

To the Commissioners to the Fall Stated Meeting of Charleston Atlantic Presbytery:

One of the many business items approved by the recent 218<sup>th</sup> General Assembly (2008) was a commissioner's resolution (Item 04-28) on :“Urging a Gracious, Pastoral Response to Churches Requesting Dismissal from the PC(USA)”. The final text as approved by the assembly is as follows:

**The 218th General Assembly (2008) of the Presbyterian Church (U.S.A.)**

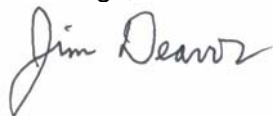
**1. Directs the Stated Clerk to send this resolution to the presbyteries, synods, and sessions, indicating the will of the assembly that presbyteries and synods develop and make available to lower governing bodies and local congregations a process that exercises the responsibility and power “to divide, dismiss, or dissolve churches in consultation with their members” (*Book of Order*, G-11.0103i) with consistency, pastoral responsibility, accountability, gracious witness, openness, and transparency.**

**2. Believing that trying to exercise this responsibility and power through litigation is deadly to the cause of Christ, impacting the local church, other parts of the Body of Christ and ecumenical relationships, and our witness to Christ in the world around us, [*the General Assembly*] urges [*congregations considering leaving the denomination*], presbyteries and synods to implement a process using the following principles:**

- ***Consistency***: The local authority delegated to presbyteries is guided and shaped by our shared faith, service, and witness to Jesus Christ.
- ***Pastoral Responsibility***: The requirement in G-11.0103i to consult with the members of a church seeking dismissal highlights the presbytery's pastoral responsibility, which must not be submerged beneath other responsibilities.
- ***Accountability***: For a governing body, accountability rightly dictates fiduciary and connectional concerns, raising general issues of property (G-8.0000) and specific issues of schism within a congregation (G-8.0600). But, full accountability also requires preeminent concern with “caring for the flock.”
- ***Gracious Witness***: It is our belief that Scripture and the Holy Spirit require a gracious witness from us rather than a harsh legalism.
- ***Openness and Transparency***: Early, open communication and transparency about principles and process of dismissal necessarily serve truth, order, and goodness, and work against seeking civil litigation as a solution.

Upon study of available policies from other presbyteries, in response to the request by the Stated Clerk on behalf of the General Assembly, the Council recommends the following proposal for your prayerful consideration. It is our hope that no congregation will ask to be dismissed, that we can learn to work together respecting our differences, and thus the process will never have to be used.

Blessings,



Jim Deavor  
Chair of Council



Donnie Woods  
Stated Clerk and Executive Presbyter

## **Principles and Processes For Charleston Atlantic Presbytery When Churches Seek to Separate From Presbytery**

### **I. Principles of Mission and Property in Times of Dispute**

#### **A. The Presbytery, Property and Conscience**

Charleston Atlantic Presbytery seeks to develop, encourage and nurture the denominational affiliation and presbytery membership of each of its particular member churches based on our organic spiritual unity found in *the grace of the Lord Jesus Christ, the love of God, and the fellowship of the Holy Spirit*. (2 Corinthians 13:14) In all of our relationships, we strive to be a servant to the churches God has entrusted to us, encouraging and supporting them toward becoming healthy, growing, missional congregations.

This is especially true for those congregations for whom the bonds of unity are stretched and ecclesiastical connections frayed over issues of conscience to the point of considering disaffiliation.

In order to achieve the goals of servanthood, encouragement and support (that are keys to ministering in times of dispute), Charleston Atlantic Presbytery has historically seen its role as being a resource to:

- *Enable its congregations to carry out their mission by providing resources to proclaim the good news of Jesus Christ;*
  
- *Respond to the needs and challenges of the world in our Lord's name;*
  
- *Conduct constitutionally required responsibilities of a presbytery;*
  
- *Coordinate its mission with that of the General Assembly, the Synod of South Atlantic; and appropriate ecumenical agencies;*
  
- *Serve as a channel of communication with other governing bodies;*
  
- *Fill a fellowship and pastoral function for its members and congregations;*
  
- *And work diligently to fulfill the "great ends of the church":*

*The proclamation of the gospel for the salvation of humankind,  
The shelter, nurture and spiritual fellowship of the children of God,  
The maintenance of divine worship,  
The preservation of the truth,  
The promotion of social righteousness, and  
The exhibition of the Kingdom of Heaven to the world.*

Therefore in matters of Property and conscience, the Presbytery sees its role in terms of Mission Strategy first and foremost. The goal of this presbytery will always be reconciliation and continued relationship for all congregations within the presbytery.

### **B. The Presbytery and Mission Strategy**

The Book of Order of the Presbyterian Church (U.S.A.), (G-11.0103), challenges the Presbytery to order all resources ...*for the mission and government of the church*

*throughout its geographical district. It therefore has the responsibility and power:*

- a. To develop strategy for the mission of the church in its area consistent with G-3.0000 (the Book of Order chapter on the Church and its Mission);*
- b. To coordinate the work of its member churches, guiding them and mobilizing their strength for the most effective witness to the broader community for which it has responsibility.*

As a result, the Presbytery has an abiding interest in the location and facilities of the member churches as an expression of the missions of the Presbytery.

### **C. The Presbytery and the Trust Clause**

According to the Book of Order of the Presbyterian Church (U.S.A.)

*All property held by or for a particular church, a presbytery, a synod, the General Assembly, or the Presbyterian Church (U.S.A.), whether legal title is lodged in a corporation, a trustee or trustees, or an unincorporated association, and whether the property is used in programs of a particular church or of a more inclusive governing body or retained for the production of income, is held in trust nevertheless for the use and benefit of the Presbyterian Church (U.S.A.). (G-8.0201)*

The Trust Clause is meant to reflect the church's organic unity as it fulfills "The Great Ends of the Church," strengthening its ability to guide its member churches into their witness to the broader community. Because the trust clause is meant as a means of witness to our unity in the covenant of common mission, it is incumbent upon the Presbytery to act pastorally rather than adversarially to its member churches in regard to its provisions.

### **D. The Presbytery and Covenant Life**

Because the Trust Clause is understood by the Presbytery as a means of displaying organic unity in common mission, there are common principles that will guide the Presbytery's use of it:

- It will not be used to shackle churches to the institution of the Presbyterian Church (U.S.A.) if a church genuinely desires to depart.
- It will not be used as a weapon to threaten civil action against a congregation in keeping with 1<sup>st</sup> Corinthians 6: 1-11 over issues of conscience. (G-1.0300)
- It reflects a tangible exhibition of the inter-connected relationship organically existing between the Presbytery and its congregations

## **II. Principles of Resolution**

The Trust Clause will not be used to initiate civil litigation preemptively. If a church initiates a civil action, the Presbytery has taken and will take legal action to defend its mission strategy for the Presbytery. In times of dispute over issues of conscience, the Presbytery will adhere to, and member churches are encouraged to adhere to, these Principles of Resolution.

Guided by our Presbyterian form of government, we:

1. Affirm the mission of the Kingdom of God and not the maintenance of any

particular institution as our highest calling;

2. Believe that the local congregation is the primary mission unit of Presbytery, and that issues of property and money are always secondary to people and mission;
3. Will not abdicate all decisions regarding property and finance to the local congregation;
4. Understand that property is maintained and administered locally by the congregation on behalf of the denomination;
5. Maintain accountability and connection by shared, representative leadership and oversight;
6. Understand that regarding issues of conscience, "Divorce" can be a relevant analogy in releasing congregations. Each side must confront difficult realities, confront what it perceives to be a broken trust, speak of those realities to each other, and be forced to consider the ongoing health and viability of the other;
7. While upholding the Constitution of the Presbyterian Church (U.S.A.), will not approach property issues in such a way as to constrain local congregations in their ability to do mission and ministry;
8. May use the Presbytery Response Team procedure described in III-A below instead of the use of an Administrative Commission, where appropriate;
9. Will encourage all presbyters and congregations to "concur with or passively submit to" (G-6.0108(b), footnote 1) the vote and wisdom of the majority of the Presbytery. If their consciences will permit neither, the Presbytery will be generous in allowing congregations and presbyters with strong issues of conscience to pursue peaceable withdrawal, which may include dismissal to another Reformed body in accordance with our interpretation of the Trust Clause, found in section III below.

G-6.0108(b), footnote 1: Very early in the history of the Presbyterian Church in the United States of America, even before the General Assembly was established, the plan of reunion of the Synod of New York and Philadelphia contained the following sentences: "That when any matter is determined by a major vote, every member shall either actively concur with or passively submit to such determination; or if his conscience permit him to do neither, he shall, after sufficient liberty modestly to reason and remonstrate, peaceably withdraw from our communion without attempting to make any schism. Provided always that this shall be understood to extend only to such determination as the body shall judge indispensable in doctrine or Presbyterian government." Hist. Dig. (P) p. 1310.) (Plan of Union of 1758, par. II.)

### **III. Processes for Resolution**

#### ***A. The Process of Discernment Leading to Possible Dismissal***

In the Presbyterian tradition, an inter-connected relationship is assumed between the Presbytery and its congregations. Therefore, no congregation will be dismissed to another Reformed body unless and until, at a minimum, the following process is followed:

1. The Session and its pastor/moderator, after consideration, prayer and a majority vote invites the Presbytery to form a Presbytery Response Team (PRT) in order to engage the congregation in discussions about potential resolution or dismissal for identified reasons of conscience.
2. The PRT will consist of a Chairperson nominated by the Executive Committee of Council and specifically trained by the Presbytery in conflict resolution; and four other members including a person agreed upon by the Session of the congregation and three other members chosen by the Executive Committee of the Council.
3. The PRT will meet with the Session, and the pastor(s)/Moderator will be asked to either voluntarily excuse him or herself from the meeting or to voluntarily decline his or her right to voice and vote. If the moderator does so, he or she will appoint a member of the PRT to act as moderator in his or her absence. The first action in that initial meeting will be to agree to the terms of Section B, (Favorable Terms).
4. Both the PRT and the session and the pastoral staff will be encouraged to seek ongoing dialog in the hope of resolution.
5. The PRT will not determine the merits of the concerns raised by the Session, but will work to assure that before the issues are brought before the congregation, they have been addressed fairly and accurately.
6. The PRT will promptly report the results of the initial meeting and its recommendations to the Presbytery through the Council.
7. The PRT may work with the Session which shall call a Congregational Meeting for the purpose of hearing from the members and discerning, possibly by a non-binding written "straw ballot," how many members desire that, should the way be clear, the congregation be dismissed to another Reformed body.
8. While the quorum for congregational meetings is set by the Book of Order, and by the bylaws of particular congregations, the PRT requires that at least fifty percent of the active membership will participate in the meeting for the process of resolution to go forward..
9. If the PRT believes that a significant proportion wish to be dismissed (estimated at more than 75% of those present and voting with that number being greater than a majority of the total active membership), they will, with the permission of the Council of Presbytery and/or Presbytery, begin to negotiate favorable terms with the congregation under the terms of **Section B.**, below. This vote shall be taken by secret ballot.
10. During subsequent negotiations the PRT will meet with members of the congregation who wish to remain within the Presbyterian Church (U.S.A.) to best strategize how to continue an existing mission presence by maintaining the existing congregation, incorporate members into nearby Presbyterian Church (U.S.A.) congregations, or create a new entity.
11. At the conclusion of negotiations, the congregation will hold a Congregational Meeting to vote on a possible dismissal to a specific Reformed body according to the terms of negotiation. At least fifty percent of the current active membership

will attend the meeting. An affirmative vote that meets the following requirements is required in order to continue the dismissal process: at least seventy-five percent of those present and voting with that number also being greater than one-half of the total active membership must vote to leave the denomination. This vote shall be taken by secret ballot.

13. The Presbytery, at a regular or specially called meeting, will vote on whether to accept the terms of dismissal and to allow the congregation to be dismissed to a specified Reformed body according to G-11.0103(i) of the Book of Order of the Presbyterian Church (U.S.A.). No amendments shall be allowed to the terms as presented. In the case of a negative vote of Presbytery, continued dialogue will be sought.

### ***B. Favorable Terms***

The Presbytery, through the process of negotiating issues of conscience and property with congregations, will act in such a manner that will reflect its primary concern for the ongoing mission and vitality of Christian witness in the area impacted by ministry of that congregation. Therefore:

- The Presbytery recognizes that “the church” in a particular area is not its building or financial assets, but the people of the congregation.
- The Presbytery must be mindful both of congregation members who, for reasons of conscience, desire that their congregation be dismissed to another denomination, and also those congregation members who wish to remain within the Presbyterian Church (U.S.A.).
- The Presbytery must honor any historic covenants on the property.
- The best goal of Presbytery negotiations with congregations, when there is a group that desires to remain within the Presbyterian Church (USA) and a group that desires to be dismissed to another Reformed body, is to enable both congregations to be as healthy as possible in the aftermath of separation.
- In cases where a financial settlement is a part of a dismissal agreement between the presbytery and a particular church, that settlement will be used to maintain or re-establish a mission of the Presbyterian Church (U.S.A.) in that locale, for new church development elsewhere within the presbytery, or for other mission work of the presbytery.