



OFFICE OF
THE GENERAL ASSEMBLY

The Presbyterian Church in the United States
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James E. Andrews, Stated Clerk

TO ALL PASTORS AND CLERKS OF SESSIONS

The mailing of this booklet has been undertaken at this time in order to provide you with dependable, factual information. Ordinarily, we would not distribute in advance of the General Assembly a report from one of its committees. However, we have heard from a number of Presbyteries that the report is being misrepresented, and that inaccurate statements are being made about the proposed revision of the Book of Church Order Chapter 6, dealing with the property of particular churches.

The report has been unanimously approved by the Permanent Judicial Commission. It has been unanimously recommended by the Ad Interim Committee on Church Property. The amendments were drafted by a group of Elders, all of them attorneys and most of them experienced in both church property litigation and the interpretation of the Book of Church Order. All three of these committees are unanimous in their opinion that the decision of the Supreme Court in the United States in the case of Jones vs. Wolf makes essential some revision of the Constitution, a view set forth clearly in Appendix 2.

These women and men are also agreed that the amendments contained in the following report do not represent any significant change in the traditional view of church property held by the Presbyterian Church in the U. S. Most of the material is already in the Book of Church Order, in the current Chapter 6, in Section 4-2, and in 14-5 and 14-6. Other concepts and actual wording are contained in the statements of the General Assembly which are binding interpretation of the Constitution, statements made in 1953 and in 1971.

These amendments do not in any way change the fact that the congregation, in the Presbyterian Church in the U. S., owns its own property. Nor do the amendments change the fact that we are a Presbyterian Church, with Presbyteries empowered to review and correct the actions of Sessions.

These amendments do not give Presbytery, Synod, or Assembly any jurisdiction over property. They do sharpen the point made in the 1971 statement, which is quoted in Appendix 1, that no part of our court system is autonomous, independent of the other parts, in any matter.

These amendments are not related to the work of the Joint Committee on Presbyterian Reunion -- they would have been written in the same language, and introduced at this time, if there were no reunion plans under consideration. The amendments do not include any requirement that the General Assembly concur in a Presbytery action to dismiss a congregation with its property, a traditional feature of the Constitution of the United Presbyterian Church. Further, the current draft of the Plan for Reunion includes a so-called "grandfather clause" under which PCUS churches would remain subject to traditional PCUS provisions dealing with ownership, sale, and mortgaging of property in perpetuity.

I, personally, regret the necessity of such amendments being taken to the General Assembly. But the action of the civil courts leaves us no choice except to amend our provisions for holding property, or to amend our theological views of the nature of the Church.

James E. Andrews
Stated Clerk

Note: Appendix 1 to the Report of the Committee on Church Property is still in draft form. It may receive minor changes before being submitted to the 121st General Assembly.