

Judicial Council Decision No. 1496

April 22, 2024

IN RE: Petition for Declaratory Decision Regarding Paragraph 710.4 of the 2016 Book of Discipline.

Digest

If they are nominated and elected at the postponed 2020 General Conference being held in 2024, the members of general agencies who were first elected to a four-year term at the 2016 General Conference may be elected to serve a second four-year term.

Statement of Facts

The question put to the Judicial Council by the Council of Bishops in its Petition for a Declaratory Decision asks: Does ¶ 710.4 permit a voting member of a general agency elected at the 2016 General Conference to be elected to serve a second quadrennium beginning at the close of the 2020 General Conference to be held in 2024?

Jurisdiction

The Judicial Council has jurisdiction in this case pursuant to ¶ 2010.2b.

Analysis and Rationale

The law of the Church provides the answer to the question put to the Judicial Council. The voting members in question can serve no more than two consecutive four-year terms, the first of which began at the first meeting of their agency following the 2016 Portland General Conference. These members are still serving their first four-year term (even though it has lasted for eight years) because since that first meeting there has not been a subsequent

General Conference and no one has been nominated, elected and installed to take their place. If they are nominated and elected to another term at the postponed 2020 General Conference being held in 2024, they will start their second four-year term provided for in ¶ 710.4 at the first meeting of the general agency following the postponed 2020 General Conference in Charlotte.

Decision

If they are nominated and elected at the postponed 2020 General Conference being held in 2024, the members of general agencies who were first elected to a four-year term at the 2016 General Conference may be elected to serve a second four-year term.

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Dissenting Opinion

This Petition for a Declaratory Decision essentially requests whether, under ¶ 710.4, a voting member of a general agency that was elected during the 2016 General Conference is eligible for re-election at this General Conference.

This question does not present any issues of constitutionality but rather is a legislative determination that ought to be made by the General Conference. See, e.g., the holding in JCD 1310. See also JCD 1303.

The Discipline provides in ¶ 2608.2 that:

The council may decline to entertain an appeal or a petition for a declaratory decision in any instance in which it determines that it does not have jurisdiction to decide the matter.

The Judicial Council ought to have declined jurisdiction just as it has done in Memorandum 1495 concerning the term of office for Judicial Council members. These are matters to be determined by the denomination's legislative body, the General Conference, which will be assembled in less than 24 hours.

The ***Constitution*** sets forth the following:

¶ 16. **Article IV.—The General Conference shall have full legislative power** over all matters distinctively connectional, and in the exercise of this power shall have authority as follows:

4. To provide for the organization, promotion, and administration of the work of the Church outside the United States of America [*Committee on Central Conference*]

8. To initiate and to direct all connectional enterprises of the Church and to provide boards for their promotion and administration.

13. To establish such commissions for the general work of the Church as may be deemed advisable.

14. **To secure the rights and privileges of membership in all agencies, programs, and institutions** in The United Methodist Church regardless of race, gender, or status.

[emphasis added]

The Judicial Council must always be careful and avoid doing that which would usurp the authority of the General Conference. Similarly, the Council of Bishops can aid in this regard by avoiding the temptation to make requests for declaratory decisions when there are no constitutional issues *and* General Conference is soon to be convened. By declaring that the eight-year period [2016-2024] constitutes one four-year quadrennium is, in my opinion, legislating. This violates and undermines the *constitutional* authority that is vested solely and exclusively in the General Conference.

Of great concern is the language that is used in these Petitions for Declaratory Decisions. There are multiple times when the phrase ***Postponed 2020 General Conference to be held in 2024*** appears in the Petition. Judicial Council decision 1451 used that phrase in dealing with the issue of the persons who would serve as delegates to this 2024 General Conference. As opposed to the issue of persons who have been serving on general boards and agencies since 2016, the persons who were elected to serve as delegates to the 2020 General Conference *have not yet served in that capacity*. In any

event, Decisions 1451 and 1472 were modified and clarified by Memorandum 1485 wherein the Judicial Council specifically ruled that this General Conference is the **2024 regular session of General Conference** and also held that the next regular session that following the 2024 regular session will be the 2028 General Conference. In three separate instances, the Judicial Council referenced the **"2024 regular session of General Conference."**

The General Conference is the entity that has the authority to determine these matters. If the General Conference desires a decision from the Judicial Council then General Conference itself can ask such questions. I believe that we risk undermining the authority and balance of powers when we take actions that essentially pre-empt the authority of another body within our denominational structure, including the full and equal participation of laity (which is wholly absent when the body is composed exclusively of clergy and/or Bishops). I pray that we will endeavor to be more sensitive and aware in circumstances such as these.

Beth Capen April 22, 2024