



November 18, 2008

To presbytery and synod executives and stated clerks

Dear sisters and brothers in Christ,

Congregations in your presbytery recently received correspondence from the Presbyterian Lay Committee that contained many factual errors and may cause great misunderstanding. The purpose of this letter is to speak to those errors and misunderstandings.

**Re: Constitution Legal Defense Fund**

The General Assembly did **not** create a two-million-dollar defense fund, as requested by the Presbytery of Northern New England. The assembly chose, instead, to create an Extra Commitment Opportunity (ECO) fund that would receive voluntary contributions. The name of the ECO is Constitution Legal Defense Fund and it is numbered E052058. To date, we have received no contributions to this fund, and no money from the per capita budget has been allocated for it.

**Re: presbyteries' actions about property**

The letter suggests that presbyteries have taken aggressive actions to deprive congregations of their pastors and property via ecclesiastical processes and the secular courts. The letter misrepresents the actions of presbyteries and misinterprets recent General Assembly Permanent Judicial Commission cases.

Virtually all actions by presbyteries are reactions to aggressive schismatic behavior by individual congregations and sessions. Of the thirty-nine cases in civil courts, thirty-six have been filed for local sessions. The three filed by presbyteries have sought only that sessions and congregations be required to follow the processes provided by the *Book of Order*. When sessions/congregations have followed those processes, they have usually been dismissed to the reformed denomination of their choice.

It is true that presbyteries served with civil lawsuits have had to expend significant resources in defending our *Book of Order* processes. In the Sundquist v. Heartland Presbytery case, the General Assembly Permanent Judicial Commission (GAPJC) recently affirmed the validity of those processes, which include permitting presbyteries to create structures that can respond to civil lawsuits when they arise, but such processes do not provide for aggressive actions by presbyteries.

## **Re: per capita**

The correspondence also states that the GAPJC has given sessions “absolute and unequivocal authority to direct and disburse all funds received from the congregation.” This, too, misinterprets the GAPJC’s decision. The most recent case contains the following statement: “The congregation’s responsibility is not to itself, but to itself in light of its call to ‘fulfill its responsibilities as the local unit of mission for the service of all people, for the upbuilding of the whole church, and for the Glory of God’ (*Book of Order*, G-4.0104).” (Johnston v. Heartland Presbytery)

## **Some final words**

The action of the 218th General Assembly (Item 04-28) reminds all of us, congregations and governing bodies alike, to heed the words of 1 Cor. 6:7 and avoid lawsuits. No doubt, all conversations about dismissal are tough and painful, but as many of you know, they can also be Christ-like. I know that has been the goal in a majority of cases, but fear has sometimes changed the discourse. Hopefully, this recent action of the assembly can help us avoid future civil cases by having established clear presbytery policies.

You may find it helpful to refer to the Advisory Opinions that are posted online (<http://www.pcusa.org/constitutionalservices/advisory-opinion.htm>), especially #19: “Implementing the Trust Clause for the Unity of the Church,” and #22: “Actions of the 218th General Assembly related to G-6.0106b and G-6.0108”). There is also a Constitutional Musing (<http://www.pcusa.org/constitutionalservices/musings.htm>) on “Responding Pastorally to Troubled Churches.”

Please know that I pray for you daily – that your ministry will flourish, your faith increase, and that the peace of God, which passes all understanding, will keep your hearts and minds in Christ Jesus (Phil. 4:7).

Yours in Christ,



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Stated Clerk of the General Assembly