

REMEDIAL CASE 205-12

George L. WILSON and the SESSION of LATTA MEMORIAL PRESBYTERIAN CHURCH v.

Presbytery of DONEGAL

This is a remedial case which has come before this commission on appeal by the Presbytery of Donegal from an order by the Permanent Judicial Commission of the Synod of The Trinity.

Pursuant to *Book of Order*, D-13.1200a, this commission finds that it has jurisdiction, that the appellant has standing to appeal, that the appeal was properly and timely filed, and that the appeal is in order.

History

On June 26, 1990, the Presbytery of Donegal approved the Call of the Latta Memorial Presbyterian Church, Christiana, Pennsylvania, to George L. Wilson as Pastor. Terms of call included full participation in the Benefits Plan of the Presbyterian Church (U.S.A.). The Benefits Plan administered through the Board of Pensions covers elective abortions.

On January 27, 1991, the congregation voted to approve changes in the terms of Mr. Wilson's call including a provision for ". . .being removed from the denomination's medical coverage while still participating in the pension plan." The clerk of session notified the Board of Pensions of the congregation's action. On March 15, 1991, letters were sent to the clerk of session and the executive presbyter of the Presbytery of Donegal from the corporation secretary of the Board of Pensions, advising that the Plan is not divisible, reiterating the understanding that the presbytery guarantees pension dues, and that the presbytery would be invoiced on a regular basis for the church's arrears.

The proposed changes in Mr. Wilson's terms of call were presented to the presbytery for its annual review. On April 16, 1991, at the stated meeting of the Presbytery of Donegal the committee on ministry recommended that

the changes in Terms of Call for the Reverend George L. Wilson and the Latta Memorial Presbyterian Church of Christiana, PA *NOT* be approved for the following reasons:

- A. they do not meet the minimum standards of Donegal Presbytery.
- B. they violate the Book of Order (G-14.0506b) . . .

The presbytery postponed a decision on this matter pending General Assembly action on the following overture initiated by Latta Memorial Church:

- a. directing the Board of Pensions to cease coverage of charges related to abortion except when the life of the mother would be endangered if the fetus were carried to term, or
- b. directing the Board of Pensions to allow churches upon the vote of the congregation and the request of the pastor, to provide alternate medical coverage in a way that does not violate their consciences on abortion.

This Overture was defeated by the General Assembly in 1991, with the proviso that the Board of Pensions, the Committee on Problem Pregnancies and Abortion, and appropriate General Assembly units study methods of providing relief for congregations and ministers who object, as a matter of conscience, to participation in the denominational medical plan to the

extent that it funds abortions, and to report back to the General Assembly in 1992.

On September 17, 1991, the presbytery voted not to approve the changes in the terms of call for Mr. Wilson, for the reasons noted at the April 16, 1991, stated meeting of the presbytery.

On October 15, 1991, Mr. Wilson and the Session of Latta Memorial Presbyterian Church filed a complaint against the presbytery, alleging that in its action of September 17, 1991, the presbytery of Donegal acted in an irregular and unconstitutional manner in not approving the proposed changes in the terms of call between Mr. Wilson and Latta Memorial Presbyterian Church.

Before the Permanent Judicial Commission (PJC) of the Synod of the Trinity, the appellees contended that because of their opposition to abortion as the taking of human life, the presbytery must allow them the option of not participating in the medical portion of the Benefits Plan, which provides coverage for elective abortion. The appellees requested the synod PJC to:

- (1) order the presbytery to reconsider their refusal to change the terms of call, and
- (2) to instruct presbytery they may not use the refusal to participate in the medical plan as justification for refusing to approve the terms of call, so long as the congregation has provided equivalent medical coverage.

On September 29, 1992, the synod PJC rendered its decision, including the following findings which this commission deems relevant to this appeal:

1. The *Book of Order* implies in G-14.0506 that all installed pastors must participate in the Benefits Plan of the Board of Pensions, which clearly includes the Medical Plan portion of the Benefits Plan.
2. Pursuant to G-13.0103(r), the General Assembly has interpreted the *Book of Order* to mandate Medical Plan participation for all installed pastors.
3. The presbytery has enumerated power under G-11.0103(c) and reserved power to set the terms of call for installed pastors.
4. The General Assembly has the responsibility and power to provide the essential program functions that are appropriate for overall balance and diversity within the Mission of the Church (G-13.0103c), and "to provide services for the whole church that can be performed more effectively from a national base" (G-13.0103f).

G-4.0403 requires the church "to give full expression to the rich diversity within its membership" and to "guarantee full participation and access to representation in the decision making of the Church" to persons of different theological positions consistent with the Reformed tradition. The synod PJC concluded that G-4.0403 superseded the power of presbytery to set minimum terms of call and the power of the General Assembly to mandate participation in the Benefits Plan. Therefore, it required the presbytery to reconsider its refusal to approve changes in the terms of call between Mr. Wilson and Latta Memorial Presbyterian Church.

Decision

The basic issue in this case is whether the synod PJC erred in its conclusion that the language of G-4.0403 requires that a presbytery, in setting terms of calls, must allow a particular minister relief from mandatory participation in the Benefits Plan on the basis that he or she believes that abortion is the taking of a human life.

This commission finds that the synod PJC erred in interpreting G-4.0403 as it did. This provision guarantees the right to express an opinion and to be heard in the process of decision making. Once a decision has been made, members of the church have an obligation to abide by

that decision, even if they continue to advocate change.

The General Assembly adopted a paper in 1983 entitled "Historic Principles, Conscience and Church Government," which included the following recommendation:

The Historic Principles of Presbyterianism have sought to establish balance between the private judgment of the individual and the freedom of the church to order its affairs. While the majority cannot force its will on an unwilling minority, neither can the minority thwart the intention of the majority on the grounds that the conscience of the minority is violated. Freedom of conscience does not require that the conscientious opinion of every member of the church will prevail. Where there are differences of opinion, our church recognizes that the ways of resolving conflict between the freedom of individual conscience and the requirements of our polity are compromise, acquiescence by one group or another, or withdrawal without causing schism. Therefore, freedom of conscience is not abridged by the requirements of our Constitution. (*Minutes*, 1983, Part I, pp. 157-158)

We hold that the decision of the synod PJC is in direct violation of the *Book of Order*. The synod PJC entered its decision on September 29, 1992. Changes in the Benefits Plan which permit a member relief of conscience did not become effective until after Mr. Wilson left his pastoral position on September 30, 1992, and therefore are not applicable in this case. Under these circumstances the presbytery properly voted not to approve the changes in the terms of call which excluded participation in the Benefits Plan.

Specifications of Error

The appellant raises fourteen specifications of error. Nine of these are moot or irrelevant and are not sustained. The remaining specifications of error are:

(1) The Permanent Judicial Commission of the Synod of the Trinity erred in finding that actions of the Presbytery of Donegal "were regular and proper in that they relied upon stated General Assembly policy", but then decided that the Presbytery of Donegal should reconsider its refusal to approve changes in the terms of call of Rev. Wilson and the Latta Memorial Presbyterian Church.

(2) The Permanent Judicial Commission of the Synod of the Trinity exceeded its authority as to the General Assembly and the Board of Pensions and directs the Presbytery of Donegal to violate the *Constitution of the Presbyterian Church (U.S.A.)*.

(3) The synod PJC erred in its interpretation and application of G-4.0403 and of G-9.0104 by implying the presbytery's power to set minimum terms of call, and the General Assembly's power to mandate participation in the Benefits Plan in some way deny "the clear constitutional guarantee that the Presbyterian Church (USA) shall give full expression to the rich diversity within its membership."

(4) The permanent judicial commission mistakenly concluded, on the basis of an apparent misunderstanding of the *Constitution* and the basic design and philosophy of the church's Benefits Plan, that the presbyteries and General Assembly must allow for relief from mandatory participation in the Medical Benefits Plan administered by the Board of Pensions.

(5) The permanent judicial commission's Conclusion that the complainants/appellees must be afforded relief from mandatory participation on the basis of the constitutional guarantee

of "full participation and access to representation in the decision making of the Church" is erroneous and contrary to the actions of the 204th General Assembly (1992).

These specifications are sustained.

Order

It is therefore ordered that the decision of the Synod of the Trinity Permanent Judicial Commission requiring the Presbytery of Donegal to reconsider its September 17, 1991, disapproval in the changes of the terms of call is reversed.

It is ordered that the stated clerk of the Presbytery of Donegal report this decision to the presbytery at its next meeting, that the presbytery enter the full decision upon its minutes, and that an excerpt from those minutes showing entry of the decision be sent to the Stated Clerk of the General Assembly. (D-8.1900)

It is further ordered that this decision be forwarded to the Synod of The Trinity for reporting and be spread in its minutes.

Robert Hotchkiss, member of the commission, took no part in the proceedings. Harold Densmore, member of the commission, was not present and took no part in the proceedings.