

## Excerpts from briefs

John C. Minihan and J. Randall Richards	Presbytery of Scioto Valley
<p>“Appellants are seeking an answer to a simple question: notwithstanding the high moral responsibility of churches to support the connectional nature of our Presbyterian system of government, is the per capita relationship between sessions and presbyteries still voluntary, or is it now compulsory?”</p>	<p>“ ... the presbytery believes there are broader and deeper issues before this judicial body that are inherent, yet largely unspoken, in the concerns presented by Appellants: (1) whether withholding per capita as a means of dissent or protest is appropriate, and (2) whether a session has unfettered discretion to determine the distribution of the gifts it receives from the congregation (that is, whether or not all contributions from the congregation are ‘benevolences’).”</p>
<p>“In the event this Resolution is found to be constitutional ... one issue will be very clear: per capita will no longer be <i>voluntary</i>, which irrevocably alters one of the sinews of our covenantal relationship. We strongly believe this is an extraordinary price the larger Church should <i>not</i> be required to pay.”</p>	<p>“The presbytery has not adopted any policy or guidelines as to what may constitute an ‘excuse’ under the motion. It is anticipated that each request for an excuse will be considered on a case by case basis, but it was made clear that the presbytery would not and could not enforce payment of per capita or punish or penalize nonpayment.”</p>
<p>“True covenant cannot be legislated or enforced. It can only be embraced. The Presbytery’s action in mandating compulsory per capita violates not only the letter of the law, but it also violates the spirit of Presbyterian connectedness, which rests on mutually embraced covenant.”</p>	<p>“The last sentence of G-9.0404d is: ‘The presbyteries may direct per capita apportionments to the sessions of the churches within their bounds.’ Does this mean that a presbytery may instruct a session to pay per capita if the presbytery votes to use per capita as a means of funding the presbytery budget? Or does this mean that a presbytery may only ‘send a bill’ to a session for per capita, and that a session receiving such a bill may choose to ignore it?”</p>
<p>“... at various meetings of the Presbytery individual pastors and churches have been verbally singled out by name and questions raised about punishment or discipline for non-compliant churches. This, despite the clearly defined limits of church power outlined in The Historic Principles of Church Order, set forth in our <i>Book of Order</i>...”</p>	<p>“Appellants infer that a church may be punished if it fails to meet its responsibility or if it is not ‘excused’ from making its per capita payments. The presbytery believes there is no basis for such inference.”</p>
<p>“By making per capita mandatory, the Resolution violates our system of connectedness which is grounded in covenant and not compulsion.”</p>	<p>“The presbytery urges the GAPJC to clarify that the withholding of per capita payments is not an appropriate means of protest or dissent.”</p>
<p>“... we respectfully request that the GAPJC reverse the decision of the SPJC, rescind the Resolution, and declare that the per capita payments of sessions constitute a voluntary relationship and that the Presbytery’s Resolution is unconstitutional and void <i>ab initio</i>.”</p>	<p>“We respectfully request that this Commission (1) uphold the decision of the SPJC; (2) determine that benevolences under G-10.0102i means mission funds; and (3) determine that withholding of per capita is not an appropriate means of dissent or protest.”</p>