

SUBJECT TO FINAL EDITING

JUDICIAL COUNCIL OF THE UNITED METHODIST CHURCH

DECISION NO. 1458

[Docket No. 1022-21]

IN RE: Review of a Bishop's Ruling on a Question of Law in the Susquehanna Annual Conference Concerning the Role and Authority of the Conference Board of Trustees in Relation to the Role and Authority of the Annual Conference Particularly Given Provisions such as those in ¶ 2512 versus the Disaffiliation Provision contained in ¶ 2553.

DIGEST

The decision of Bishop Sandra Steiner Ball is affirmed for the reasons set forth therein.

STATEMENT OF FACTS

On Saturday, June 2, 2022, at the session of the Susquehanna Conference of The United Methodist Church, following the votes taken on four churches for disaffiliation and a prayer for these congregations, a clergy member was recognized and made a motion. The motion was seconded and the clergy member spoke to the motion which the bishop then ruled out of order. In response to the presider's action, the clergy person requested a decision of Law, without clearly stating the substance of his request. Prior to the end of the session, the bishop asked the clergy member to come back to the microphone and to clearly state the question upon which he was requesting a decision of law. On the following day while the body was still in annual conference session, the clergy member submitted his written request for a decision of law:

1. Is it proper that the motion was ruled out of order based on paragraph 2553.4?
2. Does paragraph 2512, specifically the statement, "They shall be amenable to the annual conference" negate or conflict with the direction given to the Conference Board of Trustees in paragraph 2553?
3. Are paragraphs 2553.4 and Paragraph 2512 in conflict with one another?
4. Does paragraph 2512.2 supersede 2553.4?
5. Does 2553.4 limit the rights of the annual conference in Paragraph 2512.2 and/or other relevant church law?

On June 26, 2022, Bishop Sandra Steiner Ball issued the following Decision of Law, which states in relevant parts:

ANALYSIS AND RATIONALE

This request for a decision of law was raised and made in relation to the report and vote of the annual conference on disaffiliating congregations and therefore the request is germane to the work of the annual conference.

Question 1. This question is improperly submitted. This question is about whether or not it was proper for a motion made on the floor of the Conference to be called out of order. Parliamentary questions are matters of order in the annual conference session and are not matters for a request for a decision of law. “The Judicial Council has no jurisdiction to review a parliamentary ruling of a presiding bishop that is rendered during an annual conference session. *See* Decisions 898, 941, 943, **953, 1117.**” (Judicial Council Decision 1131)

Question 2. Paragraph 2512 does not negate or conflict with paragraph 2553. The precise issue here is about the trustees being amenable to the annual conference which presents a question of structural separation of powers. “The separation of authority and decision making is integral to the United Methodist Constitution and law,” (JDC 1156) thus calling each branch to respect the defined roles of all other branches of the Church. The General Conference “shall have full legislative power over all matters distinctively connectional,” which includes the authority to enact, amend, and repeal legislation. (¶ 16; JDC 1401) *See also* the rationale for the decision of law in the succeeding questions below.

Question 3. No, paragraphs 2553 and 2512.2 are not in conflict with one another. The General Conference, in paragraph 2553, has given the trustees the right to set the terms and has given the annual conference the right to establish additional standard terms in relation to disaffiliation agreements that are not inconsistent with the standard form as laid out in paragraph 2553. However, General Conference did not give the annual conference the right to direct or limit the trustees in the use of their discretion as to what terms are appropriate.

The Judicial Council has stated, “in exercising its rights, an Annual Conference cannot take an action which negates General Conference legislation,” JCD 823, that “annual conferences may not legally negate, ignore, or violate provisions of the *Discipline* with which they disagree, even when the disagreements are based upon conscientious objections to those provisions,” JCD 886, and that “no Annual Conference may adopt any rule or policy that is in conflict with the *Discipline.*” JCD 1105.

Question 4. No, paragraph 2512.2 does not supersede or limit the requirements of 2553.4. In paragraph 2553 authority and responsibility is given to the Conference Board of Trustees to establish the terms and conditions for congregations that make the decision to disaffiliate.

Once the Board of Trustees has exercised its responsibility for working with a congregation on the terms and conditions of disaffiliation and a disaffiliation agreement has been reached, the Board of Trustees brings requests for disaffiliation to the floor of the annual conference session for an up or down vote. In this way, the Board of Trustees fulfills its responsibility to be amenable to the annual conference and fulfills the disciplinary responsibility and authority for setting the terms and conditions of a

“Disaffiliation Agreement between the annual conference and the trustees of the local church, acting on behalf of the members.” (§ 2553.4)

The actions of the annual conference are further restricted to ratifying a disaffiliation by a vote up or down by the members of the annual conference but does not include the right to amend the disaffiliation agreement. (JCD 1420)

Question 5. No, 2553.4 does not limit the rights of the annual conference in Paragraph 2512.2 and/or other relevant church law.

“In exercising its rights, an Annual Conference cannot take an action which negates General Conference legislation,” JCD 823. “Annual conferences may not legally negate, ignore, or violate provisions of the *Discipline* with which they disagree, even when the disagreements are based upon conscientious objections to those provisions,” JCD 886. “No Annual Conference may adopt any rule or policy that is in conflict with the *Discipline*.” JCD 1105. Therefore, since paragraph 2553.4 directs the Conference Board of Trustees to establish the terms and conditions for disaffiliation, it is the right of the Conference Board of Trustees to set the terms and conditions of disaffiliation. It is also the right of the annual conference to develop additional standard terms that are not inconsistent with §2553. The annual conference’s right to develop additional standards is preserved but it cannot act to eliminate the authority and discretion given by the General Conference to the Conference Board of Trustees.

The rights of the annual conference include autonomous control over the agenda, business, discussion, and vote on the question of withdrawal. (JCD 1366 page 44) Under § 33 *The Book of Discipline* (Article II of the Constitution), the annual conference as the basic body in the Church has the reserved right to make final decisions regarding the disaffiliation of local churches within its boundaries. (JCD 1379) Paragraph 2553 preserves and does not limit the reserved rights of the annual conference as given in § 33.

DECISION

The General Conference has given the conference board of trustees the right to set the terms and conditions of disaffiliation. The General Conference has given the annual conference the right to establish additional terms. However, the General Conference did not give the annual conference the right to tell the trustees that their discretion is limited as to what terms are appropriate. In accordance with *The Book of Discipline* §§ 2512.2, 2553.4, 2553.4.a, 807.9, 16, 33, and Judicial Council Decisions #1401, #1131, #1156, #823, #886, #1105, #1366, #1420, #1379 and other relevant church law, paragraph 2553.4 is not in conflict with and does not negate Paragraph 2512.2. Paragraphs 2553.4 and 2553.4.a are not in conflict with paragraph 2512.2. Paragraph 2512.2 does not supersede 2553.4. Paragraph 2553.4 does not limit the rights of the annual conference in Paragraph 2512.2 and/or other relevant church law.

Jurisdiction

The Judicial Council has jurisdiction under § 2609.6 of the *2016 Book of Discipline*.

Analysis and Decision

The decision of Bishop Sandra Steiner Ball is affirmed for the reasons set forth therein.

February 28, 2023

Separate Opinion

We concur with our colleagues regarding some aspects of the Bishop's ruling, but we note that the Digest needs to indicate the major issues that were ruled upon by the Bishop and further indicate those aspects upon which the Judicial Council specifically agrees and affirms as a matter of church law.

The specific issues that the Judicial Council is affirming in its review of a Bishop's ruling on a question of law ought to be set forth in the Digest so that those institutions and publications [especially hardcopy print publications], which quote and rely exclusively upon the Digest to provide a **concise statement of the issues** decided by the Judicial Council in each Decision or Memorandum, are able to continue to alert their respective readers or members of potential changes in the interpretation or application of church law. If a Digest states only that the Judicial Council affirms the ruling of the Bishop **“for the reason set forth therein”** then those institutions and publications which have heretofore relied upon our Digest, will no longer be in a position to immediately provide a meaningful alert to their respective readers or members concerning such decisions or memorandums that have just been released by the Judicial Council.

Beth Capen
Kabamba Kiboko
February 28, 2023

Separate Opinion

In addition to the above concern is that episcopal rulings contain many nuanced statements that can be interpreted in a variety of ways and thereby risk resulting in polity which could be misapplied by others. General Conference has tasked the Judicial Council, exclusively, with the responsibility of articulating those major aspects of each episcopal ruling and relating each aspect to the Disciplinary principles, polity, and former Decisions which provide the predicate for determining that the Bishop is correct or incorrect concerning that aspect of his or her ruling. The denomination is relying upon the Judicial Council to identify the key points in an episcopal ruling, and affirm, modify or reverse those key points, in whole or in part, and thereby reconcile the multiple rulings that are issued each year and ensure that our church law is not subject to more than one interpretation.

Beth Capen
February 28, 2023