



September 15, 2015

Ms. Betsy Pasley, Clerk
University Presbyterian Church
300 Bushnell Ave.
San Antonio, Texas 78212

Re: *First Presbyterian Church of San Antonio v. Mission Presbytery*, Cause No. 2015-CI-07858

Dear Ms. Pasley:

We received your letter dated September 4, 2015 from the Session of University Presbyterian Church (UPC). We regret UPC's perception that the Session of First Presbyterian Church (FPC) "might see us, as a session committed to the PCUSA, as somehow less than faithful in our service of Christ in the world." This Session does not hold such a view and does not encourage its members in such beliefs. Rather, for a second time, it is UPC's Session that has sent a letter to FPC regarding its perceptions of FPC's actions and doctrinal positions.

What UPC's Session has called the "elephant in the room" (PCUSA's position on LGBT issues) is not at issue in the legal dispute between FPC and Mission Presbytery, nor was it FPC's motivation in filing suit for declaratory judgment. As UPC acknowledges in its letter, the PCUSA currently allows the session of a particular church to determine the policy on marriage for that particular church. Likewise, ministers currently are allowed freedom of conscience on whether to perform same sex marriages. Under the First Amendment of the United States Constitution, the courts do not have jurisdiction over ecclesiastical issues such as marriage policy and FPC has made no mention of it in its petition.

Moreover, we disagree that FPC was motivated to fight over "earthly spoils," as you implied in your letter. FPC has always held title to its property and has always had control of its finances, independent of any review by Mission Presbytery or the PCUSA. It has never taken any action to transfer this property for the use, benefit or control of the PCUSA. It exercised the exemption to the Trust Clause in the Book of Order in 1984 and incorporated this exemption in its by-laws in 1990. Mission Presbytery acknowledged this exemption in 1991, as it did for many other churches in this presbytery.

Regrettably, the PCUSA has made property a central issue by tying dismissal of a church to the value of a church's property and by requiring participation in an onerous process that does not recognize the legal rights of the local church. We are not aware of any other Presbyterian denomination that asserts a claim of beneficial ownership in the property of constituent churches. Mission Presbytery has asked the court to declare that it is entitled to the control, use and benefit of FPC's property. To our knowledge, neither Mission Presbytery nor the PCUSA has ever contributed funds to the purchase of FPC's property or toward its finances. To the contrary, since 1999, FPC has contributed approximately \$1.67 million to the PCUSA. There have been instances in which a presbytery (here and elsewhere) has divided a church, reduced the size of the church so that it is no longer viable, or even closed a church rather than allow it to continue intact as a "people of faith" in another denomination.

Our concern is for the membership and the health, mission and future of First Presbyterian Church of San Antonio. We did not file the lawsuit without considerable thought, analysis of Scriptures and prayer. FPC representatives met with representatives of Mission Presbytery on two occasions to explore options. FPC has continued to express its willingness to meet with Mission Presbytery to discuss other options. Mission Presbytery's only response, however, has been to send a letter announcing it had formed an investigating committee to look into allegations The Rev. Ron Scates has violated his ordination vows.

We respect the Session and members of University Presbyterian Church. We also respect the right of its Session to determine the policies and finances for University Presbyterian Church. We, in turn, ask for your respect, patience, tolerance and forbearance as we, like hundreds of other churches in the denomination, work through these complex legal, Scriptural and theological issues.

On behalf of your Brothers and Sisters in Christ,

A handwritten signature in black ink, appearing to read "N. A. Stuart III". The signature is fluid and cursive, with a large loop at the beginning and a long tail.

N. A. STUART III, M. D.

CLERK OF SESSION

FIRST PRESBYTERIAN CHURCH OF SAN ANTONIO