

PROBLEM: Mandated Subsidies by Congregations for Same-Sex Partnerships

General Assembly “urges” provision of benefits to same-sex partners through mandated Board of Pensions coverage. Explanation and action plan.

The 219th General Assembly (GA) of the PC(USA), at its meeting in Minneapolis in July, 2010, voted to “urge” the Board of Pensions (BOP) to extend benefits—both retirement and health—to the same-sex partners of PC(USA) employees (“members”) covered through the BOP. The wording of the action includes those partners’ children, and would provide the coverage on the same basis as BOP coverage is provided to heterosexual spouses of “members” and to children of those spouses. Heterosexual domestic partners who are not married are not covered, and would not be covered under this plan. These new benefits will be funded through increased dues paid out of offerings by PC(USA) congregations. All congregations with installed pastors are required to participate in the BOP plan. Because of the “community” nature of the plan, churches do not pay premiums directly for employees’ coverage, but instead contribute as “dues” a mandated percentage of their pastors’ “effective salary” (salary, housing and other allowances) to cover all benefits for everyone in the plan.

Dues increase

Every church member and every congregation is affected by this decision of the General Assembly.

The GA action requires members and congregations to support—with their tithes and offerings—practices that Scripture and our confessions call sin. Thus faithful church members would be forced financially to “bless” practices that God does not bless—a clear complicity in the sin. The moral cost of the GA action is far more significant to the church than the financial cost, but the GA did authorize the BOP to raise mandatory dues up to one percentage point, from the current 31.5% to 32.5% of effective salary, which would be a 3.17% cost increase for congregations. The coverage and the dues increase would be effective January 1, 2012.

The [action of the GA](#) “urges” the Board of Pensions (BOP) of the PC(USA) to: “extend eligibility for spousal and dependent benefits under the Plan to Benefits Plan members, their same-gender domestic partners, and the children of their same-gender domestic partners, on the same basis as, and equivalent to, benefits made available to Benefits Plan members, their spouses, and the children of their spouses.”

Because the BOP is an independent corporation, the GA cannot “instruct” the BOP. However, BOP representatives present at the Assembly meeting repeatedly promised to provide this coverage if the GA requested it. Although an increase in Pension Plan (retirement) dues requires GA approval, Medical Plan dues can be increased without GA approval. But again, increase in dues is not the primary issue.

“The Normative Values of the Church”

In its official [comment on this item of business](#), prepared for committee consideration, the BOP wrote,

The Board does not take a position on the policy issue of whether to extend benefits to these same-gender partners or not, but will follow the normative values of the church in so far as legally possible. **The Board believes that these matters must be decided by the church through action of the General Assembly** [emphasis added].

The BOP comment also included:

The question of whether to enroll same-gender partners of ministers of Word and Sacrament, elders, and deacons must be addressed by the General Assembly. The Board also notes that the Book of Order at G-6.0106(b) declares that “[t]hose who are called to office in the church [including elders, deacons, and ministers of the Word and Sacrament,] are to lead a life in obedience to Scripture and in conformity to the historic confessional standards of the church. Among these standards is the requirement to live either in fidelity within the covenant of marriage between a man and a woman (W-4.9001), or chastity in singleness.”

With this constitutional mandate in mind, and absent contradictory direction from the General Assembly, the Board would **exclude all ministers of the Word and Sacrament** from eligibility to enroll a same-gender spouse or same-gender domestic partner [emphasis added].

These excerpts from the BOP comment show appropriate intentions (to “follow the normative values of the church” and to abide by its “constitutional mandate”), but the comment does not apply those intentions consistently or logically. The PC(USA) Constitution does not single out ministers of the Word and Sacrament as having a different or higher manner of life standard than deacons and elders. Furthermore, the standard for Christian living is the same for all persons, regardless of whether or not they are officers in the church. Presbyterians believe “These ordained officers differ from other members in function only” (G-6.0102).

Although the fidelity/chastity standard is explicitly included in the requirements for our officers, the Constitution of the PC(USA) acknowledges fidelity/chastity to be God’s moral requirement for everyone and states that the fidelity/chastity requirement is “among the[se] standards” taught in Scripture and the constitutional confessional standards of the church. Also please note that wording of the action of the GA drew no such distinction between ministers and other plan members. It flatly says “members” meaning members of the Benefits Plan. This certainly presents a dilemma to the BOP.

The “normative values of the church” to which the BOP refers in its comment are properly found not in a request of one General Assembly, but rather in the denomination’s Constitution, which has been adopted by the whole church—the General Assembly plus the majority of the presbyteries (G-6.0106b).

General Assembly not an employer

The appeal made to commissioners at GA was to bring the denomination in line with what the GA has advised employers to do. But the GA itself is not the employer of the persons whose same-sex partners will be covered by the revised Plan. The GA, as a governing body, is not an employer. It does not make personnel decisions. GA agencies and entities—the GAMC, the OGA, etc.—and the congregations and institutions of the denomination are the employers. The GA could have acted without coercion, though not with less moral import, by recommending that employers provide this coverage in other ways if they so choose. In fact, this alternative* was presented to the GA.

The GA action was not an appeal to employers. Instead, it would impose a requirement that the tithes and offerings of all of the people in the churches pay for this new coverage through mandatory Pension Plan dues. Thus, the GA action would require church members who uphold the “fidelity/chastity” requirement to pay for benefits for same-sex partners of employees, which means subsidizing a lifestyle Scripture and our Constitution call sin. Approving the GA request would obviously place the board members in the undesirable position of requiring churches to promote through subsidy a lifestyle in direct opposition to the constitutional standards of the denomination the BOP exists to serve.

The BOP is an independent corporation. The minutes of the Board of Directors for 2010 do not indicate that the Board itself has taken any definite action to concur with the assurance board CEO Robert Maggs made to the GA—that the board will cover what the GA asks them to cover. The board, which met in July and will meet

again in October of 2010, is accessible to churchwide comment. They received more than two hundred letters of protest in July.

Relief of Conscience?

In another section of its action, the GA "highly urged" the BOP to consider a "relief of conscience" provision similar to that provided to those who object to the BOP's payment for abortions. Those who worked with the BOP to design that "relief of conscience" plan relating to abortion coverage report that it fails to provide the relief sought.

Non-payment of increase?

Because it is wrong to mandate that church members subsidize a homosexual lifestyle, many will examine the BOP Plan, the laws of the State of Pennsylvania (which governs the BOP), and the means at Sessions' disposal to determine not whether, but how, to avoid paying for this coverage. Surely a means within the plan's provisions can be found that does not jeopardize pastors' benefits. The Board of Directors of the BOP can avoid a scenario in which the dues structure begins to face the same financial uncertainty experienced by the Per Capita Budget, potentially resulting in instability in the Pension Plan. The Constitution of the PC(USA) gives sessions unqualified control over the budget and expenditure of the offerings of their congregations (see G-10.0102 i).

The upshot is that the GA took an action that negatively affects every congregation remunerating a pastor or any other covered employee. No provision is available for seeking the will of the congregations. The action has a financial effect, but the moral effect is far greater: **it is the imposition of an immoral requirement contrary to the standards agreed upon by the whole church.** The imposition, if approved by the BOP, will not take effect until January, 2012. It is possible that we Presbyterians can help the BOP avoid this moral disaster.

The most appropriate resolution

An action of the Board of Pensions to refer to other insurers employers within the denomination who desire to provide coverage for same-sex domestic partners is the correct option. It would not conflict with the denomination's constitutional standards, it removes the injustice of forcing participation against congregations' consciences, and it would be more cost effective to BOP operations. It also removes the Board of Pensions from serving as the battlefield over standards.

The Presbyterian Coalition urges sessions and individual members to consider the implications of the GA's action on the Board of Pensions and same-sex partner benefits, and to join us in implementing the action plan outlined below. And may we, all sinners, hear God's call to a godly life even as we confess the sins we bear.

A Proposal for Action

What next? Let us together commit to:

- Work in concert with other concerned Presbyterians as individuals, sessions, and groups to discuss these serious matters with the **leadership** of the BOP. Urge them to consider carefully the untenable position the GA has put the BOP in when it asked the BOP to implement Plan changes that contradict the denomination's own Constitution and urge the leadership not to adopt the changes the GA requested.
- Raise our concerns immediately and often with **individual members** of the BOP Board of Directors over the next 18 months, and encourage our congregation members to communicate their concerns

about the immorality of the requirement by means of letters sent directly to members of the BOP Board of Directors, urging them not to adopt the changes the GA requested.

- Plan how sessions will **together resist participation** in a Plan that mandates complicity in what is contrary to the constitutional standards of the whole church if the BOP implements the action requested by the GA.
- **Work tirelessly** to preserve the current wording of G-6.0106b and to defeat the proposed new Form of Government which erodes the effect and force of G-6.0106b.

The Presbyterian Coalition Executive Committee:

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Jim Cahalan: Elder, First Presbyterian Church; Edmond, OK

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NOTE: To further examine and more fully understand the significance of what the GA requested regarding extending plan coverage, you can read [the General Assembly actions](#) in light of the background information, the BOP Plan, and the PC(USA) Constitution.

***Item 18-06.** The following is the text of the item approved by the GA:

That the 219th General Assembly (2010):

1. Urge the Board of Pensions to adopt amendments to the Benefits Plan to extend eligibility for spousal and dependent benefits under the Plan **to Benefits Plan members**, their same-gender domestic partners, and the children of their same-gender domestic partners, on the same basis as, and equivalent to, benefits made available **to Benefits Plan members**, their spouses, and the children of their spouses.

2. Approve an increase in dues for the Benefits Plan of up to 1 percent, effective January 1, 2012, to be allocated among the plans of the Board of Pensions, including but not limited to the Pension Plan, as the Board, in its sole discretion, deems necessary to fund the cost of the additional benefits. Should the Board not implement these benefits for any reason, approval of the increase in dues is rescinded.

Comment: That the Board of Pensions be highly urged to provide relief of conscience, to be implemented simultaneously with these actions, for those congregations for whom these actions cause a moral dilemma.

[Names and contact info](#) for the BOP Board of Directors