

If It Doesn't Fit...Challenging an Unjust legal Opinion

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The expensive legal opinion rendered by the law firm of Baker, Donelson, Bearman & Caldwell and passed on to the Board of Bishops as a basis for by-passing the November election for a Presiding Bishop, simply **does not fit**.* It is not what the opinion stated that is crucial, but rather what it omits that is important. Remember lawyers are trained to give you back what you give them. (garbage in...means garbage out). The six questions asked in the document were designed (stacked) to favor the interim Presiding Bishop. The problem is that someone failed to ask the right questions. Page three, paragraph two of the opinion is incorrect and simply **does not fit**.

The General Board did not and could not create a policy of succession upon the death of Bishop Patterson. It is not a law-making body. Bishop L. H. Ford personally pleaded and appealed to the general church in an open meeting to complete his predecessor's term. **What you did not know is that within twenty-four hours Bishop Ford was respectfully reminded that technically he was not the Presiding Bishop. Only the General Assembly can elect a Presiding Bishop.** With the mike, money and manpower must really ask why the fear of an election? **It does not fit...**

The Pattern of Succession of Leadership [Office of Presiding Bishop] Let us review the facts since the demise of Presiding Bishop J. O. Patterson. On December 29, 1989, Bishop J. O. Patterson succumbed. On the evening of the day of his burial a special meeting was held at Mason Temple. Bishop L. H. Ford stood and verbally pleaded to the general church in an open meeting for the privilege of serving the remaining term of Bishop Patterson. The general church sanctioned Bishop Ford's request by voice vote, not the **General Assembly. The Chairman of the General Assembly was bound by the Constitution to convene a special session for the purpose of electing a Presiding Bishop even though Bishop Ford had been sanctioned only (45) days earlier.** On February 15, 1990, Chairman Frank Ellis sent a letter to the Board of Bishops announcing the agenda for the Spring Session (April 3 - 6) of the General Assembly. A special selection was held during a non-quadrennial year. Two years later (1992) Bishop Ford was re-elected. Thus the pattern for succession had been established by precedent. This pattern superseded and overrides any previous charter established and legally renders null and void any legal opinion set forth. Please note that the Chairman of the General Assembly's agenda was precise and deliberate. The agenda consisted of eight items. They are as follows:

April 3, 1990 Agenda

1. Memorial tribute to the late Bishop J. O. Patterson, Sr.
2. Election to fill the vacancy on the General Board
3. Receive financial reports from each Jurisdiction
4. Consider several Constitutional Amendments
5. Hear reports from Trustee Board sub-committees
6. **Elect the Presiding Bishop**
7. Approve two (2) Assistant Presiding Bishops
8. Install new officers

*Context: In defending OJ Simpson in the murder of Nicole Simpson, the late Attorney Johnny Cochran stated in his summation referring to a glove...."If it doesn't fit, then you must acquit" Upon the demise of Bishop L.H. Ford a dispute about succession occurred. Supporters of Bishop CD Owens were hailing him as successor prior to the General Assembly as mandated by the Constitution. This article is a response to the crisis situation.

On April 3, 1990 a special celebration of faith in memory of Bishop J. O. Patterson, Sr. was held 12:00 noon at Mason Temple. On the back of the printed program the General Board was listed. By title Bishop L. H. Ford was listed as First Assistant Presiding Bishop. The election for Presiding Bishop was held April 5. Both Bishop Ford and Bishop Jones ran for the office of Presiding Bishop. Bishop L. H. Ford won by a unanimous vote. Bishop J. D. Husband was placed in nomination for First Assistant Presiding Bishop and was summarily rejected by the General Assembly. Bishop O.T. Jones nominated Bishop C. L. Anderson as the second Assistant to avoid a developing floor fight. Bishop Ford selected Bishop C. D. Owens as First Assistant Presiding Bishop. Both appointees were ratified by the General Assembly. Bishop L. H. Ford served as Presiding Bishop until his demise April, 1995 on the eve of the Annual Spring Conference.

The pattern of succession for leadership had been firmly established. Bishop L. H. Ford was not elected by the General Board to succeed Bishop Patterson. He was duly elected by the voting General Assembly in a special election. The Church of God In Christ has a Constitution created by the only law making body of the Church, the General Assembly. Since the formation of the Judiciary Branch the General Board (Executive Branch) should be relieved of the task of settling jurisdictional disputes. All Branches when properly functioning will prevent the Church from becoming hostage to any "special interest" group within its ranks.

It must also be stressed that the First and Second Assistant Presiding Bishops are the choices of the Presiding Bishops elected for specific terms. It does not logically follow that a First Assistant Presiding Bishop automatically succeeds his predecessor no more than an Assistant to the Pastor automatically becomes Pastor. The automatic succession argument is based on sentimentality and has little to do with spiritual leadership and qualification. The usurpation of an office is a dangerous example that cannot be tolerated. **The General Assembly must decide on a leader!**

Upon reviewing the program set forth for the final rites of Bishop L. H. Ford, I commented. "it appears that the General Board has made a serious tactical error in their use of language with respect to the title of the Presiding Officer". I scribbled on the back of the funeral program a note to myself. "Language shapes reality". If enough people refer to you by a particular title, there is a sense in which the person who is designated and unsuspecting naive persons will begin to accept it as fact. I observed during the funeral that Bishop N. Haynes referred to his special friend Bishop C. D. Owens as "our distinguished leader" at least four times. Bishop J. H. Sherman, Chairman of the Board of Bishops implied in his final statement that Bishop Owens had been passed the mantle of leadership.

Bishop P.A. Brooks had hailed Owens as the one to lead us into the twenty-first century.

An article published in **Jet July 17, 1995**, quoted Bishop P. A. Brooks announcing to the world that the **General Board elected Bishop C. D. Owens** to preside over its 8.5 million members, (when are we going to correct this erroneous statistic?) The article presumes that the issue of leadership for the office of Presiding Bishop is a closed matter. **Should this matter go unchallenged it will be the first time since voting began in 1968 that the General Board has elected a Presiding Bishop without any action on the part of the General Assembly who has for the last six terms made such a choice.** Even the most recent November edition of Charisma magazine with interim presiding Bishop Owens on the cover and on page 47 – (COGIC presiding bishop Chandler David Owens) presumes that position is closed and there is no need for an election). Even Farrakhan, Nation of Islam leader, during the one million man march when

rebuking Bishop Owens before a worldwide audience for his failure to support the cause, presumed that Bishop Owens is in fact the presiding Bishop of the church. Is it not strange that the supporters of Bishop Owens are requesting that he serve the remaining term of Bishop Ford, while he sets a vision for the year 2000 and follows headlines such as '*Owens takes his denomination into a new era of growth*' and states that "*the future for the black church is the restoration of the black family?*" You be the judge.'

In 1970, I was part of a team that wrote the present manual. (see p. vi. Dr. Leonard Lovett President Director of the C. H. Mason Theological Seminary, Atlanta, Ga. at that time contributed to that portion dealing with certain specific doctrinal positions of the Church). However, it contains our constitutional posture. It sets forth guidelines for selecting a Presiding Bishop. We cannot change the rule in a crisis to fit our position. **It is written. See p. 4 Sections A of the Church Manual. The General Assembly shall elect from among the Jurisdictional Bishops twelve Bishops who shall comprise and be designated as the General Board and they shall be Ex Officio Directors of the corporation. From the twelve members of the General Board the General Assembly shall elect a Presiding Bishop. The decision of the General Board shall be final unless the same are overruled, amended, repealed or modified, by the General Assembly.**

The following section deals with tenure in office of the First and Second Assistant Presiding Bishop. **See p. 5 Section A, Article B.** The presiding Bishop shall select the First and Second Assistant Presiding Bishops from among the elected members of the **General Board** subject to the approval of the **General Assembly**. The First and Second Presiding Bishops shall hold their respective offices for the terms for which they were elected. In **Article C** the First and Second Assistant Presiding Bishop shall aid and assist the presiding Bishop in discharging the Executive functions, and shall serve in their respective order if, for any reason, the Presiding Bishop does not serve or is unable to serve, until the position is filled by the **General Assembly** at one of its regular or special sessions.

The Constitution even covers such matters as what would be done should a vacancy occur while the **General Assembly** is not in session. See p. 8 section J 3, in the event a vacancy in the General Board occurs while the General Assembly is not in session, the remaining members of the **General Board** shall fill such a vacancy until such time as the **General Assembly** shall be convened in regular or special session, at which time the **General Assembly** shall fill such position in the manner as herein provided. A vacancy in the office of the General Secretary, Financial Secretary or Treasurer shall be filled in the same manner,

Conclusion: Lest We Forget

It is my sincere conviction and the feeling of countless others that contention for the church's highest office deserves an honest and fair election. Such an election could readily be held in November 1995. Any attempt to avoid a duly authorized Constitutional Election to settle the question of leadership could result in unnecessary litigation. **Waiting until 1996 will give the Interim Presiding Bishop Chandler D. Owens unfair advantage over equally qualified candidates such as Bishop Ozro T. Jones of Philadelphia who has also declared his candidacy for the office of Presiding Bishop.**

In spite of false, malicious rumors about Bishop Jones health, he has humbly pledged his loyalty to the candidate who wins in an open, honest and fair election. Denominations such as the Church of God (Cleveland, TN.) will not allow a person to pursue leadership once a candidate has been diagnosed with a terminal disease. We do not foresee a division in this great Church as some have predicted. The prayers of our Founder Bishop Charles Harrison Mason and our spiritual ancestors still prevail. And of course the words of Jesus are foundational, "*Upon this rock I will build my Church and the gates of Hell shall not prevail*"

According to Jesus we might learn something from the world system. Jesus said "*the children of this world are wiser than the children of light*". Republicans and Democrats fight on the floor in the morning and go golfing in the afternoon as personal friends. **The Church of God In Christ is long overdue for spiritual leadership in our times.** Someone is needed who can bridge the generations for the twenty-first century and lead our Church back to the old landmark. We can easily find administrators who can handle temporal matters, but we need to seek God for a leader whose record is without moral blemish. We need to seek the Lord for one who can represent us from the halls of power to the tiniest hamlet and who leads by example. A true godly leader never impose or force their leadership upon followers. The people must be given a choice. Anything more is a dictatorship. God forbid that such an idea will emerge either in word or action as we seek what is best for the Church. It may mean running counter to our "running buddies" for the right reason.

Dr. Lovett challenges a legal opinion generated to abort a fair election in 1995 at the demise of Bishop LH Ford

Sources: This document was compiled from **The Manual of The Church of God In Christ, Minutes of the General Assembly**, funeral programs, **The Whole Truth** paper, **Charisma Magazine**, personal interviews, and notes from my personal files and personal observations.

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