

July 25, 2012

Jon R. Gray

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In Re: Appeal of Bishop W. Earl Bledsoe

Dear Rev. Joyner:

I am filing a Notice and Statement of Appeal with the Judicial Council on behalf of Bishop W. Earl Bledsoe. Kindly docket Bishop Bledsoe's appeal for hearing on the Judicial Council's October 2012 docket of cases. We are appealing the actions of the South Central Jurisdiction Committee on Episcopacy and the 2012 South Central Jurisdictional Conference that purported to place Bishop Bledsoe in the retired relation involuntarily. The process for such a procedure is not spelled out in the *Book of Discipline*.

My reference to the Rules of Practice and Procedure before the Judicial Council reveals a July 15 date for docket submission for requests for declaratory decisions. The disciplinary provision upon which the South Central Jurisdictional Conference on Episcopacy relied has no specific deadline date for perfecting an appeal but makes reference to ¶ 2716. I submit that this filing is timely dating from the date of action of the 2012 South Central Jurisdictional Conference of July 19, 2012.

I deeply appreciate your attention to this matter and all that you do to support the mission of our Church.

Very truly yours,


Judge Jon R. Gray (Ret.)

JRG:mw
Enclosure

cc: Bishop James R. Dorff
Bishop Cynthia Fierro Harvey
Rev. Dr. David L. Severe
Donald R. House

Geneva
Houston
Kansas City
London
Miami
Orange County
San Francisco
Tampa
Washington, D.C.

bcc: Bishop W. Earl Bledsoe
Rev. Larry D. Pickens
Jonathan C. Wilson, Esq.
The Rev. Dr. Zan Wesley Holmes, Jr.

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THE JUDICIAL COUNCIL
OF
THE UNITED METHODIST CHURCH

In Re:)
)
APPEAL OF BISHOP W. EARL BLEDSOE)
CHALLENGING THE ACTION OF THE)
SOUTH CENTRAL JURISDICTION)
COMMITTEE ON EPISCOPACY AND THE)
2012 SOUTH CENTRAL JURISDICTIONAL)
CONFERENCE)

No. _____

TO THE JUDICIAL COUNCIL OF
THE UNITED METHODIST CHURCH:

The Rev. Dr. William B. Lawrence, President
5915 Bishop Boulevard
Dallas, TX 75275

The Rev. F. Belton Joyner, Jr., Secretary
1821 Hillandale Road
Suite 1B
PMB 334
Durham, NC 27705

NOTICE AND STATEMENT OF APPEAL

Pursuant to the provisions of ¶ 408.3(a) of the 2008 *Book of Discipline*, as amended by the 2012 General Conference, Bishop W. Earl Bledsoe hereby gives notice of his appeal to the Judicial Council of The United Methodist Church.

BACKGROUND

On June 8, 2012 and June 15, 2012, the Chairman of the South Central Jurisdiction Committee on Episcopacy transmitted letters to Bishop W. Earl Bledsoe notifying him of the Committee's intent to conduct a hearing 30 days after the date of said letters to consider a vote to

retire the bishop involuntarily pursuant to the provisions of ¶ 408.3(a) of the *Book of Discipline* of The United Methodist Church. Bishop Bledsoe has not been accused of or charged with any chargeable offense under *The Discipline*, nor have any formal written complaints been filed or processed against him under the provisions of ¶ 413. There are no administrative or judicial actions pending. He is not under suspension. Notwithstanding the foregoing, and in the absence of any chargeable offenses or complaints, the South Central Jurisdiction Committee on Episcopacy notified Bishop Bledsoe that it intended to conduct a hearing on July 16, 2012, prior to taking a vote on the issue of whether he should be involuntarily retired as an active bishop in The United Methodist Church.

After conducting a hearing on July 16, and 17, 2012, the South Central Jurisdiction Committee on Episcopacy voted to involuntarily retire Bishop W. Earl Bledsoe as an active bishop in The United Methodist Church pursuant to ¶ 408.3(a). Such action was unprecedented in that it was taken without formal complaint or charges, without an opportunity for just resolution, and without any uniform rules for involuntary retirement of bishops enacted by the General Conference. Said action was based on unconstitutional provisions of the *Discipline*, denied the bishop the basic elements of a fair process and violated ¶¶ 16, 19, 27 and 50 of the Constitution of The United Methodist Church. The South Central Jurisdiction Committee on Episcopacy reported its action to the 2012 South Central Jurisdictional Conference and asked the Jurisdictional Conference to “affirm” the Committee’s action. The 2012 South Central Jurisdictional Conference voted to follow the Committee on Episcopacy’s recommendation on July 19, 2012, and placed Bishop Bledsoe in the retired relationship as of August 31, 2012.

Bishop Bledsoe hereby appeals the actions of the South Central Jurisdiction Committee on Episcopacy and the 2012 South Central Jurisdictional Conference for the reasons stated herein and prays the Judicial Council to docket the matter forthwith and to afford an opportunity to file further brief and exhibits in support of this appeal. Upon information and belief, the relevant minutes of the meetings of the South Central Jurisdiction Committee on Episcopacy and the transcript of the hearing conducted by the South Central Jurisdiction Committee on Episcopacy on July 16 and 17, 2012, are in the possession of or under the control of Donald R. House, Chair of

the South Central Jurisdiction Committee on Episcopacy (2008-2012), 3000 Briarcrest Dr., Suite 600, Bryan, TX 77802, email: DHouse@rrc-inc.com. Upon information and belief, the minutes of the 2012 South Central Jurisdictional Conference are in the possession of or under the control of the Reverend Dr. David L. Severe, Director of Mission and Administration, South Central Jurisdiction/The United Methodist Church, 3160 W. Britton Rd., Suite 7, Oklahoma City, OK, 73120-2037, email: scjdirector@scjumc.org. Your applicant requests that the Judicial Council direct said persons to provide said transcripts, minutes, and all relevant records in a prompt and timely fashion to assist and facilitate Judicial Council review.

As and for the basis of the appeal, your applicant asserts and assigns the following errors of Church law and procedure:

1. The South Central Jurisdiction Committee on Episcopacy and the South Central Jurisdictional Conference lack the authority to involuntarily retire a bishop under the provisions of ¶ 408.3(a). Said paragraph is unconstitutional and violates ¶ 16, Article IV; ¶ 19, Article III; ¶ 27, Article V; and ¶ 50, Article VI of The Constitution of The United Methodist Church.

2. The action of the South Central Jurisdiction Committee on Episcopacy is unconstitutional and unlawful and violates ¶ 16.5 of the Constitution that provides only the General Conference may establish a uniform rule for the retirement of bishops. The General Conference has not established any uniform rules for the involuntary retirement of bishops as required by the Constitution.

3. The actions of the South Central Jurisdiction Committee on Episcopacy and the South Central Jurisdictional Conference violated ¶ 19 of the Constitution. Said actions are unlawful and unconstitutional and have the effect of changing or altering our rule of government so as to do away with the episcopacy or destroy the plan of itinerant general superintendency of The United Methodist Church, all in violation of the Restrictive Rule.

4. The action of the 2012 South Central Jurisdictional Conference violated ¶ 27 of the Constitution by acting in excess of its constitutional authority. Further, the action of the 2012

South Central Jurisdictional Conference violated ¶ 50 of the Constitution by acting in excess of its constitutional warrant of power.

5. The actions of the South Central Jurisdiction Committee on Episcopacy and the South Central Jurisdictional Conference are unconstitutional and violate ¶ 50, Article IV of the Constitution that provides that bishops elected from jurisdictions shall have life tenure.

6. The actions of the South Central Jurisdiction Committee on Episcopacy and the South Central Jurisdictional Conference are unlawful and violates the Constitution in that a jurisdictional committee on episcopacy lacks the authority to involuntarily retire a bishop in the absence of a disciplinary provision granting specific authorization based upon a uniform rule for the involuntary retirement of a bishop adopted by the General Conference of The United Methodist Church.

7. The actions of the South Central Jurisdiction Committee on Episcopacy and the South Central Jurisdictional Conference are unlawful and violate ¶ 406 of the *Discipline* due to discussion of Episcopal assignments held by committee members prior to the completion of all elections and consultation with all bishops to be elected at the 2012 session of the South Central Jurisdictional Conference where the election of bishops is to take place. Public statements attributed to the Chair of the South Central Jurisdiction Committee on Episcopacy make it apparent that such impermissible discussion was had among the Committee, which action is violative of ¶ 406 of the *Discipline*.

8. The South Central Jurisdiction Committee on Episcopacy failed to provide a statement of reasons for its action along with the 30-day notice but rather, did not provide its statement of reasons until 20 days prior to the scheduled hearing based on the Committee's self-imposed timetable, all in violation of fair process principles. Additional documents were provided less than 20 days prior to the hearing, and additional documents were provided even later. In addition, the South Central Jurisdiction Committee on Episcopacy failed in significant measure to observe its self-imposed timetable and failed to provide crucial documents and materials relied upon in a fair and timely manner.

9. The South Central Jurisdiction Committee on Episcopacy's action violates fair process by its failure or refusal to provide Bishop Bledsoe with all documents relied upon by the Committee in a timely manner. As a result, Bishop W. Earl Bledsoe was deprived of a meaningful opportunity to review all materials relied upon by the South Central Jurisdiction Committee on Episcopacy in order to meet the substance of the issues and to review all evidence upon which the Committee's proposed action was based.

10. The South Central Jurisdiction Committee on Episcopacy lacks jurisdiction to act unilaterally to involuntarily retire a bishop in that it has not received nor been notified of any formal written complaint presented first to the President of the South Central Jurisdiction College of Bishops pursuant to the provisions of ¶ 413 of the *Book of Discipline* that accuses Bishop Bledsoe of any misconduct, chargeable offenses, or any violation of sacred trust incumbent upon the office of bishop. The provisions of ¶ 408.3(a) purport to grant such authority to the South Central Jurisdiction Committee on Episcopacy in violation of the Constitutional provisions cited, and therefore said paragraph is invalid and cannot be enforced.

11. By extension, the 2012 South Central Jurisdictional Conference had no lawful basis to take the action that it took on July 19, 2012, to "affirm" the unlawful and unconstitutional recommendation of the South Central Jurisdiction Committee on Episcopacy to involuntarily retire Bishop Bledsoe. Said action was unlawful, unconstitutional, and violates ¶ 413 of the *Book of Discipline* and ¶¶ 16, 19, 27, and 50 of the Constitution of The United Methodist Church.

12. The actions of the South Central Jurisdiction Committee on Episcopacy and the South Central Jurisdictional Conference to involuntarily retire Bishop W. Earl Bledsoe with a 30-day notice are unconstitutional, improper, and violate the *Book of Discipline* in that they violate the doctrine of separation of powers and violate all traditional notions of fair process. Neither the South Central Jurisdiction Committee on Episcopacy, the South Central Jurisdictional Conference, nor any body of the Church has any jurisdiction to act to summarily, to involuntarily retire a bishop in the absence of a uniform rule established by the General Conference of The United Methodist Church. Such action is totally foreign to the Constitution, to principles of separation of powers and fair process, and to established disciplinary process.

13. The actions of the South Central Jurisdiction Committee on Episcopacy taken to establish and implement a full and formal evaluation of bishops failed to comply with ¶ 412 and failed to acknowledge, involve, or consult with the area committee on episcopacy. Further the actions of the South Central Jurisdiction Committee on Episcopacy were not fair, not representative of a full evaluation of Bishop Bledsoe's performance in office and usurped the prerogative of the North Texas Annual Conference Committee on Episcopacy to express and articulate the Episcopal needs of the Annual Conference.

14. The action of the South Central Jurisdiction Committee on Episcopacy was a violation of ¶ 637 of the *Book of Discipline* by its failure to consider the needs for episcopal leadership as articulated by the North Texas Annual Conference Committee on Episcopacy. Specifically, the method of review of episcopal performance bypassed the conference Committee on Episcopacy in violation of ¶ 637 of the *Book of Discipline*.

WHEREFORE, your applicant prays for the following relief:

1. A declaration that ¶ 408.3(a) of 2008 *Book of Discipline*, as amended by the 2012 General Conference violates ¶¶ 16, 19, 27, and 50 of the Constitution of The United Methodist Church and is therefore unenforceable.

2. A declaration that the action taken against Bishop Bledsoe by the South Central Jurisdiction Committee on Episcopacy and "affirmed" by the 2012 South Central Jurisdictional Conference was unconstitutional, unlawful, null, void, and no effect.

3. A declaration that the South Central Jurisdiction Committee on Episcopacy failed to follow a fair process in its action to involuntarily retire Bishop Bledsoe.

4. A declaration that the South Central Jurisdiction Committee on Episcopacy failed to follow the provisions of ¶ 413 of the *Book of Discipline* regarding complaints against bishops.

5. A declaration that the actions of South Central Jurisdiction Committee on Episcopacy and 2012 South Central Jurisdictional Conference to involuntarily retire Bishop Bledsoe are unlawful, null, void, and of no effect.

6. A declaration vacating and reversing the actions of the South Central Jurisdiction Committee on Episcopacy and the 2012 South Central Jurisdictional Conference that placed Bishop Bledsoe in the retired relation.

7. A declaration and determination that Bishop Bledsoe be immediately reinstated to his rightful status as an active bishop of The United Methodist Church and an order reversing the unlawful action of the South Central Jurisdiction Committee on Episcopacy and the 2012 South Central Jurisdictional Conference.

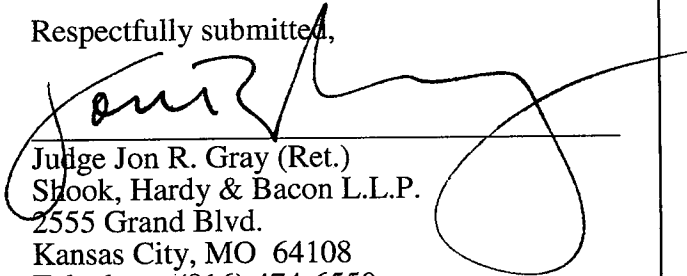
8. A declaration that Bishop Bledsoe is entitled to an immediate assignment to an episcopal area within the South Central Jurisdiction, with restoration of all salary and benefits.

9. A declaration that Bishop Bledsoe is entitled to be made whole for all costs and expenses incurred by him in defense of the action of the South Central Jurisdiction Committee on Episcopacy and the 2012 South Central Jurisdictional Conference, including, but not limited to, relocation expenses, travel and lodging expenses, fees, costs, and related expenses.

10. Such other relief, declaration orders, and remedies as may be just and proper premises considered.

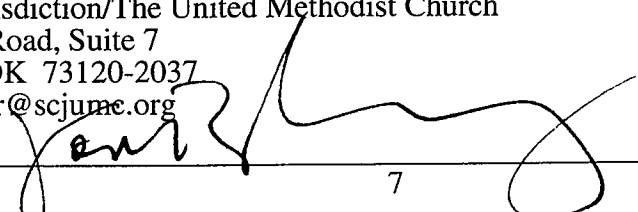
Respectfully submitted,

JUL 25 2012


Judge Jon R. Gray (Ret.)
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I hereby certify that a true copy of the foregoing was
Sent by U.S. mail on the 25 day of July, 2012
to the following persons:

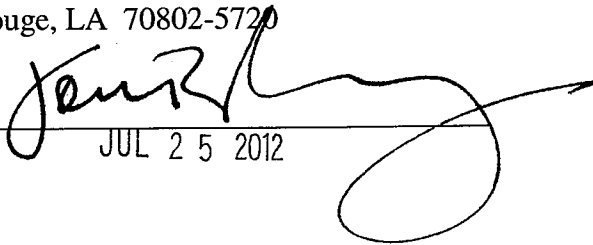
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