

## **Thinking Twice about the Proposed Form of Government**

*A General Assembly Form of Government task force presented a proposed new Form of Government to the 218<sup>th</sup> General Assembly in 2008. That assembly did not approve the proposal, and charged the task force to bring a revised draft to the 219<sup>th</sup> General Assembly in 2010. This article provides information on the final draft of that revision, which is available on the PC(USA) website [here](#), and demonstrates why this proposed rewrite of the entire Form of Government would not be good for our church.*

### **Do We Really Need a New Form of Government?**

#### ***No demonstrable need***

The case has not been made that we need a total overhaul of our *Form of Government*. We are told that the suggested new *Form of Government* (nFOG) is more “missional” and that it is more “flexible.” We are told that it will help the Presbyterian Church face the admittedly dizzying rate of change in modern American culture. And yet, we are not told exactly how the present *Form of Government* is restricting the mission of the church, or how its specificity prevents presbyteries and sessions from meeting the present needs of the people of God and the surrounding culture. Neither have we seen evidence that the proposed new Form of Government will lead us toward more faithful or more effective mission. Much has been written about the missional church, but little has been said about how this proposal will effect a church more engaged in mission. “Mission” is not clearly defined by the document. In addition, the loss of important theological grounding and due process safeguards are the more significant changes produced by this document. Since there is no great demonstrable need to make polity changes, it is counterproductive to roil the church with this overwhelming level of change at this time.

#### ***Writing new manuals: A loss of accountability***

At first glance, the rewrite may seem to simplify the constitution. But we will show in this paper that the price for that will be a bureaucratic mishmash and a loss of constitutional protections provided by the current Form of Government, as well as a plethora of challenges in the church courts. The rewrite would require extensive new manuals to specify procedures that would no longer be contained in the Form of Government, and that work will fall largely to each individual governing body. In nFOG G-3.0106 we read that each council (governing body, including the session) “shall develop a manual of administrative operations that will specify the form and guide the work of mission in that body.” The nFOG committee envisions that these manuals will provide details that the new constitution would omit. In real life, the nFOG would thus require governing bodies from sessions up to the General Assembly to spend the time and effort to create detailed manuals of operation to replace standards that are presently provided for everyone in the *Book of Order*, and therefore are consistent across the whole church. Because of the extent of the work involved, and the knowledge of polity required, the tendency might be to reproduce what is currently in the *Book of Order* in the new manuals. Alternatively, governing bodies could adopt entirely different procedures, so that someone moving from one presbytery to another would have no idea of what to expect.

We will argue in this document that the effect of the manuals would be more than that of assigning a burdensome task to governing bodies. It also would have the effect of placing much of what is currently in our constitution (and therefore was approved by the General Assembly and a majority of the presbyteries and is consistent across the whole church) into a category of rule or policy, in which each governing body would create its own rules without the oversight or minority protections afforded by the larger church. Matters thus moved from constitutional status would not be subject to church court review. In other words, to gain supposed flexibility, the nFOG removes many clear constitutional requirements that have formed the basis of PJC decisions. Presbyterians will want to be very careful about what they put in categories where there is no recourse beyond the governing body that produces the manual.

This is not a matter of conjecture. The GAPJC has already ruled in *Hope et al v. Presbytery of San Francisco* that the GAPJC “rules on violations of the requirements of the *Book of Order*, rather than those of internal Presbytery policy.”

The effect of the nFOG would thus be to remove many parts of our common life from review by church courts.

### ***Increased litigation***

At the same time, the vagueness of the nFOG makes it much more likely that PJs will be called upon to settle disputes that still fall within their jurisdiction. The nFOG itself acknowledges this in F-3.03: “Where there are tensions and ambiguities between provisions, it is the task of councils (currently called “governing bodies”) and judicial commissions to resolve them in such a way as to give effect to all provisions.” Why adopt a new Form of Government that is admittedly riddled with inconsistencies; one that suggests that each governing body may be interpreting the constitution differently and explicitly invites recourse to the courts?

Here is one potential conflict. nFOG F-1.0403, says “The Presbyterian Church (U.S.A.) shall guarantee full participation and representation in its worship, governance, and emerging life to all persons or groups within its membership.” However, nFOG G-2.0104 insists that “Persons refusing to repent of any self-acknowledged practice which the confessions call sin shall not be ordained and/or installed as deacons, ruling elders, or teaching elders” (this language is currently found in G-6.0106b). Should these “persons” be guaranteed full participation in governance or excluded from it on the basis of their behavior? According to nFOG F-3.03, it would be up to councils and commissions to decide.

### ***Changing terminology and changing meaning***

One of the most apparent features of the nFOG is changes in terminology. “Governing bodies” in the current Form of Government would become “councils,” for example. Councils currently exist, but not as governing bodies. So the change is likely to create confusion. This change represents the nFOG’s changing an entity’s title.

But there are also less obvious changes. In some cases the word or title would be retained but the meaning would be changed. One of the more serious examples is the meaning applied to “church.” A footnote to the first page of the nFOG’s Foundations section says that, throughout the document, the word “Church” when it is capitalized refers to the Church Universal. The word “church” when not capitalized refers to a denomination like the PC(USA). The word

“congregation” is thus reserved for a “congregation of believers,” called a “particular church” in the current *Book of Order*

The nFOG uses the word “church” in a more precise way than does the current Form of Government. But this precision can actually lead to big problems. For example, in G-10.0401b, the current Form of Government makes the commonsensical point that congregations should keep good accounts that reflect their financial transactions, and that these books be “open to inspection by authorized church officers at reasonable times.” Exactly the same language is used in nFOG G-3.0205b but, by definition in the nFOG, the word “church” means “the PCUSA.” Thus, the nFOG would require that denominational officials have access to the financial records of individual congregations.

The problem pervades the document. In the proposed G-1.0304, under “The Ministry of Members,” one of the items is “supporting the ministry of the church through the giving of money, time, and talents.” The wording comes from the current G-5.0102d and the common sense reading in its context would urge members to support their local congregation, However, under the nFOG, these commitments would be made to the PC(USA).

These are differences in meaning that might be expected to produce arguments in presbyteries and, in some cases, produce surprises in decisions by church courts.

### ***The problem of what is gone, and the problem of trust***

In many cases, the problem with nFOG is not what is there; the problem is with what is *not* there. It is insufficient simply to read the nFOG by itself and thus to decide if it should be adopted. Because it is purposely shorter, and because it purposely omits many requirements that are found in the present *Form of Government*, the only way to evaluate it properly is to examine the nature of the omissions.

Further, the PC(USA) today is torn by disagreements over the meaning and authority of Scripture. The church is embroiled in deep theological and moral conflicts. The result is loss of trust. Trust must be restored before we consider such a massive undertaking as rewriting the document that orders our life together.

### ***Insufficient warrant for change***

The church (at the General Assembly, presbytery, and congregational levels) needs to ask these questions:

- Is a whole new *Form of Government* necessary, or could amendments to the present FOG achieve the goals that most Presbyterians want?
- At this time in the life of the PCUSA, would we be able to maintain our unity without the important safeguards the nFOG leaves out?
- Is the nFOG demonstrably better than the present FOG? How? Why?

The sections that follow will compare the present *Form of Government* with the nFOG on many points, giving references in both documents to help the reader make such an examination.

# **Part 1 of the nFOG: Proposed “Foundations of Presbyterian Polity”** (*designed to replace G1.0000-G4.0403 in the current Form of Government*)

## **How Faulty a Foundation**

The new *Form of Government* (nFOG) proposes to set much of the content presently found in the first four chapters of the *Form of Government* into a separate document called *The Foundations of Presbyterian Polity*.<sup>1</sup> Much of the material presently found in chapters 1 through 4 is incorporated wholesale into the new *Foundations* document. For example, the “Historic Principles of Church Order” found in nFOG F-3.01 are completely unchanged from G-1.0300. Much of the present Chapter 2 on “The Church and Its Confessions” can be found in nFOG F-2.01–2.05, although in a different order. “The Principles of Presbyterian Government” presently found in G-4.0301 are restated in nFOG F-3.02 in the same order, with only a few insertions. The changes appear small.

But even small changes can open the door to serious unintended or unnoticed consequences. For instance, one of the additions, in F-3.0205, would enshrine the present enthusiasm for so-called alternative methods of “discernment” in the constitution—in the foundational section. There are much more serious problems in the new *Foundations*, however.

### ***A diminished view of Scripture***

There is no mention of Scripture in the section on the “Apostolicity of the Church” (nFOG F-1.0302d). There is also no mention of Scripture in the new section on the “Catholicity of the Church” (nFOG F-1.0302c).

What’s more, what *Foundations* does say about Scripture has the effect of diminishing its authority. The present G-1.0100c is quite clear on the church’s responsibility to govern itself according to God’s Word. It says, “Insofar as Christ’s will for the Church is set forth in Scripture, it is to be obeyed.”

The new version, found in F-1.0203, would read: “Scripture teaches us of Christ’s will for the Church, which is to be obeyed.” This clumsy sentence construction would permit those in the Church for whom Scripture’s authority is troublesome, to place Scripture among several sources that make Christ’s will known to us. But it is easy to read the sentence as Christ’s will—loosely attached to Scripture—that is to be obeyed. This continues the problem of separating the Word from Scripture, which has plagued the church in recent years. It would be a constitutional change that undermines confessional teaching on Scriptural authority.

### ***An impoverished Christology***

The new *Foundations* not only reduces the authority of Scripture. It also reduces the authority of Christ. Presently, G-1.0100a recognizes that Christ has been set above “all power and dominion and every name that is named.” G-1.0100b presently speaks of Christ “exercising his authority” over the church “for the establishment and extension of his Kingdom.”

---

<sup>1</sup> . [Footnote: The report’s first recommendation is to strike the current *Form of Government* and insert “two documents, *Foundations of Presbyterian Polity* and a new *Form of Government*....”]

This grand language is lost in the nFOG. It would be much better for the new *Foundations* to quote all of the present G-1.0100 than to downplay the majesty of our Savior by leaving out these important words and themes.

### ***Unlimited, undefined inclusiveness***

Of great concern is the expanded meaning of inclusiveness in the *Foundations* section. nFOG F-1.0403 includes a statement of categories of persons: “God unites persons through baptism regardless of race, ethnicity, age, sex, disability, geography, or theological conviction.” This statement differs in two ways from the present G-4.0403:

*Persons of all racial ethnic groups, different ages, both sexes, various disabilities, diverse geographical areas, different theological positions consistent with the Reformed tradition, as well as different marital conditions (married, single, widowed, or divorced) shall be guaranteed full participation and access to representation in the decision making of the church.*

The first thing to observe is that proposed language is less specific than the current language. Secondly, the current Form of Government’s joining of more specific language with the guarantee of full participation and representation makes clear the limitations on inclusiveness. The new language creates ambiguity by following its statement with new sentences:

*There is therefore no place in the life of the Church for discrimination against any person. The Presbyterian Church (U.S.A.) shall guarantee full participation and representation in its worship, governance, and emerging life to all persons or groups within its membership. No member shall be denied participation or representation for any reason other than those stated in this Constitution.*

Past General Assemblies have resisted attempts to amend the current language by opening it to a broader interpretation of inclusiveness to include sexual practices excluded by Scripture and the Confessions.

Since the second paragraph of nFOG F-1.0403 doesn’t link the list of protected categories in the second sentence to the mandate in the fourth sentence, governing bodies could decide for themselves what further “groups within its membership” are to be protected.<sup>2</sup> Some governing bodies might choose to include other groups such as “gays, lesbians, bisexuals or transgendered persons.” A presbytery that has thus declared such a group to be protected could insist that no session can deny “participation or representation” to any member of such a group. This would in effect require that members of these groups be ordained as elders or deacons.

---

2 . The whole of the second paragraph of F.0403 reads as follows:

*The unity of believers in Christ is reflected in the rich diversity of the Church’s membership. In Christ, by the power of the Spirit, God unites persons through baptism regardless of race, ethnicity, age, sex, disability, geography, or theological conviction. There is therefore no place in the life of the Church for discrimination against any person. The Presbyterian Church (U.S.A.) shall guarantee full participation and representation in its worship, governance, and emerging life to all persons or groups within its membership. No member shall be denied participation or representation for any reason other than those stated in this Constitution.*

Is the current G-6.0106b requirement (G-2.0104b in the proposed document) for “fidelity and chastity” sufficient to counter the “no member shall be denied” language? The nFOG says this:

*No provision of the Book of Order can of itself invalidate any other. Where there are tensions and ambiguities between provisions, it is the task of councils and judicial commissioners to resolve them in such a way as to give effect to all provisions. (F-3.03)*

In other words, let the courts decide what the presbyteries have already decided four times in recent years.

The vagueness of the list in the nFOG opens up other possibilities for an expanded, and even distorted, view of inclusiveness. Presently, only people holding different theological positions consistent with the admittedly broad “Reformed tradition” are guaranteed participation in the life of the church. The nFOG would broaden that protection even further, guaranteeing participation to those holding any “theological conviction,” as long as they had been baptized. Could someone who had been baptized as an infant be excluded from holding office in the Presbyterian Church if he had come to the “theological conviction” that Mohammed was a true prophet of God? In an age when Presbyterian sessions are admitting confessed atheists to membership, this is not a speculation to be dismissed out of hand.

### ***Conclusion***

On balance, the first four chapters of the present *Form of Government* are vastly superior to the *Foundations of Presbyterian Polity* proposed by the nFOG committee. The PCUSA should not weaken the authority of Scripture or the authority of Christ. Our denomination should not open the door to a form of inclusiveness that the Scriptures, the Confessions, and the Christian Church in all times and places have considered to be the brokenness of sin.

## **Part 2 of the nFOG: Proposed “Revised Form of Government”** (*designed to replace G5.0000-G18.0401 in the current Form of Government*)

### **nFOG Chapter 1: Big Problems for Congregations**

It is not sufficient simply to look at what is in the proposed new *Form of Government* (nFOG). Although some of the new provisions in the nFOG present serious problems, the main problem with the nFOG is what it leaves out.

#### ***Potential for problems at congregational meetings***

There are numerous serious omissions. G-1.0501 and 1.0502 in the nFOG leave out three specific requirements dealing with congregational meetings that could affect members’ rights to know and to act:

- Specific timing for the public notice of a congregational meeting (such notice must now be given on two successive Sundays) is currently found in G-7.0303b, but is not in the nFOG.
- The requirement that the congregational meetings be conducted by *Robert’s Rules of Order*, now found in G-7.0302c, is not in the nFOG.
- The quorum requirement of one-tenth of the membership, now found in G-7.0305, is not in the nFOG.

In addition, nFOG G-1.0505 leaves out the requirement for approval of congregational minutes, now found in G-7.0307.

These changes would allow sessions to call congregational meetings on short notice. Congregations could set a much lower quorum for a congregational meeting, permitting important matters to be determined by a small, perhaps unrepresentative minority. In a similar way, avoiding the detail of *Robert’s Rules* may seem attractive at times, but it is good parliamentary process that assures that minorities will be heard. The requirement that congregations can choose to have their minutes read and can make corrections to those minutes is another important means of ensuring accountability. Such specificity in the *Book of Order* has proven to be a prudent way to avoid problems.

Another glaring omission is found in nFOG G-1.0303c. This paragraph leaves out the requirement that the session examine people joining the church through reaffirmation of faith, a requirement now found in G-5.0101f. Members of a session could thus be deprived of their right to ascertain the beliefs of prospective members. A careless session could even allow a professed atheist to become a church member, as long as the person had been baptized as an infant and had at some previous point professed faith. In fact, this happened in one of our churches recently.

#### ***Big losses of congregational power***

The nFOG systematically enlarges the powers of the presbytery at the expense of congregations. The current G-7.0202a says that a newly organized congregation shall elect officers, “making provision in cooperation with the presbytery for their preparation, examination, ordination, and installation.” Thus, newly organized congregations presently have the right to work with the presbytery to train and place their new officers.

However nFOG's G-1.0201 says, "The presbytery shall prepare, examine, ordain, and install these newly elected persons." Under the nFOG, a presbytery could prepare candidates in a way inconsistent with a congregation's values, perhaps even requiring candidates to affirm beliefs that the congregation would not approve.

### ***Permissive powers are gone***

The nFOG omits all mention of "permissive powers." This change limits what business can take place in a congregational meeting. Currently, a presbytery may grant a congregation permission to take up matters not specified in the current G-7.0304, because of the latitude provided in item 5 of that paragraph: "matters related to the permissive powers of a congregation...." By contrast, nFOG G-1.0503 limits congregational business to five discrete topics.<sup>3</sup>

What permissive powers would congregations thus lose under the nFOG? One example is referenced in the recent GAPJC decision, *Sundquist v. Heartland*. In that case the court assumed the right of the congregation to call a meeting with the permission of presbytery when it said: "Congregational meetings called or conducted by sessions for the purpose of voting on dismissal without the involvement of the presbytery are improper and have no binding effect." Thus presbyteries presently have the ability to give congregations the permission to meet and vote on requests for dismissal.

Under the nFOG, presbyteries would retain the authority to "divide, dismiss, or dissolve congregations in consultation with their members" (G-3.0303b). But the nFOG would take away congregations' rights to vote on these, and other, permissive matters. Taking rights away from congregations cannot increase the trust level within our denomination and will not make us more missional.

### ***No more voluntary covenants***

Presently, G-7.0103 makes clear that members "voluntarily" put themselves under the leadership of officers, and that they join in "voluntary" covenanted relationship with one another and with God through Jesus Christ. The words *voluntarily* and *voluntary* are conspicuously removed from G-1.0102 and 1.0103 in the nFOG.

### ***Conclusion***

Given the removal of requirements governing congregational meetings, the vastly increased power of presbyteries, and the inability of congregations to meet openly to discuss their problems, Presbyterians should not rush to place themselves in the involuntary bonds of the nFOG.

---

3. nFOG 1.0503 *Business Proper to Congregational Meetings*. Business to be transacted at meetings of the congregation shall be limited to matters related to the following:

- a. electing ruling elders, deacons, and trustees;
- b. calling a pastor, co-pastor, or associate pastor;
- c. changing existing pastoral relationships, by such means as reviewing the adequacy of and approving changes to the terms of call of the pastor or pastors, or requesting, consenting to, or declining to consent to dissolution;
- d. buying, mortgaging, or selling real property;
- e. requesting the presbytery to grant an exemption as permitted in this Constitution (G-2.0404).

## **nFOG Chapter 2: How ordination standards are affected**

Chapter 2 of the nFOG contains an improvement. G-2.0804 in the nFOG reintroduces a requirement that was in the *Book of Order* before the recent re-write of Chapter 14—the need to tell a pastor-elect about the extent of any dissent in the congregational election that confirmed the call (it was in G-14.0505 but was removed from the present G-14.0533 in a rewrite of that chapter that became effective in 2007). Such a requirement is quite sensible, for what pastor would not want to know about significant opposition to his or her election? Apart from what happens to the nFOG, the original language of G-14.0505 should be restored to our *Form of Government*. That can be done by an amendment.

### ***Ordination standards weakened***

The nFOG contains problems concerning the maintenance of our ordination standards. Presently, G-11.0404f says that pastors of immigrant fellowships may have certain educational requirements waived, but only by a three-fourths vote of the presbytery. The nFOG (G-2.0505a(1)) leaves out this supermajority requirement. The three-fourths requirement is also removed for presbyteries who decide to allow candidates to seek calls before they are completely ready (compare present G-14.0440 to nFOG G-2.0607). There is little point in having rigorous ordination standards if they can be cast aside with relative ease.

### ***Presbyteries lose their vote on areas of ordination examinations***

Under the nFOG, the five areas of examination presently found in G-14.0431 are missing from nFOG G-2.0607d. Currently, the areas of examination are stated constitutionally,<sup>4</sup> and changes must be voted on and agreed to by a majority of the presbyteries. This proposed change removes concurrence of the presbyteries and allows the General Assembly, by means of their own rule, to change the areas of examination.

Under the nFOG, it would thus be possible, in the midst of a candidate's seminary preparation, and without the presbyteries' vote of concurrence, for the General Assembly simply to decide that a new area of examination would be required. By removing the areas of examination from the Form of Government, the General Assembly would be given absolute power to change the areas of examination, and the presbyteries would have no recourse. The fact that a number of significant amendments approved by the General Assembly have failed to gain support of a majority of the presbyteries demonstrates that the General Assembly is not always representative of the grassroots level of the church. When provisions are removed from the *Book of Order*, the majority of presbyteries no longer have any say in how those issues are handled.

Extra study for any new exams the GA might adopt would be on top of the new requirement that candidates “engage in some sort of supervised service to the church” (nFOG G-

---

4. G-14.0431: “...The areas of examinations are:  
a. Bible Content  
b. Open Book Bible Exegesis  
c. Theological Competence.  
d. Worship and Sacraments.  
e. Church Polity.”

2.0606). Such service is presently “encouraged” in G-14.0420, but it would become a requirement in the nFOG. Why should new requirements be instituted at the same time that present ones could be so easily changed? At the very least, the nFOG’s reduction in specific standards portends confusion. Without concrete constitutional language, balkanization of the already-onerous ordination process is quite possible.

### ***Potential for election troubles***

There are a number of omissions that would negatively affect the nomination and election process:

- nFOG G-2.0401 leaves out the specific requirements for congregational nominating committees now found in G-14.0223–4. The nFOG could thus allow people to serve on nominating committees for more than three years, for example, possibly creating a dynasty.
- nFOG G-2.0401 also leaves out the specific requirements for congregational elections now found in G-14.0230, including the requirement that those nominated from the floor be asked beforehand if they are willing to serve. Also missing are the provisions for using secret ballots in certain cases.
- nFOG G-2.0402 leaves out what to do if an officer’s examination is not approved by the session, information that is presently found in G-14.0240.

These omissions might go unnoticed in reading the nFOG without comparison to the current document. In fact, these omissions could go undetected until they were needed. But at that point, it would be too late for a session to make a policy, for the policy itself would be bound up with the personalities of the people involved. The lack of clear constitutional requirements could lead to serious problems in the aftermath of a contentious election.

### ***The purpose of interim pastorates undermined***

G-14.0553 now makes it clear that interim pastors are not eligible under any circumstances to become the next installed pastor of churches they are serving. This absolute restriction, along with a clearly delineated term of service, makes the job of an interim possible, clearing the way for the next pastor without encouraging members to attach their affections to the interim.

But the nFOG G-2.0504c could allow a presbytery to permit interims to become installed pastors by a three-quarters vote. Such a practice would easily short-circuit the process of calling a pastor, and might even divide the congregation between those desiring to continue the process and those who want to simply call the interim. It would definitely make it more difficult for the interim to perform the very tasks he or she is specifically called to do. It’s hard to prepare the way for the next pastor when the congregation is wondering if the interim might be talked into sticking around.

But the two most serious problems with Chapter 2 are still to be mentioned.

### ***Congregations lose power to presbyteries***

The nFOG requires pastor nominating committees (PNCs) to get presbytery’s approval even before submitting a name to a congregation for a vote. The *Book of Order* in its present

form is clear and unambiguous: the committee on ministry shall “advise” the PNC “regarding the merits, availability, and the suitability” of candidates (see G-11.0502d). The presbytery is not required to concur with the congregation’s decision until *after* the congregation has acted on the PNC’s recommendation. G-14.0532 currently says “The action of the congregation, if favorable, shall be presented to the presbytery for its concurrence.”

In stark contrast, the nFOG in G-2.0803 specifies, “According to the process of the presbytery and *prior to making its report to the congregation*, the pastor nominating committee shall obtain approval on the merits, suitability, and availability of those considered for the call” (emphasis added).

Simply put, the nFOG gives a presbytery the authority to pre-approve a candidate before the congregation has a chance to express its own desires. It would be easy for a presbytery to unduly influence, or even impose its will on congregations. An isolated congregation not in the majority in presbytery might easily come to regret such latitude being given to its presbytery.

### ***Indiscriminate inclusivity***

But that’s not the only new requirement presbyteries could make. Presently, G-14.0221 says that congregations “shall elect men and women” to office, “giving fair representation to persons of all ages and of all racial ethnic backgrounds and to persons with disabilities....” In contrast, nFOG’s G-2.0401 simply says that “the nomination and election of elders and deacons shall express the rich diversity of the congregation’s membership and *shall guarantee participation and inclusiveness*,” referencing nFOG F-1.0403 (emphasis added).

What’s wrong with that? F-1.0403 states that people are to be welcomed into the membership of the church “regardless of race, ethnicity, age, sex, disability, geography, or theological convictions.” Could this require officers to be elected who hold “theological convictions” that are contrary to the essential tenets of the Reformed faith? Clearly, inclusivity can be taken too far.

Worse yet, the same paragraph doesn’t say that the church shall guarantee full representation “to the persons or groups mentioned above.” No, the paragraph requires representation for “all persons or groups within its membership.”

The argument that this change in the nFOG permits congregations and presbyteries to find those most fit to serve is not true. In reality, the change would permit practices and behaviors that currently are not permitted. It takes little imagination to foresee that a presbytery that is determined to make “sexual orientation” a protected category could use nFOG F-1.0403 to accomplish its purposes. It could require its congregations to include as officers persons in manner-of-life practices that are currently outside the bounds of eligibility for election as officers.

### ***Conclusion***

In sum, Chapter 2 removes important details of procedure. It waters down or obscures ordination standards. It vastly increases the presbytery’s ability to control who a congregation calls as pastor. And it opens the door for the sort of inclusivity that most Presbyterians find unnecessary at best and immoral at worst. These are changes that would not help the church and would not make us more missional.

## nFOG Chapter 3, part 1: Concentration of power

With the adoption of Chapter 3 of the nFOG, presbyteries would be able to concentrate tremendous power in just a few hands. Along with the omission of many helpful rules, sessions would also lose control over how their congregations' money is used to expand the Kingdom of Christ.

### *Useful rules lost*

G-9.0202b presently limits moderators' terms of office in presbyteries to one year and in synods to two years, but nFOG G-3.0104 says that each council can set its own limits. This could encourage concentration of power in fewer and fewer hands. Although the problem can be solved by a standing rule, that is yet one more rule in a manual to be debated and decided anew by thousands of governing bodies. Other important details *omitted* in the name of brevity include:

- A moderator's ability to convene governing bodies in case of an emergency (G-9.0202a versus nFOG G-3.0104). Not having such a rule in place could be more than a nuisance. Someone dissatisfied with an action taken at such an emergency meeting could appeal the action on the ground that the meeting had been improperly called.
- The requirement that a commissioner serving on a higher governing body recuse himself or herself when that higher governing body reviews actions of the lower governing body to which the commissioner also belongs (G-9.0409b versus nFOG G-3.0108). The loss of this rule could easily lead to abuse of power or the obstruction of justice.
- The number of members required for commissions formed by governing bodies above the session. G-9.0504b says that GA commissions must be not fewer than 15, synod commissions not fewer than 11, and presbytery commissions not fewer than 7. In contrast, nFOG G-3.0109 would allow much smaller commissions to be created. This could allow a small number of people, as few as four, to wield enormous power, since a commission acts in the place of the governing body.

G-10.0202 presently requires that a minimum quorum of a session be two elders and the pastor, but says that sessions may set their own quorum requirement at any higher number. The nFOG in G-3.0203 sets no minimum number, instead allowing each session to make a rule of its own. It's possible that a session wouldn't bother to set a number until a contentious issue arose, causing a dispute about what number is appropriate.

### *Churches must pay per capita and mission assessments*

The nFOG poses enormous danger to the finances of both presbyteries and sessions. For the first time, presbyteries could be required to pay whatever bills the synods and the General Assembly amass. For the first time, sessions could be punished if they did not pay assessed charges—not only for per capita, but also for the mission budget.

Presently, the denomination has two budget categories: *per capita* (for the ecclesiastical "machinery") and *mission* (for denominational ministries). G-9.0404d in the current Form of Government makes it clear that presbyteries "shall be responsible . . . for raising and timely transmission of per capita funds to their respective synods and to the General Assembly." Note

that this responsibility for presbyteries is specifically limited to *per capita* funds. *Mission* giving has always been strictly voluntary for presbyteries.

However, in nFOG G-3.0106, presbyteries “are responsible ... for raising and timely transmission of funds to their respective synods and the General Assembly.” Now note in this proposed wording that since per capita funds are not specified, presbyteries would be held responsible for paying whatever amounts both their synod and the General Assembly decide is their share of their per capita *and* mission budgets. This would be the case even if a presbytery could not approve of some “mission” activities or had insufficient funds to pay for all that General Assembly or the synod decided to charge to the presbyteries.

Sessions fare no better under the nFOG. The present G-10.0102i gives the session the responsibility and power “to establish the annual budget, [and] determine the distribution of the church’s benevolences.” Further, the present list of sessions’ responsibilities to higher governing bodies, found in G-10.0102p, makes no mention of a requirement to make payments to higher governing bodies.

Yet nFOG G-3.0202f changes that arrangement drastically. It makes it “*of particular importance* that sessions . . . send to presbytery and General Assembly requested financial contributions” (emphasis added). Again, per capita funds are not specifically named, so presbyteries could require sessions to support any and all parts of the presbytery budget.

Moreover, a session’s new responsibility to pay whatever presbytery and the General Assembly requests is placed by the nFOG on the same level as the responsibility to “see that... any binding actions” of higher governing bodies “are observed and carried out.” Permanent judicial commissions could newly construe such language to allow presbyteries to punish sessions that for the sake of conscience do not remit “requested” contributions and could allow a presbytery to assume original jurisdiction over a church if the session did not fulfill its constitutional duties.

At the least, because the present language of the *Book of Order* concerning per capita payments would be so radically changed, the PJC cases that presently delineate sessions’ and presbyteries’ responsibilities concerning per capita payments (and make it clear that under the current Form of Government, payment of per capita is a voluntary choice of the session) would have to be relitigated, at tremendous cost to all parties involved and with no expectation that the outcomes would maintain the current status.

## ***Conclusion***

The nFOG Chapter 3 clearly illustrates the peril of removing so many details from our present *Form of Government*. Under the nFOG, tiny commissions could wield tremendous power, and sessions and presbyteries could be forced to make whatever payments higher governing bodies demand. Such an odd blend of coercion and permissiveness should not be approved.

## **nFOG Chapter 3, part 2: Removing Critical Safeguards**

The nFOG section G-3.03 is about the presbytery, which is, after all, the fundamental unit of Presbyterian polity. Unfortunately, the proposed new *Form of Government* (nFOG) is much better at enlarging presbyteries' powers through vagueness than it is at restraining them through precision. That means that there is much room for confusion and abuse of power in this section of the nFOG.

### ***Breathtaking new powers that eliminate due process for pastors and congregations***

Committees on Ministry, with all their specific powers carefully delineated in G-11.0500 of the current Form of Government, would no longer be required if nFOG G-3.0307 is approved. No annual reports on the work of minister members would be required, so there would be less accountability for specialized clergy (compare present G-11.0502a). Triennial visits with sessions would no longer be required (compare present G-11.0502c).

Conversely, presbyteries that desired less accountability for their actions could simply delegate excessive powers to newly created committees or commissions that would have no constitutionally prescribed limits on their powers. For example, G-11.0502h presently says that a presbytery may delegate to its Committee on Ministry the authority "to dissolve the pastoral relationship in cases where the congregation and pastor concur" (see also present G-14.0611-0612).

The nFOG does say that "An installed pastoral relationship may be dissolved only by the presbytery" (nFOG G-2.0901), but it also states that a presbytery "may delegate its authority to designated entities within the presbytery," including "dissolution of relationships" (nFOG G-3.0307). The missing checks and balances would allow any presbytery to grant the power to a "designated entity" to dissolve a pastoral relationship, even when the congregation or pastor does not concur. Moreover, presbyteries could appoint commissions with plenary powers to remove any pastors whose beliefs were not in line with the majority opinion in the presbytery. And what would prevent an overzealous commission from trying to purge the presbytery of pastors with whom the members of the commission did not agree?

Worse yet, nFOG G-2.0901 allows a pastoral relationship to be dissolved without a congregational meeting if "the presbytery expressly finds that the church's mission under the Word imperatively demands dissolution of the relationship without such a meeting." All the careful due process to dissolve a pastoral relationship presently prescribed in G-14.0600, including the requirement of a congregational meeting (G-14.0610, see also G-9.0505b) would be gone. The congregation could be cut out of the process completely!

This is a breathtaking expansion of presbytery powers. The thought that a commission composed of as few as four members could be delegated plenary power to dissolve any and all pastoral relationships without due process should be unthinkable to Presbyterians. This alone should be reason enough to reject the nFOG.

### ***Representation of congregations at presbytery meetings changed***

G-11.0101 presently prescribes the way in which churches shall be represented in presbytery meetings, providing a chart showing the number of additional elders congregations with larger memberships are entitled to send. Such specificity is scrapped by nFOG G-3.0301,

which instead says, “The presbytery shall adopt and communicate to the sessions a plan for determining how many ruling elders each session should elect as commissioners to presbytery.” While nFOG G-3.0301 prescribes that presbyteries “shall take into consideration the size of Congregations,” the new ambiguous language would allow use of other criteria as well, such as contributions, membership on presbytery committees, or even theological stance. Since the manner in which the size of a congregation relates to its representation in presbytery is not specified, a presbytery could choose to have churches with fewer than 100 members send one commissioner and churches with 100 or more members send two commissioners. A church with 100 members and a church with 4,000 members would therefore each send two commissioners, and that would satisfy the vague nFOG criteria. A large congregation out of step with the prevailing presbytery leadership could be greatly under-represented by the elimination of the current specifics.

G-11.0201 is presently very specific about the procedures for calling a presbytery meeting: two ministers and two elders from different congregations can request that the moderator or the stated clerk call such a meeting. The same paragraph also prescribes a ten day advance notice for any called meeting and says that the business addressed in the meeting is limited to those items announced in the call. All these rules are gone from nFOG G-3.0304, which allows presbyteries to issue their own rules for calling special meetings.

Again, potential for abuse resides within such vagueness. Presbyteries could make it all but impossible to call special meetings. And not limiting the business at a called presbytery meeting to the matters prescribed in the call is not only dangerous, it also defies a principle of fairness required by *Robert’s Rules*. At a meeting ostensibly called to conduct a pure formality, such as approving a change in a pastor’s terms of call, a presbyter could introduce business for a vote for which the body was unprepared even to discuss, such as voting on amendments to the *Book of Order*. Without clear constitutional provisions to the contrary, what would prevent that from happening?

### ***Conclusion***

Our Presbyterian system of government is interdependent. It is intended to provide for both fair representation and accountability throughout the church. Radical changes to the system could produce confusion among governing bodies and adversely affect the balance of powers and responsibilities.

## **nFOG Chapters 3 and 6: The General Assembly**

### ***A more powerful, less accountable Advisory Committee on the Constitution***

The nFOG envisions much of the General Assembly's constitutional interpretive powers being delegated to the Advisory Committee on the Constitution (ACC). In fact, the heading of G-6.02 conflates the very idea of constitutional interpretation with the ACC: "G-6.02 INTERPRETING THE CONSTITUTION: THE ADVISORY COMMITTEE ON THE CONSTITUTION."

Under nFOG G-6.02, the ACC would be composed of nine persons, both ministers and elders. Gone are the other present requirements for serving on this committee, such as being stated clerks or "other qualified persons with knowledge of and experience with the Constitution and polity of the church" (see present G-13.0112a). The GA alone would get to decide the qualifications of this powerful committee.

Under the nFOG, the ACC's power could change dramatically. The ACC no longer would be required to answer questions of polity sent to it by any member of a Presbyterian Church (see present G-13.0112c). G-13.0112b now requires the ACC to "submit its report and recommendations no later than sixty days prior to the convening of the next session of the General Assembly." The nFOG stipulates no deadline for the ACC's report and recommendations. Commissioners could thus be asked to vote on constitutional interpretations rendered by the ACC with virtually no time to read or think about them. This adds to the lateness and volume of reports to commissioners that already is a problem. Who can doubt that commissioners overwhelmed by so much last-minute reading would be sorely tempted to go along with whatever the ACC proposes?

There is yet one more concern: One cannot assume that the GA would continue to have full power to approve, amend or disapprove ACC recommendations. In the current *Book of Order*, G-13.0112d requires the ACC to "report its findings to the General Assembly" and says that the "General Assembly shall vote on the recommendations, and may amend or decline to approve them." The scope of the actions available to the General Assembly is missing from the nFOG, which simply states the ACC "shall communicate its report and recommendations to the next session of the General Assembly." Given that the nFOG gives governing bodies broad authority to delegate their powers, there is nothing in nFOG G-6.02 that would prevent the GA from delegating to the ACC all interpretive authority over the present *Book of Order*—by a simple change in its own standing rules—relegating what is now constitutional to a manual.

### ***GA Nominating Committee is eliminated***

The fairness of the nominating process would take a big step backwards in the nFOG. A big shock in nFOG G-3.05 is what is not there: no General Assembly Nominating Committee (GANC). Gone is the ordered nomination process. Gone is the requirement that nominations to General Assembly boards, agencies, and committees be geographically dispersed throughout the synods, or that the members be one-third ministers, laymen, and laywomen. Gone is the requirement that the moderator nominate (rather than appoint) people to serve on the GANC in consultation with the synods (a reform of the process that was instituted by amendment only a few years ago). Gone is the limitation on terms of service on GANC, or on members of the

GANC being appointed to serve on other GA entities until after four years have passed. All of these rules are presently found in G-13.0111.

Under the nFOG, all those details would have to be reinvented in the General Assembly Standing Rules. But a key problem with this is that the presbyteries would have no opportunity to vote on these rules. Instead, GA standing rules are made by the GA for the GA. So, what if the GA were to decide to let the present moderator appoint all the members of all the GA entities up for election that year? No constitution would stop the GA from implementing any such undemocratic process or from making up new rules as it goes along.

### **Bottom-Line Recommendation**

For a wealth of reasons, **the nFOG should not be adopted.** Throwing out our present *Form of Government* would bring many troubles, and there is a paucity of demonstrable reasons to change horses in the middle of such a raging Presbyterian stream. Nothing in the present *Form of Government* is keeping any congregation from being missional—which it should be and can be with the simple will so to serve Jesus Christ.

*The primary research and writing for this document was done by Michael Herrin, pastor of First Presbyterian Church in Port Gibson, MS.*

### ***A Joint Renewal Resource***

*published by*

***The Presbyterian Coalition***

*4604 Grove Ave.*

*Richmond, VA 23226*

[www.presbycoalition.org](http://www.presbycoalition.org)