



JUDICIAL COUNCIL OF THE UNITED METHODIST CHURCH  
 CONSEIL JUDICIAIRE DE L'ÉGLISE METHODISTE UNIE  
 RECHTSHOF DER EVANGELISCH-METHODISTISCHEN KIRCHE  
 CONSELHO JUDICIAL DA IGREJA METODISTA UNIDA  
 CONSEJO DE LA JUDICATURA DE LA IGLESIA METODISTA UNIDA



### Petition for Declaratory Decision


This form is to be used by the Secretary of the body authorized to petition the Judicial Council for a ruling in the nature of a declaratory decision as to the constitutionality, meaning, application, or effect of (please check one):

- The Book of Discipline 2016* or any portion thereof (§ 2610.1)
- any act or legislation of a General Conference (§ 2610.1)
- any proposed legislation (§ 2609.2)

Name of body authorized to make a Petition (§ 2610.2): Council of Bishops  
 Date of session: 02.22.19 (month/day/year) Location: St. Louis, MO  
 Name of Secretary: Bishop Mande Muyombo  
 Address: 100 Maryland Ave. City: Washington  
 State/Province: D.C. ZIP/Postal Code 20002 Country: USA  
 Phone: 202-547-6270 Fax: \_\_\_\_\_ E-mail: mmulenga@umc-cob.org

To be reviewed (indicate paragraph number, title of legislation and/or act where applicable):

Book of Discipline: Par. 20, 33, and 50  
 Legislation: Petition 90052 and 90078  
 Act of General Conference: \_\_\_\_\_

Signature:  Date: 02/22/19  
**Secretary of the Conference/Body** (month/day/year)

**The following must be attached:**

- Text of the written Petition for Declaratory Decision as originally presented
  - Minutes of proceedings (relevant portions only)
  - List of names and addresses of interested parties, including e-mail
  - Other relevant materials (e.g. conference rules, resolutions, policies, reports)
- Eight (8) hard copies must be submitted via USPS or other delivery service to:  
 Secretary of the Judicial Council, 5556 N. Sheridan Road, #610, Chicago, IL 60640, USA
- Electronic copies in both Word and PDF (with security features disabled) must be submitted to:  
 secretaryjudicialcouncil@gmail.com

**IN THE JUDICIAL COUNCIL OF THE UNITED METHODIST CHURCH**

**IN THE MATTER OF THE )  
CONSTITUTIONALITY OF )  
PETITIONS 90052 & 90078 )**

**PETITION TO DETERMINE OF CONSTITUTIONALITY  
OF PETITIONS 90052 & 90078**

Comes the Council of Bishops of the United Methodist Church (“COB”) to Petition to Determine Constitutionality of Petitions 90052 and 90078, states:

1. The Judicial Council has jurisdiction of this request pursuant to ¶ 2609.2 of the 2016 Book of Discipline. Pursuant to ¶ 2609.2, the COB has authority to submit this petition.
2. Petition 90052 was submitted by Lonnie Brooks to the 2019 Special General Conference and has been determined by the Committee on Reference to be in harmony with the call of the special session. Mr. Brooks is an interested party in this petition. A copy of Petition 90052 is attached hereto as Exhibit A and is made a part hereof by reference.
3. Petition 90078 was submitted by Rev. Maxie Dunnam to the 2019 Special General Conference and has also been determined by the Committee on Reference to be in harmony with the call of the special session. Rev. Dunnam is an interested party in this petition. A copy of Petition 90078 is attached hereto as Exhibit B and is made a part hereof by reference.
4. On February 22, 2019, the COB voted to authorize the submission of the petition. Attached hereto as Exhibit C is a copy of an excerpt of the minutes of the COB meeting in which the submission was authorized.
5. Petition 90052 changes the process applicable to the chargeable offense set forth in ¶ 2702.1b (i.e., “practices declared by the United Methodist Church to be incompatible with

Christian teaching, including but not limited to ...”), apparently eliminating the supervisory response of ¶ 362b that is carried out by the bishop and the just resolution process of ¶ 362c that can be carried out at any time, including during the trial. Paragraph 362b states that the supervisory response is pastoral and administrative and shall be directed toward a just resolution among all parties. It also says that the supervisory response is “not part of any judicial process.” Paragraph 362c states that the “process seeking a just resolution may begin at any time in the supervisory or complaint process” and that it “is not an administrative or judicial proceeding.” Thus, the supervisory response, just resolution process, and judicial process are all separate functions, and this petition appears to cross the separate lines of power between the episcopal, administrative and judicial functions and powers similar to other petitions ruled unconstitutional in Judicial Council Decision 1366. Further, while this petition may have been intended to address the ¶ 2702.1b subset of practices related to self-avowed practicing homosexuals and celebration of homosexual unions, it is actually much broader and essentially allows a person to file a complaint alleging something is incompatible with Christian teaching as declared by the United Methodist Church and then to avoid the supervisory response and just resolution process as to any alleged practice that is incompatible with Christian teaching. It does not appear to the COB that this petition violates ¶ 20’s right to a trial by committee and of an appeal, *see* Judicial Council Decisions 557, 595, but notes this issue in light of the language of rulings such as Decision 982 which suggest that the right of trial involves additional fair process rights other than the judicial process.

6. Petition 90078 would allow a newly created Global Episcopacy Committee to address infractions by bishops (subsection b – “administer by its executive committee the

complaint process”) and annual conferences (subsection c – “investigate allegations that an annual conference has not fulfilled its requirements” and “mandate remedial action”) regarding compliance with the proposed new ¶¶ 2801.7a and 2801.1a, respectively. In regard to proposed subparagraph b of Petition 90078, ¶ 50 provides that the jurisdictional or central conference committees on the episcopacy review the work of bishops and pass on their character. Complaints regarding bishops are processed pursuant to ¶ 413. Transferring some or all of the functions of the committee on episcopacy or the parties who process complaints under ¶ 413 may violate ¶ 50. Further, although bishops are “bishops of The United Methodist Church” pursuant to ¶ 50, the grant of authority to a “Global Episcopal Committee” appears to violate the separation of powers between jurisdictional and central conference, on the one hand, and a committee of the General Conference such as the interjurisdictional committee on episcopacy that exists pursuant to ¶ 512. Proposed Petition 90078 greatly expands the entity that now exists under ¶ 512 and appears to violate the separation of powers doctrine. Finally, the Judicial Council’s discussion of the lack of separation of prosecutorial and adjudicative functions Traditional Plan Petitions 2, 3 and 4 in Decision 1366.

7. In regard to proposed subparagraph c of Petition 90078, ¶ 33 states that the annual conference is the basic body of the church and does not give any other body the authority to investigate an annual conference and mandate remedial action. Significantly, subparagraph c of Petition 90078 would amend ¶ 512 and not ¶ 33. As with subsection b, the proposed subsection c appears to violate the separation of powers doctrine. While the last sentence of ¶ 33 states that the annual conference “shall discharge such duties and exercise such powers as the General Conference under the Constitution may determine,”

the General Conference has never before delegated authority to any committee on episcopacy, much less a “Global Episcopacy Committee” to investigate and mandate remedial action concerning the conduct of an annual conference’s activities.

8. Finally, both subsections b and c of Petition 90078 are dependent upon the adoption of ¶¶ 2801.7a and 2801.1a, which the Judicial Council ruled were unconstitutional in Decision 1366.

WHEREFORE, the Council of Bishops petitions the Judicial Council to determine the constitutionality of Petitions 90052 and 90078.



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BISHOP CYNTHIA HARVEY  
PRESIDENT-DESIGNATE OF  
COUNCIL OF BISHOPS

**CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing was served upon Rev. Maxie Dunnam and Mr. Lonnie Brooks via electronic mail on this \_\_\_\_ day of February, 2019.

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BISHOP CYNTHIA HARVEY

committee on investigation (§ NEW.1), and represent the Church in the judicial process. The fair process provisions in § 2701 shall apply to this judicial process. The statute of limitations in § 2702.4 should be considered prior to the referral of a judicial complaint.

3. The counsel for the Church, as appointed under § NEW.2, shall prepare, sign, and forward the judicial complaint and all documentary evidence under consideration to the chairperson of the special committee on investigation, the person making the original complaint, and the respondent. The respondent shall be given an opportunity to submit to the special committee on investigation a written response to the judicial complaint within thirty days of receipt of the judicial complaint. The chairperson shall convene the special committee on investigation within sixty days of receiving the judicial complaint.

4. If five or more members of the special committee on investigation so recommend, the respondent will be suspended pending the conclusion of the trial process.

5. The procedures of the special committee on investigation shall be the same as those prescribed for a committee on investigation in § 2706.

6. The trial procedures to be followed are as specified in §§ 2707-2711, with the following exceptions and special provisions:

a) The presiding officer will be a bishop selected by the president of the Council of Bishops.

b) The trial pool will be the persons nominated to serve on the special committee on investigation who did not serve on the committee during its consideration of the charges against the respondent.

7. Any appeal from this process will be directed to the Judicial Council.

**Rationale:**

This change will bring to a close the practice prevalent in some parts of the Church wherein conformance to part of Church law is avoided through inappropriate use of the supervisory and just resolution provisions of the *Discipline*.

**¶10.**

Petition Number: 90053-¶10-C-!-G; Brooks, Lonnie D. - Anchorage, AK, USA.

**USA Central Conference as Part of a Way Forward**

Amend §§ 10, 28, 30, and 31 as indicated following:

¶ 10. Article III.—There shall be central conferences for the church ~~outside the United States of America~~ as

determined by the General Conference and, if necessary, provisional central conferences, all with such powers, duties, and privileges as are hereinafter set forth.

...

¶ 28. Article I.—There shall be central conferences ~~for the work of the Church outside the United States of America~~ with such duties, powers, and privileges as are hereinafter set forth. ~~The number and boundaries of the central conferences shall be determined by the Uniting Conference. Subsequently the General Conference shall have authority to change the number and boundaries of central conferences. The central conferences shall have the duties, powers, and privileges hereinafter set forth.~~

...

¶ 30. Article III.—The central conferences shall meet ~~within the year succeeding the meeting of the General Conference~~ at such times and places as shall have been determined by the preceding respective central conferences or by commissions appointed by them or by the General Conference. ~~The date and place of the first meeting succeeding the Uniting Conference shall be fixed by the bishops of the respective central conferences, or in such manner as shall be determined by the General Conference.~~

...

¶ 31. Article IV.—The central conferences ~~outside the United States~~ shall have the following powers and duties and such others as may be conferred by the General Conference:

Insert as follows a new paragraph immediately following existing ¶ 31.

NEW PARAGRAPH. The central conference that includes the United States shall have the power and duty to make such rules and regulations for the administration of the work within its boundaries including such changes and adaptations of the *General Discipline* as the conditions in the central conference may require, subject to the powers that have been or shall be vested in the General Conference.

Immediately prior to ¶ 540, change Section III title to read as follows:

Section III. Central Conferences Outside the United States

Following existing ¶ 567, insert a new Section as follows:

Section NEW. Central Conference of the United States

Following the new Section title insert new paragraphs as follows:

NEW 1. There shall be a central conference whose boundaries shall include all the jurisdictional conferences, and it shall be called the Central Conference of the United States (CCUS), notwithstanding that it may include territory not included within the United States.

NEW 2. The active bishops in the jurisdictions, in consultation with the Interjurisdictional Committee on Episcopacy, shall appoint an Interim Committee on Organization (ICO) which shall be charged with the following duties:

NEW 2.1 The ICO shall choose the time and place for the convening of the initial gathering of the CCUS, and it is recommended that it gather immediately prior to and at the site of the General Conference of 2020.

NEW 2.2 The ICO shall recommend to the CCUS for action at its first gathering what committees and officers are required to ensure the functionality of the CCUS. The ICO shall work with the business manager of the General Conference in planning for the first gathering of the CCUS.

NEW 2.3 Delegates and reserve delegates to the CCUS shall be the most recently elected delegates and reserve delegates to the General Conference from any annual conference within the jurisdictions and shall represent those same annual conferences.

**Rationale:**

Creating a central conference for The UMC within the United States provides a forum for discussion of issues peculiar to the US and resolution of conflicts that would best be settled in such a setting. It need not be accompanied by the creation of additional structure or bureaucracy.

**¶604.**

Petition Number: 90054-¶604-G; Brooks, Lonnie D. - Anchorage, AK, USA.

**Constitutional Amendment Voting**

Add a new ¶ 604.14 as follows:

¶ 604.14. Proposed Constitutional Amendments in Annual Conferences—As provided in ¶ 59 of the Constitution it is the duty of each annual conference to provide an opportunity for its members to vote on amendments to the United Methodist Constitution as proposed by the General Conference. In each annual conference at the conclusion of such a vote it shall be the duty of the presiding officer to announce the result of the vote in that conference, including votes in favor, in opposition, and in abstention.

**Rationale:**

Processes in The United Methodist Church ought to be as open as possible, and nothing in existing UM law precludes the announcement in each annual conference of the result of its members' vote on proposed amendments to the Constitution.

**¶161.G.**

Petition Number: 90055-¶161.G-G; Stallsworth, Paul T. - Whiteville, NC, USA.

**Replace Par. 161.G**

Delete current paragraph ¶ 161.G *Human Sexuality*, and substitute the following:

¶ 161.G Human Sexuality—Because the Sexual Revolution is now undermining Christian teaching on human sexuality and harming countless unsuspecting people, the Church is compelled to propose its teaching with biblical clarity.

During his earthly ministry, Jesus speaks about marriage: “But from the beginning of creation, ‘God made them male and female.’ ‘For this reason a man shall leave his father and mother and be joined to his wife, and the two shall become one flesh.’ So they are no longer two, but one flesh. Therefore what God has joined together, let no one separate” (Mark 10:6-9, also see Mathew 19:4-6 NRSV here and below).

In his statement on marriage, Jesus is guided by “the beginning of creation” (Mark 10:6). He draws twice from Genesis. First, from Genesis 1:27c: “male and female he created them.” And second, from Genesis 2:24: “Therefore a man leaves his father and his mother and clings to his wife, and they become one flesh.” To teach on marriage, Jesus reaches back to God’s creation of humanity as male and female, and to what God intends for humanity (which is “fidelity in marriage and celibacy in singleness”). Furthermore, Genesis asserts: “God blessed them, and God said to them, ‘Be fruitful and multiply . . .’” (Genesis 1:28). And “God saw everything that he had made, and indeed, it was very good” (Genesis 1:31a).

In his statement, Jesus indicates (among other things) the covenantal context—the marriage of a man and a woman—for sexual relations. In marriage, two people are united by God to become one. The gift of unity God gives is embodied in the marital act; that is, the union of souls is reflected in the union of bodies. This one-flesh union is so powerful and creative that it can beget a child (or children), whom the mother and father can welcome, protect, and raise.

In his Letter to the Ephesians, St. Paul claims the union of husband and wife is a reflection of the union of Christ and his church. Paul writes: “‘For this reason a man will leave his father and mother and be joined to his wife, and the two will become one flesh.’ This is a great mystery, and I am applying it to Christ and the church” (5:31-32).

Therefore, the Christian understanding of marriage and sexuality is established at creation. It is revealed in Genesis, reinforced by Jesus Christ, and depicted in gos-

### A Simple Plan #7 - Souto - GCFA Fiscal Responsibilities - Par. 806.9

Amend ¶806.9 as follows:

~~¶ 806.9. It shall be responsible for ensuring that no board, agency, committee, commission, or council shall give United Methodist funds to any gay caucus or group, or otherwise use such funds to promote the acceptance of homosexuality or violate the expressed commitment of The United Methodist Church “not to reject or condemn lesbian and gay members and friends” (¶ 161G). The council shall have the right to stop such expenditures. It shall not limit the Church’s ministry in response to the HIV epidemic.~~

#### Rationale:

In the Wesleyan tradition we aim to live by the admonition to do no harm. Revising sections of the *Book of Discipline* that prevent people from being full participants in the life of The United Methodist Church alleviates some of the harm The United Methodist Church causes to . . .

#### ¶2702.1.

Petition Number: 90075-¶2702.1-G; Souto, Alexandre Da Silva - New Milford, CT, USA for UM Queer Clergy Caucus. 2 Similar Petitions

### A Simple Plan #8 - Souto - Chargeable Offenses - Par. 2702.1

Amend ¶ 2702.1 as follows:

¶ 2702.1. A bishop, clergy member of an annual conference (¶ 370), local pastor, clergy on honorable or administrative location, or diaconal minister may be tried when charged (subject to the statute of limitations in ¶ 2702.4) with one or more of the following offenses: ~~(a) immorality including but not limited to, not being celibate in singleness or not faithful in a heterosexual marriage; (b) practices declared by The United Methodist Church to be incompatible with Christian teachings, including but not limited to: being a self-avowed practicing homosexual; or conducting ceremonies which celebrate homosexual unions; or performing same-sex wedding ceremonies; (ea) crime; (bd) disobedience to the order and discipline of The United Methodist Church; (ec) dissemination of doctrines contrary to the established standards of doctrine of The United Methodist Church; (fd) relationships and/or behavior that undermines the ministry of another pastor; (ge) child abuse; (fh) sexual abuse; (gt) sexual misconduct including the use or possession of pornography, (hj) harassment, including, but not limited to racial and/or~~

sexual harassment; ~~(ik)~~ racial, or gender discrimination; or ~~(jt)~~ fiscal malfeasance.

#### Rationale:

In the Wesleyan tradition we aim to live by the admonition to do no harm. Revising sections of the *Book of Discipline* that prevent people from being full participants in the life of The United Methodist Church alleviates some of the harm The United Methodist Church causes to . . .

#### ¶00.

Petition Number: 90076-¶00-C-G; Childs, Christopher E. - Marcus, IA, USA.

### Behavior of Clergy and Use of Church Property

Add a new paragraph to Section III of the Constitution, after paragraph 22.

General Conference shall not establish any prohibitions or requirements for the behavior of clergy or the use of church property without a seventy-five percent majority vote. Any standard of behavior for clergy or the use of church property can be removed with a twenty-five percent vote.

#### Rationale:

The UMC will always be a community of faithful Christians who disagree on the divisive issues of the day. The quadrennial fighting for control has distracted us from our mission. This resolution will refocus the Church away from opinions that divide us, toward the essentials that unite us.

This . . .

#### ¶328.

Petition Number: 90077-¶328-G; Nupp, John William - Ellicott City, MD, USA.

### Interpretation of Fidelity in Marriage for Deacons

Amend ¶ 328 as follows:

Deacons lead the congregation in its servant ministry and equip and support all baptized Christians in their ministry. The distinct ministry of the deacon has evolved in United Methodism over many years – the continuing work of the deaconess, the home missionary, and the diaconal minister. The Church, recognizing the gifts and impact of all predecessor embodiments of the diaconate and providing for the continuation of the office of the deaconess,



affirms that this distinctiveness is made visible and central to the Church's life and ministry through ordination and that the ministry of the deacon is a faithful response of the mission of the Church meeting the emerging needs of the future.

The Board of Ordained Ministry may therefore approve a candidate for the office of deacon who does exemplify the highest ideals of the Christian life that, according to the laws of the annual conference in which they serve, exhibit faithfulness in marriage and celibacy in singleness, for the sake of the ongoing mission of the church in the world.

Deacons are accountable to the annual conference and the bishop for the fulfillment of their call to servant leadership.

#### **Rationale:**

Deacons enjoy a unique relationship within our connectional structure: linking the church to the world wherever they are appointed, yet never guaranteed an appointment. While various means have been suggested for making a way forward through congregational models, this solution occurs through a simple shift in the orders. Granting approval . . .

#### **¶512.**

Petition Number: 90078-¶512-!-G; Dunnam, Maxie - Memphis, TN, USA.

#### **Modified Traditional Plan - Dunnam - Global Episcopacy Committee - Par. 512**

Amend ¶ 512 to make the Global Episcopacy Committee responsible for accountability to the provisions of this plan by bishops and annual conferences.

¶ 512. ~~Interjurisdictional Committee on Global Episcopacy Committee~~—1. There shall be ~~an Interjurisdictional Committee on Episcopacy~~ a Global Episcopacy Committee elected by the General Conference consisting of one of the persons (designated by each delegation) nominated by their annual conference delegations to serve on the several jurisdictional or central conference committees on episcopacy. The committee shall meet not later than the fifth day of the conference session and at the time and place set for their convening by the president of the Council of Bishops and shall elect from their number a chairperson, vice chairperson, and secretary. The functions of this joint committee shall be:

a. To discuss the possibility of transfers of bishops across jurisdictional or central conference lines at the forthcoming jurisdictional or central conferences for res-

idential and presidential responsibilities in the ensuing quadrennium;

b. To administer by its executive committee the complaint process for any complaints filed against bishops who are alleged to have not fulfilled their commitment under ¶ 2801.7a or who are alleged to have committed one of the chargeable offenses under ¶ 2702.1a-b. The executive committee shall use the process of ¶¶ 413 and 2704.1, but substitute for the president and secretary of the relevant College of Bishops. Any supervisory response shall be administered by two elders who are members of the executive committee as chosen by the committee and who are not appointed to serve in the jurisdiction or central conference where the respondent bishop is serving. A majority vote of the executive committee shall be required to dismiss a complaint as having no basis in law or fact, to refer a matter as an administrative complaint to the jurisdictional or central conference committee on episcopacy, to refer a matter to a counsel for the Church as a judicial complaint, or to request the council relations committee of the Council of Bishops to place a bishop on involuntary leave or involuntary retirement. The provisions of this sub-paragraph take precedence over any conflicting provisions in the *Discipline* not contained in the Constitution and are to be administered consistently with ¶ 2801.7.

c. To investigate allegations that an annual conference has not fulfilled its commitment under ¶ 2801.1a and by majority vote mandate remedial action or place the annual conference on the list of ¶ 2801.3. Any such action by the Global Episcopacy Committee may be appealed to the Judicial Council at its next scheduled session by the affected annual conference. Any sanctions imposed under ¶ 2801.4 shall take effect six months after the Global Episcopacy Committee acts or after an appeal is heard, whichever is later.

d. To monitor the changing landscape of annual conferences and bring recommendation to General Conference related to reorganization of the jurisdictional or central conferences that may be warranted based on the effects of annual conferences leaving the connection. Any recommendation for reconfiguring a central conference must also be considered by the Standing Committee on Central Conference Matters.

e. ~~and~~ To review on the basis of missional needs an application from a jurisdiction which, by number of its church members as provided in ¶ 404, would experience a reduction in the number of its bishops, and recommend the number of bishops to which that jurisdiction should be entitled to the General Conference for determination by the General Conference. This provision regarding missional needs is enabling, and it is not constraining on the

## Exhibit C

**On February 22, 2019, the Council of Bishops met in Executive Session and the following is included in their minutes:**

Motion to file a request for declaratory decision to the Judicial Council on the constitutionality of Petitions 90052 and 90078. The Council reviewed the draft request and the motion to file was approved.

Signed:

A handwritten signature in black ink, appearing to be 'M. Muyombo', written over a horizontal line.

Bishop Mande Muyombo  
Secretary of the Council of Bishops