



ELDER JAVIER MICHAEL BAILEY, SR.

**2623 MISTY BROOK LN.
CORDOVA, TENNESSEE 38016
(901) 859-8689**

August 24, 2020

Bishop Charles E. Blake, Sr.
Office of Presiding Bishop
c/o Elder Uleses Henderson, Esquire
Church Of God In Christ, Inc.
730 Mason Street
Memphis, Tennessee 38126

**Re: ADVISORY LETTER TO THE LEADERSHIP OF
CHURCH OF GOD IN CHRIST, INC.**

Dear Presiding Bishop:

Recently, the world has come face-to-face with a crisis of enormous proportion. The worldwide viral pandemic has disrupted social, economic, and political norms in virtually every nation on the globe. Our beloved Church Of God In Christ (“COGIC”), and the Saints of God dedicated and committed thereto, have likewise not escaped the long arm of COVID-19 and its disruptive force. In response to the advice of scientists, secular political leadership, and common sense, many of the local churches within our denomination have converted to live streaming worship services, funerals, and other gatherings. However, some smaller congregations have been forced to close their doors, entirely. This phenomenon has most certainly struck a blow to the financial well-being of our local congregations and, consequently, our jurisdictions suffer financially as well. In an effort to make an informed and reasonable decision on canceling national conventions, General Assembly sessions, and the annual Holy Convocation, you, along with our General Board, have conferred with a special group of legal and healthcare professionals from across the country, known as the COGIC COVID Advisory Commission (headed by Attorney John Daniels and Attorney Marilyn Ford), and Dr. David R. Williams (Professor of Public Health at the Harvard School of Public Health) on this matter. Consequently, based on the overwhelming recommendations of these legal and health professionals, you and the General Board found that in the best interest of the Saints and to comply with local and national public health directives, these gatherings were canceled. Our Church is still reeling from the loss of our fellow General Board members, Bishop Phillip Aquilla Brooks, Bishop Nathaniel Wyoming Wells, Jr., and Bishop Ted G. Thomas, Sr., in addition to other notable bishops and leaders within our Church.

At the close of our last General Assembly, during the 2019 Holy Convocation, the General Assembly delegates and church leadership were presented with several questions of doctrinal and Constitutional interpretation. The most pertinent of these questions was whether there is an applicable and enforceable age restriction on the Presiding Bishop, amounting to a term limit upon the consecration of our leading prelate. Indeed there appeared to be some conflict and confusion within our ranks on this matter. During the General Board Report and address from the Presiding Bishop, information was presented from General Counsel Uleses Henderson, Jr. setting forth that no such enforceable provision existed in our current Constitution and that such a provision would require an amendment to our current Charter and Constitution prior to implementation. The delegates left the General Assembly without resolution to this question.

In addition to the questions of doctrinal and constitutional interpretation, our leadership is now faced with a proposed “Virtual General Assembly” in what would most certainly be characterized as a special session of the General Assembly, and a proposed attempt to conduct open and fair elections of national officers during such virtual meeting.

To assist the leadership of our Church in addressing these open questions to bring some resolution to such questions and to provide insight on the viability of a Virtual General Assembly, we have convened the collective minds and wisdom of several legal experts within our fellowship. We have also obtained independent legal guidance from a large, prominent, and reputable law firm that is not affiliated with our Church. In furtherance of the foregoing, we present the following:

PERTINENT AND RELEVANT CHURCH HISTORY

A dispute arose during the November 1964 National Convocation as to the authority and power of the presidium, and more particularly the “Senior Bishop.” (*See Church of God in Christ Official Manual (“Official Manual”), “The Story of Our Church the Church of God In Christ,”* page XXXI.) The contention amongst the fathers of our Church in 1964 prompted them to turn to the civil courts in Memphis, Tennessee for guidance and resolution to the matters at hand. The case lasted quite some time and caused great strife within the church. On October 10, 1967, the court entered a decree wherein the Saints would resolve the questions at hand during a Constitutional Convention of the General Assembly. The Saints made numerous attempts to bring some conclusion to the questions presented. During this effort, in 1968 a “Resolution” was passed imposing an age restriction upon the Presiding Bishop. However, the Saints never filed this restriction in the 1968 Charter filed with the State of Tennessee after rewriting the charter in 1968. They continued to work through their differences until 1972 when the Saints finally reached congruency and were resolute that they wanted to move our Church forward. They put an end to their differences and established the 1972 Charter, which is now known as the “Official Manual” of the Church of God In Christ. “Historians will regard 1961-1968 as the dark period in our Church history. This Dark Period was evidenced by a polarization of deep-seated opinions, broken spiritual fellowships and friendships, and questionable Christian conduct.” (*See Official Manual, page XXXIII.*)

This recitation of church history is included at the beginning of our Official Manual to remind us all of the contention and strife that led to the development of our Official Manual and the 1972 Charter as filed with the Tennessee Secretary of State. It is not simply page and space filler, but placed there with purpose and intent. This section of the Official Manual leads directly into the “Declaration of Faith and Preamble” of our 1972 Charter, wherein the fathers of the Church, having resolved their differences expressly stated, “we do hereby modify and amend our Charter, as set out hereafter, and repeal the provisions of all former Charters, Rules, Regulations, Practices, and usages inconsistent herewith.” (*See Official Manual, Part I, page 2.*) To date, there has been no Charter filed with the State of Tennessee replacing the 1972 Charter and Official Manual of the Church. Our Church leadership has operated under the provisions of the 1972 Charter since its inception and entry into the record of the Tennessee Secretary of State and COGIC Office of General Secretary.

REVISITING THE DARK PERIOD AND RESTRICTING THE PRESIDUM

During the 2019 Holy Convocation and General Assembly, efforts were made to revisit the “dark period” that plunged our Church into depths of contention and dispute, as described by the leadership and writers of the Church in the Official Manual, by attempting to adopt the 1968 Resolution placing an age restriction on the Presiding Bishop that was eliminated in both the 1968 and 1972 Charters. The writers very clearly tell us that the actions of various factions from 1961 through 1968 were unquestionably “dark”, “broken spiritually,” and arose from “unchristian conduct”. (*See Official Manual, page XXXIII.*) The writers express this history in our Official Manual to assure that all generations that follow would be aware of how the practices, resolutions, and rules from 1961 through 1972 arose and why they should avoid them. They wanted us to know that such matters arose from a bad spirit and unchristian behavior. This assessment of matters from 1961 through 1968 was written in the recorded history and filed in the Preamble to our current Charter and Constitution. In a definitive effort to eliminate all vestiges of the numerous resolutions, acts, and practices of this period, the 1972 Charter expressly sets forth that all prior acts, Charters, and rules are repealed and eliminated. There is no question that this statement of intent includes the 1968 Resolution regarding an age restriction on the Presiding Bishop. This was not simply some flowery language. It was the expressed intent of our fathers and prior leadership to do away with the bickering and contention and to move the Church forward. As a result of the healing efforts of those men and women in leadership, they passed and published an Official Manual in 1972. There is but one “Official Manual” of this Church and there has yet to be another. There is no provision for age restrictions found therein, term limits, or anything related to these matters found therein. It does not exist and is not the law or doctrine of our Church. We also must note that there is no rational relationship between the age of 74 and the abilities of the Presiding Bishop to conduct his duties. Could you imagine the consequences if the General Assembly should vote to have every Jurisdictional Bishop step down at 74 years of age? No one would ever consider such a move. Then how do we rationally try to reach back into the dark period, the dark ages, and the period of great strife within our Church in order to drag out a provision that was eliminated by our forefathers and rejected by them in the end? There can be no dispute that this alleged age restriction was purposefully left out of the 1968 and 1972 Charters and no reference of this matter was ever filed with the State of Tennessee.

AN INDEPENDENT LEGAL OPINION

To help resolve questions concerning the existence and enforceability of an age restriction, if any, found in our Charter, I understand that you sought advice from prominent Tennessee attorney Odell Horton, Jr., a partner with Wyatt, Tarrant & Combs who serves on the Board of Professional Responsibility of the Supreme Court of Tennessee. The law of Tennessee requires that non-profit corporations, organized under the authority of the State of Tennessee, file their operative Charters and Bylaws with the Tennessee Secretary of State. The provisions found therein are absolutely controlling. A review of the 1968 Charter filed with the Tennessee Secretary of State contains no provision regarding an age restriction for the Presiding Bishop. If the framers intended for such an important and restrictive provision to be enforceable they certainly would have included it in our 1968 Charter; especially considering the fact that this was a period of great division and fraction within the Church. Further examination reveals that no such provision exists in the 1972 Charter, which is the last complete Charter filed with the State of Tennessee. (See the Opinion of Attorney Odell Horton attached hereto (the "Horton Opinion").) Moreover, as indicated hereinabove, the framers expressly state that all provisions passed during the "dark period" were being eliminated. They were moving the Church forward without those divisive provisions. The absence of said provisions in the 1972 Charter absolutely and legally eliminates such a provision passed in 1968. (See Horton Opinion, page 5.) It is the opinion of the legal experts and doctrinal scholars within our Church (as evidenced by their signatures hereon) and the independent counsel retained to give a legal opinion based upon Tennessee law, that there is no enforceable provision limiting the age and terms of the Presiding Bishop of the Church of God In Christ. We must question the motives of any effort to create such a provision or to reach back to 1968 at this time.

THE IMPRACTICALITY OF A VIRTUAL ELECTION AND GENERAL ASSEMBLY

It is our understanding that a virtual General Assembly has been proposed for September 2020 to conduct a general election. Such a process is impractical and most certainly will result in a sharp division in our Church. First, we must examine the idea of a "special session" of the General Assembly. The Constitution of the Church of God In Christ sets forth that the General Assembly shall meet during the National Convocation. Any Special Session of the General Assembly can only be called by the General Board. (See Article III, Section B, Paragraph (4)(b) of the Constitution of the Church of God In Christ, Official Manual, page 11.) This provision is in place to assure the continuity of leadership and smooth operation of the Church by the Presidium when the General Assembly is not in session, and to provide for regular meetings.

In the present case, a worldwide pandemic has forced the Church to cancel its 2020 Holy Convocation and 2020 April Call Meeting. The cancellation of these meetings was not political, but precautionary. As stated above, this decision was based upon the advice of the COGIC COVID Advisory Commission and Dr. David R. Williams of the Harvard School of Public Health. All major conventions in the United States have been canceled. Most professional and college sports have been canceled. Most major cities have imposed ordinances prohibiting the number of persons that can gather in one place, to eliminate or reduce community spread of the

virus that is the root of the pandemic. Thus the Church was not alone in canceling its large conventions. If we were to attempt a meeting of the Saints by virtual and digital media we would essentially eliminate a huge number of older Saints who are not technologically advanced or savvy. Many have no computers with cameras, and some have no computers at all. Also, certifying the house would be a virtual nightmare in that many jurisdictions and local churches have had difficulty paying national and jurisdictional reports. Would qualified individuals who do not participate because they are unable or unwilling to cover the cost of travel now be allowed to catch up on unpaid credential reports and participate?

Holding elections during this period is virtually unreasonable and impractical. How do we conduct and facilitate the privacy of the ballot? How do we assure that the person voting is the credential holder? How would motions, resolutions, and discussions be conducted virtually by thousands of credential-holding Saints? How could candidates for national offices speak to the Saints and see those who choose to stand with them in support? Moreover, how do we close the doors and eliminate those persons who have no credentials from being present during this virtual General Assembly? The foregoing questions are simply illustrative of the many questions that will arise during such a session. To that end, we would also have to deal with allegations of an unfair election process that will inevitably come when delegates are left out of the balloting process, lose internet access, lose power to their computers, or claim that they tried to cast a ballot or speak, but could not do so because of some technical glitch. Simply put, a virtual election and General Assembly will result in great disputation within our ranks. Such a move will plunge our Church back into a period of factional fighting and most likely result in a segment of the Church not accepting the results of the election process. The Constitution does not provide for any such election process except that which occurs when the Saints gather at Convocation. Elections always occur after the Saints have gone through a week of prayers, services, and the move of the Holy Spirit. This was the wisdom of the forefathers and framers of our Constitution.

CONCLUSION

In light of the foregoing reasons, the leadership of our Church must put an end to this question of age restrictions on the Presiding Bishop or any other national officer. No such provision exists and we would certainly be unwise to revert back to the dark period of in-fighting and division within our Church. Furthermore, only the General Board can call for a special session of the General Assembly in light of the cancellation of the Holy Convocation. However, such a move would likewise lead to cries of unfair elections, Saints being left out of the process, and further division of the Church. The Constitution expressly leaves the church under the General Superintendency of the Presiding Bishop and the General Board in times like these. We should reschedule our convocation, General Assembly, and elections for a time when the Saints can travel safely.

Respectfully submitted,

Javier M. Bailey, Sr.

Elder Javier Bailey

Guatemala Jurisdiction
Church Of God In Christ, Inc.

Joining the Opinion:

Dwight L. Haygood, Jr., Esq.
Assistant General Counsel and Secretary
The Brown-Forman Corporation

Damon Griffon, Esq.

Anthony T. Parker, Esq.
Pastor
Rhema Fellowship Church

John W. Patton, Jr., Esq.
General Counsel and Secretary
Charles R. Drew University of Medicine and Science

Tony W. Torain, II, Esq.
Partner
Polsinelli PC