

Final Report to the Presbytery of Boston  
from the  
Administrative Commission for the Newton Presbyterian Church

September 2018

The Administrative Commission

The Presbytery of Boston unanimously voted on November 14, 2016, to create this Administrative Commission for the Newton Presbyterian Church (“AC”). The Presbytery delegated numerous specific powers under the Presbyterian Church (U.S.A.) Constitution to enable the AC to resolve difficulties at the Newton church (“NPC”) on behalf of the congregation, the Presbytery and the wider church. [Appendix A - Charge to the Administrative Commission]

The members of the AC are Sharon Wright (chair), Samuel Chung, Catherine MacDonald (clerk), Mary Lou Smith and Alexander Wei. Stated Clerk Theodore DeMarco provided presbytery support.

Beginning November 30, 2016, the AC met nearly 30 times by conference call or on an electronic platform, and at various times in person or by conference call with Robert Skinner and Kathryn Harris of the law firm Ropes & Gray.

Background to the Work of the Administrative Commission

As of 2014 the Newton Presbyterian Church session had been reporting membership losses for nearly a decade, along with a significant decline in worship attendance. Giving was down, although support of mission causes continued; critical maintenance of the 130-year-old church building was deferred. There had been no installed pastor since 2013; the associate pastor’s designated pastor relationship would end in 2015.

The church was served by two interim pastors (4/2014 - 4/2015 and 5/2015 - 8/2016), and then by a presbytery-appointed moderator (9/2016 - 12/2016). Weekly preaching was provided primarily by Garrett Smith, a former Baptist minister who had joined the church and its program staff during the most recent pastorate; his leadership as a pastor at NPC had not been approved by Presbytery.

In February 2015 the Presbytery’s Committee on Ministry conditionally approved the NPC’s Mission Study, a requirement for beginning its pastoral search. A pastor nominating committee was elected by the congregation in Fall 2015.

In September 2015 the NPC Session also requested a Response Team from the presbytery under Standing Rule E.14 [Appendix B - Standing Rule E.14]. The Response Team was formed in September 2015 and worked to assist the members of the Newton Presbyterian Church in efforts to discern what steps they could take concerning the church’s future. As part of its June 2016 final report to the Presbytery the Response Team described in detail the persisting lack of consensus at the church.

That summer the pastor nominating committee reported to the session that after a year's efforts to obtain a candidate it was still unable to bring a nomination to the struggling congregation. In September 2016 the committee agreed to the session's suggestion that it temporarily suspend its efforts.

By Fall 2016 the NPC was strongly divided on the question of whether to continue as a member church in the Presbyterian Church (U.S.A.) or to request to be dismissed by the Presbytery to another Reformed denomination. Publicly the session said "The main concern is that PC(USA) is drifting further away from the core values of NPC" (from "NPC Denominational Discernment Frequently Asked Questions (FAQ)," July 2016). Session and congregation records indicate that for those church members seeking dismissal major underlying reasons included unhappiness specifically with the PC(USA)'s theological and polity inclusiveness of all its members, and the desire of some church leaders that the NPC become the sole legal owner of the Vernon Street property.

In addition to the option of remaining within the PC(USA), the NPC had looked at the possibilities of seeking dismissal to the Evangelical Covenant Order of Presbyterians (ECO), the Evangelical Presbyterian Church (EPC) and the Reformed Church of America.

One faction of the church, led by a voted majority of the session, was in favor of being dismissed to the Evangelical Covenant Church (ECC). The session had been repeatedly advised by the Response Team and by Stated Clerk DeMarco that because the ECC was not among those denominations recognized as Reformed by the Presbyterian Church (U.S.A.), under the PC(USA) Constitution the Presbytery could not dismiss the Newton Presbyterian Church to the ECC. (This restriction only applied to dismissal or transfer of the congregation as a whole, while individual NPC members always were free to seek membership in any church of their choosing.) The Presbytery's Response Team had suggested that a possible constitutional resolution of the session's concerns for the NPC might be found in entering into a Joint Congregational Witness plan with the Highrock Church, a young congregation in the ECC, an option which would have brought the NPC into worship and defined fellowship with ECC members but would not remove the NPC from the PC(USA).

Overall, while the NPC congregation was not in consensus on a preferred denominational membership, the session majority was adamant about the church leaving the PC(USA) for the ECC, taking the church's property with it.

#### From Discernment to "Disaffiliation"

The Administrative Commission began its work with the Newton church by meeting with the session in December 2016, in order to understand better how the session was responding to the congregation's conflicted halt in its discernment process and to begin to assist in restarting those efforts so that the NPC might be unified in moving forward.

The AC requested and received from the clerk of session certified church rolls, several years' approved minutes of the session and congregational meetings, the church corporation's bylaws, annual reports, congregation surveys and other documentation understood to be related to the discernment issues; the NPC ecclesiastical bylaws were also requested but not supplied by the session. Additional documents, including past and current church directories, were provided by other NPC members.

At the session's meeting held December 13, 2016, the AC again advised that while there could not be dismissal to the ECC, the AC was committed to assisting in the NPC's discernment of options that could be supported under the PC(USA) Constitution.

On January 1, 2017, the AC received a copy of “NPC Declaration of New Affiliation,” which members of the NPC session majority had privately produced for their own signatures as trustees of the NPC corporation. This document reflected the session majority’s opinion that, contrary to the PC(USA) Constitution, under Massachusetts law the congregation’s corporation could take the Newton Presbyterian Church out of the PC(USA): “We, as duly elected trustees and officers of Newton Presbyterian Church, charged with our responsibility as stated in the By-Laws of the corporation, after engaging in extensive research, open community meetings, and much prayer, and having received input from over 175 of our active members and attendees, believe it is imperative for the future growth and integrity of our mission, and for the peace, unity, and continued existence of this congregation, that we change our denominational affiliation to the Evangelical Covenant Church (ECC). This requires our withdrawal from the PC(USA), effective at this time.”

### Congregational Split

In early January 2017 those elders/trustees posted in the church building and electronically to the congregation notice of a special meeting of the NPC Corporation to be held January 15. The purpose of the meeting was to “vote whether to withdraw from the Presbyterian Church (USA) denomination, whether to affiliate with the Evangelical Covenant Church (‘ECC’) denomination and whether to amend the Bylaws of the corporation to remove denominational references, and any new business brought before the corporation.”

The AC reminded the session again that under the PC(USA) Constitution governing all PC(USA) churches only the Presbytery of Boston could dismiss the NPC to another denomination, and that as a church of the PC(USA) and governed by the PC(USA) constitution neither the NPC corporation nor its trustees had the power to remove the congregation from the PC(USA) as proposed by the session majority.

On January 10, 2017, the AC wrote to each NPC member listed in the most recent NPC membership directory expressing concern “that members of the congregation are being asked to resign their individual memberships in the PCUSA without fully understanding the consequences of this action...” The letter reviewed the relevant PC(USA) constitutional points. [Appendix C - AC letter to NPC congregation, 1/10/17]

Notice of the called corporation meeting was not withdrawn by the trustees. On January 13, 2017, the AC informed the session that in keeping with the constitutional powers delegated to it by the Presbytery the AC had voted on January 12 (1) to declare that the NPC was in schism, and (2) that the AC was assuming original jurisdiction of the session so that the constitutionally assigned responsibilities and powers of the session would now be exercised by the AC. Acting as the NPC session, the AC notified the trustees of the NPC corporation that their irregularly called meeting was cancelled.

Nevertheless those elders/trustees proceeded to hold an irregular meeting of the NPC corporation in the sanctuary following the service of worship on January 15, 2017. The AC, and Robert Skinner and Kathryn Harris from the law firm Ropes & Gray, were present as observers.

As printed on the distributed ballots the single motion read: “That Newton Presbyterian Church withdraw from the PC(USA) effective immediately, commence the process to be accepted into the Evangelical Covenant Church, authorize the trustees to take the necessary steps to do so, and use our property for our ongoing ministry.”

Discussion of the motion included strongly differing opinions concerning denominational membership as well as the wish of many speakers that the NPC would stay together and in the Vernon Street building whatever the outcome of the vote.

A majority of those certified members of the NPC who were present and voting supported the trustees' motion (107:26) for "disaffiliation" by the NPC. This vote reflected the trustees' rationale that the NPC was an independent church with a congregationalist autonomy rather than being a member of the connec-tional and constitutionally governed PC(USA). In their view the separatists had a legal right under Massachusetts property law to secure, control and potentially dispose of all NPC property and that in this matter the state's property laws trumped the Presbyterian Church's established constitutional procedures for resolving property disputes.

Representing the Presbytery of Boston and the NPC, on January 17 Ropes & Gray sent a letter to the Superintendent of the East Coast Conference of the Evangelical Covenant Church advising the ECC of the violation of PC(USA) constitutional polity by the breakaway faction at Newton. The ECC was told that the Presbytery would not hesitate to pursue all available legal remedies, including money damages and injunctive relief, should the ECC support the circumvention and ultimate breach of the NPC's legal obligations as a member of the PC(USA). There was no response to this letter.

#### The Newton Presbyterian Church Continues

The AC wrote to all those listed as NPC members prior to the January 15 vote and received verification from those who wished to remain in the NPC rather than renounce their Presbyterian Church membership.

On January 25, 2017, those 47 NPC members were declared by the AC to be the "true" or continuing Newton Presbyterian Church, still a member congregation of the Presbytery of Boston in the PC(USA) and as such entitled to continue to use and to hold in trust for the PC(USA) all Newton Presbyterian Church property.

The continuing NPC members found themselves in effect forced out of their property. The former members, that is, those who had left the Presbyterian Church on January 15 and did not inform the AC in writing that they wished to remain in the NPC, were unwilling to acknowledge that the ongoing Newton Presbyterian Church congregation still rightfully owned all NPC property. In particular they denied that the NPC was entitled to and responsible for the sanctuary's use.

Now functioning as the NPC Session, the AC made arrangements for the use of chapel space for Presbyterian worship services on Sunday afternoons in the nearby Eliot Congregational Church. The AC produced the weekly worship bulletins, attended the NPC's Sunday services and provided pastoral care as the NPC took up temporary residence there. The Rev. Dr. Ward Holder soon came to serve as temporary pastor, and with basic financial services provided by the Presbytery treasurer and supported by the Presbytery trustees, the NPC membership was able to give its attention to reorganizing itself for its intended ministry and mission. As a member congregation of the Presbytery of Boston, the NPC has continued its long-standing participation in the wider church, sending elder commissioners to presbytery meetings, supporting the presbytery's budget and receiving such offerings as One Great Hour of Sharing.

### A Newton Covenant Church

At first the former NPC members, those who had chosen to leave the PC(USA) on January 15, held themselves out publicly and to the AC as the “real” Newton Presbyterian Church. They demanded that the ongoing Presbyterian congregation which had been certified as the true Newton Presbyterian Church by the AC on behalf of the PC(USA) cease to represent itself as the NPC.

Insisting that only it legitimately owned and controlled use of the building at 75 Vernon Street and of all other assets of the NPC including Village Bank funds and Fidelity Investment accounts, the breakaway faction soon named itself the Newton Covenant Church (“NCC”). It filed with the Massachusetts Secretary of State to amend the NPC corporate bylaws and to change the church’s name to “Newton Covenant Church.” It altered building signage and the NPC website, publicizing that the congregation was becoming a member church of the ECC. It used NPC-banked funds, and its tax exempt number. Until the AC and Presbytery intervened, NCC staff continued to participate in and benefit from programs of the Board of Pensions as though they were still PC(USA) employees.

### Ecclesiastical Complaint to the Synod of the Northeast

On February 1, 2017, former NPC interim pastor Jean Risley filed a complaint with the Synod of the Northeast, requesting that the Synod’s Permanent Judicial Commission (SNE PJC) order the Presbytery of Boston to dismiss the AC, return jurisdiction to the former session and consider dismissal of the NPC to the ECC. The AC provided the Presbytery’s committee of counsel with documentation of its work. The Presbytery filed a motion to dismiss the complaint.

Following its determination on preliminary questions, on March 26, 2017, the executive committee of the SNE PJC dismissed the complaint: “In summary, the findings regarding these Specifications of Error and Requests for Relief are found not to have stated a claim upon which relief can be granted because we find there are no violations of the Constitution of the PC(USA).”

At her request, the Presbytery dismissed Ms. Risley to the ECO denomination effective June 1, 2017.

### Massachusetts Lawsuit Filed on Behalf of the Presbyterians

Because of the unwillingness of the NCC to recognize the NPC’s ownership of Presbyterian property, beginning in January 2017, the Ropes & Gray legal team prepared a lawsuit to have the NCC return to the NPC all of the Vernon Street property and other assets. The AC participated in this preparation, and it notes that the contributions of NPC members were substantial and essential.

The complaint filed with the Massachusetts Superior Court on March 17, 2017, included three counts:

It sought a declaratory judgment recognizing and enforcing the Presbytery’s ecclesiastical determination regarding the true NPC [recognition of the legal right of the Presbyterian Church (U.S.A.) as a hierarchical church of graded governing bodies to follow its Constitution]; with respect to issues of trespass, it sought a judgment that the NPC was entitled to regain exclusive control of the property, with damages for any alterations or misuse; and with respect to the NCC’s conversion of NPC assets, it sought return to the NPC dominion and control over NPC’s personal property, including its finances and website.

### New NPC Session and Board of Deacons

Throughout the spring and summer of 2017 the NPC worked to restore its ministry and mission. In September the NPC congregation nominated and elected to office new elders and deacons. Upon the officers' ordination and installation on September 24, 2017, the AC returned a large portion of session jurisdiction, including responsibilities for worship; stewardship of current NPC financial resources (budgeting; pledging); responsibilities for review and revision of mission causes; the congregation's programming; maintenance of session and congregational records; Christian education; receiving and dismissing members. The AC retained jurisdiction over Session responsibilities for working with Ropes & Gray; responding to legal developments; being NPC's liaison with the Presbytery's treasurer and trustees; initiating property assessment procedures; any other areas of Session jurisdiction still to be returned.

### Legal Activity

After the Presbyterian complaint was filed in March 2017 there were various legal filings and document exchanges, with the Presbytery of Boston and the NPC represented by Ropes & Gray and the NCC represented by Forrest Norman working in connection with two different Massachusetts firms.

The Massachusetts Superior Court heard arguments in September, and on November 16, 2017, it granted the partial summary judgment on Count I sought by the Presbyterians. This decision provided Massachusetts recognition of the PC(USA) as a denomination having a corporate hierarchical rather than a congregationalist polity, an important distinction for church-state concerns under the First Amendment.

The court deferred to [declined to interfere with] the PC(USA) in the regular constitutional steps taken by the Presbytery of Boston to resolve the Newton conflict over property because the dispute was an ecclesiastical matter. The court's decision in favor of the Presbytery of Boston and the Newton Presbyterian Church thereby upheld the PC(USA)'s trust clause:

“All property held by or for a congregation, a presbytery, a synod, the General Assembly, or the Presbyterian Church (U.S.A.), whether legal title is lodged in a corporation, a trustee or trustees, or an unincorporated association, and whether the property is used in programs of a congregation or of a higher council or retained for the production of income, is held in trust nevertheless for the use and benefit of the Presbyterian Church (U.S.A).” (Form of Government G-4.0203)

The NCC filed an appeal.

The Presbyterians filed in January 2018 for a preliminary injunction and order requiring the NCC to vacate the NPC property on Vernon Street, to return all church property and to refrain from any use of the NPC property in a manner inconsistent with the determination of the Presbytery. That injunction was granted on February 12, 2018.

The NCC filed a request to vacate this judgment, and requested a stay pending their appeal of the decision on Count I that had been handed down in November 2017. The court denied those motions.

On February 15, 2018, the keys and control of 75 Vernon Street were turned over to members of the NPC Session.

### Newton Presbyterian Church Returns Home

In February 2018 worship and programming conducted under the authority of the NPC Session resumed at Vernon Street, with Dr. Holder continuing as moderator and temporary stated supply pastor.

Church records and the website were returned to the NPC; building signage was restored. Control of the NPC account with Fidelity Investments which had been frozen pending the outcome of the legal case was returned to the NPC in April 2018, but locally banked NPC funds were found to have been withdrawn and so could not be recovered.

The AC fully agreed with the session as it immediately began NPC efforts toward personal reconciliation with those former Presbyterians still gathered as the NCC and who were holding Sunday services at the nearby Bigelow Middle School.

### Settlement and Resolution

In May 2018 the AC agreed to a settlement proposal which would accomplish several things including: End all NCC appeals of the November 2017 and February 2018 court decisions in favor of the NPC; end all NCC efforts to take over the Presbyterian property; avoid a trial on Counts 2 and 3 of the original Presbyterian complaint and so end pursuit of damages to be paid by the named defendants. It is important to note that the agreement concerning Counts 2 and 3 does not weaken the Massachusetts precedent established by the Superior Court's November 2017 judgment on Count 1 of the original complaint.

The AC emphasizes that this agreement enables the NPC and NCC to focus their separate energies and resources on their respective callings as Christian churches, with recognition of their ecclesiastical distinctives at the same time that they reach out in personal reconciliation.

The signed settlement agreement was filed in Superior Court on June 8, 2018, and went into effect when the case was formally dismissed on June 14, 2018.

### NPC Session Jurisdiction Returned

Following the settlement of the lawsuit, and after consultation with the NPC Session, the AC on August 15, 2018, formally returned all remaining areas of constitutional jurisdiction over the Newton Presbyterian Church to its session.

### Conclusion

From the start of its work, the AC saw that the issue of ownership of the church's property figured strongly in the NPC's discernment process as interpreted by the session. Within that issue were at least two separate areas for presbytery concern:

- (1) The NPC session had for some time been misadvised, encouraged to disregard the Constitution of the PC(USA) with respect to the options for the congregation's possible dismissal and particularly to the fact that in the PC(USA) all church property is held in trust for the wider church.

Ecclesiastical resources of the Presbytery of Boston were activated in response, including its constitutional powers delegated to and exercised by the AC, the fellowship and support of other congregations indi-

vidually and through the presbytery, and the trusted leadership of new officers and temporary stated supply pastor. Valuing its Reformed heritage, the NPC has since continued as a faithfully inclusive Presbyterian church, smaller in membership but committed to the embracing love of God in Jesus Christ within its congregation and community and in its missional witness to the world.

- (2) Asserting that Massachusetts property law was authoritative for the NPC in this matter, the session majority acting as the church's trustees looked to the Commonwealth to insert itself into religious jurisdiction and to override the PC(USA) Constitution on the applicability of its trust clause.

The AC emphasizes that the stewardship and ownership of NPC property were protected for the congregation and presbytery by the efforts of the attorneys from the law firm Ropes & Gray, which represented the Presbyterians in these court proceedings on a *pro bono* basis. It was their work that brought about the Massachusetts Superior Court recognition of the connectionalism of the PC(USA), a polity expression of our theology of God's sovereignty, which is at the heart of the denomination's understanding of its calling as a Christian church.

### Recommendations

The AC includes in its final report to the Presbytery of Boston these recommendations for presbytery action at its September 2018 stated meeting:

1. That the Presbytery of Boston send a letter of heartfelt appreciation to the Pro Bono Committee of the Ropes & Gray law firm, thanking it for the many hours of skilled legal work done by Robert Skinner and Kathryn Harris in support of the constitutional rights of the Presbyterian Church (U.S.A.).
2. That the Presbytery of Boston send its grateful thanks to the Eliot Church of Newton (UCC) for its extended hospitality in opening its chapel to the Newton Presbyterian congregation for Sunday worship services in 2017-2018 and for in other ways being an active ecumenical partner with the NPC during that difficult time.
3. That the Presbytery Council give input to Committee on Ministry consideration and implementation of specific ways in which two-way communication between the Presbytery and its minister members can provide for discernment of the breadth of our Reformed tradition in the PC(USA) and of possible points at which churches may be being mistakenly led to depart from our polity principles.
4. That within a year [before December 1, 2019] the Presbytery's Board of Trustees provide for all sessions and church trustees clarification of the fiduciary role and financial functions of the ministry to which church trustees have been elected, enlisting as necessary the assistance of past trustees, church treasurers and others.
5. That requests for information about the Newton Presbyterian Church property case received by the Presbytery be referred to the Stated Clerk, who shall provide documentation as appropriate.
6. That the Presbytery of Boston now dismiss the Administrative Commission for the Newton Presbyterian Church.



APPENDIX A  
Charge to the Administrative Commission

...[T]hat the Presbytery form an Administrative Commission (Book of Order G-3.0109b) with the following responsibilities:

1. The Administrative Commission has the power to enter a time of discernment with the session and congregation and recommend next steps to the Presbytery.
2. The Administrative Commission has the power to determine if there is a remnant and recommend how the two groups, the remnant and the schismatic group, might move forward.
3. The Administrative Commission has the authority to assume original jurisdiction over Newton Presbyterian Church (G-3.0303e).
4. The Administrative Commission has the power to declare schism as well as declare which of the two groups is the true Newton Presbyterian Church (See Book of Order G-4.0207. See also, Advisory Opinion on Schism from 2013).
5. The Administrative Commission may recommend that the Presbytery dissolve the congregation, but does not have the power to actually dissolve it. That power is reserved for the Presbytery (Book of Order G-3.0109b).
6. It has the power to participate in session meetings, including when the session goes into executive session.
7. It has the power to meet with representatives of the Evangelical Covenant Church on behalf of the Presbytery.
8. It has the power to interview any persons involved in Newton Presbyterian Church from the past and from the present time.
9. It has the power to work with legal representation if necessary retained by the Presbytery Council.

(Minutes of Presbytery of Boston, November 14, 2016)

APPENDIX B

## Standing Rules E.14 - 15

14. a. The session of a congregation that contemplates seeking presbytery's approval of an action under G-3.0303b (moving, dividing, being dismissed or being dissolved) or under G-5.05 (entering into joint witness with another denomination) may invite presbytery to create a response team. Creation of a response team should occur expeditiously, without further inquiry, and ideally within one month.
- b. The function of the response team shall be to accompany the session and congregation as they discern the way in which God is calling them to live out their future ministry as part of the church of Jesus Christ, taking care to seek to hear the breadth of opinions represented.
- c. The response team shall consist of three ruling or teaching elders, none being members or staff in the congregation involved. The three members are named, one each, by the session, the chair of the committee on ministry, and the moderator of presbytery. It shall be the responsibility of the moderator to name the last member, with attention to ensuring a balanced team. The intent of the selection process is to choose a response team that will enjoy the trust of the session, congregation and presbytery. The moderator and stated clerk shall maintain a list of ruling and teaching elders who are open to such service, although selection is not limited to those so listed.
- d. When the discernment process determines that the congregation's continued ministry within the Presbytery of Boston will most clearly fulfill its call to further the work of the church of Jesus Christ, the response team will report this conclusion to the presbytery with thanksgiving.
- e. When the discernment process identifies actions on the part of presbytery, the implementation of which might allow the congregation to continue in good conscience to witness to the Gospel within the Presbytery of Boston, the Team is empowered to recommend to the presbytery, through its Council, any such actions.
- f. If the response team and session, in their discernment process, conclude that an action contemplated in paragraph (a) of this rule is warranted, the response team is to work with the session and congregation to propose a plan of action that will (1) treat fairly the interests of both the congregation and the presbytery, including financial and legal interests; and (2) provide for actions to be taken in such a way that all involved will be able to affirm continued unity in the Church of Jesus Christ, regardless of the forms that their ongoing ministries may take. Once a plan of action is formulated, the session and response team will communicate the plan to the Presbytery Council, along with a request for creation of an administrative commission (G-3.0109b) to implement the plan. No member of the response team will be eligible for election to any administrative commission so created.
- g. In the case of any of the outcomes identified in paragraphs d, e, or f, the response team and session are encouraged to plan an appropriate liturgical occasion to allow members of the congregation and

presbytery to celebrate their history of ministry together, to offer each other blessings for the new forms of ministry toward which they are moving, and to join in recommitting themselves to the Gospel of Jesus Christ.

h. Should the discernment process fail to reach a consensus, the response team shall report this conclusion to the Presbytery which shall dismiss the team with its appreciation.

15. When the Presbytery Council learns from the session of a congregation, through direct communication to Council or through indirect communication with an officer, staff member or committee of the presbytery, that the congregation or the session contemplates an action listed in paragraph (a) of Standing Rule E.14, the Presbytery Council will advise the session of the opportunity to seek creation of a response team under that rule. If a response team is not sought, or if a response team is appointed and then dismissed under paragraph (h) of Standing Rule E.14, Council will consider the need for the appointment of an administrative commission to support the congregation through its discernment process and, if an administrative commission is warranted will propose appointment of such a commission at the next stated meeting of the presbytery or at a special meeting called for that purpose.

(Standing Rules, Presbytery of Boston, May 2012)

APPENDIX C  
AC Letter to NPC Congregation, 1/10/17

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January 10, 2017

Members of the Congregation of the Newton Presbyterian Church 75 Vernon St.  
Newton, MA 02458

Dear Brothers and Sisters in Christ,

On behalf of the Administrative Commission of the Presbytery of Boston for the Newton Presbyterian Church, I am writing to each of the members of the Newton congregation listed in your church's 2016 Directory.

As many of you know, this Administrative Commission was formed by unanimous vote of the Presbytery of Boston in November 2016, due to the concern of elders and ministers across the Presbytery that divisive issues had developed in the discernment of how your church may be called into new life and service in the name of Jesus Christ. We understand that the church with a presbytery Response Team as your partner has done significant preliminary work. However, the two-part presbytery process requested by NPC halted at the point at which the session was to request that a presbytery commission be empowered to assist in refining your church's goals so that the Presbytery could take the constitutional and legal steps necessary to accomplish them with you. Therefore the Presbytery— your presbytery — appointed this Administrative Commission to work with the NPC session and congregation to resolve certain issues, under delegated presbytery powers specified by the Constitution of the Presbyterian Church (U.S.A.).

This week the Administrative Commission received notice that a special meeting of the Corporation of the Newton Presbyterian Church has been publicly called for next Sunday, January 15, 2017, for the purposes of voting as members of the church's Corporation on (1) withdrawing from the Presbyterian Church (U.S.A.), (2) affiliating with the Evangelical Covenant Church denominational network, and (3) amending the Corporation's bylaws to remove existing denominational references.

We are disappointed that the Session has chosen to call this meeting without involving the Commission that serves as a resource on constitutional matters and orderly process. We are concerned that members of the congregation are being asked to resign their individual memberships in the PCUSA without fully understanding the consequences of this action and we believe that this gathering does not facilitate the work towards unity and reconciliation that we are committed to do.

Through this letter the Administrative Commission does not seek to tell you what to do or how to vote as a member of the Newton Presbyterian Church. **Our intention is to assist the session and congregation in its discernment of the church's future by providing you with information about the motions that you are being asked to consider as a member of the Newton church corporation.**

**Please note:**

(1) Under the Constitution of the Presbyterian Church (U.S.A.) of which the Newton Presbyterian Church is a long-time member through the Presbytery of Boston, a church cannot withdraw itself from the

denomination: ***"The relationship to the Presbyterian Church (U.S.A.) of a congregation can be severed only by constitutional action on the part of the presbytery (G-3.0303b)."*** (Form of Government, G-4.0207). The Administrative Commission advises that a vote of NPC's Corporation cannot accomplish a change of denominations (nor can a vote of the church's Congregation). The discernment process originally requested by the session and now partly completed can, however, lead to a request that the presbytery dismiss the church to another Reformed denomination with which the PC(USA) is in full communion (G-5.05c).

(2) In a January 5, 2017, letter the Administrative Commission reminded the Session that "under our Constitution's Form of Government, a congregation may only be transferred to a denomination with which the Presbyterian Church (U.S.A.) is in full communion as voted by the General Assembly (G-5.05c). The Office of the General Assembly has confirmed that the Presbyterian Church (U.S.A.) is not in full communion with the Evangelical Covenant Church. Accordingly, it is simply not within the authority of the Administrative Commission or any other body to recommend dismissal to the Evangelical Covenant Church." **The Presbytery of Boston may not dismiss a church to the ECC and a church's corporation cannot and may not take the church into the ECC.**

(3) The powers of a Presbyterian church's corporation are *"all subject to the authority of the session and under the provisions of the Constitution of the Presbyterian Church (U.S.A.)"* (Form of Government, G- 4.0101). **A vote to edit the corporation's bylaws would not remove a church from the Presbyterian Church (U.S.A.).**

Finally, we remind our brothers and sisters in the Newton congregation that the Presbyterian Church (U.S.A.) is structured by our Constitution to be a steward of the covenanted unity of our part of the Body of Christ. When there is an irreconcilable division within a congregation, such as in a case where one group is determined to leave

the Presbyterian Church (U.S.A.) and other members wish to continue in the congregation, we have a tested, responsive constitutional process created by the wider church:

*“If there is a schism within the membership of a congregation and the presbytery is unable to effect a reconciliation or a division into separate congregations within the Presbyterian Church (U.S.A.), the presbytery shall determine if one of the factions is entitled to the property because it is identified by the presbytery as the true church within the Presbyterian Church (U.S.A.). This determination does not depend upon which faction received the majority vote within the congregation.” (Form of Government, G-4.0207)*

This Administrative Commission is committed to working alongside the Session and with the congregation of the Newton Presbyterian Church as you continue the discernment process for your church’s future, and we hope that schism can be avoided so that we will be able to recommend next steps to the Presbytery concerning dismissal under the Constitution. We continue to support you in efforts toward the reconciliation of church members with one another. We look forward to an opportunity to meet with members at the church, and we encourage you to contact us with your questions and concerns.

Yours in Christ,

The Administrative Commission of the  
Presbytery of Boston for the Newton Presbyterian Church

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Ruling Elder Sharon Wright, Chair