

MINUTES OF THE GENERAL ASSEMBLY

CASE NO. 2020-12
COMPLAINT OF TE RYAN SPECK
v.
MISSOURI PRESBYTERY
DECISION ON COMPLAINT
October 21, 2021

SUMMARY OF THE CASE

In July 2018, Memorial Presbyterian Church (PCA) in St. Louis hosted the first Revoice Conference. Thereafter, several individuals, sessions, and presbyteries communicated concerns to Memorial and to Missouri Presbytery. In light of these concerns, in October 2018, the pastor of Memorial PCA, TE Greg Johnson, and the Session of Memorial PCA each requested investigations (*BCO* 31-2 and 41-1) of the allegations. Presbytery directed different committees to investigate the concerns and allegations, and it heard reports from these committees during several Presbytery meetings over many months. In July 2020, Presbytery heard and considered a 97-page report from its committee conducting a *BCO* 31-2 investigation of allegations against TE Johnson. The committee recommended Presbytery decline to find a strong presumption of guilt on each of four allegations, and Presbytery adopted those committee recommendations. TE Ryan Speck filed a Complaint against those decisions, and it was considered by a Presbytery judicial commission. In his Complaint, TE Speck contended:

[The Presbytery] Committee erred in its *BCO* 31-2 investigation of TE Greg Johnson by failing to act “with due diligence and great discretion [to] demand from [TE Johnson] satisfactory explanations concerning reports affecting [his] Christian character” (*BCO* 31-2). Namely, that TE Johnson did not adequately answer some questions posed to him, and what he did answer provides sufficient evidence to raise a strong presumption of guilt that his views are not in conformity with the Scriptures and the Westminster Standards and, therefore, warrant institution of judicial process.

In October 2020, Presbytery adopted the recommended judgment of the commission and denied the Complaint, which TE Speck then carried to the SJC. The Hearing was conducted before the full SJC at its Stated Meeting in Atlanta on March 25, 2021.

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After the Hearing, a question arose as to whether the Record of the Case was complete. The SJC appointed a committee of six members to return a recommendation on the question. A month later, the SJC adopted four committee recommendations, which included rescinding the previous ruling that the Record was complete and sending a letter to Presbytery's Representative with 25 questions for TE Johnson. TE Johnson responded to each, and both parties then filed five-page Addendum Briefs addressing those responses.

The SJC chairman reconvened an SJC meeting on July 13, 2021, and randomly drew names for a drafting committee. The committee filed its report on September 21, 2021. On October 21, 2021, the SJC voted to deny the Complaint, as shown in the Decision below.

I. SUMMARY OF THE FACTS

- 1994 Missouri Presbytery (hereafter "Missouri") produced a report titled "*Faithfulness to God's Standards: The Lord's Calling to Homosexually-Inclined Christians*" which was an update to a 1980 RPCES Report titled: "*Pastoral Care for the Repentant Homosexual*."
- 2017 Missouri produced an extensive revision and expansion of the 1994 report, and titled it, "*Homosexuality and the Gospel of Grace: Faithfulness to the Lord's Calling in an Age of Sexual Autonomy*." The Report was 240 pages, with an additional 260 pages of appendixes, and was posted on Missouri's website: https://drive.google.com/file/d/1iBLGL_2YhsIcI9_kZCBxLZHSYXWhFeLQ/view
- 05/28/18 TE Johnson published "*Reply to 'Queer Culture in the PCA?'*" on the Aquila Report defending the upcoming Revoice conference (in response to a post by TE Al Baker, "*Queer Culture in the PCA?*" published three days prior).
- 07/15/18 CrossPolitic Podcast conducted a 1-hour interview of TE Johnson.
- 07/26/18 Memorial Presbyterian Church (hereafter "Memorial") hosted the three-day Revoice 2018 conference. TE Johnson taught one breakout session, the transcript of which was in the Record of this Case.

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- 09/07/18 Session of Covenant PCA, Harrisonburg, VA sent a seven-page letter to the Memorial Session regarding Memorial's and TE Johnson's involvement in Revoice 2018.
- 09/27/18 TE Andrew Dionne sent a letter to the Memorial Session, which was co-signed by 20 other PCA TEs. Among other things, the letter exhorted Memorial Session "to repent of [their] sin of promoting and hosting the 2018 Revoice Conference."
- 10/10/18 TE Johnson and Session of Memorial sent a letter to Missouri requesting a *BCO* 31-2 investigation regarding allegations against TE Johnson and requesting Presbytery to accept, as a *BCO* 41 Reference, the Session's request for Missouri to also investigate it with regard to the allegations pertaining to hosting Revoice 2018.
- 10/16/18 At a Stated Meeting, Missouri created an ad hoc Committee to Investigate Memorial ("CIM") and tasked it with "investigating TE Greg Johnson ... as well as the Memorial Session, according to the provisions of *BCO* 31.2 and *BCO* 41.1-4, after concerns were expressed against it for allowing Revoice 18, an organization outside of the jurisdiction of Memorial and outside of the PCA, to hold a conference at its church in July 2018." Members included TEs Ron Lutjens (Chair), Bruce Clark, Sean Maney, Ryan Speck, and Mike Williams, & REs Kyle Keating, George Poland, and Frank Theus.
- 10/25/18 Calvary Presbytery sent a 9-page letter to Missouri.
- 11/13/18 Southwest Florida Presbytery sent a 12-page letter to Missouri.
- 01/15/19 At a Stated Meeting, Missouri heard the CIM report on its progress. Missouri referred all letters pertaining to Revoice to the CIM (including the letters already sent from Calvary Presbytery and Southwest Florida Presbytery).
- 01/26/19 Savannah River Presbytery sent a one-page letter to Missouri supporting the October 2018 letter from Calvary Presbytery.
- 05/18/19 At a Called Meeting, Missouri considered the 115-page CIM report, which had been previously distributed by email. Missouri voted to approve the concluding statements and nine judgments.

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Excerpt from Minutes: “TE Johnson shared his testimony to provide some context for his decision to host Revoice. He noted he wanted to share before the testimony with the Fathers and Brothers before it is published in *Christianity Today* on Monday.”

- 07/08/19 TE Ryan Speck filed a Complaint with Presbytery regarding CIM’s nine judgments approved at the May 18 meeting.
- 07/11/19 TE Johnson and Memorial Session sent a two-page letter to Presbytery responding to the May 2019 CIM Report.
- 07/16/19 At a Missouri Stated Meeting, TE Johnson provided a report from Memorial’s Session to the Presbytery. A committee was appointed to respond to Memorial’s response (“CRM”).
- 08/10/19 Westminster Presbytery sent a 4-page letter to Missouri.
- 08/--/19 SE Alabama (SEAL) Presbytery sent 5-page letter with allegations to Missouri. Later, an “Unofficial” 21-page Addendum from SEAL was sent to Missouri.
- 09/12/19 TE Speck met with Missouri’s Complaint Response Committee (“CRM”) for the hearing on his July 2019 complaint.
- 10/15/19 At its Stated Meeting, Missouri partially sustained TE Speck’s July 2019 (~~Speck~~-1) complaint and voted to reconsider its affirmation of the nine judgments in the CIM report at a future called meeting.

At the same meeting, several requests for investigation of TE Johnson were referred to the already existing CRM (formed three months earlier). CRM was instructed to begin a *BCO* 31-2 investigation of TE Johnson.

Presbytery also created an ad hoc study committee to create a short statement of affirmations and denials regarding human sexuality (hereafter, “A&D Committee.”)
- 11/25/19 Session of Covenant PCA, Fayetteville, AR sent a 5-page letter to Missouri.

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- 12/07/19 At a Called Meeting, Missouri reconsidered the nine theological judgments from the May 2019 CIM Report, and adopted amended statements to eight of them, referring one question to an ad hoc committee to reconsider the question of “Queer Treasure.” The newly-amended-and-adopted statements included both affirmation and criticism of parts of Revoice. Missouri authorized its Admin Committee to draft a letter communicating these changes.
- 12/22/19 Session of Grace & Peace PCA, Anna TX sent a 3-page letter to Missouri.
- 01/11/20 Central Georgia Presbytery adopted Overture 2 and “requests the 48th General Assembly assume original jurisdiction of the case of the investigation by Missouri Presbytery of Greg Johnson and the session of Memorial Presbyterian Church with regard to theological error and involvement in the 2018 Revoice Conference.”
- 01/21/20 At a Stated Meeting, Missouri approved modifications to the reporting of actions taken on the CIM report—modifications that reflected Missouri’s actions taken at its October 15, 2019, Stated Meeting and its December 7, 2019, called meeting. The Presbytery also authorized the Administrative Committee to issue an open letter related to these actions, which was eventually titled *“An Open Letter from the Administrative Committee to the Churches of the PCA and the broader Christian Church.”* The letter and the updated CIM report were, and are, posted online at https://drive.google.com/file/d/1XyxAwY-ACZsVS-pe_barvg2_wI9BBJsB/view

Below is an excerpt from the Open Letter.

Here is a summary of our actions over the past two years In late 2018 we convened a committee to examine and respond to Revoice and Memorial Presbyterian Church's involvement in the conference. That committee presented its findings at a called meeting of Presbytery in May of 2019. At that meeting we approved nine theological judgments and one judicial judgment regarding Pastor Greg Johnson and Memorial Church. As part of that action, Memorial

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and Pastor Johnson were required to respond to the report and a new committee was convened to work with them on our findings and judgments. That committee work is ongoing. Additionally, we received requests from two presbyteries and two local church sessions of the PCA to investigate Greg Johnson in particular. Those requests were referred to the existing committee and that work is ongoing. When the work of that committee is completed, they will recommend to the Presbytery whether there is a strong presumption of guilt of Memorial and Pastor Johnson. If there is a strong presumption of guilt for either party, we will proceed to a trial.

Missouri also considered a draft of the Report of the A&D Committee and heard the Report of the CRM. Missouri's Moderator informed Presbytery about Overture 2 from Central Georgia.

- 01/25/20 Savannah River Presbytery adopted Overture 4 concurring with Calvary's Overture 2 and requested the same assumption of original jurisdiction "with regard to theological error and involvement in the 2018 Revoice Conference."
- 02/01/20 Platte Valley Presbytery sent a one-page letter to Missouri regarding Missouri's 2017 report, "*Homosexuality and the Gospel of Grace*" and what might be Missouri's understanding of WCF 6.5 regarding sin.
- 04/20/20 Missouri's Stated Meeting was cancelled due to Covid.
- 05/2020 The GA's Ad Interim Committee on Human Sexuality published its 60-page report. Members included TEs Bryan Chapell, Kevin DeYoung, Tim Keller and Jim Weidenaar & REs Derek Halvorson, Kyle Keating, and Jim Pocta.
<https://pcaga.org/wp-content/uploads/2020/05/AIC-Report-to-48th-GA-5-28-20-1.pdf>
- 06/02/20 At a Called Meeting, Presbytery adopted the 49 Affirmations and Denials proposed in its A&D Committee Report. A&D Members included TEs Dan Doriani, Mark Dalbey, and Ryan Laughlin &

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RE Sean Maney. The 8-page Report was posted at:
https://drive.google.com/file/d/197ZR63Fg_TCwOswHjjz7Il2JaF1O7mjI/view

The 49 A&Ds were in two Parts:

1. Concise Biblical Theology of Sexuality with Reference to Homosexuality
2. Homosexuality and Identity in Current Debate

07/21/20 At a Stated Meeting, Presbytery heard the 97-page Report of the CRM (investigating allegations against TE Johnson) and adopted its 8 recommendations. It was posted: https://drive.google.com/file/d/18_vvpZg2PwRFwBjwAg4fGp-bhJXh8Mhm/view

The CRM reported the following had been its understanding of its task.

The first part of the work Presbytery assigned to us in the summer of 2019 was to meet with the Memorial Presbyterian Church (MPC) Session to clarify the commendations, recommendations, and requirements which Missouri Presbytery had addressed to Memorial after it (MOP) adopted the same at its called meeting on May 18, 2019. This part of our work was completed in the delivering of our report ... at the stated meeting on January 21, 2020.

The second part of the work assigned to us by Presbytery in the fall of 2019 was to conduct an investigation after receiving requests from several church courts outside our Presbytery to do a *BCO* 31-2 investigation of TE Greg Johnson and his teaching. Eventually four letters requesting this were received by Missouri Presbytery (MOP). They came from Southeast Alabama Presbytery, Westminster Presbytery, and the Sessions of Covenant Church in Fayetteville, Arkansas and Grace & Peace Presbyterian Church in Anna, Texas. Those letters can be found in the Appendix at the end.

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The CRM recommended Presbytery adopt the following:

While TE Greg Johnson has, at times, neglected to do all he could to clarify the meaning of his views and teaching, nevertheless, we the Missouri Presbytery of the Presbyterian Church in America, judge each of these allegations made against him to be untrue ... and find no warrant for a trial since we find no strong presumption of guilt [on any of the four allegations].

Allegation 1: Denies that same-sex-attraction is sinful and thereby fails to properly distinguish misery from the sin which give rise to it. (*Presbytery voted 44-1-4 to find no strong presumption of guilt for this Allegation.*)

Allegation 2: Compromises and dishonors his identity in Christ by self-identifying as a same-sex-attracted man. (43-1-6)

Allegation 3: Denies God's purpose and power to sanctify SSA believers by minimizing the pursuit of orientation change from homosexual to heterosexual. (41-2-8)

Allegation 4: Cannot meet the biblical "above reproach" qualification for the eldership since (a) homosexual inclinations are sin proper and are more heinous for being "against nature," and since (b) TE Johnson identifies as a homosexually inclined man. (41-6-4)

The other CRM recommendations adopted by Presbytery were as follows:

MSP - We are grateful for TE Greg Johnson's acknowledgment that has not always been as careful in expressing himself in his teaching as he should have been. We hereby encourage and exhort Greg, our brother in Christ, to take great care, going forward, to qualify what ought to be qualified, and to clarify all his

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views when he speaks or writes, especially on the matter of sexuality; and when it is called for, to explain what he is not saying as well as what he is, especially with those who have taken offense with things he has said, or are likely to.

MSP - We hereby commend TE Johnson for his commitment to the authority of God's Word in his life and teaching for his faithful ministry to the flock of God at Memorial Presbyterian Church, and for his zeal to see unbelievers savingly encounter Jesus Christ's love through the ministry of the Church, especially people in secular LGBT communities.

MSP - We hereby declare that TE Johnson has been and remains an honorable member in good standing of Missouri Presbytery.

MSP - We receive Parts 1 and 2, which are the summaries of the allegations and the arguments behind the committee's judgments, as useful for Session study and for the perfecting of the Church's understanding of the Scriptural teaching on sexuality and how it can be rightly applied in our 21st century setting.

Presbytery also heard the report of the Committee to Reconsider Queer Treasure (the one theological judgment of the CIM not approved on December 7, 2019), voting to find fault with this lecture given at Revoice 18.

- 09/17/20 Presbytery received a different complaint from TE Speck regarding Presbytery's adoption of the CRM's finding no strong presumption of guilt on any of the four allegations.
- 10/20/20 At a Stated Meeting, Presbytery created a *BCO* 15-3 judicial commission to consider TE Speck's September 17 Complaint, and to propose a judgment.
- 11/10/20 The Complaint Review Commission met and adopted a decision denying TE Speck's September 17 Complaint, with supporting rationale.

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- 11/16/20 At a Called Meeting, Presbytery approved the Complaint Commission's proposed denial of TE Speck's September 17, 2020 Complaint. The vote was 43-6-1.
- 12/02/20 TE Speck carried his September 17, 2020 Complaint to the General Assembly (Case 2020-12).
- 01/18/21 SJC Officers declared the Complaint administratively in order (OMSJC 9.1.a), ruled the Complaint should be heard by the full SJC instead of a Panel (OMSJC 9.3), and ruled the Record of the Case was complete and the Complaint was judicially in order and ready for Briefs and a Hearing (OMSJC 9.1.b).
- 03/09/21 Complainant filed his 10-page Preliminary Brief.
- 03/12/21 SJC met by teleconference. SJC deleted 430 pages from the Record, as shown below in an excerpt from those Minutes:

2020-12 Speck v. Missouri Presbytery. The SJC discussed the contents of the Record of the Case (ROC). The following motion was made, seconded, properly amended and adopted without objection: That the Commission delete from the ROC in Case No. 2020-12 the paper entitled "Homosexuality and the Gospel of Grace: Faithfulness to the Lord's Calling in an Age of Sexual Autonomy" (ROC 46-445) as a paper not having a "bearing on the complaint" (*BCO* 43-6) and being "extraneous to the matter before the Commission" (OMSJC 7.4.b) and the Standing Rules of Missouri Presbytery (ROC 16-45). The SJC takes judicial notice of the Report and Standing Rules; therefore, the Parties and SJC members may reference them in argument, but SJC members are not required to read those documents to qualify for the Case. In response to inquiries from SJC members, the Chairman ruled that SJC members from presbyteries submitting *BCO* 34-1 Overtures were not disqualified from Case No. 2020-12 or Case No. 2020-05 by virtue of their presbyteries' Overtures.

- 03/15/21 Respondent filed his 10-page Preliminary Brief.

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03/25/21 Hearing was conducted before full SJC in Atlanta with all 24 judges present. (TEs Coffin and Lucas joined by teleconference.) Complainant Speck, his assistant, TE Dominic Aquila, and Presbytery's Representative, TE Tim LeCroy, were present. Presbytery's Clerk observed online.

After the Hearing, the SJC moved into the Committee of the Whole and later rose from the Committee of the Whole. Below is an excerpt from the Minutes:

Chair reported that the committee of the whole approved a motion to recommend that the Commission rescind the declaration that the case is judicially in order, for the limited purpose of perfecting the record with answers to written questions propounded by members of the Commission. *OMSJC* 7.4(f). The Parliamentarian advised that this motion and process were in order. The committee of the whole approved a motion to recommend the statement of the judgment consisting of ROC page 3, lines 8-28, reformatted in the proper form for a statement of the issue. The Commission further agreed without objection to postpone consideration of the final report of the committee of the whole until the Commission next meets at the call of the Chair. The Chairman appointed the following committee to collect and collate questions from members of the Commission and to draft parameters to be communicated to Presbytery to perfect the Record of the Case ...

04/13/21 The six-man SJC Questions Committee filed its 30-page Report. In the course of the Committee preparing its Report, SJC members submitted a total of 103 questions, from which the Committee recommended selecting 25.

04/30/21 Reconvened SJC Meeting. SJC adopted recommendations from the Questions Committee in the following areas.

The SJC rescinded the Officers' previous *OMSJC* 11.1.e ruling that the Record in Case 2020-12 is "complete and sufficiently documented," thereby suspending the Officers' [January 2021] ruling that the Case is "judicially in order."

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The SJC agreed to send a letter to Presbytery's Respondent, adopting the procedure outlined therein for responses to questions and supplemental [addendum] briefs, per the authority of *OMSJC* 7.4.b and 7.4.e.(3) below.

OMSJC 7.4.b -The hearing body may delete any portions of the Record as submitted that violate justice or due process, a provision of the *BCO* or Roberts Rules of Order, or that are extraneous to the matter before the Commission. The hearing body may also require the addition of material to the Record that is relevant to the Case. Deletions and additions shall always be recorded in the minutes of the hearing body, with the approved rationale for the change. Any deletions or additions shall be reported to the parties and may be addressed in argument from the parties in any hearing requested by a party on the ROC.

OMSJC 7.3.e.(3). After oral argument [on a ROC dispute] the parties shall be dismissed and the Panel or Commission shall make a decision as to whether in fairness and justice the Record of the Case should be corrected.

The SJC adopted the Committee's list of [25] questions for TE Johnson, as amended, to be sent to Presbytery's Representative.

Below is the text of the letter sent to Presbytery's Representative, which was also sent to the Complainant.

In the SJC's deliberations on Case 2020-12, the SJC decided the Record does not yet appear to be "complete and sufficiently documented" (*OMSJC* 11.1.e) and that fairness and justice dictate the accused should have a chance to provide additional documentation for the Record (per the principle of *OMSJC* 7.4.e.(3)) Therefore, the SJC rescinded the SJC Officers' previous ruling that the Record was complete and sufficiently documented, thereby also suspending the ruling that the Case was judicially in

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order at present. Here is the procedure we will now follow.

We are sending the attached questions to you as Presbytery's Representative with a request that you invite TE Johnson to consider providing written answers, which would be added to the Record per OMSJC 7.4.b: "The hearing body may also require the addition of material to the Record that is relevant to the Case." We have copied the Complainant on this letter.

We understand that you, as Presbytery's Representative, are empowered to represent Presbytery in the perfection of the Record. Note that Question #15 in the "Additional/General" category calls for a response from Presbytery's Representative. It is also included in the list for TE Johnson, in case he needs to assist you with the answer.

If TE Johnson chooses to answer the attached questions, please send his response document to the SJC within 14 days after his confirmed receipt of the Questions. Please use the email addresses below. If TE Johnson is able to respond before the deadline, we would welcome it. If TE Johnson declines, please notify us promptly.

If a Response Document is provided, it would be added to the Record, but there would not be a need to re-brief or have another Hearing. However, if either you or the Complainant wish to file an addendum to your previous Brief, dealing only with any additional information provided by TE Johnson, the Complainant's filing deadline would be seven (7) days after his receipt of the Response Document from the SJC, and the Respondent's would be ten (10) days after his receipt of the Response Document from the SJC. Any such additional Briefs are limited to five-pages.

If there is no Response Document to add to the Record, the SJC Chairman would reconvene a SJC meeting and the SJC would plan to continue with post-hearing adjudication of the Complaint.

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The SJC does not believe another hearing is required, even if TE Johnson responds to the questions. However, the SJC would schedule another Hearing, on the additional material only, if requested by one of the parties within 7 days after his receipt of the last additional Brief filed.

The introduction to the SJC's 25 Questions read as follows:

The SJC believes it is necessary to attempt to clarify the Record of the Case because its magnitude (over 600 pages covering multiple years of writing, speaking, and judicial processes) makes it difficult to ascertain if specific representations of perspectives of TE Johnson are his actual or present theological convictions. We understand from the Record:

- he has acknowledged some of his perspectives have matured over time;
- he has acknowledged some were poorly stated due to time limits, situational pressures, or extemporaneity;
- some representations of perspectives are made unclear by imprecision or disagreement over what aspect of sin is being referenced in specific statements;
- some representations have been extrapolated by critics but denied by Johnson.

Thus, the SJC offers TE Johnson the opportunity to answer questions with reference to the specific Allegations in the Complaint now before the Commission. Below are 25 questions arranged by the Allegations, with a fifth category titled "Additional/General."

05/11/21 Presbytery answered the SJC Question about the Q&A in the Record between the Missouri investigative committee and TE Johnson from Fall 2019 and early 2020. This was the one question from the SJC directed to Presbytery out of the 25 questions sent down.

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- 05/20/21 TE Johnson provided a 23-page document responding to the SJC's 25 Questions.
- 05/27/21 Complainant filed a five-page Addendum to his Preliminary Brief.
- 05/31/21 Respondent filed a five-page Addendum to his Preliminary Brief. Neither party requested another Hearing.
- 07/13/21 Reconvened SJC Meeting. Five names were pulled at random to comprise a Drafting Committee tasked to present a proposed decision. Committee included TEs Coffin and Lee, and REs Donahoe, Dowling, and Neikirk.
- 09/21/21 SJC Drafting Committee filed its report to the SJC.
- 10/21/21 SJC's Fall Stated Meeting in Atlanta.

II. STATEMENT OF THE ISSUES

1. Did Presbytery violate *BCO* 31-2 in the manner of its investigation of the allegations?
2. Did Missouri Presbytery clearly err at its meeting on July 21, 2020, when it declined to commence process on any of the following four allegations?
 - 2.a. Allegation 1: *SSA & sin* - TE Johnson “denies that same-sex-attraction is sinful and thereby fails to properly distinguish misery from the sin which give rise to it.”
 - 2.b. Allegation 2: *Identity* - TE Johnson “compromises and dishonors his identity in Christ by self-identifying as a same-sex-attracted man.”
 - 2.c. Allegation 3: *Sanctification* - TE Johnson “denies God’s purpose and power to sanctify SSA [same-sex-attracted] believers by minimizing the pursuit of orientation change from homosexual to heterosexual.”

2.d. Allegation 4: *Qualification* - TE Johnson “cannot meet the biblical ‘above reproach’ qualification for the eldership since (a) homosexual inclinations are sin proper and are more heinous for being “against nature,” and since (b) TE Johnson identifies as a homosexually-inclined man.”

III. JUDGMENT

1. No
- 2.a. No
- 2.b. No
- 2.c. No
- 2.d. No

IV. REASONING AND OPINION

This Reasoning and Opinion briefly explains why the SJC did not find that Presbytery was unreasonable in its decisions declining to indict.

Issue 1 - *BCO 31-2 Investigation*

BCO 31-2. It is the duty of all church Sessions and Presbyteries to exercise care over those subject to their authority. They shall with due diligence and great discretion demand from such persons satisfactory explanations concerning reports affecting their Christian character. This duty is more imperative when those who deem themselves aggrieved by injurious reports shall ask an investigation.

If such investigation, however originating, should result in raising a strong presumption of the guilt of the party involved, the court shall institute process, and shall appoint a prosecutor to prepare the indictment and to conduct the case. This prosecutor shall be a member of the court, except that in a case before the Session, he may be any communing member of the same congregation with the accused.

The Record demonstrates Presbytery sought to exercise the requisite “due diligence and great discretion” in seeking explanations from TE Johnson

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regarding the four allegations. There is no evidence that Presbytery committed clear error in its procedures in this area. Whether the explanations provided were satisfactory is a different issue that will be addressed next.

Issue 2 - Four Allegations –

The SJC does not find that the Presbytery clearly erred in its exercise of judgment when it declined to commence formal judicial process (i.e., declined to order an indictment and appoint a prosecutor) on any of the four allegations.

Below are those four allegations, followed by quotes from the Complaint in support of those allegations. The SJC then provides examples of TE Johnson's explanations/responses on each allegation. These examples include 9 statements from TE Johnson to the Missouri Presbytery investigating committee and 19 answers to questions (shown in italics) from the SJC. The excerpts from the statements before MOP make plausible the conclusion that it was not unreasonable for the Presbytery to decline to indict. This judgment is supported by the excerpts from TE Johnson's answers to the questions posed by the SJC, questions posed to clarify the Record of the Case because its magnitude (over 600 pages that included multiple years of writing and speaking by TE Johnson, as well as various allegations, Presbytery reports, and judicial processes) made it difficult to ascertain if specific representations of perspectives of TE Johnson were his actual theological convictions.

Allegation 1

“TE Johnson denies that same-sex-attraction is sinful and thereby fails to properly distinguish misery from the sin which give rise to it.”

Related to this allegation, Complainant contends the following:

- “TE Johnson draws a false analogy between the merely physical and passive condition of cancer and the spiritual and active orientation of homosexuality that goes far beyond mere suffering due to the curse.”
- “TE Johnson does not believe one can really repent of this corruption (i.e., the homosexual orientation), since he was made or born this way genetically (CRM Report, p. 10). Such "movements of internal corruption" we should flee or resist, not mortify or confess (p. 11). You can only "ask

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forgiveness for a sin, for an action, a word, a thought, a deed, a choice ... " (CRM, p. 17)."

- "... TE Johnson misplaces same-sex attraction into the category of original sin and not into the category of actual transgressions."
- "TE Johnson appears to have created a middle ground between the Roman Catholic view of concupiscence and the Protestant view of actual transgression. He calls the enticement to sin sinful (unlike Roman Catholicism), but he denies that inward enticement is itself a sin."
- "... TE Johnson consistently affirms that apart from the conscious act of the will, a sinful desire is not "a sin" that requires formal, true repentance (e.g., CRM, pp. 9-10, 15-16, 20). Same-sex attraction is "not 'a sin' unless there is volition," according to TE Johnson (CRM, p. 16)."

If the Record demonstrated that the above statements were an accurate summary of TE Johnson's views, it would have been proper to sustain the Complaint. Based on the Record, however, the SJC finds that it was not unreasonable for Presbytery to conclude that TE Johnson does not hold these positions and that he affirms the sinfulness of fallen desires, including all sexual attractions a person might have to someone not their spouse.

Thus, for example, in response to a question from the Presbytery's investigating committee, TE Johnson stated the following:

GJ: I don't recall saying that same-sex attraction is a morally neutral condition. I have repeatedly stated otherwise. Any time I sense an internal sexual or romantic pull toward anyone God has not given me—including any male by definition—I have to recognize that pull for what it is. It is an effect of the fall, yes, but more precisely it is the pull of what St. Paul terms the flesh. It's a motion of the internal corruption that remains in the believer throughout this life. "This corruption of nature, during this life, doth remain in those that are regenerated" (see WCF 6.4-6). This temptation is "original corruption" and is "properly called

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sin,” even when it does not lead to “actual sin.” Apart from Christ, I would carry the guilt of original corruption.”

In addition, in responding to the following questions posed by the SJC to complete the Record, TE Johnson stated the following:

SJC 1.b. Do you concur that any illicit desire or inclination in your heart (even if it arises unbidden from the corruption of nature and does not result in an outwardly sinful act), is properly identified as sin, brings guilt upon you, and must be confessed, repented of, and mortified? (ROC 923, Q #2)

Yes, I concur. Sin is not merely transgression of the law of God. Sin is any want of conformity unto it. We are not sinners because we sin. We sin because we are sinners. I agree with WCF 6 that internal corruption is properly called sin. We are to turn humbly to God in repentance always, both on account of what we do and on account of what we are.

SJC 1.c. Do you believe that you should repent of (i.e., confess as contrary to righteousness, acknowledge as personal guilt, sorrow for, and strive to forsake) any corruption of your heart that is present in you due to original sin, as well as to repent particularly of any particular sins (ROC 928, In 1ff.)?

Yes, to both questions. I agree with WCF 15.5.

SJC 1.d. Do you attempt, by saying that “the Christian is called to repent of (that is, to confess and forsake) actual sins ... and to proactively ‘mortify’ original corruption (as well as all the actual sins flowing from it”) [see ROC 928, In 1ff.] to segregate some aspect of original corruption as a category of sin that does not carry personal guilt or does not require repentance characterized by confession, mortification, and forsaking?

No. That is not my intention. All sin, whether original or actual, carries personal guilt and requires all of this.

SJC 2. MOP’s Committee concluded, “We believe it has been and continues to be TE Johnson’s view that homoerotic desire is sinful – not as “a sin,” an ungodly volitional act, but as indwelling sin, a particular manifestation or “motion” (WCF VI.5) of our original corruption.” (ROC 924) How do you define “motion” and how does that definition comport with other uses of the term “motions” in the Standards (i.e., Larger Catechism 147 and 148)?

In *WCF* 6.4, the Assembly distinguished between the “original corruption” conveyed to all humanity and the “actual transgressions” which “proceed” from that corruption. This original corruption includes four elements within the confession, namely that “we are utterly indisposed,” “disabled,” “made opposite to all good” and are “wholly inclined to all evil” (*WCF* 6.4). As part of our original corruption, the confession here distinguishes this “inclination” to evil from the “actual transgressions” that proceed from it.

Of course, if the inclination to sin were itself “actual transgression,” then that would have applied to any potential sexual attraction to someone God has not given us, whether male or female. But the divines chose to categorize the inclination to sin as a facet of original corruption, and not as actual transgression. (We are morally culpable either way.) ...

Here, the point would be that both the corruption and its promptings, proposals, or initiatives (its temptations) are truly and properly sin—and not merely human weakness, contrary to the Roman Church. As A.A. Hodge explains in his commentary on the chapter, “The great burden of pollution and guilt is felt to consist not in what we have done, but in what we are—our permanent moral condition rather than our actual transgressions.”

SJC 4. What does it mean to say that SSA is “of sin” but not “a sin”? Is something that is merely “of sin” morally culpable before God?

That is language I adopted from the 2017 Missouri Presbytery report on sexuality. The distinction is not between degrees of culpability, but between degrees of volition. We are culpable both for what we do (transgression) and also for what we are (any lack of conformity unto). Since sexual temptation (of any kind) arises from our own heart, we are always culpable. “Each one is tempted when, by his own evil desire, he is dragged away and enticed” (James 1:14). I use the phrase “a sin” in its vernacular sense as a synonym for “actual sin.” When speaking of the motions of original corruption, I am

more likely to speak of “indwelling sin.” Temptations are “of sin” in that they are “motions of” original sin/internal corruption.

*SJC 5. Do you have any disagreement with WCF 6.4, 6.5 or 6.6 in its formulation and description of sin, actual or original? If so, identify any differences in detail.*¹⁸

I have no differences with the formulation in WCF 6.4, 6.5 or 6.6. I have leaned heavily on these categories in my teaching on the topic of sexuality in recent years.

Allegation 2:

“TE Johnson compromises and dishonors his identity in Christ by self-identifying as a same-sex-attracted man.”

Related to this allegation, Complainant contends the following:

- “When asked about the question of identity or self-conception (within the context of the 2019 GA affirmation of the Nashville Statement), TE Johnson side-stepped the question entirely (CRM Report, p. 26).” [ROC 5, line 157-158]
- “TE Johnson may not describe himself as a "gay Christian" personally and publicly, but he never declares such a self-designation to be wrong and contrary to God's Word. He refuses to do so, it seems. Why?” [ROC 6, line 189-191]

¹⁸ WCF 6.4 From this original corruption, whereby we are utterly indisposed, disabled, and made opposite to all good, and wholly inclined to all evil, do proceed all actual transgressions.

WCF 6.5 This corruption of nature, during this life, doth remain in those that are regenerated; and although it be, through Christ, pardoned, and subdued; yet both it, and all the motions thereof, are truly and properly sin.

WCF 6.6 Every sin, both original and actual, being a transgression of the righteous law of God, and contrary thereunto, doth, in its own nature, bring guilt upon the sinner, whereby he is bound over to the wrath of God, and curse of the law, and so made subject to death, with all miseries spiritual, temporal, and eternal.

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If the Record demonstrated that the above statements were an accurate summary of TE Johnson's views, it would have been proper to sustain the Complaint. Based on the Record, however, the SJC finds that it was not unreasonable for Presbytery to conclude that TE Johnson does not hold these positions and that TE Johnson's statements, responses, and explanations—taken as a whole—do not undermine or contradict his identity as a new creation in Christ.

Thus, for example, in responding to the Presbytery's investigating committee, TE Johnson stated the following:

- GJ: I have avoided the couplet "gay Christian" because of its historical connection to the Gay Christian Network, an affirming group. Also, it's not my Christianity that's gay. It's my sexual orientation that is. ... For me, my fallen sexual orientation is not my identity. As I wrote in CT, "My sexual orientation doesn't define me. It's not the most important or most interesting thing about me."
- GJ: If by identity, you mean the core identity that defines me, the identity that then becomes what I aspire more fully to be, then no Christian should have a fallen sexual orientation as their core identity. Our core identity as Christians is that we have been adopted as sons of Father into his family. That's the objective identity that names and claims me and to which I owe my life, my love and my treasure.
- GJ: If a believer were celebrating their fallen sexuality, then there's obviously a problem with that.
- GJ: [From an email to someone who posted a critique of Johnson's Christianity Today testimony.] You express well how you cannot understand why anyone would celebrate a sin-identity as part of the Christian experience, and I agree. I have no interest in celebrating the sinful impulse of indwelling sin that so disorders my sexuality. I simply want to acknowledge that reality, not to celebrate it ...

In addition, in responding to the following questions posed by the SJC to complete the Record, TE Johnson stated the following:

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SJC 6.a. Because “All saints, that are united to Jesus Christ their Head, by his Spirit, and by faith, have fellowship with him in his graces, sufferings, death, resurrection, and glory” (WCF 26.1) and all Christians have an obligation to honor that union with the profession of our identity in Christ as well as our obedience to him, have you compromised that profession by changing your [previously expressed] view that Christians “ought to reckon their identity, their conception of self, in a way that is indexed to the once-for-all judgment Christ has executed against sin, the world and Satan in his death and resurrection” (see ROC 827; 968, ln 9-12)?

No. Jesus is everything to me. ... Every sermon I preach is a proclamation of the saving lordship of Jesus Christ and his calling to live out our new identity in him.

SJC 6.b. Have you changed your agreement with Statement 9 in the Ad Interim Study Committee Report on Human Sexuality? If you have, present differences, please explain them.

I have no disagreement with Statement 9 of the Ad Interim Study Committee Report on Human Sexuality, provided that it is held alongside the other statements in the AIC report. ... In fact, I have no disagreement with the underlying theological or moral structure of the entire report. The concerns I will voice will be pastoral and missiological in nature.

SJC 6.c. Regardless of whether you agree with Complainant that the Bible never describes believers with a sinful modifier, given your understanding of Biblical emphases indicated in [the two questions] above, along with your own testimony that serious misconceptions can occur with Christian’s unqualified identification of themselves as “gay” or “SSA” or “homosexual,” do you understand how you might avoid misunderstanding and bring peace to the church by using wording such as that suggested by concerned brothers below (1 Cor. 8:12-13)?

E.g., # 1 “This does not mean that Christians do not continue to struggle with sin all their life long. It means that such a believer ought not consider himself a drunkard Christian or an adulterer Christian or a homosexual Christian but rather a Christian who struggles with the temptation to drunkenness, adultery, or homosexuality....” [emphasis added, ROC 576, ln 256ff.]

E.g., #2 ‘I’m a Christian fighting against sexual lust, or pride, or worshiping idols, or lying, or gossiping’ (ROC 6, ln 181-2).

If you will not use such wording as suggested in these examples, please explain why?

I have never once described myself as a “gay Christian.” Even in my GA speech, I said, “I am still same-sex attracted.” And when speaking about myself, I have always qualified whatever term I have used. ... I have never spoken of my sexual orientation without also speaking of my agreement with biblical teaching and my commitment to walk with Jesus in celibacy. ...

The AIC notes that the term may be used as “a factual observation about one’s experiences,” but that believers should be mindful that others may assume something more by the term (AIC 30, lines 4-5-8). But I want to be heard by my fathers and brothers. Some of my detractors have claimed I identify as a “gay Christian,” but they have never been able to quote me as such. It is a couplet I have not and do not use. Those who do use it have their reasons, and I do not judge them or quarrel over words. (We owe them the judgment of charity. Most are merely trying to say they are “gay” and they are “Christian.” They are not typically intending to modify “Christian” or promote some new form of Christianity that is “gay.”) Still, I have always avoided this couplet. ...

My actual daily struggle with sexual temptation is no different from other Christian men. I look away when tempted. I don’t take that second glance. I meet with an elder weekly for accountability. I avoid unmonitored internet connections. I invest in Christian friendships in which I am known. I have Covenant Eyes on my phone. That experience is required of any Christian man walking in repentance. Being same-sex attracted does not increase my struggle against sexual temptation, per se.

Again, as the AIC on sexuality states,

“How then should we think of the language of sexual orientation? Insofar as the term orientation is used descriptively to articulate a particular set of experiences, namely the persistent and predominant sexual attractions of an individual, it can remain useful as a way of classifying those experiences in contrast to the experiences of the majority of other people” (AIC p.30 line 41 – p.31 line 1).

Allegation 3

“TE Johnson denies God's purpose and power to sanctify SSA believers by minimizing the pursuit of orientation change from homosexual to heterosexual.”

Related to this allegation, Complainant contends the following. (See also the discussion in Allegation 1.)

- The problem arises when those who claim that same-sex attraction is so strong, that it is such a significant part of their lives, that they find their identity in this disposition. Further, they claim that this one particular sin is the only one that cannot be changed through the process of sanctification.

If the Record demonstrated that the above statement, and those in Allegation 1, were an accurate summary of TE Johnson's views, it would have been proper to sustain the Complaint. Based on the Record, however, the SJC finds that it was not unreasonable for Presbytery to conclude that TE Johnson does not hold these positions and that TE Johnson affirms the reality and hope of progressive sanctification.

Thus, for example, in response to a question from the Presbytery's investigating committee, TE Johnson stated the following:

GJ: God can do anything. He can do miracles. But the normal pattern in this fallen world is that this is a lifelong struggle. I know I will be delivered from temptation when my Lord Jesus brings me to glory. I know of no promise in the Bible that believers will no longer experience temptation in this life. Read Paul in Romans 7. He was not delivered from temptation in this life. As the confession expresses so

succinctly (WCF 6.5) “This corruption of nature, during this life, doth remain in those that are regenerated.” As Calvin explained in his discussion of Romans 6, “So long as you live, sin must needs be in your members. At least let it be deprived of mastery. Let not what it bids be done.” This also lines up with the experience of most believers who are same-sex-attracted.

Longtime Harvest USA director Tim Geiger has stated that he has also never seen same-sex attraction go away—in himself or anyone else. I suspect there are cases out there. But ordinarily this is a lifetime struggle.

In addition, in responding to the following questions posed by the SJC to complete the Record, TE Johnson stated the following:

SJC 8.a. Because our Confession acknowledges that, though our “sanctification is ... yet imperfect in this life, there abiding still some remnants of corruption in every part; whence ariseth a continual and irreconcilable war” (WCF 13.2); “in which war, although the remaining corruption, for a time, may much prevail; yet, through the continual supply of strength from the sanctifying Spirit of Christ, the regenerate part doth overcome; and so, the saints grow in grace, perfecting holiness in the fear of God” (WCF 13.3), do you affirm that it is possible for God to reduce or eliminate same-sex attraction from the inclinations and desires of a believer (see ROC, 943 ln 31ff.)?

Yes, it is possible for God to reduce homoerotic temptation from the inclinations and desires of a believer. It is also possible for God to eliminate such temptations, although this has been much, much rarer in practice. ... I have known others like myself who, while still only ever distracted by the same sex, have found the frequency of these distractions has lessened through the decades. While that may be partly a function of aging, I would like to think progressive sanctification has played a role in this.

But struggle against sexual temptation is typically lifelong, whatever one's orientation, especially with men. ...

As the AIC Report on Sexuality explains:

The error of some Christian approaches to same-sex sexual desire has been to tie faithfulness to the elimination of homosexual temptation (or even the development of heterosexual desire) as though if Christians really did enough therapy, had enough faith, or repented sufficiently, God would deliver them in some final and complete way, changing their orientation (AIC p.25, lines 11-14).

SJC 8.b. Do you affirm that it is proper to expect that “through the continual supply of strength from the sanctifying Spirit of Christ, the regenerate part doth overcome; and so, the saints grow in grace,” even if total elimination of sinful inclinations is uncommon?”

Yes, I affirm this. “And we all, with unveiled face, beholding the glory of the Lord, are being transformed into the same image from one degree of glory to another. For this comes from the Lord who is the Spirit” (2 Corinthians 3:18). This is a lifelong process. “Not that I have already obtained this or am already perfect, but I press on to make it my own, because Christ Jesus has made me his own” (Philippians 3:12).

“It is God’s will that you should be sanctified,” scripture states (1 Thessalonians 4:3).

Again, the degree of change has most often been less than we had hoped. I for example wanted a wife and children, but what I got instead was half a century of virginity and lots of spiritual children. I have grown in my love for Jesus, in prayer, in intimacy with God. My anger has turned to gentleness, my impatience to longsuffering, and my endless lust to mere distractions.

I can affirm exactly what this passage states, and it has been my own experience, that the regenerate part is overcoming and I have grown in grace, though the total elimination of sinful inclinations has not occurred. I look forward to this in glory.

SJC 8.c. Do you affirm that the process of sanctification – even when accompanied by many weaknesses and imperfections (WCF 16.5, 6), with the Spirit and the flesh warring against one another until final glorification (WCF

13.2) – should give Christians biblical cause to “expect to see the regenerate nature increasingly overcome the remaining corruption of the flesh, but this progress will often be slow and uneven” (ROC 850 lines 26-27, from AIC Statement 7).

Yes, I affirm this. Jesus does change lives, and that change is progressive. ... Nothing I have stated has ever been intended to suggest otherwise. ... Spiritual growth is toward holiness, not necessarily toward heterosexuality. And progressive sanctification, while absolutely real, remains partial in this life. In his 1646 Mortification of Sin, John Owen cautions us, “To mortify a sin is not utterly to kill, root it out and destroy it, that it should have no more hold at all nor residence in our hearts.... This is not in this life to be accomplished. An utter killing and destruction of it ... is not in this life to be expected.” Rather, Owen sees ongoing struggle as a means of God’s ministry to us. “God, by our infirmity and weakness, keep[s] us in continual dependence on him for teaching and revelations of himself out of his word, never in this world bringing any soul to the utmost.” As *WCF* 6.5 states so succinctly, “This corruption of nature, during this life, doth remain in those that are regenerated.” If, as I have argued, same-sex attraction is part of our “original corruption”—specifically the part about being “inclined to all evil” (*WCF* 6.4), then we should not be surprised to have to battle the motions of such underlying corruption until delivered into glory at death.

The above quote from the AIC report continues with this same precise and necessary qualification.

“Moreover, the process of mortification and vivification involves the whole person, not simply unwanted sexual desires. The aim of sanctification in one’s sexual life cannot be reduced to attraction to persons of the opposite sex (though some persons may experience movement in this direction), but rather involves growing in grace and perfecting holiness in the fear of God.”

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Yes, sanctification is real and progressive, even while the flesh and Spirit continue their war. In this war, grace has the winning hand.

SJC 8.d. Do you affirm with our Confession that “they, who are once effectually called, and regenerated, having a new heart, and a new spirit created in them, are further sanctified, really and personally,” since the ... “dominion of the whole body of sin is destroyed, and the several lusts thereof are more and more weakened and mortified; and they more and more quickened and strengthened in all saving graces to the practice of true holiness” WCF 13.1”)

And do you by this affirmation, acknowledge that you will preach and teach that Christians who struggle with SSA should believe that the dominion of sin in their lives is broken, and that they can expect for the attraction to be weakened and mortified as they are strengthened by the Word and Spirit in the practice of true holiness?

Yes. I do affirm with our Confession that “they, who are once effectually called, and regenerated, having a new heart, and a new spirit created in them, are further sanctified, really and personally,” since the ... “dominion of the whole body of sin is destroyed, and the several lusts thereof are more and more weakened and mortified; and they more and more quickened and strengthened in all saving graces to the practice of true holiness.”

All Christians should believe that the dominion of sin in their lives is broken, though it is the lusts that are weakened in WCF 13.1. Christians can expect for the lusts of the heart to be weakened and mortified as the believer is strengthened by the Word and Spirit in the practice of true holiness.

Typically, a believer who is same-sex attracted can expect the same degree of freedom from sexual temptation that a straight believer can ordinarily expect through progressive sanctification. We are new creations in Christ. We are no longer slaves to sin that we must obey its commands. God will not allow us to be tempted beyond what we are able but will provide a way of escape. Jesus said we must pick up our cross daily and die. Without holiness, no one will see the Lord. A

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godly character is formed through decades of faithfulness and obedience.

At the same time, again, the confession is nuanced, balancing these words with the qualification that “This sanctification is throughout, in the whole man; yet imperfect in this life, there abiding still some remnants of corruption in every part; whence ariseth a continual and irreconcilable war, the flesh lusting against the Spirit, and the Spirit against the flesh” (WCF 13.2). We must hold both of these realities or we leave the flock either enslaved by sin (on one side) or crushed by unrealistic and unbiblical expectations on the other.

I know octogenarians who tell me they are still distracted when a beautiful woman walks in the room. But they have seen genuine increased freedom from the pull of sexual temptation, albeit less than they might have wanted or hoped for. John Murray—also a lifelong celibate until he married during his retirement at the age of sixty-nine—explained: “There is a total difference between surviving sin and reigning sin, the regenerate in conflict with sin and the unregenerate complacent with sin. . . . It is one thing for sin to live in us; it is another for us to live in sin.”

SJC 9. Do you affirm your agreement with the Statement #7 in the Report of the Ad Interim Study Committee on Human Sexuality? If you have present differences, please explain them.

I think Statement 7 is beautifully written and well nuanced. I am in full agreement with it.

SJC 10. On ROC 943, in response to [MOP] Committee Question 5a, you respond that delivery from same sex attraction would take a “miracle” and that “the normal pattern in this fallen world is that this is a lifelong struggle.” You then cite Paul’s statements in Romans 7 as evidence of this ongoing struggle. But Paul also continually calls us not only to cease from sin, but to live in accordance with God’s Law. For example, Ephesians 4:28 requires not just avoiding theft (or temptations to steal) but a positive commitment to “labor, doing honest work.” Similarly, Ephesians 5:4 does not call us only to avoid filthy talk, but to speak “thanksgiving” (its opposite). More generally, the Ten Commandments not only forbid sin, but enjoin righteousness. Do you

believe it is (ordinarily, outside of a miracle) impossible to give up a proclivity to murder? Theft? Lying? If not, how is it that same sex attraction is different from all these other sins?

When I state that “sexual orientation does not typically change,” I am not saying that God doesn’t change lives. Look at TE Tim Geiger. Look at TE Allan Edwards. Look at RE Luke Calvin. Look at RE Jim Pocta. None of these brothers claims to have been freed from the presence of same-sex temptation. ... All of these are walking miracles and proof of the gospel’s power to radically reorient a life to God. My point has been and remains that none of this is evidence of a gay-to-straight cure. ...

Same-sex sexual attraction is very similar to opposite-sex sexual attraction. Opposite-sex sexual attraction for someone other than your spouse is also a motion of the corrupt nature tempting you to sin. As such, it too is properly called sin. That sexual pull toward your neighbor’s wife is not morally neutral. It is sin to mortify.

But it doesn’t typically go away, either. It may be weakened, but it is rare that a Christian man does not feel sexual temptation. ...

Just as we don’t instruct believers attracted to the opposite sex to expect all sexual feelings to disappear, we cannot expect that of believers with same-sex attraction. The absence of temptation is not a standard that straight men have ever lived up to.

The Bible does present to us a movement from sin to its opposite. But the opposite of homosexual sin is not heterosexual sin. The opposite is holiness. ...

The AIC report suggests this physiological component by trying (sic) homosexual orientation not merely to original/indwelling sin, but also to our state of misery. “The origins and development of sexual desire remain complex and, in many ways, mysterious. It is possible to conceive of the experience of same-sex attraction as simultaneously a part

of the remaining corruption of original sin as well as the misery of living in a fallen world, one of the ways our bodies themselves groan for redemption (Rom. 8:22-23; WCF 6.6; WLC 17-19)” (AIC p.28 line 5). Fallen biology may account for much of this reality. “However, we must also acknowledge ... the ways in which the Fall has shaped our biological and social development” (AIC p.27, lines 37-39).

Allegation 4

“TE Johnson cannot meet the biblical ‘above reproach’ qualification for the eldership since (a) homosexual inclinations are sin proper and are more heinous for being ‘against nature,’ and since (b) TE Johnson identifies as a homosexually-inclined man.”

If the Complainant had demonstrated, for example, that the minister was involved in homosexual behavior, cultivated unrepentant lustings, taught that either of those were not sinful, or was not continually seeking to mortify those temptations, it would have been proper to sustain the Complaint. The Record demonstrates it was not unreasonable for Presbytery to conclude that TE Johnson pursues Spirit-empowered victory over his sinful temptations and actions, just as another man must do with heterosexual temptations toward someone not his wife.¹⁹

Thus, for example, in response to the Presbytery’s investigating committee, TE Johnson stated the following:

¹⁹ At the Hearing, the Complainant indicated he questioned whether the ESV accurately translates 1 Cor. 6:9 when it uses the phrase, “men who *practice* homosexuality.” However, the footnote in the ESV indicates: “The two Greek terms translated by this phrase refer to the passive and active partners in consensual homosexual acts.”

In the 48th GA’s AIC Report on Sexuality, footnote 4 for Statement 1 reads as follows: “Paul coined the term *arsenokoitai* (1 Cor. 6:9; 1 Tim. 1:10) from the use of two related terms in the Septuagint version of Leviticus 18 and 20. The basic meaning is “man-bedders” or men who have sex with other men. ... The combination of *arsenokoitai* and *malakoi*, uniquely used in the New Testament in 1 Corinthians 6:9, likely refers most directly—as per the ESV footnote—to the active and passive partners in consensual homosexual activity. For more extended discussion, see Chapter 5 in Kevin DeYoung, *What Does the Bible Really Say About Homosexuality?* (Wheaton, IL: Crossway, 2015).”

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GJ: The 5th General Assembly of the PCA in 1977 declared that “a practicing homosexual continuing in this sin would not be a fit candidate for ordination or membership in the Presbyterian Church in America.” ... Within the PCA, the categories were “practicing homosexual” and “non-practicing homosexual.” Only the former category was barred from membership and ordained ministry.

GJ: So how do I view my orientation? Well, it's obviously fallen. No one ever had to convince me of that. ... This means that mortification of sexual sin has been a daily part of my Christian experience these last thirty years. That means fleeing temptation; I've never been able to join a gym or enter a locker room. That means redirecting thoughts. That means accountability. (I've met with an elder every Thursday for the past 18 years for prayer. He gets my Covenant Eyes report to help me stay faithful.)

GJ: I'm a sinner and so it feels wrong for me to appeal to any righteousness I may have. I'm a virgin who—as I said in my GA floor speech last year—mortifies my indwelling sin daily. But my sin is ever before me. I can mention the more than a decade since I've looked at porn, but I know Proverbs 6:16-19. The point is that we don't judge based on what sinful temptation a minister experiences so much as what he does with that temptation. If a minister of the gospel faithfully mortifies his temptation toward gay sex or slander, developing over decades a character that consistently if imperfectly does what God wants (and not what indwelling sin wants), that is a character that others close to him will see as being above reproach. But the minister himself feels like a “wicked man” with no hope but in God's sovereign grace to “save me from this body of death.” ... [I]f a minister instead engages in more seriously, without particular repentance, they have no basis for an actual gay sex or actual slander, then Paul's logic would seem to indicate that such a minister is unfit for office. And much assurance of salvation.

In addition, in responding to the following questions posed by the SJC to complete the Record, TE Johnson stated the following:

SJC 11. In light of the PCA's statements on homosexuality, Scripture, and the Westminster Standards, how can a same-sex attracted/homosexual elder, who is chaste, be considered above reproach?

I don't see too much difference from how one ordinarily concludes that a minister is above reproach. It is not temptation that disqualifies a man—then we would all be disqualified. As Al Mohler writes, “Every single human being who has experienced puberty has a sexual orientation that, in some way, falls short of the glory of God.” It's a level field at the foot of the cross.

What places a minister above reproach is the Lord's work in developing a Christian character trained through perseverance to trust and obey Jesus Christ in the face of temptation. That includes love for God, the pursuit of holiness, the practice of godliness, personal integrity, humility, self-sacrificial love for people, wise use of spiritual gifts, biblical and confessional orthodoxy and the approbation of God's people.

I do experience same-sex temptation. (I call it same-sex distraction because I'm just trying to serve my Lord when it tries to distract me from that.) I know other pastors in this denomination that experience other temptations like the temptation to slander. Those who have gay sex and those who slander are both listed 1 Corinthians 6 among those who “will not inherit the kingdom.” The Hebrew scriptures similarly call gay sex an abomination to the LORD (Leviticus 18:22). The same scriptures call “spreading strife among brothers” an abomination to the LORD (Proverbs 6:16-19). There are additional sins that also get this same categorization.

The point is that we don't judge by what sinful temptation a minister experiences in his heart so much as by what he does with that temptation. Does he proactively mortify his sin?

If a minister of the gospel faithfully mortifies his temptation toward homoeroticism or slander (or lust, or anger, etc.), developing over decades a character that consistently if imperfectly does what God wants (and not what indwelling

sin wants), that is a character that others close to him will see as being above reproach.

I have been a leader in the same congregation for 27 years. I am known. They view me as above reproach, as does the presbytery in which I have been member these past 19 years—and before that, an intern for about six years. They see all the effort I put into honoring God with my sexuality. They know how I see sin always crouching at my door, requiring me to remain always prepared to battle it. They know I have never been sexually active. I have never held hands, snuggled or looked longingly into someone's eyes. They know I have only kissed once, and that was with a girl in high school before I knew the Lord. They know I have not looked at porn in over 17 years. They know the same ruling elder and I have met for coffee and to pray every Thursday morning for twenty years, and that he gets my Covenant Eyes report. They know I never go near a gym or locker room to avoid any potential temptation or even distraction. They know how I proactively work on having close, long-term Christian friendships in order to proactively mortify the loneliness that might occasion sexual temptation. They know how I respect men and women as image bearers of God and live in joyful submission to my savior Jesus Christ. They have seen all the fruit of the Spirit in me. Those who know me honor God's work in my life and see in it hope that the gospel truly has power to change us. That is the approbation of God's people for a regenerate sinner's life lived in saving union with Jesus Christ in a way that is above reproach. ...

The Presbyterian Church in America itself declared in 1977 only that “practicing homosexuals”—as distinct from non-practicing homosexuals—were not suitable candidates for ordination. Three years later, the 1980 RPCES report on homosexuality specifically rejected any categorical exclusion of “repentant homosexuals” from church office. This year’s AIC report states the same position, “Insofar as such persons display the requisite Christian maturity, we do not consider this sin struggle automatically to disqualify someone for leadership in the church (1 Cor. 6:9-11, 1 Tim. 3:1-7, Titus 1:6-9; 2 Pet. 1:3-11),” (AIC p. 31, lines 29-31).

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Our AIC report on sexuality commends those of us who have persevered in the face of homoerotic temptation:

Our brothers and sisters who resist and repent of enduring feelings of same-sex attraction are powerful examples to us all of what this ‘daily mortification’ looks like in ‘the best of believers.’ We should be encouraged and challenged by their example and eager to join in fellowship with them for the mutual strengthening of our faith, hope, and love. (AIC p.23, lines 30-33).

The [AIC] report offers further commendation of those who model for the rest of the church what costly obedience looks like.

Finally, we rejoice with our brothers and sisters who, while experiencing ongoing attraction to the same sex and living in a culture which would encourage them to embrace and act on those attractions, instead pursue lives of faithfulness through chastity and obedience to Christ by daily echoing Jesus’s words of “not my will, but yours, be done” with respect to their sexuality (Luke 22:42). In this, they model for us all what it means to heed Jesus’ teaching: “If anyone would come after me, let him deny himself and take up his cross and follow me” (Mark 8:34). May it be that thanks to the finished work of Christ, and at the end of our sometimes faltering and imperfect obedience, we each hear the divine accolade: “Well done, good and faithful servant.”

SJC 12. Is homosexuality a heinous sin? If so, why? If not, why not? (Please support your answer from the Standards and interact with Larger Catechism 150-151)

Sins are not all equally heinous (*WLC* 150). But they are all heinous. Having sex with someone of the same sex is very heinous. Before we ever get to the Standards, the Bible is clear on this point. For a man to lie with another man as one lies with a woman, it is an abomination. Paul picks up the Hebrew of Leviticus—*arsenokoitai*, literally “male bed”—to prohibit it in no uncertain terms as sin that that will keep a man out of the kingdom.

A sin can be aggravated by any number of factors. Sexual immorality is a heinous sin. But the sin can be aggravated, for example, by that immorality being with another man's wife. Or with someone in our church, where we were in a position of spiritual leadership over them. Sexual immorality with someone of the same sex would be yet another aggravation. I do not see the list in *WLC* 151 as exhaustive.

All other things being equal, I would consider homosexual immorality to be more heinous than heterosexual immorality on account of the way it further warps God's creative norm for sex. As in *WLC* 151, it goes against the “light of nature.” Romans 1 notes it is unnatural.

SJC 14. In your Revoice Breakout Session you said “And other people have a calling to glorify God with unwanted same sex attraction or gender dysphoria or intersex condition. And that calling, because it’s a calling from God to suffer, is a holy calling and a holy vocation.” Further, you compare these situations to one who is in an empty marriage and one who has leukemia. (ROC 464). Whatever your answer, what is the Biblical or Confessional basis for designating this as a calling or vocation?

If I thought for a moment that my struggle with same-sex attraction was a random experience, bad luck, something outside of my heavenly Father's care, I would have no hope. It is because it is a calling from my Father that I can follow his wise instruction and trust and obey him through this calling. ...

To be perfectly clear, I was not saying that sin is a holy calling, but that the life-long struggle against a particular indwelling sin on account of a fallen sexual orientation—and enduring the suffering that results from that—is a holy calling. I didn't have

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to spell that out because my audience were Christian leaders at a conference that for Christians who are same-sex attracted and committed to the biblical sexual ethic.

SJC 17. (#25 of the Questions the SJC sent down, because some of the questions had multiple parts.) Do you think any of your public statements have upset the peace of the PCA, and if so, do you have any thoughts on how you might restore peace to our denomination?

Certainly, in addition to what I mentioned above, there have been some posts or comments in social media that I regretted. I either deleted them and apologized, or I kept them up with an added apology and clarification. As I said above, I will continue to work with my presbytery in seeking their wisdom as to how and where I should issue further apologies and clarifications. I want nothing more than the purity and peace of the PCA.

Conclusion

Based on the Record, there was no reversible error in the decisions reached by Missouri Presbytery regarding the four allegations. It was not unreasonable for Presbytery to judge that TE Johnson's "explanations" on the four allegations were "satisfactory." (BCO 31-2).

The SJC approved the decision on the following roll call vote:

Bankson <i>Dissent</i>	M. Duncan <i>Dissent</i>	Neikirk <i>Concur</i>
Bise <i>Dissent</i>	S. Duncan <i>Dissent</i>	Nusbaum <i>Concur</i>
Cannata <i>Concur</i>	Ellis <i>Concur</i>	Pickering <i>Concur</i>
Carrell <i>Concur</i>	Greco <i>Dissent</i>	Ross <i>Concur</i>
Chapell <i>Concur</i>	Kooistra <i>Concur</i>	Terrell <i>Concur</i>
Coffin <i>Concur</i>	Lee <i>Concur</i>	Waters <i>Concur</i>
Donahoe <i>Concur</i>	Lucas <i>Absent</i>	White <i>Dissent</i>
Dowling <i>Dissent</i>	McGowan <i>Concur</i>	Wilson <i>Concur</i>
(16-7-0)		

**Concurring Opinion
of RE Howie Donahoe**

I concurred with the SJC Decision but believe comment is warranted in five areas:

1. The Judgment of Charity
2. 1 Corinthians 6:9-11
3. Complaints against Non-Indictments
4. 47th GA's AIC Report on Sexuality
5. Reopening the Record

1. The Judgement of Charity - *BCO* 14-7 stipulates, "... Judicial decisions ... may be appealed to in subsequent similar cases as to any *principle* which may have been decided." In 2010, by a vote of 19-1 the SJC decided an important principle when it denied a similar complaint against a non-indictment. Here's an excerpt from the SJC Reasoning.

Complainants hold that certain views expressed by [the minister who was not indicted], capable of a heterodox interpretation, must be so interpreted. But this *violates the judgment of charity*, that if a view can be interpreted in an orthodox fashion, it ought to be so interpreted until one is forced to do otherwise.

Complainants hold that certain of [the minister's] views imply heterodox doctrines, and therefore impute those doctrines to [the minister]. But this is a non sequitur as well. *One cannot properly impute implications that are drawn from a position to a person who expressly denies the implication.* For example, a disciple of Gordon Clark believed that John Gerstner's failure to embrace supralapsarianism implied Arminianism. He was free to so believe, but it was utterly unjust for him to say that Gerstner was an Arminian when Gerstner expressly denied it and spent his ministry upholding the sovereignty of grace in the Gospel.

Against this doubtful reasoning stand [the minister's] express, specific, and unambiguous denials of heterodoxy and affirmations of orthodoxy. The only question, then, is with respect to [the minister's] credibility.²⁰ (Emphasis added.)

²⁰ Case 2010-04: *TE Sartorius et al. v. Sioulands*. (M39GA, 2011 Virginia Beach, pp. 578-83) Nine current SJC members concurred: TEs Chapell, Coffin, Greco, McGowan, and REs Carrell, S. Duncan, Neikirk, Terrell and White. (TE Dominic Aquila was

In his Complaint and Briefs, the Complainant repeatedly alleges *what he contends* TE Johnson believes, rather than providing reasonable-length quotes from the accused to corroborate those contentions - especially when the accused denies the implications the Complainant imputes. The Complaint never quotes even one complete sentence of TE Johnson's, and the 10-page Preliminary Brief only quotes one complete sentence. This is quite stunning, given that the accusations allege sinful views and statements. The Complainant repeatedly makes assertions like, "Johnson believes ..." and "Johnson affirms ..." without providing evidentiary excerpts.²¹ In the concluding paragraph of his Preliminary Brief, the Complainant asks the SJC to "find a strong presumption of guilt against TE Greg Johnson for his stated views on human sexuality..." But instead of quoting examples of the allegedly unbiblical *stated* views, the Complainant asserts what *he contends* are TE Johnson's views (occasionally providing some snippets from quotes) and then argues why those constructions are problematic.

2. 1 Corinthians 6:9-11 - The Complainant seems to misinterpret or misapply this passage.

⁹ Or do you not know that the unrighteous will not inherit the kingdom of God? Do not be deceived: neither the sexually immoral, nor idolaters, nor adulterers, nor men who *practice* homosexuality,¹⁰ nor thieves, nor the greedy, nor drunkards, nor revilers, nor swindlers will inherit the kingdom of God.

¹¹ And such were some of you. But you were washed, you were sanctified, you were justified in the name of the Lord Jesus Christ and by the Spirit of our God. (ESV. Emphasis added.)

on the SJC at the time and concurred. In this present Case, he served as the Complainant's assistant in the complaint against the non-indictment of TE Johnson.)

²¹ *from the Complaint:* [Johnson allegedly] "maintains, believes, draws, misplaces, appears, consistently affirms."

Preliminary Brief: [Johnson allegedly] "maintains, defines, seems to say, is seeking to, appears to have, affirms, views, claims, draws, equates, treats, holds, teaches, promotes," etc.

Addendum Brief: [Johnson allegedly] "denies, appeals to, defines, explains, states, emphasizes, denies, contrasts, means, has adopted, expresses, sees, refuses, responds, suggests," etc.

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While the original Complaint does not cite 1 Cor. 6:9-11, it is cited a dozen times in the Complainant's Briefs. Yet those verses never appear as citations in the 12,000-word Westminster Confession of Faith.²²

The SJC's Reasoning on Allegation 4 (regarding the alleged failure to be "above reproach") includes the following footnote on 1 Cor. 6, which seems to emphasize a distinction the Complaint does not grant.

At the Hearing, the Complainant indicated he questioned whether the ESV accurately translates 1 Cor. 6:9 when it uses the phrase, "men who *practice* homosexuality." However, the footnote in the ESV indicates: "The two Greek terms translated by this phrase refer to the passive and active partners in consensual homosexual acts."

In the 47th GA's AIC Report on Sexuality, footnote 4 for Statement 1 reads as follows: "Paul coined the term *arsenokoitai* (1 Cor. 6:9; 1 Tim. 1:10) from the use of two related terms in the Septuagint version of Leviticus 18 and 20. The basic meaning is "man-bedders" or men who have sex with other men. ... The combination of *arsenokoitai* and *malakoi*, uniquely used in the New Testament in 1 Corinthians 6:9, likely refers most directly—as per the ESV footnote—to the active and passive partners in consensual homosexual activity. For more extended discussion, see Chapter 5 in Kevin DeYoung, *What Does the Bible Really Say About Homosexuality?* (Wheaton, IL: Crossway, 2015)." (SJC Decision p. 23)

Contrast that to this excerpt from the Complainant's Preliminary Brief, which cites 1 Cor. 6:

In contrast to those [non-sinful physiological] conditions, *homosexuality* is a violation of the seventh commandment and is always and only portrayed in Scripture as sinful (1 Cor. 6:9 ...) ... [The Bible says] neither "effeminate, nor *homosexuals*..."

²² <https://www.pcaac.org/wp-content/uploads/2019/11/WCFScriptureIndex.pdf> Vs. 10 is cited in part of LC 145, and vs. 11 in parts of LC 69, 75, 77, 161 & SC 32, but those parts don't pertain much to assertions in the Complaint.

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will inherit the kingdom of God. Such were some of you” (1 Cor. 6:9-11, NASB).” (Brief, p. 6, lines 11 and 19. Emphasis added)

The Complainant does not seem to interpret 1 Cor. 6:9-11 as making any significant distinction between unwanted homosexual temptations and intentional homosexual lusts or actions.

Unwanted Temptations vs. Intentional Sinful Actions - Historically, whenever the PCA has adopted statements related to homosexuality, it has always expressed or at least clearly implied a significant distinction between unbidden temptations and intentional sinful actions (lusting and behavior). Some examples are shown below. These excerpts from GA statements or GA-endorsed statements over the last four decades demonstrate it is tenuous for anyone to maintain the PCA has changed its position on the important distinction between unwanted temptations and intentional sinful thoughts and actions. (Emphasis is added throughout.).

1977 - Forty-four years ago, the 5th GA in Smyrna, GA adopted the following:

That the 5th General Assembly of the PCA affirm the Biblical position for our denomination which states that: (1) The *act* of homosexuality is a sin according to God's Word; ... and (3) In light of the Biblical view of its sinfulness, a *practicing homosexual continuing in this sin* would not be a fit candidate for ordination or membership in the PCA. (M5GA, p. 67)

1980 - Three years later, and two years before the RPCES joined the PCA, its study committee produced a report titled “Pastoral Care for the *Repentant Homosexual*,” and their Synod “commended [the paper] to sessions and congregations as an aid for their ministry to those struggling with homosexuality.” (*158th GS Minutes*, pp. 43-50). Below are excerpts.

Romans 1:26 ff. zeroes in on homosexual *practices* as a major manifestation of sinful man’s attempt to distort the creator’s intent. But homosexuality is not singled out as the worst of all manifestations of sin as we can see in Jesus’ indictment against the unbelief of Capernaum (Matt. 11:23). ...

If he who once was involved in homosexuality is growing in grace to such an extent that he can “walk with exemplary

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piety before the flock" *there ought not be any reason for a generalized exclusion from church office.* Judgment must be made in individual cases by the session and/or presbytery, keeping in mind those aggravations that make some sins more heinous than others.

1993 - Twenty-eight years ago, the 21st GA in Columbia, SC adopted Overture 16 from Potomac Presbytery and sent a letter to the US President, titled, "Declaration of Conscience." Below are excerpts. Note the repeated use of the words "practice" or "behavior."

[W]e stand resolutely opposed to homosexual *practice* as incompatible with the temporal good of our nation and the eternal good of its people. ... Our categorical rejection of homosexual *behavior* as wrong and destructive cannot fairly be taken to mean that we have not extended ourselves or are unable to extend ourselves in compassion and courage to men and women in our society who are homosexual. ... Our American civil government has historically respected the family's primacy in such matters and has sought to nurture it. Any policy which legitimizes homosexual *practice* abandons this time-honored tradition. To conclude, while condemning homosexual *practice*, we affirm our duty to love and do good to all, even those who are pursuing this perversion. ... More profoundly, however, the truth is that those given over to homosexual *practice* will face the judgment of God. ... Our prayer is that you will stand against any and every pressure that would be brought to bear on your Administration by those who would legitimize homosexual *practices.* (M21GA, p. 129)

1996 - Three years later, a personal resolution to "Oppose Legalization of Homosexual Marriages" was answered by the 24th GA in Ft. Lauderdale "by (1) reference to previous actions of the General Assembly (e.g., M5GA, p. 67-8, M21GA, p.129 ff.) and (2) the following statement:

We affirm the Bible's teaching that promotion of homosexual *conduct* and relationships by any society, including action by the governments to sanction and legitimize homosexual relationships by the legalization of homosexual *marriages*, is an abominable sin calling for God's judgment upon any such society (Lev. 18:22 and Rom. 1:18-32). ... (M24GA, p. 315)

2021 - This year, at the 48th GA in St. Louis, the Overtures Committee voted 124-3 to recommend the GA “declare the Report of the Ad Interim Committee on Human Sexuality as a *biblically faithful declaration* and refer it to the Committee on Discipleship Ministries for inclusion and *promotion* among denominational teaching materials.” The GA adopted that recommendation by a large majority. Below are three examples of excerpts from the AIC Report pertaining to the difference between unwanted temptations and intentional sinful actions.

Nevertheless, there is an *important degree of moral difference* between temptation to sin and giving in to sin, even when the temptation is itself an expressing of indwelling sin. While our goal is the weakening and lessening of internal temptations to sin, Christians should feel their *greatest responsibility* not for the fact that such temptations occur but for thoroughly and immediately *fleeing and resisting* the temptations when they arise. (Statement 6 on Temptation, p. 9)

We give thanks for penitent believers who, though they continue to struggle with same-sex attraction, are *living lives of chastity and obedience*. These brothers and sisters can serve as *courageous examples* of faith and faithfulness, as they pursue Christ with a long obedience in gospel dependence. (Statement 12 on Repentance and Hope, p. 13)

To feel a sinfully disordered sexual attraction (of any kind) is properly to be called sin—and all sin, “both original and actual” earns God’s wrath (WCF 6.6)—but it is *significantly less heinous* (using the language of the WLC 151) than any level of *acting* upon it in thought or deed. ... Our brothers and sisters who resist and repent of enduring feelings of same-sex attraction are *powerful examples* to us all of what this “daily mortification” looks like in “the best of believers.” We should be encouraged and challenged by their example and eager to join in fellowship with them for the mutual strengthening of our faith, hope, and love. (Essay on Confessional Foundations, p. 23)²³

Righteous v. Unrighteous Standing - In addition to the above, it is difficult to see how 1 Cor. 6:9-11 has much application to the allegations in this Case. The

²³ PCA Statements at <https://www.pcahistory.org/pca/studies/index.html> and bibliography of the AIC Report (p.48).

main point of the passage is that, because of God's act in regeneration and his imputation of the justifying righteousness of Christ, the Corinthian believers were no longer, in any sense, the unrighteous who will not enter the kingdom of God. (See the comments in the ESV Study Bible on verse 11 summarizing the *objective* realities of regeneration and faith.)

When Paul says in vs. 11, "And such were some of you," he is not saying the Corinthians no longer experience any of those temptations or might even commit those sins. The passage is not addressing that question, at least not directly. He is simply saying these sanctified and justified Corinthians were once the unrighteous-who-will-not-inherit but are now the righteous-in-Christ-who-will-inherit.

At the same time, it would be reasonable to think Paul expected that some of the Corinthians Christians were still tempted to the sins described in vv. 9-10 and was at least implicitly warning them, and all Christians, to avoid a lifestyle that could fairly be described in the terms of vv. 9-10. But here we'd need to distinguish, say, between a greedy person—whose life is characterized by unrepentant greedy lusts and greedy behavior—and a person who is tempted to greedy thoughts but seeks to flee from them and repents of any greedy thoughts and deeds soon thereafter. There is an important difference between a man whose life is characterized by unrepentant and willful reviling speech and a man who sometimes succumbs to the temptation to revile but repents soon thereafter. Paul is not teaching that people who were once characterized by reviling speech will never again speak in that way. Any fears or warnings in this passage are predicated upon his clear statement about who all of them are presently in Christ.²⁴

3. Complaints Against Non-Indictments - Complaints against non-indictments like this one pose many complications, and this is rarely the most prudent course for an accuser who claims a person should be indicted. This point was made 12 years ago in a Concurring Opinion joined by RE Sam

²⁴ In the AIC Report, the first section of the Bibliography was titled, "For Pastors and Sessions" and the AIC reported these were books that could "help pastors and sessions shepherd congregants who are dealing with same-sex attraction." Each of the 12 books note a significant difference between a person whose life is characterized by sinful homosexual *lusts* and *behavior* and a person who is tempted to homosexual thoughts but seeks to flee from such thoughts and repents of any to which he succumbs. That is a distinction in 1 Cor. 6:9-11 that the Complaint does not seem to sufficiently recognize.

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Duncan and TE Fred Greco in the Siouxlands Case mentioned on page 1. Below are excerpts from that Concurrence.

This Case ... demonstrates the difficulty a Higher Court faces when presented with a Complaint, which contends that a Lower Court erred in not finding a strong presumption of guilt pursuant to an investigation (*BCO* 31-2). ...

We suggest that instead of filing a Complaint for the failure of a Court to find a strong presumption of guilt after a *BCO* 31-2 investigation, a clearer and better alternative is to commence the process under *BCO* 32-2, i.e., “[p]rocess against an offender shall not be commenced unless some person or persons undertake to make out the charge.”

[W]e suggest that the better way in this Case, and other Cases where the views, beliefs, and practices of men are called into question, would be for the Party who is concerned about these views, beliefs, and practices to make such inquiries as are necessary and practical (cf. Matthew 18:15) to ascertain exactly what these views, beliefs, and practices are; then, assuming they are contrary to Scripture or our Constitution, formally file a “charge” pursuant to *BCO* 32-2 and 32-3. This procedure not only removes the question of whether a strong presumption of guilt exists (*BCO* 31-2), but also allows a Court to directly try the issue raised in the “charge.” (*BCO* 32-3)

Voluntary Prosecutors - I wasn’t on the SJC for the Siouxlands Case referenced above, but I can agree with the excerpt from the Concurrence - to a point. Deciding whether a matter warrants a trial should remain a matter of discretion and judgment for the original court, and it shouldn’t be required to indict a person every time someone “formally files a charge.”²⁵ Nevertheless, in situations like the one described in the Duncan/Greco Concurrence, if a trial is deemed the wisest course, the court should seriously consider appointing *the accuser* as the “voluntary prosecutor” and placing the burden and responsibility on him to prepare and prosecute the case, especially if it involves one minister accusing another minister of theological error.

²⁵ See the Reasoning provided ten years ago in Overture 15 from Pacific NW Presbytery: “Amend 31-2 to Clarify What Needs to Be Investigated.” (*M40GA*, Louisville 2012, pp. 698-704)

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BCO 31-3. The original and only parties in a case of process are the accuser and the accused. The accuser is always the Presbyterian Church in America, whose honor and purity are to be maintained. The prosecutor, whether voluntary or appointed, is always the representative of the Church, and as such has all its rights in the case.

Very few presbyteries have experienced prosecutors, and if they do, it's unlikely he has hundreds of voluntary man-hours to dedicate to the task. It would seem unfair in many instances for an accuser to expect someone else to spend hundreds of hours preparing and prosecuting the accuser's allegations.

Furthermore, there seems to be no jeopardy for someone who unsuccessfully files a complaint against a non-indictment. Our present Case has consumed thousands of man-hours at various levels in PCA courts (not to mention some division and relational strain amongst brothers). What would dissuade others from doing the same thing again in other situations? But if an accuser is made the prosecutor, and fails to prove the offense at trial, he risks being censured.

BCO 31-9. Every voluntary prosecutor shall be previously warned, that if he fail to show probable cause of the charges, he may himself be censured as a slanderer of the brethren.

So, in situations where someone very publicly accuses another person of sin, and the accusation, if proven, would be sufficient to warrant a censure greater than admonition, perhaps the first thing the court should say to the accuser is, "Call your first witness."²⁶ ²⁷

Problem with Amends - An additional problem with a complaint against a non-indictment involves the limited and rather awkward remedies available to the higher court in such cases. Below is the amends section of the *BCO* Chapter on Complaints.

²⁶ A similar thing happened three years ago in Case 2016-11 *Complaint of TE Michael Frazier v. Nashville*, where the SJC unanimously denied a complaint against a non-indictment, but only after the Presbytery and the SJC had spent hundreds of man-hours on the Case. (*M46GA*, 2018 Atlanta, p. 500 ff.).

²⁷ We note that in a *presbytery* trial, *BCO* 31-2 presently requires the prosecutor to be a member of that court, but in judicial process before a session, the prosecutor can be any member of that church.

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BCO 43-10. The higher court has power, in its discretion, to annul the whole or any part of the action of a lower court against which complaint has been made, or to send the matter back to the lower court with instructions for a new hearing. If the higher court rules a lower court erred by not indicting someone, and the lower court refers the matter back to the higher court, it shall accept the reference if it is a doctrinal case or case of public scandal (see *BCO* 41-3).

If a higher court rules that a lower court erred by not indicting someone, and remands it “with instructions for a new hearing,” it’s not reasonable to expect the lower court to reverse itself and indict the person when the lower court was nearly unanimous in the original non-indictment decision.²⁸ Likewise, even if the lower court subsequently conducts a trial, it’s not reasonable to expect a conviction, absent some compelling new evidence or testimony.²⁹

Assumption of Original Jurisdiction - A better solution might be a revision of *BCO* 34-1. A revision like the one below might end the interpretive debates on two parts of the current provision - “refuses to act” and “doctrinal cases or cases of public scandal.” It would remove subjectivity.

Possible Revision of 34-1. Process against a minister shall be entered before the Presbytery of which he is a member. However, if ~~the Presbytery refuses to act in doctrinal cases or cases of public scandal and two if twenty-five percent (25%) of the~~ other Presbyteries request the General Assembly to assume original jurisdiction (to first receive and initially hear and determine), the General Assembly shall do so.

Because such a revision would *require* the GA to wrest jurisdiction from the presbytery *regardless* of what the presbytery may have done or decided, the petitioning threshold would need to be appropriately high. For example, if it were only 10% then merely 9 of 88 presbyteries could trigger it, and it might become an annual event. The SJC is not designed to conduct investigations and trials annually, nor would that be healthy for the denomination. If another

²⁸ Missouri’s votes declining to find strong presumption of guilt on the four charges were 44-1, 43-1, 41-2 and 41-6.

²⁹ See the SJC Decisions in Case 2009-06 *Bordwine v. Pacific NW* (a complaint against a non-indictment that the SJC sustained), and Case 2012-05 *Hedman v. Pacific NW* (a complaint against the subsequent trial acquittal - a complaint the SJC denied by a 15-2 vote). (*M38GA*, 2010, pp. 208 ff. and *M41GA*, 2013, pp. 583 ff.)

presbytery's handling of allegations is so egregious and unreasonable, we should expect at least 25% of the presbyteries (22 of 88) to send a simple, one-sentence email to the PCA Stated Clerk saying: "*In accord with BCO 34-1, our Presbytery requests the GA (through its SJC) to assume original jurisdiction over TE ____ on matters related to ____.*" If there aren't 22 presbyteries that believe this rare and extreme step should be taken, then the PCA is evidently not sufficiently concerned to warrant wresting jurisdiction away from a presbytery.

Thus, the 25% threshold seems a reasonable one. It's not too high to be unattainable and not too low to be prone to abuse, and it would likely be acceptable to two-thirds of our presbyteries (though some would prefer it lower, and some would prefer it higher.)³⁰

4. Excerpts from AIC Report on Sexuality - To support some of his assertions, the Complainant cites excerpts from the 2020 AIC Report. TE Johnson also provides AIC excerpts in support of some of his explanations and answers. The Complainant usually cites from the *first* sections of the "Twelve Statements" and TE Johnson often cites from the *second* sections, i.e., the "Nevertheless" sections.³¹

Below are excerpts from the AIC Report that closely pertain to the subject matter of the four allegations, which seem to harmonize with TE Johnson's explanations and answers. While nothing from the AIC Report was proposed for GA adoption, the 2021 GA in St. Louis, by an overwhelming majority, judged it to be a "biblically faithful declaration" and commended it to Presbyteries and Sessions.

Statement 6 (Temptation) ... Nevertheless ... We can avoid "entering into" temptation by refusing to internally ponder and entertain the proposal and desire to actual sin. Without some distinction between (1) the illicit temptations that arise in us

³⁰ The author of this Concurrence has twice drafted Overtures proposing revisions to *BCO 34-1*, in 2009 and 2012, but both were unsuccessful. For a comprehensive Legislative and Judicial History of *BCO 34-1*, see this link to Google Drive: https://drive.google.com/file/d/1UfhfQLFmrvuaWyYADQmgZafv2RMQUWps/vi_ew

³¹ The Record contains this statement from TE Johnson: "... I have no disagreement with the underlying theological or moral structure of the entire [AIC] report. The concerns I will voice will be pastoral and missiological in nature." (Response to SJC Question 6.b in Allegation 2. See also SJC Questions 6c, 8a, 8c, 10 and 11.)

due to original sin and (2) the willful giving over to actual sin, Christians will be too discouraged to “make every effort” at growth in godliness and will feel like failures in their necessary efforts to be holy as God is holy (2 Peter 1:5-7; 1 Peter 1:14-16). God is pleased with our sincere obedience, even though it may be accompanied with many weaknesses and imperfections (*WCF* 16.6). (Report p. 9)

Statement 7 (Sanctification) ... Nevertheless ... The aim of sanctification in one's sexual life cannot be reduced to attraction to persons of the opposite sex (though some persons may experience movement in this direction), but rather involves growing in grace and perfecting holiness in the fear of God (*WCF* 13.3). (p. 10)

Statement 9 (Identity) Nevertheless ... There is a difference between speaking about a phenomenological facet of a person's sin-stained reality and employing the language of sinful desires as a personal identity marker. That is, we name our sins, but are not named by them. (p. 11)

Statement 10 (Language) ... Nevertheless, we recognize that some Christians may use the term “gay” in an effort to be more readily understood by non-Christians. The word “gay” is common in our culture, and we do not think it wise for churches to police every use of the term. Our burden is that we do not justify our sin struggles by affixing them to our identity as Christians. Churches should be gentle, patient, and intentional with believers who call themselves “gay Christians,” encouraging them, as part of the process of sanctification, to leave behind identification language rooted in sinful desires, to live chaste lives, to refrain from entering into temptation, and to mortify their sinful desires. (p. 12)

Essay 1: Confessional Foundations Regarding Nature of Temptation, Sin and Repentance

II.B.1. The Common Dynamic of Concupiscence - First, the dynamic of spontaneous sinful desire or attraction is not unique to those who experience homosexual desire. All people experience it. It is an essential point in the

Confession that all of us who are descended from Adam and Eve experience their corrupted nature and the complex of disordered affections, desires, and attractions that come with that corruption. The danger of this question arising in the context of the discussion of homosexuality is that some might be tempted to think of that particular example of disordered desire as qualitatively different from their own. Or worse, some may be willing to assert the sinfulness of one category of spontaneous desire but minimize or remain largely ignorant of the sinful concupiscence that is common to all.

The truth is that if we think humbly and carefully about our own spontaneous thoughts, feelings, and desires, we would recognize that we are all much more alike than different. ... Good Reformed teaching on sin places us all on equal footing in our need of Christ's imputed righteousness. (p. 21)

II.B.2. Continued Corruption - Second, according to the system of the Westminster Confession of Faith, we should not be surprised, but rather expect that concupiscence in general, and specific instances like homosexual attraction, would continue in the life of a believer. ... This acknowledgement of the remnants of corruption in believers does not negate the call to fight against that corruption; our endeavor to oppose and put to death what is earthly in us (Col.3:5) demands a commitment to fight all of our sin. However, to teach that our sinful corruption must be entirely removed from any part of us in order to be considered truly repentant is a spiritually treacherous perversion of the doctrine of repentance. (p. 21)

II.B.5. Moral Difference - Finally, we can discern a very practical value to the distinction between the sin that is constituted by our "corruption of nature...and all the motions thereof" and the "actual transgressions" that proceed from it. ... To feel a sinfully disordered sexual attraction (of any kind) is properly to be called sin—and all sin, "both original and actual" earns God's wrath (WCF 6.6)—but it is significantly less heinous (using the language of the WLC 151) than any level of acting upon it in thought or deed. ...

Our brothers and sisters who resist and repent of enduring feelings of same-sex attraction are powerful examples to us all of what this “daily mortification” looks like in “the best of believers.” We should be encouraged and challenged by their example and eager to join in fellowship with them for the mutual strengthening of our faith, hope, and love. (p. 23)

Essay 2: Biblical Perspectives for Pastoral Care - Discipleship, Identity and Terminology

How then should we think of the language of sexual orientation? Insofar as the term orientation is used descriptively to articulate a particular set of experiences, namely the persistent and predominant sexual attractions of an individual, it can remain useful as a way of classifying those experiences in contrast to the experiences of the majority of other people. However, insofar as the term orientation carries with it a set of assumptions about the nature of that experience that is unbiblical (e.g., overemphasized rigidity, its normativity, etc.), then the terminology may require qualification or even rejection in some circumstances. (p. 30)

Singleness, Friendship, Community - Insofar as such persons display the requisite Christian maturity, we do not consider this sin struggle automatically to disqualify someone for leadership in the church (1 Cor 6:9-11, 1 Tim 3:1-7, Titus 1:6-9; 2 Pet 1:3-11) (p. 31)³²

5. Reopening the Record - For two reasons, I abstained from the SJC’s March 25, 2021, post-Hearing vote to consider reopening the Record and sending 25 questions to Missouri. First, I judged that the Record already demonstrated sufficiently that Missouri had not clearly erred in its decisions declining to indict. But I also abstained because the proposal seemed to resemble a quasi-assumption-of-original-jurisdiction and the *post-assumption* investigatory step of SJC Manual 16.1.a. I’m confidently hopeful this procedure won’t become a common occurrence.

³² The AIC Report is at <https://pcaga.org/wp-content/uploads/2020/05/AIC-Report-to-48th-GA-5-28-20-1.pdf>

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Regardless, I think it should be clear to the impartial reader that the views expressed in the accused minister's answers to the SJC questions are not fundamentally different from the views expressed in his answers to the questions posed by Missouri's investigating committee. And it's worth noting that the accused minister was under no constitutional obligation to answer any of the questions. (*BCO* 35-1) In addition, it seems unreasonable for anyone to object to the SJC question-sending if they also supported the *BCO* 34-1 assumption-of-original-jurisdiction petitions from Central Georgia, Savannah River, and SE Alabama, which asked the SJC to institute a process that most likely would begin with similar interrogatories — but ones drafted by a smaller three-judge SJC Panel whose members would have been *drawn by lot*. (*OMSJC* 16.1.a and *RAO* 17.3)

Moreover, the process by which the questions were *selected* was prudent and fair. The Minutes of the SJC's meeting on April 30, 2021, record: "The Commission expressed its gratitude to the Committee members (Waters, Donahoe, Dowling, Bise, Chapell, Kooistra) for their thorough and meticulous work in compiling, refining and reporting the questions and recommendations." I'm confident the six-judge Committee would have included additional questions above the 25 if any of the six members had said it was important to them. Likewise, I'm confident the SJC would have included additional questions if any SJC member had said it was important to them as well. Finally, in my opinion it would be inaccurate to interpret the vote to send questions to Missouri to mean that the SJC majority had concerns about how Missouri conducted its investigation. On the contrary, in judging Issue 1 in this Case, the SJC explicitly ruled Missouri did *not* violate *BCO* 31-2 in the manner of its investigation of the allegations.³³

³³ The SJC questioning in this Case was a slightly different procedure than in a similar one in June 2015. In Case 2014-01: *TEs Aven & Dively v. Ohio Valley*, the SJC ruled by a vote of 15-0: "The Complaint is neither Sustained nor Denied. The Commission cannot render judgment because the Record is insufficient regarding this minister's particular expression of his view. Therefore, the Commission sends the matter back to OVP to hear further from [the minister] regarding his stated difference in order to create a more comprehensive Record." The SJC supplied questions. (*M44GA*, 2016, p. 499). Sixteen months later, the SJC denied a follow-on complaint in Case 2016-01: *Aven v. Ohio Valley*, stating the following Issue and Judgment: "Did Presbytery fail to comply with the directive from the SJC's Decision in Case 2014-01 to "hear further" from the minister regarding his view? No." (*M45GA*, 2017, p. 496) The SJC judged that TE Aven had not complained against the answers provided in the accused minister's nine-page document, which responded to the SJC-suggested questions.

TE David Coffin joins in Parts 1, 2 and 4 of the above concurring opinion.

**Concurring Opinion of
RE Frederick Neikirk and TE Guy Waters**

While we concur with the decision of the Standing Judicial Commission in case 2020-12, we feel compelled to offer the following additional comments, both by way of clarification and explanation. Our comments fall into three sections: why we could not conclude that Missouri Presbytery should have found that there was a “strong presumption of guilt” regarding TE Johnson; concerns regarding the use of *BCO* 31-2 to address alleged doctrinal errors; and ongoing concerns about some of TE Johnson’s views.

I. Why We Could Not Conclude that Missouri Presbytery Should Have Found a “Strong Presumption of Guilt”

The SJC’s decision in this case should not be read as a defense or affirmation of every statement or even every particular view of TE Johnson. That is not the role of the appellate court, particularly in a case arising out of a complaint that Presbytery failed to proceed to an indictment following a *BCO* 31-2 investigation. Further, we want to underscore, at the outset of our Concurring Opinion, the structure and conclusions of the SJC’s Opinion. That opinion repeatedly states that if the statements alleged in the Complaint were an accurate summary of TE Johnson’s views, then the Complaint would need to be sustained. The SJC found, however, based on the Record, that it was “not unreasonable for Presbytery to conclude that TE Johnson does not hold these positions.” As a result, the SJC could not sustain the Complaint.

We wish to elaborate on that conclusion. For this Complaint to be sustained there would have had to have been a finding either that Presbytery somehow failed properly to conduct the *BCO* 31-2 investigation or that said investigation demonstrated “a strong presumption of guilt” but that Presbytery failed to take the next step by indicting TE Johnson.

The *BCO* does not specify any particular set of procedures that a court must follow in conducting a 31-2 investigation. Thus, lower courts have a great deal of latitude in how they proceed in this area. While we are not persuaded that the production of a large Record (over a thousand pages) is necessarily evidence that the lower court has done a good investigation, and while we might have wished that Presbytery had delved more deeply into some of TE

Johnson's views, we cannot say that the Record demonstrates that Presbytery committed any "clear error" (*BCO* 39-3(2,3)) in how it conducted its investigation.

Of greater import here is how we are to understand "strong presumption of guilt." Aside from minor stylistic changes, the language of *BCO* 31-2 dates back to the PCUS *Book of Church Order* of 1879. In discussing this provision in his 1898 work *Exposition of the Book of Church Order*, F.P. Ramsay offers this explanation of "strong presumption of guilt": "A strong presumption means a belief by the members of the court that evidence as then known to them would indicate that guilt probably exists, unless evidence to the contrary can be produced not then known to them."³⁴ In other words, to conclude that Missouri Presbytery erred, one would have to show that there is evidence in the Record that would demonstrate that it is likely that TE Johnson would be convicted at a trial unless new, exculpatory evidence were provided. We agree that the material provided in the Record does not meet this test.

As the SJC's opinion demonstrates, some of the problematic comments that TE Johnson had made were subsequently clarified or qualified (see below our discussion in Part III). Further, in several cases, views that Complainant alleged TE Johnson to hold were not supported by the Record. In particular, there is no evidence in the Record that TE Johnson has made some of the statements that Complainant found most problematic, and, in some instances, the Record shows that TE Johnson explicitly denies ever having made the comments (e.g., he avows that he does not use and has not used the "couplet" "gay Christian" to identify himself). (ROC 975, 1029; SJC Opinion 18). Additionally, in some cases the allegations Complainant raised about TE Johnson's views were apparently based on implications Complainant argued must underlie or follow from things TE Johnson has said or not said. This was particularly evident when the Complainant argued that TE Johnson's failure to answer adequately (in the view of the Complainant) a question about identity must mean that TE Johnson does not recognize his identity as being in Christ (ROC 5-6). It was also evident in Complainant's conclusion that TE Johnson's cancer analogy (which we agree was ill-chosen) must mean that TE Johnson believes same-sex attraction is genetic and ordinarily as incurable as cancer

³⁴ For the history of BCO 31-2 see the relevant section of the PCA Historical Center's *The Historical Development of the Book of Church Order*, available at <https://www.pcahistory.org/bco/rod/31/02.html>. The Ramsay quote is included in that section. It is originally from F(ranklin) P(ierce) Ramsay, *An Exposition of the Form of Government and Rules of Discipline of the Presbyterian Church in the United States* (Richmond, VA: Presbyterian Committee of Publications, 1898), 187.

which must lead, in turn, to “the inexorable conclusion that someone who is same-sex attracted is not responsible for his genetic condition” (ROC 3). By any reasonable understanding of an appropriate judgment of charity we cannot impute to a speaker implications that he denies unless there is no other reasonable understanding of the statements in question, and this is particularly true here given that the Record shows that TE Johnson denies the conclusions Complainant drew (SJC Opinion 14-15).³⁵

All this is not to say that we do not have ongoing concerns with some of TE Johnson’s views and formulations. We do (see Part III). Indeed, Missouri Presbytery recognized that, at a minimum, TE Johnson has not always been as careful as he needed to be in how he has expressed some of his views (ROC 1003, 1004), and we agree with that assessment. But, having concerns about a man’s views is very different from a conclusion that there is a “strong presumption of guilt,” and that Presbytery erred by not reaching that conclusion and thus in not proceeding to indict TE Johnson. Our concerns notwithstanding, we cannot conclude that Presbytery should have found, from the Record (which is all we are allowed to consider in reviewing a Complaint (*RAO* 17.1(4))), that TE Johnson would likely have been convicted had a trial been held before an impartial presbytery.

II Concerns Regarding the Use of *BCO* 31-2 to Address Alleged Doctrinal Errors

In recent years we have seen several instances of efforts to use *BCO* 31-2 to address alleged doctrinal errors. By its very nature a 31-2 investigation is unlikely to develop a complete, fully documented Record. That, in turn, makes review by a higher court difficult, particularly in doctrinal matters. This case illustrates some of those difficulties.³⁶

³⁵ The SJC has previously underscored the importance of applying a reasonable judgment of charity when drawing conclusions based on implications that one might conclude follow from an individual’s statements. See Case 2010-04: *TE Art Sartorius et al. v. Siouxlands Presbytery* (M39GA, 2011, pp. 578-83), esp. p. 582.

³⁶ We recognize that Allegations 2 and 4 in the Complaint focused, at least in large part, on TE Johnson’s fitness for office (character) given his admission that he is tempted by same sex attraction. We leave it to the Opinion of the SJC and the Report of the PCA General Assembly’s Ad Interim Committee on Human Sexuality to address the question of whether one tempted by (but not acting on) same sex attraction is automatically disqualified from office in the PCA. Our concern here is to highlight the problems of seeking to address the related doctrinal issues via the 31-2 process.

First, there is no requirement for the transcription of testimony in a 31-2 investigation. Thus, in this case, at some key points, the Record provided only summaries of TE Johnson's views as understood by an investigating committee, rather than a transcript of TE Johnson's actual statements. Second, there is no requirement that witnesses be cross-examined in a 31-2 investigation. This risks a less critical engagement of a man and his views than would be afforded in a trial. In our judgment, that happened at some points in this case. Third, the gathering of evidence is typically less exacting in a 31-2 investigation than would be the case in a trial. That means, as was true in this matter, that there may well be material in the Record that does not bear directly on the matter at hand, or that key evidence may not be included because there is no one charged with gathering all the evidence as would be the case if there were a prosecutor. Fourth, since the 31-2 process is focused on investigation and information gathering, evidence may not be developed and presented in the systematic way that one would hope would occur in the context of a trial. That was certainly true in this case and, at times, it made it difficult for the appellate court to follow the reasoning that underlaid TE Johnson's views and the reasoning of the one(s) who have concerns.

None of these comments are intended to argue that Missouri Presbytery erred in its findings, although we could certainly wish that they had probed some key aspects of TE Johnson's views more deeply at some points. It is simply to point out the difficulties that come with trying to address doctrinal concerns through a 31-2 investigation.³⁷ Given those concerns, it is our conviction that doctrinal cases, such as this one, generally are better handled by concerned parties bringing charges against the individual about whose views there is concern, rather than seeking a 31-2 investigation or bringing a Complaint about the outcome of such an investigation.

III. Ongoing Concerns about Some of TE Johnson's Views.

The SJC has found that Missouri Presbytery did not "clearly err at its meeting on July 21, 2020, when it declined to commence process on" several allegations that were brought against TE Greg Johnson. As we noted above in Part I, the SJC's Reasoning in support of its Judgment should not be read as a

³⁷ Indeed, it is not clear that 31-2 is even intended to be a mechanism for getting at doctrinal issues. Note that what is required is that "They [Sessions and Presbyteries] shall with due diligence and great discretion demand from such persons satisfactory explanations concerning reports affecting their Christian character." That language suggests that 31-2 is intended primarily for "character related issues" rather than issues related to doctrine.

defense or vindication of TE Johnson or any of his statements or views. This is because defending or vindicating TE Johnson is not the role of the appellate court. The SJC, rather, found that Presbytery was not unreasonable in its decisions declining to indict. The statements of TE Johnson that were extracted from the Record of the Case, collated, and included in the Reasoning afford warrant for that particular finding.

At the same time, as those who concur in SJC's Decision, we wish, for the sake of conscience and for the good of the broader church, to register concerns raised by certain statements of TE Johnson that appear in the record. TE Johnson has not been as careful as he ought to have been in expressing his views – an exhortation that Missouri Presbytery has formally conveyed to TE Johnson (ROC 1003, 1004). In particular, he has not given proper attention to how his expressions would be heard and received in the broader church. We offer three examples.

First, TE Johnson has spoken of his same-sex attraction and identity in ways that have unsettled and alarmed the church. In a public address, reflecting on his life before and after his conversion, Johnson states, “it’s not my sexual orientation that’s changed; it’s my life orientation, because Jesus rescued me, a sinner...” (ROC 555). In the same address, he refers to himself in the present as “gay” – “gay people excel in every field, driven by a never-ending need to accomplish enough, be successful enough, in order to become lovable. We decorate our lives to poster over our shame in the hope that we’ll become lovable” (ROC 556). Similarly, in a 2019 article for *Christianity Today*, TE Johnson states, “Jesus hasn’t made me straight. But he covers over my shame. Jesus really loves gay people” (ROC 904).

And yet, TE Johnson also speaks of his same-sex attraction and identity in more qualified and guarded fashion. The Record testifies to TE Johnson’s clear and longstanding refusal to speak of himself using the couplet “gay Christian” (ROC 812). TE Johnson no less disavows celebrating “fallen sexuality” and “sin-identity” (ROC 939, 829). He denies that any “Christian should have a fallen sexual orientation as their core identity [that is,] the core identity that defines me, the identity that then becomes what I aspire more fully to be.” Rather, “our core identity as Christians is that we have been adopted as sons of [the] Father into his family” (ROC 936). In response to a question put to him by the SJC, TE Johnson affirms that same-sex attraction is sinful (ROC 1023). In response to another SJC question, TE Johnson affirms that “homosexual immorality [is] more heinous than heterosexual immorality...” (ROC 1041).

The language that TE Johnson has publicly employed to express his same-sex attraction and identity, however, fails adequately to convey these beliefs to his audiences, particularly Christian audiences. In fact, given the way that such terms are used within our culture at large, to speak of himself as “gay” or to affirm that his “orientation” has “not ... changed,” without immediate qualifiers, risks communicating to the Church what TE Johnson declares is *not* true about his same-sex attraction and identity. Even so, at one point in the Record, TE Johnson speaks dismissively about this concern – “And sometimes religious people get really worked up about what terminology you use to describe your fallen life orientation” (ROC 555). The Record therefore not only indicates that TE Johnson speaks of himself in ways that have troubled and disturbed the church, but also evidences a tone-deafness on the part of TE Johnson about how his public self-descriptions are being understood and received within the Church.³⁸

Second, TE Johnson has drawn an analogy between same-sex attraction and physical illness in such a way as to unsettle and alarm the church. In his floor speech before the 2019 General Assembly, TE Johnson said the following:

We don’t tell alcoholics it’s a sin to conceive of yourself as an alcoholic because drunkenness is a sin We don’t tell paraplegics that they should conceive of themselves as able-bodied because that’s God’s ideal. We wouldn’t tell an infertile woman that she needs to conceive of herself as fertile, and she’s unbelieving to conceive of herself as infertile because that’s not God’s design. Friends, I’m fallen, I’m broken, and Jesus has washed me and saved me (ROC 556).

In these remarks, TE Johnson establishes an analogy between alcoholism, paraplegia, infertility, and his own same-sex attraction. TE Johnson draws comparable analogies in at least two other places in the Record – “[T]he biblical term [for identity] would be calling or vocation. We all have a calling. And for some that calling is to glorify God in a really difficult, empty feeling

³⁸ We may note the parallel but distinct ways in which TE Johnson may speak of a person who has not entertained pornography for 15 years as a pornography “addict” (ROC 568), and a person who “has been sober for 18 years – hasn’t had a drink in 18 years” as “absolutely an alcoholic” (ROC 565). What TE Johnson means by “addict” and “alcoholic” is that this particular sin is “part of [this person’s] story,” though not something that he “identif[ies]” with in the sense of “bow[ing] down to it” (ROC 565). But the effect of using these terms in such a way is inevitably to shock and disturb Christian audiences.

marriage. For some, it's to glorify God when they have cancer. For some, it's to glorify God with same-sex attraction – unwanted same-sex attraction” (ROC 566); “Some people have a vocation to glorify God with a really empty marriage that is a real struggle, but their calling is to glorify God with that. Other people have a calling to glorify God with leukemia. And other people have a calling to glorify God with unwanted same-sex attraction or gender dysphoria or intersex condition” (ROC 464).

The Record testifies that, when asked by his Presbytery to explain his meaning, TE Johnson says paraplegia, infertility, cancer, and same-sex attraction were “similar in their being effects of the fall that cause suffering,” but “dissimilar in terms of moral status” (ROC 961). He expressly declared to his Presbytery that “same-sex attraction is different from these others in that it is not morally neutral” (ROC 961-2). He says that “in my GA floor speech, I was not claiming moral neutrality for same-sex attraction any more than I was for alcoholism. That was not the point of my comparison” (ROC 962). TE Johnson later declared that “sadly what many heard was a moral comparison. They misunderstood me to be stating that same-sex attraction is morally neutral like paraplegia and infertility. As I stated to my presbytery on June 14, 2020, ‘I regret not qualifying my analogy during my floor speech. I had qualified that analogy when I used it in the past and should have thought to do so at GA. I neglected to do so then by oversight....’” (ROC 1042).

TE Johnson’s subsequent explanations are certainly welcome and clarifying. Even so, as he acknowledges, the distinctions that he later employed to explain his analogy in his floor speech could not have been evident from his words to the Commissioners of the 2019 General Assembly. TE Johnson’s floor speech surfaces prominently in the Record both in outside correspondence directed to TE Johnson’s Presbytery and within subsequent investigations of TE Johnson. This prominence indicates the degree to which TE Johnson’s unqualified remarks had the effect of upsetting and disturbing the broader church.

Third, the way in which TE Johnson has spoken of change in the Christian life has needlessly troubled the broader Church. In response to a concern raised by Central Georgia Presbytery alleging TE Johnson’s belief “that those who experience same-sex temptations are not normally delivered from these, and are not normally changed in nature by the LORD” (ROC 801; compare the letter of Grace and Peace PCA, Anna, TX, ROC 653-5), TE Johnson told his own Presbytery, “God can do anything. He can do miracles. But the normal pattern in this fallen world is that this is a lifelong struggle.” (ROC 943).

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Elsewhere in the Record, Johnson states that “orientation generally does not change. It’s very rare” (ROC 567; cf. ROC 813, 1057).

TE Johnson’s repeated emphasis upon the rarity of orientation change appears related to a concern that he has expressed with respect to the expectations of Christian audiences, “[religious people] want to make sure that I say I used to be gay, implying God didn’t leave me there, implying that I’ve experienced some level of sexual orientation change that has remained elusive for me and for most of the believers who stand where I stand” (ROC 555). But this emphasis upon the alleged rarity of orientation change has troubled the broader Church. Whether or not TE Johnson is correct in his assessment of orientation change is not our concern here. Our concern, rather, is that the vehemence of TE Johnson’s denials of orientation change has rendered the broader Church unsettled and uncertain with respect to TE Johnson’s commitment to progressive sanctification, particularly the mortification of indwelling sin.

The Record indicates that, in response to questions put to him by the SJC, TE Johnson declares his embrace of the Westminster Standards’ doctrine of sanctification (ROC 1033-35). He stresses that “nothing I have stated has ever been intended to suggest otherwise” than that “Jesus does change lives, and that change is progressive” (ROC 1034). He furthermore qualifies his statement “sexual orientation does not typically change” – “I am not saying that God doesn’t change lives … All of these people [several persons whom TE Johnson mentions in the material elided] are walking miracles and proof of the gospel’s power to radically reorient a life to God. *My point has been and remains that none of this is evidence of a gay-to-straight cure*” (ROC 1037, emphasis original).

TE Johnson’s public statements about orientation change have not been adequately framed to convey to his audiences the kinds of affirmations and qualifications referenced in the previous paragraph. In other words, TE Johnson has not shown proper concern for how his statements relating to sanctification would be heard and received by the broader Church. In so emphasizing his beliefs about the rarity of orientation change, he has generated avoidable disturbance within the Church. Regrettably, the closing quotation in the paragraph above suggests that TE Johnson does not yet fully apprehend how his public statements about orientation change have been received within and have troubled the Church.

IV. Conclusion

In conclusion, we want to be clear about what we are not saying and what we are saying. We are not saying that the Church has merely misheard or misunderstood TE Johnson. Neither are we saying that the concerns raised before Missouri Presbytery by outside parties with respect to TE Johnson's public teaching were altogether unfounded. In fact, we ourselves have registered above serious concerns about certain of TE Johnson's public statements insofar as those statements lack clarity and reflect a tone-deafness with respect to the broader Church. But, as we stressed earlier, simply having concerns about certain of TE Johnson's public statements is not sufficient to find a "strong presumption of guilt" (see our discussion in Part I). The reason that we did not vote to sustain the Complaint is because the Record of the Case, taken as a whole, contains TE Johnson's subsequent clarifications or qualifications, particularly those offered in the course of Missouri Presbytery's investigations and later confirmed in his answers to questions posed by the SJC, of earlier, problematic statements. Based upon the totality of the evidence within the Record of the Case, we do not believe that there is a "strong presumption of guilt," notwithstanding the concerns that we have registered here about some of TE Johnson's public statements. This concurring opinion was written by RE Frederick (Jay) Neikirk and TE Guy Prentiss Waters and joined by RE Daniel A. Carrell, TE Bryan Chapell, TE David F. Coffin, Jr, TE Hoochan Paul Lee, TE Michael F. Ross, and RE Jack Wilson (as to Parts I, II, and IV of this opinion, but only as to portions of Part III).

DISSENTING OPINION OF RE Samuel J. Duncan

The Standing Judicial Commission, in ruling that Missouri Presbytery did not err in this case, found it was bound by the "great deference" standard in *BCO* 39-3 requiring a finding of "clear error." I believe the Presbyterian Church in America could benefit from a review of the civil/criminal and ecclesiastical meanings of "clear error," since many of our cases hinge on what "clear error" is, or is not, and how much deference should be given to presbytery decisions and actions.

When appellate courts, be they civil/criminal or ecclesiastical, decide cases that are properly before them, the starting point for this appellate review is to determine the correct "standard of review." Historically, the "standard of review" is the amount of deference given by a higher court in reviewing a decision of a lower court.

A low standard of review (very little deference given to the lower court decision) means that the decision under review will be reversed if the higher court considers there is any error at all in the lower court's decision. A high standard of review (much deference given to the lower court decision) means that more deference is accorded to the decision under review, so that it will not be reversed just because the higher court might have decided the matter differently; it will be reversed only if the higher court considers the decision to have obvious error. The standard of review may be set by statute, rule or precedent. Generally, there are different standards for reviewing questions of fact and questions of law, with factual findings given more deference than questions of law.

In considering civil/criminal appeals, there are several "standards of review:"

1. Arbitrary and Capricious: This standard of review is employed when an appellate court determines that a factual finding by a lower court should be reversed because it was made on unreasonable grounds or without any proper consideration of circumstances. This is an extremely deferential standard.
2. Substantial Evidence: This standard of review is employed when a factual finding is made by a jury and will be normally upheld on appeal, unless it is not supported by "substantial evidence." This means something "more than a mere scintilla" of evidence. It means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion. Under the "substantial evidence" standard, appellate review extends to whether there is any relevant evidence in the record which reasonably supports every material fact (that is, material in the sense of establishing an essential element of a claim or defense). Appellate courts will not reverse such findings of fact unless there is no reasonable basis in the evidence submitted by the parties. If the parties presented conflicting evidence at trial, appellate courts applying a "substantial evidence" standard assume that the jury or finder of fact resolved the conflict in favor of the prevailing party, and in turn, appellate courts must defer to such implicit findings of fact about which side's witnesses or documents were more believable, even if they suspect they might have ruled differently if hearing the evidence themselves in the first instance. This is a highly deferential standard.

3. Clearly Erroneous: This standard of review is employed when a trial court (bench trial, without a jury – judge is the finder/trie of fact) makes a finding of fact, which should not be reversed unless the appellate court is left with a "definite and firm conviction" that an error in a factual finding has been committed by the trial court. So if the appellate court finds that, although there

was evidence to support the lower court's factual finding, the evidence taken as a whole—including the eyewitness and the expert testimony—leaves the appellate court with a definite and firm conviction that an error was committed by the trial court in finding that fact, then clear error is present. This is a very deferential standard, but it is limited to factual findings, not the decisions upon which those factual findings are based.

4. De Novo: This standard of review is employed when an appellate court considers a matter as a question of law, affording no deference to the decisions below. Decisions of a lower court on questions of law are reviewed using this standard. This standard of review allows the appellate court to substitute its own judgment about whether the lower court correctly applied the law. This is a very low deferential standard.

5. Mixed Questions of Fact and Law: Lower court decisions containing mixed questions of law and fact are usually subjected to *de novo* review, unless factual issues predominate, in which event the decision will be subject to clearly erroneous review.

6. Abuse of Discretion: This standard of review is employed when a lower court has made a discretionary ruling (such as whether to allow a party claiming a hardship to file a brief after the deadline). This is a highly deferential standard.

The issue of what “standard of review” should be used by higher ecclesiastical courts when reviewing actions of lower ecclesiastical courts was presented to the 24th General Assembly of the Presbyterian Church in America in June, 1996 in the Report of the Ad Interim Committee on Judicial Procedure (the “Report”). See 24th General Assembly, 1996, 24-17, p. 65)

The Report noted that “one of the more difficult problems facing the PCA has been the question of how judicial cases should be handled by the Assembly” and stated that “one of the central concerns” at the founding of the PCA “was a failure of Church discipline.” The Report reminded the PCA, from the “Message to All Churches” that “[w]hen a denomination will not exercise discipline and its courts have become heterodox or disposed to tolerate error” the minority will find itself having to be “submissive to a tolerant and erring majority.” The “Message” declared that this development was the exercise of discipline in reverse, making separation a necessity (and the eventual forming of the PCA).

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In other words, and bringing this age old conflict to the present, a lower court's relaxed (tolerant) or refusal to biblically discipline its members must not be protected from a higher court's review by a highly deferential standard of review.

The PCA's initial practice of handling all judicial matters at the General Assembly, and subsequently a standing judicial commission, whose decisions were then approved by the General Assembly, proved to be impractical or unsatisfactory, leading to the creation of this Ad Interim Committee, whose recommendations, including a new "standard of review," were adopted by the PCA and made a part of the *BCO*, which now constitute our current practice.

Part C of the Report's Recommendations covered "Standards for Review" noting that the issue was a "need for a common standard of judicial review, clearly reflecting Presbyterian constitutional principles, to guide the higher courts in fulfilling their obligations under this chapter." To address this need, the following "standards of review" were adopted and made a part of *BCO* 39-3:

....To insure that this Constitution is not amended, violated or disregarded in judicial process, any review of the judicial proceedings of a lower court by a higher court shall be guided by the following principles:

1. A higher court, reviewing a lower court, should limit itself to the issues raised by the parties to the case in the original (lower) court. Further, the higher court should resolve such issues by applying the Constitution of the church, as previously established through the constitutional process.
2. A higher court should ordinarily exhibit great deference to a lower court regarding those factual matters which the lower court is more competent to determine, because of its proximity to the events in question, and because of its personal knowledge and observations of the parties and witnesses involved. Therefore, a higher court should not reverse a factual finding of a lower court, unless there is clear error on the part of the lower court.

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3. A higher court should ordinarily exhibit great deference to a lower court regarding those matters of discretion and judgment which can only be addressed by a court with familiar acquaintance of the events and parties. Such matters of discretion and judgment would include, but not be limited to: the moral character of candidates for sacred office, the appropriate censure to impose after a disciplinary trial, or judgment about the comparative credibility of conflicting witnesses. Therefore, a higher court should not reverse such a judgment by a lower court, unless there is clear error on the part of the lower court.
4. The higher court does have the power and obligation of judicial review, which cannot be satisfied by always deferring to the findings of a lower court. Therefore, a higher court should not consider itself obliged to exhibit the same deference to a lower court when the issues being reviewed involve the interpretation of the Constitution of the Church. Regarding such issues, the higher court has the duty and authority to interpret and apply the Constitution of the Church according to its best abilities and understanding, regardless of the opinion of the lower court.

As grounds for this *BCO* amendment, the Report noted that this proposal would “insure that in judicial review the Constitution actually functions as intended, and is not amended, violated or disregarded in judicial process. Further, clear standards of judicial review will help to preserve the Constitutional graduation of authority while upholding each court’s rights and responsibilities.” Unfortunately, at this time, I do not believe these “standards of review” are as clear and properly applied as the drafters of this *BCO* amendment had hoped.

When does this “clear error” standard apply? How is this “clear error” standard applied? Does this “clear error” standard apply to every action or decision of a lower court, or is this “clear error” standard of review limited to the context of the trials of ordination, a trial/censure in a discipline case, or quasi fact finding situations?

Surely a higher court is not expected to “rubber stamp” all actions of a lower court. And cutting to the heart of the matter, should higher courts give this “great deference” to all actions of a lower court, especially those actions involving the question of whether or not a member should be disciplined? Should a lower court’s failure or refusal to fully begin and complete the discipline process be given just a cursory review, justified by a potential misunderstanding of how the “clear error” standard of review should be applied? No and No!

In *BCO* 39-3.2, the “clear error” standard applies to “factual matters,” because the lower court is more familiar with the “parties” and “witnesses” than the higher court. The reference to “parties” and “witnesses” would seem to make this sub-section apply the “clear error” standard to factual findings from an actual trial, as opposed to a non-trial action or decision. At an actual trial, witnesses and evidence are presented that either fact “A” or fact “B” occurred. When this court of original jurisdiction or initial trier of fact determines that fact “B” is true, this is the type of “factual matter” to which the “clear error” standard of review applies. In other words, the lower court’s factual finding that fact “B” occurred should not be reversed without a ruling from the higher court that finding fact “B” was “clear error.”

In *BCO* 39-3.3, the “clear error” standard applies to matters of “discretion and judgment,” because the lower court is more familiar with the “events” and “witnesses” than the higher court. Given examples of these matters of discretion and judgment are: the “moral character of candidates for sacred office, the appropriate censure to impose after a disciplinary trial, or judgment about the comparative credibility of witnesses.” The reference to “events” and “parties” would seem to describe situations in which a lower court determines certain facts or makes decisions/takes actions after hearing conflicting testimony, statements, arguments, or reports from more than one person. The examples given relate to a lower court acting as an initial trier or finder of certain facts and making decisions or taking actions based on those facts. First, based on his testimony and answers to questions at his trials of ordination, a candidate’s moral character is either acceptable or not. Second, the imposition of a censure is obviously after a trial, or a confession, at which time certain facts were either determined by the lower court after a trial or confessed by the accused, and serve as the basis for a particular censure. Third, the credibility of witnesses giving conflicting testimony could serve as a basis for finding that one witness is more credible than the other.

When the court of original jurisdiction or the initial trier/finder of fact determines that a candidate’s moral character is bad, or the censure of

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deposition from office is warranted, or that witness “A” is more credible than witness “B,” these are the types of matters of “discretion and judgment” to which the “clear error” standard of review applies. In other words, the lower court’s decision, after hearing a candidate’s answers to questions from the floor, or what is an appropriate censure after a guilty verdict, or confession, or conflicting statements from adversarial parties/witnesses, should not be reversed without a ruling from the higher court that the decision rendered by the lower court in the crucible of a disputed matter or quasi fact finding matter, was “clear error.” While these types of “factual” determinations would be subject to the “clear error” standard of review, it does not necessarily follow that a lower court’s actions/decisions based on those facts would be subject to the same “clear error” standard, especially in situations when the lower court’s action/decision is not supported by those facts.

It should be noted that no examples are given in *BCO* 39-3.3 outside of situations involving the trials of ordination, an actual trial (or confession), or quasi fact finding matters involving the credibility of witnesses. Accordingly, the “clear error” standard of review would not be applicable to a lower court’s decisions/actions that do not arise from similar contexts. Therefore, the “clear error” standard of review should not be applied to a decision/action of a lower court finding that no strong presumption of guilt existed. The proper standard of review in those situations would fall under *BCO* 39-03.4, which is basically the *de novo* standard of review.

In conclusion, the “clear error” standard of review would be applicable to the matters and situations set out above, but would not be applicable in situations that did not involve some type of factual finding of a lower court following the trials of ordination or an actual trial or confession or some action/decision of a lower court that was not the result of a quasi-fact finding situation. This dissenting opinion was written by RE Samuel J. Duncan and joined by RE John Bise, RE Steve Dowling and RE John White.

DISSENTING OPINION Of RE Steve Dowling

We respectfully dissent from the court’s ruling in this case on the following grounds:

1. That Presbytery did not exercise the “due diligence” required by *BCO* 31-2 in its investigation and that it therefore committed “clear error” [*BCO* 39-3] in making its determinations;

2. That the SJC was not bound by the “great deference” requirement of *BCO* 39-3 because this is a case centering on Constitutional interpretation; and
3. That the substantive conclusions reached by Presbytery and confirmed by the SJC do not follow from the facts in the Record of the case.

The first two grounds are procedural, while the third is on the merits of the case. Each of these grounds is important, and each error has significant consequences for the denomination.

That Presbytery did not exercise the due diligence required by *BCO* 31-2 in its investigation and that it therefore committed clear error [*BCO* 39-3] in its determinations

While this case is nuanced, it isn’t particularly complex and some parts of it are simple. One of the easiest things to understand about it is that the SJC went through most of the judicial process, including its final hearing with the parties to the case, and then opened the record to get more information. Here is the court’s reasoning for doing that:

The SJC believes it is necessary to attempt to clarify the Record of the Case because its magnitude (over 600 pages covering multiple years of writing, speaking, and judicial processes) makes it difficult to ascertain if specific representations of perspectives of TE Johnson are his actual or present theological convictions.

The first thing to notice here is that the SJC says it sought further clarification because the ROC was hard to understand. If the SJC -a group that is reasonably expert in these kinds of processes and issues- cannot make enough sense of the record to reach a conclusion, it’s difficult to see how Presbytery understood it well enough to reach its conclusions. Further, the SJC had before it not only everything Presbytery had before it as a court, but also additional briefs, the benefit of a full hearing, and more oral examination of the parties. Though we have no doubt about the fair motives of the court, it proved through its actions that due diligence hadn’t been exercised by Presbytery. If it had been, there could be no need to get clarification after a record had once been declared judicially in order, a hearing held, and SJC deliberations begun.

It bears noting that the extent of this clarification was substantial. It wasn’t just that there was a question or two about some specific point in the record,

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but instead the apparent need for the SJC to form a committee to create interrogatives, communicate them to the accused, and receive his responses. This process resulted in **103** questions being submitted by members of the SJC. From that catalog of questions, the committee chose 25 that it deemed the most useful (through a blind grading process). TE Johnson answered the questions, and these answers -over and against the contents of the original ROC- provide much of the substance cited by the SJC in its support of Presbytery. For example, Allegation #1 is denied with 7 citations, 6 of which are from SJC questions. The denial of Allegation #2 is supported by 4 citations from the original ROC, and 4 from the SJC's additional questions. For Allegation #3, the original ROC is cited once and the SJC's questions are cited 7 times, and the numbers for Allegation #4 are 4 from the original record and 4 from the SJC.

The SJC's supplemental work produced 67% of the citations used by it in support of Presbytery's conclusions, strongly suggesting that Presbytery's investigation was inadequate. If the investigation was inadequate, then Presbytery's conclusions constitute "clear error."

The second thing to observe in the decision's justification is that the SJC wasn't sure whether

*... specific representations of perspectives of TE Johnson
are his actual or present theological convictions.*

BCO Preliminary Principle 8 says this:

Since ecclesiastical discipline must be purely moral or spiritual in its object, and not attended with any civil effects, it can derive no force whatever, but from its own justice, the approbation of an impartial public, and the countenance and blessing of the great Head of the Church.

It's hard to conceive that an 'impartial public' would approve of seeking the "present theological convictions" of an accused nearly two years after the discrete incident resulting in a complaint occurred, particularly in the absence of any effort to acquire contrary evidence. This extension of time to the present and *ex post facto* acquisition of information on the part of the court appears to be a misuse of judicial discretion, with the court having undertaken more of a pseudo-*BCO* 31-2 investigation than an action to perfect the record. Since the opportunity to answer questions two years after the fact was extended to TE

Johnson, then the door should have opened to evidence (if there is any) related to his actions, social media utterances, and writings over the past two years which might contradict the veracity of his carefully formulated responses. Collecting evidence in that manner would be consistent with the desire for a *complete* record rather than merely an *expanded* record.

Discussions of investigative balance aside, TE Johnson's *present* positions are irrelevant to the complaint against him. The actions of the court and TE Speck's subsequent complaint exist within a discrete timeframe that ended with the initiation of the complaint. It's a closed set of circumstances, and subsequent events and information cannot properly be introduced.

In summary, the SJC's actions bear testimony to the fact that Presbytery's investigation was inadequate, and since it was inadequate the subsequent determinations made on that inadequate investigation were "clear error." Moreover, the SJC distorted the record -however unintentionally- by soliciting the "present" views of TE Johnson.

That the SJC was not bound by the "great deference" requirement because this is a case centering on Constitutional interpretation

There are limitations on courts of review in the PCA. *BCO* 39-3 enumerates these, saying first that a higher court should limit itself in its decisions to issues raised by the lower courts, and that higher courts shouldn't overturn the decisions of lower courts unless there is "clear error." In applying these limitations there are conditions and exceptions. For example, *BCO* 39-3.2 presupposes that the lower court's proximity to the events in question better qualifies it to judge a case, and *BCO* 39-3.3 presupposes better ability to judge based on "familiar acquaintance" with events and parties. Putting aside the obvious argument that familiarity may actually compromise a court's objectivity in some cases, *BCO* 39-3.4 establishes that:

The higher court does have the power and obligation of judicial review, which cannot be satisfied by always deferring to the findings of a lower court. Therefore, a higher court should not consider itself obliged to exhibit the same deference to a lower court when the issues being reviewed involve the interpretation of the Constitution of the Church. Regarding such issues, the higher court has the duty and authority to interpret and apply the

Constitution of the Church according to its best abilities and understanding, regardless of the opinion of the lower court.

The matter at hand is a doctrinal case requiring interpretation of the Constitution of the Church and the SJC was not obliged to grant “great deference” to the lower court. Moreover, the SJC had the duty to address the issues raised in the complaint without dependence on the “great deference” standard, but it conducted the case instead as if it were bound by the provisions of *BCO* 39-3.2 and 3. While we respect the SJC’s unwillingness to exceed its mandate, or to position itself as the arbiter of truth for the Assembly, this is an abdication of responsibility with respect to *BCO* 39-3.4.

Further, by not meeting its obligation to interpret the constitution of the church under *BCO* 39-3.4, the SJC has affirmed Presbytery’s authority to make Constitutional and theological declarations on behalf of the denomination. Since the decision made by Presbytery in declining to indict has been affirmed, the SJC not only has reinforced the idea that this authority lies with individual Presbyteries, it has also formalized a dubious Constitutional interpretation of SSA and how it applies to ordination.

That the substantive conclusions reached by Presbytery and confirmed by the SJC do not follow from the facts in the Record of the case

Again, while nuanced, this case only becomes complex when the things pertaining to sexual dysphoria among Christians generally are made indistinct from ordination requirements, and when the semantic ranges of terms used in the discussion are narrowed, expanded, or otherwise changed according to undiscernable criteria. In the first case, solid biblical arguments for the church to embrace “sexual minorities” are extended to ordained service as if there could be no category of sin, or no operative level of a specific type of sin, that is *a priori* disqualifying. In the second, the symbols (or words) with which we communicate are redefined without agreement, having been appropriated by those with special knowledge of the distinctions they desire from the symbols.

For example, the word “homosexual” appears just under 2400 times in the record for this case. In virtually all the places where it’s used the term is semantically equivalent to “same sex attracted,” so there seems to be a high correlation between the symbol and the thing signified in common usage, with some translators using the word to translate *arsenokoitai* 1 Corinthians 6:7-9. Even so, here is what TE Johnson says:

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Neither *malakoi* or *arsenokoitai* map very tightly onto this modern use of *gay* or *homosexual* or *same-sex attracted* as an orientation.

He is saying that the biblical strictures are not closely aligned with the “modern” use of the words as an “orientation,” but there is no biblical support for arguing that the concepts in 1 Corinthians 6 are culturally bound. Pucci provides some insight here:

...the Muses sing a discourse similar to true things, but with some distortion, invention, or deflection -in a word, with some differences. The similarity vouches for the credibility of the discourse, while the invention, deflection, and difference make it false.

We mean by this that fine distinctions and novel interpretations may obfuscate truth rather than illuminate it, and that the effort to more narrowly define meaning can have the effect of removing meaning altogether, turning truth into falsehood and vice-versa. In this case, TE Johnson’s reinterpretation of the meanings of *malakoi* and *arsenokoitai* through a modern lens to make a distinction related to “orientation” does little to clarify the issue from a biblical standpoint.

The ROC is clear that TE Johnson identifies himself as a “same-sex attracted man.” Irrespective of whether there’s a distinction between that and “homosexual,” and whether or not *malakoi* and *arsenokoitai* “map tightly” to the scriptures condemning homosexuality, TE Johnson provides enough evidence from his own statements to make it obvious that this characteristic is so core to his being and so central to his personal narrative that it disqualifies him from ordained service.

TE Johnson’s testimony establishes that he has seen himself as same-sex attracted since he was 11 years old. He says he has never had an attraction to a woman and that he finds the idea of looking at a woman lustfully “disgusting.” He says that his public ministry as a same-sex attracted man is intended to help others who are suffering and ashamed about their own same-sex attraction, and in his 2019 General Assembly speech, he claimed that Article 7 of the Nashville Statement “hurt” because it asserts that it is a sin to adopt a homosexual self-conception.

TE Johnson's self-identification *per se*, then, is not a disputable issue; the real question is whether this identification "compromises and dishonors" his identity in Christ, and there is good reason to conclude that it does, because TE Johnson consistently palliates the sin of same-sex attraction such that he dishonors God. For example, he first appeals to the universality of sin to make the argument that same-sex attraction is just like any other sin, while the Constitution's exposition of Scripture asserts that some sins are more heinous than others (with homosexuality "more heinous" than even inappropriate heterosexual activity by virtue of it being against nature).

While it is true that all people are sinners, it is not true that all sins alike are equal. If they were, then every argument advanced by TE Johnson with respect to same-sex attraction would have to apply equally to every kind of sin. The sin of pedophilia would have to be considered no worse than anger; the sin of bestiality no worse than drunkenness. While it is true that all people are sinners and all deserve God's wrath, and while it is true that no one's righteousness is good enough to contribute to his salvation, arguments for sin equivalencies mock the word of God and dishonor Him.

Second, TE Johnson is a late middle-aged man of high achievement. He is well-educated and has an earned PhD establishing him as an expert historian. He is an author. He is a lifelong minister who carries the imprimatur of a Seminary education and ordination by one of the most biblically sound denominations in the world. All these things constitute *aggravations* of his sinful same-sex attraction and his teaching related to it according to the Constitution of the church. Question 151 of the Larger Catechism asks what constitute aggravating factors for sins more heinous, and they are these: "...if they (the persons offending) be of riper age, greater experience or grace, eminent for profession, gifts, place, office, guides to others, and those whose example is likely to be followed by others."

TE Johnson not only dishonors God in his prominent self-identification as a same-sex attracted man, the matter is made worse by his age, leadership position, and level of achievement.

The ROC demonstrates that TE Johnson is capable of formulating an orthodox view of sanctification, but it also demonstrates that he minimizes the possibility of change for people suffering from sexual dysphoria. He acknowledges that God can do anything in much the same way Cessationists acknowledge that God could still perform a miracle in the world; that is, He could, but He won't. He contends strongly -on the basis of his research and

experience- that orientation change practically never happens, citing statistics that establish that only 3.5% to 4% of people will ever experience any change from same-sex attraction to natural attraction.

In his arguments TE Johnson rests on appeals to his own authority, first as a same-sex attracted man, then as an academic, then as a theologian, and then as a minister. He communicates authoritatively and effectively, and he has clearly convinced many that his understanding of how God interacts with same-sex attracted people is the right one: God's ability to change people affected by this particular sin is only a remote possibility and should not be held out as a realistic hope for Christians; it would be extremely rare that they might change. There cannot be a more succinct denial of God's power to sanctify.

At the same time, the form of this argument is the opposite of TE Johnson's argument about the equivalency of sin. First, he claims that all sin is *alike* and SSA is no different from any other sin in order to establish that it cannot be a disqualifying factor for ordination. He subsequently says that while all sin is alike, and all people are sinners, sins related to sexual dysphoria are utterly *different* in that God hardly ever acts to change people from them and therefore those sins need to be accepted as an ontological phenomenon -they are part of being. By that line of reasoning any other sexual sin must also be accepted as a condition of being, whatever the perversion.

While the ROC doesn't show that TE Johnson entirely denies that sanctification could extend to a sexual orientation change, it clearly shows that he doesn't expect it to, even arguing that people need to understand the truth and not be optimistic about change when they are saved [ROC 461, ROC 928, etc.,]. In the same way, TE Johnson both claims the power of sanctification in his life and denies it, particularly when he speaks about his sexual appetites, which continue unabated:

*I share about once a year from the pulpit that I'm a porn addict. I haven't actually looked at pornography for 15 years, but when I did, I was all in and **that pull is still as strong as it was**. I've mortified this for 15 years and it still, you know, I see a computer terminal unmonitored and immediately my mind thinks, I want to look at porn. Fifteen years of strangling this thing, and it doesn't die, it doesn't go away [ROC 453]...*

And:

*TE Johnson: “You wanna know about my sexual brokenness? I am happy to talk to you about what I talked about in the pulpit two weeks ago, and that I think is relevant to this conversation. I am a pornography addict. I have had a pornography addiction for 15 years. Actually 18” Interviewer 2: “Are you still doing pornography, Greg?” TE Johnson: “No, I haven’t for 15 years.” Interviewer 1: I “So you’re not an addict.” Interviewer 2: “So you’re not an addict anymore.” TE Johnson: “Oh, but I know what it does inside of me. You see, **I know that if I look at one image, I’m going to look at a thousand. I know I’m not going to come up for air for hours.**” [ROC 553-554, 568”]*

Some might be tempted to minimize these statements because of the circumstances of a live interview. TE Johnson says as much, having called the interaction a “train wreck.” That is an assessment of the outcome but not necessarily the conversation, since the interviewers were clearly trying to dissuade TE Johnson from the point he was trying to make, while TE Johnson himself argued harder and harder for his vulnerability to these sins in order to impress upon them how powerful its control is over him. The Constitutional aggravations listed above apply here. If TE Johnson were young or naïve or inexperienced in public interactions, these might serve to mitigate his responsibility for what he said; it might provide an argument from extenuation. Instead, he is mature, educated, esteemed, and an accomplished public speaker. He clearly believes what he insistently told these interviewers and his words cannot be ignored.

By these beliefs and descriptions of his own experience, TE Johnson minimizes God’s purposes and power in sanctification, while at the same time demonstrating the grip by which his sin holds him. In his testimony [ROC 610], his sermons [ROC 606], his public speeches [ROC 556] and his writings [ROC 812-830] TE Johnson has made his homosexuality central to his self-perception, his self-presentation, and to his ministry. He has become a public figure as a result, and it is clear from the record that he is regarded as an authority on the subject -one who expressly teaches and intends to teach his version of “truth” as it relates to SSA.

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While the ROC and his public utterances demonstrate great facility with language and theological nuance and sometimes serve to obfuscate clear issues, TE Johnson's fundamental argument for serving as an ordained minister of the gospel is that he is now -and has always been- chaste, making him immune to disciplinary action for sexual misconduct.

By this standard no sexual predilection is disqualifying so long as it doesn't materialize in an act. Therefore, the pedophile who suffers in the way TE Johnson does -that is, one who had no hope of change or no resistance to a single look at child pornography such that he "*...wouldn't come up for air for hours...*" is eligible for ordination. The same would also clearly be true of someone who struggled with illicit heterosexual attractions under the same conditions, yet it is unimaginable that a man would be called as a minister of the gospel who said, "I struggle with lust for women to the point that I don't expect change, and I'm also an addict who is one look away from complete immersion in pornography -but don't worry, I only think about it. I'm not currently doing it.".

Despite the many excellent points made by TE Johnson about the difficulties faced by Christians who experience SSA or sexual dysphoria, and despite much good advice on how to minister to "sexual minorities," these arguments cannot be applied without distinction to ordained service.

In summary, the SJC overlooked the clear deficiencies of Presbytery's investigation, which is proven by re-opening the record and admitting additional information that sought the "present" positions of TE Johnson, extending consideration of facts well beyond the events complained against. Moreover, it was incumbent on the SJC to deal with the matters raised by the Complainant as issues of Constitutional interpretation instead of deferring to the lower court in this case. For these procedural reasons and based on the merits of the complaint, we respectfully dissent from the majority decision.

This opinion was written by RE Steve Dowling and joined by joined by TE Paul Bankson, RE John Bise, RE Mel Duncan, RE Sam Duncan, TE Fred Greco, and RE John White.

SJC ANSWER TO THE DISSENTING OPINION of RE Steve Dowling et al.

SJC Manual 18.12.c permits the SJC to "Answer" a Dissenting or Concurring Opinion, a procedure akin to the general answering provision in *BCO 45-5*.

While this procedure is rarely used, the Commission finds it necessary to take this step in this present Case because we conclude that the referenced Dissent mischaracterizes key conclusions of the SJC's Decision. We are concerned these mischaracterizations may lead to confusion in the Church regarding the PCA Constitution and what the SJC actually decided in this Case, and, in turn, how the Decision may apply to future situations.

Even as we take this step, however, we want to assure the Assembly the SJC seeks to operate as a collegial court, and we have been blessed with a good measure of success. We intend for our Answer to be understood in this light.

We organize our Answer by addressing some problematic assertions in the Dissent, by responding to the procedural concerns raised, and by interacting with the Dissent's allegation that "the substantive conclusions reached by Presbytery and confirmed by the SJC do not follow from the facts in the Record of the case."

1. Erroneous Assertions in the Dissent - Before addressing the specific procedural and substantive concerns raised by the Dissent, we believe it important to address three assertions in the Dissent that we find to be problematic.

1A. Erroneous Assertions 1 & 2: Concerning the Authority of a Church Court to Render a Constitutional Interpretation of SSA

The first two assertions are made in the following quote from the Dissent. (Emphasis added.)

[T]he SJC has affirmed Presbytery's authority to make Constitutional and theological declarations *on behalf of the denomination*. Since the decision made by Presbytery in declining to indict has been affirmed, the SJC not only has reinforced the idea that this authority lies within individual Presbyteries, it has also *formalized a dubious Constitutional interpretation of SSA* and how it applies to ordination. (p. 4.)

First, contrary to the assertion in the quote, our ruling and opinion in this Case do not "make" the Constitutional interpretation of "SSA" that is alleged in the second half of the Dissent (pp. 4-7). Such a claim mistakenly construes the ruling and opinion of the SJC in this Case. In each of the discussions of our reasoning for declining to sustain the four substantive allegations brought in

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the Complaint, we concluded only that the Complainant had not met his burden, based on the Record, of demonstrating Presbytery erred in declining to indict TE Johnson. Thus, in responding to Allegation 1 we wrote:

“If the Record demonstrated that the above statements [from the Complainant] were an accurate summary of TE Johnson’s views, it would have been proper to sustain the Complaint. Based on the Record, however, the SJC finds that it was not unreasonable for Presbytery to conclude that TE Johnson does not hold these positions and that he affirms....”³⁹

In short, we indicated that holding the kinds of positions alleged in the Complaint would likely make an officer in the PCA liable to indictment by their court of original jurisdiction. The conclusion, however, was that the Record in this Case did not demonstrate Presbytery clearly erred in concluding TE Johnson did not hold the views alleged. The dissenters may conclude the SJC was wrong in that determination, and they have every right to make that argument in a dissent. It is not accurate, however, to assert the SJC is staking out a new position on “SSA” when the ruling and the opinion clearly affirm that the SJC Decision was based on a finding that the facts in the Record did not sustain the allegations that were made in the Complaint.

Having said that, we wish to highlight one other aspect of the SJC’s opinion that contradicts this assertion of the Dissent. For each of the first three allegations, our Opinion begins by providing quotes from the Complaint that were offered in support of the given allegation. In each instance we then go on to say: “If the Record demonstrated that the above statements were an accurate summary of TE Johnson’s views, it would have been proper to sustain the Complaint.”⁴⁰ For the fourth allegation, while the Opinion does not offer statements from the Complaint, the Opinion does say:

“If the Complainant had demonstrated, for example, that the minister was involved in homosexual behavior, cultivated unrepentant lustings, taught that either of those were not sinful, or was not continually seeking to mortify those temptations, it would have been proper to sustain the Complaint.”⁴¹

³⁹ Opinion p. 13. See identical conclusions on Allegations 2 and 3 on pp. 16, 18, and a similar conclusion to Allegation 4 on p. 23, changed only to reflect the different nature of this allegation.

⁴⁰ See Opinion pp. 13, 16, and 18.

⁴¹ Opinion p. 23.

Our point in including all these statements was to try to set forth some guiderails that reflect our understanding of the Confessional boundaries of orthodoxy regarding beliefs and practices that can characterize ordained men in the PCA on matters related to same-sex attraction, same-sex behaviors, etc. We believe those statements reflect quite well the conclusions of the PCA’s Ad Interim Committee on Sexuality.⁴² Thus, ironically, rather than setting forth some novel “Constitutional interpretation of SSA” as the Dissent suggests, the SJC’s Opinion contains a series of strong and consistent statements that are grounded in the Church’s Confessional teaching on these issues, and that echo the testimony of the Ad Interim Committee Report to that teaching. The SJC did not find that the Record clearly provided evidence showing Presbytery had erred in its decision not to indict TE Johnson. That finding should not distract the reader from the clear, Confessional positions on same-sex attraction and sexual immorality that are contained in the Opinion.

Second, in the Dissent’s quote cited above on page 1, the Dissent alleges the SJC has “affirmed Presbytery’s authority to make Constitutional and theological declarations on behalf of the denomination.” But this conclusion is based on a misunderstanding of our polity. Presbyteries (and Sessions) *already* have the right and responsibility to make Constitutional and theological declarations. That right, however, comes not from anything the SJC has done or could do, but from the nature of our graded courts. (See *BCO* 11-3,4.)⁴³ Thus, every court in the PCA is responsible to make theological

⁴² <https://pcaga.org/wp-content/uploads/2020/05/AIC-Report-to-48th-GA-5-28-20-1.pdf>

⁴³ *BCO* 11-3 - All Church courts are one in nature, constituted of the same elements, possessed inherently of the same kinds of rights and powers, and differing only as the Constitution may provide. When, however, according to Scriptural example, and needful to the purity and harmony of the whole Church, disputed matters of doctrine and order arising in the lower courts are referred to the higher courts for decision, *such referral shall not be so exercised as to impinge upon the authority of the lower court.* (Emphasis added.)

BCO 11-4, para 2 - Every court has the right to resolve questions of doctrine and discipline seriously and reasonably proposed, and in general to maintain truth and righteousness, condemning erroneous opinions and practices which tend to the injury of the peace, purity, or progress of the Church. Although each court exercises exclusive original jurisdiction over all matters especially belonging to it, the lower courts are subject to the review and control of the higher courts, in regular gradation. These courts are not separate and independent tribunals, but they have a mutual relation, and every act of jurisdiction is the act of the whole Church performed by it through the appropriate organ.

and Constitutional determinations as such issues come before them. Indeed, it is precisely to protect that right of the lower courts that *BCO* 39-3 exists.⁴⁴

At the same time, we recognize that right of the lower courts is not unlimited. As *BCO* 11-4, *BCO* 39, and *BCO* 40 all make clear, there is a right and responsibility of higher courts to exercise “review and control” over the lower courts. But that oversight is clearly limited by the Constitution. It must also be conducted within the proper purview and procedures of the higher court as set forth in our Constitution and rules. Among other things, this means that the SJC, in dealing with a complaint, is limited to the issues raised by the parties⁴⁵ and to the evidence contained in the Record of the case.⁴⁶ For the SJC to reach a conclusion that cannot be sustained from the Record, no matter how popular that decision might be to some, would be a breach of its Constitutional limitations and would trample upon the rights and responsibilities of the lower courts in the PCA.

In short, far from affirming some new right for presbyteries, our Decision in this Case serves to preserve the proper prerogatives of the lower courts of the PCA and to underscore the right of review and control, appropriately exercised, including through judicial process. Again, it would be mistaken to conclude that the SJC has recognized some new right for presbyteries. Rather, the SJC acted within the scope of our Constitutional responsibilities and limits. In so doing, we found that the allegations in the Complaint regarding the views held by TE Johnson were not sustained from the Record.

1B. Erroneous Assertion 3: Concerning Acting on a Complaint and the Discipline of an Officer

The third erroneous assertion is found in this quote from the Dissent:

TE Johnson provides enough evidence from his own statements to make it obvious that this characteristic (identifying himself as a ‘same-sex attracted man’) is so core to his being and so central to his personal narrative that it disqualifies him from ordained service. (p. 5)

This conclusion, at least as stated, asserts that the SJC should have found TE Johnson guilty of an offence that must lead to his removal from ordained office

⁴⁴ Note the italicized material in the quote from *BCO* 11-3 in the footnote above.

⁴⁵ *BCO* 39-3.1. This is also the thrust of *BCO* 43-1,3; *OMSJC* 14.4, etc.

⁴⁶ *BCO* 32-18 (para. 5). See also the 4th vow for SJC members in RAO 17-1.

in the PCA. Such a finding, however, would go far beyond anything raised in the Complaint or the Statement of the Issues in the Case. The statement of Issue 2 reads “Did Missouri Presbytery clearly err...when it declined to *commence process* on any of the following four allegations?” (Emphasis added.) That is a very different issue than “Is TE Johnson *guilty* of any of the following four allegations?” Thus, to reach the conclusion publicly offered by the dissenters, the SJC would have had to go far beyond the issues raised in the Complaint.

Further, and more importantly, our Constitution does not allow a higher court to act on a complaint by declaring someone to be guilty. That is not one of the remedies available to a higher court in adjudicating a complaint under *BCO* 43-10, and properly so. A complaint, in our Constitution, is always against the action of a court. Therefore, the SJC, as the higher court, has no right to sustain a complaint by declaring an officer guilty. All we can do is act with respect to the lower court. Were the SJC to seek to declare a man to be guilty, such action would be the epitome of a higher court “acting for” a lower court in violation of the principles of *BCO* 11. Finally, it would be fundamentally unfair to any man to be judged guilty based on a complaint and without benefit of a trial. Yet, this is what a straightforward reading of the Dissent would have us do.

Thus, with all due respect for our brothers, we find that key assertions of their Dissent do not accurately reflect the ruling of the SJC in this Case and are inconsistent with the Constitution of the PCA. We now turn to the specific points of error which the Dissent alleges were committed by the SJC.

2. Answer to Allegations of Procedural Error

The Dissent addresses, at some length, two broad procedural issues: (a) due diligence, particularly regarding the additional questions posed by the SJC to Missouri Presbytery and to TE Johnson; and (b) the proper standard for review. We address each of these in turn.

2A. Due Diligence

The Dissent alleges “the SJC overlooked the clear deficiencies of Presbytery’s investigation, which is proven by re-opening the record and admitting additional information that sought the ‘present’ positions of TE Johnson.” Indeed, the Dissent’s entire discussion of the SJC’s alleged procedural failures in this area is tied to the SJC’s decision to reopen the Record and pose some questions to Presbytery and to TE Johnson. Thus, the Dissent alleges the SJC’s

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action in posing these questions (and particularly our rationale) demonstrated the SJC had concluded the ROC was unclear and that Presbytery had failed in its due diligence. (p.1) The Dissent further alleges the citations from the “supplemental work” suggest Presbytery’s investigation was inadequate.

Additionally, the Dissent alleges these questions led the SJC to focus on TE Johnson’s “present positions,” apparently defined by the dissenters as his positions in early 2021, as opposed to his positions during the period in which Presbytery was conducting the *BCO 31-2* investigation (2018-20).

It is important to recognize, first, that the Minutes of the SJC’s meeting on March 25, 2021, referencing the debate on sending the SJC questions to Presbytery and TE Johnson, state: “The Parliamentarian advised that this motion and process were in order.” In addition, this is not the first time the SJC has suggested or required the provision of additional information.⁴⁷ Thus, whether one agrees with the SJC’s course of action, it was based on a ruling that such action would be in order, and it is an action for which there is precedent.

With regard to sending Questions, the Dissent alleges:

This extension of time to the present and *ex post facto* acquisition of information on the part of the court appears to be a misuse of judicial discretion, with the court having undertaken more of a pseudo-BCO 31-2 investigation than an action to perfect the record. ... Discussions of fairness aside, TE Johnson’s *present* positions are irrelevant to the complaint against him. (Dissent p. 2, 3)

We are concerned statements such as this in the Dissent could easily lead people to conclude there was broad opposition expressed to sending the Questions. Because SJC discussions and actions relating to sending the Questions occurred in “closed session,” we don’t feel the liberty to go into much detail, but we assure the reader such a conclusion would be incorrect.⁴⁸

⁴⁷ For example, see *Aven/Dively v. Ohio Valley Presbytery* (*M44GA* at 503-04); *Barnes v. Heartland Presbytery* (*M44GA* at 480 ff.); *Fordice v. Pacific Northwest Presbytery* (*M45GA* at 532).

⁴⁸ *OMSJC* 18.3 - “A Closed Session shall be understood as a meeting or portion of a meeting wherein only Commissioners, and others specifically invited by the Commission, are present. Unlike an Executive Session, however, the proceedings shall not be secret, but rather discussion of such matters outside of the meeting

APPENDIX T

More importantly, and with no disrespect to our dissenting brothers, we find that they have arrived at their conclusion by focusing on individual phrases in the SJC's explanation for its action, without considering those phrases in the context of the whole statement. The following is the entirety of the SJC's introduction to the list of questions that were sent to the Presbytery and TE Johnson.

The SJC believes it is necessary to attempt to clarify the Record of the Case because its magnitude (over 600 pages covering multiple years of writing, speaking, and judicial processes) makes it difficult to ascertain if specific representations of perspectives of TE Johnson are his actual or present theological convictions. We understand from the Record:

- he has acknowledged some of his perspectives have matured over time;
- he has acknowledged some were poorly stated due to time limits, situational pressures, or extemporaneity;
- some representations of perspectives are made unclear by imprecision or disagreement over what aspect of sin is being referenced in specific statements;
- some representations have been extrapolated by critics but denied by Johnson.

Thus, the SJC offers TE Johnson the opportunity to answer questions with reference to the specific Allegations in the Complaint now before the Commission. Below are 25 questions arranged by the Allegations, with a fifth category titled “Additional/General.”

It should be clear from that introduction that the SJC's point in seeking these clarifications to the Record was not that Missouri Presbytery had failed in its duty to investigate, but that the large number of reports, investigations, and writings contained in the Record covered a period of years over which, by his own admission, some of TE Johnson's views were poorly stated and some had “matured.” Further, some of the statements in the Record were ones that were

shall be at the discretion of each commissioner, and the minutes of such a closed session may be read and approved in open session. However, no person present at a closed session shall later identify in any manner the views, speeches, or votes of a member of the commission during the closed session, apart from that member's written permission.”

made by TE Johnson's critics about his views, but which he denied. Thus, contrary to the conclusions of the Dissent on pp. 1-3, the effort by the SJC to seek clarifications from TE Johnson and from Missouri Presbytery was not a reflection on the quality of Missouri Presbytery's Record or investigative efforts (although some of us would have liked them to have pressed more deeply on some issues). Nor was it an effort to develop evidence on views TE Johnson held in May 2021 but did not hold during the time of Missouri Presbytery's investigations (2018-2020). Rather, it was a request to the minister and Presbytery to pull together and focus pieces of his views that were scattered throughout the Record and that had, in some instances, undergone refinement during Presbytery's investigations.

Further, none of the minister's answers to SJC questions contradicted his previous answers to the Presbytery. The Record does not indicate he answered Presbytery one way but answered the SJC differently. Thus, what the Dissent refers to as his "present" views are essentially the same as those expressed to the Presbytery committee, and the Dissent does not identify any conflicting pair of answers. Even the Complainant's Addendum Brief recognized that the answers to the Presbytery investigation committee and to the SJC were substantively the same, by stating, "TE Johnson's answers to the SJC questions elaborate and confirm the very concerns raised in [my] Complaint." (p. 1). The Complainant did not contend there were any different answers.

The Dissent concludes its discussion of the *BCO* 31-2 procedures used by Presbytery by contending: "If the investigation was inadequate, then Presbytery's conclusions constitute "clear error." (p. 2) But this is a *non sequitur* (a conclusion that does not follow from the previous statement). Investigative procedures and indictment decisions are distinct issues, which is why the SJC Decision specifies two Issues. Further, as we have explained, the thrust of the SJC's action to reopen the Record was not to assert the inadequacy of the Record or the investigation, but to provide a more focused rehearsal of TE Johnson's views that were spread throughout the Record.

2B. Standard of Review

The Dissent's second procedural allegation is that the SJC used an improper standard for review, arguing that the SJC was not bound by the "great deference" requirement of *BCO* 39-3.3 "because this is a case centering on Constitutional interpretation." (p. 3)⁴⁹

⁴⁹ This was also the claim of the other Dissent, from RE Duncan.

In considering this concern it is important to recognize there were two Issues in this Case and they were dealt with differently. In the first Issue: “Did Presbytery violate *BCO* 31-2 in the manner of its investigation of the allegations?” the SJC applied the “clear error standard” of *BCO* 39-3.3 because it found that no specific procedures are required by our Constitution in a 31-2 investigation and that the Record demonstrated that Presbytery “sought to exercise the requisite ‘due diligence and great discretion’ in seeking explanations from TE Johnson.” (Decision p. 12)

Regarding the second issue: “Did Missouri Presbytery clearly err at its meeting of July 21, 2020, when it declined to commence process on any of the following four allegations?” however, the focus is different. We grant that the Complainant alleged TE Johnson held views that violated the Constitution of the PCA. Had the Complainant been able to provide evidence that such views were an accurate summary of TE Johnson’s views, the SJC would have been obliged to consider questions of “Constitutional interpretation.” But such was not the case. As we state repeatedly in our ruling, the evidence provided in the Record and discussed by Complainant did not clearly support the allegation that Presbytery erred in concluding that there was not a “strong presumption of guilt” that TE Johnson held the views the Complainant alleged he held. Thus, for example, and as was stated above, in judging Allegation 1 we wrote: “If the Record demonstrated that the above statements [of the Complainant] were an accurate summary of TE Johnson’s views, it would have been proper to sustain the Complaint. Based on the Record, however, the SJC finds that it was not unreasonable for Presbytery to conclude that TE Johnson does not hold these positions and that he affirms....” In other words, we did not have a basis for applying *BCO* 39-3.4 because there was no question of Constitutional interpretation before us. The evidence in the Record did not provide sufficient support for the allegations made by Complainant regarding TE Johnson’s views. Certainly, that is a *factual finding* with which the dissenters are free to disagree and argue against. But that is a very different discussion than one of whether the SJC failed to conclude that Missouri Presbytery had misinterpreted the Constitution as it reached its conclusions.

3. Answer to Substantive Concerns Raised by the Dissent

The Dissent alleges “the substantive conclusions reached by Presbytery and confirmed by the SJC do not follow from the facts in the Record of the case.” In considering this allegation, it is crucial to begin by understanding the SJC did not “confirm” any “substantive conclusions” reached by Presbytery. Our

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Decision repeatedly states that our Decision is based on the finding that the Record does not demonstrate the Complainant's interpretive conclusions of certain statements were "an accurate summary of TE Johnson's views," and thus it was "not unreasonable for Presbytery to conclude TE Johnson does not hold those positions." It was on that basis that we concluded Presbytery had not erred in declining to commence formal judicial process against TE Johnson.

In addition to all the above, we believe the Church would also be aided by an Answer to two substantive issues raised in the Dissent: (a) the Dissent's contention that the Record demonstrates that "homosexuality is central to [TE Johnson's] self-perception, his self-presentation, and his ministry;" and (b) the Dissent's contention that the Record demonstrates TE Johnson errs in his understanding of I Corinthians 6:9 and that he is engaged in "heinous sin." We address each in turn.

3A. The Issue of Centrality

The Dissent alleges:

In his testimony [ROC 610], his sermons [ROC 606], his public speeches [ROC 556] and his writings [ROC 812-830] TE Johnson has made his homosexuality central to his self-perception, his self-presentation, and to his ministry." (Dissent p. 7)

A review of those citations demonstrates the assertion is untenable.

- ROC 610 is a letter from Covenant Church, Fayetteville, AR to Missouri Presbytery, which only has *one* quoted sentence from the minister.
- ROC 606 is also from Covenant Church and identifies a *single* sermon — May 19, 2019: "Testimony of a Unicorn," even though there are eight years of the minister's sermons on the Memorial Presbyterian Church website.
- ROC 556 contains excerpts from the same May 2019 sermon and his short speech at the 47th GA critiquing Article 7 of the Nashville Statement and Overture 4 (which 40% of the GA commissioners also voted against).
- ROC 812-830 contain eight items the minister wrote from May 2019 through February 2020, which he submitted to the Presbytery's investigating committee at its request. Of the eight items, only the

Christianity Today testimony was published. The other seven were unpublished private correspondences.

This hardly demonstrates a centrality of self-perception, self-presentation, and ministry. If there is some other evidence that leads the Dissent to make that assertion, it was not in the Record, and surely not in the ROC sections cited in the Dissent.

The minister's testimony in *Christianity Today* ends with this statement:

The gospel doesn't erase this part of my story so much as it redeems it. My sexual orientation doesn't define me. It's not the most important or most interesting thing about me. It is the backdrop for that, the backdrop for the story of Jesus who rescued me.

3B. 1 Corinthians 6:9 and Heinousness

We first note that the arguments in the Dissent in this area were not raised during the SJC debate on the draft Decision proposed by the Drafting Committee. But even if they had been raised, the Answer below would have been sufficient to settle them.

The Dissent alleges “some translators [use] the word *homosexual* to translate *arsenokoitai* in 1 Corinthians 6:7-9.” (p. 4) While not explicitly saying so, the Dissent seems to regard that single word as the best translation of the two words *malakoi* and *arsenokoitai*. This translation decision is very important, but the Dissent does not identify which translators it references or provide argument as to why they should be favored over the many others that translate those two words with a behavioral component. If the word *homosexual* is intended throughout the Dissent to be synonymous with *malakoi* and *arsenokoitai*, that would be important to know.

The ESV translates those two words as “men who practice homosexuality.” The NIV translates it as “men who have sex with men.” The NRSV translates it as “male prostitutes, sodomites.” The New English Translation renders it as “passive homosexual partners, practicing homosexuals” and ends its two lengthy footnotes with: “Since there is a distinction in contemporary usage between sexual orientation and actual behavior, the qualification “practicing”

was supplied in the translation, following the emphasis in BDAG.”⁵⁰ And while the NASB translates *malakoi* and *arsenokoitai* simply as “homosexuals,” it also supplies this footnote: “Two Gr[een] words in the text, prob.[ably refer to] submissive and dominant male homosexuals.” Thus, even the NASB recognizes the behavioral component.

In the same section, the Dissent critiques one sentence from the minister’s answer to Question 12 from Presbytery’s investigative committee, where he wrote:

Neither *malakoi* or *arsenokoitai* map very tightly onto this modern use of *gay* or *homosexual* or *same-sex attracted* as an orientation. [ROC 1070]

After quoting the sentence, the Dissent alleges:

He is saying that the biblical strictures are not closely aligned with the “modern” use of the words as an “orientation,” but there is no biblical support for arguing that the concepts in 1 Corinthians 6 are culturally bound. ... TE Johnson’s reinterpretation of the meanings of *malakoi* and *arsenokoitai* through a modern lens to make a distinction related to “orientation” does little to clarify the issue from a biblical standpoint. (Dissent p. 4)

But it’s not reasonable to draw such a conclusion from the minister’s sentence, especially in context. Presbytery’s question was this: “*How do you understand 1 Cor. 6:9-11 and its application to Christians that identify as celibate gay Christians?*” In his answer, his sentence immediately following the one quoted in the Dissent says: “These [*malakoi* and *arsenokoitai*] speak of sex acts ... among men. Such men will not enter the kingdom.”

In addition, the minister’s sentence quoted by the Dissent does not say “the concepts” of 1 Corinthians 6 are “culturally bound.” And the Record does not demonstrate the minister has “reinterpreted” the meanings of *malakoi* or *arsenokoitai*, but simply recognizes the importance of the behavioral component in those two words, as do the ESV, NIV, NRSV, NET, NASB, etc.⁵¹

⁵⁰Bauer, Danker, Arndt, and Gingrich (Greek-English Lexicon of the New Testament)

⁵¹The Dissent’s use of the phrase “culturally bound” is itself unclear. Does ‘culturally bound’ mean the text is ‘culturally conditioned’ (which of course it is) or does it mean

It is more reasonable to understand the minister's sentence as highlighting the difference between the homosexual *behaviors* indicated by *malakoi* and *arsenokoitai* and the *temptations* (orientation) of homosexuality. In other words, it was reasonable for Presbytery to conclude the minister's sentence simply affirms someone could be homosexually inclined, but not be *malakos* or *arsenokoitēs*.⁵²

Regarding heinousness, the Dissent also alleges the minister:

... appeals to the universality of sin to make the argument that same-sex attraction is just like any other sin, while the Constitution's exposition of Scripture asserts that some sins are more heinous than others (*with homosexuality "more heinous" than even inappropriate heterosexual activity* by virtue of it being against nature).” (p. 5. Emphasis added.)

If the Dissent is intending the word *homosexuality* in this parenthetical to be identical with *malakoi* and *arsenokoitai* (contra how those Greek words are understood in this Answer), then we have less concern with the excerpt above. But the Dissent's parenthetical seems to use *homosexuality* in a more general sense, and if so, it seems to argue homosexual *temptations* are more heinous than heterosexual *sinful behavior* (which appears to be what's meant by “inappropriate activity.”) If that's not what's being asserted, then it's hard to understand why the word “even” is used in the comparison.

Regardless, the Dissent's contention about the minister's view is contradicted by the following statement from the minister quoted in the SJC Decision:

Sins are not all equally heinous (WLC 150). But they are all heinous. Having sex with someone of the same sex is very heinous. Before we ever get to the Standards, the Bible is clear on this point. For a man to lie with another man as one lies with a woman, it is an abomination. Paul picks up the Hebrew of

that the text is only applicable in Corinth (which the minister clearly denies in his answer to the “heinousness” question)?

⁵² The minister also addressed 1 Cor. 6:9 in his lengthy answer to Question 7 from the Presbytery committee. In one part, he wrote: “The term *homosexual* is not in the Hebrew/Greek Bible. Sexual orientation is a nineteenth century scientific and social construct. In 1 Corinthians 6, for example, *malakoi* and *arsenokoitai* refer not to sexual orientation or temptation but to actual sexual practice between two men.” [ROC 1062]

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Leviticus—*arsenokoitai*, literally “male bed”—to prohibit it in no uncertain terms as sin that that will keep a man out of the kingdom.

All other things being equal, I would consider homosexual immorality to be more heinous than heterosexual immorality on account of the way it further warps God's creational norm for sex. As in WLC 151, it goes against the “light of nature.” Romans 1 notes it is unnatural. (SJC Decision, p. 26-27)

In addition, the Dissent's parenthetical assertion would be difficult to demonstrate biblically and was clearly addressed and critiqued in the 2020 Report of the Ad Interim Committee on Sexuality.⁵³ Below is an excerpt, with emphasis added.

Finally, we can discern a very practical value to the distinction between the sin that is constituted by our “corruption of nature...and all the motions thereof” and the “actual transgressions” that proceed from it. ... To feel a sinfully disordered sexual attraction (of any kind) is properly to be called sin—and all sin, “both original and actual” earns God’s wrath (WCF 6.6)—*but it is significantly less heinous* (using the language of the WLC 151) *than any level of acting upon it in thought or deed.* ... (AIC Report p. 23.)

Below are five other pertinent excerpts from the AIC Report. All emphasis is added.

Statement 6 (Temptation) ... Nevertheless ... We can avoid “entering into” temptation by refusing to internally ponder and entertain the proposal and desire to actual sin. Without some distinction between (1) the illicit *temptations* that arise in us due to original sin and (2) the willful giving over to *actual sin*, Christians will be too discouraged to “make every effort” at growth in godliness and will feel like failures in their necessary efforts to be holy as God is holy (2 Peter 1:5-7; 1 Peter 1:14-16). (p. 9)

⁵³ <https://pcaga.org/wp-content/uploads/2020/05/AIC-Report-to-48th-GA-5-28-20-1.pdf>

Essay 1: Confessional Foundations Regarding Nature of Temptation, Sin and Repentance

II.B.1. The Common Dynamic of Concupiscence - First, the dynamic of spontaneous sinful desire or attraction is not unique to those who experience homosexual desire. All people experience it. It is an essential point in the Confession that all of us who are descended from Adam and Eve experience their corrupted nature and the complex of disordered affections, desires, and attractions that come with that corruption. The danger of this question arising in the context of the discussion of homosexuality is that some might be tempted to think of that particular example of disordered desire as *qualitatively different* from their own. Or worse, some may be willing to assert the sinfulness of one category of spontaneous desire but minimize or remain largely ignorant of the sinful concupiscence that is common to all.

The truth is that if we think humbly and carefully about our own spontaneous thoughts, feelings, and desires, we would recognize that we are all much more alike than different. ... Good Reformed teaching on sin places us all on equal footing in our need of Christ's imputed righteousness. (p. 21)

II.B.2. Continued Corruption - [To] teach that our sinful corruption must be entirely removed from any part of us in order to be considered truly repentant is a spiritually treacherous perversion of the doctrine of repentance. (p. 21)

II.B.5. Moral Difference - ... Our brothers and sisters who resist and repent of enduring feelings of same-sex attraction are powerful examples to us all of what this "daily mortification" looks like in "the best of believers." We should be encouraged and challenged by their example and eager to join in fellowship with them for the mutual strengthening of our faith, hope, and love. (p. 23)

Essay 2: Biblical Perspectives for Pastoral Care - Discipleship, Identity and Terminology Singleness, Friendship, Community - Insofar as such persons display the requisite Christian maturity, we do not consider this sin struggle automatically to

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disqualify someone for leadership in the church (1 Cor 6:9-11, 1 Tim 3:1-7, Titus 1:6-9; 2 Pet 1:3-11) (p. 31)

Conclusion

While appreciating our dissenting brothers' zeal for truth, and their evident desire to promote the peace and purity of the Church, we believe, as we have shown above, that their Dissent does not accurately reflect either the Record in this Case or the ruling and opinion of the SJC. Unfortunately, it is likely that as these inaccuracies are spread in the Church, people will follow the dissenters in drawing conclusions about the SJC's ruling and its understanding of sexual ethics that are neither accurate nor fairly adduced from the Decision. It is for this reason that we find it necessary to provide this Answer.

**CASE NO. 2021-12
COMPLAINT OF
CHRISTIAN MICHELSON AND STUART MICHELSON
v.
NORTHWEST GEORGIA PRESBYTERY
February 1, 2022**

The Complaint is not judicially in order, and the defect cannot be cured within the Rules of Discipline of the *BCO*; therefore, the case is dismissed. *OMSJC* 10.5-6.

RATIONALE

The Complaint as presented to the Session does not identify any act of that court alleged to be in error, thus failing to meet the standard set forth in *BCO* 43-1, "A complaint is a written representation made *against some act or decision of a court* of the Church. It is the right of any communing member of the Church in good standing to make complaint *against any action of a court* to whose jurisdiction he is subject. . ." (emphasis added). (See also *BCO* 43-10, "The higher court has power, in its discretion, *to annul the whole or any part of the action of a lower court against which complaint* has been made. . ." (emphasis added.) According to the ROC, the only act of the Midway Session with respect to the congregation meeting in question is that of the Session meeting of July 8, 2020: The act of calling a congregational meeting (ROC 217). That action is not objected to in the Complaint. Further, the congregational meeting of July 19, 2020 (ROC 226-252), afforded the