

RESPONSE TO OVERTURE 05-03 FROM THE SYNOD OF THE COVENANT

The Synod of the Covenant overtures the 223rd General Assembly (2018) of the Presbyterian Church (U.S.A.) to answer the 05-03 Overture from the Presbytery of Cincinnati with this overture:

- 1. The 223rd General Assembly (2018) hereby affirms the procedure outlined in Standing Rule K. 2. b. of the *Manual of the General Assembly*.**
- 2. The 223rd General Assembly (2018) hereby affirms the due process rights of all Presbyterians and church staff granted in the constitution and policies of the Presbyterian Church (U.S.A.).**
- 3. That the 223rd General Assembly directs the Stated Clerk to encourage the Presbytery of Cincinnati and concurring Presbyteries to adhere to the principals found in Seeking to be Faithful Together: Guidelines for Presbyterians During Times of Disagreement (Adopted by the 2014th General Assembly (1992) of the Presbyterian Church (U.S.A.):**
 - “Treating each other respectfully so as to build trust believing that we all desire to be faithful to Jesus Christ”;
 - “Share our concerns directly with individuals or groups with whom we have disagreements in a spirit of love and respect in keeping with Jesus’ teachings”; and
 - “Seek to stay in community with each other through the discussion may be vigorous and full of tension”.
- 4. That the 223rd General Assembly (2018) rejects Overture 05-03 because, the Synod can demonstrate, that it asserts false claims and misleading conclusions based upon misinformation, and because there are no outstanding written or filed complaints or accusations against any policy of, or action by, the synod, or against any synod staff.**
- 5. The 223rd General Assembly (2018) rejects Overture 05-03 and similar efforts that subvert the judicial process.**
- 6. The 223rd General Assembly (2018) answer Overture 05-03 (from the Presbytery of Cincinnati) with this overture of the Synod of the Covenant.**

RATIONALE

The Synod of the Covenant has petitioned the Stated Clerk to rule out of order Overture 05-03 from the Presbytery of Cincinnati because it violates Standing Rule K. Standing Rule K 2. b. in the General Assembly Manual states:

“Special administrative review of an alleged synod irregularity or delinquency may occur when a written request for such review is received by the Stated Clerk of the General Assembly from another synod or a presbytery within the synod of the alleged irregularity or delinquency. If the request relates to an alleged delinquency, the request can only be filed with the Stated Clerk after the failure or refusal of the synod to cure the alleged delinquency at its next meeting, having been requested to do so in writing prior to the meeting. When the request for special

administrative review is received, the Stated Clerk shall convene a meeting of the Moderator of the General Assembly, the moderator of the Presbyterian Mission Agency, and the moderator of the Committee on the Office of the General Assembly. If the request is in order and all the moderators agree that for the good of the church the special administrative review needs to be undertaken before the next meeting of the General Assembly (when the request could be considered by the whole General Assembly), the Moderator of the General Assembly shall appoint a special committee (Standing Rule K.1.) to conduct a special administrative review in accordance with G-3.0108b and report its findings and recommendations to the next General Assembly.” (Manual of the General Assembly 2018 – K.2.b.)

The Presbytery of Cincinnati did not comply with the above quoted Standing Rule (K. 2. b.) and in the process has defamed the Synod Executive and violated his rights to due process.

Overture 05-03 does not follow the constitutional mandates that promote peaceable partnerships between church councils and safeguard the civil and ecclesial rights to due process. The Overture defames, bullies and harasses the character of the Synod Executive, church leaders and Synod staff, and serves to hinder collaboration and mutuality among colleagues.

There was no advance correspondence from any of the Presbytery or Presbytery Coordinating Councils and no written requests to address concerns or provide input to this overture prior to the recommendation by coordinating councils and action by presbyteries. The Synod did not receive any related correspondence. In fact, the Presbytery of Mackinac did not vote on concurring with the Overture. Rather the Coordinating Council of Mackinac Presbytery acted on its own without the vote of the Presbytery, without specific authorization of its bylaws, and without advance notice to the members of the Coordinating Council. The Synod of the Covenant learned of the 05-03 Overture from Cincinnati after the fact from a member of the Presbytery of Mackinac who received a letter from the Chair of the Coordinating Council dated 3/8/2018 regarding the action taken by the Coordinating Council at their meeting on 3/6/2018. The letter which was written by Rev. Jessica L. Paulsen, Council Chair stated “*The Presbytery of Cincinnati, through their General Presbyter the Reverend Doctor Nancy Kahaian, reached out to the Presbytery of Mackinac to request concurrence on an overture to General Assembly.*”

The Presbytery Coordinating Councils sent this action to Presbyteries prior to giving the Synod of the Covenant an opportunity to respond. The opportunity to respond would have provided essential information and corrected misinformation.

In accordance with K. 2. b. of the *Manual of the General Assembly 2018* the Synod of the Covenant should have received a written request on all of these matters from a Presbytery action. The Synod of the Covenant has not received a written request from any Presbytery about any of the items mentioned.

Furthermore, the Synod of the Covenant has not been informed that the Stated Clerk of the General Assembly has in fact received such a request and complied by the same mandate.

Inclusion of personnel matters in the Overture 05-03 has already resulted in the improper discussion of personnel matters at presbytery coordinating councils and on the floor of Presbyteries without affording due process to the Synod Executive, who was accused and

therefore defamed and without an opportunity for defense. Placing these assertions in 05-03 (Cincinnati Overture) publicly subverts due process and the rights and protections that are built into our disciplinary parliamentary procedures. These items should not be part of the business of the Mid-Council Committee 05 and may not be made public without due process.

Since the Synod of the Covenant has not received from any Presbytery a request upon which a determination could be made that the Synod took an action or whether any other action by the Synod was an irregularity or a delinquency, we urge the 223rd General Assembly to approve this Synod Overture and reject Overture 05-03 from the Cincinnati Presbytery.

Further, in direct response to some of the allegations and/or rationale contained in the Overture 05-03, the Synod states:

1. In regard to the process for the amendment of the bylaws, the Synod Bylaws Task Force proposal was an attempt to correct the bylaws to comply with the Book of Order (G-3.0401) and was disapproved by the November 2017 Assembly. The process followed by the Synod for reviewing, recommending, and voting on proposed Bylaws changes was communicated to all commissioners and the 11 presbyteries. It involved all commissioners including consultation with all 11 Presbytery Stated Clerks. Documentation is available.
2. Synod Assembly meetings, agenda, and documents have always been circulated to commissioners and all 11 Presbytery Stated Clerks. Documentation is available.
3. The Presbytery of Mackinac Administrative Commission was approved at a duly called Special Meeting with a unanimous roll call vote after consultation with the Mackinac Presbytery Coordinating Council and giving appropriate hearing and representation from the presbytery Stated Clerk, Presbytery Moderator, and Moderator of the Coordinating Council. The Commissioners from the Presbytery of Mackinac were included in unanimous vote. Documentation is available.
4. The statement that three presbyteries “have withdrawn some or all of their participation in the life of the synod” is both misleading and divisive. The statement that “all five female presbytery executives refused to participate in an executive forum because of conflicts or concerns involving the synod executive” has proven to be a misleading and defamatory statement.
5. The Synod has always made every effort to communicate and act with integrity and transparency. The Synod Assembly and synod committees continue to account for various responsibilities and all functions of the Synod. The Synod continues to affirm unity in diversity, equal protection under the law, and the right to due process.

Approved on April 26, 2018 by the Synod Assembly of the Synod of the Covenant.

