared again in an unabridged form in the 1856 and 1858 Disciplines, pages 99-119. In the Discipline of 1867 this unabridged section was moved to the front of the book, pages vii through xxvi. The unabridged material also appeared in the 1872 Discipline, pages vii through xxvi, and in the 1876 Discipline, pages vii through xxvi. Subsequent references to Bascom's Declaration ~ Rights will be to these sources.)

III. They Violate the Principle Which Governed the Founders

~ Wesleyan Methodism. At the Utica Convention (May 31, 1843) The Pastoral Address, quoted by Joel Martin in The Wesleyan Manual (1889), page 25, said: "We are now of lawful age and have entered upon the

responsibilities of a distinct community to be governed upon principles more in accordance with our views of primitive Christianity, and we believe better adapted to the security of individual rights, and to the general development of Christian zeal and enterprise throughout the ministry and membership...11

At the Andover, Massachusetts Convention (February 1, 1843), which prepared the way for organizing the group at Utica, New York a few months later, the founders of Wesleyan Methodism reported that they had felt the power of a system of government which encroached upon "not only...true Christian liberty, but frequently...the sacred rights of conscience. „Such a trend created alarm IIfor the safety of the people's rights under such a system whenever a question arises between the governed and the power that governs" (Martin, op. cit., pages 52-53). The purpose of the Utica Convention was to form a Church with "a system of itinerancy, under proper limitations and restrictions, with su~h disc~plinary regulations as are necessary to preserve and promote experimental and practical godliness" (Martin, OPt cit., page 55). Martin's comment on the organization perfected at the Utica Convention was that it was not on the "lowest form of democracy11 but "an ecclesiastical republicanisml1 (Page 105).

If one asks why this deep concern for the individual's rights, both Martin and Jennings offer answers. Other writers have corroborated and enlarged upon the details. (1) Matlack, who became a leading officer in the Wesleyan Methodist Connection, was denied admission to the Philadelphia Conference of the Methodist Episcopal Church IIsolely on the ground that he was an abolitionist11. (2) The Pittsburgh Conference (M. E. Church) dropped a probationer IIbecause he was an abolitionist and would proclaim his beliefs." (3) The ~

Conference (M. E. Church) "suspended Benjamin Preston for delivering abolition lectures" (Jennings, American Wesleyan Methodism, page 23). "Both individuals and societies were often deprived of their rights" by those in authority in the organization which they left (Martin, Ope cit., page 36).

liThe emphatic fact in this whole history is that...power in the Church was employed to suppress freedom to speak and write upon a subject which thousands regarded as a moral evil" (Jennings, Ope cit., page 25. See also Martin, Ope cit., pages 45 and 114). If it be argued that the abolitionists were defending a right cause, it must be recognized that we are here dealing with the principle that free discussion without fear of being punished for asking questions or holding a different view is essential to a proper determination of what is agreed to be right.

Jennings' history shows how men in desperation to protect their cause may misinterpret the power given them so as to oppress "the most noble principles ever advocated by mortal man, that of liberty of conscience, liberty of thought, liberty of speech, and liberty of persons", which are "the rights of individuals which the gospel of Jesus everywhere respects, and which it is pusillanimous to yield simply because it costs something to maintain" (American Wesleyan Methodism, pages 33-35).

Another of the Founding Fathers of Wesleyan Methodism, who was pastor of the Utica, New York Wesleyan church, which entertained the Utica Convention until it outgrew its facilities, wrote: "On the side of the oppressor there is power" which was used "with tremendous force, in order to crush the rising spirit of liberty and independent thought" (~~ Times of George Pegler (1875), page 365). In order

to prevent the "subversion of the rights.. both of ministers and laymen".. and to avoid the oppression which led to the dissolution of the ties with episcopal Methodism.. which had exercised what the founders of Wesleyan Methodism felt; to be "arbitrary and irresponsible power" which damaged the reputation and sheared the prestige and influence of those who disagreed with the position of those in authority.. they espoused the principle of private judgment in matters of religion. (cf. Martin.. Op cit., pages 43, 57.. 59 and 88.) In order to avoid abuse, this privilege was limited by the laws of God and the rights of his fellowmen. Nothing is right which contravenes God's law or violates another's God-given rights. Anything which does that is both inexpedient and unjust.

III. They Violate One of the Elementary Principles of Wesleyan Methodism. Before the Wesleyan Methodist Connection was organized, one of the staunchest defenders of the rights of individuals and minority groups in Methodism was Dr. Bascom. He wrote the Report for the Minority at the famous 1840 General Conference of the Methodist Episcopal Church. That his Declaration of Rights, previously cited.. exerted a tremendous influence upon the founders of Wesleyan Methodism is evidenced by its appearance in one form or another in at least most of the editions of the Wesleyan Disciplines during the Church's first 35 years. Its insertion in the very front of the Discipline (often ahead of the Elementary Principles and Articles of Religion) shows the value set upon it.

In the first paragraph of his "Declaration" Dr. Bascom said: "Man has...the indefeasible right of thinking and acting for himself, when thought and action do not infringe the rights of another.. as they never will when truth and justice are made the basis of human

intercourse..." In view of previous experiences under an authoritarian form of government, the founders of Wesleyan Methodism acted to guarantee individual liberty. Their first step was to set forth ten Elementary Principles as a guide for all subsequent activities. The first defined a Christian Church. The second declared Christ to be the Head of the Church and the Bible to be "the only rule of faith and conduct." The third stated the qualifications for church membership. The fourth assured private judgment in matters of religion, in these words: "Every man has an inalienable right to private judgment in matters of religion, and an equal right to express his opinion in any way which will not violate the laws of God or the rights of his fellowmen." The fifth through ~ tenth p~inciples dealt with the rights, duties and responsibilities of the organization and its members, whether ministerial or lay.

It is highly significant that emphasis on individual rights immediately followed the statements concerning the Church, Jesus Christ and the Word of God, and preceded that of the right of the Church to "form and enforce...rules and regulations" which is stated in number seven. These Elementary Principles appeared as Section I of the first Discipline. They were continued as Section I for over 70 years. In 1915 the General Conference adopted the present definitions of Constitutional and Statutory Law which were based on these Elementary Principles. In editing the next Discipline the Articles of Religion were placed as Section I, the Elementary Principles were placed as Section II, and the new legislation on Constitutional ~ ~tatutory ~ appeared as Section III. That order continues through

the 1955 Discipline. Removing the Elementary Principles from Section I may have caused some to consider them to have lost their original significance.

Such an attitude will undermine the Constitution of the Church. Careful study of the Report of the (G. C. 1915) Committee on Constitutional Law shows their regard for these Principles. They have never been repealed. They are of vital significance. If this generation of Wesleyan Methodists should ignore these landmarks which the fathers set, the future could be chaotic.

Occasionally controversy arises as to whether or not the Elementary Principles apply to a specific case. For instance, during the first twenty years some contended that the third Principle (present ¶ 33 of the Discipline) granted local church membership to members of secret societies. That point was settled in 1860 by constitutional process. The same is true of the much later controversy over the use, manufacture, sale, etc., of tobacco.

It can be said with confidence that the Elementary Principles of Wesleyan Methodism are intended to prevent prescriptive interpretation concerning the mind and will of God in matters of faith and discipline. The right of judging what is God's will belongs to no man or body of men exclusively; it belongs to all equally and inalienably. It involves the principle of voluntary concurrence.

V. They Violate A Specific Provision of The Wesleyan Methodist Discipline. This brings us to the question of the "rights and powers" of the local churches, the Annual Conference, the General Conference. It is vitally related to the Constitutional Law of the Church. The most careful attention must be given to the genius (peculiar character) of original Wesleyan Methodism. It will be found that the strictly literal and extreme constructions of the independent powers of the local churches and Annual Conferences underwent certain modifications as a result of practical experiences in church administration.

Although Wesleyan Methodism does not have a formal, written constitution, it has a great body of definite, plainly enunciated principles, the observance of which guarantees the individual's rights and insures justice to all. There was to be no "cramping rigidity" in this new organization of free men with equal rights. Their aim was to have a republican form of government in which the bulk of the people govern through their duly chosen representatives. Laws to regulate the governed involved the voluntary consent of the governed in order to be "rightly enforceable." The government they formed was amenable to the people and guaranteed not only liberty but also "order, security, and efficient government."

The organization of the Wesleyan Methodist Connection of America was subsequent to the national controversy between the Federal Government and the several states over their respective powers. It was subsequent to the controversy in the Methodist Episcopal Church over the powers of the Bishops, the Annual Conferences and the Presiding Elders. One school of political thought had contended that the Constitution was merely a pact between the Federal Government and the states; and that either one could, at will, nullify any act which it deemed unfavorable to its own special interests. In order for that which was nullified to be effective again, it was necessary for the State to call a Constitutional Convention and amend its Constitution accordingly.

The founders of Wesleyan Methodism realized that they could not anticipate solutions for all the unforeseen problems the new Church would face. They also considered some things to be so vital that they should not be subject to easy change. They must have the careful thought and the voluntary consent of the greatest possible number of

those whose interests were involved. Such changes would then be in keeping with the principles of the Church. They would not be capricious or ill-advised. Their making them effective only after approval in the prescribed manner would insure their general acceptance. The tragic chapter of American history covering the 1860-1865 period shows the fallacy of the theories of "nullification" and "indivisible sovereignty. To avoid this in the new Church its founders provided a check against the pressure which would come should any section press for the enforcement of its interests and opinions on others with different interests and opinions. Since differences among men are barriers to uniformity in all things, the new Church aimed to protect the right to differ without forfeiting fellowship. It aimed to find solutions to conflicts of interests without destroying the organization. There is no easy way to reconcile divergent views, but following the principle of "prior concurrence" avoids violating the inalienable rights of others, a danger which could destroy freedom and justice.

Before tracing the development of our Discipline concerning the powers of the General and the Annual Conferences, consider the comment of one of the Church's later historians, Dr. I. F. McLeister in the History of ~ Wesleyan Methodist Church. He said: "The polity... adopted was thought to be republican in its principles, in harmony both with American love of liberty and with the Scriptures" (page 35).

On the power of the General Conference, the Utica Convention (May 31, 1843) agreed: "The General Conference shall have full powers to make rules and regulations for our churches; but, they shall not contravene any principle essential to Wesleyan Methodism as expressed in our Articles of Faith, General Rules, the maintenance of an

Itinerant Ministry, and the rights of our members and ministers as set forth in our Elementary Principles; nor shall they make any distinctions, in the rights and privileges of our ministers and members, on account of ancestry or color; nor shall they constitute any courts for the trial of members, or ministers, except the particular churches or conferences to which they may belong.

"Provided, nevertheless, that upon the concurrent recommendation of two-thirds of all the members of the several annual conferences who shall be present and vote on such recommendation, then the General Conference next succeeding may alter any of the above restrictions; and also whenever such alteration or alterations shall have been first recommended by the General Conference, so soon as two-thirds of the members of all the annual conferences shall have concurred as afore said, such alteration or alterations shall take effect.

"The ministers and laymen shall deliberate in one body; but if, upon the final passage of any question it be required by one-fourth of the members present, then ministers and laymen shall vote separately, and the concurrence of a majority of both classes of representatives shall be necessary to constitute a vote of the Conference. A similar regulation shall be observed by the Annual Conferences."--
Wesleyan Methodist Discipline, 1843, pages 25-27.

On the authority of the Annual Conferences, the 1843 Discipline provides: "The annual conferences shall have authority to adopt such rules and regulations as they may deem expedient for their interests, which do not conflict with the elementary principles, articles of religion, or general rules of the Connection" (page 30).

The necessity for such latitude seemed necessary since, at the time this Discipline was framed, less than 600 words were devoted to

the Section on The Annual Conferences, including statistical data. One should remember that since 1843 the Discipline has in some form provided for the General Conference to review the Annual Conference Minutes. In 1843 it provided: "the proceedings of each Annual Conference (to be) kept by a secretary, chosen for that purpose, and shall be signed by the president and the secretary; and let a copy of the said record be sent to the General Conference" (page 29). Occasionally it was discovered that some Conference actions had violated their authority. On this policy of reviewing the Annual Conference records, the venerable Dr. McLeister observed: "The review of the Annual Conference records by the General Conference was made the occasion of exercising its judgment as to the legality of the proceedings of the several Annual Conferences" (OP. cit., page 53).

These quotations clearly show that distinct limitations always have been imposed upon the "power" and "authority" of both the General Conference and the Annual Conferences. The first General Conference (1844), taking cognizance of "opposite opinions on the power of the General Conference", "Resolved, That the restrictive rule shall be amended by adding 'nor shall they adopt any rule which establishes a new test of membership.' Nevertheless, the final adoption of this amendment shall be submitted to all the yearly conferences, and become a law when approved by two-thirds of the whole number of voters given in all the yearly conferences.

"Resolved, That all the yearly conferences be required to act at their next session upon every amendment to the restrictive rule whether it emanate from the General or a yearly conference" (Discipline, 1845, pages 106-107).

The above proposals must have failed to pass the required test for adoption. They do not appear in the proper place in the

Discipline following the 1848 General Conference. That (second) General Conference amended the article on the power of the General Conference, by changing the words "full powers to make rules and regulations for our churches; but" to read: "power to make rules for the whole Connection; provided that" - and continued as previously approved. Also that part of the paragraph which states ~ proposed alterations are effective, was amended to read: "then the next General Conference shall have power to make such alterations as have been thus specifically recommended." This admits of no change without specific directions by the designated groups.

In 1848 the General Conference also amended the paragraph on the authority of "the annual conferences" to read: "The Yearly Conferences shall have power to adopt such rules as they shall judge necessary to promote their own interests and prosperity, provided they shall not contravene any disciplinary regulation previously established by the General Conference" (Discipline, 1849, page 35). This provision has been continued ever since.

It should be noted, however, that this change in terminology instead of increasing the authority of the Yearly (or Annual) Conference, actually restricted it. Hitherto it had authority to pass "rules and regulations which did not conflict with the elementary principles, articles of religion, or general rules of the Connection." Henceforth, its authority was reduced to "not contravene any disciplinary regulation established by the General Conference." Whereas the Annual Conference formerly had the broad authority to do whatever it judged expedient, so long as it did not conflict with the three points specified, it henceforth must avoid contravening any "disciplinary regulation established by the General Conference," although

such regulations might involve statutory, as well as Constitutional Law.

Five years' experience revealed how greatly Lee had "stumbledll on one fundamental feature of Church government, as Dr. McLeister observed (Ope cit., page 35). He started the denomination on its way "with a lack of cohesion and effective organization." That weakness was not corrected until much later when the vision of Orange Scott, one of the Church's founders to have a "Church" instead of a "Connec tionll, began to bear fruit.

The (1867) edition of the Discipline shows an amendment to the "power" of the Yearly Conference, which would insure regard for the rights of those who question a Conference's action: "If any three members of such Yearly Conference shall take exception to its action on the ground that it violates this restriction, it shall be entered on the Journals, and it, or a true copy of the action complained of, shall be sent up to the General Conference for reviewll (pages 67-68). Evidently there was need for closer review of the Conference records. The Discipline, 1876 and 1883, contains amendments concerning getting "recordsll of lithe proceedings and statistics" to the quadrennial sessions of the General Conference.

The General Conference of 1879 further safeguarded the interests of all the people by adding the requirement of a two-thirds vote "of all the members of the local churches who shall vote on the question" to the process of amending the Church's Constitutional Law. Since 1843 that process had required the two-thirds vote of the members of the General Conference and the several Annual Conferences in order to effect any alteration. This additional provision received better than a 7 to 1 vote in the local churches. (McLeister, Ope cit., page 98).

On the power of the Annual Conference, the General Conference of 1895 added this provision: "all rules and regulations adopted by the Annual Conference shall continue in force until the Conference shall amend or rescind such rules or resolutions", but it retained the provision for an appeal to the General Conference. (Discipline, 1896, pages 57-58.) These steps scrupulously respected the principles of the founders. Concerning those principles, the Rev. A. T. Jennings, long-time editor of THE WESLEYAN METHODIST and author of American Wesleyan Methodism, wrote: "It will be seen that this (first) Discipline rejected the supremacy of the ministry, and...recognized by constitutional provisions which could not be repealed without the united action of the ministry and laity, the parity of the ministry, the equal authority of the laymen, and the independence of the individual churches in the choice of their pastors, and in the administration of many of the laws of the Connection" (page 58).

VI. They Violate! Policy Which Has Guided Wesleyan Methodism ~ Seventy Years. This policy is demonstrated in Jennings' American Wesleyan Methodism. The policy was brought into focus by the agitation over the ordination of women. That controversy stirred the sixth General Conference (1864). The review of Annual Conference proceedings revealed "that the Illinois Conference had elected a female to elder's orders." An attempt was made to condemn such action as unscriptural, but it failed. This question reappeared in the tenth General Conference (1879). There it was decided that "it was proper to license them to exhort and preach, but not to ordain them." The question was revived in the twelfth General Conference (1879). There was a call for the division of the house, and the ministers voted against the motion. Since a majority vote of each house was necessary

to. change the situatio.n, the mo.ve was lo.st. At the thirteenth General Co.nference (1891) the agitatio.n resulted in definite actio.n. "The rule fo.r bidding their electio.n was repealed, but it was no.t po.ssible fo.r the friends o.f the pro.po.sitio.n to. enact a law favo.rable to. such ordinatio.n...and the co.nferences wishing to. o.rdain wo.men have do.ne so o.n the ground that what is no.t fo.rbidden may be do.ne" (page 124). (see also. McLeister's Histo.ry, pages 112-113J

This do.es no.t mean unlimited license to. legislate as the Co.nference desires. Paragraph 138 o.f the Discipline (1955) pro.hibits any Co.nference rule which shall "co.ntravene any Disciplinary regulatio.n established by the General Co.nference." It is indisputable that fro.m the o.rganizatio.n o.f the Deno.minatio.n to. the present the General Conference has established and maintained the Elementary Principles, o.ne o.f which gives every man - minister o.r layman - the "right to private judgment in matters of religio.n, and an equal right. t.o. .expre~s his opinio.n in any way which will no.t vio.lat~ the. laws 9f' God' o.r the rights o.f his f-ell:o.w men" ('1T 34, Discipline" 1955)..

VII. They Jeo.pardize Co.nstitutio.nal Rights o.f The Minister and The Lo.cal Church. In strict pro.priety co.nstitutio.nal rights antedate bo.th fo.rmal co.nstitutio.n and go.vernment. Go.vernment pro.ceeds fro.m the co.nstitutio.n, fo.r it is the creature o.f the instrument which created it. A co.nstitutio.n co.ntains the elements and principles o.f go.vernment, and also. "fixes the nature and limits o.f its fo.rm and

o.peratio.n...A co.nstitutio.n reco.gnizes the rights o.f the peo.ple who. created it and pro.vides fo.r their assertio.n and maintenance...It settles the maxims o.f go.vernment...It fixes the so.vereign po.wer o.f the peo.ple...Where the vo.luntary co.nsent o.f the go.vernment is the basis o.f go.vernment, interest and duty co.mbine to. pro.mo.te the co.mmo.n weal" (Basco.m, o.~. cit.).

The constitutional rights of a Wesleyan Methodist elder are:

(1) Freedom of private judgment in matters of religion; (2) Liberty to express his opinions¹ within the limits prescribed in the Elementary Principles; (3) To enter into engagement to serve any Wesleyan Methodist church for the next year, subject to certain limitations, and to receive appointment to exercise the pastoral and ministerial office to which God has called him; (4) To be considered equal with all other elders in the Church of God; (5) To hold any office to which elders are eligible; (6) To receive a righteous compensation for his labors; and (7) To be tried according to the provisions of the Discipline, with the right of making an appeal to a higher court in the prescribed manner.

The obligations and duties of Wesleyan Methodist ministers are: (1) To fulfil all the duties enjoined by the Word of God; (2) To maintain personal godliness and to oppose all moral evil; (3) To respect the rights of others; (4) To avoid being lords over God's heritage; (5) To avoid usurping dominion over the faith of the saints; (6) To be faithful in the discharge of the pastoral and ministerial duties as set forth in the Discipline; and (7) To observe all the rules and regulations of his Annual Conference which do not "contravene any Disciplinary regulation established by the General Conference."

The conscientious performance of these duties entitles the minister to have his character passed and to receive an appointment by the Conference, subject to the provisions of the Discipline. Should an Annual Conference adopt and enforce a regulation which deprives any minister of any constitutional right, such a regulation would contravene the provisions of the Discipline as established by the General Conference.

According to the Wesleyan Methodist Ritual of Ordination~ which has obtained since 1843, one ordained to the office and work of an elder is declared to be "an elder in the Church of God.1I The election and ordination to the eldership is by an Annual Conferencej but it is on the authority vested in it and according to the Ritual prescribed for it by the General Conference. An elder's privilege of exercising his ministerial office~ and his responsibility therefor, reaches beyond the limits of an Annual Conference and has civil aspects as well as ecclesiastical. It is consistent, therefore, that the Church be concerned with the preservation of those rights.

Regarding these resolutions' jeopardizing the constitution~l rights of the local churches, one must realize that the lack of ~ formal, written constitution has permitted the obscuring of some of the constitutional rights. It has been discovered that on more ~han one occasion amendments have been made in some material previously declared to be constitutional. Jennings, in American Wesleyan Methodism (page 58), shows that the pastoral relationship and appointment were originally intended to be considered constitutional.

The first General Conference (1844) provided for a stationing committee to "station the preachers, confirming, as far as practicable, all arrangements made between preachers and people...1I It limited the term of pastoral service to Ithree years successively on the same station or circuit. "It also provided that the stationing committee should not appoint any preacher lito any station or circuit, contrary to the expressed wishes of the circuit or station, communicated to the committee. "The representations of the preachers and lay delegates were to be received and the appointments reported lIat as early a part of the conference as practicable." It also provided for the

preachers and lay delegates to appeal to the conference from the report of the stationing committee (Discipline, 1845, pages 48, 49).

The second General Conference (1848) clarified the matter of pastoral appointments. The Discipline (1845) provided for the "general supervision" of the Yearly Conferences over the pastoral relations within specific limits. The right of preachers and churches to arrange for pastoral service was continued, with the express provision that "no...appointment shall be made contrary to the expressed wishes of the minister or licentiate to be appointed, and of the pastoral charge, or its representative..." Recognizing the desire to remove the limitation on appointments after three successive years on the same charge, the General Conference specifically granted Yearly Conferences the "power to suspend" that one item if they desired to do so. Nevertheless, it retained specific provisions that "The Conference shall not interfere with such (pastoral) engagements, except for justifiable cause, growing out of the fault of one or both of the parties" (pages 33, 34). The first limitation, in 1844, was that no pastoral appointment was to be made contrary to the wishes of the local church. The next limitation (1848) required attention to the wishes of the minister, as well as the local church. In 1856 provision was made for a Conference Committee on Pastoral Relations to which "the whole subject of the arrangements entered into between ministers and Churches" were to be referred. They were to examine into the arrangements and "appoint the unemployed ministers to the vacant charges, and report the list entire to the Conference, according to their best judgment; and the Conference shall have power to adopt it as reported, or to amend it, provided that arrangements previously entered into shall not be disturbed, except for justifiable cause as

provided for above"j that is, "fault of one or both of the parties" church and/or pastor.. (Discipline, 1856, pages 36, 37.)

The General Conference of 1875, in modifying the paragraph on pastoral appointments, omitted the requirement to respect the wishes of the ministers and the churches in the appointments "to the unoccupied churches." This part was left to the "Judgment" of the Conference. That, it must be remembered, referred to the "unoccupied churches," which had not "arranged" the pastoral relationship for the ensuing year. The Discipline, 1876, page 66, retained the

specific prohibition that for those who had so arranged: "The Conference shall not interfere with such engagements, except for just

ifiable cause, growing out of the fault of one or both of the parties." was constitutional and what was statutory cause~ the General Conference to

By 1911 agitation concerning what part of the law of the Church appoint a committee to study the question for a quadrennium and report to the next General Conference. It was composed of three elders, the Rev. Messrs. Eber Teter, **P. B. Campbell** and A. T. Jennings; and two laymen, Messrs. E. G. Dietrich and J. S. Luckey. The committee's report, except two items which were referred to it for further study, was adopted. The Rev. Charles Sicard was chosen to fill the vacancy caused by the death of the Rev. A. T. Jennings.

(General Conference Minutes, 1915, pages 13, 14, 32-34.) The report

as adopted appears in the 1915 Discipline as paragraphs 39 and 40.

It is distressing that some subsequent editions of the Discipline did not preserve the exact terminology which the General Conference of

1915 adopted as "constitutional." A detailed recital of these items is not appropriate here, but a pertinent item concerns the authority of the Annual Conference to alter arrangements between ministers and local churches.

The General Conference (Discipline, 1915, Paragraph 39, sub paragraph 2, page 23) declared: "the rights of the churches and ministry, as is set forth under said paragraph 102, subsections numbers 1, 2 and 3, are constitutional." That paragraph dealt with the Annual Conferences' supervision of the ministers and churches within their bounds. Subsection 1 gave ministers and churches the liberty to contract the pastoral relation during the year subject to the concurrence of the President. Subsection 2 gave ministers the liberty to enter into engagements to serve a church following the next session of the Conference, subject to specified provisions. Subsection 3 declared: "The Annual Conference shall not interfere with such engagements except for justifiable cause, growing out of the fault of one or both of the parties" (Discipline, 1915, page 102). That, as constitutional law, could be amended only by the concurrence

of two-thirds of the members of the General Conference, two-thirds of the members of the Annual Conferences, and two-thirds of the members of the local churches.

The complete file of Disciplines is not available since the fire of January 15, 1957, but between 1915 and 1943 subsection 3 (previously declared to be constitutional) was amended solely by General Conference authority by a definitive sentence: "The justifiable causes are defined as follows: If the Conference Judges that the agreement entered into is not for the best interest of the work of the Lord on said charge" (Discipline, 1943, 2nd Edition, page 72).

No one questions the motive back of the amendment, but it plainly violated an essential and vital principle of the Discipline. It unlocked the door for a later, and complete, departure from the original genius of Wesleyan Methodism. The later step plainly

abrogated the constitutional rights of ministers and local churches which had been honored for almost a century. The constitutional obligation to respect arrangements between ministers and churches had been weakened by a "definition". It was completely nullified by this change:

"The Annual Conference may alter the agreement entered into by any pastor and charge when it deems it would be for the best interest of the charge or pastor involved or when the general interest of the conference work would be better served by such a change" (parag~aph

131, Discipline, 1947, pages 77-78).

That action was manifestly a breach of constitutional law, It took from the people, without their consent through constitutional channels, the sovereign power they had reserved unto themselves. It reverted to a policy which the founders of Wesleyan Methodism had repudiated a hundred years before. It seemed to favor a rule by which expediency might supersede right when certain controlling interests desired to have it so. It provided a plan by which, under a change of circumstances, that which may once have been useful and effective could become oppressive and intolerable. It could be used to repress free communication of thought and feeling among the people, and quell honest convictions and free inquiry, lest the exercise of such rights expose some to the disapprobation of those in authority who disagreed with them~ and it could result in their being denied appointment to serve the churches which might desire their pastoral service the ensuing year.

After extensive research and intensive consideration of all the factors involved in this controversy, and after a prolonged and agonizing quest for divine guidance in this decision, if the parties

involved do not make an amicable adjustment and the appeal to the General Conference President for a ruling is completed, he feels compelled to give it as his conviction that the resolutions under consideration are unconstitutional.

Syracuse, New York
December, 1957