

SUBJECT TO FINAL EDITING

JUDICIAL COUNCIL OF THE UNITED METHODIST CHURCH

DECISION 1428

IN RE: Request for a Declaratory Decision from a Delegation of Persons Elected to General Conference Concerning the Meaning, Application, and Effect of ¶¶ 507.5, 507.6, and 507.7, on Deadlines for General Conference Petitions Submitted by Entities other than Annual Conferences.

DIGEST

An annual conference delegation to General Conference, jurisdictional, or central conference is not a body authorized to submit a Petition for Declaratory Decision under ¶ 2610.2. The Judicial Council lacks jurisdiction.

STATEMENT OF FACTS

At their meeting on February 23, 2021, the Alaska Delegation to the General Conference voted to submit a Petition for Declaratory Decision to the Judicial Council, which reads in relevant part:

THEREFORE BE IT RESOLVED that the Alaska Delegation, under its authority granted in ¶2610.2.(c), submits to the Judicial Council this Request for Declaratory Decision on the meaning, application, and effect of ¶¶507.5, 507.6, and 507.7 as they relate to and inform the decision of the Commission on the General Conference to treat all petitions received from bodies other than annual conferences as late and subject to review and disposition by the Committee on Reference when such petitions are submitted any time after 18Sep19, with particular attention to those petitions submitted between and including 19Sep19 and 11Jan21. In particular the Judicial Council is asked to provide answers to the following questions:

- 1) Does the phrase found in ¶¶507.5 and 507.6 “no later than 230 days prior to the opening session of the General Conference” and the nearly identical phrase found in ¶507.7 “no later than 230 days before the opening of General Conference” provide to the Commission on the General Conference authority to interpret the language to mean “after the *original* 230 and 45 day deadlines” as stated in its press release of 18Dec20? [Emphasis added]
- 2) Is the petition that is the subject of this RDD which was submitted by an authorized body, the Alaska Delegation, in a timely manner as defined in the plain language of ¶507 properly subject to being treated as a late petition by the Commission on the General Conference?

Jurisdiction

The Judicial Council does not have jurisdiction.

Analysis and Rationale

This case raises the question of whether a delegation has standing to file a Petition for Declaratory Decision under ¶ 2610.2. Movant in his brief asked us to treat a delegation as a “body created or authorized by the General Conference,” which is listed in ¶ 2610.2(c). However, to do so would usurp the powers of the General Conference. A delegation is created and authorized by an annual conference through the election of its clergy and lay delegates to General Conference, jurisdictional, or central conference. This electoral process is prescribed by the Constitution in ¶¶ 34-36 and assigned exclusively to annual conferences. If a delegation is properly considered “a body created or authorized by an annual conference,” is such body listed in ¶ 2610.2? The answer is *no*. That long list ends with: “any annual conference on matters relating to annual conferences or the work therein.” ¶ 2610.2(j).

In its jurisprudence, the “Judicial Council has only such jurisdiction as is expressly granted to it by the Constitution and by the General Conference. Our lodestar principle has been that we may not assume jurisdiction to render a declaratory decision unless jurisdiction has been clearly vested in the Judicial Council...Our long-standing policy is to construe our jurisdiction strictly and with restraint.” Memorandum 1114, *aff’d*, Memoranda 1118, 1157, 1159, 1160, 1276.

The General Conference could have bestowed standing on delegations but chose not to do so. It is beyond the authority of the Judicial Council to extend the list of ¶ 2610.2. The Judicial Council, therefore, lacks jurisdiction.

Decision

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