

1 **PRESBYTERIAN CHURCH IN AMERICA**
2 **STANDING JUDICIAL COMMISSION**
3

4 **CASE 2012-05**
5 **RE GERALD HEDMAN**
6 **V.**
7 **PACIFIC NORTHWEST PRESBYTERY**
8

9 **DECISION ON COMPLAINT**
10 **MARCH 7, 2013**
11
12

13 **I. SUMMARY OF THE FACTS**
14

15 10/2010 At its Stated Meeting, in response to the decision of the Standing Judicial
16 Commission (SJC) in Case 2009-06 Bordwine v. PNW (M38GA pp. 208-
17 213), Pacific Northwest Presbytery appointed a prosecutor to conduct a trial
18 of TE Peter Leithart.
19

20 06/03/11 A two day, 15-hour trial was held before Presbytery's nine-man Standing
21 Judicial Commission (5 TEs & 4 REs) (the "Trial Commission"). In
22 addition to the main pre-trial briefs filed by the two parties, the defense filed
23 12 exhibits before the trial (324 pages). The prosecution did not file any
24 exhibits before trial. Below are the five charges in the indictment:
25

26 1. Baptism - That TE Leithart in his views and teachings
27 contradicts both the Westminster Standards and Scripture by
28 attributing to the sacrament of baptism saving benefits such as
29 regeneration, union with Christ, and adoption (WCF 28:5-6 and
30 John 1:12-13; Rom 2:28-29; Heb 4:2; Heb 11:6).
31

32 2. Covenants - That TE Leithart in his views and teachings rejects
33 the covenant of works/covenant of grace structure set forth in
34 Scripture and in the Westminster Standards (WCF 7:2-3, 5-6; WLC
35 20 and Gen 2:16-17; Hosea 6:7; Rom 5:12-14; 1 Cor 15:21-22; Gal
36 3:12).
37

38 3. Imputation - That TE Leithart in his views and teachings rejects
39 the teaching of Scripture and the Westminster Standards that the
40 obedience and satisfaction of Christ are imputed to the believer
41 (WCF 8:5; WCF 11:3 and Rom 4:1-8; Rom 5:17-18).
42

43 4. Justification - That TE Leithart in his views and teachings fails,
44 contrary to Scripture and the Westminster Standards, to properly
45 distinguish justification from sanctification (WLC 69, 75, 77 and
46 Rom 3:28; Rom 4:4-8; Rom 12:1; Titus 3:4-8).

1
2 5. Union - That TE Leithart in his views and teachings contradicts
3 Scripture and the Westminster Standards by teaching that people
4 may be truly united with Christ and receive saving benefits from
5 him, and yet fall away from Christ and lose those saving benefits
6 (WLC 65-66, 69, 79 and John 6:38-40; John 10:28-29; Rom 8:28-
7 39; Phil 1:6; Heb 7:25).
8

9 10/07/11 At Presbytery's next Stated Meeting following the trial, and after the Trial
10 Commission distributed its 33-page Report, Presbytery adopted the
11 following five judgments recommended unanimously by the Trial
12 Commission (Presbytery votes shown in parentheses):
13

- 14 A. That Presbytery adopt the Judicial Commission's judgment of
15 not guilty on charge 1, concerning baptism. (33-4-3)
- 16 B. That Presbytery adopt the Judicial Commission's judgment of
17 not guilty on charge 2, concerning the covenant of works and the
18 covenant of grace. (32-3-3)
- 19 C. That Presbytery adopt the Judicial Commission's judgment of
20 not guilty on charge 3, concerning imputation. (32-5-1)
- 21 D. That Presbytery adopt the Judicial Commission's judgment of
22 not guilty on charge 4, concerning justification and
23 sanctification. (30-5-1)
- 24 E. That Presbytery adopt the Judicial Commission's judgment of
25 not guilty on charge 5, concerning union with Christ and
26 apostasy. (30-5-2)

27
28 11/01/11 Complaint was filed by RE Wes Witt, RE Gerald Hedman, and RE Clinton
29 Seidenburg against the October 7, 2011 action of Presbytery (the "Witt
30 Complaint"). The Complaint was assigned to a Complaint Commission of
31 Presbytery that included seven (7) elders from the Trial Commission and
32 two (2) additional presbyters who attended the trial and read the briefs and
33 all exhibits (the "Complaint Commission").
34

35 04/27/12 The Complaint Commission recommended denying the Witt Complaint.
36 Presbytery adopted the recommendation of the Complaint Commission.
37

38 05/20/12 RE Gerald Hedman and TE Sy Nease filed a Complaint with the SJC against
39 the April 27, 2012 decision of Presbytery in denying the Witt Complaint
40 (the "Hedman Complaint").
41

42 06/14/12 The 722-page Record of the Case, along with the Hedman Complaint, was
43 filed by the Clerk of the Presbytery with PCA Stated Clerk's office.
44

45 10/03/12 TE Nease withdrew as a Complainant on the Hedman Complaint.
46

1 03/06/13 A Hearing on Case 2012-05 was held before the full SJC in Lawrenceville,
2 GA during the March Stated Meeting of the SJC.
3

4 **II. STATEMENT OF THE ISSUE**
5

6 Did the Complainant demonstrate, based on the record in this Case, that the Pacific
7 Northwest Presbytery violated the Constitution of the PCA when it concluded that the
8 accused was not guilty of holding and teaching views that are in conflict with the system
9 of doctrine taught in the Westminster Standards?
10

11 **III. JUDGMENT(S)**
12

13 No.
14

15 **IV. REASONING AND OPINION**
16

17 In deciding this case the Standing Judicial Commission was bound by the
18 following:
19

- 20 a. *RAO* 17-1 (vow 4) “I will judge according to the Constitution of the
21 Presbyterian Church in America, through my best efforts applied to
22 nothing other than the record of the case and other documents properly
23 before me;”
24 b. *BCO* 42-5 “[T]he higher court shall not admit or consider anything
25 not found in [the] ‘Record’ without the consent of the parties in the
26 case.”
27 c. *BCO* 39-3.1 “A higher court, reviewing a lower court, should limit itself
28 to the issues raised by the parties to the case in the original (lower) court.
29 Further, the higher court should resolve such issues by applying the
30 Constitution of the church, as previously established through the
31 constitutional process.”
32 d. *BCO* 39-3.2,3 “[A] higher court should not reverse a factual finding of
33 a lower court, unless there is clear error on the part of the lower court”
34 and “a higher court should not reverse a judgment of the lower court
35 [regarding matters of discretion and judgment], unless there is clear
36 error on the part of the lower court.”
37 e. *BCO* 39-2.4 “[A] higher court should not consider itself obliged to
38 exhibit the same deference to a lower court when the issues being
39 reviewed involve the interpretation of the Constitution of the Church.”
40

41 In short, our review in this Case is constitutionally limited to the information
42 developed in the Record dealing with this specific Case. Thus, nothing in our Decision or
43 reasoning should be understood as rendering any judgment on any “school of thought”
44 within or without the PCA. Our review could focus only on: (a) whether the Complainant
45 demonstrated that the Presbytery committed procedural errors in its handling of this matter;
46 (b) whether the Complainant demonstrated that Presbytery misunderstood TE Leithart’s

1 views; and (c) whether the Complainant demonstrated that TE Leithart's views are in
2 conflict with the system of doctrine.
3

4 The Complainant raised no procedural concerns. Further, it is our conclusion that
5 Presbytery carefully complied with all the procedural steps required by the Rules of
6 Discipline.
7

8 The Complainant alleged that Presbytery's summaries of TE Leithart's views do
9 not accurately reflect his views at all points, and that this is particularly true when those
10 views are considered as a whole. We do find examples in the Record where TE Leithart's
11 views are confusing and, perhaps, contradictory. While we are not persuaded by all the
12 Respondent's explanations of those issues, we are also not convinced that these examples
13 are sufficiently clear or pervasive in the Record as to constitute a "clear error on the part
14 of the lower court" with regard to findings of fact or "matters of discretion and judgment
15 which can only be addressed by a court with familiar acquaintance of the events and
16 parties." (BCO 39-3.2,3)
17

18 The Complainant alleged that TE Leithart's views strike at the fundamentals of the
19 system of doctrine. Members of the SJC did express concerns about some of TE Leithart's
20 formulations as they related to the Westminster Standards. It is clear that, at least at some
21 points, Presbytery recognized some of these concerns. For example, the report of the
22 Presbytery's Commission, as adopted by Presbytery states:
23

- 24 - "One may question the wisdom of using terms that have acquired a
25 precise meaning in systematic theology in different, 'non-standard'
26 senses. Or one may fault Dr. Leithart for using familiar words in (what
27 are to many of us) unfamiliar senses *without sufficient explanations and
28 safeguards*. But the Court believes that this is very different than
29 judging a man guilty of violating the Standards of our church."
30 (Commission Report p. 12, lines 9-12.) (Emphasis added.)
31
- 32 - "...Dr. Leithart's formulation of the doctrine of imputation satisfies the
33 Standards, albeit in a non-traditional *and at points easily confused*
34 *manner.*" (Commission Report p. 21, lines 5-6.) (Emphasis added.)
35
- 36 - "In our judgment, Dr. Leithart *should define his terms more clearly, so*
37 *as to avoid serious misunderstanding* with regard to such crucial
38 doctrines [meaning justification and sanctification]. A potentially
39 injudicious use of language notwithstanding, it is our opinion that Dr.
40 Leithart's differences with the Standards are, at most, 'merely
41 semantic.'" (Commission Report p. 26, lines 4-5.) (Emphasis added.)
42
- 43 - "The Court [Presbytery] believes that Dr. Leithart *should have been*
44 *more judicious* in clarifying the differences between his use of
45 covenantal union with that traditionally employed by the Standards. In
46 our judgment though, this sometimes *infelicitous* use of language does

1 not constitute anything hostile to the system of doctrine....”
2 (Commission Report p.29, lines 39-42.) (Emphasis added.)
3

4 Presbytery’s Commission, however, concluded unanimously that the Prosecution
5 did not prove TE Leithart’s guilt with regard to the five charges against him (hence the
6 finding of “not guilty” on each of the five specifications) and, with regard to all the
7 examples noted above (and other issues), TE Leithart’s differences with the Standards
8 amounted to semantic differences. They noted that in his testimony that TE Leithart
9 qualified many of his more provocative statements in ways that the Presbytery’s
10 Commission concluded brought them into conformity with the Standards. In addition, the
11 Presbytery’s Commission pointed out that TE Leithart expressly affirmed his subscription
12 to specific statements in the Westminster Standards that were included in the indictment or
13 raised during the trial. Presbytery overwhelmingly adopted the verdicts recommended by
14 its Commission. We do not find that the Complainant provided sufficient evidence that
15 TE Leithart’s statements affirming his subscription to the Standards were incredible or that
16 Presbytery’s decision in finding TE Leithart “not guilty” of the five charges was in error.
17

18 In light of our conclusions, we urge that Pacific Northwest Presbytery continue to
19 encourage TE Leithart to take care that when he uses standard theological terms (such as
20 baptism, justification, sanctification, efficacious, and *arrabon*) in non-standard ways that
21 he make clear those differences in use and that he continue to clarify how his views in key
22 areas are not in conflict with the Standards.
23

24 Finally, we reiterate that nothing in this Decision should be construed as addressing
25 (or thereby endorsing) in general TE Leithart’s views, writings, teachings or
26 pronouncements. The Decision is based on the specific issues raised in the indictment and
27 the Record of the Case as developed at the trial. Our conclusion is simply that neither the
28 prosecution nor the Complainant proved that TE Leithart’s views, as articulated at the trial
29 or otherwise contained in the Record of the Case, violate the system of doctrine contained
30 in the Westminster Standards.
31

32 This Decision was adopted as the Decision of the full Standing Judicial Commission.