

# Judge says Church of the Servant's exit attempt was in 'chokehold,' orders second vote

*Conference exit deadline 'timeline is suspect,' according to ruling*



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A local church must be given a second chance to determine its future with the United Methodist Church, a judge said on Monday.

Oklahoma County District Court Judge Aletia Timmons ordered the Oklahoma United Methodist Conference to allow Church of the Servant, 14343 N MacArthur, an opportunity to hold a second congregational disaffiliation vote, a key aspect of the disaffiliation process.

In her ruling, Timmons said Church of the Servant's efforts to consider disaffiliation were "tainted" by a conference leader whose bias against church exits amounted to him placing a "chokehold" on the process. She also said it didn't seem to be a coincidence that a conference deadline imposed on churches hoping to disaffiliate in October would effectively prevent Church of the Servant from disaffiliating.

"It completely cuts them out of their ability to disaffiliate," she said.

The hearing on the disaffiliation dispute began Friday, with Timmons rejecting the regional conference's request to have the case dismissed. Conference leaders said they planned to appeal her ruling handed down Monday. In a statement, they said that the civil court has no jurisdiction over United Methodist Church matters, including disaffiliation.

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"As was the case with previous rulings regarding United Methodist churches' documented processes and polity, the ruling today blatantly interferes with an internal matter of church self-governance and should be protected under the Free Exercise Clause of the First Amendment of the United States Constitution."

The conference stated it will "continue to defend its right as a religious organization and the rights of its members and local churches to the free exercise of their religion without interference from secular courts."

Timmons disagreed, saying that her ruling was based on neutral contract principles

Monica Wittrock, a member of the Church of the Servant church council, said some members felt that conference leaders' decision to deny the church another vote was because if the congregation ends its affiliation with the United Methodist Church, the regional United Methodist affiliate stands to lose an average of \$500,000 in annual apportionments from Church of the Servant, along with the church's building and property, which Wittrock said had an estimated value of between \$25 million and \$30 million.

On Monday, Wittrock said the church council would be working to set a date for another congregational disaffiliation vote, per Timmons' ruling in the church's favor.

"It really is just about allowing the church to decide what's best for us by allowing our members to be in discussions with each other about the the benefits and burdens of being affiliated or not affiliated with the United Methodist Church," Wittrock said.

**More:What we know about Oklahoma United Methodist disaffiliation court cases**

## **Schism affects Oklahoma churches**

Church of the Servant is the second house of worship to file suit against the Oklahoma United Methodist Conference regarding disaffiliation matters. First United Methodist Church of Oklahoma City, 131 NW 4, also took its disaffiliation disagreement to civil court. The conference is appealing Timmons' ruling in First Church's favor.

Both disaffiliation disputes are among the latest developments in an ongoing schism in the United Methodist Church over disagreements about the spiritual compatibility of same-sex marriage and gay ordination. So far, 84 Oklahoma churches have cut ties with the denomination since 2022. The vast majority of the Oklahoma houses of worship headed for the exit because, although they agree with the United Methodist Church's current prohibition on same-sex

marriage and gay ordination, they think the denomination is headed in a liberal direction. These conservative churches generally are known in the United Methodist realm as traditionalist churches. Church of the Servant's congregation includes traditionalists, but it is unclear how many members are a part of this faction.

In 2019, a special provision was added to the United Methodist Church's Book of Discipline by the denomination's General Conference. Known as Paragraph 2553, the special provision was approved to give a "gracious exit" to churches in disagreement over human sexuality. As part of this special provision, churches wishing to exit have until Dec. 31 to take part in a special disaffiliation process allowing them to sever ties and take their church properties and assets with them.



## What's at the heart of Church of the Servant's case?

In a lawsuit filed in July, Church of the Servant's church council claimed regional conference leaders, were singling out the church by intentionally preventing the congregation from having a second exit vote and possibly disaffiliating and taking their property and assets with them.

The dispute that spilled over into the courts hinged on Church of the Servant members' understanding that they would be able to have a disaffiliation vote in 2023. Several church members testified that a regional conference district superintendent, the Rev. Sam Powers, assured them they would have a second opportunity to consider an exit after their first disaffiliation vote in 2022 failed to get the required a two-thirds majority to disaffiliate.

Powers' unfavorable thoughts about disaffiliation appeared to play a key role in Timmons' favorable ruling for Church of the Servant.

"If you had a district superintendent who had an animus toward disaffiliation, they could use their position as a chokehold and any churches underneath them would not be able to disaffiliate," she said. "That's not the tenor and the tone of section 2553."

Conference leaders in their testimony said Church of the Servant had an opportunity in 2022 to vote on disaffiliation and they also had a second vote on that same day because the disaffiliation rules allowed them to have a vote of reconsideration if a member requested it. And that way, conference leaders contended that Church of the Servant already had two votes.

In a statement on Monday, Oklahoma United Methodist Bishop Jimmy Nunn said he supports Powers' decisions regarding Church of the Servant.

"He has demonstrated his commitment to the process and has not singled out any church in his district," Nunn said of Powers. "In contrast with how he was portrayed in the court hearings, Reverend Powers has followed the Book of

Discipline and the disaffiliation agreement required of him. Reverend Powers continues to enjoy my full trust and confidence.

Meanwhile, a certain disaffiliation deadline also proved to be an integral part of Church of the Servant's case.

The conference has given congregations until Sept. 6 to hold the required discernment meetings and congregational disaffiliation votes in order to have their exit requests ratified by delegates at a special conference meeting set for Oct. 13-14. But Church of the Servant's attorneys said this deadline seemed arbitrary and Timmons agreed. The date was key because conference leaders informed Church of the Servant that they must wait 12 months before holding another congregational vote because their first vote fell shy of the required two-thirds majority. Under this requirement, Church of the Servant would have to wait until Sept. 11, 2023 — one year from its 2022 congregational vote — to hold another vote, which would mean the church would miss the conference's Sept. 6 deadline.

Conference leaders testified that the deadlines for churches to have their disaffiliation votes conducted were determined to give conference staff time to review the documents and to prepare for the special disaffiliation gatherings.

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