

SUBJECT TO FINAL EDITING

## JUDICIAL COUNCIL OF THE UNITED METHODIST CHURCH

### DECISION NO. 1480

[Docket No. 0423-10]

**IN RE: Review of a Bishop’s Ruling on Questions of Law raised during the North Carolina Annual Conference Concerning Compliance with Conference Procedural Requirements by Local Churches Seeking to Disaffiliate as well as the Sufficiency of the Information Provided to Annual Conference Members Prior to their Vote.**

#### DIGEST

It will be unlawful for an annual conference to ratify a local church disaffiliation for any reason other than those specified in ¶ 2553.1 of *The Book of Discipline*.

Annual conferences are free to require by policy that a local church seeking disaffiliation demonstrate its reasons of conscience “related to the practice of homosexuality or the ordination or marriage of self-avowed practicing homosexuals” pursuant to ¶ 2553.1.

Paragraph 2553.1 does not require or mandate that the reasons of conscience for a local church’s disaffiliation be stated or given to the delegates of the annual conference. Moreover, the Judicial Council will not question the reasons of conscience behind a church’s decision to disaffiliate and will uphold a board of trustees or annual conference decision not to question a church’s decision to disaffiliate.

In discharging their duties under ¶ 2553, bishops, district superintendents, conference boards of trustees, and agencies must strike a careful balance between maintaining confidentiality and transparency and protect the rights of annual conference members to be informed on and to participate fully in all legislative decisions, including the ratification of local church disaffiliations.

The decision of Bishop Leonard E. Fairley is affirmed.

#### STATEMENT OF FACTS

On June 16, 2022, at the North Carolina Annual Conference, the presiding bishop announced a special called session of the North Carolina Annual Conference to be held

on November 19, 2022, for the purpose of ratification of churches who had completed the process of disaffiliation as determined by the North Carolina Annual Conference Board of Trustees.

At the special called session, the Board of Trustees presented its report and move for the ratification of the Disaffiliation Agreements of the churches. Two delegates spoke against the Board of Trustees' motion. Before the vote was taken on the motion, a clergy member presented a request for a ruling of law. The request for a ruling of law was as follows:

I write to submit a question in the form of a request for you to make a decision of law. I do so out of respect for, and in accordance with, the established Division Three, Article VII, of the Constitution of The United Methodist Church (published as paragraph 51 in the 2016 DISCIPLINE) and paragraph 2609.6 in our church law.

The request that I submit is for you to make a ruling of law concerning the following, which is a question with two parts:

1. First, is it lawful for an annual conference to approved [*sic.*] a local church for disaffiliation under paragraph 2553 of The DISCIPLINE for any reasons other than the “reasons of conscience regarding a change in the requirements and provisions of the Book of Discipline related to the practice of homosexuality or the ordination or marriage of self-avowed practicing homosexuals as resolved and adopted by the 2019 General Conference, or the actions or inactions of its annual conference related to these issues...”?
2. Second, does the annual conference, all lay and clergy members present and voting in this Special Session for this sole purpose, have the right to receive in writing all the available information on the reasons of conscience each church seeking to disaffiliate has given to the district superintendent conducting their Church Conference, as their reasons for doing this?

This two-part question of law arises in the context of procedures that have been used to implement paragraph 2553. In the North Carolina Annual Conference, we have only been given the name of the church and its district whereas our sister conferences adjoining us in Virginia and Western North Carolina have each been given voluminous information on each local church requesting disaffiliation. Given that the Annual Conference is the body that has final authority for making its decision as paragraphs 2529.1B(3) and 2553.4 make clear and as multiple Judicial Council decisions affirm (for example, 1371, 1379, 1421, 1424, 1425), it seems reasonable that those voting at the annual conference special session should have before them all pertinent information.

In the case of the North Carolina Annual Conference, that has not been provided.

Further, at least one church has proclaimed widely that its decision to disaffiliate is not for “reasons of conscience” pertaining to policies on homosexuality but other issues. Exactly two months ago in an interview published on the front page of a local newspaper, one of our pastors said of his church's vote to disaffiliate: “Trinity's vote was not about homosexuality; however, it was about maintaining a belief that the Bible should be read literally as the inerrant and infallible word of God.” He further stated that “Methodists with similar views as him and his church have been ‘accused of being anti-homosexual and that’s the furthest thing from the truth.’”

The presiding bishop gave his decision of law on December 6, 2022. His ruling was as follows:

#### Decision of Law

I am issuing this decision of law pursuant to the authority given to me as a presiding officer on Paragraph 51 of The Book of Discipline 2016. The decision is made within the time prescribed by Paragraph 2609.6 of The Discipline.

The question of law complies with the requirements of Decisions 799, 1103 and 1279. Therefore, it is properly before me and I have jurisdiction to issue a decision of law.

#### Ruling

In response to your first question, “is it lawful for an annual conference to approve a local church for disaffiliation under paragraph 2553 of The Discipline for any reason other than ‘the reasons of conscience regarding a change in the requirements and provisions of The Book of Discipline related to the practice of homosexuality or the ordination or marriage of self-avowed practicing homosexuals as resolved and adopted by the 2019 General Conference, or the actions or inactions of its annual conference related to these issues ....’” – No it would not be lawful for the NC Conference to act to ratify a local church’s disaffiliation for any reasons other than those specified in Paragraph 2553. All of the churches whose requests for disaffiliation were before the NCC Special Called Session had approved requests to disaffiliate for the very reasons stated in Paragraph 2553 in their various church conferences which were properly and fairly conducted so those actions were properly before us. Regardless of what other actions or statements members and/or clergy of those local churches may have made, the motion approved at their church conference was based on stating their reasons for requesting disaffiliation were the exact same requirements stipulated in Paragraph 2553. Reference Judicial Council Decision 1422.

Second: “does the annual conference, all lay and clergy members present and voting in this Special Session for this sole purpose, have the right to receive in writing all the available information on the reasons of conscience each church

seeking to disaffiliate has given to the district superintendent conducting their Church Conference, as their reasons for doing this?” Paragraph 2553 of The Book of Discipline and Paragraph 2529.1(b) (3) do not state what, if any, information must be supplied to an annual conference considering the disaffiliation of a local church. The list of those churches requesting disaffiliation was made known well in advance of the meeting as was the statement that the churches whose requests for disaffiliation were to be submitted for ratification had all satisfied The NC Conference Board of Trustees’ requirements of churches seeking such action. Foundational to those requirements was that each local church seeking disaffiliation must approve a motion asking for disaffiliation by a two-thirds vote of those professing members present and voting that disaffiliation was sought on the grounds specified in Paragraph 2553, “reasons of conscience regarding a change in the requirements and provisions of The Book of Discipline related to the practice of homosexuality or the ordination or marriage of self-avowed practicing homosexuals as resolved and adopted by the 2019 General Conference, or the action or inactions of its annual conference related to these matters.” Each local church seeking to disaffiliate from the NCC had satisfied that requirement. Other details about those churches seeking disaffiliation are available in the NC Journal and available to anyone seeking that data. Various annual conferences will present such information in different ways.

Therefore, in regards [*sic.*] to both your questions:

It is lawful that the NC Annual Conference proceeded to consider whether or not to ratify the disaffiliation of each local church as it did in the Special Session on November 19, 2022.

### **Jurisdiction**

The Judicial Council has jurisdiction pursuant to ¶¶ 2609.6 of *The 2016 Book of Discipline* [hereinafter the *Discipline*].

### **Analysis and Rationale**

Paragraph 2553.1 of the *Discipline* gives local churches a limited right to disaffiliate for reasons of conscience. It reads thus:

Because of the current deep conflict within The United Methodist Church around issues of human sexuality, a local church shall have a limited right, under the provisions of this paragraph, to disaffiliate from the denomination for reasons of conscience regarding a change in the requirements and provisions of the Book of Discipline related to the practice of homosexuality or the ordination or marriage of self-avowed practicing homosexuals as resolved and adopted by the 2019

General Conference, or the actions or inactions of its annual conference related to these issues which follow. ¶ 2553.1 [emphasis ours]

In a recent similar case, the Judicial Council held that “[a]nnual conferences are free to require by policy that a local church seeking disaffiliation demonstrate its reasons of conscience ‘related to the practice of homosexuality or the ordination or marriage of self-avowed practicing homosexuals’ pursuant to ¶ 2553.1.” JCD 1476. The record shows that the North Carolina Annual Conference did adopt such a policy.<sup>1</sup> Therefore, the answer to the first question is NO. It will be unlawful for an annual conference to ratify a local church disaffiliation for any reason other than those specified in ¶ 2553.1 of the *Discipline*. The bishop’s ruling of law on the first question is affirmed.

With respect to the second question, ¶ 2553.1 does not require or mandate that the reasons of conscience for a local church’s disaffiliation be stated or given to the members of the annual conference. Moreover, the Judicial Council will not question the reasons of conscience behind a church’s decision to disaffiliate and will uphold a board of trustees or annual conference decision not to question a church’s decision to disaffiliate. The bishop was correct in ruling that “Paragraph 2553 of The Book of Discipline and Paragraph 2529.1(b)(3) do not state what, if any, information must be supplied to an annual conference considering the disaffiliation of a local church.” Decision of Law, *supra*.

However, the validity of that statement is not absolute but must be weighed against other protected rights in Church law. In JCD 367, the Judicial Council held that “[a]ny organizational structure in an Annual Conference dealing with legislative matters must protect: ... the rights of individual members of the conference to be informed on and to participate fully in all legislative decisions.” [emphasis added]

While it is true that neither ¶ 2553 nor ¶ 2529.1(b)(3) requires the dissemination of any disaffiliation-related information prior to ratification, bishops, district superintendents, conference boards of trustees, and all involved agencies must carefully balance between maintaining confidentiality and transparency while protecting the rights of the members of an annual conference “to be informed on and to participate fully in all legislative decisions,” including the ratification of local church disaffiliations. With this caveat in mind, we affirm the second part of the bishop’s ruling.

### **Decision**

It will be unlawful for an annual conference to ratify a local church disaffiliation for any reason other than those specified in ¶ 2553.1 of *The Book of Discipline*.

Annual conferences are free to require by policy that a local church seeking disaffiliation demonstrate its reasons of conscience “related to the practice of

homosexuality or the ordination or marriage of self-avowed practicing homosexuals” pursuant to ¶ 2553.1.

Paragraph 2553.1 does not require or mandate that the reasons of conscience for a local church’s disaffiliation be stated or given to the delegates of the annual conference. Moreover, the Judicial Council will not question the reasons of conscience behind a church’s decision to disaffiliate and will uphold a board of trustees or annual conference decision not to question a church’s decision to disaffiliate.

In discharging their duties under ¶ 2553, bishops, district superintendents, conference boards of trustees, and agencies must strike a careful balance between maintaining confidentiality and transparency and protecting the rights of annual conference members to be informed on, and to participate fully in, all legislative decisions, including the ratification of local church disaffiliations.

The decision of Bishop Leonard E. Fairley is affirmed.

April 25, 2023

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<sup>i</sup> §1.a of the *Disaffiliation Agreement* adopted by the North Carolina Annual Conference reads:

1. Conditions Precedent. Local Church and Annual Conference acknowledge and agree:
  - a. Church Conference Vote. At least two-thirds (2/3) of the professing members present at a church conference of Local Church must vote to disaffiliate from The United Methodist Church “for reasons of conscience regarding a change in the requirements and provisions of the *Book of Discipline* related to the practice of homosexuality or the ordination or marriage of self-avowed practicing homosexuals as resolved and adopted by the 2019 General Conference, or the actions or inactions of its annual conference related to these issues which follow.” The church conference vote on disaffiliation must be taken by written ballot. Local Church must provide documentation, to the satisfaction of Annual Conference, which evidences the result of the disaffiliation vote taken at the church conference. Such documentation must be certified by an authorized officer of Local Church and is attached to this Disaffiliation Agreement and labeled as “Exhibit A.”