

Decision Number 1512

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IN RE: Petition for Declaratory Decision from the Alabama-West Florida Annual Conference regarding the meaning, application, and effect of ¶2549 of *The Book of Discipline, 2016*, as it relates to a policy, process, or method for United Methodist Churches to exit or separate from the denomination

Digest

Connectionalism is a bedrock principle of United Methodist constitutional polity, and the Trust Clause is its foundational element. Disaffiliation is a radical departure from connectionalism, and, therefore, church property can be released from the Trust Clause only to the extent authorized by Church law.

With the expiration and deletion of ¶2553, the postponed 2020 General Conference effectively removed from *The Book of Discipline, 2016*, [hereinafter *Discipline*] the only pathway for the disaffiliation of local churches. Except for the General Conference, no body or entity in the Church has the power to reinstate or replicate ¶2553 or adopt legislation, policies, guidelines, rules, or regulations authorizing the departure of local churches. Any such action, plan, or attempt to do so intrudes upon the exclusive prerogative of the General Conference and is unconstitutional, null, and void.

Further, ¶2549 cannot be construed or used as legislation permitting the “gracious exit” of local churches because it applies to church closure and the sale of property, not disaffiliation. Any application of ¶2549 to that end would be a misapplication of Church law.

Statement of Facts

During the session of June 17, 2024, the Alabama-West Florida Annual Conference, a motion was made to request a Judicial Council Declaratory Decision regarding the meaning, application, and effect of ¶2549 of the *Discipline* as it relates to a policy, process, or method for United Methodist churches to exit or separate from the denomination.

The vote passed by 81%.

Jurisdiction

The Judicial Council has jurisdiction under ¶2610.1 of *The Book of Discipline, 2016*, [hereinafter the *Discipline*].

Analysis and Rationale

Connectionalism is “a bedrock principle of United Methodist constitutional polity.” See JCD 1444. A foundational element of connectionalism is the Trust Clause, a legal concept predating the founding of The United Methodist Church in 1968 and tracing back to our Wesleyan origins, which ensures not only “that the property will be used solely for purposes consonant with the mission of the entire denomination as set forth in the *Discipline*,” ¶2501, but also protects the open itineracy so that each clergy person serving under appointment “without regard to race, ethnic origin, gender, color, disability, marital status, or age,” ¶425.1. The Judicial Council has already held an Annual Conference and may not disaffiliate without General Conference action. See JCD 1444. Here, we hold that a local church may not disaffiliate without General Conference action.

Paragraph 2549 sets out a detailed process and procedure for the closure of a local church. One aspect of that process is that “the local church no longer serves the purpose for which it was organized or incorporated; the local church is no longer used, kept, or maintained by its membership as a place of divine worship of The United Methodist Church.” What is being proposed here is the opposite of the intent of ¶2549. What is being proposed is replacing ¶2553 with ¶2549 as an alternative way for disaffiliation. Paragraph 2549.4 discusses “developing a plan for the transfer of the local church’s membership” to another United Methodist Church. The proposed use of ¶2549 contradicts the clear intent of ¶2549 by taking members and properties from the United Methodist Church and continuing religious activities as a new entity no longer a part of the United Methodist denomination. It clearly states in ¶2549.2(3)(b), “all real and personal property, tangible and intangible property of the local church shall immediately vest in the annual conference board of trustees, who shall hold said property in trust for the benefit of the annual conference.”

The use of ¶2549 in this way is another failed attempt to circumvent the trust clause, a hallmark of United Methodist polity.

Paragraph 2549 does not give an annual conference disciplinary authority to close a local church and then provide all of the assets to the exiting congregants, as proposed by the Alabama-West Florida Conference. Paragraph 2501 clearly states that the trust clause “reflects the connectional structure of the church by ensuring that the property will be used solely for the purposes consonant with the mission of the **entire denomination** [emphasis added] as outlined in the *Discipline*.” The proposed use of ¶2549 contradicts the clearly expressed intent of ¶2501 of the *Discipline* and violates the Constitution. Paragraph 2549.3(a) can only be used after ¶¶2540 or 2541 have been followed. Paragraph 2549.3(a) states:

The consent of the local church pastor and the district superintendent to the proposed action shall be necessary. Before consenting to any proposed action required under this paragraph involving a United Methodist Church property, the pastor, district superintendent, and the district board of church location and building shall ensure that:

- a. a full investigation shall be made, and an appropriate plan of action shall be developed for the future missional needs of the community;
- b. the transfer or encumbrance shall conform to the *Discipline*;

- c. the congregation, if no longer to continue as an organized local United Methodist Church, does not sell but may transfer title of its facilities to another United Methodist church or agency.

There are no provisions for selling the property and then giving it to the exiting congregants. Paragraph 2553 allowed congregations to disaffiliate from the United Methodist Church and take the property.

The congregation cannot now use ¶2549.3(b) to accomplish what was allowed in ¶2553. It is clear that ¶2549.3(b) was not intended to be used this way; if it could, then there would not have been a need for ¶2553. The General Conference held in 2024 refused to extend the provisions of ¶2553.

One cannot create exigent circumstances and then use those manufactured circumstances to act. No exigent circumstances have been alleged that would activate the terms of ¶2549.3(b) for the Judicial Council to evaluate. The phrase “exit pathway” indicates a disaffiliation intent rather than the intended purposes of ¶¶2549.1 and 2549.2.

When a church can no longer fulfill its missional duties and responsibilities, there is a process in ¶¶2549.1 and 2549.2, where supportive entities of the denomination come alongside the church to assess its options and direct its members to a United Methodist church that will nurture them.

The continued attempts to use ¶2549 for disaffiliation as an alternative to ¶2553 only add to the confusion. The “Church Closure Procedures Under ¶2549.3(a) Postponed 2020 General Conference” drafted by the Alabama-West Florida Annual Conference, is a stopgap policy that further confuses congregations, giving them mixed messages, false hope, and misplaced reliance, therefore prolonging the pain of disaffiliation for the entire denomination. As the Judicial Council ruled in JCD 1444 regarding the disaffiliation of annual conferences:

Absent General Conference enabling legislation, an annual conference may not adopt stopgap policies, pass resolutions, take a vote, or act unilaterally for the purpose of removing itself from the United Methodist connection. There is no basis in Church law for *any* such annual conference action.
[emphasis in original]

Paragraph 2553 was explicitly drafted to address a specific issue during a season of the denomination when members of churches felt they had to disaffiliate as a matter of conscience and theological differences. If ¶2549 had been drafted to allow disaffiliation, there would not have been a need for passing ¶2553 during the Special General Conference in 2019. We are in a new season where ¶2553 is no longer a part of the *Discipline*.

Paragraph 2549 is not an appropriate provision of the *Discipline* for exiting with property. The provisions of ¶2549 do not align with what is being asked for, which is “disaffiliation” and asking that the trust clause be broken.

Decision

Connectionalism is a bedrock principle of United Methodist constitutional polity, and the Trust Clause is its

foundational element. Disaffiliation is a radical departure from connectionalism, and, therefore, church property can be released from the trust clause only to the extent authorized by Church law.

With the expiration and deletion of ¶2553, the postponed 2020 General Conference effectively removed from *The Book of Discipline, 2016*, [hereinafter *Discipline*] the only pathway for the disaffiliation of local churches. Except for the General Conference, no body or entity in the Church has the power to reinstate or replicate ¶2553 or adopt legislation, policies, guidelines, rules, or regulations authorizing the departure of local churches. Any such action, plan, or attempt to do so intrudes upon the exclusive prerogative of the General Conference and is unconstitutional, null, and void.

Further, ¶2549 cannot be construed or used as legislation permitting the gracious exit of local churches because applies to church closure and the sale of property, not disaffiliation. Any application of ¶2549 to that end would be a misapplication of Church law.

Bill Waddell recused and did not participate in any of the proceedings related to this decision.

Molly Hlekani Mwayera was absent. Erin Hawkins, first lay alternate, participated in this decision.

Øyvind Helliesen was absent.

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