



October 16, 2006
Strategy Team Interim Report

Dear Sisters and Brothers in Christ:

As many of you know for the past year or more denominational leadership in Louisville has been planning and preparing for a pre-emptive punitive action against any PC(USA) congregation that seeks to leave the denomination.^[1] See, e.g., the “Louisville Papers”^[2] available at www.layman.org. Portions of that plan have already been implemented against present and former member churches of the PC(USA).

At the Tulsa Convocation in July 2006, the New Wineskins Association of Churches formed a nine-member Strategy Team with the following commission:

[to] develop a transition plan and ... make recommendations to the Association leadership team and the 2007 winter convocation. The strategy team will consider a wide range of options for action, which will include an examination of Biblical, spiritual, missional, congregational, strategic, legal considerations, and which could include the request for dismissal of a congregation from its presbytery.

Our commission calls for the submission of a final report to the New Wineskins Convocation in Orlando on February 8-9, 2007. As we move forward toward completion of the final report, we are mindful that there are preliminary steps that prudence demands of individual churches in the run-up to our February convocation in Orlando. Accordingly, the purpose of this letter is to make requests of, and to suggest certain preliminary actions to, our New Wineskins congregations and all others who would listen.

Requests

A. The Strategy Team requests your prayers that God will give us the wisdom and energy to address the difficult task that faces us. Without His hand upon us we shall surely fail.

[1] All while the Stated Clerk of the denomination was encouraging a period of discernment.

[2] "Church Property Disputes: A Resource for those Representing Presbyterian Church (U.S.A.) Presbyteries and True Churches in the Civil Courts." and "Processes for use by presbyteries in responding to congregations seeking to withdraw."

B. We also ask that you pray for the PC(USA) leaders in Louisville and our New Wineskins Leadership Team. The potential for damage to the cause of Jesus Christ is very great. Please pray that the leadership of all concerned will come and reason together to peacefully resolve our many differences in accordance with *Matthew 5:25*^[3], thus avoiding potentially devastating and costly waves of litigation.

Recommendations for all congregations

While each individual congregation will ultimately make its decision regarding its continued membership in the PC(USA), it would be prudent and reasonable for the Session and/or Trustees of any congregation that foresees the *possibility* of separation to do the following:

1. In response to the disclosure of the Louisville Papers, prepared by lawyers who are PC(USA) employees in Louisville, immediately retain legal counsel to evaluate the property issues that are specific to your individual church and to protect your trustees, elders, pastors and other church officers from potential litigation. **You should consider independent legal counsel to help interpret these documents and prepare you for how you might respond.**

In particular, you need to discuss with your attorney preparation for suit against governing bodies that attempt to implement the Louisville Papers. These privileged and confidential papers contain detailed plans on how presbyteries and synods would take over congregational property, and threaten pastors and church officers. Your preparations should include petitions for temporary restraining orders that may be necessary in the event Presbytery attempts to take your church by force. While it is incomprehensible to us that a presbytery would employ such tactics, some have already done so. Ironically, during the same time the Stated Clerk of the PC(USA) has called for a period of discernment.

2. You need to protect your property because local church officers (elders and trustees) may well have a fiduciary duty to the congregation/corporation to do so. You should also protect your church officers through the purchase of insurance and/or making indemnification as Louisville may well sue the individuals personally (e.g., the “Louisville Papers”). Consult your counsel and your insurance agent for the “hows and whys.”

3. In preparation for meetings with counsel, gather together the papers necessary to bring the attorney up to speed on the situation within the denomination, including:

- a. the Louisville Papers
- b. your articles of incorporation
- c. your corporate by-laws (for churches that are incorporated)

^[3] “Come to terms quickly with your accuser while you are going with him to court, lest your accuser hand you over to the judge, and the judge to the guard, and you be put in prison.” (ESV)

- d. your deeds for all real property
- e. financial information reflecting all bank accounts and trusts of which your congregation is a beneficiary
- f. the Book of Order (especially Chapter 8) and Book of Confessions (see e.g. <http://www.layman.org/layman/news/2006-news/comm-confessions-offer-strong.htm>)
- g. any other papers or records that might reflect on the legal interests of your congregation and/or the denomination in your property.

4. Congregations should take all necessary steps to completely inform your congregation, as soon as possible, regarding the issues of the last 40 years which have brought the PC(USA) to its present state. Specifically, they should be made aware of the intimidating tactics that have been used to suppress dissent by pastors within the denomination and the actions taken against congregations seeking to be dismissed from their presbyteries as provided by G-11.0103i. Be sure to review the actions of Louisville since the General Assembly in June (e.g. the “Louisville Papers”, the PUP Report, "The Trinity: God's Love Overflowing," the treatment of dissenting churches in Iowa, the situation with the Kirk of the Hills in Tulsa, e.g. <http://tomgrayofthekirk.blogspot.com/>). Look also at the actions recently taken by a number of churches and presbyteries to reject Recommendation 5 of the PUP Report.

We specifically encourage every member of the denomination to read the Louisville Papers in order to understand the urgency of this occasion.

5. We sense that, due to matters of conscience or because of specific situations (theological or legal), some of you may feel you cannot wait until February to request to be dismissed from your presbytery. **We encourage you to wait until the convocation in February before you take action. We will have concrete recommendations for you at our meeting in Orlando.** It is important to remain united in order that we may take unified and collective action. In the words of Benjamin Franklin, “We must hang together or, most assuredly, we will all hang separately.”

If you feel you must depart before February, we ask that representatives of the New Wineskins Association of Churches have the opportunity to discuss this decision with you to help in your process of discernment. Be assured that we are praying with and for you.

It was decided in Tulsa that the identity of the strategy team should be confidential to avoid punitive action against ordained members of the team by the PC(USA) national and regional leadership. Among the elder membership on the team are two attorneys. In order to facilitate the flow of property-related information to our churches, they have suggested making, and we have agreed to make, their identities known. These elder/attorneys are:

Michael R. McCarty, Esquire
Cozen O'Connor
1900 Market Street
Philadelphia PA 19103

215-665-2076
(Or: Toll Free: 800-523-2900)
Fax: 215-701-2076
mmccarty@cozen.com

Dennis W. Gorman, Esquire
Schmiedeskamp, Robertson, Neu & Mitchell
525 Jersey Street
Quincy IL 62301
(Mail: P O Box 1069, Quincy, IL 62306-1069)

217-223-3030
Fax 217-223-1005
dgorman@srm.com

NOTE: These two individuals do not represent the New Wineskins Association of Churches but are available as resources to you or your attorneys to suggest additional sources of information and the names of attorneys and law firms that might be able to assist you. The mere recitation herein of their names **does not create an attorney-client relationship** with any particular church or individual. *The New Wineskin Association of Churches does not offer legal advice and the listing of the names of these volunteers in no way constitutes legal advice but are listed only for the purpose of facilitating information.* They specifically recommend that you and your attorneys read *A Guide to Church Property Law* (Lloyd J. Lunceford, Esquire, General Editor, Reformation Press 2006).

While our Strategy Report is still in the drafting stage, we can tell you, pursuant to the commission given to the Strategy Team in July in Tulsa, a plan for dismissal of a congregation or congregations from its presbytery will be suggested at the February meeting in Orlando for those who wish to leave the denomination. There will also be a strategy suggested for those who wish to remain within the denomination.

Our team has one principle that overrides all others as we labor in these efforts, and that is: "It is all about Jesus."

These are difficult times because man-made polity has been elevated above Scripture by our denominational leadership. We pray that they will come to realize that fealty and devotion to the church universal—the bride of Christ—must always supersede temporary human organizational arrangements. We pray that the leadership of the PC(USA) will come to acknowledge that when polity and humanistic concerns diverge from, are in opposition to, or are given precedence over holy Scripture, the Triune God's revealed Word, the Church's only infallible rule of faith and life, then believers must take a stand.

We also find comfort in the words of Martin Luther:

Unless I am convinced by Scripture and plain reason - I do not accept the authority of the popes and councils, for they have contradicted each other - my conscience is captive to the Word of God. I cannot and I will not recant anything

for to go against conscience is neither right nor safe. God help me. Amen.

Indeed, God help us all. “Even so, come, Lord Jesus. Amen.”

The New Wineskins Strategy Team
