BEFORE THE JUDICIAL COUNCIL OF THE UNITED METHODIST CHURCH

DOCKET 0522-02: In Re: Petition for Declaratory Decision of the Council of Bishops on Questions Related to ¶ 2548.2 of The Book of Discipline 2016.

AMICUS CURIAE REPLY BRIEF OF THOMAS LAMBRECHT, JOHN LOMPERIS AND C. CHAPPELL TEMPLE

I. Identification of Agreements

The opening Lambrecht-Lomperis brief already addressed many arguments of other briefs.

Before setting some records straight, however, it is remarkable to observe crucial areas of agreement between ourselves, and at least some key voices with differing views on other aspects

of this case. First, in other briefs there is agreement that at the very least, ¶2548.2 describes a process of the property of a currently United Methodist congregation being transferred to "another evangelical denomination." Secondly, there is at least partial agreement that ¶2548.2 could potentially be used in conjunction with "closing" a church per ¶2549. Thirdly, despite questions about precisely *how* to address the details, there appears to be universal agreement, across all other differences, with Wespath's stated goal of "ensuring the continuity of pension benefits in the face of a changing Church." Leaders of the Global Methodist Church as well as evangelical renewal groups within The United Methodist Church have consistently made clear, without any exception of which we are aware, that we all must be sure to meet our obligations to sufficiently care for our United Methodist retirees.

The wide, boundary-spanning agreement on these three points is very important.

II. The Limits of Allegations about Historical Content

The focus by other briefs on the Hillis Declaration and other alleged historical facts are outside the boundaries the Judicial Council has set in JCD 1378 for discerning legislative intent (see Section VI below). The report by graduate student Lawrence Hillis, though interesting and eloquently written, has not been subject to careful cross examination by a range of professional historians of the Methodist movement. Likewise, he and others pull from varied decades in what appears to represent more of a selective sampling of our history in the service of a policy objective, rather than a comprehensive, balanced, and unbiased overview. Ultimately, the Judicial Council should thus not assign any substantive weight to such unvetted history reports in the rendering of a decision regarding the usability of ¶2548.2.

If such selective historical citations were as important as some claim, we might counter by citing more established scholars with difference perspectives. Or we could question the reliability of such details as the Hillis Declaration misunderstanding other 1948 legislation explicitly focused on shifting property between "the constituents and leaders of other races and nationalities of" the *same* denomination with the different category of "ecumenical goals" (7f). Or we could rebut Hillis portraying ¶256 as part of "a package" (7g) when the actual record shows that this paragraph was actually adopted as a stand-alone petition.[1] Or we could protest how the Hillis Declaration misleadingly characterizes one of these other petitions in the alleged 1948 package as having "provided" a "new procedure" "through which…[u]nderutilized church property could be discontinued, declared abandoned, and liquidated (¶255)"—even though this procedure, with the same paragraph number, already existed in the 1944 Methodist Church *Discipline* and the relevant 1948 action did *not* create a "new procedure" but merely added a sub-paragraph to this existing procedure to provide for the collection of records from such congregation.[2] But again, there is no good legal reason to debate such historical allegations here.

Furthermore, allegations about the social context of 1948 (when the predecessor provision to ¶2548.2 was first adopted) ignore how, as noted in our opening brief, a review of previous *Discipline* editions reveals how seven subsequent Methodist and United Methodist General Conferences tweaked and re-adopted the basic provision of ¶2548.2, each action superseding those of previous General Conferences. Each of these General Conferences affirmed this basic process for how annual conferences indeed may deed local-church property to "another evangelical

[1] See pages 469 and 609 of the official *Journal* of the 1948 Methodist Church General Conference, available from: https://archive.org/details/journalboston00meth/page/468/mode/2up
[2] See pages 470 and 610 of the official *Journal* of the 1948 Methodist Church General Conference, available from: https://archive.org/details/journalboston00meth/page/468/mode/2up

denomination," and these General Conferences all did so *without* specifying a requirement for any denomination-wide comity agreement. Then the language adopted by the 1988 General Conference, re-affirmed by subsequent General Conferences, makes it very clear that the category of "another evangelical denomination" must apply to denominations *in addition to* those The UMC has recognized through what is now called the Pan-Methodist Commission (¶433.2). If any of these past General Conferences had intended to impose any of these newly proposed restrictions (such as requiring the agreement of additional United Methodist entities beyond those explicitly identified in the sub-paragraph, or applying this process to only to a small minority of denominations who have secured some sort of United Methodist general-church recognition rather than the extraordinarily broad wording of "another evangelical denomination"), then it would have been *very* easy for delegates to have added such restrictive language to the provision, or just deleted the sub-paragraph entirely. With all due respect, it is patently absurd to suggest that somehow "the true legislative intent" of multiple General Conferences was to enact a provision that was actually unusable or to say something they consistently declined to say.

III. Inconsistent Approaches to "Legality"

The COB brief claims that "the principles of legality and connectionalism preclude an annual conference or local church from creating authority *sui generis* that does not fit within the existing connectional structures, polity, and law within *The Book of Discipline*." But this fundamentally misrepresents this case. **Applying ¶2548.2 as written** would in no way amount to an annual conference or local church "creating authority," or acting outside of existing church law. It merely offers an *option* of exercising authority, while working in necessary connection with other parts of

our connectional structure, that General Conference under ¶16 has already established by enacting ¶2548.2.

This argument's foundation in "the principle of legality" is fatally flawed. This vague concept appears nowhere in the *Discipline*. But the *Discipline* expressly allows each annual conference to "adopt rules and regulations not in conflict with the *Discipline*" (¶604.1). The COB's argument for such a sweepingly broad enforcement of this "principle of legality" to deny annual conferences the freedom to pursue what works best for their respective contexts (all within the boundaries of the *Discipline*) would recklessly invalidate this longstanding part of our constitutional church law, deny the basic concept that different annual conferences have "reserved rights" to act differently on similar subjects, and potentially undermine the legitimacy of many previous Judicial Council decisions affirming the right of annual conferences to enact different policies on subject matters that are arguably of greater connectional importance than this matter. Connectionalism and unity do *not* require totalitarian uniformity in every detail.

The COB's argument against allowing "each annual conference to set its own standards...without regard to what some other annual conference may decide" is also dramatically inconsistent with the practice of many of the COB's own members of setting additional, dramatically different, and in some cases, onerous (such as requiring payment for 50% of all assets), standards for congregational disaffiliation under ¶2553. So in JCD's 1424 and 1425, the Judicial Council specifically allowed for each annual conference to set its own standards, without regard to other conferences, for additional requirements needed to use ¶2553.

However, if the Judicial Council now accepts the arguments made on pages 4 and 5 of the COB brief, then as a matter of logical consistency, it will need to invalidate the final sentence

within ¶2553.4.a and rule that no bishop, board of trustees, or annual conference may be allowed to impose any additional significant burdens on congregations disaffiliating under ¶2553 beyond what that paragraph itself uniformly requires.

IV. Properly Understanding ¶1504.23

The COB also errs in claiming that ¶2548.2 "has never been construed by the Judicial Council or the General Conference to be a means for a local charge/local church and its membership to separate from the UMC." Actually, the 2019 General Conference explicitly construed ¶2548 as offering means for a local church and its membership to separate from The UMC, by enacting ¶1504.23. Its clear intent was to provide regulation for "any local church or charge in the United States" that may "change its relationship to the United Methodist Church" through such pathways provided for in paragraphs 2548 and 2549. The fact that ¶1504.23 (originally developed in consultation with Wespath as part of the One Church Plan package[3]) lists different possibilities for how congregations may depart our denomination, through ¶2548, ¶2549 alone, or "otherwise," reflects the understanding of delegates that there were *multiple* alternatives through which a congregation may potentially depart The UMC, including our expectation at the time that the 2019 General Conference would enact some version of a "gracious exits" legislation (which we did by enacting ¶2553), and that whatever the details of each alternative, we wanted the bare terms of ¶1504.23 to apply to all of them.

It would have made no sense for General Conference to list ¶2548 separately in ¶1504.23 if the former offered no departure pathway from The UMC beyond what was already covered by ¶2549 or ¶2553. While ¶2548.2 may sometimes be used with ¶2549, if the former only applies

[3] http://calms2019.umc.org/Menu.aspx?type=Petition&mode=Single&number=16

when the members have all scattered and/or abandoned the church (as some are arguing), then ¶2548 would be entirely unnecessary, as ¶2549 would suffice. But by its own terms, ¶2548.2 *depends on* actions being taken by a local church's board of trustees as well as its charge conference or meeting of its local membership, which can *only* happen in a United Methodist congregation that is sufficiently active or "non-abandoned" for these groups to still exist.

With respect to the brief submitted by Wespath, again, all major leaders concerned agree that unfunded liabilities must be addressed and that the "continuity of pension benefits" for our retired clergy members both now and in the future must be fully protected. There is no incumbency, however, that the discharge of such liabilities must be fully completed *prior* to disaffiliation. Though ¶1504.23 clearly may not be circumvented by ¶2548.2, the entire process of ¶2553 is separate and would not apply to any use of ¶2548.2. Under the longstanding ¶2548.2, the annual conference as the plan sponsor can set the terms for when that withdrawal contribution must be paid, including before disaffiliation, over a period of time, or as needed by the annual conference and secured by the congregation's property. In this respect, ¶2553 is again expressly not applicable to such a separate process.

To be clear, the phrase "Withdrawal Payment" used in Wespath's brief appears nowhere in the *Discipline*. Instead, ¶1504.23 uses the technical phrase requiring departing congregations to "contribute a withdrawal liability." The two are not necessarily identical.

Wespath's brief acknowledges the fact that for departing congregation's paying for unfunded pension liabilities, "an express requirement that the payment occur *prior* to the effective date of the church's disaffiliation" occurs *only* in ¶2553. This language was available to delegates at the 2019 General Conference, but we did not choose to add it to ¶1504.23. Now that General

Conference has made this choice, it would be grossly inappropriate for the Judicial Council, at the urging of the COB or anyone else, to effectively legislatively amend ¶1504.23 as if General Conference had made a different decision.

Here is how Wespath has recently explained the distinction:

> "For separation paths other than ¶2553 (e.g., ¶2548.2): while the pension withdrawal payment is due in full (under ¶1504.23), it appears that the annual conference, in its sole discretion, may agree to adjust the manner or timing of the payment. As such, the use of promissory notes and liens, as an alternative to making a pension withdrawal liability payment upon separation, may be an approach that an annual conference could determine is appropriate for a local church."[4]

Finally, the language of ¶1504.23 refutes the misunderstanding that ¶2548 relates *only* to property. Paragraph 1504.23 expressly acknowledges the possibility that "a local church or charge in the United States" may take actions to gain "release from the trust clause pursuant to ¶ 2548," which "changes its relationship to The United Methodist Church." The focus on the local *church*, aside from its property, is crucial. Elsewhere, ¶201 provides the official church-law definition of a local church, which is primarily "a community of true believers under the Lordship of Jesus Christ." Taken together, ¶¶ 201, 1504.23, and 2548.2 provide for and regulate a means for a *community* of church members changing the relationship of both themselves and their property to The United Methodist Church.

V. Church Law Requires Simple Majority Votes

Our church law has long been clear that that when the *Discipline* entrusts a group with a decision, it means that a simple majority vote shall prevail, unless the *Discipline* explicitly specifies or allows some alternative (JCD's 1076, 1354, 1379). Paragraph 2548.2 therefore

[4] https://www.wespath.org/assets/1/7/5506.pdf

requires a simple majority vote in the annual conference, district board, and congregation's charge conference or membership meeting. It is true, as argued above and in JCDs 1424 and 1425, that annual conferences may add terms to relevant processes in the *Discipline*. However, where the *Discipline* establishes a term, as it does here by requiring the majority approval of the annual conference, the annual conference may not "negate, ignore, or violate provisions of the Discipline" (JCD 886) by imposing a super-majority requirement. An annual conference action to "establish a different voting threshold" would violate how ¶2548.2 has already established simple-majority thresholds for the relevant decisions and given no authorization for annual conferences to change the voting thresholds used in the process of ¶2548.2.

VI. Additional Relevant Judicial Council Precedents

In addition to those noted in our opening brief and above, several case-law precedents directly undermine arguments of other submitted briefs.

The COB's surprising claim that "the separation of a local church is distinctively connectional within the meaning of ¶ 16 of the Discipline, and it is not a matter that is reserved to the annual conferences under ¶ 33" is dangerously broad. By such logic, one could argue that almost *any* aspect of church life is a "connectional matter," and thus exclusively subject to direct general-church control, with no possibility of local discretion. In any case, the Judicial Council has already specifically rejected the COB's assertion, repeatedly:

- JCD 1366: "If a particular subject matter is not expressly listed under ¶ 16 or elsewhere in the Constitution, the inference under our system of 'enumerated powers' must be that it falls under the category of 'such other rights as have not been delegated to the General Conference under the Constitution' in ¶ 33." (footnote omitted)

- JCD 1379: "Under ¶ 33 of the Constitution, the annual conference as the basic body in the Church has the reserved right to make final decisions regarding the disaffiliation of local churches within its boundaries."
- JCD 1433: "The annual conference as the basic body in the Church has the reserved right to make final decisions regarding the disaffiliation of local churches within its boundaries."

In addition to the above precedents and those cited in our opening brief, several other Judicial Council rulings further contradict other briefs' arguments:

- JCD 1444 states clearly that "the Judicial Council has no legislative authority." This alone invalidates many briefs' arguments, which amount to telling the Judicial Council to take the fundamentally *legislative* action of adding additional requirements to ¶2548.2.
- For arguments about discerning legislative intent, a key landmark decision, superseding previous rulings on the subject, was JCD 1378: "Primary evidence of General Conference's intent is the text of the legislation—its language, meaning, structure, and purpose. … Secondary evidence is the legislative history contained in the official record of the proceedings of General Conference." Thus, all of the unproven allegations about historical contexts cannot be used to trump the *primary* evidence of the plain-sense meaning of ¶2548.2's actual words. This decision says that other sources could be used only in a fundamentally subordinate, *secondary* way, and limits legitimate secondary sources to only the official records of directly relevant General Conference proceedings. That decision does *not* extend these limited bases for discerning legislative extent to much of what has been supplied in this case: selective citations of historical sources *apart from* official General Conference records, or General Conference records about legislation *other than* that presently in question. (Furthermore, it is

not unusual for legislation, in any context, to be first adopted with one primary purpose in mind, and then later be valid to use for a non-identical purpose, as long as the boundaries of the law as written are respected.)

- Relatedly, JCD 1424 (Cf. JCD 1425) sets a precedent of focusing solely on "the clear language of" ¶2553.4.a's last sentence, treating its reading of these words as *over-ruling* the official General Conference record that was supplied to the Judicial Council, which recorded how the delegate who presented what became the final version of this legislation described it as designed to prevent giving "a blank check to annual conferences to add additional requirements to departing local churches."[5] So by the Judicial Council's own standards, others' allegations about intent cannot over-rule "the clear language of" ¶2548.2.
- JCD 1378 also offers guidance on how provisions in different sections of the *Discipline* that are "not inextricably linked and can function independently," or that "are not so closely related that a change in one affects the others," can be judged and treated separately. Nothing in the *Discipline* itself shows an inextricable link between ¶2548.2 and ¶¶ 206-213 or 2547.

Furthermore, JCD 1436, as one of the three most recently decided cases, is the authoritative, last-word standard for how we must not "bar annual conferences from adopting gap-filling policies" on areas where General Conference has already broadly authorized a category of action.

Several past decisions cited in other briefs do not really offer much support for their arguments. For example, a fuller look at the cited passage of JCD 1257 makes clear that that ruling actually defends the principle that "The annual conference has the authority to vote on 'rights as have not

[5] 2019 *Daily Christian Advocate*, page 516; available from http://s3.amazonaws.com/Website_Properties/general-conference/2019/DCAs/022719-DCA-V2-N4-pg425-528-ENGLISH.pdf

been delegated to the General Conference under the Constitution,' and 'discharge such duties and such powers as the General Conference under the Constitution may determine.' (¶ 33, Article II)"—the very principle that would be violated by these present attempts to forcibly prevent any annual conference from even having the possibility of discharging powers General Conference has determined by enacting ¶2548.2.

VII. Other Key Arguments

Again, there is no basis to link ¶2548.2 with ¶206-213. Paragraphs 206-211, like ¶2547, expressly apply only to situations of two or more congregations joining together, while ¶2548.2 only involves one congregation. Paragraph 2548.***1*** provides for property matters for federated congregations, and ¶209 applies this same process to union churches. But again, this process is a separate category than a process for a situation always involving only one congregation. Paragraph 212 applies only to congregations in local societies "experiencing transition," which may not be true for any using ¶2548.2. Paragraph 213 offers strictly *optional* processes, so it would be inappropriate to judicially mandate that any category of congregations throughout the connection "must comply" with its merely permissive language. And obviously, the UMC *Discipline* and trust clause can no longer be imposed on congregations and/or property after they have left our denomination.

The strong warnings used about the trust clause and allegedly major impacts are rather overblown. First, annual conferences have long been the custodians of the trust clause, with relatively broad authority in property matters (JCD 64). Second, if the Council rejects this campaign to effectively prevent ¶2548.2 from being used *anywhere*, the impact is likely to be very limited, perhaps especially in comparison to ¶2553. The COB recently reported that the

"overwhelming majority" of active bishops (who have the right to block any use of ¶2548 in their respective areas) strongly prefer ¶2553 as "the primary paragraph used for disaffiliation and separation" rather than ¶¶ 2548 or 2549.[6] And of the minority of bishops who would not prevent ¶2548.2's use in their conferences, only a subset oversee areas where all of the others given veto power by ¶2548.2 would be sufficiently aligned to actually use this provision.

Additional arguments from other submitted briefs convey very basic misunderstandings:

- Several briefs strongly allege or "infer" various claims without providing directly relevant, conclusive documentation. Such cannot be the basis for judicial decisions.
- Suggestions that General Conference must first enact some authorizing legislation before anyone can take such actions as described in ¶2548.2 disregard how General Conference *already has* done that, by enacting ¶2548.2.
- Some misrepresent ¶2548.2 as allowing annual conferences to act "unilaterally." But this ignores how ¶2548.2 expressly does *not* allow anyone to act unilaterally, but diligently *honors* our connectionalism by stipulating that annual conferences can *only* take such actions with the agreement of multiple other entities in our connection, including a "bishop of the whole Church" (¶403.1.f) elected by a much wider region. None intrudes on the rights of the other, because they all must agree in this process.
- Several briefs' arguments hinge on misreading this sub-paragraph as requiring a comity agreement. But *¶2548.2's plain words merely list a comity agreement as one of three alternatives*, alongside an "allocation" agreement or an "exchange of property" agreement. JCD 240 (which was foundational for reinstating the Rev. Frank Schaefer in JCD 1270) is

[6] https://www.unitedmethodistbishops.org/newsdetail/bishops-discern-ways-forward-march-15-16396297

clear that when the *Discipline* lists three possibilities with the conjunction, "or," as in ¶2548.2, then the relevant church authorities may implement "one of three alternate" options. If ¶2548.2 is used with one of the alternatives to a comity agreement, then many of the other briefs' arguments become irrelevant.

- There is repeated conflation of *major*, formal relationships established between our entire global denomination and another with very regionally *limited* ecumenical cooperation based on varying degrees of commitment. It would be legally baseless and logistically unworkable to require General Conference and/or the Council of Bishops to micromanage everything in the latter category. This would undermine our Constitution's call in ¶6 to work ecumenically "at all levels of church life"—*not* just the general-church level—and interject needless complications into annual-conference-level inter-denominational connections (¶¶ 633.5.b, ¶¶ 634.4.d.2.f, 634.4.d.15, 634.4.d.18-19, and ¶642.4), including but not limited to ecumenical campus ministries and regional councils of churches, and also disrupt important work in central conferences related to "interdenominational contractual agreements" (¶543.1) and expressly regional cooperation agreements with other denominations (¶546.20).
- Relatedly, few would seriously want the logistical and ecumenical nightmare of rendering inoperable all church laws noted here or on pages 10-11 of our opening brief addressing anything related to another denomination, in the absence of some prior major, general-church action to specifically formally approve each and every denomination even potentially involved. But the logic of other briefs against regional-level comity agreements

would *require* such a nightmare, and force the Judicial Council and others to spend much work sorting out resulting problems and confusion with all of these provisions.

- Any suggestion that the Global Methodist Church somehow does not count as "another evangelical denomination" is dramatically inconsistent with the approach Bishop Cynthia Harvey took as recently as April. In an official letter identifying herself as then the president of the Council of Bishops, she told Bishop Mike Lowry that if he continued his involvement in the Global Methodist Church, "you will be required to surrender your United Methodist Clergy credentials as there is no disciplinary provision authorizing an ordained United Methodist minister to hold membership simultaneously in another denomination," citing JCD 696.[7] Either the GMC is another evangelical denomination to which such church laws as ¶2548.2 and JCD 696 apply, or it is not. Bishop Harvey's letter alone serves as a recognition by the COB leadership that it is.
- The plain terms of ¶2548.2 make clear that it is *not* a "top-down" process "forcibly" imposed on a congregation, but must be agreed to, and even be initiated by, the congregation that *requests* it. It is utterly irrelevant to discuss how ¶189.3 was added to the Methodist Church *Discipline* years <u>after</u> the adoption of ¶256, because, as even Thomas Starnes acknowledges, this provision was abandoned in The UMC's founding 1968 *Discipline*. A former provision in a predecessor denomination that was never part of our current denomination's *Discipline* cannot be legally binding for us today.

[7] A digital record of Bishop Harvey's April letter, whose official status is made clear by the Council of Bishops letterhead, can be viewed at https://firebrandmag.com/articles/crossing-the-rubicon-a-bishop-says-goodbye-to-the-united-methodist-church

- Selective citations of alleged instances of a provision being used or neglected are of no legal relevance—particularly from schisms that occurred years before it was enacted.
- Because it is inapplicable to churches becoming independent, ¶2548.2 is in some ways *more* restrictive than ¶2553, hence the felt need for the latter in addition to the former.

Finally, Dr. Ashley Dreff's claim that the 2020 transfer of Grace Fellowship UMC in the Texas Conference to the Free Methodist Church "did not result in an equitable, reciprocal, and mutually beneficial result for both denominations" indicates an extreme lack of familiarity with that case. Grace Fellowship carefully followed all of the required steps, paid hundreds of thousands of dollars to meet all of its apportionment and unfunded pension liability obligations, and amicably left the Texas Annual Conference of The United Methodist Church with the prayers and support of that body. The pension reserve fund and financial strength of The UMC's Texas Conference was measurably increased, while the vitality of the Free Methodist Church was enhanced. Such misrepresentation of these circumstances raises questions of how careful this brief was in verifying its other allegations. And any suggestion that comity agreements under ¶2548.2 could not possibly involve reciprocity with another denomination, such as by not allowing congregations to transfer into as well as out of The UMC, is irresponsibly baseless speculation, contradicted by the actual facts of what many have planned.

VIII. Prospective vs. Retroactive Application

Respecting the longstanding inclusion of ¶2548.2 within the *Book of Discipline*, any congregation which has already begun a discernment process leading towards a decision regarding potential departure must be regarded as having acted in good faith, having no reason to believe that a provision that has remained unchallenged for 74 years within our polity was effectively

unlawful and unusable. As per JCD 331 (Cf. Memorandum 704), any determination to the contrary must apply prospectively, not retroactively lest it appear unduly punitive and arbitrary. This basic principle was upheld in JCD 623, which ruled that "decisions of law by bishops or the Judicial Council are not retroactive" and as recently as JCD 1433 which held that although a particular congregation's disaffiliation was not done in the most proper way, that ruling "shall be prospective and not affect the actions [previously] taken by the Alabama-West Florida Annual Conference." This principle is also reflected in civil laws which grant "legacy" or "grandfather" status to entities when regulations or requirements are changed, limiting how changes will be applied to legal relations and activities existing prior to the change. In secular law, such allowances can be permanent, temporary or instituted with limits. Any determination to exclude ¶2548.2 as a pathway for denominational departure should include such a clarification as to the effective date in the future that the revised understanding of that paragraph will henceforth be applied, while avoiding disrupting, in an effectively punitive way, congregations who have already begun processes of departure using ¶2548.2. This reflects our Wesleyan value of "doing no harm."

IX. Relief Requested

For all of the reasons outlined here and in the Lambrecht-Lomperis opening brief, the Judicial Council should rule the following:

1) The "duly qualified and authorized representatives" from "within The United Methodist Church" are those expressly identified in ¶2548.2.

2) The annual conference and its officials identified in ¶2548.2 are the *only* "bodies within The United Methodist Church required to determine and approve whether an entity is 'another evangelical denomination' within the meaning of ¶ 2548.2."

3) Any legally formed denomination is a "denomination" within the meaning of ¶ 2548.2. There is no requirement for any body to formally recognize the mere fact of another denomination's existence.

4) Paragraph 2548.2 is constitutional and does not violate "the separation of executive and legislative powers."

5) The process outlined in ¶ 2548.2 is to be exercised separately from other processes of disaffiliation or merger, but does ultimately result in the "termination of the local church as a unit of the United Methodist Church," so may involve ¶ 2549. Paragraph 1504.23 applies to ¶2548.2.

6) The agreement under ¶ 2548.2 is a different category and therefore does not involve any of the categories envisioned in ¶¶ 206-213.

7) A comity agreement within the meaning of ¶ 2548.2 may include additional provisions not expressly prohibited by the *Discipline*.

8) For the decision of the annual conference, as well as required congregational and district-board voting, no more and no less than a simple-majority is required for this process to "instruct and direct the board of trustees of a local church to deed property" under ¶ 2548.2.

9) If the Judicial Council invalidates ¶2548.2, prevents it from being used in any conference to allow a congregation to depart from our denomination with its property without some future action first being taken by the COB or General Conference, and/or requires any of ¶206-213 to be used with any application of ¶2548.2, that this ruling shall only apply prospectively, and cannot retroactively be imposed on any congregation that has begun the process of using 2548.2 prior to December 31, 2022, or at least prior to the release of the Judicial Council's decision.

10) In the event that the Judicial Council rules that no annual conference may use ¶2548 to transfer local-church property into the Global Methodist Church before the next General Conference, then ¶2553's original expiration date of December 31, 2023 shall be extended by one year. Such a ruling would be rooted in the same legal logic of the Judicial Council in JCD 1446's adjustment of dates in other *Discipline* paragraphs: "When it enacted those paragraphs, the General Conference neither anticipated nor made provision for a global pandemic and continuing conference delays." When we 2019 General Conference delegates enacted ¶2553 with this expiration date, we had every reason to expect at least one more General Conference session to occur before this expiration date, and to thus have at least one last opportunity to refine and improve our approach to concerns related to departures and separation.

Respectfully submitted,

Rev. Thomas A. Lambrecht

Mr. John Lomperis
2019 General Conference delegate
Indiana Annual Conference

C. Chappell Temple, Ph.D.
2019 General Conference delegate
Texas Annual Conference
Elder & Lead Pastor Christ Church Sugar Land