

Presbyterian Lay Committee's November 2008 letter to churches

November 2008
Moderators and Clerks of Session
Presbyterian Church (USA)

Dear Brothers and Sisters in Christ:

The 218th General Assembly of the Presbyterian Church (USA) established a \$2 million fund to help middle-governing bodies (presbyteries and synods) sue local churches and confiscate their properties. Defying its own constitution, our denomination's highest court has ruled that presbyteries can establish permanent commissions armed with the power to defrock your minister, remove your session, seize your property and even deny your congregation the right to hold a meeting. In some cases, individual lawsuits have been filed against session members and local church trustees.

The Presbyterian Lay Committee believes that this behavior is unconscionable. We cannot allow its perpetrators to go unchallenged. We are asking that your session participate in a vigorous response to the PCUSA's unprecedented assault on its churches.

- a. At the very least, we hope that your session will cut off all unrestricted mission giving and per capita payments to the denomination's higher governing bodies (presbytery, synod, and General Assembly) until they call a halt to their cruel assaults on your brother and sister congregations. By contributing to these governing bodies your congregation has been, albeit unknowingly, participating in this senseless behavior.
- b. Re-direct your unrestricted mission gifts to ministries that you know and trust. In the current economic environment, many Christ centered ministries are hurting for lack of funds. Your session's gift to them could make a significant impact during this difficult time.
- c. Designate your per capita contribution to a *Legal Assistance Fund* that has been established by the Presbyterian Lay Committee. In so doing, you will deny funds to higher governing bodies, which may use your per capita funds to sue local churches; instead, you will be contributing to those congregations' legal defense against such lawsuits.

There are Biblical and governance assurances for our recommended action by your session:

- The Bible: You will remember from the Book of Acts and the Apostle Paul's letters that whenever one congregation came under persecution from Rome or regional Jewish authorities it went underground. Congregations in areas that were not facing persecution took up collections and sent gifts to the beleaguered church in order to sustain them in their time of crisis. This is precisely what we hope your session will do for PCUSA congregations that are being sued by their presbyteries, aided and abetted by the denomination's Office of the General Assembly.
- Presbyterian Polity: *The Book of Order* is crystal clear on the point that your session has absolute and unequivocal authority to direct and disburse all funds received from the congregation. No higher governing body may coerce a session to give money to any cause other than that of the session's own choice. This constitutional principle has been tested in Presbyterian courts on several occasions. In 1992, our highest court ruled in *Central vs. the Presbytery of Long Island* that a presbytery cannot require payments from a session, nor can it punish a session for its refusal to comply with requests for payment from the presbytery.

This landmark decision has been reaffirmed in several subsequent cases, e.g., *Kirk Johnson et al vs. Heartland Presbytery*, and *Minihan and Richards vs. Scioto Valley Presbytery*.

We believe that the denomination's heavy-handed assaults against our congregations are extraordinary, and they warrant an extraordinary response. What we are asking your session to consider is not only consistent with Biblical precedent, it is constitutionally protected.

The Presbyterian Lay Committee asks of you only what we ourselves are willing to do:

- We published *A Guide to Church Property Law* (Reformation Press, 2006, L.Lunceford, Ed). Edited by a nationally recognized church property law attorney, this book offers practical help to congregations seeking to understand their property rights in light of claims by denominational leaders. Hundreds of local churches are using this valuable resource.
- We filed an *Amicus Curiae* brief before the California Supreme Court, contesting assertions by the Office of the General Assembly that the Presbyterian Church (USA) has a "hierarchical" form of government that permits it to confiscate local church property.
- We have compiled a library of pleadings and briefs from numerous church property law cases. These archives are made available as a resource for attorneys representing Presbyterian congregations.
- We have dispatched reporters throughout the United States, filing timely reports on church property lawsuits. No other news service related to the PCUSA provides the in-depth and complete coverage that is offered by *The Layman* and its online edition (www.layman.org).
- We have committed seed money into a special "matching challenge" fund that will be used to assist congregations being sued by higher governing bodies.
- We have established a *Legal Assistance Fund* to receive and disburse re-directed per capita contributions from your session. We will absorb all administrative costs so that one hundred percent of your session's contribution to this fund will be disbursed to congregations that are facing litigation. To ensure transparency, we will retain a firm of independent Certified Public Accountants to audit this *Legal Assistance Fund*. Sessions that contribute to the fund may receive a copy of the audit. Additional assurance of our integrity may be obtained from the Evangelical Council on Financial Accountability.
- We will defend congregations that choose to remain a courageous voice within the PCUSA, as well as those that choose to leave. Either option invites denominational coercion. We will stand by them.

We would have welcomed and supported the leadership of some other group to defend Presbyterian congregations that are under siege. None has stepped forward. Therefore we believe that we must do so. We cannot allow the denomination's assault on our churches to go unanswered. Please prayerfully consider joining us in this work, even as we all pray for the day when it will no longer be necessary.

Sincerely,

<Signature>

Stephen G. Brown,
Chairman of the Board and
Chief Executive Officer