

**THE PERMANENT JUDICIAL COMMISSION
OF THE GENERAL ASSEMBLY
OF THE PRESBYTERIAN CHURCH (U.S.A.)**

DECISION

| | | |
|--|---|----------------------------|
| Congregation for RECONCILIATION |) | |
| and the Rev. William Graham |) | |
| Complainant/Appellant |) | |
| |) | |
| v. |) | REMEDIAL CASE 212-3 |
| |) | |
| Presbytery of MIAMI |) | |
| Respondent/Appellee |) | |

This is a remedial case which has come before the Commission on appeal by William Graham, minister, from a decision by the Permanent Judicial Commission of the Synod of the Covenant. The Permanent Judicial Commission finds that it has jurisdiction, that appellant William Graham has standing to appeal, that the appeal was properly and timely filed, and that the appeal states one or more grounds for appeal (D-8.0105).

HISTORY

On April 14, 1970, the Presbytery of Miami [hereinafter Presbytery] authorized the organization of the Congregation for Reconciliation [hereinafter Church] as a union church of the United Church of Christ and the United Presbyterian Church in the United States of America, now Presbyterian Church (U.S.A.). On September 11, 1973, the union church relationship was reaffirmed and the Presbytery formally closed the experimental period in the life of the Church.

The organizing and only pastor of the Church indicated his intention to resign and to retire on May 1, 1997. This event served as the catalyst to examine the relationship between the

Presbytery and the Church. From May 1997 through April 1998, the Church and the Presbytery through its Committee on Ministry had numerous meetings and exchanged correspondence seeking to clarify the status of the Church as a particular church of the Presbyterian Church (U.S.A.).

In a memorandum dated December 5, 1997, the Committee on Ministry asked to consult with the Church to clarify the covenant relationship. This consultation would include the Church council and any members of the congregation with the possible inclusion of the Executive Presbyter of the Presbytery and the Association Minister of the Ohio Conference of the United Church of Christ.

On January 4, 1998, the Church held a congregational meeting to consider the report of a Committee on Ministry Task Force on the Congregation for Reconciliation. The Church voted not to accept the conclusion of the Task Force “that a new covenant of relationship of the Miami Presbytery with the Congregation for Reconciliation is appropriate.”

On January 25, 1998, the Church voted to call a new pastor effective February 15, 1998, without the constitutionally required consultation with the Committee on Ministry during the call process. By letter dated February 24, 1998, the Congregation notified the Committee on Ministry that it had issued the call. On March 1, 1998, the Committee on Ministry sent a letter to the Church stating “we are unable to recognize the call.” The letter was also sent to the United Church of Christ Conference. On March 31, 1998, the Committee on Ministry notified the Church that it would recommend to Presbytery that union church relationship would be dissolved. A consultation with the Church took place on April 1, 1998, concerning the recommendation.

The Presbytery notified the Church as well as the presbyters that the recommendation would be considered at a stated meeting on April 28, 1998.

Although the Church was given time to respond to the recommendation of the Committee on Ministry at the presbytery meeting, it did not do so and did not ask for any consideration by the presbytery to give it additional time, to postpone a decision on the issue, or to request any of several alternatives to permit it an additional opportunity to present its case. The Church distributed additional papers to the presbyters at the meeting.

The Presbytery voted to “dissolve its formal relationship with the Congregation for Reconciliation according to the provisions of G-11.0103i and further, that the Congregation for Reconciliation be invited to continue in a correspondence relationship with the Miami Presbytery.”

APPEAL

Appellant commenced a remedial case with the Permanent Judicial Commission of the Synod of the Covenant on July 15, 1998, alleging four complaints consisting of twenty specifications of error. Pursuant to an agreement between the parties, the Permanent Judicial Commission of the Synod of the Covenant issued an Order limiting the issues to be tried to specifications of error numbers 6 through 10 of the original Complaint, all of which related to the process of dissolution.

The Permanent Judicial Commission of the Synod of the Covenant commenced its trial on March 1, 1999, and issued its Decision on March 2, 1999, in which it voted not to sustain the five specifications of error which the parties had agreed upon as the issues to come before the Permanent Judicial Commission for trial arising out of alleged irregularities by the Presbytery.

Appellant filed an appeal from the Decision of the Permanent Judicial Commission of the Synod on March 29, 1999. The specifications argued in appellant's brief dated April 28, 1999, do not correspond to its specifications of error in its notice of appeal. This Commission can only consider those matters specified in the notice of appeal. We have restated the specifications of error for clarity.

SPECIFICATIONS OF ERROR

I. The Synod Permanent Judicial Commission refused to hear complaint specifications 1-4 and 17-20 regarding the ecumenical requirements in the Book of Order and the conflict of constitutions.

The specification is not sustained. *[0 to sustain, 16 not to sustain, 0 abstentions]*

II. The Synod Permanent Judicial Commission incorrectly ruled that the Presbytery of Miami dissolved the union relationship with proper consultation.

The specification is not sustained. *[0 to sustain, 16 not to sustain, 0 abstentions]*

III. The Synod Permanent Judicial Commission refused to hear complaint specifications 11-16 regarding the Committee on Ministry.

The specification is not sustained. *[0 to sustain, 16 not to sustain, 0 abstentions]*

IV. The Synod Permanent Judicial Commission erred by incorrectly ruling that the Presbytery of Miami voted for dissolution with knowledge.

The specification is not sustained. *[0 to sustain, 16 not to sustain, 0 abstentions]*

OPINION

The specifications of the original complaint numbers 1-4, 11-16, and 17-20 were not part of the trial before the Synod Permanent Judicial Commission by agreement of the parties and are

not subject to appeal.

The action of the Presbytery dissolved the formal relationship of the Church with the Presbyterian Church (U.S.A.). This Commission holds that G-11.0103i governs a presbytery initiated dissolution of union churches. The record contains sufficient evidence to support the holding of the Synod Permanent Judicial Commission that the consultation requirement of G-11.0103i was met. (*Hardwick v. Synod of North Carolina*, PCUS 1983, 44, “Judgments of a lower court on factual issues are favored with a presumption of correctness and are not to be disturbed unless plainly or palpably wrong, without supporting evidence, or manifestly unjust.”) The record also contains sufficient evidence to support the Synod Permanent Judicial Commission’s holding that the Presbytery voted for dissolution with knowledge.

IT IS THEREFORE ORDERED that the Decision of the Permanent Judicial Commission of the Synod of the Covenant is affirmed.

IT IS FURTHER ORDERED that the Stated Clerk of the Presbytery of Miami, Appellee, report this Decision to the Presbytery at its first meeting, that the Presbytery of Miami 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, and that a full copy of this Decision be sent to William Graham. (D-8.0404f)

Dated this 13th day of November, 1999.