

**JUDICIARY BOARD**  
**CHURCH OF GOD IN CHRIST, INCORPORATED**

Bishop Fred W. Washington	]	
Petitioner,	]	
	]	
V.	]	October 2014
	]	
Judiciary Board	]	
Respondent.	]	

---

Petitioner Bishop Fred W. Washington request reconsideration of this Court’s ruling dated December 20th, 2013 in which the Court ruled that no new election be held for the vacant Episcopal seat on the Judiciary Board, and that Bishop Paul Fortson is declared elected.

Bishop Washington argues in his view of prevailing rules of law, the most equitable approach to the issue raised in the Petition is for the Court to issue an order for a new election.

This Petition represents an issue of first impression De Novo. Although the merits of the controversy are of paramount importance to the parties, the substantive nature of the dispute is not germane to the Petition. Rather we are asked to decide the important issues relating to the reconsideration of the matter on procedural grounds. Thus, we will restrict the recitation of the facts to the procedural history of the case.

**FACTS**

The basic facts are not seriously disputed:

1. On November 11, 2013, the General Assembly held an election to fill two vacant seats on the Judiciary Board – one Episcopal Seat and one General Assembly seat.
2. On December 12, 2013, the Court received a petition from Elder Ron Stidham challenging whether the newly consecrated Auxiliary Bishop Joseph Clemmons could constitutionally occupy a ministerial seat on the Judiciary Board.
3. On December 17, 2014, this court received a request from the Chairman of the General Assembly, James Hunt, asking for a ruling on the legality of the election and whether or not the names that were received from the Board of Bishops should only have been Jurisdictional Bishops.

4. On December 20, 2014 this Court ruled that notwithstanding the alleged electoral irregularities, the election was legal, and that Auxiliary Bishop Enoch Perry was constitutionally ineligible to run for the Episcopal seat on the Judiciary Board.
5. On February 13, 2014, the Court ruled that Auxiliary Bishop Joseph Clemmons is no longer constitutionally eligible to sit on the Judiciary Board in a Ministerial Seat.
6. In the April 2014 General Assembly session, Chairman James Hunt decided to call for a new election in the General Assembly November 2014 session, for the vacant Episcopal seat on the Judiciary Board. Also, in the final session of the General Assembly, Chairman James Hunt in his interpretation of the Church's Constitution, Article VIII, committed contempt of court when he proffered that the Judiciary Board orders were untenable, so he issued an edict that "Any actions taken by the Judiciary Board without a stated Quorum being present, is null and void". He notified this Honorable Court of these contemptuous actions attempting to instruct the Court on how to conduct its business.
7. On May 1, 2014, this honorable Court issued a Special Order in response to the correspondence received from the chairman of the General Assembly James Hunt. The Order indicated that pursuant to the provisions of the constitution, the Judiciary will continue to meet and conduct business as mandated by the constitution. Additionally, that the proposed actions of Chairman James Hunt as recounted in his undated letter are null and void, and that this Court Order stands.
8. On May 6, 2014, Bishop Paul L. Fortson filed a petition with this Court challenging the constitutionality of the General Assembly Chairman's decision to hold a new election for the Episcopal seat on the Judiciary Board.
9. On August 18, 2014, this Court issued the order that there should not be a new election between the two eligible candidates, Bishop Fortson and Bishop Lawson, that since Bishop Lawson notified the Court that he acquiesce to Bishop Fortson, The Court declared Bishop Paul Fortson elected to the seat.
10. On August 30, 2014, Bishop Fred W. Washington filed a Petition for Reconsideration of this Court's Order to seat Bishop Paul L. Fortson.

## CONCLUSION

After reading the brief of petitioner Bishop Fred Washington and considering the argument raised, along with the contemptuous behavior of Chairman James Hunt, we conclude that the issue

can be decided without addressing the question of whether this Court erred in its decision to declare Bishop Fortson Elected.

Under the Constitution, the General Assembly makes the Laws. A Chairman's powers are very limited under the Constitution – so called policies are not Law. The General Board can only “Invoke” Powers to carry out Laws passed by the General Assembly or execute Power vested in the General Board by the Constitution. The Judiciary Board (Supreme Court) interprets the Law and its decisions are final as such it is not subject to “Review” by any other entity or individual.

This case presents a novel question of law for which no controlling precedent can be found.

This court considered a number of concerns:

1. General Assembly

- a. Irregularities in the Electoral Process.
- b. Failure of Screening and Nominating Committees to properly screen candidate Auxiliary Bishop Enoch Perry.
- c. Willful contempt of this Honorable Court by Chairman James Hunt refusal to adhere to, and carry out Orders from the Court.

2. Board of Bishops

- a. Failure in its Episcopal responsibility to verify candidate Auxiliary Bishop Enoch Perry's qualifications for a seat on the Judiciary Board
- b. Lack of responsibility of the candidate himself; a former General Counsel to the church, to ensure that he is fully qualified for the Episcopal Seat on the Judiciary Board.

The Constitution states clearly “The Judiciary shall decide any election dispute referred to it by the General Assembly”. *Article VIII, duties ¶ 4.*

In the instant case, according to the General Assembly's “50 +1% rule” (also known as a Second Ballot or Runoff), the voter casts a single vote for their chosen candidate, however, if no candidate receives the required number of votes, in the case 50 +1% rule, then those candidates having less than a certain portion of the votes, or all but the two candidates receiving the most votes are eliminated, and a second round of voting occurs. The Two Round System is used around the world for the election of legislative bodies and directly elected Presidents. *Wikipedia the free Encyclopedia.*

It is conclusively established by this Court that Auxiliary Bishop Enoch Perry's eligibility is invalid Ab Initio – his run for office is void rather than voidable. It is to be considered a nullity from the beginning for any purpose. The Court therefore does hereby deny his participation in any election for this seat AB-INITIO.

In our consideration of the record of this case, the prevailing issue for this Honorable Court is the resistance to the Court's Orders by Chairman James Hunt's personal action. He abused his authority when he contested the Court's Orders by declaring them to be null and void and substituted his own decision. This behavior defies the authority, justice, and dignity of the Court. This, the Court cannot allow nor go unnoticed. This attacks the integrity of the Courts' Judicial Process and obstruction of the administration of justice.

In light of the foregoing we hold that the General Assembly Chairman James Hunt abused his authority when he declared the Court's Orders null and void and neglected to obey the Orders.

We have granted reconsideration, but deny Petitioner's Relief.

Notwithstanding these difficulties, the Judiciary Board recognizes its sole mandate lies in Article VIII which is interpreting the Church of God In Christ Constitution. We are reminded that per Article VIII, the Judiciary Board is subject to only the Constitution and no other body whatsoever.

Accordingly, the case is remanded with instruction to the General Assembly to issue all of the mandated Orders and to seat Bishop Paul Fortson immediately and without any further proceedings.

**IT IS SO ORDERED THIS 8<sup>TH</sup> DAY OF OCTOBER, 2014**

Official:



---

Thomas Jackson, Jr.  
Chief Justice

**Members of The Court:**

Justice Talbert Swann  
Justice Dr. Valda Slack  
Justice Bishop Floyd Perry  
Justice Casandra Lewis



---

Bishop E. Charles Connor, Justice  
Secretary