

INTRODUCTION

The Standing Judicial Commission (SJC) held a fall meeting in October 2006 and held its spring meeting on March 1, 2007.

JUDICIAL CASES

The following is a list of Judicial Cases before the Commission since the last General Assembly:

- | | |
|---------|--|
| 2006-02 | Memorial of Central Carolina RE: S. Wilkins |
| 2006-06 | Complaint of Devin & Tracey Ehrlich vs. North Georgia Presbytery |
| 2006-07 | Appeal of TE Michael Chastain vs. Heritage Presbytery |
| 2007-01 | Complaint of TE Eliot Lee vs. Korean Eastern Presbytery |
| 2007-02 | Complaint of Patrick Malone vs. Metro New York Presbytery |
| 2007-03 | Complaint of RE Greg Segallis, et. al. vs Central Florida Presbytery |
| 2007-04 | Complaint of Stephen P. Engel vs. Evangel Presbytery |
| 2007-05 | Appeal of Dr. George W. Mitchell vs. Evangel Presbytery |
| 2007-06 | Complaint of TE Eliot Lee vs. Korean Eastern Presbytery |
| 2007-07 | Complaint of RE Sae H. Han vs. Korean Eastern Presbytery |

Of these, 1 case, 2007-05, was withdrawn. Case 2006-07 was found judicially out of order. Case 2007-01 was found administratively out of order. Cases 2006-02, 2007-02, 2007-03, 2007-04, 2007-06, and 2007-07 were not completed in time for the SJC March meeting and await final determination by the full SJC in October 2007. The Standing Judicial Commission has completed its work on Cases 2006-06, and 2006-07. The report on those cases is as follows:

REPORT OF THE CASES

STANDING JUDICIAL COMMISSION CASE 2006-6 COMPLAINT OF DEVIN AND TRACEY EHRLICH VS. NORTH GEORGIA PRESBYTERY

I. SUMMARY OF THE FACTS

1. On April 19, 2005, TE Scot Sherman asked North Georgia Presbytery (NGAP) to form a commission under *BCO* 31-2 to investigate allegations against him of theological and ethical deficiencies (ROC, 122).

MINUTES OF THE GENERAL ASSEMBLY

2. On July 16, 2005, the investigative commission reported to NGAP that they had investigated the allegations against TE Sherman and concluded, that though the pastor exercised poor judgment in oral communication and in personal interactions, the investigation did not “result in raising a strong presumption of guilt” (*BCO* 31-2) on “chargeable offenses” (*BCO* 29-1-4), that is, “violations of divine law,” or doctrines or practices contrary to the Word of God, or the Constitution of the Church (ROC, 127).
3. On October 22, 2005, Devin and Tracey Ehrlich, complainants, sent an e-mail to the Intown Community Church (ICC) Session and to members of NGAP investigative commission advising them of their intent to distribute an open letter to the congregation, seeking their comments (ROC, 68). The open letter contained a critique of the matters investigated and ruled upon by NGAP in relation to TE Sherman (ROC, 57-67).
4. On November 5, 2005, the Session issued a letter instructing the Ehrlichs not to distribute the open letter and warning them that “refusal to comply will be considered a breach of your membership vow to preserve the peace and purity of the Church, as well as your membership vow to submit to the government of the church (ROC, 72).
5. On December 3, 2005, Complainants filed a complaint against the Session’s action “in connection with an instruction from the Session, in a letter dated November 5, 2005, not to distribute a ‘tell it to the church’ letter . . .” (ROC, 87).
6. On December 20, 2005, the Session denied the complaint (ROC, 90-98).
7. On December 22, 2005, Complainants carried their complaint to North Georgia Presbytery (ROC, 99-104).
8. On January 21, 2006, NGAP received the complaint and appointed a judicial commission to hear the complaint per *BCO* 15-3 (ROC 105-106).
9. On March 23, 2006 the commission met to decide on the ROC and to hear the complaint (ROC 111-120).
10. On April 18, 2006, North Georgia Presbytery adopted the recommendation of its judicial commission to deny the complaint (ROC, 128).
11. On May 16, 2006, Complainants carried their complaint to the Standing Judicial Commission, which was styled as SJC 2006-6 (ROC, 2).

II. STATEMENT OF THE ISSUE

Did North Georgia Presbytery err on April 18, 2006, in denying the Ehrlich complaint, and in so doing sustain the action of the Intown Community Church Session of November 5, 2005, which instructed Devin and Tracey Ehrlich not to distribute their “open letter” to the church (ROC, p. 72)?

III. JUDGMENT

No. The complaint is denied.

IV. REASONING AND OPINION

1. On October 22, 2005, Complainants Devin and Tracey Ehrlich sent an e-mail to the Intown Community Church Session and to the former members of North Georgia Presbytery judicial commission advising them of their intention to distribute an “open letter to the Church” and seeking comments from the Session and commission members. On November 5, 2005, the ICC Session instructed Complainants not to mail the letter. The Ehrlichs filed a complaint against this action of the ICC Session on December 3, 2005. The Session denied the complaint on December 20, 2005. The Ehrlichs then filed their complaint with NGAP on December 22, 2005. The complaint was denied by NGAP on April 18, 2006, and the complaint was then filed with the Standing Judicial Commission on May 16, 2006.
2. Complainants argued, that while a Session has the general authority to instruct members about writing letters that could disturb the peace of the Church, that in this instance the Session did not exercise its authority with proper discretion. They argued, further, that the Session’s action had the effect of binding their consciences contrary to the PCA Standards.
3. Concerning liberty of conscience the *Book of Church Order* states: “God alone is Lord of the conscience and has left it free from any doctrines or commandments of men (a) which are in any respect contrary to the Word of God, or (b) which, in regard to matters of faith and worship, are not governed by the Word of God. Therefore, the rights of private judgment in all matters that respect religion are universal and inalienable” (*BCO* Preliminary Principle 1).
4. The *Westminster Confession of Faith* states, “God alone is Lord of the conscience, and hath left it free from the doctrines and commandments

MINUTES OF THE GENERAL ASSEMBLY

of men, which are, in any thing, contrary to His Word; or beside it, if matters of faith, or worship. So that, to believe such doctrines, or to obey such commands, out of conscience is to betray true liberty of conscience: and the requiring of an implicit faith, and an absolute and blind obedience, is to destroy liberty of conscience, and reason also” (*WCF* 20.2).

5. 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 did the Session require 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 Complainants, with the exhortation to Complainants not to breach their membership vows to preserve the peace of the Church and to submit to the government of the Church.
6. 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. In this instance, the Complainants sought the advice of the Session; the instruction was not issued in a vacuum.
7. When Complainants joined Intown Community Church, they had taken vows to “submit to the government and discipline of the church,” that is exercised through the Session (*BCO* 12-5), and “to study the purity and peace of the Church” (*BCO* 57-5, q. 5).
8. Complainants asserted that their proposed open letter was consistent with their duty to maintain the “peace of the Church.” The Session argued, however, that the Presbytery had investigated the allegations against TE Sherman and found that the investigation did not “result in raising a strong presumption of guilt” (*BCO* 31-2) on “chargeable offenses” (*BCO* 29-1 - 4), and the protection of the “purity of the church” regarding the orthodoxy of ministers lies with the Presbytery. Inasmuch as NGAP found no adequate basis at that time to prosecute TE Sherman on charges of heresy, for the Ehrlichs then to circulate a letter to the Church rehearsing the same allegations would be disturbing the peace of Intown Church.
9. The ICC Session and NGAP judged that the proposed open letter reiterated and rehearsed the same allegations that the Presbytery had investigated against TE Sherman, and found that they did not “result in raising a strong presumption of guilt” (*BCO* 31-2) on “chargeable offenses” (*BCO* 29-1 - 4). The repetition of the accusations by means of an open letter to the church would be a disruption of the peace of

JOURNAL

the church. Under these circumstances, therefore, the Session was within its authority to instruct Complainants not to disseminate the letter, which it believed would disturb the peace of the church.

This decision was written by TE Dominic Aquila, with RE Grant McCabe and RE John Tolson concurring.

November 13, 2006

The vote on SJC 2006-6 was:

TE Dominic A. Aquila, Concur	RE Marvin C. Culbertson Jr., Concur
TE Howell A. Burkhalter, Concur	RE Perry Denniston, Concur
TE Alton Craig Chapman, Absent	RE J. Howard Donahoe, Absent
TE Stephen M. Clark, Concur	RE Samuel J. Duncan, Concur
TE Paul B. Fowler, Concur	RE Terry L. Jones, Absent
TE William H. Harrell Jr., Concur	RE Thomas F. Leopard, Disqualified
TE Paul D. Kooistra, Concur	RE J. Grant McCabe, Concur
TE John M. McArthur Jr., Concur	RE Jay Neikirk, Concur
TE Charles E. McGowan, Concur	RE Steven T. O'Ban, Concur
TE D. Steven Meyerhoff, Concur	RE John Tolson, Concur
TE Michael M. Rico, Concur	RE John B. White Jr., Recused
TE Michael F. Ross, Concur	RE W. Jack Williamson, Absent

18 - Concur; 4-Absent; 1-Recused; 1-Disqualified

**STANDING JUDICIAL COMMISSION CASE 2006-7
APPEAL OF TE MICHAEL CHASTAIN
VS.
HERITAGE PRESBYTERY**

The Appeal of TE Chastain (SJC 2006-7) is judicially out of order. On May 8, 2006, TE Chastain renounced any jurisdiction of the Presbyterian Church in America over him. Therefore, all proceedings after May 8, 2006, in this matter are moot, and the decision in SJC 2005-1 remains in effect.

The Secretary called the roll. The vote on SJC 2006-7 was:

TE Dominic A. Aquila, Concur	RE Marvin C. Culbertson Jr., Absent
TE Howell A. Burkhalter, Concur	RE Perry Denniston, Concur
TE Alton Craig Chapman, Absent	RE J. Howard Donahoe, Absent
TE Stephen M. Clark, Dissent	RE Samuel J. (Sam) Duncan, Concur
TE Paul B. Fowler, Concur	RE Terry L. Jones, Absent
TE William H. Harrell Jr., Concur	RE Thomas F. Leopard, Concur