

SUBJECT TO FINAL EDITING

JUDICIAL COUNCIL OF THE UNITED METHODIST CHURCH

MEMORANDUM 1477

[Docket No. 0423-12]

IN RE: Questions Concerning the Legality of Certain Actions and Omissions Within the Congo Central Conference and the Legality of Various Actions and Omissions Related to, and/or stemming from, the 2018 Congo Central Conference Special Session.

From April 2020 to the present, numerous clergy and lay members of the Congo Central Conference have submitted questions concerning the legality of certain actions and omissions within the Congo Central Conference and particularly on the legality of various actions and omissions related to, and/or stemming from, the 2018 Congo Central Conference Special Session.

DIGEST

The Judicial Council lacks jurisdiction because none of the submissions qualified as a Bishop's ruling of law [¶ 2609] nor as a request for a declaratory decision from an authorized body [¶ 2610] pursuant to applicable Judicial Council Decisions.

April 25, 2023

Concurring Opinion

¶ 51. Article VII. — **A bishop presiding over an annual, central, or jurisdictional conference shall decide all questions of law coming before the bishop in the regular business of a session, provided that such questions be presented in writing and that the decisions be recorded in the journal of the conference.** [Emphasis added]

¶ 2609. 6 & 7 — *Jurisdiction and Powers*

6. The Judicial Council shall pass upon and affirm, modify, or reverse the decisions of law made by bishops in central, district, annual, or jurisdictional conferences upon questions of law submitted to them in writing in the regular business of a session; and in order to facilitate such review, each bishop shall report annually in writing to the Judicial Council on forms provided by the council all the bishop's decisions of law. No such episcopal decision shall be authoritative, except in the case pending, until it has been passed upon by the Judicial Council, but thereafter it shall become the law of the Church to the extent that it is affirmed by the council. Normally, the bishop shall rule before the close of the annual conference session during which the question was submitted, but in no case later

than thirty days after the close of the session. The annual conference secretary shall enter in the annual conference journal an exact statement of the question submitted and the ruling of the bishop. [Emphasis added]

7. The Judicial Council shall hear and determine any appeal from a bishop's decision on a question of law made in a central, district, annual, or jurisdictional conference when said appeal has been made by one-fifth of that conference present and voting. [Emphasis added]

Constitutional Amendment — effective in May 2018:

¶ 46, page 39, bottom of the page.

At the end of ¶ 46 add the following:

provided that episcopal elections in central conferences shall be held at a regular, not an extra, session of the central conference, except in the case where an unexpected vacancy must be filled. [Emphasis added by Judicial Council for use in Memorandum 1477.]

The paragraph will now read:

The bishops shall be elected by the respective jurisdictional and central conferences and consecrated in the historic manner at such time and place as may be fixed by the General Conference for those elected by the jurisdictions and by each central conference for those elected by such central conference, **provided that episcopal elections in central conferences shall be held at a regular, not an extra, session of the central conference, except in the case where an unexpected vacancy must be filled.**

This constitutional amendment was duly approved by the General Conference and the requisite two-thirds affirmative vote of the aggregate number of members of the several annual conferences present and voting, and those votes were canvassed by the Council of Bishops meeting in May 2018 and announced according to *The Book of Discipline*, ¶ 59.

Kabamba Kiboko
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Beth Capen

April 25, 2023

Concurring Opinion

Questions of law that submitted only orally during the business of the conference session are not sufficient to confer jurisdiction. *See* Decisions 1161 and 1279. The questions of law must be submitted in writing.

If I were to ask a question of law in a setting where I was concerned that my question might be overlooked or otherwise fail to be addressed and answered, in that circumstance I would make four or five copies of my question of law so that I could submit my question to both the presiding Bishop as well as the Secretary of the Conference. I would then provide a copy to the Secretary's assistant as well as the assistant to the presiding Bishop so as to hopefully decrease the likelihood of my written question becoming misplaced or lost.

Our reflection upon the amendment to the Constitution in ¶ 46 has caused some of us to believe that, in this particular moment, it may be helpful to actually mention that which might or might not be obvious to United Methodists within the connection.

The Constitutional Amendment to ¶ 46 became effective in May 2018. Since that time the Discipline has prohibited the election of Bishops at a Special Session of a Central Conference, except in the limited event of a vacancy.

As a result, it is also impermissible to evade and subvert the Constitution at a Special Session by amending the language of a Discipline so as to change, alter, or eradicate the term or longevity of an active Bishop's service because doing so simply gives effect to that which is prohibited by the newly amended ¶ 46: a person may not continue to serve past their first term unless and until they are elected by their Central Conference. Thus, even if there is a *valid* Book of Discipline that one desires to amend, one cannot vote in a special session to give immediate effect to that which is prohibited by the Constitution, or in other words, one cannot cause a Bishop's status to be changed to "life term" by amending the Discipline at a Special Session and thereafter refusing to hold a future election at a regular session.

Beth Capen

April 25, 2023