

JUDICIARY BOARD
CHURCH OF GOD IN CHRIST, INCORPORATED

SPECIAL ORDER – SP2014-1

This special order is issued in response to correspondence received from the Chairman of the General Assembly addressing matters pertaining to the Judiciary Board.

The preamble to Article VIII of the Constitution of the Church of God in Christ, Incorporated provides, in pertinent part, “The establishment of the Judiciary Board of the Church of God in Christ, Incorporated shall bring into existence a third branch of government, which shall exist in conjunction with the two present branches of government, the Executive Branch and the Legislative Branch. This branch of government shall be established as both an ecclesiastical and appellate court, hearing disputes upon appeal from lower dispute resolution forums in the church and serving as the *ultimate authority on matters of constitutional interpretation* (emphasis added).”

The preamble further provides, “*This independent, objective branch of Church government shall have as its highest objective the protection of the rights of every member of the Church of God in Christ, Incorporated as set forth in the Constitution. The protection of those rights shall be without regard for official position or social station. Therefore, it shall be crucial that the Judiciary Board decisions are rendered without intimidation, coercion, or undue influence* and that the members of said Board are fair, sober, objective and seasoned in their decision making (emphasis added).”

FINALITY OF JUDICIARY BOARD ORDERS

The Judiciary Board was established to function as the Supreme Court of our Church, as such, it is not subject to “review” by any other entity or individual. If the General Assembly finds a ruling of the Judiciary Board to be untenable, it is authorized by our Constitution to utilize the legislative process to amend the Constitution to redress the ruling it finds disagreeable. The newly promulgated amendment would be applicable to all factually similar cases arising in the future. Specifically, it is well within the purview of the General Assembly to amend Article VIII to reflect its preference as to how a member of the Judiciary Board is to be treated in the future in the event of a change of status. However, the Constitution confers no such authority upon any individual, not even the Chairman of the General Assembly. There is no provision in the body of law governing our Church that confers upon the Chairman of the General Assembly “veto” power. In the absence of a duly enacted law by the General Assembly the decisions of the Judiciary Board are final and unappealable.

The Chairman begins one section of his undated letter with the words, “My interpretation...” However, the Chairman is not authorized to interpret the laws of our church; that function is outside of his purview. The Chairman is charged with presiding over the sessions of the General Assembly. The Constitution establishes the General Assembly as the ultimate legislative body. By definition, to legislate means to enact or make laws. Pursuant to the section cited above, the Judiciary Board is the ultimate authority on the matters of constitutional interpretation. Additionally, the Constitution authorizes the Executive Branch, the General Board, to execute or implement the law. Clearly, the Constitution has delineated the functions of the three branches. The General Board executes, the General Assembly legislates and the Judiciary Board interprets. Any private “interpretations” of law by the Chairman of the General Assembly are of none effect and do not carry the force of law.

As a result, the Judiciary Board Order of February 14, 2014 removing Auxiliary Bishop Joseph Clemmons from the Judiciary Board stands. While we are grateful for his service on the Judiciary Board and wish him well in his future endeavors, Auxiliary Bishop Joseph Clemmons is no longer a member of the Judiciary Board. Accordingly, there are three vacancies on the Judiciary Board: one occasioned by the disqualification of then-Auxiliary Bishop Enoch Perry; one occasioned by the demise of Justice Thomas Hammonds; and one occasioned by the removal of Auxiliary Bishop Joseph Clemmons.

PROCEDURES OF THE JUDICIARY BOARD

Article VIII provides for the organization and procedures of the Judiciary Board. In part it provides, “The Judiciary Board shall meet at such times and places *as it may deem necessary* to conduct its business...*The Judiciary Board shall prescribe its own methods and procedures for carrying out its duties* (emphasis added).”

The Constitution also provides that “in the event a vacancy in the Judiciary Board occurs while the General Assembly is not in session, *the remaining members shall continue to meet and conduct business* until the next regular meeting of the General Assembly (emphasis added).”

The Chairman of the General Assembly concludes his correspondence with what appears to be a proclamation of the policies and procedures to be utilized in Judiciary Board proceedings. However, the Chairman is not authorized to govern or police the activities of the Judiciary Board. If he is of the opinion that certain rules need to be promulgated, then he must rely upon the legislative process to enact such policies and procedures.

Without such duly enacted legislation from the General Assembly, the Judiciary Board shall prescribe its own methods and procedures pursuant to the provisions of the Constitution. Additionally, the Judiciary Board will continue to meet and conduct business as mandated by the Constitution.

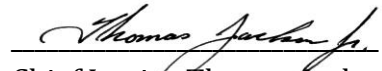
CONCLUSION

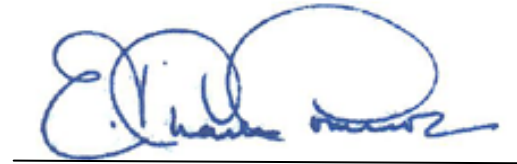
For the reasons outlined above, the proposed actions of the Chairman of the General Assembly as recounted in his undated letter are null and void. Furthermore, the Removal of Auxiliary Bishop Joseph Clemmons stands, resulting in three vacancies on the Judiciary Board:

Two (2) members to be elected from the General Council of Pastors and Elders and one (1) member to be elected from the Board of Bishops.

IT IS SO ORDERED.

DATED: May 1, 2014


Chief Justice Thomas Jackson



Secretary, Justice E. Charles Connor

1st Asst. Vice Chairman, Talbot Swann

2nd Vice Chairman, Justice Valda Slack

Associate Justice Floyd Perry

Associate Justice Casandra Lewis