

PCA DIGEST

1999-2018

**A Digest of the
Minutes of the General Assembly
of the Presbyterian Church in America
1999-2018**

PART I: Actions of the General Assembly

PART II: Constitutional Advice

(Committee on

Constitutional Business)

PART III: Judicial Cases

(Standing Judicial Commission)

PART IV: Study Committee Reports

This *Digest of the Minutes of the General Assembly 1999-2018* builds upon several previous volumes edited by then General Assembly Stated Clerk Paul R. Gilchrist: *PCA Digest 1973-1993 (Parts I-IV)*; *PCA Digest Position Papers 1973-1993 (Part V)*; *Supplement to the PCA Digest 1994-1998*; and *PCA Digest Position Papers 1994-1998*.



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PREFACE

L. Roy Taylor, Stated Clerk

General Assembly of the Presbyterian Church in America

The second Stated Clerk of the General Assembly, Dr. Paul R. Gilchrist, who served in that position from 1988 to 1998, was directed by the Assembly to prepare a Digest of the Actions of the General Assembly. Under his editorship two volumes were produced, a Digest and a Supplement. Dr. Gilchrist had served as the last Stated Clerk of the General Synod of the Reformed Presbyterian Church, Evangelical Synod before the RPCES joined and was received into the PCA in 1982. In 1998, I was elected as Stated Clerk of the General Assembly of the PCA in 1998 and will serve, *Deo volente*, through the General Assembly of 2020. In his capacity as Stated Clerk of the RPCES, Dr. Gilchrist had edited a summary of the actions of the General Synod of the RPCES. With the joining and receiving of the RPCES and PCA in 1982, the history of the RPCES was incorporated into the history of the PCA.

The preservation of documents has been significantly advanced by digital technology in recent decades. In fact, the *Minutes of the General Assembly* and other important documents are available online through the PCA Historical Center, pcahistory.org. Nevertheless, a Digest of Assembly actions will be helpful for one to sort through and interpret the actions of the General Assembly.

If there is a verse that describes Presbyterians, it is 1 Corinthians 14:40, “But all things should be done decently and in order.” Though the Apostle Paul wrote that summary statement as a principle in a context regarding worship, Presbyterians utilize that principle not only in worship but also in polity as well as in theology. The polity of the PCA is in the category of Presbyterian polity as distinguished from episcopal and congregational polities or other hybrid/pragmatic polities. As a category, Presbyterian polity is 1) **biblical** (having roots in the Old Testament [Numbers 11], the development of synagogues, and carried over into the New Testament [Acts 15], until the rise of nascent episcopacy in the middle of the second century AD, then renewed in the Reformation); 2) **representative** (led by elders [*presbuteroi*] chosen by the people of God); and, 3) **connectional** (in theology, discipline, and cooperative ministry).

The polity of the PCA is different from other Presbyterian denominations in several respects.

- The PCA is non-hierarchical, or grass-roots Presbyterianism. That is, authority flows from the bottom up (local church Sessions, Presbyteries, and the General Assembly) not from the top down (General Assembly, Presbyteries, and Sessions). The PCA is connectional ecclesiastically but not civilly, as has been attested by several civil court rulings.
- The PCA does not have the binding precedent of judicial cases as other Presbyterian denominations have. See *BCO* 14-7.
- The Committee on Constitutional Business does not make rulings (authoritative interpretations of the Constitution), but only offers its studied advice, which may or may not be accepted by the General Assembly.
- The PCA *Book of Church Order* is primarily written as a set of principles rather than detailed procedures for every possible situation. “Shall” or “must” in the *BCO* ordinarily indicates required procedures. “Should” or “ought” means highly recommended, but not required. “May” means church courts may use their discretion within biblical and constitutional parameters. Absent specific constitutional instructions (the Constitution of the PCA is the *Book of Church Order* and the Westminster Standards), Sessions and Presbyteries may use their discretion and are encouraged to do so.
- The Preliminary Principles, listed in the Preface of the *BCO*, provide the lenses through which the remainder of the *BCO* is to be understood.
- The PCA *BCO* 21-4.e and f include what is known as “Good-Faith Subscription” to the *Westminster Confession of Faith* and *Catechisms*. This is to be distinguished from “Strict Subscription” of some continental Reformed Churches whereby a minister affirms his agreement with every statement and/or proposition in the doctrinal standards of the denomination, and from “System Subscription” in some North American Presbyterian denominations whereby a minister promises simply to be informed and guided by the doctrinal standards of the denomination. In the PCA, a Presbytery is to decide whether each of the minister’s stated differences with the Westminster Standards is merely semantic, more than semantic but not “out of accord,” “hostile to the system” [of doctrine], or “striking at the vitals of religion.”

PREFACE

The reader will notice that this Digest includes a section (PART IV) which has consciously been entitled “Study Committee Reports,” rather than “Position Papers,” an unofficial term often used informally. General Assembly Ad Interim Study Committee reports are “deliverances” of an Assembly: the opinion of the majority of the commissioners on a specific subject (*in thesi*) at a particular point in time. As noted in the Preface to Part V of the 1973-1998 *PCA Digest*: “Even when adopted, these papers and decisions reflect the pious advice of that particular General Assembly and have no constitutional force unless changes were adopted in the *Book of Church Order* or other standards of the Church.” The PCA does not have the “authoritative interpretation of the constitution” process of the PCUSA that is tantamount to changing the constitution. Binding changes to the PCA constitution (The *Book of Church Order* and the Westminster Standards) may only be made by following the process for amending the constitution specified in *BCO* 26-2; 26-3.

This current Digest has had a long history. In 2011 and 2012, the Administrative Committee reported that a Digest of General Assembly *Minutes* from 1999 to 2012/13 would be created. The economic downturn resulted in the Digest being delayed, but in 2014 the Administrative Committee announced that the Digest was once again underway. Because of the delay caused by the “Great Recession,” the decision was then made that the Digest should include minutes and actions of the General Assembly from the previous twenty years of the PCA from 1999 to 2018.

Acknowledgments

Valuable early groundwork on different sections of this Digest was laid by Teaching Elder Caleb G. Cangelosi and Ruling Elder J. Howard Donahoe, and we are grateful for their labors. Teaching Elders David F. Coffin, Fredrick T. Greco, and Robert S. Hornick graciously lent constitutional and judicial expertise by reading and commenting on the work as it progressed. Thanks go to Dr. M. A. Laube for editing early drafts and continuing and completing the considerable work of digesting, organizing, and indexing material, and to Teaching Elder John W. Robertson, PCA Business Administrator, and Priscilla Lowrey, Documents Manager, for overseeing this important project. To Angela Nantz, Lauren Potter, and all other staff members in the Administrative Committee/Office of the Stated Clerk who helped and encouraged in ways both small and great, we offer hearty thanks.

Dr. L. Roy Taylor
Lawrenceville, GA
December 17, 2019

PCA DIGEST

INTRODUCTION AND USER GUIDE

The aim of this Digest is similar to that of the previous PCA Digest and Supplements, which were built on the longer tradition starting back in 1809 by the American Presbyterian Church, “of preparing a book, and having entered therein such decisions of the Assembly as relate to the general government and discipline of the Church, and the duties of judicatures, that such decisions may hereafter be selected and printed for the general use of the churches.” More than mere tradition, such books were intended and organized, above all, for practical use. As Paul Gilchrist noted in *The PCA Digests 1973-1993* and *1994-1998*, digests in the PCA are designed for the benefit and edification of the whole church by providing “guidance in the interpretation and application of our *Book of Church Order*” (*PCA Digest 1994-1998 Supplement*, p. 3).

In this same spirit, *The PCA Digest 1999-2018* has been designed to provide “guidance in the interpretation and application of our *Book of Church Order*” by providing a clear and concise account of the undertakings of the PCA and the decisions of the General Assembly relating to the government and discipline of the Church. *The PCA Digest 1999-2018* has therefore been organized into four main PARTS: PART I) Actions of the General Assembly, PART II) Constitutional Advice from the Committee on Constitutional Business, PART III) Digest of Cases of the Standing Judicial Commission, and PART IV) Study Committee Reports and Ad Interim Committee Recommendations.

PART I contains the actions of the General Assembly from 1999 to 2018. This includes decisions taken by the General Assembly on overtures, proposed changes to the *BCO* and *RAO*, substantial recommendations of Committees and Agencies of the PCA, recommendations of Ad Interim committees, and selected communications. Entries encompassing the Form of Government, the Rules of Discipline, and the Directory for Worship are organized according to the *BCO* chapter most relevant to their content. Entries included under each *BCO* chapter are organized, as far as possible, in chronological order, in order to illustrate most clearly developments and changes across the two decades covered by this Digest. Under *BCO* 14 (The General Assembly), we have included four groupings to increase clarity: 1) Authorities and Responsibilities, 2) GA Permanent Committees and Agencies, 3) Other GA Committees, and 4) Changes to the *RAO*. Two things should be noted in regard to these

subsections of *BCO* 14. First, regarding entries related to the Committee on Review of Presbytery Records (RPR) in the Other GA Committees subsection, the Assembly's action on approval of presbytery minutes was not included if minutes of all presbyteries were approved without question. Second, entries within the Changes to the *RAO* subsection are arranged chronologically as far as possible.

Included after the main section organized according to the *BCO* chapters are self-standing sections on Moral and Theological Topics (organized alphabetically according to topic, starting on p. 99) and actions relating to the Relationship of the PCA to Other Bodies (p. 123). The headings given to each entry have not been taken verbatim from the minutes and action of each General Assembly, but are designed to provide an additional level of context and guidance.

PART II contains Constitutional Advice from the Committee on Constitutional Business. Much as in PART I, entries in PART II are organized according to the *BCO* chapter most relevant to their content, and the entries included under each *BCO* chapter are organized, as far as possible, in chronological order. PART II begins with CCB advice on the *Westminster Confession of Faith* (p. 129), before then proceeding to the main section of PART II with CCB advice relating to the *BCO* (p. 130). PART II concludes with a section dedicated to CCB advice on *Rules of Assembly Operation (RAO)*, starting on p.169. As in PART I, the headings given to each entry have not been taken verbatim from the minutes and action of each General Assembly, but are designed to provide an additional level of context and guidance. With the goal of being as concise as possible, PART II includes advice of the CCB only where an overture or action in question stood in conflict with, or in potential conflict with, the constitution. Not included are opinions of the CCB which stated that the overture or action in question was not in conflict with the constitution of the PCA.

PART III contains a digested summary of the Cases heard by the Standing Judicial Commission (SJC). For each case heard by the SJC, we have included a Summary of the case, the Issue, the Judgment, the Reasoning, and Keywords relevant to each case. The brief summary of each case has been drawn from the "Summary of the Facts" section of each case. Similarly, the Reasoning is a summary drawn from the "Reasoning and Opinion" section of each case. For the Issue and Judgment of each case, the text has been taken verbatim from the SJC Report of the Cases. However, because the Digest is reporting on cases

from the last twenty years, the Issue and Judgment have been edited to be in the past tense. Key words have been included for each case heard by the SJC. The Key words selected are not exhaustive and frequently indicate topics and issues included in the full record of the case that do not feature in the digested summary of each case. For cases declared out of order or withdrawn, we have indicated this fact and, where necessary, included a brief summary of the reason. Full reasoning for cases declared out of order or withdrawn can be found in the relevant *Minutes of the General Assembly*, which each case fully references. Here it must also be stated that the General Assembly's role in the decisions of the SJC has changed between 1999 and 2018. BCO 15-5.a was revised at the 25th General Assembly so that the Assembly no longer voted to sustain or reject SJC decisions. From 1997 onwards, the SJC decision was final unless a Minority Report from the SJC was submitted to the General Assembly. For this reason, the decision of the SJC in a minority of cases before 1997 – Case 1995-11, for instance – were not accepted by the General Assembly and required further judicial and Assembly action.

PART IV contains the Ad Interim Committee Recommendations from the six Study Committee Reports commissioned by the PCA between 1999 and 2018. The entries in PART IV are arranged in alphabetical order by subject. For the Digest, we have chosen to include only the actions taken in relation to the Committee Recommendations from each report. This decision was made for a variety of reasons, not least because of the real possibility of error of substance or emphasis when it comes to creating a “summary” of the often lengthy and considered reports of the Ad Interim Committees. For anyone seeking information from the reports, we encourage them to read the full reports of the Ad Interim Committees directly, which are reproduced in full in the Minutes of the General Assembly and are accessible and fully searchable online at the PCA Historical Center website, pcahistory.org.

INDEX. The index has been compiled in such a way as to ensure its maximum effectiveness for readers of the Digest, not simply in noting the many past actions of the General Assembly, but also for observing how the strands of important concepts and principles can be found weaving through the four major sections of this Digest. For the terms included, the index follows standard bibliographic procedure by not necessarily including a page reference for every occurrence of a term. (Identification of every occurrence of a specific term can be best

achieved through a word search of the PDF version of the Digest, found on the website of the PCA Historical Center, pcahistory.org.) Instead, the index most frequently includes page references when the text makes reference to the conceptual formulation, or the specific application of the principle, in question. For instance, page numbers for “The Lord’s Supper” are included not for every occurrence of the term, but instances in which the substance, definition, or matter of practical application are discussed. This approach, especially when combined with electronic word search of the PDF version of the Digest, enhances the usability of the index by highlighting significant actions and minimizing page references linked to more incidental occurrences of a term.

Notes on Using the Digest

Our vision and priority for *The PCA Digest 1999-2018* was to create a document in one volume that was rich in information yet concise and easily navigated. Therefore, the Digest has adopted a system of referencing which directs users to the pages and sections of *Minutes of the General Assembly* related to the digested action.

Each reference contains several pieces of information (e.g. **2018, p. 69, 46-41, III.8**). References begin with the year in which the Assembly took action. This is followed by the page number of the action, the number of the General Assembly referenced along with the item number in the minutes (e.g., 46-41), and ends by referring to the section of the report or appendix where a recommendation concerning the overture, or other action about which the Assembly voted, was made.

To ensure the fullest possible coverage, many actions of the General Assembly (especially for actions from around 2005 onwards) have been given two references, a reflection of larger changes in how the Minutes of the General Assembly were organized. The first reference directs the user’s attention to the Daily Session of the General Assembly when the Assembly took a particular action. The second reference directs the user’s attention to the report in which the recommendation concerning the overture or other action about which the Assembly voted was made. For instance, during the 46th General Assembly in 2018, the Assembly answered in the affirmative Overture 19 from New Jersey Presbytery to redraw the boundaries of New Jersey Presbytery to include Mercer County (see p. 20 in this Digest). Therefore, the first reference given for this action of the Assembly (**2018, p. 67, 46-41**) refers to the Daily Session of the 46th General Assembly in which the Assembly answered in the affirmative the recommendation of the Committee of Commissioners on

Mission to North America. Meanwhile, the second reference (**2018, p. 69, 46-41, III.8**) directs the user to the report of the Committee of Commissioners on Mission to North America in which the Committee of Commissioners initially made this recommendation.

A Note on Terminology

One term used frequently between 1999 and 2018 is the term “memorial.” However, despite its frequent usage, the meaning of this term has changed and should not be confused. Whereas the current usage of the term refers to resolutions honoring deceased individuals, until 2006 the term “memorial” was also a judicial term relating to the procedure of bringing a matter directly before a higher court. (Some other Presbyterian denominations currently use the term “memorial” as a synonym for “overture” from a presbytery.) In 2006, our presbyteries approved an amendment to *BCO* 40-5 which removed reference to judicial memorials, thereby eliminating confusion (**2006, p. 52, 34-8; 2006, p. 55, 34-8, Items 2, 3**). The complaint process of *BCO* Chapter 43 gives ample opportunity to take a judicial matters to a higher church court in a timely manner. See also Ecclesiastical Commissions (*BCO* 15) in this Digest.

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PART I

ACTIONS OF THE GENERAL ASSEMBLY Arranged by *Book of Church Order* Chapters

BCO PREFACE

The Constitution Defined, The Only Binding Statement Identifying the PCA (BCO Preface, III)

1999, p. 173, 27-44, III.12. In response to Overture 21 from Westminster Presbytery and a “Statement of Identity” mailed by Westminster Presbytery to elders in the PCA, the Assembly affirmed “that the only binding statement identifying this denomination is the Constitution of the Church as defined in the Preface of the *Book of Church Order*, Section III. All other statements are simply individual statements of opinions and are to carry no authority nor to be binding guides to practice within the churches, committees and courts of the church.”

I. THE FORM OF GOVERNMENT (BCO 1-26)

Nature, Extent of Church Government (BCO 1-3)

No GA Actions, 1999-2018

The Particular Church (BCO 4-9)

The Particular Church (BCO 4)

For preaching in the local church, see **BCO 12, 2001, p. 223.**

Organization of the Particular Church (BCO 5), Establishment of Mission Churches

2014, p. 39, 42-31. The Assembly answered in the affirmative Overture 2 from North Texas Presbytery to amend **BCO 5-2**, clarifying how mission churches can be formed (see **2014, p. 40, 42-31, III.8** and **2014, p. 253, App. G, Attach. 6** for the original overture from North Texas Presbytery

to the 41st GA and referred to the MNA Permanent Committee for Recommendation to the 42nd GA).

2015, p. 24, 43-14. The presbyteries having voted in favor of the changes to **BCO 5-2**, the Assembly approved the amendment (see **2015, p. 106, App. A**).

Organization of the Particular Church (BCO 5), Oversight and Organization of Mission Churches

2010, p. 346, 38-54. The Assembly answered in the affirmative Overture 11 from Presbytery of the Blue Ridge to amend **BCO 5-3** to allow for latitude in the oversight of mission churches, recognizing that the three possible options for temporary oversight of a mission church may overlap in significant ways, and are thus not mutually exclusive (see **2010, p. 355, 38-54, III.6**).

2011, p. 17, 39-9, Item 4. The presbyteries approved the amendment to **BCO 5-3**, but the Moderator ruled the item out of order. Since changes had just been made to **BCO 5-3** in Item 3, the item was seeking to amend a form of **BCO 5-3** that was no longer in effect (see **2011, p. 95** and **107**).

2010, p. 346, 38-54. The Assembly answered in the affirmative Overture 15 from Potomac Presbytery to approve extensive changes to **BCO 5**, in order to bring clarity to the chapter, chronological order in respect to the process of organization, and consistency with the practices of an organized church (see **2010, p. 357, 38-54, III.7**).

2011, p. 17, 39-9, Item 3. The presbyteries having voted for the extensive changes to **BCO 5**, the Assembly approved the amendments (see **2011, p. 95**).

Organization of the Particular Church (BCO 5), Records of Mission Churches to Presbytery

2016, p. 68, 44-40. The Assembly answered in the affirmative as amended Overture 38 from Pacific Northwest Presbytery to amend **BCO 5-3** by adding an explicit requirement for reporting and reviewing minutes of a Mission Church temporary system of government (see **2016, p. 81, 44-44, III.13**).

2017, p. 19, 45-10. The presbyteries having voted in favor of the changes to **BCO 5-3**, the Assembly approved the amendment (see **2017, p. 93, App. A, Item 1**).

Church Members (BCO 6). See Digest PART II, Constitutional Advice:

- Constitutional Advice (**BCO 6**): Minimum Voting Age in Congregational Meetings, 1999, p. 147, 27-43, III.
- Constitutional Advice (**BCO 6**): Minimum Age for Communicant Membership, 2001, p. 134, 29-28, III.4.
- Constitutional Advice (**BCO 6**), The Procedures and Requirements for Membership in the Visible Church, 2012, p. 365, App. O, II.T.

Church Officers (BCO 7), Perpetual Offices

2017, p. 48, 45-41. The Assembly answered in the negative Overture 8 from Suncoast Florida Presbytery to amend **BCO 7** to add depth and clarity to the definition of perpetual offices (see **2017, p. 51, 45-41, III.8**).

For discussion about who is and who is not an officer of the church, see **BCO 9, 2010, p. 379**.

The Elder (BCO 8), Commissioning of Evangelists

2014, p. 39, 42-31. The Assembly answered in the affirmative Overture 3 from North Texas Presbytery to amend **BCO 8-6**, separating the commissioning acts of Presbytery that grant an evangelist powers to receive and dismiss members, and powers to examine, ordain, and install REs and Deacons and organize churches (see **2014, p. 41, 42-31, III.9** and **2014, p. 259, App. G, Attach. 7**, for the original Overture 3 from North Texas Presbytery to the 41st GA and referred to the MNA Permanent Committee for Recommendation to the 42nd GA).

2015, p. 24, 43-14, Item 2. The presbyteries having voted in favor of the change to **BCO 8-6**, the Assembly approved the amendment (see **2015, p. 110**).

The Elder (BCO 8), Definition of Elder

2017, p. 48, 45-41. The Assembly answered in the negative Overture 5 from Rocky Mountain Presbytery to amend **BCO 8** to add depth and clarity to the definition of Elder, on the grounds that the proposed language did not “sufficiently provide clarity to warrant change” (see

2017, p. 50, 45-41, III.5). A Minority Report signed by 15 commissioners was defeated (**p. 682**).

The Elder (BCO 8), Qualifications of Elder

2018, p. 32, 46-29. The Assembly answered in the affirmative as amended Overture 27 from Rocky Mountain Presbytery to amend **BCO 8-1** and **8-3** to change some of the language describing the qualifications of Elders, namely replacing to word ‘grave’ with ‘spiritually fruitful, dignified’ in **BCO 8-1** and adding the words ‘and demonstrate hospitality’ to **BCO 8-3** (see **2018, p. 43, 46-29, IV.27**). Overtures 11 from Eastern Pennsylvania Presbytery (**2018, p. 38, 46-29, IV.11**) and Overture 15 from Tidewater Presbytery (**2018, p. 38, 46-29, IV.15**) were answered by reference to the action taken in Overture 27.

The Deacon (BCO 9), Assistants to

2010, p. 346, 38-54. The Assembly answered in the affirmative as amended Overture 7 from Evangel Presbytery proposing the addition of a sentence at the end of **BCO 9-7**, specifying that assistants to deacons “are not officers of the church (**BCO 7-2**) and, as such, are not subjects for ordination (**BCO 17**).” The language of the overture reflected the considerable discussion which took place within the Overtures Committee (see **2010, p. 379, 38-54, III.8.** and **2010, p. 386, 38-54, III.9** for overtures answered in reference to the Assembly’s action on Overture 7).

2011, p. 17, 39-9, Item 5. The presbyteries having voted in favor of the change to **BCO 9-7**, the Assembly approved the amendment (see **2011, p. 110**).

The Deacon (BCO 9), Unordained Diaconate

2018, p. 32, 46-29. The Assembly answered in the negative Overture 25 from Savannah River Presbytery to require 1) all congregations within a Presbytery which do not have an active deacon board made up of only ordained deacons to report why they are not able to establish a diaconate of qualified men, 2) that Presbyteries inquire whether these congregations have replaced the deacon board described in **BCO 9-4** with an unordained body of servants, and 3) that Presbyteries report their findings to the AC to be included in their report to the 47th GA (see **2018, p. 42, 46-29, IV.25**).

The Deacon (BCO 9)

For Women Holding Office in the PCA, see **BCO 24**.

For the Election of Officers, including Voting and Congregational Meetings, see **BCO 24** and **25**.

For Emeritus Status for Elected Officers, see **BCO 24**.

Church Courts (BCO 10-15)

Church Courts in General (BCO 10). See Digest PART II, Constitutional Advice:

- **Constitutional Advice (BCO 10): Scope of Presbytery Stated Clerk to Disseminate Information**, 2016, p. 349, App. O, IV.B.

Jurisdiction (BCO 11). See Digest PART II, Constitutional Advice:

- **Constitutional Advice (BCO 11): Pastoral Oversight and Discipline in Marital Discord When Parties Are Under Different Jurisdictions**, 2009, p. 211, 37-29, IV.2.

The Session (BCO 12), Women Speaking or Teaching in the Context of Public Ministry

2000, p. 281, 28-72, III.4. The Assembly answered in the affirmative Overture 12 from Potomac Presbytery to amend **BCO 12.5.d** by adding words to make explicit the “well-grounded biblical consensus” of the PCA against women expounding and preaching the Word of God in public worship.

2001, p. 49, 29-12, Item 1. The Presbyteries having defeated the amendment to **BCO 12.5d** by a vote of 31-23 (less than the 2/3 majority needed), the amendment failed. See **SJC Case 1999-01**.

The Session (BCO 12), Preaching in Worship, Qualified Men Only

2001, p. 223, 29-44, III.18. The Assembly answered in the affirmative a substitute motion for Overture 27 from Philadelphia Presbytery to amend **BCO 12-5.e**, adding as a function of the Session’s spiritual government regarding worship in the church “to ensure that the Word of God is

preached only by such men as are sufficiently qualified (*BCO* 4-4, 53-2, 1 Timothy 2:11-12).

2002, p. 71, 30-10, Item 6. The presbyteries having voted in favor of the changes to *BCO* 12-5.e, the Assembly approved the amendment. See **SJC Case 1999-01**.

The Session (*BCO* 12), Churches Without REs

2011, p. 65, 39-57. The Assembly answered in the affirmative Overture 10 from New Jersey Presbytery to insert a new paragraph, ***BCO* 12-4**, clarifying the ability of presbyteries to assist churches with an insufficient number of elders for a Session, while preserving the rights of the congregation (see **2011, p. 67, 39-57, III.4**).

2012, p. 18, 40-10, Item 1. The Presbyteries approved the amendment to ***BCO* 12-4**, but the 40th GA defeated the amendment (**2012, p. 97**).

The Presbytery (*BCO* 13), TE Without Call, Relocation

1998, p. 198, 26-55, III.5. The Assembly answered in the affirmative Overture 1 from Potomac Presbytery to amend ***BCO* 13-5** by adding a new sentence to clarify time limitations for a TE without a call who relocates to a new presbytery.

1999, p. 53, 27-12, Item 1. The presbyteries having voted in favor of the changes to ***BCO* 13-5**, the Assembly approved the amendment (see **1998, p. 198, 26-55, III.5**).

The Presbytery (*BCO* 13), Special Meetings of Presbytery

1998, p. 201, 26-55, III.8. The Assembly answered in the affirmative Overture 4 from Potomac Presbytery to amend ***BCO* 13-12** by removing the emergency requirement for calling a special meeting of presbytery.

1999, p. 55, 27-12, Item 2. The presbyteries having voted in favor of the changes to ***BCO* 13-12**, the Assembly approved the amendment.

1999, p. 155, 27-44, III.1. The Assembly answered in the affirmative Overture 4 from Ascension Presbytery to amend ***BCO* 13-12** by raising the requirement for calling a special meeting of presbytery, but allowing

a presbytery to set its own requirements provided that they were not less than those stated in the *BCO*.

2000, p. 53, 28-12. The presbyteries having voted in favor of the changes to **BCO 13-12**, the Assembly approved the amendment (see **2000, p. 56, Item 1**).

The Presbytery (BCO 13), RE Representation at Presbytery

2000, p. 285, 28-72, III.9. The Assembly answered in the negative Overture 18 from Ellisville PCA to amend **BCO 13-1** to increase the number of RE commissioners to presbytery meetings from each church from one to two, with additional commissioners for larger congregations.

2001, p. 218, 29-44, III.15. The Assembly answered in the affirmative Overture 21 (similar to Overture 2000-18) from Ellisville PCA to amend **BCO 13-1**.

2002, p. 60, 30-10. The presbyteries having voted in favor of the changes to **BCO 13-1**, the Assembly approved the amendment (see **2002, p. 69, Item 5**).

The Presbytery (BCO 13), Subscription to Westminster Standards; Ordained Ministers Coming from Other Denominations

2009, p. 255, 37-43. The Assembly answered in the affirmative Overture 9 from Ascension Presbytery to amend **BCO 13-6** requiring that ordained ministers coming from other denominations into PCA presbyteries must declare their differences with the Westminster Standards and have them judged by the presbytery (see **2009, p. 276, 37-43, III.7**).

2010, p. 58, 38-9, Item 2. An insufficient number of presbyteries having voted, the Assembly deferred action on the amendment to **BCO 13-6** until the 39th GA.

2011, p. 17, 39-9, Item 2. The presbyteries having voted in favor of the changes to **BCO 13-6**, the Assembly approved the amendment (see **2011, p. 83**).

The Presbytery (BCO 13), Annual Reports from Ministers without Call

2016, p. 68, 44-40. The Assembly answered in the affirmative as amended Overture 37 from Pacific Northwest Presbytery to amend

BCO 13-2 by adding the requirement for annual reports from ministers without call (see 2016, p. 80, 44-44, III.12).

2017, p. 19, 45-10. The presbyteries having voted in favor of the changes to **BCO 13-2**, the Assembly approved the amendment (see 2017, p. 96, App. A, Item 2).

Editorial Note on BCO 14:

Because of the number of entries for BCO 14, the entries have been arranged into 4 groupings. Entries for each grouping (below) are in roughly chronological order.

- (1) *Authorities, Responsibilities*
- (2) *GA Permanent Committees and Agencies*
- (3) *Other GA Committees*
- (4) *Amendments to Rules of Assembly Operations (RAO)*

(1) BCO 14 General Assembly, Authorities, Responsibilities

The General Assembly (BCO 14) (General Assembly Authorities)
Changes to Presbytery Boundaries and Formation of New Presbyteries

Editorial Note: This topic is included under “The General Assembly” because BCO 14-6.e gives power to General Assembly to change boundaries.

1999, p. 105, 27-31, III.10-11. Overtures 2 and 7 were adopted, moving certain townships from Susquehanna Valley Presbytery to Heritage Presbytery.

1999, p. 106, 27-31, III.14. Overtures 6, 20, and 24 were adopted, moving certain counties in the state of Arkansas from Mid-America Presbytery to Covenant Presbytery (see 1999, p. 109, 27-31, III.17 for Overture 20, and 1999, p. 110, 27-31, III.19 for Overture 24).

1999, pp. 107 and 109, 27-31, III.15 and III.18. Responding in the affirmative to Overtures 18 and 23, the Assembly transferred certain counties in Oklahoma from Mid-America Presbytery to North Texas Presbytery. A Minority Report requesting that Overtures 18 and 23 be answered in the negative was defeated (see **1999, p. 119**).

1999, p. 108, 27-31, III.16. Overtures 19 and 25 were adopted, moving certain counties in the state of Missouri from Mid-America Presbytery to Missouri Presbytery (see **1999, p. 110, 27-31, III.20**, for Overture 25).

1999, p. 111, 27-31, III.21. Overture 26 was adopted, moving all heretofore out-of-bounds Texas counties to within North Texas Presbytery.

2000, p. 103, 28-31, III.10. Overture 3 from Westminster Presbytery was answered in the negative to divide Westminster Presbytery into two Presbyteries. Two Minority Reports were also defeated (see **2000, 28-44, p. 213**).

2000, p. 112, 28-31, III.15. Overture 19 was adopted, forming three new Presbyteries (Southern New England, New York State and Northern New England) out of the existing Northeast Presbytery, thereby dissolving the existing Northeast Presbytery and describing the boundaries of each new presbytery.

2001, p. 165, 29-38, III.9. Overture 5 was adopted, dividing Heartland Presbytery so that the state of Iowa became a separate Presbytery.

2001, p. 166, 29-38, III.10. Overture 12 was adopted, moving certain North Carolina counties from Central Carolina Presbytery into a new presbytery, the Piedmont Triad Presbytery.

2001, p. 167, 29-38, III.11. Overture 22 was adopted, forming Ohio Valley Presbytery out of the Great Lakes Presbytery, to include specified counties in Indiana, Ohio, and Kentucky.

2001, p. 169, 29-38, III.18. Overture 26 was adopted, moving certain counties from Ascension Presbytery to New York State Presbytery (see also **2001, p. 170, 29-38, III.18, Comm. 6**).

2001, p. 172, 29-38, III.20. Overture 32 was adopted, allowing Mid-America Presbytery (portions of the state of Oklahoma) to be joined and received into North Texas Presbytery. This action effectively dissolved Mid-America Presbytery (see **1999, p. 119**).

2001, p. 173, 29-38, III.21. Overture 34 from Westminster Presbytery was adopted, moving two counties from Westminster Presbytery to New River Presbytery (see **2001, p. 174**, the change approved by New River Presbytery at its stated meeting, March 20, 2001).

2001, p. 175, 29-38, III.23. Overture 37 was adopted, forming Chesapeake Presbytery out of Potomac Presbytery.

2002, p. 179, 30-31, III.8. Overture 22 as amended from New River Presbytery and Overture 8 from James River Presbytery were adopted, forming Blue Ridge Presbytery by moving specified counties out of New River, James River, and Potomac Presbyteries to the new Blue Ridge Presbytery. In response to Communication 9 from Potomac Presbytery, the Assembly kept Fauquier County in that presbytery (see **2002, p. 186, 30-31, III. 17**).

2002, p. 183, 30-31, III.14. Overture 13 from the Session of Faith Reformed Presbyterian Church, to revise the boundaries of the proposed Blue Ridge Presbytery, was answered in the negative. The overture was rejected by New River Presbytery.

2002, p. 184, 30-31, III.15. Overture 16 was adopted, moving the state of Montana (previously not in any PCA presbytery) into Rocky Mountain Presbytery.

2002, p. 185, 30-31, III.16. Overture 23 was adopted, moving four western New York counties from Ascension Presbytery into New York State Presbytery (see **2002, p. 186, 30-31, III.16, Comm. 5**).

2003, p. 82, 31-29, III.11. Overture 7 was adopted, dividing South Texas Presbytery into two presbyteries and specifying the boundaries of the continuing South Texas Presbytery and the new Houston Metro Presbytery (see **2003, p. 84, 31-29, III.11, Comm. 3**).

2003, p. 85, 31-29, III.12. Overture 15 was adopted, dividing Central Georgia Presbytery into two presbyteries, Central Georgia Presbytery and a new Presbytery in eastern Georgia named Savannah River Presbytery. The boundaries of the two presbyteries were established.

2004, p. 127, 32-35, III.11. Overture 11 was adopted, dividing Southwest Florida Presbytery to form Suncoast Florida Presbytery, and defining the boundaries of the continuing Southwest Florida Presbytery and the new Suncoast Florida Presbytery.

2004, p. 129, 32-35, III.14. Overture 3 from Fellowship Presbytery was adopted, transferring one county in South Carolina from Palmetto to Fellowship Presbytery, pending concurrence of Palmetto Presbytery.

2004, p. 130, 32-35, III.15. Overture 4 was adopted, dividing the Presbytery of Southern Florida to create Gulfstream Presbytery, and defining the boundaries of the continuing Presbytery of Southern Florida and the new Gulfstream Presbytery.

2005, p. 163, 33-31, III.12. Overture 6 was adopted, dividing the Presbytery of Northern Illinois into three presbyteries: the Presbytery of Wisconsin, Chicago Metro Presbytery, and the continuing Presbytery of Northern Illinois. The boundaries of the three presbyteries were defined.

2005, p. 164, 33-31, III.13. Overture 8 was adopted, dividing the Presbytery of Philadelphia to form three presbyteries: Philadelphia City Presbytery, Eastern Pennsylvania Presbytery, and Philadelphia Metro West Presbytery. The boundaries of the three presbyteries were defined (see also **2005, p. 166, 33-31, III.14**).

2005, p. 167, 33-31, III.16. Overture 5 was adopted, dividing Pacific Northwest Presbytery to establish Western Canada Presbytery. The boundaries of the new presbytery were defined.

2005, p. 168, 33-31, III.17. Overture 15 from Great Lakes Presbytery, to move certain portions of Ascension Presbytery into Great Lakes Presbytery, was answered in the negative, the Assembly having not received the concurrence of Ascension Presbytery.

2006, p. 177, 34-47, III.10-11. Overtures 1 and 5 were adopted, moving three counties from Missouri Presbytery to Covenant Presbytery.

2006, p. 177, 34-47, III.12. Overture 7 to change the boundaries of Southwest Presbytery was answered in the negative, due to lack of concurrence by Rocky Mountain Presbytery.

2006, p. 179, 34-47, III.13. Overture 12 was adopted, moving six counties from James River Presbytery to the Presbytery of the Blue Ridge, pending the approval of James River Presbytery.

2006, p. 180, 34-47, III.14-15. Overtures 18 and 19 were adopted, dividing North Georgia Presbytery into three presbyteries: Metro Atlanta Presbytery, Northwest Georgia Presbytery, and Georgia Foothills Presbytery, and defining the boundaries of the three presbyteries.

2007, p. 103, 35-35, III.9-10. Overtures 3 and 5 were adopted, redefining the boundaries Metropolitan New York Presbytery and New York Presbytery.

2007, p. 105, 35-35, III.11-12. Overtures 11 and 12 were adopted, moving specified counties from Eastern Carolina Presbytery to James River Presbytery:

2007, p. 110, 35-35, III.13-14. Overtures 17 and 18 were adopted, adjusting the western boundary of Tennessee Valley Presbytery and the eastern boundary of Nashville Presbytery.

2007, p. 111, 35-35, III.15. Overture 19 was adopted, forming Platte Valley Presbytery out of Heartland Presbytery and defining the boundaries of the continuing Heartland Presbytery and the new Platte Valley Presbytery.

2007, p. 113, 35-35, III.16. Overture 20 from Northwest Georgia Presbytery to add certain counties was answered in the negative, due to lack of concurrence by Tennessee Valley Presbytery.

2008, p. 145, 36-32, III.11-12. Overtures 5 and 10 were adopted, moving certain Georgia counties from Tennessee Valley Presbytery to Northwest Georgia Presbytery.

2008, p. 146, 36-32, III.13. Overture 12 was adopted, dividing Evangel Presbytery into two presbyteries: Evangel Presbytery and North Alabama

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Presbytery (renamed Providence Presbytery). The boundaries of the two presbyteries were defined.

2008, p. 147, 36-32, III.14. Overtures 16 and 18 were adopted, moving two North Carolina counties from Western Carolina Presbytery to Piedmont Triad Presbytery.

2009, p. 229, 37-39, III.11. Overtures 11 and 16 were adopted, moving one Iowa county from Iowa Presbytery to Platte Valley Presbytery (see also **p. 245, 37-39, III.18.**)

2009, p. 230, 37-29, III.12. Overture 12 was adopted, forming Central Indiana Presbytery out of Ohio Valley Presbytery, and defining the boundaries of the new presbytery.

2009, p. 231, 37-29, III.13. Overtures 17 and 22 were adopted, moving one county from Central Carolina Presbytery to Eastern Carolina Presbytery (see also **2009, p. 245, 37-29, III.17.**)

2009, p. 233, 37-29, III.14. Overtures 19 and 21 were adopted, forming Ohio Presbytery out of Great Lakes Presbytery and Ascension Presbytery. The boundaries of the three presbyteries were defined (see also **2009, p. 240, 37-29, III.16.**)

2009, p. 239, 37-29, III.15. Overture 20 was adopted, adding Washoe County of Nevada, and the state of Utah, to Northern California Presbytery.

2010, p. 297, 38-45, III.6. Overture 3 was adopted, expanding the boundaries of Pacific Northwest Presbytery to include the entirety of the states of Alaska, Washington, Oregon, and Idaho.

2010, p. 298, 38-45, III.7-8. Overtures 4 and 8 were adopted, moving two Georgia counties from Savannah River Presbytery to Central Georgia Presbytery.

2010, p. 304, 38-45, III.13 and III.16. Overtures 19 and 26 were adopted, moving one North Carolina county from Western Carolina Presbytery to Piedmont Triad Presbytery.

2011, p. 45, 39-46, III.5. Overtures 1 and 6 were adopted, creating a new Catawba Valley Presbytery, composed of specified counties from Central Carolina Presbytery and Western Carolina Presbytery.

2011, p. 45, 39-46, III.6. Overture 5 was adopted, dividing Korean Eastern Presbytery into Korean Eastern Presbytery (covering Pennsylvania, New Jersey, and Delaware) and Korean Northeastern (covering New York and all the New England states).

2012, p. 48, 40-49, III.8-9. Overtures 5 and 7 were adopted, transferring one Mississippi county from Covenant Presbytery to Mississippi Valley Presbytery.

2012, p. 48, 40-49, III.10-11. Overtures 23 and 24 were adopted, adjusting the boundaries of Philadelphia Presbytery and Philadelphia Metropolitan West Presbytery.

2012, p. 49, 40-49, III.13-17. Overtures 39, 22, 40, 41, and 42 were adopted, dissolving Louisiana Presbytery and redrawing the boundaries of the contiguous presbyteries: North Texas Presbytery, Covenant Presbytery, Mississippi Valley Presbytery, and Southeast Louisiana Presbytery.

2013, p. 28, 41-24, III.9. Overture 9 was adopted, dividing James River Presbytery to form Tidewater Presbytery (see **p. 830**), and defining the boundaries of the two presbyteries.

2014, p. 40, 42-31, III.6-7. Overtures 1 and 4 were adopted, transferring certain Missouri counties from Missouri Presbytery to Covenant Presbytery.

2014, p. 42, 42-31, III.10-11. Overtures 10 and 16 were adopted, transferring a portion of one Mississippi county from Covenant Presbytery to Mississippi Valley Presbytery.

2014, p. 42, 42-31, III.12. Overture 25 was adopted, expanding the boundaries of the Korean Southeastern Presbytery to include the states of Mississippi and Tennessee.

2014, p. 42, 42-31, III.13. Overture 26 was adopted, dividing Korean Southwest Presbytery into two presbyteries and forming Korean

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Southwest Orange County Presbytery. The boundaries of the two presbyteries were defined.

2014, p. 42, 42-31, III.14-15. Overtures 27 and 28 were adopted, transferring one Alabama county from Southeast Alabama Presbytery to Evangel Presbytery.

2015, p. 52, 43-45, III.6. Overture 4 was adopted, dividing and multiplying Palmetto Presbytery into three new presbyteries: a continuing “Columbia Area Presbytery,” a new “Coastal Carolina Presbytery,” and a new “Low Country Presbytery,” all to be officially named by the members of the respective presbyteries. The boundaries of the three presbyteries were defined.

2015, p. 52, 43-45, III.7, 10. Overtures 5 and 6 were adopted, restructuring the boundary of the Presbytery of Southwest Florida so that all churches and mission works in certain counties were moved to Suncoast Florida Presbytery.

2016, p. 42, 44-33. The Assembly answered in the affirmative Overture 24 from Ohio Presbytery to form Columbus Metropolitan Presbytery out of Ohio Presbytery (see **2016, p. 44, 44-36, III.7**).

2016, p. 42, 44-36. The Assembly answered in the affirmative Overture 61 from Illiana Presbytery, in concurrence with the Presbytery of Northern Illinois, to restructure the boundary of Illiana by moving one county into the Presbytery of Northern Illinois (see **2016, p. 45, 44-36, III.9**). The Assembly answered in the affirmative Overture 62 from Presbytery of Northern Illinois concurring with the action (see **2016, p. 42, 44-36** and **2016, p. 45, 44-36, III.10**).

2017, p. 58, 45-45. The Assembly answered in the affirmative Overture 12 from Eastern Canada Presbytery to restore the original boundaries for Eastern Canada (see **2017, p. 60, 45-45, III.6**).

2017, p. 58, 45-45. The Assembly answered in the affirmative Overture 13 from Tidewater Presbytery to change the boundaries of Heritage and Tidewater Presbyteries by transferring two counties into Tidewater Presbytery. Overture 24 from Heritage Presbytery concurred with this action (see **2017, p. 60, 45-45, III.7**).

2017, p. 58, 45-45. The Assembly answered in the affirmative Overture 19 from Southwest Presbytery to divide Southwest Presbytery into two new presbyteries, Arizona and Rio Grande (see **2017, p. 60, 45-45, III.8**).

2017, p. 58, 45-45. The Assembly answered in the affirmative Overture 20 from Pittsburgh Presbytery to reassign counties from Pittsburgh Presbytery to Ohio Presbytery. Overture 23 from Ohio Presbytery concurred with this action (see **2017, p. 60, 45-45, III.9**).

2017, p. 59, 45-45. The Assembly answered in the affirmative Overture 21 from Covenant Presbytery to form a new presbytery from North Texas and Covenant Presbyteries. Overture 22 from North Texas Presbytery concurred with this action (see **2017, p. 60, 45-45, III.10**).

2018, p. 67, 46-41. The Assembly answered in the affirmative Overture 19 from New Jersey Presbytery to redraw the boundaries of New Jersey Presbytery to include Mercer County (see **2018, p. 69, 46-41, III.8**).

2018, p. 67, 46-41. The Assembly answered in the affirmative Overture 22 from Metropolitan New York Presbytery to divide Metropolitan New York Presbytery into two presbyteries, the new West Hudson Presbytery and a redefined Metro New York Presbytery (see **2018, p. 69, 46-41, III.9**).

2018, p. 67, 46-41. The Assembly answered in the affirmative Overture 33 from Metro Atlanta Presbytery and Overture 34 from Georgia Foothills Presbytery to clarify the boundaries between the two presbyteries (see **2018, p. 69, 46-41, III.10**).

The General Assembly (BCO 14) (General Assembly Authorities)
Contested Presbytery Boundary Changes

2000, p. 103, 28-31, III.10. The Assembly answered in the negative Overture 3 from Westminster Presbytery, requesting that Westminster Presbytery be divided into two presbyteries on the basis of significant doctrinal differences as well as geographical considerations. The MNA Committee of Commissioners had moved that the overture be answered in the affirmative. Two Minority Reports were presented by members of the Committee of Commissioners (see **2000, p. 213, 28-44**). Minority Report 2, taken up first as a substitute motion, was ruled out of order. Minority Report 1, taken up as a substitute motion, was defeated. The

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content of Minority Report 2 was moved again, with further amendment, and was defeated. The Committee of Commissioners' recommendation was then moved. It was defeated by a vote of 381-599.

2001, p. 187, 29-41. Westminster Presbytery informed the Assembly that the Presbytery intended to withdraw from the PCA and overruled the Assembly (Overture 38) to constitute a new Presbytery, consisting of those churches and ministers which did not desire to remain in Westminster Presbytery, with the same boundaries as the present Westminster Presbytery. The MNA Permanent Committee recommended that the overture be answered in the affirmative (see **2001, p. 176, 29-38, III.24**). The MNA Committee of Commissioners recommended a substitute motion that the overture be answered in the negative, and that Westminster Presbytery be urged to reconsider its action to withdraw and reverse its judgment (see **2001, p. 177**). The Permanent Committee's recommendation was defeated, 411-484. The Committee of Commissioners' recommendation was adopted (see **2002, p. 80, 30-12** Communication 4, for Westminster Presbytery's letter informing the Assembly that it had rescinded its withdrawal).

2005, p. 159, 33-31. The Assembly answered in the affirmative Overture 2 from Potomac Presbytery, adjusting the boundaries of Potomac Presbytery pending the approval of Chesapeake Presbytery. However, meeting between the 33rd and 34th GAs, Chesapeake Presbytery did not approve the revised boundaries (see **2005, p. 162, 33-31, III.11**).

2006, p. 174, 34-47. The 34th GA directed Chesapeake Presbytery and Potomac Presbytery pertaining to Recommendation 16 to meet to discuss the matter and to report back to the 34th Assembly. Overture 2 was amended by revision of some of the proposed boundary changes and adopted as amended by the Assembly (see **2006, p. 185, 34-47, III.16** and **2006, p. 237-9, 34-62** for the report). TE John Arch Van Devender protested the Assembly's requiring Chesapeake Presbytery, by a motion from the floor, to reconsider an action it had previously acted upon within its sphere of jurisdiction (see **2006, p. 237**).

The General Assembly (BCO 14) (General Assembly Authorities) Korean Language and Bilingual Presbyteries

2002, p. 177, 30-31. The MNA Permanent Committee recommended that the Assembly establish a new bilingual Korean language and

English language presbytery according to eight guidelines (see **2002, p. 182, 30-31, III.12**). The Assembly adopted instead the Committee of Commissioners' recommendation to defer action until the MNA Permanent Committee had consulted with the Korean language presbyteries regarding the integrating of one-and-a-half and second generation Koreans fully into the life of the PCA.

2003, p. 78, 31-29. Two Korean presbyteries having overtured (Overtures 26 and 27) the Assembly not to set up second generation Korean Presbyteries for English-speaking Koreans, the Assembly responded by noting that the MNA Committee had informed the Korean language presbyteries that MNA would not seek to recommend or advance a Korean American Bilingual Presbytery until it was supported by all the Korean language presbyteries (see **2003, p. 85, 31-29, III.13** and **2003, p. 479, App. H, Attach. D**).

The General Assembly (BCO 14) (General Assembly Authorities)
Provisional Presbyteries

2015, p. 46, 43-44. After Overture 2014-29 was referred to the MTW Permanent Committee for further study, the Assembly approved the formation of a provisional presbytery for the country of Paraguay, until sufficient men have been ordained and churches established to form their own presbytery and a new Reformed and covenantal denomination in Paraguay (see **2015, p. 48, 43-44, III.10** and **2014, p. 829, App. W**, for the original overture from Potomac Presbytery which was referred to MTW).

2016, p. 37, 44-32. The Assembly answered in the affirmative Overture 20 from Southwest Florida Presbytery to erect a provisional presbytery in Nicaragua "until sufficient men have been ordained and churches established to form their own presbytery and a new Reformed and covenantal denomination in Nicaragua" (see **2016, p. 39, 44-32, III.9**).

The General Assembly (BCO 14) (General Assembly Responsibilities)
Psalm Singing at Worship Services of General Assembly

1999, p. 172, 27-44, III.11. In response to Overture 17 from Central Georgia Presbytery, the Assembly voted to urge the Arrangements Committee of the Assemblies and all those involved in planning Assembly worship services to take specific steps to ensure the singing of

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Psalms at each Assembly. The Assembly further encouraged presbyteries and congregations of the PCA to sing Psalms in worship services.

The General Assembly (BCO 14) (General Assembly Responsibilities) **Worship Services**

2002, p. 294, 30-62, III.5. The Administrative Committee recommended that it, through the local GA Host Committee, be made responsible for all worship services at GA. The Committee of Commissioners recommended that the practice remain as it had been since 1980, when the practice of rotating worship leadership responsibilities at GA among all the presbyteries had been instituted. The Assembly substituted the permanent committee's recommendation for that of the Committee of Commissioners, and adopted it. Three men recorded their negative votes on this recommendation.

The General Assembly (BCO 14) (General Assembly Responsibilities) **How the Assembly Conducts Business**

2006, p. 74, 34-22. The Assembly, acting on recommendation of the Strategic Planning Committee, originally appointed in 2000 and in essence extended through 2005, significantly changed the way it conducted its business. See **2000, p. 265, 28-67, III.10.** See also **Administrative Committee** and **Changes to RAO** below.

The General Assembly (BCO 14) (General Assembly Responsibilities) **Delegated Assemblies**

2006, p. 73, 34-21. In response to recommendations from the Strategic Planning Committee (2000-2006) regarding changes in the way business should be conducted at the Assembly, the Assembly answered in the negative Overture 24 from Western Carolina Presbytery to postpone consideration on all proposed changes to the *BCO* and *RAO*, and to ask the Administrative Committee to bring to the 35th GA a proposal for a delegated Assembly.

The General Assembly (BCO 14) (General Assembly Responsibilities) **Logo of the PCA**

2006, p. 157, 34-43. Answering Overture 21 from Southeast Alabama Presbytery, the Assembly directed the PCA Historical Center to develop

a logo consistent with the principles approved by the 11th GA and to report to the 35th GA with two options, from which the commissioners may choose a logo (see **2006, p. 162, 34-43, III.16**).

2007, p. 139, 35-51. The Assembly heard a report from RE Wayne Sparkman, Director of the PCA Historical Center, regarding progress on the development of a PCA logo (see **2007, p. 140, 35-51, III.3**).

2014, p. 48, 42-34. In answer to Overture 52 from Southeast Alabama Presbytery, the Assembly directed the PCA Historical Center subcommittee to make a report to the 43rd GA concerning a seal/logo for the PCA, taking into consideration the logo offered by Southeast Alabama Presbytery (see **2014, p. 53, 42-34, III.30** and **2014, p. 856**).

2015, p. 56, 43-47. The Assembly continued the assignment of the logo project to the Historical Center, since progress had been delayed due to illnesses of various Historical Center advisory members working on the project (see **2015, p. 63, 43-47, III.34**).

2016, p. 29, 44-24. The Administrative Committee recommended that the Assembly consider two logos that had been approved by the Historical Center Subcommittee and that the Assembly vote to make a selection between the two proposed logos. A second vote was taken, and one logo (reproduced on **p. 30**) was adopted (see **2016, p. 63, 44-38, III.31**).

The General Assembly (BCO 14) (General Assembly Responsibilities)

Bi-Annual Assemblies

2010, p. 326, 38-47. In response to Overture 6 from Evangel Presbytery, the Assembly directed the Administrative Committee to conduct a study on the feasibility of conducting General Assemblies on a bi-annual basis and to include recommendations for contiguous presbyteries on alternate years to join in two or three-day regional meetings (see **2010, p. 332, 38-50, III.9**).

2011, p. 52, 39-51. Reporting on its requested consideration of a bi-annual Assembly, the Administrative Committee recommended that the Assembly continue to meet annually (see **2011, p. 55, 39-51, III.11**. and **2011, p. 136, App. C**).

The General Assembly (BCO 14) (General Assembly Responsibilities)
Electronic Voting at General Assembly

2014, p. 48, 42-34. The Assembly authorized the Administrative Committee to implement electronic voting in elections and other motions at the 43rd GA on a trial basis (see **2014, p. 53, 42-34, III.31**).

(2) BCO 14 General Assembly
Permanent Committees and Agencies

The General Assembly (BCO 14) (Committees and Agencies), Membership on Permanent Program Committees, Number of Men

2001, p. 187, 29-44, III.1. The Assembly answered in the affirmative as amended Overture 1 from Missouri Presbytery to amend the second paragraph of **BCO 14-1.12**, increasing the number of men on Permanent Program Committee from fourteen to fifteen, and extending the terms of membership from four years to five.

2002, p. 60, 30-10. The presbyteries having voted in favor of the changes to **BCO 14-1.12**, the Assembly approved the amendment (see **2002, p. 62, 30-10, Item 2**).

2003, p. 77, 31-27. The Assembly adopted a recommendation of the Nominating Committee that candidates be nominated to the Class of 2007 in a manner that establishes and maintains 5 classes totaling 15 Committee members.

The General Assembly (BCO 14) (Committees and Agencies), Floor Nominations for Permanent Committees

See **2002, p. 212, 30-47; 2003, p. 157, 31-53**. See also **Changes to the RAO [RAO 8-4.i]** below.

The General Assembly (BCO 14) (Committees and Agencies), Access to Records of Assembly-Level Committees and Agencies

2002, p. 92, 30-24. The Assembly answered in the negative Overture 7 from Westminster Presbytery, asking the Assembly to instruct the PCA Foundation and all Permanent Committees and Agencies to permit members of the General Assembly to inspect their records (see **2002, p. 93, 30-24, III.5** and **2002, p. 293, 30-62, III.4**).

2002, p. 98, 30-25. On motion, the Assembly instructed the Administrative Committee “to define what records of the PCA are available for inspection by members of the General Assembly according to pertinent state corporation law, and also to enumerate the legal requirements and procedures which must be followed in obtaining access to those records,” and to report to the 31st GA.

2003, p. 135, 31-43. The Assembly adopted the Administrative Committee’s response to the 30th GA’s instruction, answering the question of what records of the PCA are available for inspection by members of the Assembly, as well as stating the biblical approach for dealing with such a matter. In addition, the response reminded the Assembly that the PCA Constitution is structured in such a way that it “trumps” the bylaws of incorporation (see **2003, p. 144, 31-43, III.17 and PCA Bylaws, Article VIII**).

The General Assembly (BCO 14) (Committees and Agencies), Denominational Employees, Appropriate Private Exercise of Responsibilities of Office

2002, p. 243, 30-53. The Assembly answered in the negative Overture 34 from Westminster Presbytery, which would have instructed Assembly-level employees that the use of denominational resources and/or personnel to advocate and/or promote organizations such as the Presbyterian Pastoral Leadership Network (PPLN) was “inappropriate” and “incompatible with continued occupation of denominational posts.” Rather, the Assembly declared, “each TE or RE serving as a denominational employee retains the right to the private exercise of the duties and responsibilities of his office as he sees best while taking great care not to lessen the effectiveness of his denominational labors in the exercise of his rights” (see **2002, p. 279, 30-53, III.21**).

The General Assembly (BCO 14) (Committees and Agencies), Coordinators, Term Limits

See **2011, p. 65, 39-57, III.1; 2011, p. 611, App. V.** See also **Changes to the RAO [RAO 4-9]** below.

The General Assembly (BCO 14) (Committees and Agencies), Corporations of the General Assembly, Relationship to the Courts of the PCA

2002, p. 291, 30-62. The Assembly referred to the Administrative Committee Overture 35 from Ascension Presbytery, which requested

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clarification regarding the civil and especially the ecclesiastical relationships of the various corporations of the Committees, Agencies, and Boards of the General Assembly to the courts of the PCA. The Administrative Committee was instructed to report to the 31st GA (see **2002, p. 300, 30-62, III.23**).

2003, p. 135, 31-43. The Assembly accepted as a proper response to Overture 2002-35 a twelve-point explanation of the accountability of these corporations to the General Assembly (see **2003, p. 141, 31-43, III.13**).

The General Assembly (BCO 14) (Committees and Agencies), Composition of Committees and Agency Boards

2017, p. 68, 45-49. The Assembly approved as satisfactory the response to an exception taken to the AC minutes of April 28, 2016, regarding the composition of permanent committees and agency boards (see **2017, p. 71, 45-49, III.11**).

The General Assembly (BCO 14) (Committees and Agencies), Women Serving on the Board of Agencies

2018, p. 32, 46-29. The Assembly answered Overture 13 from Nashville Presbytery to revise **BCO 14-1.11** and the Corporate Bylaws of the PCA to allow women to serve on the Boards of Agencies of GA by dividing the question. The Assembly ruled out of order Part A to amend the Corporate Bylaws. The Assembly answered in the negative Part B to amend **BCO 14-1.11**, on the grounds that a previous GA has answered a similar overture, as “for women to participate on GA committees and agencies would allow them to exercise ruling authority in the Church, in violation of I Tim. 2:11ff (*M17GA*, p. 176)” (see **2018, p. 38, 46-29, IV.13**).

Administrative Committee

The General Assembly (BCO 14) (Administrative Committee), Strategic Planning Committee (2000-2006)

2000, p. 265, 28-67, III.10. The Assembly approved the appointment of a nine-member Strategic Planning Committee for the PCA General Assembly Ministries, composed of the GA ministries coordinators,

presidents, and directors. A twenty-four-member Steering Committee was to be nominated by the Strategic Planning Committee, and approved by the Administrative Committee, to give input and review the plans as they develop. The Administrative Committee was to bring a final recommendation to the 30th GA in 2002.

2002, p. 291, 30-62. The Assembly commended “The Framework of Strategic Direction of the PCA” to the presbyteries for their consideration, discussion, and suggestions on how to perfect and implement the plan (see **2002, p. 292, 30-62, III.2** and **2002, p. 403, App. C**).

2002, p. 291, 30-62. The Assembly extended the Strategic Planning Committee for another year, to report back to the 31st GA (see **2002, p. 293, 30-62, III.3**).

2003, p. 135, 31-43. The Assembly approved the “Future Direction of the PCA: A Framework for Planning” (see **2003, p. 137, III.1** and **p. 300, App. C, Attach. A**) as a working draft reflecting the mission, vision, values, and priorities of the PCA, and commended it as the PCA’s framework for strategic planning.

2003, p. 135, 31-43. The Assembly voted to continue the Strategic Planning Committee until the 33rd GA in 2005 (see **2003, p. 138, 31-43, III.3**.).

2004, p. 147, 32-47. The Assembly recommitted the report of the Strategic Planning Committee, with all proposed recommendations related to that report, with instructions that it be revised to put the report in a form better adapted for the consideration of the 33rd GA (see **2004, p. 149, III.1** and **2004, p. 272, App. C, Attach. A** for the Report of the Strategic Planning Committee).

2005, p. 185, 33-48. The Assembly appointed an Ad Interim Committee for the purpose of presenting the final report and recommendations of the Strategic Planning Committee directly to the 34th GA (see **2005, p. 187, 33-48, III.11**).

2006, p. 72, 34-20. The Assembly having voted to hear the Strategic Planning Committee for up to one hour under the rules for “informal consideration” (*Robert’s Rules of Order Newly Revised*, 2000 ed., pp. 513-14), the Strategic Planning Committee gave its report (see **2006, p. 568, App. O**).

2006, p. 74, 34-22. The Strategic Planning Committee moved the several recommendations of its report. The Assembly approved amendments to the following sections of the *RAO*: 7-2; 9-7 (addition); 10-2; 11-1, -2, and -3; 12-2 and -3; 13-1, -2, -4, -5, -6, -7, -8, -9, -10,

-11, and -13; Article XIV (added and subsequent Articles renumbered); 17-4. Also 15-10, 15-2; 4-4, -19, -20; Article VII (added and subsequent Articles renumbered). See Changes to the RAO below.

The General Assembly (BCO 14) (Administrative Committee), A Denominational Print Magazine

2002, p. 291, 30-62. The Assembly authorized the Administrative Committee to proceed with the development of a denominational print magazine entitled *PCANews* (see **2002, p. 296, 30-62, III.8**).

2006, p. 157, 34-43. The Assembly commended *byFaith* for receiving the Award of Excellence for 2006 by the Evangelical Press Association, and strongly encouraged all commissioners and their churches to subscribe to the magazine to broaden the knowledge of the PCA throughout the church at large (see **2006, p. 166, 34-43, III.18-19**).

The General Assembly (BCO 14) (Administrative Committee), Strategic Plan 2010

2010, p. 327, 38-47. The Assembly, adopting Recommendation 17 of the AC Committee of Commissioners, approved the three “Themes and Goals” of the 2010 Strategic Plan, and approved all the Means except for “Theme 2, Means (Specific) #4” to “establish standards for voluntary certification of men and women for specific non-ordained vocational ministries” (see **2010, p. 335, 38-50, III.17**). See also **2010, p. 473**, for the other means approved, and **2010, p. 326**, for the parliamentary debate surrounding the 2010 Strategic Plan. A protest, signed by 126 elders, was lodged against the Assembly for failing to recommit Recommendation 17 to the Administrative Committee (**2010, p. 343**) on the grounds that no scriptural grounds were given for the analysis or the Plan, and that the Assembly violated its *Rules of Assembly Operations* (7-3.c), which require recommendations from the CMC to come to the Assembly through respective Committees and Agencies, whose works are involved in the recommendation.

2011, p. 52-53, 39-51. The Assembly, adopting Recommendations 16-20 and 24 of the AC Committee of Commissioners, approved Theme 4, “Practical Presbyterianism,” and Means 1-4 and 7 of the 2010 Strategic Plan (**2011, p. 56, 39-51, III.16-24**). Means 5 and 6 (i.e. Recommendations 21-23) were referred back to the Administrative Committee (**2011, p. 59, 39-54**).

**The General Assembly (BCO 14) (Administrative Committee),
Funding for the Administrative Committee**

2010, p. 327, 38-47. The Assembly approved a new funding model for the Administrative Committee, in which presbyteries, churches, and TEs would be asked to give a certain amount of money toward the Administrative Committee's operations (see **2010, p. 336, 38-50, III.19-20** and **2002, p. 475, App. C, Attach. 5**). The AC recommendation to amend **BCO 14-1** and **BCO 14-2** was adopted by the Assembly, allowing for implementation of the AC funding proposal aspects of the 2010 Strategic Plan (see **2010, p. 482, App. C, Attach. 6**).

2011, p. 17, 39-9, Items 1 and 2. The Presbyteries voted against the amendments to **BCO 14-1** by a vote of 34-40 and **BCO 14-2** by a vote of 32-42 (see **2011, p. 85**).

2011, p. 53, 39-51. The Assembly referred Overtures 3, 7, 11, 13, 14, and 15, and Communications 1, 2, 3, and 4, regarding AC funding, to the Cooperative Ministries Committee Sub-Committee on AC Funding for consideration and to report to the CMC, then to the AC, and then to the 40th GA (see **2011, p. 57, 39-51, III.26** and **2011, p. 609, App. V** for the original content of these overtures).

**The General Assembly (BCO 14) (Administrative Committee),
Contracts for General Assembly Meetings**

2012, p. 56, 40-52. The Assembly authorized the Administrative Committee to finalize contracts with hotels and convention centers for General Assembly meetings, pending several conditions (see **2012, p. 59, 40-54, III.18**).

**The General Assembly (BCO 14) (Administrative Committee),
General Assembly Registration Fee for REs**

2018, p. 71, 46-42. The Assembly answered in the negative Overture 7 from Calvary Presbytery to reduce to \$100 the cost of General Assembly registration for Ruling Elders, with the Committee of Commissioners on AC stating eight different reasons as grounds for the decision (see **2018, p. 75, 46-42, III.26**).

The General Assembly (BCO 14) (Administrative Committee), Establishing a Subcommittee of AC for 50th Anniversary of PCA

2018, p. 71, 46-42. The Assembly answered in the affirmative as amended Overture 35 from Southeast Alabama Presbytery to establish a subcommittee of the AC for the 50th Anniversary of the PCA in 2023 (see **2018, p. 77, 46-42, III.32**).

**Committee on Discipleship Ministries
(formerly Committee on Christian Education and Publications)**

The General Assembly (BCO 14) (Committee on Discipleship Ministries), Retirements and New Staff

2012, p. 37, 40-46. The Assembly adopted a resolution of thanks for TE Charles H. Dunahoo and his many years of service to the PCA as Coordinator of the Committee on Christian Education and Publications (see **2012, p. 39, 40-46, III.15**).

2013, p. 52, 41-49. The Assembly elected TE Stephen T. Estock to serve as the Coordinator for the Committee on Christian Education and Publications (see **2013, p. 54, 41-49, III.11**).

The General Assembly (BCO 14) (Committee on Discipleship Ministries), Name Change to “Committee on Discipleship Ministries”

2014, p. 17, 42-11. The Assembly approved changing the name of the Committee on Christian Education and Publications to the Committee on Discipleship Ministries (CDM). The Assembly also directed the Stated Clerk to make the necessary editorial changes to the *BCO* and the *RAO* to reflect this name change.

The General Assembly (BCO 14) (Committee on Discipleship Ministries), Ministry Training for Non-Ordained Ministry Leaders

2016, p. 31, 44-29. The Assembly adopted the Recommendation of the Committee on Discipleship Ministries that the Assembly authorize CDM “to work with other Committees, Agencies, and Reformed ministries to develop a training and certification program, specifically for [certain] non-ordained ministry leaders (paid or volunteer) serving in discipleship ministries in the local church” (see **2016, p. 33, 44-29, III.11**).

Covenant College

The General Assembly (BCO 14) (Covenant College), Chamber Choir Participation in a Roman Catholic Mass

1999, p. 67, 27-19. A Personal Resolution from RE Hugh Belcher regarding the singing of a choir from Covenant College in a Roman Catholic mass was read and not received by the Assembly on a vote of 316-488. TE Henry Johnson, along with five other elders, protested the General Assembly's failure to receive a personal resolution regarding the singing of a Covenant College choir in a Roman Catholic mass (**1999, p. 209**). In response to the protest, the Assembly appointed the Board of Covenant College to prepare a response for the 28th GA.

2000, p. 250, 28-57, III.4. In the matter of a Covenant College chamber choir singing in a Roman Catholic mass, the Assembly adopted a recommendation that the response of the Board of Trustees of Covenant College be accepted as fulfilling the directive of the 27th GA. The Board's response set forth, among other factors, the context of the choir's singing, which was during a tour of Eastern Europe. The Assembly answered in the negative Overture 20 from Westminster Presbytery, which requested that the Assembly reject the Board's response and direct the Board of Covenant College not to permit any musical group from the college to participate in any service where a Roman Catholic mass is held (see **2000, p. 251**).

2000, p. 253, 28-57, III.11. The Assembly adopted a recommendation to forward the response of the Board of Trustees of Covenant College to the General Synod of Bible Presbyterian Church as a partial response to their communication, which expressed concern over the singing of the Covenant College chamber choir during a Roman Catholic mass.

The General Assembly (BCO 14) (Covenant College), Retirements and New Staff

2002, p. 192, 30-33. The Assembly gave thanks to God for the fifteen years of faithful service by RE Frank Brock as President of Covenant College, and for providing President-elect RE Neil Nielson to replace him (see **2002, p. 193, 30-33, III.6-7**).

The General Assembly (BCO 14) (Covenant College), College Policy on Sexual Identity

2016, p. 65, 44-39. The Assembly adopted the recommendation of the Committee of Commissioners on Covenant College that the General Assembly direct the College to maintain policies in keeping with a biblical understanding of sexual identity (see **2016, p. 67, 44-36, III.8**).

The General Assembly (BCO 14) (Covenant College), Covenant College Honoring the Sabbath

2016, p. 65, 44-39. The Assembly answered in the affirmative Overture 54 from Calvary Presbytery to commend Covenant College for forfeiting a championship tennis match which was scheduled on a Lord's Day (see **2016, p. 67, 44-36, III.9**).

The General Assembly (BCO 14) (Covenant College), Non-Ordained Members on the Board of Trustees of Covenant College

2018, p. 32, 46-29. The Assembly answered in the negative Overture 26 from Tennessee Valley Presbytery to amend **BCO 14-1.11** and the Corporate Bylaws of the PCA VI.2 so that a minority of seats on the Board of Trustees of Covenant College may be open to non-ordained members, on the grounds that a previous GA has answered a similar overture by citing as grounds that "for women to participate on GA committees and agencies would allow them to exercise ruling authority in the Church, in violation of I Tim. 2:11ff (*M17GA*, p. 176)" (see **2018, p. 43, 46-29, IV.26**). Recommendation 8 from the Committee of Commissioners for Covenant College was declared moot in light of the vote on Overture 26 (see **2018, p. 55, 46-32**).

Mission to North America

The General Assembly (BCO 14) (Mission to North America), Retirements and New Staff

1999, p. 103, 27-31, III.2. Having been approved by the Theological Examining Committee (see **1999, p. 102, 27-30**), TE James C. Bland III was elected by the Assembly to replace TE Cortez A. Cooper, Jr., who had served from 1995 to 1999.

2016, p. 42, 44-33. The Assembly accepted the resignation of TE James C. Bland III from his service as MNA Coordinator, with thanksgiving to God for his faithful leadership and asking God's blessing upon TE Bland in his retirement (see **2016, p. 43, 44-36, III.1**).

2016, p. 42, 44-33. The Assembly, being well satisfied with his testimony and qualifications, and upon recommendation of the Permanent Committee on MNA, elected TE J. Paul Hahn, Jr., as Coordinator of MNA (see **2016, p. 43, 44-36, III.2**).

The General Assembly (BCO 14) (Mission to North America), Women Speaking in Seminars

1999, p. 117, 27-31, III.1. In answer to a personal resolution from TE Jeff Black, the Assembly adopted the recommendation of the MNA Committee of Commissioners, finding that the MNA staff did not violate the statement of the 25th GA regarding women's leadership in MNA seminars, and that the MNA staff should be considered vindicated from any bad reports." Sixty-one commissioners registered their negative vote on this recommendation (see also **1999, p. 211, 27-57, Protest 3**). See **Moral and Theological Topics** below, "Women, Teaching in Public Ministry Context," **1999, p. 118, 27-31, Supplemental III.2; 2000, p. 101, 28-31, III.9.** See also **BCO 12-5.d** above, **2000, p. 281, 28-72, III.4.**

The General Assembly (BCO 14) (Mission to North America), Ethnic Diversity and Ministry Challenges

2002, p. 177, 30-31. For the MNA committee report to the 31st GA on ethnic diversity, in response to Overture 19 to the 30th GA, see **Moral and Theological Topics** below, "Race Relations." See also **2002, p. 177, 30-31; 2003, p. 78, 31-29.**

The General Assembly (BCO 14) (Mission to North America), The Presbyterian and Reformed Joint Commission on Chaplains and Military Personnel (PRJC)

2004, p. 121, 32-35. The Assembly approved MNA's recommendation to authorize the PRJC to endorse all non-military chaplains who request endorsement, according to the guidelines in the PRJC "Chaplains Manual" (see **2004, p. 129, 32-35, II.13** and **2004, p. 457, App. H, Attach. F**).

The General Assembly (BCO 14) (Mission to North America), Disaster Response Coordination between MNA and MTW

2010, p. 296, 38-45. In answer to Overture 21 from Susquehanna Valley Presbytery, the Assembly adopted recommendations from MNA and MTW, directing MNA to work under MTW in disaster responses outside North America and MTW to work under MNA in disaster responses inside North America. The Assembly also clarified the respective responsibilities & spheres of labor of MTW and MNA including the disaster response and the work in Cherokee, NC, with explanatory statements by MTW and MNA pertaining to their current practice, particularly in regard to the country of Haiti (see **2010, p. 305, 38-45, III.14** and **2010, p. 310** for the original overture; see **2010, p. 274, 38-36, III.8** for the affirmative response of MTW).

Mission to the World

The General Assembly (BCO 14) (Mission to the World), Church Planting Teams, Powers of

1999, p. 93, 27-25, III.7. The Assembly adopted a recommendation of the MTW Committee of Commissioners that section 2.02.1(5) of the Mission to the World Handbook be revised to specify that a Church Planting Team “will have the power to do the work of forming a provisional Presbytery as described in the *Book of Church Order*, 15-6 “when there are three or more elders on the field.”

The General Assembly (BCO 14) (Mission to the World), Disaster Response Coordination, MTW and MNA

2010, see The General Assembly (Mission to North America), 2010, p. 296, 38-45.

The General Assembly (BCO 14) (Mission to the World), New Coordinator Elected

2015, p. 46, 43-44. The Assembly elected Dr. Lloyd Kim to serve as the Coordinator for Mission to the World (see **2015, p. 47, 43-44, III.4**).

The General Assembly (BCO 14) (Mission to the World), Changes to Missions Policy Manual

2016, p. 40, 44-32, III.10. The Assembly amended the MTW Missions Policy Manual by specifying that candidates from a NAPARC agency,

or a member of a church or agency of the World Reformed Fellowship, are excepted from the requirement to be members of a PCA church prior to approval.

Reformed University Fellowship

The General Assembly (BCO 14) (Reformed University Fellowship), Established as a Permanent Committee of the PCA

2000, p. 105, 28-31, III.12. The Assembly adopted the recommendation of the MNA Committee to separate Reformed University Ministries (RUM) from the MNA Committee and establish it as a Permanent Program Committee of the General Assembly effective at the 29th GA in 2001, after due constitutional process. Thirteen reasons for a separate RUM Permanent Committee were given (cf. **1996, p. 196** and **1997, p. 163**, for earlier overtures requesting such action, and MNA's appointment of a study committee to examine the relationship of RUM and MNA).

2000, p. 109, 28-31, III.12, Attach. B. Changes to **BCO 14-1.12**, adding Reformed University Ministries to the *BCO* as a Permanent Committee, were approved by the Assembly as an attachment to MNA Recommendation 12.

2001, p. 53, 29-12, Item 3. The Presbyteries having approved the amendments to **BCO 14-1.12** by a vote of 53-1, the Assembly approved the amendments.

2000, p. 110, 28-31, III.12, Attach. C. The Assembly accepted the MNA committee recommendation for the formation and structure of a new Reformed University Ministries Permanent Committee, with the understanding that after the first year this Committee would be subject to the nominating process of the GA. The Assembly proceeded to approve that the presbyteries nominate, through the GA Nominating Committee, individuals for the particular classes in the Proposed Initial Committee Structure for the RUM Permanent Committee and that the transition committee be allowed to present a slate of candidates with the advice and consent of their respective presbyteries to the Nominating Committee for the March 2001 meeting (see **2000, p. 112, Rec. 1**).

The General Assembly (BCO 14) (Reformed University Fellowship) Changes of Leadership

2001, p. 163, 29-38, III.2. The Assembly elected TE Rod S. Mays as the Coordinator of the newly formed Permanent Committee on Reformed

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University Ministries. The Assembly gave special thanks to former and interim coordinators TE Mark L. Lowrey Jr., RE James “Bebo” Elkin, TE Marvin Padgett, and TE Wilson Benton.

2014, p. 22, 42-19. The Assembly elected TE Thomas K. Cannon as Coordinator of Reformed University Ministries for the 2014-2015 term. The Assembly gave thanks for the faithful service of TE Rod S. Mays as Coordinator of RUM from 1999 to 2014 (see **2014, p. 23, 42-19, III.5-6**).

2018, p. 28, 46-26. The Assembly received the resignation of TE Thomas K. Cannon as Coordinator of Reformed University Ministries with appreciation for his service and tenure (see **2018, p. 29, 46-26, III.5**). The Assembly elected TE Rod S. Mays as interim Coordinator of Reformed University Ministries for the 2018-19 term (see **2018, p. 29, 46-26, III.6**).

The General Assembly (BCO 14) (Reformed University Fellowship), Change of Name from Reformed University Ministries to Reformed University Fellowship

2016, p. 35, 44-31. The Assembly approved the name change from Reformed University Ministries to Reformed University Fellowship (see **2016, p. 36, 44-31, III.5**).

2017, p. 45, 45-40. The Assembly adopted the recommendation of the Committee of Commissioners on Reformed University Ministries to change the name of Reformed University Ministries (RUM) to Reformed University Fellowship (RUF) and direct the Stated Clerk to make the necessary editorial amendments to the *BCO* and the *RAO*, and the *Corporate Bylaws of the PCA* (see **2017, p. 46, 45-40, III.5**).

PCA Retirement & Benefits, Inc.

The General Assembly (BCO 14) (PCA Retirement & Benefits, Inc.), Property/Casualty and Long-Term Care Insurance Programs

1999, p. 101, 27-29, III.6-7. The Assembly adopted the recommendation of Insurance, Annuities, and Relief (now RBI) to make property/casualty insurance and long-term insurance programs available if sufficient interest existed to make them viable.

**The General Assembly (BCO 14) (PCA Retirement & Benefits, Inc.),
Name Changed from “Insurance, Annuities and Relief” to “PCA
Retirement & Benefits, Incorporated”**

2002, p. 195, 30-34. The Assembly “authorized and ratified” the action of IAR to incorporate under the name “PCA Retirement & Benefits, Inc.” and amended **BCO 14-1.12.b.4**, recognizing the change of name of “Insurance, Annuities and Relief” to “PCA Retirement and Benefits, Inc.” See **2002, pp. 195, 196, 30-34, III.7-11**. See also **Changes to the RAO [RAO 4-3 and 5-1.b.7]** below.

2003, p. 50, 31-11. The Presbyteries having voted 60-0 to amend **BCO 14-1.12.b.4**, the Assembly approved the amendment (see **2003, p. 59, 31-11, Item 4**).

**The General Assembly (BCO 14) (PCA Retirement & Benefits, Inc.),
Mandated Health Coverage**

2002, p. 195, 30-34. The Insurance, Annuities and Relief Permanent Committee (now PCA Retirement & Benefits, Inc.) recommended that “the General Assembly mandate coverage in the PCA health plans for all active ministers and church lay employees who are current residents of the United States and who are not covered under a spouse’s group health plan, and that the presbyteries be responsible for implementing and enforcing this mandate.” The Committee of Commissioners on Insurance, Annuities and Relief adopted the recommendation, with the removal of the words “and enforcing.” The Moderator referred the recommendation to the CCB as a constitutional inquiry. In light of the CCB’s opinion, the Assembly amended the recommendation by adding the words “full-time” after “active” (by a vote of 354-267), and then amended by substituting “highly recommend” for “mandate.” The amended motion was adopted (see **2002, p. 197, 30-34, III.15** and **2002, p. 201, 30-36**). See **Constitutional Advice (BCO 14), Mandating Health Coverage for All Active Teaching Elders**, **2002, p. 106, 30-29, Item 2**.

**The General Assembly (BCO 14) (PCA Retirement & Benefits, Inc.),
Staff Changes**

2002, p. 195, 30-34. The Assembly expressed appreciation to James L. Hughes for 21 years of service as Director of Insurance, Annuities, & Relief (see **2002, p. 197, 30-34, III.14**).

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2003, p. 576 Appendix L. The IAR Board of Directors reported the selection of RE William G. “Bill” Kuh as Director designate of IAR.

2006, p. 72, 34-18. During the Informational Report to GA, RE Gary D. Campbell was introduced as the nominee of the Board of Directors to succeed RE Bill Kuh as President of RBI.

The General Assembly (BCO 14) (PCA Retirement & Benefits, Inc.), Changes to the Retirement Plan Document

2016, p. 25, 44-22. The General Assembly approved the 34th Amendment to the 403(b)(9) PCA Retirement Plan Document (**2016, p. 26, 44-22, III.4**).

Ridge Haven

The General Assembly (BCO 14) (Ridge Haven), Recommendations for Ministry

2008, p. 154, 36-38. The Assembly adopted a recommendation that the Cooperative Ministries Committee “monitor and evaluate the effectiveness and efficiency” of Ridge Haven and make recommendations “covering all areas of Ridge Haven and any future plans for ministry” to the Board of Ridge Haven that would be “reported and acted on at the 37th GA” (**2008, p. 155, 36-38, III.2**).

2009, p. 63, 37-14. The Cooperative Ministries Committee task force on Ridge Haven, in its report to the Assembly, presented nine recommendations to the Ridge Haven Board (see **2009, p. 65ff.**).

The General Assembly (BCO 14) (Ridge Haven), Resignations and New Staff

2009, p. 249, 37-41. The Assembly thanked TE Morse Up De Graff for his faithful service to the PCA as Executive Director of Ridge Haven (see **2009, p. 250, 37-41, III.4**).

2010, p. 127, 38-30, III.4. The Assembly acknowledged RE Wallace Anderson, the new Executive Director of Ridge Haven (see **2010, p. 127, 38-30, III.4** and **2010, p. 759, App. N**).

(3) Other Committees of the General Assembly

The General Assembly (*BCO* 14) (Other Committees), Committees of Commissioners, Amendments to Overtures

2002, p. 92, 30-23. The 30th GA received and referred to the Committee on Constitutional Business CCB a Personal Resolution directing the CCB “to propose measures, including amendments to the *BCO* and *RAO* if necessary, to confirm the PCA historic understanding and practice that Committees of Commissioners, as well as the Assembly, may amend overtures submitted by presbyteries....” The CCB was directed to report back to the next General Assembly.

See **2003, p. 67, 31-18.**

2002, p. 210, 30-47. The Moderator ruled against a point of order objecting that the Bills and Overtures Committee had disallowed amendments to overtures proposing *BCO* amendments (contrary to *RAO* 13-6.e [now see 15-6.n];), and requesting the Moderator to instruct the Committee to reconvene. An appeal to the Chair’s ruling was not sustained, and three commissioners protested the Assembly’s failing to sustain the appeal (**2002, p. 290, 30-61**). Upon receiving the protest, the Assembly directed the Moderator to appoint a committee of three to write a response to the protest. This committee responded to the protest with six points, arguing, among other things, that the *RAO* does not give authority to the Bills and Overtures Committee to make substantive alterations or major changes in the meaning or intent of a proposed amendment to the *BCO*. See **2002, p. 739, Appendix O**. See also **Changes to the RAO [RAO 15-6.i]** below.

The General Assembly (*BCO* 14) (Other Committees), Committees of Commissioners, Term Limits

2007, p. 59, 35-12. The Assembly answered in the negative Overture 9 from James River Presbytery, which sought to limit service on the Overtures Committee to three consecutive assemblies, preferring rather the existing two-thirds rule that establishes a policy preference in favor of diverse representation, but allows for a presbytery to overcome that preference according to its wisdom (see **2007, p. 62, 35-12, III.7**).

The General Assembly (BCO 14) (Other Committees), Committee on Review of Presbytery Records (RPR), Recommendations of 1999, p. 190, 27-54. The Assembly adopted RPR **Recommendations III. 1-58** (Minutes of Each Presbytery) and **Recommendations IV.1-7** (General Recommendations) of the Committee of Review on Presbytery Records.

2000, p. 321, 28-73. The Assembly adopted **RPR Recommendations III. 1-58** (Minutes of Each Presbytery) and **Recommendations IV.a-k** (General Recommendations) of the Committee on Review of Presbytery Records.

2001, p. 322, 29-64. The Assembly adopted **RPR Recommendations III. 1-61** (Minutes of Each Presbytery) and **Recommendations IV.A-C** (General Recommendations) of the Committee on Review of Presbytery Records.

2002, p. 305, 30-63. The Assembly adopted **RPR Recommendations III.1-61** (Minutes of Each Presbytery) and **Recommendations IV.1-10, 12-15** (General Recommendations) of the Committee on Review of Presbytery Records. **Recommendation IV.11** was postponed to the 31st General Assembly.

2003, p. 214, 31-63. The Assembly adopted **RPR Recommendations III.1-64** (Minutes of Each Presbytery) of the Committee on Review of Presbytery Records. Two negative votes on **Recommendation III.29** were recorded. On **Recommendation III.56**, refer to previous actions of this Assembly (see **2003, p. 61, 31-14**). The Assembly adopted **Recommendations IV.4-13, 15-16** (General Recommendations). The Assembly adopted **Recommendation IV.1-2** but struck **Recommendation IV.3**. **Recommendation IV.14** was adopted as amended.

2004, p. 205, 32-55. The Assembly adopted **RPR Recommendations III.1-64** (Minutes of Each Presbytery) and **Recommendations IV.1-8** (General Recommendations) of the Committee on Review of Presbytery Records. **Recommendation IV.9** was declared moot, as it was dealt with as Recommendation 9 of Committee of Commissioners on Bills and Overtures (see **2004, 32-52, p. 201**).

2005, p. 266, 33-54. The Assembly adopted **RPR Recommendations III.1-66** (Minutes of Each Presbytery) and **Recommendations IV.1-3, 5-12** (General Recommendations) of the Committee on Review of Presbytery Records. **Recommendation VI.4** was postponed to the 34th General Assembly.

2006, p. 240, 34-63. The Assembly adopted **RPR Recommendations III. 1-70** (Minutes of Each Presbytery) and **Recommendations IV.1-10** (General Recommendations) of the Committee on Review of Presbytery Records. Because **Recommendation IV.5** involved rescinding actions of previous Assemblies, it required a 2/3 approval, which was received.

2007, p. 170, 35-54. The Assembly adopted **RPR Recommendations III.1-74** (Minutes of Each Presbytery) and **Recommendations IV.1-3, 5-9** (General Recommendations) of the Committee on Review of Presbytery Records. **Recommendation IV.4** proposing changes to *RAO 16-3.e.5* was postponed to the 36th General Assembly (see **2007, p. 227, 35-54**).

2008, p. 214, 36-53. The Assembly adopted **RPR Recommendations III.1-76** (Minutes of Each Presbytery) and **Recommendations IV.1-3, 6-10** (General Recommendations) of the Committee on Review of Presbytery Records. The Moderator ruled **Recommendation IV.4** out of order, based on previous action on a similar matter regarding changes to several sections of the *RAO* (see **2008, p. 55, 36-12**). After altering the wording, **Recommendation IV.5** was adopted as amended (**2008, p. 274, 36-53**). The Assembly adopted **Recommendation III.44**, and a Minority Report that concerned what roles women may perform in worship was submitted (see **2008, p. 277, 36-53**).

2009, p. 77, 37-18. The Assembly adopted **RPR Recommendations VI.1-8** (General Recommendations) and **Recommendations VII.1-76** (Minutes of Each Presbytery) of the Committee on Review of Presbytery Records. A substitute motion for **Recommendation VII.34.d** was defeated.

2010, p. 71, 38-17. The Assembly adopted **RPR Recommendations V.1-9** and **11** (General Recommendations) of the Committee on Review of Presbytery Records. **Recommendation 5.a.** was struck from the list. **Recommendation V.10** was not adopted because the affirmative vote

(576-8) did not achieve a majority of the enrollment. The Assembly adopted **Recommendations VI.1-77** (Minutes of Each Presbytery).

2011, p. 24, 39-17. The Assembly adopted **RPR Recommendations IV.1-9** (General Recommendations) and **Recommendations V.1-51, 53-58, 60-79** (Minutes of Each Presbytery) of the Committee on Review of Presbytery Records. The Assembly adopted as amended **Recommendation V.59**. **Recommendation V.52** was adopted after a Minority Report was defeated. A motion to recommit **Recommendation IV.10** was not well taken, and a proposed amendment to **Recommendation IV.10** was referred to the CCB (see **2011, p. 17, 39-10**). Having received the advice of the CCB (see **2011, p. 24, 39-18**), the Assembly adopted **Recommendation IV.10** (**2011, p. 25, 39-19**). For the full Committee report, see **2011, p. 433, App. Q**.

2012, p. 26, 40-31. The Assembly adopted **RPR Recommendations IV.1-11** (General Recommendations) and **Recommendations V.1, 3-5, 7-13, 15-22, 24-35, 38-50, 52, 54-80** (Minutes of Each Presbytery) of the Committee on Review of Presbytery Records. A minority report moved as a substitute for **Recommendation V.53** was defeated (**2013, p. 487, App. Q**), and **Recommendation V.53.d.** was defeated. Minority Reports were moved for **Recommendations V.6** and **14**. A motion to recommit **Recommendations V.53, 6, and 14** to the Committee on Review of Presbytery Records with the aspiration that it will bring harmonious recommendations was adopted. The Assembly adopted **Recommendations V.2, 23, 36, 37, 51** (**2012, p. 28, 40-34**). On motion, **Recommendation V.12.c** was reconsidered, and a motion to delete the first exception of substance, related to **BCO 3-1** and **BCO 13-9**, was defeated. For the full Committee report, see **2012, p. 410, App. Q**.

2013, p. 22, 41-18. The Assembly adopted **RPR Recommendations IV.1-2** (Special Citations) and **Recommendations V.1-20** (General Recommendations) of the Committee on Review of Presbytery Records. The Assembly also adopted **Recommendations VII.1-5, 7-13, 15-39, 41-45, 47-81** (Minutes of Each Presbytery). After a procedural motion to take up **Recommendations VII.6, 14, 40, 46**, and **54** in sequence, **Recommendations VII.14, 40, and 46** were adopted (**2013, p. 24, 41-21**). After two Minority Reports were defeated, the Assembly adopted **Recommendation VII.54** as a whole. The Assembly adopted as a substitute the amendment in the Minority Report on **Recommendation VII.6** (**2013, p. 23, 41-18**). The amended Minority Report regarding

section **c** of **Recommendation VII.6** having been adopted as an amendment to **6.c** and therefore part of the main motion, **Recommendation VII.6** was adopted as a whole (2013, p. 24, 41-21). For the full Committee report, see 2013, p. 411, App. Q.

2014, p. 19, 42-15. The Assembly adopted **RPR Recommendations V.1-19** (General Recommendations) and **VI.1-5, 7-10, 12-81** (Minutes of Each Presbytery) of the Committee on Review of Presbytery Records. The Assembly adopted a motion to recommit **Recommendation VI.6** to the Committee on Review of Presbytery Records to report to the 43rd GA. **Recommendation 11**, with section **11.e** being stricken because it had been previously handled, was adopted. For the full Committee report, see 2014, p. 387, App. Q.

2015, p. 22, 43-24. The Assembly adopted **RPR Recommendations IV.1-2** (Special Citations), **V.1-8** (General Recommendations), and **VI.1-13, 15-55, 57-74, 76-80** (Minutes of Each Presbytery) of the Committee on Review of Presbytery Records. A Minority Report, presented to find the presbytery's response (**14.d**) satisfactory, was adopted and **Recommendation VI.14** was adopted as amended (2015, p. 436, App. Q). A Minority Report for **Recommendation VI.56** was defeated and **Recommendation VI.56** was adopted (2015, p. 464, App. Q). A Minority Report to strike **75.c**, 2nd exception of substance, for **Recommendation VI.75** was adopted as amended (2015, p. 479, App. Q). A substitute motion for **Recommendation VI.81** was defeated and **Recommendation VI.81** was adopted (2015, p. 485, App. Q). For the full Committee report, see 2015, p. 413, App. Q.

2016, p. 22, 44-19. The Assembly adopted **RPR Recommendations III.1-2** (Special Citations), **IV.1-13** (General Recommendations), and **V.1-56, 58-82** (Minutes of Each Presbytery) of the Committee on Review of Presbytery Records. A Minority Report for **Recommendation V.57** (2016, p. 434, App. Q, V.57) for the minutes of Philadelphia Metro West Presbytery was defeated and **Recommendation V.57** was adopted. For the full Committee report, see 2016, p. 385, App. Q.

2017, p. 33, 45-29. The Assembly adopted **RPR Recommendations IV.1-2** (Special Citations), **V.1-18** (General Recommendations), and **VI.1-51, 53-85** (Minutes of Each Presbytery) of the Committee on Review of Presbytery Records. The Assembly adopted a Minority Report as a substitute motion for **Recommendation VI.52**, which added

an exception of substance to the minutes of Northwest Georgia Presbytery regarding an apparent representation of the second person of the Trinity (see 2017, p. 405, App. Q, VI.52 and 2017, p. 431, App. Q). For the full Committee report, see 2017, p. 368, App. Q.

2018, p. 19, 46-12. The Assembly adopted **RPR Recommendations V.1-20** (General Recommendations) and **VI.1-86** (Minutes of Each Presbytery) of the Committee on Review of Presbytery Records. Substitute motions for **Recommendations VI.3** (Calvary Presbytery, regarding a transfer candidate's stated difference with WLC 109) and **VI.18** (Georgia Foothills Presbytery) were defeated, with 64 commissioners recording their negative vote for **Recommendation VI.18** (see 2018, p. 20-21, 46-16). For the full Committee report, see 2018, p. 362, App. Q.

(4) Amendments to Rules of Assembly Operations (RAO)

Editorial Note: The following entries on Changes to the RAO (pp. 45-66) are arranged, as much as possible, in order of RAO chapters (as of the year of the change).

The General Assembly (BCO 14) (Changes to the RAO), Election of a Moderator

2003, p. 157, 31-53. The Assembly answered in the negative Overture 2 from Mississippi Valley Presbytery, which would have amended the **RAO 1-3** to provide for the election each Assembly of a Moderator-in-Nomination who would be “first in line” for the position of Moderator the next year (see 2003, p. 172, 31-57, III.2).

The General Assembly (BCO 14) (Changes to the RAO), Reformed University Ministries (now Reformed University Fellowship), Established as a Permanent Program Committee of the PCA

2002, p. 88, 30-19. The Assembly approved changes to **RAO 4-2, 9; 5-1.b.8;** and **6-4,** to reflect the new status of Reformed University Ministries as a Permanent Program Committee of the PCA (see 2002, p. 89, 30-19, III.10).

The General Assembly (BCO 14) (Changes to the RAO), Insurance, Annuities and Relief, Name Changed to PCA Retirement & Benefits, Inc.

2002, p. 195, 30-34. The Assembly amended **RAO 4-3** and **RAO 5-1(4)** [now **RAO 5-1.b.7**], recognizing the change of name of “Insurance, Annuities and Relief” to “PCA Retirement and Benefits, Inc.” (see **2002, p. 196, 30-34, III.7-11**).

The General Assembly (BCO 14) (Changes to the RAO), Cooperative Ministries Committee as a Special Committee

2006, p. 74, 34-22. The Assembly amended **RAO 4-4** by adding “Cooperative Ministries Committee” to the list of “Special Committees” (see **2006, p. 613, App. O, VI.4.b(1)**).

The General Assembly (BCO 14) (Changes to the RAO), Term Limits of Coordinators

2011, p. 65, 39-57. The Assembly answered in the negative Overture 2 from South Florida Presbytery to amend **RAO 4-9** by setting term limits on Coordinators of the four Program Committees to a maximum of two five-year terms (see **2011, p. 65, 39-57, III.1** and **2011, p. 611, App. V**).

The General Assembly (BCO 14) (Changes to the RAO), Budgets of Committees and Agencies, Review of

2007, p. 58, 35-11. The Assembly amended **RAO 4-11** to specify that review of the budgets of the Committees and Agencies and their recommendation to the Assembly be accomplished through the Administrative Committee. The amendment also gave guidelines to the Administrative Committee for implementing the Partnership Share Giving Program.

The General Assembly (BCO 14) (Changes to the RAO), Meetings and Funding of Special Committees

1999, p. 185, 27-51, III.1. The Assembly revised the **RAO** by adding a new paragraph (**4-18**) regarding the functioning and funding of special committees (**4-4**), subcommittees, commissions [including] the SJC, *ad interim* committees, and study committees (**8-1, -2, -3, -4**) [now **9-1**]

through 9-5] that are funded through the Administrative Committee or whose funds are administered by the Administrative Committee.

The General Assembly (BCO 14) (Changes to the RAO), Communications among Committees and Agencies

2006, p. 74, 34-22. The Assembly amended Article IV of the *RAO* by adding items 4-19 and 4-20 regarding communications among the Permanent Committees and Agencies. **RAO 4-19** concerned the timely sending of meeting agendas and minutes, and **4-20** added that all chairmen and chief administrative officers of the General Assembly Permanent Committees and Agencies may attend any meeting of any Permanent Committee or Agency (see **2006, p. 613, App. O, VI.4.b.2 and 3**).

The General Assembly (BCO 14) (Changes to the RAO), Administrative Committee Funding

2012, p. 56, 40-52. The Assembly adopted an amendment to **RAO 5-4**, directing the Permanent Committees and Agencies, and encouraging churches and TEs, to contribute to the Administrative Committee on an annual basis (see **2012, p. 57, 40-54, III.1**).

The General Assembly (BCO 14) (Changes to the RAO) Cooperative Ministries Committee Created

2006, p. 74, 34-22. As a part of the Strategic Planning Committee's recommendations, the Assembly added a new article to the *RAO* (**RAO 7**), renumbering subsequent articles, creating a Cooperative Ministries Committee (CMC) to help facilitate continuing collaboration and funding of GA ministries (see **2006, p. 613, App. O, VI.4.b.4**).

The General Assembly (BCO 14) (Changes to the RAO), CCB Advice Directed toward Overtures Committee

2006, p. 74, 34-22. Upon the recommendation of the Strategic Planning Committee, the Assembly adopted an amendment to **RAO 7-2 [now 8-2]**, adjusting the responsibilities of the Committee on Constitutional Business in light of the new Overtures procedure by directing CCB's advice towards the Overtures Committee and not the Assembly itself (see **2006, p. 583, App. O, VI.2.b**).

The General Assembly (BCO 14) (Changes to the RAO), Responsibilities of the Committee on Constitutional Business

2006, p. 75, 34-23. The Assembly answered in the affirmative Overture 13 from James River Presbytery with amendments to expand the role of the Committee on Constitutional Business (CCB), amending **RAO 7-2.b.3** [now **8-2.b.3**] and **RAO 10-5** [now **11-5**] to specify that the CCB provides advice on any proposed amendment to the *Rules of Assembly Operations*, in addition to the Constitution.

The General Assembly (BCO 14) (Changes to the RAO), Cooperative Ministries Committee, Responsibilities for Long-Range Denominational Planning

2017, p. 19, 45-14. The Assembly answered in the affirmative as amended Overture 7 from Northern New England Presbytery to clarify language in in **RAO 7-3.c** concerning what types of long-range planning the CMC may engage in (see **2017, p. 20, 45-14, III.7**).

The General Assembly (BCO 14) (Changes to the RAO), Floor Nominations for Permanent Committees

2002, p. 212, 30-47. The Assembly answered in the negative Overture 17 from Eastern Canada Presbytery, which sought to amend **RAO 7-4.i** [now **8-4.i**] to eliminate the practice of requiring that floor nominations for Permanent General Assembly Committees be placed in opposition to particular individuals (see **2002, p. 239, 30-50, III.5**).

2003, p. 157, 31-53. The Assembly answered in the negative Overture 4 from James River Presbytery, which sought again to amend **RAO 7-4.j** [now **8-4.i**] to eliminate the practice of requiring that floor nominations be placed in opposition to particular individuals (see **2003, p. 174, 31-57, III. 3.a**; cf. **2002, p. 239, III.5**). The amendment would have specified that each nominee “run for the applicable office and not against another designated nominee.” A Minority Report recommending that the overture be answered in the affirmative (see **2003, p. 176**) was defeated (see **2003, p. 157, 31-53** and **2003, p. 174, 31-57, III.3b**). In giving grounds for its answer, the Assembly noted that the present system “presents the clearest choice to the Assembly between candidates for each seat” and “protects the role of the Assembly as a check and balance

to the Nominating Committee by allowing the Assembly to challenge a particular candidate without jeopardizing candidates it does not want to contest.”

The General Assembly (BCO 14) (Changes to the RAO), Election of Chairman of the Committee on Review of Presbytery Records

2002, p. 73, 30-11. The Assembly adopted the amendment to **RAO 7-5.c** [now **RAO 8-5.c**] in accordance with **RAO 18**, inserting the words “in at least,” so that the new section reads: “A chairman and vice-chairman for the following year shall be elected by the committee from members who shall be serving in at least the second year of their term.”

The General Assembly (BCO 14) (Changes to the RAO), Theological Examining Committee’s recording of nominees’ differences with the Westminster Standards

2012, p. 23, 40-17. The Assembly answered in the affirmative Overture 27 from Great Lake Presbytery to amend **RAO 8-3** to require the Theological Examining Committee to record nominees’ stated differences with our denominational standards (see **2012, p. 75, 40-57, III.18** and **2012, p. 724, App. W, Overture 18**).

The General Assembly (BCO 14) (Changes to the RAO), Changes to Assembly Schedule to Reflect Shortened Assembly

2018, p. 16, 46-8. The Assembly answered in the affirmative to amend the last two sentences of **RAO 8-4.i**, replacing ‘second day’ with ‘first day’ and ‘third day’ with ‘second day,’ to reflect the shortened Assembly (see **2018, p. 72, 46-42, III.1**).

The General Assembly (BCO 14) (Changes to the RAO), Submitting Nominations Electronically

2016, p. 35, 44-30. The Assembly amended **RAO 8-4.i** to include the possibility and procedure for electronic submission of nominations, making clear that “responsibility for such nomination rests with the nominator and that non-delivery is the sole responsibility of the nominator” (see **2016, p. 353, App. P**).

The General Assembly (BCO 14) (Changes to the RAO), When the Committee on Review of Presbytery Records Meets

2013, p. 17, 41-10. The Assembly adopted **Recommendation VI.1** which removed from **RAO 8-5.b** the phrase “usually at the same time during which the committee of commissioners shall be meeting,” regarding when the Committee on Review of Presbytery Records meets (see **2013, p. 414, App. Q, VI.1**).

The General Assembly (BCO 14) (Changes to the RAO), Referring Recommendations from Ad Interim Committees to Overtures Committee

2018, p. 31, 46-29. The Assembly answered in the negative Overture 6 from Calvary Presbytery to revise **RAO 9** to require that recommendations from Ad Interim committees be referred to the OC (see **2018, p. 35, 46-29, IV.6**).

The General Assembly (BCO 14) (Changes to the RAO), The Formation of Ad Interim Committees

2017, p. 19, 45-14. The Assembly answered in the affirmative as amended Overture 18 from James River Presbytery to amend **RAO Article IX** by inserting a paragraph (**RAO 9-2**) stating that Ad Interim committees may only be formed in response to presbytery overtures (see **2017, p. 23, 45-14, III.18**). Subsequent paragraphs were renumbered.

The General Assembly (BCO 14) (Changes to the RAO), Require Three REs on Ad Interim Committees

2018, p. 31, 46-29. The Assembly answered in the negative Overture 4 from Calvary Presbytery to amend **RAO 9-4** to require three REs on each Ad Interim committee, on the grounds that Ad Interim study committees are often specialized in nature and the OC thought it unwise to prescribe specific numbers of REs for such committees (see **2018, p. 35, 46-29, IV.4**).

The General Assembly (BCO 14) (Changes to the RAO), Administrative Committee Recommendations for GA Locations

2006, p. 64, 34-9. The Assembly answered in the affirmative Overture 20 from Southeast Alabama Presbytery to consider as a separate item of

business the *RAO* amendment proposed by the Strategic Planning Committee (2000-2006) adding a new **RAO 9-7 [now 10-7]**, authorizing the Administrative Committee “to take the initiative to investigate and recommend to General Assembly sites for the annual meeting of the General Assembly, and to that end...suggest to Presbyteries their hosting the annual meeting of the General Assembly,” in order to achieve economies that will enhance GA in being a self-supporting event (see also **2006, p. 74, 34-22** and **2006, p. 583 & 585, App. O, VI.2.b**).

The General Assembly (BCO 14) (Changes to the RAO), General Assembly Date or Location Change Authorized

2001, p. 187, 29-43. The Assembly revised the *RAO* by adding section **9-6 [now 10-6]**, authorizing the PCA Stated Clerk and Moderator of the General Assembly in extraordinary cases to change the date or location of an Assembly (see **2001, 29-52, p. 253, III.6**).

The General Assembly (BCO 14) (Changes to the RAO), Administrative Committee Funding

2012, p. 55, 40-52. The Assembly answered in the affirmative Overture 43 from James River Presbytery to amend **RAO 10** by adding a paragraph (to be numbered **10-9**) that encouraged presbyteries to give annually to a special fund administered by the Administrative Committee as a means of assisting, especially, smaller presbyteries to host the annual meeting of the General Assembly (see **2012, p. 60, 40-54, III.32** and **2012, p. 747**). The action entailed the Stated Clerk disseminating the information to the presbyteries in advance of the 41st GA.

2013, p. 55, 41-50. In response to Overture 43 from James River Presbytery submitted to the 40th GA, the Assembly amended **RAO 10** by adding a paragraph (to be numbered **10-9**) encouraging presbyteries to give an annual fee to the Administrative Committee in order to assist more presbyteries to host the annual meeting of the General Assembly. A subsequent motion set the initial request at \$500 (see **2013, p. 56, 41-50, III.1 & 2**).

The General Assembly (BCO 14) (Changes to the RAO), Communications to General Assembly from Individuals

2006, p. 74, 34-22. Upon the recommendation of the Strategic Planning Committee, the Assembly adopted an amendment to **RAO 10-2 [now 11-2]**,

deleting the word “ordinarily” to clarify that communications from individuals shall not be received by the General Assembly unless they originate with persons who have no other access to the Assembly (see **2006, p. 583 & 585, App. O, VI.2.b**).

The General Assembly (BCO 14) (Changes to the RAO), Communications to GA, reference of

2006, p. 74, 34-22. Upon the recommendation of the Strategic Planning Committee, the Assembly adopted an amendment to **RAO 11-3 [now 12-3]**, deleting the word “ordinarily” to eliminate confusion and removing redundant material that was also found in **RAO 11-1 [now RAO 12-1]** (see **2006, p. 583 & 588, App. O, VI.2.b**).

The General Assembly (BCO 14) (Changes to the RAO), Presbytery Communications to General Assembly

2007, p. 59, 35-12. The Assembly answered in the affirmative Overture 7 from James River Presbytery, making explicit what was already the case in practice by amending **RAO 11-1** to specify that presbyteries may send communications to the General Assembly without overruling for Assembly action (see **2007, p. 60, 35-12, III.5**).

The General Assembly (BCO 14) (Changes to the RAO), Informational Reports at General Assembly

2006, p. 74, 34-22. Upon the recommendation of the Strategic Planning Committee, the Assembly adopted an amendment to **RAO 11-2 [now 12-1 and 12-2]**, substituting “permanent Committees and Agencies” for “committee of commissioners” as the body that makes informational reports (recognizing what was already the case), and codified a fifteen-minute (as opposed to a five-minute) limit on informational reports (see **2006, p. 583 & 587, App. O, VI.2.b**).

The General Assembly (BCO 14) (Changes to the RAO), Referring all Overtures to the Overtures Committee

2017, p. 19, 45-14. The Assembly answered in the negative Overture 10 from Western Carolina Presbytery to amend **RAO 11-5** to direct the Stated Clerk to refer overtures regarding Committees and Agencies and

Ad Interim committees to the Overtures Committee also (see **2017**, p. 23, **45-14**, III.10).

The General Assembly (BCO 14) (Changes to the RAO), Overtures Proposing Constitutional Amendments

2012, p. 23, **40-17**. The Assembly answered in the affirmative Overture 3 from Potomac Presbytery to amend **RAO 12-1 [now 11-5]** and **15-1**, stipulating that any recommendations proposing constitutional amendments be referred to the Overtures Committee for their review and recommendation to the Assembly. The Overtures Committee amended the original overture by adding an amendment to **RAO 11-5** and omitting the proposed amendment to **15-1** (see **2012**, p. 64, **40-57**, III.3 and **2012**, p. 684, App. W).

The General Assembly (BCO 14) (Changes to the RAO), New Business at General Assembly

2006, p. 74, **34-22**. Upon the recommendation of the Strategic Planning Committee, the Assembly adopted an amendment to **RAO 12-2 [now 13-2]**, adding language that makes the introduction of new business more difficult but not impossible, specifying a 2/3 vote to receive a personal resolution and excluding personal resolutions that seek to amend the Constitution (see **2006**, p. 583 & 588, App. O, VI.2.b).

The General Assembly (BCO 14) (Changes to the RAO), Committee on Constitutional Business at General Assembly

2006, p. 74, **34-22**. Upon the recommendation of the Strategic Planning Committee, the Assembly adopted an amendment to strike **RAO 12-3 [now see 13-4 and 13-5]** because the rule was unnecessary (see **2006**, p. 583 & 589, App. O, VI.2.b).

The General Assembly (BCO 14) (Changes to the RAO), Restructuring of RAO 13

2006, p. 74, **34-22**. Upon the recommendation of the Strategic Planning Committee, the Assembly adopted an amendment restructuring and moving much of **RAO 13 [now RAO 14]** (moving **RAO 13-8, -9, -10, -11, and -13**). **RAO 13-8** was moved to after 13-2; **RAO 13-9** was struck; **RAO 13-10** was moved to 13-5.j; **RAO 13-11** was moved to after 13-6

and its language updated to allow for use of new technologies). [This restructuring of *RAO* Article XIII in 2006 is now reflected in ***RAO Article XIV***, “Committees of Commissioners.” ***RAO 13-13*** was moved to “Article IV. Committees and Agencies” [now see 4-21]. (see 2006, p. 583 & 600, App. O, VI.2.b).

The General Assembly (BCO 14) (Changes to the RAO), New Language to Allow for New RAO Article on Overtures Committee

2006, p. 74, 34-22. Upon the recommendation of the Strategic Planning Committee, the Assembly adopted amendments to ***RAO 13-1, -2, and -4*** [now see 14-1, -2, and -4; cf. Article XV], changing language to provide for a separate article on Overtures Committee and to correct mistakes (13-1), to introduce conforming language (13-2), and correct a mistake (13-4) (see 2006, p. 583 & 589, App. O, VI.2.b).

The General Assembly (BCO 14) (Changes to the RAO), Committees of Commissioners, Permanent Committee Members Ineligibility Provision

2003, p. 67, 31-17. On recommendation by the Administrative Committee, the Assembly amended ***RAO 13-2*** [now 14-2] by adding final sentences to define the Permanent Committee “staff” who are “ineligible for service in Committees of Commissioners.”

The General Assembly (BCO 14) (Changes to the RAO), Committees of Commissioners, Presbytery Representation

2006, p. 197, 34-57. The Assembly answered in the negative and declared moot Overture 16 from James River Presbytery to amend ***RAO 13-2*** [now 14-2] to forbid presbyteries from electing the same representative to the same committee in two consecutive years (see 2006, p. 206, 34-57, III.6).

The General Assembly (BCO 14) (Changes to the RAO), Procedure for Submitting Memorial Resolutions Honoring Deceased Individuals

2016, p. 19, 44-13. The Assembly answered in the affirmative a substitute motion regarding the amendment of ***RAO 13-2***, referring the matter of memorial resolutions back to the Administrative Committee for clarification concerning how memorial resolutions honoring deceased persons should be submitted in the future (see 2016, p. 57, 44-38, III.1).

The General Assembly (BCO 14) (Changes to the RAO), New Business at General Assembly

2016, p. 72, 44-44. The Assembly answered in the affirmative Overture 36 from Pacific Northwest Presbytery to amend **RAO 13-2** on the procedure for considering new business at GA (see **2016, p. 80, 44-44, III.11**).

2017, p. 19, 45-14. The Assembly answered in the affirmative as amended Overture 14 from Pacific Northwest Presbytery to amend **RAO 13-2** by specifying that any new business presented to General Assembly that was not first presented as an overture to a presbytery must include an explanation for why it was not (see **2017, p. 23, 45-14, III.14**).

The General Assembly (BCO 14) (Changes to the RAO), Changes to Assembly Schedule to Reflect Shortened Assembly

2018, p. 16, 46-8. The Assembly answered in the affirmative to amend **RAO 13-2**, replacing “second day” with “first day,” to reflect the shortened Assembly (see **2018, p. 72, 46-42, III.2**).

The General Assembly (BCO 14) (Changes to the RAO), Committees of Commissioners, Amendments to Overtures

2003, p. 67, 31-18. Overture 23 from Ascension and Western Carolina Presbyteries asked the Assembly to amend **RAO 13-5** and **13-6 [now 15-6]** in four ways, in order to allow the Bills and Overtures Committee to offer germane amendments to overtures and resolutions (see **2003, p. 169, 31-57, III.1**). The CCB advised that the overture was in conflict with the Constitution because it undermined the purpose of the overture process, which is to offer presbyteries the opportunity to propose to the Assembly measures which they believe benefit the Church at large. A Minority Report from the CCB argued that the overture was not in conflict with the Constitution because germane amendments do not interfere with the right of presbyteries to propose such measures. The Bills and Overtures Committee recommended that the overture be answered in the negative. A Minority Report recommended as a substitute that the overture be answered in the affirmative (see **2003, p. 171**). The substitute motion was adopted, and became the main

motion, which was amended and then adopted by the Assembly. For the full committee and Minority reports, see **2003, p. 165, 31-56, IV**). The CCB, answering the 30th GA's directive to respond to the personal resolution regarding amendments to overtures by the Bills and Overtures Committee (see **2002, p. 92, 30-23**), recommended that the personal resolution be answered by reference to the 31st GA's action on Overture 23 (see **2003, p. 164, 31-56, III**).

The General Assembly (BCO 14) (Changes to the RAO), Germane Amendments in Committees of Commissioners

2006, p. 74, 34-22. Upon the recommendation of the Strategic Planning Committee, the Assembly adopted an amendment to **RAO 13-5.d [now 14-6.d]**, making provision for germane amendments in Committees of Commissioners, per *Robert's Rules of Order* (see **2006, p. 583 & 592, App. O, VI.2.b**).

The General Assembly (BCO 14) (Changes to the RAO), Visitors Addressing Committees of Commissioners

2006, p. 74, 34-22. Upon the recommendation of the Strategic Planning Committee, the Assembly adopted an amendment to **RAO 13-5.g [now 14-6.g]**, making plain how the "necessity" of visitors addressing a Committee of Commissioners is to be determined (see **2006, p. 583 & 593, App. O, VI.2.b**).

The General Assembly (BCO 14) (Changes to the RAO), Committees of Commissioners, Substitute Recommendations and Minority Reports (BCO 14)

2006, p. 74, 34-22. Upon the recommendation of the Strategic Planning Committee, the Assembly adopted an amendment to add **RAO 13-5.h [now 14-6.h]**, establishing a procedure for a committee of commissioners to bring a substitute motion for a Permanent Committee or Agency recommendation; also, a minority report from a committee of commissioners was disallowed (see **2006, p. 583 & 593, App. O, VI.2.b**).

The General Assembly (BCO 14) (Changes to the RAO), Committees of Commissioners, Fair Notice for Substitute Motions

2006, p. 74, 34-22. Upon the recommendation of the Strategic Planning Committee, the Assembly adopted an amendment to add **RAO 13-5.i** [now **14-6.i**], making provision for fair notice when a substitute motion will arise from a Committee of Commissioners (see **2006, p. 583 & 594, App. O, VI.2.b**).

The General Assembly (BCO 14) (Changes to the RAO), Budgets of Committees of Commissioners, and Reordering of RAO 13

2006, p. 74, 34-22. Upon the recommendation of the Strategic Planning Committee, the Assembly adopted an amendment to add **RAO 13-5.j** [now **14-6.j**], which concerns recommendations affecting the budgets of Committees of Commissioners, by moving **RAO 13-10** to this place (see **2006, p. 583 & 595, App. O, VI.2.b**).

The General Assembly (BCO 14) (Changes to the RAO), Committees of Commissioners, Substitute Motions

2006, p. 74, 34-22. Upon the recommendation of the Strategic Planning Committee, the Assembly adopted an amendment to **RAO 13-6.c** [now **14-6.h**], substituting language and providing for the proposal to the GA of a substitute recommendation by a committee of commissioners but disallowing the proposal of new recommendations (see **2006, p. 583 & 595, App. O, VI.2.b**).

The General Assembly (BCO 14) (Changes to the RAO), Overtures Committee Procedures

2006, p. 74, 34-22. Upon the recommendation of the Strategic Planning Committee, the Assembly adopted an amendment to strike **RAO 13-6.f** [now see **RAO Article XV**], eliminating matter to be handled under the new Overtures Committee procedure and renumbering **RAO 13-6.f.j** [now **14-6.f-j**] (see **2006, p. 583 & 596, App. O, VI.2.b**).

The General Assembly (BCO 14) (Changes to the RAO), Committee of Commissioners Report and Minutes

2006, p. 74, 34-22. Upon the recommendation of the Strategic Planning Committee, the Assembly adopted an amendment to add **RAO 13-6.j**

[now 14-7.j], thereby correcting an oversight in the current *RAO* (see 2006, p. 583 & 597, App. O, VI.2.b).

The General Assembly (BCO 14) (Changes to the RAO), Procedure for Submitting Memorials Honoring Deceased Individuals

2017, p. 19, 45-13. The Assembly amended *RAO 13* by the addition of a new paragraph 13-6 concerning the procedure for filing memorials honoring elders who have played a significant role in the General Assembly (see 2017, p. 70, 45-49, III.2).

The General Assembly (BCO 14) (Changes to the RAO), Reformatting of RAO 13-7

2006, p. 74, 34-22. Upon the recommendation of the Strategic Planning Committee, the Assembly adopted an amendment to add a title and lettered subsections to *RAO 13-7* [now 14-9] for ease of reference (see 2006, p. 583 & 597, App. O, VI.2.b).

The General Assembly (BCO 14) (Changes to the RAO), Procedure for Omnibus Motions

2006, p. 74, 34-22. Upon the recommendation of the Strategic Planning Committee, the Assembly adopted an amendment to add *RAO 13-7.d* [now 14-9.d], providing a rule for the customary in gross (“omnibus”) motion that if there is an objection by one commissioner, a recommendation will be debated and voted on separately (see 2006, p. 583 & 598, App. O, VI.2.b).

The General Assembly (BCO 14) (Changes to the RAO), Procedures for Motions

2006, p. 74, 34-22. Upon the recommendation of the Strategic Planning Committee, the Assembly adopted an amendment to add *RAO 13-7.e* [now 14-9.e], making clear what is and is not permissible with respect to the motions listed in *Robert’s Rules of Order*, thereby reducing parliamentary confusion and prohibiting amendment (see 2006, p. 583 & 599, App. O, VI.2.b).

The General Assembly (BCO 14) (Changes to the RAO), Procedure for Motions to Recommit

2006, p. 74, 34-22. Upon the recommendation of the Strategic Planning Committee, the Assembly adopted an amendment to add **RAO 13-7.f** [now 14-9.f], defining a motion to recommit under the new procedure (see **2006, p. 583 & 599, App. O, VI.2.b**).

The General Assembly (BCO 14) (Changes to the RAO), Committees of Commissioners, Substitute Recommendations

2006, p. 74, 34-22. Upon the recommendation of the Strategic Planning Committee, the Assembly adopted an amendment to add **RAO 13-7.g** [now 14-9.h], making provisions for substitute recommendations from the Committee of Commissioners and making the procedure consistent with the treatment of a minority report from the Overtures Committee (cf. *RAO 14-8*; now 15-8.g) (see **2006, p. 583 & 599, App. O, VI.2.b**).

The General Assembly (BCO 14) (Changes to the RAO), Overtures Committee, Procedures and Special Rules

2006, p. 74, 34-22. Upon the recommendation of the Strategic Planning Committee, the Assembly adopted an amendment to add **RAO 14** [now 15] and renumber accordingly. In so doing, the Assembly introduced a new procedure for the Overtures Committee “to allow the most unrestrained scriptural deliberation consistent with the need to come finally to a united recommendation.” General equality of RE and TE representation was provided for, and special rules pertaining to the Overtures Committee were specified (see **2006, p. 583 & 602, App. O, VI.2.b**).

The General Assembly (BCO 14) (Changes to the RAO), TE Stated Differences with Constitution

2003, p. 157, 31-53. In answer to Overture 5, the Assembly amended **RAO 14-3.e.5** [now **RAO 16-3.e.5**] to stipulate that a minister or candidate’s “stated differences with our Standards that the presbytery approves as doctrinal exceptions” must be included in presbytery’s minutes. The Assembly also amended **RAO 14-8** [now **RAO 16-8**] to state that Assembly approval of an RPR report does not set precedent in a matter. One commissioner recorded his negative vote on these amendments (see **2003, p. 180, 31-57, III.4a**). The Assembly rejected similar amendments to *BCO 21-4* which would have specified the way

presbyteries should handle exceptions to the Standards (see **2003, p. 180, 31-57, III.4b**). Cf. **2003, p. 184, 31-57, III.5**.

2004, p. 174, 32-52. The Committee on the Review of Presbytery Records proposed an amendment to **RAO 14-3.e.5 [now 16-3.e.5]** that would have required candidates for ordination to state their differences with the *Westminster Confession of Faith* and *Catechisms*, and for Presbyteries to record how they handled the difference. This proposed amendment was referred to the Committee on Constitutional Business (see **2004, p. 52, 32-14**), who then referred it to the Bills and Overtures Committee. The Bills and Overtures Committee proposed that the Assembly vote to refer the proposed amendment back to the Committee on Review of Presbytery Records to be perfected in light of the advice of the Committee on Constitutional Business that the proposed amendment, as is, is in conflict with the Constitution (see **2004, p. 133, 32-36, III.**), and to report back to the 33rd GA (see **2004, p. 201, 32-52, III.9**).

2005, p. 266, 33-54. In response to the 32nd GA's tasking the Committee on the Review of Presbytery Records to perfect the language of its proposed amendment to **RAO 14-3.e.5 [now RAO 16-3.e.5]**, the Committee proposed an amendment requiring candidates for ordination to state their specific differences with the Standards and listing specific judgments that are to be entered in the Presbytery records of the examination. The Assembly voted to postpone consideration on this amendment until the 34th GA (see **2005, p. 316, 33-54, IV.4**).

2006, p. 65, 34-10. The Assembly again took up the recommendation from the Committee on the Review of Presbytery Records regarding its proposed amendment to **RAO 14-3.e.5 [now RAO 16-3.e.5]**, and voted to amend it by striking reference to granting a candidate permission to "teach and preach" a stated difference. The amended motion was adopted.

The General Assembly (BCO 14) (Changes to the RAO), Recording of a Candidate's Stated Differences in Presbytery Minutes

2004, p. 247, 32-55. In light of the newly incorporated language to **BCO 21-4**, the 32nd General Assembly tasked the Committee on the Review of Presbytery Records, in consultation with the Stated Clerk's Office, to

recommend an amendment to **RAO 14-3.e.5 [now 16-3.e.5]**, in order to standardize Presbytery recording of ministers' and ministerial candidates' stated differences with our Standards (see also 2004, p. 201, 32-52).

2005, p. 316, 33-54, IV.4. The Assembly postponed to the 34th General Assembly **Recommendation IV.4**, which proposed changes to **RAO 14-3.e.5 [now 16-3.e.5]** that included requiring each presbytery to record whether a) the candidate stated that he had no differences; or b) the court judged the stated difference(s) to be merely semantic; or c) the court judged the stated difference(s) to be more than semantic, but "not out of accord with any fundamental of our system of doctrine" (**BCO 21-4**), and whether the court granted the candidate permission to teach, preach, and/or practice the stated difference(s) or not; or d) the court judged the stated difference(s) to be "out of accord," that is "hostile to the system" or "striking at the vitals of religion" (**BCO 21-4**).

2006, p. 65, 34-10. On a proposed amendment to **RAO 14-3.e.5 [now 16-3.e.5]** regarding recording in presbytery minutes a candidate's stated differences, carried over from the 32nd General Assembly to the 33rd General Assembly, and subsequently postponed to the 34th General Assembly, an amendment to strike all after "**(BCO 21-4)** through the semicolon" (item c) was adopted, and the amended motion was adopted, having received the requisite 2/3 vote.

The General Assembly (BCO 14) (Changes to the RAO), Dividing Recommendations

2012, p. 23, 40-17. The Assembly answered in the affirmative Overture 4 from Potomac Presbytery to amend **RAO 14-6.h**, allowing Committees of Commissioners to divide a recommendation that is divisible, and if done by a two-thirds majority (see **2012, p. 65, 40-57, III.4** and **2012, p. 685, App. W**).

The General Assembly (BCO 14) (Changes to the RAO), Procedures for Committee of Commissioners Recommendations

2008, p. 55, 36-13. The Assembly, having passed a large number of changes to the **RAO** in 2006, and having had a year to discover areas that needed adjustments, answered in the affirmative Overture 13 from Potomac Presbytery to approve **RAO** amendments relating to the Committee of Commissioners recommendation process. A new **RAO 14-6.k** was

added, making provision for Committees of Commissioners to adopt recommendations commending coordinators, staff, Committees and/or Agencies for their efforts. A new **RAO 14-9.g** was added which ensured that, whatever the Assembly action, an overture will be answered. A new **RAO 15-8.e** was added on the same grounds as 14-9.g. Language was added to **RAO 14-9.e** and **15-8.c** permitting motions to recommit, but disallowing motions to “recommit with instructions.”

The General Assembly (BCO 14) (Changes to the RAO), Proper Format of Committee Reports

2017, p. 19, 45-13. The Assembly amended **RAO 14-8.a-e [now 14-8.a-d]** to align the *RAO* text with the actual procedures following the move from typewriters to computers (see **2017, p. 69, 45-49, III.1**).

The General Assembly (BCO 14) (Changes to the RAO), Standing Judicial Commission Vows

1999, p. 156, 27-44, III.2. The Assembly answered in the negative Overture 5 from Evangel Presbytery, which sought to amend *BCO* 39-3 and the 4th and 5th vows taken by SJC members in **RAO 15-1 [now 17-1]** by adding direct references to “the principles of Scripture which are systemized in the Constitution of the Presbyterian Church in America.” The overture was answered with reference to the grounds listed in the actions of the 25th GA to a similar overture made by Evangel Presbytery (see **1997, p. 180, 25-45, III.5**).

The General Assembly (BCO 14) (Changes to the RAO), Membership on the Standing Judicial Commission

2001, p. 231, 29-44, III.20. The Assembly answered in the negative Overture 31 from Mid-America Presbytery, thereby declining to amend **RAO 15-1 [now 17-1]** to forbid denominational employees from serving on the Standing Judicial Commission, on the grounds that “permanent employees of the denomination may bring useful gifts and perspectives to SJC matters. Professional and personal integrity should lead men to recuse themselves appropriately from deliberations and votes on various matters....”

The General Assembly (BCO 14) (Changes to the RAO), Request for Assembly to Assume Original Jurisdiction

2001, p. 126, 29-27, IV. The Assembly amended **RAO 15-2 (now 17-2)** to specify which legal circumstances would be assigned to the Standing Judicial Commission, which would, if the case were found in order, proceed to adjudicate the case.

The General Assembly (BCO 14) (Changes to the RAO), General Assembly Giving Direction to SJC Decisions

2016, p. 69, 44-40. The Assembly answered in the negative Overture 5 from Pittsburgh Presbytery to amend **BCO 15-5.a** and **RAO 17-1, Para. 4**, to allow the General Assembly to give directions to the SJC in judicial decisions and reasoning and opinions, on the grounds that the overture would undermine the judicial process established by the Constitution of our church and justice would be delayed (see **2016, p. 78, 44-44, III.3**).

The General Assembly (BCO 14) (Changes to the RAO), Recording Ministerial Calls in Presbytery Minutes

2014, p. 19, 42-15. The Assembly adopted **Recommendation VII.1** to insert a new *RAO* item **RAO 16-3.e.6** [inserted between the current 16-3.e.5 and the renumbered 16-3.e.7] stating that minutes of presbytery relating to ministerial calls shall record that the specific arrangements (**BCO 20-1**) and the call were found to be in order (see **2014, p. 461, App. Q**).

2011, p. 25, 39-19. The Committee on Review of Presbytery Records recommended that the Assembly amend **RAO 16-3.e.5** to require that presbytery minutes record ministers' and ministerial candidates' stated differences with our standards "in their own words," in addition to one of the four categories (*a* through *d*) of *RAO 16-3.e.5*. An amendment was also proposed to the recommended amendment to add "and licensure candidates" to *RAO 16-3.e.5* alongside ministers and ministerial candidates. Upon advice of the CCB that this proposed amendment to the amendment (i.e. to add "and licensure candidates") was in conflict with the Constitution, the Assembly proceeded to defeat it. The Assembly then approved the initial recommendation of the Committee on Review of Presbytery Records (see also **2011, p. 17, 39-10** and **2011, p. 24, 39-18**).

The General Assembly (BCO 14) (Changes to the RAO), Ministerial Calls in Presbytery Minutes

2014, p. 19, 42-15. Upon recommendation of the Committee of Review of Presbytery Records, the Assembly amended **RAO 16-3.e** by inserting a new item **16-3.e.6**: “Minutes of presbytery relating to ministerial calls shall record that the specific arrangements (**BCO 20-1**) and the call were found to be in order” (see **2014, p. 461, App. Q, VII.1**).

The General Assembly (BCO 14) (Changes to the RAO), Proper Procedure for Reporting Exceptions of Substance by the Committee on Review of Presbytery Records

2014, p. 19, 42-15. The Assembly adopted **Recommendation VII.2** to amend **RAO 16-6.c.1** by adding the phrase “and any non-compliance with **RAO 16-3.e.5**” regarding the reporting of exceptions of substance.

The General Assembly (BCO 14) (Changes to the RAO), Non-Compliance with the RAO as an Exception of Substance

2014, p. 19, 42-15. The Assembly approved an amendment to **RAO 16-6.c.1** which stated that “any non-compliance with **RAO 16-3.e.5**” should be reported as an exception of substance (see **2014, p. 461, App. Q, VII.2**).

The General Assembly (BCO 14) (Changes to the RAO), Minority Reports by Members of the Committee on Review of Presbytery Records

2018, p. 19, 46-12. The Assembly adopted **Recommendation V.18** to amend the **RAO** by adding **RAO 16-7.h** stating that any member of the Review of Presbytery Records committee may indicate an intention to file a minority by giving notice to the chairman, and requiring that any minority report from at least six (6) members of the committee must be filed with the committee chairman and office of the Stated Clerk of the PCA not more than seven (7) days after the adjournment (see **2018, p. 364, App. Q, V.18**).

The General Assembly (BCO 14) (Changes to the RAO), Presbyteries Taking Note of and Responding to Exceptions of Substance Taken by the General Assembly

2013, p. 17, 41-10. The Assembly adopted **Recommendation VI.2** which added new language to **RAO 16-10.a** specifying that presbyteries

shall note in their minutes exceptions of substance taken by the Assembly, and that presbyteries' responses should normally be adopted in the same calendar year as the exceptions were taken by the Assembly; regardless, responses must be filed no less than one month prior to General Assembly (see **2013, p. 414, App. Q, VI.2.**).

The General Assembly (BCO 14) (Changes to the RAO), Refining Language Regarding Responses from Presbyteries to Exceptions of Substance

2018, p. 19, 46-12. The Assembly adopted Recommendation V.20 to amend **RAO 16-10.c** by adding "or" in addition to "and" regarding a presbytery's response to exceptions of substance, which will make the Committee on the Review of Presbytery Records better able to judge the response based on the record and actions of the Presbytery (see **2018, p. 365, App. Q, V.20.**)

The General Assembly (BCO 14) (Changes to the RAO), Committee on Constitutional Business, Relationship to the Standing Judicial Commission

2014, p. 56, 42-35. The Assembly answered in the negative Overture 9 from Southwest Presbytery to amend **RAO 17-1** to allow the Committee on Constitutional Business to take exception to Standing Judicial Committee case decisions (see **2014, p. 60, 42-38, IV.9** and **2014, p. 802, App. W.**)

The General Assembly (BCO 14) (Changes to the RAO), Requirements for Rehearing SJC Cases

2017, p. 24, 45-15. The Assembly amended **RAO 17-4** to state that rehearings must be granted when requested by a voting member of the judicial panel or by at least seven members of the SJC as a whole (see **2017, p. 554, App. T, IV.1.**)

The General Assembly (BCO 14) (Changes to the RAO), Final Speech in Debate

2006, p. 74, 34-22. Upon the recommendation of the Strategic Planning Committee, the Assembly adopted an amendment to **RAO 17-4.b [now 14-9.h]**, making explicit the applicable cases pertaining to the

representative of any Committee or Agency making the final speech in debate (see 2006, p. 583 & 611, App. O, VI.2.b).

The General Assembly (BCO 14) (Changes to the RAO), Rules Governing Debate on Minority Reports at the Assembly

2009, p. 56, 37-11. The Assembly answered in the affirmative Overture 2 from Potomac Presbytery to amend **RAO 19-4.d, 14-9.h, and 15-8.g** to allow for a total of 60 minutes of debate when there is a minority report (unless extended by a simple majority), and to allow each commissioner to speak for five (5) minutes on the same question, unless granted more by the Assembly. In so doing, the Assembly recognized that the time limitations of 10 minutes on speeches of commissioners, enacted by the 2006 GA, did not offer ample opportunity for careful argument or counter-argument in cases where a minority report was offered. Language was added to **RAO 19-4.d** to make 19-4 more consistent with proposal as set forth in 14-9.h and 15-8.g.

Ecclesiastical Commissions (BCO 15) (Sessions and Presbyteries), Presbytery Commissions Appointed as Interim Sessions

1999, p. 162, 27-44, III.4. The Assembly answered in the affirmative Overture 10 from Pittsburgh Presbytery, to amend **BCO 15-1** to clarify the difference between a Presbytery commission appointed as an interim Session and other Presbytery commissions.

2000, p. 57, 28-12, Item 2. The Presbyteries having approved the amendment to **BCO 15-1**, the Assembly approved the amendment.

Ecclesiastical Commissions (BCO 15) (Sessions and Presbyteries), Quorum for Presbytery Commissions

2010, p. 71, 38-17. The Assembly approved the request of the Committee on Review of Presbytery Records to amend **BCO 15-2** to define the quorum for a presbytery-appointed commission as one more than half its membership, unless otherwise determined by the Presbytery (see 2010, p. 73, 38-17, V.9).

2011, p. 16, 39-9, Item 6. The presbyteries having voted 72-1 for the amendment to **BCO 15-2**, the Assembly adopted the amendment (see 2011, p. 112, App. A).

Ecclesiastical Commissions (*BCO 15*) (Sessions and Presbyteries), A Session's Power to Appoint a Commission

2016, p. 68, 44-40. The Assembly answered in the negative Overture 25 from Rocky Mountain Presbytery, which would have amended ***BCO 15-1*** and ***15-2***, and added a new ***BCO 15-4*** and renumbered the subsequent paragraphs, on the grounds that the amendment was not necessary, as the power to appoint a commission is a power that is inherent to a session (see **2016, p. 79, 44-44, III.8**).

Ecclesiastical Commissions (*BCO 15*) (Standing Judicial Commission), Amendments to the Standing Judicial Commission Manual [now Operating Manual of the Standing Judicial Commission (OMSJC)]

[Listed in chronological order according to year of change]

1999, p. 91, 27-22, VI.1-4. The Assembly adopted several **amendments to the OMSJC**, regarding due diligence on contacting parties (*OMSJC 19.10c*) [now **18.10**], the language of the SJC documents (**19.11**) [now **18.11**], notifying the parties to a case that the OMSJC is printed as an appendix to the *BCO* (*OMSJC 8.3b* [now **7.3b**]), and what constitutes grounds for disqualification from voting by a commission member (**6.2d**) [now **2.3.d**].

2001, p. 242, 29-44, III.22. In answer to Overture 35 from Western Carolina Presbytery, the Assembly directed the SJC to draft and present to the 30th GA procedures, to be placed in the *OMSJC* for examining concurring and dissenting opinions, which ensure that such opinions are in temperate language before they are added to SJC reports (22.b). The Assembly answered in the negative the request to remove a Concurring Opinion in **SJC Case 1999-01** (22.a), and ruled out of order the recommendation to remove the first Concurring Opinion.

2002, p. 176, 30-30, V. The Assembly granted the SJC another year to study the matter of concurring and dissenting opinions, and to complete its work.

2003, p. 68, 31-23. The Assembly adopted **amendments to the OMSJC** dealing with temperate language in concurring and dissenting opinions, adding a new section **20.12** [now **18.12**], and amending **21.2.f, 13.10, 14.7, 15.7, and 19.8.k** [now see **10.10, 11; 12.10; 13.7; 14.7; 15.9, 17.8.k**]. The amendments ensured that the full commission will review concurring and dissenting opinions, to determine whether they are couched in temperate language (see **2003, p. 124, 31-35, IV**).

2003, p. 168, 31-57. In reference to amendments made by the SJC to the *OMSJC* (**2003, p. 68**), the Assembly answered in the negative Overture 9 from Central Carolina Presbytery, which sought to amend *BCO* 15-5.b by granting the Assembly, upon a 2/3 vote, the ability to strike concurring or dissenting opinions from the minutes (see **2003, p. 198, 31-57, III.10**).

2002, p. 107, 30-30. The Assembly **amended the *OMSJC*** by adding a new chapter **16** [now see *OMSJC 15*], “Procedures for Hearing a Memorial” (*BCO* 40-5 [the term “memorial” was removed from the *BCO* in 2006]), and by amending **13.8** [now **12.8**] and adding a new chapter inserted as **18** [now *OMSJC 16*], “Procedures for Assuming Original Jurisdiction Over a Minister (*BCO* 34-1).” Because of the adoption of these amendments, Overture 28 from Westminster Presbytery to reject *OMSJC* changes and remove memorials from the SJC was declared moot (see **2002, p. 172, 30-30, IV.A-B** and **2002, p. 275, 30-53, III.19**).

2003, p. 92, 31-35. In response to Overture 13 from Central Carolina Presbytery, the Assembly **amended the *OMSJC*** to specify when SJC decisions become public, by adding the words “and shall then be public” to the end of **19.8.j** [now **17.8.j**] (see **2003, p. 125, 31-35, IV**).

2004, p. 45, 32-12. The Assembly **amended the *OMSJC*** at **11.7.b** and **12.3.b** to allow for electronic notification and acknowledgement for setting the time and place for hearings (see **2004, p. 45, 32-12, 1**).

2004, p. 45, 32-12. The Assembly **amended the *OMSJC*** at **3-1** to allow for the annual stated meeting of the SJC to be held via a conference call meeting if deemed prudent (see **2004, p. 47, 32-12, 2** and **2004, p. 113, 32-31** for a dissenting opinion to this recommendation).

2007, p. 65, 35-17. The Assembly **amended the *OMSJC*** by adding a new **21.3.b** [now **19.3.b**] to make the briefs available by electronic means or by inclusion in the Commissioner Handbook.

2009, p. 130, 37-28. The Assembly **amended the *OMSJC*** at several places to allow for electronic means of communications (*OMSJC 3.2* [now **4.2**], **8.4.a, 8.4.b** [now **7.4.c,d**], **13.10** [now **12.10**], **14.7** [now **13.7**], **15.7** [now **14.7**], **19.7.a, 19.7.c** [now **17.7.a,d**], **11.10, 11.11.a** [now **10.10; 10.11.a**], **19.6** [now **17.6**], and **20.6** [now **18.6**]). The Assembly also amended *OMSJC 16* [now **15**] substantially, renaming it

“Procedure for Hearing a Report Arising out of General Review and Control” to reflect the removal of the term “memorials” from the *BCO* in 2006 (see **2009, p. 200, 37-28, IV**; for the removal of memorials, see below, **BCO 15, 2005, p. 184**).

2010, p. 64, 38-10. The Assembly **amended the *OMSJC*** by adding a new Chapter 2, “Conduct of Commission Members” and striking Chapters 6 (“Eligibility for Voting”) and 7 (“Conduct of Members”). The Assembly also amended several other sections by striking and adding language to **3.1 [now 4.1], 17.1-2 [now 10.8.a,b], 11.8 (replaced by then 17.1-2; 13.8 [now 12.8], 14.2 [now 13.2], 15.2 [now 14.2], and 19.5 [b].** An amendment to section **11.7**, which would have made panel hearings by telephone conference call the normal practice, was not approved (see **2010, p. 252, 38-31, IV**).

2012, p. 29, 40-39. The Assembly **amended the *OMSJC*** at several places, regarding concurring and dissenting opinions (**18.12**), preliminary briefs (**8.1** and **8.4.b**), and executive and closed sessions (**18.13**) (see **2012, p. 582, App. T, IV**).

2013, p. 17, 41-11. The Assembly **amended the *OMSJC*** at several places, regarding the duties of the Assistant Secretary (**3.7**), the persons who shall determine whether a case is administratively in order (**9.1**), and electronic conferences (**10.7**) (see **2013, p. 617, App. T, V**).

2016, p. 31, 44-28. The Assembly **amended the *OMSJC*** by clarifying and refining language regarding how oral arguments are to take place (**10.9**), striking redundant language (**7.2.b**), and adding text to correct a lack of specific direction as to how a hearing is to proceed (**7.4.d**). A new subsection (**7.4.b**) was added to *OMSJC 7.4*, which required that “deletions or additions” be recorded in the minutes of the hearing body and be reported to the parties. The Assembly also answered in the affirmative Overture 2 from Pacific Northwest Presbytery to amend *OMSJC 18.12* by making it possible to call a special meeting of the SJC with 14 days’ notice, in order to discuss concurring and dissenting opinions (**2016, p. 556, App. T, IV.A-E**).

2017, p. 24, 45-15. The Assembly **amended the *OMSJC*** in five ways (Items 1-5). Item 2 amended *OMSJC 8.2* to state that “in the event of a rehearing before the full commission, each party may file a supplemental brief in accord with a briefing schedule” established by the officers of

the commission. Items 1 and 3 amended ***OMSJC 17.4*** and ***10.11.a.6*** to replace the words “dissenting member” with “voting member” ***OMSJC 10.11.a.7*** was also amended by the addition of a cross reference regarding a request for rehearing. Item 4 amended ***OMSJC 17.5*** and ***17.7*** to allow for electronic or postal delivery of decisions and clarify confusion as to the exact standard and mechanism for obtaining a rehearing of a case (see **2017, p. 554, App. T, IV.2-5**).

2018, p. 30, 46-27. The Assembly **amended the *OMSJC*** in six ways (Items 1-5). Item 1 amended five sections of the *OMSJC* to clarify that concurring and dissenting opinions not only need to use temperate language, but must also conform to the full requirements of *OMSJC 18.12*. Item 2 amended ***OMSJC 4.1*** by moving the first stated meeting of the Commission from March to February. Item 3 amended ***OMSJC 10.11.a.2.I*** to allow for a separate Case Summary as part of the summary of the facts. Item 4 amended ***OMSJC 19.2.f*** to make explicit the relatively new possibility of an SJC answer to a concurring or dissenting opinion. Item 5 amended ***OMSJC 18.12.c*** to restrict who may vote on the adoption of an Answer to a dissenting or concurring opinion. Item 6 amended ***OMSJC 18.10.b*** to clarify that filings may be sent by “priority” mail, not just “certified, registered or express mail” (see **2018, p. 589, App. T, Items 1-6**).

Ecclesiastical Commissions (*BCO 15*) (Standing Judicial Commission), Proposed Amendments to *BCO 15*, Attempts to Abolish the Standing Judicial Commission

2002, p. 243, 30-53. The Assembly answered in the negative Overture 6 from Westminster Presbytery, which proposed to revise ***BCO 15-4*** and ***15-5*** to abolish the Standing Judicial Commission. The Assembly stated that the “SJC remains the best means to handle judicial cases at the Assembly level. The proposed remedy suffers from the defects so evident in the former system, defects which the SJC was created to, and has in large measure, overcome” (see **2002, p. 254, 30-53, III.8.** and **2002, p. 100, 30-29, III.**).

Ecclesiastical Commissions (*BCO 15*) (Standing Judicial Commission), Proposed Amendments to *BCO 15*, Membership on the Standing Judicial Commission

2004, p. 152, 32-48. The Assembly answered in the negative Overture 10 from Nashville Presbytery, which requested that the Assembly amend

BCO 15-4 to allow one TE and one RE from the same presbytery to serve on the Standing Judicial Commission (see **2004, p. 171, 32-48, III.7**). See also above, *BCO 14* (Changes to the *RAO*), **2016, p. 69, 44-40**.

Ecclesiastical Commissions (BCO 15) (Standing Judicial Commission), Proposed Amendments to BCO 15, Cases Handled by Standing Judicial Commission

2005, p. 184, 33-45 and 33-48. The Assembly adopted the recommendation of the Administrative Committee to amend the first sentence of **BCO 15-4** to make clear that not just “judicial cases,” but all matters of discipline, except for the annual Review of Presbytery Records, are to be referred to the SJC. The Assembly also altered language of **BCO 40-5** to remove reference to judicial “memorials,” substituting a new first paragraph to simplify the language and allow for the use of a lower court’s commission to answer an appellate court’s citation of the lower court for alleged delinquency or unconstitutional proceedings (see **2005, p. 186, 33-48, III.8** and **2005, p. 340, App. C, XV**).

2006, p. 52, 34-8. The presbyteries having voted 49-16 for the amendment to **BCO 15-4**, and 54-11 for the amendment to **BCO 40-5**, the Assembly approved the amendments (see **2006, p. 55, 34-8, Items 2 and 3**).

Ecclesiastical Commissions (BCO 15) (Standing Judicial Commission), Proposed Amendments to BCO 15, Term limits on the Standing Judicial Commission Members

2006, p. 197, 34-57. The Assembly answered in the affirmative Overture 15 from James River Presbytery to add a sentence to the end of **BCO 15-4**, instituting term limitations for the SJC (see **2006, p. 205, 34-57, III.5**).

2007, p. 55, 35-10, Item 1. The Presbyteries voted 50-11 in favor of the amendment to **BCO 15-4**, but the Assembly defeated the proposed change.

Ecclesiastical Commissions (BCO 15) (Standing Judicial Commission), Proposed Amendments to BCO 15, Finality of Standing Judicial Commission Judgments

2014, p. 57, 42-38. The Assembly answered in the negative Overture 13 from Southwest Florida Presbytery to revise **BCO 15-1** and **15-5.a and b** to allow the General Assembly to vote on the judgments handed down by the Standing Judicial Commission. The Assembly gave as its grounds several problems that would arise from such a change: delays,

insufficient familiarity with the cases, no debate allowed, and a faulty understanding of the nature of commissions (see **2014, p. 61, 42-38, IV.13** and **2014, p. 809, App. W**).

See also above, **BCO 14** (Changes to the *RAO*), **2016, p. 69, 44-40**.

Ecclesiastical Commissions (BCO 15) (Standing Judicial Commission), Proposed Amendments to BCO 15, Judicial Commission Minority Reports

2016, p. 68, 44-40. The Assembly referred back without prejudice Overture 3 from Chesapeake Presbytery, which would have amended **BCO 15-3** to allow judicial commission minority reports, in order to perfect the language (see **2016, p. 78, 44-44, III.2**).

Ecclesiastical Commissions (BCO 15) (Standing Judicial Commission), Proposed Amendments to BCO 15, General Assembly Giving Direction to SJC Decisions

2016, p. 69, 44-40. The Assembly answered in the negative Overture 5 from Pittsburgh Presbytery to amend **BCO 15-5.a** and **RAO 17-1, Para. 4**, to allow the General Assembly to give directions to the SJC in judicial decisions and reasoning and opinions, on the grounds that the overture would undermine the judicial process established by the Constitution of our church and justice would be delayed (see **2016, p. 78, 44-44, III.3**).

2017, p. 48, 45-41. The Assembly answered in the negative Overture 11 from Chesapeake Presbytery to change **BCO 15-3** to allow judicial commission minority reports, on the grounds that options already exist for appeal, complaint, or trying a case (see **2017, p. 51, 45-41, III.11**).

Church Orders & Vocation (BCO 16-25)

Church Orders (BCO 16 and 17) (Vocation and Ordination), Teaching Exceptions to the Standards

1999, p. 169, 27-44, III.9. The Assembly answered in the negative Overture 15 from North Georgia Presbytery, which sought to clarify further the conditions under which exceptions to the PCA Confessional Standards may or may not be taught by someone who takes exceptions and who is nevertheless approved by his Session or Presbytery for the ministry. The Assembly referred the matter back to the Presbytery to

propose proper language necessary for changes to the *BCO*. See ***BCO 16; 21.***

2000, p. 286, 28-72, III.10. The Assembly answered in the negative an overture from Cherokee Presbyterian Church, forwarded by North Georgia Presbytery, which would have added a new paragraph to ***BCO 16***, making explicit Presbytery's authority to require a man not to teach his exception. North Georgia Presbytery had previously rendered a negative vote upon its consideration of the overture. The Assembly declined to approve the proposed amendment on the grounds that "the powers of the Presbytery with respect to this issue are well defined in the Constitution (e.g., *BCO* 13-9.d, 13-9.f) and have been carefully and consistently construed by the General Assembly in judicial cases" (e.g., **1986, p. 125, 14-52, Item 13;** **1990, p. 205;** and **1992, p. 163, 20-69, III. 4.**)

For ***BCO 16***, see also **2004, p. 152, 32-48.**

Doctrine of Ordination (BCO 17)

For who is and is not subject to ordination, see ***BCO 9, 2010, p. 379.***

Candidates for the Gospel Ministry (BCO 18), Removal from the Care of Presbytery

2014, p. 56, 42-35. The Assembly voted to amend ***BCO 18-7***, requiring that in all cases of a removal or withdrawal of a candidate from the care of Presbytery, the sufficient reason for the action shall be recorded in the minutes of Presbytery (see **2014, p. 67, 42-38, IV.49** and **2014, p. 853, App. W.**)

2015, p. 24, 43-14. The presbyteries having voted 64-1 in favor of the change to ***BCO 18-7***, the Assembly approved the amendment (see **2015, p. 112, App. A, Item 3.**)

Licensure of Candidates (BCO 19), Licentiates and Differences with Standards

2012, p. 56, 40-53. The Assembly answered in the affirmative Overture 1 from Western Carolina Presbytery to amend ***BCO 19-2*** to require Licentiates to state their differences with the Westminster Standards, and require presbyteries to rule on the nature of the differences (see **2012, p. 63, 40-57, III.1** and **2012, p. 682, App. W.**)

2013, p. 17, 41-9. The presbyteries having voted in favor of amending **BCO 19-2** by a vote of 67-2, the Assembly adopted the amendment (see **2013, p. 105, App. A, Item 1**).

Licensure of Candidates (BCO 19), Internship Transfer and Examinations

2011, p. 65, 39-57. The Assembly answered in the affirmative Overture 4 from Nashville Presbytery to amend **BCO 19-11** to specify requirements for the examination of an intern who is transferring his internship from one presbytery to another (see **2011, p. 66, 39-57, III.2** and **2011, p. 617, App. V**).

2012, p. 18, 40-10. The presbyteries having approved the amendment by a vote of 63-0, the Assembly adopted the amendment (see **2012, p. 90, App. A, Item 2**).

Election of Pastors (BCO 20), Role of a Pulpit Committee

1999, p. 56, 27-12, Item 3. In response to Overture 2 from Potomac Presbytery at the 26th GA, the presbyteries voted 42-9 in favor of the amendment to **BCO 20-2**. The Assembly thereby approved the amendment to **BCO 20-2**, paragraph 2, by adding a new concluding sentence further describing the role of the pulpit committee in the process of calling a pastor (see also **1998, p. 200, 26-55, III.7**).

2006, p. 197, 34-57. The Assembly answered in the negative Overture 9 from Rocky Mountain Presbytery to approve an appendix to the **BCO** that would have given a “suggested process for calling a pastor” (see **2006, p. 200, 34-57, III.2**).

Election of Pastors (BCO 20), A Senior Pastor's Involvement in Calling an Assistant or Associate Pastor

2001, p. 190, 29-44, III.3. The Assembly answered in the negative Overture 3 from Susquehanna Valley Presbytery to amend **BCO 20-2** to automatically include the senior pastor as a member of the search committee for an assistant or associate pastor, on the grounds that “it is not wise to mandate a specific **BCO** procedure regarding senior pastor involvement in calling an assistant or an associate pastor.”

Election of Pastors (*BCO 20*), Moderators of Congregational Meetings for the Election of TEs and REs

2012, p. 56, 40-53. The Assembly answered in the affirmative Overture 11 from Pacific Northwest Presbytery to amend ***BCO 20-3, 24-2, and 25-4*** to allow an RE to moderate a congregational meeting of a church not his own (see **2012, p. 71, 40-57, III.9** and **2012, p. 694, App. W**).

2013, p. 16, 41-9. The Presbyteries having voted 69-0 in favor of amending ***BCO 20-3, 24-2, and 25-4***, the Assembly adopted the amendments (see **2013, p. 108, App. A, Item 2**).

See also ***BCO 24-2, and 25-4***.

Ordination and Installation of Ministers (*BCO 21*), Subscription of TEs to the Westminster Standards

2002, p. 212, 30-47 and 30-50. The Assembly answered in the affirmative as amended Overture 10 from Ohio Valley Presbytery to amend ***BCO 21-4*** by adding two explanatory paragraphs. Overture 10, along with seven other overtures answered with reference to Overture 10 (Overtures 3, 11, 12, 24, 29, 31, and 32), sought to clarify that the PCA does not require its ministers to subscribe to every detail of the Westminster Standards and that presbytery has the right to determine which of the candidate's differences with the Standards are allowable. A Minority Report (**p. 236**) recommending that the overtures be referred to an ad interim committee was debated and defeated. Negative votes on the main motion were recorded by 127 men (see **2002, p. 218, 30-50, III.2**).

2003, p. 50, 31-11. The presbyteries having voted 45-19 in favor of the amendment to ***BCO 21-4***, the Assembly adopted the amendment by a vote of 816-545. Seventy (70) commissioners registered their negative votes on the adoption of the amendment to ***BCO 21-4*** (see **2003, p. 54, 31-11, Item 2**).

2002, p. 213, 30-50. The Assembly answered in the negative Overture 4 from Ohio Valley Presbytery, which would have added two new paragraphs to ***BCO 21-4*** and required presbytery to decide how the candidate would be allowed to handle his exception in his private life and public ministry (see **2002, p. 238, 30-50, III.3**).

Ordination and Installation of Ministers (*BCO 21*), TE Ordination Vows

2002, p. 243, 30-53. The Assembly answered in the affirmative Overture 1 from Western Carolina Presbytery to amend ***BCO 21-5***, by adding the words “and unity” to the sixth ordination question after the words “the purity and peace.” The Bills and Overtures Committee had recommended against this change (see **2002, p. 244, 30-53, III.6**).

2003, p. 56, 31-11, Item 3. The Presbyteries having voted 58-6 in favor of the amendment, the Assembly adopted the amendment to ***BCO 21-5***.

2003, p. 213, 31-59. The Assembly received a protest to the Assembly’s adopting the amendment to ***BCO 21-4*** from a TE (along with 93 other men who joined him), arguing that the PCA had forsaken its historical practice of full or strict subscription and had adopted essentially the same position as the PCUSA in 1927.

2003, p. 157, 31-53. The Assembly adopted as the main motion a Minority Report to answer in the negative Overture 16 from Western Carolina Presbytery, which requested that the Assembly appoint a study committee on doctrinal subscription. The Assembly answered Overture 8 from Mississippi Valley Presbytery with reference to its action on Overture 16. The Minority Report (**2003, p. 190**), which recommended “living with Good Faith subscription for a few years and then...we can see if there really is interest in convening a new study committee,” was adopted by a vote of 530-477. One TE recorded a negative vote (see **2003, p. 185, 31-57, III.6**).

2004, p. 152, 32-48. The Assembly answered in the negative Overture 9 from Grace Presbytery to delete the two paragraphs in ***BCO 21-4*** adopted by the 31st GA (see above **2003, p. 50, 31-11**), and in their place to add a new **Preliminary Principle #5** and a new paragraph in ***BCO 16***. Though the Assembly affirmed that the overture raised and thoughtfully addressed important issues regarding subscription and the taking of exceptions, which the PCA “may have to face at some point,” yet it found some of the proposed language cumbersome. Later in the Assembly a motion to reconsider this vote was defeated (see **2004, p. 166, 32-48, III.6** and **2004, p. 203, 32-52**).

2005, p. 191, 33-51. The Assembly answered in the negative Overture 9 from Ascension Presbytery to amend ***BCO 21-4*** to require that those elders who are granted exceptions, when they preached or taught their

exception, must also present the teaching of the Westminster Standards. The Assembly declared that the language was “too restrictive of the responsibility and judgment of Presbyteries and Sessions,” and possibly in conflict with *WCF* 20.2, and that it “incorrectly impl[ied] that *BCO* 21-4 mandates permission to teach and preach exceptions” (see **2005, p. 198, 33-51, III.5**).

2006, p. 197, 34-57. The Assembly answered in the negative Overture 17 from Ascension Presbytery, which would have added a sentence to ***BCO* 21-4**, paragraph 7, specifying conditions under which a minister’s or licentiate’s exceptions to the Standards might be taught or preached. The Committee concurred with the opinion of the CCB that this overture violated Preliminary Principle 1 and *WCF* 20. A substitute motion (**2006, p. 208, 34-57**) to answer the overture in the affirmative with an amendment elaborating on the conditions was defeated (see **2006, p. 207, 34-57, III.7** and **2006, p. 81, 34-34, II.F**).

2007, p. 146, 35-52. The Assembly answered in the negative, without prejudice, Overture 15 from Potomac Presbytery to add to ***BCO* 21-4**, paragraph 7, a sentence with stipulations concerning how a TE should present declared differences from the Westminster Standards in the course of his teaching. Anticipating future opportunity to address this matter, the Assembly commended the matter to the Church for further study, debate, and perfection (see **2007, p. 166, 35-52, III.12**).

Ordination and Installation of Ministers (*BCO* 21), The Right of Presbytery to Decline Church’s Call

2007, p. 146, 35-52. The Assembly answered in the negative Overture 4 from Westminster Presbytery, which sought to amend ***BCO* 21-1** to make explicit a Presbytery’s right to deny the call of a church to a pastor. In a minute explanatory, the Assembly stated that the PCA constitution already gives that right to Presbytery under certain conditions (*BCO* 21-1, 20-10) (see **2007, p. 150, 35-52, III.3**).

Ordination and Installation of Ministers, (*BCO* 21)

See also Moral and Theological Issues, Sabbath **2016, p. 22, 44-19**.

Pastoral Relations (*BCO* 22), The Calling of Assistant Pastors

2005, p. 195, 33-51, III.4. The Assembly answered in the negative Overture 7 from Chesapeake Presbytery to amend ***BCO* 22-4** by listing

specific ways in which an assistant pastor might exercise his ministerial gifts in relation to a congregation. Citing *BCO* 22-4, the Bills and Overtures Committee stated that “the relationship of an Assistant Pastor to a congregation is best left to the Session” (see **2005, p. 195, III.4.**).

The Dissolution of the Pastoral Relation and The Procedure for Honorable Retirement (*BCO* 23)

No GA Actions, 1999-2018

Election . . . of Ruling Elders and Deacons (*BCO* 24), Process

2000, p. 275, 28-72. The presbyteries having voted 40-13 in favor of the amendment, the Assembly approved the amendment to ***BCO* 24-1**, first and second paragraphs, by substituting sentences to clarify the procedure for electing persons to the offices of RE and Deacon (see **2000, p. 54, 28-12, Special Item**). This amendment had been initially approved by the 26th GA (see **1998, p. 208, 26-55, III.14**), but an insufficient number of presbyteries reported to the 27th GA (see **1999, p. 58, 27-12, Item 4**). Therefore, the matter was deferred until the 28th GA.

Election, Ordination. . . of Ruling Elders and Deacons (*BCO* 24), Women, Holding Office in the PCA

2002, p. 243, 30-53. The Assembly answered in the negative Overture 14 from Rocky Mountain Presbytery, thereby declining to amend ***BCO* 24-1** by changing the word “should” in “...each prospective officer should be an active male member...” to “shall.” The Assembly declared that the word “should” in this context is equivalent to “ought to,” expressing duty or obligation (see **2002, p. 259, 30-53, III.10**).

2002, p. 243, 30-53. The Assembly answered in the negative Overture 15 from Rocky Mountain Presbytery, thereby declining to change the word “persons” to “men” in the first line of ***BCO* 24-1**. “In this context,” the Assembly declared, “‘persons’ refers to men” and further noted that “the term in question has been in this place since the original constitution of the PCUSA in 1788, so there can be no suggestion of unwholesome contemporary influence in its employment” (see **2002, p. 260, 30-53, III.11**).

2017, p. 48, 45-41. The Assembly answered in the negative Overture 4 from Northwest Georgia Presbytery to add ***BCO* 24-11**, which would have specified that males only may be ordained as Elders and Deacons, on the grounds that the *BCO* is already clear on this matter (see **2017, p. 50, 45-41, III.4**).

2018, p. 31, 46-29. The Assembly answered in the negative Overture 9 from Grace Presbytery to amend **BCO 9-7** regarding assistants to deacons or deaconesses, and to amend **BCO 24-11** by adding a new 24-11 regarding women officers (see **2018, p. 36, 46-29, IV.9**).

Election, Ordination . . . of Ruling Elders and Deacons (BCO 24), Ordination Requirements, Elders and Deacons

2004, p. 152, 32-48. The Assembly answered in the negative Overture 1 from Heritage Presbytery to add “knowledge of the holy Scriptures” to the requirements for ordination of elder and deacon in **BCO 24-1**, on the basis that knowledge of the Holy Scripture was already implied in the present requirements (see **2004, p. 152, 32-48, III.1**).

2005, p. 191, 33-51. The Assembly, reversing the previous Assembly’s decision, (see **2004, p. 152**), answered in the affirmative Overture 10 from Ascension Presbytery to amend **BCO 24-1**, by adding a new item, “b. knowledge of Bible content.” This new requirement would only apply to those officers ordained after the adoption of this measure, though all officers presently ordained were exhorted to be diligent in their mastery of the Bible (see **2005, p. 200, 33-51, III.6**).

2006, p. 52, 34-8, Item 1. The presbyteries having voted 64-1 in favor of the change to **BCO 24-1**, the Assembly approved the amendment.

Election . . . of Ruling Elders and Deacons (BCO 24), Handling Highly Divided Votes

2004, p. 152, 32-48. The Assembly answered in the affirmative Overture 2 from Eastern Canada Presbytery to correct a numbering mistake in relation to **BCO 24-3** and add a new item to **BCO 24 (BCO 24-5)** giving explicit direction regarding highly divided votes for elders and deacons (see **2004, p. 154, 32-48, III.2**).

2005, p. 49, 33-8, Item 1. The presbyteries having voted 55-8 for the amendments to **BCO 24-3** and **24-5**, the Assembly approved the amendments.

Election . . . of Ruling Elders and Deacons (BCO 24), Emeritus Status, Age Requirements

2004, p. 152, 32-48. The Assembly answered in the affirmative Overture 8 from North Texas Presbytery to amend **BCO 24-9** to broaden the allowable circumstances for requesting emeritus status from seventy (70) years of age to “by reason of age or infirmity” (see **2004, p. 163, 32-48, III.5**).

2005, p. 49, 33-8. The Presbyteries having voted 63-0 for the amendment to **BCO 24-9**, the Assembly approved the amendment (see **2005, p. 52, 33-8, Item 2**).

Election . . . of Ruling Elders and Deacons (BCO 24), Sabbatical for Officers of the Church

2017, p. 48, 45-41. The Assembly answered in the negative Overture 9 from Suncoast Florida Presbytery to amend **BCO 24-7** to allow for the provision of a sabbatical to officers of the church (see **2017, p. 51, 45-41, III.9**).

Congregational Meetings (BCO 25), Quorum for Withdrawal from the PCA

2017, p. 48, 45-41. The Assembly answered in the affirmative Overture 16 from Pacific Northwest Presbytery to amend **BCO 25-3** to specify that the quorum “at any meeting where there will be a vote to withdraw from the Presbyterian Church in America...shall be one-half (1/2) of the resident communing members” (see **2017, p. 52, 45-41, III.16**).

Congregational Meetings (BCO 25), Thirty-Days’ Notice for Churches to Withdraw from the PCA

2018, p. 32, 46-29. The Assembly answered in the affirmative Overture 10 from Evangel Presbytery to amend **BCO 25-11** to require thirty-days’ notice to withdraw from the PCA (see **2018, p. 36, 46-29, IV.10**). Overture 12 from Eastern Canada Presbytery and Overture 17 from Western Canada Presbytery were answered in reference to the action taken in Overture 10 (see **2018, p. 38, 46-29, IV.12** and **2018, p. 39, 46-29, IV.17**).

Amendments to the Constitution (BCO 26)

Amending the Constitution (BCO 26), Extra-Constitutional Methods of Amendment

2002, p. 243, 30-53. The Assembly answered in the negative Overture 9 from Louisiana Presbytery, which asked the Assembly to forbid Freemasons from holding office in the PCA, by stating that determining in the abstract how lower courts are to interpret the Constitution (in this case, how they judge the qualifications of candidates) is essentially to amend the Constitution by extra-constitutional methods. The Constitution itself provides the remedy for perceived failures by courts of original jurisdiction (e.g. *BCO* 33-1, 34-1, 40 and 43) (see **2002, p. 257, 30-53, III.9**).

2002, p. 243, 30-53. The Assembly answered in the negative Overture 27 from Eastern Canada, declining to amend **BCO 26-1** by adding procedural language for dealing with alleged conflicts between Scripture and the Constitution of the PCA, and asserting that the proposed procedure “would vitiate all the benefits of settled law by allowing a temporary supermajority to overrule the Constitution” (see **2002, p. 273, 30-53, III.18**).

2010, p. 346, 38-54. The Assembly answered in the negative Overture 5 from Covenant Presbytery, which sought to amend **BCO 26-2** to specify that all sections of the *BCO*, whether constitutionally binding or not, must be amended by the procedure in *BCO* 26-2. Such an amendment, the Assembly stated, would have appeared to grant most of the chapters of the “Directory for Worship” and the appendices constitutional authority they do not have (see **2010, p. 347, 38-54, III.1**).

Amending the Constitution (BCO 26), Threshold for Amending the Westminster Standards

2001, p. 205, 29-44, III.10. The Assembly answered in the negative Overture 10 from Evangel Presbytery to amend **BCO 26-3** by decreasing the threshold for amending the Westminster Standards from three-fourths (3/4) to two-thirds (2/3), holding that the three-fourths (3/4) requirement was appropriate for amending the Westminster Standards.

Amending the Constitution (BCO 26), Making BCO 59 Constitutional

See Moral and Theological Issues, Marriage: **2017, p. 48, 45-41.**

II. THE RULES OF DISCIPLINE (*BCO 27-45*)

Discipline: Description and Parameters (*BCO 27-28*)

No GA Actions, 1999-2018

Offenses Defined (*BCO 29*)

No GA Actions, 1999-2018

Church Censures (*BCO 30*), Avoiding Discipline by Renouncing the Jurisdiction of the PCA

2007, p. 98, 35-32. The Assembly received an objection to the decision of the SJC in **Case 2006-07**, which, according to the objection, undercut “biblical church discipline” [*BCO 30-3, 34-4, 37, 38-3.a*] “because it provide[d] a precedent whereby a member of the Presbyterian Church in America can avoid proper disciplinary process and/or censure by taking the step of renouncing the jurisdiction of the PCA.” Sixty-seven commissioners joined the objection.

Church Censures (*BCO 30*), Definite Suspension of a Minister

2018, p. 32, 46-29. The Assembly answered Overture 20 from Philadelphia Presbytery to amend **BCO 30-3** and **37-1** to amend and clarify language regarding suspension from sacraments and suspension from office by dividing the question. The Assembly answered in the affirmative as amended Part A to amend **BCO 30-1** to treat the censure of indefinite suspension and excommunication as separate. The Assembly answered in the affirmative as amended Part B to amend **BCO 30-3** and **37-1** to give presbyteries more control in determining whether or not a confessed or convicted minister demonstrating initial signs of repentance is ready to be restored to office (see **2018, p. 39, 46-29, IV.20**).

The Parties in Cases of Process (*BCO 31*)

See **Digest PART II, Constitutional Advice on *BCO 31*, p. 160**

General Provisions – Cases of Process (*BCO 32*), The Number of Meetings of a Court in Judicial Process

2001, p. 206, 29-44, III.11. The Assembly answered in the affirmative Overture 13 from Central Carolina Presbytery to amend **BCO 32-3**, by adding a separate “arraignment hearing” to the judicial process between the indictment meeting and the trial.

2002, p. 60, 30-10. The presbyteries having approved the amendment to **BCO 32-3** by a vote of 48-3, the Assembly approved the amendment (see **2002, p. 64, 30-10, Item 3**).

General Provisions – Cases of Process (BCO 32), The Manner of Delivering Indictments and Citations

2001, p. 206, 29-44, III.11. The Assembly answered in the affirmative Overture 14 from Central Carolina Presbytery to amend **BCO 32-4**, by adding instructions regarding the delivery and compliance requirements for indictments and citations, in order to ensure that a record exists of the date a citation is received.

2002, p. 60, 30-10. The presbyteries having approved by a vote of 48-3 the amendment to **BCO 32-4**, the Assembly approved the amendment (see **2002, p. 64, 30-10, Item 3**).

General Provisions and Special Rules – Cases of Process (BCO 32-34), Definition of “Contumacy” and the Court’s Duty to Act with Regard to It

1999, p. 60, 27-12, Item 5. The 26th GA approved amendments to **BCO 32-6**, **BCO 33-2 and 3**, and **BCO 34-4**, which specified that “contumacy includes refusal to cooperate with lawful proceedings of a court” and that “the court is to act immediately upon a finding of contumacy.” The amendments also brought into uniformity the language of various provisions for dealing with contumacy. The presbyteries approved the amendments by a vote of 47-4 after their initial approval by the 26th GA.

General Provisions – Cases of Process (BCO 32), The Use of Professional Counsel in Appeals or Complaints

2000, p. 288, 28-72, III.12. The Assembly answered in the affirmative, as amended by Bills and Overtures, Overture 4 from James River Presbytery to amend **BCO 32-19** to clarify the use of professional counsel in cases of process and permit an accused person to be “represented before the courts of this church by counsel, who shall have the right to be heard by oral and/or written argument.” Certain restrictions were included, including that any such counsel “shall be a communing member” of the PCA.

2001, p. 51, 29-12, Item 2. An insufficient number of presbyteries having voted, the Assembly deferred to the 30th GA action on the amendment to **BCO 32-19**.

2002, p. 60, 30-10. The vote to amend **BCO 32-19** having not received the concurrence of 2/3 of the presbyteries, the amendment failed (see **2002, p. 60, 30-10, Item 1**).

General Provisions - Cases of Process (*BCO* 32), Counsel Permissible for Judicial Processes before Session and Presbytery

2018, p. 31, 46-29. The Assembly answered in the affirmative as amended Overture 3 from South Florida Presbytery amending ***BCO* 32-19** to allow counsel by any communing member of that Presbytery for judicial process before a Session, and by any member of the PCA for judicial process before a Presbytery or the SJC (see **2018, p. 34, 46-29, IV.3**).

Special Rules Pertaining to Process Before Sessions (*BCO* 33)

See **Special Rules Pertaining to Process Against a TE** (below, 2001, p. 202, 29-44, III.9).

Special Rules Pertaining to Process Against a TE (*BCO* 34)

See **Changes to the OMSJC (*BCO* 15)**, 2002, p. 172, 30-30, IV.A-B.

For ***BCO* 34-4**, see above **General Provisions and Special Rules – Cases of Process (*BCO* 32-34), Definition of “Contumacy,” 1999, p. 60, 27-12, Item 5.**

Special Rules Pertaining to Process Against a TE (*BCO* 34), General Assembly Assuming Original Jurisdiction

2000, p. 238, 28-47, Case 1999-01. The Standing Judicial Commission ruled administratively out of order, and therefore not properly before the Assembly, requests from Western Carolina Presbytery, Calvary Presbytery, and Ascension Presbytery to assume original jurisdiction (per ***BCO* 34-1**) in the matter of a TE whom they alleged allowed women to fill the pulpit in a PCA church. See **SJC Case 1999-01** and **2000, p. 68, 28-19, III.Ref. 1.**

2000, p. 214, 28-46. In answer to Overture 22 from Louisiana Presbytery, the Assembly did not “condemn” the judgment of the 27th GA in accepting the SJC’s decision to rule administratively out of order the request for assumption of original jurisdiction in the Tennessee Valley Presbytery case regarding a TE (see **SJC Case 1999-01** and **2000, p. 239, 28-47**). Instead, the Assembly adopted a resolution (**2000, p. 275, 28-72, III.1**) stating that since “there is no provision specifying that a request for the Assembly to take original jurisdiction under ***BCO* 34-1** is to be heard and determined by the SJC,” the resolutions of

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Western Carolina, Calvary, Ascension, and James River Presbyteries should be treated as timely filed overtures and referred to the Committee of Commissioners on Bills and Overtures for recommendation to this Assembly as to whether the Assembly should assume original jurisdiction as so requested, and refer the case for hearing before the SJC. In response to a petition, the Assembly had sent to the Committee on Constitutional Business as a constitutional inquiry the matter of Overture 21 and 22 (**2000, p. 214; cf. 28-19, p. 78**). The Assembly defeated a Minority Report, which moved that Overture 22 be answered in the negative and that the CCB's response to the constitutional inquiry in response to the majority report recommendation be referenced (see **2000, p. 258, 28-60; 2000, p. 277; p. 259, 20-63**).

2000, p. 310, 28-72, III.24. The Assembly referred as overtures to the Committee on Bills and Overtures resolutions of Western Carolina, Calvary, Ascension, and James River Presbyteries, requesting that the Assembly assume original jurisdiction in the case of Dr. John Wood (**SJC Case 1999-01**). Upon recommendation from Bills and Overtures, the Assembly answered in the affirmative the overtures from Western Carolina, Calvary, and Ascension, and answered the overture from James River by reference to the former three. The Assembly also directed the SJC “to draft procedures for the handling of future matters under **BCO 34-1** to be proposed to the 29th GA.”

2001, p. 70, 29-27, III.99-1. The Assembly, having assumed original jurisdiction of “the John Wood Matter” at the 28th GA’s mandate, received the report of the SJC (**SJC Case 1999-01**), which ruled that the investigation did not result in a strong presumption of guilt on the part of TE Wood in connection with a woman speaking in worship at Cedar Springs Presbyterian Church, or with regard to his expressed views regarding women and preaching.

2001, p. 200, 29-44, III.8. The Assembly declined to condemn the action of the SJC in regard to the John Wood matter (**SJC Case 1999-01**), answering Overture 8 with reference to a communication from Western Carolina Presbytery, which called for purity, peace, and unity in the denomination (see **2001, p. 198, 29-44, III.7**). Forty-three commissioners recorded their votes disagreeing with the Assembly’s decision.

2001, p. 68, 29-24. The SJC's report to the 29th GA included a response to the 28th GA's direction that the SJC "draft procedures for the handling of future matters under **BCO 34-1**" (see **2000, p. 310, 28-72, III.24, C**). The Assembly amended **RAO 15-2 [now 17-2]** to specify which legal proceedings would be assigned to the Standing Judicial Commission, which would, if the case were found in order, proceed to adjudicate the case" (see **2001, p. 126**). Proposed amendments to the *SJC Manual* (see **2001, p. 126**) were postponed until the 30th GA so that concerned presbyteries and individuals might send suggestions and concerns to the SJC (see **2001, p. 69, 29-27**).

2001, p. 202, 29-44, III.9. The Assembly answered in the negative Overture 9 from Evangel Presbytery, which sought to amend **BCO 33-1** and **34-1**, to address the meaning of the phrase "refuses to act" and the way original jurisdiction is assumed by a higher court. The details of the proposed administrative procedures, the Assembly noted in its grounds, might "produce more difficulties than benefits in dealing with spiritual problems."

Special Rules Pertaining to Process Against a TE (BCO 34), Threshold for Presbyteries to Request the Assembly to Assume Original Jurisdiction

2002, p. 212, 30-47. The Assembly answered in the affirmative Overture 5 from Ohio Valley Presbytery to amend **BCO 34-1**, changing the words "two other Presbyteries" to "at least ten percent of all the Presbyteries" for the Assembly to assume original jurisdiction over a minister (see **2002, p. 213, 30-50, III.1**).

2003, p. 50, 31-11. The presbyteries having voted 40-24 in favor of the amendment, the amendment to **BCO 34-1** did not receive the concurrence of two-thirds of the presbyteries and so was not brought before the Assembly (see **2003, p. 51, 31-11, Item 1**).

2009, p. 255, 37-43. The Assembly answered in the negative Overture 3 from Central Carolina Presbytery to amend **BCO 34-1** by increasing the number of presbyteries required for assumption of original jurisdiction from two to five (coupled with the deletion of the phrase, "refuses to act"), on the grounds that the overtura, though identifying a real problem (namely, the prevalence of conflicting interpretations of the provisions in question), proposes a solution which would likely protract the matter

interminably and raises the problem of “double jeopardy” (see **2009, p. 262, 37-43, III.3**).

2012, p. 62, 40-57. The Assembly answered in the negative without prejudice Overture 18 from Pacific Northwest Presbytery to amend **BCO 34-1** by increasing the threshold for assumption of original jurisdiction from two presbyteries to seven percent of the other presbyteries, on the grounds that greater refinement and discussion among the presbyteries was needed on what the Committee deemed an important and difficult aspect of our polity (see **2012, p. 74, 40-57, III.14**).

2013, p. 64, 41-51. The Assembly answered in the negative Overture 16 from Pacific Northwest Presbytery to amend **BCO 34-1** and **33-1** to increase the threshold for the assumption of original jurisdiction, this time from two presbyteries to five percent of the other presbyteries. The Assembly again answered the overture in the negative, this time on the grounds that “the need for this particular set of modifications has not been demonstrated” (see **2013, p. 68, 41-51, III.16**).

Special Rules Pertaining to Process Against a TE (BCO 34), Threshold for Removing the Censure of Deposition

2013, p. 64, 41-51. The Assembly answered in the affirmative as amended Overture 13 from Pacific Northwest Presbytery to amend **BCO 34-8** and **37-6**, specifying that the removal of deposition requires a three-fourths vote of the court inflicting the censure or of the court “to which the majority of the original court delegates that authority” (see **2013, p. 67, 41-51, III.13**).

2014, p. 17, 42-9. The Presbyteries having voted in favor of amending **BCO 34-8** and **37-6** by a vote of 67-3, the Assembly adopted the amendments (see **2014, p. 90, App. A, Item 1**).

Special Rules Pertaining to Process Against a TE (BCO 34), Restoration of a Deposed Minister (BCO 34-8 and 37-8)

2018, p. 31, 46-29. The Assembly referred back without prejudice Overture 8 from Tennessee Valley Presbytery to revise **BCO 34-8** and **37-8** regarding the restoration of a deposed ministers (see **2018, p. 35, 46-29, IV.8**).

Evidence (BCO 35), Electronic Recording of Testimony in a Trial

2001, p. 209, 29-44, III.12. The Assembly answered in the affirmative Overture 15 from Central Carolina Presbytery to amend **BCO 35-7** and **32-18** by requiring the recording of all testimony whether by transcription or electronic means, and making provision for transcription requirements and division of costs.

2002, p. 60, 30-10. The presbyteries having approved the amendment to **BCO 35-7** and **32-18** by a vote of 46-5, the Assembly approved the amendment (see **2002, p. 67, 30-10, Item 4**).

Evidence (BCO 35), Requiring Church Officers to Testify in Judicial Cases

2015, p. 66, 43-49. The Assembly answered in the negative Overture 7 from the Session of New Hope PCA, Fairfax, VA, to amend **BCO 35-1**, which would have required an officer to testify in judicial cases, particularly regarding matters of doctrine. The Overtures Committee had recommended that the Assembly answer the overture in the affirmative as amended (see **2015, p. 66, 43-49**). A Minority Report, recommending that the overture be answered in the negative, was adopted as a substitute motion 477-455-15 and adopted as the main motion 519-399-17 (see **2015, p. 79, 43-52, IV.7** and **2015, p. 86, 43-52**).

2016, p. 71, 44-44. Upon adoption of a Minority Report as a substitute motion (**p. 89**), the Assembly answered in the negative Overture 14 from Providence Presbytery regarding the amendment of **BCO 35-1** to require accused officers to testify in cases involving doctrinal issues (see **2016, p. 79, 44-44, III.5**).

Evidence (BCO 35), A Member of a Court Called as a Witness also Sitting as a Judge

2018, p. 32, 46-29. The Assembly answered in the affirmative as amended Overture 23 from New York Metropolitan Presbytery to amend **BCO 35-11** not to disqualify automatically a member of a court who was called as a witness from sitting as a judge. However, a member of the court who is the prosecutor in the case is disqualified from sitting as a judge (see **2018, p. 41, 46-29, IV.23**).

Infliction of Church Censures (BCO 36), A Paragraph of Introduction and Pause before the Imposition of Censure

2018, p. 32, 46-29. The Assembly answered in the negative Overture 21 from Philadelphia Presbytery to amend **BCO 36-5** to add a paragraph of introduction and pause not focusing only on sins committed, but also giving praise to God for his grace and glory, before imposing censure (see **2018, p. 41, 46-29, IV.21**).

Removal of Censure (BCO 37). See above:

- **BCO 30, Avoiding Discipline by Renouncing the Jurisdiction of the PCA**, 2007, p. 98, 35-32.
- **BCO 30, Definite Suspension of a Minister**, 2018, p. 32, 46-29.
- **BCO 34, Special Rules Pertaining to Process Against a TE, Threshold for Removing the Censure of Deposition**, 2013, p. 67, 41-51, III.13 and 2014, p. 16, 42-9.

Removal of Censure (BCO 37), From Those Who Have Relocated

2009, p. 255, 37-43. The Assembly answered in the affirmative Overture 1 from Missouri Presbytery to amend **BCO 37-7**, clarifying the directions concerning those who are under censure and move a significant distance from the court that imposed the censure (see **2009, p. 260, 37-43, III.1**).

2010, p. 58, 38-9. An insufficient number of presbyteries having voted, the Assembly voted to defer action on the amendment to **BCO 37-7** until the 39th GA (see **2010, p. 59, 38-9, Item 1**).

2011, p. 17, 39-9. The presbyteries having voted 69-4 in favor of the amendment to **BCO 37-7**, the Assembly adopted the amendment (see **2011, p. 80, App. A, Item 1**).

Cases Without Process (BCO 38), The Procedure in Cases Without Process

1999, p. 163, 27-44, III.5. The Assembly answered in the affirmative as amended Overture 11 from Pittsburgh Presbytery to amend **BCO 38-1**, which aided in determining when a confession of guilt should be considered as a case without process, stated how the court should proceed in the case of such a confession, and noted the right of the accused to complain against the judgment.

2000, p. 53, 28-12. The presbyteries having approved the amendment to **BCO 38-1** by a vote of 46-4, the Assembly approved the amendment (see **2000, p. 59, 28-12, Item 3**).

Cases Without Process (BCO 38 and 42), Appeals in Cases without Process

2016, p. 72, 44-44. The Assembly answered in the negative Overture 39 from Pacific Northwest Presbytery to amend **BCO 38-1** and **42-2** to allow an appeal instead of a complaint in a case without process, on the grounds that such an amendment “would introduce process to a judicial case that, by definition, was not intended to have it” (see **2016, p. 82, 44-44, III.14**).

Lower Court Proceedings under Supervision of Higher Courts, Modes of (BCO 39)

For the Authority of Scripture in Disciplinary Matters (**BCO 39-3**), see above, **BCO 14, The General Assembly (Changes to the RAO), 1999, p. 156, 27-44, III.2**.

General Review and Control (BCO 40), Handling Credible Reports of Delinquency or Unconstitutionality

For changes to **BCO 40-5**, see above: **BCO 14, 2005, p. 184, 33-45 and 33-48**.

References (BCO 41)

No GA Actions, 1999-2018

Appeals (BCO 42), The Filing Period for an Appeal to the Next Higher Court

See **BCO 43** below: **2012, p. 72 and 73, 40-57, III.11 and 12**.

Appeals (BCO 42), The Filing Period for Complaints or Appeals to the Next Higher Court

See below, **Complaints (BCO 43), 2012, p. 62, 40-57**.

(BCO 42), Appeals in Cases without Process

See **BCO 38** above, **Appeals in Cases without Process, 2016, p. 72, 44-44**.

Complaints (BCO 43), When a Complaint is in Order

2001, p. 206, 29-44, III.11. The Assembly answered in the affirmative Overture 16 from Central Carolina Presbytery to amend **BCO 43-1**, clarifying terminology and stating that a Complaint is allowed after an Appeal is ruled out of order, withdrawn, or abandoned (see **2001, p. 208, 29-44**).

2002, p. 60, 30-10. The presbyteries having voted 48-3 in favor of the amendment to **BCO 43-1**, the Assembly approved the amendment (see **2002, p. 64, 30-10, Item 3**).

Complaints (BCO 43), Review of Complaints by Higher Courts

2016, p. 72, 44-44. The Assembly answered in the affirmative as amended Overture 40 from Pacific Northwest Presbytery to amend **BCO 43-1** to clarify the timing of the review of complaints by higher courts in judicial cases (see **2016, p. 83, 44-44, III.15**).

Complaints (BCO 43), Complaints during the Judicial Process

2017, p. 48, 45-41. The Assembly referred Overture 15 to amend **BCO 43-1** on complaints during the judicial process back to Pacific Northwest Presbytery without prejudice, on the grounds that this issue is better dealt with in the context of a broader rewriting of **BCO 43**, with recommendations coming from the presbyteries (see **2017, p. 52, 45-41, III.15**).

Complaints (BCO 43), Against Judicial Commission Judgments

2003, p. 168, 31-57. The Assembly answered in the negative Overture 10 from Central Carolina Presbytery, which sought to amend **BCO 43-2** by adding a stipulation that if a complaint is “against the court’s approval of a non-debatable judicial commission judgment (**BCO 15-3**),” it is to be “filed directly with the next higher court.” This overture was rejected because, while it “draws attention to a potential problem, the proposed solution does not solve it. The overture also deprives the presbytery of the opportunity to correct its own problem” (see **2003, p. 201, 31-57, III.11**).

Complaints (BCO 43), The Filing Period for a Complaint to the Original Court

2012, p. 56, 40-53. The Assembly answered in the affirmative Overture 12 from Pacific Northwest Presbytery, amending **BCO 43-2** to increase

the filing period for a complaint to the original court from thirty days to sixty days (see **2012, p. 71, 40-57, III.10**).

2013, p. 17, 41-9. The Presbyteries having voted in favor of amending **BCO 43-2** by a vote of 58-11, the Assembly adopted the amendment (see **2013, p. 112, App. A, Item 4**).

Complaints (BCO 43), The Filing Period for Complaints or Appeals to the Next Higher Court

2012, p. 62, 40-57. The Assembly answered in the affirmative Overtures 13 and 14 from Pacific Northwest Presbytery, amending **BCO 43-3** and **42-4** to change the start date of the thirty-day filing period for a complaint (and appeal) to the next higher court. Rather than counting from the meeting of the lower court that denied the complaint, the thirty days would begin once the complainant receives a copy of the lower court's decision on the complaint (see **2012, p. 72 and 73, 40-57, III.11 and 12**).

2013, p. 17, 41-9. The presbyteries having voted in favor of amending **BCO 42-4** by a vote of 67-2, and **BCO 43-3** by a vote of 66-3, the Assembly adopted the amendments (see **2013, p. 110 and 114, App. A, Items 3 and 5**).

Complaints (BCO 43), Procedures for Complaints

2014, p. 56, 42-35. The Assembly answered in the affirmative Overture 37 from James River Presbytery to amend **BCO 43-3, 43-8, and 43-9**, clarifying "the process of adjudicating in a higher court a complaint that has been denied in a lower court" and adding new language regarding the equitable scheduling of hearings (see **2014, p. 65, 42-38, IV.37**).

2015, p. 24, 43-14. The presbyteries having voted in favor of the changes to **BCO 43** by a vote of 62-3, the Assembly approved the amendment (see **2015, p. 114, App. A, Item 4**).

Complaints (BCO 43), A Lower Court Defending Itself Against a Complaint Before a Higher Court

1999, p. 162, 27-44, III.3. The Assembly answered in the affirmative Overture 9 from Pittsburgh Presbytery to amend **BCO 43-5** by adding words to clarify that the paragraph refers to a complaint being heard "before the higher court," as opposed to when a lower court itself is considering the complaint.

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2000, p. 53, 28-12. The presbyteries having approved the amendment to **BCO 43-5** by a vote of 49-1, the Assembly approved the amendment (see **2000, p. 60, 28-12, Item 4**).

Complaints (BCO 43), References in Cases Where Complaints for Non-Indictment Have Been Sustained

2013, p. 64, 41-51. The Assembly answered in the affirmative Overture 15 from Pacific Northwest Presbytery to amend **BCO 43-10** by requiring a higher court to accept a Reference from the lower court, if the higher court has sustained a complaint against a non-indictment in a doctrinal case or case of public scandal (see **2013, p. 68, 41-51, III.15**).

2014, p. 17, 42-9. The presbyteries having voted to amend **BCO 43-10** by a vote of 65-5, the Assembly adopted the amendment (see **2014, p. 94, App. A, Item 2**).

Dissents, Protests, and Objections (BCO 45)

No GA Actions, 1999-2018

Jurisdiction (BCO 46), Jurisdiction and Shepherding of a Deposed Minister

2018, p. 32, 46-29. The Assembly answered in the negative Overture 16 from Philadelphia Metro West Presbytery to amend **BCO 46-8** to state that Presbytery be given jurisdiction over a deposed or divested minister until that minister be received by the particular church to which he has been assigned (see **2018, p. 39, 46-29, IV.16**).

III. THE DIRECTORY FOR THE WORSHIP OF GOD (BCO 47-63)

The Constitutional Status of the Entire “Directory for Worship” **(BCO 47-63)**

2000, p. 280, 28-72, III.3. The Assembly answered in the negative Overture 2 from Grace Presbytery, which requested the General Assembly to “rescind the current prefatory statement to the “Directory for Worship,” and in so doing grant the “Directory for Worship” full constitutional status and weight.” The Assembly rejected the overture on the grounds that the “Directory for Worship” cannot be given full constitutional status by a mere vote of the General Assembly but would have to be accomplished according to the proper procedures of *BCO* 26.

Preaching of the Word (BCO 53)

For preaching by qualified men only, see above, ***BCO 12, 2001*, p. 223.**

Admission of Persons to Sealing Ordinances (BCO 57), Church Membership and Vows

2004, p. 152, 32-48. The Assembly answered in the negative Overture 7 from James River Presbytery that would have added an optional vow to ***BCO 57-5*** for the congregation to take when a new member joined the church, agreeing “to support [new member name(s)], encouraging and comforting [him/her/them] and urging [him/her/them] to ‘walk in a manner worthy of the Lord, fully pleasing to Him’” (see **2004, p. 162, 32-48, III.4.**)

2008, p. 178, 36-47. The Assembly answered in the negative Overture 2 from Southeast Alabama Presbytery to amend ***BCO 57-5***, which would have required affirmation of the Apostles’ Creed for membership and adding additional membership vows, on the grounds that the present vows are both Trinitarian and sufficient (see **2008, p. 181, 36-47, III.2.**)

2008, p. 178, 36-47. The Assembly answered in the affirmative Overture 4 from Blue Ridge Presbytery to amend ***BCO 57-5***, by encouraging churches to use the membership questions printed in ***BCO 57-5*** in order

to assure consistency across the denomination, and adding immediately before the questions: “The minister shall then ask the following questions (or alternate questions that communicate their substance):” (see **2008, p. 189, 36-47, III.4**).

2009, p. 54, 37-10. The presbyteries having voted 45-22 in favor of the amendment to **BCO 57-5**, it did not receive the necessary concurrence of two-thirds of the presbyteries and was therefore not before the Assembly (see **2009, p. 54, 37-10, Item 1**).

2012, p. 56, 40-53. The Assembly answered in the negative Overture 34 from Southeast Alabama Presbytery to amend **BCO 57-5**, which would have required affirmation of the Apostles’ Creed for membership, on the grounds that the suggested amendments do not improve or clarify the **BCO** (see **2012, p. 78, 40-57, III.24** and **2008, p. 181, 36-47, III.2**).

Administration of the Lord’s Supper (BCO 58), Unleavened Bread in Communion

2001, p. 188, 29-44, III.2. The Assembly answered in the negative Overture 2 from New Jersey Presbytery to amend **BCO 58-5**, which would have specified that unleavened bread should be used in the celebration of the Lord’s Supper, on the grounds that “[t]here are no Scriptural grounds sufficient to mandate the exclusive use of unleavened bread in Communion.”

Administration of the Lord’s Supper (BCO 58), The Communion Liturgy

2003, p. 168, 31-57. The Assembly answered in the affirmative Overture 21 from Ascension Presbytery to amend **BCO 58-5** editorially by removing the word “broken” in the communion liturgy (“This is my body which is ~~broken~~ for you”). The CCB had advised that “broken” was a “phantom word, which mysteriously appeared in our **BCO** in 1990 when the NKJV was substituted for the ASV...[and] has never been approved” (**2003, p. 163, 31-56, VI**). The proposed amendment also added a parenthetical statement, which was sent to the presbyteries for voting: “(Some other biblical account of the institution of this part of the Supper may be substituted here)” (see **2003, p. 205, 31-57, III.14**).

2004, p. 43, 32-11. The presbyteries having voted in favor of the amendment to **BCO 58-5** by a vote of 50-0, the Assembly approved the amendment (see **2004, p. 43, 32-11, Item 1**).

Administration of the Lord’s Supper (BCO 58), The Practice of Intinction in the Lord’s Supper

2010, p. 346, 38-54. The Assembly answered in the negative Overture 14 from Westminster Presbytery to prohibit the use of intinction at the General Assembly, on the grounds that directions concerning administration of the Lord’s Supper at future General Assemblies should be addressed through changes to the *RAO*, and that the administration of the Lord’s Supper is adequately governed by the Scriptures and *The Book of Church Order* (see **2010, p. 351, 38-54, III.3**).

2012, p. 62, 40-57. The Assembly answered in the negative Overture 30 from Savannah River Presbytery to amend **BCO 58-5** by declaring that intinction is “an inappropriate method for observing the Lord’s Supper.” A Minority Report was then adopted, which amended the original overture by adding at the end of the 58-5 that, “as Christ has instituted the Lord’s Supper in two sacramental actions, the communicants are to eat the bread and drink the cup in separate actions” (see **2012, p. 76, 40-57, III.20**).

2013, p. 17, 41-9. The presbyteries having voted by a vote of 23-45 not to amend **BCO 58-5**, the amendment was not before the Assembly (see **2013, p. 116, App. A, Item 6**).

Solemnization of Marriage (BCO 59), Attempts to Give BCO 59 Full Constitutional Authority

2009, p. 255, 37-43. The Overtures Committee recommended that the Assembly answer in the negative Overture 6 from Central Carolina Presbytery, which sought to amend **BCO 59-1** and **59-6**, concerning the institution of marriage and begin the process of granting full constitutional authority to **BCO 59**. The Committee’s recommendation was made on the grounds that the *WCF*, Chapter 24.1-3, clearly speaks to this issue and is a higher standard than the *BCO* (see **2009, p. 272, 37-43, III.5**). The Assembly voted to recommit the recommendation to the Overtures Committee, which came back to the Assembly with the recommendation to answer the overture in the affirmative as amended, by amending **BCO 59-1** and **59-6** to specify that laws regulating marriage be obeyed “insofar as they do not transgress the laws of God” but not beginning the process of granting full constitutional authority to **BCO 59**. The Assembly approved the recommendation with a two-thirds majority (see **2009, p. 301ff., 37-48**).

2011, p. 65, 39-57. The Assembly answered Overture 8 from Iowa Presbytery, which sought full constitutional status for **BCO 59**, by stating that “WCF 24, WLC 137-139, and WSC 70-72 speak clearly to the Presbyterian Church in America’s understanding of the nature of marriage. As such, they may and should be referenced by any person needing to explain to any civil authority the Presbyterian Church in America’s understanding of marriage. Further, the second ordination vow makes clear that all TEs in the Presbyterian Church in America are bound by WCF 24, WLC 137-139, and WSC 70-72 even when in the service of the civil magistrate” (see **2011, p. 67, 39-57, III.3**).

2017, p. 48, 45-41. The Assembly answered in the affirmative as amended Overture 2 from Calvary Presbytery to approve the submission of **BCO 59** to the presbyteries to be granted full constitutional authority pursuant to the process in **BCO 26-2** (see **2017, p. 49, 45-41, III.2**).

2018, p. 31, 46-29. The Assembly answered in the negative Overture 24 from Tennessee Valley Presbytery to grant full constitutional status to **BCO 59** regarding the solemnization of marriage. However, Overture 24 was recommitted to the OC of the 46th GA. The Assembly then answered in the affirmative to adopt the OC’s revision to Overture 24 which amended **BCO 59**, among other ways, by adding the phrase “Therefore, ministers in the Presbyterian Church in America who solemnize marriages shall only solemnize marriages between one man and one woman” (see **2018, p. 41, 46-29, IV.24** and **2018, p. 66, 46-36**). Overture 1 from Calvary Presbytery (**2018, p. 34, 46-29, IV.1**), Overture 2 from Grace Presbytery (**2018, p. 34, 46-29, IV.2**), and Overture 5 from Calvary Presbytery (**2018, p. 35, 46-29, IV.5**) were answered by reference to the action taken in Overture 24.

Visitation of the Sick (BCO 60)

No GA Actions, 1999-2018

Burial of the Dead (BCO 61)

No GA Actions, 1999-2018

Days of Fasting and Thanksgiving (BCO 62)

Annually recurring recommendations of Committees and Agencies (C&As) for Days or Months of Prayer have not been given individual entries in this Digest. See C&A Committee of Commissioner recommendations for most years between 1999 and 2018. See also “Fasting and Prayer,” p. 104 in this Digest, under “Moral and Theological Topics.”

Christian Life in the Home (BCO 63), Christian Education and Public Schools

2005, p. 191, 33-51. The Assembly answered in the negative Personal Resolution 1 from seven elders, asking the General Assembly to encourage “all her officers and members to remove their children from the public schools and see to it that they receive a thoroughly Christian education, for the glory of God and the good of Christ’s church.” While affirming “the responsibility of Christian parents to raise their children in the nurture and admonition of the Lord,” the Assembly declared that “the education of covenant children is best left to the wisdom of Christian parents under the pastoral guidance of local church Sessions” (see **2005, p. 262, 33-51, III.10**). A Minority Report was defeated (see **2005, p. 192 and 263, 33-51, III.10**).

2017, p. 35, 45-32. The Assembly answered in the negative Overture 25 from Auburn Road Presbyterian Church, on the grounds that the overture regarding the Biblical necessity of Christian education for covenant children is unnecessary, as “Scripture clearly teaches that parents have the responsibility for the education of covenant children” and “the particular method(s) used by parents to fulfill their scriptural responsibility is a matter of conscience” (see **2017, p. 37, 45-32, III.11**).

IV. MORAL AND THEOLOGICAL TOPICS Listed Alphabetically by Topic

Abortion

see Human Life, Value of

Bible Translation

2002, p. 243, 30-53. The Assembly answered in the affirmative as amended Personal Resolution 4 expressing the PCA’s “disapproval of the practice of making gender-related or other alterations to the authorially-intended meaning of Scripture in Bible translations” and cautioning “its congregations and members, as well as the larger Christian community, against use of the TNIV [Today’s New International Version]” (see **2002, p. 276, 30-53, III.20** and **2002, p. 91, 30-20**). Overture 33 from Central Carolina Presbytery (see **2002, p. 278, 30-53, III.20**) was answered by reference to the Assembly’s action with regard to Personal Resolution 4.

2011, p. 60, 39-55. The Assembly adopted a substitute motion from the MTW Committee of Commissioners regarding Overture 9 from Potomac Presbytery, declaring as “unfaithful to God’s revealed Word” Bible translations that remove familial references to God the Father and the Son, and authorizing the Moderator to appoint a study committee to report to the 40th GA concerning Insider Movements (see **2011, p. 61, 39-55, 8** and **2011, p. 36, 39-43**).

2012, p. 29, 40-42. The Assembly approved four recommendations from the Insider Movements Study Committee’s partial report (Part 1 of 2), including that the 40th GA declare that, “since social familial terms fail to capture the biblical meaning of ‘Son’ (*huios*) and ‘Son of God’ (*huios tou theou*) applied to Jesus and ‘Father’ (*pater*) applied to God, Bibles should always translate divine familial terms using common biological terms.” The Assembly extended the Study Committee by one year and approved its budget to allow for completion of its mandate (see **2012, p. 596, App. V** and **2012, p. 60, 40-54, III.31**).

2013, p. 38, 41-34. The Insider Movements Study Committee reported to the Assembly (see **2013, p. 627, App. V**), and recommended that the partial report (Part 2 of 2) be accepted by the Assembly and that the Study Committee be dismissed with thanks. After much discussion pertaining to the Minority Report (see **2013,**

p. 759, App. V), which did “not advocate for all that is represented as Muslim insider ministry, but...contend[ed] that there is a strong biblical basis for some aspects of insider ministries,” the Assembly voted to recommit to the Insider Movements Study Committee the report and all matters related to it.

2014, p. 20, 42-17. After much discussion pertaining to the Minority Report (which was eventually defeated), the Assembly voted to sustain the recommendations of the Insider Movements Study Committee, making available and recommending for study “A Call to Faithful Witness, Part Two: Theology, Gospel Missions, and Insider Movements” to its presbyteries, sessions, and missions committees, and dismissing the Study Committee with thanks (see **2014, p. 593 and 754, App. V**).

For Recommendations of the Study Committee, see **Digest PART IV, Study Committee Reports: Insider Movements**.

2017, p. 48, 45-41. The Assembly answered in the negative Overture 1 from Southwest Florida Presbytery, which resolved that the General Assembly urge each presbytery to devise a plan to support financially the translation of the Scriptures (see **2017, p. 49, 45-41, III.1**).

2018, p. 32, 46-29. The Assembly answered in the negative Overture 39 from Southwest Florida Presbytery recommending that each Presbytery devise a plan of its own to support financially the translation of the Bible into one language (see **2018, p. 47, 46-29, IV.39**).

2018, p. 71, 46-42. The Assembly answered in the affirmative Overture 28 from Pittsburgh Presbytery to translate the *BCO* into Portuguese and Spanish, with the proviso that the funds for translation be underwritten by designated gifts to the AC with a budget of \$15,000 (see **2018, p. 76, 46-42, III.29**). Overture 30 from Southern New England Presbytery was answered in reference to the action taken in Overture 28 (see **2018, p. 77, 46-42, III.31**).

Chaplaincy

2004, p. 121, 32-35. The Assembly approved MNA’s recommendation to authorize the PRJC to endorse all non-military chaplains who request endorsement, according to the guidelines in the PRJC “Chaplains Manual” (see **2004, p. 129, 32-35, II.13** and **2004, p. 457, App. H, Attach. F**).

Child Protection in the PCA

2014, p. 56, 42-35. The Assembly answered in the affirmative as amended Overture 6 from Georgia Foothills Presbytery to pass a resolution exhorting church leaders to actively prevent child sexual abuse in the church and to report child sexual abuse “to duly appointed proper representatives of the God-ordained civil authorities, in accordance with local laws.” It also directed the Permanent Committees and Agencies of the General Assembly to review their policies, procedures, and practices in the area of child protection (see **2014, p. 59, 42-38, IV.6.**)

Christian Education

See **BCO 63**

See **BCO 14, Committee on Discipleship Ministries, 2016, p. 31, 44-29.**

Creation

1998. p. 103. See **SJC Case 1997-05.**

1998, p. 144. See **SJC Case 1997-13.**

1999, p. 96, 27-26. The 26th GA in 1998 had erected a Creation Study Committee to “study the exegetical, hermeneutical, and theological interpretations of Genesis 1-3 and the original intent of the Westminster Standards phrase ‘in the space of six days,’” and to “report, D. V. to the 27th GA its findings, along with its non-binding advice and counsel, if any.” The 27th GA adopted the recommendation of this Creation Study Committee that it be continued for one year, with a report being made to the 28th GA. The Assembly also directed that a summary of the committee’s work thus far be spread upon the Minutes, including a statement of the Committee’s unanimity on certain foundational issues (see SJC Case 1998-01, **1999, p. 70, 27-22, V.**)

1999, p. 73. See **SJC Case 1998-05.**

1999, p. 179, 27-44, III.15. The Assembly, in answer to a personal resolution from a TE, made a declaration of ten points concerning the historicity and unity of the Genesis 1-2 account of creation, including God’s discrete acts of creation and affirming the immediate creation of Adam from the dust of the ground.

2000, p. 119, 28-38. Three recommendations of the Creation Study Committee were discussed under an adopted procedure for “informal consideration” (see **2000, p. 118, 28-35**). A motion to adopt the three recommendations as a unit failed. Recommendations 1 and 3 were adopted, along with an amended Recommendation 2, which allowed for a diversity of views on the creation days, as long as “the full historicity of the creation account” was accepted (see **2000, p. 184, 28-38, VI**). A failed substitute for the amendment to Recommendation 2 would have required candidates who held views of the six days other than “days of normal duration with evening and morning” to request an exception to “the sense of the confession” (see **2000, p. 120, 28-35**).

2000, p. 213, 28-43. The Assembly defeated a motion to reconsider its action on the Creation Study Committee Report.

2000, p. 245, 28-53. A protest, entered by a TE against the Assembly’s action on the Creation Study Committee, and signed by thirty-two other elders, stated that Assembly’s approval of the Creation Study Committee Recommendation 2 had “bound the consciences of good men,” “created an intolerable situation for those presbyteries which have declared” that the “divergent views” allowed “are in fact exceptions to the Standards,” and have, in effect, modified the Standards “by an unconstitutional method,” obscured “the plain and clear teaching of the Word of God,” and “eviscerated” the “discipline of the church of the Lord Jesus Christ.” The Assembly, in answer, noted that by its judgment it “[had] established no such standard, but [had] merely expressed its own opinion in the matter.”

2000, p. 236. See SJC Case 1998-10.

2001, p. 98. See SJC Case 1999-07.

2001, p. 193, 29-44, III.5. The Assembly answered in the negative Overtures 7, 20, and 23 from Calvary, New River, and Mississippi Valley Presbyteries pertaining to exceptions for non-calendar-day views of the phrase “in the space of six days.” The overtures from Calvary and Mississippi Valley sought to require candidates to request an exception for any view other than a calendar-day view, while the overture from New River Presbytery sought further clarification regarding the Assembly’s response to the Creation Study Committee report. The Assembly cited as its grounds that “it is the prerogative of the lower courts to determine if a man’s view is an exception to the standards.” A

Minority Report, which was defeated, affirmed a calendar-day view of the creation days and required those who held views different than the calendar-day view to inform their presbytery of their views, so that the presbytery might consider and determine the acceptability of those views.

2001, p. 198, 29-44, III.6. On procedural and theological grounds, the Assembly answered in the negative Overture 30 from North Georgia Presbytery, which requested the Assembly to affirm the position of the 28th GA, allowing a diversity of creation views, and “to explore ways by which the scientific evidence of general revelation can be objectively studied and validated...”

2012, p. 56, 40-53. The Assembly answered in the affirmative Overture 26 from Potomac Presbytery requesting that the Assembly not make *in thesi* statements on evolution and Adam but instead refer to the actions and opinions of the 10th, 22nd, and 30th Assemblies, on the grounds that the Scriptures and the Westminster Standards already make “sufficiently clear that Adam and Eve are real, historical human beings directly created by God” (see **2012, p. 74, 40-57, III.16** and **2012, p. 721, App. W**). Overture 10 from Rocky Mountain Presbytery and Overture 29 from Savannah River Presbytery, which asked the Assembly to adopt and reaffirm its position on evolution and Adam, were answered in reference to Overture 26. The Assembly defeated a minority report asking that the Rocky Mountain Presbytery overture be answered in the affirmative (see **2012, p. 67, 40-57, III.8** and **2012, p. 75, 40-57, III.19**).

Divorce

2003, p. 107. See SJC Case **2001-32**.

2005, p. 118. See SJC Case **2004-02**.

2005, p. 131. See SJC Case **2004-05**.

2008, p. 108. See SJC Case **2007-04**.

2009, p. 193. See SJC Case **2008-09**.

2011, p. 535. See SJC Case **2009-22**.

2012, p. 525. See SJC Case 2010-24.

2015, p. 572. See SJC Case 2013-10.

2017, p. 514. See SJC Case 2016-05.

Fasting and Prayer

2016, p. 68, 44-40. The Assembly referred Overture 32 back without prejudice to James River Presbytery, on the grounds that the overture provided neither a rationale for a general Day of Prayer and Fasting nor instructions to the Churches concerning its conduct (see **2016, p. 80, 44-44, III.10**).

Federal Vision / New Perspectives on Paul / Soteriology

2005, p. 191, 33-51. The Assembly answered in the negative without prejudice Overture 14 from Mississippi Valley Presbytery requesting that the Assembly distribute to the clerks of the PCA presbyteries the Informational Report of the Presbytery on the “New Perspectives on Paul” and the “Federal Vision” (see **2005, p. 203, 33-51, III.9**). Eighteen elders registered their negative votes on this negative answer. The grounds for the negative answer were “procedural alone.”

2006, p. 197, 34-57. The Assembly answered in the negative without prejudice Overture 26 from Missouri Presbytery, which requested that the Assembly receive and consider Missouri Presbytery’s report on Federal Vision Theology, spread it across the minutes of the General Assembly, and commend it to the Presbyteries and Sessions for study. The Assembly answered that the overture, which had already been distributed to the members of the Assembly, “should suffice to make it generally available” (see **2006, p. 210, 34-57, III.9**).

2006, p. 197, 34-57. The Assembly answered in the negative Overture 23 from Central Carolina Presbytery requesting the Assembly to respond to all overtures from all presbyteries concerning Federal Vision and the New Perspectives on Paul, by including a reference to the study conducted by the Orthodox Presbyterian Church. The Assembly gave as its grounds that this study by the OPC had not yet been adopted by its General Assembly (see **2006, p. 227, 34-57, III.10**).

ACTIONS OF THE GENERAL ASSEMBLY

2006, p. 197, 34-57. The Assembly answered in the negative Overture 11 from Blue Ridge Presbytery to erect an “Ad Interim Committee on Federal Vision, New Perspectives on Paul, etc.,,” on the grounds that the “scope of the proposal is too broad and inadequately defined” (see **2006, p. 228, 34-57, III.11**).

2006, p. 197, 34-57. The Assembly answered in the affirmative as amended Overture 2 from Rocky Mountain Presbytery to erect an ad interim committee “to study the soteriology of the Federal Vision, New Perspective, and Auburn Avenue Theologies, which are causing confusion among our churches.” In so doing, the Assembly had adopted a Minority Report as the main motion (see **2006, p. 229, 34-57, III.12**).

2007, p. 68, 35-20. The Assembly commended the report of the Ad Interim Committee on Federal Vision and the New Perspectives on Paul (see **2007, p. 509, App. O**) for careful consideration and study, and recommended the declarations in the report as faithful expositions of the Westminster Standards. All five recommendations of the Ad Interim Committee were adopted. See also **Digest PART IV, Study Committee Reports: Federal Vision**.

2008, p. 75. See **SJC Case 2006-02**.

2008, p. 113. See **SJC Case 2007-08**.

2010, p. 135. See **SJC Case 2008-14**.

2010, p. 209. See **SJC Case 2009-06**.

2011, p. 578. See **SJC Case 2010-04**.

2013, p. 552. See **SJC Case 2011-06**.

2013, p. 583. See **SJC Case 2012-05**.

2015, p. 528. See **SJC Case 2012-08**.

2018, p. 536. See **SJC Case 2016-16**.

Freemasonry

See **BCO 26** above, **2002, p. 257, 30-53, III.9**.

Holy Spirit

2003, p. 61, 31-14. The Assembly adopted the recommendation of the Review of Presbytery Records Committee to find unsatisfactory the response of Southern Florida Presbytery to the 30th GA's exception of substance (see **2003, p. 252, 31-63, III.56.e**) regarding the transfer examination of a man who took exception to *Westminster Confession of Faith* II:3 concerning the procession of the Holy Spirit. Later in the Assembly, the language of Assembly's response was refined to delete language which appeared to regard the Holy Spirit as ontologically subordinate to the Father and Son (see **2003, p. 266, 31-64**).

Human Life, Value of

1999, p. 175, 27-44, III.14. The Assembly answered as amended Overture 27 from Philadelphia Presbytery by reaffirming the sanctity of human life under the protection of the Sixth Commandment, and requested the Stated Clerk to remind all the churches and presbyteries of the continuing availability of its published report on the sanctity of Human Life adopted by the 6th GA and to include the report's recommendations in his letter to the churches on the actions of the 27th Assembly. The overture also recommended the appointment of a PCA day of prayer and fasting for the ending of abortion and urged each PCA presbytery to establish a pro-life committee to address the recommendations of the 6th GA (see **1978, p. 71 and 270**). Three elders registered their negative vote on the original overture.

2005, p. 191, 33-51. The Assembly answered in the affirmative as amended Overture 13 from Ohio Valley Presbytery regarding the formation of a Study Committee on the Value of Human Life to advise churches regarding the Sixth Commandment with respect to issues on the sanctity of human life, and to report back to the 35th GA in 2007. The Committee broadened the original overture to include other issues of human life, including stem cell research, human cloning, and euthanasia (see **2005, p. 193, 33-51, III.1**).

2006, p. 64, 34-8. The Assembly dissolved the Ad Interim Committee on the Value of Human Life due to a lack of funding.

2010, p. 346, 38-54. The Assembly answered in the affirmative as amended Overture 28 from South Florida Presbytery to pass a resolution encouraging all members of the PCA to approach professing Christians in all denominations in order to stand together for the sanctity of human

life in six concrete ways, including “acting in solidarity with other denominations in prayer and obedience to God,” offering “pastoral and practical care for those individuals affected by unplanned pregnancies and victimized by abortion,” and “lovingly call[ing] offending parties to repentance in Jesus Christ, and restoration by the Holy Spirit to new obedience” (see **2010, p. 352, 38-54, III.4**).

Independent Press in Church Debates

2000, p. 289, 28-72, III.13. The Assembly answered in the negative Overture 7 and Communication 1 from North Florida Presbytery which asked the Assembly to decry the practices of the “Presbyterian and Reformed News,” a publication that reported on Presbytery actions and debated topics within the denomination. In answering the overture, the Assembly stated, among other concerns, that the overture requests action for censurable offenses without due process, and unwisely calls into question the supreme value of an independent press. A Minority Report, which encouraged North Florida Presbytery to bring charges to the courts of original jurisdiction to investigate and take appropriate action, was rejected.

2000, p. 293, 28-72, III.14. The Assembly answered in the negative Overture 24 from Southeast Alabama Presbytery regarding the “Presbyterian and Reformed News.” The overture, which requested the Assembly to direct the publication not to disseminate information regarding judicial cases in process, was rejected on the grounds that the Assembly has no power to “instruct all members of the PCA not to publish” such information, and that an independent press should not be discouraged.

2002, p. 58, 30-5. By a vote of 592-524, the Assembly approved a motion to open the areas outside of the Assembly hall to the distribution of non-*PCANews* material.

Insider Movements

See Bible Translation

Marriage (See also Divorce)

2003, p. 168, 31-57. Overture 19 from Philadelphia and Rocky Mountain Presbyteries asked the Assembly to endorse the Marriage Amendment to the US Constitution. The Assembly referred instead to statements from

the *WCF* and from Scripture, and stated that because the church is spiritual in nature, “while it must continue to speak to moral issues, it should ordinarily refrain from endorsing specific legislation. See *WCF* 31.4, *BCO* 3-3, 3-4” (see **2003, p. 203, 31-57, III.13**).

2004, p. 174, 32-52. The Assembly answered in the affirmative as amended Overture 16 from Missouri Presbytery to “humbly call” on governments “to act within their lawful powers...to ensure that marriage is legally defined and interpreted throughout their jurisdictions as existing exclusively between one man and woman.” Grounding this call in Scripture, the resolution declared “the truth that the institution of marriage has been created by [God], from the time of the creation of human beings, and that it is ordained and defined by Him....” The resolution also called upon PCA Presbyteries and Sessions “to strengthen the marriages in their own churches” and “to encourage all men and women, boys and girls within the PCA to live chastely for the sake of the Savior....” Further, it called upon PCA members to be “the salt and light of the earth” in this context by exercising their full responsibilities as citizens, especially in defending the Biblical teaching on marriage (see **2004, p. 175, 32-52, III.8**). Overture 12 from Rocky Mountain Presbytery, James River Presbytery, and Mississippi Valley Presbytery, Overture 13 from North Georgia Presbytery, Overture 14 from Central Carolina Presbytery, Overture 15 from Missouri Presbytery, and Personal Resolutions 1 and 2, were all answered in reference to the amended answer to Overture 16 (see **2004, pp. 180-201, 32-52, III.8**).

2016, p. 68, 44-40. The Assembly referred Overture 7 from Grace Presbytery, which would petition government leaders to insure religious liberty in light of the SCOTUS ruling on same-sex marriage, to the Administrative Committee with instructions to report back to the 45th GA (see **2016, p. 79, 44-44, III.4**).

2017, p. 48, 45-41. The Assembly answered in the negative Overture 6 from Gulfstream Presbytery to amend and strengthen the proof-texts of the *WCF*, 24:4[h] by the addition of two Scriptural references from Leviticus and Romans regarding marriage (see **2017, p. 50, 45-41, III.6**).

Memorials (to Deceased Elders)

2016, p. 68, 44-40. The Assembly answered in the affirmative Overture 21 from Southwest Florida Presbytery, a Memorial for a deceased Ruling Elder (see **2016, p. 79, 44-44, III.6**).

2016, p. 68, 44-40. The Assembly answered in the affirmative Overture 22 from Southwest Florida Presbytery, a Memorial for a deceased Ruling Elder (see **2016, p. 79, 44-44, III.7**).

2016, p. 68, 44-40. The Assembly answered in the affirmative Overture 26 from Rocky Mountain Presbytery, a Memorial for a deceased Teaching Elder (see **2016, p. 79, 44-44, III.9**).

2018, p. 31, 46-29. The Assembly ruled out of order Overture 31 from Calvary Presbytery, a Memorial for a deceased Teaching Elder (see **2018, p. 46, 46-29, IV.31**). Four reasons for the ruling were given, including that the “OC has no means within the present rules to revise ‘whereas’ sections” and that “RAO 13-6 as presently written does not specify how to deal with assertions regarding a deceased person’s deficiencies an overture may attribute to him or how to deal with objections regarding errors and alleged violations of the rules of decorum.”

2018, p. 31, 46-29. The Assembly ruled out of order Overture 32 from Calvary Presbytery, a Memorial for a deceased Teaching Elder (see **2018, p. 46, 46-29, IV.32**).

2018, p. 31, 46-29. The Assembly ruled out of order Overture 36 from Heritage Presbytery, a Memorial for a deceased Teaching Elder (see **2018, p. 46, 46-29, IV.36**).

2018, p. 31, 46-29. The Assembly ruled out of order Overture 37 from Central Indiana Presbytery, a Memorial for a deceased Teaching Elder (see **2018, p. 46, 46-29, IV.37**).

2018, p. 31, 46-29. The Assembly ruled out of order Overture 38 from Central Indiana Presbytery, a Memorial for a deceased Teaching Elder (see **2018, p. 46, 46-29, IV.38**).

2018, p. 31, 46-29. The Assembly ruled out of order Overture 40 from Chicago Metro Presbytery, a Memorial for a deceased Teaching Elder (see **2018, p. 46, 46-29, IV.40**).

Military

See **Women, In the Military**

See **2004, pp. 121, 129, 32-35, II.13** and **2004, p. 457, App. H, Attach. F** (see above **BCO 14, Committees and Agencies, Mission to North America**).

New Perspectives on Paul

See Federal Vision

Paedocommunion

2005, p. 113. See SJC Case 2003-04.

2008, p. 75. See SJC Case 2006-02.

2008, p. 113. See SJC Case 2007-08.

2008, p. 128. See SJC Case 2007-14.

2011, p. 578. See SJC Case 2010-04.

2013, p. 553. See SJC Case 2011-06.

2016, p. 499. See SJC Case 2014-01.

Papists, Definition of in WCF

2005, p. 191, 33-51. The Assembly answered in the negative Overture 1 from Iowa Presbytery to add an annotation to the *Westminster Confession of Faith* defining the term “Papists.” The Assembly expressed its agreement with the Committee on Constitutional Business that there is no constitutional process in place, nor any procedure, for an annotation to the *Westminster Confession of Faith* (see **2005, p. 194, 33-51, III.2**). See **Digest PART II, Constitutional Advice: CCB Advice on the Westminster Confession of Faith (WCF) and Catechisms**.

Preterism (Full)

2000, p. 297, 28-72, III.17. In answer to Overture 1 from Heartland Presbytery, asking the Assembly to declare the view of Full Preterism a heresy by adopting the Presbytery’s position paper on the subject, the Assembly referenced the grounds for a previous overture by answering that the PCA’s constitutional standards give “sufficient testimony to the PCA’s understanding of the doctrines of Scripture with respect to the matter raised in the overture (see *WCF* 8, 32, and 33)” (see also **1994, p. 233, 22-66, IV.5**).

Race Relations and Ethnic Diversity

2002, p. 177, 30-31. In response to Overture 19 from Chesapeake Presbytery requesting the formation of a study committee on ministry amidst ethnic diversity, the Assembly asked the MNA staff to study the issue and report back to the 31st GA with suggestions for meeting the challenges and a statement of biblical commitments in this area of ministry (see **2002, p. 188, 30-31, III.18**).

2003, p. 78, 31-29. The Assembly adopted MNA's response to the Overture 2002-19 from Chesapeake Presbytery, including MNA's recommendation that the working paper, *Ministering Among the People Groups of North America*, be received as information and commended to the churches of the PCA (see **2003, p. 81, 31-29, III.10** and **2003, p. 479, App. H, Attach. D**).

2002, p. 243, 30-53. The Assembly answered Overture 20 from Nashville Presbytery regarding racial reconciliation by adopting a statement of confession and repentance for past sins and commitment to strive for racial reconciliation. The Assembly also noted the PCA's participation in the 1977 NAPARC conference on race relations, and the statement that conference adopted. Four men recorded their negative votes on this action of the Assembly (see **2002, p. 261, 30-53, III.14** and **2002, p. 192, 30-32**).

2002, p. 243, 30-53. The Assembly, in answer to Personal Resolution 2, called upon its members "to repent of and renounce any racism and/or class consciousness," and encouraged its local churches to "[welcome] into its membership all who, according to *Book of Church Order* Chapter 57 . . . come with a credible profession of their faith in . . . the Lord Jesus Christ" (see **2002, p. 269, 30-53, III.16** and **2002, p. 85, 30-15**).

2003, p. 157, 31-53. Answering in the affirmative as amended Overture 17 from Nashville Presbytery, the Assembly tasked MNA with drafting a Pastoral Letter setting forth the PCA's position on the issue of gospel and race (see **2003, p. 192, 31-57, III.8**). The letter "would be in a manner consistent with the gospel imperatives for the encouragement of racial reconciliation and gospel outreach to people of every 'tribe and tongue and people and nation (Rev. 5:9 NKJV)." A Minority Report recommending that the overture be answered in the negative was defeated.

2004, p. 121, 32-35. The Assembly adopted with minor editorial amendments the pastoral letter, "The Gospel and Race," presented

by the Committee on Mission to North America in reply to the direction of the 31st GA, which sought “to provide a definition of racism, a theological perspective on racism, pastoral responses to racism, and discussion of pastoral issues related to racism” (see **2004, p. 124, 32-35, III.9** and **2004, p. 427, App. H, Attach. E**). A Minority Report recommending that the Assembly send “The Gospel and Race” to the presbyteries for consideration and discussion was defeated.

2010, p. 180. SJC Case 2008-03.

2010, p. 156, 170. SJC Case 2008-15.

2010, p. 156, 173. SJC Case 2008-16.

2010, p. 156, 174. SJC Case 2008-17.

2010, p. 156, 178. SJC Case 2008-18.

2010, p. 179. SJC Case 2009-01.

2010, p. 182. SJC Case 2009-02.

2015, p. 16, 43-7. The Assembly voted to receive a Personal Resolution on Civil Rights Remembrance from two TEs. The Assembly adopted the Overture Committee’s recommendation to refer the Resolution to the 44th GA on four grounds, including that “a perfected version of the resolution would effect particular denominational, regional, and local church repentance more particularly,” and “time with African American brothers to visit with the Overtures Committee in next year’s Assembly will further perfect the language and allow out repentance to be more heartfelt and accurate.” A Protest, signed by over 200 commissioners, allowed “that more time is needed to adequately work on such a denominational statement,” but also stated “the need for action now” by recognizing and confessing “our church’s covenantal and generational involvement in and complicity with racial injustice” (see **2015, p. 71, 43-52** and **2015, p. 81, 43-52, III**; for debate on this resolution, see **2015, p. 69, 43-52**).

2016, p. 42, 44-36. The Assembly answered in the affirmative Overture 44 from Potomac Presbytery to create a PCA Unity Fund “to help raise up

future generations of godly, reformed African American and other minority Ruling and Teaching Elders” (see **2016, p. 44, 44-36, III.8** and **2016, p. 71, 44-44**).

2016, p. 70, 44-44. The Assembly answered in the affirmative as amended Overture 43 from Potomac Presbytery to “pursue racial reconciliation and the advance of the Gospel” by resolving that the General Assembly “does recognize, confess, condemn and repent of corporate and historical sins, including those committed during the Civil Rights era” and “recommits itself to the gospel task of racial reconciliation.” A dissent to this action was recorded (**p. 71**). Thirty-four overtures were answered in reference to this action (see **2016, p. 74, 44-44, III.1**).

2016, p. 71, 44-44. The Assembly answered in the affirmative as amended Overture 45 from Potomac Presbytery to form a study committee on racial reconciliation (see **2016, p. 84, 44-44, III.16**).

2016, p. 71, 44-44. The Assembly answered Overture 60 from Auburn Road Presbyterian Church, Venice, Florida, by reference to Overture 43. The overture recommended that the 44th GA resolve to “recognize and confess our church’s recent involvement in and complicity with placing current political winds above the Gospel” and that churches “seek to further truth and reconciliation for the gospel’s sake within their own local communities” (see **2016, p. 86, 44-44, III.17**).

2017, p. 68, 45-48. The Assembly, acting on the recommendation of the Ad Interim Committee on Racial and Ethnic Reconciliation, approved a follow-up study in three years to assess the growth and progress of our denomination in biblical racial reconciliation practice (see **2017, p. 563, App. V**).

2017, p. 68, 45-49. The Assembly extended the Ad Interim Committee on Racial Reconciliation for another year (2017-2018) (see **2017, p. 71, 45-49, III.8**).

2018, p. 23, 46-17. The Assembly adopted the four recommendations of the Ad Interim Committee on Racial and Ethnic Reconciliation, including that the 46th GA receive the ad interim committee’s report, that it direct the CDM to publish the report for sale and distribution, and that it direct the Committee on MNA to budget and plan for renewing the

research and report back to the 51st GA in 2023 in order to establish a longitudinal study of our denomination on the issue of racial reconciliation (see **2018, p. 628, App. V**). See also **Digest PART IV, Study Committee Reports: Racial and Ethnic Reconciliation.**

The Sabbath

2016, p. 22, 44-19. The Assembly adopted the recommendation of the Review of Presbytery Records Committee to find satisfactory the amendments of Philadelphia Metro West Presbytery to approve a TE's exceptions using the prescribed categories of *RAO* 16-3.e.5 regarding his views of the Sabbath that "it is possible that certain circumstances may arise in which a church could consider gathering for weekly corporate worship and resting on a day other than Sunday." A Minority Report to add an exception of substance to this report of presbytery was defeated (see **2016, p. 434, App. Q, 57.d.**)

For the Sabbath, see also **The General Assembly (BCO 14) (Covenant College), Covenant College Honoring the Sabbath, 2016, p. 65, 44-39.**

Scripture

See Sexuality

See Bible Translation

Sexuality, Homosexuality, Sexual Identity (See also Marriage)

1999, p. 174, 27-44, III.13. The Assembly answered Overture 22 from Westminster Presbytery by issuing a statement offering pastoral advice to Sessions and congregations regarding how to respond within the church to homosexuality, which included the encouragement to "study the Scriptures, to pray for God's mercy and truth to triumph in the lives of people involved in or affected by homosexuality." The Assembly also referred to the statement of the 5th GA affirming the sinfulness of homosexuality and the impropriety of a practicing homosexual being a member or ordinand in the PCA, and calling on churches to seek to lead homosexuals to repentance and faith in Jesus Christ (see **1977, p. 67-68**).

2009, p. 255, 37-43. The Assembly answered in the negative Overture 18 from Eastern Pennsylvania Presbytery, which requested that the

Assembly make a declaration regarding homosexuals in the military, on the grounds that the proposal failed to meet the standard of *WCF 31.4* since the case is not extraordinary and no civil magistrate has required such advice (see **2009, p. 283, 37-43, III.12**).

2010, p. 296, 38-45. In response to three overtures (Overture 17 from South Texas Presbytery (**2010, p. 299, 38-45, III.11**), Overture 22 from Savannah River Presbytery (**2010, p. 311, 38-45, III.15**), and Overture 12 from Rocky Mountain Presbytery (**2010, p. 316, 38-45, III.18**)) and Recommendations 9 and 12 (**2010, p. 299 & 304, 38-45, III.9 & 12**), the Assembly approved the request of the Presbyterian and Reformed Joint Commission on Chaplains and Military Personnel to direct the Stated Clerk to humbly petition with a letter The Secretary of Defense, Chairman of the Joint Chiefs of Staff, and certain other military and civilian leaders, including the President of the United States, “for the protection and meaningful continuance of the free exercise of religion within the Armed Forces of the United States” (see **2010, p. 319, 38-45, III.19**).

2018, p. 32, 46-29. The Assembly answered in the negative Overture 29 from Pittsburgh Presbytery to form a study committee dedicated to studying the report of the RPCNA report on sexual orientation, on the grounds that, among other things, it seemed inappropriate to erect a study committee and then confine their attention only to the RPCNA Report (see **2018, p. 45, 46-29, IV.29**).

2018, p. 500. See SJC Case **2016-11**.

Social Security

2017, p. 48, 45-41. The Assembly answered in the negative Overture 17 from Pacific Northwest Presbytery for an Assembly statement encouraging theological discussion on opting out of social security, on the grounds that information about this issue can be disseminated through denominational publications and the General Assembly ought not to determine which theological questions a presbytery should ask during an examination (see **2017, p. 52, 45-41, III.17**).

Soteriology

See Federal Vision

Westminster Standards, Exceptions to, Subscription to

See *BCO* 14, Changes to *RAO*. See also specific topics.

2001, p. 98. See **SJC Case 1999-07.**

2008, p. 75. See **SJC Case 2006-02.**

2011, p. 578. See **SJC Case 2010-04.**

2013, p. 583. See **SJC Case 2012-05.**

2013, p. 552. See **SJC Case 2011-06.**

2016, p. 499. See **SJC Case 2014-01.**

2017, p. 478. See **SJC Case 2015-13.**

2018, p. 566. See **SJC Case 2016-17.**

Women, Abuse

2001, p. 85. See **SJC Case 1999-06.**

Women, Civil Legislation Regarding

2000, p. 308, 28-72, III.21. The Assembly answered in the negative a Personal Resolution from a TE requesting that the Assembly go on record as being opposed to the United Nations Convention on the Elimination of Discrimination against Women, and to communicate its opposition to the President of the Senate and the Senate Majority Leader. The Assembly reasoned that the proposal failed to meet the standard of *WCF* 31.4 since the matter is not extraordinary and no civil magistrate has required such advice.

Women, Diaconal or Other Unordained Church Ministry

2008, p. 204, 36-52. In response to Overture 9 from Philadelphia Presbytery, the Assembly declined to erect a study committee on women's involvement in diaconal ministry, on the grounds that *BCO* 7-2, *BCO* 9, and especially *BCO* 9-7, provide a sufficient answer to the issues contemplated in the overture, and that presbyteries should work through

the implications in their own local contexts (see **2008, p. 205, 36-52, III.9**). A Minority Report, which sought to answer the overture in the affirmative, was defeated (see **2008, p. 207, 36-52, III.9**). Overture 15 from Western Canada Presbytery (**2008, p. 210, 36-52, III.12**), Overture 17 from Rocky Mountain Presbytery (**2008, p. 211, 36-52, III.13**), Overture 19 from Central Georgia Presbytery (**2008, p. 212, 36-52, III.14**), and Communication 2 from Northern California Presbytery (**2008, p. 213, 36-52, III.15**), were all answered in reference to the action taken on Overture 9.

2009, p. 150. See SJC Case **2007-13**.

Women, Funding to Train and Support Pastors' Wives

2018, p. 67, 46-41. The Assembly answered in the affirmative as amended Overture 14 from Nashville Presbytery to recommend that PCA churches and presbyteries budget to provide an intentional ministry of support, encouragement, respite, and continuing education to the wives of pastors, church planters, and missionaries, and that particular consideration be given to funding and implementing the services of Parakaleo (see **2018, p. 69, 46-41, III.6**). Overture 18 from Chesapeake Presbytery was answered in reference to action taken in Overture 14 (see **2018, p. 69, 46-41, III.7**).

Women, Holding Office in the PCA

See **BCO 24-1. 2002, p. 259, 30-53, III.10, 11.**

Women, In the Military

1999, p. 128, 27-42. The Assembly heard the report of the Ad Interim Committee on Women in the Military. After several motions failed, including motions to refer the report back to the committee and to amend one of the recommendations, the Assembly adopted a substitute motion to receive the report as information and to refer it back to the Committee for refinement. The Moderator expanded the Committee by appointing three new members. Three commissioners registered their negative votes. For the report, see **1999, p. 129, 27-42**.

2000, p. 259, 28-64. The Assembly extended the Ad Interim Committee on Women in the Military for another year. A Personal Resolution from an RE, recommending that the GA advise the PRJC

that its chaplains have denominational license to counsel women against enlisting or remaining active in combatant categories of military armed forces, was answered in the negative on the grounds that the Ad Interim Committee had not yet completed its work (see **2000, p. 309, 28-72, III.23.**)

2001, p. 258, 29-57. Following the presentation of the report of the Committee on Women in the Military, the Assembly adopted eight of the eleven recommendations proposed by the Committee (**p. 277**). The three recommendations not adopted by the Assembly 1) advised women who volunteer for military service to seek supportive rather than combatant roles, 2) recommended that the Assembly go on record as opposing any conscription of women into military service, and 3) formally opposed the assignment of women to offensive combat roles. Item 3 (**p. 278**) was moved as a substitute for these three recommendations. The Assembly referred the reports to the presbyteries for study before the 30th GA and recommitted the remaining matters (the three recommendations and Item 3) back to the Committee.

2002, p. 283, 30-57. The 30th GA adopted as pastoral counsel four recommendations brought by the Committee on Women in the Military to oppose any policy that would put women of child-bearing potential in harm's way, and condemn the use of women as military combatants or the conscription of women into the armed forces (**p. 285**). A Minority Report, presented as a substitute motion, failed. Seventy-seven commissioners recorded their negative votes on the motion to adopt the Committee's recommendations.

2002, p. 290, 30-60. The Assembly declined to direct the Stated Clerk to send the report of the Committee on Women in the Military to the President of the United States.

2003, p. 168, 31-57. In answer to Overture 1 from Potomac Presbytery asking the Assembly to clarify the 30th GA's statement on women in the military and the implications for church discipline or ordination commitments, the Assembly answered that, "Nothing done by the previous General Assembly compels any court of original jurisdiction to exercise discipline on issues pertaining to the report on the Ad Interim Committee on Women In Military" (see **2003, p. 195, 31-57, III.9.**) Overture 3 from Chesapeake Presbytery was answered by reference to the Assembly's action on Overture 1.

2006, p. 68, 34-14. Adopting a recommendation of the Interchurch Relations Committee and in keeping with the statement adopted by the 30th GA in 2002, the Assembly agreed with the statement of NAPARC which affirmed that, “The Word of God gives no warrant expressed or implied that women are to be conscripted into or employed for military combat roles but rather they are to be defended by men and kept from harm’s way that they may fulfill their biblical calling and duties under God” (see **2006, p. 69, 34-14, III.4**).

Women, Ordination to Church Office (See also BCO 18-21)
2009, p. 176. See **SJC Case 2008-01**.

2010, p. 235. See **SJC Case 2009-07**.

2014, p. 528. See **SJC Case 2011-14**.

Women, Study Committee on Women Serving in the Church

2016, p. 51, 44-38. The Assembly answered in the affirmative the Administrative Committee’s recommendation to form a study committee on the issue of women serving in the ministry of the church (*RAO* 9-1; 9-3), giving particular attention to the issues including “the biblical basis, theology, history, nature, and authority of ordination” and “clarification on the ordination or commissioning of deacons/deaconesses.” A point of order that the Recommendation was not properly before the Assembly was not well taken, an action to which 173 commissioners registered their disagreement. A substitute motion to answer the Recommendation in the negative was defeated before the Assembly answered the Recommendation in the affirmative (see **2016, p. 58, 44-38, III.3**). A Protest was filed and signed by 28 commissioners (**2016, p. 69, 44-43**).

2017, p. 27, 45-19. The Assembly answered in the negative Overture 3 from Westminster Presbytery to declare that the 44th GA erred in the formation of an Ad Interim Committee on the Role of Women as not being properly before the court, and to dismiss the committee with apology (see **2017, p. 638, App. W, V.1**).

2017, p. 29, 45-19. The Assembly adopted the recommendation of the Ad Interim Committee on the Role of Women that sessions, presbyteries, and the General Assembly recognize that, from the founding of the PCA,

there have been a variety of views and practices regarding the ways in which women may serve the Lord and the church within scriptural and constitutional parameters, without ordination (see **2017, p. 638, App. W, V.2**). A proposed amendment to this recommendation was defeated (**p. 29**).

2017, p. 29, 45-19. The Assembly adopted the recommendation of the Ad Interim Committee on the Role of Women that sessions, presbyteries, and the General Assembly strive to develop, recognize, and utilize the gifts, skills, knowledge, and wisdom of godly women in the local, regional, and national church, and particularly consider overtures that would allow qualified women to serve on appropriate committees and agencies within the church (see **2017, p. 639, App. W, V.3**). Two proposed amendments to this recommendation were defeated (**p. 29**).

2017, p. 31, 45-19. The Assembly adopted as amended the recommendation of the Ad Interim Committee on the Role of Women that sessions, if possible, establish a diaconate of qualified ordained men (see **2017, p. 639, App. W, V.4**).

2017, p. 32, 45-19. The Assembly adopted the recommendation of the Ad Interim Committee on the Role of Women that sessions consider how to include non-ordained men and women in the worship of the church so as to maintain faithfulness to Scripture, as well as utilizing the gifts God has poured out on his entire church (see **2017, p. 640, App. W, V.5**). A substitute motion and a proposed amendment to this recommendation were both defeated (**p. 31-32**).

2017, p. 32, 45-19. The Assembly adopted as amended the recommendation of the Ad Interim Committee on the Role of Women that sessions and presbyteries select and appoint godly women and men of the congregation to assist the ordained diaconate (see **2017, p. 641, App. W, V.6**). Two proposed amendments to this recommendation were adopted (**p. 32**).

2017, p. 32, 45-19. The Assembly adopted the recommendation of the Ad Interim Committee on the Role of Women that presbyteries and the General Assembly consider an overture that would establish formally the right of sessions, presbyteries, and the General Assembly to establish the position of commissioned church worker within the PCA for qualified and gifted unordained men and women (see **2017, p. 642, App. W, V.7**).

2017, p. 33, 45-19. The Assembly adopted the recommendation of the Ad Interim Committee on the Role of Women that sessions, presbyteries, and the General Assembly consider how they can affirm and include underprivileged and underrepresented women in the PCA (see **2017, p. 643, App. W, V.8**).

Women, Teaching in Public Ministry Context

1999, p. 118, 27-31, Supplemental III.2. The Assembly directed the MNA Permanent Committee to study the issue of women speaking and teaching in public, and to present clear guidelines to the 28th GA of their application of I Timothy 2:11-12 and other Scriptures when selecting women for such ministry.

2000, p. 101, 28-31, III.9. The Assembly adopted the recommendation of the MNA Permanent Committee to approve its response to Assembly's direction at the 27th GA to study the issue of women speaking and teaching in public. The Committee clarified that its response was "limited to the issue of choosing women for speaking and teaching in seminars, conferences and worship services conducted under the auspices of MNA." As to worship, the recommendation affirmed that "the Scriptures, as interpreted by the subordinate standards, give sufficient standards for the ordering of public worship" and that "the preaching of the Word is conducted by elders." Recognizing that the issue is one of authority, the recommendation posited that speaking and teaching done in contexts other than worship, such as seminars, "is not intended to carry the weight to which the description 'teach or have authority over' (I Timothy 2:11-12) would apply." An amendment to the recommendation was defeated. Sixteen commissioners registered their affirmative vote on the defeated amendment. Twenty commissioners registered their negative votes on the adoption of Recommendation 9.

See above also **The Session (BCO 12), Preaching in Worship, Qualified Men Only (BCO 12-5.d), 2000, p. 281, 28-72, III.4; 2001, p. 49, 29-12, Item 1.**

Women, Teaching or Preaching in Worship

1999, p. 170, 27-44, III.10. The Assembly answered in the negative Overture 16 from Western Carolina Presbytery, declining to advise

Sessions and Presbyteries not to allow women to preach or teach the Scriptures at worship services, on the ground that such violations of I Timothy 2:12 and the Standards “should first be addressed by the lower courts.” 144 commissioners recorded their affirmative votes on a substitute motion that Overture 16 be answered in the affirmative. See also Protests 3 and 4, **1999, p. 211-212, 27-57.**

2001, p. 222, 29-44, III.17. The Assembly answered in the negative Overture 25 from Grace Presbytery, declining to affirm “that a woman may not preach or teach in the corporate worship of any church or in the corporate worship conducted by any church court or by any committee, board, and/or agency of a church court,” on the ground that “our constitution addresses the issues sufficiently (*BCO* 7-2), and we do not believe our Assembly should by majority vote make a statement defining constitutional principles.”

2001, p. 70. See SJC Case **1999-01.**

See above also The Session (*BCO* 12) above, Preaching in Worship, Qualified Men Only (*BCO* 12-5.e), **2001, p. 223, 29-44, III.18; 2002, p. 71, 30-10, Item 6.**

Worship

2017, p. 33, 45-29. The Assembly adopted as amended a substitute motion adding an exception of substance to the minutes of Northwest Georgia Presbytery regarding a “Worship Guide” which included an apparent representation of the second person of the Trinity and which was distributed to worshipers (see **2017, p. 404, App. Q, VI.52;** for the Minority Report, see **2017, p. 431, App. Q.**)

V. RELATIONSHIP OF THE PCA WITH OTHER BODIES

**This section arranged alphabetically according to
Type or Name of Ecclesiastical Body or Issue.
"Denominations" is subdivided by Specific
Denominations.**

Church Union, with NAPARC Denominations

2003, p. 71, 31-26. The Assembly answered in the affirmative Overture 25 from Philadelphia Presbytery, directing the Stated Clerk to “communicate to the General Assemblies and General Synods of the constituent NAPARC Churches that the PCA is desirous of entering into conversations with each of them with a view toward Church union.” The Interchurch Relations Committee was directed “to initiate conversations with equivalent NAPARC Churches’ committees with a view toward Church union” (see **2003, p. 73, 31-26, III.4**). Overture 24 from Ascension Presbytery was answered by reference to Overture 25 (see **2003, p. 75**).

2004, p. 54, 32-19. The Interchurch Relations Committee reported that all but one of the NAPARC denominations offered their opinions that they were not prepared to enter into discussions with the PCA about possible organic union at this time. They were not unwilling to discuss union, but the representatives of these denominations had not been empowered by their denominations to enter into such discussions (see **2004, p. 384, App. G, Item 1**).

2003, p. 71, 31-26. The Assembly instructed its Interchurch Relations Committee to bring to the 32nd GA a statement on church union “from a PCA perspective, including a definition of ‘organic’ union” (see **2003, p. 76, 31-26, III.5**).

2004, p. 53, 32-19. The Assembly adopted the NAPARC approved statement that “Organic union is defined as two or more NAPARC churches joining their diverse gifts, heritage and calling on the basis of scriptural mandate (Ephesians 4:1-16; Acts 15:1-16:5; John 17; 1 Corinthians 12:12-31) to form one church by uniting together in theology, polity and ministry. This would require the eventual integration of church courts and administrative and legal structures” (see **2004, p. 55, 32-19, III.5**).

Denominations, Bible Presbyterian Church (BPC)

2000, p. 266, 28-67, III.11. The Assembly, responding to a communication from the General Synod of the Bible Presbyterian Church, sent the BPC a copy of the PCA's "An Address to All Churches," together with a communication reminding them that the PCA was formed as a result of "long years of struggle and heartache on the part of many of us to return the Church to purity of faith and practice." The BPC had passed a resolution criticizing a press release issued by the 27th GA which referred to the PCA's "cordial relationship" with the PC(USA) but did not mention what the BPC called the "blatant apostasy" in that group (see also **2000, p. 253, 28-57, III.11.**)

Denominations, Canadian and American Reformed Churches

2008, p. 60, 36-16. The Assembly approved the admission of the Canadian and American Reformed Churches into the membership of NAPARC (see **2008, p. 61, 36-16, III.3.**)

Denominations, Christian Reformed Church (CRC)

2000, p. 62, 28-14. On motion, the Assembly "authorized the Interchurch Relations Committee to move the expulsion of the CRC from NAPARC if the CRC does not rescind its position on the ordination of women" (see **2000, p. 510, App. H, III.B.**)

2002, p. 85, 30-18. The Assembly approved the termination of the Christian Reformed Church's membership in NAPARC, on the grounds that the CRC had not reversed, but reaffirmed and approved, the ordination of women to the offices of RE and minister; and that the CRC had acted contrary to the word of God, the *Belgic Confession*, and the NAPARC Constitution (see **2002, p. 86, 30-18, III.4.**)

Denominations, Evangelical Presbyterian Church (EPC)

2000, p. 63, 28-14, III.5. The Assembly answered Overture 8 from Illiana Presbytery, which took issue with the Evangelical Presbyterian Church receiving a PCA TE under discipline, by adopting a response decrying the action of the EPC and directing the Stated Clerk and chairman of the Interchurch Relations Committee to meet with their EPC counterparts to "find a way to respect each other's judicial processes. . .for the reputation of Christ and the peace of His Church...." See **SJC Case 1998-09.**

Denominations, Free Reformed Churches of North America

2006, p. 68, 34-14. The Assembly approved the admission of the Free Reformed Churches of North America into the membership of NAPARC (see **2006, p. 69, 34-14, III.3**).

Denominations, Heritage Reformed Congregations

2007, p. 63, 35-14. The Assembly approved the admission of the Heritage Reformed Congregations into the membership of NAPARC (see **2007, p. 64, 35-14, III.4**).

Denominations, Korean Presbyterian Churches, Coalition of

1999, p. 64, 27-16, III.2. The Assembly referred to the MNA Permanent Committee the matter of the Coalition of Korean Presbyterian Churches of the PCA seeking recognition to bring greetings to the PCA General Assembly, instructing MNA to clarify the relationship of the Coalition of Korean Presbyterian Churches to the General Assembly and to report its findings to the 28th GA.

2000, p. 101, 28-31, III.8. The Assembly adopted the recommended response of the MNA Permanent Committee that, since the Coalition is not a court of the church, it was encouraged “to bring to the MNA Permanent Committee, through MNA’s Korean Ministries, any desires the coalition may have for communications with the General Assembly.”

Denominations, L’Église réformée du Québec (Reformed Church of Quebec)

2003, p. 71, 31-26. The Assembly voted to approve L’Église réformée du Québec for membership in NAPARC (see **2003, p. 72, 31-26, III.3**).

2004, p. 53, 32-19. The Assembly voted to enter into fraternal relations with L’Église réformée du Québec (see **2004, p. 55, 32-19, III.3**).

See also **2007, p. 64, 35-14, III.3**.

Denominations, Orthodox Presbyterian Church

2003, p. 135, 31-43. The Assembly authorized the Stated Clerk to confer with the Stated Clerk of the Orthodox Presbyterian Church to produce and publish a “mutually agreeable” edition of the Westminster Standards,

using the proof texts prepared by the OPC, if the way be clear (see **2003, p. 144, 31-43, III.16**).

2004, p. 47, 32-13. The Assembly received a Communication from the Orthodox Presbyterian Church, granting to the PCA permission to use, with proper attributions, its edition of the Westminster Confession of Faith with the proof texts approved by OPC Assemblies (see **2004, p. 51, Communication 3**)

Denominations, Presbyterian Reformed Church

2008, p. 60, 36-16. The Assembly approved the admission of the Presbyterian Reformed Church into the membership of NAPARC (see **2008, p. 61, 36-16, III.4**).

Denominations, United Reformed Churches of North America

2002, p. 85, 30-18. The Assembly approved entering into corresponding relations with the United Reformed Churches of North America (see **2002, p. 86, 30-18, III.3**).

2004, p. 53, 32-19. The Assembly directed the Interchurch Relations Committee, in response to a Communication from the United Reformed Churches of North America (**p. 54**), to review the issue of entering into fraternal relations the URCNA, pending the URCNA's determination to seek membership in, and reception by the membership of NAPARC (see **2004, p. 55, 32-19, III.4**).

2005, p. 61, 32-12. The Assembly approved the admission of the URCNA into the membership of NAPARC and voted to enter into fraternal relations with the URCNA (see **2005, p. 63, 32-12, III.3 and 4**).

Interchurch Relations, Levels of Ecclesiastical Relationship

2000, p. 63, 28-14, III.3. The Assembly established and described two levels of relations with other denominations: fraternal relations and corresponding relations.

NAE (National Association of Evangelicals), NAE Bylaws

2000, p. 63, 28-14, III.4. The Assembly instructed the Interchurch Relations Committee to inform the NAE that the PCA strongly

disapproves of the change in NAE Bylaw B-7, and to ask that the change be rescinded. The amendment allowed evangelical denominations to hold dual membership in the NAE and the National Council of Churches, provided the evangelical denominations affirm the NAE doctrinal statement (see **2000, p. 512, Appendix H, IV.C.**).

NAE (National Association of Evangelicals), PCA Participation in 2011, p. 21, 39-15, III.5. The Assembly received Overture 12 from Central Carolina Presbytery to withdraw from the National Association of Evangelicals, and directed the Interchurch Relations Permanent Committee to study the PCA's participation in the NAE and report back to the 40th GA (see **2011, p. 629, App. V.**).

2012, p. 18, 40-12. The Assembly answered in the negative Overture 2011-12 from Central Carolina Presbytery, and directed the Permanent Committee on Interchurch Relations to be alert for and report to the General Assembly any action or position taken by the NAE (see **2012, p. 22, 40-15, III.3** and **2012, p. 354, App. N.**).

2013, p. 25, 41-23. The Assembly took exception to the Permanent Committee on Interchurch Relations too narrowly construing the directive of the 40th GA by limiting their reporting to the GA only “to any position, or action adopted by the Board of Directors of the National Association of Evangelicals or also implemented by the present staff of the NAE that is contrary to the specific actions of the General Assembly of the PCA,” rather than being “alert for and report to the General Assembly any action or position taken of the NAE” (see **2013, p. 25, 41-23, III.6** and **2013, p. 18, 41-17**).

NAPARC (North American Presbyterian and Reformed Council), Concurrent Assemblies with NAPARC Denominations

1999, p. 64, 27-16, III.3. The Assembly answered in the affirmative Overture 8 from Philadelphia Presbytery, thereby directing the Interchurch Relations Committee “to explore the possibility of . . . a general assembly or general national synod that could meet with the NAPARC denominations and/or other churches committed to the Westminster Standards or the Three Forms of Unity every third, fourth, or even fifth year as a step in the direction of a living testimony to the unity of the true church of our Lord Jesus Christ, speaking the truth in love.”

See also **Church Union, with NAPARC Denominations**, above.

**Parachurch Agencies, Criteria for General Assembly Endorsement
(BCO 14)**

2003, p. 78, 31-29. The Assembly adopted Mission to North America's recommendation that, through a PCA Permanent Committee, the PCA may endorse agencies based on eight stated criteria (see **2003, p. 80, 31-29, III.6**). The only agency so endorsed as of 2003 was Bethany Christian Services.

PART II

CONSTITUTIONAL ADVICE (COMMITTEE ON CONSTITUTIONAL BUSINESS)

CCB Advice on the *Westminster Confession of Faith* (*WCF*) and *Catechisms*

The Definition of “Papists” in the *WCF*

2003, p. 166, 31-56, V. The CCB answered a non-judicial reference from Iowa Presbytery, which asked about the proper interpretation of the word “papists” in the context of *WCF 24.3*. The Presbytery requested assistance in understanding whether the word refers to all who are identified as belonging to the Roman Catholic Church, only those who hold to a Roman Catholic soteriology, or if there is another interpretation that should be employed. It was agreed that the CCB should not accede to the request for advice (see *BCO 41-5* and *RAO 7-2(2)* [now 8-2.b.2]) because, having not received materials such as those mentioned in *BCO 41-4* and *41-6*, we are not clear that there is a matter pending before the lower court (see *BCO 41-1*); and we note that a Presbytery study committee might be a better way to deal with this matter.

2004, p. 132, 32-36, II.1. The CCB was asked the constitutional definition of the word “papists” in *WCF 24.3*, and in particular whether it included Roman Catholics who can give a credible profession of faith in Christ alone as their Savior. The CCB declined to determine abstractly the meaning of such a point of doctrine, leaving such work to “means such as an *in thesi* statement, by judicial process, or, most commonly, by presbyteries working through the issue, subject to proper review.”

2005, p. 154, 33-29, II.A. In the opinion of the CCB, Overture 1 from Iowa Presbytery (“To annotate the *WCF* to define the term ‘Papist’”) was not in order, because there is not a constitutional process in place, nor is there any precedent, for an annotation to the *WCF*.

Views of the Reprobate in the *WCF*

2006, p. 82, 34-34, IV.E. The CCB answered a non-judicial reference from Westminster Presbytery, on whether it is in accord with the Westminster Standards to hold and teach the view that the reprobate is in covenant with God, by stating that hypothetical issues of doctrine must be settled by adjudication or determination by the appropriate court.

CCB Advice on *The Book of Church Order (BCO)*
**(Arranged in Order of *BCO* Chapters and
Arranged Chronologically within *BCO* Chapters)**

**Preliminary Principles (*BCO* Preface, II), Handling Exceptions to
the Westminster Standards**

2002, p. 100, 30-29, III. In the opinion of the CCB, the proposed constitutional language in Overture 4 from Ohio Valley Presbytery (“Handling Exceptions to the Westminster Standards”) was in conflict with the ***BCO* Preliminary Principles**. Furthermore, the proposed language created constitutional ambiguity in four ways, including 1) that the proposed overture language “either in his private life” was in conflict with ***BCO* Preliminary Principle II.1 and II.7**, and 2) that the proposed overture language requiring Presbyteries to record every man’s views disagreeing with the Constitution would have eroded the Presbyteries’ exclusive authority to determine whether a candidate receives and adopts the *Confession of Faith* and the *Catechisms* of the PCA as containing the system of doctrine taught in the Holy Scriptures.

For Exceptions to the Westminster Standards, see also ***BCO* 21** below.

**Visible Church Defined (*BCO* 2), Whether the Beliefs of a Non-PCA
Body Satisfy *BCO* 2**

2009, p. 212, 37-29, IV.3. The CCB answered a non-judicial reference from Piedmont Triad Presbytery on the investigative responsibility of a “newly formed entity,” by stating that a presbytery’s inquiry under ***BCO* 2-2** and ***BCO* 38-3** should end upon concluding that a newly formed entity holds to a “fairly traditional evangelical set of beliefs,” because such a conclusion satisfies the provision of ***BCO* 2-2**.

Nature and Extent of Church Power (*BCO* 3), Limit Voting in Presbytery and General Assembly to Pastors and Associate Pastors

2003, p. 163, 31-56, VI. In the opinion of the CCB, Overture 22 from Grace Presbytery and Ellisville Presbyterian Church (“Amend **BCO 13-1, 14-2, 23-2, 24-9** to Allow Only Pastors and Associate Pastors to Vote in Presbytery and General Assembly”) was in conflict with other parts of the Constitution. The proposed overture violated the concept of **BCO 3-1** in that it denied that the power of Christ is given to His whole church...to include the presbytery. The effect of this overture would be to disenfranchise all TEs who are not pastors or associate pastors. It would also have violated **BCO 14-2**, which recognizes that Teaching Elders are entitled to representation because their membership is in presbytery not a local church.

2004, p. 139, 32-40, II.D. In the opinion of the CCB, Overture 6 from the Session of Ellisville Presbyterian Church (“Amend **BCO 13-1, 14-2, 23-2, 24-9 et altera** to Restrict Teaching Elders Voting in Presbyteries and General Assembly to Pastors and Associate Pastors Only”) was in conflict with other parts of the Constitution. As the CCB reported the previous year (*M31GA* p. 163), “**BCO 3-1** specifies that the power is committed by Christ to His Church in the whole body. The present **BCO 14-2** recognizes that fundamental principle and specifically delineates that TEs are entitled to representation growing out of the membership in their presbytery not their local church. The proposed overture violates the concept of **BCO 3-1...**”

Particular Church (*BCO* 4), Teaching Elders Serving as Officers or Trustees of the Corporation in an Incorporated Church

2004, p. 203, 32-54, II. The CCB answered a constitutional inquiry concerning whether Teaching Elders might serve as officers or trustees of the corporation in an incorporated church, by stating that it is unconstitutional for Teaching Elders to serve as officers or trustees of the corporation, assuming the corporation in question is that of a particular church as defined by **BCO 4**.

Particular Church (*BCO* 4), “Multisite” Polity and the Oversight of the Session and Presbytery

2012, p. 366, App. O, IV. The CCB answered a non-judicial reference consisting of six questions from Central Carolina Presbytery on “multisite” polity, by stating that the *BCO* does not either prescribe or

proscribe a multi-site polity for particular churches (**BCO 4**). Because a particular church with multiple services at different sites has the same polity as a particular church with multiple services at a single site, a presbytery has the same role of review and control for both forms. In regard to question 6, whether a local church is free to open a new multisite without presbytery oversight, the CCB stated that, while a presbytery should ordinarily exhibit great deference to sessions of local churches in regard to times and places of worship services, the authority of the session in these matters is not absolute, but subject to the oversight of presbytery. Review and control of the presbytery could include a particular church not ordinarily establishing a worship service in another presbytery, and presbytery serving as the agency for communicating and cooperating between a particular church and other Reformed churches in the same geographic area who may be affected by a new worship site, following the NAPARC Golden Rule Comity Agreement.

Organization of a Particular Church (BCO 5), Requirements for Reporting and Reviewing Minutes of a Mission Church

2016, p. 348, App. O. II.G. In the opinion of the CCB, Overture 38 from Pacific Northwest Presbytery (“Amend **BCO 5-3** to Add an Explicit Requirement for Reporting and Reviewing Minutes of a Mission Church Temporary System of Government”) was in conflict with the Constitution. Overture 38, as it was written, conflicted with **BCO 5-3.a**, in that an evangelist would not have minutes to submit as opposed to the governing bodies stipulated in items b and c of **BCO 5-3**. The **BCO** does not require an evangelist to submit minutes.

Church Members (BCO 6), Minimum Voting Age in Congregational Meetings

1999, p. 147, 27-43, III. In the opinion of the CCB, Overture 13 from Pacific Northwest Presbytery (“Minimum Voting Age in Congregational Meetings”) permitting of establishment of a minimum voting age conflicted with the Constitution, above all **BCO 6-4**.

Church Members (BCO 6), Minimum Age for Communicant Membership

2001, p. 134, 29-28, III.4. The CCB answered a non-judicial reference from Pittsburgh Presbytery concerning whether a Session can set a

minimum age for communicant membership, by stating that it is the prerogative of each Session to determine when one has a credible profession of faith and a proper understanding of the sacraments (**BCO 6-2**). “The time when young persons come to understand the Gospel cannot be precisely fixed” (**BCO 57-2**). Therefore, sessions must consider requests for admission to communicant membership on an individual basis, regardless of age.

Church Members (BCO 6), The Procedures and Requirements for Membership in the Visible Church

2012, p. 365, App. O, II.T. In the opinion of the CCB, Overtures 32-34 from Southeast Alabama Presbytery (“Amend **BCO 6** Regarding Methods of Joining a Particular Church, Adding to Present Paragraphs **6-1** and **6-4**, Adding Two New Paragraphs, and Rearranging the Order of the Paragraphs”; “Amend **BCO 38-3a** and Insert as **BCO 46-6**; Add New **BCO 46-7** and Renumber Subsequent Paragraphs; Remove **BCO 57-6**. Regarding Administering Membership into and out of a Particular Church”; “Amend **BCO 57-5** to Require Affirmation of the Apostles’ Creed for Church Membership”) were in conflict with **BCO 1-3, 2-1, 6-2**, and **57-2**. The only profession of faith required for membership in the visible church is “profession of [one’s] faith in the Lord Jesus Christ.” The session is the court responsible to judge the qualifications of those admitted to membership.

Church Officers (BCO 7), Whether “Inactive Elders” or Ruling Elders Elected at a Different Church May Serve as Commissioners at General Assembly

2014, p. 347, App. O, III. The CCB answered a non-judicial reference from Grace Presbytery inquiring 1) whether in the case of a “rotating session” a session may send an “inactive elder” to the General Assembly to serve as a commissioner; and 2) whether a ruling elder received into membership in a congregation, but never elected as a ruling elder in that church, may serve as a commissioner from that church to the General Assembly. The CCB responded by stating that, because the office of ruling elder is perpetual in nature (**BCO 7-2** and **BCO 24-7**) and the **BCO** does not specifically address the common practice of a “rotating session,” an “inactive elder” may be elected by a session as a commissioner to the General Assembly, unless the ruling elder has

resigned or been removed pursuant to **BCO 24-7** or **BCO 24-9**. However, a ruling elder received into membership in a congregation, but never elected as a ruling elder in that church, may not be elected by the church's session to serve as a commissioner.

Deacon (BCO 9), Authority to Sell Church Property

1999, p. 144, 27-43, II.1. The CCB answered a non-judicial reference from First Presbyterian Church of Montgomery, AL, regarding who has the authority to sell stock given to the church, by stating that the deacons have authority, subject to the approval of the session and consent of the congregation, to sell church property. The authority of sessions, trustees, and corporation officers to sell church property was also addressed (**BCO 9-2, 12-5; 25-6, 25-7, 25-8, 25-10**).

Deacon (BCO 9), Prohibiting Deaconesses

2010, p. 276, 38-34, II.A. In the opinion of the CCB, Overture 2 from Central Carolina Presbytery ("Amend **BCO 9-7** to Prohibit Deaconesses") was in conflict with the Constitution as it relied upon the following unwarranted assumptions about the Constitution: (1) that the term "deaconess" necessarily denotes an office equivalent to that of deacon, whereas in Scripture, to which the Constitution is subject, the term *diakonos* is most commonly used to refer to a person being a servant and not an office bearer; and (2) that it restricts the use of a term ("commissioned") not defined in the Constitution and uses the term as equivalent to the actions of ordination and installation.

Deacon (BCO 9), Prohibiting Assistants to Deacons

2010, p. 276, 38-34, II.D. In the opinion of the CCB, Overture 9 from Eastern Carolina Presbytery ("Revise **BCO 9-7** to Prohibit Assistants to the Deacons from Being Commissioned or Installed as Office Bearers") was in conflict with the Constitution on the same grounds as Overture 2.

Deacon (BCO 9), Unordained Men and Women Carrying Out Diaconal Ministry

2010, p. 276, 38-34, II.E. In the opinion of the CCB, Overture 10 from Northern California Presbytery ("Amend **BCO 1-4, 4-2, 5-10, 7-2, 9-2**,

9-7, & Add *BCO 9-8* to Appoint Unordained Men and Women to Carry Out Diaconal Ministry") was in conflict with other parts of the Constitution on four grounds, including the grounds that the insertion of "ordained" to describe the office of elder and deacon in the proposed revision of **BCO 7-2 implies that there is an unordained office, which conflicts with **BCO 17-1**.**

Deacon (*BCO 9*), The Roles and Description of Unordained Deaconesses and Deacon Assistants

2018, p. 318, App. O. II.H. In the opinion of the CCB, Overture 9 from Grace Presbytery ("Amend **BCO 9-7** Regarding Assistants to Deacons or Deaconesses and Amend **BCO 24-11** by Adding New **24-11** regarding Women Officers") was in conflict with other parts of the Constitution and conflicted with **BCO Preliminary Principle 7**, **BCO 11-2** and **BCO 26-2**. The CCB noted that it was not the congregation that requires vows, but the Session as the appointing body.

Church Courts in General (*BCO 10*), Scope of Presbytery Stated Clerk to Disseminate Information

2016, p. 349, App. O, IV.B. The CCB answered a non-judicial reference from Korean Southwest Presbytery regarding the scope of duty of the Presbytery stated clerk concerning the dissemination of information and offering of opinion. The CCB stated its opinion that, following **BCO 10-4**, it is in accordance with the duties of the clerk to provide information consistent with the records kept, and especially so, when asked by a former Presbytery TE to provide the information when it is related to ecclesiastical litigation.

Jurisdiction of Church Courts (*BCO 11*), Pastoral Oversight and Discipline in Marital Discord When Parties Are Under Different Jurisdictions

2009, p. 211, 37-29, IV.2. The CCB answered a non-judicial reference consisting of six questions from Missouri Presbytery on pastoral oversight and discipline in a case where parties in marital discord are under the jurisdiction of different courts, by stating that 1) the first question is beyond the purview of the CCB, 2) there is no constitutional obstacle to TEs and Sessions from different presbyteries working together, 3) a presbytery could receive a man without a definite ecclesiastical call

for purposes of marital reconciliation, 4) and 5) the ordination vows require the minister to submit to his brethren in the Lord (**BCO 21-5**), and to submit to presbytery's instruction, if the minister's brethren find that marital counsel is necessary, and 6) the constitution makes no provision for joint commissions of separate courts.

Church Session (BCO 12), Access to Financial and Attendance Records of the Congregation

2002, p. 106, 30-29, Item 3. The CCB answered a constitutional inquiry from Southeast Alabama Presbytery about whether a Session has unrestricted access to financial and attendance records of the congregation. In the opinion of the CCB, **BCO 8-3** and **BCO 12-5.a, b** give a Session and Diaconate the right to access financial and attendance records as they deem necessary to fulfill their responsibilities to the church. The only restrictions on this right are those imposed by prudence and the Biblical calling to protect our neighbor's good name (cf. **WLC 145**).

Church Session (BCO 12), Language in Which Session Records Can Be Written

2006, p. 82, 34-34, IV.C. The CCB answered a non-judicial reference from the Presbytery of Southern Florida on whether sessions records must be originally recorded in English or can be translated into English when submitted to Presbytery, by stating that presbytery may adopt either of these procedure provided that the records are consistent with the standards in the **BCO (BCO 12-7, 13-9b, 40-2)**.

Church Session (BCO 12), The Session Approving Severance Packages for Ministers

2006, p. 82, 34-34, IV.D. The CCB answered a non-judicial reference from Westminster Presbytery on who may approve severance packages for ministers, by stating that sessions can approve severance packages without congregational approval because these are budgetary matters (**BCO 12-5b**).

Church Session (BCO 12), Temporary Governance for Churches without Ruling Elders

2011, p. 390, App. O, II.E. In the opinion of the CCB, Overture 10 from New Jersey Presbytery ("Amend **BCO 12** to Provide Temporary

Governance for Churches without Ruling Elders") may have been in conflict with the constitution. The language as proposed was vague and could have been interpreted as being prescriptive. If interpreted as prescriptive, it would be in conflict with **BCO Preliminary Principles 2** and **6**, and possibly **BCO 12-1**.

Church Session (BCO 12), The Session's Approval of the Church Budget

2017, p. 329, App. O, IV.B.2. The CCB answered a non-judicial reference from New Jersey Presbytery, which consisted of four parts. To Part Two, inquiring whether the Session's duty to approve the budget supersedes the authority of the congregation to set the terms of a pastoral call in any fiscal year, the CCB responded "yes," referencing **BCO 12-5.b.**

Church Session (BCO 12), The Session's Approval of the Church Budget

2017, p. 329, App. O, IV.B.3. The CCB answered a non-judicial reference from New Jersey Presbytery, which consisted of four parts. To Part Three, inquiring whether the Session has the authority to approve a budget which fails to fully and clearly disclose to the congregation the terms of the pastoral call as provided in **BCO 20-6** by subsuming such terms in various line items across the budget, the CCB responded "yes," referencing **BCO 12-5.b.**

Presbytery (BCO 13), A Presbytery Including as a Member a Church Not Within Its Bounds

2005, p. 155, 33-29, II. The CCB answered a non-judicial reference from Potomac Presbytery on whether a presbytery has the constitutional right to include as a member a church not within its bounds, by stating that a presbytery does not have the constitutional right to include as a member a church not within its bounds (**BCO 13-1**).

Presbytery (BCO 13), Voting at Presbytery Reserved Only for Those Giving Financially to the Presbytery

2007, p. 74, 35-30, II.H. In the opinion of the CCB, Overture 13 from Session of Alexandria (VA) Presbyterian Church, Rejected by Potomac Presbytery ("Revise **BCO 13-1** and **BCO 14-2** to Require Church Giving

to Higher Courts in Order to Vote in Higher Courts”) was not in conflict with other parts of the Constitution. However, a minority report was submitted which was of the opinion that Overture 13 was, in fact, in conflict with the *BCO*.

Presbytery (*BCO* 13), Changes to the Standing Rules of Presbytery

2007, p. 75, 35-30, IV.A. The CCB answered a non-judicial reference from Tennessee Valley Presbytery which requested advice on the constitutionality of a proposed amendment to TVP’s Standing Rules that would have allowed members banned from the property of a PCA church to also be banned from presbytery events. It was the opinion of the CCB that the proposed addition to the presbytery standing rules was not in conflict with the Constitution of the PCA. Furthermore, the committee noted that **WCF 23-3** speaks of the duty of the civil magistrate to protect all people.

Presbytery (*BCO* 13), Defining the Term “Labor”

2014, p. 344, App. O, IV.A. The CCB answered a non-judicial reference from Evangel Presbytery regarding **BCO 13-2** and the scope of the word “labor” by stating that the *BCO* speaks of “labor” for TEs as ministry in “needful work” for “disseminating the Gospel for the edification of the Church” (**BCO 8-4**), and the presbytery determines whether such labor is needful and allowable for a TE in its bounds (**BCO 8-7**).

Presbytery (*BCO* 13), Presbytery Approval When a TE Labors Outside the Bounds

2015, p. 372, App. O, IV.A. The CCB answered a non-judicial reference from Southeast Alabama Presbytery regarding **BCO 13-2** and whether, if a TE has received approval from his presbytery to labor outside its bounds, he must have received the approval of the other presbytery in whose bounds he would labor prior to his presbytery granting approval for him to move onto the field and begin his ministry. The CCB stated that a TE is required to receive approval of the presbytery in whose bounds he is laboring, but that approval is not necessarily required prior to the inquiring presbytery giving its approval for the said TE to move onto the field and begin his ministry.

Presbytery (*BCO* 13), Presbytery Approval When a TE Labors Outside the Bounds

2015, p. 373, App. O, IV.B. The CCB answered a non-judicial reference from Iowa Presbytery regarding ***BCO* 13-2** by stating that, if a member of Iowa Presbytery without call lives outside the bounds of the presbytery and is laboring in another presbytery, then the TE in question would be required to receive approval from both presbyteries.

General Assembly (*BCO* 14), Permanent Committee Members on Committees of Commissioners

2000, p.71, 28-19, III.3. The CCB answered a non-judicial reference from Ascension Presbytery inquiring as to “which of the entities in ***RAO* 4-2, 4-3 and 4-4** are covered by the ‘ineligibility provision’ of ***RAO 13-2*** [now ***RAO 14-2***], and why.” The CCB answered that the term “permanent committee” in ***RAO 13-2*** [now ***RAO 14-2***] refers only to the four [now five] committees mentioned in *RAO 4-2* (see ***BCO 14-1.12***).

General Assembly (*BCO* 14), Mandating Health Coverage for All Active Teaching Elders

2002, p. 106, 30-29, Item 2. Following a recommendation from Insurance, Annuities and Relief Permanent Committee [now PCA Retirement & Benefits] that “the General Assembly mandate coverage in the PCA health plans for all active ministers and church lay employees” (**2002, p. 197, 30-34, III.15**), the CCB answered a constitutional inquiry by stating that neither the Scriptures nor the Constitution gives the Assembly the right to mandate the purchase of health insurance. The CCB noted, in addition, that ***BCO 14-1.4*** states: “It is the responsibility of every member and member congregation to support the whole work of the denomination as they be led in their conscience held captive to the Word of God.” In light of the CCB’s opinion, the Assembly amended the recommendation by adding the words “full-time” after “active” (by a vote of 354-267), and then amended by substituting “highly recommend” for “mandate” (**2002, p. 201, 30-36**). The amended motion was adopted.

General Assembly (*BCO* 14) (Changes to the *RAO*), Germane Amendments to Overtures and Resolutions by Overtures Committee

2003, p. 67, 31-18. Overture 23 from Ascension and Western Carolina Presbyteries asked the Assembly to amend ***RAO 13-5*** and ***13-6*** [now ***15-6***] to allow the Bills and Overtures Committee to offer germane

amendments to overtures and resolutions (see **2003, p. 169, 31-57, III.1**). The CCB advised that the overture was in conflict with the Constitution because it undermined the purpose of the overture process, which is to offer presbyteries the opportunity to propose to the Assembly measures which they believe benefit the Church at large. A Minority Report from the CCB argued that the overture was not in conflict with the Constitution because germane amendments do not interfere with the right of presbyteries to propose such measures. (For the full committee and Minority reports, see **2003, p. 165, 31-56, IV**).

General Assembly (BCO 14) (Changes to the RAO), Exceptions to Westminster Standards or BCO Recorded in Presbytery Minutes

2003, p. 159, 31-56, IV. The CCB answered a constitutional inquiry from the 30th General Assembly, which asked “Does either the Constitution of the PCA or the *RAO* presently require a presbytery to record a minister’s exceptions to the *WCF*, *WLC*, *WSC* or *BCO* in its minutes?” In the opinion of the CCB, the answer was “no.” See **2003, p. 180, 31-57, III.4.a**, for action to amend ***RAO 14-3e.5 [now 16-3.e.5]***.

General Assembly (BCO 14) (Changes to the RAO), Subscription and Exceptions of Substance

2003, p. 160, 31-56, VI. In the opinion of the CCB, the second half of Overture 5 from Illiana Presbytery, Eastern Canada Presbytery and Blue Ridge Presbytery (“Amend ***RAO 14-3 [now 16-3], RAO 14-8 [now 16-8]*** Regarding Subscription”) was in conflict with other parts of the constitution. The discussion of responses in ***RAO 14-10.b [now 16-10.b]*** makes it clear that exceptions of substance are reported for more than just informational purposes in that they cannot be ignored by the presbytery to whose records the exception is taken.

General Assembly (BCO 14) (Changes to the RAO), Subscription and Exceptions of Substance

2003, p. 162, 31-56, VI. In the opinion of the CCB, Overture 18 from Covenant Presbytery (“Amend ***RAO 14-3e.5 [now 16-3.e.5]*** Regarding Subscription”) was not in conflict with the other parts of the Constitution. A minority report was submitted which was of the opinion that the constitutional language proposed in this overture was in conflict with other

portions of the constitution, including **BCO 21-5** and **BCO Principle II.2**, because in its opinion the proposed overture language requiring Presbyteries to record a man's views disagreeing with the Constitution would have eroded the Presbytery's exclusive authority (subject of course to judicial process) to determine if a candidate receives and adopts the *Confession of Faith* and the *Catechisms* of the PCA as containing the system of doctrine taught in the Holy Scriptures.

General Assembly (BCO 14) (Changes to the RAO), Documenting and Reporting a Minister's Stated Differences with the Standards

2004, p. 133, 32-36, III. In response to a proposed amendment to the *RAO* regarding the ordination of ministers and documenting their exceptions, it was the opinion of the CCB that the proposed amendment, as presented, was in conflict with the Constitution in that the reporting requirements proposed in the amendment do not cover all the possible responses of presbyteries under **BCO 21-4** with regard to examinees' stated differences with our Standards. For the proposed amendment, see **2004, p. 52, 32-14.**

General Assembly (BCO 14) (Changes to the RAO), Referring All BCO Changes to CCB and Bills & Overtures

2006, p. 80, 34-34, II.C. In the opinion of the CCB, Overture 14 from James River Presbytery ("Amend **RAO 10-5** [now 11-5] to Refer All *BCO* Changes to CCB and Bills & Overtures") was in conflict with **RAO 13-1*** in that the business assigned to the Bills & Overture Committee was defined as "of general nature." **RAO 13-1** permits *BCO* amendments of a particular nature to be referred to other Committees of Commissioners. Furthermore, this amendment failed to recognize that proposals to amend the *BCO* can come before the Assembly in other reports as allowed by **BCO 14-1(15)**.

*Editorial note: In 2006, a new chapter (XV – Overtures Committee) was added to the *RAO*, which replaced rules regarding the Bills & Overtures Committee.

General Assembly (BCO 14) (Changes to the RAO), Ad Interim Committee to Revise the RAO

2008, p. 72, 36-30, II.J. In the opinion of the CCB, Overture 14 from Potomac Presbytery (“Form Ad Interim Committee to Revise RAO”) was in conflict with **RAO 9-2** on the issue of funding.

General Assembly (BCO 14) (Changes to the RAO), Allowing the CCB to Take Exception to SJC Case Decisions

2014, p. 343, App. O. II.H. In the opinion of the CCB, Overture 9 from Southwest Presbytery (“Revise **RAO 17-1** to Allow CCB to Take Exception to SJC Case Decisions”) may have been in conflict with other parts of the Constitution. The CCB noted that the overture may contain an ambiguity in its two uses of the word “records.” Furthermore, there was a potential ambiguity in the use of the phrase “any judicial cases.”

General Assembly (BCO 14) (Changes to the RAO), Referring Overtures Regarding Committees and Agencies and Ad Interim Committees to Overtures Committee

2017, p. 326, App. O. II.H. In the opinion of the CCB, Overture 10 from Western Carolina Presbytery (“Revise **RAO 11-5** to Direct Clerk to Refer Overtures Regarding Committees and Agencies and Ad Interim Committees to Overtures Committee Also”) created ambiguity within the **RAO** and could create a conflict on the floor of GA when opposing recommendations could come from two different committees with no **RAO** procedures in place to resolve such conflicts.

General Assembly (BCO 14) (Changes to the RAO), Procedure for Forming Ad Interim Committees

2017, p. 327, App. O. II.N. In the opinion of the CCB, Overture 18 from James River Presbytery (“Amend **RAO IX** So That Ad Interim Committees May Only Be Formed in Response to Presbytery Overtures”) was in conflict with the **RAO 9-4**. The phrase “exclusively submitted” (line # 22) was in direct conflict with **RAO 9-4 [now 9-5]**.

General Assembly (BCO 14) (Changes to the RAO), Referring the Recommendations of Ad Interim Committees to the Overtures Committee

2018, p. 317, App. O. II.F. In the opinion of the CCB, Overture 6 from Calvary Presbytery (“Revise **RAO 9** to Require that Recommendations

from Ad Interim Committees be referred to OC") was in conflict with **BCO 14-1.15** and created ambiguity within the *RAO* which could create a conflict on the floor of GA when opposing recommendations could come from two different committees with no *RAO* procedures in place to resolve such conflicts.

General Assembly (BCO 14), Who May Serve on the Boards of Agencies

2018, p. 318, App. O. II.L. In the opinion of the CCB, Overture 13 from Nashville Presbytery ("Revise **BCO 14-1.11** and the Corporate Bylaws of the PCA...to Allow Women to Serve on Boards of Agencies") was in conflict with **BCO 26-2**. The Corporate Bylaws are subject to the *BCO*, and therefore the *BCO* must be amended prior to the related provisions of the Corporate Bylaws.

2018, p. 320, App. O. II.T. In the opinion of the CCB, Overture 26 from Tennessee Valley Presbytery ("Am`end **BCO 14-1.11** and the Corporate Bylaws of the PCA VI.2 so that a Minority of Seats on the Board of Trustees of Covenant College May Be Open to Non-Ordained Members") was in conflict with **BCO 26-2**. The Corporate Bylaws are subject to the *BCO*, and therefore the *BCO* must be amended prior to the related provisions of the Corporate Bylaws.

General Assembly (BCO 14), The Right of General Assembly to Require and Request an Annual Fee

2011, p. 390, App. O, II.F. In the opinion of the CCB, Overture 11 from Pittsburgh Presbytery ("Alternative AC Funding Plan 2, Right of General Assembly to Fees, Amend **BCO 25** by Addition") was in conflict with the Constitution for the following reasons: (1) the language of certain sections of the proposed overture is irrelevant to the topic of **BCO 25** which is "Congregational Meetings"; (2) the overture introduces a constitutional ambiguity by proposing a distinction between essential and non-essential services; (3) the overture specifies a limit to its annual fee which contradicts the General Assembly's power in **BCO 14-6.k.**

Ecclesiastical Commissions (BCO 15) (Standing Judicial Commission), Vows Taken by SJC Members

1999, p. 145, 27-43, II.3. The CCB answered a non-judicial reference from Evangel Presbytery asking whether the language of **BCO 39-3** and

SJC vows 4 and 5 found in **RAO 15-1 [now RAO 17-1]** conflict with other portions of the *BCO* and *WCF*. In the opinion of the CCB, the 4th and 5th vows taken by SJC members were “flawed” by not making direct reference to our biblical mandate and Confessional commitment to make judgments according to Scripture when applying the constitutional standards of our church. The CCB suggested resolving the ambiguity by amending Vow 4.

Ecclesiastical Commissions (BCO 15) (Standing Judicial Commission), General Assembly Amending a Report of the SJC

2001, p. 144, 29-28, Item 3. The CCB answered a constitutional inquiry arising from SJC Case 99-1 concerning whether it is constitutionally permissible for the GA to amend the report of the SJC, by advising the Assembly that it may not amend the report of the SJC by deleting a concurring opinion. Numerous grounds were given, including that **BCO 15-5** has specifically been framed to assert that an SJC decision *is* the final decision of the GA.

Ecclesiastical Commissions (BCO 15) (Standing Judicial Commission), Rendering Opinion on Assembly Action

2001, p. 145, 29-28, Item 4. The CCB answered a constitutional inquiry arising from SJC Case 99-1 asking whether the SJC has the authority to render an opinion on the legitimacy of an action of the General Assembly if not specifically asked to do so. The CCB advised the Assembly that the SJC may only render an opinion on the matters assigned to it. Once it is assigned a matter, the SJC may render an opinion even as to the legitimacy of an action in which the GA refers business to the SJC.

Ecclesiastical Commissions (BCO 15) (Standing Judicial Commission), Temperate Language in Concurring or Dissenting Opinions

2001, p. 147, 29-28, Item 1. The CCB answered a constitutional inquiry concerning the status of concurring and dissenting opinions of the SJC that were found not to be in temperate language, by stating that according to **OMSJC 14.7 [now see 18.12.b; 17.8.k]** the time for a determination of the temperateness of the language is prior to the concurring opinion being appended to a decision. The CCB reminded the Assembly that concurring and/or dissenting opinions are, by definition, not the opinion

of the SJC. As such, they reflect not the mind of the Church but simply the opinion of individuals (*BCO* 14.7; cf. *OMSJC* 18.3 [now 18.12.a]). They are not “...binding and conclusive on the parties who are directly involved in the matter,” nor may they be appealed to in the same sense as the majority position. A Minority Report argued that opinions that have been reported to the General Assembly and that have not been found by the SJC to be temperate in language fail to meet the requirement of *OMSJC* 14-7 [now 18.12.b], and so should not be included in the minutes of the General Assembly; the CCB’s review of the SJC minutes is the mechanism available to determine whether the SJC has made a decision regarding the temperateness of concurring and dissenting opinions (cf. 2001, p. 242, 29-44, III.22; 2002, p. 176, 30-30, V; 2003, p. 68, 31-23).

Ecclesiastical Commissions (BCO 15) (Standing Judicial Commission), Abolishing the SJC

2002, p. 100, 30-29, III. In the opinion of the CCB, Overture 6 from Westminster Presbytery (“Revise *BCO* 15-4 and *BCO* 15-5 to Abolish the Standing Judicial Commission”) was in conflict with other parts of the constitution, including but not limited to *BCO* 14-1, 15. The overture was also unconstitutionally vague as to what will be the basis of making the alternative decisions indicated in the proposed *BCO* 15-5.

Ecclesiastical Commissions (BCO 15), Presbytery’s Right to Take Back a Matter from a Commission and Render a Decision

2002, p. 105, 30-29, Item B. The CCB answered a two-part constitutional inquiry from Philadelphia Presbytery regarding 1) the right of Presbytery to take back from a commission (before the commission completed its task and rendered judgment) a matter committed to it, and 2) to reverse, without hearing the appeal, the decision of a Session. In the opinion of the CCB, 1) a court does have the right to take back from a commission a matter committed to it. However, 2) a higher court may not reverse the decision of a lower court without actually hearing the appeal. It must follow the procedures detailed in *BCO* 42.

Ecclesiastical Commissions (BCO 15) (Standing Judicial Commission), Temperate Language in Concurring or Dissenting Opinions

2003, p. 161, 31-56, VI. In the opinion of the CCB, Overture 9 from Central Carolina Presbytery (“Oversight of Temperate Language in SJC

Concurring or Dissenting Opinions") was in conflict with other parts of the constitution, as there was no constitutional mechanism by which a commissioner can object to language in a judicial case since the case itself has been decided and is not on the floor of the GA for any action whatsoever.

Ecclesiastical Commissions (BCO 15) (Standing Judicial Commission), Review of Specific Decisions of the SJC

2003, p. 159, 31-56, III.1. The CCB answered a non-judicial reference from Evangel Presbytery asking what the status was of a case at Presbytery level that the SJC had ruled "judicially out of order?" The CCB answered that the status of a case that the SJC has ruled "judicially out of order" was substantively that of the case at the time the Presbytery completed its action.

Ecclesiastical Commissions (BCO 15) (Standing Judicial Commission), Responsibilities of the Standing Judicial Commission

2005, p. 156, 33-29, II. The CCB answered a non-judicial reference from the floor following a proposed amendment to **BCO 15-4** that "The General Assembly shall elect a Standing Judicial Commission to which it shall commit all matters governed by the Rules of Discipline, except for the annual review of presbytery records, which may come before the Assembly," by stating that this proposed amendment was not in conflict with other parts of the constitution.

Ecclesiastical Commissions (BCO 15), Erecting a Committee or Commission Prior to Instituting Process

2008, p. 71, 36-30, II.F. In the opinion of the CCB, Overture 7 from Missouri Presbytery ("Amend **BCO 15-3** Regarding Judicial Investigations") was in conflict with other parts of the Constitution. The proposed language conflicted with existing **BCO 31-2** and **BCO 32-2**, which make it clear that a judicial case does not exist until process is actually instituted.

Ecclesiastical Commissions (BCO 15) (Standing Judicial Commission), Exceptions of Substance to the Minutes of the SJC

2010, p. 270, 38-34, VII. The Minutes of the SJC were found to be in order with the following exception to the Minutes for the March 4-5,

2010 meeting. Exception: an RE was deemed qualified by the SJC to participate in the review of Case 2009-6, which included as a party the presbytery of the church he had joined, contrary to *OMSJC* 6.2 (d) [now 2.10.d]. The CCB notes, however, that the RE was absent for the vote on the case.

2013, p. 364, App. O, V. Regarding an exception of substance noted by the CCB, the following lines were struck by the Assembly: ~~March 6, 2013: In case 2012-06, the SJC notes that “the Complainant, as a Deacon who was not a commissioner to Presbytery on the date of the action complained against, did not have standing to file the Complaint.” However, BCO 43-1 states that “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”; hence, he had standing as communing member before presbytery (see also BCO 11-4).~~ (see 2013, p. 40, 41-40).

2014, p. 345, App. O, V. The 41st General Assembly took the following exception to the November 29, 2012, minutes of an SJC officers' meeting: p. 3, line 14, the minutes suggest that the only documents included in the record directly relate to the present trial and not previous cases; but 8c in exhibit B, to which this refers, actually requests documents directly relating to the trial under consideration and not previous cases. The CCB reports to the General Assembly that the SJC rectified this exception by an action taken and recorded in the August 23, 2013 officers' meeting.

2014, p. 345, App. O, VI. The CCB requested that the SJC note in its Minutes dates as the cases move forward as required in *OMSJC* chapter 10, in order that the CCB might review whether the timelines have been followed.

Ecclesiastical Commissions (BCO 15) (Standing Judicial Commission), Review of SJC Decisions by the General Assembly

2014, p. 342, App. O, II.A. In the opinion of the CCB, Overture 13 from Southwest Florida Presbytery (“Revise **BCO 15-1 and 15-5.a and b**”) was in conflict with other parts of the Constitution. The proposed overture seemed to be in conflict with **BCO 31-1** which defines the term “original jurisdiction” and its permissible exception.

2014, p. 342, App. O. II.B. In the opinion of the CCB, Overture 15 from Philadelphia Metro West Presbytery (“Revise **BCO 15-1** and **15-5.a and b**”) was in conflict with other parts of the Constitution, on the same grounds given for Overture 13.

2014, p. 343, App. O. II.C. In the opinion of the CCB, Overture 3 from Grace Presbytery (“Revise **BCO 15-5.a and b**”) and Overture 20 from Nashville Presbytery which commends Overture 3 were in conflict with other parts of the Constitution, on the same grounds given for Overture 13.

2014, p. 343, App. O. II.D. In the opinion of the CCB, Overture 8 from Southwest Presbytery (“Revise **BCO 15-5.a and 15-5.b**”) was in conflict with other parts of the Constitution, on the same grounds given for Overture 13. In addition, the overture may have contained an internal contradiction related to voting which could then create a further constitutional ambiguity.

2014, p. 343, App. O. II.E. In the opinion of the CCB, Overture 17 from Mississippi Valley Presbytery (“Amend **BCO 15-5.a and b**”) was in conflict with other parts of the Constitution, on the same grounds given for Overture 13.

2014, p. 343, App. O. II.F. In the opinion of the CCB, Overture 11 from Calvary Presbytery (“Amend **BCO 15-5.a and 15-5.b** and Direct CCB to Draft Proposed Amendments to *RAO* and *OMSJC*”) was in conflict with other parts of the Constitution, on the same grounds given for Overture 13. In addition, a portion of the overture assigned tasks to the CCB which go beyond the purview of the CCB (**RAO 8.2.b**).

Ecclesiastical Commissions (BCO 15), Judicial Commissions, Whose Decision is Final

2015, p. 371, App. O. II.A. In the opinion of the CCB, Overture 1 from Pacific Northwest Presbytery (“Amend **BCO 15-1** and **BCO 15-3** to Give Presbyteries the Additional Option of Appointing a Judicial Commission Whose Decision Would Be Final”) may be in conflict with other parts of the Constitution. The proposed **BCO 15.3.b.2**, as written, was ambiguous as to when the sixty (60) day window for filing written notice of a complaint begins (**BCO 43-2**). Additionally, it is unclear under the provisions of **BCO 43-1** who would have the right to file a complaint.

2016, p. 346, App. O. II.B. In the opinion of the CCB, Overture 5 from Pittsburgh Presbytery (“Amend **BCO 15-5.a** and **RAO 17-1**, Paragraph 4, to Allow the General Assembly to Give Directions to the SJC in Judicial Decisions and Reasoning and Opinions”) was in conflict with the Constitution. Following **BCO 15**, when a commission concludes the business referred to it, it is acting *as* the court of which it is a commission. **BCO 15-4** specifies the business which General Assembly refers to the SJC, which it commissions the SJC to conclude.

Ecclesiastical Commissions (BCO 15) (Standing Judicial Commission), Review of Specific Decisions of the SJC

2017, p. 329, App. O, IV.B.1. The CCB answered a non-judicial reference from New Jersey Presbytery, which consisted of four parts. To Part One, inquiring whether the SJC erred in its decision in the matter of SJC 2004-3, the CCB responded that the decisions of the SJC are final decisions of the General Assembly (**BCO 15-5**).

Candidates for the Gospel Ministry (BCO 18), Appearing before Presbytery in Person

1999, p. 145, 27-43, II.2. The CCB answered a non-judicial reference from James River Presbytery regarding whether a missionary may be received under care despite difficulties appearing before presbytery in person (**BCO 18-3**). The CCB replied that the presbytery might wish to explore the use of a commission or interactive electronic means which would satisfy the requirement of the **BCO**, subject to the review of the General Assembly.

Candidates for the Gospel Ministry (BCO 18), Translations and Translators in Presbytery Examinations

2006, p. 81, 34-34, IV.B. The CCB answered a non-judicial reference from the Presbytery of Southern Florida on whether translations and translators may be used in Presbytery examinations, by stating that it is up to the presbytery to determine if a translated examination enabled the presbytery to be fully satisfied that the person being interviewed is qualified (**BCO 13-6, 18-3, 19-3, and 21-4**).

Licensure and Internship (*BCO 19*), Who May Be Licensed to Preach the Gospel

2008, p. 72, 36-30, IV. The CCB answered a non-judicial reference about licensure by stating that a man who is neither a ruling elder nor a teaching elder nor a candidate for ministry and who is not pursuing a call to the office of eldership may be licensed to preach the gospel in accord with the clear wording of ***BCO 19-1***. A Memorandum from Morton H. Smith is reproduced as an appendix with this reference.

Election of Pastors (*BCO 20*), Role of a Pastor in a Search Committee for Associate or Assistant Pastor

2001, p. 139, 29-28, V. In the opinion of the CCB, Overture 3 from Susquehanna Valley Presbytery (“Amend ***BCO 20-2*** to Include Pastor in Search Committee for Assistant or Associate Pastor”) was in conflict with the other parts of the Constitution. TEs are not members of the local congregation and therefore cannot be a member of the congregation’s pulpit committee. The proposed mandate of the overture that they be so would have interfered with the right of the congregation to determine those who will rule over them, a privilege which undergirds ***BCO 20***.

Election of Pastors (*BCO 20*), Presbytery’s Authority Over Pastoral Calls

2017, p. 329, App. O, IV.B.4. The CCB answered a non-judicial reference from New Jersey Presbytery, which consisted of four parts. To Part Four, inquiring about the extent of the authority of Presbytery to approve the pastoral call, the CCB responded that the extent of a Presbytery’s authority to approve or decline a pastoral call is detailed in ***BCO 20-1, 20-10, and 21-1***.

Ordination and Installation of Ministers (*BCO 21*), Re-ordination of Former PCA Ministers

2000, p. 77, 28-19, V. In the opinion of the CCB, Overture 13 from Susquehanna Valley Presbytery (“Re-ordination of Former PCA Ministers”) was not in technical conflict with any other provisions of the Constitution. However, the Committee pointed out that ***BCO 34-10*** does not mandate divestiture in every case and was also concerned that the language proposed for the new ***BCO 21-5*** raised questions about the

nature and importance of the call to the ministry (“...simply a lack of call....”). Finally, the Committee noted the apparent inconsistency in the handling of one who had been removed from office by discipline (deposition, ***BCO 36-7***) who would be restored as per ***BCO 37-5***, and one who is divested without censure (***BCO 34-10***) who could be restored only after re-examination and re-ordination.

Ordination and Installation of Ministers (*BCO 21*), Relationship of Ordination Vows to Constitution and Rules of Operation

2001, p. 148, 29-28, Item 2. The CCB received a constitutional inquiry requesting advice on how the Assembly is to suspend its Rules of Operation (*BCO*, *RAO*, SJC Manual, and *Robert's Rules of Order*) in order to obey the King of the Church as expressed in the Word of God. The CCB advised that GA delegates are bound by ordination vows to obey our Constitution and other adopted rules “as fully and fairly as possible” (see *BCO* 21-5.2-5 and *BCO* 24-6.2-5; Preface III), and noted that “if our standards are shown to be out of accord with Scripture, then there are proper procedures to follow, at each level, in order to change those standards” (see *BCO* 45). The CCB was unwilling to affirm “the presumption that we need to suspend our rules in order to obey Christ.”

Ordination and Installation of Ministers (*BCO 21*), Recording All Exceptions to Presbytery and the General Assembly

2002, p. 103, 30-29, III. In the opinion of the CCB, Overture 29 from Westminster Presbytery (“Amend ***BCO 21-4*** to Record All Exceptions with Presbytery and Have Stated Clerk Report All Exceptions to the General Assembly”) was in conflict with the Constitution for three reasons, including that it allowed a presbytery to determine whether a man may or may not teach what he believes, even if it is not out of accord with any fundamental of the system of doctrine, thus going beyond our constitution to bind the man’s conscience (***BCO* Preface II.1 and II.7**).

Ordination and Installation of Ministers (*BCO 21*), Specifying Procedure for Handling Exceptions

2003, p. 160, 31-56, VI. In the opinion of the CCB, Overture 6 from New Jersey Presbytery (“Amend ***BCO 21-4*** to Specify Procedure for Handling Exceptions”) was in conflict with the second ordination vow,

BCO 21-5.2. However, a minority report was submitted which was of the opinion that Overture 6 was not in conflict with other parts of the Constitution.

Ordination and Installation of Ministers (BCO 21), CRPR Review of a Presbytery's Granting of Exceptions

2004, p. 133, 32-36, II.2. Upon being asked in a constitutional inquiry the nature of RPR's responsibility under current **BCO 21-4** in reviewing presbyteries' granting of exceptions to the Constitution, the CCB replied that such action of a presbytery "is reviewable by the Committee on Review of Presbytery Records (CRPR)" and added, "If the Committee finds an entry that it believes does not conform, it is to report that apparent violation in accordance with **RAO 14-6.c**" (now **RAO 16-6.c**).

Ordination and Installation of Ministers (BCO 21), Subscription and Stating Exceptions to the Standards

2004, p. 140, 32-40, II.G. In the opinion of the CCB, Overture 9 from Grace Presbytery ("Regarding Doctrinal Subscription, Amend **BCO Preface, Section II, Preliminary Principles** (by addition), Chapter 16 (by addition), and **BCO 21-4** (by deletion)") was in conflict with the Second Ordination Vow (**BCO 21-5.2** and **BCO 24-5.2** [now **24-6.2**]).

Ordination and Installation of Ministers (BCO 21), Presbytery Declining to Approve a Pastoral Call

2007, p. 72, 35-30, II.C. In the opinion of the CCB, Overture 4 from Westminster Presbytery ("Revise **BCO 21-1** Regarding Presbytery's Declining to Approve a Pastoral Call") was not in conflict with the Constitution. However, a minority report was submitted which was of the opinion that Overture 4 was, in fact, in conflict with the provisions of the **BCO**.

Ordination and Installation of Ministers (BCO 21), Teaching Approved Exceptions

2005, p. 154, 33-29, II.D. In the opinion of the CCB, Overture 9 from Ascension Presbytery ("Requirements in Preaching and Teaching Allowable Doctrinal Differences") was in conflict with other parts of the

Constitution. This overture created an absolute mandate that every Teaching Elder must present an understandable explanation of a teaching that he does not believe to be true even though his view has been judged as one that does not strike at the vitals of religion and is not hostile to the system of doctrine taught in the Holy Scriptures. In some circumstances, this mandate would have conflicted with **BCO Preliminary Principle 1** and **WCF 20**.

2006, p. 81, 34-34, II.F. In the opinion of the CCB, Overture 17 from Presbytery of the Ascension (“Amend **BCO 21-4**, Paragraph 7, Regarding Teaching Approved Exceptions”) was in conflict with other parts of the Constitution. This overture created an absolute mandate that every Teaching Elder must present an understandable explanation of a teaching that he does not believe to be true even though his view has been judged as one that does not strike at the vitals of religion and is not hostile to the system of doctrine taught in the Holy Scriptures. In some circumstances, this mandate would conflict with **BCO Preliminary Principle 1** and **WCF 20**. Furthermore, it was the opinion of the CCB that Overture 17 violated **Preliminary Principle 1** and **WCF 20** in that it may have required a man not to teach (nor be understood to be teaching) a view that he believes to be true and has been judged by his presbytery as one that does not strike at the vitals of religion and is not hostile to our system of doctrine.

2007, p. 75, 35-30, II.I. In the opinion of the CCB, Overture 15 from Potomac Presbytery (“Amend **BCO 21-4**, Paragraph 7, Regarding Teaching Approved Exceptions”) was in conflict with other parts of the Constitution. This overture would have restricted the right of a presbytery to declare the “terms of admission into its communion and the qualifications of its ministers” (**BCO Preliminary Principle 2**) because this overture mandated that the presbytery must reject a man unless it is willing to allow him to teach all of his exceptions.

Ordination and Installation of Ministers (BCO 21), Request by a Presbytery for CCB Review of a Document Specifying Acceptable and Unacceptable Exceptions

2007, p. 76, 35-30, IV.B. The CCB answered a non-judicial reference from Southeast Alabama Presbytery requesting that the committee review a document that specified acceptable and unacceptable exceptions for ordination in the presbytery. The committee decided not to accede to the request for a constitutional opinion on this matter

(*BCO 41-5*), because the paper raised a plethora of complex constitutional issues and produced a potential quagmire of constitutional discussions. In the opinion of the CCB, these issues were best resolved through the appropriate judicial processes, e.g., a complaint brought by one adversely affected, as provided for in the *BCO*.

Ordination and Installation of Ministers (*BCO 21*), Granting Exceptions to Stated Differences with the *BCO*)

2010, p. 122, 38-18, II.1. The CCB answered a constitutional inquiry asking about a Presbytery granting an exception to a candidate's stated differences, by stating that in the opinion of the CCB, a presbytery may ask a candidate to state his differences with the *BCO*. However, it is not required to do so, and there is no provision in the *BCO* for recognizing a candidate's stated difference with the *BCO*.

Ordination and Installation of Ministers (*BCO 21*), Allowing a Teaching Elder to Practice Stated Differences with the *BCO*)

2010, p. 122, 38-18, II.2. The CCB answered a constitutional inquiry asking whether a presbytery may allow a TE to practice his stated difference to the *BCO* that has been judged by the presbytery as a granted exception. In the opinion of the CCB, no individual or court has the authority to allow a practice prohibited by the *BCO* or neglect a practice required by the *BCO*.

Ordination and Installation of Ministers (*BCO 21*), Views of Male-Only Eldership and Candidates for Ordination or Transfer

2014, p. 344, App. O, IV.B. The CCB answered a non-judicial reference from Philadelphia Presbytery regarding *BCO 21-4.c* and views of male-only eldership held by candidates for ordination or transfer, by stating that there is no constitutional procedure for recording a candidate's views regarding the requirements of the *BCO*; nor is a candidate required to provide a list of his differences with its provisions.

Ordination and Installation of Ministers (*BCO 21*), Credentials of a TE

2016, p. 350, App. O, IV.C. The CCB answered a non-judicial reference from Korean Southwest Presbytery regarding the ordination credentials

of a former Presbytery minister by stating that the TE in question was properly ordained and at the time of his transfer was a member in good standing of KSWP.

Pastoral Relations (BCO 22), Relationship of Assistant Pastor to the Church

2005, p. 154, 33-29, II.C. In the opinion of the CCB, Overture 7 from Chesapeake Presbytery (“Amend **BCO 21-5, 21-6, 21-7, 21-8, 21-10** [footnotes] and **22-4** Regarding Calling of Assistant Pastors”) was in conflict with other parts of the Constitution, namely the general principles found in **BCO 3-2**, as exemplified in **BCO 12-2, 12-3, 12-4** and **22-3**. The stated grounds for voting that Overture 7 be answered in the negative was that, “as indicated in **BCO 22-4**, the relationship of an Assistant Pastor to a congregation is best left to the Session. Attempting to legislate these matters through the Constitution seems to be neither wise nor prudent” (**2005, p. 195, 33-51, III**).

Pastoral Relations (BCO 22), Stated Supply and Church Discipline in the Local Church

2017, p. 327, App. O, IV.A. The CCB answered a non-judicial reference from Blue Ridge Presbytery by stating that a TE who has been appointed by the Presbytery to serve as a Stated Supply and Moderator of a Session may participate with the Session when it is involved in church discipline matters, provided he is a minister of the Presbytery to which the church belongs; except that, as he is not a member of the Session, he does not have the right to vote.

Ruling Elders and Deacons (BCO 24), Requirement that Candidates or Officers Receive More than a Majority

2001, p. 134, 29-28, III.2. The CCB answered a non-judicial reference from Eastern Carolina Presbytery, by stating that a Session cannot change the voting requirements of **BCO 20-4** and **BCO 24-4** by increasing the number of voters beyond a majority needed to call a pastor, dissolve a pastoral relationship, or elect a church officer.

Ruling Elders and Deacons (BCO 24), Stated Clerk of General Assembly Reporting All Exceptions Taken in All Presbyteries

2003, p. 162, 31-56, VI. In the opinion of the CCB, Overture 20 from Westminster Presbytery (“Amend **BCO 24-1** to Require Stated Clerk of

General Assembly to Report All Exceptions Taken in All Presbyteries") was not in conflict with the other parts of the Constitution. However, it was the opinion of the CCB that the last sentence of the Overture may have created constitutional ambiguity and may be interpreted to erode the Presbytery's authority to determine if a candidate receives and adopts the *Confession of Faith* and *Catechisms* of the PCA as containing the system of doctrine taught in the Holy Scriptures (see **BCO 21-5**). A minority report was submitted which was of the opinion that the constitutional language proposed in this overture was in conflict with other portions of the constitution.

Ruling Elders and Deacons (BCO 24), Election of Ruling Elders and Deacons

2003, p. 162, 31-56, VI. In the opinion of the CCB, Overture 14 from Eastern Canada Presbytery ("Amend **BCO 24-3** Regarding Election of Ruling Elders and Deacons") was in conflict with the other parts of the Constitution. By referring to **BCO 20-5** in the election of church officers it would seem to have required that presbyteries review the election of church officers in cases where a large minority of voters are averse to a candidate that has received a majority of votes (see last sentence of **BCO 20-5**), which is in conflict with **BCO 24-1** and **BCO 24-3**. The overture would also have created constitutional ambiguity because it would have changed the election process for ruling elders and deacons by reference to a process that is applicable to teaching elders.

Ruling Elders and Deacons (BCO 24), Election of Ruling Elders and Deacons

2009, p. 213, 37-29, IV.4. The CCB answered a non-judicial reference from Central Carolina Presbytery regarding a procedure adopted by one of its member churches to apply **BCO 24-5**, by stating that the Constitution of the PCA does not permit a congregation to require that candidates for church office receive greater than a majority of the vote to be elected.

Ruling Elders and Deacons (BCO 24), Application of BCO 24-1 to the Reelection of Officers

2017, p. 330, App. O, I.B. The CCB answered a non-judicial reference from Presbytery of the Ascension, which asked whether all, part, or none

of the provisions of ***BCO 24-1*** apply to the reelection of officers. If the answer is “part,” which ones? Second, they asked what implications the first answer has for the application of ***BCO 24-1*** through ***24-5*** for the election or reelection of already ordained men? In the opinion of the CCB regarding Question 1, the ***BCO*** is silent as to which sections of ***BCO 24-1*** are to be applied to reelection of officers. It was the opinion of the CCB that the provisions of ***BCO 24-1*** apply to all men who have no “official relationship” (see ***BCO 24-8***) to that particular church in that office. For men who have an official relationship with the church, the application of the provisions of ***BCO 24-1*** in their circumstances is left to the interpretation of the lower courts. The CCB answered Question 2 in reference to question 1.

Ruling Elders and Deacons (*BCO 24*), Sabbaticals for Officers in the Church

2017, p. 326, App. O. II.G. In the opinion of the CCB, Overture 9 from Suncoast Florida Presbytery (“Amend ***BCO 24-7*** to Allow for the Provision of a Sabbatical to Officers in the Church”) was in conflict with the Constitution, because the term “officer” in the overture has a broader definition than that of just ruling elders and deacons as defined in ***BCO 7-2***.

Ruling Elders and Deacons (*BCO 24*), Specifying that Only Males May Be Ordained

2017, p. 325, App. O. II.B. In the opinion of the CCB, Overture 4 from Northwest Georgia Presbytery (“Add ***BCO 24-11*** to Specify that Males Only May be Ordained as Elders or Deacons”) was in conflict with the Constitution, because the phrase “an essential component to our ecclesiology” should not be added as a component that is “fundamental to our system of doctrine” as referenced in ***BCO 21-4.e*** and ***BCO 21-4.f***.

Congregational Meetings (*BCO 25*), Withdrawal from the PCA

2001, p. 133, 29-28, III.1. The CCB answered a non-judicial reference from Westminster Presbytery by advising the Assembly that the constitution is silent on the question of whether a presbytery as a whole may withdraw from the General Assembly (though the 2nd General Assembly received Westminster Presbytery with a provision recognizing

its right to withdraw, cf. **2001, p. 143, 29-28, Item 1**). The CCB referenced **BCO 25-11** regarding procedures to be followed if individual churches withdraw from a presbytery in a group, and stated the requirement that, if a group of churches should choose to leave the PCA in order to form a new affiliation, or to continue an affiliation that they perceive as antecedent to the PCA, then they can peaceably withdraw as a group subject to the consent of each congregation in the group.

2009, p. 208, 37-29, II.H. In the opinion of the CCB, Overture 14 from North Texas Presbytery (“Amend **BCO 25** by Adding Section **BCO 25-12** Regarding Giving Notice to Presbytery of Intention to Withdraw from the PCA”) was in conflict with other parts of the Constitution, including on the grounds that in certain circumstances the requirement may have conflicted with the last sentence of **BCO 25-11** which states that a “particular church may withdraw from any court of this body at any time for reasons which seem to it sufficient.”

2018, p. 318, App. O. II.I. In the opinion of the CCB, Overture 10 from Evangel Presbytery (“Amend **BCO 25-11** to Require Thirty-Days’ Notice to Withdraw from PCA”) was not in conflict with other parts of the Constitution. A dissenting opinion of the minority argued that the creation of a more stringent requirement that applies only to churches wishing to withdraw was in conflict with the congregational competency and civil sufficiency clauses of **BCO 25-11**.

2018, p. 318, App. O. II.K. In the opinion of the CCB, Overture 12 from Eastern Canada Presbytery (“Amend **BCO 25-11** to Require Thirty-Days’ Notice for Congregational Meeting to Leave the PCA”) was not in conflict with other parts of the Constitution. A dissenting opinion of the minority argued that the creation of a more stringent requirement that applies only to churches wishing to withdraw is in conflict with the congregational competency and civil sufficiency clauses of **BCO 25-11**.

2018, p. 319, App. O. II.O. In the opinion of the CCB, Overture 17 from Western Canada Presbytery (“Amend **BCO 25-11** to Require a Thirty-Days Notice to Leave PCA”) was not in conflict with the Constitution. However, the dissenting opinion of the minority stated that the creation of a more stringent requirement that applies only to churches wishing to withdraw is in conflict with the congregational competency and civil sufficiency clauses of **BCO 25-11**.

Congregational Meetings (*BCO 25*), Absentee Ballots in Congregational Meetings

2016, p. 348, App. O, IV.A. The CCB answered a non-judicial reference from Great Lakes Presbytery regarding the propriety of absentee ballots in Congregation meetings by stating that, in the opinion of the CCB, absentee votes would be barred whenever the *BCO* requires the convening of the congregation and/or a requirement that a majority vote of those present is required to carry.

Amending the Constitution of the Church (*BCO 26*), Procedure for Dealing with Alleged Conflicts Between Scripture and the Constitution of the PCA

2002, p. 102, 30-29, III. In the opinion of the CCB, Overture 27 from Eastern Canada Presbytery (“Add to **BCO 26-1** Procedure for Dealing with Alleged Conflicts Between Scripture and the Constitution of the PCA”) was in conflict with other parts of the Constitution. Specific areas of conflict included, but were not limited to the following: 1) the Overture would have allowed a General Assembly to avoid the provisions of the *BCO* without appropriate constitutional process and would have resulted in serious constitutional uncertainty (**BCO 26-2**), and 2) the Overture was in conflict with **BCO 15.1** and **BCO 15.5**, in that it allowed for modification of a commission report.

Disciplining of Non-Communing Members (*BCO 28*), Responsibility of the Session to Examine Children for Membership

2009, p. 210, 37-29, IV.1. The CCB answered a non-judicial reference from the Session of Trinity Presbyterian Church (Susquehanna Presbytery) on the responsibility of the Session to examine children for membership, by citing the obligations of the Session in **BCO 28-3** and by stating that in the case of any communicant members, adult or child, transferring from other PCA churches, the actions of those sessions that had admitted such members should be given appropriate deference unless there are compelling reasons to do otherwise (**BCO 11-4**).

Church Censures (*BCO 30*), Clarifying When and to Whom Definite Suspension Should Be Given

2018, p. 319, App. O, II.P. In the opinion of the CCB, Overture 20 from Philadelphia Presbytery (“Amend **BCO 30-3** and **BCO 37-1** Regarding

Definite Suspension") was in conflict with other parts of the Constitution. The addition to **BCO 37-1** is in conflict with **BCO 30-1**, which states that the censure of definite suspension "concludes the judicial process."

Parties in Cases of Process (BCO 31), Suspending a Teaching Elder During an Investigation

2008, p. 69, 36-30, II.E. In the opinion of the CCB, Overture 6 from Missouri Presbytery ("Amend **BCO 31-2** Regarding Investigative Procedures of a Teaching Elder") was not in conflict with other parts of the Constitution. However, a minority report was submitted which argued that the overture was in conflict with the Constitution.

Parties in Cases of Process (BCO 31), Amending BCO 31-2 to Clarify What Needs to Be Investigated

2012, p. 364, App. O, II.K. In the opinion of the CCB, Overture 15 from Pacific Northwest Presbytery ("Amend **BCO 31-2** to Clarify What Needs to Be Investigated") was not in conflict with other parts of the constitution. A dissenting opinion argued that Overture 15 may have been in conflict with **BCO 34-2** because the overture required inquiry for "any report, allegation or charge indicating a possible transgression"; in the wording of the proposed amendment, such inquiries would be demanded even when reports may be given "on slight grounds."

General Provisions Applicable to all Cases of Process (BCO 32), Defining Supporting Reasons for a Complaint or Appeal

2013, p. 362, App. O, II.D. In the opinion of the CCB, Overture 4 from Suncoast Florida Presbytery ("Amend **BCO 32** by Adding Section 32-21 Defining Supporting Reasons for a Complaint or Appeal") may not have been in conflict with other parts of the Constitution if **BCO 32-18** is understood as dealing with cases in process.

Special Rules Pertaining to Process Against a Minister (BCO 34), Assuming Original Jurisdiction and Procedure by which GA Assumes

2000, p. 68, 28-19, III.1. The CCB answered a non-judicial reference from the Presbytery of Western Carolina regarding the use of the word

“shall” in **BCO 34-1**, by stating that reference to the SJC is the way the General Assembly assumes original jurisdiction per **BCO 34-1**, and the SJC may declare a case administratively out of order, in which instance the case would not be heard.

2000, p. 70, 28-19, III.2. The CCB answered a non-judicial reference from Ascension Presbytery regarding whether, when presbyteries act under **BCO 34-1**, a case can be declared without being heard, by referencing their answer to Question 1 of Western Carolina Presbytery (see **2000, p. 68, 28-19, III.1**).

Special Rules Pertaining to Process Against a Minister (BCO 34), Divesting a Teaching Elder Without Call

2001, p. 134, 29-28, III.3. The CCB answered a non-judicial reference from Southern Florida Presbytery by stating that a presbytery is not required to divest a Teaching Elder without call after three years, but it is required to inquire into the matter and “use its discretion” after its inquiry has been concluded.

Special Rules Pertaining to Process Against a Minister (BCO 34), The Bar for a Higher Court Assuming Original Jurisdiction

2009, p. 208, 37-29, II.C. In the opinion of the CCB, Overture 3 from Central Carolina Presbytery (“Amend **BCO 34-1** and **BCO 33-1** Regarding Assumption of Original Jurisdiction”) was in conflict with other parts of the Constitution, on grounds including that under the proposed amendment to **BCO 33-1** or **BCO 34-1**, when the lower court has yet to conclude its consideration of the case before it, but in the judgment of the higher court has been afforded a reasonable time to do so, the higher court’s intervention would violate the restriction in **BCO 11-3** that any referral to a higher court be exercised so as not “to impinge upon the authority of the lower court.”

Special Rules Pertaining to Process Against a Minister (BCO 34), Mandating That Those Without Call Report Annually to Presbytery

2015, p. 372, App. O. II.E. In the opinion of the CCB, Overture 8 from Tidewater Presbytery (“Amend **BCO 13-2, 34-10, 24-7** and **24-9** regarding Ministers, Ruling Elders, and Deacons without Call”) was, as written, in conflict with the Constitution. The insertion of the new language for **BCO 34-10** left a conflict with **BCO 42-2**.

Evidence (BCO 35), Requiring Church Officers to Testify

2015, p. 372, App. O. II.D. In the opinion of the CCB, Overture 7 from the Session of New Hope PCA, Fairfax, VA (“Amend **BCO 35-1** to Require Church Officers to Testify”) may have been in conflict with the Constitution. **BCO 35-3** leaves open the question of whether a person’s testimony would count as one of the two witnesses required, and **BCO 35-4** leaves open the question of whether the TE, as a witness, could be asked to not be present at the testimony of other witnesses.

Removal of Censure (BCO 37), Distinction between Suspension from Office and from Sacraments

1999, p. 146, 27-43, III. In the opinion of the CCB, Overture 12 from Pittsburgh Presbytery (“Clarify Distinction between Suspension from Office and from Sacraments”) was in conflict with the Constitution (**BCO 37-3**) in that it added to the criterion for the removal of indefinite suspension two additional criteria.

Removal of Censure (BCO 37), Removal of Censure for Suspended or Deposed Teaching Elder

2003, p. 167, 31-56, III.1-2. In response to a set of constitutional inquiries, the CCB gave its opinion that a presbytery may not remove the censure of suspension from the sacraments or deposition with regard to a deposed TE without the permission of the presbytery that imposed the original censure, unless the procedures of **BCO 37-7** had been satisfied. In such a case, the TE’s new presbytery has the right to remove the censures. A Minority Report of the CCB argued, based on **BCO 34-8**, that in regard to the censure of deposition, only the presbytery that imposed the deposition could remove it. The CCB noted that if a presbytery does remove a censure without the permission of the presbytery that imposed the original censure, then the latter presbytery may avail themselves of informal discussions, Christian conciliation, or it may seek the use of **BCO 40-3, 40-4**, and **40-5**. See also **2003, p. 263, 31-63. VI**, and **2003, p. 211, 31-57-III.16.**

Removal of Censure (BCO 37), Removal of Excommunication

2012, p. 365, App. O, II.S. In the opinion of the CCB, Overture 31 from Westminster Presbytery (“Amend **BCO 37-4** to Require That Only the

Session That Imposed an Excommunication May Remove the Excommunication") was in conflict with ***BCO 37-7***. It required the original court of jurisdiction to remove the censure of excommunication even if the individual moves to another part of the country and jurisdiction has been passed to another Session or Presbytery.

Cases Without Process (*BCO 38*), Appeals in Judicial Cases

1999, p. 146, 27-43, III. In the opinion of the CCB, Overture 11 from Pittsburgh Presbytery ("Clarify Cases without Process") was in conflict with the Constitution in the last sentence of the recommended revision to ***BCO 38-3***, in that an appeal can only be made in judicial cases. The CCB advised that the conflict would be eliminated if the word "complaint" were substituted for the word "appeal."

General Review and Control (*BCO 40*), Disciplinary Measures Against a Presbytery

2000, p. 78, 28-19, V. In the opinion of the CCB, Overture 21 from Louisiana Presbytery ("Disciplinary Measures Against Tennessee Valley Presbytery") as worded was in conflict with our Constitution since it pre-determined the guilt of a presbytery and prescribed censures. In order for such a determination to be made, and such a censure to be administered, the procedures of ***BCO 40-4*** through ***BCO 40-6*** would need to be followed. Additionally, our Constitution does not allow for the "the conduct of a trial on the floor of the Assembly" since all judicial matters are referred to the SJC (***BCO 15-1***), and this matter could be referred to the SJC by the GA (***BCO 15-4***).

General Review and Control (*BCO 40*), The Constitutionality and Elimination of "Memorials" (See "A Note on Terminology," Introduction, p. ix.)

2002, p. 104, 30-29, Item 3. The CCB expressed in their review of the minutes of the SJC the constitutional issues related to procedures for hearing memorials. The CCB responded that "It is the advice of CCB that the "Procedure for Hearing a Memorial" raises significant constitutional issues. These issues include: 1) Our concern that the procedures may reflect a definition of a memorial inconsistent with our historical Presbyterian usage since no clear definition is offered and the

term has been variously used in other/former denominations in a manner that allows a higher court to act for a lower court. 2) The lack of clear *BCO* or *SJC Manual* definition of what constitutes a “memorial” being “administratively in order.” 3) Significant questions of due process such as the preclusion of appropriate briefing and argument.

2006, p. 149, 34-35, IV. The CCB answered a constitutional inquiry regarding what effect the elimination of “the terminology of memorials” has on the Manual of the SJC and the SJC’s pending action on a case. The CCB stated that, since the action involving Louisiana Presbytery came to the SJC as a “memorial” under the old **BCO 40-5**, the action should be processed under the old **BCO 40-5** and SJC Manual 16 provisions (see **2006, p. 186, 34-48**).

Appeals (BCO 42), Defining the Terms Used in BCO 42

2013, p. 362, App. O. II.E. In the opinion of the CCB, Overture 5 from Suncoast Florida Presbytery (“Amend **BCO 42** by Adding **42-13** to Define Terms Used in Chapter 42”) may have been in conflict with **BCO 42-3** if the proposed **BCO 42-13.a and b** were taken to exclude possible grounds of appeal listed there.

Complaints (BCO 43), Right of Complaint Against a Court’s Actions

2001, p. 136, 29-28, III.6. The CCB answered a non-judicial reference from Philadelphia Presbytery by stating that a person may not make a complaint to a higher court until after the lower court has acted on the complaint in accordance with **BCO 43-2** and **43-3**. The CCB noted the right of individuals under **BCO 43-1** to complain against actions taken during a trial so long as the procedures of **BCO 43-2** and **43-3** are followed.

Complaints (BCO 43), Proper Use of the Terms “Rebuke” and “Admonition”

2011, p. 391, App. O, V. The CCB noted in the minutes of the SJC officers meeting on May 13, 2010, that in the fifth paragraph, reference is made to “rebuking” a Presbytery Clerk under the provisions of **BCO 43-6**; elsewhere in the paragraph, the action is referred to by the words “admonish” and “admonition,” which elsewhere in the Constitution

(*BCO 30-1*, *BCO 30-2*, and *BCO 36-3*) is identified as a judicial censure. While “admonition” and related words are often used in PCA circles in their less technical sense, use of those words in a context of action against an officer of the Church could be confusing.

Complaints (*BCO 43*), Defining the Terms Used in *BCO 43*

2013, p. 362, App. O. II.F. In the opinion of the CCB, Overture 6 from Suncoast Florida Presbytery (“Amend *BCO 43* by Adding *43-11* to Define Certain Terms Used in Chapter 43”) was in conflict with other parts of the Constitution. The proposed overture conflicted with *BCO 43-1*, which specifies what a complaint is; this overture appeared to restrict “complaints” to matters that arise out of judicial cases as opposed to “any act or decision of a court of the Church.”

Complaints (*BCO 43*), Timing of Higher Court Review of Complaints in Judicial Cases

2016, p. 348, App. O. II.I. In the opinion of the CCB, Overture 40 from Pacific Northwest Presbytery (“Amend *BCO 43-1* to Clarify the Timing of Higher Court Review of Complaints in Judicial Cases”) was in conflict with the Constitution. As written, Overture 40 would preclude the filing of complaints against any action of that court while any judicial case is in process.

Jurisdiction (*BCO 46*), Proposed Vows and Procedure for Transferring Church Membership

2008, p. 68, 36-30, II.C. In the opinion of the CCB, Overture 3 from Southeast Alabama Presbytery (“Amend *BCO 38-3a*, Add a New *46-5*, Add a New *46-6*, and Move *BCO 57-6* to *BCO 46-6* to Specify Transfers to Church Membership”) was in conflict with other parts of the Constitution in that, firstly, the term “profession of faith” as used throughout the *BCO* refers to commitment to Christ as Savior rather than subscription to a system of doctrine. Secondly, there was internal conflict within proposed *BCO 46-5* in that it calls for recording an irregularity and then attempts to make it regular by providing for a letter of transfer.

“Directory for Worship” (*BCO 47 – BCO 63*), Constitutional Status

2000, p. 80, 28-19, V. With its advice on Overture 2 (and Overture 10, which also dealt with the “Directory for Worship”) the CCB issued a Majority Rationale and a Minority Report. These statements give historical background on the constitutional status of the “Directory for Worship,” and summarize different positions taken regarding the matter.

Administration of Baptism (*BCO 56*), Modes of Baptism

2007, p. 71, 35-30, II.B. In the opinion of the CCB, Overture 2 from the Presbytery of New Jersey (“Delete ‘or’ and substitute ‘the’ in ***BCO 56-4.d***”) was in conflict with other parts of the Constitution. The proposed language was in conflict with ***WCF 28.3***, which permits more than one mode of baptism, and would in effect have dictated that the only permissible form of baptism is sprinkling and washing with water.

Admission of Persons to Sealing Ordinances (*BCO 57*), Membership Vows, Capitalization of Word “Church”

2000, p.72, 28-19, III.4. The CCB answered a non-judicial reference from James River Presbytery inquiring as to whether the inconsistent spelling of the word “church” as used in ***BCO 57-5*** was correct. In the opinion of the CCB, the original language of ***BCO 57-5*** used an upper case “C” in both vows 4 and 5.

Admission of Persons to Sealing Ordinances (*BCO 57*), Affirmation of Apostles’ Creed for Membership

2008, p. 68, 36-30, II.B. In the opinion of the CCB, Overture 2 from Southeast Alabama Presbytery (“Amend ***BCO 57-5*** to Require Affirmation of the Apostles’ Creed for Membership”) was in conflict with other parts of the Constitution in that the term “profession of faith” as used throughout the *BCO* refers to commitment to Christ as Savior rather than subscription to a system of doctrine.

Administration of the Lord’s Supper (*BCO 58*), Communion Practice and Prohibited Exceptions

2001, p. 135, 29-28, III.5. The CCB answered a non-judicial reference from Great Lakes Presbytery by stating that ***BCO 58-4*** “allows no exception of practice in the administration of the Lord’s Supper...” If a

Presbytery considers receiving a TE who has expressed an exception in his views with respect to the language of ***BCO 58-4***, it should be guided by ***BCO 34-5***. The CCB also responded that previous actions of the GA imply this refusal to allow an exception with regard to practice (see **1993, p. 141, 21-56, III.18; 1986, p. 330, Appendix I.10**; and **1987, p. 129, 15-63**).

Administration of the Lord’s Supper (*BCO 58*), Provision of the Lord’s Supper at Separate Site

2013, p. 364, App. O, IV. The CCB answered a non-judicial reference from Ohio Valley Presbytery regarding the provision of the Lord’s Supper to qualified recipients who are at a location separate from the main worship location, by declining to give additional advice and stating that other avenues within the courts of the church would be better places for working out the application of these principles.

The Solemnization of Marriage (*BCO 59*), Granting *BCO 59* Full Constitutional Status

2017, p. 324, App. O. II.A. In the opinion of the CCB, Overture 2 from Calvary Presbytery (“Grant ***BCO 59***, ‘Solemnization of Marriage,’ Full Constitutional Status”) was in conflict with the Constitution. Adoption of Overture 2 would be the same as changing the *BCO* since giving this chapter full constitutional status is essentially adding to the Constitution of the PCA, and thus requires the same process of approvals as required for any change to the *BCO* (cf. ***BCO 26-2***).

2018, p. 316, App. O. II.B. In the opinion of the CCB, Overture 2 from Grace Presbytery (“Amend ***BCO 59*** and Grant Full Constitutional Status”) was in conflict with the Constitution. Adopting Overture 2 would have been the same as changing the *BCO* since giving this chapter full constitutional status is essentially adding to the Constitution of the PCA, and thus requires the same process of approvals as required for any change to the *BCO* (cf. ***BCO 26-2***).

2018, p. 320, App. O. II.S. In the opinion of the CCB, Overture 24 from Tennessee Valley Presbytery (“Grant ***BCO 59*** ‘Solemnization of Marriage (As Amended) Full Constitutional Status’”) was in conflict with other parts of the Constitution. The proposed amendment of ***BCO 59-2***

(“Christians shall marry”) and **BCO 59-5** (“marriage shall be sufficiently announced”) conflicted with **BCO Preliminary Principle 7**, **BCO 11-2** and **BCO 29-1**, and **WCF 20.2** and **WCF 24.3**. The CCB noted that the “Directory for Worship” is “part of our Constitution (**BCO Preface III**)” and the process to amend is governed by **BCO 26-2**.

The Solemnization of Marriage (BCO 59), Altering and Refining the Language of BCO 59

2018, p. 317, App. O. II.E. In the opinion of the CCB, Overture 5 from Calvary Presbytery (“Revise **BCO 59**”) was in conflict with other parts of the Constitution. The proposed amendment of **BCO 59-2** (“Christians shall marry”) and **BCO 59-5** (“marriage shall be sufficiently published”) conflicted with **BCO Preliminary Principle 7**, **BCO 11-2**, **BCO 29-1**, and **WCF 20.2** and **WCF 24.3**. The CCB noted that the “Directory for Worship” is “part of our Constitution (**BCO Preface III**)” and the process to amend is governed by **BCO 26-2**.

CCB Advice on *Rules of Assembly Operations (RAO)* (Arranged in order of current RAO Chapters)

Editorial Note: These entries are duplications of entries above in “CCB Advice on The Book of Church Order,” General Assembly (BCO 14) (Changes to the RAO), but here the entries are arranged, for the convenience of the reader, according to current RAO chapter numbers.

Ad Interim Committees (RAO 9), Ad Interim Committee to Revise the RAO

2008, p. 72, 36-30, II.J. In the opinion of the CCB, Overture 14 from Potomac Presbytery (“Form Ad Interim Committee to Revise RAO”) was in conflict with **RAO 9-2** on the issue of funding.

Ad Interim Committees (RAO 9), Procedure for Forming Ad Interim Committees

2017, p. 327, App. O. II.N. In the opinion of the CCB, Overture 18 from James River Presbytery (“Amend **RAO IX** So That Ad Interim Committees May Only Be Formed in Response to Presbytery Overtures”) was in conflict with the **RAO 9-4**. The phrase “exclusively submitted” (line # 22) was in direct conflict with **RAO 9-4 [now 9-5]**.

Ad Interim Committees (RAO 9), Referring the Recommendations of Ad Interim Committees to the Overtures Committee

2018, p. 317, App. O. II.F. In the opinion of the CCB, Overture 6 from Calvary Presbytery (“Revise **RAO 9** to Require that Recommendations from Ad Interim Committees be referred to OC”) was in conflict with BCO 14-1.15 and created ambiguity within the **RAO** which could create a conflict on the floor of GA when opposing recommendations could come from two different committees with no **RAO** procedures in place to resolve such conflicts.

Communications and Overtures (RAO 11; see RAO 15), Referring All BCO Changes to CCB and Bills & Overtures

2006, p. 80, 34-34, II.C. In the opinion of the CCB, Overture 14 from James River Presbytery (“Amend **RAO 10-5** [now 11-5] to Refer All **BCO** Changes to CCB and Bills & Overtures”) was in conflict with **RAO 13-1*** in that the business assigned to the Bills & Overture Committee was defined as “of general nature.” **RAO 13-1** permits **BCO** amendments of a particular nature to be referred to other Committees of Commissioners. Furthermore, this amendment failed to recognize that proposals to amend the **BCO** can come before the Assembly in other reports as allowed by **BCO** 14-1.15.

**Editorial note: In 2006, a new chapter (XV – Overtures Committee) was added to the RAO, which replaced rules regarding the Bills & Overtures Committee.*

Communications and Overtures (RAO 11), Referring Overtures Regarding Committees and Agencies and Ad Interim Committees to Overtures Committee

2017, p. 326, App. O. II.H. In the opinion of the CCB, Overture 10 from Western Carolina Presbytery (“Revise **RAO 11-5** to Direct Clerk to Refer Overtures Regarding Committees and Agencies and Ad Interim Committees to Overtures Committee Also”) created ambiguity within the **RAO** and could create a conflict on the floor of GA when opposing recommendations could come from two different committees with no **RAO** procedures in place to resolve such conflicts.

Committees of Commissioners for Permanent Committees and Agencies (RAO 14), Permanent Committee Members on Committees of Commissioners

2000, p.71, 28-19, III.3. The CCB answered a non-judicial reference from Ascension Presbytery inquiring as to “which of the entities in **RAO 4-2, 4-3** and **4-4** are covered by the ‘ineligibility provision’ of **RAO 13-2** [now **RAO 14-2**], and why.” The CCB answered that the term “permanent committee” in **RAO 13-2** [now **RAO 14-2**] refers only to the four [now five] committees mentioned in **RAO 4-2** (see **BCO** 14-1.12).

The Overtures Committee (*RAO* 15), Germane Amendments to Overtures and Resolutions by Overtures Committee

2003, p. 67, 31-18. Overture 23 from Ascension and Western Carolina Presbyteries asked the Assembly to amend ***RAO* 13-5** and **13-6 [now *RAO* 15-6]** to allow the Bills and Overtures Committee to offer germane amendments to overtures and resolutions (see **2003, p. 169, 31-57, III.1**). The CCB advised that the overture was in conflict with the Constitution because it undermined the purpose of the overture process, which is to offer presbyteries the opportunity to propose to the Assembly measures which they believe benefit the Church at large. A Minority Report from the CCB argued that the overture was not in conflict with the Constitution because germane amendments do not interfere with the right of presbyteries to propose such measures. (For the full committee and Minority reports, see **2003, p. 165, 31-56, IV**).

The Overtures Committee (*RAO* 15), Business Assigned to Overtures Committee

2006, See Communications and Overtures (*RAO* 11), above.

Review of Presbytery Records (*RAO* 16), CCB Providing Unsolicited Advice to Committees

2001, p. 137, 29-28, III.7. The CCB answered a non-judicial reference from New River Presbytery asking the CCB to serve as a channel to give advice to the CRPR, by replying that it is not within the purview of the CCB to provide advice to committees who have not solicited it. The CCB answered a related constitutional inquiry (**2001, p. 143, 29-28, Item 2**) asking that it advise the CRPR about an exception in presbytery minutes, by stating that the CRPR may make to the GA any recommendation it wishes which are within the purview of ***RAO* 14 [now *RAO* 16]**, and that it is then up to the GA to decide how to handle such recommendations.

Review of Presbytery Records (*RAO* 16), Exceptions to Westminster Standards or *BCO* Recorded in Presbytery Minutes

2003, p. 159, 31-56, IV. The CCB answered a constitutional inquiry from the 30th General Assembly, which asked “Does either the Constitution of the PCA or the *RAO* presently require a presbytery to record a minister’s exceptions to the *WCF*, *WLC*, *WSC* or *BCO* in its minutes?” In the opinion of the CCB, the answer was “no.” See **2003, p. 180, 31-57, III. 4a**, for action to amend ***RAO* 14-3e.5 [now 16-3.e.5]**.

Review of Presbytery Records (*RAO 16*), Recording Doctrinal Exceptions; Not Setting Doctrinal Precedent

2003, p. 160, 31-56, VI. In the opinion of the CCB, the second half of Overture 5 from Illiana Presbytery, Eastern Canada Presbytery and Blue Ridge Presbytery (“Amend *RAO 14-3 [now 16-3]*, *RAO 14-8 [now 16-8]* Regarding Subscription”) was in conflict with other parts of the constitution. The discussion of responses in *RAO 14-10.b [now 16-10.b]* makes it clear that exceptions of substance are reported for more than just informational purposes in that they cannot be ignored by the presbytery to whose records the exception is taken.

Review of Presbytery Records (*RAO 16*), Presbytery’s Authority to Determine Candidate’s Eligibility for Ordination

2003, p. 162, 31-56, VI. In the opinion of the CCB, Overture 18 from Covenant Presbytery (“Amend *RAO 14-3e.5 [now 16-3.e.5]* Regarding Subscription”) was not in conflict with the other parts of the Constitution. A minority report was submitted which was of the opinion that the constitutional language proposed in this overture was in conflict with other portions of the constitution, including *BCO 21-5* and *BCO* Principle II.2, because in its opinion the proposed overture language requiring Presbyteries to record a man’s views disagreeing with the Constitution would have eroded the Presbytery’s exclusive authority (subject of course to judicial process) to determine if a candidate receives and adopts the *Confession of Faith* and the *Catechisms* of the PCA as containing the system of doctrine taught in the Holy Scriptures.

Review of Presbytery Records (*RAO 16*), Reporting of Exceptions to the Constitution

2004, p. 133, 32-36, II.2. Upon being asked in a constitutional inquiry the nature of RPR’s responsibility under current *BCO 21-4* in reviewing presbyteries’ granting of exceptions to the Constitution, the CCB replied that such action of a presbytery “is reviewable by the Committee on Review of Presbytery Records (CRPR)” and added, “If the Committee finds an entry that it believes does not conform, it is to report that apparent violation in accordance with *RAO 14-6.c*” [*now RAO 16-6.c*].

Review of Presbytery Records (*RAO 16*) Documenting and Reporting a Minister’s Stated Differences with the Standards

2004, p. 133, 32-36, III. In response to a proposed amendment to the *RAO 14-3.e.5 [now 16-3.3.5]* regarding the ordination of ministers and

documenting their exceptions, it was the opinion of the CCB that the proposed amendment, as presented, was in conflict with the Constitution in that the reporting requirements proposed in the amendment do not cover all the possible responses of presbyteries under *BCO* 21-4 with regard to examinees' stated differences with our Standards. For the proposed amendment, see **2004, p. 52, 32-14.**

Standing Judicial Commission (*RAO* 17), Vows Taken by SJC Members

1999, p. 145, 27-43, II.3. The CCB answered a non-judicial reference from Evangel Presbytery asking whether the language of *BCO* 39-3 and SJC vows 4 and 5 found in ***RAO 15-1 [now RAO 17-1]*** conflict with other portions of the *BCO* and *WCF*. In the opinion of the CCB, the 4th and 5th vows taken by SJC members were “flawed” by not making direct reference to our biblical mandate and Confessional commitment to make judgments according to Scripture when applying the constitutional standards of our church. The CCB suggested resolving the ambiguity by amending Vow 4

Standing Judicial Commission (*RAO* 17), Allowing the CCB to Take Exception to SJC Case Decisions

2014, p. 343, App. O. II.H. In the opinion of the CCB, Overture 9 from Southwest Presbytery (“Revise ***RAO 17-1*** to Allow CCB to Take Exception to SJC Case Decisions”) may have been in conflict with other parts of the Constitution. The CCB noted that the overture may contain an ambiguity in its two uses of the word “records.” Furthermore, there was a potential ambiguity in the use of the phrase “any judicial cases.”

Standing Judicial Commission (*RAO* 17), General Assembly Review and Vote on SJC Decisions

2014, p. 343, App. O. II.F. In the opinion of the CCB, Overture 11 from Calvary Presbytery (“Amend *BCO* 15-5.a and 15-5.b and Direct CCB to Draft Proposed Amendments to ***RAO*** and ***OMSJC***”) was in conflict with other parts of the Constitution, on the same grounds given for Overture 13. In addition, a portion of the overture assigned tasks to the CCB which go beyond the purview of the CCB (***RAO 8.2.b.***)

Standing Judicial Commission (*RAO* 17), General Assembly Directions Regarding SJC Decisions

2016, p. 346, App. O. II.B. In the opinion of the CCB, Overture 5 from Pittsburgh Presbytery (“Amend *BCO* 15-5.a and ***RAO* 17-1**, Paragraph 4, to Allow the General Assembly to Give Directions to the SJC in Judicial Decisions and Reasoning and Opinions”) was in conflict with the Constitution. Following *BCO* 15, when a commission concludes the business referred to it, it is acting *as* the court of which it is a commission. ***BCO* 15-4** specifies the business which General Assembly refers to the SJC, which it commissions the SJC to conclude.

Amendment or Suspension of Rules (*RAO* 20), Procedure for Suspending Rules

2001, p. 148, 29-28, Item 2. The CCB received a constitutional inquiry requesting advice on how the Assembly is to suspend its Rules of Operation (*BCO*, ***RAO***, *SJC Manual*, and *Robert’s Rules of Order*) in order to obey the King of the Church as expressed in the Word of God. The CCB advised that GA delegates are bound by ordination vows to obey our Constitution and other adopted rules “as fully and fairly as possible” (see *BCO* 21-5.2-5 and *BCO* 24-6.2-5; Preface III), and noted that “if our standards are shown to be out of accord with Scripture, then there are proper procedures to follow, at each level, in order to change those standards” (see *BCO* 45). The CCB was unwilling to affirm “the presumption that we need to suspend our rules in order to obey Christ.”

PART III

JUDICIAL CASES

STANDING JUDICIAL COMMISSION

1999-2018

This digested summary of the Cases heard by the Standing Judicial Commission (SJC) is arranged according to Case number. For each Case we have included a Summary of the Case, the Issue, the Judgment, the Reasoning, and Key Words relevant to the case. See Introduction (p. vi) for a fuller explanation of what is included here and why.

Readers should note that the General Assembly's role in the decisions of the SJC changed in 1997, when the 25th General Assembly revised *BCO* 15-5.a so that the Assembly no longer voted to sustain or reject SJC decisions. From 1997 onwards, the SJC decision was final unless a Minority Report from the SJC was submitted to the General Assembly. In a few of cases before 1997, the decision of the SJC was not accepted by the General Assembly and required further judicial and Assembly action.

Appeals and References are noted after each relevant case number. All other cases are Complaints.

Abbreviations

ROC = Record of the Case

JKO = Judically Out of Order

AOO = Administratively Out of Order

OOO = Out of Order

Obj = Objection

D-Op = Dissenting Opinion

C-Op = Concurring Opinion

MR = Minority Report

RONR = Robert's Rules of Order

OMSJC = Operating Manual of the Standing Judicial Commission

Key Words given here are not exhaustive and frequently indicate topics and issues that are included in the full record of the case but which are not immediately evident in the digested summary here.

1996-06 Williams v. South Texas

M27GA, 1999 Louisville, p. 77. JOO. Parties could not agree on the ROC.

1997-17 Lebo v. Susquehanna Valley

M27GA, 1999 Louisville, p. 77. Not sustained 19-1.

Summary

The Complainant alleged that the Session of Carlisle Reformed Presbyterian Church (CRPC) erred by allowing the congregation to adopt a motion regarding one part of the budget. Complaints were then filed with the Session and Susquehanna Valley Presbytery (SVP), both of which were denied.

Issue

1. Did the SVP err in denying a Complaint that alleged that the congregation of CRPC acted unconstitutionally when it approved a motion to supplement the Assistant Pastor's Fund from the 1996-1997 budget carry-over?
2. Did SVP affirm the allegation that the Session had ceded approval of the church budget to the congregation?

Judgment

1. No
2. No

Reasoning

The Complainant argued that the congregation should not have had input on this decision regarding the church's budgetary approval and process, and that only the Session has the authority to make a decision such as this. However, there was no violation of *BCO* 12-5b with regards to the Session's power to approve and adopt the budget. The issue before the congregation was not whether to approve or not to approve the budget or any portion of it. It was dealing with a special circumstance unique to it as a congregation, and the Session did not abdicate its responsibility to approve and adopt the budget.

Key Words – budget, salary, congregational meeting, *BCO* 12-5, 25-7

1998-01 Snapp v. James River

M27GA, 1999 Louisville, p. 70. Reheard by the entire SJC. Not Sustained 15-6. D-Op.

Summary

The Complainant alleged that James River Presbytery (JRP) erred by sustaining the ordination exam of a man holding an Anthropomorphic Days view of the Genesis creation days. The Complainant filed a Complaint with JRP, which was not sustained. See also Case 1998-05.

Issue

Did JRP err at its October 11, 1997, meeting when it sustained the examination of TE Andrew Conrad?

Judgment

No.

Reasoning

Previous GAs had already affirmed that a Presbytery has the authority and discretion to discuss, deliberate, and decide an issue of doctrine properly before it by the broader church. In addition, the 26th GA appointed an Advisory Committee to study and report back to the GA on the constitutionality of the various views of creation in Genesis 1. Thus the highest court of the PCA had not made any determination that “anthropomorphic” days are out of accord with our confessional standards and the creation account in Genesis 1.

Key Words – creation, days, 24-hour, Genesis, Adam, anthropomorphic, doctrine, ordination, examination, views, *WCF 1:9, WCF 4:1*

1998-02 Session of St. Paul v. Central Florida

M27GA, 1999 Louisville, p. 79. Not sustained 17-1. D-Op.

Summary

The Complainant alleged that a Central Florida Presbytery (CFP) commission erred by declining to find a strong presumption of guilt of a minister when one-third of the Session of Christ Church (CC) in Jacksonville, FL, filed charges.

Issue

1. Did CFP err in sustaining the report of the commission examining matters related to CC, Jacksonville, FL?
2. Did CFP err in sustaining the report of the commission examining matters related to Rev. John Hutchinson?

Judgment

1. No.
2. No.

Reasoning

The Complaint was divided into two issues, the first regarding the original Complaint against the Session of CC, and the second regarding the charges against TE Hutchinson. In Issue One, the Complaint stemmed from an initial communication sent to the Session raising allegations and making a motion that the Session [of CC] commence appropriate disciplinary action against TE Hutchinson, including if necessary commencing process against him before Presbytery. The Session understood this motion to be asking them to commence judicial process against a TE, and hence they denied the request, holding that TE Hutchinson was under the judicial authority of the Presbytery. The Complainants argued that it was the Session of CC which needed to investigate TE Hutchinson, not CFP, referencing *BCO* 31-2 and 32-2. However, the commission of CFP denied this Complaint, reasoning that “We acknowledge that the Session may inquire into the alleged sin of a TE, but that it should not conduct such an investigation that appears clearly to lead to a need for adjudication since it is not the court of original jurisdiction (*BCO* 31-2). In Issue Two, the Complaint alleged that Presbytery had erred in three ways. First, the Complainants argued that there were irregularities in the proceedings of the CFP commission, including that the Presbytery commission should have proceeded directly to trial, rather than first investigating to determine if there was a strong presumption of guilt. The commission proceeded according to *BCO* 31-2. Although the Complainants wanted the commission to proceed directly to trial, CFP did not approve of this approach and had the right to do so. Second, the Complainants cited some nine instances of CFP directly or through commissions refusing to allow reasonable indulgence. The SJC found that it was difficult to arrive at any conclusion about this. However, CFP was within its right not to allow

the court to be circularized. Third, concerning the charge that the commission was prejudiced, the SJC found that the evidence was not conclusive.

Key Words – strong presumption of guilt, process, investigation, jurisdiction, notice, witnesses, reasonable indulgence, prejudice, commission, *BCO* 31-2, 32-2

1998-03 Appeal of Williams v. South Texas
M27GA, 1999 Louisville, p. 90. AOO.

1998-04 Yelton v. Westminster

M27GA, 1999 Louisville, p. 90. AOO 19-0. The Appellant joined RPCNA.

1998-05 Long et al. v. James River

M27GA, 1999 Louisville, p. 73. Reheard by the entire SJC. Not Sustained 13-8. D-Op.

Summary

The Complainant alleged that James River Presbytery (JRP) erred when it instructed a minister not to teach or preach his anthropomorphic views on creation. See also Case 1998-01.

Issue

Did JRP err when it instructed TE Andrew Conrad post ordination not to teach or preach his views on creation and “anthropomorphic days”?

Judgment

No.

Reasoning

The ROC did not show that errors of process or unconstitutional acts occurred. Lacking proof of procedural errors or significant reasons, the SJC deferred to the Presbytery in accordance with our *BCO*. (*BCO* 39-3)

Key Words – teach, preach, creation, days, 24-hour, Genesis, Adam, anthropomorphic, doctrine, ordination, examination, views, *WCF* 1:9, *WCF* 4:1, *BCO* 39-3, 43-3

1998-06 Appeal of Kim v. Korean Southwest

M27GA, 1999 Louisville, p. 90. AOO. Appellant withdrew from the PCA.

1998-07 Appeal Chong Ho Yi v. Korean Capital

M27GA, 1999 Louisville, p. 91. AOO. The Appellant did not properly file.

1998-08 Appeal of Smith v. Southwest

M28GA, 2000 Tampa, p. 218. Sustained 21-0.

Summary

The Appellant was convicted by the Session of Covenant Presbyterian Church (CPC) and Southwest Presbytery (SWP) on charges of divisiveness, gossip, contumacy, and breaking membership vows following a congregational meeting to vote on dissolving the church's relationship with the current pastor.

Issue

Did SWP clearly err when it did not sustain the Appeal of Mrs. Beverly Smith?

Judgment

Yes. The Presbytery clearly erred in judgment by not sustaining the Appeal and by not reversing the judgment of the Session. The Session clearly erred in both judgment and procedure. Therefore, the finding of guilt was reversed and the discipline of suspension from the sacraments was annulled.

Reasoning

Both lower courts (the Session of CPC and SWP) were found to have erred in judging that the evidence presented at trial, as contained in the ROC, supported the finding of guilt. There were no witnesses called to testify at the trial, and the prosecution's case therefore rested exclusively on documentary evidence (given in 10 Specifications). The documentary evidence, however, was clearly insufficient to support the finding of guilt. Furthermore, the Session of CPC clearly erred in procedure. SWP noted these errors in procedure, which included no witnesses being

produced by the prosecution (violating *BCO* 35-3), prejudice and presumption of guilt, lack of reasonable indulgence, and suspension from the Lord's Supper. SWP erred in judgment by not finding these procedural errors to be significant enough to require remanding for retrial (assuming that the evidence had supported the charges).

Key Words – charge, evidence, witness, contumacy, divisive, letters, vows, prejudice, indulgence, suspension, *BCO* 33-4, 35-3, 39-3, 42-6

1998-09 Appeal of Baer v. Illiana

M28GA, 2000 Tampa, p. 229. Not sustained 19-0.

Summary

Following his ongoing conflicts with the Youth Pastor at Westminster Presbyterian Church (WPC) and his unauthorized individual statement made to the congregation, TE David Baer informed the Session of WPC that he requested for the assistance of Illiana Presbytery (IP) and its Shepherding Committee (SC). The SC advised TE Baer that “his ministry was done at WPC and he should get counseling immediately.” While the Session of WPC had been asking TE Baer to resign of his own accord, eventually TE Baer’s pastoral relationship with WPC was dissolved by IP. The Judicial Commission of IP heard charges against TE Baer (the Appellant), who was convicted on charges of violating the 4th and 7th ordination vows, the 9th commandment, and the 3rd installation vow. The Appellant was indefinitely suspended from the exercise of his pastoral office until he demonstrated repentance.

Issues

1. Did IP err in concluding that the Appellant violated the 9th commandment, the 4th and 7th ordinations vows, and the 3rd installation vow by erroneously informing the congregation of WPC that the Session had “demanded” his resignation six weeks before the congregational meeting?
2. Did IP commit such irregularities, manifest such prejudice, and commit such actions by their judgment and censure of the Appellant as to deprive him of the due process of the *BCO* and of righteous and Biblical judgment as is required by Scripture and the Constitution of the PCA?

Judgment

- 1.No.
- 2.No.

Reasoning

Much attention was given to the meaning of the word “demand” as used erroneously by the Appellant on two occasions during the congregational meeting called to determine whether or not his resignation would be required. The Appellant claimed on November 23, 1997, that “[I]t is six weeks now they have been demanding my resignation” and later in the meeting stated: “Did you know the Session was demanding my resignation when it first started some six weeks ago?” It cannot be denied that individual Session members expressed themselves strongly. However, the Session as a whole took no formal action until just after the congregational meeting, and the previous viewpoints of individual members must be considered only as opinions of particular Session members. The Appellant admitted that the word “demanded” was an “emotionally charged word” which inflamed passions. The Appellant was surely bearing witness before the congregation in a matter of great significance to the people, and he had the duty to maintain a much higher standard than he did. The SJC also found no convincing support for the allegation that any specific material available to the Presbytery had been improperly withheld from the Appellant, or, in any event, would be likely to had any significant impact upon the final judgment herein.

Key Words – vows, congregational meeting, resignation, dissolution, call, judicial commission, prejudice

**1998-10 Reference of Complaint of Curtis v. Eastern Carolina
M28GA, 2000 Tampa, p. 236. Declined 14-5.**

Summary

TE Curtis, a minister ordained by Eastern Carolina Presbytery (ECP), sought to transfer to Ascension Presbytery (AP). AP denied the transfer based on his creation views, but gave permission for him to labor in its bounds as Assistant Professor of Biblical Studies at Geneva College. ECP then set up a committee to investigate his view but later sustained a Complaint against that action, and the committee was dissolved. A motion seeking to prohibit Curtis from “teaching his exceptions” failed.

TE Black complained that ECP did not adopt that motion. ECP sustained Black's Complaint and Curtis then complained against ECP's teaching prohibition. ECP sought to refer Curtis' Complaint to the SJC, but it declined to accept the Reference and instructed ECP to hear the Complaint.

Recommendation

The panel recommended to the SJC that the reference from ECP be returned to ECP with the instruction that the Complaint of TE Curtis be heard. (*BCO* 43-1 and 43-2)

Reasoning

While the case before the Panel was "judicial" and ready to be adjudicated, it was also clear that the Respondents did have some grounds for arguing that ECP did ask "advice" (either from the SJC or CCB). Given this element of uncertainty and the principle that the lower court ought to hear cases before it, it was the judgment of the SJC that this case be returned to ECP for adjudication at the next available stated meeting and that the substance of TE Curtis' Complaint be heard.

Key Words – teach, creation, days, doctrine, transfer, exam, views, *BCO* 43-1, 43-2

1999-01 Western Carolina v. Tennessee Valley

M28GA, 2000 Tampa, p. 238. AOO 17-3.

M29GA, 2001 Dallas, p. 70. 17-0. The SJC declined to indict. 3 C-Op.

Summary

Western Carolina, Calvary, and Ascension Presbyteries overruled for the GA to assume original jurisdiction over TE John Wood of Cedar Springs Presbyterian Church (CSPC) in Tennessee Valley Presbytery (TVP), whom they alleged "allowed women to fill the pulpit in a PCA church." The SJC initially ruled the matter AOO, stating that *BCO* 34-1 did not apply because the SJC judged that TVP did not "refuse to act." However, the 28th GA in Tampa overruled the SJC AOO ruling and instructed the SJC to follow *BCO* 31-2. The following year, the SJC reported its investigation to the 29th GA in Dallas and its decision declining to indict due to lack of a strong presumption of guilt. The 29th GA in Dallas approved that decision.

Reasoning

The SJC, upon review of and deliberation on the panel's Report and all relevant documents, found that the investigation did not result in a strong presumption of guilt (*BCO* 31-2) on the part of TE Wood in connection with a woman speaking on August 16 and 23, 1998, at CSPC, and therefore judicial process should not be instituted against him. Based upon the evidence, the SJC believed that when the Session approved the plan for Dr. Linda Eure to speak in the evening service, the Session did not intend to have her preach, nor did the Session intend to violate PCA polity. However, the SJC concluded that what she said "crossed the line," as evidenced from the testimony of the REs and TEs who attended the service. But this "crossing of the line" did not require the institution of process against TE Wood. In addition, the SJC concluded that judicial process should not be instituted against TE Wood for his expressed views regarding women and preaching because: (1) the investigation did not produce evidence that raised a strong presumption of guilt on the part of TE Wood in connection with any public scandal caused by agitation regarding or promotion of the view that women should be ordained or that women should preach in PCA churches; (2) the investigation did not result in a strong presumption of guilt that TE Wood promoted his views on women and preaching in PCA churches; (3) there was no clear evidence of TE Wood's views are outside the bounds of our Standards.

Key Words – women, preach, teach, assume original jurisdiction, investigation, strong presumption of guilt, *BCO* 34-1

1999-02 Tan v. South Texas

M28GA, 2000 Tampa, p. 241. AOO 22-0. Fax was not acceptable. Subsequent mailing was not timely filed *BCO* 43-3.

1999-03 Appeal of Gatis v. Northeast

M29GA, 2001 Dallas, p. 82. Withdrawn.

1999-04 Appeal of Fitzsimmons v. Evangel

M28GA, 2000 Tampa, p. 242. AOO 21-0. Not timely filed per *BCO* 42-2.

1999-05 Appeal of Rountree v. Covenant
M29GA, 2001 Dallas, p. 82. Not Sustained 15-0.

Summary

The Appellant alleged that Covenant Presbytery (CP) erred when it divested a TE (the Appellant) without censure, after being on the Presbytery rolls for over 7 years without call.

Issue

Did CP err in its divestiture without censure of TE Lawrence Rountree?

Judgment

No. CP acted within its constitutional prerogatives in divesting without censure.

Reasoning

The *BCO* provides that when a minister continues on the rolls “without a call to a particular work for a prolonged period, not exceeding three years, the procedure as set forth in *BCO* 34-10 shall be followed.” In total TE Rountree was on the rolls of CP without call for over seven years, four years longer than provided for in the *BCO*. As of 2001, he still had no prospects for a call to a particular ministry. Residing out of the bounds of CP, it was difficult for that Presbytery to provide oversight and maintain pastoral relations.

Key Words – demit, call, divestiture, *BCO* 13-2, 34-10

1999-06 Appeal of Shive v. Central Carolina

M29GA, 2001 Dallas, p. 85. Not sustained 17-1. See previous Case 1997-09.

Summary

The Appellant alleged that the Session of Christ Covenant Church (CCC) erred by (1) misinterpreting a previous SJC Decision [Case 1997-09] and (2) increasing his censure from indefinite suspension from sacraments to excommunication. Readers of this decision or the decision in Case 1997-09 should note that the Appellant (Dr. Shive) was blind. All written material in these cases was read to him, which affected his understanding of the written material and process of the cases.

Issues

1. Did Central Carolina Presbytery (CCP) err by affirming the Session's interpretation of the Judgment of SJC Case 1997-09 (Shive v. CCP) that the guilt of Dr. Shive was not reversed but affirmed as to the 4 charges of (1) sexual immorality, abuse, and licentiousness, (2) premeditated sexual exploitation, (3) lying and bearing false witness, and (4) scandalous living?
2. Did Presbytery err by affirming the Session's decision to increase Dr. Shive's censure from indefinite suspension to excommunication?

Judgment

1. No. There was no mention in the Judgment in Case 1997-09 (*M26GA*, p. 137) that the guilt of Dr. Shive was reversed on any charge. Thus the guilty verdict of CCC Session stands unchanged on all 4 charges. The penalty of excommunication was recommended to be changed to indefinite suspension from the sacraments. Hence the guilty verdict of the Session in SJC Case 1997-09 remained unchanged.
2. No. The Judgment in SJC Case 1997-09 gave the Session these instructions: "... that until satisfactory evidence of repentance is given to Session of CCC, to impose such conditions concerning Dr. Shive's involvement in the life of CCC, as the Session may find." Thus Presbytery did not err in affirming the action of the Session in imposing the censure of excommunication on Dr. Shive after the Session determined that Dr. Shive had not given "satisfactory evidence of repentance." Presbytery properly followed *BCO* 39-3(2) in giving "great deference to a lower court regarding these factual findings which the lower court is more competent to determine." The SJC did likewise.

Reasoning

The SJC believed that the failure of the Appellant to properly interpret the decision in Case 1997-09 was a failure to center on the clear and unambiguous language stating these specific issues being judged in the case and the definite conclusions rendered on the specific issues. The Appellant interpreted the SJC Decision in Case 1997-09 to mean that the "decision clearly challenged and struck down the allegations" of the Session and reversed the verdicts of guilt on all four charges. However, the SJC believed that the Appellant misinterpreted the SJC Decision and the Discipline Commission of the Session properly interpreted it. In Issue/Judgment 4 of Case 1997-09, the SJC judged that no procedural

errors were committed by CCP which required reversal or remanding. This clear and unambiguous language in defining the issue and stating the judgment showed without question that the Appellant's interpretation of the decision was in error. In Issue/Judgment 5 of Case 1997-09, the SJC judged that CCP did err in affirming the decision of the Session's infliction upon the Appellant the highest censure of excommunication based on the ROC. However, in contrast to the Appellant's claim, in this judgment there was absolutely no language that gave any indication that the four guilty charges against the Appellant were reversed or remanded.

Key Words – repentance, censure, disability, excommunication, sexual sin, abuse, false witness, counseling, *BCO* 39-3

1999-07 Black v. Eastern Carolina

M29GA, 2001 Dallas, p. 98. Not sustained 13-3. D-Op.

Summary

The Complainant alleged that Eastern Carolina Presbytery (ECP) erred when it failed to sustain or deny a Complaint about a licentiate transferring from Philadelphia Presbytery (PP), and when it ruled that the licentiate had “not taken an exception to *WCF* regarding creation.”

Issues

1. At its October 1999 meeting, by failing to either sustain or deny TE Black's Complaint, did ECP fail to *consider* his Complaint?
2. Did ECP err in July 1999 when it ruled that licentiate Inman had “not taken an exception to the *Westminster Confession of Faith* and Catechism regarding creation” in light of the specific written views contained in the ROC?

Judgment

1. No. Presbytery did not fail to consider the Complaint. While the Complaint was not *explicitly* denied, it was *essentially* denied and therefore the Complainant had proper right to complain to this higher/broader court. It should not have been remanded simply because of the Presbytery's failure to either sustain or deny.
2. No. Presbytery did not err when it ruled in July 1999 that the licentiate's view on the length of the creation days did not constitute an exception to the Westminster Standards.

Reasoning

The issue in this case was not whether a man's particular view was acceptable for licensure or ordination. (The Complainant said he supports the man's licensure.) Nor was the issue whether a man's particular view should be teachable. (Presbytery did not rule on that.) The issue was whether any and every non-Calendar Day view should be considered as an exception to the Westminster Standards. Regarding Issue One, the Complainant contended that ECP had not "adjudicated" the Complaint because it neither sustained nor denied it (both motions failed). At the Panel hearing, however, the Respondent for ECP believed the Presbytery had essentially denied the Complaint. The SJC agreed with the Respondent. The Complaint had been "adjudicated" by the Presbytery. Regarding Issue Two and the Complaint that ECP repent of "modern revisionism" in its failure to affirm 24-hour days in Genesis One, the SJC was unable to judge whether ECP was guilty of the alleged "modern revisionism" and in need of repentance. The Complaint did not define "modern revisionism" and the ROC did not deal with this alleged sin. At the same time, the SJC disagreed with the relatively recent contention that the allowance of non-Calendar Day view is a "modern revision" in the history of Reformed churches, on the basis of the diversity of opinion in the more than 150 years of the conservative Reformed community and the history of the PCA since its formation in 1973.

Key Words – creation, days, 24-hour, Genesis, doctrine, exam, transfer

2000-01 Morrison v. Philadelphia

M29GA, 2001 Dallas, p. 114. Not sustained 18-0.

Summary

The Complainant alleged that Philadelphia Presbytery (PP) failed to constitutionally handle a "Memorial" which alleged that the Session of Calvary Presbyterian Church (CPC) was guilty of a "grossly unconstitutional proceeding" involving a dispute between two REs who were not on the Session.

Issue

Did PP act in an unconstitutional manner in adopting the report of Commission?

Judgment
No.

Editorial Note: In 2006, the presbyteries approved the amendment of BCO 40-5 which removed reference to judicial memorials (see Ecclesiastical Commissions (BCO 15), 2006, p. 52, 34-8 and 2006, p. 55, 34-8, Items 2 and 3 of this digest).

Reasoning

The matters before the SJC in this case concerned the methodology for dealing with a memorial, and not the specific issues raised in the memorial. *BCO 40-5* clearly provides for “memorials” to be a means of getting a matter before a higher court. *BCO 40-5* does not indicate that the mere receipt of a memorial sets before the higher court a judicial case. Under these provisions, the Presbytery was called to act in a serious manner and investigate to ascertain if a formal trial was warranted, but was not required to instigate formal process. In reviewing this matter, the SJC noted that Presbytery’s Commission followed a very thorough procedure of “investigation.” It was also clear that the Presbytery was not under any requirement to address the charges in the original Complaint and raised again in the memorial but merely to investigate whether the Session was guilty of any “important delinquency or grossly unconstitutional proceedings” in its handling of the Complaint.

Key Words – memorial, investigation, *BCO 31-2, 40-5*

2000-02 Adams v. Northeast

M29GA, 2001 Dallas, p. 122. AOO 18-1. C-Op. The Complaint was about a matter that was the subject of an appeal in another case (*BCO 43-1*) and requests the relief that an accused be retried on matters he has been acquitted of by his Presbytery.

2000-03 South Coast Presbytery Memorial

M29GA, 2001 Dallas, p. 124. Withdrawn.

2000-04 Staley v. North Texas

M29GA, 2001 Dallas, p. 124. AOO 19-0. The Complainant lacked standing, as he was not a member of the PCA.

2000-05 King v. Evangel
M29GA, 2001 Dallas, p. 124. Abandoned.

2000-07 Stadick v. Northern Illinois
M29GA, 2001 Dallas, p. 125. AOO 19-0. Not timely filed per *BCO* 43.

2000-08 Session of Korean Presbyterian Church of Washington v. Korean Capital
M29GA, 2001 Dallas, p. 125. AOO 15-0. Prematurely filed. Presbytery had not completed its action on the Complaint.

2000-09 Sung Keon Kim v. Korean Capital
M30GA, 2002 Birmingham, p. 109. Sustained 17-3.

Summary

The Complainant alleged that Korean Capital Presbytery (KCP) erred by “replacing” the Session of the Korean Presbyterian Church of Washington (KPCW) with a Presbytery commission without congregational approval. The two groups claimed to be the rightful Session.

Issue

Did KCP err in its action of October 9, 2000, “...to suspend the functions of the KPCW Session and have the Presbytery [commission] replace the functions” (of the KPCW Session) without the prior consent of the congregation?

Judgment

Yes. Therefore, the subsequent actions of the Commission acting as Session of KPCW were annulled.

Reasoning

The action of KCP clearly violated Preliminary Principle Six in the Preface to the *BCO* which states that “...the power to elect persons to the exercise of authority in any particular society resides in that society.” The appointment of the Commission by KCP was unauthorized by the *BCO*; and therefore, its actions are not binding on the Session and congregation. This action similarly violated *BCO* 16-2 which states that

“...the right of God’s people to recognize by election to office those so gifted is unalienable. Therefore no man can be placed over a church in any office without the election, or at least the consent of that church.” In this case, KCP sought to “act for” the congregation and Session of KPCW, and in doing so KCP erred.

Key Words – preliminary principle, act for, congregational approval, *BCO* 13-9, 16-2

2000-10 Tinsley et al. v. Southeast Alabama

M29GA, 2001 Dallas, p. 126. AOO 14-0. Not timely filed per *BCO* 43-3.

2001-01 Appeal of Charles Kim v. Korean Capital

M30GA, 2002 Birmingham, p. 115. Sustained 16-1.

Summary

The Appellant alleged that a Commission of Korean Capital Presbytery (KCP) did not have jurisdiction to conduct the trial of an RE.

Issue

Was KCP and/or its Commission appointed on October 9, 2000, the proper court to assume original jurisdiction to receive and adjudicate the charges against the Appellant Charles C. Kim?

Judgment

No, such original jurisdiction should be with the Session; therefore, the Presbytery’s action, and/or the Judicial Commission of Presbytery’s actions, in this matter were reversed.

Reasoning

The action of KCP clearly violated Preliminary Principle Six in the Preface to the *BCO* which states that “...the power to elect persons to the exercise of authority in any particular society resides in that society.” The appointment of the Commission by KCP was unauthorized by the *BCO*; and therefore, its actions are not binding on the Session and congregation. This action similarly violated *BCO* 16-2 which states that “...the right of God’s people to recognize by election to office those so gifted is unalienable. Therefore no man can be placed over a church in

any office without the election, or at least the consent of that church.” In this case, KCP sought to “act for” the congregation and Session of KPCW, and in doing so KCP erred.

Key Words – preliminary principle, *BCO* 16-2, 31-1, 33-1; original jurisdiction

2001-02 Appeal of Sang Soo Ryoo v. Korean Capital

M30GA, 2002 Birmingham, p. 122. Sustained 19-0.

Summary

The Appellant alleged that a commission of Korean Capital Presbytery (KCP) did not follow *BCO* procedures in judicial process.

Issue

Did the Judicial Commission follow *BCO* procedures in instituting and conducting judicial process?

Judgment

No, the commission did not follow the procedures of *BCO* 32; and, therefore, the case was remanded to Presbytery for a new trial in compliance with *BCO* 32.

Reasoning

It was clear that no indictment was ever served upon the accused. It was not clear whether or not an indictment was ever prepared. Further, there was nothing in the ROC to show what occurred when the judgment was entered by the lower court. It appears to have been entered by default without any hearing and testimony. It was not clear from the ROC whether or not a prosecutor was appointed formally. The proper service of an indictment together with a list of witnesses is critical and because that did not happen here, the case had to be remanded.

Key Words – charge, citation, indictment, *BCO* 32-3

2001-03 Appeal of Sung Keon Kim v. Korean Capital

M30GA, 2002 Birmingham, p. 124. Sustained 17-0.

Summary

The Appellant alleged that a commission of Korean Capital Presbytery (KCP) did not follow *BCO* procedures in judicial process.

Issue

Did the Judicial Commission follow *BCO* procedures in instituting and conducting judicial process against the Appellant?

Judgment

No, the commission did not follow the procedures of *BCO* 32 and 34; and, therefore, the case was remanded to Presbytery for a new trial in compliance with *BCO* 32 and 34.

Reasoning

It was clear that no indictment was ever served upon the accused. It was not clear whether or not an indictment was ever prepared. Further, there was nothing in the ROC to show what occurred when the judgment was entered by the lower court. It appears to have been entered by default without any hearing and testimony. It was not clear from the ROC whether or not a prosecutor was appointed formally. The proper service of an indictment together with a list of witnesses is critical and because that did not happen here, the case had to be remanded.

Key Words – charge, citation, indictment, *BCO* 32-3, 34

2001-04 Appeal of Moon K. Ham v. Korean Capital

M30GA, 2002 Birmingham, p. 127. Sustained 16-1.

Summary

The Appellant alleged that a commission of Korean Capital Presbytery (KCP) did not have jurisdiction to conduct a trial of an RE.

Issues

Was Presbytery and/or its Commission appointed on October 9, 2000, the proper court to assume original jurisdiction to receive and adjudicate the charges against the Appellant?

Judgment

No, such original jurisdiction should be with the Session; therefore, the Presbytery's action and/or the Judicial Commission of Presbytery's actions, in this matter were reversed.

Reasoning

The court of original jurisdiction for communicant members in any local church is the Session of that church. The Appellant in this case was a member of the Korean Presbyterian Church of Washington (KPCW) and thus, any judicial action or censure against a member needed to originate within the court of original jurisdiction, the Session.

Key Words – charge, censure, original jurisdiction

2001-05 Ham et al. v. Korean Capital

M30GA, 2002 Birmingham, p. 109. Withdrawn.

2001-06 Sang Bai Kim and Chan Soo Kim v. Korean Eastern

M31GA, 2003 Charlotte, p. 94. Sustained 15-3.

Summary

The Complainant alleged that a commission of Korean Eastern Presbytery (KEP) improperly called a congregational meeting to vote on REs.

Issue

1. Did the Administrative Commission, duly appointed by KEP on September 19, 2000, violate *BCO* principles in calling and facilitating a congregational meeting of Cheltenham Presbyterian Church (CPC) on February 18, 2001, for purposes of voting on Ruling Elders and church trustees, and in recognizing a church Session on the basis of that meeting?
2. Did KEP violate *BCO* principles in approving, on March 2, 2001, the Administrative Commission's actions taken on February 18, 2001?

Judgment

1. Yes. Therefore, the lower court's decision was reversed in whole, and the Complaint was sustained.
2. Yes. Therefore, the lower court's decision was reversed in whole, and the Complaint was sustained.

Reasoning

The essence of this case involved the proper interpretation of *BCO* 13-9 and the proper response to *BCO* 25-2. It was clear from the ROC that the

Session of the CPC was deadlocked and without a moderator. Further, the Session had failed to honor a petition from members of the church to call a congregational meeting as provided in *BCO* 25-2. When no meeting had been called within the required time period, the petitioners complained to the KEP. Rather than follow the procedure in *BCO* 43, KEP attempted to resolve the matter first pastorally. When this was unsuccessful, it called and facilitated a congregational meeting on the basis of its interpretation of *BCO* 25-2, specifically to vote on Ruling Elders and trustees. It is clear from precedents, from *BCO* 25-2, and from a more detailed explanation in the judgment in the SJC case 2001-01, that the responsibility for calling a congregational meeting rests with the Session. The proper course of action in this instance would have been to adjudicate the Complaint. By doing so, the Presbytery could have ruled for the petitioners and instructed the Session in terms of *BCO* 13-9, b, to call the congregational meeting.

Key Words – congregational meeting, vote, Ruling Elder, *BCO* 13-9, 25-2, 43

2001-07 Andy Lee v. Korean Capital
M30GA, 2002 Birmingham, p. 129. Sustained 15-2.

Summary

The Complainant alleged that Korean Capital Presbytery (KCP) erred by appointing a commission to act as the Session of the Korean Presbyterian Church of Washington (KPCW) and that all actions of that commission should be annulled.

Issue

1. Did the KCP err in its action of October 9, 2000, in suspending the Session of the KPCW and appointing a Commission to act for the KPCW Session without the prior consent of the congregation?
2. Are the subsequent actions of the commission, acting as the KPCW Session, in accordance with the *BCO*?

Judgment

1. Yes.
2. No, therefore, all subsequent actions of the commission acting as the Session of KPCW were annulled.

Reasoning

The issue in this case had to do with whether or not the KCP had the *BCO* authority to suspend the Session of the KCPW and act for the Session in the manner set forth by the facts of the case. The action of KCP to suspend the KPCW Session and appoint a Commission was based on *BCO* 13-9. The Complainant correctly argued, however, that *BCO* 13-9 cannot be understood in isolation from other relevant portions of the *BCO*, including Preliminary Principle Six, *BCO* 3-1, and *BCO* 16-2, which underscore the right of the congregation to be governed by those duly elected by that body. Based on the ROC, the KCP did not have the prior consent of the congregation to suspend its REs and appoint a Presbytery Commission to act for the Session of KPCW. Therefore, the KCP Commission was erected and clothed with powers to act for the Session in a manner not provided for in the *BCO*. Thus, all subsequent actions of the Commission were annulled insofar as the Commission was not constituted in accordance with *BCO* requirements.

Key Words – reference, preliminary principle, *BCO* 13-9, 16-2

2001-08 Andy Lee v. Korean Capital

M30GA, 2002 Birmingham, p. 133. Sustained 15-2.

Summary

The Complainant alleged that the Korean Capital Presbytery (KCP) erred by appointing a Commission to act for the Session of Korean Presbyterian Church of Washington (KPCW) which sought and ultimately received a civil court order restraining certain REs from interfering with the Commission.

Issue

1. Did the KCP err in its action of October 9, 2000, in suspending the Session of the KPCW and appointing a Commission to act for the KPCW Session?
2. Did the KCP err when its appointed Commission sought and obtained an injunction from the civil courts to conduct the Sessional affairs of the KPCW?

Judgment

1. Yes.
2. Yes, but if the Commission had been established in accordance with

the *BCO* it would have been proper for the Commission to seek such civil assistance as may have been “necessary for the protection and security equal and common to all others.” (Preface II-I(b), *BCO*)

Reasoning

For Issue One, it is explicit in the *BCO* (*BCO* 25-11) that none of the rights and responsibilities of the congregation shall ever be taken away “without the express consent and affirmative action” of the congregation. Since there was no evidence that Presbytery suspended the Session and appointed the Commission with the required prior consent of the congregation, this action of the Presbytery was ruled as unauthorized by the *BCO*. Regarding Issue Two, *BCO* (II-I(b)) recognizes that in certain circumstances assistance may be requested of civil authorities to provide protection and security equal and common to all others. The SJC made no judgment concerning the appropriateness of having sought a civil court order. It was only as the Commission was functioning as the Session of the KPCW without authority of the *BCO* that an error was made.

Key Words – reference, preliminary principle, civil authorities, civil courts, *BCO* 25-11

2001-09 Appeal of Charles Kim v. Korean Capital

M30GA, 2002 Birmingham, p. 137. Sustained 17-0.

Summary

The Appellant claimed that a commission of Korean Capital Presbytery (KCP) did not have jurisdiction to conduct the trial of an RE.

Issues

Was the Presbytery and/or its Commission which was appointed on January 8, 2001, the proper court to assume original jurisdiction to receive and adjudicate the charges against Appellant?

Judgment

No, such original jurisdiction should be with the Session; therefore, the Presbytery’s action and/or the Judicial Commission of Presbytery’s actions, in this matter were reversed.

Reasoning

The court of original jurisdiction for communicant members in any local church is the Session of that church. The Appellant in this case was a member of the Korean Presbyterian Church of Washington (KPCW) and thus, any judicial action or censure against a member needed to originate within the court of original jurisdiction, the Session.

Key Words – original jurisdiction, local church

2001-10 Appeal of Charles Kim v. Korean Capital

M30GA, 2002 Birmingham, p. 139. Sustained 15-1.

Summary

The Complainant alleged that a commission of Korean Capital Presbytery (KCP) did not have jurisdiction to conduct trial of an RE.

Issues

Was Presbytery and/or its Commission appointed on January 8, 2001, the proper court to assume original jurisdiction to receive and adjudicate the charges against Appellant?

Judgment

No, such original jurisdiction should be with the Session; therefore, the Presbytery's action and/or the Judicial Commission of Presbytery's actions, in this matter were reversed.

Reasoning

The court of original jurisdiction for communicant members in any local church is the Session of that church. The Appellant in this case was a member of the Korean Presbyterian Church of Washington (KPCW) and thus, any judicial action or censure against a member needed to originate within the court of original jurisdiction, the Session.

Key Words – original jurisdiction, local church, Ruling Elder

2001-11 Byung Han Yoo v. Korean Northwest

M30GA, 2002 Birmingham, p. 140. AOO. Not timely filed per BCO 43-2.

2001-12 Appeal of Peter Lee v. Korean Capital
M30GA, 2002 Birmingham, p. 141. Sustained 16-1.

Summary

The Complainant alleged that a commission of Korean Capital Presbytery (KCP) did not have jurisdiction to conduct trial of a Deacon.

Issues

Was Presbytery and/or its Commission appointed on January 8, 2001, the proper court to assume original jurisdiction to receive and adjudicate the charges against Appellant?

Judgment

No, such original jurisdiction should be with the Session; therefore, the Presbytery's action and/or the Judicial Commission of Presbytery's actions, in this matter were reversed.

Reasoning

The court of original jurisdiction for communicant members in any local church is the Session of that church. The Appellant in this case was a member of the Korean Presbyterian Church of Washington (KPCW) and thus, any judicial action or censure against a member needed to originate within the court of original jurisdiction, the Session.

Key Words – original jurisdiction, local church

2001-13 Appeal of Samuel Hong v. Korean Capital
M30GA, 2002 Birmingham, p. 142. Sustained 16-1.

Summary

The Appellant alleged that a commission of Korean Capital Presbytery (KCP) did not have jurisdiction to conduct trial of a Deacon.

Issues

Was Presbytery and/or its Commission appointed on January 8, 2001, the proper court to assume original jurisdiction to receive and adjudicate the charges against Appellant?

Judgment

No, such original jurisdiction should be with the Session; therefore, the Presbytery's action and/or the Judicial Commission of Presbytery's actions, in this matter were reversed.

Reasoning

The court of original jurisdiction for communicant members in any local church is the Session of that church. The Session in this case was a member of the Korean Presbyterian Church of Washington (KPCW) and thus, any judicial action or censure against a member needed to originate within the court of original jurisdiction, the Session.

Key Words – original jurisdiction, local church

2001-14 Appeal of Moon K. Ham v. Korean Capital

M30GA, 2002 Birmingham, p. 144. Sustained 15-1.

Summary

The Appellant alleged that a commission of Korean Capital Presbytery (KCP) did not have jurisdiction to conduct trial of an RE.

Issues

Was Presbytery and/or its Commission appointed on January 8, 2001, the proper court to assume original jurisdiction to receive and adjudicate the charges against Appellant?

Judgment

No, such original jurisdiction should be with the Session; therefore, the Presbytery's action and/or the Judicial Commission of Presbytery's actions, in this matter were reversed.

Reasoning

The court of original jurisdiction for communicant members in any local church is the Session of that church. The Appellant in this case was a member of the Korean Presbyterian Church of Washington (KPCW) and thus, any judicial action or censure against a member needed to originate within the court of original jurisdiction, the Session.

Key Words – original jurisdiction, local church

2001-15 Appeal of In Mo Chung v. Korean Capital
M30GA, 2002 Birmingham, p. 146. Sustained 16-1.

Summary

The Appellant alleged that a commission of Korean Capital Presbytery (KCP) did not have jurisdiction to conduct trial of an RE.

Issues

Was Presbytery and/or its Commission appointed on January 8, 2001, the proper court to assume original jurisdiction to receive and adjudicate the charges against Appellant?

Judgment

No, such original jurisdiction should be with the Session; therefore, the Presbytery's action and/or the Judicial Commission of Presbytery's actions, in this matter were reversed.

Reasoning

The court of original jurisdiction for communicant members in any local church is the Session of that church. The Appellant in this case was a member of the Korean Presbyterian Church of Washington (KPCW) and thus, any judicial action or censure against a member needed to originate within the court of original jurisdiction, the Session.

Key Words – original jurisdiction, local church

2001-16 Appeal of Joo Bok Suh v. Korean Capital
M30GA, 2002 Birmingham, p. 147. Sustained 16-1.

Summary

The Appellant alleged that a commission of Korean Capital Presbytery (KCP) did not have jurisdiction to conduct trial of an RE.

Issues

Was Presbytery and/or its Commission appointed on January 8, 2001, the proper court to assume original jurisdiction to receive and adjudicate the charges against the Appellant?

Judgment

No, such original jurisdiction should be with the Session; therefore, the Presbytery's action and/or the Judicial Commission of Presbytery's actions, in this matter were reversed.

Reasoning

The court of original jurisdiction for communicant members in any local church is the Session of that church. The Appellant in this case was a member of the Korean Presbyterian Church of Washington (KPCW) and thus, any judicial action or censure against a member needed to originate within the court of original jurisdiction, the Session.

Key Words – original jurisdiction, local church

2001-17 Appeal of Choon Soon Lee v. Korean Capital

M30GA, 2002 Birmingham, p. 149. Sustained 15-1.

Summary

The Appellant alleged that a commission of Korean Capital Presbytery (KCP) did not have jurisdiction to conduct trial of an RE.

Issues

Was Presbytery and/or its Commission appointed on January 8, 2001, the proper court to assume original jurisdiction to receive and adjudicate the charges against the Appellant?

Judgment

No, such original jurisdiction should be with the Session; therefore, the Presbytery's action and/or the Judicial Commission of Presbytery's actions, in this matter were reversed.

Reasoning

The court of original jurisdiction for communicant members in any local church is the Session of that church. The Appellant in this case was a member of the Korean Presbyterian Church of Washington (KPCW) and thus, any judicial action or censure against a member needed to originate within the court of original jurisdiction, the Session.

Key Words – original jurisdiction, local church

2001-18 Appeal of Sang Soo Ryoo v. Korean Capital
M30GA, 2002 Birmingham, p. 151. Sustained 17-0.

Summary

The Appellant alleged that a commission of Korean Capital Presbytery (KCP) did not follow *BCO* procedures in the judicial process of a TE.

Issues

Did the Judicial Commission follow *BCO* procedures in instituting process and conducting judicial process against the Appellant?

Judgment

No, the commission did not follow the procedures of *BCO* 32, 34; and, therefore, the case was remanded to Presbytery for a new trial in compliance with *BCO* 32, 34.

Reasoning

It was clear that no indictment was ever served upon the accused. It was not clear whether or not an indictment was ever prepared. The proper service of an indictment together with a list of witnesses is critical, and because that did not happen here the case needed to be remanded.

Key Words – judicial commission, indictment, depose, *BCO* 32, 34

2001-19 Appeal of Sung Keon Kim v. Korean Capital
M30GA, 2002 Birmingham, p. 154. Sustained 18-0.

Summary

The Appellant alleged that a commission of Korean Capital Presbytery (KCP) did not follow *BCO* procedures in judicial process of a TE.

Issues

Did the Judicial Commission follow *BCO* procedures in instituting process and conducting judicial process against the Appellant?

Judgment

No, the commission did not follow the procedures of *BCO* 32, 34; and, therefore, the case was remanded to Presbytery for a new trial in compliance with *BCO* 32, 34.

Reasoning

It was clear that no indictment was ever served upon the accused. It is also not clear whether or not an indictment was ever prepared. The proper service of an indictment together with a list of witnesses is critical, and because that did not happen here the case needed to be remanded.

Key Words – judicial commission, indictment, depose, *BCO* 32, 34

2001-20 Dae Hee Lee v. Korean Capital

M30GA, 2002 Birmingham, p. 109. Withdrawn.

2001-21 Ha Oak Kim v. Korean Capital

M30GA, 2002 Birmingham, p. 109. Withdrawn.

2001-22 Moon Ham v. Korean Capital

M30GA, 2002 Birmingham, p. 109. Withdrawn.

2001-23 Dae Hee Lee v. Korean Capital

M30GA, 2002 Birmingham, p. 109. Withdrawn.

2001-24 Williams v. Eastern Carolina

M30GA, 2002 Birmingham, p. 109. Withdrawn.

2001-25 Dallison v. Northern Florida

M30GA, 2002 Birmingham, p. 156. Not sustained 15-0.

Summary

After being indefinitely suspended from office for 3 years, a TE alleged that the Presbytery of North Florida (PNF) erred by increasing his censure to deposition without instituting a new trial.

Issues

1. Did the PNF err constitutionally or procedurally when it acted on January 12, 2001, to depose Anthony Dallison from the office of TE,

and to suspend him from the sacraments of the Church without instituting fresh process against him?

2. Did the PNF err when on January 12, 2001, it determined Anthony Dallison to be impenitent with respect to his originally confessed sin, and increased the original censure to that of deposing him from the office of TE, and suspending him from the sacraments of the Church?

Judgment

1. No. Where a TE has confessed guilt to Presbytery under *BCO* 38-1, Presbytery has the authority to impose the censure here imposed on January 12, 2001, without initiating new charges and conducting a new trial.
2. No. Presbytery's determination of impenitence and the imposition of additional censure based upon that determination were within the sound discretion of Presbytery, and within Presbytery's authority, under *BCO* 37-3, 37-4, 37-8, and 34-4b.

Reasoning

The central issue in this case was the Complainant's argument that Presbytery did not have the power to increase the censure at a later date without first proving his impenitence through the full process of a new trial with further charges. Before a trial, the accused is to be considered innocent until proven guilty. The situation changes, though, once the accused either confesses to the offense or through trial is determined to be guilty of such. At that point, the court no longer bears the responsibility of proving his guilt. The onus is not on the court to prove the offender's impenitence, but on the offender to satisfy the court that he is repentant. There were several established and unchallenged facts, which occurred after the initial censure, which supported the position that NFP was correct in its judgment and discretion concerning the Complainant. These facts were the matters investigated by Presbytery in determining to increase the Complainant's censure to deposition from ministry. The main position of the Complainant was that the lower courts do not have authority according to the exercise of their discretion and judgment to proceed to higher forms of censure without first proving the impenitence of the offender. However, this position would effectively nullify the binding and loosing authority which Christ gave to His church (Matthew 18:18; John 20:23). In addition, *BCO* 36-2 says "the degree of censure and mode of administering it shall be within the discretion of the court." If the court determines in its mercy that it is going to inflict the

lowest censure possible in the beginning and move to higher censure only if necessary, that discretion is within their authority and should not be overturned by the higher court “unless there is clear error on the part of the court” (*BCO* 39-3).

Key Words – case without process, deposition, physical abuse, discretion, *BCO* 34-4b, 36-2, 37-3, 38-1

2001-26 Price v. Northern Illinois

M30GA, 2002 Birmingham, p. 109. Abandoned.

2001-27 Price v. Northern Illinois

M30GA, 2002 Birmingham, p. 109. Abandoned.

2001-28 Ball v. Westminster

M30GA, 2002 Birmingham, p. 162. Not sustained 17-1.

Summary

A TE alleged that Westminster Presbytery (WP) erred when it adopted a plan to leave the PCA at a future date, arguing that this plan violated freedom of conscience and that WP acted in a manner inconsistent with the doctrinal standards and the form of government of the PCA.

Issue

Did WP err when it denied the Complaint of Larry Ball against the decision of Presbytery to withdraw from the PCA pursuant to procedures adopted at its May 15, 2001, meeting?

Judgment

No. Thus the Complaint of TE Larry Ball against the decision of WP to withdraw from the PCA pursuant to the procedures adopted at its May 15, 2001 meeting was denied.

Reasoning

The Complainant argued that the nature of the WP plan to withdraw from the PCA violated the principles of historic “grass roots” Presbyterianism because the plan amounted to WP “acting for” the local church. He cited

Case 1995-07. While Case 1995-07 related to the relationship between a local church and a Presbytery, the SJC agreed to follow the same line of reasoning in this case in deciding who and what make up the membership of any court of the church (in this case we were concerned with a Presbytery), and in deciding with what ecclesiastical body that Presbytery will affiliate. It is that Presbytery itself that has both the ecclesiastical and a civil authority to make those determinations. WP, within the framework of the *BCO*, has the authority to decide the composition of its own membership and its ecclesiastical affiliation. Such a decision was not “acting for” a local church.

Key Words – withdrawal, preliminary principle, freedom of conscience, *BCO* 25, 25-11

2001-29 Yates v. South Texas

M30GA, 2002 Birmingham, p. 109. Withdrawn.

2001-30 Session of Third Presbyterian v. Evangel

M31GA, 2003 Charlotte, p. 101. JOO. 19-0.

Summary

This case was a lease dispute between a church and school (separate corporations) in which Evangel Presbytery (EP) acted as Arbitrator in a legally binding arbitration.

Issue

Was this case judicially in order?

Judgment

No, the SJC ruled that this Complaint was not judicially in order (SJC Manual 11.5.d).

Reasoning

The SJC did not have jurisdiction in this case, following Preliminary Principle 8 and *BCO* 3, 11, and 13-9. The SJC applauded EP’s desire to assist two Christian parties in a dispute, but PCA courts should not serve as civil arbitrators, even if both parties are under the jurisdiction of the PCA. EP should not have accepted that role in the first place. Since it

was not within the jurisdiction of a church court to serve as a civil arbitrator, then it was not within the purview of the SJC or the Presbytery to conduct appellate review of legally binding arbitration judgments either.

Key Words – property, school, building, legally binding, civil arbitration, *BCO* 3, 11, 13-9

2001-31 Appeal of Jeansonne v. Eastern Carolina

M31GA, 2003 Charlotte, p. 105. JOO 19-0. Per decision in Case 2001-33, this was remanded to the Session.

2001-32 Session of Christ Covenant v. Central Carolina

M31GA, 2003 Charlotte, p. 107. JOO 18-0.

Summary

The Session of Christ Covenant Church (CCC) indicted a woman on charges of divorcing without Biblical grounds, but she was acquitted at trial. Although the husband's Complaint to the Session of CCC was denied, Presbytery later sustained the husband's Complaint. The Session of CCC then filed a Complaint with the SJC against the Presbytery's ruling.

Issues

Was this case judicially in order?

Judgment

No, the case was not judicially in order.

Reasoning

The Session of CCC should not have received the husband's Complaint because the Complaint was not timely filed; it exceeded the thirty-day requirement of *BCO* 43-2.

Key Words – divorce, filing, timely filed, membership rolls, *BCO* 43-2

2001-33 Marshall v. Eastern Carolina

M31GA, 2003 Charlotte, p. 109. Sustained 19-0.

Summary

A Deacon at Christ Presbyterian Church (CPC) was found guilty of “causing dissension and strife among the brethren.” The Deacon appealed to Eastern Carolina Presbytery (ECP), which was sustained. A Session prosecutor of CPC (RE Keith Williams) filed a Complaint with ECP, which was sustained by ECP and voided its decision on the Deacon’s initial appeal. The Complainant (TE Marshall) alleged that this reversal by ECP was a procedural error and claimed that the sustaining of the initial Appeal should be reinstated.

Issue

Did Presbytery err in sustaining the Complaint of RE Keith Williams at its July 21, 2001, stated meeting, which had the effect of rescinding its judgment of April 21, 2001, to wit: reversing in whole the judgment of the CPC Session against Deacon Neil Jeansson?

Judgment

Yes. The judgment of ECP of July 21, 2001, was reversed and the judgment of April 21, 2001, stood [sustaining the appeal] and thereby the case was remanded to the Session of CPC [for a new hearing or withdrawal of the charges].

Reasoning

This case dealt with the judicial propriety of a Presbytery hearing and acting on a Complaint where an Appeal was taken. *BCO* 43-1 prohibits a Complaint in a judicial case where an Appeal “is taken.” The words, “is taken,” have reference to an Appeal on a case whether past, current or pending. It does not mean just a current case under appeal. Once an Appeal has been taken in a judicial case, no Complaint is allowable.

Key Words – appeal, complaint, dissension, Deacon, procedural error, *BCO* 43-1

2001-34 Nichols and Couch v. James River

M33GA, 2005 Chattanooga, pages 72, 98, 146. Sustained parts 13-3. C-Op. Obj (p.146).

Summary

Three judicial cases arose out of conflicts between the Session and congregation of West End Presbyterian Church (WEPC) regarding a

minister. There were 17 separate Complaints rolled into these three cases. Cases 2002-02 and 2002-03 were answered by reference to the SJC decision in this case. This Complaint alleged that James River Presbytery (JRP) erred by not dissolving a pastor's call after the congregation voted 52-42% to dissolve (with 5% abstaining). JRP declined to do so because it deemed the congregation's "reasons...were insufficient" (*BCO* 23-1). JRP later filed an Objection after the SJC Decision, which the GA answered by referencing the C-OP.

Issue

1. Were all 17 of the Complaints in Judicial Cases 01-34, 02-02, and 02-03 judicially in order?
2. Did JRP err, at its April 21, 2001, meeting and subsequent meetings when it declined to approve its Ministerial and Church Relations Committee's (MCRC) recommendation to grant the constitutional request of WEPC to dissolve the relationship between TE Robert Wilson, its pastor, and WEPC?
3. Did JRP err in approving a motion, at its July 28, 2001, Presbytery meeting, to make a gift equivalent to full salary and allowances to TE R.C. Wilson for a period of 3 months, pending a refusal of WEPC to continue payments to him?

Judgment

1. No. Not all 17 Complaints within Judicial Cases 2001-34, 2002-02 and 2002-03 were judicially in order. The following Complaints were not judicially in order, to-wit: Complaint 07-01, Judicial Case 2001-34; Complaint 10-01, Judicial Case 2002-02; Complaint 13-01, Judicial Case 2002-02; Unnumbered Complaint - Judicial Case 2002-02; Complaint 16-01, Judicial Case 2002-03; Complaint 18-01, Judicial Case 2002-03; Complaint 19-01, Judicial Case 2002-03. All the other Complaints in these cases were in order.
2. Yes. JRP had no constitutional basis at its Presbytery meetings in 2001 beginning with its April 21, 2001 meeting, permitting it to delay granting a proper constitutional request by WEPC to dissolve the relationship between the local church and its pastor.
3. No. This gift was within the discretion of JRP to determine its own benevolent giving.

Reasoning

In the ROC for the 3 cases that were judicially in order, JRP constantly referred to *BCO* 13-9c and 23-1 as its authority for postponing the

constitutional request of WEPC to dissolve its relationship with TE Wilson. The SJC held that JRP misinterpreted these two sections. Concerning *BCO* 13-9c, the Presbytery has the power “to establish the pastoral relationship, to dissolve it at the request of *one or both* parties, or where the interest of religion imperatively demands it.” However, following Preliminary Principle 6, a Presbytery does not have the power to force a minister on a congregation without the prior consent of the congregation; nor does a Presbytery have the authority to force a congregation to keep a pastor when said congregation has made a constitutional request to Presbytery to dissolve the relationship. Concerning *BCO* 23-1, the Presbytery should cite the minister to appear to show cause why the Presbytery should or should not resolve the relationship. The only requirement for the Presbytery is to determine that there was “a meeting of the congregation called and conducted in the same manner as a call of the pastor.” There is no other requirement. Without further instructions in this *BCO* 23-1, it logically follows that if the Presbytery determines that such a congregational meeting was constitutionally called and properly held, and the majority voted to dissolve the relationship with the pastor, then it is a *purely administrative matter* for the Presbytery to concur in the dissolution of the relationship between the pastor and the local church.

Key Words – dissolve, call, congregational meeting, *BCO* 13-9, 23-1

2001-35 Moon Ham et al. v. Korean Capital

M30GA, 2002 Birmingham, p. 172. AOO. This case dealt with allegations presented to Presbytery but not in the form of a Complaint against a Presbytery action or inaction (*BCO* 43-1).

2001-36 Moo S. Lim et al. v. Korean Capital

M30GA, 2002 Birmingham, p. 172. AOO. Ruled moot per Cases 2000-09 and 2001-08.

2001-37 Moo S. Lim et al. v. Korean Capital

M30GA, 2002 Birmingham, p. 172. AOO. Not properly before the Presbytery or the SJC due to the Complaint not first being filed with and acted upon by the Session. *BCO* 33-1

2002-01 Appeal of Sang Bai Kim and Chan Soo Kim v. Korean Eastern

M31GA, 2003 Charlotte, p. 112. Sustained in part 18-1.

Summary

The Appellants alleged that Korean Eastern Presbytery (KEP) erred when it denied two men's appeal of a Session conviction at Cheltenham Presbyterian Church (CPC). They also alleged that Presbytery erred when it increased censure.

Issue

1. Did Presbytery err in denying the Appeal of the Appellants and sustaining of the judgment of CPC?
2. Did Presbytery and its judicial commission err in proceeding under *BCO* 42-9 and 32-6, b, to increase the severity of censure due to contumacy?

Judgment

1. No. Therefore, the specified errors of failing to follow the *BCO* were not sustained and the decision of the Presbytery was affirmed in whole.
2. Yes. Presbytery erred by increasing the censures from suspension from sacraments and office to deposition and excommunication.

Reasoning

The CPC Session received charges against the two Appellants from two Deacons of CPC. The Session instituted process against them and found them guilty. The decision was then reported to the two Appellants and was reported to and reviewed by KEP. In the absence from the ROC of any glaring misinterpretation and misapplication of the Constitution of the Church as noted in *BCO* 39-3, principle 4, the panel was guided by *BCO* 39-3, principles 1-3, in affirming the decisions of the lower court. When reviewing an appeal, the Presbytery (higher court/appellate court) does not have the authority to inflict a greater censure than did the trial court (the Session). An appellate court may give its opinion on the reasonableness of a censure, but it has no authority to increase it. Otherwise, an Appellant might open himself up to jeopardy if the appellate court could increase his censure. *BCO* 42-9 does not give this power to the higher court.

Key Words – increased censure, deposition, excommunication, contumacy, *BCO* 39-3, 42-9

2002-02 Nichols and Couch v. James River

M33GA, 2005 Chattanooga, p. 85. OOO. See Case 2001-34.

2002-03 Nichols and Couch v. James River

M33GA, 2005 Chattanooga, p. 72, 146. OOO. See Case 2001-34.

2002-04 Judicial Reference from Evangel

M31GA, 2003 Charlotte, p. 93. Not acceded to by the SJC.

2002-05 Plowman v. Philadelphia (refiled)

M32GA, 2004 Pittsburgh, p. 59. Sustained 18-0. C-Op. (See also 2004-02.)

Summary

The Complainant was suspended from the sacraments by the Session of Lehigh Valley Presbyterian Church (LVPC). Her Complaint to the Session against this action was sustained in part, but her suspension from the sacraments was not lifted. The Session of LVPC later found the Complainant guilty of contumacy (on July 1, 2002) because she refused to force her children to testify at trial. The Complainant filed an Appeal with Philadelphia Presbytery (PP) on July 31, 2002, but PP deemed the Appeal out of order. The Complainant then filed a Complaint against the Session's action of finding her guilty of contumacy. The Complaint was ruled out of order, as not timely filed, by both the Session of LVPC (on September 20, 2002) and PP (on October 19, 2002).

Issues

1. Did PP err in its interpretation of *BCO* 42-2 and as a result did not accept Mrs. Plowman's Appeal dated July 31, 2002, against the judgment of the Session of LVPC taken on July 1, 2002?
2. Did the PP, at its January 18, 2003 meeting, err in its interpretation of *BCO* 43-1 in finding Mrs. Plowman's Complaint of October 19, 2002 out of order because it was not timely filed?

Judgment

1. Yes. The case was remanded to PP to hear the Appeal as originally filed on July 31, 2002.
2. Yes. *BCO* 43-1 states that a Complaint cannot be filed where an Appeal is pending. There was an Appeal pending and the Complaint

was timely filed after the Appeal was renamed as a Complaint. Once the Appeal was renamed as a Complaint, on the suggestion of the chairman of the Judicial Business Committee, the Complaint was timely filed.

Reasoning

The first issue was whether the Complainant had a right to file an Appeal against the judgment of the Session of July 1, 2002, or whether it had to be a Complaint. Since she filed an Appeal first, then withdrew it, renamed it and refiled it as a Complaint, following the expressed opinion of the chairman of the Judicial Business Committee of PP, both the Appeal and Complaint needed to be considered as being the same matter. It was the SJC's judgment that Mrs. Plowman had the right to file an Appeal because she had submitted to regular trial (*BCO* 42-2), despite the Session's determination that she had not submitted to regular trial because she would not allow her daughters to testify. Notwithstanding this fact, it was also our judgment that her Complaint should have been ruled as timely filed. We believed that the Appeal was proper and should have been found in order and adjudicated, but in either case (as an Appeal or Complaint), Presbytery should have taken Mrs. Plowman's case.

Key Words – timely filed, contumacy, trial, children, *BCO* 42-2, *BCO* 43-1

2002-06 Appeal of Wright v. Northern California

M31GA, 2003 Charlotte, p. 93. OOO and Withdrawn.

2002-07 Nichols v. James River

M31GA, 2003 Charlotte, p. 93. OOO.

2002-08 Gardiner v. North Georgia

M31GA, 2003 Charlotte, p. 93. OOO.

2002-09 Appeal of Merriam v. Tennessee Valley

M32GA, 2004 Pittsburgh, p. 67. Not sustained 17-0.

Summary

The Appellant previously filed an Appeal after Tennessee Valley Presbytery (TVP) deposed him from the office of TE following criminal

charges (*Supplement to PCA Digest*, 1994-98, vol. 3, p. 223), which the SJC sustained and remanded for new trial (Case 1995-10). TVP then sought to Reference the trial to the SJC, which the SJC declined (Case 1996-07). TVP declined to conduct a new trial on those charges, but eventually conducted a trial on three new charges. TVP found TE Merriam guilty on each count, and suspended him from office indefinitely. TE Merriam then appealed, alleging that Presbytery erred in trial procedures and judgment.

Issue

Did TVP err in its procedures or judgment in finding the Appellant guilty of the charges?

Judgment

No.

Reasoning

The Appellant asserted that his case should never have been introduced into judicial process in that a called meeting of TVP was not properly called by the required number of churches (*BCO* 13-12). The SJC found no evidence in the ROC to support that claim. The Appellant also alleged that TVP was not qualified to judge him because of prejudice arising from the previous cases (1995-10 and 1996-07). No specific evidence was cited and the SJC found that TVP was precisely the proper body to conduct the trial of the Appellant by virtue of *BCO* 34-1. The SJC found that the trial was properly conducted with appropriate deference given to the Appellant.

Key Words – suspension of credentials, Christian character, child safety, criminal charges, missionary, *BCO* 13-12, *BCO* 34-1, *BCO* 39-3.2

2002-10 Goerig v. Pacific Northwest

M31GA, 2003 Charlotte, p. 116. Sustained 17-0.

Summary

The Complainant alleged that the Session of Faith Presbyterian Church (FPC) should not have removed her name from roll per *BCO* 38-4. The Complaint also alleged that Pacific Northwest Presbytery (PNP) should have sustained the Complaint and remanded it to the Session.

Issue

Did PNP err in denying the complaint filed by Carolyn Goerig on December 23, 2001, against the decision of FPC Session of September 13, 2001?

Judgment

Yes, because the Session of FPC did not follow the provisions of *BCO* 38-4 with regard to Carolyn Goerig's membership, PNP should have remanded the case to the Session of FPC.

Reasoning

Although the Complainant requested that her membership be transferred to another PCA church and that a certificate of transfer was sent to the church's Session, she never united with that church. Therefore, her membership was still with FPC. The intent of the Session of FPC to erase the Complainant's name from its membership rolls "formally and retroactively" according to the steps found in *BCO* 38-4 was not a permissible act because the biblical steps of pastoral oversight required in that section were not followed by the Session of FPC. In addition, under the Rules of Discipline in the *BCO*, there are specific provisions under which members can be removed from or dismissed from or the names removed or erased from the membership of local congregations (*BCO* 38-4). While the Session of FPC considered this section, the Session did not comply with the provisions of *BCO* 38-4.

Key Words – membership rolls, transfer, *BCO* 38-4, *BCO* 46-3

2002-11 Abshire v. Pacific Northwest

M31GA, 2003 Charlotte, p. 119. Sustained 16-0.

Summary

Two REs (Lynch and Rooney) at Faith Presbyterian Church (FPC) filed charges against their pastor, TE Abshire (the Complainant in this case). Two members of the congregation then filed charges against those two REs. The pastor and another RE on the Session administratively suspended the two REs from office. After Lynch and Rooney filed a Complaint with the Session, Pacific Northwest Presbytery (PNP) formed a judicial commission to investigate the matter and it eventually annulled the suspensions and dismissed the charges against the two REs.

CASES OF THE STANDING JUDICIAL COMMISSION

TE Abshire complained against the Commission's actions, alleging that the Presbytery Commission failed to follow *BCO* 43 in handling the Complaint from two REs who were suspended from office.

Issue

1. Did PNP err by appointing a Judicial Commission prematurely?
2. Did the Commission exceed its authority as granted by the charge of the Presbytery?
3. Did the Commission err by creating an unconstitutional remedy – exhortation?
4. Did the Commission err by entering an immediate ruling on the Complaint of REs Lynch and Rooney without hearing argument?
5. Did the Commission err when it took various other actions?

Note: The Complainant asserted a sixth issue, which the SJC Panel hearing the Complaint ruled to have been not properly before the Panel at this time, as that issue was filed with Presbytery on May 25, 2002, as a separate Complaint and had yet to be acted upon by Presbytery.

Judgment

1. No.
2. No.
3. No.
4. Yes, and the Lynch/Rooney Complaint was remanded to Presbytery.
5. No.

Reasoning

Regarding Issue One, the Complainant asserted that a Presbytery must appoint a committee to investigate the charges pursuant to *BCO* 31-2, prior to establishing a commission to deal with the matter. While the appointment of a committee may be prudent in some circumstances, the *BCO* does not require such, and a Presbytery has the option of creating a commission to deal with the entire matter. Regarding Issue Two, had the Complainant timely filed a Complaint concerning this action, he would have had an argument that PNP's action had exceeded the scope of the Notice. However, since no Complaint was timely filed, the Complaint that the Commission exceeded its authority as granted by the charge of the PNP was denied. Regarding Issue Three, the Complainant asserted that *BCO* 30 only provides for the censure of admonition, suspension from office and the sacraments, excommunication, and

deposition from office, and that Presbytery's exhortation was improper. However, the Complainant had apparently misunderstood the Commission's exhortation to be a formal act of discipline against him, as it was clear that the Commission/PNP was not proceeding with formal discipline against TE Abshire. Regarding Issue Four, the Complainant asserted that the Lynch and Rooney Complaint was sustained without the Commission's following the procedures set out in *BCO* 43. In this case, the Commission did not follow the procedures set out in *BCO* 43, and the Rooney and Lynch Complaint was remanded to Presbytery. Regarding Issue Five, the Complainant asserted that the Commission made findings, conclusions, and judgments without conducting a single trial or hearing arguments. However, excepting the failure in Issue 4, the Commission's Report was in the nature of a pastoral letter, not formal discipline, and as such, did not require formal hearing or trial.

Key Words – pastoral letter, exhortation, *BCO* 30, 43

2002-12 Gardner v. North Georgia

M31GA, 2003 Charlotte, p. 93. OOO.

2002-13 Lachman v. Philadelphia

M31GA, 2003 Charlotte, p. 93. OOO.

2002-14 Appeal of Lachman v. Philadelphia

M32GA, 2004 Pittsburgh, p. 71. Not sustained 19-0. C-Op.

Summary

The Appellant, an RE, was disciplined by the Session of Calvary Presbyterian Church (CPC) for "a lack of submission to the Session," "the use of Complaints against the Session and the church," "creating bad morale," "retarding the work of the Session and engaging in personal attacks," and "causing disharmony." The Appellant alleged that his suspension from the office of RE by the Session should be reversed because no witness testified to prove his guilt, per *BCO* 35-3.

Issue

Did the Presbytery of Philadelphia (PP) err when it sustained the ruling of the Session of CPC, Willow Grove, PA?

Judgment

No.

Reasoning

The Appellant argued that the trial before CPC should not have been upheld by PP because the Session had failed to present a single witness to prove his guilt. The Appellant wrote several letters to the Session which formed the basis of the charges against him, which the Appellant, without repentance or remorse, acknowledged writing. However, the SJC concluded that there were multiple witnesses to the Appellant's guilt in these matters. There was the witness of the documents; and there was the witness of the Appellant acknowledging that those documents were written by him. In addition, there were witnesses, even though called by the defense, who supported the charges.

Key Words – witness, evidence, suspension, *BCO* 35-3

2002-15 Bjork v. Philadelphia
M31GA, 2003 Charlotte, p. 93. OOO.

2002-16 Session of Delhi PCA v. Louisiana
M32GA, 2004 Pittsburgh, p. 78. Sustained 18-3. 3 D-Op.

Summary

Louisiana Presbytery (LAP) assumed original jurisdiction over a member (Mike Holland) of Delhi Presbyterian Church (DPC) after he had transferred membership from Auburn Avenue Presbyterian Church (AAPC), following public accusations made by Holland against TE Steve Wilkins and AAPC. Despite the DPC investigating and finding that no offense had been committed, LAP indicted and convicted Holland of contumacy, thus barring him from the Lord's Table, and "admonish[ed] the Session of DPC for not supporting the [AAPC] Session in the matter...."

Issues

1. Was the Complaint against the censure of Mike Holland timely filed?
2. Is the exercise of original jurisdiction over Mike Holland by LAP an act that is within the scope of the SJC's appellate review in this case?
3. Did LAP err in finding Mike Holland guilty of contumacy?

Judgment

1. Yes.
2. Yes.
3. Yes. Thus, the Complaint of DPC Session was sustained, and the judgment of the LAP, for lack of jurisdiction, was a nullity. Therefore, Mr. Holland was subject to the jurisdiction of DPC Session and its decisions.

Reasoning

In applying *BCO* 33-1 to this case, it was clear that the DPC Session investigated the matter and came to the conclusion that there was no strong presumption of the guilt of Holland, or anyone else, that would serve as a basis to institute process. This investigation was in accordance with *BCO* 31-1 and met the constitutional mandate for the Session “to act” (*BCO* 33-1). As a result, LAP had no basis upon which to assume original jurisdiction of the matter. The determination of where jurisdictional boundaries were was not a matter of timely filing of a Complaint but is preset by the Constitution. The declaration of LAP that they took original jurisdiction from DPC did not make it so.

Key Words – original jurisdiction, contumacy, *BCO* 11-4, 31-1, 33-1

2002-17 Appeal of Sung K. Kim v. Korean Capital

M32GA, 2004 Pittsburgh, p. 103. JOO 18-0. The Appellant did not submit to a trial. (TE deposed for contumacy.)

2002-18 Herzer and Morrison v. Philadelphia

M32GA, 2004 Pittsburgh, p. 104. JOO. Filed against the actions of a judicial commission only, not the completed actions of the Presbytery.

2003-01 Appeal of Chavalas v. Northern Illinois

M32GA, 2004 Pittsburgh, p. 105. JOO 18-0. Per *BCO* 42-7, the SJC partially sustained the Appeal and suspended the judgment and censure of the Appellant because of incomplete transcript of testimony due to recording malfunction (*BCO* 35-7, 42-7).

2003-02 Thornton v. Westminster

M33GA, 2005 Chattanooga, p. 99. Sustained in part 18-1. C-Op. D-Op.

Summary

The Complainant alleged that Westminster Presbytery (WP) erred by not conducting a complete *BCO* 31-2 investigation on allegations that TE Frank Smith secretly taped a phone conversation with TE Dewey Roberts. After a study committee was formed to see if secret taping was a sin, WP did not file charges against TE Smith. The Complainant also alleged that WP erred by appointing TE Roberts a Voluntary Prosecutor in the case.

Issues

1. Did Presbytery err in not conducting a complete *BCO* 31-2 investigation regarding the secret taping done by TE Smith?
2. Did Presbytery err in not conducting a proper *BCO* 31-2 investigation of TE Smith and in not instituting process against TE Smith in the matter of the allegation of lying to and threatening of TE Roberts?
3. Did the Complainant prove that Presbytery acted with partiality in its dealing with TE Smith's secret taping of a phone call?
4. Did the Complainant prove that Presbytery established unbiblical criteria for determining whether or not secret taping is wrong?

Judgment

1. Yes. The matter was remanded back to Presbytery for a new hearing with the instruction that Presbytery was to conduct a new *BCO* 31-2 investigation of the secret taping of TE Smith. The Presbytery investigation needed to pursue the testimony of witness TE Roberts and any other available witnesses. The Presbytery investigation needed to research the legal ramifications of a secret tape of a phone conversation being reduced to writing and the legal consequences of the secret tape being destroyed by the party after the taping.
2. No.
3. No.
4. No.

Reasoning

For Issue One, the Investigative Committee (IC) acted prematurely in bringing its recommendation to WP because it failed to seek the testimony of a witness TE Roberts. The IC also failed to investigate several key legal matters prior to giving its report to WP. The IC failed to ascertain if the destruction of the tape is a violation of *WLC* 144 and 145. For Issue Two, the ROC indicated that information was obtained from all available

witnesses. Without corroborative testimony or witnesses, WP was justified in its decision not to institute process. For Issue 3, while the Complainant claimed that WP's decision not to institute process against TE Smith was caused by cronyism and partiality, his Complaint failed to meet the burden of proof to substantiate such a claim. For Issue 4, neither the ROC nor the oral argument proved that WP's policy is unbiblical.

Key Words – instituting process, secret audio recording, partiality, Voluntary Prosecutor, *WLC* 144, 145, *BCO* 31-2

**2003-03 Appeal of Paul Lee v. Korean Southwest
M33GA, 2005 Chattanooga, p. 107. Sustained 19-0.**

Summary

The Appellant alleged that Korean Southwest Presbytery (KSWP) erred in process and judgment in a TE's trial on three charges of "using 'inappropriate language,' second, not submitting to admonitions to comply with directions from the Presbytery, its committees and its commission, and third, his failing to respond to directions for the hearing of his earlier Complaint...." He was laboring out of bounds at the time.

Issue

1. Did the KSWP err in the verdict of guilty on the charge TE Lee failed to comply with the citations of the Officers Committee?
2. Did KWSP err when it held TE Lee liable for rejecting the admonitions of the Admonition Committee?
3. Did KWSP err in the manner in which its JC conducted the trial of TE Lee?
4. Did the KSWP err in imposing the censure of definite suspension upon TE Lee?
5. Did the KSWP err in imposing the additional censure of automatic indefinite suspension after one year if TE Lee failed to repent?

Judgment

Yes on all five Issues.

Reasoning

The KSWP erred when it ruled that TE Lee "disobeyed three times" the "summons (or "citation") authorized by the Presbytery and sent by the

Officers of Presbytery.” The ROC did not support KSWP’s assertion that the summons and citation was “authorized by the Presbytery.” Instead, the citation was both authorized and issued unlawfully by the Executive Committee, as nowhere does the *BCO* authorize a *committee* to compel attendance. It was also clear that TE Lee did not ignore the “citations.” The KSWP also erred when it held that TE Lee rejected the admonition of the Committee to Admonish (AC). Although the KSWP claimed that the AC was not intending to “admonish” as a censure under *BCO* 30-2, the conclusion was inescapable that the creation of a formal committee for the stated purpose to admonish TE Lee was tantamount to imposing censure without process. Finally, the KSWP’s most significant errors were its failures to follow fundamental procedural requirements that rendered the process fatally prejudicial to TE Lee.

Key Words – investigation, citation, admonish, cross-examine, out of bounds, *BCO* 31-2, 32-3, 32-15, 32-17, 35-7

2003-04 Chin v. Covenant

M33GA, 2005 Chattanooga, p. 113. Not sustained 14-7. D-Op.

Summary

The Complainant alleged that the Session of Covenant Presbyterian Church (CPC) erred by declining to interview their 6-yr-old twins and 4-yr-old for admission to Lord’s Supper after the family transferred from Auburn Avenue Presbyterian Church (AAPC), where the children had previously been communicant members. The Complaint to Covenant Presbytery (CP) was denied.

Issues

1. Did the Session of CPC err in its understanding and application of *BCO* 57-2 in denying the request of Dr. and Mrs. Frank Chin to examine their young children for admission to the sealing ordinances?
2. Did CP err in its denial of the Complaint of Dr. and Mrs. Frank Chin?

Judgment

1. No.
2. No.

Reasoning

BCO 57-2 does not require a Session to examine every young person put forward by parents for admission to the sealing ordinances. *BCO* 57-2

leaves the determination of “the time when young persons come to understand the Gospel” to the “prudence of the Session.” It was our judgment that the CPC Session acted within its constitutional discretion in concluding that “the time” had not yet come for examination of Dr. and Mrs. Chin’s children.

Key Words – paedocommunion, Auburn Avenue, Lord’s Table, sacraments, examination, *BCO* 57-1, 57-2

2003-05 Thornton v. Westminster

M33GA, 2005 Chattanooga, p. 99. See Case 2003-02.

2003-06 Wright v. Eastern Carolina

M32GA, 2004 Pittsburgh, p. 106. JOO 17-1. D-Op. A Session sent a *BCO* 41 Reference to Eastern Carolina Presbytery for advice on a doctrinal issue. The Complaint was against the Presbytery’s answer. The SJC ruled that the answer was only advice and thus not a complainable Presbytery action.

2003-07 Tan v. South Texas

M32GA, 2004 Pittsburgh, p. 113. AOO 19-0. Prematurely filed. Presbytery had not yet considered the matter.

2004-01 Westminster Presbyterian Church v. Westminster

M33GA, 2005 Chattanooga, p. 71. Withdrawn.

2004-02 Appeal of Plowman v. Philadelphia

M33GA, 2005 Chattanooga, p. 118. Sustained 21-0. See also Case 2002-05.

Summary

The Appellant alleged that the Session of Lehigh Valley Presbyterian Church (LVPC) had manifestation of prejudice in various aspects of the judicial process. The Appellant also alleged that the Session erred by stopping a trial and convicting her of contumacy for refusing to have her 14- and 16-year-old children testify in a trial related to marital separation.

Issues

1. Did Philadelphia Presbytery (PP) err in ruling that the trial of Mrs. Plowman may be resumed by the Session of LVPC with a new TE moderator chosen by the Session (Summary of The Facts 12.d)?
2. Did the Presbytery err in not lifting all the suspensions of Mrs. Plowman from the Lord's Table?
3. Did Presbytery err in finding no manifestation of prejudice by the Session of LVPC in the handling of this case?

Judgment

1. Yes.
2. Yes.
3. Yes. Therefore the appeal was sustained and all judgments and censures were set aside.

Reasoning

The SJC was not in a position to judge the intentions of the lower court, particularly in view of *BCO* 31-2 which demands a presumption of guilt before the courts shall institute due process. However, we did find that the various irregularities in the proceedings in the lower court created a situation that made it impossible for the Appellant to receive a fair trial. As regards the first two suspensions from the Lord's Table, the Presbytery's lack of specific action to lift the Appellant's second suspension (July 1, 2002), but not the initial suspension (December 21, 2001), was in error. With regard to the third suspension, the SJC found that the Session's communication (November 13, 2003) did not formally invoke the censure of suspension from Communion but rather was pious advice on the part of the Session.

Key Words – children, witness, testimony, divorce, communion, *BCO* 36-5, 42-2, 42-6

2004-03 Harris v. Heritage

M33GA, 2005 Chattanooga, p. 123. Not sustained 14-7. D-Op.

Summary

The Complainant alleged that the Session of Christ Presbyterian Church (CPC) erred by not publishing each minister's salary in the budget and not asking the congregation to approve all changes in terms of call.

Issues

1. Did Heritage Presbytery (HP) err when it ruled, “There is nothing either implicit or explicit in the *BCO* stating that changes in a pastor’s call be approved by vote of the congregation”? (*ROC*, p. 17)
2. Does the *BCO* require that changes in the terms of a pastor’s call be publicized to the congregation?

Judgment

1. No.
2. No.

Reasoning

BCO 20-6 requires that a call include not only the approbation of the calling body, but also the terms of the call. Since there is no explicit provision in the *BCO* that requires any subsequent congregation action for changes to terms of calls, it appears that once the original call (which includes the terms) has been approved, any future adjustments or changes become the responsibility of the Session (not the congregation), since the Session approves and adopts the budget (*BCO* 12-5.b). It was the SJC’s judgment that the *BCO* makes no explicit provisions for either the congregation or the Presbytery to approve changes in terms of calls.

Key Words – call, congregational action, budget, salary, *BCO* 12-5.b, 20-1, 20-6

2004-04 Appeal of Jerguson v. Western Carolina

M33GA, 2005 Chattanooga, p. 130. AOO 20-0. Case was being reheard by Presbytery. *BCO* 42-2.

2004-05 Blevins v. Westminster

M33GA, 2005 Chattanooga, p. 131. Sustained 20-0. C-Op.

Summary

The Complainant alleged that Westminster Presbytery (WP) erred when it ruled that a Complaint, which related to the Session of Westminster Presbyterian Church (WPC) denying a request for a new trial, was not timely filed. The Complaint asserted “new testimony” concerning a previous Session judgment against Mrs. Clark, a congregation member of WPC. *BCO* 35-13 [now 35-14], *BCO* 43-1, 43-2

Issue

Did Presbytery err in its commission's ruling of February 3, 2004 (received by Presbytery on April 17, 2004), that the Blevins/Seufert Complaint was not timely filed?

Judgment

Yes. The Blevins/Seufert Complaint, filed on June 8, 2003, against WPC Session's action of May 30, 2003, denying Mrs. Clark's April 24, 2003, request for the removal of her censures and a transfer of her church membership, was timely filed. Therefore, the denial of the Blevins Complaint by WP was in error, and WP should have reheard the WPC Session and Warhurst Complaints with the merits of the Blevins/Seufert Complaint being duly considered.

Reasoning

The issue before the SJC was a procedural one involving the interpretation of *BCO* 35-13 and *BCO* 43. "If, after trial before any court, new testimony be discovered which the accused believes important it shall be his right to ask a new trial and it shall be within the power of the court to grant his request." (*BCO* 35-13 [now 35-14]) The SJC considered Mrs. Clark's April 2003 letter to be essentially a request under *BCO* 35-13. The "new testimony" was the February 2003 ruling of Presbytery sustaining her Complaint. If Presbytery had not sustained her Complaint, there would not have been any "new testimony."

Key Words – new testimony, divorce, infidelity, *BCO* 35-13 [now 35-14], 43

2004-06 Appeal of Tan v. Houston Metro

M33GA, 2005 Chattanooga, p. 137. AOO 22-0. The Appellant did not submit to a regular trial. *BCO* 42-2.

2004-07 Session of First Presbyterian Augusta v. Savannah River
M33GA, 2005 Chattanooga, p. 138. Sustained 18-1.

Summary

The Complainant alleged that Savannah River Presbytery (SRP) erred when it sustained a Complaint alleging that the Session of First

Presbyterian Church (FPC) erred (1) by adding items to docket of congregational meeting and (2) by recommending a course of action to congregation.

Issues

1. Did the SRP err in rejecting the FPC Session's right to add items to the agenda of a congregational meeting called in response to a petition from members of the congregation (*BCO* 25-2)?
2. Did the Presbytery err in rejecting the Session's right to inform the members of the congregation of the rights afforded to them by *BCO* 24-6 (now 24-7) and to recommend that the members of the congregation exercise those rights; and then in annulling the subsequent actions of the Session as indicated in Statement of the Facts 7:c and d?

Judgment

1. Yes. *BCO* 25-2 does not prohibit a Session from adding additional agenda items to a congregational meeting conducted pursuant to a petition from the congregation, and as announced in the call for the meeting.
2. Yes. *BCO* 24-6 (now 24-7) does not prohibit a Session from placing a congregation's right to seek dissolution of its official relationship with certain Ruling Elders before the congregation through a recommended course of action, nor to take subsequent action based on that vote.

Reasoning

The critical issues in this dispute arose from the September 10, 2003, congregational meeting at FPC. Specifically, SRP concluded (two reasons are given in the full report) that *BCO* 24-6 (now 24-7) proceedings (dissolving official relations without censure), which were initiated against eleven elders by a vote of the congregation at that meeting, violated *BCO* 25-2 and 24-6 (now 24-7). However, *BCO* 25-2 did not prohibit the FPC Session's actions, nor did it give members of the congregation an unfettered right to require the Session to call a congregational meeting to conduct business of the congregation's choosing. The Session, under our Constitution, retains the responsibility to determine whether the business proposed by the petition conforms to the requirements of our Constitution. Where the parties disagreed was whether the Session had the further authority to add an agenda item that the petitioners had not sought. *BCO* 25-2, 3, 4, and 5 clearly afford the

Session that authority. For Issue 2, the Respondents argued that the process contemplated by *BCO* 24-6 (now 24-7) may only be initiated through a personal motion from a member of the congregation. Nothing in the language of *BCO* 24-6 imposes such a limit. The critical issue was whether the congregation, after receiving a recommendation from the Session, considered its options and freely acts as the consciences of members may have required. The record clearly demonstrated that that was exactly what happened in this matter. The congregation clearly made its own decision and asked the Session of FPC to dissolve the official relationship between the congregation and eleven Ruling Elders. The Presbytery's application of *BCO* 24-6 to this situation was incorrect.

Key Words – dissolution, office, congregational meeting, business, divest without censure, dissolve official relationship, *BCO* 24-6 (now 24-7), 25-2

2004-08 Thornton v. Westminster

M34GA, 2006 Atlanta, p. 85. Sustained (but SJC vote not recorded in GA Minutes). 2 C-Op. Obj.

Summary

The Complainant alleged that Westminster Presbytery (WP) erred by not approving the congregation call from Memorial PCA (MPC) to a TE (the Complainant) who had been without call (*BCO* 20-10), but instead began divestiture process of *BCO* 34-10. Seventeen members of WP filed an Objection to the SJC Decision ruling that the Presbytery had erred. (cf. Cases 2003-02 and 2003-05)

Issues

1. Did Presbytery err on July 17, 2004 in denying the Complaint against its action taken on April 17, 2004, by declining to place the call from MPC into the hands of TE Jim Thornton?
2. Did Presbytery err on July 17, 2004 in denying the Complaint against its action taken April 17, 2004, by beginning the process of divestiture without censure against TE Thornton per *BCO* 13-2 and *BCO* 34-10?

Judgment

1. Yes.
2. Yes.

Reasoning

On April 17, 2004, WP voted to begin the process to divest TE Thornton of his office without censure pursuant to the latter half of *BCO* 34-10. At the time of this vote, the Presbytery also had in its possession a duly issued call from TE Thornton by the Session of MPC. These circumstances preclude the application of *BCO* 34-10 against TE Thornton. WP argued that the *BCO* gave it an absolute right to review calls to its members (or prospective members) and to refuse to place those calls in the hands of its members if, in its judgment, the call is not beneficial to the church. Presbytery mistakenly cited *BCO* 20-10 as support for its decision. In support of this unfettered exercise of discretion and judgment, WP pointed to *BCO* 39-3. However, *BCO* 39-3 goes on to state that the higher court is to reverse the lower court where “there is clear error on the part of the lower court.” This was a case of clear error. In effect, WP refused to approve this call so that it could invoke the provisions of *BCO* 34-10 against TE Thornton and remove him from office without judicial process.

Key Words – call, divestiture, *BCO* 20-10, 34-10, 39-3, 45-1, 45-4

2004-09 Appeal of Robar v. Central Carolina

M33GA, 2005 Chattanooga, p. 144. OOO 17-4. D-Op. Not properly filed in accord with *BCO* 42-4.

2004-10 Appeal of Merriam v. Tennessee Valley

M33GA, 2005 Chattanooga, p. 71. Withdrawn.

2004-11 Appeal of Scott v. Northern California

M33GA, 2005 Chattanooga, p. 71. Moot.

2004-12 Hunt v. Western Carolina

M33GA, 2005 Chattanooga, p. 72. OOO.

2004-13 Zaepfel v. Central Carolina

M34GA, 2006 Atlanta, p. 84. Abandoned.

2005-01 Appeal of Chastain v. Heritage

M34GA, 2006 Atlanta, p. 99. Not sustained 20-1. D-Op. Obj. Protest.

Summary

After the failure of a church-related school to open, followed by a report from the Assistant Pastor to the Session of Christ Presbyterian Church (CPC) about the Pastor's (the Appellant) behavior and much conflict within the Session, charges were brought against the Appellant. The Appellant alleged that the charges of divisive behavior against him by Heritage Presbytery (HP) were unlawful, and that a verdict of guilty was wrong. Moreover, the Appellant alleged that the censure of suspension from the Lord's Table and from office was unjust, and that reversible errors in process were committed. Following the SJC's Decision not to sustain the Appeal, an Objection was filed by the TE who assisted in TE Chastain's defense. Protests were filed by 8 TEs and 1 RE from 8 Presbyteries.

Issues

1. Was HP's charge a lawful charge?
2. Was Appellant's behavior divisive in the Church?
3. Was the censure unjust?
4. Were there errors in the process?

Judgment

1. Yes.
2. Yes.
3. No.
4. Yes, but none that would require the Presbytery's Judgment to be reversed or the case remanded.

Reasoning

For Issue 1, the Appellant maintained that his conduct was not sinful and did not rise to the level of an offense. He contended that since the terms "divisive" and/or "divisiveness" do not appear in the AV, the RSV, or the ESV, or in our Constitution, then the behavior alleged to be contrary to scripture cannot be proven as such. Regardless, such behavior can constitute an offense and be a sin, as evidenced in the Appellant's letters to the congregation, which violated his ordination vows in *BCO* 21-5, "to promise subjection to your brethren in the Lord" and "be zealous and faithful in maintaining the truths of the Gospel and the purity and peace

and unity of the Church.” For Issue 2, the Appellant argued that he merely disagreed with the TE Gentry’s PCR (“Pastoral Concerns and Recommendations”) and with the Session. The Appellant framed the issue by asking whether or not he responded to TE Gentry’s PCR (and subsequent events) in a manner that was contrary to Scripture or the Standards. As set forth above, his actions in response to the same were violations of his ordination vows. For Issue 3, the Appellant contended that the censures of indefinite suspension from the Lord’s Supper and office were unduly harsh, and should be used prior to indefinite suspension. Such an argument would have been valid if the Appellant had, upon conviction, satisfied the Presbytery as to his repentance and made such restitution as is appropriate. However, there was an absence of any admission of guilt/confession of sin and reconciliation in the ROC in connection to the charges of which the Appellant was found guilty. For Issue 4, the Appellant alleged three errors in process. Of the three alleged errors (including a violation of *BCO* 32-5), only one of the allegations (that Presbytery mishandled evidence and testimony) was found to have contained an error, although none of the errors committed by HP related directly to the matters on which the Appellant was found guilty.

Key Words – vows, peace, unity, censure, suspension, divisiveness, evidence, testimony, school, school board, images of Christ, *BCO* 21-5, 30-1, 30-3, 32-5

2005-02 Andrino v. Southern Florida
M34GA, 2006 Atlanta, p. 84. OOO.

2005-03 Session of Living Word v. Pacific Northwest
M34GA, 2006 Atlanta, p. 84. OOO.

2005-04 Session of Hudson Korean APC v. Korean Eastern
M34GA, 2006 Atlanta, p. 84. OOO.

2005-05 Wichter Memorial Re: Case 2004-05 Blevins v. Westminster
M34GA, 2006 Atlanta, p. 84. “Was found in order but the SJC officers determined not to hear it.”

2005-06 Andrino v. Southern Florida
M34GA, 2006 Atlanta, p. 84. OOO.

2005-07 Andrino v. Southern Florida
M34GA, 2006 Atlanta, p. 84. OOO.

2005-08 Appeal of Peter B. Kim v. Korean Eastern
M34GA, 2006 Atlanta, p. 131. Not sustained 17-1. D-Op.

Summary

After resisting Presbytery's decision to dissolve the Appellant's pastoral relationship with Hudson Presbyterian Church (HPC), the Appellant was convicted by Korean Eastern Presbytery (KEP) of being "contumacious against the authority of Presbytery." He was deposed and excommunicated. The SJC upheld the conviction but reduced the censure of excommunication to indefinite suspension from sacraments.

Issues

1. Shall the judgment against TE Peter B. Kim "of being continually contumacious against the authority of the Presbytery" be sustained?
2. Shall the censures of deposition and excommunication of Peter B. Kim be sustained?
3. Shall the judgment against TE Peter B. Kim of threatening two REs of the HPC with a civil lawsuit in a letter written by his attorney on December 28, 2004, be sustained?

Judgment

1. Yes.
2. Yes in part. The censure of deposition was sustained. The censure of excommunication was not sustained but was changed to indefinite suspension from the sacraments.
3. No. This particular letter of December 28, 2004, was alluded to several times in the ROC, but is not itself in the ROC. Therefore, it could not constitutionally be considered by the SJC in determining the judgment on this charge.

Reasoning

The charge of contumacy for which the Appellant was found guilty related to the broader meaning of not being subject to the brethren as found in the fourth ordination vow (*BCO* 21-5). The censure of

deposition was sustained and the Presbytery was reminded of its obligations under *BCO* 46-8. However, the censure of excommunication was excessive in this instance because of the nature of the conflict, and was changed to indefinite suspension from the sacraments (*BCO* 30-3).

Key Words – contumacy, vow, subject to brethren, civil lawsuit, dissolution of pastoral relationship, *BCO* 32-6, 39-3.3, 46-8

2005-09 Peter B. Kim v. Korean Eastern

M34GA, 2006 Atlanta, p. 139. Not sustained 17-1. C-Op. D-Op.

Summary

The SJC agreed that Korean Eastern Presbytery (KEP) erred when it denied the Appellant's Complaint after the congregation of Hudson Presbyterian Church (HPC) voted for Presbytery to dissolve its pastoral relationship with the Appellant, but this error did not justify the Complainant's refusal to obey KEP's directive. And in light of the deposition and failed Appeal in 2005-08, no remedy was necessary or possible.

Issues

1. Did KEP err in denying the Complaint dated June 1, received June 7, and heard on August 9?
2. Did KEP err in denying the Complaint of TE Peter B. Kim at a called meeting on August 9, 2005?

Judgment

1. Yes, but this unconstitutional action at the beginning of this process did not justify TE Kim's refusal to obey the directive of Presbytery and, in light of his deposition from office (Case 2005-8), further action on this matter was moot.
2. Yes. See Judgment 1.

Reasoning

BCO 25-2 states that members in good standing of a congregation may petition the Session to call for a congregational meeting. If the Session cannot act, fails to act, or refuses to act, then any member in good standing of that congregation may file a Complaint according to procedures of *BCO* 43-2. In this case, the Complaint of January 9, 2005, should have

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been made to the Session of the HPC, not KEP. The ROC clearly indicated that said Complaint was filed first with KEP, not HPC.

Key Words – contumacy, congregational meeting, dissolve pastoral relationship, *BCO* 43-2, 15-1, 15-3

2005-10 Memorial of Southern Florida

M34GA, 2006 Atlanta, p. 84. OOO.

2005-11 Andrino v. Southern Florida

M34GA, 2006 Atlanta, p. 84. OOO.

2005-12 Peter B. Kim v. Korean Eastern

M34GA, 2006 Atlanta, p. 84. OOO.

2005-13 Zaepfel v. Central Carolina

M34GA, 2006 Atlanta, p. 84. OOO.

2006-01 Andrino v. Southern Florida

M34GA, 2006 Atlanta, p. 84. OOO.

2006-02 Memorial of Central Carolina v. Louisiana

M36GA, 2008 Dallas, p. 75. Sustained 17-0 and 20-0.

Summary

Central Carolina Presbytery (CCP) adopted and sent a Memorial (CCM), pursuant to *BCO* 40-5, alleging that Louisiana Presbytery (LAP) had not done an adequate *BCO* 31-2 investigation into allegations of theological error committed by TE Steve Wilkins. The SJC concurred and instructed the LAP to investigate. This matter was dealt with by the SJC over an extended period of time and in several stages. LAP later filed an Objection to the SJC decision and the SJC answered the Objection. Part I of this report deals with the SJC's initial hearing on the matter, LAP's subsequent re-examination of TE Wilkins directed by the SJC, and

related events (January 2006 through May 2007). Part II deals with the actions of the SJC in response to LAP's re-examination of TE Wilkins (May 2007 through October 2007).

Part 1 – SJC vote 17-0 in October 2006.

Issues

1. Does the CCM raise questions of sufficient gravity that we are led to conclude that the allegations, if true, are likely "hostile to the system of doctrine" and "strike at the vitals of religion?" (*BCO* 20-4)
2. If so, does the CCM sufficiently represent the relevant writings of TE Wilkins on the matters at hand so as to raise appropriately the concerns that are alleged in the CCM?
3. If so, then it is incumbent on LAP to show how it investigated those views; how and on what basis they concluded those views were consistent with The Westminster Standards and the published declarations of LAP; and how, to the extent necessary, they demanded corrective action and sought to make sure that any erroneous views that were previously published are clarified, thus protecting the peace and purity of the Church.

Judgment

1. Yes.
2. Yes.
3. It was the conclusion of the SJC that LAP did not demonstrate either by formal records or informal recollections that it had "with due diligence and great discretion" (*BCO* 31-2) dealt with the allegations that TE Wilkins' views were out of accord at key points with the system of doctrine as summarized in the Westminster Confession of Faith and Larger and Shorter Catechisms, which are "standard expositions of the teachings of Scripture in relation to both faith and practice." (*BCO* 29-1, 39-3) As a result, Presbytery did not meet its responsibilities under *BCO* 13- 9.f and 40-4, 5, and thus had not adequately protected the peace and purity of the Church.

Reasoning

The SJC cited nine examples (listed in the full report as *a* through *i*) of the lack of diligence on the part of LAP, including that the Presbytery committee charged with investigating the views of TE Wilkins kept no minutes or transcripts, did not consider a number of his writings and

published presentations, and did not hold a face-to-face meeting with TE Wilkins to examine his views. Since LAP did not complete an adequate examination of TE Wilkins' views, the SJC specified six amends (listed in the full report as *a* through *f*) for LAP to re-examine TE Wilkins on the specific concerns raised by the CCM, including the amend that these directions were to be accomplished and reported to the SJC no later than February 16, 2007, for final review. Finally, the SJC reminded LAP that, should it find that it cannot comply with the stipulations of this redress, it may request by Reference (*BCO* 41-3) that GA assume jurisdiction in the matter.

Part 2 – SJC vote 20-0 in October 2007.

Issues

1. Did LAP comply with the directive of the SJC that it, “with due diligence and great discretion” (*BCO* 31-2) deal with the allegations that TE Steven TE Wilkins’ views are out of accord at key points with the system of doctrine as summarized in the Westminster Confession of Faith and Larger and Shorter Catechisms, which are “standard expositions of the teachings of Scripture in relation to both faith and practice” (*BCO* 29-1, 39-3) by carrying out the amends specified by the SJC in Section II of the “Reasoning, Opinion, and Amends” portion of Part I of this report?
2. Did LAP reach a decision consistent with the Constitution of the PCA when it found “no strong presumption of guilt in any of the charges contained [in the CCM] and exercise[d] its prerogative not to institute process regarding [those] allegations?”

Judgment

1. Yes.
2. No. See the judgment, reasoning and opinion in case 2007-8, TE James Jones Jr. et al. vs. Louisiana Presbytery, in particular Judgment 2.

Amends

“Pursuant to *BCO* 40-5 the SJC hereby cites LAP to appear ‘to show what it has done or failed to do in the case in question.’ To implement this process, RE Samuel J. Duncan is hereby appointed to: a) serve as prosecutor in this matter and conduct the case, which is designated as Case 2007-14; b) select Assistant Prosecutors from members of the GA to assist him with this matter; c) draw an indictment to be served upon

LAP, with the circumstances and specifications therein not being limited to those raised in 2006-02 and 2007-8; d) prepare a citation instructing LAP to respond, in writing or at a called meeting of the SJC, to the indictment and to enter its plea to the matters contained therein not later than February 1, 2008. (*BCO* 40-6, 31-2, 32-3) If LAP enters a plea of ‘not guilty,’ then LAP is directed to appear, through its representatives, for trial in this matter before the SJC on March 5, 2008 (*BCO* 40-5, 40-6, 31-2, 32-3).”

Reasoning

The written examination and the transcribed oral examination of TE Wilkins demonstrated that LAP carried out the directive of the SJC that LAP, as a court, examine TE Wilkins on the specific concerns raised by the CCM. While not all of the actions were finalized by the date originally set by the SJC, it was clear that Presbytery made a good faith effort in this regard. Whether the decisions of LAP were, in substance, in keeping with the Constitution of the PCA was a matter separate from the procedural issues noted above. In case 2007-8, the SJC found that the record supported a probable finding that LAP had erred, and thereby violated *BCO* 13-9.f, 40-4, and 40-5, when it failed to find a strong presumption of guilt that the views of TE Wilkins were out of conformity with the Constitutional standards. Since the case did not arise under *BCO* 34-1, and given that LAP had declined to request by Reference (*BCO* 41-3) that GA assume jurisdiction in this matter, it must be stressed that what was before the SJC was not allegations against TE Wilkins *per se*. Rather, what was before the SJC was whether LAP had dealt adequately and constitutionally with those views. The conclusion of case 2007-8 was that there was a reasonable presumption that Presbytery had not so done. To address this presumption, to preserve the peace and purity of the Church, to bring closure to the issue within a reasonable time frame, and to give Presbytery the fairest opportunity to vindicate itself by explaining and defending its actions, procedure of *BCO* 40-5 and 40-6 was to be followed. It was for this reason that the SJC mandated the amends noted above.

Key Words – paedocommunion, children, Lord’s Supper, Federal Vision, *BCO* 13-9, 34-1, 40-5, 40-6, 41-3

2006-03 Memorial of Calvary v. Louisiana

M34GA, 2006 Atlanta, p. 84. OOO. Requested SJC assume original jurisdiction of TE Wilkins. *BCO* 34-1.

2006-04 Peffley v. Heritage

M34GA, 2006 Atlanta, p. 84. OOO.

2006-06 Ehrlich v. North Georgia

M35GA, 2007 Memphis, p. 77. Not sustained 18-0.

Summary

A Complaint was made by two members of Intown Community Church (ICC) after the Session warned and instructed that they not distribute an open letter to the church which was critical of the pastor and the North Georgia Presbytery (NGAP).

Issue

Did NGAP err on April 18, 2006, in denying the Ehrlich Complaint, and in so doing sustain the action of the ICC Session of November 5, 2005, which instructed Devin and Tracey Ehrlich not to distribute their “open letter” to the church (ROC, p. 72)?

Judgment

No. The Complaint was denied.

Reasoning

The Complainants argued that, while a Session has the general authority to instruct members about writing letters that could disturb the peace of the Church, the Session in this instance did not exercise its authority with proper discretion. The Complainants argued also that the Session’s action effectively bound their consciences contrary to the PCA’s Standards. However, the SJC found that, in this instance, the Session did not require that Complainants have implicit faith in a doctrine or theological formulation that was contrary to the Word of God, nor a blind obedience to an act of worship not governed by the Word of God. Rather, the Session gave its wise counsel and instruction in response to a request by the Complainants with the exhortation not to breach their membership vows, in order to preserve the peace of the Church and to submit to the government of the Church. While liberty of conscience rules out implicit faith and absolute and blind obedience to the Church, believers who have voluntarily submitted to the oversight of the Church through their membership vows, have a moral obligation to follow the lawful injunctions of the Church as long as they remain members of the Church.

Key Words – letter, peace, membership vows, *BCO* 57-5

2006-07 Appeal of Chastain v. Heritage

M35GA, 2007 Memphis, p. 81. JOO 15-3. C-Op. D-Op. Obj. Ruled OOO because the Appellant renounced PCA jurisdiction on May 8, 2006. Therefore, all proceedings after May 8, 2006, in this matter were moot, and the decision in SJC 2005-01 remained in effect. See **Digest PART I, Actions, Church Censures (BCO 30), Avoiding Discipline by Renouncing the Jurisdiction of the PCA, 2007**, p. 98, 35-32.

2007-01 Lee v. Korean Eastern

M36GA, 2008 Dallas, p. 92. AOO 19-0.

Summary

An “interim pastor” (TE Eliot Lee) was selected to serve at Hudson Korean Presbyterian Church (HKPC). After one year, his term was not extended by Korean Eastern Presbytery (KEP). A Complaint was filed that KEP’s actions took place at a meeting without a quorum. This case also incorporates two other cases: Cases 2007-06 and 2007-07.

Issues

1. Did KEP err when it determined that only those actions at the 71st Stated Meeting on 10-03-06, dealing with HKPC were invalid?
2. Did Presbytery err when it clarified that TE Lee’s call as “interim pastor” for one (1) year or “until the [TE Peter B. Kim] litigation in the civil court can be resolved” was that of stated supply and limited to one (1) year, unless renewed by the Session and Presbytery, pursuant to *BCO 22-6*?
3. Did Presbytery err when it appointed its Pulpit (Stated Supply Approval) Commission?
4. Did Presbytery err when it appointed its Judicial Commission?

Judgment

1. It was moot since all actions taken at the 71st Stated Meeting of Presbytery on October 3, 2006, were null and void.
2. No. Interim pastor and stated supply are the same and limited by *BCO 22-6* to one (1) year, unless renewed by Presbytery. Further, since HKPC withdrew its request to extend the stated supply term of TE Lee, there was no such request pending, and TE Lee’s term as Stated Supply ended on or about October 3, 2006. Accordingly, the HKPC pulpit had been vacant since that time.
3. No.
4. No.

Reasoning

For Case 2007-01, the Complaint of TE Lee was moot and all actions taken at the 71st Stated Meeting of KEP on October 3, 2006, were taken without a quorum, and therefore, were null and void. In this case, the minutes of the meeting reflected “at the time of the roll call, there were 27 teaching elders and 2 Ruling Elders [present]. [A quorum would require at least three (3) Ruling Elder commissioners.]” For Case 2007-06, the Complainant argued that the action of KEP in approving him to be “interim pastor for the next 12 months, and until the [TE Kim] litigation in the civil court can be resolved” was tantamount to being approved to be pastor under Chapter 20 of the *BCO*. However, this argument failed for numerous reasons. The ROC does not indicate a call as pastor, with terms, as required by *BCO* 20-6, was extended or approved by HKPC and/or submitted to KEP for approval. KEP also never installed the Complainant as pastor of HKPC, as required by *BCO* 21-9 and 21-10. In addition, there are only four types of pastors recognized by *BCO* 22 (pastor, associate pastor, assistant pastor, and stated supply). The only reference in the *BCO* to interim pastor is found in the index, which has a cross reference to Stated Supply. The Complainant’s approval as interim pastor must be interpreted to be Stated Supply. For Case 2007-07, the Complainant argued that the *BCO* does not provide for the appointment of a Pulpit (Stated Supply Approval) Commission. However, this argument failed because *BCO* 15-2 provides that Presbyteries may appoint commissions to ordain and install ministers. KEP did not err in the appointment of this commission, as well as the scope of the matters that were entrusted to it when it was formed.

Key Words – interim pastor, stated supply, pulpit commission, quorum, *BCO* 15-2, 21, 22

2007-02 Malone v. Metro NY

M36GA, 2008 Dallas, p. 99. Sustained in part 19-0.

Summary

The Session of Redeemer Montclair Presbyterian Church (RMPC) brought a motion before Metro New York Presbytery (MNYP) to dissolve its pastoral relationship with TE Patrick Malone. The Complainant alleged that a commission of MNYP, which was established to investigate charges relating to possible misconduct, erred by assuming authority it

did not have when it rendered also judgment in the matter. The SJC vacated the Presbytery's judgment and censure. This case involved the proper interpretation of *BCO* 38-1 and cases without process.

Issues

1. Did the Presbytery, at its meeting on May 13, 2006, authorize its commission to fully adjudicate matters related to TE Malone?
2. Could the Presbytery, on the basis of the record prepared by the commission, proceed against TE Malone in a case without process under *BCO* 38?
3. Where a judgment and censure are properly imposed, does a Presbytery exceed its authority and improperly bind the conscience or conduct of an offending member by stating actions the offending member must undertake in order to demonstrate true repentance?

Judgment

1. No.
2. No.
3. No.

TE Malone's Complaint was sustained in part, and the judgment and censure of the Presbytery were vacated, without prejudice to further proceedings consistent with the Reasoning and Opinion set out below (*BCO* 43-10).

Reasoning

The MNYP committee committed two constitutional failures which required that the judgment and censure in this matter be vacated. First, the Presbytery failed to establish the purpose and authority of the commission it formed on May 13, 2006. The minutes described the commission as a "Judicial Commission." However, the stated purpose of the commission was to "investigate charges against TE Malone." The only constitutionally appropriate action by the commission under these circumstances would have been to investigate the charges and determine whether there was a "strong presumption of guilt." It had no constitutional power to render a judgment or censure on behalf of Presbytery. Second, cases under *BCO* 38-1 are extraordinary remedies and require a clear record demonstrating that the offending party has come forward with the intent of having Presbytery render judgment on the basis of his confession. The letters exchanged between the

commission's chairman and the Complainant were insufficient to make a showing of the Complainant's intent to have the commission, or Presbytery, render judgment against him without process.

Key word – allegations, confession, without process, investigation, authority, repentance, *BCO* 15-2, 15-3, 38-1

2007-03 Segallis v. Central Florida

M36GA, 2008 Dallas, p. 75. OOO.

2007-04 Engel v. Evangel

M36GA, 2008 Dallas, p. 108. Sustained 17-0.

Summary

The Complainant filed series of Complaints with the Session of Redeemer PCA (RPC) on its policy disallowing single or divorced men to stand for office. The Session declared that these Complaints were evidence of the sin of contentiousness and rebellion against the Session and suspended the Complainant from the Sacraments until he provided satisfactory evidence of repentance. The Complainant sought higher court review from Evangel Presbytery (EP) of this verdict and censure. There was some confusion as to whether his filing with the higher court was a Complaint or Appeal. The SJC ruled that EP erred by not remanding the case to the Session with instructions that Session conduct a trial or dismiss the charges.

Issues

1. Did EP err by determining not to declare the Complainant innocent or guilty of the sins for which he had been censured by his Session?
2. Did EP err by failing to send back the Complaint with instructions for a hearing, according to the provisions of *BCO* 43-10?

Judgment

1. No, the Presbytery had no record of the evidence from the lower court proceedings upon which to base a determination of guilt or innocence since the Session did not conduct a trial.
2. Yes, in view of the fact that the Session brought serious charges against the Complainant and moved directly to impose the censure of

suspension from the Lord's Supper upon him without a trial or a confession of sin on his part, the Presbytery should have remanded the case to the Session, according to the provisions of *BCO* 42-9, with instructions either to initiate process in accordance with *BCO* Chapters 31, 32, 33, 35, and 36, or to formally dismiss all charges against the Complainant, in addition to having lifted the wrongly imposed censure. According to the provisions of *BCO* 43-10, the SJC therefore sent this matter back to the Presbytery with instructions to rehear Mr. Engel's Complaint in view of our determination of error as set forth above.

Reasoning

The Complainant, according to the provisions of *BCO* 42, filed an Appeal with EP against the improper censuring action of his Session, after the Complainant was critical of the Session's established qualifications for church officers which disqualified single and divorced men. Upon receipt of the appeal, the Presbytery unilaterally reclassified the appeal as a Complaint and processed it under *BCO* 43. The Complainant then filed a Complaint against this action (herein First Complaint). The Presbytery acknowledged its error and reconsidered the matter as an appeal, and Presbytery found that the Session of RPC erred by issuing the censure without compliance with *BCO* 36. However, neither the Presbytery nor the SJC made any determination as to the merits of the Session's charges against the Complainant since there was no record from the lower court upon which to make a determination of guilt or innocence. The SJC determined that the Presbytery had indeed erred 1) by unilaterally reclassifying the Appeal as a Complaint and 2) failing to remand the matter to the Session with instructions for the Session to conduct a trial on the charges in accordance with *BCO* 36 or to withdraw the charges. Although the Session had rescinded its censure of suspension from the Lord's Supper, the charges of sinful contentiousness and rebellion against the Session were not withdrawn and therefore remained pending. It was noted that if the Session withdrew the charge or found the Complainant innocent, the Session should clearly communicate to the Complainant and to any in the congregation who may have been informed of the charges that such action had been taken.

Key Words – contentiousness, election of officers, qualifications, singleness, divorce, censure without trial, Lord's Supper, *BCO* 36, 42, 43

2007-05 Appeal of Mitchell v. Evangel
M36GA, 2008 Dallas, p. 75. Withdrawn.

2007-06 Lee v. Korean Eastern

M36GA, 2008 Dallas, p. 92. Not sustained 19-0. This case was heard with Cases 2007-01 and 2007-07. For the summary, issues, judgment, and reasoning for this case, see Case 2007-01.

2007-07 Han v. Korean Eastern

M36GA, 2008 Dallas, p. 92. Not sustained 19-0. This case was heard with Cases 2007-01 and 2007-06. For the summary, issues, judgment, and reasoning for this case, see Case 2007-01.

2007-08 Jones et al. v. Louisiana

M36GA, 2008 Dallas, p. 113. Sustained 22-0. See Case 2006-02.

Summary

The Complainant alleged that Louisiana Presbytery (LAP) erred in not finding a strong presumption of guilt against TE Steve Wilkins when it investigated to determine whether his views differed from the PCA Constitutional standards. The Complainant was joined by seven other Complainants.

Issues

1. Did LAP fail to apply the correct Constitutional standard when it sought to determine whether TE Wilkins “may differ with The Confession of Faith and Catechisms in any of their statements and/or propositions?” (*BCO* 21-4, *RAO* 16-3.e.5)
2. Does the record support a probable finding that LAP erred, and thereby violated *BCO* 13-9.f, 40-4, and 40-5, when it failed to find a strong presumption of guilt that some of the views of TE Steve Wilkins were out of conformity with the Constitutional standards?

Judgment

1. Yes.
2. Yes.

Therefore the Complaint was sustained; Presbytery’s action of April 21, 2007, to deny the Complaint of TE Jones was annulled (*BCO* 43-10);

and the Memorial from Central Carolina Presbytery (CCP) remained before the SJC. [See the judgment in 2006-2 for additional amends.]

Reasoning

It was the opinion of the SJC that LAP erred in two crucial and related ways. First, it failed to apply the proper Constitutional standard for dealing with TE Wilkins' differences. Second, it apparently failed adequately to guard the Church from "erroneous opinions that injure the peace or purity of the Church" (*BCO* 13-9(f)). For Issue One, Presbytery repeatedly asserted that TE Wilkins claimed no further exceptions (beyond five exceptions or reservations he had held since ordination), did not overtly deny or expressly contradict the teaching of the confession and, therefore, could not be found to be in violation of its teaching. Further, LAP argued once that party had asserted that his views are not out of accord with the Constitutional standards, it was the responsibility of other parties to refute that assertion – not the duty of Presbytery to independently ascertain whether the party being examined was correct. However, Presbyteries are to determine whether a candidate or member has any differences with the teaching of the Constitution. A difference does not require overt contradiction or denial. It can arise when a member "quibbles" with the sufficiency of the exegesis underlying the proposition of the Constitution. In several instances, Presbytery's own description of TE Wilkins' statements established that TE Wilkins did state differences with The Confession. Presbytery was required to investigate these differences and classify them under *RAO* 16-3(e)(5). Rather than complying with this affirmative responsibility, LAP asserted that TE Wilkins does not deny or contradict teachings of the Constitutional standards and concluded that the standards had not been violated. That conclusion was in error for two specific reasons. First, as mentioned above, it applied a non-constitutional standard as to what constitutes a "difference". Second, the duty to evaluate the difference rests squarely on the shoulders of the Presbytery. It may not defer to the examined party's claim that his view is not in conflict with the Constitution; Presbytery must make that determination on its own. For Issue Two, the record was clear that TE Wilkins expressed views that differed at key points from the Constitutional standards. Given the nature of those apparent differences, it was the conclusion of the SJC that there was a strong presumption from the records that LAP did, in fact, neglect its duty to "condemn erroneous opinions which injure the purity or peace of the Church" when it found "no strong presumption of guilt in any of

the charges contained [in the Memorial of CCP] and exercise[d] its prerogative not to institute process regarding those allegations;” and when it acted to deny the Complaint of TE James Jones. In the following four areas, the stated views of TE Wilkins differed from the Constitutional Standards and did so in ways that fairly raised questions as to whether the views were hostile to the fundamentals of the system of doctrine: (a) concerning election, (b) concerning perseverance and apostasy, (c) concerning visible/invisible church, (d) and concerning baptism. A full reasoning of how the stated views of TE Wilkins differ in these four areas can be found in the full report of the case.

Key Words – investigation, teaching, paedocommunion, differences and exceptions, Federal Vision, Auburn Avenue, Lord’s Supper, *BCO* 13-9, 31-2

2007-09 Eliot Lee v. Korean Eastern

M37GA, 2009 Orlando, p. 132. Sustained 20-0. C-Op. See also Case 2007-10.

Summary

The Complainant alleged that Korean Eastern Presbytery (KEP) erred 1) by authorizing a Presbytery commission to act on behalf of the Session of Hudson Korean Presbyterian Church (HKPC) and 2) by approving the actions of the committee when it filed civil action, including a restraining order, against the Complainant.

Issue

1. Did KEP err when it empowered and authorized the Pulpit (Stated Supply Approval) Commission to act on behalf of HKPC Session at the 01-26-07 Called Stated Meeting?
2. Did KEP err when it approved and ratified actions of the KEP Executive Committee, the actions of the Pulpit (Stated Supply Approval) Commission, and when it filed a civil action against TE Lee seeking among other things a restraining order against TE Lee and to adjudicate ecclesiastical matters?

Judgment

1. Yes. All actions and decisions made by the Pulpit (Stated Supply Approval) Commission in regard to its acting on behalf of the HKPC Session (and Church) were annulled, and any HKPC funds so expended were to be returned to HKPC by KEP, if the congregation so requested.

2. Yes. The Complaint filed by KEP and the Pulpit (Stated Supply Approval) Commission, acting on behalf of the HKPC Session (and Church), in the New Jersey state court sought to adjudicate ecclesiastical matters that were clearly within the jurisdiction and oversight of the courts of the PCA, i.e. who was the rightful pastor of HKPC and authorizing the Pulpit (Stated Supply Approval) Commission to act as the Session of HKPC.

Reasoning

In Case 2007-09, KEP erred when it empowered and authorized the Pulpit (Stated Supply Approval) Commission to act on behalf of the HKPC Session. The ROC was clear that neither the Session of HKPC nor the congregation of HKPC ever consented, voted or asked KEP to add additional members to the Session or to allow KEP to act on behalf of the HKPC Session. KEP acted on its own accord, without the consent of those to be governed, and in doing so breached a fundamental element of PCA polity (*BCO* 16-2). In Case 2007-10, KEP, under our Constitution, was granted the power to do certain things and take certain actions in *BCO* 13-9, utilizing the civil courts of this land to enforce its decisions and coerce obedience to its actions. This should not be construed to mean that a church court is prohibited from the civil courts to resolve purely civil matters, such as trespass or breach of contract. It was noted that KEP decided to file the lawsuit in civil court during an informal “call around” and no minutes of the action exist. This action conflicts with RONR (10th ed., pp. 482-83), because KEP did not conduct “such a meeting...by a technology that allows all persons participating to hear each other at the same time...”

Key Words – civil courts, stated supply, *Robert’s Rules of Order*, *BCO* 16-2

2007-10 Eliot Lee v. Korean Eastern

M37GA, 2009 Orlando, p. 132. This case was heard with Case 2007-09. For the summary, issues, judgment, and reasoning for this case, see Case 2007-09.

2007-11 Appeal of Eliot Lee v. Korean Eastern

M37GA, 2009 Orlando, p. 144. Sustained 20-0.

Summary

The Appellant alleged that Korean Eastern Presbytery (KEP) erred in proceeding to trial. The SJC reversed the censure of deposition and excommunication.

Issue

Did KEP err when it proceeded to the trial of TE Lee?

Judgment

Yes. KEP's disposition and excommunication of TE Lee was reversed and rendered. As pastoral counsel (and not in any way to be construed as a formal censure), the SJC encouraged TE Lee to be more circumspect, charitable, open minded, and humble in dealing with his brethren in the future.

Reasoning

While this Appeal presented many issues, procedural errors by KEP seemed to override the necessity of discussing all errors in this Reasoning. However, three errors should be mentioned. First, the ROC did not provide evidence that KEP met the requirements of *BCO* 32-3 in regard to the serving of the Indictment and Citation upon TE Lee. Second, the ROC did not provide evidence that KEP met the requirements of *BCO* 32-7. Third, the ROC evidenced KEP's failure to provide TE Lee with 14 days' notice of the trial, as required by *BCO* 32-3.

Key Words – citation, notice, pastoral counsel, *BCO* 31-2, 32-3, 32-7

2007-12 Grady v. Southwest Florida

M36GA, 2008 Dallas, p. 125. Sustained 12-2. C-Op.

Summary

The Complainant alleged that Southwest Florida Presbytery (SWFP) erred by including in its Minutes a Committee report with a finding of sins and errors of a TE. The SJC ruled that that action essentially imposed censure of admonition without due process.

Issue

Did SWFP err when it read into its minutes of the May 8, 2007, stated meeting the Shepherding Committee's report which contained a finding of "sins and errors" concerning TE Grady?

Judgment

Yes. SWFP erred by reading into the minutes of its May 8, 2007, stated meeting the report of the Shepherding Committee which contained a finding of “sins and errors” based on unsubstantiated and unproven opinions about TE Grady in violation of his due process. Therefore, SWFP was directed to expunge the Shepherding Committee’s report from their minutes for May 8, 2007.

Reasoning

In this particular case, the actions of SWFP on May 8, 2007, effectively imposed the censure of admonition without due process (*BCO* 30-1, 2). The SJC recognized that a committee of Presbytery may reach, without judicial process, an opinion that a teaching elder has engaged in “sins and errors” (see for example *BCO* 31-2), and that such an opinion may even be included in the minutes of Presbytery as the opinion of the committee. However, in this case Presbytery appeared to adopt or endorse the findings of the committee by “concur[ring]” in the recommendation of the committee, “effectively making it the recommendation of Presbytery as a whole.” Further, Presbytery directed that the committee report be read to the teaching elder’s congregation. In so making the committee’s recommendation the action of Presbytery and in making the report public, without making clear that Presbytery had not adopted the portions of the report alleging sin by the teaching elder, Presbytery effectively admonished the teaching elder without due process.

Key Words – due process, presbytery committee, *BCO* 30-1, 2, 31-2

2007-13 Kniseley et al. v. Rocky Mountain

M37GA, 2009 Orlando, p. 150. Not sustained 15-4. C-Op. D-Op.

Summary

The Complainant alleged that Rocky Mountain Presbytery (RMP) erred by allowing a church to title a female staff person as Minister of Church Life.

Issue

1. Did RMP err when it “acknowledge[d] that the title ‘minister’ as used in the *BCO* is synonymous with ‘pastor’ and ‘teaching elder,’”
2. Did RMP err, that it also “acknowledge[d] that the title ‘minister’ has been used in a general or generic manner and in this general way may be used for unordained church staff members.”

Judgment

1. No. The *BCO* uses the title “minister” in a specifically defined manner.
2. No. The PCA *BCO* is silent on the general use of the title “minister” for non-ordained staff.

Reasoning

This decision dealt only with the constitutional issue and does not address the *wisdom* or *propriety* of using the title “minister” in a general manner. Our decision was limited to a decision which was based upon the ROC and the constitutional documents of the PCA. The title “minister” as used in the *BCO* defines and directs the internal operation of the church and is used synonymously with the titles “teaching elder” and “pastor.” While recognizing that the term “minister” is used in a general sense in many churches, the issue in this case was whether churches are at liberty, in some situations, to use terms in a broader, more informal and non-technical sense which the *BCO* uses in a restricted, formal, and technical sense. While recognizing that the *BCO* does not *prescribe* matters involving non-ordained staff hired by local churches (including their titles), it was also important to note that the *BCO* does, at least in some instance, *proscribe* such matters (*BCO* 40-2). The use of the term “minister” (or other such terms from the *BCO* that could be used in a generic sense outside their specific use in the Constitution) for non-ordained church staff members would be proper only where the generic use is made plain to the competent observer by other terms included in the title (e.g., “Minister of Music”), by employing a distinctive means of appointing and commissioning such staff members, and by the way such staff members are publicly acknowledged in relation to the ordained officers of the church.

Key Words – women, ordination, minister, non-ordained staff, *BCO* 40-2

2007-14 PCA vs. Louisiana Presbytery (Trial)

M36GA, 2008 Dallas, p. 128. Admonition 16-1. C-Op. Obj.

Summary

See Cases 2006-02 and 2007-08. Following Cases 2006-02 and 2007-08, the SJC found that Louisiana Presbytery (LAP) failed to reach a decision consistent with the Constitution of the PCA when it found no strong presumption of guilt in any of the charges contained in the Central

Carolina Memorial (CCM) and exercised its prerogative not to institute process against TE Wilkins regarding those allegations. Charge 1 was dismissed after trial. Regarding Charge 2, LAP pled guilty prior to trial and SJC imposed censure of Admonition.

Verdict

Specification 1 – After the trial, Specification 1 was dismissed by the SJC for reasons noted below.

Specification 2 – The Presbytery's guilty plea having previously been entered on Specification 2, the SJC voted to proceed to the imposition of the censure of admonition (*BCO* 32-3, para 3; 36-3) for the reasons noted [in the Reasoning].

Reasoning

Regarding Specification 1, the SJC dismissed Specification 1 against LAP on the grounds that, 1) the SJC could not conclude that Presbytery was *required* by Scripture, the Constitution, or the directives of the SJC to apply *BCO* 21-4 and *RAO* 16-3(e)(5) to the *BCO* 31-2 investigation required by the SJC in Case 2006-02; 2) the SJC recognized and received Presbytery's explanation for their not guilty plea; and 3) while LAP did fail to address TE Wilkins' differences, some of which were out of conformity to the Constitution, all the matters raised in this section were also dealt with in Specification 2. Regarding Specification 2, by entering a guilty plea, LAP acknowledged the matters alleged and confessed its failures as to them. By doing so it was subject to judgment and censure without further process. In light of the withdrawal of TE Wilkins and Auburn Avenue Presbyterian Church from the PCA, there was no practical means by which LAP could make amends for its failure.

Imposition of Censure

For the censure in full, see the full report in *M36GA*, 2008 Dallas, p. 133.

Key Words – Wilkins, paedocommunion, censure, strong presumption of guilt, *BCO* 21-4, 31-2, *RAO* 16-3(e)(5)

2007-15 Sang Chul Choi v. Korean Central
M36GA, 2008 Dallas, p. 75. OOO.

2007-16 Appeal of Grady v. Southwest Florida
M37GA, 2009 Orlando, p. 163. Sustained in part 13-2.

Summary

After announcing his intention to resign following a critical report by a Southwest Florida Presbytery (SWFP) Shepherding Committee (SC), the pastor of Faith Presbyterian Church (FPC), TE John Grady, changed his mind and the congregation of FPC voted against dissolving his call. TE Grady was later found guilty at trial on three charges and was indefinitely suspended from office. His Appeal alleged seven specifications of error. The SJC sustained the convictions but vacated suspension and dissolution of call, and remanded the case to Presbytery for reconsideration of both.

Issue

1. Did Presbytery err in its judgment by using documents not introduced into evidence?
2. Did Presbytery err in its judgment by committing irregularities and refusing reasonable indulgence to the Appellant?
3. Did Presbytery err in its judgment by suspending TE Grady under *BCO* 31-10?
4. Did Presbytery err in its judgment in application of *BCO* 35-3, 35-10, and 32-20?
5. Did Presbytery err in its judgment by manifesting prejudice against the Appellant?
6. Did Presbytery err in its judgment in its interpretation of “subjection to the brothers?”
7. Did Presbytery err in its judgment in allowing inappropriate questions?

Judgment

1. No.
2. Yes, but the error was not materially prejudicial to the accused.
3. Issue 3 was not properly before the SJC.
4. No (regarding *BCO* 32-20 and 35-3), and Yes (regarding *BCO* 35-10, but the error was not materially prejudicial to the accused).
5. No.
6. Yes.
7. No.

The judgments of SWFP in this case were affirmed in part and reversed in part (*BCO* 42-9), and the case was remanded to Presbytery with the instruction that Presbytery reconsider the censure.

Reasoning

For Issue One, the Appellant contended that Presbytery based its judgment in large part upon a report by the SWFP's SC report which was presented to Presbytery. Since the SC report was never marked as an exhibit at the trial of this matter and was never entered into evidence, the Appellant claimed that any reference to it was prejudicial and required reversal of the judgment rendered by Presbytery. However, the Appellant's claim that the judgment was based upon the SC report was not supported by the sections of the judgment making specific findings of fact regarding the Appellant's guilt. Therefore, the Appellant's claim was mistaken. For Issue Two, the Appellant contended that the trial court was required to rule on a dozen "motions, notations, and objections" (MNO) presented by his counsel at his arraignment. Presbytery rightly observed that the *BCO* does not require a pre-trial ruling or hearing on such matters. Nonetheless, the disposition of these MNOs should have occurred at the beginning of the trial rather than during or after. However, the Appellant did not demonstrate that the timing of the court's rulings on his MNO's resulted in actual harm to his defense. For Issue Three, in this instance the arguments of the parties were not relevant because this matter was not properly before the SJC. For Issue Four, *BCO* 32-20 contains a caveat that a one-year window exists in which to commence process (in case of scandal), except if the offense "has recently become flagrant." The SJC found that Presbytery exercised appropriate discretion in their determination to commence process after the one-year window. The SJC did, however, sustain the Appellant's assertion that Presbytery misapplied *BCO* 35-10 (and 32-13) regarding telephonic testimony. However, the defense was able to cross-examine these two witnesses and the court's procedural error did not materially prejudice the Appellant. For Issue Five, the Appellant alleged that "the court believed [the Appellant] was manifesting an impenitent spirit by not admitting he was wrong and the court held this against [the] Appellant to the point of manifesting prejudice." He alleged the court "believed that the mere filing of the charges was *prima facie* evidence that they were true..." However, neither of the two examples from the trial commission's 29-page report (cited by the Appellant as evidence of his claim) substantiates the allegation of prejudice against Presbytery. For Issue Six, Presbytery erred in its interpretation of *BCO* 13-9.c and subsequently misapplied *BCO* 21-5 in relation to Grady's June 15 decision to rescind his resignation. It appeared that some members of SWFP held the view that a Presbytery can administratively dissolve a

minister's call, against the wishes of both him and the congregation, relying on the second clause of *BCO* 13.9.c. And so, if Presbytery directs a minister to resign but he declines, he has apparently failed to be in subjection to his brethren because Presbytery has the power to demand it. This misapplication of our Constitution so thoroughly permeated the Presbytery's actions in this matter, especially its censure, that we set aside the censure with directions to Presbytery that it conduct further judicial proceedings to determine what censure might be appropriate. For Issue Seven, the Appellant complained that "as a number of witnesses for the prosecution were concluding their testimony, a member of the judicial commission asked...‘Do you believe that TE Grady is fit for pastoral minister?’" Citing *BCO* 35-5, he asserted this question was out of order in a judicial proceeding. However, Presbytery reported that neither TE Grady nor his counsel objected or "appealed to the court" when this question was asked, and Presbytery contended it was not an inappropriate, frivolous or irrelevant question. The SJC did not find this question violated *BCO* 35-5.

Key Words – ordination vow, evidence, subjection to brethren, resignation, witness, *BCO* 31-10, 35-3, 35-5, 35-10, 32-20

2008-01 Session of Crossroads Community v. Philadelphia
M37GA, 2009 Orlando, p. 176. Not sustained 10-3. C-Op. D-Op. With Case 2008-10.

Summary

The Complainants alleged that Philadelphia Presbytery (PP) erred by licensing and later ordaining a man who held the view that women can serve as Deacons but who also maintained that he would not practice or implement his view.

Issue

1. Did PP err when it approved for licensure a candidate who (1) stated a difference with the *BCO* as to a woman's eligibility to serve in the office of Deacon, but who (2) affirmed that he would conduct his ministry in accordance with the form of government established by the *BCO*?
2. Did PP err when it approved for ordination as a TE, a candidate who (1) stated a difference with the *BCO* as to a woman's eligibility to serve in the office of Deacon, but who (2) while stating some qualifications,

affirmed that he would conduct his ministry in accordance with the form of government established by the *BCO*?

Judgment

1. No.
2. No.

Reasoning

The Complainants in these cases argued that differences with any aspect of our Constitution – the doctrinal standards and the *BCO* – must be handled and judged in the same manner. A candidate for licensure is required to demonstrate basic knowledge of the *BCO* (19-2.b.3). He is not, however, required to make any personal affirmations regarding his approval of it. Nevertheless, in this matter the licensure examination included specific questioning concerning the candidate's views as to the office of Deacon and whether there was Biblical support for the idea that a woman could serve as a Deacon. At the conclusion of the examination, the candidate clearly affirmed his willingness to operate within the parameters required by the *BCO*. So long as a candidate for licensure expresses a willingness to operate in accordance with the parameters established by our *BCO*, he does not violate the standards of our Constitution by questioning whether the provisions of the *BCO* are contrary to Scripture or sound judgment. The Complainants also argued that the *BCO* establishes more than the practices which we agree to operate under as a church body. They claimed that the provisions of the *BCO* are doctrinal in nature and that differences with that doctrine must be judged by the same standard as differences with our confessional standards. Where a candidate for ordination asserts a difference with the *BCO*, our Constitutional standards implicitly require the Presbytery to consider that difference under a three-part inquiry arising out of the third ordination vow (*BCO* 21-5). Applying the standards to the case at hand, the record showed that the candidate satisfied these questions and plainly asserted his willingness to conduct his ministry in conformity with the *BCO*. The SJC was required to give great deference to the judgment of Presbytery on matters of discretion and judgment best addressed by the court with familiar acquaintance with the events and parties (*BCO* 39-3.3).

Key Words – views, women, office, Deacon, diaconate, ordination, exceptions, difference, *BCO* 19-2, 21-5, 39-3.3

2008-02 Hofland et al. v. Eastern Carolina
M37GA, 2009 Orlando, p. 131. Withdrawn.

2008-03 Acree v. Chesapeake
M37GA, 2009 Orlando, p. 131. OOO.

2008-04 Acree v. Chesapeake
M37GA, 2009 Orlando, p. 131. OOO.

2008-05 Acree v. Chesapeake
M37GA, 2009 Orlando, p. 131. OOO.

2008-06 Acree v. Chesapeake
M37GA, 2009 Orlando, p. 131. OOO.

2008-07 Acree v. Chesapeake
M37GA, 2009 Orlando, p. 131. OOO.

2008-08 Soh v. Philadelphia
M37GA, 2009 Orlando, p. 131. OOO.

2008-09 Session of Red Mountain v. Evangel
M37GA, 2009 Orlando, p. 193. Sustained 19-0.

Summary

A husband complained to Evangel Presbytery (EP) that the Session of Red Mountain Church (RMC) failed to indict his wife for allegedly pursuing an unbiblical divorce. Presbytery sustained his Complaint. The Session then filed a complaint to the SJC against this action by Presbytery.

Issue

1. Did Presbytery err when it determined that in response to Dr. Carl Walker's charge of March 7, 2007, the RMC Session failed to rule biblically, specifically, and authoritatively on whether or not the divorce suit brought by Melanie Walker violated the Scripture?

2. Did Presbytery err when it determined that the RMC Session improperly based its decision, in part, on a finding that there was no strong presumption of guilt that Mrs. Walker's suit violated the Scripture?
3. Did Presbytery err in the way it handled its judicial commission report to the Presbytery.
4. Did Presbytery err when, by its adoption of the Presbytery Commission's revised report, it found that Melanie Walker did not have biblical grounds for divorce?

Judgment

1. Yes.
2. Yes.
3. Yes.
4. Yes.

Reasoning

For Issue One, the SJC found that the Session gave due attention to the passages of Scripture that speak to the matter of divorce, and sought to articulate its understanding to those passage to Dr. Walker as well as to EP. Regarding the Session's alleged failure to rule specifically on this matter, the assertion appeared to rest upon the Presbytery's assumption that all Session interactions with members in difficulty must be conducted by the full Session (rather than through deputed agents of the Session). Finally, while the Session of RMC could have been more forthright in communicating with both Dr. and Mrs. Walker, the SJC found that the Session did give a clear ruling that accorded with the reality of the situation at the time of the ruling. For Issue Two, Carl Walker's November 26 Complaint charged the Session with "...the error and delinquency of the Session...not to prosecute the charge of un-biblical divorce in the case of Carl and Melanie Walker..." Dr. Walker expected the Session to investigate what he considered to be a charge against his wife and to find a strong presumption of guilt by which to prosecute her. The nature of the matter before RMC Session and the relief Dr. Walker clearly expected made the Session's consideration of this matter (according to *BCO* 31-2) reasonable and appropriate. For Issue Three, the ROC indicated that the Presbytery Judicial Commission presented a partial report, and that the Commission modified its previously distributed written report during the lunch break, following discussions by the floor. Such action violated *BCO* 15-3. For Issue Four, the SJC was unconvinced that the Presbytery could rightfully determine from the indirect evidence it had before it that Mrs. Walker's divorce

was in fact unbiblical. The SJC also found itself in agreement with the Complainants' contention that the instruction for the Session to engage Mrs. Walker in accordance with Matthew 18 presupposed that she was in sin and judged her apart from due course. By the ruling, the SJC was neither affirming nor denying that Mrs. Melanie Walker had biblical grounds for her divorce from Dr. Carl Walker. What the SJC was affirming was that on March 7, 2007, when Dr. Walker asked for a ruling from his Session on whether his wife's pursuit of a divorce was biblical or not, the Session acted in such a way that no clear error is manifested that would lead a higher court rightly to sustain a Complaint against that action in accordance with *BCO* 39-3, paragraphs 2, 3.

Key Words – divorce, physical abuse, secret audio recording, Matthew 18, *BCO* 31-2, 39-3, 43-10

2008-10 Grasso et al. v. Philadelphia

M37GA, 2009 Orlando, p. 176. Heard with Case 2008-01.

2008-11 Broadwater et al. v. Chesapeake

M38GA, 2010 Nashville, p. 130. Sustained 18-3.

Summary

After the Session of Grace Reformed Presbyterian Church of Relay, MD (GRPC) sent a Reference to Chesapeake Presbytery (CP) concerning the transfer of one of its members, CP granted a *BCO* 33-1 petition from three Sessions and appointed a Commission to assume original jurisdiction over GRPC. The Complainant alleged that CP erred in this action.

Issue

1. Did CP err when it appointed a commission empowered (1) to take original jurisdiction over GRPC for those matters requested by two or more Sessions in the Presbytery, (2) to charge the commission with conducting investigations, instituting process, and conducting other proceedings as duly required by our constitution, (3) to require the commission to take sworn testimony of those parties and witnesses pertinent to its investigation as a matter of record for its proceedings, and (4) to rule on each matter *ad seriatim*?
2. Did CP err when it appointed a commission empowered to receive the Reference from GRPC and include it into the mandate for the new commission?

Judgment

1. Yes, with respect to that portion of the Commission's assignment to proceed under *BCO* 33-1 (Statement of Facts 3A), that portion of the Presbytery's action was vacated.
2. No, with respect to that portion of the Commission's assignment dealing with the Reference (Statement of Facts 3B), that portion of the Presbytery's action stood.

Reasoning

A Presbytery has no authority to assume original jurisdiction except under the conditions of *BCO* 33-1, including "if the Session refuses to act in doctrinal cases or instances of public scandal" or if two other Sessions of churches in the same Presbytery so request it in order to initiate proper or appropriate action. However, the letters from the three churches to Presbytery contained no specific allegations that the Session of GRPC had refused to act in this particular matter. The Presbytery, in appointing the commission, made no preliminary finding of fact that the Session had refused to act in a case of process, nor did they explicitly charge the commission with making such a determination before proceeding under *BCO* 33-1. The Presbytery, through its commission, assumed original jurisdiction over the matter without any showing or finding (based upon the ROC) that the Session had refused to act in a case of process. The Presbytery could have appointed a commission to determine whether jurisdictional facts existed under *BCO* 33-1. This determination could have been adopted, or not, by the Presbytery, and this determination would have been subject to later judicial review. However, this is not what Presbytery did. The Presbytery, through its commission, assumed original jurisdiction without showing or finding that the Session had refused to act in a case of process.

Key Words – original jurisdiction, *BCO* 33-1

2008-12 Appeal of Malone v. Metro New York

M37GA, 2009 Orlando, p. 131. OOO.

2008-13 Meyerhoff v. Chesapeake

M38GA, 2010 Nashville, p. 133. Moot 21-1. In light of the decision in Case 2008-11.

2008-14 White v. Siouxlands

M38GA, 2010 Nashville, p. 135. Sustained 22-1. C-Op. D-Op.

Summary

The Complainant alleged that Presbytery of Siouxlands (PS) erred by not appointing a *BCO* 31-2 committee to investigate a minister's alleged Federal Vision view.

Issue

Did PS err when it denied a Complaint seeking the appointment of a committee to conduct a *BCO* 31-2 investigation?

Judgment

Yes, and the matter was sent back to PS with instructions to conduct a *BCO* 31-2 investigation as to whether or not TE Greg Lawrence holds or is preaching/teaching views with respect to the Covenant of Works or other doctrines associated with the so-called Federal Vision theology that are contrary to the doctrinal standards of the PCA.

Note: Eleven Cases followed, between Cases 2008-15 and 2009-10, which arose out of related circumstances in Western Carolina Presbytery. All Decisions were reported to the 38th GA in Nashville.

Reasoning

The Complainant alleged that PS failed to carry out its responsibility under *BCO* 31-2 when it neglected "to erect a judicial committee or commission to investigate reports affecting one of its members." The Respondents argued that, to act under *BCO* 31-2, Presbytery must establish the "validity" of the report in question. Based upon the "questionable nature of the evidence presented," the Respondents questioned the meaning of the term "report" in *BCO* 31-2 and held that PS was justified in refusing to appoint an investigating committee. However, the SJC found that the matters and evidence brought by the Complainant before PS indeed constituted reports (not "hearsay") that should have provoked Presbytery's investigation under *BCO* 31-2.

Key Words – evidence, report, ordination, examination, Federal Vision, Covenant of Works, *BCO* 31-2

2008-15 Smith v. Western Carolina

M38GA, 2010 Nashville, p. 156, 170. Sustained 21-0.

Summary

This case arose following a conflict in 2007 at Friendship Presbyterian Church (FPC) in Black Mountain, NC, between a TE and an RE regarding the RE's viewpoints on, and material he circulated related to, race. The Complainant alleged five errors regarding Presbytery's handling of the matter. The SJC sustained two Complaints due to a congregational meeting being judged as illegitimate.

Issue

1. Did Presbytery err at its called meeting on June 17 when it appointed the Inman Commission to consider and handle the Reference from the Session?
2. Did Presbytery err at its called meeting on August 19 when it considered requests from the congregation arising from a congregational meeting on August 7?
3. Did Presbytery err at its called meeting August 19 when it approved a motion to declare in its Minutes that the August 6 Session action canceling the August 7 congregational meeting was not "wise, equitable or suited to promote the welfare of the church...?"
4. Did Presbytery err at its called meeting August 19 when it declined to adopt a motion to cite the Session to appear and answer per *BCO* 40-5?
5. Did Presbytery err at its called meeting August 19 when it appointed the Sealy Commission?

Judgment

1. No.
2. Yes.
3. No.
4. No.
5. Yes.

Reasoning

For Issue One, when a Presbytery appoints a Commission to handle a Reference, the congregation does not need to consent to the specific men on that Commission. Contrary to the Complainant's assertion, Presbytery did not "take over governance of the congregation." Its role was far more limited and clearly permissible. For Issue Two, because the Session of FPC had voted 2-1 on August 6 to cancel the congregational meeting of August 7, the meeting was not legitimate. The Session had the right to cancel the meeting at any time prior to its convening. Further, the

Presbytery erred at its August 19 meeting in that it “took original jurisdiction under *BCO* 13-9 to act on FPC’s request to dissolve the relationship of RE Linton and Pellom and conduct a review of *BCO* 24-7.” Therefore, all actions taken by the congregation on August 7, 2008 were invalid. For Issue Three, while the action of the Session to cancel the August 7, 2008, congregational meeting was constitutional, the SJC did not find that Presbytery had erred in its declaration that the Session’s action was not wise or suited to promote the welfare of the Church, even if those actions may be constitutional. For Issue Four, the SJC did not find that Presbytery violated the Constitution when it declined to adopt the motion to formally follow *BCO* 40-5, and therefore this specification of error was not sustained. No evidence was provided in the record to demonstrate the nature of the “credible reports” that the Complainants argue should have triggered *BCO* 40-5. For Issue Five (see also Issue Two), since the August 7 congregational meeting was illegitimate, there was no valid dissolution request for Presbytery or its Sealy Commission to consider. So the October 23 decision of the Commission declining to dissolve the calls of REs Linton and Pellom was voided, as are all other Presbytery actions and any Complaints related to it.

Key Words – Reference, race, congregational meeting, original jurisdiction, *BCO* 13-9, 24-7, 40-5

2008-16 Hutchinson and Bulkeley v. Western Carolina
M38GA, 2010 Nashville, p. 156, 173. Not sustained 21-0.

Summary

This case arose following a conflict in 2007 at Friendship Presbyterian Church (FPC) in Black Mountain, NC, between a TE and an RE regarding the RE’s viewpoints on, and material he circulated related to, race. The Complainants alleged that Western Carolina Presbytery (WCP) erred in how it handled the RE’s confession. (The Case was referred to Presbytery by the Session.)

Issue

Did Presbytery err at its stated meeting August 2 in how it handled RE Payne’s confession?

Judgment

No.

Reasoning

A Presbytery Commission conducted a *BCO* 31-2 investigation, found a strong presumption of guilt, and assisted the accused in preparing his confession per *BCO* 38-1 Case Without Process. In their brief, the Complainants asked the SJC to direct Presbytery to amend its August 2 decision and not consider this a “full” statement of the facts. In addition, they asked the SJC to determine that “a strong presumption of guilt has indeed been raised with regard to other sins beyond Neill Payne’s statement to Presbytery,” and to institute process, appointing a prosecutor to prepare the indictment and to conduct the case.” These amends, asking SJC to rule that a strong presumption of guilt exists on sins not yet confessed, were akin to asking SJC to assume original jurisdiction. If there were sins additional to what Mr. Payne confessed, the Complainants can present formal charges against him to his Session.

Key Words – confession, race, statement, case without process, *BCO* 31-2, 38-1

2008-17 Hutchinson and Bulkeley v. Western Carolina *M38GA*, 2010 Nashville, p. 156, 174. Not sustained 21-0.

Summary

This case arose following a conflict in 2007 at Friendship Presbyterian Church (FPC) in Black Mountain, NC, between a TE and an RE regarding the RE’s viewpoints on, and material he circulated related to, race. The Complainants alleged that Western Carolina Presbytery (WCP) erred by not suspending the RE from sacraments in addition to imposing indefinite suspension from office (in a *BCO* 38-1 case without process).

Issue

Did Presbytery err at its stated meeting August 2 by not also suspending RE Payne from the Sacraments, in addition to indefinitely suspending him from office?

Judgment

No.

Reasoning

The Complainants alleged that Presbytery was “knowingly allowing an unrepentant sinner to be admitted to the Sacraments” by not also suspending RE Payne from the Sacraments. They also asserted that an

unrepentant man cannot be said to be “in good standing” and therefore, should be barred from the Lord’s Supper per *BCO* 58-4. Furthermore, they cited *BCO* 58-2 and *WLC* Q173 which teach that the “ignorant and scandalous are not to be admitted to the Lord’s Supper.” Apparently, the Presbytery did not deem Mr. Payne to be in either of those categories after his confession, and believed indefinite suspension from office to be the appropriate censure. Indeed, according to the *BCO*, there could likely be several instances in which a court chooses to indefinitely suspend a man from office, but not from the Sacraments. The SJC did not find that the Presbytery had erred in constitutional interpretation, and therefore gave “great deference” to them in this decision involving “discretion and judgment” (*BCO* 39-3.3).

Key Words – sacraments, Lord’s Supper, repentance, confession, race, suspension, *BCO* 30-3, 36-5, 37-3, 38-1, 58-2

**2008-18 Hutchinson and Bulkeley v. Western Carolina
M38GA, 2010 Nashville, p. 156, 178. Not sustained 21-0.**

Summary

This case arose following a conflict in 2007 at Friendship Presbyterian Church (FPC) in Black Mountain, NC, between a TE and an RE regarding the RE’s viewpoints on, and material he circulated related to, race. The Complainants alleged that Western Carolina Presbytery (WCP) erred in its Commission’s opinion regarding an RE’s views related to race and IQ which he expressed in an email.

Issue

Did Presbytery err in its Commission’s opinion regarding the views of Mr. Payne, specifically, those expressed in his November 26, 2007, e-mail?

Judgment

No.

Reasoning

The Complainants alleged that Presbytery erred when its Commission failed to condemn the views of RE Payne specifically expressed in a November 26, 2007, email circulated to 19 members and non-members. However, the SJC did not find that the decision of Presbytery was errant

and therefore, this specification of error was not sustained. The Presbytery, through its Inman Commission, expressed its opinion in adopting two motions with rationale (pp. 38-39 of ROC 2008-15 and at July 15 in the Summary of Facts), including that such views, while “not in themselves explicitly out of accord with the Constitution of the church...may have an understandable opprobrium and odium attached to them because of their association with reprehensible views and conduct.” The SJC stated that it certainly does not believe that the Bible teaches the “fate” of a nation depends primarily on the intelligence of its people or their race, or that God’s blessings are based on those criteria either. But the SJC does not have before it a “statement of views” sufficiently presented for SJC to render a judgment and therefore, we defer to Presbytery’s evaluation of the matter. The SJC stated that the Complainants could consider presenting this email as a piece of evidence if they chose to deliver formal charges against Mr. Payne to his Session. In addition, the Session could query him about this email as they considered whether and when to lift his indefinite suspension.

Key Words – race, views, email, evidence

2009-01 Smith v. Western Carolina

M38GA, 2010 Nashville, p. 179. Answered by reference to Decision in Case 2008-15.

2009-02 Smith v. Western Carolina

M38GA, 2010 Nashville, p. 182. Not sustained in main part 21-0.

Summary

This case arose following a conflict in 2007 at Friendship Presbyterian Church (FPC) in Black Mountain, NC, between a TE and an RE regarding the RE’s viewpoints on, and material he circulated related to, race. Western Carolina Presbytery (WCP) investigated the views published by the RE on race and IQ and initially found no strong presumption of guilt, but later sustained a Complaint (hereafter Hutchinson Complaint) and reversed the finding. This new Complaint alleged that the reversal was an error. The SJC remanded the case to Presbytery for process.

Issue

Did Presbytery err on November 18, 2008 when it sustained the Hutchinson complaint, to wit: By this Complaint I am requesting that we

correct our error by reversing the action and judgment of the Commission, publicly declaring, at the very least, that the view, “that relative average intelligence quotient can be correlated to race on a continuum, with ‘Oriental’ as superior, followed by ‘White’ then ‘Brown’ (Hispanic) then ‘Black’ in descending order,” is indeed out of accord with the Constitution of our Church; and publicly declaring that holding to such a view is indeed a violation of Christian liberty, destroying the very purpose of the liberty Christ has purchased for believers under the gospel, whereby there is neither Jew nor Gentile, for we are all one in Christ Jesus (Galatians 3:28)”?

Judgment

Yes, in part, and No, in part. We did not find that Presbytery erred in its November 18 decision to reverse its previous decision, which did not find a strong presumption of guilt on the matter of views. This was a matter of discretion and judgment on which the higher court must afford great deference (*BCO* 39-3.3). However, the SJC was not hereby rendering any opinion on the merits of that decision or the reasoning in the Hutchinson Complaint. We found that Presbytery erred procedurally by immediately adopting a judgment against RE Payne’s views without process. The SJC annulled the declaration made by Presbytery regarding RE Payne’s views, and remanded the case to WCP for adjudication.

Reasoning

The effect of Presbytery’s action in sustaining TE Hutchinson’s Complaint on November 18, 2008, was to reverse its prior finding that there was not a strong presumption of guilt against RE Neill Payne regarding his views. By sustaining the Complaint, WCP ruled in essence that there was a strong presumption of guilt against Mr. Payne regarding his views. And since Presbytery ruled that there was a strong presumption of guilt regarding his views, the case was remanded to Presbytery to take the next appropriate Constitutional steps and commence process against RE Payne on the matter of his views or rescind their Nov. 18 decision that there was a strong presumption of guilt and drop the matter.

Key Words – investigation, race, presumption of guilt, *BCO* 15-3, 31-2

2009-03 Leissing v. Western Carolina

M38GA, 2010 Nashville, p. 180. 21-0. See Case 2008-15.

Summary

This case arose following a conflict in 2007 at Friendship Presbyterian Church (FPC) in Black Mountain, NC, between a TE and an RE regarding the RE's viewpoints on, and material he circulated related to, race. Western Carolina Presbytery (WCP) appointed a Commission (hereafter Sealy Commission) to "deliberate and act upon the congregation's request for the dissolution" of its relationship with two of its REs under the provisions of *BCO* 24-7.

Issue

Did Presbytery err at its stated meeting on November 7, 2008, when voted to reverse the October 23 decision of its Sealy Commission, thereby granting the congregation's August 7 request and dissolving the calls of REs Linton and Pellom?

Judgment

This Complaint was answered by reference to the SJC decision in issue 5 in Case 2008-15, when it ruled that Presbytery erred when it appointed the Sealy Commission.

Key Words – non-judicial commission, dissolution, race, *BCO* 24-7

2009-05 Payne v. Western Carolina

M38GA, 2010 Nashville, p. 197. Not sustained 21-0.

Summary

The Complainant alleged that Western Carolina Presbytery (WCP) erred procedurally in a *BCO* 31-2 investigation of a TE and erred in not finding a strong presumption of guilt.

Issue

1. Did Presbytery err in how it conducted the 31-2 investigation of accusations related to TE Bulkeley?
2. Did Presbytery err at its stated meeting on February 28, 2009, when it judged there was not a strong presumption of guilt related to accusations made against TE Bulkeley?

Judgment

1. No.
2. No.

Reasoning

The Complainants alleged two primary irregularities with the process that Presbytery followed, arguing that the conclusion would have been different if a different process had been followed. They alleged that 1) it was error for the Investigating Committee not to interview any of the people who sent grievance letters to Presbytery, and 2) the process took far too long. The SJC stated that *BCO* 31-2, however, does not specify any particular procedures for a court to follow for investigations. It enjoins them to use “due diligence” but also affords them “great discretion.” It does not stipulate a timeline, composition of the investigating body, interview requirements, etc. In different situations, prudence and wisdom may dictate different procedures. It is up to the investigating court to determine those procedures, subject to review by a higher court. For Cases 2009-09 and 2009-10, the SJC found that neither had standing to bring a Complaint because they were not under the jurisdiction of said court (*BCO* 43-1 and 11-4).

Key Words – evidence, interviews, jurisdiction, grievance letter, *BCO* 31-2

2009-06 Bordwine v. Pacific Northwest

M38GA, 2010 Nashville, p. 208. Sustained 17-2. C-Op. D-Op. Obj.

Summary

The Complainants alleged that Pacific Northwest Presbytery (PNW) erred by declining to indict TE Peter Leithart after investigation into the views he expressed related to the “9 Declarations” adopted by the 37th GA in Orlando, which were recommended by the study committee on Federal Vision, New Perspective, and Auburn Avenue Theologies. The SJC, in essence, instructed Presbytery to indict and proceed to trial.

Issue

Did Presbytery err in its handling of the Reports from the Presbytery Study Committee appointed to examine Leithart’s fitness to continue as a PCA TE?

Judgment

Yes. The Complaint was sustained, and the case was sent back to Presbytery with instructions to proceed according to the Reasoning and Opinion of this Decision.

Reasoning

The Record in this matter suggested that there were aspects of the teachings of TE Leithart that were in conflict with our standards. These teachings could have reasonably been deemed to be injurious to the peace and purity of the Church (*BCO* 13-9.f). However, without formal judicial process, PNW did not have the authority to render a definitive judgment as to whether those teachings strike at the vitals of religion or were industriously spread (*BCO* 34-5, 34-6). In light of these findings, PNW was directed to proceed, as follows:

- (1) Pursuant to *BCO* 31-7, PNW may counsel TE Leithart that the views set forth above constitute error that is injurious to peace and purity of the church and offer him pastoral advice on how he might recant and make reparations for those views or, if he is unwilling or unable in conscience to do so, that he is free to take timely steps toward affiliation with some other branch of the visible church that is consistent with his views;
- (2) If said pastoral advice is not pursued or fails to result in TE Leithart's recanting or affiliating with some other branch of the visible church before the Fall Stated Meeting of PNW, then PNW shall take steps to comply with its obligations under *BCO* 31-2.

Key Words – Federal Vision, 9 Declarations, New Perspectives on Paul, Auburn Avenue, *BCO* 13-9, 31-7, 34-5, 34-6

2009-07 Urish v. Rocky Mountain

M38GA, 2010 Nashville, p. 235. Not sustained 20-0. C-Op.

Summary

The Complainants alleged that Rocky Mountain Presbytery (RMP) erred by ordaining a man who held that women could, under Session authority, teach (but not preach) in a church. This view was based on the candidate's exegesis of 1 Timothy 2:12.

Issue

Did RMP err in sustaining a candidate for ordination's theological examination when that candidate would in various ministries of the church, exclusive of preaching, allow a woman to teach from Scripture to men and women, all under the authority of the Session?

Judgment

No.

Reasoning

While many of the SJC had questions about the candidate's exegesis of 1 Timothy 2:11-15, we did not find sufficient evidence in the record or arguments to require the conclusion that Presbytery erred in not finding the expressed views call into question his ability to affirm the first ordination vow. Further, the candidate in this case expressly rejected the following – that a woman could serve as an elder; that a woman could preach in public worship; and, that a woman could teach the Scriptures in any church ministry context outside of the express oversight and authoritative governance of the church Session. With these express limitations of a woman's role in place, the Presbytery examined the candidate as to the basis for his exegesis of 1 Timothy 2:11ff – essentially that Paul forbids "authoritative teaching" (such as preaching), and does not prohibit other forms of teaching that may occur in the ministry life of the church (Sunday school, small groups, breakfast meetings, seminars, etc.). At the conclusion of a discussion of his view, Presbytery voted to sustain his theological exam. There was no motion made to find his view as to a woman teaching out of accord with our system of doctrine. Applying the above standards to the matter before us, the SJC found no basis in the ROC to conclude that the Presbytery committed clear error in affirming the theological examination of the candidate at issue. We found, therefore, no constitutional basis to set aside the judgment of the Presbytery.

Key Words – exegesis, women, teaching, ordination, examination, *BCO* 39-3

2009-08 Linton v. Western Carolina

M38GA, 2010 Nashville, p. 197. Combined with and answered by Decision in Case 2009-05.

2009-09 Lyons v. Western Carolina

M38GA, 2010 Nashville, p. 197. Combined with and answered by Decision in Case 2009-05.

2009-10 Woodward v. Western Carolina

M38GA, 2010 Nashville, p. 197. Combined with and answered by Decision in Case 2009-05.

2009-11 Edison et al. v. Southwest Florida
M38GA, 2010 Nashville, p. 242. Sustained 15-3. D-Op.

Summary

Southwest Florida Presbytery (SWFP) sustained the transfer exam of a TE. A Complaint was later filed against that action, which was sustained. The TE was reexamined but did not pass and Presbytery determined not to approve his call to a church in SWFP and not to receive him into Presbytery's membership. This new Complaint alleged that this reexamination was unconstitutional.

Issue

1. Did SWFP err when it acted "to sustain the Complaint filed against the actions of Presbytery in sustaining the theological exam of Mr. Gregory on February 14, 2009"?
2. Did SWFP err: (a) when it acted as if sustaining the Complaint against its actions with respect to the theological exam of Mr. Gregory on February 14, 2009, of itself, had the effect of rescinding its previous action in sustaining the theological examination and approving the call of TE Gregory, and (b) when it therefore determined "that T.E. Gregory be sent back to the Presbytery as a whole in order to undergo a theological reexamination"?
3. Did SWFP err when it determined "that the SWFP must correct its record of the reception of Bryan Gregory into its membership, and recognize that Presbytery does not have constitutional grounds to approve his call to a church which is a member of our Presbytery...Therefore the mentioned actions which have been determined to have been made in error are now reversed."?

Judgment

1. No.
2. Yes.
3. Yes.

Reasoning

For Issue One, according to *BCO* 43, a Complaint is a "written representation made against *some* act or decision of a court of the Church" [emphasis added]. Clearly the approval of a theological examination and call of a minister qualifies as "some act or decision" which may be liable to Complaint and thus was properly within the

power of the Presbytery to hear and sustain. For Issue Two, although Presbytery had the duty to hear and sustain a Complaint against its action, sustaining the Complaint does not, of itself, correct or invalidate the action(s) complained against. Accordingly, there was no constitutional or parliamentary ground for determining that “TE Gregory be sent back to Presbytery as a whole in order to undergo theological reexamination.” For Issue Three, after the unconstitutional reexamination of TE Gregory, Presbytery did act to rescind motions previously adopted with respect the TE Gregory’s examination, membership, and call. However, *RONR* specifies that membership, having conferred certain rights, can only be removed by whatever disciplinary processes the organization may have adopted for its members. Having already conferred membership upon TE Gregory, SWFP could have no other recourse than to undertake proceedings according to *BCO* 31-2.

Key Words – *Robert’s Rules of Order*, amend, rescind, annul, reexamination, *BCO* 14-7, 19-6, 31-2, 43-10

2009-12 Armes v. Southwest Florida

M39GA, 2011 Virginia Beach, p. 529. Sustained 23-0. See also Case 2009-21.

Summary

The Complainant was excommunicated by the Session of Covenant Presbyterian Church (CPC) in Lakeland, Florida. He filed a Complaint with the Session, which was denied. He then filed a Complaint with Southwest Florida Presbytery (SWFP), but Presbytery advised him that, since he was excommunicated, he was not afforded the privilege of having a Complaint heard. However, prior to the SJC Panel Hearing, the parties agreed to remand the case to Presbytery for a hearing.

Issue

Did SWFP err, by its actions on April 1, 2009 (through its Stated Clerk) and on May 12, 2009, when it ruled Out of Order the Complaint of Paul Armes and denied a hearing to Paul Armes with respect to his Complaint of March 8, 2009, filed against the Session of CPC of Lakeland, Florida, complaining of the Session’s action of February 15, 2009, excommunicating Paul Armes?

Judgment

Yes. This Case was remanded to SWFP.

Reasoning

The Parties stipulated to the Panel that this case should be remanded to SWFP in accordance with the Judgment set forth above.

Key Words – excommunication, out of order, membership

2009-13 Johnson v. Southwest Florida

M38GA, 2010 Nashville, p. 129. OOO.

2009-14 Session of Ellisville Presbyterian v. Grace

M38GA, 2010 Nashville, p. 129. Withdrawn.

2009-15 Robinson v. Metro New York

M38GA, 2010 Nashville, p. 129. JOO.

2009-16 Eliot Lee v. Korean Eastern

M38GA, 2010 Nashville, p. 129. AOO.

2009-17 McNeil v. Chesapeake

M38GA, 2010 Nashville, p. 129. AOO. See also Cases 2009-18, 2009-19 and 2009-20.

2009-18 McNeil v. Chesapeake

M38GA, 2010 Nashville, p. 129. AOO. See also Cases 2009-17, 2009-19 and 2009-20.

2009-19 McNeil v. Chesapeake

M38GA, 2010 Nashville, p. 129. AOO. See also Cases 2009-17, 2009-19 and 2009-20.

2009-20 McNeil v. Chesapeake

M38GA, 2010 Nashville, p. 129. AOO. See also Cases 2009-17, 2009-18 and 2009-19.

2009-21 Armes v. Southwest Florida

M39GA, 2011 Virginia Beach, p. 530. Sustained 21-1. D-Op. See also Case 2009-12.

Summary

The Session of Covenant Presbyterian Church (CPC) excommunicated a man who then alleged that Southwest Florida Presbytery (SWFP) had erred by ruling his Complaint out of order. Presbytery believed this Complaint was simply a restatement of a previous complaint to Presbytery. The SJC remanded the matter to Presbytery.

Issue

Did SWFP err, by its actions on September 12, 2009, when it denied the second Complaint of Mr. Armes as being Out of Order in that it was simply a restatement of his original Complaint then under consideration as SJC 2009-12?

Judgment

Yes. This Case was remanded to SWFP.

Reasoning

The second Complaint contained allegations against the actions of the Session which occurred after the filing of the initial Complaint, and after that Complaint was in progress. Under these circumstances, the second Complaint could not be denied as being “of the same substance” as the first.

Key Words – excommunication, trespassing

2009-22 McNeil v. Chesapeake

M39GA, 2011 Virginia Beach, p. 535. Not Sustained 18-0.

Summary

The Session of Severna Park Evangelical Presbyterian Church (SPEP) found a man guilty at trial of sins in a marriage and imposed the Censure of Admonition. During process, he charged his wife with sin after she filed for divorce, but the Session declined to indict. The Complainant then filed a Complaint with Chesapeake Presbytery (CP). His Complaint was against the Session declining to indict.

Issue

Did the Lower Court err in denying the Complaint against the September 19, 2009, action of CP? but the Complaint against the Sept. 19. 2009, action of CP was made to the SJC, I think. So how could the Lower Court be the one to deny the Complaint?

Judgment

No.

Reasoning

In accordance with *BCO* 39-3.2, “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” and “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.” In addition, the Lower Courts found Mr. McNeil “guilty of being abusive” and imposed a Censure; the Constitution states that “[g]reat caution ought to be exercised in receiving accusations from any person who is known to indulge a malignant spirit towards the accused...[or] who is himself under Censure” (*BCO* 31-8). The ROC demonstrated no clear procedural error on the part of the Lower Court. Moreover, the SJC stated that it found no error in the Lower Courts’ conclusion that Mrs. McNeil did not sin in her Decision to Appeal to the Civil Magistrate for the purpose of protecting herself and her children.

Key Words – divorce, physical abuse, civil magistrate, *BCO* 31-8, 39-3

2009-23 Koerkenmeier v. Illiana

M39GA, 2011 Virginia Beach, p. 538. Sustained 20-0.

Summary

The Complainants alleged that Illiana Presbytery (IP) erred by appointing a Commission (at the request of a TE and an RE) to investigate matters at Center Grove Presbyterian Church (CGPC) (*BCO* 13.9.f) and alleged that IP erred by adopting its report.

Issue

Did IP err when it appointed a Commission to “deal with matters at CGPC” and in adopting the Commission Report on October 17, 2009?

Judgment

Yes, but it was harmless error for which no remedy was necessary.

Reasoning

IP erred in appointing a Commission with such broad powers “to deal with the matters” at CGPC that the Commission appeared to have taken jurisdiction of Members of CGPC. Such broad language as found in the motion to appoint the Commission (p. 539), appeared to empower the Commission to take Original Jurisdiction over any matter within the local congregation, contrary to *BCO* 11-3 and 4, 33-1. However, in this Case, the Complainants conceded that the Commission did not exercise this broad grant of power (to deal with the matters). There was no evidence in the Record that the Commission exercised this broad grant of power and authority; they only acted as would be expected of any Committee, i.e. investigate and make recommendations to the Court. Accordingly, any errors committed by Presbytery were harmless.

Key Words – original jurisdiction, interview, *BCO* 15-1, 15-3

2009-24 Phelps v. Pacific

M39GA, 2011 Virginia Beach, p. 543. Not Sustained 23-0.

Summary

A censured OPC minister joined a PCA church and applied to come under care of Pacific Presbytery (PP), which PP denied. He then became a PCA RE of New Life Burbank Church (NLB). PP investigated the Session’s records and found that no constitutional irregularities were present. The Complainant alleged that Presbytery erred by not citing the Session with an error.

Issue

Did PP err when it denied the Complaint of RE Roger Phelps, dated May 14, 2009?

Judgment

No.

Reasoning

The Complainant contended that, because Presbytery declined to accept Irons as a candidate for the gospel ministry (per *BCO* 18-3), Irons was disqualified for the Office of RE at NLB. This contention was incorrect. Presbytery was not required to find Irons unqualified for the Office of

RE in this specific instance. A central claim of the Complainant in this matter was that because the Office of Elder constitutes “one class of office” and because “Ruling Elders possess the same authority and eligibility to Office in the Courts of the Church as teaching elders” (*BCO* 8-9), there must be an identical standard for eligibility of a man to the Office of Ruling or Teaching Elder. But this was not the case.

Key Words – session records, Ruling Elder, membership, *BCO* 8-9, 18-3

2009-25 Brown v. Northern California

M39GA, 2011 Virginia Beach, p. 548. Sustained 20-0. C-Op. With Case 2009-26.

Summary

Northern California Presbytery (NCP) adopted a recommendation that stated six different views and practices related to the diaconate which were permissible be held and practiced in the Presbytery. These diverse views and practices had already been present in the Presbytery for some time. The Complainants alleged that some of the views and practices were in error.

Issue

Did NCP err when it adopted an abstract statement of what views, with respect to the Office of Deacon, Ministers or Sessions may hold and practice while being “in conformity with the general principles of Biblical polity”?

Judgment

Yes.

Reasoning

At the heart of this matter was the belief that NCP, by adopting the recommendations of its Procedural Committee, determined which views related to the Diaconate may be held and practiced by Ministers, Sessions, and Member Churches of Presbytery. This belief was incorrect. No Court of this Church is authorized to issue an authoritative decree outside of the proper exercise of its jurisdiction. (See, e.g., *BCO* 11-4, *BCO* 12-5, 13-9, 14-6, 31-1, 40-1). No decree of a Court of this Church has binding effect except over those who are expressly under the

jurisdiction of the Court when it issues the decree. (See, e.g. *BCO* 14-7 and OMSJC 19.3 [now 17-3]) Accordingly, the actions of Presbytery against which the Complaints were made were annulled (*BCO* 43-10). This judgment by the SJC neither expressly, nor by implication, rendered judgment on the fidelity, or lack thereof, of the six views set forth in the actions of Presbytery.

Key Words – diaconate, Deacon, Deaconess, ordination, commissioning, *BCO* 9-7

2009-27 Cutler v. Platte Valley
M38GA, 2010 Nashville, p. 129. OOO.

2009-28 Ruff v. Nashville
M39GA, 2011 Virginia Beach, p. 567. Sustained 20-0. C-Op.

Summary

The Complainant alleged that Nashville Presbytery (NP) conducted an inadequate *BCO* 31-2 investigation of a TE and erred in declining to indict. The Presbytery Shepherding Committee (SC) found that the TE had sinned but concluded that there was no strong presumption of guilt.

Issue

1. Did Presbytery err by failing to conduct an adequate investigation pursuant to *BCO* 31-2 after receiving an adverse report concerning the character of one of its members?
2. Did Presbytery err when, on the basis of the evidence before it, it failed to find a strong presumption of guilt as to offenses allegedly committed by one of its members?

Judgment

1. Yes.
2. Yes.

Reasoning

Under the Standing Rules of NP, the SC is charged with exercising both aspects of Church discipline – the general pastoral oversight of Presbytery members and the judicial investigation of those members

when warranted. In its desire to deal “pastorally” with the matters raised in this case, NP failed to fulfill its equally important judicial responsibilities. For the following reasons, the Complaint was sustained and the matter was remanded to the Presbytery for further proceedings consistent with this Opinion. First, the evidence in the ROC concerning the *BCO* 31-2 investigation undertaken by the SC was incomplete and internally inconsistent. Second, neither the SC nor the Presbytery provided any explanation as to how a member’s conduct could be described as “sin,” yet there be no strong presumption of guilt that an offense had occurred. The work of a *BCO* 31-2 investigation is to determine whether there is a strong presumption of guilt that an offense has occurred, not to convict or absolve the person accused of a wrong, or to determine whether the offense alleged is great or small. In the absence of any explanation by Presbytery as to why behavior described as sin was not an offense, the Complaint had to be sustained.

Key Words – strong presumption of guilt, *BCO* 31-2

2009-29 McNeil v. Chesapeake

M38GA, 2010 Nashville, p. 129. AOO. (See also Cases 2009-30 and 2009-31).

2009-30 McNeil v. Chesapeake

M38GA, 2010 Nashville, p. 129. AOO. (See also Cases 2009-29 and 2009-31).

2009-31 McNeil v. Chesapeake

M38GA, 2010 Nashville, p. 129. AOO. (See also Cases 2009-29 and 2009-30).

2009-32 Warren v. Chesapeake

M38GA, 2010 Nashville, p. 129. AOO.

2010-01 McNeil v. Chesapeake

M40GA, 2012 Louisville, p. 522. Abandoned 18-0. The Complainant did not appear at the SJC Panel hearing and did not submit a brief.

2010-02 Cutler v. Platte Valley
M38GA, 2010 Nashville, p. 129. AOO.

2010-03 Appeal of McNeil v. Chesapeake
M39GA, 2011 Virginia Beach, p. 575. AOO 15-0.

Summary

A Commission of Chesapeake Presbytery (CP) found strong presumption of guilt and indicted a congregant. He declined to appear or plead at two arraignments. CP suspended him from sacraments.

Reasoning

The Appeal was judicially out of order because “only those who have submitted to a regular trial are entitled to an Appeal” (*BCO* 42-2). If the Appeal was properly understood to be a Complaint, it is judicially out of order because it was not first made to the Court (i.e. CP) whose act or Decision was alleged to be in error (*BCO* 43-2). The defect of such Complaint could not be cured, as the time limit of thirty (30) days (per *BCO* 43-2) had already passed. Because McNeil was no longer a communing member of the Church in good standing (*BCO* 43-1), any Complaints, other than a Complaint related to the highest censure (*BCO* 30-4), received after the date the notification of McNeil’s censure (January 16, 2010) were to be judicially out of order. This was to remain so until the censure was removed (per *BCO* 37-3) and McNeil was once again a communing member of the Church in good standing.

Key Words – excommunication, *BCO* 30-4, 33-3, 34-4, 42-2, 43-1, 43-2

2010-04 Sartorius et al. v. Siouxlands
M39GA, 2011 Virginia Beach, p. 578. Not sustained 19-1. C-Op. D-Op.

Summary

The Complainants alleged that the Presbytery of Siouxlands (PS) erred in its *BCO* 31-2 investigation of TE Joshua Moon (who defended a different TE accused of holding so-called Federal Vision theology and teaching contrary to the Standards) and by failing to find a strong presumption of guilt.

Issues

1. With respect to certain reports concerning TE Joshua Moon, was PS sufficiently diligent and careful in compliance with its responsibilities under *BCO* 31-2?
2. With respect to certain reports concerning TE Joshua Moon, did PS err in finding TE Moon's testimony a satisfactory explanation concerning the reports and finding no strong presumption of guilt in TE Moon related to the reports?

Judgment

1. Yes.
2. No.

Reasoning

The Complainants held that TE Moon's defense of certain views of TE Lawrence, as views within the permissible latitude afforded by the PCA's standard for subscription, implied that TE Moon shared in the alleged errors of TE Lawrence. But the SJC stated that this was a non sequitur. It may be illustrated as follows: it is widely held that paedocommunion is a permissible minority view within the PCA, but it does not follow that all who consider it permissible, hold to the position of paedocommunion. The Complainants also held that certain views expressed by TE Moon, capable of a heterodox interpretation, must be so interpreted. But this violated 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. The Complainants also held that certain of TE Moon's views implied heterodox doctrines, and therefore imputed those doctrines to TE Moon. 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.

Key Words – paedocommunion, Federal Vision, subscription, charity, ordination, licensure, *BCO* 31-2, 39-3

2010-05 Cutler v. Platte Valley

M38GA, 2010 Nashville, p. 129. AOO.

2010-06 Yuan, An Appeal to the SJC of the PCA Regarding a Minister's Heresy

M38GA, 2010 Nashville, p. 129. AOO.

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2010-07 Sang Chui Choi v. Korean Central
M39GA, 2011 Virginia Beach, p. 528. AOO.

2010-08 McNeil v. Chesapeake
M39GA, 2011 Virginia Beach, p. 528. JOO. See also Cases 2010-09, -10, -11, -12, -13, -14.

2010-09 McNeil v. Chesapeake
M39GA, 2011 Virginia Beach, p. 528. JOO. See also Cases 2010-08, -10, -11, -12, -13, -14.

2010-10 McNeil v. Chesapeake
M39GA, 2011 Virginia Beach, p. 528. JOO. See also Cases 2010-08, -09, -11, -12, -13, -14.

2010-11 McNeil v. Chesapeake
M39GA, 2011 Virginia Beach, p. 528. JOO. See also Cases 2010-08, -09, -10, -11, -13, -14.

2010-12 McNeil v. Chesapeake
M39GA, 2011 Virginia Beach, p. 528. JOO. See also Cases 2010-08, -09, -10, -11, -13, -14.

2010-13 McNeil v. Chesapeake
M39GA, 2011 Virginia Beach, p. 528. JOO. See also Cases 2010-08, -09, -10, -11, -12, -14.

2010-14 McNeil v. Chesapeake
M39GA, 2011 Virginia Beach, p. 528. JOO. See also Cases 2010-08, -09, -10, -11, -12, -13.

2010-15 Carpenter et al. v. Siouxlands
M39GA, 2011 Virginia Beach, p. 528. Withdrawn.

2010-16 Lyons v. Western Carolina

M39GA, 2011 Virginia Beach, p. 594. Not sustained 23-0. C-Op.

Summary

The Complainant alleged that Western Carolina Presbytery (WCP) erred by dismissing the charges he brought against a TE. The Complainant also alleged that Presbytery erred in ruling his Complaint AOO.

Issue

1. Did WCP err in dismissing the “Charges and Specifications against TE Craig Smith Bulkeley” brought by Kirk Lyons on Feb. 27, 2010?
2. Did WCP, on May 4, 2010, err in ruling AOO the Complaint of Kirk Lyons against Presbytery’s action on Feb. 27, 2010?

Judgment

1. No.
2. Yes, but the error was not prejudicial.

Reasoning

The SJC stated that Presbytery erred in its Judgment on May 4, 2010, because it failed to see that the Complainant had gained standing to complain by the filing of charges (*BCO* 32-2). With respect to this filing, the Complainant came under the jurisdiction of the Presbytery, and thus met the standards of *BCO* 43-1. However, that error notwithstanding, nothing was lost in the cause of the Complainant, since there had been no showing of clear error as to the underlying action of Presbytery. Therefore, the Complaint was denied.

Key Words – filing of charges, *BCO* 31-8, 32-2, 32-20, 34-2, 38-4

2010-17 Request by Sarafolean to cite Siouxlands Presbytery

M39GA, 2011 Virginia Beach, p. 528. AOO. TE David M. Sarafolean (a minister in Great Lakes Presbytery) requested the GA to cite Siouxlands Presbytery for alleged failures. TE Sarafolean mistakenly believed he could do this via a *BCO* 40-5 letter.

2010-18 PCA v. Gulfstream

M40GA, 2012 Louisville, p. 523. Satisfactory 19-0. After repeated failures to respond to GA regarding exceptions of substance in past annual records, Presbytery was cited to appear before the SJC. Presbytery responded, and the SJC found the responses satisfactory.

2010-19 PCA v. Korean Central

M39GA, 2011 Virginia Beach, p. 601. Satisfactory 20-0. After repeated failures to respond to GA regarding exceptions of substance in past annual records, Presbytery was cited to appear before the SJC. Presbytery responded, and the SJC found the responses satisfactory.

2010-20 PCA v. Korean Northwest

M40GA, 2012 Louisville, p. 524. Satisfactory 18-0. After repeated failures to respond to GA regarding delinquency of Minutes and exceptions of substance in past annual records, Presbytery was cited to appear before the SJC. Presbytery responded, and the SJC found the responses satisfactory. The SJC received the Presbytery's delinquent Minutes and forwarded them to RPR for review.

2010-21 PCA v. Korean Southeast

M39GA, 2011 Virginia Beach, p. 601. Satisfactory 20-0. The SJC received Presbytery's delinquent Minutes and forwarded to RPR for review.

2010-22 PCA v. Korean Southeast

M39GA, 2011 Virginia Beach, p. 601. Satisfactory 20-0. The SJC received Presbytery's delinquent Minutes and forwarded to RPR for review.

2010-23 PCA v. Pacific

M39GA, 2011 Virginia Beach, p. 601. Satisfactory 20-0. After repeated failures to respond to GA regarding exceptions of substance in past annual records, Presbytery was cited to appear before the SJC. Presbytery responded, and the SJC found the responses satisfactory.

2010-24 Wood v. Northwest Georgia

M40GA, 2012 Louisville, p. 525. JOO 16-6. D-Op.

Summary and Reasoning

This Case was JOO in view of the fact that Northwest Georgia Presbytery (NGP) had rescinded the action complained against (*OMSJC* 10.5.c).

From the Minutes of NGP, dated January 29, 2011: “MSP: that part #2 of the complaint of Laura Wood against the Session of Grace Covenant PCA, dated September 9, 2009, be affirmed as being ‘in order’ in accordance with *BCO* 43-8, and a commission established to hear the Complaint.” The September 9, 2009, Complaint part #2 was as follows: “Allowing my husband, Mark Wood, to abandon my daughter and I [sic] and to file for divorce without holding him accountable for his behavior against his family and the Church of Jesus Christ.” Further the defects in this Case could not be cured, and the Case was dismissed because there were no longer any grounds for the Complaint (*OMSJC* 10.5.c).

Key Words – standing, divorce, *BCO* 43-8, *OMSJC* 10.5, *OMSJC* 10.6

2010-25 Yuan v. South Coast

M39GA, 2011 Virginia Beach, p. 528. AOO.

2010-26 Eliot Lee v. Korean Eastern

M40GA, 2012 Louisville, p. 530. Sustained 19-2.

Summary

The Complainant alleged that Korean Eastern Presbytery (KEP) erred when it dismissed charges that he brought against two other TEs.

Issue

Did Presbytery err on October 5, 2010, in “dismissing” TE Eliot Lee’s Complaint against the Presbytery, thereby affirming Presbytery’s decision on June 2, 2009, to dismiss TE Lee’s charges against the two TE members of Presbytery without a trial?

Judgment

Yes, and this matter was remanded to Presbytery for action consistent with this Decision.

Reasoning

In sum, once a Presbytery receives, from one who had the right to file charges, properly drawn charges against one or more TE members of Presbytery, the Presbytery must proceed to accept and adjudicate those charges under the provisions of *BCO* chapter 32, unless it can show that

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one or more of the situations spelled out in *BCO* 29-1, 32-20, 34-2 and 31-8 applies. But if a Presbytery determines to dismiss charges on the basis of the above provisions, the burden of proof is clearly on the Presbytery. It may constitutionally dismiss such charges only with reasoning that is documented in the record and subject to review by the higher court (see *BCO* 40-2 and 43-1). KEP did not meet this standard. It was not clear on which, if any, of the aforementioned standards KEP was relying in dismissing the charges, nor was it clear from the record that there was sufficient evidence to warrant such a dismissal. In view of KEP's failure to demonstrate constitutional grounds for dismissing the charges, KEP was required to begin process (*BCO* 32-2), appoint a prosecutor, order an indictment drawn (including the names of witnesses known to support the charges), and cite the accused to appear to answer the charges (*BCO* 32-3). This case was remanded to the Presbytery for actions consistent with this opinion.

Key Words – Administratively Out of Order, strong presumption of guilt, charges, dismiss, civil courts, law suit, *BCO* 32

2010-27 Ruff v. Nashville

M40GA, 2012 Louisville, p. 538. JOO 18-0. Obj.

2010-28 Gonzales v. Great Lakes

M40GA, 2012 Louisville, p. 542. Sustained 23-0. C-Op.

Summary

The Complainant alleged that Great Lakes Presbytery (GLP) erred in approving five recommendations from a Judicial Commission conducting a *BCO* 31-2 investigation of a TE. In the fifth recommendation, GLP put on record their intent, in the event that the TE did not follow their advice, to decline to recommend him for transfer, dismissal, or installation in a call.

Issue

Did GLP err when it, at its September 18, 2010, Stated Meeting, approved the recommendations presented by its Judicial Commission erected to conduct a *BCO* 31-2 investigation of TE Stephen Gonzales?

Judgment

Yes. The Complaint was sustained with regard to Presbytery's approval of recommendation five (see Summary of Facts dated September 18, 2010), and that action was annulled (*BCO* 43-10).

Reasoning

GLP, as all Presbyteries, did have a shepherding role with authority to exercise pastoral oversight of its members. While GLP had the authority to receive and act on recommendations presented to it regarding a member, in this particular instance, it exceeded its province. GLP did have the right to take up the content of some of these recommendations, properly presented, in its capacity to provide the shepherding oversight of one of its members. However, apart from due process, no pastoral recommendations, counsel or advice from a court to a member can expressly, or by implication, diminish a member's good standing.

Key Words – minutes, admonition, without call, divest, infidelity, leave of absence, *BCO* 13-2, 34-10

2011-01 Sang Shul Choi v. Korean Central

M40GA, 2012 Louisville, p. 550. AOO 17-1. Prematurely filed.

2011-02 Gonzales v. Great Lakes

M40GA, 2012 Louisville, p. 551. Sustained in part 23-0.

Summary

The Complainant alleged that Great Lakes Presbytery (GLP) erred by ruling his Complaint out of order. The Complainant also alleged that GLP erred by not investigating his charges against the TE who chaired the Commission that conducted a *BCO* 31-2 investigation of the Complainant.

Issues

1. Did GLP err when it ruled Out of Order on January 8, 2011, TE Gonzales's Complaint stating "that Presbytery has already dealt with all the issues"?
2. Did GLP err when it ruled Out of Order on January 8, 2011, TE Gonzales's Complaint regarding its failure to investigate TE Dupee?

Judgment

1. Yes.
2. No.

Reasoning

For Issue One, the Complainant argued that GLP erred in ruling his Complaint Out of Order based on the fact “that the Presbytery has already dealt with all the issues.” In fact, GLP erred in that it conflated and confused the substance of two different Complaints. GLP did adjudicate the issues involved in the first Complaint (Case 2010-28); however, the second Complaint and the issue raised in it had not yet been dealt with by GLP. For Issue Two, the Record indicated, and the Complainant repeatedly acknowledged, that TE Dupee made the alleged offending statement (which TE Gonzales argued violated the Ninth Commandment) while reporting to GLP, not as an individual, but in his capacity as Chairman of the Church and Ministerial Welfare Committee. As such, the reports affecting TE Dupee’s character were not of a personal nature since he was functioning as a member of a GLP Committee and as such had immunity from being investigated.

Key Words – Ninth Commandment, slander, immunity, Presbytery Committee, *BCO* 31-2

2011-03 Sagan v. Covenant

M40GA, 2012 Louisville, p. 554. Not sustained 20-0. See also Case 2011-04.

Summary

The Complainants alleged that Covenant Presbytery (CP) erred when it received and acted on a report and recommendations of its MNA committee concerning a joint campus work committee with Mississippi Valley Presbytery and Grace Presbytery.

Issue

Did CP err at its October 2010 meeting when it received and acted on the report and recommendations from its MNA Committee (MNA-CP) concerning the Mississippi Joint Committee on Campus Work (MJCCW)?

Judgment

No, and the Complaints were denied.

Reasoning

These Cases center on the proper role and scope of a committee of Presbytery. In this instance, the MNA-CP was directed by CP to investigate the salary status of RUM ministers and come back with recommendations. The ROC showed that, in the conduct of its work on reviewing salaries, MNA-CP determined that one campus minister had an acute need, and the Committee recommended to MJCCW that his salary and housing be increased. After discussion, MNA-CP perceived that MJCCW was unwilling to work with MNA-CP. MNA-CP then considered as an extension of its direction, “the question of how best to shepherd our RUF-CP ministers within the bounds of CP.” As a result of this discussion, MNA-CP formed a subcommittee to study the MJCCW system in depth, the result of which was the subject of these Complaints. The SJC found that neither the report nor the recommendations exceeded the MNA-CP’s authority for five reasons, including the fact that the study was presented as a natural extension of the issue of salaries paid to campus ministers, and that the Committee had been granted oversight by Presbytery of MJCCW.

Key Words – Reformed University Fellowship, campus ministry, salary, Presbytery committee, MNA

2011-04 Gunn v. Covenant

M40GA, 2012 Louisville, p. 554. Not sustained. Answered in the Decision on Case 2011-03.

2011-05 Young Bae Kim v. Korean Capital

M40GA, 2012 Louisville, p. 560. AOO. Not timely filed.

2011-06 Sawyers v. Missouri

M41GA, 2013 Greenville, p. 552. Sustained 14-1 but further action mooted.

Summary

Nine members of Missouri Presbytery (MOP) alleged that Presbytery erred by not finding a strong presumption of guilt regarding a minister’s views which allegedly included Federal Vision theology.

Issue

Did MOP err in failing to find a strong presumption of guilt that TE Jeffrey Meyers held views contrary to the Westminster Standards (*BCO* 34-5) when it conducted its *BCO* 31-2 investigation of his views and writings?

Judgment

Yes.

Reasoning

The SJC found that MOP erred in failing to find a strong presumption of guilt that TE Meyers holds views contrary to the Westminster Standards (*BCO* 34-5) when MOP conducted its investigation. The appropriate remedy for a failure to find a “strong presumption of guilt that...views represent offenses that could properly be the subject of Judicial Process (*BCO* 31-2, *BCO* 29-1 and 2)” would be to “take steps to comply with [Presbytery’s] obligations under *BCO* 31-2” (see SJC Case 2009-06). However, during the pendency of this Case before the SJC, MOP conducted a trial of TE Meyers in accordance with *BCO* 31-2 on April 13 and 14, 2012. Therefore, since MOP had already accomplished the applicable remedy for this Case, any further action on this Case was moot.

Key Words – Federal Vision, doctrine, paedocommunion, *BCO* 31-2, 34-5

2011-07 PCA v. Warrior

M40GA, 2012 Louisville, p. 561. Satisfactory 19-0. After repeated failures to respond to GA regarding exceptions of substance in past annual records, Presbytery was cited to appear before the SJC. Presbytery responded and the SJC found the responses satisfactory.

2011-08 Sherfey v. James River

M40GA, 2012 Louisville, p. 562. JOO 18-0. C-Op. This Complaint was not timely filed and was therefore Judically Out of Order, even though the clerk of James River Presbytery gave the Complainant incorrect filing advice. The SJC reminded Presbyteries that when a Presbytery acts in reviewing the decisions of lower courts, it should consider Appendix H of the *BCO*.

2011-09 Jennings v. North Florida

M40GA, 2012 Louisville, p. 565. Sustained 19-1. D-Op.

Summary

The Complainant alleged that North Florida Presbytery (NFP) erred in process whereby it restored a TE who was previously deposed for inappropriate relationships with two church members.

Issue

Did NFP err in the process by which it acted to restore Mr. Scott from deposition?

Judgment

Yes.

Reasoning

The Complainants alleged that NFP erred in restoring a man to gospel ministry 1) without re-ordaining him, and 2) without following the provision in *BCO* 34-8 that restoration should not be approved “until it shall appear that the general sentiment of the Church is strongly in his favor,” arguing that this general sentiment could not be demonstrated by a vote of 19-17. The Respondents for NFP argued that the *BCO* does not require a deposed minister to be re-ordained and re-qualified for the office of elder. Further, the *BCO* does not give a uniform process for restoration but leaves procedural details largely in the hands of the Presbytery. In this instance, a general sentiment that finds a strong favor, while not providing a quantifiable amount in the Presbytery, required at the very least more than a mere majority, even though a majority vote prevails. NFP’s vote of 19-17 to restore Mr. Scott did not meet a reasonable test of the standard of “a strong favor.” The question of the necessity of re-ordination in the process of restoration from deposition is not a settled matter. Until there is further clarification, the statement for restoration in *BCO* 37-5 can be considered sufficient.

Key Words – deposition, general sentiment, reordination, church plant, infidelity, *BCO* 30-5, 34-8, 37-8, 37-9, 46-8

2011-10 Testa v. South Florida

M40GA, 2012 Louisville, p. 580. AOO 19-0.

2011-11 Hahn v. Philadelphia Metro West

M42GA, 2014 Houston, p. 500, 509. Not sustained 18-0. See also Cases 2011-12 and 2011-15.

Summary

This Case, along with Cases 2011-12 and 2011-15, all arose out of substantially the same set of facts (and Case 2011-16 is a duplicate of 2011-15). In Case 2011-11, the Complainant alleged that Philadelphia Metro West Presbytery (PMWP) erred by ruling that it was permissible for the Session of Christ the King PCA (CTKPC) to prohibit the Complainant from attending worship there until he had undergone psychiatric evaluation.

Issue

Did PMWP err on September 17, 2011, when it found that the CTKPC Session did not unlawfully prohibit Hahn (the Complainant) from attending worship?

Judgment

No.

Reasoning

The central issue in this case was whether PMWP erred in finding that the CTKPC Session did not unlawfully prohibit the Complainant from attending worship for the period of time until the Complainant had undergone a psychiatric evaluation for the purpose of determining whether it was safe for others for the Complainant to attend worship. The SJC found in this case that PMWP did not err when it found that the CTKPC Session did not unlawfully prohibit the Complainant from attending worship at CTKPC until he had received a psychiatric evaluation. First, PMWP showed the appropriate standard of deference to the lower court (CTKPC Session) (*BCO* 39-3.3). Further, the SJC found that the action taken by the CTKPC in prohibiting the Complainant from worship at CTKPC was not a judicial action, as it: (a) did not apply in general to the Complainant's worshipping with a PCA congregation (or another other congregation other than CTKPC); (b) no judicial judgment or censure was pronounced against the Complainant; and (c) the action was a matter of pastoral guidance and wisdom by the CTKPC Session for the safety and protection of the congregation and the Complainant.

Key Words – mental illness, restraining order, church safety, *BCO* 39-3.3

2011-12 Hahn v. Philadelphia Metro West

M42GA, 2014 Houston, p. 500, 513. Not sustained 18-0. See also Cases 2011-11 and 2011-15.

Summary

The Appellant alleged that Philadelphia Metro West Presbytery (PMWP) erred in finding him guilty of violating the Fifth and Ninth Commandments, and the Second Great Commandment.

Issue

Did PMWP err in finding Hahn (the Appellant) guilty of violations of the Ninth Commandment, violations of the Fifth Commandment, and violations of the Second Great Commandment?

Judgment

No.

Reasoning

The Appellant alleged that there were irregularities and other errors in the trial and judgment by the PMWP, including discrepancies between Session minutes and police reports, the refusal of PMWP to grant the Appellant his requested amendment to the charges against him, “hurrying to a decision,” and the “manifestation of prejudice in the case.” Once again, as the SJC reviewed the decisions of PMWP with respect to the Appeal, PMWP showed the appropriate standard of deference to the lower court (CTKPC Session) (*BCO* 39-3.3). Although there may have been evidence contrary to the judgment rendered by PMWP, the SJC could not hold as a matter of law that there was clear error on the part of PMWP in rendering its judgment.

Key Words – Second Commandment, Fifth Commandment, Ninth Commandment, mental illness, restraining order, church safety, *BCO* 39-3.3

2011-13 Appeal of Spann v. Session of Oak Mountain

M40GA, 2012 Louisville, p. 580. AOO 18-0.

2011-14 Reese and Bech v. Philadelphia

M42GA, 2014 Houston, p. 528. Sustained 18-1. C-Op. D-Op.

Summary

An RE and a TE alleged that Philadelphia Presbytery (PP) erred by declaring out of order their Complaint which alleged that PP erred by not allowing questions to be raised when considering a minister's new call within the same Presbytery. See also Cases 2008-01 and 2008-10.

Issue

Did PP err at its September 21, 2011, meeting when it declared the Complaint of RE Reese and TE Bech to be out of order?

Judgment

Yes.

Reasoning

PP erred in ruling the Complaint out of order on the basis of a misapplication of RONR. Presbytery declared the Complaint to be out of order based on the rationale that the Complaint violated the Constitution because, in the opinion of Presbytery, the Complaint included accusations made against a TE contrary to *BCO* 34, as well as requested amends that would be contrary to *BCO* 31-38. When PP refused to take up the merits of the Complaint (or allow opportunity for the Complaint to be amended), the other issues of error raised in the Complaint were not addressed. The SJC stated that it did, however, concur with PP's conclusion that the amends sought by the Complainants were not appropriate. If anyone believes that a TE or Session is not acting in accordance with the Constitution of the PCA (and in the absence of evidence to the contrary we must assume that they are), he must deal with such error through the procedures found in *BCO* 31, 32, and 34. In particular, the Complaint process cannot be used to remove a properly ordained and installed TE from an approved call.

Key Words – views, women, office, Deacon, Deaconess, diaconate, ordination, exceptions, *BCO* 20-10, 21-1, 21-5, 34, 43-2

2011-15 Hahn v. Philadelphia Metro West

M42GA, 2014 Houston, p. 500, 515. Not sustained 18-0. C-Op. See also Cases 2011-11 and 2011-12.

Summary

The Complainant alleged that Philadelphia Metro West Presbytery (PMWP) erred when it denied the institution of process against three people.

Issue

Did PMWP err on September 17, 2011, in denying the institution of process against Lisa Ridenour, RE Ridenour, and TE Huber?

Judgment

No.

Reasoning

On October 18, 2011, PMWP denied the Complaint against its decision not to institute process (filed by the Complainant on September 30, 2011), citing as its grounds the Complainant’s “attitude and actions throughout the hearing and trial process this year” as manifesting “the character traits described in *BCO* 31-8.” Although in general *BCO* 32-2 requires that a court commence process upon the filing of charges, the court is afforded some discretion according to *BCO* 31-8. In this Case, PWMP specifically found that the language of *BCO* 31-8 applied to the Complainant and his charges. In addition, PMWP found that there was insufficient evidence to indicate a strong presumption of guilt on the part of the three accused. The SJC was also required to defer to the lower court in such judgments apart from a showing of clear error (*BCO* 39-3). The ROC provided no such showing.

Key Words – mental illness, restraining order, church safety, *BCO* 31-8, 39-3.3

2011-16 Hahn v. Philadelphia Metro West

M42GA, 2014 Houston, p. 516. Identical to Case 2011-15.

2011-17 Smith v. Mississippi Valley

M41GA, 2013 Greenville, p. 555. Not sustained 17-0.

Summary

The Complainants alleged that Mississippi Valley Presbytery (MVP) erred in excommunicating a TE, erring in five ways in handling the TE’s *BCO* 38-1 case without process, which led to his deposition and excommunication (*BCO* 30-4, 34-4, 32-6, 27.3.c). The Complaint was against the excommunication only.

Issue

Does the SJC sustain any of the five allegations of error asserted in the Complaint?

Judgment

The SJC sustained part of one allegation, but did not sustain any part of the other four. Presbytery, according to the brief of the Respondent, judged the man to have “refused to appear.” This judgment was in error. The SJC reversed this judgment. As there were other grounds for the excommunication, the SJC was not annulling the censure. Presbytery was told that it may consider whether any change in the censure was necessary in light of this ruling.

Reasoning

The Complainants alleged five errors. 1) The Complainants contended that the Shepherding Committee (SC) was not empowered to render a judicial finding of guilt regarding contumacy. However, the Record did not indicate that the SC ever rendered such an official or final finding (although Presbytery did). 2) The Complainants cited *BCO* 34-4 and mistakenly contended that a convicted minister who is judged to be incorrigible and contumacious must first be suspended from the sacraments before being excommunicated. But *BCO* 34-4 did not directly apply to this case because 34-4 refers to an *accused* minister, not a *convicted* minister. 3) The Complainants asserted that *BCO* 27-3.c was violated because the Excommunication makes it “more difficult” to reclaim the man from his disobedience. However, *BCO* 27-3 is general and the phrase “keeping and reclaiming” is inexplicit. The SJC did not find evidence in the Record a violation of 27-3. 4) The Complainants contended that Excommunication was imposed prematurely, rightly asserting that *BCO* 30-4 requires a separate finding that a person, convicted of a gross crime or heresy, is also “incorrigible and contumacious.” The Complainants also asserted that, before a court can judge a person as being incorrigible and contumacious, the offender must have persisted in his impenitence despite the efforts of the court to bring him to repentance (*BCO* 34-4.b) However, this is a matter of discretion, and it is the censuring court which uses their judgment to determine when continued impenitence rises to the level of being incorrigible and contumacious. 5) The Complainants contend that an accused minister cannot be judged as being contumacious and incorrigible until and unless he has willfully disregarded two formal citations to appear. They rightly contended that Presbytery never officially cited the minister to appear. And, they contended, even if he had disregarded one citation, there was no second citation. But *BCO* 32-6 does not directly refer to someone who already been declared guilty (Cf., *BCO* 33-2, 33-3). It seems that

Presbytery based its judgment of being incorrigible and contumacious, to some degree, on its incorrect finding that the minister “refused” to appear. He was certainly absent, and it was recorded as “unexcused,” but that is different than contumaciously refusing to appear. The Record did not support Presbytery’s judgment that he refused to appear, so this part of the Complaint was sustained.

Key Words – contumacy, excommunication, infidelity, *BCO* 27-3, 30-4, 33, 34-4.b, 38-1

2011-18 Ruff v. Nashville

M41GA, 2013 Greenville, p. 566. Sustained 18-0.

Summary

The Complainant alleged that Nashville Presbytery (NP) erred in three ways: (1) it failed to comply with SJC directive in Case 2009-28, (2) it erred in receiving a confession via *BCO* 38-1 that was not a full statement of the facts, and (3) it erred in administering proper censure of TE.

Issues

1. Did NP fail to conduct a *BCO* 31-2 investigation with respect to reports concerning TE George Grant consistent with the opinion of SJC in 2009-28?
2. Did NP fail to comply with the provisions of *BCO* 31-2 with respect to reports concerning TE George Grant, consistent with the opinion of SJC in 2009-28, by concluding the matter as a Case Without Process under *BCO* 38-1?
3. Did NP err in receiving a confession under *BCO* 38-1 that did not adequately address all the matters raised under their *BCO* 32-1 investigation, consistent with the opinion of SJC in 2009-28?
4. Did NP fail to properly administer its censure in the Case Without Process with respect to the confession of TE George Grant?

Judgment

1. No.
2. No.
3. Yes.
4. Yes.

Reasoning

The Complainant argued that NP failed to comply with the SJC decision in Case 2009-28. He asserted, first, that NP, through its Committee on Judicial Business (CJB), failed to conduct an adequate *BCO* 31-2 investigation. Second, the Complainant asserted that it was impermissible for NP to conclude its *BCO* 31-2 investigation by acting to discipline TE Grant in a Case Without Process under *BCO* 38-1. It appeared to be the position of the Complainant that NP was obliged by the SJC ruling to institute process and conduct disciplinary case against TE Grant. The ROC demonstrated that NP, through its CJB, conducted an investigation, during the course of which TE Grant expressed a desire to confess sin as to matters identified in the ruling of the SJC. The CJB concluded that the confession offered by TE Grant addressed everything that could reasonably rise to the level of an “offense” in this matter. Under *BCO* 38-1, the CJB recommended that NP hear TE Grant’s confession and apply the censure of admonition. NP adopted that recommendation. Although Presbytery had the right to employ *BCO* 38-1 in these proceedings, the confession of offense should have covered all that might have been subject to indictment had the *BCO* 31-2 investigation continued and a strong presumption of guilt determined. The ROC shows, however, that the confession made by TE Grant was almost entirely abstract and very little was said of sins against particular people. However, the matters that initiated the *BCO* 31-2 investigation were reports concerning TE Grant’s offenses against Mr. Ruff and others. That being the case, the “confession” could not adequately conclude the matters raised in the *BCO* 31-2 investigation. Presbytery was directed to meet with TE Grant and find an agreeable amendment to the “confession” so that particular sins against particular people were acknowledged in accordance with *Confession of Faith* 15. Presbytery was directed to sponsor another meeting between TE Grant and Mr. Ruff and any others who Presbytery determined were offended in this matter.

Key Words – Case without process, confession, repentance, censure, *BCO* 31-2, 38-1

2011-19 Testa v. Southern Florida
M40GA, 2012 Louisville, p. 522. AOO.

2012-01 Sherfey v. James River
M41GA, 2013 Greenville, p. 570. JOO 13-5. D-Op. Obj.

2012-02 Keating v. Warrior

M41GA, 2013 Greenville, p. 575. Sustained 18-0.

Summary

The Complainant alleged that Warrior Presbytery (WP) erred procedurally when it divested him, without censure, after being without call for over 3 years.

Issue

Did Presbytery err when it divested TE Keating on January 17, 2011?

Judgment

Yes. Presbytery failed to comply with *BCO* 34-10 and therefore the Appeal was sustained on procedural grounds and the divestiture was voided. Mr. Keating remained a PCA minister in good standing. But Presbytery was not precluded from proceeding in accord with *BCO* 34-10 at another meeting. If Presbytery divested, TE Keating would have been entitled to Appeal. This Decision did not address the merits of any divestiture, but only the procedure followed by Presbytery.

Reasoning

Divesting a man of his ordination is a weighty action, even though it was “without censure” (*BCO* 34-10). The Record indicated that the Clerk appropriately attempted prior notification by sending a registered letter five weeks before the meeting (notifying TE Keating that his call would be discussed by WP), but the Record also indicated that Keating did not get the notification until just prior to the Presbytery meeting. In addition, and more importantly, the Minister was not “heard in his own defense.” It was a constitutional error to proceed to divestiture without first hearing from the Minister (unless it was clear that he was simply absenting himself in an attempt to avoid the matter). By acting on divestiture without first hearing a defense, Presbytery was effectively culpable of “hurrying to a decision before all the testimony was taken” (*BCO* 42-3).

Key Words – divestiture, without call, *BCO* 13-2, 34-10, 42-3

2012-03 Appeal of Tarter v. Evangel

M42GA, 2014 Houston, p. 539. Sustained 15-0.

Summary

A TE was laboring out of bounds in Ireland with an organization outside the jurisdiction of the PCA. Evangel Presbytery (EP) instructed him on his alleged actions to avoid accountability, but he declined their requests. Eventually EP indicted for failure to submit to Presbytery authority and found him guilty of two charges at trial and deposed him, which he appealed.

Issue

Did EP, at its meeting of February 14, 2012, err in approving the report and judgment of its Judicial Commission (JC) in the case of The PCA vs. TE Chuck Tarter (the Appellant)?

Judgment

Yes, and the case was remanded to EP for process consistent with the Reasoning and Opinion set forth herein, or for dismissal, whichever course may appear wiser to Presbytery.

Reasoning

The Appellant raised nine specifications of error on the part of EP's JC. In the first specification, the Appellant confused the JC's *judgment* after trial (that he failed to submit to the authority of EP) with a requirement that he comply, against his conscience, with the direction of EP's Church and Pastoral Care Committee (CPCC). The specification was not sustained. Second, the Appellant alleged that Preliminary Principles 1, 6 and 7 were violated in the JC's judgment that the Appellant failed to submit to the authority of the Presbytery, when he failed to comply with the direction of the CPCC to "regularly attend Greystones Presbyterian Church" and "restructure the board of directors of Gospel Friendships Outreach." This specification was sustained. Third, the Appellant alleged that *BCO* 15-1 was violated in the JC's judgment that the Appellant failed to submit to the authority of EP, when he failed to comply with the three cited directions of the CPCC specified on December 9, 2010. This specification was sustained. Four, the Appellant alleged that *BCO* 35-5 was violated in the JC's indictment, in that matters referred to as "Additional areas of concern" were taken as "charges" without being identified as such and were set forth with vague language, and that the Prosecution sought to sustain these "charges" in the examination of witnesses at trial. This specification was sustained. Five, the Appellant alleged that *BCO* 32-13, 35-5 and 32-8 were violated when the JC

allowed testimony from witnesses who reported the words of others not present to be heard and cross-examined. The ROC amply demonstrated that such testimony was permitted. This specification was sustained. The sixth specification of error alleged prejudice on the part of the JC (cf. *BCO* 42-3). This specification was not sustained. The seventh specification of error alleged that the JC violated *BCO* 35-7 by allowing testimony to be erased from the recording of the trial before it was transcribed. This specification was not sustained. The eighth specification of error repeated the allegation raised in the second part of specification two and is treated in that place. The ninth specification alleged that *BCO* 30, Preliminary Principle 7, *BCO* 34-5 and 42-3 were violated by the JC in its judgment and censure. This specification was sustained.

Key Words – divestiture, laboring out of bounds, hearsay, testimony, witnesses, *BCO* 15-1, 32-8, 32-13, 34-5, 35-5, 35-7, 42-3

2012-04 Dunn v. Philadelphia Metro West
M41GA, 2013 Greenville, p. 582. AOO 19-0.

2012-05 Hedman v. Pacific Northwest
M41GA, 2013 Greenville, p. 583. Not sustained 15-2. 2 C-Op. D-Op.

Summary

The Complainant alleged that Pacific Northwest Presbytery (PNW) erred by not convicting TE Leithart at trial because of his doctrinal views.

Issue

Did the Complainant demonstrate, based on the ROC, that the PNW violated the Constitution of the PCA when it concluded that the accused was not guilty of holding and teaching views that are in conflict with the system of doctrine taught in the Westminster Standards?

Judgment

No.

Reasoning

Bound by *RAO* 17-1, *BCO* 42-5, and 39-3.1, 2, 3, the SJC's review in this Case was constitutionally limited to the information developed in the Record dealing with this specific Case. Thus, nothing in the Decision

or Reasoning should be understood as rendering any judgment on any “school of thought” within or without the PCA. The SJC review could focus only on: (a) whether the Complainant demonstrated that the Presbytery committed procedural errors in its handling of this matter; (b) whether the Complainant demonstrated that Presbytery misunderstood TE Leithart’s views; and (c) whether the Complainant demonstrated that TE Leithart’s views were in conflict with the system of doctrine.

- (a) The Complainant raised no procedural concerns. Further, it was the conclusion of the SJC that Presbytery carefully complied with all the procedural steps required by the Rules of Discipline.
- (b) The Complainant alleged that Presbytery’s summaries of TE Leithart’s views did not accurately reflect his views at all points, and that this was particularly true when those views were considered as a whole. While the SJC was not persuaded by all the Respondent’s explanations of those issues, it was also not convinced that these examples were sufficiently clear or pervasive in the ROC as to constitute a “clear error on the part of the lower court” (*BCO* 39-3.2, 3).
- (c) The Complainant alleged that TE Leithart’s views struck at the fundamentals of the system of doctrine. While members of the SJC and the Presbytery did express concerns about some of TE Leithart’s formulations as they related to the Westminster Standards, Presbytery’s Commission concluded unanimously that the Prosecution did not prove TE Leithart’s guilt with regard to the five charges against him, and that his difference with the Standards amounted to semantic differences. The SJC did not find that the Complainant provided sufficient evidence that TE Leithart’s statements affirming his subscription to the Standards were incredible or that Presbytery’s decision in finding TE Leithart “not guilty” of the five charges was in error.

Finally, the SJC reiterated that nothing in this Decision should be construed as addressing (or thereby endorsing) in general TE Leithart’s views, writings, teachings or pronouncements. Our conclusion was simply that neither the Prosecution nor the Complainant proved that TE Leithart’s views, as articulated at the trial or otherwise contained in the ROC, violated the system of doctrine contained in the Westminster Standards.

Key Words – Federal Vision, acquittal, *BCO* 39-3.2, 3, 42-5

2012-06 Bethel v. Southeast Alabama
M41GA, 2013 Greenville, p. 614. AOO 18-0.

2012-07 Appeal of Mitchell v. Ascension
M42GA, 2014 Houston, p. 544. Sustained 20-0.

Summary

An RE, who was the former clerk of his Session, alleged that the Session of Westminster Presbyterian Church (WPC) erred in imposing an involuntary sabbatical. Ascension Presbytery (AP) sustained the Complaint and directed the Session to hold a reelection. The Session then instead charged the RE (with six specifications) and referred the trial to AP. The RE was then convicted of breaking the Fifth and Ninth Commandments and was indefinitely suspended from office.

Issue

1. Did the Presbytery err in sustaining Specification 2 of the Charges and Specifications?
2. Did the Presbytery err in sustaining Specification 6 of the Charges and Specifications?

Judgment

1. Yes, the judgment on Specification 2 was vacated and remanded to the Presbytery to consider if a new trial was warranted.
2. Yes, the judgment on Specification 6 was reversed, and the Specification was dismissed.

Reasoning

The WPC Session charged Mitchell “with a pattern of behavior that is repeated violations of the Ninth and Fifth Commandments and in doing so, are violations [of] the second, third, fourth, fifth, and sixth vows of ordination, against the peace, unity, and purity of the Church, and the honor and majesty of the Lord Jesus Christ, as the King and Head thereof.” These charges were followed by six specifications. The Trial Commission of AP voted not to sustain the first and third specifications. The votes not to sustain the fourth and fifth specifications were divided. Specifications 2 and 6 formed the basis of the Appeal. In Specification 2, Presbytery asserted that on or about January 24, 2011, Mitchell, in a closed Session meeting, did freely agree to submit to the recommendation of the Session that he take a “sabbatical” year in the calendar year 2011. However, on January 25, 2011, select members of the Session received an email from RE Mitchell indicating, among other things, that he had changed his mind regarding submitting to the

Session's request. In doing so, the Session alleged that Mitchell violated the Ninth and Fifth Commandments and the fifth ordination vow. In addition to a lack of evidence that Mitchell concurred in the sabbatical at the level required by *BCO* 24-7, the SJC was further troubled by the apparent view that an initial submission to the Session can never be modified without the Session's consent. Moreover, given the pivotal role of the email that the SJC had not been shown, and which the SJC believed the Trial Commission also never saw, the SJC was reluctant to draw any definitive conclusion as to Specification 2. Specification 6 asserted that, during the period January 1, 2009, to December 31, 2010, Mitchell failed to properly discharge his duties as Clerk of the Session in that the minutes of the Session of WPC were not properly prepared and presented to the Presbytery for review (*BCO* 40-1 through 40-4) and that proper citation for same was not brought to the attention of the Session. This would be a violation of the Fifth Commandment. Much of the trial testimony regarding this Specification, as well as the related portion of the Trial Commission's Report, extended well beyond the boundaries of this Specification. However, at trial TE Coppersmith, the executive pastor, confirmed what should have been obvious about the delinquency in submission of minutes for Presbytery review, that at "the end of the day, it's the Session's fault." In addition, it is important to point to another fact – that, despite the rhetoric of its Specification 6, the WPC Session never saw fit to replace Mitchell as its Clerk, but continued to reelect him to that office again and again. Consequently, the judgment on Specification 6 was reversed, and the Specification was dismissed.

Key Words – clerk, sabbatical, Session minutes, email, evidence, *BCO* 24-7, 40

2012-08 Sartorius et al. v. Siouxlands

M43GA, 2015 Chattanooga, p. 528. Sustained in part 18-1. 3 C-Op.

Summary

The Complainant alleged that the Presbytery of Siouxlands (PS) procedurally erred in a doctrinal trial of a TE. The Complainant also alleged that PS erred in their verdict of "not guilty" to five charges. The SJC ruled that PS erred in procedure and instructed a new trial.

Issue

Did the PS err on September 22, 2011, in approving their Judicial Commission's (JC) recommended judgments?

Judgment

Yes. PS erred because its JC made serious procedural errors that undermined the legitimacy of the Judgments proposed. The disposition to be made of this Complaint is that PS is instructed to undertake a new trial of TE Lawrence according to the instructions that follow (*BCO* 43-9, -10).

Reasoning

Upon review of the ROC, it was clear that the JC erred by receiving what was essentially testimony from the defendant while at the same time allowing the defendant to decline to testify. In so doing the JC admitted testimony contrary to *BCO* 35-5. However, TE Lawrence did not simply plead “guilty or not,” but submitted a four-page “Defendant’s Plea” pleading not guilty to the charges and providing written testimony with respect to each charge as to why he was not guilty. The JC treated these statements as testimony, quoting from them in articulating the reasons for its decision. The court should not have admitted such exculpatory material from the defendant, written after Presbytery had voted to indict, unless he was waiving his right to decline to testify. The JC clearly erred in receiving the post-indictment exculpatory statements offered by TE Lawrence without also requiring that TE Lawrence to be subject to cross examination with respect to those statements. The SJC ordered a new trial with eight instructions listed.

Key Words – Federal Vision, self-incrimination, *BCO* 35-5, 43-9, 43-10

2012-09 Bennett v. Missouri

M41GA, 2013 Greenville, p. 615. AOO 15-2.

2012-10 PCA v. Korean Capital

M41GA, 2013 Greenville, p. 616. Satisfactory 20-0. After repeated failures to respond to GA regarding exceptions of substance in past annual records, Korean Capital Presbytery (KCP) was cited to appear before the SJC. KCP responded, and the SJC found the responses satisfactory.

2013-01 Dunn and Pesnell v. Philadelphia Metro West

M42GA, 2014 Houston, p. 554. Not sustained 18-0. See also Case 2012-04.

Summary

Philadelphia Metro West Presbytery (PMWP) investigated allegations against a church planting minister relating to pastoral authority, confidentiality, and pastoral counseling ethics, but found insufficient reason to indict. A Complaint was then filed. A PMWP Commission recommended sustaining the Complaint and indicting the TE. Eventually, TEs Dunn and Pesnell filed a Complaint against this action to indict.

Issue

Did Presbytery err on November 17, 2012, when it adopted the recommendation from its Complaint Commission (first made in November 2011) to institute process and proceed towards a trial?

Judgment

No, and the adopted recommendation from the Complaint Commission to institute process and proceed to trial stands. The SJC noted, however, that the adopted recommendation may be subject to subsequent parliamentary procedure for its final disposition.

Reasoning

The issue was raised as to whether or not biblical discipline, particularly the admonitions of Matthew 18:15-16, were satisfied before the PMWP voted to proceed to trial. However, the ROC does show that some of the aggrieved believed they had confronted TE Swavely on a number of occasions, and the ROC also provides evidence that the second step of Matthew 18 was followed in at least one instance. The Complaint also argued, 1) that the statute of limitations had expired in this matter, 2) that a trial was not in order because the court had been circularized, 3) that *BCO* 43-9 was not followed, PMWP's own directions to the FCC were not followed, and a reasonable presumption of guilt was never established, and 4) that the role of attorney David Wiedis in drafting the Complaint of April 15, 2011, violated *BCO* 32-19. For these alleged errors, the SJC found, 1) that it is unclear in the *BCO*, contrary to the belief of the Complainants, that potential offenses are only doctrinal or scandalous (thus determining possible statutes of limitations), 2) that a court of the Church may dismiss a Complaint based on the court being circularized to this extent or in this fashion if it believes that a fair trial has not been jeopardized, 3) that the Presbytery has considerable latitude and authority to judge whether or not an investigation has been thorough enough, and 4) that no evidence was provided that Dave Wiedis acted in

this case as a professional attorney “as such.” The SJC concluded that the PMWP had the authority, based on the work of its commission, to proceed to trial.

Key Words – church plant, abuse of authority, breach of confidentiality, *BCO* 29-1, 29-2, 31-2, 32-19, 32-20, 43-8, 43-9

2013-02 Jackson v. Northwest Georgia

M42GA, 2014 Houston, p. 500. AOO.

2013-03 Marshall v. Pacific

M43GA, 2015 Chattanooga, p. 548. JOO 13-3. C-Op. D-Op.

2013-04 Session of Hope Community v. Central Carolina

M42GA, 2014 Houston, p. 560. Sustained 19-0. C-Op.

Summary

The Complainants alleged that Central Carolina Presbytery (CCP) erred by adopting a Bylaw essentially disallowing multi-site churches by requiring each site to particularize within 5 years.

Issue

Did CCP err on November 27, 2012, when it adopted a provision of Appendix 2 “Church Planting” of the “Manual of CCP,” to wit: Paragraph 2.e. Recognizing the validity of the temporary form of government that multi-sites use, CCP does, however, require the multi-site Session to eventually particularize a site and will review that question with the Session and the site pastor after no more than five years through the Missions Committee.

Judgment

Yes. CCP erred, and the requirement for particularization of a “multi-site” church was annulled, and that provision was stricken from the Presbytery Manual.

Reasoning

Presbytery erred in adopting in its Manual a mandate requiring a Session to take steps to particularize one of its worship sites as a new church.

This requirement to particularize infringed on the province of ordering the time and place of worship specifically recognized by the *BCO* to reside with the Session. While a Presbytery does have the power to devise measures for the enlargement of the church within its bounds, (*BCO* 13-9g), that general power cannot be construed so as to vitiate responsibilities specifically vested in the Session by *BCO* 12-5e. It was important to note, however, that both parties acknowledged that the decision with respect to the location of the second worship site vis-a-vis other congregations in the Presbytery is subject to Presbytery review under *BCO* 13-9(g). Finally, however, it is important to recognize the narrow scope of this decision. In Presbytery's rationale for its denial of the Complaint, in its written brief, and in oral argument at the Panel hearing, Presbytery raised a number of serious and plausible biblical, theological, and polity concerns with respect to a multi-site structure. These concerns included potential confusion with respect to the definition of the church, the replacement of Presbyterian with a quasi-episcopal form of governance, the potential denial of the rights of members in relation to the election of their officers, the potential loss of any real shepherding capacity by the officers, and the potential erosion of the jurisdiction of the Presbytery with respect to the churches under its care. These concerns with respect to the multi-site structure could not be addressed in this decision. However, nothing in this decision should be understood to dismiss such serious concerns, nor prohibit those who share them from seeking remedies through appropriate Constitutional means.

Key Words – multi-site church, church plant, particularization, bylaw, *BCO* 12-5; *BCO* 13-9

2013-05 Hahn v. Philadelphia Metro West
M42GA, 2014 Houston, p. 500. AOO.

2013-06 Appeal of Gonzales v. Great Lakes
M43GA, 2015 Chattanooga, p. 555. Sustained 15-0. C-Op.

Summary

A TE alleged that Great Lakes Presbytery (GLP) erred in divesting him from office without censure per *BCO* 34-10.

Issues

1. Did GLP err at its May 4, 2013 Stated Meeting by “receiving improper . . . evidence” (*BCO* 42-3) as evidences for a *BCO* 34-10 divestiture?
2. Did GLP err at its May 4, 2013 Stated Meeting by “... divest[ing] TE Steve Gonzales from office . . . without delay” without following the process required in *BCO* 34-10?
3. Did GLP err at its May 4, 2013 Stated Meeting by in failing to “... appoint a committee of 3 presbyters to meet with TE Gonzales with the view to dealing with issues that will lead to the place of full confidence”?
4. Did GLP err at its May 4, 2013 Stated Meeting by insisting that TE Gonzales “demit for not having his household in order” when there was no trial to prove this public accusation?
5. Did GLP err at its May 4, 2013 Stated Meeting by not assigning TE Gonzales “to membership in some particular church...” pursuant to *BCO* 46-8?

Judgment

1. Any Judgment on this Specification was rendered moot because of the error identified in Specification No. 2.
2. Yes.
3. Any Judgment on this Specification was rendered moot because of the error identified in Specification No. 2.
4. Any Judgment on this Specification was rendered moot because of the error identified in Specification No. 2.
5. Any Judgment on this Specification was rendered moot because of the error identified in Specification No. 2.

Reasoning

Application of *BCO* 34-10 requires that Presbytery take several discrete steps and make several factual findings. The SJC included Four Steps in the full report, beginning with Step One that Presbytery must record that the minister in question is “habitually fail[ing] to be engaged in the regular discharge of his official functions,” either because *BCO* 13-2 applies or for some other reason that would need to be set forth by Presbytery. The SJC’s examination of the ROC revealed that GLP failed to follow these steps properly. The ROC showed that much of the discussion leading up to the Presbytery’s recommendations focused on whether TE Gonzales was humble and submissive, not on whether he was failing to perform his duties or on his reasons for failing to do so. It

is not reasonable to expect that each of the conclusions in Steps One through Three outlined in the full report would be examined, debated and proved on the record at the first stated meeting in the *BCO* 34-10 process. Rather, the structure of *BCO* 34-10 suggests that the most that can be determined at the first meeting is that it appears to Presbytery without hearing from the minister that Steps One through Three are satisfied. After all, the *BCO* requirement that the minister be heard in his own defense only applies by its terms to the second *BCO* 34-10 meeting, although nothing in *BCO* 34-10 suggests that the minister would or should be prohibited from speaking (assuming he is present) in the first *BCO* 34-10 meeting. This bifurcated structure suggests its own rationale: to give the minister in question and the presbyters of the Presbytery the opportunity to pray, prepare and reflect on the matter at hand before the second *BCO* 34-10 meeting. The weightiness of a divestiture of a TE, even without censure, fully justifies this precautionary approach. Nevertheless, it would appear that the Presbytery should at least make a preliminary determination in the first *BCO* 34-10 meeting that all of the elements of Steps One through Three are satisfied before proceeding with Step Four. The SJC did not rule out the possibility of a Presbytery making summary findings without extensive evidence in the record at the first *BCO* 34-10 meeting, and then backing up those findings in the record at the second *BCO* 34-10 meeting.

Key Words – without call, divestiture, without censure, *BCO* 13-2, 34-10

2013-07 Session of First Presbyterian North Port v. Southwest Florida

M42GA, 2014 Houston, p. 566. Sustained 20-0. See also Case 2013-11.

Summary

The Session of First Presbyterian North Port (FPCNP) alleged that Southwest Florida Presbytery (SWFP) erred by remanding a Complaint from a communicant member (CM) to the Session after Presbytery had already (rightfully) declared it administratively out of order. The Session also alleged that Presbytery erred by “directing” the Session to do something, apart from due process of *BCO* 40-5, 6.

Issues

1. Did Presbytery err on September 8, 2012, when it remanded the matter raised by the CM’s Complaint to the FPCNP Session, after it had

- declared that Complaint administratively out of order?
2. Did Presbytery err when it exercised authority over the FPCNP Session under *BCO* 40-4 by “directing” and “instructing” the FPCNP Session apart from the due process required in *BCO* 40-5 and 6?

Judgment

1. Yes.
2. Yes.

Reasoning

The CM’s original Complaint was out of order. *BCO* 43-2 (as then in effect) required that she file her Complaint with the FPCNP Session “with the clerk of the court within thirty (30) days following the meeting of the court.” Her Complaint was not timely filed and therefore did not meet the requirement of *BCO* 43-2. Almost five months elapsed between the time the civil trespass order was secured by the FPCNP Session and the time of her Complaint. Both the FPCNP Session and the Clerk of Presbytery had previously, within the 30-day time limit of *BCO* 43-2, informed her of her right to complain. For whatever reason, she chose not to file a Complaint until well after the time limit had expired. Her Complaint, therefore, was out of order, and should not have been considered by the FPCNP Session. Similarly, Presbytery should not have considered the CM’s Presbytery Complaint. In fact, Presbytery did not. It ruled her Complaint to Presbytery out of order. That should have concluded the matter at this level. There was no other matter for Presbytery to carry forward, annul, or send back. Finally, the SJC also reiterated that the CM remained a member of FPC, as no ecclesiastical or formal disciplinary action had been taken by the FPCNP Session. Any civil action taken by the FPCNP Session (including the Session’s no trespass order) did not change the CM’s membership standing.

Key Words – trespass, civil action, emotional instability, mental health, *BCO* 40-4, 40-5, 40-6, 43-2

2013-08 Jackson v. Northwest Georgia

M43GA, 2015 Chattanooga, p. 568. AOO 17-0. The SJC found the above-named Complaint AOO (*OMSJC* 9.1.a.), as upon further examination of the ROC it was clear that the Complainant did not have standing to file a Complaint with Northwest Georgia Presbytery (NWGP) in this matter (*BCO* 43-1).

2013-09 Appeal of Marshall v. Pacific

M42GA, 2014 Houston, p. 500. Withdrawn as prematurely filed.

2013-10 Appeal of Latimer v. Chicago Metro

M43GA, 2015 Chattanooga, p. 572. Sustained 18-0. 2 C-Op.

Summary

A TE alleged that Chicago Metro Presbytery (CMP) erred by convicting him of pursuing a divorce without biblical grounds, and that CMP also erred by deposing him.

Issue

Shall the Appeal be sustained?

Judgment

Yes. Specifications 1, 2 and 3 were sustained in part. Specifications 4, 5, and 6 were not sustained.

After prevailing in an Appeal, an Appellant's status would normally be restored automatically to that which he held on the day of the trial. In this Case, the trial was 5/22/12 and on that day he was still serving a one-year definite suspension from office, but with only one day remaining. Therefore, since the one-year definite suspension expired on 5/23/12 (eleven months ago), the Appellant was a member of CMP, without call.

Reasoning

Presbytery was focused on the following question, prior to indictment and at trial: "*Did TE Latimer have biblical grounds for divorce?*" Presbytery rightly answered: No. But that was not the most pertinent question. The most pertinent question, and the one on which the SJC's judgment to sustain in part rested, was: *Did TE Latimer sin on June 27, 2012, when he filed a divorce petition with the State of Illinois?* The SJC did not find so and ruled that Presbytery clearly erred in judging that he sinned in doing so. There was no indication in the record that TE Latimer ever had "grounds to divorce" his wife. But whether his June 27, 2012, filing constituted sin turned not on whether he had grounds to divorce, but on whether his filing, combined with other evidence in the record, could reasonably be read to indicate an intent on his part to divorce. In other words, was his true objective to get divorced, or was the divorce

filings intended for other purposes entirely, such as the “protection of his children,” as he argued? It did not matter whether the filing was a wise or well-advised means to achieve his objective, or whether the children needed protecting, none of which the SJC could evaluate. What mattered was whether TE Latimer’s intentions in filing were sinful. We found no conclusive evidence in the record that TE Latimer’s intentions were sinful, and Presbytery clearly erred in finding otherwise.

The primary evidence cited by Presbytery to oppose this conclusion was the fact that TE Latimer never withdrew his divorce filing. But no conclusion on his intent to divorce could be drawn from this fact because of his wife’s counter-filing for divorce 12 days after his initial filing. Her counter-filing changed the circumstances, and the record did not speak to what TE Latimer’s rights and responsibilities were in the divorce proceedings after her counter-filing. In potential and actual divorce proceedings, *both* spouses (including the guilty spouse) have rights with respect to the civil magistrate in resolving issues related to child custody, property, finances, alimony, child support, visitation, etc.

In this decision, the SJC was not in any way criticizing Mrs. Latimer’s behavior or her decisions. Nor was the SJC agreeing or disagreeing with the Appellant’s contention that his June 27, 2012, filing was “required to protect the children” or his contention that a *divorce* petition was his only legal recourse. However, the record provided no conclusive evidence that TE Latimer filed for divorce immediately seeking a dissolution of the marriage or that TE Latimer had any intentions in the filing other than seeking what he believed was best for his children. Under the specific facts of this case, particularly the absence of evidence that his intentions were other than those he stated, to utilize civil process for such a purpose was not, of itself, sin.

Finally, care should be exercised in referring to this decision as persuasive precedent, for the outcomes of divorce cases so often rest upon their unique facts.

Key Words – divorce, civil courts, custody, infidelity

2013-11 Appeal of Session of First Presbyterian North Port v. Southwest Florida

M42GA, 2014 Houston, p. 573. Sustained 20-0. See also Case 2013-07.

Summary

The Session of First Presbyterian North Port, Florida (FPCNP) alleged that Southwest Florida Presbytery (SWFP) erred when the Presbytery convicted the Session of sin for not complying with a Presbytery directive.

Issue

Did Presbytery err, at its September 14, 2013 meeting, in approving the report and judgment of its Judicial Commission in the case of The PCA vs. The Session of FPCNP?

Judgment

Yes. The judgment was reversed.

Reasoning

As the SJC held in Case 2013-07, Presbytery alleged that it had the authority to direct the FPCNP Session to initiate process under the provisions of review and control for the “important delinquency or grossly unconstitutional proceedings” of the FPCNP Session (*BCO* 40-5). Presbytery cited the statements of members of the FPCNP Session that erroneously described the communicant member (see Case 2013-07) as not “a member of our church,” as grounds to act under *BCO* 40-5. Even if the SJC granted that the Presbytery had received a credible report, it did not follow the steps of *BCO* 40-4 that require: [t]he first step shall be to cite the court alleged to have offended to appear before the court having appellate jurisdiction, or its commission, by representative or in writing, at a specified time and place, and to show what the lower court has done or failed to do in the case in question. The Appeal was sustained, the judgment against the FPCNP Session was reversed in whole, and the charges and specifications were dismissed. Finally, the SJC noted that this decision did not find fault with the legitimate concern that Presbytery sought to address. Rather, the SJC’s concern was that Presbytery failed to follow the steps required by *BCO* 40-5. Had it done so, there would have at least been an opportunity to settle this matter without the need for further process and censure.

Key Words – Session on trial, civil courts, church safety, *BCO* 40-4, 40-5

2013-12 Appeal of Marshal v. Pacific

M43GA, 2015 Chattanooga, p. 585. Sustained 18-0. C-Op.

Summary and Reasoning

The Appellant alleged that Pacific Presbytery (PP) erred in verdict in a judicial case. Since PP failed to send up a material part of the ROC, the Appellant was sustained. (Recording device failed at trial.) As the lower court failed to send up a material part of the ROC, itself of injury to the Appellant, which failure cannot be remedied, the judgment from which the Appeal had been taken was suspended indefinitely, and as such, the case was dismissed. PP was rebuked and urged to take greater care to preserve, transcribe, and transmit all testimony in any subsequent judicial proceedings (*BCO* 42-7).

Key Words – recording device, evidence, Record of the Case, *BCO* 42-7

2014-01 Aven and Dively v. Ohio Valley

M44GA, 2016 Mobile, p. 499. Neither sustained nor denied 15-0. 3 C-Op.

Summary

A TE notified Ohio Valley Presbytery (OVP) that his view had changed on Larger Catechism (LC) 177. OVP adopted a recommendation from its Credentials Committee and judged the minister's difference as being "more than semantic, but neither striking at the vitals of religion nor hostile to our system of doctrine." Two TEs filed a Complaint against that judgment, and Presbytery declined to sustain it. The two TEs then filed a Complaint with the SJC.

Issue

Should the Complaint be sustained, which alleges that Presbytery erred on May 20, 2014, when it granted an exception to TE Hickey's stated difference as to LC 177, with respect to limiting participation in the Lord's Supper to those "such as are of years and ability to examine themselves," as being more than semantic but neither striking at the vitals of religion nor hostile to our system of doctrine?

Judgment

The Complaint was neither sustained nor denied. The Commission could not render judgment because the ROC was insufficient regarding this minister's *particular expression* of his view. Therefore, the Commission sent the matter back to OVP to hear further from TE Hickey regarding his stated difference in order to create a more comprehensive Record.

Reasoning

The question before OVP and this Commission was not simply whether or not paedocommunion is an allowable exception, but whether this particular formulation of that confessional difference, as developed in TE Hickey's reasoning, is allowable, or whether it "strikes at the vitals of religion" or is "hostile to the system of doctrine." Apart from his statement of difference, certain statements in TE Hickey's rationale required further explanation for the ROC. It was not clear from the ROC how Presbytery understood these statements, or whether Presbytery required or received such further explanation. The ROC was insufficient in the following six respects: 1) the ROC did not indicate whether certain statements in the minister's "rationale" meant he believes all covenant children have some degree of faith, or what he believes is the nature of "infant faith" with respect to the child's capacity for spiritual discernment; 2) the ROC did not indicate whether Presbytery judged this minister's confessional difference to only pertain to LC 177, or whether it logically results in a difference with other sections; 3) if the stated difference did result in differences with other sections, what were the implications of that for the nature of the exception?; 4) the ROC did not make clear whether the minister reached his position solely on his view that "covenant children were included in the sacred meals of the covenant community" simply on the basis of their being covenant children and his exegesis of 1 Corinthians 11:27-29, or whether there are additional theological reasons for his particular difference (*e.g.*, the child's personal discerning faith, as distinguished from the representational faith of the child's parents); 5) if the minister's reasons were based upon the exegesis of 1 Corinthians 11:27-29, then the ROC did not indicate how the minister exegetes that passage or related Standards (possible examples being LC 170, 171, 172, 173, 174, and 177 (where it is the only text cited)); 6) the ROC did not indicate how the stated difference affects the minister's approval of the PCA's form of government and discipline as being in conformity with the general rules of biblical polity (*BCO* 21-5.3), given the *BCO*'s frequently expressed distinction between communicant and non-communicant members. The SJC concluded that the ROC before us was insufficient to allow us to reach a determination on this case. Accordingly, we remanded this case to the Presbytery to hear further from TE Hickey regarding his change in view.

Key Words – paedocommunion, Record, Westminster LC, *BCO* 21-5.3

2015-01 Sanfacon v. Philadelphia

M44GA, 2016 Mobile, p. 512. AOO. This ruling was based on the fact that the original Complaint was not timely filed, and therefore this ruling voided every action taken on the Complaint(s) by the lower courts.

2015-02 Gearhart v. Chicago Metro

M44GA, 2016 Mobile, p. 513. AOO. The TE who would have had standing to file did not notify the PCA Clerk's office within the 30-day window required by *BCO 43-3*.

2015-03 Flesher and Weekly v. Metro Atlanta

M44GA, 2016 Mobile, p. 514. Moot 21-0. The issues raised in this Complaint were adjudicated in Appeal 2015-08. See Case 2016-14.

2015-04 Thompson v. South Florida

M44GA, 2016 Mobile, p. 514. AOO 22-0. C-Op. The objections raised in the Complaint ought to have been raised by a defendant during the process with the court of original jurisdiction, or thereafter, if not satisfied, by an Appellant on appeal.

2015-05 Application of John B. Thompson to cite Granada Presbyterian Church

M44GA, 2016 Mobile, p. 518. AOO 21-0. This matter was already on the Docket of South Florida Presbytery's August 11, 2015, Stated Meeting.

2015-06 PCA v. South Florida

M44GA, 2016 Mobile, p. 519. Satisfactory 18-0. Following a citation from the 43rd GA, the SJC reported to the 44th GA that South Florida Presbytery (SFP) responded to the citation. The SJC took the following actions: 1) that the minutes of the Presbytery's executive session of April 21, 2009, be approved (with an exception of substance); and 2) that, except as noted, the SJC found all the responses of SFP to be satisfactory.

2015-07 Thompson v. South Florida

M44GA, 2016 Mobile, p. 521. AOO 21-0. The next Stated Meeting of South Florida Presbytery was August 11, 2015, and it had not yet considered the Complaint.

2015-08 Hardie v. Metro Atlanta

M44GA, 2016 Mobile, p. 522. Not sustained 20-1.

Summary

Metropolitan Atlanta Presbytery (MAP) appointed a Commission in response to a request submitted by the Session of Grace North Atlanta (GNA). After receiving that Commission's report, MAP appointed a Judicial Commission (JC), appointed a prosecutor and suspended the Appellant, without censure, from all official functions while he was under process. At trial, the Appellant was found guilty of three charges and indefinitely suspended. The Appellant filed an appeal citing numerous irregularities in the proceedings and prosecution of the case.

Issue

Shall the specifications of error raised by the Appellant be sustained?

Judgment

No. The Appeal was denied.

Reasoning

The Appellant alleged seventeen specifications of error under six categories. None of the seventeen specifications were sustained by the SJC. In Category One (Irregularities in the Proceedings of the Presbytery), the Appellant alleged that: (a) Presbytery erred in how it formed its JC; (b) the indictment was improperly drawn and the citation was improperly signed; (c) Presbytery erred in allowing RE Bob Edwards to serve as a member of the JC; (d) the Commission received advice from the Presbytery's Parliamentarian; (e) the Commission allowed two witnesses to join the Prosecution team after they had testified. In Category Two (Receiving Improper Evidence), the Appellant alleged that: (a) the JC allowed Prosecution witnesses to be asked questions that were not specific to the questions listed in the charges; (b) witnesses could not testify to specifics since the indictment itself was not specific regarding when alleged offenses occurred; (c) the Commission allowed witnesses to present other than firsthand, eyewitness testimony that was based on hearsay; (d) the Commission allowed emails and written statements as documentary evidence from a number of individuals who declined to testify; (e) the Commission allowed testimony from individuals that should not have been allowed to testify under provisions of *BCO* 31-8. In Category Three (Refusal of

Reasonable Indulgence), the Appellant alleged that: (a) the Court repeatedly changed the date for the beginning of the trial such that it affected the Appellant's ability to inform its witnesses when they could be expected to be called to testify; (b) the Commission directed the Appellant to present and conclude his case on May 30, 2015. In Category Four (Manifestation of Prejudice in the Case), the Appellant alleged that: (a) manifestation of prejudice was evidenced by beginning the judicial process in an unconstitutional manner, the improper drafting and lack of proper approval of an indictment, the unconstitutional interference of persons in the judicial process, the Court being deferential to the prosecution, failing to heed the concerns of the Appellant and the development of factual findings without corroborative evidence, the use of hearsay and the testimony of witnesses not supported by other witnesses; (b) the court manifested prejudice on January 24, 2015, when it suspended TE Hardie under the provisions of *BCO* 31-10; (c) the Court manifested prejudice when it stated its intent to invoke the provisions of *BCO* 42-6 and to continue the suspension from all official duties of office before the Appellant gave notice of appeal. In Category Five (Hurrying a Decision before All Testimony Was Taken), the Appellant alleged that: (a) the Court gave great latitude to the Prosecution to present its case and then informed the Defense that it had to complete its case in a short period of time. In Category Six (Mistake and Injustice in the Judgment), the Appellant alleged that: (a) in addition to the suspension imposed on January 24, 2015, the censure of Indefinite Suspension from Office was not commensurate with the offenses.

Key Words – strong presumption of guilt, censure, suspension, congregational reconciliation, *BCO* 31-2, 31-8, 31-10, 42-6

2015-09 Bumgarner v. Mississippi Valley

M44GA, 2016 Mobile, p. 537. AOO 19-0. C-Op. This judicial case was declared AOO and dismissed pursuant to OMSJC 9.2(d). See *BCO* 40-3. Further, the claimant stated on November 1, 2012, upon withdrawing a Complaint on this matter: "Please consider this my official request to withdraw my Complaint...I understand that once my Complaint is withdrawn it cannot be resubmitted."

2015-10 Thompson v. South Florida

M44GA, 2016 Mobile, p. 539. AOO 22-0. This judicial case, in which a Complaint was filed, was dismissed pursuant to OMSJC 9.2(d).

2015-11 Thompson v. South Florida

M44GA, 2016 Mobile, p. 539. Sustained 22-0.

Summary

A member of Granada Presbyterian Church (and a PCA RE not actively serving on a Session) was indicted for violating his membership and ordination vows for allegedly inappropriate emails. Although he pled not guilty, a week prior to trial he changed his plea and proposed handling the matter as a *BCO* 38-1 case without process and proposed a 23-page “full statement of the facts.” The Session Commission then proposed a different two-page statement but an agreement was not reached on the 38-1 statement. Prior to the trial, the Complainant was convicted of contumacy and the censure of excommunication was imposed. His subsequent Complaint to the Session and South Florida Presbytery (SFP) was denied.

Issue

Did the Session Judicial Commission (JC) initially err in reaching its June 28, 2015, pre-trial judgment that Mr. Thompson was guilty of contumacy for alleged disregard of two citations or alleged refusal to cooperate with lawful proceedings?

Thereafter, did the Presbytery err on August 11, 2015, in denying a Complaint (*BCO* 43-3) against the Session’s actions regarding the Judgment of Guilt and Censure of excommunication on June 28, 2015, July 2, 2015, and July 16, 2016?

Judgment

Yes. The Session’s judicial commission procedurally erred, and subsequently the Session and Presbytery erred in not sustaining the Complaint. Therefore, the SJC annulled the judgment of guilt for contumacy under *BCO* 32-6 and thus the censure of excommunication. This Judgment also annulled the Session’s actions on July 2 and 16, and the Presbytery action on August 11. This placed the matter back to where it was on June 26, 2015, and the Complainant was restored to the status of being a member of Granada PCA under indictment with judicial process pending.

Reasoning

The SJC was not expressing any opinion on whether the Complainant could have been convicted at trial for contumacy. The SJC was simply saying that the Complainant’s behavior was not the immediately

censurable kind envisioned in *BCO* 32-6.b. For him to be censured for the subjective kind of contumacy, it would have had to be proven at trial or confessed. While the Record demonstrated that the accused was challenging to deal with, the behavior in the Record did not demonstrate the type of “refusing to cooperate with lawful proceedings” that would be immediately censurable as *BCO* 32-6.b. Second, for a matter to be a *BCO* 38-1 case without process, the accused and the court must mutually approve a written statement (confession). Both must agree it is a full statement of the facts. If agreement cannot be reached, there cannot be a *BCO* 38-1 case without process. In this case, because the statements of the commission and the Complainant were so different, they should have proceeded to the trial scheduled for a week later.

Key Words – excommunication, contumacy, emails, *BCO* 32-6, 38-1

2015-12 Wills v. Metro Atlanta

M44GA, 2016 Mobile, p. 554. AOO 18-3. See Case 2016-14.

Summary

Metro Atlanta Presbytery (MAP) met at a Called Meeting and decided to dissolve Grace North Atlanta (GNA) as an affiliate of MAP and the PCA. The Complainant filed a Complaint against this action, which MAP found AOO.

Issue

Is Complaint 2015-12 properly before the SJC?

Judgment

No. The Complaint was AOO.

Reasoning

This Complaint was against the action taken by MAP on September 15, 2015. However, MAP had not had the opportunity to respond to the Complaint regarding their action (*BCO* 43-2). The Complainant was instructed that, if he desired to pursue this Complaint, he needed to file this Complaint with MAP within 30 days of notification of this Decision.

Key Words – dissolving relationship with church, signature, *BCO* 43-2

2015-13 Barnes v. Heartland

M45GA, 2017 Greensboro, p. 478. Sustained 18-4. C-Op. D-Op.

Summary

When TE Geoff Smith (member of a Presbytery of the OPC) contacted TE Anthony Felich, Chairman of the Candidates and Credentials (CC) Committee of Heartland Presbytery (HP) regarding transferring his credentials, TE Smith stated differences to the Westminster Standards. HP allowed an exception, judging that TE Smith's views were "more than semantic but not out of accord...." The Complainant filed a Complaint with Presbytery. After a hearing regarding corrections to the minutes, an SJC Panel Hearing was held.

Issue

Did HP clearly err on August 8, 2015, at its 80th Meeting when it granted an exception judging TE Geoff Smith's stated differences with *WCF 19* as "more than semantic but not out of accord with any fundamental of our system of doctrine," because Presbytery failed to consider critical evidence in examining TE Smith's stated differences and thus failed to develop a sufficient record on which to judge them?

Judgment

Yes, and this matter was remanded to HP for action consistent with this Decision.

Reasoning

The Complainant made it clear that the issue in this case was not whether Presbytery made a proper determination with regard to its evaluation of TE Smith's differences. Rather, the Complaint dealt with an antecedent matter; that is, whether HP sufficiently explored TE Smith's views, and, in turn, whether Presbytery had a sufficient basis for reaching any conclusion on TE Smith's stated differences. The SJC found that there was indeed no evidence in the Record to indicate that the members of HP were given key information regarding the existence of TE Smith's longer paper (from 2003) about his theological views, not just his answers to HP's questions. Prior to the August meeting of HP, the Record also did not show that members of HP were made aware of the actions of Smith's OPC Presbytery (OPCUS) regarding his views, in particular that OPCUS stated that his views "do not stand within the system of doctrine contained within the Westminster Standards."

Similarly, there was no evidence that the CC Committee formally reported these matters to Presbytery at or before the November meeting at which Presbytery considered the Complaint, nor that Presbytery had any discussion of this information. Given the gravity of the actions of OPCUS and the content of TE Smith's views, those were critical and fatal omissions. The Complaint was sustained, and the matter was remanded to HP with instructions to ensure that obviously germane and important documentation with respect to the question of whether TE Smith are "out of accord with any fundamental of our system of doctrine" was included in the minutes of Presbytery.

Key Words – transfer of credentials, exceptions, law, *BCO* 21-4, 40-2

2016-01 Aven v. Ohio Valley

M45GA, 2017 Greensboro, p. 496. Not sustained 16-6. C-Op. D-Op.

Summary

TE Charles Hickey notified Ohio Valley Presbytery (OVP) that his view had changed on Larger Catechism 177. P adopted a recommendation from its Credentials Committee (CC) and judged TE Hickey's difference as being "more than semantic, but neither striking at the vitals of religion nor hostile to our system of doctrine." The Complainant filed a Complaint against this judgment, which Presbytery denied. The SJC heard this Complaint (2014-01) but declined either to sustain or decline because of an insufficient Record. After the case was sent back to Presbytery, TE Hickey submitted additional material on his view. The Complainant complained that Presbytery failed adequately to comply with the Judgment of Case 2014-01, which Presbytery denied.

Issue

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?

Judgment

No.

Reasoning

The Complainant seemed to argue as though the SJC had sustained his original Complaint in Case 2014-01, had annulled Presbytery's action on

judging the minister's difference, and had remanded for a reexamination. But that was not the case. Rev. Aven's four-page Complaint, which Presbytery denied in January 2016, frequently used the verbs "examine," "reexamine," and "investigate," as well as nouns "reexamination" and "directive." But the SJC Decision in Case 2014-01 never used any of those words in its Judgment or Reasoning. The SJC merely observed that, "...certain statements in TE Hickey's [original] rationale require further explanation in the Record" and "we remand this case to the Presbytery *to hear further from* TE Hickey regarding his change in view." Presbytery did "hear further" from the minister in numerous written documents. The Complainant further contended that the SJC "directed" Presbytery to procure answers from TE Hickey on the five areas delineated in the SJC Decision 2014-01. Respondents asserted that there was no such directing, but even if there was, TE Hickey addressed each of the five areas, at least in some degree. Thus, the Complaint was denied.

Key Words – Lord's Supper, change in view, Larger Catechism 177

2016-02 Robertstad v. North Texas
M45GA, 2017 Greensboro, p. 509. AOO 21-0. C-Op.

2016-03 Thompson v. South Florida
M44GA, 2016 Mobile, p. 498. Withdrawn.

2016-04 Thompson v. South Florida
M44GA, 2016 Mobile, p. 498. Withdrawn.

2016-05 Troxell v. Presbytery of the Southwest
M45GA, 2017 Greensboro, p. 514. Sustained in part 22-0. C-Op.

Summary

The Presbytery of the Southwest (PSW) voted to form a small committee to shepherd a TE during a crisis. The TE later resigned. After the TE's divorce, he presented a motion to Presbytery for an "ecclesiastical divorce." PSW formed a committee to investigate the matters surrounding

his divorce, after which Presbytery instituted process against the TE. TE Thomas Troxell (the Complainant) filed a Complaint with Presbytery, which was denied.

Issues

1. Did PSW err when it charged the TE with failing to manage his household well, arising from events which occurred more than 12 months prior to the process being commenced?
2. Did PSW err when the Moderator allowed members of PSW to discuss potential charges and make assertions of the guilt of the TE and his fitness for ministry?
3. Did PSW err when the TE was questioned on the floor of Presbytery at the September 24, 2015, Stated Meeting?
4. Did PSW err when the Moderator declared that the TE was no longer in good standing at the September 24, 2015, Stated Meeting?
5. Did PSW err when it charged the TE with lack of submission to the government and discipline of the church in violation of the Rules of Discipline in the *BCO*?

Judgment

1. Yes. The action taken by PSW to institute process with regard to Charge 1 was annulled.
2. No.
3. No.
4. Yes. However, this error was not of such a nature to annul the other actions taken by PSW. The TE was considered to be in good standing. The PSW did suspend his official functions through proper process at the January 2016 meeting of PSW. That suspension remained in effect.
5. No. There was no constitutional reason to prevent this Charge from being adjudicated.

Reasoning

For Issue One, *BCO* 32-20 establishes a standard for timeliness in dealing with offenses while allowing the court the ability to deal with allegations of sin when they become flagrant. However, the Record before the SJC did not indicate that the offense in question did recently become flagrant. The Record showed that PSW voted to institute process in September 2015 for an offense that occurred in June 2014; the fifteen-month delay did not meet the standard specified in *BCO* 32-20. Our constitution simply does not permit a Presbytery to institute process after a delay of this length in the absence of scandal or a new or flagrant offense. For Issue Two, there was nothing in the ROC to indicate that the

Moderator of PSW erred in allowing discussions regarding the TE. Discussion about potential charges, evidence, reports, etc. are necessary for the court to conduct the duties assigned to the court by the *BCO*. For Issue Three, the Complainant claimed that, based on *BCO* 35-1, PSW erred in permitting a member to ask questions of the accused on the floor of Presbytery. However, *BCO* 35-1 deals with testimony taken during trial and is not applicable to inquiries being made outside of a trial. For Issue Four, the effect of the declaration that the TE was “not in good standing” was to remove certain rights that are afforded to members that are in good standing (see *BCO* 13-13, 14-2, 19-1, 24-7, 43-1, etc.). Although the ROC showed that the TE’s defense was not harmed by this, the removal of rights without process is contrary to “The Rules of Discipline” in the *BCO*. For Issue Five, the SJC found nothing in the Record to indicate that Presbytery had erred when it charged the TE with a lack of submission. This charge addressed an offense that occurred within one year of the initiation of process; therefore, the charge was not barred by *BCO* 32-20. Without addressing the guilt or innocence of the TE, the SJC found no constitutional reason to prevent this charge from being adjudicated.

Key Words – member in good standing, divorce, ecclesiastical divorce, submission, *BCO* 32-20, 35-1

2016-06 Avery v. Nashville
M46GA, 2018 Atlanta, p. 500. Abandoned.

2016-07 Avery and Lewelling v. Nashville
M45GA, 2017 Greensboro, p. 523. JOO 21-0.

2016-08 Doty v. Nashville
M45GA, 2017 Greensboro, p. 524. JOO. 11-9. D-Op. While the case was originally filed as a “Complaint” with Nashville Presbytery, the “Complaint” did not meet the requirements of a Complaint as defined in *BCO* 43-1.

2016-09 Fordice v. Pacific Northwest
M45GA, 2017 Greensboro, p. 532. Sustained 20-0.

Summary

Issues arising within Evergreen Presbyterian Church (EPC) between 2012 and 2015 led to accusations against its pastor, TE Nathan Lewis, being brought to Pacific Northwest Presbytery (PNP). Presbytery decided not to recommend indictment of TE Lewis. The Complainant then brought “formal accusation” to Presbytery against TE Lewis citing *BCO* 34-1. An Investigative Committee (IC) of PNP then recommended process and a three-fold indictment. TE Lewis requested to handle the matter as a *BCO* 38-1 case without process. Although the PNP SJC recommended the censure of admonition, Presbytery adopted a substitute motion to accept TE Lewis’s “statement of repentance” and “judge the matter closed.” The Complainant filed a Complaint with Presbytery, which was denied. The Complainant was then brought before the SJC.

Issue

Did PNP err on May 20, 2016, when it denied the Complaint in light of its having accepted TE Lewis’s statement of facts and related confession of guilt?

Judgment

Yes. The Complaint was sustained, and the case was remanded to PNP for further action consistent with this Decision.

Reasoning

The Complainant framed his Complaint under three specific issues: (1) an alleged “failure to institute process, as required by the *BCO*,” (2) an alleged “failure to record a full statement of facts,” and (3) an alleged acceptance of “an unrelated confession.” For Issue One, the Complainant cited *BCO* 31-2 and OMSJC 16.5 in contending that a court must institute process upon a finding of a “strong presumption of guilt.” The Complainant failed to recognize that Section 16 of the OMSJC applies only where the SJC exercises original jurisdiction over a case, which did not take place here. What PNP did was to turn a would-be recommendation of process into a case without process, before process itself had actually begun. Although the thrust of *BCO* 38-1 appears to contemplate a would-be accused coming forward to confess sin before it is actually charged or otherwise made known, *BCO* 38-1 has never been limited to those circumstances. PNP’s use of *BCO* 38-1 instead of proceeding to trial was not, by itself, an error. For Issue Two, *BCO* 38-1 requires a “full” statement of the facts. To satisfy this requirement, the approved

statement of facts must fairly meet the alleged offenses. In this case, the proffered statement offered no adequate explanation for how the alleged offenses were subsumed into the three alleged violations of vows; which of the allegations were admitted and which were denied; and which, if any, could not be proved or prosecuted. In this case, PNP clearly erred in approving a statement of facts under *BCO* 38-1 that was not full as to the underlying alleged offenses. For Issue Three, the IC's investigation and Report revealed that the allegations were meritorious at least to some extent and probably throughout. However, hardly any of those allegations were addressed in the Statement or in the Confession. Numerous facts admitted bore little relationship to the substance of the Complaint. The Confession also tended to avoid specific accusations, and TE Lewis never actually admitted to a violation of his vows. Accordingly, PNP's denial of the Complaint was annulled, and the case was remanded to Presbytery.

Key Words – confession, censure of admonition, case without process, *BCO* 38-1

2016-10 In re Korean Northwest

M46GA, 2018 Atlanta, p. 500. Korean Northwest Presbytery responded to the SJC that it had amended and adopted its response to the exceptions in its meeting of April 24-25, 2017. A motion to accept the amended and corrected responses of KNWP was approved 19-1.

2016-11 Frazier v. Nashville

M46GA, 2018 Atlanta, p. 500. Not sustained 20-0. 2 C-Op.

Summary

Rev. Chuck Williams, a minister and chaplain from the PCA's Central Florida Presbytery, filed accusations with Nashville Presbytery (NP) against Rev. Scott Sauls, accusing him of "infidelity to the Gospel" for alleged views and teaching related to homosexuality. NP's standing Committee on Judicial Business considered the accusations and recommended that Presbytery find there was insufficient reason to indict (i.e., no "strong presumption of guilt," *BCO* 31-2). Presbytery adopted the Committee's recommendation. Rev. Frazier, a member of NP, filed a Complaint against that decision. Presbytery denied his Complaint and he carried it to the SJC.

Issue

Did NP err at its 87th Stated Meeting on April 12, 2016, in its determination that there was insufficient evidence to raise a strong presumption of guilt with respect to the reports brought before it against the teachings of TE Scott Sauls?

Judgment

No. The Complaint was denied.

Reasoning

The ROC provided sufficient evidence that NP fulfilled its investigatory duties under *BCO* 31-2 in the particular circumstances presented in this case. Further, the 147-page ROC did not demonstrate that NP erred in its exercise of judgment when it declined to proceed to charges against the TE.

Key Words – homosexuality, same-sex attraction, blog, *BCO* 31-2

2016-12 Harwell et al. v. Nashville

M45GA, 2017 Greensboro, p. 542. JOO 22-0.

2016-13 Daniels et al. v. Nashville

M46GA, 2018 Atlanta, p. 523. Moot. D-Op.

2016-14 Wills v. Metro Atlanta

M45GA, 2017 Greensboro, p. 543. Not sustained 20-0.

Summary

After internal conflicts at Grace North Atlanta (GNA), Metropolitan Atlanta Presbytery (MAP) formed a commission to “investigate, discern and help all work through disorder that has come to the surface.” After a Presbytery commission recommended that Presbytery institute process against the pastor of GNA (TE John Hardie), two of the four REs at GNA filed a Complaint (eventually Case 2015-03). Two REs then proposed a congregational meeting to dissolve the call of the other two REs. Presbytery adopted four motions, including the direction to the Session of GNA not to hold the proposed congregational meeting and that

Presbytery erect a commission to visit GNA church. The congregational meeting at GNA occurred nevertheless on May 17, 2015. After being cited to appear at a Called Meeting of MAP, two of GNA's REs attended and spoke while two REs (those who proposed the congregational meeting) refused and instead sent a 17-page response. MAP adopted the recommendation of its commission investigating GNA to dissolve GNA as an affiliate of MAP and the PCA. After a series of Complaints being ruled OOO, the Complainant brought his Complaint before Presbytery, which was denied. The Complainant then filed a Complaint with the SJC.

Issue

1. Did MAP violate any procedural requirements of the *BCO* by dissolving GNA church without that church's consent?
2. Did MAP clearly err, in a matter of discretion and judgment, when it dissolved GNA as a PCA church?

Judgment

1. No.
2. No.

Therefore, the Complaint was denied.

Reasoning

For Issue One, the Complainant contended that a Presbytery must always follow full and formal judicial process prior to dissolving a congregation without its consent – i.e., formal *BCO* 31-2 investigation, a vote finding of a strong presumption of guilt, appointment of a prosecutor, indictment, arraignment, trial (if necessary), conviction, censure, and completed appeal (if chosen). He asserted that *BCO* 40-6 must always be followed prior to any such dissolution. On the other hand, Presbytery (through its representative) contended that *BCO* 40-6 does not necessarily apply to the dissolution authority given to a Presbytery in *BCO* 13-9. MAP interpreted this constitutional question correctly, and the SJC we found no error of constitutional interpretation regarding Issue One. For Issue Two, although the *BCO* does not mandate a procedure a Presbytery must follow before dissolving a church without a church's consent, that does not mean the procedure used is unimportant or unreviewable. It still needs to be prudent and reasonable, based on the facts of the situation. And because the decision to dissolve is a matter of discretion and judgment, the SJC "should not reverse such a judgment by a lower court, unless there is clear error on the part of the lower court."

The ROC did not demonstrate clear error. However, it would be a gross misunderstanding of this Decision if someone concluded that a Presbytery could, without sufficient justification, dissolve a church. It cannot.

Key Words – dissolution of a church, congregational meeting, Session clerk, minutes, *BCO* 13-9, 31-2, 40-6

2016-15 Appeal of Bachmann v. Nashville

M46GA, 2018 Atlanta, p. 526. Sustained 21-0.

Summary

Following tensions at Covenant Presbyterian Church (CPC), TE Bachmann submitted a “formal request to retire from the ministry of CPC, contingent on a suitable financial arrangement.” Subsequent discord led the Session of CPC to request that the Nashville Presbytery (NP) Shepherding Committee (SC) assist the church in all matters relating to the discord. NP voted to commence process against TE Bachmann and found him not guilty on one charge (Charge A) and guilty on one charge (Charge B). At a meeting of NP the overview, verdicts and censure recommended by the Judicial Commission (JC) were agreed to by secret ballot and apparently without debate, but NP proceeded to act on the JC’s Judgment by first allowing a division of the question on the verdict, and then by acting separately on the JC’s recommended censure, allowing both debate and amendment.

Issue

Did NP, at its meeting of September 12, 2016, err in amending the judgment of its JC and subsequently approving the amended judgment?

Judgment

Yes, and the SJC rendered the decision that should have been rendered (*BCO* 42-9) as set forth below.

Reasoning

The Appellant alleged a number of errors arising from the investigation process, the indictment, the evidence admitted and procedures employed at trial. An important fact is that, after the JC had entered its recommended verdict, and before that verdict was made the judgment of NP, the Appellant confessed to the offense of which he was found guilty by the JC. The Appellant then contended on appeal that his written post-

trial confession was offered as part of a negotiated plea agreement in exchange for a lesser censure or admonition. However, a confession after trial is categorically distinct from a proffered confession under *BCO* 38-1. Our constitution does not reference or recognize a conditional plea of guilt or negotiated plea bargain based on a confession after a trial. In fact, the JC's minutes indicated that its moderator reminded the Appellant specifically that the JC could not compel NP to take any particular action in response to the Appellant's confession. Having been so warned, the Appellant was under no obligation to confess. Having made a sincere and truthful confession, the Appellant could not then retract that confession and challenge on appeal the process leading to the verdict to which he unconditionally confessed.

Second, in its report on this case, the JC of NP properly described the procedure set forth in *BCO* 15-3 for Presbytery's consideration of the JC's recommendation: "In accordance with *BCO* 15-3 this entire Judgment [which included an Overview, Recommended Verdict and Recommended Censure] shall be submitted to the NP without debate and upon its approval shall be entered on the minutes of Presbytery as the action." However, contrary to *BCO* 15-3, and the JC's advice, NP proceeded to act on the JC's Judgment by first allowing a division of the question on the verdict, and then by acting separately on the JC's recommended censure, allowing both debate and amendment. The ROC evidenced clear error (*BCO* 39-3.4) on the part of NP with respect to the provisions of *BCO* 15-3 in acting on the JC's report. Accordingly, this specification of error was sustained.

To resolve this Appeal, the SJC was convinced that the wisest and most just course of action was to render the decision that should have been rendered: to enter the judgment and censure recommended by the JC. Therefore, the judgment and censure of the JC entered on September 6, 2016, and recommended to NP was made the judgment of the SJC. The case was remanded to the NP, and the judgment of the Commission was entered as the judgment of NP.

Key Words – post-trial confession, censure, retirement, resignation, *BCO* 15-3, 39-3.4

2016-16 Sartorius et al. v. Siouxlands

M46GA, 2018 Atlanta, p. 536. Not sustained 22-1. C-Op.

Summary

After the SJC remanded Case against TE Lawrence back to Presbytery of Siouxlands (PS) for retrial, a new trial was conducted before the full

Presbytery with 16 judges (8 TEs and 8 REs), who rendered ‘not guilty’ verdicts on each of the five charges. TE Sartorius filed a Complaint against the acquittals, which Presbytery then denied. TE Sartorius then carried to Complaint before the SJC.

Issue

Has the Complainant shown that PS failed in its duty to condemn erroneous opinions in this case by finding TE Lawrence not guilty at trial?

Judgment

No. The Complaint was denied.

Reasoning

A Complaint, with respect to the verdict in a judicial case, clearly cannot provoke a retrial of the case at the level of the superior court. The Complainant had the burden to show, from the ROC, how Presbytery had erred in its proceedings or verdict. That burden was not met in this case. In this Decision, the SJC did not comment on what may be the Defendant’s *actual* views in relation to the Constitution itself. The Court simply ruled that the Complainant did not demonstrate error on the part of the trial court.

Key Words – Federal Vision, retrial, *BCO* 43

2016-17 Webster et al. v. Heritage

M46GA, 2018 Atlanta, p. 566. Not sustained 20-0.

Summary

Heritage Presbytery (HP) appointed an Ad Interim Committee “to address the continuing discord” at New Covenant Church (NCPC). In an Addendum to the Committee’s Concluding Report, it was reported that a former member of the NCPC Session had submitted a written complaint (Ullrey Complaint) citing the Session for acting out of accord with the PCA’s Constitution, which requires that Ruling Elders subscribe to the Westminster Standards. The Concluding Report and Addendum were read to HP in executive session, but the Committee did not have time to meet between the Addendum preparation and the Presbytery meeting to approve in a physical meeting the Addendum and its

implications. HP did not take a position on the Ullrey Note but cautioned the Session of NCPC about the dangers of allowing a man to stand for election to an office who as a result of this complaint may ultimately be found unqualified for church office. Two REs filed a Complaint against this action, which was denied by Presbytery.

Issue

Did HP err at the September 10, 2016, Stated Meeting when they passed the motion referred to in the Summary of the Facts. “That HP, (while not taking a position on the complained about action as the complaint [clerk’s note: of RE Ullrey] is not presently properly before us as the complaint being properly submitted first to the court alleged to be in error and that court has not yet responded) does nonetheless caution the Session of NCPC about the dangers of allowing a man who as a result of this complaint may ultimately be found unqualified for church office (as he may be judged out of accord with a fundamental of our System of Doctrine) to stand for election to that office or be ordained to that office. The Presbytery suggests it would be more expedient to await the outcome and proper judicial resolution of this complaint, before electing and ordaining this candidate to office. Therefore the Presbytery requests the NCPC Session to postpone the candidate’s consideration, election, or ordination until the complaint is finally resolved.”

Judgment

No.

Reasoning

In this case, HP did not “act for” the Session, nor did it “require” the Session to take any action. Presbytery provided advice. The fact that the Session chose to heed Presbytery’s advice did not make it any less advice. Further, Presbytery clearly realized that the Ullrey Complaint was not properly before Presbytery. While the knowledge of that Complaint may have colored the thinking of some presbyters, it is clear that Presbytery did not act on the Complaint, but properly recognized that it needed to be taken up first by the Session. The only issue before the SJC was whether Presbytery exceeded its authority in giving advice to the Session as it was considering the Complaint and its process of officer examination. For the reasons noted above, the SJC concluded that the advice and counsel provided by HP to the Session of NCPC did not

impinge on the authority of the lower court, did not interfere with the prerogatives of the Session and Congregation in electing officers, and did not violate the provisions of the Constitution.

Key Words – infant baptism, advice, office, Ruling Elder, views

2017-01 Dailey v. Heritage

M46GA, 2018 Atlanta, p. 571. Sustained 17-5. D-Op.

Summary

After a member of New Covenant Presbyterian Church (NCPC) was removed from the Worship Team, she filed a Complaint with the Session listing six specifications of error. The Session concluded that the Complaint did not meet the criteria for a Complaint as defined by *BCO* 43-1. After the member sent a letter to Heritage Presbytery (HP), Presbytery considered the matter at the November 12, 2016, Stated Meeting, and gave the Moderator authority to appoint a commission to hear the Complaint. An RE filed a Complaint against this action, which was denied by Presbytery.

Issue

Did HP err on November 12, 2016, when it upheld its Moderator's ruling that Mrs. Hubbard's document was administratively in order as a Complaint arriving via *BCO* 43-3?

Judgment

Yes. The RE's Complaint was sustained and any and all actions taken by HP in adjudicating the issues raised in the Document after November 12, 2016, were annulled.

Reasoning

In an explanatory note in the minutes from the HP meeting of November 12, 2016, HP justified their action as follows: "as the lower court had refused to adjudicate the matters complained of, had not responded to affirm or deny her specifications of error, the higher court on notice of complaint through its commission now act as the court of first jurisdiction." This was an incorrect interpretation of the Constitution. *BCO* 43-3 specifies only two situations where a Complaint can be taken from a lower court to a higher court: 1) if the court that is alleged to be

delinquent denies the Complaint, or 2) if the lower court fails to consider the Complaint against it by the next stated meeting. In this case, neither situation existed. To preserve the rights of the lower court, and in conformity with our Constitution, the proper course would have been for an individual to have filed a Complaint with the Session against the Session's action on the communication from Mrs. Hubbard. Such a Complaint would have allowed the matter to be dealt with under *BCO* 43-2 and thereby, would provide a clear record of the Session's action.

Key Words – Constitution, complaint, *BCO* 43-3

2017-02 Charles Postles et al. v. Heritage
M46GA, 2018 Atlanta, p. 582. Not sustained 16-5.

Summary

An Ad Interim Committee of Heritage Presbytery (HP) was charged to investigate the health of the relationship between the pastor and congregation of New Covenant Presbyterian Church (NCPC). The Committee, convinced that there was a strong presumption of the TE's guilt, recommended that HP bring charges against the TE for breaking his ordination vows, and that HP appoint a prosecutor to prepare the indictment against the TE. HP then passed a motion charging the TE with violation of Ordination Vow 6 and 7 and calling for a prosecutor to be appointed by the Moderator to investigate the offenses charged and, if necessary, to prepare the indictment to be served on the accused. Two REs then filed a Complaint against this action, which was denied by Presbytery.

Issue

Did HP err at the November 12, 2016, Stated Meeting when, acting upon the recommendation of a committee, they charged a TE with offenses and appointed a prosecutor to investigate the charges and if necessary prepare an indictment?

Judgment

No.

Reasoning

The Complainant alleged that the investigation was a violation because "the Ad Interim Committee was not appointed to conduct an investigation that envisioned any form of judicial action or process."

However, the ROC clearly demonstrated that the Committee was given instructions by HP to conduct an investigation. The SJC found no requirement in the Constitution that a committee must be given special or specific instruction before the committee can make a recommendation that includes a recommendation of judicial action or process. The Complainant also alleged that HP followed a process that was a clear violation of the Constitution when HP acted upon the recommendation of the Committee and instituted process against the TE. In support of the allegation of error, the Complainant offered three alleged violations of the Constitution: a) there was no written committee report; b) the approach was contrary to the steps outlined in *BCO* 31-2; and c) the imprecise, non-*BCO* language used. However, the SJC concluded that: a) we could find no Constitutional requirement for a written report; b) the steps outlined in *BCO* 31-2 call for an investigation, the establishment of a strong presumption of guilt, and the appointment of a prosecutor, and the ROC demonstrated that HP followed these steps; and c) while it may have been more precise to use the words “appoint a prosecutor to prepare the indictment and to conduct the case” (*BCO* 31-2), there was no clear violation of the Constitution in the language used by HP.

Key Words – ordination vows, *BCO* 31-2

2017-03 Daniels et al. v. Nashville
M46GA, 2018 Atlanta, p. 499. OOO.

2017-04 BCO 40-5 report of RE John B. Thompson
M46GA, 2018 Atlanta, p. 499. Withdrawn.

2017-05 BCO 40-5 report of TE James Bachmann
M46GA, 2018 Atlanta, p. 499. OOO.

2017-06 Request for Reference from Blue Ridge Presbytery
M46GA, 2018 Atlanta, p. 587. Blue Ridge Presbytery (BRP) requested a Reference for the SJC to hear and decide this Complaint (*BCO* 41-3). The ROC prepared and presented by BRP did not affirmatively demonstrate any bias on the part of the entire Presbytery or any action of the Complainant that would require all presbyters to disqualify

themselves from hearing the Complaint. The ROC did not demonstrate any very serious division, any constitutional questions, or any “new, delicate or difficult issues” presented by the Complaint to warrant reference as contemplated by *BCO* 41-2. For these reasons, the request for reference was denied. BRP was instructed to hear and decide the Complaint.

2017-07 Clement v. Blue Ridge

M46GA, 2018 Atlanta, p. 587. The Complaint in 2017-07 was answered with reference to the SJC’s decision in 2017-06.

2017-08 BCO 40-5 report of RE John B. Thompson

M46GA, 2018 Atlanta, p. 499. OOO.

2017-09 BCO 40-5 report of RE John B. Thompson

M46GA, 2018 Atlanta, p. 499. OOO.

2017-10 In re Korean Eastern Presbytery

M46GA, 2018 Atlanta, p. 588. The Commission recognized that Korean Eastern Presbytery complied with the citation from the Commission; that the Presbytery provided the necessary materials under *BCO* 40-1; and that the Commission referred these materials to the Committee for Review of Presbytery Records for review. The Commission approved these actions.

2017-11 In re Korean Southwest Presbytery

M46GA, 2018 Atlanta, p. 588. The Commission voted unanimously to accept the responses from Korean Southwest Presbytery, which have been approved by KSWP, as complying with the Standing Judicial Commission citation and to note that those responses have been forwarded to the Review of Presbytery Records Committee.

2017-12 In re Platte Valley Presbytery

M46GA, 2018 Atlanta, p. 589. The Commission voted unanimously to accept the responses from Platte Valley Presbytery, which have been

approved by PVP, as complying with the Standing Judicial Commission citation and to note that those responses along with the minutes requested have been forwarded to the Review of Presbytery Records Committee.

2017-13 Tripp v. Ohio Valley

M46GA, 2018 Atlanta, p. 499. Withdrawn.

PART IV

STUDY COMMITTEE REPORTS Ad Interim Committee Recommendations (Arranged in Alphabetical Order of Subject)

Creation Study Committee Report **2000, p. 119-212, 28-38.**

Committee Recommendations

2000, p. 119-121, 28-38 and 2000, p. 184-185, 28-38.

1. That the Creation Study Committee's report, in its entirety, be distributed to all sessions and presbyteries of the PCA and made available for others who wish to study it. *Adopted.*
2. That since historically in Reformed theology there has been a diversity of views of the creation days among highly respected theologians, and, since the PCA has from its inception allowed a diversity, that the Assembly affirm that such diversity as covered in this report is acceptable as long as the full historicity of the creation account is accepted. *Adopted As Amended.*
3. That this study committee be dismissed with thanks. *Adopted.*

Federal Vision Study Committee Report on Federal Vision, New Perspective, and Auburn Avenue Theologies **2007, p. 509-567, App. O.**

Committee Recommendations

2007, p. 68-69, 35-20 and 2007, p. 567, App. O.

1. That the General Assembly commend to Ruling and Teaching Elders and their congregations this report of the Ad Interim Committee on NPP, AAT and FV for careful consideration and study. *Adopted.*
2. That the General Assembly remind the Church, its officers and congregations of the provisions of *BCO* 29-1 and 39-3 which assert that

the *Confession of Faith and the Larger and Shorter Catechisms of the Westminster Assembly*, while “subordinate to the Scriptures of the Old and New Testaments, the inerrant Word of God,” have been adopted by the PCA “as standard expositions of the teachings of Scripture in relation to both faith and practice.” *Adopted.*

3. That the General Assembly recommend the declarations in this report as a faithful exposition of the Westminster Standards, and further reminds those ruling and teaching elders whose views are out of accord with our Standards of their obligation to make known to their courts any differences in their views. *Adopted.*
4. That the General Assembly remind the Sessions and Presbyteries of the PCA that it is their duty “to exercise care over those subject to their authority” and “to condemn erroneous opinions which injure the purity or peace of the Church” (*BCO* 31-2; 13-9f). *Adopted.*
5. That the Ad Interim Study Committee on NPP, AAT and FV be dismissed with thanks. *Adopted.*

Declarations

2007, p. 556, App. O.

In light of the controversy surrounding the NPP and FV, and after many months of careful study, the committee unanimously makes the following declarations:

1. The view that rejects the bi-covenantal structure of Scripture as represented in the Westminster Standards (i.e., views which do not merely take issue with the terminology, but the essence of the first/second covenant framework) is contrary to those Standards.
2. The view that an individual is “elect” by virtue of his membership in the visible church; and that this “election” includes justification, adoption and sanctification; but that this individual could lose his “election” if he forsakes the visible church, is contrary to the Westminster Standards.
3. The view that Christ does not stand as a representative head whose perfect obedience and satisfaction is imputed to individuals who believe in him is contrary to the Westminster Standards.

4. The view that strikes the language of “merit” from our theological vocabulary so that the claim is made that Christ’s merits are not imputed to his people is contrary to the Westminster Standards.
5. The view that “union with Christ” renders imputation redundant because it subsumes all of Christ’s benefits (including justification) under this doctrinal heading is contrary to the Westminster Standards.

Insider Movements Study Committee Report
2012, p. 590-681, App. V (for Part 1) and
2014, p. 593-753, App. V (for Part 2)

The Ad Interim Committee brought their recommendations to the General Assembly in two parts (Part 1 and 2) over three General Assemblies (2012-2014) after the recommendations presented in 2013 were recommitted by the 41st GA to report back to the 42nd GA.

Committee Recommendations (Part 1)

2012, p. 29, 40-42 and 2012, p. 596, App. V.

1. That “Part One – Like Father, Like Son: Divine Familial Language in Bible Translation” serve as a Partial Report (Part One of Two Parts). *Adopted.*
2. That the 40th General Assembly declare that, since social familial terms fail to capture the biblical meaning of “Son” (*huios*) and “Son of God” (*huios tou theou*) applied to Jesus and “Father” (*pater*) applied to God, Bibles should always translate divine familial terms using common biological terms. *Adopted.*
3. That the 40th General Assembly make available and recommend for study “Part One – Like Father, Like Son” to its presbyteries and sessions. *Adopted.*
4. Pursuant to RAO 9-2, that the 40th General Assembly grant an extension to the SCIM for one year to allow for completion of its mandate and to provide Part Two of its report on Insider Movements. *Adopted.*

5. That the 40th General Assembly set the budget for the study committee at \$15,000/for its second year, and that funds be derived from gifts to the AC designated for that purpose. *Adopted.*

Committee Recommendations (Part 2.a)

2013, p. 636, App. V.

1. That “A Call to Faithful Witness, Part Two: Theology, Gospel Missions, and Insider Movements” serve as a Partial Report (Part Two of Two Parts). *Recommitted by 41st GA to Report back to the 42nd GA.*
2. That the 42nd General Assembly make available and recommend for study “A Call to Faithful Witness, Part Two: Theology, Gospel Missions, and Insider Movements” to its presbyteries, sessions, and missions committees. *Recommitted by 41st GA to Report back to the 42nd GA.*
3. That the 42nd General Assembly dismiss the ad interim Study Committee on Insider Movements with thanks. *Recommitted by 41st GA to Report back to the 42nd GA.*

Minority Report: 2013, p. 759-811, App. V.

Committee Recommendations (Part 2.b)

2014, p. 21, 42-17 and 2014, p. 603, App. V.

1. That “A Call to Faithful Witness, Part Two: Theology, Gospel Missions, and Insider Movements” serve as a Partial Report (Part Two of Two Parts). *Adopted.*
2. That the 42nd General Assembly make available and recommend for study “A Call to Faithful Witness, Part Two: Theology, Gospel Missions, and Insider Movements” to its presbyteries, sessions, and missions committees. *Adopted.*
3. That the 42nd General Assembly dismiss the ad interim Study Committee on Insider Movements with thanks. *Adopted.*

Minority Report: 2014, p. 754-785, App. V.

Racial and Ethnic Reconciliation Study Committee Report
2018, p. 596-668, App. V.

Committee Recommendations

2018, p. 23, 46-17 and 2018, p. 628, App. V.

1. That the General Assembly receive the report of the ad interim committee on racial reconciliation and distribute it to the presbyteries and congregations of our denomination. *Adopted.*
2. That the General Assembly direct the Committee on Discipleship Ministries to publish this report for sale and distribution, along with the other actions of the Assembly related to racial reconciliation, especially the actions of the 30th, 32nd, and 44th Assemblies, as the PCA's statements on the Gospel and racial reconciliation. *Adopted.*
3. That the General Assembly direct the Committee on Mission to North America to budget and plan for renewing the research with LifeWay Research Services, or some other research service, to report back to the 51st GA (2023) in order to establish a longitudinal study of our denomination on the issue of racial reconciliation. *Adopted.*
4. That the General Assembly dismiss the committee with its thanks. *Adopted.*

Women in the Military Study Committee Report
2001, p. 258-278, 29-57 and 2002, p. 283-289, 30-57.

The Ad Interim Committee brought their recommendations to the General Assembly over two General Assemblies (2001 and 2002) after four recommendations presented in 2001 were recommitted by the 29th GA to report back to the 30th GA. The Ad Interim Committee presented a new fifth recommendation to the 30th GA in 2002.

Committee Recommendations (2001)

2001, p. 277-278, 29-57, XI.

1. The Philadelphia Presbytery Overture, the PRJC letter, and the Report of the Bills and Overtures Committee be answered by this report. *Adopted.*

2. That the PCA continue to recognize that the individual conscience, guided by the Word of God and responsive to the counsel of the Church, must decide concerning the propriety of voluntary service in the military.

Adopted.

3. That the PCA believes that military service is a just and godly calling; however, that it presents special and difficult moral challenges in light of the integration of women into the armed services. *Adopted.*

4. That the women of the PCA be warned of the many difficulties and moral and physical dangers involved in serving in the military in secular America, due to their inherent greater vulnerability. *Adopted.*

5. If women choose voluntarily to enter military service, they should do so advisedly, with the recommendation that they seek supportive, rather than active, combatant roles. *Sent back to the Committee for deliberation and to report back to the 30th Assembly.*

6. That the General Assembly of the PCA is formally on record as opposed to the drafting of women into military service, in time of war or peace, under any and all circumstances, for the reason that such governmental actions would violate individual consciences as informed by the Word of God. *Sent back to the Committee for deliberation and to report back to the 30th Assembly.*

7. That the General Assembly of the PCA is formally on record as opposed to the assignment of women to offensive combat roles. *Sent back to the Committee for deliberation and to report back to the 30th Assembly.*

Item 3 That this Assembly declare it to be the biblical duty of men to defend women and therefore that it opposes the service of women in military combat positions, as well as any conscription of women into the Armed Services of the United States. *Sent back to the Committee for deliberation and to report back to the 30th Assembly.*

8. That individual believers as citizens be urged to exercise their godly influence to bring about authentic spiritual and moral reformation in the military services. *Adopted.*

STUDY COMMITTEE REPORTS

9. That the PCA chaplains be encouraged in their continued ministry to all male and female personnel in their spheres of ministry. *Adopted.*
10. That pastors and sessions be informed of this report and be encouraged to instruct their people in the matters it presents. *Adopted.*
11. That the NAPARC and NAE churches be informed of the PCA's position on this matter. *Adopted.*
12. That this committee be dismissed. *To report back to the 30th Assembly.*

Minority Report: 2001, p. 278-320, 29-57.

Committee Recommendations (2002)

2002, p. 285-286, 30-57.

1. Acknowledging that the child in the womb is “a person covered by Divine protection” (see Statement on Abortion, 6th GA); and that women of childbearing age often carry unborn children while remaining unaware of their child’s existence; and that principles of just war require the minimization of the loss of life—particularly innocent civilians; the PCA declares that any policy which intentionally places in harms way as military combatants women who are, or might be, carrying a child in their womb, is a violation of God’s Moral Law. *Adopted.*
2. This Assembly declares it to be the biblical duty of man to defend woman and therefore condemns the use of women as military combatants, as well as any conscription of women into the Armed Services of the United States. *Adopted.*
3. Therefore be it resolved that the 30th General Assembly of the Presbyterian Church in America adopts the above as pastoral counsel for the good of the members, the officers, and especially the military chaplains of the Presbyterian Church in America. *Adopted.*
4. Be it further resolved that the Presbyterian Church in America supports the decision of any of its members to object to, as a matter of conscience, the conscription of women or the use of women as military combatants. *Adopted.*

Additional Recommendation:

5. That the committee has received Overtures 2, 21, and 26 to the 30th General Assembly of the Presbyterian Church in America referred to it by the Stated Clerk's Office. We answer them in the negative with the rationale that they are answered in the report of the committee as scheduled in the docket in both majority and minority reports. *Adopted.* (See text and action at **2002, p. 245, 30-53, III.7**).

Minority Report: 2002, p. 287, 30-57.

Women Serving in the Ministry of the Church
Study Committee Report
2017, pp. 565-644, App. W.

Committee Recommendations

2017, 45-19, p. 27-33 and 2017, p. 640-644, App. W.

1. That Overture 3 from Westminster Presbytery, "Declare that the 44th General Assembly Erred in the Formation of an Ad Interim Committee on the Role of Women as not Being Properly before the Court, and Dismiss the Ad Interim Committee with Apology," be answered in the negative. *Adopted.*
2. That sessions, presbyteries, and the General Assembly recognize that, from the founding of the PCA, there has been a variety of views and practices regarding the ways in which women may serve the Lord and the church within scriptural and constitutional parameters, without ordination, and that such mutual respect for said views and practices continues. *Adopted.*
3. That sessions, presbyteries and the General Assembly strive to develop, recognize, and utilize the gifts, skills, knowledge, and wisdom of godly women in the local, regional, and national church, and particularly consider overtures that would allow qualified women to serve on appropriate committees and agencies within the church. *Adopted.*
4. That sessions, if possible, establish a diaconate of qualified ordained men. Though *The Book of Church Order* does not specifically prohibit

the practice of going without ordained deacons, it seems poorly aligned with the spirit of the principle of the two church offices outlined in *The Book of Church Order. Adopted As Amended.*

5. That sessions consider how to include non-ordained men and women in the worship of the church so as to maintain faithfulness to Scripture, as well as utilizing the gifts God has poured out to His entire church (see exegesis of 1 Corinthians 14:26 in Chapter Two). *Adopted.*

6. *BCO* 9-7 says: “It is often expedient that the Session of a church should select and appoint godly men and women of the congregation to assist the deacons in caring for the sick, the widows, the orphans, the prisoners, and others who may be in any distress or need. These assistants to the deacons are not officers of the church (*BCO* 7-2) and, as such, are not subjects for ordination (*BCO* 17).” Thus, for the well-being of the church, the committee recommends that sessions and presbyteries select and appoint godly women and men of the congregation to assist the ordained diaconate. leadership; these godly, unordained women have often historically been referred to as deaconesses. *Adopted As Amended.*

7. That presbyteries and the General Assembly consider an overture that would establish formally the right of sessions, presbyteries, and the General Assembly to establish the position of commissioned church worker within the PCA for qualified and gifted unordained men and women. *Adopted.*

8. That sessions, presbyteries and the General Assembly consider how they can affirm and include underprivileged and underrepresented women in the PCA. *Adopted.*

9. The committee humbly requests to be dismissed with thanks. *Adopted.*

NOTE: The Study Committee adopted the original report and recommendations by a vote of 6-1.

PCA DIGEST

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