

A LOOK AT THE FIRST JUDICIAL COUNCIL SESSION FOLLOWING GC2020-24

EXECUTIVE SUMMARY

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JUDICIAL COUNCIL DECISION (JCD) 1512

By labeling the Trust Clause “foundational” the JC has elevated the Trust Clause to the level of the Constitution and has thus amended the Constitution outside the prescribed process for amendments. The Trust Clause is not part of the Constitution.

By calling disaffiliation a “radical departure from connectionalism” the JC has usurped the legislative authority of the General Conference to decide whether or not UM theology includes a policy of gracious, or graceful, withdrawal from the Church as an important part of conflict resolution.

By saying ¶2553 was “the only pathway for the disaffiliation of local churches” and that the removal of ¶2553 from the *Discipline* has terminated opportunity for disaffiliation, the JC has grossly misstated reality. ¶2553 was never the only pathway to withdrawal, and such withdrawals will continue.

By saying that the use of ¶2549 for gracious exit “would be a misapplication of Church law” the JC has ignored or discounted the fact in law that, throughout society and time, laws can be and often are used for purposes other than those intended by the original constructionists. Moreover, the clear language of ¶2549 gives the annual conference the final word in closure of a local church beyond appeal to the JC, and it gives the conference Board of Trustees, on the direction and authority of the annual conference, sole authority to dispose of the property of a closed local church.

JUDICIAL COUNCIL DECISION 1507

Currently only a District Superintendent has authority to recommend to the annual conference that a local church be closed, and recommendations to the annual conference are made through petitions or motions. The 2020/24 General Conference adopted two petitions to expand that authority to the Church Council of a local church and to a lay member of the annual conference from the charge of the church being considered for closure. Only the annual conference has authority to close a church, and nothing in the adopted legislation changed that.

The disciplinary changes were declared by the JC to be unconstitutional based on two elements:

The JC cited an unspecific principle of the Constitution that the UMC is in its essence a connectional institution and that all features of its polity must be consistent with that principle.

And the JC cited multiple places in the existing derivative law of the *Discipline* with which the changes proposed by GC2020/24 are in conflict, since those citations (§§244.1, 246.1, and 252) can be read to support an argument that the charge conference is the exclusive connectional body linking the local church to the rest of the connectional structure of the Church.

The JC made no citation of any statement in the Constitution in support of its ruling of unconstitutionality, because the Constitution makes no such statement. So, without any reference to the Constitution itself, the JC has declared to be unconstitutional a pair of changes to the *Discipline* that were adopted overwhelmingly by the General Conference, the only body of the Church given authority to adopt legislation for the whole Church.

As with JCD 1512, here in JCD 1507 the JC has, without the process of amending the Constitution, elevated §§244.1, 246.1, and 252 to constitutional status.