



October 15, 2015

Dear Brothers and Sisters in Christ,

The members of your Session have been in prayerful discussion about the issues facing First Presbyterian Church San Antonio (FPC) in relationship to our denomination, the Presbyterian Church (USA) or PC(USA).

FPC has been a witness to the Lord Jesus Christ in San Antonio, the State of Texas, and indeed, throughout the world since 1846—claiming the saving grace of Jesus Christ and proclaiming the Scriptures as God’s reliable and authoritative Word. The vitality of our ministries, indeed our worship, witness, fellowship and work start and end with these core commitments.

In prayerfully seeking wisdom, we have considered these core questions:

- What would Christ have us do as we seek to fulfill His purpose at 4th and Alamo?
- How can we best live out our Reformed faith and continue to be Presbyterian?
- What next step will best ensure the future mission and ministry of FPC?

Reaching answers to these questions included prayer, your input in the church survey, complex analysis of ecclesiastical procedures and denominational alternatives, and difficult questions of civil and property law that vary by state, by presbytery and by church. Ultimately, after years of prayer, discussion, and input from our members, on October 12, 2015, the Session of FPC voted to recommend to the congregation that we leave the PC(USA) and join the ECO: A Covenant Order of Evangelical Presbyterians—a rapidly growing Reformed Presbyterian denomination.

We believe our denomination is not what it once was, and it has wandered from its biblical and confessional moorings. We are not alone in this belief. Hundreds of churches have left the PC(USA) in recent years and many others, like FPC, currently are in the process of determining how to respond to denominational changes. Even the Moderator of the PC(USA), Heath Rada, recently acknowledged that conservative churches are considering leaving the denomination because of the theological drift of the past 10 years; concerns over how the PC(USA) will find pastoral candidates who support the orthodox interpretation of Scripture; the denomination’s expenditure of funds; and the decline of membership.

These issues have reached 4th and Alamo. We have been losing members over the past three years over denominational issues. If we do nothing, we are concerned this trend will accelerate.

Many churches in Texas and in the country with whom we have had historical ties have joined ECO. In contrast to the theological concerns and membership declines within the PC(USA), we find ECO to be a vibrant, growing Presbyterian denomination which shares this church’s historical vision for teaching, evangelism and mission. We feel called to make this move, but this decision ultimately rests with you, the members of our congregation.

(please see reverse)

We encourage you to read carefully the materials we have provided based on our lengthy study. Seek and pray for wisdom regarding your decision in fellowship with others in open and honest dialogue.

As we proceed in these conversations, we also urge you to consider what is best for this church and future generations of members as we look out over the next 50 or even 100 years. We assure you that this decision has not come easily nor has it come quickly, but is the result of considerable prayer, study and deliberation. We recognize that leaving the PC(USA) may appear to be a major milestone. While the issues have become familiar to those of us on the Session, we understand that they may not be as familiar to many of you. For this reason, we have included additional information, denominational comparisons and frequently asked questions (FAQ's) that we identified during our study.

Please note these important upcoming dates:

- **A time for corporate prayer on October 20, 2015 at 5:30 p.m. in the Sanctuary.**
- **An informational meeting with time for questions/discussion: October 25, 12:15 p.m. in the Sanctuary.**
- **A Congregational Meeting to vote on this matter will be: November 1, 12:15 p.m. in the Sanctuary.**

“Therefore if you have any encouragement from being united with Christ, if any comfort from his love, if any common sharing in the Spirit, if any tenderness and compassion, then make my joy complete by being like-minded, having the same love, being one in spirit and of one mind.”

~Philippians 1:1, 2

Yours in Christ,



N. A. Stuart, III, MD, Clerk of Session
On behalf of the Session of First Presbyterian Church of San Antonio

If you have questions, please contact any one of the elders listed below to have a personal conversation about the matters at hand. This is an important time of change in the life of our church.

Class of 2016

Baker, Ron
Crider, Roger
DeKoch, Dirk
Johnson, Buddy
Maynard, Martha
Ray, Tom
Terry, Kelley
Walthall IV, Walter

Class of 2017

Biggs, Brian
Bunn, Chuck
Figueroa, Sheila
Lyons, Bill
Meadows, Ellen
Shelton, Rob
Stephens, Barbara Anne
Tichy, Elizabeth

Class of 2018

Buchek, Tres
Carter, Dana
McCaleb, Ben
Park, John
Patton, Frank
Romano, Lady
Spencer, George
West, David

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 \$660,000 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.

**Comparison of basic beliefs and viewpoints
of three Presbyterian denominations:
Presbyterian Church (USA) (PCUSA),
Evangelical Covenant Order of Presbyterians (ECO),
and the Evangelical Presbyterian Church (EPC)**

Issue	PC(USA)	ECO	EPC
When did the denomination come into existence in its current structure / form?	1983	2012	1980
Number of members	1,667,767 The membership declined by 92,433 in 2014, the largest percentage decline ever. From 2012 to 2014 the PC(USA) lost 15% of its members.	80,000 & Growing	150,000 & Growing. Doubled in the last 5 years.
Number of churches	9,829	235	550
Statistics as of:	December, 2014	October, 2015 (website)	October, 2015 (website)
Does the denomination list what it considers to be essential tenets of the faith?	No ¹	Yes	Yes

Issue	PC(USA)	ECO	EPC
What are deacons, ruling elders, and teaching elders asked in their ordination vows about Scripture?	“Do you accept the Scriptures of the Old and New Testaments to be, by the Holy Spirit, the unique and authoritative witness to Jesus Christ universal, and God’s Word to you?”	“Do you believe the Scriptures of the Old and New Testament to be the Word of God, and, inspired by the Holy Spirit, the unique witness to Jesus Christ and the authority for Christian faith and life?”	“Do you believe the Scriptures of the Old and New Testaments to be the Word of God, totally trustworthy, fully inspired by the Holy Spirit, the supreme, final, and the only infallible rule of faith and practice?”
Is the view of ‘Sola Scriptura’ – the idea that Scripture is the church’s only authority – upheld by church officers?	Yes and no ^{2&3}	Yes – part of the essential tenets	Yes – part of the essential tenets
What are deacons, elders, and pastors asked concerning Jesus Christ as Savior?	“Do you trust in Jesus Christ as your Savior, acknowledge him Lord of all and Head of the Church, and through him believe in one God, Father, Son, and Holy Spirit?”	“Do you believe in One God, Father, Son, and Holy Spirit, and do you boldly declare Jesus Christ as Savior and Lord, and acknowledge Him Lord of all and Head of the Church?”	To affirm without exception the essential tenets, including the statement on Jesus Christ
Do officers and congregations affirm the centrality of Jesus as Lord and Savior?	Yes and no ⁴	Yes	Yes

Issue	PC(USA)	ECO	EPC
Confessions / Creeds	8 confessions plus 3 catechisms	8 confessions plus 3 catechisms (same as PC[USA])	Westminster Confession of Faith (For clarity of message, the EPC lifts up only one confession.)
Allows same-sex couples to marry	Yes ⁵	No	No
View on abortion	Pro-choice ⁶	Pro-life ⁶	Pro-life ⁶
Ordains women	Yes	Yes	Congregation determines Ruling Elders; Presbytery decides Teaching Elders
Political lobbying office in DC?	Yes ⁷	No	No
Ownership of congregation's property	Congregations hold property in trust for the benefit of the PC(USA)	Congregation owns property.	Congregation owns property.

Notes to Denominational Comparisons

1. In the PC(USA) there is an ordination vow for pastors and officers which asks, "Do you sincerely receive and adopt the essential tenets of the Reformed faith as expressed in the confessions of our church as authentic and reliable exposition of what Scripture leads us to believe and do?" Themes of the confessions are listed in F-2 of the "Form of Government". But there is no statement of essential tenets, and since the 1920s, the denomination has historically resisted efforts to frame one.
2. When determining what a denomination's beliefs are, one needs to consider more than what is stated in the confessions. The confessions of the PC(USA) stand as a reliable guide to understanding what Scripture teaches, but the question arises about the extent to which leaders and members in the denomination fully embrace these confessions. In this context, notes which follow will reference official decisions, results of surveys, and associations which show a wide variety of understanding about core principles of the faith.

3. The booklet “Presbyterian Understanding and Use of Holy Scripture” underscores that there are at least five different perspectives in the PC(USA) on the nature of divine inspiration of scripture, ranging from “inerrancy” to “the Bible is merely a record of moral and religious experiences of Hebrews and Christians.” No preference is expressed for any of the five positions.

The Book of Order (G-2.0104-b) suggests that ordination councils, in performing their examinations of candidates, should be ‘guided’ by Scripture. An overture in the most recent GA to change the language to say councils should be ‘obedient to’ Scripture was defeated 53-6 in committee and by simple hand vote in the plenary.

In the 2012 Permanent Judicial Commission Parnell case (in the PC(USA) this is similar to a ruling by the Supreme Court), those who sought to reference the authority of Scripture to decide a controversy were told that, since there are so many interpretations of the Bible, it cannot be used to prove any one position.

4. Our confessions and the document *Hope in the Lord Jesus Christ* both affirm Jesus as “The only Savior and Lord.” But other indicators point to a greater diversity of opinion when PC(USA) members and leaders answer Jesus’ question, “Who do you say that I am?”

At the 2001 GA, a resolution was introduced to declare “Jesus is the singular saving Lord”, but the language failed to pass and instead, GA could only affirm “Jesus is unique.” Again at the 2006 GA, before modifying a proposed resolution to say Jesus was “uniquely Savior”, a group of ordained commissioners stated their belief that Christ is only one among many paths to eternal life.

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.” In the time since this survey was published, 359 churches were dismissed to other denominations, and over 400,000 members have left. (Source: PC(USA) Comparative Summaries).

Over 50 Presbyterian churches in the US are members of an association called Progressive Christianity (<http://progressivechristianity.org/the-8-points/>), which lists “8 Points” of their shared beliefs. The first two points are:

- [We] believe that following the path and teachings of Jesus can lead to an awareness and experience of the Sacred and the Oneness and Unity of all life
 - [We] affirm that the teachings of Jesus provide but one of many ways to experience Sacredness and Oneness of life, and that we can draw from diverse sources of wisdom in our spiritual journey
5. With the passage of Amendment 14-F in the 221st General Assembly (2014), ministers were given the option of marrying couples of the same sex in jurisdictions where that was legal. With the June 2015 Supreme Court decision, this means PC(USA) ministers are free to perform same-sex marriages anywhere in the US. Amendment 14-F changes the Book of

Order to allow these weddings even though the Book of Confessions continues to define marriage as between one man and one woman. This puts one part of our church's constitution in conflict with another (and with Scripture).

6. PC(USA)'s resource for women facing problem pregnancies writes that the church "would like to support you as you make decisions about your pregnancy" and explores three options: 1) keeping the baby; 2) making an adoption plan; and 3) having an abortion.

The PC(USA) has two agencies who are members of an abortion rights lobbying group in Washington, DC but it does not belong to a lobby group supporting a pro-life viewpoint. In 1970, the General Assembly made a statement that, "the artificial or induced termination of a pregnancy is a matter of careful ethical decision of the patient ... and therefore should not be restricted by law ...", and that view has been reiterated in subsequent statements.

ECO does not hold an official position on abortion, but in their Essential Tenets, members are to hold one another accountable to "honor the image of God in every human being from conception to natural death."

The EPC has an official statement on abortion that draws references from Scripture and which says that "Christians should individually and corporately oppose abortion (except under the most extreme of circumstances that endanger the physical life of the mother), and do everything in their power to provide support groups, para-church ministries and sponsoring agencies that offer viable alternatives to abortion."

7. The PC(USA) maintains a lobbying office on Capitol Hill in Washington, D.C. called the Presbyterian Church (USA) Office of Public Witness. The PC(USA) has urged positions on a number of topics including gun control, divestiture of fossil fuels, support of the Affordable Care Act, and opposition to deficit reduction. In addition, the PC(USA) participates in law suits around the country through the Advisory Committee on Litigation, filing "friends of the court" briefs. The denomination has engaged in topics including property disputes in the Episcopal Church, immigration, and support for the removal of a monument of the Ten Commandments from the capitol grounds in Indiana.

First Presbyterian Church San Antonio--Denominational Issues (10/14/15)

For several years First Presbyterian Church San Antonio (“FPC”) has been in conversation about the next steps in its nearly 170 year history, including whether to continue its voluntary relationship with the PC(USA). After a long period of prayer and deliberation, Monday, October 12, 2015 the Session voted to recommend to the congregation that FPC terminate its voluntary affiliation with the PC(USA) and petition the ECO: A Covenant Order of Evangelical Presbyterians for voluntary membership. A congregational meeting has been set for November 1, 2015 to allow the congregation to vote on this recommendation.

FPC concerns regarding the PC(USA) go back several decades, but culminated with a succession of actions at the 2014 General Assembly (“GA”). Following the GA, many members expressed great concern, some have left FPC. Therefore, the Session (FPC’s governing body) conducted a survey to measure the congregation’s attitudes toward the PC(USA). Returned surveys were delivered sealed to Galloway Research for tabulation. Almost 1000 surveys were returned (more than twice what Galloway considered statistically sound). The first inquiry asked members to rank the following statement:

[The Congregation Should Remain in the PC(USA)] 59% Disagreed or Strongly Disagreed, 20% wanted or needed more information, 21% Agreed or Strongly Agreed.

As a result of this input, Town Hall meetings were authorized by the Session and lead by Church Relations Committee (CRC). Presentations included reports on the 2014 General Assembly and guest speakers from four (4) different Presbyterian denominations or viewpoints including:

- 1) The PC(USA) regional governing body, Mission Presbytery*
- 2) The Evangelical Presbyterian Church (EPC)*
- 3) The Fellowship Community*
- 4) The Covenant Order of Evangelical Presbyterians (ECO)*

(*Video recordings of these meetings are available at the FPC website: www.fpcsanantonio.org

Some areas of concern regarding the PC(USA) include:

Authority of Scripture

The Constitution of the PC(USA) consists of two parts: 1) the Book of Confessions and 2) the Book of Order. The Book of Order was originally built upon the belief that the Bible is the unique and authoritative Word of God. With the adoption of the New Form of Government (NFOG) in 2011, Scripture was to be used as a “guide.” This subtle change in wording has a significant impact on what is taught in the PC(USA) and basically gave the right to any member of the congregation “regardless of ...theological conviction” (F-1.0403) to serve as a church officer. An increasingly permissive structure has generated many examples of church leadership wandering from the Confessions and basic Biblical principles. Ministers who openly preach atheism and pluralism are allowed to continue in ministry. Currently over 50 PC(USA) churches align with a movement called “Progressive Christianity”—one of their eight beliefs is: “Affirm that the teachings of Jesus provide but one of many ways to experience the Sacredness and Oneness of life, and that we can draw from diverse sources of wisdom in our spiritual journey;” Conversely, ministers who continue to preach orthodox views of Scripture have had disciplinary proceeding taken against them. This includes Grace Presbytery’s stripping Rev. Joe Rightmyer, formerly of Highland Park Presbyterian, of his right to serve as a minister in the PC(USA). Mission Presbytery brought charges (later dropped) against The Rev. Ray Tear, pastor at First Presbyterian Church of Ingram, Texas, after his church expressed a desire to leave the denomination. Mission Presbytery formed an investigating committee to look into allegations that our own Ron Scates

violated his ordination vows. The basis for the complaint against Reverend Scates is (1) a comment at the end of a sermon about the future of the PC(USA); and (2) the allegation that he encouraged FPC's participation in organizations that were disloyal to the PC(USA), i.e. The Fellowship of Presbyterians. FPC joined the Fellowship in 2012. Ron Scates did not become Interim Senior Pastor until three years later. PC(USA) executives participate and speak at Fellowship gatherings including as recently as this past summer.

It is noteworthy that due to increasing theological differences, loyal International church partners have recently ended affiliation with the PC(USA) including: 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.

Political Activism

Serving and investing in local and world missions has been a priority of Presbyterian denominations since their inception. A number of years ago the PC(USA) began to classify their social justice and political initiatives as mission work. In April 2015 many international missionaries funded by the PC(USA) were recalled from the field due to budget shortfalls, yet the PC(USA) denomination continues to operate their political advocacy office two blocks from the national capitol and fund web magazines such as www.justiceunbound.org. In addition to lobbying for social justice issues, the D.C. office of the PC(USA) denomination has demonstrated on matters such as the federal deficit (where its lobbyist was arrested on the capitol steps). In 2003, the stated clerk of the Presbyterian Church (USA) joined in legal efforts to force the removal of a Ten Commandments monument from the rotunda of the Alabama Supreme Court building.

At the 2014 GA, commissioners voted to divest from holdings in Caterpillar-Holt, Motorola and HP (US companies doing business with Israel). When passed, a national media whirlwind ensued, including a searing interview by CNN with the PC(USA) Moderator. On NBC's "Meet the Press", Netanyahu said about the divestment, "It's so disgraceful. Most Americans understand that Israel is a beacon of civilization and moderation." Rabbi Steve Gutow, president of the Jewish Council for Public Affairs said, "This decision will undoubtedly have a devastating impact on relations between mainstream Jewish groups and the PC(USA)." For many at FPC, this punitive action toward our Jewish friends was a complete embarrassment.

Also at the 2014 GA, commissioners debated in plenary sessions political resolutions such as advocacy for hotel and hospitality workers, gun and ammunition regulation, adding for-profit prisons to the "sin list", voter suppression, drones, tax justice, normalizing relations with Cuba, divestment from fossil fuel companies, and designating Evolution Sunday.

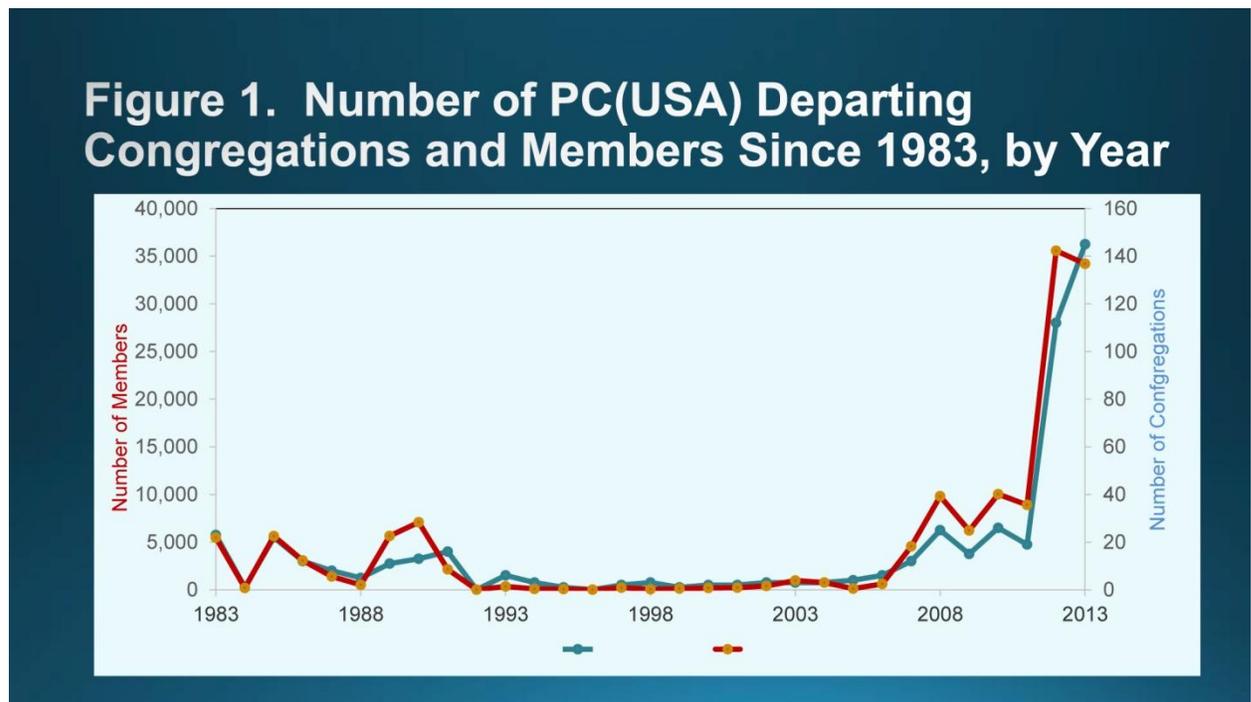
FPC representatives to the 2014 GA describe the meeting as something like a political convention, with buttons and banners and demonstrations on hot-button issues.

Whether one is for or against these causes, the question is—Is this the appropriate focus of time and money for the Church?

Dramatic Membership Decline in the PC(USA)

In 1967, the combined membership of the two pre-cursor denominations was over 4.2 million. After merging in 1983, the total was 3.1 million. In 2014 membership dropped to 1,667,767 members.

PC(USA) Research Services publicized this graph illustrating departing congregations nationally:



Since 2012, twenty-two churches in Texas have left the PC(USA) to join other Reformed Presbyterian denominations. Like FPC, many more churches in Texas are in the midst of determining their future.

Very telling is the virtual disappearance of PC(USA) Hispanic churches in Texas. In 1950, there were 50 Hispanic churches—now there are about 8. In 2012, three valley churches departed after the Presbyterian Church of Mexico severed ties with the PC(USA). They left by renunciation of jurisdiction, so they left with nothing. Mission Presbytery took all funds and all property including hand-made communion cloths, a Bible given by the church in Mexico and a communion table made by a member. Mission Presbytery even went to the bank where El Principe de Paz had an account and claimed ownership of the \$2,000 raised by the new EPC church after their vote to leave. The church building now sits vacant and unused.

To address the growing, even alarming rate of churches leaving or wanting to leave the denomination, the PC(USA) has been asserting increasingly rigid control over member churches. It has utilized tactics such as:

1. All church property, no matter how titled approved, paid for or maintained, is owned for the benefit of the PC(USA) (Book or Order G-4.0203)(the “Trust Clause”).
2. When faced with information that a congregation is intent upon or at risk of departing from the PC(USA), presbytery should create an administrative commission. This administrative commission claims authority to take disciplinary action against pastors, including removing them from their pulpit; assuming jurisdiction over (i.e. firing) a session; freezing the assets of a church; and clouding title to church property. See Louisville Papers (2011).

3. Asserting that a congregation does not have the right to leave the PC(USA); only the presbytery may release a congregation to another denomination. *Advisory Opinion: Note 19* (PC(USA)).
4. When a congregation asks to be dismissed to another denomination, the presbytery claims a fiduciary obligation to enforce the Trust Clause to initiate a monetary ransom for dismissal. *Tom v. Presbytery of San Francisco* (2012) (GAPJC).
5. A presbytery requires a valuation of the financial assets of the property at stake when deciding whether to allow a church to leave the denomination *Ibid.*.
6. If a presbytery fails to carry out the constitutional responsibilities, the synod may be required to intervene. *Advisory Opinion: Note 19*.
7. Even if a church and a presbytery reach an agreement on dismissal and the amount to be paid, that decision is not binding on the PC(USA). *See Presbytery of New York v. McGee* (2014) (GAPJC).

Human Sexuality and Redefinition of Marriage

The PC(USA) portrays the denominational dispute as a gay marriage issue in an effort to denigrate or besmirch the local church. FPC's issues with the PC(USA) are centered on those expressed above. Indeed, in 2014, the GA changed the definition of Christian marriage from being between "a woman and a man" to between "two people". The change is not binding on the churches or the pastors, however. Each church is allowed to decide its marriage policy and each pastor is allowed freedom of conscience on the issue. In the recent Supreme Court ruling, Justice Anthony Kennedy wrote for the majority: "*Finally, it must be emphasized that religions, and those who adhere to religious doctrines, may continue to advocate with utmost, sincere conviction that, by divine precepts, same-sex marriage should not be condoned. The First Amendment ensures that religious organizations and persons are given proper protection as they seek to teach the principles that are so fulfilling and so central to their lives and faiths, and to their own deep aspirations to continue the family structure they have long revered.*" First Presbyterian Church continues to maintain its orthodox understanding of Scripture that marriage is between one man and one woman. (Matthew 19:4-6).

The Session of FPC is recommending to our congregation to move to the ECO: A Covenant Order of Evangelical Presbyterians—a rapidly growing reformed Presbyterian denomination. Many like-minded churches in Texas have already joined, including 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-El Dorado; West Isle Presbyterian Church-Galveston; Peace Presbyterian Church-Houston; Windwood Presbyterian Church-Houston; and First Presbyterian Church-Wichita Falls. Many more churches are in the midst of making decisions as well, including FPC Midland. The process leading to this recommendation has been intentionally slow, careful, and most of all prayerful. In all deliberations the officers, the staff, and the congregation earnestly seek to be true to Jesus Christ and to remain together as a worshipping community.

FPC has a long history of founding and/or supporting organizations in our community like SAMM Ministries, Christian Assistance Ministry (CAM) and others. In all that we do, we desire to glorify God and make Jesus visible here in San Antonio and throughout the world.

**PROCESS FOR PASTORAL RESPONSIBILITY, ACCOUNTABILITY AND GRACIOUS WITNESS TO
CONGREGATIONS AT TIMES OF DIVISION, DISMISSAL, OR DISSOLUTION**

PREAMBLE

The mission of Mission Presbytery is to serve God as a unique expression of the body of Christ in South Texas. With God's help we are Mission Presbytery building together healthy congregations and trusting relationships (Eph 2:22), partnering with one another in what we do better together (Phil 1:5), and sending disciples in witness and service (Matt 25:31-46 & Matt 28:18-20). This responsibility includes ministries of reconciliation when a congregation questions PC(USA) doctrine, policy or practice to the extent that disaffiliation from the denomination is being discussed or considered. Dismissal (disaffiliation) may only be to a Reformed denomination recognized by the PC(USA).

We recognize that we live in a time when our unity in Christ is being tested and our ability to work together in mission is being tried. We covenant that even in times of disagreement and conflict we will seek to uphold one another, build up one another, respect one another, and love one another, to the end that the mission of Christ be fulfilled. Together we seek to further the peace, unity, and purity of the church, minimizing confrontations while we seek to discern and follow the will of Christ.

The 218th General Assembly (2008) expressed its will that presbyteries and synods make available to lower governing bodies and local congregations a process that exercises the responsibility and power to “control the location of new congregations and of congregations desiring to move as well as to divide, dismiss, or dissolve congregations in consultation with their members” (*Book of Order*, G-3.0303b), with consistency, pastoral responsibility, accountability, gracious witness, openness, and transparency.” In response, this policy is hereby established by Mission Presbytery, in the fervent hope that its use shall never be necessary.

It shall be the policy of Mission Presbytery to treat decisions of a congregation considering or seeking disaffiliation as a matter for pastoral care. Our *Book of Order* reminds us that the civil power of the state should not be used to enforce the provisions of a religious constitution (F-3.0101b), and that our constitution sets forth the principle that our collective organization as worshipping community should not burden or infringe on existing property rights (Westminster Confession 6.148).

The Stated Clerk of the General Assembly has drawn the attention of the Church to the strong scriptural admonition (First Corinthians 6:1ff) against the use of civil lawsuits to settle issues of dispute between believers, cautioning congregations and governing bodies alike to avoid civil cases. Accordingly, Mission Presbytery, by the means of this policy statement, covenants with its congregations that it shall not initiate civil lawsuits against congregations, their pastors and officers or members, where a congregation has pursued disaffiliation in accordance with *The Book of Order* and this policy statement, except for the purpose of collecting any outstanding legal financial indebtedness (any existing loan) of the congregation that has been made by the Presbytery, Synod, or General Assembly.

It is the will of this presbytery to create both a spirit and process of graciousness, in which the will of God is sought, with reconciliation as a goal, and in a manner of graciousness and forbearance befitting those who claim Jesus as Lord. With believers in every time and place, we rejoice that nothing in life or death can separate us from the love of God in Christ Jesus our Lord (Romans 8:38-39 – paraphrased).

Mission Presbytery asks that any session seeking or considering disaffiliation from the PC (USA) will covenant with Mission Presbytery to enter into a defined process of mutual discernment to determine God's purpose. To seek God's will requires significant time and energy. We believe that a matter of this magnitude deserves focused attention and prayer by the presbytery and the particular congregation whatever the specific outcome may be. This process should take no less than four months.

In all matters relating to this subject, the following question will be deemed paramount: How is God leading this congregation and the presbytery to walk together into a future that honors Jesus Christ and strengthens both the congregation and the presbytery?

This policy is designed to allow a congregation and the presbytery to walk through the entire process without needing the involvement of an administrative commission or the civil court system.

PROCESS

Listening Team: When a session begins seeking or considering disaffiliation from the (PCUSA) the moderator and/or clerk of session will advise the stated clerk of presbytery and request a listening team. When the Committee on Ministry becomes aware that there is conversation in the session or congregation about leaving the denomination, visitation will be offered to the session of a listening team appointed by the chair of council, the moderator of Committee on Ministry (COM), and the stated clerk. This team will meet with the session to understand its concerns, to respond to them as appropriate, and to review the provisions of the *Book of Order* and this document with regard to disaffiliation. In this way, the presbytery will be given opportunity to exercise its pastoral responsibility for the welfare of congregations and to promote open communication.

Resolution Team: If the concerns of the congregation cannot be resolved by the listening team and the session indicates that the church wishes to pursue disaffiliation, the listening team (with any change deemed appropriate by the chair of council, the moderator of COM, and the stated clerk) becomes the resolution team. This resolution team will engage in a period of no less than three months of consultation including meetings with the session and meetings with the congregation. The purpose of these meetings will be to review the provisions of the *Book of Order* and this document with regard to disaffiliation and to answer questions from members of the congregation regarding options for disaffiliation of the congregation, and for the membership of those members who wish to remain in the Presbyterian Church (USA). In this way the session will provide the presbytery opportunity to exercise its responsibility as a partner with the session in pastoral care to members of the congregation in what may be a difficult time in its life. At

these meetings every good faith effort will be made to effect reconciliation in accordance with the *Book of Order*. The resolution team will report its findings to the session and COM.

It is the expectation of Mission Presbytery that members of the resolution team, as well as members and officers of the congregation, shall work together in mutual trust, that they shall be open and honest with each other in all dealings, that they shall provide to each other all relevant and useful information and documents, and that the congregation's officers and pastor(s) shall refrain from any unauthorized, unilateral, changes in the way that their congregational property and assets are held or managed.

It is also the expectation of Mission Presbytery that at all times the rights and privileges of those members of the congregation who are in the minority with respect to views held about disaffiliation or related matters shall be affirmed and protected.

Teaching elders and ruling elders serving congregations requesting disaffiliation shall act in accordance with their ordination vows and the *Book of Order*. The presbytery will not seek removal of church officers solely because they are advocating for disaffiliation for their congregation.

Calling of a Congregational Meeting: If the resolution team, in consultation with the session, determines that there is a sufficient desire to petition presbytery for disaffiliation, the report to COM will include a request for permission to conduct a meeting of the congregation called and conducted by the presbytery so that the congregation can indicate by vote whether to request disaffiliation. Members of the resolution team will be invited to be present to offer pastoral care and prayer for the congregation and its members following the vote and to carry out the presbytery's responsibility to ensure that all those persons affected by disaffiliation have an opportunity to be heard on the subject.

The Congregational Meeting: The time, place, and purpose of the meeting shall be communicated to the congregation through a letter mailed to all members with 30 days' notice. It shall also be communicated through the normal channels of church communication (bulletins, worship announcements, newsletters, website, etc.)

The congregational vote to request disaffiliation shall be by secret ballot. The vote of a congregation is an advisory vote to the presbytery; therefore it is a request to the presbytery to be dismissed to a particular Reformed body. The quorum for such a meeting ordinarily shall be 35% of the members on the active roll. If the congregation votes to request disaffiliation by a vote of at least 80% of the congregation's members present and voting, and its leaders are willing to work in good faith toward a mutually-agreeable resolution, the resolution team shall work to facilitate an agreement regarding distribution of property between the group of members who wish to be disaffiliated and the group of members who wish to remain in the PC(USA). In advance of these negotiations, the presbytery trustees and presbytery council should make known to the resolution team expectations they have for the agreement. When disaffiliating a church with all or a portion of the property, a presbytery is required to give proper consideration to the constitutional provision that all property is held in trust for the benefit of the PC(USA). (See G-4

.0203) The clerk of session and pastor(s) of the departing church will assist the presbytery to make contact with members who wish to remain in a congregation of the PC(USA).

Disaffiliation is a major step in the life of a congregation and must not be entered into lightly. If the congregational vote does not attain the required 80% the resolution team will continue to work with the leadership of the congregation to support those members who desire to disaffiliate with the PC(USA) and to seek the peace and unity of the particular church. (See G-4.0207)

All parties are encouraged to demonstrate charity and forbearance during this process. A place shall be identified in advance for those in the minority to meet for prayer and support following the congregational vote.

If any member, present and voting, contests the regularity and constitutionality of the meeting, he or she may send the details of the allegation to the stated clerk of Mission Presbytery, who shall convene the Permanent Judicial Commission to render a decision within the timeframes and requirements set by the Book of Order (D-6.0202).

The Presbytery Meeting: Once the congregation has voted to request disaffiliation from the PC (USA) and the resolution team has negotiated terms for disaffiliation with the session, the presbytery will vote on accepting the terms of the negotiated agreement and the dismissal of the congregation. (G-3.0303b) To do this and maintain the trust and integrity of the process it is essential that the motion be a “thumbs up or thumbs down” vote. Renegotiation of the terms of disaffiliation through the use of amendments on the floor would essentially invalidate months of work between the resolution team and the congregation, and may damage the trust built between the presbytery and the congregation.

If there is a request from members loyal to the PC(USA) to remain in the denomination and in possession of the property, and the resolution team determines that a congregation intends to disaffiliate from the PC(USA) and its leaders are not willing to work in good faith toward a mutually-agreeable resolution, it shall recommend the formation of an administrative commission empowered to take all appropriate and necessary action in the presbytery’s stewardship of the congregation and the property. No final action of dissolution, disaffiliation, division through schism, or discipline shall be taken until the presbytery in a full meeting shall approve such final action.

Should the congregation or its leadership refuse visits and discussion with the listening team and/or the resolution team, the council shall immediately recommend to the presbytery the formation of an administrative commission with authority to act for the presbytery in matters delegated to the administrative commission.

Congregational Vote for Negotiated Agreement: Following the presbytery’s approval of the negotiated agreement and disaffiliation of the congregation to another Reformed denomination, the congregation shall vote to approve the agreement. The congregational vote to approve the agreement shall be by secret ballot. The quorum for such a meeting ordinarily shall be 35% of the members on the active roll.

If the congregation votes to approve the agreement by a vote of at least 80% of the congregation's members present and voting, the agreement shall be considered ratified.

If the vote for the terms of disaffiliation, as worked out by the presbytery and the session, does not attain the required level of affirmative votes, the presbytery shall continue to work with the congregation with the goal of reducing dissatisfaction and enhancing the relationship between the presbytery and the congregation.

Dismissal to Independent or Non-Denominational Status: Mission Presbytery does not dismiss a church to an independent status. The proper procedure is to dissolve the church. This would allow the presbytery to sell the property to the congregation for fair market value or for the congregation to arrange to lease the property from the presbytery for a fair rental fee or other use of the property that aids the presbytery in its strategic mission of ministry in the name of Jesus Christ.

Administrative Commissions: An administrative commission could be formed if necessary at any time.