



PRESBYTERIAN CHURCH (U.S.A.)

PRESBYTERY OF CINCINNATI PRESBYTERY OF DETROIT PRESBYTERY OF EASTMINSTER

PRESBYTERY OF LAKE HURON PRESBYTERY OF LAKE MICHIGAN PRESBYTERY OF MACKINAC PRESBYTERY OF MAUMEE VALLEY

PRESBYTERY OF MIAMI VALLEY PRESBYTERY OF MUSKINGUM VALLEY PRESBYTERY OF SCIOTO VALLEY PRESBYTERY OF THE WESTERN RESERVE

June 8, 2018

To: J. Herbert Nelson, II, Stated Clerk of the Presbyterian Church, (U.S.A.)

On April 5, 2018 I sent you a letter as Stated Clerk of the Synod of the Covenant requesting that you rule out of order the Overture from the Presbytery of Cincinnati on appointing an Administrative Commission for the Synod of the Covenant ("SOC"). Despite requesting one, I did not receive a response to the request.

I ask that you examine again the citations from the *Book of Order* and the *Manual of the General Assembly* in relationship to the arguments presented.

Although the Office of the General Assembly ("OAG") Comment to Overture 05-03 ("05-03") appears to attempt to address the issues with 05-03 that were raised by the SOC in its Overture 05-06 arguing that 05-03 does not comport with the *Book of Order* and the *Manual of the General Assembly*, the OAG's advice missed a crucial point of process. 05-03 requests that the 223rd General Assembly conduct Special Administrative Review of the SOC as provided in G-3.0108b and pursuant to Standing Rule K.2. The OAG states that: "Section K.2.a. of the Standing Rules, Special Administrative Review of Synods, provides three ways that the General Assembly might be requested to initiate *such review* (*emphasis added*): '(1) by an overture from a presbytery or synod (G-3.0302d; G-3.0402; Standing Rule A.3...'"'. The problem with the OAG analysis is that it fails to acknowledge that "such review" is specifically qualified in Section K.2. The Section of K.2.a to which reference was omitted by the OAG reads as follows:

"2. Special Administrative Review of Synods

- a. The General Assembly has authority to undertake special administrative review of synods (***Book of Order, G-3.0502c***)(*emphasis added*) . There are three ways the General Assembly could be requested to consider ***such review*** (*emphasis added*)...

Therefore, the only type of administrative review that can be initiated by a Presbytery **through an overture** under Section K.2.a is the special administrative review set forth in G-3.0502c. G-3.0502c provides that: "the General Assembly has the responsibility to maintain relationships with presbyteries and synods by ... (c) reviewing the records of synods, taking care to ensure that they conform to this Constitution". The contested Overture 05-03 does not request an

Administrative Commission be created to review the records of the SOC. In fact, the SOC 2016 and 2017 minutes have already been submitted and were reviewed by two other Synod Stated Clerks at a meeting in March of 2018. Their recommendations will be reviewed by Committee 05. The requests of Overture 05-03 transcend the parameters of Section K.2.a. and, therefore, are a violation of those rules.

As stated in my previous correspondence and in the Synod's responsive Overture 05-06, if the requests of Overture 05-03 are deemed to fall within the parameters of Section K.2.b of the Manual of the General Assembly, then proper process has not been followed – as no Presbytery or Synod has notified the Synod of the Covenant of any alleged irregularity or delinquency. Overture 05-03 is in violation of those rules as well.

There is good reason our policies specifically set forth a process and limit the type of administrative review requests that can be brought before the General Assembly. Unsubstantiated, subjective complaints, and **especially** those that target an individual who has had no opportunity to defend against them, have no place being discussed in an open forum. The improper circulation of Overture 05-03 among Presbyteries has already led to the violation of individual rights to due process. Should this improper Overture 05-03 be allowed to move forward at General Assembly, the Assembly itself will be guilty of violating its own rules and commit further due process violations.

As the Synod of the Covenant prepares to defend against 05-03; it is imperative that we hear from you regarding your response to this second request to remove the improperly filed Overture 05-03 from consideration at the 223rd General Assembly.

Please notify the Synod of the Covenant by Wednesday June 13, 2018.

Thank you for your consideration of this matter.



David Bartley

Stated Clerk

Synod of the Covenant

Cell phone 419-261-0149