

SUBJECT TO FINAL EDITING

THE JUDICIAL COUNCIL OF THE UNITED METHODIST CHURCH

MEMORANDUM NO. 1397

IN RE: Request from the Alaska United Methodist Conference for a Declaratory Decision on the Constitutionality, Meaning, Application, or Effect of ¶ 2553 in View of JCD 1366, ¶ 16.3, ¶ 586, and JCD 1379 as to the Constitutionality of Petition 90066. Specifically, the AUMC Requests Answers to Six Questions

At the June 1, 2019 plenary session of the Alaska United Methodist Conference (AUMC), formerly Alaska Missionary Conference, a motion by a lay member was approved to request the Judicial Council for a declaratory decision on the constitutionality, meaning, application, and effect of the Discipline as it relates to the decision under consideration by the AUMC at its 2019 Annual Conference whether or not to withdraw from the United Methodist Church. Specifically, the request seeks answers to the following six questions concerning the proposed action:

1. Does the Judicial Council Decision (JCD) 1366 recognize and articulate that annual conferences have conditional authority to withdraw from the UMC?
2. Does the JCD 1366 provide that the conditions of authority for withdrawal of an annual conference may be specified by the General Conference, under its authority provided in ¶16.3, at its discretion?
3. Is it the case that the General Conference at this time has specified no conditions that apply to the withdrawal of an annual conference?
4. In the absence of a specification by the General Conference of conditions for withdrawal is an annual conference free to establish for itself the conditions of withdrawal from the UMC under its authority provided in ¶33 as the basic body of the Church which has “such other rights as have not been delegated to the General Conference under the Constitution?”
5. Does ¶586 provide to the AUMC, a missionary conference created by the General Conference, as it seems to the AUMC to do, the authority of an annual conference in the matter of withdrawal from the UMC, since withdrawal is not one of the seven enumerated exceptions to the authority granted to missionary conferences to “be organized in the same manner and with the same rights and powers as an annual conference?”
6. Does any authority of annual conferences to withdraw from the UMC recognized and articulated in JCD 1366 include the authority to effect the concomitant withdrawal of the local churches included within the boundaries of an annual conference in the jurisdictions or associated with the annual conference in the case, such as with the Oklahoma Indian Missionary Conference, where boundaries overlap, with recourse to the so called gracious exit provisions for local churches enacted by the General Conference of 2019 and declared to be constitutional by the Judicial Council in JCD 1379 as part of Petition 90066, which provisions will be included in the Book of Discipline as ¶2553, since that legislation made no reference, either explicitly or implicitly, to the withdrawal of an annual conference?

Paragraph 2610.2(j) of *The Book of Discipline of The United Methodist Church, 2016* authorizes any annual conference to petition the Judicial Council for declaratory decision “on matters relating to annual conferences or the work therein.”

From the motion itself, it is clear that the six questions posed pertain to a proposed action or decision under consideration by AUMC to withdraw or not from the United Methodist Church. No definite action has been taken on this matter.

Petitioner’s own brief admits that withdrawal is only one of several options being explored by them for a way forward out of the impasse in the Church on how to pursue ministry with LGBTQ+ persons, especially in the light of action taken at General Conference 2019 to enhance enforcement of penalties for deviation from church polity. The time to decide was postponed. The superintendent and the presiding bishop are still in conversation about whether or not to call a special session to decide on a preferred way forward, among the choices being a withdrawal.

A plain reading of their six-point questions reveals that they are merely hypothetical and speculative. The Judicial Council has often ruled that it lacks jurisdiction over questions that are hypothetical or advisory in nature. The questions of AUMC fall into this category. They fail to meet the test that crosses the threshold into our jurisdiction. In a long line of jurisprudence, the Judicial Council has consistently construed its jurisdiction strictly and with restraint (JCDs 29, 255, 535, 1157). Hence, the request cannot be entertained.

DIGEST

The Judicial Council has no jurisdiction over the Alaska United Methodist Church Conference petition for declaratory decision seeking answers to six questions on a proposal or exploration whether or not to withdraw from the United Methodist Church for being hypothetical, speculative and advisory in nature.

Lidia Romao Gulele was absent.

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

November 1, 2019