

**UNITED CHURCH OF CHRIST BOARD OF DIRECTORS
EXECUTIVE SESSION
FRIDAY, MARCH 14, 2014**

Litigation Information Session

Mr. Clark provided background information regarding a proposal to authorize the filing of a lawsuit in the name of the General Synod of the United Church of Christ. The lawsuit would seek legal remedies, including but not limited to a declaration that North Carolina's Amendment One and related marriage laws, which discriminate on the basis of gender and sexual orientation and which make it a crime to conduct religious marriage ceremonies for any couple without a license issued by the state, are unconstitutional in that they violate federal constitutional guarantees including rights to freely exercise religious beliefs, they deprive a suspect class of citizens their fundamental rights and substantive due process, and they deny equal protection of the laws or are otherwise unlawful.

Mr. Clark reported that the Campaign for Southern Equality, which works for marriage equality in North Carolina, has approached the UCC and other denominations to demonstrate their views on the First Amendment Claim. It was decided that the UCC should be the first named plaintiff in this case. Other denominations are being invited to participate. But at this time it should be assumed that the UCC would be the only denomination as a plaintiff in such a lawsuit.

Mr. Clark announced that The Office of General Counsel recommends filing the law suit contesting the constitutionality of North Carolina's law. The United Church of Christ stands for equal rites/rights.

Rich UCC History

Mr. Clark reviewed the rich UCC history of General Synod resolutions consistently supporting social justice issues, and particularly the 2005 Marriage Equality Resolution.

Consultation

The Office of General Counsel was asked to appraise potential UCC participation in this lawsuit. In doing so, The Office of General Counsel consulted individually with Rev. Edward Davis, UCC Southern Conference Minister, and also briefed the Conference ministers during their recent retreat. Support was very positive.

Media Strategy

An assessment took place regarding the media scrutiny that such an action would bring. Ms. Ann Poston, UCC Director of Communications, and a public relations firm were consulted about developing media strategy and response. This would include communication training, establishment of a call center for inquiries, and social media coordination.

Time Commitment

It was agreed that participation in this lawsuit would require additional time commitments from UCC national staff.

Expenses

Outside legal services would be provided on a pro bono basis. But authorization would be needed to spend \$50,000 primarily to develop a public relations strategy. Fundraising would most likely far exceed this amount.

Confidentiality

It was stressed that this matter must remain confidential, regardless of the outcome of the UCC Board vote. If the vote is positive, the matter must remain confidential until filing, which would take place approximately May 1, 2014.

Conversation-Discussion

Conversation ensued including the following comments, concerns, and suggestions:

Communication

- Assure that timely updates are provided to the full board.
- Provide Board members with statements and talking points for response to inquiries.
- There will be designated spokespersons.
- There will be ample opportunity for advance preparation.
- The vote is on the proposal, not on all the communications strategies.

Challenges

- Mr. Edward Davis reported that the Southern Conference is very supportive of equal rights. However, it is quite concerned about the consequences of such a lawsuit since it lost 50 churches as a result of the Synod Marriage Equality Resolution. The Marriage Equality Resolution was not articulated well in the Southern Conference. The reality is that, although there has been some shifting in dialogue, the Southern Conference is located in the Bible Belt.
- To exclude opposing opinions from the dialogue is unfair. We must be careful about articulating who is doing what.
- What can we do to help the dialogue in the Southern Conference?
- We have a right to challenge unjust laws but how do we work with those who do not agree? The dialogue has begun and we need to continue to share that dialogue.
- We must demonstrate that we are concerned about those who do not agree.
- Some Pacific Islander Asian American (PAAM) churches will have difficulty with this proposal.
- Many of our global partners are not yet ready to support marriage equality. But the 2005 Synod resolution was a good opportunity to start dialogue. Jim Moos will continue this conversation with global partners as we move forward.
- We must be prepared for consequences that will happen in the Southern Conference and elsewhere. Our courage and the strength of our connections to the UCC will be tested. Joys Positive consequences will also take place. Young people who support LGBTQ issues are leaving the conservative church over issues such as marriage equality. The UCC must be seen as a bold prophetic witness now, rather than ten years from now.
- We must be prepared to help LGBTQ churches in conservative areas respond to a potential influx of seekers. These churches are often the only source of LGBTQ support and resources in a conservative community.

- In Illinois churches are dealing with the fact that Illinois has voted for marriage equality. We have come a long way since 2005. Are there other states where this movement would be effective?
- This feels like a holy moment. It will cost more than \$50,000 but more than that will flow in. We should propose funding for staff time required to shepherd this.

First Amendment Issue

- This is a legal challenge to an unjust law.
- This case is unique to the marriage equality issue. North Carolina is making it a criminal offense for clergy to perform a same sex marriage. This puts a restriction on what clergy can bless, whether it is a legal issue or not.
- This is a First Amendment issue, about separation of church and state and the freedom of the pulpit. All clergy are negatively impacted if they are told by the state who they can bless and who they can marry.
- There is a need for an establishment of precedence so that those who do not want to perform same sex marriages in marriage equality states will also not be criminalized.
- Until we pass just laws we have to disobey them. This is calling for a just law and the implementation of a just law. There are significant places in this country where we have to be called back as disciples.

Suggestions

- Make sure that there is informed consent of participants and pastoral support. The strategy should include preparation for them first.
- The Sacred Conversations on Race were very helpful. Can we do something like that around this topic?
- What are we willing to do to support this? Shall we pass a pledge paper, especially to clergy?
- What language can we add to assure particular care to those settings of the church who oppose this?

A motion was made and seconded and it was voted to move out of Executive Session.

It was clarified that the Standing Rules do not allow for voting in Executive Session. All votes must be made in open session. The Minutes of Executive Sessions are not public.

A motion was made and seconded and it was voted to move into Executive Session.

Motion for Amendment

A motion was made and seconded and it was voted to amend the proposed action, as indicated by strikethrough and additional underlined text below.

A Proposal to Authorize The Filing Of A Lawsuit In the Name Of The General Synod Of The United Church Of Christ

The United Church of Christ Board, acting as the General Synod of the United Church of Christ ad interim, informed in part by the 25th General Synod resolution affirming the moral imperative of marriage equality, and in accordance with Standing Rule 19, authorizes the filing of a lawsuit, in the name of the General Synod and with others, seeking legal remedies including but not limited to a declaration that North Carolina's Amendment One and related marriage laws, which discriminate on the basis of gender and sexual orientation and which make it a crime to conduct religious marriage ceremonies for any couple without a license issued by the state, are unconstitutional in that they violate federal constitutional guarantees including rights to freely exercise religious beliefs, they deprive a suspect class of citizens their fundamental rights and substantive due process, and they deny equal protection of the laws or are otherwise unlawful.

In connection therewith, the UCC Board authorizes the Office of the General Counsel, in consultation with the Chair of the UCC Board and General Minister and President, to take all actions, including but not limited to the retention of outside legal counsel, deemed necessary to determine whether to file and prosecute such lawsuit, and to enforce or appeal rulings made and judgments entered in connection therewith, and to make all litigation decisions related thereto.

The UCC Board directs the Office of the General Counsel to timely inform ~~the Executive Committee of~~ the UCC Board of all material developments in connection with such legal proceedings,

And it requests that the Chair of the UCC Board, the GMP, and the Office of the General Counsel to timely inform the UCC Board and all settings of the church and the general public as to the theological and legal reasons and purposes for these actions, of the stages of the litigation, and to provide advance notice of key events to the extent feasible.

The UCC Board authorizes the expenditure of existing budgeted funds not to exceed \$50,000 in support of this action.

Clarification

It was clarified that the amendments to the proposed action do not have to be named in open session. The action may be voted as amended without indicating the amended text.

A motion was made and seconded and it was voted to move out of Executive Session.

A motion was made and seconded and it was voted to adopt the authorizing motion of The Office of General Counsel.

4 abstentions, No opposed

Mr. Clark announced that the supporting documents related to this vote may be returned to him, shredded, or kept confidential.

Mr. Black offered a prayer.

Ms. Belsom offered a closing prayer.

Adjournment

The session adjourned at 4:49 p.m.

Respectfully Submitted,
Jan Gomoll
UCC Associate for Special Events and Board Administration