

# **Church Of God In Christ, Inc.**

## **JUDICIARY BOARD**

**In RE: Transfer Request** )  
**Emmanuel Church Of God In** )  
**Christ Wichita, Kansas** )  
 )  
**Appellant,** )  
 )  
**Vs.** )  
 )  
**Kansas Southwest Church Of** )  
**God In Christ,** )  
 )  
**Appellee** )  
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Chief Justice Samuel Nesbitt, with Associate Chief Justice Thomas Jackson, Jr.  
and Associate Justice Talbert Swann, Dissenting.

### **Emmanuel vs. Kansas Southwest**

#### **INTRODUCTION:**

Our view of the Church Of God In Christ Church Law and Doctrine is pragmatic, seeing it as an instrument for obtaining equity and fairness. The focus should be on ethical principles rather than narrower interpretative structures.

Today the court has simply formed a New Constitutional Right for pastors, and with scarcely any reason or authority for its action invests that right with enough substance to override the stature (Church Of God In Christ Constitution Article IV, Sec. D, Par 18 as amended May 1, 1982.

The Courts Historical Analysis is flawed. To reach its result, the court necessarily has had to find a right that was completely unknown to the drafters of the amendment.

Nothing in the letter or spirit of the constitution or in the precedents squares with the one-sided action that is so precipitously taken by the court in the name of fulfilling its constitutional responsibilities.

The critical threshold question in this case is whether the system designed by the General Assembly protects whatever rights the local church members may possess. If so there is no need for any additional process.

After almost four calendar years from the date when Emmanuel Church Of God In Christ, Wichita, Kansas, requested a transfer from Kansas Southwest Jurisdiction to Kansas Central Jurisdiction (November 28, 2004, they have now appealed the General Board's Denial of Their Request to Transfer to this Board, the highest Appellate Court of the Church Of God In Christ, Inc., seeking approval of their previous transfer request. Because the Church Of God In Christ holds the Holy Scriptures, as contained in the Old and New Testaments of our Bible, as our rule of faith and practice; led and guided by the Holy Ghost, "*the spirit of Truth*." It is in this Court that the proper interpretation of our constitution and governing laws will be made as mandated by the General Assembly of the Church Of God In Christ, Inc.

### THE PROCEDURAL POSTURE:

This is an appeal by Emmanuel Church Of God In Christ, Wichita, Kansas, from undated decision of the Church Of God In Christ, Inc., General Board; the highest Executive Authority of the Church, denying Emmanuel Church Of God In Christ's request to transfer from Kansas Southwest Jurisdiction to Kansas Central Jurisdiction **"at this time."** On March 5, 2008, the case of Church Of God In Christ, Inc. and Kansas Southwest Church Of God In Christ vs. Emmanuel Church Of God In Christ, Wichita, Kansas, et. Al., Case no. 05 C4 0621 was dismissed. In a Mediated Settlement Agreement, March 5, 2008, the Plaintiff, Church Of God In Christ, Inc. et. Al., agreed, inter alia, that **"the Defendant Emmanuel Church Of God In Christ will submit, within 15 days, a request to the Church Of God In Christ, Inc., to transfer from Kansas Southwest Jurisdiction to Kansas Central Jurisdiction."** Emmanuel submitted the request to the General Board, who received the same for the National Church and responded. In the undated letter of denial to James S. Rich, Trustee Chairman of Emmanuel and Ronald Stidham, it appears that in its profound wisdom, and led by the Holy Ghost, the Board did not attempt to answer the questions as to the **"authority, procedure and precedence in the transference of a church"** from one jurisdiction to another. It appears to suggest that the case, which involved ecclesiastical matters, is no longer in the civil courts but is now within the **"parameters of the National Church"** where a proper interpretation and decision will be made. It further appears that the Board's denial **"at this time"** implies that the Board is saying, that until a proper interpretation of the Law governing the transfer of a church from one Jurisdiction to another is rendered by the appropriate forum within the Church, everything would remain as it is **"at this time."**

### OVERVIEW:

Elder Joshua Stidham, founder, builder, and pastor of Emmanuel Church Of God In Christ, Wichita, Kansas, for 38 years, died, October 20, 2004. He was funeralized and buried on October 26, 2004, and on October 31, 2004, the membership was notified by Superintendent James Watson that Bishop Gilkey, Jurisdictional Prelate of Kansas Southwest, the jurisdiction to which the Emmanuel Church is assigned, was appointing Elder Ronald Love as the pastor of Emmanuel Church Of God In Christ. **"The membership unanimously opposed the method in which Bishop Gilkey made such**



**an appointment, as well as the appointment of Elder Ronald Love. The members were told that they had neither, choice or voice in the matter, to which they all opposed.**” In a meeting of the congregation on October 31, 2004, a message was sent to Bishop Gilkey, via Superintendent James Watson, asking him to meet with the local church congregation at Emmanuel Church. This request was not granted.

Ignoring the congregation’s request for a conference with the Bishop, prior to the selection and appointing of a pastor to fill the vacancy left by the death of Elder Joshua Stidham, Bishop Gilkey appointed the Pastor of his choice, denying to the congregation the right to participate in the selection process. The congregation unanimously objected to the appointment, refused to accept the new pastor, and notified the Bishop of their decision. By letter, dated November 28, 2004, **“which was submitted shortly thereafter,”** Emmanuel congregation made a request to transfer to Kansas Central Jurisdiction. Because of certain claimed procedural defects, the transfer request was not approved.

In an attempt to obtain help, on November 25, 2004, by Certified Mail, a formal Petition was sent to the Church Of God In Christ, Inc., Headquarters, Memphis, Tennessee, with copies to: Bishop G. e. Patterson, Presiding Bishop and Members of the General Board; Bishop John Sheard, Chairman, Board of Bishops; elder A. Z. Hall, General Secretary and Judge Enoch Perry, General Counsel.

In the Petition the Church asked for the reversal of **“Bishop Gilkey’s unilateral appointment of a pastor. The reason, that it was made in violation of the Holy Scriptures and the Church Of God In Christ Manual.”** The petition further stated: **“We request that the congregation of Emmanuel Church Of God In Christ’s right to choose and participate in the choice of a suitable pastor be acknowledged and respected by the Jurisdictional Bishop of Kansas Southwest.”** The National Church did not respond.

The congregation having just lost their beloved Shepherd of 38 years was bereaved. They needed to be comforted, they needed guidance, they needed reassurance, and they needed the compassionate concern and attention that the Church Of God In Christ provides through its chosen, consecrated and appointed leadership. This was not given thus they became restive and even restless.

## **WHY THE CONFLICT – THE CONTROVERSY?**

Prayerfully, and in a concerted effort to gain perspective of and insight into why a little ecclesiastical controversy, **“among the saints;”** who hold the Holy Scriptures as contained in the New and Old Testaments of our Bible as our rule of Faith and Practice, and our Holy Bible as our Supreme Court where controversies arise among the saints, could not have been resolved quickly and quietly in the spirit of love; this Board has reviewed multiple documents, letters, civil court records, petitions and has listened to lengthy oral testimony. We are led to conclude that these almost four (4) calendar years, during which time there is evidence of misdirected energy, non-factual allegation,

sleepless nights, unaffordable legal fees, false accusations, extra hotel and travel expenses, and the temporary diversion from the true mission of the Church was the results of failure **“to obey and defend the constitution, by-laws, doctrine and policy of the Church Of God In Christ.”**

## **CONSTITUTIONAL VIOLATIONS AT EMMANUEL:**

### **1. The Law Governing The Filling Of Vacancies In Pastorates**

**“All vacancies that occur in the pastorate of a local church shall be filled by the Jurisdictional Bishop. The supervision and management of the Church shall remain with the Jurisdictional Bishop or his designee until such time as a Pastor is appointed to fill such vacancy.”** (Sec. D, Par. 17, COGIC Constitution, as Amended May 1, 1982).

#### **The Law Explained:**

The constitution gives the Jurisdictional Bishop authority to fill vacancies that occur in the pastorates within the Jurisdiction over which he presides. He is not to fill the vacancy by placing himself or his designee in the vacancy, under the title of Pastor, but under the authority of his Episcopal Office he or his designee is to supervise or manage the said Church until such time as a Pastor is appointed to fill the vacancy. The Bishop is to set in order the things that are needed, as instructed in Titus 1:5 (Biblical Authority).

### **2. The Rule governing the Involvement of the District Superintendent and congregation in the selection process**

**“The General Assembly of the Church Of God In Christ has assigned to you, as Bishop the following duties: To function as the administrative head of the ecclesiastical Jurisdiction to which you are assigned: To seek out and discover, in cooperation with your district superintendents and congregations, a suitable Pastor for each congregation under your care.”** (Consecration Charge, COGIC Manual, Page 215, Pars. 2&3).

#### **The Charge Explained:**

Because the Church Of God In Christ is aware of the Spiritual Significance of Pastors, as shepherds of the “Flock over which the Holy Ghost has made them overseers (Acts 20: 28),” it has provided help for the Bishops in seeking to find Pastors who are compatible with the congregations they are to serve. Because the district superintendents work closely with the congregations, for the Bishop, it is required that they and the members of the congregations to be served, must be involved in the selection process. It is given in a



**“charge”** to the Bishop before he is consecrated, and the Bishop pledges to keep that charge.

3. The Bishop’s Authority to Appoint and Ordain Elders

**“The Jurisdictional Bishop shall have the power to appoint and ordain elders.”** (COGIC Constitution, Art. IV, Sec. A, Par. 2)

The Law Explained:

The power to appoint and ordain elders, within the ecclesiastical jurisdiction over which he presides, is vested in the Bishop only, but the screening and selection of elders to be ordained or appointed is a shared responsibility. When the selection of the elder has been made by the **“Trinity,”** Jurisdictional Bishop, District Superintendent and Congregation, the Bishop then appoints the chosen Elder as Pastor to fill the vacancy in the pastorate.

The violation:

On October 31, 2004, when Bishop Gilkey, Jurisdictional Prelate of Kansas Southwest; with knowledge of the Law of the Church and of his responsibility to obey and uphold the Laws in carrying out the duties which he promised to perform, blatantly disregarded the Biblical rules and Constitutional mandates of the Church – ignoring the rights of the Emmanuel congregation – and hastily appointed a pastor, of his choice, to fill the vacancy left by the demise of Elder Joshua Stidham, he activated a series of reactions and responses which caused unrest in the Church Of God In Christ family. One wrong action brought about another wrong action, in an attempt to justify the other wrong action, thus causing the Church to be brought into Court, in violation of the Biblical principle as set forth in I Cor. 6: 1. There were so many other unbrotherly acts displayed, and there were things uttered which might have brought smiles and tears, but that’s all behind us. Thank God, we are out of Court and have been out since March 2008. While this Board has knowledge of wrongs that have been committed, feelings that has been hurt, and shame that some may have been made to feel, we will not open the door to review that which does not have virtue or praise. We have the “mind of Christ,” for God was in Christ reconciling the world unto himself. (II Cor. 5: 19). God in Christ in us moves us to become reconciled to each other, and thus to God. We hereby **do what the law could not do, we forgive.**

**“What the Law could not do” – You are forgiven**

Led by the Holy Ghost, the Spirit of Truth that leads and guides us into all truth (St. John 16: 13); and by the love of God that is shed abroad in our hearts by the Holy Ghost (Rom. 5: 5); which beareth all things (I Cor. 13: 6), and covers all sins (Prov. 10: 12; we hereby forgive all acts, whether deviant, unlawful, unchristian, unconstitutional, sinful or unholy, that you –the Appellants or Appellees – perpetrated or caused to be committed against each other, the Church Of God In Christ, Inc., of which you are a vital and integral part, and our Holy Faith in which we firmly believe and pledge to live, uphold and defend. By the grace of God, and pursuant to the principles of our Holy Faith; as taught in the Church Of God In Christ, Inc., this Board has done **“what the Law could not do:”** it has forgiven all those acts which you have, by design, lack of knowledge, or misadventure committed. Now that you are free, our attention will be given to Emmanuel’s original request to transfer from Kansas Southwest Jurisdiction to Kansas Central Jurisdiction, made November 28, 2004.

**Constitutional authorization for the transfer of a local church from one ecclesiastical jurisdiction to another. (COGIC Constitution, Sec. D, Par. 18, as Amended May 1, 1982).**

A local church is authorized **“to change or transfer its jurisdictional affiliation when at least two-thirds of the membership must be present and voting (by secret ballot) after due notice has been given for the time and place of voting.”**

Explanation:

1. There is no constitutional requirement for the Pastor’s or Jurisdictional Bishop’s approval of the local church’s transfer. The Will and Desire of the congregation effects the authorization to transfer.
2. If there is a pastor in place, in the congregation where there is a desire to transfer, the pastor will serve as the facilitator to see to it that all requirements as set forth under Par. 18 a, b, c, & d are carried out as prescribed.
3. Constitution does not require that the local church divulge its reason for desiring to transfer. It is presumed that, as saints, there reason would be for the enhancement of the work of the Lord and the expansion of the Church.



While it is not required that the Emmanuel congregation divulge all of the reasons for their desiring to transfer to the Kansas Central Jurisdiction, the Board looked behind so much of the evidence and took Judicial Notice of certain areas to which fatherly and compassionate consideration might have been shown to the congregation during their time of bereavement. A "shepherd" had died and the "sheep" needed care for the Leader, which they did not receive. Instead, the Leader seemed to display an adversarial attitude toward them. The saints in Wichita, who were members of churches within the Kansas Central Jurisdiction, and the leaders, showed real concern and helped them during the illness and death of their beloved pastor. Then, contrary to what the constitution and laws of the Church prescribe, and against the desire of the congregation five days after the burial of the Pastor, a new Pastor was sent to the Church. A leader of 35 years had died, and without a conference with the congregation the Bishop sent a new Pastor to lead them. Many of the "sheep" have been made to leave their Church because of the uncertainty which exists. When peace is restored perhaps they will return. The congregation told a special committee, sent from the Board that they love Bishop Gilkey and they love and respect the Church Of God In Christ, Inc. and its leaders. Their love and admiration for the Church Of God In Christ has been demonstrated by their diligent efforts to defend the principles of the Faith. They give evidence that they are true members of the Church Of God In Christ, Inc. With Headquarters in Memphis, Tennessee and that they are entitled to receive all benefits that COGIC membership provides.

## **A HISTORICAL PERSPECTIVE AND PRESPECTIVE AND PRECEDENCE FOR THE CREATION OF ECCLESIASTICAL JURISDICTION AND FOR THE RIGHT OF CONGREGATIONS TO TRANSFER FROM ONE TO ANOTHER**

The creation of ecclesiastical jurisdictions within the Church Of God In Christ, Inc., with the right of local congregations within ecclesiastical jurisdictions to transfer from one ecclesiastical jurisdiction to another, is the result of the Church's recognition of and response to the expressed needs and desires of a multi-cultural body of believers with aspirations to become all that God would have them be, by living the Holiness Lifestyle as proclaimed and lived in the Church Of God In Christ, Inc.

Beginning in 1907, Bishop C. H. Mason, Founder and Chief Apostle of the Church selected qualified men and appointed each of them State Overseers of one of the states of the United States. Because of the Church's dynamic message of Holiness; and, its gravitative appeal, congregations were established in many villages and towns throughout the different states, and multiple congregations in the large cities. Overseers divided the states into districts and appointed district superintendents to assist them with

administering the churches that were assigned to them. Occasionally, there were superintendents within certain states who felt that they could, along with those who thought as they did, enhance the Church's growth and development process if they were made overseers. Such a case existed in Florida where from 1920-1940 rapid and unusual growth patterns existed.

In 1940, upon the request of the Overseer and brethren of Florida, Bishop Mason came to the state, and after hearing the desires of the brethren, he decided to divide the state. He gave Overseer Nesbitt the privilege of choosing the part of the state he would prefer, and he chose the western part of Florida; which was undeveloped, and gave the eastern part, which was already developed and thriving, to Elder Cohen. Bishop Mason said, "Son, you have the spirit of Abraham and your work will always prosper." He then said, "Let all those who want to work with Brother Nesbitt work with him, and all who want to work with Brother Cohen work with him." Overseer Nesbitt chose Jacksonville, the, the original headquarters of the Church in Florida as headquarters for Western Florida, and Overseer Cohen chose Miami as headquarters for Eastern Florida. Eastern and Western Florida were not geographic designation; but, only ecclesiastical jurisdictions. Pastors and congregations from any section of Florida were allowed to work with either overseer of their choice. The concept which gives pastors and congregations the right to choose their leadership; as set by Bishop Mason, still governs the process by which ecclesiastical jurisdictions are created today, and by which congregations within them may transfer from one to another; except for certain modifications enacted by the General Assembly since 1968. This is a substantive right, and one which should not be denied.

## **JUSTIFIABLE REASONS FOR GRANTING THE TRANSFER**

### **SUMMARY:**

It appears from the records presented to this Board by the Appellant which have not been nullified by any factual data from the appellee, that the Appellant's Transfer Respect should be approved for the following reasons:

1. Emmanuel Church Of God In Christ, Wichita, Kansas, is a recognized congregation of the Church Of God In Christ, Inc. with Headquarters in Memphis Tennessee and is an integral part of the Kansas Southwest Jurisdiction where it has served for more than 35 years.
2. The congregation has been without a Pastor since December, 2004, and pursuant to the constitution, the Jurisdictional Bishop is to manage and supervise the church until a Pastor is appointed.
3. It is the desire of the total, certified, active membership to transfer to Kansas Central Jurisdiction. In a special meeting of the congregation a



unanimous vote in favor of the transfer was given, and all members signed the document to verify the same.

4. The congregation has been without an appointed **SHEPHERD** for more than four (4) years. Their attention has been directed to seeking to protect themselves and the property which God has blessed them to purchase. A duly appointed pastor, under the proper leadership, can help the congregation to redirect their efforts to the true mission of the Church – **Saving Souls**.

NOTE: It should be observed from the Old Testament, a significant part of our rule for faith and practice, that Almighty God, who knows all things, after being told by Samuel, His prophet, that His people desired a king to rule over them, God instructed Samuel to: **“Listen to them (the people) and give them a king.”** It stands to reason that if people are to be accountable for their choices and the results thereof, they should be free to choose their leader, especially when the choice favors what we believe: **Freedom to worship God pursuant to the dictates of our own conscience.**

**It is the HOLDING of the Dissenting Justices – Chief Justice Samuel Nesbitt, Associate Chief Justice Thomas Jackson and Justice Talbert Swann:**

1. **THAT, the General Board’s undated letter denying the Emmanuel church’s Transfer Request “at this time” was not based upon what the COGIC Constitution provides, but upon what the General Board alleged to be a “settled matter” where the Kansas Court are concerned; and because the matter before the Judiciary Board is not a “settled matter” and will not be until the Board has made it’s ruling; and, because the content and conclusions contained in the General Board’s undated letter denying Emmanuel’s Transfer Request are not pertinent to a resolution of the constitutional issues before the Judiciary Board, it is set aside for the lack of Relevancy.**
2. **THAT, the Transfer Request of Emanuel Church Of God In Christ, Wichita, Kansas, to transfer from Kansas Southwest Jurisdiction to Kansas Central Jurisdiction be approved. When the Emmanuel Church is officially registered with the Kansas Central Jurisdiction, the Jurisdictional Prelate will pursuant to the Constitutional guideline of the Church Of God In Christ, Inc., appoint a pastors to fill the vacancy left by the demise of Elder Joshua Stidham, October 20, 2004.**

**The majority decision of the court represents poor constitutional law and entails harmful consequences for the church at large.**

**For all the foregoing reasons, we respectfully Dissent.**