CM - Note 13 - Three Actions Taken at Reunion in 1983

The Office of the General Assembly is called upon to differentiate among three distinct, unrelated actions taken by the Presbyterian Church (U.S.A.)'s General Assembly at the time of reunion[1] in 1983 regarding church property:

1. The 195th General Assembly (1983) of the newly formed PC(USA) approved the trust clause at G-8.0201.[2] Virtually identical clauses existed in the *Book of Order* of the United Presbyterian Church in the United States of America (UPC)[3] and the *Book of Church Order* of the Presbyterian Church in the United States (PCUS).[4] These earlier clauses were a direct response to an invitation in 1979 by the United States Supreme Court.[5] (This was the second time the United States Supreme Court had studied our polity as it related to church property. In 1871 the Court noted an implied trust in connectionalism[6] found in our Form of Government.)

2. The same assembly also adopted G-8.0701, which permitted former PCUS congregations to deal with their property as they had under the PCUS *Book of Church Order*. By the time of reunion in 1983, Chapter 6 of the PCUS *Book of Church Order* contained a trust clause[7] that allowed PCUS congregations to encumber their property without the presbytery's permission. With reunion, such PCUS congregations had to vote within an 8-year window (ending in 1992) to continue to operate under Chapter 6 and the presbytery had to be informed of that decision and record it in its minutes. G-8.0701 preserves the right of those former PCUS congregations that took the election to buy, sell or mortgage real property without seeking the permission of the presbytery. [8]

3. The 1983 assembly also adopted Article 13 as part of the Articles of Agreement[9], which provided former PCUS congregations a one-time window to leave the PCUSA with their property. That window closed in 1992.[10] There are NO "Article 13 churches" remaining in the PCUSA.

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[1] Both the General Assemblies and a majority of the presbyteries of both predecessor denominations approved the Plan for Reunion in separate votes.
[2] "All property held by or for a particular church, a presbytery, a synod, the General Assembly, or the Presbyterian Church (U.S.A.), whether legal title is lodged in a corporation, a trustee or trustees, or an unincorporated association, and whether the property is used in programs of a particular church or of a more inclusive governing body or retained for the production of income, is held in trust nevertheless for the use and benefit of the Presbyterian Church (U.S.A.)."
[3] Form of Government, Chapter XLII, Sections 1 - 5 (72.00-.05).
[4] Sections 1 - 5 (72.00-.05), section 6-3.
[5] *Jones v. Wolf*, 443 U.S. 595, 1979.
[6] *Watson v. Jones*, 80 U.S. (13 Wall.) 679 (1871).
[7] PCUS, 1981, 90ff., 224ff., (became explicit part of *Book of Church Order* in 1982).
[8] PCUS, 1982-83, section 6-8, "Nothing in this chapter shall be construed to require a particular church to seek or obtain the approval of any church court above the level of the particular church in order to buy, sell or mortgage the property of that particular church in the conduct of its affairs as a church of the PCUS."
[9] The Articles of Agreement provided "... the means by which the confessional documents, members, officers, judicatories, courts, agencies, institutions and property of those churches shall be and become the

confessional documents, members, officers, judicatories, courts, agencies, institutions and property of the Presbyterian Church (U.S.A.)." (From the Preamble to the articles.)

[10] "13.4 Any petition for dismissal with property filed later than eight years from the consummation of union shall be handled under the appropriate provisions for such a request in the Form of Government."