

**CIVIL SUIT NUMBER 275,258
DIVISION B**

**BRIAN JACKSON, FRANCIS POWELL,
and STEVE CHARK, SR.** **9TH JUDICIAL DISTRICT COURT**

VERSUS **PARISH OF RAPIDES**

**TRUE VINE MISSIONARY
BAPTIST CHURCH** **STATE OF LOUISIANA**

JUDGMENT

WRITTEN REASONS FOR JUDGMENT

This matter came before the Court on Petitioners' "Writ of Mandamus" and Defendant's "Supplemental and Amending Response in Opposition to Plaintiff Petition for Writ of Mandamus Exception and Motion to Dismiss" on February 27, 2023. Present were Petitioners, their attorney Stephen Spurgeon, and Defendant, through its attorney Tammye C. Brown. At the hearing, the parties gave testimony and submitted evidence. The Court took the matters under advisement.

FACTS AND HISTORY

In May 2020, the Senior Pastor of True Vine Missionary Baptist Church (hereinafter referred to as "True Vine"), Rev. Solomon Shorter, Sr., transitioned to the position of Pastor Emeritus, and Rev. Wilford Gallien, Jr. was appointed as Interim Senior Pastor by the Deacons. Per its Bylaws and Constitution True Vine began a search for a new Senior Pastor. A Pulpit Committee was selected and a survey was distributed to True Vine's membership to gather their input on the qualities and experiences desired in a new Senior Pastor. Around one hundred members responded. The committee then received applications from prospective Senior Preachers. In July 2021, Rev. Gallien resigned. From the applications received two candidates were declared to have met the requirements for a new Senior Pastor and would be brought forward to True Vine's membership. The two candidates were Rev. Lee Edward Fields, Sr., and Rev. Leslie Draper III. Rev. Fields was elected as the new Senior Pastor in October 2022.

Plaintiffs filed their Writ alleging that True Vine did not follow its own bylaws during the election process. Plaintiffs claim that True Vine did not bring each candidate in front of the congregation to preach a Sunday sermon, only allowed Pulpit Committee candidates to be considered, no candidate garnered the required 3/4^{ths} (75%) vote of the voting membership, and True Vine leadership disqualified any ballot with any type of modification to the ballot document in any way. Plaintiffs have requested that the election be declared null and void, a new election be held, and that a preliminary injunction be placed on the current True Vine leadership preventing any employment contracts from being signed until a new election is held.

Defendant has argued "Exceptions of No Right of Action or Interest" including that this court lacks subject matter jurisdiction, that the plaintiffs have no right of action/no cause of action (standing), and that the requirements for a Writ of Mandamus have not been met. Additional arguments made by defendant include a lack of proper joinder. Finally, Defendant

seeks injunctive relief for breach of a "Confidentiality Statement" signed by Francis Powell when he was a member of the pulpit committee.

The court has determined that it cannot rule on matters related to the practice or exercise of religion under the First Amendment's Free Exercise Clause. However, it can address whether True Vine followed its own bylaws during the Senior Pastor election process as required by Louisiana law. The court cannot require a specific manner of election or mandate a specific candidate be put on a ballot. It only has the authority to enforce the existing bylaws and constitution as required by law.

WRIT OF MANDAMUS

A Writ of Mandamus is an extraordinary measure, that if granted may compel a corporation or officer to hold an election or to perform their other duties as required by the corporation's articles of incorporation or bylaws or as prescribed by law. La. Code Civ. Proc. art. 3864(A)(1).

A Writ of Mandamus can be used to enforce elections in registered corporations, including non-profits. In the case of a church election, the process is governed by the church's own rules or bylaws. If a church official or governing body prevents eligible members from voting, those members may seek a Writ of Mandamus to compel the church to hold a new election or follow the proper procedures outlined in its governing documents. To obtain a Writ of Mandamus, the plaintiff must demonstrate that the church's governing documents have been violated or that the church's leadership has breached its fiduciary duty.

The court will note that its ability to intervene in church matters is limited by the First Amendment's protection of religious freedom and will not intrude on a religious institution's autonomy in matters of faith and doctrine. Thus, this court's involvement in True Vine's elections is limited to enforcing the church's **own rules and procedures**.

The court has determined that, despite being an exceptional measure, Plaintiff has met the requirements for a Writ of Mandamus. The evidence and testimony presented confirms that officials of True Vine invalidated 95 out of 139 ballots at the October 2022 election. Additionally, the bylaws of True Vine dictate that a Senior Pastoral candidate must secure three-fourths (75%) of the overall votes cast to be elected as the new Senior Pastor, and all candidates are entitled to a "Sunday Sermon."

As a result, since 139 votes were cast, any winner must have obtained at least 104 votes, in accordance with the bylaws. However, after discounting the 95 disqualified ballots, the candidate with the next highest number of votes, Rev. Lee Edward Fields, received 28 votes and was proclaimed the new Senior Pastor, despite failing to reach the 75% threshold. Moreover, Plaintiff argues that Defendant violated the bylaws by denying the congregation-nominated candidate an opportunity to preach on a Sunday. Consequently, the court deems the petition for a Writ of Mandamus appropriate.

SUBJECT MATTER JURISDICTION

In Defendant's response, it has argued that this court lacks subject matter jurisdiction and that the Writ should be dismissed. Defendants contend that a ruling on this matter by this court constitutes an "impermissible interference in the ecclesiastical matters of True Vine Missionary Baptist Church." This court disagrees, as both the U.S. and Louisiana Constitutions prohibit

courts from interfering in religious groups' ecclesiastical matters, **except in cases where religious doctrine is not at issue**. Here, the dispute centers on whether the 2022 Senior Pastor Election adhered to True Vine's bylaws, and not on the issues of religious doctrine, faith, or custom. Consequently, this court finds that it has subject matter jurisdiction over this case and denies defendant's exception. (See U.S. Const. amend. I and La. Const. art. I, § 8). See also: *Mount Gideon Baptist Church, Inc. v. Robinson*, 812 So. 2d 758 (La. App. 1 Cir. 2002).

NO RIGHT OF ACTION/NO CAUSE OF ACTION (STANDING)

Defendant's assertion that the Plaintiffs lack a right or cause of action is unfounded. A congregation member may have legal standing to bring a cause of action against their own church if they can show harm or injury resulting from the church's actions or policies, including violations of governing documents such as bylaws or constitutions. In this case, Plaintiffs presented a prima facie case that they are paying members of the congregation and that the church did not follow its own bylaws in electing Pastor Fields. By violating its own bylaws, the Plaintiffs assert they were disenfranchised and irreparably harmed both financially and spiritually. The Free Exercise Clause of the First Amendment protects individuals' right to practice their religion, but religious institutions are not immune to legal scrutiny **if they violate their own bylaws or otherwise harm their members**. (See La. Rev. Stat. Ann. § 12:801). The Court denies Defendant's Exception for "No Right Of Action/No Cause Of Action." Plaintiffs have established their right and standing to bring this cause of action.

JOINDER

In Louisiana, claims arising from the same transaction or occurrence, as well as parties with a common question of law or fact, may be joined under the Code of Civil Procedure. Failure to join a necessary party can result in the dismissal of the lawsuit or preclude the plaintiff from recovering certain types of relief (La. Code Civ. Pro. art. 641). However, in this case, the defendant's assertion that Rev. Gallien must be joined as a material party is without basis. The plaintiff's Writ does not request adding or removing any specific candidate from the ballot but requests an entirely new election pursuant to True Vine's bylaws, based upon the violation of its own bylaws. As such, the court finds that Rev. Gallien is not a material party to the issue at bar and does not need to be joined.

INJUNCTIVE RELIEF

During Francis Powell's testimony, the defendants raised an objection to his disclosure of information related to the "Pulpit Committee," citing a violation of his previously signed confidentiality agreement. However, the court overruled the objection on the grounds that Mr. Powell was not divulging any confidential information about True Vine's operations, but rather discussing his personal experiences and reasons for leaving the committee. The confidentiality agreement itself provides for an exception to follow legal or regulatory guidelines. The court admonishes Mr. Powell to avoid violating the confidentiality agreement except in situations explicitly allowed by the agreement. Nonetheless, the court sees no basis for granting injunctive relief and thus denies such a request.

FIRST AMENDMENT

The First Amendment of the U.S. Constitution safeguards religious freedom and forbids government intervention in the internal affairs of religious organizations, including their

elections. However, civil courts may interfere in church elections in certain circumstances, as determined by precedent. *Presbyterian Church in U.S. v. Mary Elizabeth Blue Hull Memorial Presbyterian Church*, Supreme Court of the United States, January 27, 1969, 393 U.S. 440, 89 S.Ct. 601. Courts cannot interfere in church governance matters, such as the removal of a bishop, unless there is evidence of fraud, corruption, or other misconduct, *Serbian Eastern Orthodox Diocese for U. S. of America and Canada v. Milivojevich*, Supreme Court of the United States, June 21, 1976, 426 U.S. 696, 96 S.Ct. 2372.

While this court endeavors to avoid involvement in the internal affairs of religious institutions, it may intervene if there is clear and convincing evidence of fraudulent, corrupt, or otherwise misconduct related to the election process. *Id.*

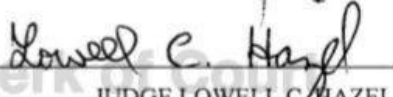
In the present case, the Plaintiffs' cause of action does not pertain to imposing any restrictions or endorsements on religion. The Writ neither seeks the court's intervention to enforce ecclesiastical laws, rules, or customs nor does it aim to impose a particular form of worship on members. The Writ is concerned with the election of the new Senior Pastor, as per the procedure outlined in True Vine's own bylaws. *True Vine Missionary Baptist Church*, Alexandria, LA. Constitution and Bylaws. 5-6. The Court finds that issuing a ruling on the matter at hand, does not infringe upon True Vine's First Amendment rights under the Free Exercise Clause of the First Amendment.

JUDGMENT

Based on its review of all the evidence and testimony presented, the Court has found that True Vine did not follow its own bylaws in the October 2022 Election. No Pastoral Candidate reached the 3/4 (75%) vote threshold needed to be elected Senior Pastor. Therefore, this Court grants Petitioners' Writ of Mandamus and orders the pastoral election held by officials at True Vine Missionary Baptist Church on October 29, 2022, to be null and void. This Court further orders a new pastoral election to be organized and conducted by officials at True Vine Missionary Baptists Church pursuant to its Bylaws and Constitution.

Thus, RENDERED AND SIGNED this 2nd day of March 2023.

FILED & RECORDED
ROBIN L. HOOPER
CLERK OF COURSE
2023 MAR 10 PM 3:44
BY CLERK & RECORDER
RAPIDES PARISH LA


JUDGE LOWELL C. HAZEL
DIVISION B

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