## JUDICIARY BOARD CHURCH OF GOD IN CHRIST, INC.

IN RE: PETITION )	
OF )	January 2014 ORDER
ELDER RONALD E. STIDHAM,	ORDER
ON APPLICATION FOR RULING ON )	
CONSTITUTIONALLY MANDATED )	
JUDICIAL QUALIFICATION OF )	
JUSTICE JOSEPH D. CLEMONS	
)	

#### **PER CURIAM**

I

This matter comes before the Judiciary Board, (Supreme Court), on a Petition for constitutional compliance of mandated judicial qualifications. The pertinent facts underlying this controversy are not in dispute, and may be briefly summarized as follows:

- Justice Joseph D. Clemmons was elected to occupy a ministerial seat from the General Council of Pastors and Elders, Church of God In Christ, Inc.
- On November 7, 2011, he was reaffirmed for a second term which will conclude in 2018.

- 3. In November, 2013, during the 106<sup>th</sup> Convocation in St. Louis Missouri, he was elevated to the office of Auxiliary Bishop. With this elevation, he is now a member of the Episcopate (Board of Bishops).
- 4. Petitioner Elder Ronald E. Stidham alleges that Justice Joseph D. Clemmons, now an Auxiliary Bishop and a member of the Episcopate can no longer occupy a ministerial seat from the General Council of Pastors and Elders. He further alleges that this is a violation of Article 8 in The Church Constitution.

#### **ISSUES**

- 1. Whether Elder Ronald E. Stidham has standing to bring the Petition to this court.
- Whether an Auxiliary Bishop can occupy a ministerial seat from the General Council of Pastors and Elders on the Judiciary Board.

### II

- a. The first issue, whether Elder Ronald E. Stidham has standing to bring the Petition. He does. He is a U.S. citizen, a member of good standing in the Church of God In Christ, and has suffered an injury. We have held that a denial of a benefit in the Electoral Process can itself create an Article III (U.S. Constitution) injury, irrespective of the end result.
- b. The second issue is whether an Auxiliary Bishop, specifically Justice Joseph E.
  Clemmons can continue to occupy a seat from the General Council of Pastors and
  Elders on the Judiciary Board (Supreme Court).

This Court is asked to rule on a constitutional requirement of Article 8, Judiciary Board Composition & Criteria, as it relates specifically to the ministerial seats from the General Council of Pastors and Elders.

The Church Constitution is the written framework for our Church government. It establishes the Legislative, Executive and Judicial branches of the church. The Constitution also guarantees each member certain basic individual rights and liberties. The Judiciary Board (Supreme Court) is the ultimate authority on matters of constitutional interpretation, and is established as both an ecclesiastic and appellate court. Article: 8, 9, 15, 16; 1952, 1991.

In addition to protecting the rights of every member of the Church of God In Christ, The Judiciary Board is mandated to by Biblical principles, first attempt to negotiate reasonable grounds for the resolution of the dispute. Should the parties fail to receive said recommendation of the Board, the Board shall then decide the matter before it pursuant to the interpretation of the Church's Constitution and Doctrine. The Board shall also use previous rulings, resolutions and according to relevant, precedent setting Federal and State case law." The Judiciary Code pg. 9, 10, 1991.

#### III

The Judiciary Board as final arbiter of the Law is charged with ensuring that church members receive equal justice under law. Under Article 8, Composition & Criteria of the Judiciary Board, the law clearly states:

"The Judiciary Board shall be composed of nine (9) members designated in three (3) categories: episcopal, ministerial, and general. Three (3) members shall be Jurisdictional

bishops (episcopal), three (3) members shall be elders other than bishops (ministerial), and three (3) members shall be from the church at large (general)..."

The framers of Article 8, Judiciary Board intended that elected justices would come from three (3) distinct areas of the church bringing to the court collective experience. Further, that having experiential input that is distinct and different would ensure fairness to all sectors of the Church, while making sure that the Judiciary Board would not be compromised of all of a majority of one category. An Elder or a Lay Person cannot run for nor hold a position designated for Bishop; neither can a Bishop run for or hold a slot designated for an Elder.

Article 8 of the constitution does not contain two distinctly opposite interpretations. It does not mean one thing at one time and an entirely different thing at another time. The article, when framed and adopted meant that the three (3) ministerial members of the Judiciary Board "shall be elders other than bishops". It is but to say that it means the same now. The provision of Article 8 there under consideration as expressed by the framers foresaw that times would arise when leaders and people would seek to make changes, whereby the principles of constitutional liberty would be in peril unless established by irrepealable law.

The constitution of the Church of God In Christ, Inc. is a law for its protection of classes of people at all times, and under all circumstances, and, none of its provisions can be suspended during period of administrative or political necessity. Such an effort leads to anarchy.

In Dred Scott v Sanford, 19 HOW, 393, 426, Chief Justice Taney said:

"That while the Constitution remains unaltered, it must be construed now as it was understood at the time of its adoption; that it is not only the same in words, but the same in meaning, and as long as it continues to exist in its present form, it speaks not only in

the same words, but with the same meaning and intent with which it spoke when it came from the hands of the framers, and was voted on and adopted by the people of the United States. Any other rule would abrogate the Judicial Character of this court and make it the mere flex of the popular opinion or passion of the day."

Article 8 of the Church Constitution, grants the Judiciary Board exclusive Jurisdiction on matters of constitutional interpretation. We note the landmark decision on the issue of Judicial Review in which the Supreme Court ruled that the Federal Court have the duty to review the constitutionality of acts of Congress and to declare them void when they are contrary to the constitution. Marbury v. Madison, 5 U.S. 137 (1803).

Review of this case is warranted because of the need for this Court to clarify the action of the General Assembly allowing an Auxiliary Bishop to occupy a ministerial seat on the Judiciary Board, both April 1998 and November 2013.even though there was much unreadiness, regarding the constitutional issue of The Board of Bishops adding on another Bishop. The Chairman of the General Assembly "expressed his thinking that this consideration be deferred until November, 1997 session." Church of God In Christ Minutes, General Assembly Page 8, 9, 10, April (1997)

In April, 1998, during the General Assembly session, several members of the General Council of Pastors and Elders voiced objection to the issue of reaffirmation of Bishop Cornelius Range. One Elder stated that he had already been screened and requested the General Assembly consider him or someone else from the Council. After much discussion, Bishop Range was reaffirmed to continue in office as a member of the Judiciary Board. There was some confusion regarding the meaning of the Constitution on the matter just, voted upon. The Chairman

explained, "that we were living up to the letter of the law". Church of God In Christ Minutes, General Assembly, Page 29 (1998).

In the instant case, The General Assembly's contrary conclusion rested in part on the mistaken belief that an alleged precedent may be used to define a general principle of the Judiciary Board's Jurisprudence, into a specific legal rule that this Court has not ruled on.

The error in this approach is subtle, yet substantial. Although the General Assembly may in accordance with its' usual electoral procedures look to court precedent to ascertain whether it has held the particular point in issue is clearly established by Judiciary Board Precedent, it may not violate the constitution and expect that it would be, if presented to this Court, be accepted as correct. The General Assembly failed to abide by that limitation here. Its' resultant actions were erroneous and must be reversed.

# THE ISSUE THEN IS – DID THESE ACTIONS VIOLATE ARTICLE 8 OF THE CHURCH OF GOD IN CHRIST, INC. CONSTITUTION.

In determining whether the provision in Article 8 for three (3) Ministerial Members by reason of the clause is clear, we must consider the relation of personality to constitutional power, the historical setting of the clause – "Elders other than Bishops", and the development of Jurisprudence of this Court in interpreting that clause.

#### **CONCLUSION**

Applying the criteria established by our decision, we conclude that:

- 1. Article 8 as drafted by the framers and approved by the General Assembly is crystal clear and binding on the church.
- We approach the question thus presented upon the assumption, as required by Article
   under the law, that the General Assembly violated the constitution both in
   November 1998 and November 2013.
- Article 8 was framed to a legitimate end, which is the legislation was not for the mere advantage of particular individuals, but for the protection of a basic interest of the Church – integrity and justice for all.
- Justice Joseph D. Clemmons now an Auxiliary Bishop is in violation of the constitution as set forth in and can no longer occupy a ministerial seat on the Judiciary Board.

This case is of extraordinary nature, and of great concern, gravity and importance to the Church. There can be no Rule of Law without a Judiciary that is independent of the Legislative and Executive Branches of the Church.

#### THE COURT RULES:

Auxiliary Bishop Joseph E. Clemmons is no longer constitutionally eligible to sit on the Judiciary Board in a Ministerial Seat, and the matter is remanded to the General Assembly for his replacement and further proceedings consistent with this opinion.

IT IS SO ORDERED

NOTE: Justice Joseph D. Clemmons was recused from this case.

DATED: February 13, 2014

Official:

Thomas Jackson,

Chief Justice