

*Judicial Council of The United Methodist Church Conseil
Judiciaire De L'eglise Methodiste Unie
Rechtshof Der Evangelisch-Methodistischen Kirche Conselho
Judicial Da Igreja Metodista Unida
Consejo De La Judicatura De La Iglesia Metodista Unida*

Submission of Brief

Docket Number 1023-06

Name: Paul T. Stallsworth

Interested Party/Person X

Amicus Curiae

Address: 2400 Foxcroft Road NW

City: Wilson

State/Province: North Carolina Postal/Zip Code: 27896-1381 Country: USA

Phone Office: 252.640.2755 Home: 252.640.2755 Mobile: 252.290.4747

Fax: Not available

E-mail: paulstallsworth@nccumc.org

Annual Conference: North Carolina

Layperson

Local Pastor

Deacon

Elder X

Authorities Cited in the Attached:

Brief:

Reply Brief: X

If this is a Reply Brief, please set forth the **date** and **time** that your initial Brief was electronically transmitted:

08/27/2023 at 6:26pm [ET].

My previously submitted Brief was transmitted on 08/27/2023 at 6:26pm [ET].

Book of Discipline paragraphs: 414.2, 419.4, 2549.3(b), and 2553

Judicial Council Decisions/Memoranda Numbers:

Signature: Paul T. Stallsworth

Date: September 9, 2023

month day year

In Re: Review of a Bishop's Ruling on Questions Raised during the North Carolina Annual Conference Relating to Paragraphs 2549 and 2553, 414 and 419, and the Annual Conference's Adoption of the "Resolution for Closure of Fifth Avenue United Methodist Church"

I. Summary of Argument

This Reply Brief responds to the Interested Party/Person Brief of 08/29/2023 that was written and submitted by Mr. Eric P. Stevens, the chancellor of the North Carolina Conference.

In what follows, I will demonstrate that Mr. Stevens' arguments do not stand up to Disciplinary or factual scrutiny. They fail to support Bishop Connie Shelton's Ruling of Law on my Question of Law, which includes five [5] distinct questions which are all related to the North Carolina Conference's closing of Fifth Avenue United Methodist Church in Wilmington, NC USA and securing of the local church's property.

II. Arguments in Opposition to Mr. Stevens' Support of Bp. Shelton's Ruling of Law

In the first words of his brief, Mr. Stevens claims "(t)he primary question raised by this request for a Ruling of Law from Rev. Stallsworth concerns whether a local church's request to initiate a disaffiliation process divests the annual conference and its leaders of their normal authority to supervise the church for the benefit of the denomination in accordance with The Book of Discipline. ...[A]n annual conference retains its supervisory authority over a local church that wishes to disaffiliate up until the moment it is no longer a United Methodist Church...." (Stevens Brief, p. 1) Through these words, Mr. Stevens reveals that he contends that the annual conference and its leaders have an absolute, or nearly absolute, authority to supervise their local churches however they please. That contention will be challenged below from different directions.

Question of Law 1: The Disaffiliation Process Modifies Supervision

Paragraph 2549.3(b) grants conference leaders and the annual conference the authority to close a local church and take possession of its property. Paragraph 2553 gives a local church "a limited right" to enter the disaffiliation process, and decide whether or not to disaffiliate from The United Methodist Church. Neither Par. 2549.3(b) nor

Par. 2553 states which paragraph, in the event of a conflict between them, would prevail. In addition, neither The Book of Discipline nor prior Judicial Council decisions establishes which paragraph, in the event of a conflict between them, would prevail. Therefore, when the authority granted by Par. 2549.3(b) and the “limited right” granted by Par. 2553 collide, legal reasoning and commonsense must be employed to reach resolution.

To specify, in the case of Fifth Avenue United Methodist Church, conference leaders closed the local church, took possession of its property, and had the annual conference vote to approve final closure -- all on the basis of the authority given by Par. 2549.3(b). At the same time, Fifth Avenue United Methodist Church objected to these actions by the conference because the local church had begun exercising its “limited right” to enter the disaffiliation process, on the basis of Par. 2553, before the interim closure of the church had taken place.

How can this conflict, in which North Carolina Conference leaders stand on Par. 2549.3(b) and Fifth Avenue United Methodist Church stands on Par. 2553, be resolved? By focusing on the actual supervision of the local church.

Mr. Stevens rightly notes that supervision by the bishop and other conference leaders, of Fifth Avenue United Methodist Church, continues until that local church lawfully departs from The United Methodist Church. However, General Conference 2019 adopted Par. 2553 to give all congregations “a limited right” to disaffiliate from the denomination. Even if a congregation formally inquires into disaffiliation, and if its church council goes on to vote to enter the process of disaffiliation, that congregation’s supervisors (specifically, the bishop and the district superintendent) continue supervising that congregation. But the nature of the supervisors’ supervision, of a local church in the disaffiliation process, changes. That is, after a congregation enters the disaffiliation process, the supervision of the bishop and the district superintendent must incorporate requirements of Par. 2553 into their supervision of that congregation: generally, the supervisors will give space to the congregation to discern its way through the disaffiliation process; they will aid the congregation in its discernment as needed; and they will assist with the church conference that votes on whether or not the congregation will disaffiliate. If the disaffiliation vote fails, the bishop and district superintendent will return to their pre-disaffiliation-process supervision of the local church. If disaffiliation is approved by the church-conference vote, the bishop and district superintendent will supervise by leading the congregation to fulfill its disaffiliation obligations by paying its bills and submitting its completed paperwork. Only after the local church has met all of its disaffiliation requirements, only after its disaffiliation is ratified by annual-conference vote, and only when its denominational departure date arrives, does the supervision of the bishop and district superintendent of that local church come to an end.

The chancellor’s brief tries to give conference leaders, through Par. 2549.3(b), a nearly absolute authority to supervise a local church -- even to the point of taking away its “limited right” to disaffiliate -- by ignoring, disempowering, or silencing Par. 2553. Such an absolute authority is neither found in, nor supported by, The Book

of Discipline.

Instead of giving absolute authority to conference officials as the chancellor's brief argues, Par. 2549.3(b) can and should accommodate the limited-right requirements of a local church to disaffiliate as established by Par. 2553. In contrast to the this reply brief's resolution of these two paragraphs' conflict, which involves the modified supervision of a local church in the disaffiliation process, the chancellor's brief and its argument fail in their support of the bishop's Ruling of Law.

Question of Law 2: Closing a Local Church to Stop Its Disaffiliation

Conference leaders acted to close, and take possession of the property of, Fifth Avenue United Methodist Church through the declaration of "exigent circumstances" (Par. 2549.3(b) and Resolution for Closure of Fifth Avenue United Methodist Church). Later, as Mr. Stevens notes, the North Carolina Annual Conference is charged by Par. 2549.3(b) to vote on whether (or not) to close Fifth Avenue United Methodist Church permanently. (Stevens Brief, p. 6)

If the annual conference session thought the declaration of "exigent circumstances" was more or less just, it would most probably vote to close the local church. Otherwise, if the annual conference session thought the declaration of "exigent circumstances" to be somewhat unjust, its vote would become unpredictable. Therefore, the declaration of "exigent circumstances" and the vote of the annual conference on church closure are related, not separate, matters. So it is necessary to investigate the situation around conference leaders' declaration of "exigent circumstances."

For years, the Fifth Avenue United Methodist Church had been a small congregation -- with few members and limited revenues. That is not a new or recent development for this local church. The congregation struggled but survived. Year after year, conference leaders took no action to close the congregation and take possession of its property. Nor did conference officials did warn the congregation of such a possibility.

In 2019, in the midst of dire division in The United Methodist Church, the special, called General Conference adopted Par. 2553 on disaffiliation. In early 2023, when the Fifth Avenue United Methodist Church began to exercise its "limited right" to disaffiliate (Par. 2553) by formally inquiring with the annual conference, and later by the church council voting to enter the disaffiliation process, conference leaders were evidently galvanized: in short order, they declared "exigent circumstances," alleged the local church's missional deficit as the reason for their emergency declaration, temporarily closed the local church, and took possession of its property.

Considering the actions of annual conference leaders against Fifth Avenue United Methodist Church, one is compelled by those actions to admit that the actual "exigent circumstances," for an emergency declaration by conference leaders, was that they had just learned that Fifth Avenue United Methodist Church had recently

entered the disaffiliation process and might well depart from the annual conference and the denomination. By promptly closing the local church, conference leaders acted to stop the congregation's possible disaffiliation and departure. Therefore, the original Question of Law is pertinent. It cannot be casually swept aside, by the bishop, "as moot and hypothetical."

Furthermore, Mr. Stevens claims that the local church's "request for disaffiliation was relevant merely because it made clear that there was no more room for the Conference to work with the Church...." His statement seems to hypothesize, or offer a theory, about why the congregation's church council voted to enter the disaffiliation process. Such motivational speculation seems unhelpful in this legal context. In this legal discourse, it is preferable to recall relevant actions than to speculate about possible motives.

The original Question of Law was based on the conference leaders' actions against Fifth Avenue United Methodist Church. For years, conference leaders let the striving and struggling of this local church continue. At times, the annual conference even provided financial assistance to the local church. But when Fifth Avenue United Methodist Church entered the disaffiliation process, conference leaders evidently heard an alarm that had been set off (so to speak) and declared "exigent circumstances." In this way, through their words and actions, conference leaders treated the congregation's entry into the disaffiliation process as "exigent circumstances" that demanded swift and decisive action -- such as closing the local church, taking possession of church property, and beginning to prepare for an annual conference vote on final closure. Par. 2553 grants "a limited right" to Fifth Avenue United Methodist Church to discern disaffiliation and even to disaffiliate; it also requires that conference officials offer prescribed supervision of this congregation in the disaffiliation process; and it protects the local church in the disaffiliation process from conference officials interfering with its discernment.

Therefore, the chancellor's brief does not support the bishop's answer of "moot and hypothetical" to Question of Law 2. The chancellor's defense of the bishop's ruling fails.

Question of Law 3: Unfairness in Due Process

Due process, which requires a measure of fair process, is the concern of this Question of Law.

The chancellor recalls that the Judicial Council, because of precedent, does not get down into the weeds of parliamentary processes that unfold during an annual conference. That is understandable. However, the matter of elementary fairness, which is a part of abiding by due process, should be considered in the case of the closing of Fifth Avenue United Methodist Church now before the Judicial Council. Indeed, the principle of fairness is extraordinarily important because of the bishop's obvious conflict of interest in this particular case: for example, the way that the bishop presides over annual conference has a marked impact on whether the annual conference votes for the congregation's permanent closure (with the bishop) or against the congregation's permanent closure

(against the bishop). The absence of fairness, in due process granted to Fifth Avenue United Methodist Church, will be considered in the three points below.

First, Par. 2549.3(b) states: "...if the presiding bishop, the majority of the district superintendents, and the appropriate district board of church location and building all consent, they may" declare "exigent circumstances," close a congregation, and transfer ownership of its property to the conference trustees. In his brief, the chancellor declares that "[t]his requirement of consensus is the first means of protection against unfair and arbitrary interim closure decisions." (Stevens Brief, p. 8) If that is a "means of protection," it is a rather weak one. After all, the bishop appoints the district superintendents and nominates the district-board members. The fact that apparently not one among these conference leaders opposed the bishop's decision, to declare "exigent circumstances" and to close the local church, is a sign of the bishop's power to influence. Such overwhelming consensus makes "unfair and arbitrary interim closure decisions" (Stevens Brief, p. 8) more likely -- not less likely. Contrary to the chancellor's claim, fairness is not achieved through a so-called consensus among conference leaders.

Second, the chancellor called the debate that led to the annual-conference vote, on the permanent closure of Fifth Avenue United Methodist Church, "robust." (Stevens Brief, p. 9) In this context, in the chancellor's brief, "robust" could be understood as a sign of the fairness of the debate. However, there are problems with this claim -- some of which were raised in my original brief and some of which follow.

For example, the simple statement of fact -- *that Fifth Avenue United Methodist Church had entered the disaffiliation process before it was closed by conference officials* -- was never clearly, plainly, and decisively stated to the annual conference. Late on the first afternoon of the annual conference, Mr. Terry Simmons implied this fact in a rushed reading of his speech, but he did not slow down, state, and emphasize this fact (03:51:30/04:17:18 on the Thursday video of the 2023 NC Annual Conference, NC Conference website). Mr. Henry Jarrett, a lay delegate, pled for a simple statement of this chronological fact; in response, conference trustee president Mr. David Peele offered a confusing, unclear answer. (See the Stallsworth Brief, p. 16.) Then Ms. Karla Melcher also mentioned this fact, but did not emphasize it or drive it home (55:58/01:44:36, on the Friday morning video of the 2023 NC Annual Conference, NC Conference website). In addition, even the bishop's Ruling of Law misrepresented this significant statement of fact, as the chancellor admits (Stevens Brief, p. 4n) Again, this essential fact of what North Carolina Conference leaders actually did to Fifth Avenue United Methodist Church was not boldly and clearly placed before the annual conference during debate.

And third, a whiff of unfairness was detectable when the bishop presided over the debate in a way that assumed, after six speeches (three for closure and three against closure), the debate should end. The chancellor claims that, during the annual conference, three times conference delegates were informed "that the tradition and practice of the North Carolina Conference is to allow three speeches for and three speeches against a motion, and

no one objected to this practice.” (Stevens Brief, pp. 8-9) Unfortunately, the chancellor makes this claim without citing the points, in the video of the 2023 NC Annual Conference, at which this information was repeated.

Unfairness could be sensed, as well, in the way the bishop chose people to offer speeches during the debate. The bishop selected three clergy (Rev. Shawn Blackwelder, Rev. Tara Lain, and Rev. Clay Parker) -- who have a total of 48 years of pastoral experience (2022 Journal of the North Carolina Conference, pp. 331, 357, and 368) -- to speak for closure. The bishop called on two laypersons (Mr. Terry Simmons [retired engineer] and Ms. Karla Melcher [nurse]) and one pastor (Rev. Emily Blair with 5 years of pastoral experience) to speak against closure. In general, it is probably accurate to assume that those with more pastoral experience would be naturally prepared for, and at greater ease while, speaking on the conference floor. In calling on speakers with more pastoral experience, the bishop seemed to favor noticeably the side for closure over the side against closure.

The aforementioned signs of unfairness in due process call into question, and fundamentally challenge, the bishop’s Ruling of Law on due process. Despite the appearance of due process, Fifth Avenue United Methodist Church was not given the opportunity to tell its story, to state its case, to the annual conference in a convincing manner.

Question of Law 4: Ministry Contrary to The Discipline

This Question of Law pertains to “the way [the bishop and district superintendent] announced exigent circumstances at, and seized the property of, Fifth Avenue United Methodist Church...”

The chancellor’s brief misunderstands the question. It reads: “Rev. Stallsworth questions whether the decision by Bishop Shelton and the District Superintendents...to declare exigent circumstances and take possession of the Church’s property without prior notice constituted a violation of these provisions [Par. 414.2 and Par. 419.4].” (Stevens Brief, pp. 9-10) The Question of Law, as originally written and asked, concerns “the way [the bishop and the district superintendent] announced...and seized the property...” Again, “the way” the bishop and district superintendent carried out their plan -- not “the decision” they made -- is the focus of this Question of Law.

The Disciplinary paragraphs cited -- Par. 414.2 and Par. 419.4 -- clearly describe what episcopal ministry (of the bishop and of the district superintendent, who acts as an extension or arm of the bishop) should look like at Fifth Avenue United Methodist Church, in The United Methodist Church, in the Church catholic, and in the world. Episcopal ministry should “strengthen the local church,” demonstrate “spiritual leadership,” “build relationships” with many people and committees, and encourage ministries in “the district.” Such ministry is positive, hopeful, unifying, relational, connectional, and covenantal. As a matter of fact, the ministerial actions of the bishop and the district superintendent at Fifth Avenue United Methodist Church, on March 26, were exactly the opposite of what they should have been: negative, hopeless, divisive, separating, disconnecting, and covenant-breaking.

Relying on Rev. Lain's testimony, the chancellor's brief indicates that conference leaders went from the "collaboration" option (with the local church) to the "collective judgment" option (among only conference leaders), when they found Fifth Avenue United Methodist Church "wanted to disaffiliate rather than close." (Stevens Brief, p. 10) Alarmed at the local church being in the disaffiliation process, conference leaders apparently determined that the bishop and district superintendent would announce to the local church that it was closed and its property possessed by the conference trustees. In other words, conference leaders helped the bishop and the district superintendent to forget "the way" they are to carry out their episcopal ministries. (Pars. 414.2 and 419.4)

The chancellor's brief states: "The Discipline, wisely, does not dictate how bishops and district superintendents fulfill their responsibilities." That is true. In other words, bishops and district superintendents are not micromanaged as they minister in the Church and in the world. However, The Discipline, through Pars. 414.2 and 419.4, does establish standards, principles, or goals for episcopal ministry. With these standards, principles, or goals in mind, the bishop and the district superintendent should engage in the details of their ministerial activities.

Unfortunately, with regard to Fifth Avenue United Methodist Church on March 26, 2023, the bishop and the superintendent clearly engaged in ministerial misconduct that violated Par. 414.2 and 419.4. So the chancellor's brief fails to support the bishop's Ruling of Law.

Question of Law 5: The Decision to Close a Local Church Led to Violations of The Discipline

The chancellor's brief, at #5 (Stevens Brief, pp. 10-11), introduces no new arguments. It states that "[t]he Bishop properly ruled that the actions of the Conference are consistent with each of these disciplinary mandates, for reasons set forth in the prior sections of this Memorandum."

I beg to differ.

Please consider the following, abbreviated summary of how the conference leaders' decision -- to close Fifth Avenue United Methodist Church and take possession of its property -- led them to breach The Book of Discipline at four major points.

First, after making their decision to close the local church, conference leaders were guided only by Par. 2549.3(b)'s mandates, which grant them authority to close a congregation and take possession of its property, and ignored the "limited right" to disaffiliate which is given to the local church (Par. 2553), which would have limited conference leaders' authority. So conference leaders violated The Book of Discipline by refusing to heed Par. 2553, by not acknowledging that the local church has a "limited right" to disaffiliate.

Second, conference leaders were made to act hurriedly to close the local church by their discovery of that local church being in the disaffiliation process. They responded by treating this discerning local church itself as one

among other “exigent circumstances” (Par. 2549.3(b)). Conference leaders violated The Book of Discipline by acting as if the disaffiliation process is one among other “exigent circumstances” (Par. 2549.3(b)) for the conference to use and not “a limited right” (Par. 2553) for the congregation to exercise.

Third, favoring the closure side over the do-not-close side during the annual conference debate, conference leaders tainted The Book of Discipline’s promise of due process with unfairness and thereby violated The Discipline. (Par. 2549.3(b))

And fourth, with their decision to close the local church foremost in mind, the bishop and the district superintendent ministered to the local church in ways that violate The Book of Discipline’s stated standards for the ministry of a bishop (Par. 414.2) and for the ministry of a district superintendent (Par. 419.4).

In conclusion, a plain reading and understanding of The Book of Discipline casts light on North Carolina Conference leaders’ decision to close and take possession of Fifth Avenue United Methodist Church. That decision led conference leaders to ignore other parts of The Discipline, to misinterpret The Discipline, to limit fairness in the practice of The Discipline’s assurance of due process, and to minister in ways that are contrary to The Discipline’s standards of ministry.

III. Relief Requested

In closing Fifth Avenue United Methodist Church and taking possession of its property, North Carolina Conference leaders violated The Book of Discipline in the four aforementioned ways. Therefore, the bishop’s Ruling of Law should be overturned, and the church closure should be reversed. The local church should be permitted to reenter the disaffiliation process, and its church-conference vote on disaffiliation should be lawfully conducted. Should the Fifth Avenue United Methodist Church church conference vote to disaffiliate from The United Methodist Church, the North Carolina Conference will, if necessary, hold a special, virtual annual conference session to take a ratification vote on the local church’s decision to disaffiliate.

Respectfully submitted,

Paul T. Stallsworth

Elder (retired), North Carolina Conference

The United Methodist Church