

FORM NO. 6
COMPLAINT, D-6.0301

Rev A. Kirk Johnston,

Complainant

v.

Heartland Presbytery

Respondent

Statement of Complaint

I, Rev. A. Kirk Johnston, Pastor, of the First Presbyterian Church, Paola, Kansas, complain to the Synod of Mid-America against Heartland Presbytery concerning an irregularity at its meeting at First Presbyterian Church of Lee's Summit, Mo. on the 17th day of June, 2003. At that meeting the Presbytery did approve the following motion/policy that violates the constitution of The PCUSA:

The Presbytery Council of Heartland Presbytery moves that no congregation be considered eligible to request assistance from the presbytery in the form of mission support, shared grants or loan guarantees unless that congregation has demonstrated its full participation in the fiscal and ecclesiastical life of the presbytery including the paying of per capita, the making and meeting of a mission pledge, being current on Board of Pensions dues, the filling of annual statistical reports, and the annual reporting of the pastor's terms of call.

The Complainant believes that this motion/policy and the action approving it were irregular and the governing body failed to act as constitutionally required in the following list of particulars:

1. The presbytery unconstitutionally attempts to mandate to sessions and congregations the payment of per capita and mission pledges. Our Constitution provides in G-10.0102h, i, and j, that the session has sole responsibility to distribute the gifts of its people.

This right is recognized by the highest governing bodies of our denomination. The General Assembly Permanent Judicial Commission affirmed that right in *Session, Central Presbyterian Church v. Presbytery of Long Island* (Minutes 1992, page 179) and reaffirmed the ruling of that case in *Minihan and Richards v. Presbytery of Scioto Valley*, Remedial Case 216-1, July, 2003. Those cases state that presbyteries may not compel a session to transmit the per capita assigned to it under G-9.0404d of the Book of Order. Those cases hold that the term "benevolences" in G-10.0102i includes per capita funds. The term also includes mission pledges.

2. The Presbytery unconstitutionally attempts to punish a congregation for failure to pay per capita or failure to make and pay a mission pledge by denying a congregation the right to be considered for loan guarantees, shared grants, or mission support based solely on the criterion of whether discretionary contributions have been made. The authoritative

interpretations of our constitution by the General Assembly Permanent Judicial Commission consistently hold that a session may not be punished for failure to pay money to a presbytery.

a). The motion/policy of Heartland Presbytery is irregular because in *Session, Central Presbyterian Church*, above, the Commission said that a presbytery may prepare a list of churches which pay or do not pay per capita, but that “A church may neither be compelled to pay nor punished for failure to pay any amounts pursuant to a [per capita] plan.” The Commission further stated that “coercive actions, such as demanding payment, assessing interest, or otherwise penalizing a church which is behind in making payments was not permitted, The ruling in *Session, Central Presbyterian Church* was reaffirmed in *Minihan v. Presbytery of Scioto Valley*, above.

b). The motion/policy of Heartland Presbytery is irregular because it takes coercive action solely on the non-payment of voluntary contributions. In *Minihan v. Presbytery of Scioto Valley*, above, the General Assembly Permanent Judicial Commission cited its ruling in the case of *Westminster United Presbyterian Church of Port Huron, Michigan, v. The Presbytery of Detroit* (UPC, 1976, page 228) in which it disapproved the presbytery’s removal of a pastor and dismissal of a session because those presbytery actions were based “only upon refusal to pay per capita apportionment without other cause shown.”

3. The Constitution and authoritative interpretations are clear that per capita payments and mission pledges are voluntary and a church may neither be compelled to pay nor punished for failure to pay. The Heartland Presbytery has by its actions unconstitutionally encroached on the right of sessions to determine their church’s benevolence and unconstitutionally sought to punish sessions which fail to pay per capita or mission pledges by declaring such congregations ineligible to request or receive mission support, shared grants, or loan guarantees solely on the basis of nonpayment of per capita or mission pledges.

4. This action unconstitutionally forces any Heartland Presbytery church that fails to meet the criteria set forth under this action, to act alone as owner and guarantor of its property .

For example, under the definitions of this action, the First United Presbyterian Church Paola Session, its pastor and staff would be forced to seek other loan guarantors, find its own support and mission help –i.e. to act on its own as owner of property. At the same time our constitution makes no “local” provision for ownership of property. Presbytery’s action unconstitutionally disconnects Paola. This action creates a double Jeopardy – making it impossible for the Paola Session to pursue its growing mission, fund its ongoing building program and keep faith with the constitution.

5. By usurping the congregations right to distribute the gifts of its people (G-10.0102h, I, j.) Heartland Presbytery’s action mutes the rightful witness to higher Governing bodies, of any congregation acting to best steward gifts given to the cause of Christ.

Complainant has the right to complain because he is an active Minister of Word and Sacrament and member of Heartland Presbytery and was present at the June 17, 2003, meeting of Heartland Presbytery.

Complainant requests that the Synod of Mid America order the Heartland Presbytery to rescind its motion/policy and action regarding the ineligibility for assistance for churches which have not paid per capita assignments or made and paid mission pledges.

Date

Signature of Complainant(s)

[Form No. 7 must also be filed.]

Bottom of Form

FORM NO. 7 CERTIFICATION OF SERVICE OF COMPLAINT, D-6.0301f

I hereby certify that a copy of the above complaint was served upon Heartland Presbytery by delivering it to S. Kim Leech, stated clerk, Heartland Presbytery by personal delivery on the 5th day of September, 2003.

Date

Signature of Complainant(s)