



HEARTLAND PRESBYTERY

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Thursday, October 30, 2008

Fellow Presbyters:

Greetings and peace to you in the name of our Lord and Savior Jesus Christ!

On June 16, 2007, Heartland Presbytery established an administrative commission to work with ministers, congregations, and members of congregations considering withdrawal from the Presbyterian Church (U.S.A.). Soon after, twelve commissioners to that meeting of Presbytery initiated a remedial complaint with the Synod of Mid-America, alleging a number of irregularities to have occurred with the establishment of that administrative commission.

Serving with the Rev. Landon Whitsitt and Elder Stacey Janssen, I was the moderator of the Committee of Counsel appointed to represent Heartland Presbytery in this remedial complaint, *Sundquist et. al v. Heartland Presbytery*. I am writing to offer you a summary of this case's resolution, outlining the particular issues considered by the denomination in its deliberations and the details of its final decision and order.

As with any application of the Book of Discipline, the issues raised and the matters discussed by our denomination's higher governing bodies in reviewing the action of Heartland Presbytery to create this administrative commission affect not just the particular churches under its mandate, but our whole presbytery and the wider church. I am convinced that the process followed under the Book of Discipline provides for grievances to be faithfully heard and fairly adjudicated, and I am prayerful that the end result of this case will be reconciliation among members of the church and renewed commitment to spread the Gospel of Jesus Christ together.

The Synod of Mid-America Permanent Judicial Commission heard the case at a trial on January 25th, and following their decision five of the original twelve complainants appealed to the General Assembly Permanent Judicial Commission (GAPJC). The GAPJC heard arguments on the appeal on October 24th, and we received the final decision this week. The decision is online at the denomination's website, <http://www.pcusa.org/gapjc/decisions/pjc21903.pdf>, and will be spread across the minutes at an upcoming Presbytery meeting.

The arguments in the case and the final decision dealt with rather technical matters of *the Constitution*, and this summary only skims the surface of the actual language of the decision. You are encouraged to read the decision itself to get the fuller picture and the details relating to the following points.

Key findings of the GAPJC in *Sundquist et. al v. Heartland Presbytery*:

- **Heartland Presbytery's creation of this administrative commission was proper and constitutional.**

The GAPJC rejected the argument that a presbytery, prior to delegating its power to dissolve pastoral relationships (G-11.0103o) or to assume original jurisdiction of a session (G-11.0103s), has to itself make a finding that the Church's mission under the Word imperatively demands a dissolution of a pastoral relationship or that a church session is unable or unwilling to manage wisely the affairs of its church.

A presbytery is allowed to delegate these and other powers to an administrative commission, and that commission can make those determinations on the presbytery's behalf. The decisions of the administrative commission become the decisions of the presbytery, and the presbytery may amend or rescind such actions in the same manner it may change its own decisions and actions.

- **The administrative commission, when it acts as presbytery and exercises the specific powers delegated to it, must follow all constitutional requirements under the *Book of Order*.**

The GAPJC reiterated a finding of the Synod PJC that the administrative commission, since it has been duly appointed and authorized by presbytery to exercise specific G-11.0103 powers, must make the same determinations that the presbytery would have to make in exercising those powers. Therefore, prior to dissolving a pastoral relationship, the administrative commission would have to determine that the church's mission under the Word imperatively demands that dissolution. Prior to assuming original jurisdiction of a session, it would have to determine that the session is unwilling or unable to manage wisely its affairs. Further, the procedures for fair process in G-9.0505b are additional requirements placed on administrative commissions in these cases.

Heartland Presbytery's Administrative Commission has always understood its activities to be guided by this principle and continues to operate under this understanding.

- **The Presbytery's decision to allow COM or Council to add churches to the mandate of the administrative commission was constitutional.**

The complaint raised a concern that COM or Council is allowed to add churches to the mandate of the administrative commission. The Synod PJC did not sustain the complaint on this point, but stated that it is their "considered view that churches should only be added to the list by vote of the presbytery." The GAPJC, in considering an appeal on this point, clarified that "although not prohibited by any specific provision of the *Book of Order*, a better practice would be for the Presbytery itself to name any additional specific churches to come under the authority of the AC."

To date, the only church added to the mandate of the administrative commission by action of COM was ratified by the presbytery at the next stated meeting. While the constitution and the GAPJC ruling do not require Heartland Presbytery to continue this practice and keeps the way clear for COM or Council to add churches to the mandate, it is in our judgment a good practice for the presbytery to ratify any such decisions of the COM or Council in the future.

- **The creation of the administrative commission does not improperly impinge on freedom of conscience, nor is there an implicit or implied right of congregations to seek dismissal under *the Constitution*.**

Addressing the concern of the complainants that the actions of Heartland Presbytery improperly hindered the freedom of conscience of church officers or pastors, the GAPJC ruled that “appointment of an administrative commission to deal with churches, sessions, and pastors contemplating leaving the PC (USA) does not improperly bind the conscience of church officers or pastors. Belief and behavior are distinguishable. Free expression of conscience is limited for officers and pastors under G-6.0108b. Calling congregational meetings, moving churches to seek dismissal from the denomination or obstructing constitutional governance of the church are actions, not expressions of free conscience.”

The GAPJC also ruled that “withdrawal from the Presbyterian Church (U.S.A.) is not a matter that can be considered absent the participation of the presbytery. G-7.0302 and G-7.0304 limit the business of congregational meetings and do not include seeking dismissal from the PC (USA).” However, the right of a presbytery to divide, dismiss, or dissolve congregations (G-11.0103i) requires consultation with those affected. The right to so dismiss or dissolve congregations, however, remains with the presbytery, and there is not an implied or implicit right for a congregation to seek such a dismissal, nor is the presbytery required to grant such a request.

In short, the GAPJC upheld the establishment of the administrative commission as originally formed by Heartland Presbytery.

They agreed with our contention that the creation of this administrative commission reflected “the Presbytery’s desire and intent to give broad powers to an administrative commission that may be faced with particularly fluid and difficult circumstances, but conditioned the exercise of those powers on appropriate pastoral consideration for reconciliation in addition to the procedural safeguards imposed by G-9.0505b and G-11.0103i, o, and s. Without an administrative commission in place, the alternative would have required the Presbytery to call the session and pastor to the next plenary meeting of the Presbytery to air the differences in front of the entire Presbytery. Such a process would be unwieldy, use an undue amount [of] time and resources, result in poor stewardship of Presbytery resources, and would in all likelihood not afford the best opportunity for a full hearing or reconciliation. There is greater potential to act pastorally, build trust, and seek reconciliation in small groups.”

The GAPJC reminded all of us that the presbytery and its churches exist in a covenantal relationship where the presbytery’s witness, concern, and responsibility are not solely to one

congregation, but to each congregation in light of the whole. They reminded all of us that a congregation's responsibility must be seen 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. (G-4.0104). "Unity in Christ and the relational nature of our polity are fundamental to Presbyterianism and to a gracious witness to Scripture and the Holy Spirit."

I am hopeful that all of us can see the GAPJC's efforts to remind us in such difficult circumstances of our lofty calling. Now that this remedial case is concluded, our administrative commission can continue to labor on our common behalf without concern that its work might be negated or abruptly halted.

As our representation of Heartland Presbytery in this matter comes to a close, we give thanks to God for every opportunity for us to find common purpose and to break down the walls that divide us, so that we can proclaim Christ with one voice. It is my hope that we all seek to do just that, and that God aids us in every possible way.

In Christ,

A handwritten signature in black ink that reads "Rev. Chad Andrew Herring". The signature is written in a cursive, flowing style.

Chad Andrew Herring
Moderator, Committee of Counsel
Associate Pastor, Southminster Presbyterian Church
Prairie Village, KS