

Executive Session of the Executive Committee of the United Church of Christ Board of Directors
March 6, 2014
4:00 PM ET

Mr. Wilson called the meeting or order at 4:05 PM. Mr. Foley declared a quorum.

Members present: Mr. Wilson, Ms. Bonds, Ms. Angola de Gonzales, Ms. Artt, Mr. Black, Mr. Guess, Ms. Jaramillo, Mr. Patterson, Mr. Pleva

Excused: Mr. Holeman, Mr. Moos, Ms. Christina Phillips

Voice without Vote was granted to: Mr. Clark, Mr. Foley, Ms. Houston, Ms. Smith

There was a motion and a second to move the meeting will be in Executive Session.

The purpose of this meeting is to advise the Committee of a presentation that will be made to the full Board at its March 2014 meeting by the General Counsel relating to possible litigation in North Carolina.

Mr. Clark stressed that this meeting should be treated as attorney client privilege and that it is highly confidential.

The Office of the General Counsel was asked by the Collegium to consider whether to recommend that the United Church of Christ Board acting in its capacity as General Synod ad-interim should authorize the filing of a lawsuit seeking a declaration or finding that North Carolina's Amendment One and related marriage laws is unconstitutional.

North Carolina's Marriage Laws makes it a criminal offense for clergy to conduct a religious marriage ceremony for adult gay and lesbian couples, which which violates federal constitutional guarantees to freely exercise one's religious beliefs. The United Church of Christ's 25th General Synod affirmed the marriage equality for all, regardless of gender.

Litigation regarding this issue is one means of obtaining marriage equality. The United Church of Christ has participated in some litigation with Friend of the Court briefs. Last year, the United States Supreme Court found that the Defense of Marriage Act was unconstitutional. A number of states have taken action to bolster their opposition to same gender marriage by passing laws and statutes on the ground that they will protect religious beliefs and promote Christian values.

If the United Church of Christ proceeds with this litigation it will be the first religious denomination to challenge as a plaintiff the constitutionality of laws prohibiting same gender marriage. The argument is that the United Church of Christ's beliefs are being violated by prosecuting clergy for performing a religious ceremony and equal protection rights are being challenged.

Mr. Clark will have a more comprehensive presentation on March 14 and a recommendation may be put before the entire board. Counsel wanted to give a prior notice before the United Church of Christ board meeting.

Mr. Black inquired if there were any of our ecumenical partners on board with this? And that this is really a First Amendment issue.

Mr. Clark stated that there are local attorneys in North Carolina who are in conversation with the Reformed Judaism, the Unitarians, the Presbyterians and the ELCA. No commitments have been made as of yet, but they have been encouraged to join the litigation. Two United Church of Christ clergy and one couple will be added on as plaintiff.

Concern was raised regarding the firestorm in Cincinnati 20 years ago and where does the conference minister, associations and local churches in NC stand on this issue? Mr. Clark stated that conference ministers were briefed at the Collegium/CCM Retreat in Orlando this past February. Mr. Clark, with Mr. Pleva agreeing, that the conference ministers were supportive in pursuing this case.

It was recommended that Edward Davis, Southern Conference Minister be consulted and briefed prior to the Board meeting. It was agreed that Mr. Black would contact Mr. Davis and that counsel will be on the call as a resource.

Mr. Clark stressed that although most of the legal work would be done pro bono, there would more than likely be costs associated with responding to the media, might consider hiring a PR firm. If we pursue this case, thought should be given to the amount of staff time and effort, and any unintended consequences. Other on the call speculated that it is possible that we could lose 15 to 20 churches from that conference. If we go forward we need to go big and prepare everyone in leadership positions with talking points for the media onslaught.

If there is a decision to litigate, filing would be around the first half of April. Mr. Clark is of the mindset to file sooner rather than later, even if it means not getting additional faith communities involved. The ACLU filed suit solely on equal protection.

At 4:45 the meeting was moved out of Executive Session and closed with prayer.