

This is my attempt at a primer concerning the organization of The United Methodist Church. An overview starts on page 3.

INTRODUCTION

The United Methodist Church is by membership currently the second largest Protestant denomination in the United States. Because of its size, its struggles in “the culture wars” may interest a largest public.

Regarding “the culture wars,” I do have one bias: I fear the Religious Right taking over The United Methodist Church. It’s one thing to oppose abortion on a principled basis (I can respect such an ethical position). It’s quite another thing to oppose partial birth abortions because

in the extreme cases they are needed, another procedure could also be done in another way. After all, partial birth abortions are done basically and primarily for financial reasons. One of the main driving forces behind partial birth abortions is the harvesting of body parts for research and transplanted. That’s right, harvesting of body parts. They’re using these babies in lieu of guinea pigs and mice. One person has heard that parts such as the spinal cords and hearts sell for several thousand dollars on the market. There are reported cases of abortion clinics encouraging and paying young mothers to carry their babies to late term so the body parts will be more mature and worth more on the market.

The above comments regarding “partial birth abortions” are taken almost verbatim from the 2000 General Conference plenary session on May 12, 2000 (see *Daily Christian Advocate*, [page 2465](#)). The above comments regarding financial incentives and “partial birth abortions” do not make sense. Spinal cords and hearts cannot legally sell for several thousand dollars. At a minimum, there would be financial records of such transactions. Without such financial incentives, it makes no sense for a provider to pay women to risk additional complications. Such payments should create disciplinary problems for someone’s medical license. The above comments incoherently imply that these financial incentives are such a huge problem that no one has faced disciplinary action and/or prosecution.

One reading of the above comments is that they were “inspired by an investigation of one person” on the March 8, 2000 TV news program *20/20*. (A full transcript of the news story [is available](#) [Appendix B] in the Amici Brief of the United States Justice Foundation, et al. in the case of *Gonzales v. Carhart*.) At a minimum, these practices of one person were grossly unethical. Yet even these practices did not reach the level of the allegations in the above comments. The most charitable as well as honest reading of the above comments concerning

“partial birth abortions” and financial incentives is that the comments constitute unfounded gossip.

This unfounded gossip in General Conference was on the side that prevailed. Perhaps it’s unfair of me to quote the comments of one person almost verbatim in this context; I risk suggesting such comments are typical of The United Methodist Church. I do consider such unfounded gossip typical of the Religious Right. It’s driven by fear. One fear is a loss of power.

I realize that what motivates me to write is a fear that the Religious Right will take over The United Methodist Church. I don’t place myself “above” or “beyond” fear. My fear is of a power exercised without love. To quote from Martin Luther King, Jr. (*Where Do We Go from Here: Chaos or Community?* Harper & Row, 1967: page 37):

What is needed is a realization that power without love is reckless and abusive and that love without power is sentimental and anemic. Power at its best is love implementing the demands of justice. Justice at its best is love correcting everything that stands against love.

A power that draws its strength from unfounded gossip has to count as reckless; in other words, it has to count as a power without love. Discussions concerning the future of The United Methodist Church that ignore power are at best sentimental.

For the past few years I’ve been studying the polity and law of The United Methodist Church. The United Methodist Church has a complicated polity. In my experience – as someone who grew up in a local church, left the church, went back to a local church for a couple of years, and has probably left again – many brief introductions to denominational organization aren’t that helpful. I believe that this primer might be helpful to those interested in the politics of The United Methodist Church.

As for myself, I have reached a point where I understand a fair amount about the rules and their oddities but I also feel that I might be missing the point. Right now I see a parallel future for myself where I attend baseball games, complaining to everyone nearby how contradictory the rules are. “These rules don’t make any sense! Why do you people care about this game, anyway? Aren’t there better ways to spend your time?”

Perhaps it’s better to light a candle rather than curse the darkness and claim to be a spokesperson of Light. In this spirit of lighting a candle, I offer this seed with the hope that it might take root.

Steven Wiegner
April 18, 2014

OVERVIEW

“Basics” (starting below) describes (briefly) some history and terms that orient this discussion.

“Questions” (starting on page 5) gives responses to questions that I consider most fruitful for a concise understanding of United Methodist polity. (I describe my reasons for selecting these questions in the beginning of the section.)

“Current Topics” (starting on page 12) discusses subjects that deserve more attention.

(My necessity, I cite Judicial Council Decisions before describing the Judicial Council on pages 10–11.)

BASICS

An Extremely Brief History

The Methodist Church was formed in 1939 from the union of the Methodist Episcopal Church, the Methodist Episcopal Church, South, and the Methodist Protestant Church. I haven’t found membership statistics; however, it’s safe to say that the Methodist Protestant Church was the smaller of these three churches. (At the Uniting Conference, the Methodist Protestant Church had 100 delegates, and the other two churches had 400 delegates each. See [Journal of the Uniting Conference page 9](#).)

The Methodist Church represented a reunification of three branches of Methodism that had separated from the Methodist Episcopal Church. The [Methodist Protestant Church](#) officially formed in 1828. The Methodist Episcopal Church, South organized after 1844 because of controversies over slaveholding.

The United Methodist Church formed in 1968 from the union of The Methodist Church and The Evangelical United Brethren Church. In terms of lay membership, [The Methodist Church was larger](#): in 1960, The Methodist Church reported almost 10,000,000 members; The Evangelical United Brethren Church, almost 775,000 members.

To repeat: the above is an extremely brief history.

Name

The denomination’s official name is “The United Methodist Church”. Yes, the definite article is definitely part of the name (see ¶ 2, page 24).

The Discipline

The citation “(see ¶ 2, page 24)” is from the current *Discipline*. The current *Discipline*’s full title is *The Book of Discipline of The United Methodist Church 2012*. It constitutes “church law.” It’s generally cited by paragraph number (often with the [pilcrow](#) “¶”) rather than page number; for easier reference I’ll also cite the printed page numbers.

Here are links to the online version of *The Book of Discipline of The United Methodist Church 2012*:

[“Part I”](#) [Through Part VI, Chapter Three “The Superintendency” (ends with ¶ 442, or page 349)]

[“Part II”](#) [Part VI, Chapter Four “The Conferences” through Chapter Seven, “Judicial Administration” (¶¶ 501–2719, ending at page 804)]

[Index](#)

(I vaguely heard about the *Discipline* when growing up. When I heard about it again a few years ago while living in Chicago, my first thought was that it sounded like it should be sold at Leathersport over on Halsted Street.)

The General Conference

The General Conference of The United Methodist Church is the only body under the Church Constitution that can make legislative changes to the *Discipline*. The General Conference meets every four years, most recently in 2012 (hence the date of the current *Discipline*).

Other Sources

For those interested in more background, these two books might be helpful:

[The Organization of The United Methodist Church](#) (2009–2012 Edition) by Jack M. Tuell

[Polity, Practice, and the Mission of The United Methodist Church](#) (2006 Edition) by Thomas E. Frank

My discussion of the trust clause (page 9 below) draws upon Jack M. Tuell’s discussion in the Revised 1985 Edition of *The Organization of The United Methodist Church*, pages 145–146 and 149.

Other than the earlier edition I just mentioned, I have not read either of these two books.

QUESTIONS

In The United Methodist Church, all persons are called to be in ministry. There are some persons who are called to serve in leadership as set-apart ministers, ordained and licensed (§ 301, page 217). Since I'm interested in discussing political power, I will start this section by discussing this leadership.

I frame this section as questions and responses. These questions have roughly three themes:

1. Church leadership from the Order of Elders.
2. The relation of the local church to the denomination. In terms of my discussion here, this primarily concerns pastoral appointments and the trust clause.
3. More about constitutional bodies. Specifically, these are the General Conference, the Judicial Council, and the Council of Bishops.

By no means is this discussion comprehensive. In some ways it's limited to my experience in the United States. In other ways it's limited because there are caveats I've had to leave out for brevity (yes, seriously). I'm trying to illustrate "basic principles" of church polity.

So, what is "Church leadership from the Order of Elders"?

The "Order of Elders" (§ 306, page 221) sounds more ominous than it actually is. A few observations might help set the stage.

First, the title "elder" is long established in Methodism. It literally goes back [over two centuries](#). In my experience, those who currently have the title rarely use it. "Pastor" or "The Reverend" seem much more commonly used.

Second, laity have a voice and vote in many many parts of The United Methodist Church. By the nature of this discussion, I highlight areas in which laity do not have an immediate final say. By no means are these areas typical.

Third, in some ways the "Order of Elders" is a relatively recent innovation to the ordering of ordained ministry. This is discussed in Judicial Council [Decision 844](#) (October 1998).

Basically I concentrate on elders because one must be an elder in order to be appointed district superintendent (§ 403.2, page 317) or elected bishop (§ 402, page 315). I mean no disrespect to ordained deacons and/or licensed pastors in doing so. I am trying to illustrate "basic principles" of church polity.

Very very briefly, how are elders ordained in The United Methodist Church?

It is not possible to completely and briefly describe the ordination process. I will instead discuss the start and conclusion of the typical process for those who are ordained.

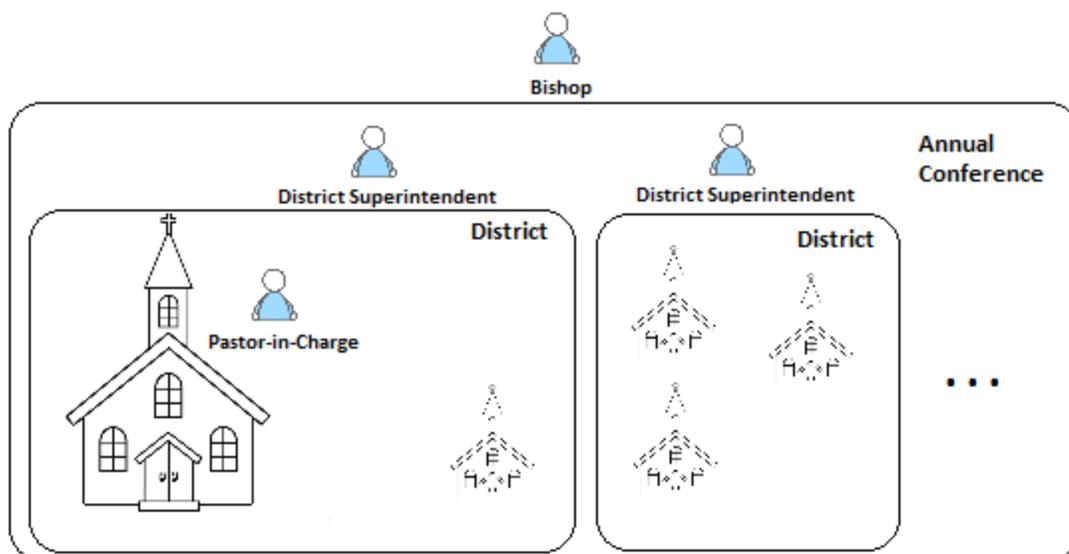
Historically, a candidate for ordained ministry must have a recommendation from the candidate's local church (for the church law concerning current practice, see ¶ 310.1, page 223). The long process concludes with the person being elected to full annual conference membership. This is done in the clergy session of the annual conference. The clergy session is a meeting of all ordained ministers in full annual conference membership, also called "in full connection."

After one is elected full annual conference membership, one is ordained.

How does an ordained elder get appointed to a local church?

The short answer: the bishop appoints an elder to serve in a local church (¶¶ 53–54 and 425–429, pages 40 and 337–342). I'm going to describe the office of bishop – the episcopal office – in more detail under the next question. Under this question, I want to discuss the annual conference. According to the Constitution of The United Methodist Church, "The annual conference is the basic body in the Church ..." (¶ 33, page 33).

An annual conference is both a geographical area (¶¶ 27.4 and 31.4, pages 29 and 31) and also an annual meeting in that area ([Decision 825](#) [April 1998]). Each annual conference consists of multiple districts. We can think of an elder being appointed as "pastor-in-charge" in the following picture (original clip art from [here](#) and [here](#)):



A bishop is assigned to an annual conference. (How is covered under the next question.) The bishop appoints a district superintendent for each district (§ 417, pages 332–333). All of the district superintendents within an annual conference constitute the cabinet (§§ 53 and 424, pages 40 and 336–337). The cabinet is involved in the appointment process (§ 428, pages 340–342), but ultimately the bishop “is empowered to make and fix all appointments” (§ 425.1, page 337).

As noted above, an annual conference holds meetings (at least) annually. The respective bishop presides at these meetings (§ 52, page 40). This presiding is basically acting as chair of a parliamentary body. One role of annual conferences is to elect clergy and lay delegates to General and jurisdictional and central conferences.

Where do United Methodist bishops come from?

Bishops are elected (§ 46, page 37). They are elected in the United States by jurisdictional conferences (listed at § 37, page 35) and outside of the United States by central conferences (listed at § 540.3, page 370). I’m going to focus this discussion on jurisdictional conferences (basically, the United States) and on active bishops.

A bishop is a member of a jurisdictional conference, not an annual conference. The bishops of a jurisdictional conference constitute a College of Bishops (§ 48, page 38). Bishops elected by jurisdictional conferences are accountable to jurisdictional conferences (§§ 50 and 523, page 39 and 362; see also [Decision 475](#) [April 1980]).

The jurisdictional conference assigns each bishop to their “respective residence” (§ 406.1, page 319). Each bishop has an episcopal area (usually one annual conference, but it could be more than one). Episcopal areas in each jurisdictional conference are set by each respective College of Bishops (§ 48, page 38; see also [Decision 517](#) [October 1982] and [Decision 735](#) [April 1995]).

Bishops in jurisdictional conferences are elected for life. There is a mandatory retirement age for bishops (§ 408.1, page 321), yet retired bishops are still bishops in the Church in accordance with disciplinary provisions (§ 409, page 325).

(An aside concerning § 37:

[Decision 215](#) [May 1964] held that the General Conference could grant autonomy to the Cuba Annual Conference without a constitutional amendment. However, removing “Cuba” from the constitutional list required a constitutional amendment. See pages 28–29 of the [Journal of the Uniting Conference](#) for this precise language in the Constitution of The Methodist Church. It’s not clear how authoritative § 37 actually is in describing jurisdictional conferences.

I return to Decision 215 on page 17 below.)

What is the complaint process for elders and bishops?

A bishop or elder might be accused of committing what the *Discipline* calls a “chargeable offense.” For the full list of chargeable offenses, see ¶ 2702.1, page 776. At first glance, many of the chargeable offenses seem too vague. This isn’t necessarily a problem if we consider the *Discipline* as a whole.

The complaint process begins for elders at ¶ 363 (starting on page 305), and for bishops at ¶ 413 (starting on page 327). Both provide for a “supervisory response,” described at ¶¶ 363.1b and .1c (pages 306–308). The purpose of this process is to strive for a just resolution, which could include a mediated agreement satisfactory to all parties.

Even if a complaint becomes part of a judicial process—basically, preparation for and convening of a trial court—a just resolution is still the purpose of the judicial process. Church trials are to be regarded as an expedient of last resort. See ¶ 2701 (pages 772–773), ¶ 2707 (page 788), and ¶ 2708.3 (pages 788–789).

Taken as a whole, the current *Discipline* is not merely about “enforcing the rules” or “punishing almost Christians.” At best such attitudes constitute a simplistic understanding.

(An aside regarding local church members:

It is true that the *Discipline* contains a separate list of chargeable offenses for local church members (¶ 2702.3, page 777). The “entry point” for such judicial administration appears to be ¶ 221, pages 154–155. However, there is at least one major issue with following such judicial procedures.

¶ 2714.5 on page 798 clearly provides that “The cost of prosecution shall be borne by the annual conference.” Yet nowhere in the procedures does the annual conference consent to paying these costs. ¶ 2510 clearly states on page 726: “No conference, council, board, agency, local church, or other unit can financially obligate the denomination or, without prior specific consent, any other organizational unit thereof.”

This is but one major procedural issue with trying a professing member of a local church.)

What is the trust clause?

I’m only going to mention the trust clause briefly for clarification. For example, I’ve heard it said a local church’s property is held by the denomination. One major problem with this reading is that the *Discipline* states that The United Methodist Church is incapable of owning property (¶ 141, page 100).

Local churches own their own property subject to the trust clause (§ 2503, pages 722–724). The 2012 General Conference also added supporting language at what is now § 2529.1, pages 740–741. (This language was added via [Calendar Item 315](#).) To quote Jack Tuell (reference above on page 4), “One of the basic reasons for the trust clause is to give assurance to the person who donates money for land or building of a local United Methodist church that this money will always be used for that or a similar church purpose.” If the property is sold for another purpose, the proceeds from the sale will still be held by a unit of The United Methodist Church.

If a dissident congregation wishes to “break away” from the denomination but continue to use the same property, the annual conference could declare the church discontinued or abandoned (§ 2549, pages 758–760). The annual conference would have the option of selling the property to the dissident congregation.

See also [Decision 688](#) (April 1993).

What is the General Conference (more detail)?

The General Conference meets every four years under the Church Constitution and decides on any changes to *The Book of Discipline*. Each annual conference throughout The United Methodist Church elects delegates (lay and clergy) to General Conference. Larger annual conferences elect more delegates than smaller annual conferences.

The current *Discipline* is dated 2012, the date of the most recent General Conference (2012, in Tampa, Florida). This *Discipline* generally took effect in the United States as of January 1, 2013. (Some of its legislation “took effect immediately.”) The *Discipline* often refers to the “quadrennium.” Because of the default date of legislation taking effect on January 1, 2013 (§ 508, page 355), I tend to think of the current quadrennium in the United States as running from January 1, 2013 through December 31, 2016. (I’m not sure if the quadrennium is officially defined anywhere.)

The 2012 General Conference had a total of 998 delegates. 382 delegates represented annual conferences outside of the United States (in central conferences) as well as churches outside of the United States under concordat agreements.

The next General Conference meets in 2016 at Portland, Oregon. (In 2020, the meeting site is Minneapolis, Minnesota.) Annual conferences have the option of electing their 2016 General Conference delegates this year. The 2016 General Conference will have a total of 864 delegates. (The [Commission on the General Conference](#) stated that it cut the total to make for a smaller General Conference. One reason is that a smaller conference could make it easier to hold General Conference outside of the U. S. in 2024.) 360 delegates will represent annual

conferences outside of the United States in central conferences as well as churches outside of the United States under concordat agreements.

By recent trends membership in Africa is growing. Membership in the United States isn't.

(An aside regarding representation:

The basics of representation are in ¶¶ 13–15 [pages 26–27], ¶ 502 [pages 351–352] and ¶ 511.5 [page 358]. Honestly, I'm not clear how the "two factor" formula works.

If we only look at the local church membership factor – ¶ 511.5b – there will be annual conferences that are "underrepresented." This is because each annual conference is guaranteed at least two delegates – ¶ 15 – and the total number of General Conference delegates is limited at ¶ 13.1. Large differences in annual conference membership will result in larger annual conferences being "underrepresented."

There are a limited number of obvious ways to avoid this "problem":

1. Remove the limit on total delegates.
2. Remove the guarantee of representation for every (small) annual conference.
3. Require that small annual conferences get larger.

In my opinion, any complaints regarding "underrepresentation" that ignore these constitutional and logical constraints need not be taken seriously.)

What is the Judicial Council?

The Judicial Council (¶¶ 55–58, pages 40–41) is a constitutional body. It is composed of nine persons serving eight-year terms (¶ 2602.1, page 765) who are elected by the General Conference (¶ 2602.2, pages 765–766). One of the Judicial Council's main functions is to interpret whether General Conference actions are constitutional. I won't belabor why the General Conference shouldn't get to decide on its own whether its actions are constitutional.

No matter who serves on the Judicial Council, the Religious Right understands the importance of "working the refs." I say this out of a grudging admiration.

It is worth noting that five terms of current Judicial Council members expire as of the 2016 General Conference. The Judicial Council President – elected by the Judicial Council – has some discretion: for example, whether to hold oral arguments on a docketed item.

The terms expiring in 2016 are (clergy members identified with “Reverend” and their annual conference membership):

1. President: Reverend William B. Lawrence (North Texas Annual Conference)
2. Vice President: Angela Brown (California)
3. Secretary: Reverend F. Belton Joyner, Jr. (North Carolina Annual Conference)
4. Reverend Kathi Austin-Mahle (Minnesota Annual Conference)
5. Ruben Reyes (Philippines)

To fill these five seats, the 2016 General Conference will elect three lay members and two clergy members. If all three clergy members seek re-election, one will not be re-elected.

I state the above only to acknowledge political realities.

What is the Council of Bishops?

The Council of Bishops is another constitutional body. The Council of Bishops is to “plan for the general oversight and promotion of the temporal and spiritual interests of the entire Church and for carrying into effect the rules, regulations, and responsibilities prescribed and enjoined by the General Conference and in accord with the provisions set forth in this Plan of Union” (§ 47, page 37). Another function of the Council of Bishops is to announce when constitutional amendments take effect (§ 59, page 41). The Council of Bishops is also described at § 422 (pages 335–336).

The Council of Bishops is referred to frequently throughout the *Discipline*. Two examples are §§ 407 (pages 320–321) and 409.1 (page 325).

CURRENT TOPICS

This section contains some background that could be helpful in understanding the politics of the Church. (Actually, “understanding” might be too strong a word.)

Bishop Ken Carter, resident bishop of the Florida Annual Conference, wrote a meditation for this past Ash Wednesday entitled “[The Disintegration of the Church](#).” I was struck by these two sentences: “Clearly, our denomination has been on a path of slow death for a generation. The last General Conference, with the responses of the Judicial Council, was an exercise in resistance to change.”

I won’t try to summarize the entire meditation here. In the full context of his meditation, I don’t think Bishop Carter is criticizing the Judicial Council as being a roadblock to change. (If he is, then my disagreement will be clear shortly.)

It is sometimes argued that The United Methodist Church stands for tradition. One tradition that the General Conference seems to repeatedly embrace is passing legislative reforms that are oblivious to the Church’s own constitutional law.

From [Decision 364](#) (October 1972):

We are not unmindful of the fact that it is argued, and with some cogency and logic, that in our rapidly changing world a period of four years is too long to wait for necessary changes if the Church is to be effective and relevant in certain areas of Christian Mission and that a much more timely flexibility is needed.

Some degree of flexibility is possible under the administrative powers granted to the General Council on Ministries and to other boards and agencies. If greater flexibility than is now possible under these powers is desired by the Church, such flexibility may be obtained through appropriate legislative action regarding its constitutional law, or through more frequent sessions of the General Conference.

From [Decision 811](#) (October 1997):

We agree with the brief filed by Daniel Benedict on Question 18 which states that "The General Conference enacted legislation based on two quadrennia of study without thoroughly anticipating the full ramifications of the changes." We strongly recommend future study committees, commissions, or groups presenting comprehensive legislation research and include proposed changes for all paragraphs in the Discipline affected by the proposed legislation.

The 2012 General Conference continued this tradition with regards to “Plan UMC” and guaranteed appointment.

In this section I consider “Plan UMC” as well as “guaranteed appointment.” These were major issues in 2012.

I then turn to the unacknowledged problems of Part II in the current *Discipline*. Part II, new to the 2012 *Discipline* (see page 43), announces that the *Discipline* is a global book of *Discipline*. Also, those outside of the United States can make “changes or adaptations” for local circumstances. (Yes, it actually makes both claims.)

I finally turn to the question of a division of the Church. There is often disgruntled talk about another separation in the Church, just like in the 1840s. I address whether this is even possible.

Concerning “Plan UMC”

One noteworthy failure of the 2012 General Conference was the incredible amount of time devoted to “Plan UMC.” “Plan UMC” was ultimately declared unconstitutional by the Judicial Council in [Decision 1210](#) (May 2012).

Now “Plan UMC” was arguably inspired by the “Call to Action Steering Team Report”. This report was “Copyright © 2010 by The United Methodist Church” despite ¶ 141 (page 100). This “Call to Action Steering Team Report” is not to be confused with Resolution 3045, “A Call to Action on Alcohol” (2012 *Book of Resolutions*, pages 216–221) or Resolution 4001, “Appalachia: A Call to Action” (2012 *Book of Resolutions*, pages 521–522).

It’s also not to be confused with the “Call to Action” contained in the Memphis Declaration of January 25, 1992 ([here](#)). This Call to Action stated in part:

We urge the 1992 General Conference to take these actions and pass necessary legislation to:

...

2. Abolish the General Council on Ministries as an unnecessary and costly layer of bureaucracy. It is in direct conflict with the Constitution of the Church, which assigns to the Council of Bishops "the general oversight and promotion of the temporal and spiritual interest of the entire Church and for carrying into effect the rules, regulations, and responsibilities prescribed and enjoined by the General Conference." (Para. 50, Art. III, The Constitution).

...

One reason cited in Decision 1210 for finding Plan UMC unconstitutional was because “the Constitution authorizes the Council of Bishops to bear the responsibility for general oversight. The constitutional authority of the Council of Bishops cannot be compromised or modified by legislative enactments.” The Judicial Council was commenting on that part of Plan UMC called the “General Council for Strategy and Oversight (GCSO).”

I don’t want to say, “All politically-active conservatives in The United Methodist Church are alike and know each other.” I certainly don’t know if those involved in the Memphis Declaration were also involved in drafting Plan UMC. I’m just going to contrast:

- A declaration from conservatives in 1992 that decried an established General Agency as unconstitutional.
- A 2012 proposed General Agency (endorsed by conservatives) that was clearly unconstitutional on the same grounds.

If the Judicial Council was wrong in its reasoning, was the Memphis Declaration also wrong?

Concerning guaranteed appointment

Elders in full connection are guaranteed appointment. The Judicial Council affirmed this finding in [Decision 1226](#) (October 2012). The Judicial Council has dealt with related issues before. For example, see [Decision 1082](#) (October 2007).

A shrinking church means that there will be elders “guaranteed appointment” (and salary) but nowhere to place them. [This is a problem](#). This problem also won’t be felt equally by each annual conference.

The unacknowledged problems of Part II

The 2012 *Discipline* contains a new Part II titled “GLOBAL BOOK OF DISCIPLINE.” This well-meaning section on page 43 has at least one major problem: it is unconstitutional.

From ¶ 101 on page 43: “However, some portions of the Book of Discipline are not subject to adaptation. The following parts and paragraphs are not subject to change or adaptation except by action of the General Conference.” It goes on to list the Constitution (¶¶ 1–61), Doctrinal Standards and Our Theological Task (¶¶ 102–105), and the Social Principles.

The General Conference has full authority to make changes or adaptations to the Social Principles. It does not have anywhere near this same level of authority with regards to the Constitution or Doctrinal Standards.

The General Conference does not have full authority to make changes or adaptations to the Constitution. The General Conference participates in the amendment process (§§ 59–61, pages 41–42). The General Conference does not even have the constitutional authority to interpret the Constitution (§ 56.1, page 40). Pursuant to the first and second Restrictive Rules (§§ 17, 18; page 29; § 59, page 41), the General Conference certainly does not have full authority to make changes to the Doctrinal Standards.

This paragraph (adopted via 2012 General Conference [Calendar Item 257](#)) has the effect of expanding the authority of General Conference. It is therefore unconstitutional. (I really don't think it's too much to expect General Conference legislators to have some familiarity with the Church Constitution.)

I suppose the 2016 General Conference could adopt a new Part II that states what parts of the *Discipline* may be changed or adapted by central conferences. Of course central conferences have some authority to make changes or adaptations to the “General *Discipline*”. This is in keeping with §§ 31.5, .6, and .7 (page 32). It's also in keeping with §§ 543.12 (page 374), 543.16 (page 375), and 547.3 (page 378). There are two basic problems here that I don't think are being addressed:

1. Who decides when a “change or adaptation” goes too far?
2. Does it even make sense for delegates from outside the U.S. to vote on a *Book of Discipline* when central conferences are free to make “changes or adaptations” to it anyway?

Who decides when a “change or adaptation” goes too far?

I don't think [this article](#) by the Reverend Rob Renfroe is particularly insightful. One problem: the article claims that there are apparently “millions of people” willing to leave the Church over an issue, yet at the same time these millions are apparently powerless to advocate for their own beliefs. This does not make sense. Despite such a ludicrous claim, this fragment from one sentence in the article still haunts me nearly two years later:

The average world Christian does not believe that individual happiness is more important than the church's holiness, ...

When I first read the above fragment, I wondered: is the Reverend Renfroe saying that the average world Christian does not believe in the rights of the individual? To be fair, I'm not sure that the Reverend Renfroe is saying this. I'm also not sure whether the concept of *rights* is cross cultural.

This would be but an abstract anthropological question were it not for the guarantee of rights in the Church Constitution (§ 20, page 29). This is a conversation that is long overdue. If I'm just ignorant – this would not be the first time – then I can't imagine any objections to having this conversation.

It might help to think of an example within the United States. The U. S. Constitution guarantees a minimum set of rights to all citizens. Suppose I'm accused of a crime in another state. How would I be able to assert my rights under the U. S. Constitution? By seeking redress in the federal judicial system. The federal system in the U. S. means that state courts do not have the last word in interpreting the federal constitution.

I just don't see the same situation as necessarily obtaining in central conferences in The United Methodist Church. I see no legislation in the "General *Discipline*" allowing for central conference appeals to reach the Judicial Council. Effectively, central conferences could have the authority to decide on their own whether they're complying with the Church Constitution.

I hope I'm wrong. Hoping is not enough.

Does it even make sense for delegates from outside the U.S. to vote on a *Book of Discipline* when central conferences are free to make "changes or adaptations" to it anyway?

Imagine there's a delegated assembly that meets in Africa, and 40% of the delegates are from outside of Africa. This assembly debates and votes on legislation that Africa has to accept "as is." Delegates from outside of Africa are free to make "changes or adaptations" to their local circumstances. Can anyone seriously argue this hypothetical situation is fair?

Similarly, I can't imagine how anyone can seriously argue that this same basis for 2016 General Conference is fair.

Separation: how?

There is talk on the internet about a future split, just like in 1844 in New York City. There's a basic problem: in the United States, how would The United Methodist Church split?

The General Conference of the Methodist Episcopal Church was the ultimate authority for the Methodist Episcopal Church. This authority extended to hearing appeals from annual conference ministers. For example, in the [1844 Journal](#), see electronic pages 204–205, 214, and 222. In The United Methodist Church, the General Conference does not have this ultimate judicial authority. See §§ 20 (page 29), 57 and 58 (page 41), and also [Decision 799](#) (April 1997).

In this previous setting of ultimate authority, it made sense for the 1844 General Conference to pass what the U. S. Supreme Court in *Smith v. Swormstedt* [57 U.S. 288](#) (1853) called the “Plan of Separation.” This Plan of Separation starts on electronic page 307 of the [1844 Journal](#).

Any “Plan of Separation” for The United Methodist Church has to conform to the Church Constitution. How would such a plan grant autonomy to conferences within the United States?

The current *Discipline* provides a procedure for granting autonomy to conferences outside of the United States: see ¶ 572, pages 383–384. The Judicial Council of The Methodist Church found in [Decision 215](#) (May 1964) that only the General Conference could grant autonomy to annual conferences. ¶ 2611 on page 772 states that decisions of the Judicial Council of The Methodist Church are persuasive as precedents.

Before anyone starts leaning heavily on Decision 215, I’m afraid that a few qualifications are in order. Most importantly, Decision 215 referred to the Cuba Annual Conference. (Anyone who insists that the “situation in the United States today is exactly the same” is advised to read the historical record; see pages 908–914 of the [Journal of the 1964 General Conference of The Methodist Church](#).) The Judicial Council did find that the Cuba Annual Conference could be granted autonomy without constitutional amendment. Removing “Cuba” from the Constitution of The Methodist Church would have required constitutional amendment. “Cuba” appeared in a list that began: “The Methodist Church in the United States of America shall have Jurisdictional Conferences made up as follows...” (see pages 28–29 of the [Journal of the Uniting Conference](#)). As an “overseas” annual conference, the Cuba Annual Conference did not fall within the political boundaries of the United States of America.

It simply is not clear how much of the reasoning of Decision 215 would apply to a conference within the United States seeking autonomy. The jurisdictional conferences listed at ¶ 37 (page 35) are by name and tradition meant to divide the United States of America. This reading is strengthened by ¶ 38 (page 35) stating that central conferences are for the “work of the Church outside the United States of America...”

So let me summarize this way:

- It is not clear whether an annual conference within the United States can be granted autonomy by the General Conference alone. (A constitutional amendment might be required.)
- It is not clear whether a jurisdictional conference can be granted autonomy by the General Conference alone. ¶ 37 is contradicted by both ¶ 16.12 and 39 (page 28 and 36).

Any proposed “Plan of Separation” would likely end up before the Judicial Council. Only one-fifth of General Conference members would be sufficient to confer jurisdiction (§ 56.1, page 40). If by some chance General Conference would not request such a decision from the Judicial Council, any annual conference within the jurisdictional conference in question would likely be able to confer jurisdiction under ¶ 2610.2j (page 771). Based on my understanding of the U. S. Supreme Court case *Watson v. Jones* [80 U.S. 679](#) (1871), any decision from the Judicial Council would be final on this issue.

Even if such a separation by jurisdictional conference is constitutional, realistically is there that much support for such an action? Taking such drastic action would require (among many steps) writing a new *Discipline* for the new autonomous church. It would be utterly foolish to make superficial changes to the existing *Discipline* and claim these were sufficient.

CONCLUDING OBSERVATIONS

I have just about given up trying to predict the future of The United Methodist Church. I will just close with some observations for this Good Friday.

After years of study, I am convinced that The United Methodist Church is a group of regional bodies (jurisdictional and central conferences) with more autonomy than is publicly acknowledged. These regional differences are not merely cultural; they are deeply embedded in the Church Constitution and associated case law. I am also convinced that the episcopal office (individually and each College of Bishops) has more discretion than is publicly acknowledged.

Whether such differences will lead to constitutional crises or holy conferencing remains an open question.

Steven Wiegner
April 18, 2014