

**Baumann and Griffiths v. Session of Bellefield Church, Remedial Case
202-1,**

**DWIGHT M. BAUMANN and
ROBERT B. GRIFFITHS,
Complainants/Appellants**

v.

**SESSION OF BELLEFIELD PRESBYTERIAN CHURCH,
Respondent/Appellee**

In 1983 the session of Bellefield Presbyterian Church addressed issues relating to the mishandling of church finances by the pastor/head of staff of that congregation. The problem was first addressed by the personnel committee of session in consultation with the church treasurer. Following a report to the session by the personnel committee, the session contacted George Wilson, director of Ministerial Relations for the Presbytery of Pittsburgh.

Wilson and a committee of elders from the session met with the pastor and a proposal was submitted to the session. Subsequently, George Wilson, the session, and the pastor worked out a plan to try to resolve the problems and an "ad hoc committee on reconciliation" was formed. This committee, after some negotiations, presented a new plan to the session.

The session then took three actions: one, adopted a statement to the congregation on stabilization of relationships; two, adopted a statement of reconciliation between the minister and the session on behalf of the congregation; and three, addressed a letter to Robert B. Griffiths advising him that his attitude was vindictive and abusive and calling on him to "refrain from his activities, repent and publicly confess his sins."

The session directed that the statement of reconciliation ("Confidential Statement") between the pastor and the session on behalf of the congregation be held in confidence and not be revealed to the congregation.

Baumann and Griffiths each filed a complaint against the session in September of 1984 challenging the propriety of holding the statement in confidence. These two complaints were joined for hearing by the permanent judicial commission of the Presbytery of Pittsburgh (Presbytery PJC).

After the first complaint was filed, agreement was reached by the parties that the "Confidential Statement" would be released to the complainants if it were not rescinded. Session subsequently rescinded the agreement, and Complaint #1 was withdrawn.

In the fall of 1985 an administrative commission was appointed by the presbytery to "investigate the unrest and conflict of a long-standing nature within the life of Bellefield Presbyterian Church." This commission, headed by Robert Harvey, recommended to the presbytery that the pastoral relationship be dissolved. In April of 1986 this recommendation was rejected by the presbytery.

Complaint #2 arose indirectly out of the Harvey Commission report. A congregational meeting was called by the session to "more fully inform them of presbytery's actions with

recommendations and our ongoing efforts in working to resolve the problems within the church." The session first called the meeting then cancelled it. Six elders then requested that a congregational meeting be called. The session refused, and Complaint #2 was filed with the presbytery in July 1986, complaining of the refusal of session "to inform the congregation of the nature of the investigation and the findings and the findings [sic] of the investigation inquired into by an administrative commission."

Presbytery PJC dismissed Complaint #2 on the grounds that the complaint did not state a cause upon which relief could be granted. This decision was appealed to the permanent judicial commission of the Synod of the Trinity (Synod PJC). The Synod PJC remanded the case to the Presbytery PJC with instructions to proceed to a trial on the merits or to hold a further pretrial conference. On remand the Presbytery PJC again dismissed the complaint, and a second appeal to the Synod PJC resulted.

Complaint #3 was filed in June of 1987, alleging that the "Confidential Statement" was not totally, but only partially rescinded, and complaining as in Complaint #1 of the secret nature of an agreement entered into on behalf of the congregation while refusing to inform the congregation of the nature of the agreement. Complainants requested that the statement be distributed to the congregation along with an apology from the session for its misguided use of power in producing such a document in the first place.

Complaint #3 was heard by Presbytery PJC in December of 1987 and Presbytery PJC reaffirmed the 1984 decision, holding the documents to be confidential. This was also appealed to the Synod PJC in February of 1988. The Synod PJC upheld the Presbytery PJC's decision at its hearing in April of 1989.

Complaint #4 was filed in July of 1987, complaining that an agreement made with the minister governing the handling of the finances of the church was not being kept. Complaint #4 asked that the presbytery remove the session and replace it with an administrative commission.

Presbytery PJC heard this complaint on December 1, 1987, and found that the complaint failed to state a claim on which relief could be granted.

Synod PJC heard cases two, three, and four at the same time and affirmed all three on the same bases as the decisions of the Pittsburgh PJC.

After fully considering the appeal, the Permanent Judicial Commission of the General Assembly (GA PJC) hereby reverses the Permanent Judicial Commission of the Synod of the Trinity on all three of the cases on appeal.

The pleadings as submitted do not include specifications of error. From the record on appeal the GA PJC identifies the following specifications of error:

1. The Synod PJC was in error in affirming the decision of the Presbytery PJC that the "*Confidential Statement on Reconciliation of the Relationship Between the Session, on Behalf of the Congregation, and the Senior Pastor*" was confidential despite the fact that it was made on behalf of the congregation and in effect changed the terms of call of the pastor.

2. The Synod PJC was in error in affirming the decision of the Presbytery PJC that the charges of fiscal malfeasance, and of prevarication on the part of the pastor were not sufficient for disciplinary action and that the complaint failed to state a claim upon which relief could be granted.

3. The Synod PJC was in error in affirming the decision of the Presbytery PJC, which upheld the actions of the session in refusing to inform the congregation of the findings of the administrative commission even after agreeing to do so.

Each specification of error outlined above is sustained.

We do not remand this case for further judicial process. The GA PJC believes that nothing will be gained by further prolongation of this case. Furthermore, the pastor involved is no longer associated with the congregation.

We believe it appropriate, however, to comment on some of the problems with the judicial process in this case.

The "Confidential Statement" made by the session was admittedly in the name of and for the congregation, and it was not appropriate to withhold this statement from the congregation. In addition, since the statement could be interpreted as changing the terms of call for the pastor, it would be a matter requiring approval by the congregation.

The major problem identified by the complainants in this case was a failure to inform the congregation in an adequate manner of matters affecting the life of the congregation. The recommendation a presbytery commission to the presbytery to sever a pastoral relationship is a matter seriously affecting the spiritual life of the congregation, and it is irregular to withhold this information from them.

The government of the Presbyterian Church (U.S.A.) is representative (*Book of Order*, G-6.0107). A session should keep the congregation advised of its actions in so far as reasonably possible.

The complainants sought by appropriate means to raise issues involving disciplinary process. The Rules of Discipline are not only to restrain wrongdoing but also to vindicate the innocent from the shadows of unresolved accusations.

The hearing process submitted to this PJC is woefully lacking in the basic elements of process required by the *Book of Order*. At every level of the judicial process in this case, rules of procedure were either ignored or unfairly administered. The General Assembly PJC reminds the parties that our tradition of dealing with the joys and problems of our faith decently and in good order is a worthy heritage.

The Permanent Judicial Commission of the General Assembly instructs the session of Bellefield Presbyterian Church in consultation with the appropriate presbytery body, to call a congregational meeting prior to April 1, 1990, for the purpose of public reading of this decision and to provide an opportunity for any member of the congregation to receive a full and adequate response to any questions concerning this order.

Upon completion of compliance with this instruction, the stated clerk of presbytery will notify the moderator of the Permanent Judicial Commission of the General Assembly of the session's compliance with this order.

The GA PJC sends to you our fervent prayers for the parties' spiritual healing and reconciliation.

Margaret J. Thomas, Moderator
Milton S. Carothers, Clerk