



NORDIC AND BALTIC EPISCOPAL AREA
THE UNITED METHODIST CHURCH

BISHOP CHRISTIAN ALSTED

The Denmark Annual Conference

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The Judicial Council of the United Methodist Church
The Secretary Rev. Luan-Vu "Lui" Tran
secretaryjudicialcouncil@gmail.com

December 8, 2017

Dear Rev. Tran,

Greetings in the name of Jesus Christ.

Friday, December 8, 2017, with a quorum and by majority, the UMC Denmark Annual Conference, represented by the Annual Conference board, has passed a motion by District Superintendent and clergy member, Dr. Jørgen Thaarup, requesting a reconsideration of Memorandum No 1347 on the request for a declaratory decision docket No 1017-1 from the Judicial Council. This request is given under Judicial Council's "Rules of Practice and Procedure," IX. Reconsideration of council action. The motion was as follows:

MOTION FOR A RECONSIDARATION OF COUNCIL ACTION MEMORANDUM 1347

The UMC Denmark Annual Conference hereby appeal to the Judicial Council for a reconsideration of the memorandum No 1347 on the Judicial Council's ruling that the council has no jurisdiction to consider petition docket No 1017-1.

We claim that the Judicial Council has the full jurisdiction to consider petition docket No 1017-1, and it is our understanding that the jurisprudence not to deal with declaratory decisions that are not linked to concrete conference actions is built on a jurisprudence dependent on deleted paragraphs in the Book of Discipline which is no longer valid.

In the MC Book of Discipline 1944 and 1948 we find the ¶ 914 with the ending section beginning with "But only those ..." In this section of the paragraph the limitation is given for the Judicial Council not to have jurisdiction in hypothetical questions, "but only those where some action is desired ... or some action" of a conference is behind. The Judicial Council Decision 33 and 255 refer directly to this ¶ 914 to renounce jurisdiction. Other Judicial Council Decisions refer to Decision 33 and 255 for legalizing the jurisprudence starting with the ¶ 914 section "But only those ..."

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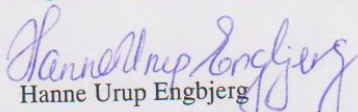
The MC General Conference 1952 deleted this whole section of the ¶ 914 section starting with "But only those ..." and replaced it with what we have now, the section "The following bodies in the Methodist Church are hereby authorized to make such petitions to the Judicial Council for declaratory decisions: ... 8) any Annual Conference ..." The whole text on limitation of the Judicial Council to have Jurisdiction only in cases connected to Conference Actions are deleted from all Disciplines after 1952, however the Judicial Council Decision 33 and 255 have been used to maintain the jurisprudence built on the deleted section of the ¶ 914.


Even at the MC General Conference 1964, we find a further modification in the questioned jurisprudence when the last two sentences of the 1952 added section of the ¶ 914 were finally deleted. The deleted text was: "The Judicial Council shall determine from the facts in connection with each such petition whether or not it has jurisdiction to hear and determine the same."

To the concreteness and the issue of Conference actions behind the petition for a declaratory decision raised by the Denmark Annual Conference, it is our understanding that the issue of making homosexual practice an issue of Christian teaching, which is the main issue in our petition, is absolutely concrete and not a hypothetical question, as long as the issue influences our mission and possibility to evangelize people of our culture. The only reason why no conference action is mentioned is that our leaders are so brave that they have avoided to make a conflict or a split of the church because of this issue. Is it really the opinion of the Judicial Council that the conflict of homosexual practice shall develop into conflict and split before we can have a conference action to lift the issue for a declaratory decision? The UMC Book of Discipline ¶ 2610.2. j) last sentence: "on matters relating to annual conferences or the work therein," is exactly the context of our petition Docket 1017-1. Our understanding is that the core meaning of a declaratory decision of the constitutionality of a sentence of dogmatic statement in the Social Principles is to get an interpretation and clarification based on the constitution, and not on a case of church life or conference action. If not an Annual Conference, where the issue of homosexuality is on grass rote level of the Church, has authority to raise this question, who else has authority? We find that the authority is given to the Annual Conference in the UMC Book of Discipline 2016 ¶ 2610.2. j), and that this authority is not limited by a jurisprudence built on a deleted paragraph of the MC Book of Discipline and the Judicial Council Decisions related to that. Thus, we find that the Judicial Council has the full jurisdiction to make a ruling.

Respectfully submitted,

The Denmark Annual Conference of the United Methodist Church
The Annual Conference Board
The Bishops Office Copenhagen


Hanne Urup Engbjerg
Chair of the Denmark Annual Conference Board


Christian Alsted
Bishop and president of the Denmark Annual Conference