

# **Presbytery of the Pacific**

**Analysis of the Covenant Order of Evangelical Presbyterians (ECO)  
To be presented to the Presbytery of the Pacific on April 27, 2013**

## Purpose of this Document

The Gracious Dismissal Policy which was adopted by the Presbytery of the Pacific on January 29, 2011, honors the requirement of the PC(USA) that a presbytery, and only a presbytery, can dismiss a congregation not to independence but to another Reformed body. However, the policy does not state which denominations qualify as appropriate Reformed bodies to which the Presbytery will dismiss a congregation.

Because it has been affirmed that each presbytery has the authority and responsibility for the dismissal of congregations—including which denominations are acceptable for receiving dismissed congregations—the Presbytery of the Pacific should make such a determination in an intentional manner. Rather than attempting to create an exhaustive list of all acceptable Reformed bodies, especially in these changing times, the General Mission Council is proposing a case-by-case analysis, as the need arises. Thus, this document will focus on the most current data available to contribute to the Presbytery’s decision regarding the Covenant Order of Evangelical Presbyterians, or ECO, as one such Reformed body to which Pacific might dismiss a congregation.

## Guidelines for Analysis

The most pertinent guidance given for such an analysis came in 2008, through an Authoritative Interpretation referred to as “AI on Dismissal.” See Attachment A<sup>1</sup>. Note that the text refers to the Evangelical Presbyterian Church, or the EPC. The EPC has received over 200 PC(USA) congregations over the last several years (ECO has received 40 so far), so many analyses regarding gracious dismissals and appropriate Reformed bodies have been based on the EPC. While this analysis does not make any recommendation regarding the EPC, the comparison between the EPC and ECO creates a useful framework for analysis.

In this AI, several important statements are made, including:

Presbyteries may dismiss congregations to other ecclesiastical bodies of this denomination, and to denominations whose organization is conformed to the doctrines and order of the Presbyterian Church (U.S.A.). No congregation may be dismissed to independent status, or to the status of a nondenominational congregation. It is the responsibility of the dismissing presbytery to determine whether the receiving body meets these standards, and this responsibility cannot be delegated to any other entity within the presbytery (such as an administrative commission). Thus the General Assembly may not determine in advance whether a particular denomination or its constituent bodies qualify under these standards.

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<sup>1</sup> This AI on Dismissal is among the Authoritative Interpretations retained by the 2012 General Assembly for continuing viability for guidance.

[P]resbyteries should consider such questions as whether the receiving EPC presbytery is

- doctrinally consistent with the essentials of Reformed theology as understood by the presbytery;
- governed by a polity that is consistent in form and structure with that of the Presbyterian Church (U.S.A);
- of sufficient permanence to offer reasonable assurance that the congregation is not being dismissed to de facto independence.

How does ECO fit the three criteria outlined by the AI on Dismissal?

1. Doctrinal consistency: ECO has been developed by PC(USA) leaders and is closely modeled on the PC(USA) Constitution. ECO has adopted the same eleven Confessions as found in the current PC(USA) Book of Confessions.

There has been concern about how strictly ECO requires its leaders to adhere to its “Essential Tenets.” See Attachment B for the *Essential Tenets* of ECO, and Attachment C for a comparison of how the PC(USA), ECO, and the EPC reference adherence to their Essential Tenets.

2. Consistent polity: There are some differences between ECO’s polity and that of the PC(USA), but if there were no differences, there would be little or no need for ECO to exist. See Attachment D for a summary provided by ECO of some changes in their polity. However, the basic understandings of geographic presbyteries and synods; leadership by elders, deacons, and pastors; responsibilities of membership; and commitment to mission are all very similar.
3. Sufficient permanence: One might characterize ECO as embryonic, or at best a fast-growing chick.. Even in the “Open Letter” to the Synod of Southern California and Hawai‘i (Attachment E), written in December 2012 in response to the *St. Andrew’s Presbyterian Church v. Presbytery of Santa Barbara* Synod PJC ruling (Attachment F), the author states that the ordination vow relating to Essential Tenets, ECO Polity 2.0103c, is:

Do you receive and adopt without hesitation the *Essential Tenets* of the ECO as reliable exposition of what Scripture teaches us to do and to believe, and will you be guided by them in your life and ministry?

However, on the same website, an update of the ECO Polity lists ECO Polity 2.0103c as follows:

Will you receive, adopt, and be bound by the *Essential Tenets* of ECO as a reliable exposition of what Scripture teaches us to do and to believe, and will you be guided by them in your life and ministry?

(See <http://fellowshippres.wpengine.netdna-cdn.com/wp-content/uploads/ECO-Polity-updated-0201132.pdf> )

This “sufficient permanence” criterion is ECO’s weakest area. However, Pacific Presbytery has used a reverter deed and shared trust agreement in the context of a receiving denomination lacking a property trust clause, which can also be utilized to protect the legacy of a dismissed congregation if moving to a receiving denomination with a less-than-settled future.

Another guideline for analysis is the Formula of Agreement, which established a process for the orderly exchange of pastoral leaders between the Evangelical Lutheran Church in America, the Reformed Church in America, the United Church of Christ, and the PC(USA). See Appendix C in the Book of Order for the full text of this agreement. This declaration of “full communion” between the four denominations is the strongest ecclesiastical connection the PC(USA) has with other denominations, which is why the United Church of Christ was deemed by the Presbytery an appropriate receiving body for West Hollywood Presbyterian Church upon its dismissal. However, only one of the three partners, the RCA, would likely pass the three criteria outlined in the AI on Dismissal, as the UCC is non-creedal and congregational in polity and the ELCA is, well, Lutheran.

Finally, another gauge for a denomination’s Reformed status has been membership in the World Communion of Reformed Churches (or its predecessor organization, the World Alliance of Reformed Churches). Another demonstration of ECO’s young stature as a denomination is that while ECO has applied for membership in WCRC, ECO has not yet received acceptance. However, the doctrinal screen for WCRC membership is quite open, as evidenced by the relative diversity of the WCRC membership. In March 2013, the following US denominations were listed as members of WCRC:

- Christian Reformed Church in North America
- Cumberland Presbyterian Church
- Cumberland Presbyterian Church in America
- Evangelical Presbyterian Church
- Hungarian Reformed Church in America
- Korean Presbyterian Church Abroad
- Lithuanian Evangelical Reformed Church
- Reformed Church in America
- Presbyterian Church (U.S.A.)
- United Church of Christ.

By the diversity of the WCRC member churches, and the theological diversity in the Formula of Agreement, one can infer that the “Reformed family” as the PC(USA) understands it is quite extended.

### ECO and the Synod of Southern California and Hawai‘i

There was a recent decision of the Synod Permanent Judicial Commission (PJC) regarding a proposal by the Presbytery of Santa Barbara to become a “union presbytery” with some of its own member congregations wanting to move to ECO. In that decision, the Synod PJC commented on whether ECO should be considered an appropriate Reformed body (see

Attachment F for the full text of the decision). The two statements specifically focused on this question were in response to Counts Three and Four of the complaint:

3. **Count Three:** Mischaracterization of ECOP (sic) as a “Reformed” body.

**Sustained.** In spite of evidence that the history of the Reformed Tradition did involve adherence to “essential tenets” and required signed affirmation of same for short periods of time, it is the current understanding that the Reformed Tradition rests on a clear understanding that Jesus Christ alone is Lord of the conscience, and this assertion not only appears in the Form of Government but is supported by the guidance of the Theological Declaration of Barmen. It is also a Reformed affirmation that membership in any worshiping body that claims the label “Reformed” has as its only membership requirement one's personal faith in Jesus Christ as Savior and Lord. The preponderance of the evidence demonstrates that the requirements of ECO are otherwise, and by requiring a signed agreement of like belief, exist beyond the boundaries of what it is understood to be Reformed.

4. **Count Four:** Mischaracterization of the “Presbytery of the West” as a “comparable” council or governing body.

**Sustained.** A preponderance of the evidence as of June 2, 2012, indicates that the Presbytery of the West does not meet the criteria as to membership churches with duly constituted and ordained Sessions or the requisite number of teaching elders. Thus it cannot be considered a comparable council with which another presbytery can form a union.

In God’s great providence, there was occasion for the GA to write another Authoritative Interpretation, this time in 2006, titled “Interpretation Regarding Authority of Synod Permanent Judicial Commission Decisions.” See Attachment G: AI on Synod PJC Decisions. This interpretation states that the decision of a synod or presbytery PJC is binding only on the parties to the particular case in which the decision is rendered, and that only the GA PJC has the power to render decisions that are authoritative for the entire denomination. It does, however, state that “At the same time, decisions of synod permanent judicial commissions are precedent setting for that synod, its presbyteries, members of the presbyteries, sessions, and members of the particular churches in the synod” and so if a similar case comes before them, the Synod PJC would likely render a similar decision.

While there should be respect shown to the wisdom of the Synod PJC, the language of the 2006 AI suggests that the impact of the St. Andrew’s v. Santa Barbara Presbytery decision should be limited to situations of presbyteries seeking to form a union presbytery with an ECO presbytery. The question of a union presbytery should not be seen as substantially similar to a decision on ECO as a Reformed body to which a presbytery may dismiss a church, particularly in light of the AI on Dismissal, written in 2008, which asserts the presbytery as the lone authority for determining the appropriateness of a receiving body. Stated Clerk Gradye Parsons has reaffirmed the presbytery’s power in this situation.

But even if one were to review the points made by the Synod PJC regarding ECO, there has been some challenge to the PJC’s understanding of ECO’s polity, including in a dissenting

opinion written by PJC member Rev. Michael D. Haggin. The Synod PJC cannot be faulted for this, though, as Santa Barbara Presbytery presented almost no evidence and no witnesses to support its case—and, as has been noted, ECO’s polity is still in its formative stages, so there isn’t much experience on which to determine with finality the implementation of ECO’s polity.

See Attachment E: ECO Letter to the Synod for ECO’s response to the Synod PJC’s comments. In reviewing the ECO Polity, there is no mention of any written statement required for membership, though there is an expectation that ordained leaders agree to the *Essential Tenets* of ECO. However, the ordination questions of ECO leaders is not dissimilar to those presented to PC(USA) leaders. Again, a comparison with the EPC is intriguing. See Attachment H: Comparison of Ordination Vows for a listing of the constitutional questions put before pastors/teaching elders of the EPC, PC(USA), and ECO.

Even if the PC(USA) does not require a written vow of compliance with our own essential tenets, there are restrictions put on the extent that the PC(USA) allows for freedom of conscience. For instance, the GA PJC, in one of its binding decisions, determined in 1975 that a candidate’s disagreement with the denomination’s support for women’s ordination constituted “a rejection of its government and discipline” and so denied his ordination.<sup>2</sup> It is interesting that one writer<sup>3</sup> suggested that the EPC is more flexible than ECO, because one of ECO’s *Essential Tenets* is the statement “We affirm that men and women alike are called to all the ministries of the Church, and that every member is called to share in all of Christ’s offices within the world beyond the church.” The EPC considers the ordination of women a “non-essential” and so leaves it to each governing body to decide if women may be ordained or not. Ironically, based upon that analysis, the PC(USA) would also be seen as less flexible than the EPC.

The second point made in the Santa Barbara case about ECO, that the Presbytery of the West is not of sufficient size, is stated to be applicable specifically only to the “union presbytery” question because under the AI on Dismissal or related PC(USA) authorities, dismissal is to the Reformed body itself, without mention or requirement as to the internal structure of the accepting body.

## CONCLUSION

It is painful to consider that any covenant member church of our Presbytery would ask to be dismissed. But the Constitution of the PC(USA), with a humble appreciation that ours is not the only form of Reformed tradition that exists, allows for presbyteries to release disaffected congregations to other Reformed bodies in hopes that their mission will flourish on another branch of the Reformed family tree.

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<sup>2</sup> Maxwell v. Presbytery of Pittsburgh (1975), better known as “the Kenyon case.”

<sup>3</sup> Mary Naegeli, “A Brief Comparison of EPC and ECO,” from her “Bringing the Word to Life” blog, 2/14/2012.

Of the denominations in the US that share our Reformed roots, aside from the RCA and possibly the UCC (our Reformed partners in the Formula of Agreement), ECO is arguably the closest to the PC(USA) in theology and polity, largely because its founding leaders and foundational documents come from the PC(USA).

Perhaps the area of most concern with ECO is its youth and lack of stability, a concern that any start-up faces. Because of this, and the lack of a trust clause in ECO's polity, Presbytery of the Pacific would be wise to require recordation of a reversionary deed to assure that it is not releasing congregations to independency (after a transitional stay in another Reformed body without a trust clause). This provides for some period of maturation for ECO, while the Presbytery of the Pacific still has a relationship with any church moving to ECO, and has some standing on which to act if something goes awry.

#### Background Documents

Attachment A: AI on Dismissal

Attachment B: *Essential Tenets* of ECO

Attachment C: Comparison of Adherence to Essential Tenets required by the PC(USA), ECO, and EPC

Attachment D: Understanding ECO: 11 Characteristics of Our Polity & Vision

Attachment E: ECO Letter to the Synod of Southern California and Hawai'i

Attachment F: Final Decision by the Synod PJC on *St. Andrew's Presbyterian Church v. Presbytery of Santa Barbara*

Attachment G: AI on Synod PJC Decisions

Attachment H: Comparison of Ordination Vows.

#### Other Documents Available

(These documents are available on-line at <http://sangabpres.org/documents/> under "Supporting Documents—1 through 4")

1. 218<sup>th</sup> General Assembly Commissioner Resolution 04-28, "On Urging Gracious Dismissal"
2. The Fellowship Theology Project – Spring 2012
3. ECO Polity, updated 02/01/13
4. ECO document: Things to Consider Before Leaving the PC(USA)
5. ECO list of church and clergy members, March 2013
6. ECO Analysis, San Gabriel Presbytery, January 2013
7. ECO Analysis, Tropical Florida Presbytery
8. "A 'Reformed' Denomination: How Do We Tell?" article written by Richard J. Mouw dated December 7, 2012
9. Excerpts from the EPC Constitution, Volume 1, The Book of Order, 2012-2013: Introductory Materials and Table of Contents; Part I - The Book of Government, Chapters 1, 9, 10, 13, 14 and 16 (through Section 16-21).

Additional information about ECO can be found at: <http://www.fellowship-pres.org/>

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