

**PRESBYTERIAN CHURCH IN AMERICA
STANDING JUDICIAL COMMISSION**

Case No. 2023-14

BCO 40-5 REPORT

re:

NORTHWEST GEORGIA PRESBYTERY

RULING ON REPORT

January 12, 2024

The SJC cited Northwest Georgia Presbytery to appear at its Fall Stated Meeting as directed by the 50th General Assembly in the following resolution.

That the 50th General Assembly:

1. Find that the February 14, 2021 letter from RE [name omitted] et al. is a "credible report" of "an important delinquency or grossly unconstitutional proceedings" (*BCO 40-5*): specifically, there is evidence that (1) the calls to the three candidates were constitutionally deficient, so implementing them was unconstitutional, and (2) the Presbytery acted improperly in approving the calls and installing the three candidates.
2. Cite the Northwest Georgia Presbytery to appear, per *BCO 40-5*, before the PCA's Standing Judicial Commission which the 50th GA constitutes its commission to adjudicate this matter, by representative or in writing, at the SJC's fall stated meeting, to "show what the lower court has done or failed to do in the case in question," following the *Operating Manual for the SJC*, particularly chapter 15.

The party representatives provided documents bearing on the matter pursuant to *OMSJC 15.2* and filed briefs outlining their positions. On October 19, 2023, representatives of the General Assembly and the Presbytery appeared for hearing before the SJC.

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Having considered the record, briefs and arguments presented by the party representatives, the SJC enters the following decision to "redress the proceedings of the court below" (*BCO* 40-5 and *OMSJC* 15.6):

The SJC finds that Northwest Georgia Presbytery erred egregiously in approving the calls and installing three candidates for Associate Pastor, the calls to the three candidates being constitutionally deficient. The SJC stays all further proceedings in this matter and declares that all matters relating to the Report, presently or previously pending before the General Assembly, are ended, concluded, and terminated. (15.6.d). The relief sought by the GA's Representative, annulment of the installations of the candidates, is not granted. There is no precedent in PCA judicial proceedings for annulling the installation of a minister. Further, in this case the use of such an expedient would be of doubtful legitimacy considering PCA Constitutional and parliamentary principles (*BCO* 24-7; RONR (12th ed.) 35:1; 35:6.c)). This Ruling fully redresses the matters raised in the Report abovenamed.

In this Ruling, the SJC directly reviewed an action or delinquency *of the Presbytery*, not of the Session, or the congregation, or the pastor who moderated the meeting.

The SJC finds that several important errors were made in electing three assistant pastors to the role of associate pastors (as set forth below). The Record does not clearly indicate when and how much of these election details were known by the members of Presbytery prior to the installation of the three associate pastors.

In its Brief and at the Hearing, Presbytery admitted that it was erroneous for a self-appointed commission to conduct the installation of the three assistant pastors elected as associate pastors without clearer authorization from the Presbytery. However, no account was given for the precipitous effort to install the newly elected associates, and there is no evidence in the record, briefs or arguments presented by the Presbytery that a reasonable explanation exists for doing so just 13 days after the election.

If any of Presbytery's committees, commissions, or members had been aware of the election irregularities, it would have clearly warranted some inquiry and delay in installations. Below are set forth those irregularities. Again, these were not errors committed by the Presbytery, but they point to the important delinquency of proceeding with the installations without prior inquiry. The Presbytery has the obligation to see to it that all the proceedings of an election, and any "facts of importance," be laid before the Presbytery. (*BCO* 20-5)

1. *The election procedure precluded the congregation from voting on each of the three TEs individually.* Voters were asked to vote in favor, or opposed, to all three combined. No voter was able to vote in favor of two but not in favor of the third, and so on. However, a call to office in the church is a call to particular persons—individuals called, gifted, and nurtured by Christ—to be particularly recognized by the officers of the church, as well as the congregation, for a particular work. An election by slate was a violation of the principles of Scriptural polity and egregiously unfair to both the candidates and the congregation.
2. *The vote was conducted by standing and not by ballot.* Presbytery's Representative presented arguments for why this should not be regarded as a “grossly unconstitutional” procedure. Nonetheless, it was an “important delinquency,” denying a member the right to vote privately in writing, especially given the sensitivity of the situation, namely, that the three TEs would have continued to serve at the church as assistant pastors if they had not been elected as associate pastors.
3. *The number of voters present at the congregational meeting was not determined.* At the time, and prior to a *BCO* revision enacted in 2022, a majority of voters *present* was required to elect a pastor (*BCO* 20-4). Both the GA Representative and the Presbytery Representative presented reasonable theories about how many voters were present and how many eligible voters might have abstained. Nonetheless, given the

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wording of *BCO* 20-4 at the time, it was an important delinquency not to have ascertained and recorded the number of voters present.

4. *The moderator did not adequately fulfill the duty set forth in BCO 20-5.* *BCO* 20-5 describes a duty of a moderator to "endeavor to dissuade the majority" from proceeding to elect a pastor if there is a "large minority of the voters who are averse to the candidate who received a majority of the votes." In the election in question, the Record shows the vote was 127-93 (58-42%). While the *BCO* does not prescribe in detail the method by which a moderator is to fulfill that duty, the procedure used in the election in question was not sufficiently clear or adequately prudent, nor did it achieve the goal envisioned in *BCO* 20-5.¹

A proposed Ruling was drafted and approved by an SJC committee of RE Bise, TE Coffin, RE Donahoe, TE Evans, and TE Waters (chair). The SJC reviewed the proposed Ruling and adopted the Ruling above by vote of **19-0** with one absent, one recused, one abstained, and two not qualified.

Bankson	<i>Concur</i>	S. Duncan	<i>Concur</i>	Maynard	Absent
Bise	<i>Concur</i>	Eggert	<i>Concur</i>	Neikirk	<i>Concur</i>
Carrell	<i>Concur</i>	Evans	<i>Concur</i>	Pickering	<i>Concur</i>
Coffin	<i>Concur</i>	Garner	Not Qualified	Sartorius	<i>Concur</i>
Dodson	<i>Concur</i>	Greco	<i>Concur</i>	Ross	Abstained
Donahoe	<i>Concur</i>	Kooistra	Not Qualified	Waters	<i>Concur</i>
Dowling	<i>Concur</i>	Lee	Recused	White	<i>Concur</i>

¹ There are only minor differences between our current *BCO* 20-5 and that of the PCUS Book of 1879. Here is an excerpt from F.P. Ramsay's 1898 comments on this provision: "The directions to the Moderator that he endeavor to dissuade the majority when it appears that the minority will not concur must not be interpreted too strictly; for it might be that he could not conscientiously make this endeavor. But he should at least press upon them the importance of unanimity, and a sense of the responsibility that they assume. Sometimes, however, there is a wilful and obstinate minority who oppose, as Pastor, the very servant of his that Christ presents to them, and who ought not to be yielded to. The full and exact facts should be certified to the Presbytery by the Moderator, that the Presbytery may have all the data for judging."

APPENDIX Q

M. Duncan *Concur* Lucas *Concur* Wilson *Concur*

TE Lee recused himself because he was Chairman of the GA Committee on Review of Presbytery Records, from which this matter arose, and deemed it best to do so.

TEs Garner and Kooistra were not qualified because they were absent from the October meeting at which the hearing was held on this matter.