

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

Montreat Presbyterian Church (U.S.A.) )  
)  
v. )  
)  
General Assembly Council of the )  
Presbyterian Church (U.S.A.) )

**HEADNOTE**

**Remedial Case 214-8**

**Jurisdiction of the Permanent Judicial Commission:** The General Assembly Permanent Judicial Commission is not a general board of review. This affirms the holding in *Broad Avenue Presbyterian Church, et al, v. General Assembly Council* (1995, 123,11.059).

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

Montreat Presbyterian Church (U.S.A.),	)	
Complainant,	)	
	)	
v.	)	<b>ORDER OF DISMISSAL</b>
	)	
General Assembly Council of the	)	<b>Remedial Case 214-8</b>
Presbyterian Church (U.S.A.),	)	
Respondent.	)	

The session of Montreat Presbyterian Church, Montreat, North Carolina (Session), filed a remedial complaint against the General Assembly Council (GAC) with the General Assembly Permanent Judicial Commission (GAPJC) in a case of original jurisdiction on May 11, 2001, alleging that the GAC was delinquent in failing to supervise properly the planning, coordination, and review of the Peacemaking Conference sponsored by the Peacemaking Unit of the Congregational Ministries Division of the General Assembly and held on July 26-30, 2000.

The GAC responded to the complaint by filing its answer and bringing a motion before this Commission to dismiss the complaint based on lack of jurisdiction. The GAC argued that the complaint was directed to and subsequently acted upon by the 213<sup>th</sup> General Assembly (2001), that the alleged delinquency is time-barred, and that the complaint fails to state a claim upon which relief can be granted.

This Commission finds that it has jurisdiction and that the complainant has standing to file the case. This Commission, however, finds that the complaint fails to state a claim upon which relief can be granted (D-6.0305). The issue of timely filing is therefore moot.

The motion to dismiss the complaint was heard by the full Commission on April 12, 2002.

**Decision**

This Commission finds that the complaint fails to state a claim upon which relief can be granted because this Commission is not a general board of review (*Broad Avenue Presbyterian Church, et al, v. General Assembly Council, 1995, 123*). The *Broad Avenue* case arose out of discontent with the 1993 “Re-Imagining Conference.” There the complainants sought to “establish a policy ensuring that General Assembly Council officers and employees ‘conform their official words and actions’ to authoritative teachings of the church.” Here, the Session seeks similar relief in light of its discontent with the 2000 Peacemaking Conference. In keeping with the majority and concurring opinions in *Broad Avenue*, this Commission finds that the complaint fails to state a claim upon which relief can be granted because “this Commission is not a general board of review.” As the concurring opinion further states:

Within our system of governance, certain responsibilities, and the power to implement those responsibilities are assigned to governing bodies and councils. See also G-13.0200 (responsibilities of GAC). A delinquency arises when a governing body or council fails to act and is required to act under our Constitution. A governing body or council does not commit a delinquency, however, when it does not exercise its power to implement its responsibilities as requested by one or more Presbyterians out of their understanding of Christ's lordship.

In the request for relief in its complaint, the Session also asked that this Commission order the formation of new committees to review the work of the GAC. The *Book of Order* spells out the duties and responsibilities of the GAC (G-13.0201). This Commission cannot amend the *Book of Order* by adding responsibilities to the GAC that are not found therein.

### **Order**

The complaint is dismissed.

The following members of the Commission were not present and took no part in the deliberations or decision: Jesse Butler, Mildred Morales, and Daniel Saperstein.

Dated the 14<sup>th</sup> day of April, 2002.