

SUBJECT TO FINAL EDITING

JUDICIAL COUNCIL OF THE UNITED METHODIST CHURCH

DECISION 1476

[Docket 0423-02]

IN RE: Review of a Bishop's Decision on a District Superintendent's Ruling on Questions of Law Concerning Certain Local Church Disaffiliation Procedures within the Alabama-West Florida Annual Conference.

DIGEST

Paragraph 2553 of *The Book of Discipline* gives churches a limited right to disaffiliate for reasons of conscience, but it does not require or mandate that the reasons of conscience be certified or stated.

Annual conferences are free to require by policy that a local church seeking disaffiliation demonstrate its reasons of conscience “related to the practice of homosexuality or the ordination or marriage of self-avowed practicing homosexuals” pursuant to ¶ 2553.1.

When an annual conference resolved by policy not to inquire, scrutinize, or require show of conscientious reasons for disaffiliation, a local church may disaffiliate, provided the church conference and voting process were conducted in an open and fair manner and all requirements of the annual conference and the *Discipline* have been met.

The Judicial Council will not question the reasons of conscience behind a church’s decision to disaffiliate and will uphold a board of trustees or annual conference decision not to question a church’s decision to disaffiliate.

The requirement of ¶ 2553.3 that “special attention shall be made to give broad notice to the full professing membership of the local church regarding the time and place of a church conference called for this purpose and to use all means necessary, including electronic communication where possible, to communicate” is met when a local church informs its members of the meeting on disaffiliation and the purpose of the meeting by several means that clearly inform the members, over a reasonable period of time, including announcement from the pulpit; publication in the church’s bulletins; publication in the church’s newsletter; and postcards and emails to church membership, among others.

The decisions of Bishop David W. Graves and District Superintendent Jean Tippit are affirmed.

STATEMENT OF FACTS

Following a vote of Pace United Methodist Church (“Pace”) council on August 17, 2022 to disaffiliate, the Senior Pastor of Pace requested the district superintendent to schedule a special called meeting to discuss and vote on Pace’s possible disaffiliation from the United Methodist Church. Notice of the meeting and its purpose was provided to the members by the following means:

- i. Announcement from the pulpit;
- ii. Publication in the church’s September Newsletter; and,
- iii. Postcards and emails to church membership

The meeting was presided over by the district superintendent. At the meeting, the Disaffiliation Resolution and the proposed ballot were presented to those in attendance. Also, the Eligibility Requirements for disaffiliation from the United Methodist Church pursuant to ¶ 2553 of *The Book of Discipline* were read.

The Disaffiliation Resolution was submitted to the meeting and the district superintendent read the Eligibility for Exercising the 2553 Limited Right of Disaffiliation and there was a discussion of the resolution. During the discussion, the Senior Pastor of Pace requested personal privilege to present a question of law to the district superintendent. The request for the ruling of law stated as follows:

“REQUEST FOR DISTRICT SUPERINTENDENT’S DECISION ON A QUESTION OF LAW

Reverend Jean Tappit, District Superintendent of the Pensacola District,

Pursuant to ¶¶ 419.10, 2718.1, and 2718.2 of the *Book of Discipline* (“*Discipline*”), I hereby submit to you in writing during the regular business of a church conference of the First United Methodist Church of Pace (“FUMC of Pace”) in the Pensacola District my request for a District Superintendent’s decision of the following question of law:

Whether the resolution for the disaffiliation of the FUMC of Pace from The United Methodist Church and its presentment to the church conference for a vote of approval along with such vote of approval are unlawful circumvention of the disaffiliation mandates, limited qualifications, and minimum requirements of ¶ 2553 of the *Discipline*; subvert the action of the 2019 Special Session of the General Conference; and therefore are null and void as actions that negate, ignore, and violate the provisions of the *Discipline*, in particular ¶ 2553, when:

1. Where the presenters and proponents of the disaffiliation referendum have failed to provide and establish:
 - (a) The actual and valid reasons for the disaffiliation of the FUMC of Pace, including facts and circumstances that support and are the basis for only

the limited reasons(s) of conscience mandated and specified in ¶ 2553.1 permitted to justify the eligibility and qualifications of the FUMC of Pace to the limited right to disaffiliate under ¶ 2553.1; and

(b) That the FUMC of Pace and its members are actually conscience bound to disagree, object, or not comply with:

(1) A change in the requirements and provisions to the *Book of Discipline* related to the practice of homosexuality or the ordination or marriage of self-avowed homosexuals resolved and adopted by the General Conference in 2019 [“the 2019 amendments”], which are:

(i) ¶ 304.3: In particular, the amendments to footnote 1 of ¶ 304.3 that was amended to broaden the scope of relationships or activities that were encompassed in the definition of “self-avowed practicing homosexuals” who, under ¶ 304.3, are “not to be certified as candidates, ordained as ministers, or appointed to serve in The United Methodist Church.”

(ii) ¶ 304.5: Prohibitions were added against approvals and recommendations [*sic.*] by the district committee on ordained ministry and the Board of Ordained Ministry of persons who did not meet the qualifications in ¶ 304, including ¶ 304.3 (*see above*), and it specified additional instructions for the clergy session presiding bishops to rule that the unqualified candidate to be out of order and ineligible for the appointment.

(iii) ¶ 415.6: An amendment to prohibit bishops from consecrating bishops, from commissioning persons on the deacon or elders track, and from ordaining deacons or elders if any of them are self-avowed practicing homosexuals.

(2) Subsequent actions (such as complying with, implementing, or enforcing the 2019 amendments) or inactions (such as omissions, failures, or refusals to comply with, implement, or enforce the 2019 amendments) by the annual conference of the Alabama-West Florida Conference that are related to the change of requirements and provisions in the 2019 amendments noted above.

2. The proposed disaffiliation resolution (which also pertains to the release of the connectional obligations by the FUMC of Pace under the Trust Clause of the Discipline) is actually and factually predicated upon paragraphs of the *Discipline* other than ¶ 2553, and therefore is improper as a matter of

church law and is null and void because it “[subverts]... and circumvents the disaffiliation mandate and minimum requirements that General Conference has set forth in Section VIII of Chapter Six in the *Discipline* [¶ 2553]. See Judicial Council Decision 1449 (Aug. 22, 2022).

3. The proposed disaffiliation resolution and its approval are predicated upon the “reason” and argument of the presenters and proponents that they cannot wait (and therefore the members of FUMC of Pace should not wait) for the 2024 or other future General Conference of the UMC, and a their (**sic**) reliance “upon potential proposed legislation that might be considered at a future General Conference (such as those references that were made to the *Protocol for Reconciliation and Grace through Separation*).” Such future General Conference(s) and/or proposed legislation or future votes have no “bearing or effect” as a reason of conscience under Section VIII of Chapter Six in the *Discipline*, ¶ 2553, and therefore the resolution and adoption of it are improper, null and void as unlawful circumventions and subversions of the strict and limited requirements for eligibility and entitlement for the limited right of disaffiliation under ¶ 2553. See Judicial Council Decision 1449 (Aug. 22, 2022).

4. The presenters and proponents of the proposed disaffiliation resolution have failed to demonstrate and establish that the church conference of the FUMC of Pace on the ¶ 2553 disaffiliation vote was fairly and legally noticed to all of its professing members and that the vote will be and is validly, fairly, and legally being attained in accordance with ¶¶ 248, 246.8, and 2553.3 of the *Discipline*, including that, as mandated by the Standard form of Disaffiliation Agreement required by ¶ 2553.4(a); the General Council on Finance and Administration (GCFA), and the rules and policies of the Alabama-West Florida Conference, the motion and ballot must:
 - (a) Specify that the vote was (a) “to disaffiliate from The United Methodist Church”,
 - (b) Specify that the FUMC of Pace is only “allowed to exercise *the limited right* in ¶ 2553 of the Book of Discipline to disaffiliate from The United Methodist Church *only* for its reason(s) of conscience *under the conditions stated in ¶ 2553.1*”
 - (c) Identify and delineate the specific, actual, and truthful and substantiating facts and circumstances for reasons of conscience regarding a change in the requirements and provisions of the Book of Discipline related to the practice of homosexuality or the ordination or marriage of self-avowed practicing homosexuals as resolved and adopted by the 2029 General Conference, or the actions or inactions of its annual conference related to these issues which follow.

The noncompliance of these requirements in this instance “subvert[s]...and circumvent[s] the disaffiliation mandate and minimum requirements that the

General Conference has set forth in Section VIII of Chapter Six in the *Discipline* [¶ 2553]”; it is therefore a null and void resolution under the *Discipline*. See Judicial Council Decision 1449 (Aug. 22, 2022).”

The district superintendent stated that she would rule within 30 days. Thereafter, a vote on the resolution was called, and written ballots were distributed to the members. The resolution was approved by a vote of 171 to 55. On September 20, 2023, the district superintendent ruled that the special called church conference was properly noticed and conducted in accordance with the *Discipline*.

The resident bishop of the annual conference affirmed the ruling of the district superintendent.

Jurisdiction

The Judicial Council has jurisdiction pursuant to ¶¶ 2609.6 and 2718.1-2 of *The 2016 Book of Discipline* [hereinafter the *Discipline*]

Analysis and Rationale

The Judicial Council has only such jurisdiction as is expressly granted to it by the Constitution and by General Conference. JCD 1354. ¶419.10 of the *Discipline* states that:

The district superintendent shall interpret and decide all questions of Church law and discipline raised by the churches in the district, subject to review by the resident bishop of the annual conference.

Paragraph 2718.1 states:

The order of appeals on questions of law shall be as follows: from the decision of the district superintendent presiding in the charge or district conference to the bishop presiding in the annual conference, and from the decision of the bishop presiding in the annual conference to the Judicial Council, and from a central conference to the Judicial Council.”

In JCD 1443 the Judicial Council held that:

One of the duties of a District Superintendent is to “interpret and decide all questions of Church law and discipline raised by the churches in the district, subject

to review by the resident bishop of the annual conference,” *Discipline* ¶ 419.10. When a written question of Church law is properly raised during a charge conference session, the District Superintendent is to make a ruling thereon, and the secretary is (i) to ensure that a copy of the request and the ruling thereon by the District Superintendent are included in the charge conference minutes, and (ii) that certified copies thereof are sent to the secretary of the annual conference to be heard as an appeal by “the bishop presiding in the annual conference,” *Discipline* ¶ 2718.2.

In JCD 1422 we affirmed a bishop’s ruling of law that upheld the board of trustees of the North Georgia Annual Conference decision “that it will not question “the reasons of conscience” behind a church’s decision to disaffiliate.” Again, in JCD 1453 we upheld this holding in affirming a bishop’s ruling of law in the Alabama-West Florida Annual Conference.

We want to state that while ¶ 2553 of the *Discipline* gives churches a limited right to disaffiliate for reasons of conscience, it does not require or mandate that the reasons of conscience be certified or stated.

In respect of the issue of adequate notice to professing membership of the local church, ¶ 2553(3) states:

3. *Decision Making Process*—The church conference shall be conducted in accordance with ¶ 248 and shall be held within one hundred twenty (120) days after the district superintendent calls for the church conference. In addition to the provisions of ¶ 246.8, **special attention shall be made to give broad notice to the full professing membership of the local church regarding the time and place of a church conference called for this purpose and to use all means necessary, including electronic communication where possible, to communicate.** The decision to disaffiliate from The United Methodist Church must be approved by a two-thirds (2/3) majority vote of the professing members of the local church present at the church conference. [emphasis ours].

We hold that adequate broad notice was given to the professing members of Pace, as evidenced by the following:

- i. Announcement from the pulpit;
- ii. Publication in the church’s September Newsletter; and,
- iii. Postcards and emails to church membership

The bishop’s ruling affirming the district superintendent’s ruling of law is affirmed.

Decision

Paragraph 2553 of *The Book of Discipline* gives churches a limited right to disaffiliate for reasons of conscience, but it does not require or mandate that the reasons of conscience be certified or stated.

Annual conferences are free to require by policy that a local church seeking disaffiliation demonstrate its reasons of conscience “related to the practice of homosexuality or the ordination or marriage of self-avowed practicing homosexuals” pursuant to ¶ 2553.1.

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The decisions of Bishop David W. Graves and District Superintendent Jean Tippit are affirmed.

April 25, 2023