

JUDICIAL COUNCIL OF THE UNITED METHODIST CHURCH

DECISION NO. 1499

[Docket No. 0524-5]

IN RE: Petition for Declaratory Decision from the General Conference 2024 Regarding the Constitutionality, Meaning, Application, and Effect of Petition 20299 (Amended ¶ 409).

DIGEST

Under ¶ 47 of the Constitution, the Council of Bishops shall be composed of all bishops of The United Methodist Church. All bishops (active and retired) of The United Methodist Church are authorized to attend meetings of the Council of Bishops with expenses paid. Petition 20299 as amended violates ¶ 47 and is unconstitutional, null, and void.

STATEMENT OF FACTS

On May 1, 2024, during the plenary session, a delegate from the New England Annual Conference rose to make the following motion:

General Conference requests:

Request a declaratory decision from the Judicial Council regarding Petition 20299 adopted 4/23/2024 on Consent Calendar. Does eliminating travel costs for retired bishops conflict with our Social Principles and Constitution by creating a standard that inhibits some members' participation due to their age from attending membership meetings by requiring paying their own travel expenses for global leadership?

The motion was passed by 493 YES to 188 NO.

Jurisdiction

The Judicial Council has jurisdiction pursuant to ¶ 2610 of *The 2016 Book of Discipline*. [hereinafter the *Discipline*]

Analysis and Rationale

Petition 20299 as amended eliminates reimbursement for travel costs for a retired bishop, forcing the bishop “to function as a member of the council of Bishops at their own expense in accordance with the Constitution and other provisions of the *Discipline*.” [emphasis added]

In Decision 117, the Judicial Council held that a “retired Bishop of a Central Conference is authorized to attend meetings of the Council of Bishops with expenses paid.” [emphasis added] The Judicial Council cited ¶ 36 of the 1952 *Discipline*, which states: “There shall be a Council of Bishops composed of all the Bishops of all the Jurisdictional and Central Conferences...” The successor provision in *The Discipline* is ¶ 47 of the Constitution:

¶ 47. Article III.—There shall be a Council of Bishops composed of **all the bishops** of The United Methodist Church. The council shall meet at least once a year and plan for the general oversight and promotion of the temporal and spiritual interests of the entire Church and for carrying into effect the rules, regulations, and responsibilities prescribed and enjoined by the General Conference and in accord with the provisions set forth in this Plan of Union. [emphasis added]

This constitutional provision does not distinguish between active and retired bishops but states that the Council of Bishops shall be “composed of all the bishops of The United Methodist Church.”

Petition 20299 reads as follows:

A retired bishop is a bishop of the church in every respect and continues to function as a member of the Council of Bishops at their own expense in accordance with the Constitution and other provisions of the Discipline. If a retired bishop is asked to engage in work (ex. committee, conference, project, etc.) a contract will be issued for said work to include provision for compensation of expenses incurred.

Petition 20299 was amended as follows:

In the sentence beginning “if a retired bishop is asked...” insert the phrase “by the Council of Bishops” after the word “asked”.

Petition 20299, as amended, reads as follows:

A retired bishop is a bishop of the church in every respect and continues to function as a member of the Council of Bishops at their own expense in accordance with the Constitution and other provisions of the Discipline. If a retired bishop is asked by the Council of Bishops to engage in work (ex. committee, conference, project, etc.) a contract will be issued for said work to include provision for compensation of expenses incurred.

Petition 20299 creates two classes of bishops whereas there is only one provided for in the Constitution. This legislation would make it financially difficult for retired bishops to attend meetings of the Council of Bishops because they would have to choose

between attending meetings at their own expenses or not attending due to financial considerations. The Judicial Council holds that all bishops (active and retired) of The United Methodist Church are authorized to attend meetings of the Council of Bishops with expenses paid. Consequently, Petition 20299 as amended violates ¶ 47 and is therefore unconstitutional, null, and void.

Decision

Under ¶ 47 of the Constitution, the Council of Bishops shall be composed of all bishops of The United Methodist Church. All bishops (active and retired) of The United Methodist Church are authorized to attend meetings of the Council of Bishops with expenses paid. Petition 20299 as amended violates ¶ 47 and is unconstitutional, null, and void.

May 2, 2024