

Authority of the General Assembly

SUMMARY OF KEY POINTS

The following points are supported and discussed in thorough detail in the attached letter.

The Actual Meeting of the General Assembly

- The General Assembly has the authority to meet, reconvene and conduct its business without calling a Special Session.
- The last phrase in the Constitutional provision setting the timing for a meeting of General Assembly is an overlooked provision that provides a built-in exception for a General Assembly meeting, even when there is no Convocation.
- The November 2019 session is currently in recess and the next General Assembly meeting will reconvene that session.
- The Bailey Letter did not cite any Constitutional laws in support of its conclusions, nor did it address or distinguish any Constitutional laws that are in direct conflict with its conclusions.
- The Bailey letter raises discretionary logistical concerns, not Constitutional issues.

The Authority of the General Assembly

- The Constitution empowers the General Assembly to adopt any rules of procedure and regulations governing the conduct of its business and its organization it may deem necessary, proper, or expedient.
- The word “expedient” used in the Constitution, by definition, contemplates unforeseen circumstances wherein the General Assembly would need to enact special or temporary rules to facilitate carrying out its vital functions within the church in a non-traditional way.
- There can be no appeal from the decisions and determinations of the General Assembly.
- There are only three (3) things the General Assembly lacks the authority to do. The General Assembly cannot: (i) set aside or change any of the articles of faith, (ii) abolish our representative form of government, and (iii) deprive our ministers or members of a fair and orderly trial or an appeal in case of conviction.
- The General Assembly appoints, assigns and oversees every committee that has any responsibility related to the election of national officers.
- The General Assembly sets the official calendar for all national meetings, and established the time and naming of “National Holy Week” by resolution in April 1980.
- The authority to hold an election is in Paragraph 5 (a) and (b), and the power to resolve any dispute concerning an election rests solely with the General Assembly.

SUPT. JONATHAN SAFFOLD, SR.

3132 N. Martin Luther King Drive

Milwaukee, WI 53212

September 17, 2020

VIA EMAIL

Bishop L. F. Thuston, General Assembly Chair, &
The Leadership of the Church of God in Christ

**RE: ADVISORY LETTER TO THE GENERAL ASSEMBLY OF THE CHURCH OF
GOD IN CHRIST, INC. & ITS LEADERSHIP**

Dear Chairman Bishop L. F. Thuston:

I write the attached advisory letter because I am disturbed by the letter sent by Elder Javier M. Bailey, dated August 24, 2020, to the leadership of the church and circulated at large (“The Bailey Letter”). The Bailey Letter is a six-page narrative of selective history and conclusions that have no constitutional support.

I love this church and feel it necessary to eliminate potential confusion that might be caused by the above referenced letter. I am a life-long member of the Church of God in Christ (81 years), and I was present in 1968 at the election of the first Presiding Bishop. I have played an active leadership role in the General Assembly since 1984, as Vice Chair of the Election Commission, and currently serve as the Chairman of the Nominating Committee.

The Bailey Letter suggests there are logistical concerns that somehow legally prohibit the General Assembly from holding an election. I offer you an alternative narrative that is constitutionally supported and places the General Assembly’s authority in its proper perspective. In summary:

- 1. The General Assembly has the authority to meet, reconvene and conduct its business, without calling a Special Session;**
- 2. The November 2019 session is currently in recess and the next General Assembly meeting will reconvene that session;**
- 3. The logistical concerns raised in the Bailey Letter are not Constitutional issues, and subject to the discretion and rule of the General Assembly; and**
- 4. The authority to hold an election is in Paragraph 5 (a) (b) below, and the power to resolve any dispute concerning an election rests solely with the General Assembly.**

These four items are supported and detailed in the pages that follow. The Bailey letter fails to address any of these issues or provide Constitutional support for what it does discuss.

A. The Authority of the General Assembly to Reconvene and Conduct Business.

Can the General Assembly reconvene and conduct business? Yes. All November sessions of the General Assembly close with a motion to recess; the April Call meetings close with a resolution to adjourn. According to Black's Law Dictionary, in parliamentary law, the term "recess" means:

A motion that suspends but does not end a meeting, and that provides for resumption of the meeting. The motion to recess, which merely suspend the meaning, differs from the motion to adjourn, which ends the meeting.

The November meeting was closed by a resolution to recess, which only suspends a meeting. A recessed meeting is called to order by the Chairman. The April call meeting is typically adjourned, which ends the meeting. The November 2019 meeting was recessed and suspended, not ended. Therefore, the General Assembly can be called back into session by the Chairman. **Once back in session, the General Assembly can set the date for its next meeting regardless of whether or not the convocation takes place.** The authority to do this is found in Article III, Part II, Section B, 4(a), which states:

4. Meetings of the General Assembly:

- (a) The General Assembly shall meet annually during the National Convocation of the Church of God In Christ, not before Monday following the official Sunday, nor later than the Thursday following, unless approved by a majority of the delegates, present and voting, in the last regular meeting. *Emphasis added*
- (b) Special sessions of the General Assembly shall be called by the General Board by giving notice thereof, at least twenty-one (21) days prior to such special sessions, to all members of the Church of God in Christ, qualified to be delegates to the General Assembly, as provided by Sub-section 1 of Section B hereinabove, stating the purpose or purposes, set forth in the Notice calling such special session.'

COGIC Constitution, Article III, Part II, Section B, 4(a).

The General Assembly must meet within a certain time frame after the convocation, unless a different time is approved by a majority of the General Assembly in the last regular meeting.

The Bailey Letter cites Article III, Section B, Paragraph (4)(b) of the Constitution of the Church of God In Christ, Official Manual, page 11, to support the idea that a meeting of the General Assembly would be a "Special Session", which can only be called by the General Board. The Bailey Letter leaves off the decisive exception to the rule. The law is not a buffet. Provisions must be read in their entirety.

B. The True Power of the General Assembly is Consistent with Its Identity – “The Church”

The authority of the General Assembly is broad and far reaching. To appreciate the power of the General Assembly, it must be understood exactly “who” the General Assembly is. The General Assembly is – The Church. If you say to yourself – “the Church”, “the people” - whenever you see the two words “General Assembly”, the discussion concerning authority is simple and easy to understand. The General Assembly is comprised of “people” from every corner of the church, including pastors, elders, bishops, mothers and evangelists, and therefore, it is the representative form of the church. The General Assembly has existed for approximately 112 years; the General Board has existed for 52 years. The General Assembly granted the General Board its power and most of the actions of the General Board and Presiding Bishop, including the exclusive power to appoint Bishops, is subject to the will and approval of the General Assembly/the People.

The General Assembly (aka “the Church”) has the broad and unfettered power and authority to organize, and establish any rules, procedures or policies that it deems necessary, proper or expedient to conduct its business, and the decisions made to this end are supreme and cannot be appealed or overturned. Article III, Section B, of the COGIC Constitution, provides:

5. Rules and Regulation

- (a) The General Assembly shall adopt such rules of procedure and regulations governing the conduct of its business and its organization it may deem necessary, proper, or expedient.
- (b) There can be no appeal from the decisions and determinations of the General Assembly.

COGIC Constitution, Article III, Section B (5)(a)-(b).

Paragraph 5 above is a sledge hammer provision modeled after both the Necessary & Proper Clause and the Commerce Clause of the US Constitution, which both provide Congress with the power and Supreme authority to establish laws, procedures and policies necessary to carry out its duties and provide for the general welfare of the country (aka “the people”).

C. The Real Issue: Specific Authority of the General Assembly to Hold an Election in 2020.

There can be no question that the General Assembly/the Church has the unfettered authority to carry out its constitutional duties in electing the leadership of the church because this constitutes a part of the “business” of the church. Additionally, the Constitution provides the following concerning elections:

- The General Assembly has the final say in resolving all election disputes;
- The Nominating Committee certifying candidates reports to the General Assembly
- The Screening Committee is appointed by, and reports to the General Assembly;
- The Elections Committee is appointed by and reports to the General Assembly;

- The election protocols are established and enforced by the General Assembly;
- The campaign rules are established and enforced by the General Assembly; and
- The election poll is taken in a meeting of the General Assembly.

Stated differently, if the General Assembly does not have the authority to conduct an election, then who does? No one can seriously contend or frame a credible argument that the General Assembly does not have the power to organize, schedule and conduct an election, in any manner it deems necessary, proper and expedient.

In fact, the authority of the General Assembly/the people/the church is so far reaching and broad that it is easier to define its power by the things it can't do. There are only three (3) things, each related to the foundational pillars and structure of the church, that the General Assembly lacks the power to change. The General Assembly cannot (i) set aside or change any of the articles of faith, (ii) abolish our representative form of government, and (iii) deprive our ministers or members of a fair and orderly trial or an appeal in case of conviction.

D. The Bailey Letter Attempts to Elevate a Logistical Issue into a Constitutional Crisis.

Given the above, the real controversy or question presently at issue and addressed in the Bailey Letter is logistical. **Essentially, can the General Assembly hold an election, notwithstanding the pandemic in this country?** The answer is “Yes”. The Constitutional provision cited above speaks directly to this matter.

The word “expedient”, as used above, is intentional and defined as “something done or used to achieve a particular end usually quickly or temporarily”. This word captures the intent of the Constitution to provide not only broad authority to the General Assembly, but also, flexibility to innovate and create solutions that fit the needs of the church in times of crisis and/or temporary need. The word expedient, by definition, contemplates unforeseen circumstances wherein the General Assembly would need to enact special or temporary rules to facilitate carrying out its vital functions within the church in a non-traditional way.

During the 2020 pandemic, the church has been forced to change the way it operates. Initially, all the national meetings were cancelled, as in-person large gatherings were prohibited. Churches locally and nationally figured out that they could still effectively minister, meet and do most functions in an online environment, as did most businesses world-wide. Slowly, we have evolved to online gatherings locally, within our jurisdictions, and nationally, with AIM, the Shepherd's Conference, Men's Conference, along with the Presiding Bishop's birthday celebration and other future planned meetings are all effectively meeting in an online environment.

The General Assembly is not a late entry into this campaign or environment. In fact, preparation for this time far predates 2020. For many years now, the General Assembly has worked diligently to convert its business to an online format to “*bridge the digital divide*”. The sexual harassment training has been online for 10 years, application processes for elected positions are now all online, delegates are all registered and capable of being tracked in the ARC

system online, and many other items of General Assembly business. Through innovative and prayerful leadership, we have prepared for such a time as this.

Notwithstanding all of the above-mentioned preparations, the General Assembly would still have the power to devise a plan to hold an election under the broad powers of Paragraph 5 above.

CONCLUSION

Be encouraged Chairman. I drafted this letter to offer you solid analysis and a foundational basis to support the awesome work the General Assembly has been charged to do under your leadership. I have over 40 years in as a delegate and active member of the General Assembly. We cannot allow the labor of all those who have contributed to this great church to be diluted by convenience, division and agendas.

Change is difficult for everyone. You have our confidence and more support than you can ever imagine as you prayerfully navigate the representative body of the church through these difficult times. God Bless.

Supt. Jonathan Saffold, Sr.
Nominating Committee Chairman