

First Presbyterian Church, San Antonio and the Presbyterian Church (USA)

Frequently Asked Questions

I. BACKGROUND: THE PRESBYTERIAN CHURCH (USA) or PC(USA)

- 1. What is the Presbyterian Church (USA)?** The PC(USA) is the largest of 17 Presbyterian denominations in the United States. It was established in 1983 with the reunion of the “northern” Presbyterian denomination known as the United Presbyterian Church in the USA (UPCUSA) and the “southern” Presbyterian denomination known as the Presbyterian Church in the United States (PCUS). The union with the PC(USA) was accomplished by a vote of the presbyteries, not the individual churches. FPC has been affiliated with five different denominations in its 170 year history: The Presbyterian Church of the United States of America; The Old School Assembly; the Presbyterian Church of the Confederate States; the Presbyterian Church in the United States (PCUS), and the PC(USA).
- 2. What makes a church “Presbyterian”?** Presbyterians share a common theology known as the “Reformed” tradition and operate under a Presbyterian form of governance. Its roots go back to John Knox and John Calvin. Presbyterians are often characterized by belief in the Sovereignty of God; justification by faith alone in Jesus Christ; the doctrine of election; and adherence to the teachings of Scripture.
- 3. What is the Session?** The local church is governed by the Session, which is comprised of ruling elders or presbyters (members of the church elected by the congregation) and teaching elders (ordained pastors). Pastors are members of the presbytery, not the local church.
- 4. What is the Presbytery?** All Presbyterian churches are grouped into district “councils” called Presbyteries. First Presbyterian belongs to Mission Presbytery, which comprises an area from Austin to the Rio Grande border. The Presbytery’s role is to assist churches to be faithful and healthy by providing accountability and oversight.
- 5. What is the “Synod”?** Synods are regional bodies comprised of a group of presbyteries. Mission Presbytery is part of Synod of the Sun, which includes Texas, Oklahoma, Arkansas and Louisiana.
- 6. What is the General Assembly?** The General Assembly (GA) is the biennial gathering of the national church. It includes about 600 voting commissioners (half pastors/half elders) elected from each of the 173 Presbyteries. GA is a week-long meeting in which many business items are considered. These can include changes to the Book of Order and/or the Book of Confessions, or other policy issues.
- 7. How do GA and Presbytery decisions affect our local congregation?** First, GA affects what we are to believe. Each congregation in the PC (USA) is governed by the PC (USA) Constitution, which consists of the Book of Confessions and the Book of Order. Any changes to the Constitution, as approved by the GA and/or a majority of the presbyteries, become authoritative for local churches. Second, the denomination affects the selection of pastors. Though the call for a new pastor initially comes from the congregation, the presbytery examines and approves each candidate. Pastors are selected from a pool of candidates approved by the PC(USA). Third, the PC(USA) affects church leadership. Presbyteries can exercise disciplinary action and remove a pastor or Session or exercise control of finances, under some circumstances. Finally, the PC(USA) and Mission Presbytery affect church property. They assert a claim of the right to control the occupancy and use of FPC’s property.

II. SO WHAT ARE FPC'S CONCERNS WITH THE PC(USA)?

The Session of FPC recognizes the faithfulness and witness of most of the PC(USA) in the service of Christ. The Session is concerned, however, that the PC(USA) has taken actions to move away from foundational values found in Scripture and expressed in our Confessions, and has embraced a less orthodox theology, along with a more political ideology. Our concerns fall into six main areas: (1) the authority of Scripture; (2) the centrality of Jesus as Lord and Savior; (3) the mission of the church; (4) the governance of the church; (5) the decline of the denomination; (6) PC(USA)'s claim of a beneficial interest in and right of control over FPC's property; and (7) the consequences of the changes within the denomination.

- 1. The authority of Scripture.** When the New Form of Government (nFOG) was adopted, there was a shift in the language regarding the requirements of candidates for ordained office. Previously, candidates had to promise to “lead a life *in obedience* to Scripture.” The new language only says that councils examining candidates “shall be *guided* by Scripture and the confessions.” The difference is significant. In simple terms, “guided by” suggests more flexibility when it comes to adhering to the teaching of Scripture. “Obedient to” affirms the authority of Scripture, and affirms the imperative to submit to the teaching of Scripture.
- 2. The centrality of Jesus as Lord and Savior.** While our Confessions and the document *Hope in the Lord Jesus Christ* both affirm Jesus as “The only Savior and Lord,” there is evidence of a greater diversity of views on Jesus and his unique power to save. In a 2011 denominational survey, nearly 60% of PC(USA) members and 23% of pastors agreed or were neutral on the statement, “All the world’s different religions are equally good ways of helping a person find ultimate truth.” Some PC(USA) pastors openly preach pluralistic views without admonishment. Further, 50 Presbyterian churches in the United States are part of the Progressive Christianity movement. One of that group’s core principles is that “We affirm that the teachings of Jesus provide but one of many ways to experience the Sacredness and Oneness of life.” By contrast, the denomination has taken disciplinary action against pastors in churches who hold more Orthodox views of Scripture, especially those that consider leaving the denomination. Examples include the Rev. Joe Rightmyer, former interim pastor at Highland Park Presbyterian Church and our own Interim Senior Pastor Ron Scates.
- 3. Change in the mission of the church.** The word ‘mission’ has shifted over time to mean primarily ‘social justice’ and political activism. The denomination has a lobbying office two blocks from the Capitol, and General Assemblies regularly consider overtures and make policy pronouncements on issues like immigration, tax reform, gun control, drones, wage policy, the environment and other issues. In 2014, the GA voted to permit clergy and churches to perform same-sex weddings and voted to divest itself of stocks (Caterpillar, Motorola and Hewlett Packard) as a protest against Israeli policies in Palestine. Social justice IS important to our Christian witness, but Christians can and do differ over the means for bringing about justice in the political arena.
- 4. Our governance.** We find that the PC(USA)'s top-down orientation, the New Form of Government, and Permanent Judicial Council decisions have made governance more hierarchical and more burdensome. Other Presbyterian denominations have a flatter, more flexible and responsive structure. Their primary purpose is to *support* their members, and they make no claim to a congregation's property.
- 5. Decline of the denomination.** In 1967, the combined membership of the two pre-cursor PC(USA) denominations was over 4.2 million. After merging in 1983, the total was 3.1 million. In 2014 membership dropped to 1.67 million members. From 2012 to 2014 the PC(USA) lost 15% of its members. In Texas, 22 churches have left the PC(USA) since 2012 to join other Reformed Presbyterian denominations. Most churches have gone to either the ECO: A Covenant Order of Evangelical Presbyterians or the Evangelical Presbyterian Church (EPC). A few have affiliated elsewhere. [For a side-by-side comparison of PC(USA) with ECO and EPC, see the FPC

denominational comparison. Of the churches remaining in the denomination, half have membership of less than 100 members.

In addition, the PC(USA) has lost many pastors. In the past three years, hundreds of pastors have left the PC(USA) and joined other denominations. This significantly reduces the pool of pastors from which to draw leadership in the future.

6. **PC(USA)'s claim of beneficial interest in and right to control FPC's Property.** Title to FPC's real property is in the name of First Presbyterian Church of San Antonio. Some of the deeds date back to 1908. When the PC(USA) was formed in 1983, however, a clause was added to the Book of Order that says all property of a local congregation, no matter how title is held, it is held nonetheless in trust for the use and benefit of PC(USA). *See* G-4.0203. But it also contains a provision that says a church can be exempted from this provision. *See* G-4.0208. On June 10, 1984, the congregation of FPC voted to exercise this exemption. FPC's 1990 bylaws and 2015 amended bylaws incorporate this exemption.

FPC has never taken any action to acknowledge a trust for the benefit of the PC(USA) or transfer its property for the use, benefit or control of the PC(USA). To our knowledge, Mission Presbytery, Synod of the Sun, GA, and their predecessors have never made monetary contributions to FPC. In light of these facts, we question how the denomination and presbytery can claim ownership of this church's property.

7. **What consequences have come from these changes?** Apart from the membership losses mentioned earlier, several long-time global church partners have broken ties. These include: The National Presbyterian Church of Mexico, July 2011; The National Black Church Initiative, a coalition of 34,000 churches, with 15.7 million African-Americans, March 2015; the Independent Presbyterian Church of Brazil (IPIB), July 2015; and the Evangelical Presbyterian and Reformed Church of Peru (IEPRP), July 2015. In 2012, three Hispanic churches in the Rio Grande Valley that had been started by the Presbyterian Church in Mexico over a hundred years ago voted to leave the PC(USA) by "renunciation of jurisdiction." They walked away from all of their property in order to remain faithful to their orthodox understanding of Scripture and to keep their members together. Although they pleaded with Mission Presbytery to allow them to keep their property, the presbytery refused to allow them to keep a dime. One of these churches has been shuttered. The PC(USA) elected to see a church close rather than allow it to continue as a people of faith in another denomination.
8. **Isn't our desire to leave really about gay marriage?** No. While the Session of this church does not agree with the recent actions of Mission Presbytery and GA on this issue, the PC(USA) currently allows the Session of each church to determine marriage policy for the church. It also allows pastors freedom of conscience on this issue. We recognize that many of our members are LGBT, or have family members who are LGBT and that all of us have friends who are LGBT. We believe that Jesus wants to be in a relationship with every person and we welcome all people of any age, gender, ethnicity, economic sphere, and sexual orientation to learn about and follow Jesus. We confess that we have not done what we should have done in ministering to our own members and families on this issue. Our humble understanding of God's intention for sexual intimacy, as expressed through Scripture, however, is that sexual intimacy is to be expressed in a permanent covenant relationship between a husband and wife. While churches differ on this issue and people within our congregational family differ on this issue, we ask that persons who have different views remain in community, honor each other with respect and love, and stay centered on Jesus.

III. SHOULD WE STAY OR LEAVE?

- 1. Why can't we just stay in the denomination and do our own thing?** When the Church Relations Committee issued its report in 2012, it listed three options: (1) stay in the PC(USA); (2) leave the denomination; or (3) stay in the denomination, but associate with a group of more conservative churches through an association such as the Fellowship Community. The session chose the third option. During the past three and one-half years, however, the changes in the denomination have accelerated. With churches leaving the denomination, the PC(USA) likely will look very different in the future. We believe we have reached a tipping point in the life of the denomination: the conservative voice has been lost. The progressive voice controls and it will be more difficult in the future to obtain presbytery approval for pastors who hold orthodox views. Many pastors who hold orthodox views feel, at best, marginalized and, at worst, that they are being jettisoned from the denomination. The Session is also concerned about the continuing loss of membership in our own congregation, especially younger members. If we stay in the PC(USA), this church will be more marginalized and will continue to have to spend time and energy opposing denominational actions. This is a distraction to FPC's real mission. We believe the time and energy spent on denominational matters would be better spent on evangelism, mission and service to others.
- 2. What are the options for leaving the denomination?** There are two ways a church may leave the denomination: (1) by requesting dismissal from the denomination by the presbytery under the Book of Order; and (2) by a vote of disaffiliation under civil law.

Dismissal by Presbytery. The Book of Order states that a presbytery is responsible for "organizing, receiving, merging, dismissing, and dissolving congregations in consultation with their members..." G-3.0301. The Presbytery can also "divide, dismiss, or dissolve congregations in consultation with their members." G-3.0303b. The PC(USA) takes the position that a church may not unilaterally vote to leave the denomination; only the PC(USA) has the authority to dismiss a church to another denomination. *See Advisory Opinion: Note 19.*

Disaffiliation. Civil law recognizes the right of a church and its members to determine its affiliation and authorizes the courts to determine the ownership of church property. In *Jones v. Wolf*, 443 U. S. 595 (1979), the Supreme Court of the United States rejected the notion that property disputes were an "ecclesiastical" matter and held that courts can decide property issues based on factors to be determined by the states. The Supreme Court of Texas articulated these factors, holding property disputes could be decided under "neutral principles of law." *Masterson v. Diocese of Northwest Tex.*, 422 S.W.3d 594, 603 (Tex. 2013). Under the Texas standard, a court can review the deeds, articles of incorporation, state trust laws and church constitution (Book of Order) and decide the legal rights of the parties. The court also recognized the right of the local church to vote on whether to leave the denomination.

- 3. Why isn't FPC following the Gracious Separation Process?** First, the Book of Order does not prescribe a process by which a church may leave the denomination. In 2008, General Assembly authorized presbyteries to develop such policies and they vary from presbytery to presbytery. The process adopted by Mission Presbytery in 2012 is one of the more restrictive policies in the country. It requires a quorum of 35% of all members and a vote of 80% of those attending to leave the denomination. If 21% of the members of FPC vote to stay in the denomination, that minority would determine the future of the church. If 80% of the congregation votes to leave, it must then negotiate to buy its property. That requires another vote with the same 35% quorum and the same 80% of the membership to approve the terms. Under Mission Presbytery's policy, even if 100% of the members voted to leave the denomination, the congregation still must pay Mission Presbytery a minimum of 10% of the value of all of its assets.

Second, the dismissal process can be divisive. Presbytery sends in listening teams and commissions to meet with the congregation. By courting members loyal to the denomination, presbyteries have divided churches, reduced them to a size that is not viable or even closed the church, rather than allow it to affiliate with another denomination.

Third, Mission Presbytery's separation policy ignores FPC's property rights under Texas law or consider the source of funding. The PC(USA) requires a presbytery to enforce the "Trust Clause." When a church asks to be dismissed, a presbytery must consider the value of all of the financial assets of the church's property when deciding whether to allow a church to leave. *Tom v. Presbytery of San Francisco*, General Assembly Permanent Judicial Council (2012).

Finally, even if the presbytery and a church agree on terms, the denomination is not bound by that agreement. A member of presbytery can challenge the decision and take the case on appeal through the courts of the PC(USA). *Presbytery of New York v. McGee*, General Assembly Permanent Judicial Council decision (2014). The appeal process in the ecclesiastical courts can take several years. Moreover, the PC(USA) claims all of FPC's property is held for its benefit and that it has the right to control the use of FPC's property. Presbytery is not a neutral forum in which to decide property rights.

In a nutshell, the position of the PC(USA) is (1) the denomination claims a beneficial interest in and right to control FPC's property; (2) no church can leave without permission; (3) if a church wants to leave, it has to pay presbytery to buy its property back from the denomination; and (4) the terms of the settlement are not binding on the denomination. For these reasons, the Session did not believe it was in FPC's best interest to participate in the Gracious Separation Process.

4. **Why did FPC decide to go to court regarding its property?** As discussed above, the Session was concerned that presbytery's process was not a process that is fair to the local church. In May, 2015, the Session voted unanimously to ask the Trustees of FPC to consider appropriate action to protect FPC's property rights. This decision was a result of MUCH prayer, careful deliberation over months, and many hours invested exploring every possible alternative to determining the future of our church. We believe that FPC's rights in its property can only be decided by a Texas court under Texas law. This action is consistent with the rights of a church recognized by the Texas Supreme Court decision in the *Masterson* decision, discussed above.¹
5. **Isn't filing a law suit contrary to Scripture?** FPC tried to resolve this issue without litigation. FPC representatives met with members of presbytery on two occasions in an effort to find a process to resolve differences other than by going through the Gracious Separation Process. The presbytery representatives said they did not have authority to use any process other than the Gracious Separation Process it adopted.

The Session spent considerable time discussing whether litigation was appropriate. In 1 Corinthians, chapters 5-6, Paul says that when a member of a church has a grievance against a brother, he should not go to the courts, but have the grievance submitted to the saints. 1 Cor. 6:5 refers to judgment of conduct "between members" and 1 Cor. 6:7 refers to "lawsuits at all with one another." This passage

¹ At issue in FPC's claim is the validity of the "Trust Clause." The Book of Order invokes a clause that says property of local congregations is held in trust for the use and benefit of PC(USA). See G-4.0203. However, on June 10, 1984, the congregation of FPC voted to exercise the exemption to the property clause. See G-4.0208. FPC's Session included this exemption in FPC's 1990 bylaws. The congregation and session extended this exemption in the 2015 amended bylaws. Mission Presbytery contends the exercise of this exemption means only that FPC could buy and sell its property without presbytery approval. FPC, however, contends the Trust Clause was never adopted by this church. FPC has never taken any action to acknowledge a trust for the benefit of the PC(USA) or transfer its property for the use, benefit or control of the PC(USA).

has been interpreted to refer to disputes between believers. In his commentary on this passage, John Calvin distinguishes other types of disputes, stated that the councils of the church were not qualified to consider disputes such as property. The Westminster Confession says: “Nor doth their communion one with another as saints, take away or infringe the title or property which each man hath in his goods and possessions.” *Westminster Confession* 6.148.

Mission Presbytery itself has trustees who are responsible for buying, selling and encumbering real property and facilitation in the management of the civil affairs of presbytery. It has filed suit against a church over the rights to the control and ownership of property. While this is not the preferred process to resolve a dispute among fellow believers, as with a divorce of two believers, it is sometimes the only viable alternative to resolve legal issues. After considerable deliberation and prayer, the Session and Trustees determined that allowing a civil court to decide FPC’s property rights was appropriate in this case.

6. **If we disaffiliate, what would happen to our ordained pastors and staff?** If FPC decides to disaffiliate from the PC(USA), pastors will have the option of seeking ordination in the new denomination, or remain in the PC(USA). If they choose to remain with the PC(USA), they could petition to labor outside the bounds of the PC(USA) or would need to seek a new call to another PC(USA) church/ministry. The non-ordained staff would be unaffected, since they are not under the jurisdiction of the Presbytery. Retirement benefits of pastors and staff are determined by federal law, and none of them would lose retirement benefits by moving to a new denomination.
7. **Why has Mission Presbytery formed a committee to investigate our Interim Senior Pastor, Ron Scates?** On April 18, 2015, an unnamed member of presbytery filed a complaint against The Rev. Ron Scates alleging that he violated his ordination vows to (1) be governed by church polity and (2) “further the peace, unity, and purity of the church.” At a meeting between representatives of presbytery and FPC on April 27 2015, two officers of presbytery said they believed Ron had violated his ordination vows, but did not disclose that a complaint had been filed. FPC filed its declaratory judgment action on May 12, 2015. It sent a letter to presbytery offering to continue discussions to resolve the dispute by negotiation. On June 15, 2015, Ron received a letter from Mission Presbytery informing him a complaint had been filed against him. After Ron’s counsel asked the basis of the allegations, the investigating committee reported that it was based on a comment at the end of a sermon about the PC(USA) and the belief that Ron encouraged FPC to join groups that fostered disunity in the church, such as the Fellowship Community.² While the Session recognizes the duty of a presbytery to investigate claims against a pastor, it is concerned that similar actions previously have been taken against pastors of other churches that considered leaving the denomination.³
8. **What is the Status of the Case?** On May 12, 2015, FPC filed a petition asking the Court to declare whether the Trust Clause in the Book of Order was valid under Texas law and has any legal effect on FPC’s property. That clause says:

All property held by or for a congregation, a presbytery, a synod, the General Assembly, or the Presbyterian Church (USA), whether legal title is lodged in a corporation, a trust or trustees, or an

² Even if one assumed the truth of the allegation, FPC joined the Fellowship in 2012. The Rev. Ron Scates became Interim Senior Pastor of FPC in January of 2015.

³ First Presbyterian Church of Ingram (charges brought against pastor of church that wanted to be dismissed; presbytery assumed jurisdiction over finances); First Presbyterian Church of Longview (pastor and session removed after 70% of members voted to leave the denomination); Highland Park Presbyterian Church, Dallas (Rev. Joe Rightmyer stripped of authority to serve as pastor in PC(USA) after presiding over a congregational vote to leave the denomination).

unincorporated association, ... is held in a trust nevertheless for the use and benefit of the Presbyterian Church (USA).

When FPC filed its petition, The Honorable John D. Gabriel, Judge of the 131st District Court of Bexar County, signed a temporary order preventing Mission Presbytery from interfering with the use, ownership, control or disposition of FPC's property (financial assets as well as real property). The order also prevented Mission Presbytery from interfering with the normal duties and responsibilities of the officers, ministers and employees of the church while the court case is pending.

In August, Mission Presbytery and five members of FPC⁴ who intervened in the law suit, asked the court to impose a court-created "constructive trust" on FPC's property, holding that all property held by FPC is for the benefit of the PC(USA) and may not be used for the benefit of another denomination.

On August 26-27, Judge Gabriel conducted a hearing on both FPC's request to extend the protection of the restraining order and Mission Presbytery's and the Intervenors' request that the court create a trust for the benefit of the denomination. The Intervenors and Mission Presbytery did not argue that the Trust Clause was valid. Mission Presbytery, in fact, stipulated that, for purposes of the hearing, FPC had a probability of success on the merits of its claim. There is no dispute that title to the church's property is in FPC.

On Tuesday, October 13, we received notice that Judge Gabriel denied both requests for injunctive relief. The good news for FPC is that the Court rejected Mission Presbytery's and the Intervenors' request that the Court create a trust for their benefit or the benefit of the PC(USA). This leaves only the Trust Clause as the basis for the PC(USA)'s claim of beneficial interest and use of FPC's property. That issue was not decided by the Court at this hearing. The Court also denied FPC's request to extend the protection of the restraining order. The Court's reason for the denial was that he found no imminent danger that Mission Presbytery would take the actions against which the order afforded protection. The Court also said, however, that if there are changes in that status, he will reconsider his ruling. In fact, Mission Presbytery representatives repeatedly testified that they do not have any intention to take control of FPC from its pastors or Session. Apparently, Judge Gabriel took this as true and expects them to hold to their comments made under oath.

We consider this a positive result for the church. FPC now will ask the Court to review the deeds, articles of incorporation, bylaws, Trust Clause in the Book of Order and Texas trust law and determine the validity of the PC(USA)'s claim of beneficial interest and use in FPC's property. A similar claim was brought by First Presbyterian Church of Houston last year. The trial court in that case held that the Trust Clause was not valid under Texas law. That decision is now on appeal. While rulings vary with each church, depending on the language of the deeds and other church documents, we believe that the facts for FPC align with those in Houston.

The case is set for trial before a jury on March 7, 2016.

9. What kind of compensation would we owe PC(USA) and our Presbytery for leaving? Churches that have asked to be dismissed have paid varying sums, depending on such factors as the value of the church property, the state laws governing church property, and the strength of the vote to leave the denomination. Some examples of other churches include:

- First Presbyterian Church of Amarillo voted to disaffiliate from the denomination but continued negotiations for dismissal by the presbytery. It prepared, but never filed a law suit. After more than

⁴ Miriam Ellison, Bob Wise, Anna Wise, Ed Bondurant, Paula Bondurant, and Don Drummond. Miriam Ellison is married to The Rev. Leslie Ellison, a member of Mission Presbytery. Anna Wise is a pastor, so technically is not a member of the church. She is a member of Mission Presbytery.

two years of negotiation, the church paid approximately \$400,000 to presbytery to be dismissed to ECO.

- Highland Park Presbyterian Church in Dallas filed a law suit on its property and then voted to disaffiliate. After winning a temporary injunction, but before it obtained a ruling on ownership of its property, it reached an agreement to be dismissed to ECO in exchange for payment of \$7.8 million to Grace Presbytery, an amount equal to 11% of its assets.

- Grace Presbyterian Church in Houston reportedly paid \$440,000 as part of the Gracious Separation policy of New Covenant Presbytery. This amount was later increased as a result of the PJC decision in the *McGee* case.

- First Presbyterian Church of Houston also entered into the Gracious Separation policy established by New Covenant presbytery. That policy required a 66% vote to leave. The congregation voted 65% in favor of leaving the denomination, thus the vote failed. The Session of the church then filed a lawsuit in the summer of 2014 to determine whether the Trust Clause was valid under Texas law. A district judge in Houston held that the Trust Clause was invalid and that the church owned its property free and clear of any trust for the benefit of the denomination. That decision has been appealed to the Court of Appeals in Houston.

- After FPC Houston won its court decision, Windwood Presbyterian Church was allowed to leave the denomination without paying compensation to New Covenant Presbytery. It had been in litigation with its presbytery for over seven years.

- Memorial Drive Presbyterian Church in Houston started, but has not completed the discernment process.

- First Presbyterian Church of Ingram, Texas voted unanimously to leave the denomination in 2013. Under Mission Presbytery's process, it must nonetheless pay 10% of the value of its property to be dismissed. Two and one-half years after the unanimous vote, it still has not reached an agreement with presbytery on the terms of dismissal and has not been dismissed.

If the parties pursue litigation to its conclusion; if FPC prevails on its claim that it owns its property free of any trust for the benefit of the PC(USA); and if FPC votes to disaffiliate, rather than seek to be dismissed by presbytery, FPC will not have to pay compensation to Mission Presbytery. If FPC wants to be dismissed from the PC(USA), it may have to pay some amount to be dismissed. FPC has expressed a willingness to continue discussions with Mission Presbytery about resolving the dispute, but has had no response.

IV. SESSION'S RECOMMENDATION FOR OUR NEW DENOMINATIONAL HOME

1. This past summer, the Session of FPC invited a series of speakers to give presentations to the congregation. These included representatives of the PC(USA)/Mission Presbytery; the Fellowship Community (a group of churches with similar theological views who choose to remain within the PC(USA)); the Evangelical Presbyterian Church (EPC); and ECO: A Covenant Order of Evangelical Presbyterians. A chart summarizing the views of the three denominations, PC(USA), EPC and ECO is attached. After further investigation and discussion with each of these entities, the Session of FPC recommends that First Presbyterian Church of San Antonio affiliate with ECO.

2. **What is ECO?** ECO is a relatively new denomination that was formed in January of 2012. It consists of over 200 churches across the country, including many in Texas with whom FPC has been connected for many years.⁵
3. **What are ECO's beliefs?** ECO generally recognizes the same Book of Confessions used by the PC(USA).⁶ Its theological beliefs, based on these Confessions, are distilled in a document called the Essential Tenets. Like the PC(USA), ECO recognizes and affirms the ordination of women as teaching elders, ruling elders and deacons. ECO emphasizes Biblical integrity; thoughtful theology; accountable community; missional centrality; leadership velocity; kingdom vitality; and egalitarian ministry, encouraging participation by men and women and all ethnic groups.
4. **What is ECO's governance structure?** ECO has a "flatter" or less hierarchical organizational structure than the PC(USA). It views the role of presbyteries as supporting local congregations.
5. **Does ECO have a trust clause?** No. ECO does not assert a claim of interest in the property of the local church.
6. **What will an affiliation with ECO mean for the life of FPC?** FPC would work with ECO in the selection and ordination of its pastors. ECO allows churches to call pastors from a broader range of Reformed denominations (including EPC, Presbyterian Church of America, and others) and a wider variety of seminaries. FPC would be a member of the Texas and Louisiana Presbytery. It would partner with other churches on mission and in new church development. Presbytery meetings are held once a year, rather than quarterly. Member churches are expected to pay annual sums (similar to dues) to the denomination for the operation of presbyteries and the synod. FPC could also participate in the officer training program offered by ECO. Much of the day to day operation of the church, however, would be the same. The worship services, Christian education, service to the community and witness and mission would continue to be directed by this church.
7. **How would this vote affect our property?** While ECO does not claim an interest in the property of the local church, the PC(USA)'s claim of interest still must be resolved. Some churches have resolved this issue through the Gracious Separation policies of their presbyteries. Others have sought resolution through the courts. The amounts churches have paid to settle the claims of the presbyteries vary with each church and each presbytery. FPC will either have to pursue the litigation through to its conclusion or reach a settlement with Mission Presbytery.
8. **Isn't this risky?** While there is always uncertainty in litigation, we believe FPC has strong factual and legal support for its position. Texas law is generally favorable to the local church on property issues. First Presbyterian Church of Houston prevailed on its claim that the Trust Clause was not valid under Texas law. (The decision is now on appeal.) We are not aware of a single church that has obtained a judicial declaration of ownership of its property rights before voting on whether to leave the denomination. We ask members to step out in faith and trust that God will continue to provide for this congregation.
9. **What about all the connections we've had through PC(USA) to mission partners, MO-Ranch, and Presbyterian seminaries and colleges?** Seminaries and other mission partners are separate 501(C)(3) corporations with their own boards and fundraising mechanisms. FPC has supported these

⁵ Churches in Texas include First Presbyterian Church, Kingwood; Providence Church, Dallas; Highland Park Presbyterian Church, Dallas; Bethany Korean Presbyterian Church, Dallas; First Presbyterian Church, Amarillo; Matthews Memorial Presbyterian Church, Albany; First Presbyterian Church, San Angelo; First Presbyterian Church, Eldorado; West Isle Presbyterian Church, Houston; Peace Presbyterian Church, Houston; Windwood Presbyterian Church, Houston; First Presbyterian Church, Wichita Falls. .

⁶ The PC(USA) recognized a different version of one of the confessions.

institutions independently of presbytery, in many cases. There is no reason these partnerships cannot continue.

V. NEXT STEPS / THE VOTING PROCESS

1. What are the next steps in the process?

- **Sunday, October 25, informational meeting.** Following the 11:00 worship service in the sanctuary, an information meeting will be held. The purpose of this meeting will be to discuss the proposed actions and to answer questions from the congregation. There will be a limitation of time on each speaker. Members are asked to be respectful of the views of others.

- **Sunday, November 1, 2015 vote by the congregation.** The Session has scheduled a congregational meeting on Sunday, November 1, 2015, following the 11:00 worship service to vote on three items:

1. Whether First Presbyterian Church of San Antonio should terminate its voluntary affiliation from the PC(USA)?
2. If so, whether First Presbyterian Church of San Antonio should petition the ECO: A Covenant Order of Evangelical Presbyterians for voluntary affiliation and membership therein and, if accepted by ECO, affiliate with ECO?
3. (If motion #1 is approved): Reaffirm and ratify its previous election of elders, deacons, trustees, and the officer nominating committee, and reaffirm and ratify the previously approved terms of call for all ordained staff wishing to remain employed by First Presbyterian Church of San Antonio?

- **Where?** The congregational meeting will be held in the sanctuary.

- **How?** A quorum consists of 10% of the members on the rolls. An affirmative vote of those present is required for passage of the proposals. Because of the importance of this vote, the Session is urging as many members as possible to attend and vote. While only a majority of those present is required for the proposals to be approved, we hope there will be a solid majority in support of the proposed actions.

2. **Do I need to attend in person to vote?** Yes. On November 1, members should report to the Fellowship Hall between 9:00 a.m. and 12:15 p.m. Tables will be set up with a packet for each member. Each packet will include a name tag and ballot.
3. **What should I expect on the voting day?** The contemporary worship and traditional worship services will be combined. On the day of the vote, there will be a brief presentation on the proposals and the procedure for the vote. Voting will be by written ballot. You will circle “yes” or “no” on each proposal. Votes will be tabulated by an Election Administrator, an accounting firm retained to monitor the procedure and to tabulate the votes.
4. **What happens after the vote is taken?** If the congregation votes to disaffiliate from the PC(USA) and affiliate with ECO, a Ministry Partnership Team from ECO will meet to approve acceptance of FPC as a member of the denomination.

ECO will examine the Session members for membership in ECO. Once the church joins ECO, the ordination of our officers transfers to ECO. Officers are not re-ordained, but installed.

When new officers are elected, they will be ordained into ECO. Those officers on rotation will continue to be listed as officers on rotation.

Pastors will be examined individually after submitting their applications. This usually happens in connection with the Session interviews.

- 5. What is next for the congregation?** Perhaps the most important objective for First Presbyterian Church of San Antonio will be to heal any differences that have arisen as a result of the discussion of denominational issues. The issues which divide the PC(USA) have divided other denominations, other churches, friendships and families. If we intend to witness to the Lordship of Jesus Christ, we must work to heal these broken relationships.
- 6. What if my vote is different than the majority?** This is a vote on denominational affiliation; it is not a vote on membership. All members will continue to be included on the rolls of First Presbyterian Church of San Antonio, unless they personally chose to be dropped from the rolls. Regardless of the outcome, we hope that all members will remain at this beloved church and continue to support it with your time, talents and financial contributions. First Presbyterian Church of San Antonio has been a witness to the Lordship of Jesus Christ in San Antonio and in the world for almost 170 years. We ask you to vote for what you believe is in the best interest of this church to keep it faithful, strong and vibrant for the next 100 years.