

# The Proposed Form of Government – A Critical Analysis

Adopting the proposed new Form of Government (nFOG) would have significant consequences for our denomination. We urge presbyters to spend time in careful evaluation of the amended version sent to the presbyteries this year for their vote. The proposed constitutional amendment, consisting of the two parts of the nFOG, plus the accompanying Advisory Handbook, are available online (<http://oga.pcusa.org/>) and may also be available from your presbytery in hard copy.

The nFOG adds an entirely new fourth section to the *Book of Order*, “The Foundations of Presbyterian Polity,” and also includes a completely rewritten “Form of Government” section.

The 219<sup>th</sup> General Assembly amended the nFOG and corrected a few of its critical flaws. However, after a thorough re-examination of the document, we find that numerous and very serious problems remain. The amending process is over. The documents are now submitted to the presbyteries for an up or down vote. Some of the most serious problems that remain in the nFOG include:

- Governing bodies are no longer “separate and independent,” but instead are “interconnected” in a hierarchical structure in which powers of presbyteries are significantly increased while powers of sessions and congregations are greatly diminished.
- Provisions defining how relationships between pastors and congregations will be established and how persons will be prepared for pastoral ministry are removed from the *Book of Order*. This means that they can be changed at any time, without the approval of the majority of the presbyteries.
- The document is vague and plagued with inconsistencies, opening the way for increasing rather than diminishing judicial proceedings.
- The General Assembly Permanent Judicial Commission (GAPJC) advised against adoption of the nFOG. It commented that adoption of the nFOG would, for example, result in the loss of important due process protections for pastors in cases of termination.

We believe that a careful examination of the proposed documents will lead readers to reject the nFOG. This paper will take the reader through the “**Foundations**” section, the rewritten “**Form of Government**” section, and the “**Advisory Handbook for Councils for the Development of Policies and Procedures Required by the Form of Government**,” giving references in both the proposed and our current documents. We hope that this analysis will help readers make an informed decision in a matter that is of vital importance to our church.

## Part One of the nFOG: Proposed “Foundations of Presbyterian Polity”

(designed to replace G-1.0000-G-4.0403 in the current Form of Government and become a separate section)

### Cracks in the Foundation

The new Form of Government (nFOG) proposes to set much of the content found in the first four chapters of the present Form of Government into a new section to be created in the *Book of Order* called “The Foundations of Presbyterian Polity.” The writers of the nFOG did not present this section as having a level of authority higher than that of the other sections of the *Book of Order*. However, the fact that the Advisory Committee on the Constitution (ACC) included a section titled “How the Foundations Relate to Other Sections of the *Book of Order*” in its “Comment” to the recent GA<sup>1</sup> indicates that a special relationship may be implied just by describing the section as “Foundations.” The implications of the relationship will not be known before the nFOG is in use.

A large portion of the material found in the current *Book of Order* chapters G-1 through G-4 is incorporated into the new Foundations document. For example, the “Historic Principles of Church Order” found in nFOG F-3.01 are completely unchanged from G-1.0300. However, in other parts of the “Foundations” subtle changes in wording create potential for significant impact.

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1. <http://www.pc-biz.org/IOBView.aspx?m=ro&id=2263&promoid=99>

In the blue box in the upper right of that window, under “Comment,” click on “Advice from the ACC.” See section “II. How the Proposed Foundations Would Modify the Current Provisions of Chapters I–IV,” and look at section “B. How the Foundations Relate to Other Sections of the *Book of Order*.”

### ***Confessional authority weakened?***

One example of significant impact is in Chapter Two of the Foundations. Much of the current Chapter Two on “The Church and Its Confessions” can be found in nFOG F-2.01–2.05 (arranged in a different order). But a troubling change is the addition of a sentence in the second paragraph of section F-2.01, titled “The purpose of Confessional statements.” The new sentence declares that the creeds and confessions of this church “appeal to the universal truth of the Gospel while expressing that truth *within the social and cultural assumptions of their time.*” [emphasis added]

Confessional statements were written in the *context* of particular challenges to the faith in a particular culture, time and place. The new wording relativizes the Confessions. It suggests that they reflect the social and cultural assumptions of any given time in history rather than act to express the eternal truth set forth in Scripture. The new statement in the Foundations, applied to the Directory for Worship, may suggest that the definition of marriage is rooted in cultural assumptions of the past rather than in God’s eternal truth.

This current statement about the *Book of Confessions* now in G-2.0100b remains in the nFOG:

. . . These confessional statements are subordinate standards in the church, subject to the authority of Jesus Christ, the Word of God, as the Scriptures bear witness to him. While confessional standards are subordinate to the Scriptures they are, nonetheless, standards. They are not lightly drawn up or subscribed to, nor may they be ignored or dismissed. . .  
nFOG F-2.02

But this statement would need to be read in the context of the newly-inserted language. The problem is that while those sentences from the current *Book of Order* remain, the new sentence introduces vagueness about authority. In fact, the new statement reflects an assumption common in our own time that truth is relative.

### ***No longer “separate and independent” bodies***

Another significant change inserted into the “Principles of Presbyterian Government” in the Foundations section defines the relationship between governing bodies. Currently our governing bodies are described as “separate and independent” (G-9.0103):

All governing bodies of the church are united by the nature of the church and share with one another responsibilities, rights, and powers as provided in this Constitution. The governing bodies are *separate and independent*, but have such mutual relations that the act of one of them is the act of the whole church performed by it through the appropriate governing body. The jurisdiction of each governing body is limited by the express provisions of the Constitution, with powers not mentioned being reserved to the presbyteries, and with the acts of each subject to review by the next higher governing body. [emphasis added]

In the remedial case which determined that per capita contributions by sessions are voluntary, *Central v. Long Island* (Remedial Case 204-5) in 1992, the GAPJC wrote in its decision:

These issues go to the heart of our Presbyterian system of church governance. Our system is unique. It neither imposes decisions from the top down nor allows particular churches to operate in a vacuum. . . . While our Book of Order speaks in terms of “higher governing bodies,” we acknowledge that our system contemplates a partnership of church governance in which each governing body has responsibilities, exercises authority, and carries out mission in particular areas (G-9.0103).

When the paragraph containing the wording describing governing bodies as “separate and independent” (currently in G-9.0103) was transferred to the nFOG, those terms were replaced with vague wording, describing the governing bodies only as “distinct.” In addition, in his paper “What is Missional Ecclesiology?”<sup>2</sup>(included as an online resource for presbytery voting on the nFOG, Paul Hooker, one of four persons on the writing team for the nFOG task force, explains the following in the section defining “missional polity”:

As sessions guide and *govern* the work of congregations, as presbyteries nurture, guide, and *govern* the work of sessions, and as synods and the General Assembly support and *govern* the work of presbyteries, they do so under the rubric of these essential tasks. [emphasis added]

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2. <http://oga.pcusa.org/formofgovernment/> See “What Is Missional Ecclesiology” from Paul Hooker, listed under “Additional resources,” p 8. Rev. Hooker is Executive and Stated Clerk for the Presbytery of St. Augustine.

Although the explicit wording that a higher governing body will “govern” the one below it is not included in the nFOG itself, the hierarchical structure Rev. Hooker describes is clearly evident in other parts of the nFOG which will be described in more detail later in this paper. For example, under the nFOG, responsibility for the “mission” of the congregation would no longer be under the authority of the session (nFOG, section G-3). In addition, church members would be under the leadership not only of their elected session, but also under the leadership of the presbytery, synod, and General Assembly (nFOG, section G-1). Congregations would be subject to the instruction in the new requirements of the Advisory Handbook for presbyteries to conduct more thorough “administrative review” of sessions than is now necessary, including review of session records to determine, “Are any directives from the presbytery properly recorded?” In many different passages, the nFOG displays a disturbing new vision for the Presbyterian Church, one that is more hierarchical than connectional.

### ***What kind of “discernment” is mandated?***

“The Principles of Presbyterian Government” now found in G-4.0301 are restated in nFOG F-3.02 in the same order, adding a few insertions. Two of these insertions are significant. One affects how decisions will be reached in governing bodies. Currently G-4.0301e reads, “Decisions shall be reached in governing bodies by vote, following opportunity for discussion, and a majority shall govern.” When that sentence is transferred to the nFOG section F-3.0205, the words “and discernment” are added, so the sentence reads: “Decisions shall be reached in councils [the nFOG term replacing “governing bodies”] by vote, following opportunity for discussion *and discernment*, and a majority shall govern.” [emphasis added] The new wording indicates that discussion alone is not an adequate process before voting since there must be (“shall” language is used) opportunity for discussion “and” discernment. The change makes a constitutional requirement of a recommendation that was only “urged” in the Peace, Unity, and Purity report adopted in 2006.

In recent years, governing bodies in the PC(USA) have increasingly been experimenting with alternative “means of discernment.” Many of these “discernment” processes incorporate a form of “consensus decision-making.” Stated Clerk Gradye Parsons wrote an article in 2003 recommending that the PC(USA) further explore consensus decisionmaking.<sup>3</sup> An increasing number of presbyteries have incorporated some of these recommendations into consideration of constitutional amendments. In a common use of this process, the body called to conduct the business of the church breaks into small “sharing” groups where a minority view in the group may easily be intimidated into silence, creating a false sense of consensus.

The PC(USA) booklet called “Parliamentary Procedures in the Presbyterian Church (U.S.A.),” explains the problem inherent in consensus decision-making in this way:<sup>4</sup>

Recent moves to adopt consensus decision-making are antithetical to this principle [of discerning the will of the majority] and also to the basic rights of the individual. . . and should **never** be used except in the most routine of parliamentary transactions. At its worst, consensus decision-making is manipulative and overpowering to the rights of the minority because it compels the minority to ‘break the unity of the body’ in order to disagree. Most church members will choose to suppress their disagreement rather than risk this, and, if forced into this dilemma very often will begin to harbor resentment toward the body. This latter is far more destructive to unity than open disagreement and the freedom of the right to disagree. [emphasis in original]

Even if these “methods of discernment” are followed by a vote, the vote can be coerced compared to the freedom of a parliamentary debate in which all participants address remarks to the moderator and the contest is one of ideas, heard by all participants, while the moderator enforces rules to prevent personal attacks and protect all individuals. By using mandatory language, the Foundations thus *requires* something more than, or in addition to, the use of parliamentary process.

### ***More ambiguities in theology***

Compare the statements on authority found in the current Form of Government with those in the nFOG. The present G-1.0100c states, “Insofar as Christ’s will for the Church is set forth in Scripture, it is to be obeyed.” The current sentence makes it clear that “Scripture” is to be obeyed. The Reformation principle “sola scriptura,” “Scripture alone,” is clearly taught throughout our *Book of Confessions*<sup>5</sup> In contrast, nFOG F-1.0203 reads: “Scripture teaches us of Christ’s will for the Church, which is to be

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3. <http://oga.pcusa.org/perspectives/sep03/consensus.htm> “A Consensus Observed” by Gradye Parsons, *Perspectives: An Online Publication of the Office of the General Assembly*, Sept 2003. The Stated Clerk’s recommendations include “having a clear division between the information stage and the deliberation stage of an issue” and using smaller discussion groups. Some presbyteries are using this process in preparation for voting on these amendments by having “information” (are pros and cons given equal time?) presented and small group discussions on a proposed amendment at one presbytery meeting, then voting on the amendment at the subsequent presbytery meeting.

4. [http://oga.pcusa.org/oga/publications/parliamentary\\_procedure.pdf](http://oga.pcusa.org/oga/publications/parliamentary_procedure.pdf)

“Parliamentary Procedures in the Presbyterian Church (U.S.A.)” by Marianne L. Wolfe, P.R.P., pp 4-5.

5. Some excerpts from the *Book of Confessions* concerning the authority of Scripture:

obeyed.” The problem lies in a current cultural assumption among some in the Church that the authority of Christ is distinct from the authority of Scripture. There is in this new language an implied hierarchy of authority that Christ’s will is above Scripture. This opens the way for “new” expressions of Christ’s will that might contradict and supersede Scripture.<sup>6,7</sup> The new language would institutionalize a new vagueness about authority in our constitution.

A serious theological flaw is found in the first sentence of the Foundations: “The good news of the Gospel is that the triune God – Father, Son, and Holy Spirit – creates, redeems, sustains, rules, and transforms all things and all people.” This statement that “God . . . redeems . . . all people” implies a theology of universalism. At best, it is a careless inconsistency with our confessional teaching.<sup>8</sup> At worst, it affirms a completely different understanding of salvation. The language it would replace is clear and resounding: “The Church is called to tell the good news of salvation by the grace of God through faith in Jesus Christ as the only Savior and Lord.” (Current FOG, G-3.0300)

The Westminster Confession: The whole counsel of God, concerning all things necessary for his own glory, man’s salvation, faith, and life, is either expressly set down in Scripture, or by good and necessary consequence may be deduced from Scripture: unto which nothing at any time is to be added, whether by new revelations of the Spirit, or traditions of men. . . The Supreme Judge, by which all controversies of religion are to be determined, and all decrees of councils, opinions of ancient writers, doctrines of men, and private spirits, are to be examined, and in whose sentence we are to rest, can be no other but the Holy Spirit speaking in the Scripture (6.006, 6.010)

The Scots Confession: For it is agreed by all that the Spirit of God, who is the Spirit of unity, cannot contradict himself. So if the interpretation or opinion of any theologian, Kirk, or council, is contrary to the plain Word of God written in any other passage of the Scripture, it is most certain that this is not the true understanding and meaning of the Holy Ghost, although councils, realms, and nations have approved and received it. (3.18)

The Second Helvetic Confession: And in this Holy Scripture, the universal Church of Christ has the most complete exposition of all that pertains to a saving faith, and also to the framing of a life acceptable to God; and in this respect it is expressly commanded by God that nothing be either added to or taken from the same. . . Therefore, we do not admit any other judge than God himself, who proclaims by the Holy Scriptures what is true, what is false, what is to be followed, or what to be avoided. (5.002, 5.013)

The Theological Declaration of Barmen: If you find that we are speaking contrary to Scripture, then do not listen to us! But if you find that we are taking our stand upon Scripture, then let no fear or temptation keep you from treading with us the path of faith and obedience to the Word of God. . . (8.04)

The Confession of 1967: The one sufficient revelation of God is Jesus Christ, the Word of God incarnate, to whom the Holy Spirit bears unique and authoritative witness through the Holy Scriptures, which are received and obeyed as the word of God written . . . (9.27)

6. The preface to the *Book of Confessions* contains a report “The Assessment of Proposed Amendments to the *Book of Confessions*,” added by action of the 209th GA (1997). The report’s “Section II Confessional Standards” states: “The *Book of Order* is clear that ‘confessional statements are subordinate standards in the church, subject to the authority of Jesus Christ, the Word of God, as the Scriptures bear witness to him.’ This order of authority—Christ, Scriptures, Confessions—is nicely expressed in the fourth ordination question: d. Will you fulfill your office in obedience to Jesus Christ, under the authority of Scripture, and be continually guided by our confessions?” page xxxii This report has no authoritative standing, but asserts an “order of authority” which is, in fact, contrary to the teaching of the confessions themselves.

7. <http://www.pc-biz.org/IOBView.aspx?m=ro&id=1461>

This same modern assertion about authority—Christ, Scripture, Confessions—is evident in the rationale for overture 05-09 sent to the 218th GA in 2008:

“The opening paragraphs of the Form of Government are a powerful statement of the fundamental Christian and Reformed affirmation that Jesus Christ is the Head of the Church. In support of this primary affirmation, Chapter I of the Form of Government calls Christians to attend to the Scriptures, insofar as they set forth “Christ’s will for the Church,” and Chapter II identifies the church’s confessions as its guides, subordinate to the authority of Jesus Christ and to the witness of Scripture. **Our church thus has bound itself to a hierarchy of authority in which we are to obey Jesus Christ its Head, and, additionally, to heed first the Scriptures and then the confessions, to the extent that they accurately bear witness to Christ’s will.** This fundamental hierarchy of authority is accurately and eloquently reflected in the first three of the constitutional questions, the assent to which is required of each candidate for ordination and/or installation.

“**Although the hierarchy of the church’s authority is clear, it is subverted by the current language of G-6.0106b, which substitutes for our obedience to Christ two concepts that are foreign to Reformed understanding: “obedience” to Scripture and “conformity” to the confessions.**” [emphasis added]

The same division is reflected in the current proposed amendment to G-6.0106b, where the church “*submit[s] joyfully to the Lordship of Jesus Christ in all aspects of life,*” and Scripture becomes a “guide”: “*Governing bodies shall be guided by Scripture and the confessions in applying standards to individual candidates.*”

8. Some excerpts from the *Book of Confessions* concerning salvation:

Heidelberg Catechism, 4.020 “Q. 20. Will all men, then, be saved through Christ as they became lost through Adam? A. No. Only those who, by true faith, are incorporated into him and accept all his benefits.”

Second Helvetic Confession, 5.053 WE ARE ELECTED OR PREDESTINATED IN CHRIST. Therefore, although not on account of any merit of ours, God has elected us, not directly, but in Christ, and on account of Christ, in order that those who are now ingrafted into Christ by faith might also be elected. But those who were outside Christ were rejected. . . .”

Westminster Confession of Faith, 6.064: “All those whom God hath predestinated unto life, and those only, he is pleased, in his appointed and accepted time, effectually to call, by his Word and Spirit, out of that state of sin and death in which they are by nature, to grace and salvation by Jesus Christ. . . .”

Confession of 1967, 9.10: “Those joined to him by faith are set right with God and commissioned to serve as his reconciling community.”

### ***Unlimited, undefined inclusiveness***

The meaning of inclusiveness is greatly expanded in the Foundations section. The second paragraph of nFOG F-1.0403 reads as follows:

The unity of believers in Christ is reflected in the rich diversity of the Church's membership. In Christ, by the power of the Spirit, God unites persons through baptism regardless of race, ethnicity, age, sex, disability, geography, or theological conviction. There is therefore no place in the life of the Church for discrimination against any person. The Presbyterian Church (U.S.A.) shall guarantee full participation and representation in its worship, governance and emerging life to all persons or groups within its membership. No member shall be denied participation or representation for any reason other than those stated in this Constitution.

In contrast, the present Form of Government has these words in G-4.0403:

The Presbyterian Church (U.S.A.) shall give full expression to the rich diversity within its membership and shall provide means which will assure a greater inclusiveness leading to wholeness in its emerging life. Persons of all racial ethnic groups, different ages, both sexes, various disabilities, diverse geographical areas, different theological positions consistent with the Reformed tradition, as well as different marital conditions (married, single, widowed, or divorced) shall be guaranteed full participation and access to representation in the decision making of the church.

There are at least three problems introduced by the nFOG's wording.

First is an improperly expanded theological diversity. The Church is broader than those who adhere to the essentials of Reformed theology. Yet to state that, "In Christ, . . . God unites persons . . . regardless of . . . theological conviction" is to assert that there are *no* boundaries to a saving faith.

Second, the nFOG doesn't link the list of characteristics in the second sentence to the mandate in the fourth sentence. This means that each governing body will decide for itself what "persons or groups within its membership" are to be included. Perhaps some governing bodies would include only categories in the list provided in nFOG F-1.0403, thus failing to protect people of different marital conditions. Other governing bodies might interpret the new language in the same way that the current G-4.0403 specifies. Some governing bodies, however, might choose to include other persons or groups such as those who refuse to participate in the ordination of women, those with theological positions outside Christian faith, or those whose behavior is deliberately out of conformance with the "fidelity/chastity" requirement found in the nFOG in G-2.0104b. The proposed language only suggests examples of categories. The full participation guarantee is not limited by the altered language of nFOG F-1.0403.

The third problem has to do with broadening eligibility for the offices of the church. Presently, persons in the groups listed in the current G-4.0403 are "guaranteed full participation and access to representation in the decision making of the church." Currently all active members have the right to vote for deacons, elders, and pastors, but no one has a *right* to hold an office. In contrast, the nFOG guarantees "all persons or groups" "full participation" in "governance," which would, of course, include the right to be an elder. Ordained leadership is not a right. It is a calling from God confirmed by the voice of the Church. In G-2.0104a, the nFOG retains this language:

To those called to exercise special functions in the church—deacons, ruling elders, and teaching elders—God gives suitable gifts for their various duties. In addition to possessing the necessary gifts and abilities, those who undertake particular ministries should be persons of strong faith, dedicated discipleship, and love of Jesus Christ as Savior and Lord. Their manner of life should be a demonstration of the Christian gospel in the church and in the world. . . .

These two provisions—one guaranteeing a right to ordained office ("full participation in governance") and the other describing ordination to office as a special calling to some—are diametrically opposed to each other. This is another example of the serious inconsistencies contained within the nFOG.

### ***Conclusion***

The first four chapters of our current Form of Government are superior to the Foundations of Presbyterian Polity proposed in the nFOG. In contrast to our current Form of Government, which provides clarity, the nFOG creates ambiguity with vague and conflicting language, such as introducing a weaker understanding of the authority of the confessions, requiring undefined processes of "discernment" before voting in governing bodies and by eliminating the concept of "separate and independent" governing bodies. It introduces contradictory responses to the question of whether being a deacon, ruling elder, or teaching elder is a right or is a special calling from God to specific people. It raises serious controversy by stating that full participation in governance is a right of "all persons and groups" in the Foundations section while retaining the "fidelity/chastity" requirement for deacons, ruling elders and teaching elders in the Form of Government section. Where the Foundations section addresses basic

concepts of Presbyterian theology—authority, Christ, Scripture, salvation—it does so in a way that introduces ambiguity. Where the current Form of Government provides clarity, the vague and inconsistent language of the nFOG is likely to produce confusion and heighten contention.

## **Part Two of the nFOG: Proposed “Revised Form of Government”** (would replace Chapters 5 through 18 in the current Form of Government)

### **nFOG Chapter One: Problems for Congregations**

In the nFOG, authority and decision-making power shifts further away from the local congregation and toward the higher governing bodies: the presbytery and the General Assembly in particular. And significant due process protections for local congregations and pastors are lost. It is not sufficient simply to look at what is in the proposed new Form of Government (nFOG). Although some of the new provisions in the nFOG present serious problems, an equally serious problem with the nFOG is what it leaves out when 14 chapters are reduced to six. In the sections below we illustrate that new restrictions and the elimination of a number of due process safeguards do not produce a more missional church.

#### ***Permissive powers are gone***

The nFOG deletes all mention of “permissive powers” of a congregation. This change limits what business can take place in a congregational meeting. In the current G-7.0304 a congregation has permission to take up matters not specified, because of the latitude provided in item five of that paragraph: “matters related to the permissive powers of a congregation . . .” In contrast, nFOG G-1.0503 limits congregational business to five discrete topics.<sup>9</sup>

#### ***No more voluntary covenants; members will be under leadership of presbytery, synod and General Assembly in addition to their session***

Presently, G-7.0103 makes it clear that members “voluntarily” put themselves under the leadership of their officers, whom they elect, and that they join in “voluntary” covenanted relationship with one another and with God through Jesus Christ. The words *voluntarily* and *voluntary* are conspicuously deleted from G-1.0102 and 1.0103 in the nFOG.

In addition to eliminating its voluntary nature, the proposed nFOG vastly expands the scope of each member’s submission. Instead of putting themselves only under the leadership of the pastors and elders the congregation elects to form the session, in nFOG members are under the leadership of the entire hierarchy of governing bodies, far removed from those known to them personally and elected by them: “The members of a congregation put themselves under the leadership of the session *and the higher councils (presbytery, synod, and General Assembly)*” (nFOG G-1.0103). [emphasis added] This would obviously make the Presbyterian Church more hierarchical in nature, but how would it make the church more missional?

9. These excerpts show the current and nFOG provisions for business at congregational meetings:

Current G-7.0304:

- a. Business to be transacted at meetings of the congregation shall include the following:
  - (1) matters related to the electing of elders, deacons, and trustees;
  - (2) matters related to the calling of a pastor or pastors;
  - (3) matters related to the pastoral relationship, such as changing the call, or requesting or consenting or declining to consent to dissolution;
  - (4) matters related to buying, mortgaging, or selling real property (G-8.0500);
  - (5) **matters related to the permissive powers of a congregation such as** the desire to lodge all administrative responsibility in the session, or the request to presbytery for exemption from one or more requirements because of limited size. [emphasis added]
- b. Business at congregational meetings shall be limited to the foregoing matters (1) through (5). Whenever permitted by civil law, both ecclesiastical and corporate business may be conducted at the same congregational meeting.

nFOG G-1.0503 Business Proper to Congregational Meetings.

Business to be transacted at meetings of the congregation shall be limited to matters related to the following:

- a. electing ruling elders, deacons, and trustees;
- b. calling a pastor, co-pastor, or associate pastor;
- c. changing existing pastoral relationships, by such means as reviewing the adequacy of and approving changes to the terms of call of the pastor or pastors, or requesting, consenting to, or declining to consent to dissolution;
- d. buying, mortgaging, or selling real property;
- e. requesting the presbytery to grant an exemption as permitted in this Constitution (G-2.0404). [waiver on term limits for ruling elders and deacons]

### ***Big shift of power in new congregations***

The nFOG systematically enlarges the powers of the presbytery at the expense of congregations. Although other examples will be given later in this paper, an example in this chapter is in the relationship between a newly-organized congregation and the presbytery. The current G-7.0202a says that *a newly organized congregation* shall elect officers, “making provision *in cooperation with the presbytery* for their preparation, examination, ordination, and installation.” Thus, newly organized congregations presently have the right to work with the presbytery to train and place their new leaders into office.

However nFOG’s G-1.0201 says, “*The presbytery* shall prepare, examine, ordain, and install these newly elected persons.” Power and responsibility for new congregations that is currently shared is lodged entirely in the presbytery under the nFOG.

### ***Potential for problems at congregational meetings***

There are numerous serious omissions. Sections G-1.0501 and 1.0502 in the nFOG leave out four specific requirements dealing with congregational meetings that could affect members’ rights to know and to act:

- Specific timing for the public notice of a congregational meeting (such notice must now be given on two successive Sundays) is currently found in G-7.0303b, but is not in the nFOG.
- The requirement that the congregational meetings be conducted by *Robert’s Rules of Order*, now found in G-7.0302c, is not in the nFOG.
- The quorum requirement of one-tenth of the membership, now found in G-7.0305, is not in the nFOG.
- nFOG G-1.0505 leaves out the requirement for approval of congregational minutes, now found in G-7.0307.

The current *Book of Order* specificity on these matters is a prudent protection of church member rights to orderly process, proper notification and adequate information. The rules avoid contentious arguments over technical matters important to due process.

### ***Conclusion***

The nFOG eliminates “permissive powers” of congregations, adds new specified but ambiguous authority of higher governing bodies over church members, increases the power of presbyteries, and removes prudent protections for congregational meetings. These changes create a hierarchy of governing bodies, but do nothing to make a more missional church.

## **nFOG Chapter Two: Election and Ordination of Officers**

The nFOG contains problems concerning how elders are elected and how ministers are trained.

### ***Ordination examinations for ministers can be changed without presbytery approval***

In this section, efforts to produce “flexibility” are more likely to produce confusion. But the chapter also imposes new requirements, thus eliminating flexibility provided in the current Form of Government.

Under the nFOG, the five areas of examination presently found in G-14.0431 are missing from the nFOG (Cf G-2.0607d). Currently, the areas of examination are stated constitutionally in G-14.0431, and changes must be voted on and agreed to by a majority of the presbyteries. If the nFOG were to take effect, additions to or deletions from the five current areas of examination would not require the concurrence of the presbyteries. Instead, the General Assembly, by means of its own rule, could add or remove areas of examination at any meeting. The nFOG would remove decisions regarding areas of examination from the bodies that are responsible for a candidate’s preparation, for candidates’ calls and for their examination for fitness to serve.

In addition, the nFOG would remove the current system of grading ordination examinations. The current language of G-14.0432 requires that examinations be “graded by representatives of the presbyteries under the supervision of the Presbyteries’ Cooperative Committee on Examinations for Candidates....” This guarantees a certain amount of uniformity in grading methods and standards across the entire denomination.

In contrast, nFOG G-2.0607d simply requires candidates to have “satisfactory grades” on examinations which “shall be prepared and administered by a body created by the presbyteries.” Will this “body” also grade the examinations after preparing and administering them? Or will each presbytery grade the examinations after determining for itself what is a “satisfactory” grade?

### ***The purpose of interim pastorates undermined***

G-14.0553 now makes it clear that an interim pastor is not eligible under any circumstances to become the next installed pastor of a church he or she is serving. The nFOG G-2.0504c would allow a presbytery to permit interims to become installed pastors by a three-quarters vote.

### ***Indiscriminate inclusivity***

Presently, G-14.0221 says that congregations “shall elect men and women” to office, “giving fair representation to persons of all ages and of all racial ethnic backgrounds and to persons with disabilities....” In contrast, nFOG’s G-2.0401 simply says that “the nomination and election of elders and deacons shall express the rich diversity of the congregation’s membership and *shall guarantee participation and inclusiveness*,” referencing nFOG F-1.0403 [emphasis added], the inclusiveness paragraph discussed in the Foundations section of this paper. The guarantee of service in governance, without any stated theological or moral limits, is repeated in this section.

### ***Conclusion***

In sum, Chapter Two removes important details of procedure. It adds confusion to the requirements in preparation for ministry, obscures the relationship of diversity requirements to ordination standards, and opens the door for the sort of inclusivity that most Presbyterians find unnecessary at best and immoral at worst. These are changes that would not help the church and would not make us more missional.

## **nFOG Chapter Three: Concentration of Power and Removal of Safeguards**

With the adoption of Chapter 3 of the nFOG, presbyteries would be able to concentrate power in a few hands. Along with the omission of many helpful rules, pastors and congregations also would lose important due process protections.

### ***New powers that eliminate due process for pastors and congregations***

Committees on Ministry, with all their specific powers carefully delineated in G-11.0500 of the current Form of Government, would no longer be required if nFOG (G-3.0307) goes into effect. No annual reports on the work of minister members would be required, so there would be less accountability for specialized clergy (Cf current G-11.0502a).

Presbyteries have permission under the nFOG to delegate powers to newly created committees or commissions that would have no constitutionally prescribed limits on their powers. For example, G-11.0502h presently says that a presbytery may only delegate to its Committee on Ministry the authority “to dissolve the pastoral relationship in cases where the congregation and pastor concur” (see also present G-14.0611-0612). While the nFOG does say that “An installed pastoral relationship may be dissolved only by the presbytery” (nFOG G-2.0901), it also states that a presbytery “may delegate its authority to designated entities within the presbytery,” including “dissolution of relationships” (nFOG G-3.0307). The missing checks and balances would allow a presbytery to grant power to a “designated entity” to dissolve a pastoral relationship even when neither the congregation nor the pastor concurs.

The GAPJC, in written advice to the G.A. on this matter, expressed concern about pastors’ loss of important due process protections in cases of termination:

The current G-9.0505(b) 1 and 2 of the *Book of Order* contain very precise constitutional language ensuring process rights for pastors in termination processes, in part as an attempt to meet civil court standards for due process and keep such matters within our system. There is also an interpretive history of these provisions that contains no fewer than 9 separate General Assembly and GAPJC Authoritative Interpretations related to these requirements (see annotated *Book of Order*).

The proposed [nFOG] text, which follows, is not only silent on specific due process requirements, but clearly renders the history of past authoritative interpretations invalid, thus resulting in re-litigation of the “matters at issue” in either ecclesiastical or civil courts: “When an administrative commission has been designated to settle differences within a particular organization or council, it shall, before making its decision final, afford to all persons affected by its decision fair notice and an opportunity to be heard on matters at issue.” (*Proposed Form of Government, G-3.0109*)

Loss of interpretive history is a matter of huge import in adopting the nFOG.

### *A session no longer determines the mission of its congregation*

The more hierarchical nature of Presbyterian governance created by the nFOG is prominently on display in chapter 3. While current G-10.0102 clearly says that “The session is responsible for the mission and government of the particular church,” nFOG G-3.0201 instead simply says that “The session shall have responsibility for governing the congregation and guiding its witness to the sovereign activity of God in the world.” The excerpts shown below demonstrate the hierarchical structure nFOG gives to “mission.” It indicates that the GA will “*establish* a comprehensive mission strategy and priorities for the *church*.” The synod will develop a strategy “*in accord with* the larger strategy of the General Assembly” and will be providing “*guidance* to its presbyteries and *overseeing* their work.” The hierarchy then takes the unexpected step of skipping over the session entirely and “*Presbytery . . . has a particular responsibility to . . . guide . . . the work of its congregations*.” The session is left to lead the congregation in the mission that has been determined by the higher governing bodies. The session thus functions more as an arm of the denomination instead of being the “separate and independent” governing body that it is now. These are the relevant nFOG provisions regarding “mission”:

- nFOG G-3.0501a " . . . the **General Assembly** has responsibility and power to: . . . **establish[ing] a comprehensive mission strategy and priorities for the church.**"
- nFOG G-3.0401 "Synod is responsible for the life and mission of the church throughout its region and for supporting the ministry and mission of its presbyteries as they seek to support the witness of congregations, to the end that the church throughout its region becomes a community of faith, hope, love, and witness. . . . the **synod** has the responsibility and power to: . . . This responsibility may include developing, in conjunction with its presbyteries, a broad strategy for the mission of the church within its bounds and **in accord with the larger strategy of the General Assembly.**"
- nFOG G-3.0403a ". . . The synod has responsibility for supporting the work of the presbyteries within its bounds and as such is charged with: a. developing in conjunction with its presbyteries, joint plans and objectives for the fulfillment of mission, providing encouragement and **guidance to its presbyteries and overseeing their work;**"
- nFOG G-3.0301c ". . . the presbytery has responsibility and power to: . . . assist[ing] congregations in developing mission and participating in the mission of the whole church;"
- nFOG G-3.0303a "**Presbytery**. . . has a particular responsibility to coordinate, **guide**, encourage, support, and resource the work of **its congregations** for the most effective witness to the broader community. In order to accomplish this responsibility, the presbytery has authority to: a. develop strategy for the mission of the church in its district."
- nFOG G-3.0201c ". . . the **session** has the responsibility and power to: c. . . **lead[ing] the congregation in participating in the mission of the whole church.**"

Wording similar to some of those provisions—which describe higher governing bodies as being responsible for the life and mission of the church in their area—is found in our current Form of Government. However, the effect is entirely different. Currently, the GA, synod and presbytery can conduct their own mission programs in their constitutionally-assigned scope of authority and responsibility. They can offer all the strategy and guidance they wish to offer to the sessions. But each session has the authority and responsibility to determine, under the broad description of “The Church and its Mission” in G-3.0000, what the mission of its congregation will be. Under nFOG, the governing bodies are no longer “separate and independent.” Both the current Form of Government and the nFOG are very clear that “powers not mentioned in this Constitution are reserved to the presbyteries” (nFOG G-3.0101) and that the powers of sessions (and synods and the GA) are limited “by the express provisions of the Constitution” (nFOG G-3.0101). This means that if the Constitution does not expressly give a power to the session, the session does not have that power. Here, the higher governing bodies retain their authority, but the responsibility and authority for the mission of the congregation is removed from the session.

### *Each presbytery determines its own call process for pastors*

The current Form of Government clearly spells out the process by which the congregation, pastor nominating committee (PNC), presbytery, and Committee on Ministry (COM) work together in calling a new pastor to serve a congregation. The process is consistent across the denomination and was approved by the majority of the presbyteries when the provisions were incorporated into the current Form of Government. The current G-14.0532 states:

The pastor nominating committee shall confer with the committee on ministry as provided in G-11.0502d. When the committee is ready to report to the congregation, it shall notify the session, which shall call a congregational meeting in accord with G-7.0303b. The action of the congregation, if favorable, shall be presented to the presbytery for its concurrence.

The nFOG replaces that clear, detailed procedure with one paragraph in nFOG G-2.0803:

According to the process of the presbytery and prior to making its report to the congregation, the pastor nominating committee shall receive and consider the presbytery’s counsel on the merits, suitability, and availability of those considered for the call. When the way is clear for the committee to report to the congregation, the committee shall notify the session, which shall call a congregational meeting.

The draft nFOG document that went to the GA specified that the pastor nominating committee had to “obtain approval” from the presbytery of those considered for the call before a congregational meeting could be called to vote on approving the pastor nominating committee’s nominee. The GA believed that their amendment of this paragraph prevented requiring pre-approval by the presbytery before the congregation could vote on a nominee. However, a careful reading of the provision shows that this is not guaranteed. Every step happens “according to the process of the presbytery,” and there is nothing in the paragraph that precludes a presbytery from writing a policy that requires presbytery approval of the potential nominee before the presbytery declares the “way is clear” for the committee to report to the congregation. The nFOG leaves each presbytery free to create its own process.

Something as important and frequent as calling new pastors to churches should be done under provisions that are consistent across the church and that have the approval of the majority of the presbyteries. This is the requirement for *Book of Order* amendments. It should also be required for procedures defining the process for calls to ministry. Under the nFOG, each presbytery is required to devise its own process and can change that process at any time. Ministers considering calls in various presbyteries will potentially have to deal with an entirely different process in each presbytery.

### ***Useful rules lost***

Presbyters should ask themselves if they approve

- Eliminating limits on terms of moderators of higher governing bodies. The current G-9.0202b specifies that the term of a moderator of presbytery must not exceed one year, the term of a moderator of synod shall be “not less than one year and not exceeding two years,” and the Moderator of the GA “shall be elected at each stated meeting.” There are no limitations on terms in nFOG G-3.0104, which states “Each council higher than the session shall elect a moderator for such terms as the council determines.”
- Eliminating a moderator’s authority to convene the governing body in a different place and time in case of an emergency. The current G-9.0202a states “The moderator may, in an emergency, convene the governing body by written notice at a time and place different from that previously designated by the body. The nFOG in G-3.0104 retained the previous two sentences of that paragraph, but eliminated the sentence quoted above.
- Eliminating the requirement that a commissioner serving on a higher governing body recuse himself or herself when that higher governing body reviews actions of the lower governing body to which the commissioner also belongs (G-9.0409b versus nFOG G-3.0108). (The loss of this rule could easily lead to abuse of power or the obstruction of justice.)
- Decreasing the number of members required for commissions formed by governing bodies above the session. Currently G-9.0504b says that GA commissions must be not fewer than 15, synod commissions not fewer than 11, and presbytery commissions not fewer than seven. In contrast, nFOG G-3.0109 would allow much smaller commissions to be created. A commission acts in the place of the governing body. This could allow a small number of people, as few as four, to have significant power delegated to it.
- Eliminating a constitutional minimum quorum for a session. G-10.0202 presently requires that a minimum quorum of a session be the pastor and one third of the elders, but no fewer than two, but says that sessions may set their own quorum requirement at any higher number. The nFOG in G-3.0203 sets no minimum number, instead allowing each session to make a rule of its own. This is flexibility that may result in unnecessary contention. If a session didn’t set a quorum number until a contentious issue arose, it could cause a dispute over whether or not the actions taken at a particular meeting were valid.
- Eliminating rules for calling special presbytery meetings. The current G-11.0201 is specific about the procedures for a called presbytery meeting. Two ministers and two elders from different congregations can request that the moderator or the stated clerk call such a meeting. The same paragraph also prescribes a ten day advance notice for any called meeting and says that the business addressed in the meeting is limited to those items announced in the call. This clear process, which applies across our 173 presbyteries, is deleted from nFOG (G-3.0304). Each presbytery would be required to create its own rules for calling special meetings. Instead of being readily available to all Presbyterians, rules for processes like this one would be in policy manuals or buried in meeting minutes.

### ***Representation of congregations at presbytery meetings changed***

G-11.0101 presently prescribes the way in which churches are represented in presbytery meetings, providing a chart showing the number of additional elders congregations with larger memberships are entitled to send. Such specificity is removed by nFOG G-3.0301, which instead says, “The presbytery shall adopt and communicate to the sessions a plan for determining how many ruling elders each session should elect as commissioners to presbytery....” While nFOG G-3.0301 prescribes that presbyteries “shall take into consideration the size of congregations,” the new ambiguous language also allows the presbytery to adjust numbers of commissioners sent by sessions to fulfill undefined inclusiveness criteria. The more flexible constitution permits representation that is less fair in representing congregations.

Since the manner in which the size of a congregation relates to its representation in presbytery is not specified, a presbytery could choose to have churches with fewer than 100 members send one commissioner and churches with 100 or more members send two commissioners. A church with 100 members and a church with 4,000 members would therefore each send two commissioners. That would satisfy the vague nFOG criteria. A large congregation out of step with the prevailing presbytery ethos could be greatly under-represented.

### ***Another ambiguity is introduced in determining which persons will be ordained***

This chapter addresses “Participation and Representation” in governing bodies in nFOG section G-3.0103. The first paragraph of this section states:

The councils of the church shall give full expression to the rich diversity of the church’s membership and shall provide for full participation and access to representation in decision-making and employment practices (F-1.0403). In fulfilling this commitment, councils shall give due consideration to both the gifts and requirements for ministry (G-2.0104) and the right of people in congregations and and councils to elect their officers (F-3.0106).

The first sentence cites F-1.0403, the Foundations diversity paragraph, which was quoted and discussed previously. The second sentence requires that “due consideration” be given to two areas. One is the requirements for ministry in G-2.0104, which contains the “fidelity/chastity” requirement. The other area to be weighed against that is the right of congregations and governing bodies to elect their own officers. The current constitutional understanding is that congregations do “elect” persons. Ordaining bodies (sessions and presbyteries), by their examinations, must determine that the candidates conform to constitutional requirements for holding that office before ordaining them. This provision in the nFOG specifically sets up the “fidelity/chastity” requirement as one of the competing factors to be considered. Since the wording of the nFOG is new, we cannot assume that previous Authoritative Interpretations by the GAPJC would apply.

### ***Will per capita and Other Contributions by Sessions to the Denomination Continue to Be Voluntary?***

Clearly it was the intention of the Assembly committee that all monetary contributions to the denomination continue to be voluntary under the nFOG, as they are under the current Form of Government and its Authoritative Interpretations by the GAPJC. The Assembly committee amended the proposed wording of G-3.0202f with the purpose of making those contributions voluntary by changing the wording so it reads as follows (wording that was stricken is shown below in “~~strikethrough~~” and wording that was added is shown in italics):

It is of particular importance that sessions . . . send to presbytery and General Assembly requested ~~financial contributions~~, statistics, and other information according to the requirements of those bodies, *as well as voluntary financial contributions*.

A problem arises, however, because that is not the only nFOG provision that deals with governing bodies and money. nFOG section G-3.0106 “Administration of Mission,” contains the following paragraphs (wording added by the Assembly committee is shown in italics):

The funding of mission similarly demonstrates the unity and interdependence of the church. The failure of any part of the church to participate in the stewardship of the mission of the whole church diminishes that unity and interdependence. All mission fundng should enable the church to give effective witness in the world to God’s new creation in Jesus Christ, and should strengthen the church’s witness to the mission of God

Each council above the session shall prepare a budget for its operating expenses, including administrative personnel, and may fund it with a per capita apportionment among the particular congregations within its bounds. Presbyteries are responsible for raising their own funds and for raising and timely transmission of *per capita* funds to their respective synods and the General Assembly. Presbyteries may direct per capita apportionments to sessions within their bounds, *but in no case shall the authority of the session to direct its benevolences be compromised*.

Again, the intention of the Assembly committee in amending the draft document it received is clear. The committee’s intent was that sessions continue to have complete control over how their congregation’s money is used. But how will the provisions be authoritatively interpreted in the future by the GA and the GAPJC? The material quoted above came to the GA as one paragraph, but at the recommendation of a Form of Government Task Force member, it was divided into two paragraphs as shown. The first paragraph emphasizes the “interdependence” of the church in “funding of mission,” but it is unclear whether that must be the denomination’s mission or the mission of the worldwide church of Christ.

The second paragraph spells out that the session’s authority to direct its “benevolences” shall not be compromised, but the document does not define “benevolences.” “Benevolences” is the term in the current Form of Government which has been authoritatively interpreted, in the context of the current Form of Government, to mean all of a congregation’s funds. The problem is that when the same sentences and phrases occur in the context of our current Form of Government, they have been

authoritatively interpreted to mean that the “separate and independent” session has complete responsibility and authority over how *all* of a congregation’s funds are used. The new wording is in the context of an entirely new Foundations section and an entirely new Form of Government section in which governing bodies are no longer “separate and independent,” but only are “distinct” and are related in a hierarchical manner. The nFOG contains wording in a new context, therefore there is no basis for assuming that the previous Authoritative Interpretations will continue to be in effect. It will be up to a future authoritative interpretation by a GA or GAPJC to determine what these provisions mean.

### ***Conclusion***

Chapter 3 of the nFOG makes sweeping changes in the distribution of power and the removes critical safeguards. Pastors lose important due process protections in cases of termination. Congregations and pastors lose church-wide rights found in the current constitutional process for calling pastors and dissolving installed pastoral relationships. In our current Presbyterian system of government, “separate and independent” governing bodies work in partnership. Our current system is designed to provide for both fair representation and accountability throughout the church. The radical changes introduced in the nFOG will establish a hierarchical relationship between governing bodies, will produce confusion among governing bodies and will concentrate powers in the presbyteries without adequately protecting the rights of sessions and congregations.

## **nFOG Chapters Three and Six: The General Assembly**

Significant changes related to the General Assembly are addressed in Chapters Three and Six.

### ***A more powerful, less accountable Advisory Committee on the Constitution***

The nFOG creates the possibility that many of the General Assembly’s constitutional interpretive powers could be delegated to the Advisory Committee on the Constitution (ACC). The title of nFOG section G-6.02 which was submitted to the GA read, “G-6.02 INTERPRETING THE CONSTITUTION: THE ADVISORY COMMITTEE ON THE CONSTITUTION.” Although the GA amended the document so the title now reads “G-6.02 INTERPRETING THE CONSTITUTION,” the relevant content of the section did not change.

One cannot assume that the General Assembly would continue to retain full power to approve, amend or disapprove ACC recommendations. In the current *Book of Order*, G-13.0112d requires the ACC to “report its findings to the General Assembly,” and says that the “General Assembly shall vote on the recommendations, and may amend or decline to approve them.” The scope of the actions available to the General Assembly is removed from the nFOG, which simply states the ACC “shall communicate its report and recommendations to the next session of the General Assembly.” Given that the nFOG gives governing bodies broad authority to delegate their powers, nothing in nFOG G-6.02 would prevent the GA from delegating to the ACC all interpretive authority over the *Book of Order*—by a simple change in its own standing rules—relegating what is now a constitutional requirement to a manual.

The 219<sup>th</sup> General Assembly received recommendations to limit the power of the GAPJC to make authoritative interpretations. None of those recommendations was approved by the General Assembly. But the nFOG would permit this sort of shift in the checks and balances provided for in the current Form of Government. In fact, it would permit delegation of authoritative interpretation to a small body that currently does not have that power.

Under nFOG G-6.02, the ACC would continue to be composed of nine persons, both ministers and elders. Other current requirements for serving on this committee would be eliminated, such as being stated clerks or “other qualified persons with knowledge of and experience with the Constitution and polity of the church” (see present G-13.0112a).

### ***Complicating the work of Permanent Judicial Commissions***

The General Assembly Permanent Judicial Commission took the extraordinary step of issuing an information sheet to the General Assembly opposing the adoption of the nFOG. They wrote:

The proposal’s approach of moving material from the constitution to Manuals of Operations will result in an increased burden on permanent judicial commissions as they will be required to interpret and apply not only the constitution itself, but the Manuals of the Councils within their jurisdictions. Since Manuals of Operations will not be uniform from Council to Council, rulings of the GAPJC (although authoritative) will in some cases be rulings that apply to only the particular Council whose Manual is being interpreted, rather than the whole church.

It also is possible that some of the policies and procedures moved from the constitution and placed in manuals would not be under the jurisdiction of Permanent Judicial Commissions at all. The GAPJC has already ruled in *Hope et al v. Presbytery of San Francisco* that the GAPJC “rules on violations of the requirements of the *Book of Order*, rather than those of internal Presbytery policy.” On the other hand, *Williamson v. Western North Carolina* makes it clear that when the constitution directs governing bodies to develop procedures, those procedures can in fact be subject to review by Permanent Judicial Commissions.

Which policies and procedures would be subject to review by PJC is thus unclear, and could only be determined by entry into the judicial process. The nFOG would thus increase cases taken into church courts, thus increasing the workload of PJC.

### ***Language and interpretation—the problem of wholesale changes in constitutional provisions***

In each instance in which wording is changed, any authoritative interpretations of that language would also be called into question. In its information sheet, the GAPJC comments on this problem:

Authoritative Interpretations (AIs) are interpretations of specific wording. If one or more words are changed in the text, it may no longer be said that a prior AI authoritatively interprets the new wording – such an interpretation would require either a new General Assembly action or a new GAPJC decision. The interpretive history of the Book of Order represents decades of work on the part of the church working out procedures for pastoral call processes, Freedom of Conscience rights, Committee on Ministry authority, etc., which will be called into question by new wording.

In the event that the nFOG were to be adopted, the General Assembly authorized appointment of a committee to study all current authoritative interpretations. The committee’s recommendations could then be adopted by the General Assembly in 2012 making them, in effect, new authoritative interpretations applied to the new Form of Government. But what the committee would recommend and what the next General Assembly would adopt remain unknowable. If the nFOG is adopted, a single General Assembly will decide which authoritative interpretations will be in force and which will not. The fact remains that adoption of the nFOG would place all of our current authoritative interpretations at risk. Presbyteries will vote without knowing the status of current authoritative interpretations.

### ***Increased litigation***

At the same time, the vagueness of the nFOG makes it much more likely that PJC will be called upon to settle disputes that still fall within their jurisdiction. The nFOG itself acknowledges this in F-3.03: “Where there are tensions and ambiguities between provisions, it is the task of councils [nFOG term replacing “governing bodies”] and judicial commissions to resolve them in such a way as to give effect to all provisions.”

### ***General Assembly Nominating Committee (GANC) is eliminated***

All reference to the General Assembly Nominating Committee (GANC) and its process is removed in the nFOG (G-3.05). Both the committee, if it continues, and its process would be in one of many General Assembly manuals subject to change without approval of the presbyteries. Examples of rules presently found in G-13.0111 which would no longer be constitutionally prescribed are:

- the requirement that nominations to General Assembly boards, agencies, and committees be geographically dispersed throughout the synods, or that the members be one-third ministers, laymen, and laywomen;
- the requirement that the moderator nominate (rather than appoint, as it was prior to a reform of the process instituted by constitutional amendment only a few years ago) people to serve on the GANC in consultation with the synods.
- the limitation on terms of service on the GANC, and on members of the GANC being appointed to serve on other GA entities until after four years have passed.
- Instead, the nFOG in G-3.0111 simply requires that nominations be made “by an entity broadly representative of the constituency of the council.” But who would decide how to make such an entity “broadly representative”? Under the nFOG, the details would have to be reinvented in the General Assembly Standing Rules. But a key problem with this is that the presbyteries would have no opportunity to vote on these rules. Instead, General Assembly standing rules are adopted by the General Assembly for the General Assembly. Standing Rules are useful for the meetings of the General Assembly. But they should not govern processes that affect the denomination at every level. The fairness of the nominating process at the General Assembly would take a big step backwards in the nFOG.

**Government by Manual**  
**“Advisory Handbook for Councils for the Development of Policies and Procedures  
 Required by the Form of Government”**  
**“Policies and Procedures Required for Sessions**  
**“Policies and Procedures Required for Presbyteries**  
**“Policies and Procedures Required for Synods**  
**“Policies and Procedures Required for the General Assembly”**

The GA Committee assigned to review and make recommendations on the nFOG commended the Advisory Handbook to the church, but did not consider the contents of the “Advisory Handbook.” Nevertheless, this document is included with the proposed amendment and will be used by governing bodies if the nFOG is approved.

The nFOG proposal requires extensive development or modification of manuals to specify procedures that would no longer be contained in the Form of Government. The work of creating or revising manuals will fall to each individual governing body. NFOG G-3.0106 says that each council (governing body, including the session) “shall develop a manual of administrative operations that will specify the form and guide the work of mission in that council.” The nFOG committee envisions that these manuals will provide the details that the new constitution would omit.

The nFOG does not result in a net decrease in rules and regulations. Instead, replacements for the rules and regulations removed from the Form of Government will need to be drafted and adopted by every session, presbytery, and synod as well as by the General Assembly. The net result of the nFOG is not fewer rules, but rather inconsistency in the handling of matters that should be handled consistently across the whole denomination. The result also is likely to be confusion as to where to go (*Book of Order*, or a particular manual, or set of minutes, or all of these) to find the information needed to deal with a situation.

Locating current provisions is likely to become an increasing problem over time. Provisions will also need to be written and adopted by each governing body to define what procedures will be followed to adopt provisions for its manual of operations, to specify if there will be a procedure for suspending particular provisions once they are in the manuals, and to define what process will be needed to amend provisions once they are in the manuals. When all these ramifications are considered, adopting the nFOG will clearly make life as a denomination much more complicated and confusing, not simpler.

The introduction to the Advisory Handbook section pertaining to sessions includes the following:

Councils within our denomination are mutually *interconnected*. Each council has an expansive range of unique responsibilities; however, the life and ministry of each council is subject to review by the next higher council (G-3.0108). In this review, certain constitutional requirements must be addressed. What follows is a listing of those *areas in which a presbytery is required to or justified in reviewing the work of the session of a congregation*. The purpose of this review is for mutual awareness of and encouragement in mission. The value of review is in shared knowledge rather than meticulous compliance. [emphasis added]

The reader will note that the “councils” [nFOG term replacing “governing bodies”] are described as “interconnected,” instead of as “separate and independent,” as they are now. That paragraph also shows the more hierarchical, supervisory nature of the administrative review the nFOG permits the presbytery to perform (compared to a basic review for compliance with the constitution that is routine now). Here are some of the many questions listed for consideration as presbyteries review the sessions of the churches in that presbytery:

Each council shall develop procedures and mechanisms for promoting and reviewing its implementation of the church’s commitment to inclusiveness and representation. Has the session developed such procedures and mechanisms?

Is evidence given of the concerns for diversity being addressed?

Consultative mission strategy. Has the presbytery initiated discussions with the session as to mutually beneficial mission activities?

Is responsible financial support of the mission of the larger church a part of the session’s work?

Are any directives from the presbytery properly recorded?

No explanation or definition is given for the types of “directives from the presbytery” that the session must record.

The following are some of the many questions that the Advisory Handbook raises as requirements that presbyteries need to address in their manuals:

The presbytery shall adopt and communicate to the sessions a plan for determining how many ruling elders each session should commission to represent it at presbytery meetings. Does the presbytery have a plan? When will the plan be communicated to sessions?

Each presbytery shall develop and maintain mechanisms and processes to guide, nurture, and oversee the process of preparing to become a teaching elder. Are there processes and mechanisms in place for this? Do any new procedures need to be developed. (See separate denominational manual for preparation of teaching elders.)

See separate manuals for preparing for ordered ministry and for relationships between congregations and pastors.

An additional problem has to do with missing manuals. The Advisory Handbook is divided into sections of lists of policy or rule requirements for each governing body. In the presbytery section, presbyteries are advised to “See separate denominational manual for preparation of teaching elders.” Presbyters will find no section on “Denominational Manuals.” There is no instruction to the General Assembly in its section to create a manual for the “preparation of teaching elders.” Readers are left wondering if this is an omission in the Handbook, or an expectation that denominational offices will prepare such a manual. Similarly, no governing body is instructed to develop the manual for the last item quoted above about “separate manuals . . . for relationships between congregations and pastors.”

The matter of “preparing for ordered ministry and for relationships between congregations and pastors”, as well as “preparation of teaching elders” is a critical part of a presbytery’s work. The ambiguity created in this instance, buried in 18 pages of the Advisory Handbook, could stymie presbyteries in these areas.

Important and basic provisions, such as those defining how pastors will be prepared and those defining how relationships between pastors and congregations will be established, are removed from the *Book of Order* via the nFOG. This means that those provisions can be changed at any time without the approval of the presbyteries. Presbyters would lose their right to approve or disapprove changes to such important aspects of our denominational life. Consider whether the change to manuals created in denominational offices will allow us more flexibility or help us to be more missional than provisions approved by the majority of the presbyteries.

## Conclusion

The nFOG has been sent to the presbyteries for their vote on the premise that it is more “missional.” than our current Form of Government. General Assembly committee members questioned the premise with the task force that created the nFOG. A committee member asked the task force to specify what about the current Form of Government prevents churches from being missional. Task force member Neal Lloyd responded. He said that nothing in the current document prevents mission. It is a matter of “attitude,” he said.

The nFOG introduces significant change in our polity, the implications of which will not be known fully for years. It would seem to be an extreme measure to address what is perceived to be an “attitude.”

In many cases, the problem with nFOG is not what is there; the problem is with what has been eliminated and is no longer there. It is insufficient simply to read the nFOG by itself to decide if it should be adopted. Because it is intentionally shorter, and because it intentionally omits many requirements that are found in the present Form of Government, the only way to evaluate it properly is also to examine the nature of the omissions.

The PC(USA) today is torn by disagreements over the meaning and authority of Scripture. The church is embroiled in deep theological and moral conflicts. The result is loss of trust. Trust must be restored before we consider such a massive undertaking as rewriting the document that orders our life together.

In deciding if they wish to adopt this proposed Form of Government, every presbytery now needs to ask these questions:

- Is a whole new Form of Government necessary, or could amendments to the present Form of Government achieve the goals that most Presbyterians want?
- At this time in the life of the PC(USA), would we be able to maintain our unity without the important safeguards which the nFOG removes?
- Is the nFOG demonstrably better than the present Form of Government? If not, why should it be adopted?

*The primary research and writing for this paper was done by the Rev. Michael Herrin and Elder Carol Shanholtzer.*

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