

MINUTES
of the
FIFTY-FIRST GENERAL ASSEMBLY
of the
PRESBYTERIAN CHURCH IN AMERICA
VOLUME 2 of 2

PLEASE NOTE:

1. The pages of Volume 1 and Volume 2 are numbered consecutively.
2. The INDEX to both volumes is found at the back of Volume 2.

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PART III

APPENDICES

NOTE: Appendices A-O are included in Volume 1 of these *Minutes*.
Appendices P-V are found in Volume 2.
See a Table of Contents for these Appendices on the previous page.

The Appendices include the Reports of the General Assembly Committees, Agencies, and Standing Judicial Commission as originally submitted to the General Assembly. The recommendations in this section are those originally submitted and may have been amended or not adopted by the Assembly. See Part II, Journal, to find the recommendations as they were adopted by the Assembly.

Appendix U presents the Overtures as originally submitted by the presbyteries. See the Overtures Committee report and other Committee of Commissioner reports for Assembly action on these overtures, including any amendments.

The PCA Committee and Agency budgets, as approved by the Assembly, are found in Appendix A, Attachment 2, beginning on p. 135.

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APPENDIX P

RIDGE HAVEN BREVARD, NC – CONO, IA REPORT TO THE FIFTY-FIRST GENERAL ASSEMBLY OF THE PRESBYTERIAN CHURCH IN AMERICA

Ridge Haven seeks to be an indispensable resource to the PCA through its camp, conference, and retreat ministries, and by aiding in her in training and developing future ministry leaders. In fulfilling this goal, we hosted groups 50 out of the 52 weeks of 2023 totaling 13,761 people including providing ministry opportunities for over 320 staff and volunteers to be involved in.

Our desire is to provide an atmosphere free of distractions and inhibitors where the focus is fellowship and engagement for each individual, allowing each group to more fully experience the presence of God and be rejuvenated for lives of service to the church and the world. To further fulfill this purpose, we lead and facilitate activities that require teamwork and joyful engagement with one another and prioritize mealtimes knowing it is fruitful setting for conversation and connection. We strive to handle all the logistics for a ministry joining us so they may focus on drawing nearer to God and less on their practical needs. This is a huge demand on our staff, yet the Lord has blessed us by continually providing individuals with hearts set on service and the advancement of His kingdom.

To support our relational ministry, the Lord has enabled us to make significant advancements on our campuses. Last year at our Brevard Campus we announced the opening of our new 12,000 sq ft indoor, multi-purpose Badger Gym and surrounding cabins, and this year we are currently completing our new event complex adjacent to it. This complex will have a new Event Office, our third Camp Store, a second Soda Shoppe and Coffee Shop geared towards our college and adult groups, as well as a new Infirmary. Having this complex in addition to our Shep Town Camp complex geared more towards our youth gives us the ability to host multiple age group at the same time.

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At our Cono Campus we are currently working hard on finishing our new pool and sand volleyball court for the summer. Eventually we are hoping to enclose the pool to enhance our year-round ministry even more. The timeline will be tight, as we just secured the funding, but it should be available to serve our full eight weeks of summer camp. Additionally, it will be a great ministry to the local community, our school and our weekly youth gathering.

In addition to continuing to develop our campuses, our focus is to provide even more opportunities to train the next generation. In step with this, we are launching our 'Explorers Project', seeking to grow and cultivate gifts for ministry as individuals explore various aspects of ministry in a hands-on capacity. This project is a further expansion of our successful Gap-Year, Summer Staff, Seasonal, and Internship programs bringing them under one uniform umbrella as we strive to grow leaders for future ministry. This program will allow those interested in ministry to experience a variety of operational jobs, including but not limited to apprenticeships in activity leading, event coordination, recruitment, advertising, hospitality, food services, facilities, and office work.

The camp setting is uniquely equipped to host the Explorer Project as it provides a remarkable community of believers desiring to grow closer to God together while engaging in Kingdom advancement through serving others in various ways. This experience is invaluable and applicable for a multitude of future ministry opportunities, making Ridge Haven an important training field for ministry workers, but also providing staff to build better relationships with and serve our guests.

Our youth, and the church at large, need the hope of the Gospel more than ever, as we all face unprecedented obstacles and dangers that pull us from our walk with God. Yet, as always God has uniquely equipped His Church to "impart gracious realities to the next generation!" (TE Joe Novenson) We trust in the immense providence and mercy of our Lord who has overcome the world and remains steadfast and abundant for our every need and therefore cherish the opportunity before us to serve the entire PCA, providing programming for all ages from our Family Camps to our adult Keenagers Conference. There is a distinct longing in individuals these days to engage with each other on a personal level and be a part of something significant and worthwhile. Ridge Haven gives people this opportunity, as we unite under the Word of God and embrace the fellowship of believers, while pulling away

from the distractions of our world and setting our eyes upon His glory. In doing so, we trust our guests and staff leave Ridge Haven better prepared and equipped for the ministry we are tasked with in our daily lives.

Please continue to pray for the ministry at Ridge Haven and that the Lord would continue to use for His glory. May he continue to protect our youth and strengthen all who come through this place to better serve His church. Pray for the hearts of our staff as they seek Kingdom advancement through their service and witness boldly to our youth the hope of the gospel. Also, pray for our leadership as we desire wisdom in decision making and faithfulness in our actions as we continue to step forward in the paths God has laid out for us.

Recommendations:

1. That the Ridge Haven 2025 Budget, as presented through the AC Budget Review Committee, be approved.
2. That the 2022 audit dated December 31, 2022, performed by Robins, Eskew, Smith & Jordan, be received.
3. That the following minutes of the Board of Directors of Ridge Haven be approved: March 20-22, 2023, and September 11-13, 2023.
4. That February 16, 2025, be a day for our churches to pray for the ministries of Ridge Haven.
5. That the 51st General Assembly of the PCA answer **OVERTURE 31** from the New River Presbytery “Amend *BCO* 14-1 Regarding Changes in Permanent Committee and Agency Policy” by referring it to the 52nd General Assembly.
6. That the 51st General Assembly of the PCA answer **OVERTURE 32** from the Presbytery of Eastern Pennsylvania “Amend *BCO* 23 to Address Dissolution of Call for those employed by a Committee or Agency” by referring it to the 52nd General Assembly.

Rationale: The Ridge Haven Board did not receive these overtures in time to allow for adequate deliberation of the substance of each overture. Therefore, we think it prudent to refer them to the 52nd General Assembly for due consideration.

**SUPPLEMENTAL REPORT
OF RIDGE HAVEN
BREVARD, NC- CONO, IA
TO THE FIFTY-FIRST GENERAL ASSEMBLY
OF THE PRESBYTERIAN CHURCH IN AMERICA**

Ridge Haven submits the following Recommendation 7 as a Supplemental Report to the 51st General Assembly:

RECOMMENDATIONS

7. That the General Assembly answer **OVERTURE 7** from Ascension Presbytery “Amend *RAO* 11-5 to Clarify Process for *RAO* Amendments” with reference to the answer provided by the Administrative Committee.

APPENDIX Q

REPORT OF THE STANDING JUDICIAL COMMISSION TO THE FIFTY-FIRST GENERAL ASSEMBLY OF THE PRESBYTERIAN CHURCH IN AMERICA

April 12, 2024

Class of 2024

TE Hoochan Paul Lee	<i>Korean NE</i>	RE Howie Donahoe	<i>Pacific NW</i>
TE Sean Lucas	<i>Covenant</i>	RE Melton Duncan	<i>Calvary</i>
TE Mike Ross	<i>Columbus Metro</i>	RE Samuel Duncan	<i>Grace</i>

Class of 2025

TE Paul Bankson	<i>Central Georgia</i>	RE Steve Dowling	<i>SE AL</i>
TE David Coffin, Jr.	<i>Potomac</i>	RE Frederick Neikirk	<i>Ascension</i>
TE Paul Kooistra	<i>Warrior</i>	RE R. Jackson Wilson	<i>GA Foothills</i>

Class of 2026

TE Art Sartorius	<i>Siouxlands</i>	RE John Bise	<i>Providence</i>
TE Fred Greco	<i>Houston Metro</i>	RE James Eggert	<i>SW Florida</i>
TE Guy Waters	<i>MS Valley</i>	RE John Pickering	<i>Evangel</i>

Class of 2027

TE David Garner	<i>Phil. Metro West</i>	RE Daniel Carrell	<i>James River</i>
TE Brad Evans	<i>S. New England</i>	RE John Maynard	<i>Central FL</i>
TE Rhett Dodson	<i>Ohio</i>	RE John B. White, Jr.	<i>Metro Atlanta</i>

I. INTRODUCTION

Since our report to the 50th GA, the Standing Judicial Commission has held three meetings:

October 19-20, 2023	Stated Meeting; in-person
January 12, 2024	Called Meeting; videoconference
March 7-8, 2024	Stated Meeting; in-person

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As of the date of this Report, there was a Called Meeting pending for May, and any report from that meeting will be in an SJC Supplemental Report.

Part IV contains several proposed changes to the SJC Manual.

II. LIST OF JUDICIAL CASES PENDING, IN PROCESS, OR DECIDED

This year, the SJC rendered Decisions or Rulings in 17 cases. As of April 12, 2024, eight other cases were pending or in process. All below are Complaints unless noted otherwise.

In Process with Panels, or Pending Initial Review *

- 2023-05 Ms. Emily Hyland v. Chicago Metro
- 2023-12 Appeal of TE Andrew Flatguard v. Metro Atlanta
- 2023-16 TE Craig Bulkeley et al. v Highlands
- 2023-18 Appeal of TE Ian Sears v. Nashville
- 2023-19 Appeal of TE Jared Huffman v. Tennessee Valley
- 2023-20 REs John Martinez & Jesse Cook v. Pacific
- 2023-21 TE Samuel Kang et al. v. Korean Central
- 2023-22 Appeal of TE Sam Jung Suh v. Korean Southeastern
- 2023-23 RE William Mueller v. South Florida *

Completed Cases

Of the 17 Cases below, four were ruled administratively or judicially Out of Order (OO), five were Sustained (S), two were Partly Sustained (PS), three were Not Sustained (NS), and Decisions were rendered in the two *BCO* 40-5 Hearings. The date of each Decision or Ruling is listed. For ease of reference, the Cases appear in numerical order, which sometimes differs from the order in which they were decided. SJC votes are noted for each Case. Abbreviations: C = Concurring Opinion(s), D = Dissenting Opinion(s), W = Withdrawn, O = Objection.

- 2022-21 TE David Senters v. Savannah River ___10/20/23 ___PS 20-0
- 2022-22 RE Tom Turner v. South Florida_____10/20/23 ___PS 20-0

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2022-23	TE Michael Woodham v. South FL	10/20/23	NS	18-2 2.C
2023-01	Mrs. Kristin Hann v. Pee Dee	10/20/23	OO	17-2
2023-02	Mrs. Kappie Reynolds v. Pee Dee	10/20/23	OO	18-1
2023-04	TE Ryan Biese et al. v. TN Valley	10/20/23	NS	18-1 C, D
2023-06	TE Knox Baird et al. v. Grace	03/08/24	S	17-0 C
2023-07	Appeal of TE Evans v. Arizona	03/08/24	S	22-0 3.C
2023-08	TE Knox Baird et al. v. Grace	03/08/24	S	17-0 C
2023-09	Appeal of TE Myers v. Illiana	03/08/24	S	21-1 C, D
2023-10	REs Martinez & Cook v. Pacific	03/08/24	NS	22-0
2023-11	Mr. Timothy Psiaki v. Pacific NW	03/08/24	S	15-5 C, 3.D, O
2023-13	BCO 40-5 Matter re Metropolitan NY	01/12/24	Decided	17-2 2.D
2023-14	BCO 40-5 Matter re NW Georgia	01/12/24	Decided	19-0
2023-15	RE Tom Turner v. South Florida	03/08/24	OO	19-2 D
2023-17	RE Tom Turner v. South Florida	03/08/24	OO	19-2 D
2023-19	Appeal of TE Huffman v. TN Valley	03/08/24	remand	20-1

III. DECISIONS AND RULINGS

Case No. 2022-21

TE DAVID SENTERS

v.

SAVANNAH RIVER PRESBYTERY

DECISION ON COMPLAINT

October 20, 2023

CASE SUMMARY

This case came to the SJC through a Complaint filed against the Savannah River Presbytery (“SRP”) by TE David Senters, Pastor of New Covenant Presbyterian Church in Richmond Hill, Georgia. The Complaint challenged a portion of Presbytery’s action in examining TE Jonathan Stamberg, who was seeking a transfer into SRP from the Metro Atlanta Presbytery. Specifically, the Complaint challenged Presbytery’s conclusion that TE Stamberg’s stated difference with our Standards concerning the gift of tongues was in fact not a difference. Once denied by a Judicial Commission of Presbytery, TE Senters brought the Complaint to the SJC, a Panel of which heard the Complaint on March 21, 2023.

TE Senters, assisted by TE Dominic Aquila, appeared at the hearing, which was conducted by videoconference. TE Alexander Brown, Pastor of Golden Isles Presbyterian Church in St. Simons Island, Georgia, represented the Respondent, SRP; also representing SRP was TE Kenneth McHeard, Assistant Pastor of First Presbyterian Church in Augusta, Georgia.

Having reviewed the Record and related briefs, and having heard the oral arguments of the Parties, the Panel unanimously concluded the Complaint should be sustained by annulling Presbytery’s action on the stated difference in question and remanding the case to SRP for further action in accord with this Decision.

By a vote of 20-0, the SJC adopted this Decision, as amended, denying the procedural part of the Complaint, and sustaining the confessional part.

I. SUMMARY OF FACTS

09/28/21 TE Jonathan Stamberg came before SRP's Candidates and Credentials Committee ("CCC") for examination pursuant to BCO 13-6 in anticipation of transferring into SRP. (The only action by the Committee at that meeting in regard to TE Stamberg was to "delay recommending him to SRP until he has time to clarify his views and be reexamined")

10/2021 As part of that examination process, TE Stamberg provided a written statement of his "Stated differences with the Westminster Standards." Included in his list of differences was one relating to WCF 21.3, as follows:

WCF 21.3 – "a known tongue." The WCF helps to guard against abuses of its time when the language of worship was kept out of the vernacular tongue. It can also help to guard against much of the current abuses that take place in the name of the Spirit. But because I desire to not go beyond scripture and say it has more certainty on a topic than it actually does, I would just clarify by saying that I align with that which was adopted by our 2nd General Assembly

03/2022 A revised list of differences was presented to CCC before an upcoming reexamination. This list included only two differences. The previous stated difference relating to WCF 21.3 was omitted entirely from this second list.

04/12/22 Even though the second list did not include the WCF 21.3 stated difference, the minutes of the CCC, upon its reexamination of TE Stamberg, contain the following excerpt regarding his views and WCF 21.3:

WCF 21.3 "This TE's views changed so that he said that tongues & prophecy may be present in any age. He had experienced neither. This is essentially my view since I have experienced

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neither, but I cannot say decisively from scripture that they are not possible.”

At its meeting the Committee again recommended that TE Stamberg “delay coming to the presbytery, to give him time to:

- Read either Tom Schreiner *Spiritual Gifts* or Richard Gaffin *Perspectives on Pentecost*.
- Consider his view in light of *BCO* 7-1.
- Consider his view in regard to the place of his difference with the Standards.”

04/19/22 SRP convened its 74th Stated Meeting. The minutes of that meeting indicate that the CCC expressed its reluctance to bring to Presbytery TE Stamberg’s transfer request in that they wished to “give him time to consider his stated differences with the Westminster Standards.” Notwithstanding that recommendation, a “motion was made and approved to allow the court to hear Mr. Stamberg’s stated difference to WCF 21.3 (Att. E.1-2).” This led to adoption of what became an amended motion: “The court considers Mr. Stamberg’s stated difference with WCF 21.3 as not a difference.”

The stated differences, including the one regarding WCF 21.3, were attached to the minutes as Attachment E.1-2, the relevant portion being set forth below, except for its footnotes:

1 Cor. 14:14 as a proof text for WCF 21.3.

The WCF helps to guard against abuses of its time when the language of worship was kept out of the vernacular tongue. But the supporting verse I Cor. 14:14 seems to be more focused on the spiritual gift rather than translation of scripture into the vernacular (as Latham [sic] says was the original intended meaning of that part of 21.3).

Because I do not desire to go beyond scripture and say it has more certainty on a topic than it actually does, I would just clarify by saying that I align with our denominational fathers in

what they [said] in our 2nd General Assembly
 [Emphasis in original]
 (<http://www.pcahistory.org/documents/pastoralletter.html>), specifically, paragraph IV.A, namely: 1) how difficult it is to determine with certainty the nature of tongues outside of Acts 2 & the relationship of modern tongues with that mentioned in scripture; 2) that tongues cannot be conceived of as revelatory nor an essential sign of baptism of the Spirit; and 3) should not cause division or diversion from our mission. I would rather avoid the issue altogether because I realize that the probability for being misunderstood is very high, but I will try to address concerns which I can foresee. This may sound like I'm advocating for tongues, further exacerbating any misunderstanding, but I pray not.

- *“Do you speak in tongues or have you spoken in tongues?”* No.
- *“Do you believe ecstatic utterances are of God?”* No.
- *“But there have been many falsified manifestations of the Spirit and even abuses in His name.”* I agree.
- *“Do you believe the canon is closed?”* Yes.
- *“But the sign gifts were only to validate the inscripturation process.”* I definitely see heightened miraculous work of the Spirit in these times. But I am not aware of a strong case that the Spirit's leadership is limited to those times. So, for example, when testimonies of 100s (conservatively estimated) of Muslim Background Believers (MBBs) describe how their costly journey to Christ began with a dream, I do not have to risk blaspheming the Spirit by saying those dreams have a demonic source. On the other hand, nor do I give scriptural authority to the MBB dream reports; they should be soberly

examined and kept subordinate to scripture. Westminster Theological Seminary faculty [member] Dr. Robert Letham articulates holding tightly to the closed canon while giving room for God to still act as He wills:

“There is no reason—theoretically—why God might not perform miracles at any time. He is able to do so if he chooses (WCF, 5.3). If this were not so, he would not be sovereign. However, the work of Christ is complete, and the canon of Scripture is closed (Heb. 1:1–3). We await the return of Christ and the consummation of salvation. In that context, given their function in the history of redemption, signs and wonders are theologically superfluous. The reality has already definitively happened. God has spoken his final word. There is nothing more he can say. He has said it all. He has left two vivid and effectual signs, baptism and the Lord’s Supper, together with the Word, all pointing to the incarnate Word, Jesus Christ, the eternal Son of the Father. Miracles may happen; if so, they do not have the same function as they once did.”

- *“1 Corinthians 13 says that tongues will cease.”* There are three references I see in this passage to that which will cause the ceasing: “the perfect” (vs 10), “face to face” (vs 12), & “know fully, even as I have been fully known.” (vs 12). The first is ambiguous and the latter two are both personal. This personal nature fits most naturally with Christ’s return. It also aligns naturally with Paul’s use of the word face elsewhere to the Corinthians where he is talking about being with Christ (2 Cor 3:18, 4:6).

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The examination for transfer was, thereafter, sustained “in all its parts,” and the transfer candidate’s call was approved.

- 06/13/22 The Complaint was filed, directed to the action of SRP in which it stated: “The court considers Mr. Stamberg’s stated difference with WCF 21.3 as not a difference.” However, the Complaint alleged TE Stamberg’s “stated difference was much broader than just with WCF 21.3,” asserting “TE Stamberg’s views in reality represent a stated difference with the WCF 1.1 and 1.6.”
- 07/16/22 At the 75th Stated Meeting of SRP, the Moderator appointed a Commission to consider the Complaint and report at the October Stated Meeting.
- 10/04/22 After prior meetings, the SRP Commission met “to approve the full statement of the case to be presented to the Presbytery.” (ROC 69) The Commission’s Judgment was that: “The SRP did not err in any of the three points of the complaint, and the complaint is denied.”
- 10/17/22 At the 76th Stated Meeting of SRP, TE Brown, as Chairman of the Judicial Commission, rose to present its report, referred to in the SRP minutes as “Att. H. 1-50.” Before he could do so, however, Complainant Senters moved “that the presbytery refer to a study committee the following questions:
- a. Is it appropriate, and perhaps prejudicial, for a member of the ministerial staff of the church from which the case arose to serve as a member of the commission?
 - b. In order to serve the interests of justice, when a case is referred to a commission:
 - (i) Should not the commission be expected to hold a hearing so that the parties in the case can be heard on the matters before the commission?
 - (ii) And further, would not the presbytery be well advised to remand the case to the commission, and in so doing, replace the

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member who is presently on the ministerial staff of the church from which the case arose?”

The motion related to a study committee failed. The report of the Judicial Commission was thereafter “received” by a vote of 27-2-4. (Although Attachment H is not included in the Record, we understand it to include the Judicial Commission's Proposed Decision.)

10/20/22 TE Senters carried his Complaint to the General Assembly.

03/21/22 The SJC Panel, consisting of RE Dan Carrell (Chairman), TE Arthur Sartorius (Secretary), RE Sam Duncan, TE Paul Bankson (Alt.), and RE Bruce Terrell (Alt.), heard the Complaint.

II. STATEMENT OF THE ISSUES

1. Did the SRP err procedurally in the manner in which it brought a stated difference of TE Stamberg before the SRP in the course of his transfer exam pursuant to *BCO* 13-6?
2. Did the SRP err by judging TE Stamberg’s stated difference relating to WCF 21.3 on the meaning of tongues as “not a difference?”

III. JUDGMENT

1. No.
2. Yes.

IV. REASONING AND OPINION

The underlying Complaint in this matter presents a significant substantive issue surrounding an instance in which a Teaching Elder of the PCA, seeking transfer from one Presbytery to another, presented the receiving Presbytery with a “stated difference” concerning the gift of tongues. Complainant has also

argued that SRP's procedural process to reach its conclusion of there being "no difference" was in error.

Procedural Issues

Among the procedures about which TE Senters complains are that SRP erred:

- 1) "by acting against the recommendation of its Candidates and Credentials Committee," and
- 2) by failing to follow the provisions of *BCO* 21-4.f and *RAO* 16-3.e(5), such as in "failing to distribute TE Stamberg's stated difference to the court in his own words."

As to SRP's procedures, the SJC finds there to be no error. Unless the Record reveals a breach of constitutionally required procedures, it remains in the hands of Presbytery to determine how to proceed. There was no such breach in this case.

Presbyteries often assign credential-related examinations, including transfer exams, to established committees such as CCC, and often Presbyteries follow recommendations of those committees, but it is the Presbytery itself that is charged with conducting and acting upon the examinations. (See, e.g., *BCO* 13-6, *BCO* 19-2, and *BCO* 21-4.)

Committees assist as "subordinate instruments" of a larger body like the Presbytery. (RONR (12th ed.) 1:24) The committee thus has an assisting role and is charged to "examine, consider and report" to the Presbytery. (*BCO* 15-1). It is the Presbytery alone, however, that exercises discretion to follow, reject, or even ignore its committee's recommendations.

Similarly, there is no clear error in the manner in which Presbytery had the transfer candidate present his stated difference to the Court. The SRP, when ruling on this Complaint, indicated that Presbytery's "habit" was "to require ministers and ministerial candidates to submit a written statement of their differences with the Confession of Faith and Catechisms," In this case, however, the Court "audibly received TE Stamberg's statement of difference

to 1 Corinthians 14:14 as a proof text for *Westminster Confession of Faith* 21.3” when it was read to the Court by a representative of the CCC. The statement itself “was not included in the Presbytery minutes, as it was ruled to be ‘not a difference’ due to it being a stated difference to a footnote and not to a ‘statement’ or ‘proposition’ in *Westminster Confession of Faith* 21.3 (*BCO* 13-6).” The SJC notes, however, that the stated difference was later included as an attachment to the Presbytery minutes.

At the Panel hearing on this matter, there was some disagreement between the Parties as to whether the oral presentation of TE Stamberg’s difference matched “verbatim” the written attachment to the Presbytery minutes. Respondent indicated that the attachment was essentially read to the Presbytery. Complainant, however, questioned whether that was truly the case. The Record appears supportive of Respondent’s position but accepting that as accurate has no effect on the SJC’s view of the substantive issue addressed below.

One more procedural matter deserves attention. *BCO* 13-6 is unique in how it applies to PCA ministers transferring from one PCA Presbytery to another. For those ministers, the only examination requirement is that the transferees “be examined on Christian experience, and also touching their views in theology, the Sacraments, and church government.” Other examination requirements stated within *BCO* 13-6 do not relate to transfers between PCA Presbyteries, but to transfers of men coming from other denominations. As such, the only transfers covered by *BCO* 13-6 that trigger the more expansive exam outlined in *BCO* 21-4 are those of ministers coming from other denominations, unlike TE Stamberg.

An amendment added in 2011 to *BCO* 13-6 requires “ordained ministers coming from other denominations to state the specific instances in which they may differ with the *Confession of Faith* and *Catechisms* in any of their statements and/or propositions, which differences the court shall judge in accordance with *BCO* 21-4 (see *BCO* 21-4.e,f).” This requirement, however, has never been extended to men transferring between PCA Presbyteries.

Nevertheless, nothing prohibits a Presbytery from imposing that requirement on transferees within the PCA, which would be a wise exercise of a Presbytery’s discretion. That is how SRP chose to proceed with TE Stamberg. Having done so, “Once a difference has been stated, or statements

suggesting a difference exists are made, the Presbytery has an affirmative duty to explore that difference” *Jones v. Louisiana Presbytery (M36GA, 2008, p. 120.)*

The Substantive Issue

As noted above, the SRP, in concluding that TE Stamberg’s stated difference was “not a difference,” observed that the stated difference was “to a footnote and not to a ‘statement’ or ‘proposition’ in *Westminster Confession of Faith* 21.3 (BCO 13-6).” Complainant, however, contends that the stated difference in essence is actually a difference from the statements and propositions of WCF 1.1 and 1.6. The SJC agrees. As explained in *Jones*, “A difference does not require overt contradiction or denial.... It occurs whenever a position is asserted that ‘differs’ with the authoritative exposition stated in our Constitutional standards.” *Id.* at 119.

The fact that TE Stamberg first asserted his difference in regard to a footnote and proof text to WCF 21-3 is immaterial as to whether his view is truly a difference. As a result of Presbytery’s inquiries, legitimate questions arose regarding the man’s views on a continuation of the early New Testament spiritual gift of tongues. The Record reveals TE Stamberg’s view as articulated by him is that tongues are spiritual, and a continuing gift ongoing to the present day and beyond.

As pointed out above, at its April 12, 2022, meeting, the CCC recognized that TE Stamberg’s views had “changed so that he said that tongues & prophecy may be present in any age.” The CCC therefore again recommended that TE Stamberg delay coming before the Presbytery. The recommendation was not followed, however, and the matter was taken up by Presbytery at its meeting on April 19. Then, yet another revision to the stated difference was presented by TE Stamberg, who said that 1 Corinthians 14:14 “seems to be focused on the spiritual gift rather than translation of scripture into the vernacular” He later added that he would “try to address concerns which I can foresee.”

What followed – in regard to his addressing of concerns – was a series of bullet point questions and answers that TE Stamberg posed to himself and answered. Answering some questions with a simple “No,” or “Yes,” or “I agree,” the transfer candidate also posed whether “sign gifts were only to

validate the inscripturation process.” To that TE Stamberg questioned whether “the Spirit’s leadership is limited to those times [of the inscripturation process].” He then closed with a final paragraph, which is set forth above in context and repeated below:

“1 Corinthians 13 says that tongues will cease.” There are three references I see in this passage to that which will cause the ceasing: “the perfect” (vs 10), “face to face” (vs 12), & “know fully, even as I have been fully known.” (vs 12). The first is ambiguous and the latter two are both personal. This personal nature fits most naturally with Christ’s return. It also aligns naturally with Paul’s use of the word face elsewhere to the Corinthians where he is talking about being with Christ (2 Cor 3:18, 4:6).

In asserting that the timing of ceasing tongues “fits most naturally with Christ’s return,” TE Stamberg appears essentially to be saying that tongues “most naturally” should be understood, in some measure, as continuing through all times including the present. Thus, it would be an error to judge such a view as “not a difference” at all.

As Complainant has argued, such a view differs with portions of the first chapter of the *Westminster Confession of Faith*, particularly the first and sixth paragraphs. These paragraphs assert that as God has now provided His revelation in written form, “those former ways of God’s revealing His will unto His people have now ceased” (1.1), and that “the whole counsel of God concerning all things necessary for His own glory, man’s salvation, faith and life, is either expressly set down in Scripture, or by good and necessary consequence may be deduced from Scripture: unto which nothing at any time is to be added, whether by new revelations of the Spirit, or traditions of men.” (1.6)

By concluding that it was error for the SRP to judge TE Stamberg’s view as being “not a difference,” the SJC has not resolved the totality of the matter. The various renditions of TE Stamberg’s differences create some doubt as to his precise view toward tongues. Perhaps with more reflection, he might further modify his view. Perhaps with expanded and more precise articulation, his view could still be deemed as expressing no difference; or as merely semantic; or more than semantic but not out accord with any fundamental of

our system of doctrine. Or it could be that his view is out of accord. In any event, what does appear from the current Record is that it was error to find his view as not stating any difference at all with our Standards.

Conclusion and Amends

For the reasons above stated, the action of Savannah River Presbytery on April 19, 2022, by which the Presbytery considered TE Stamberg's stated difference with WCF 21.3 as not a difference is annulled. We remand the matter to Presbytery to take further action to foster clarification of his view toward tongues and judge that view once clarified. Nothing further can be directed to Presbytery beyond that, as the SJC has before it at this time only the question of whether it was error for SRP not to find a difference.

A proposed decision was drafted by Panel members TE Sartorius and RE Carrell, amended by the Panel, and adopted by a unanimous vote on 5/2/23. The SJC reviewed each part of the proposed decision and approved the amended Decision on the following **20-0** vote, with four absent.

Bankson	<i>Concur</i>	S. Duncan	Absent	Maynard	<i>Concur</i>
Bise	<i>Concur</i>	Eggert	<i>Concur</i>	Neikirk	<i>Concur</i>
Carrell	<i>Concur</i>	Evans	<i>Concur</i>	Pickering	<i>Concur</i>
Coffin	<i>Concur</i>	Garner	Absent	Sartorius	<i>Concur</i>
Dodson	<i>Concur</i>	Greco	<i>Concur</i>	Ross	<i>Concur</i>
Donahoe	<i>Concur</i>	Kooistra	Absent	Waters	<i>Concur</i>
Dowling	<i>Concur</i>	Lee	<i>Concur</i>	White	Absent
M. Duncan	<i>Concur</i>	Lucas	<i>Concur</i>	Wilson	<i>Concur</i>

CASE No. 2022-22

RE TOM TURNER

v.

SOUTH FLORIDA PRESBYTERY

DECISION ON COMPLAINT

October 20, 2023

CASE SUMMARY

This case came before the SJC on the Complaint of RE Tom Turner, a member of and ruling elder at The Cross Community Church (“CCC”) in Deerfield Beach, Florida. The Complaint arose from an investigation regarding how the Session of CCC (“Session”) dealt with allegations of sexual abuse within the church, and Presbytery’s judgments against the Session of guilt on four counts – three related to the alleged incidents of abuse and the alleged inadequate responses of the Session to those and the fourth to the Session’s refusal provide records and to meet with the Judicial Commission (“JCOM”) of the South Florida Presbytery (“SFP”). The case was heard via video conference call (GoToMeeting) by a Panel of the SJC on July 18, 2023.

Tom Turner appeared on his own behalf and was assisted by TE Dominic Aquila. TE Andrew Siegenthaler (of Coral Ridge Presbyterian Church and a member of the JCOM) appeared as the Representative of the Respondent Presbytery.

The Record of the Case (“ROC”) shows no evidence that either the JCOM or Presbytery exceeded its constitutional authority in the conduct of its investigation.

The ROC reveals that SFP, at its meeting on August 8, 2022, and upon the recommendation of its JCOM judged the Session guilty of three “important delinquencies” and of insubordination “by rejecting [SFP’s] authority to examine its actions and inactions.” In addition to its judgments of guilt, SFP admonished the Session and required two actions which appear to be curative in intent. The ROC further reveals that despite extended communications between the JCOM and the Session, no charges were presented to the Session and that the JCOM believed that, as a consequence of the unwillingness of the

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Session to appear before it in answer to two successive citations coupled with publicly available information, judgments could be rendered without a trial on the bases of *BCO* 40-4 and 40-5. Complainant Turner asserted that a trial is mandatory before adjudication.

Because of the lack of presentation of specific charges and the failure to conduct a trial, the SJC denies the Complaint in part (as to the right of Presbytery to conduct an investigation) and sustains the Complaint in part (as to the findings of guilt) and remands the case to SFP for adjudication. The SJC specifically rejects the assertion by Complainant that the case should be dropped.

I. SUMMARY OF THE FACTS

- 12/24/16 An alleged sexual battery incident (#1) occurred against a 14-year-old girl at Cross Community Church. The alleged perpetrator was the pastor's son ("Son A").
- 09/20/18 Alleged sexual battery victim #1 disclosed the 12/24/16 incident in an essay at school.
- 09/25/18 The investigating police officer was advised by mother of battery victim #1 that she "did not wish to pursue the investigation at this time."
- Oct 2019 Approximate date of alleged sexual battery #2, based on item reported on to the Session on 4/9/21.
- 10/20/20 Sexual battery victim #1 conducted a controlled call to alleged perpetrator in which he acknowledged the event, but with different explanation as to intent and consent.
- 11/04/20 Son A - a member and staff member of The Cross Community Church and further, the son of TE Tommy Boland - was arrested and charged with sexual battery. (This related to incident #1.)
- 04/04/21 The daughter of a couple ("Smiths") who were members of CCC reported to her parents that a year and a half earlier, a second

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teenage boy, another son of TE Boland ("Son B"), had touched her inappropriately. (Incident #2.)

- 04/05/21- The Smiths had multiple meetings and telephone conversations
05/05/21 with TE Boland and his wife in which, according to the Smiths, TE Boland denied, then admitted, then denied that Incident 2 occurred. The "Smiths" insisted on Sessional involvement.
- 06/07/21 Member Mr. Smith met with the Session at a called meeting, relaying information about "an incident which allegedly occurred in October 2019 involving his daughter and the teenage son of the pastor...." The Pastor was not present. The Smiths allegedly asked for SFP involvement but that is not reflected in the Session minutes.
- 06/08/21 At a called meeting, the Session heard from the Pastor and his wife about the night on which the alleged Incident 2 occurred, as well as their account of their interactions with the Smiths. After the Pastor and his wife were dismissed. The REs convened a call with TE Dominic Aquila to seek counsel. The "Session" (with only the REs present) determined it could not comply with all the Smiths requested actions (which are not recorded in the minutes), "due to conflicting accounts, due to the long period of time between the date of the alleged incident and it being reported, and due to the nature of the allegation." Session did agree to seek an apology from the accused to the Smiths' daughter "for anything he may have done that made [her] uncomfortable," advise the member that the Pastor is under counseling, advise the member Session has "engaged third-party counsel to discuss the allegation, and advise the Smiths that children's ministry security is being reviewed and addressed."
- 06/14/21 The Smiths assert that they met again with the Session. The Session allegedly told the Smiths that it was unable to reconcile stories and no further action was planned. No Session record of this meeting was in Session minutes or the ROC.
- 06/17/21 Session minutes indicate review of liability insurance was requested.

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- 08/10/21 Through their attorney, the Smiths appealed to South Florida Presbytery, detailing their allegations with reports about phone calls and meetings.
- 08/10/21 FL State Attorney petitioned the Circuit Court to amend Pretrial Release and bond to require that Son A have no contact with any minor children.
- 08/18/21 The Court ordered that Son A have no unsupervised contact with children.
- 09/07/21 A called Session meeting was held which TE Dominic Aquila attended by phone for a portion. The purpose of the meeting is omitted from minutes. There was discussion concerning a deacon's family no longer attending, that the deacon was approached by a member about "allegation #1 and allegation #2" and that other discussions were occurring about allegations among members. The Session also received multiple email communications from a CCC member, one containing a complaint. The Session conferred with TE Aquila. That complaint was dismissed as "administratively out of order and outside of the 60-day window to file a complaint."
- 09/15/21 Dr. Josh Bruce "appealed" to SFP regarding Session's failure to act on two allegations of public scandal, and denial of his previous complaint to Session regarding Session's failure to act on those allegations. This is the complaint that Session ruled out of order on 9/7/21, and the two allegations are the two accusations against the Pastor's sons.
- 09/18/21 A meeting of Session was held at which Session agreed to communicate with deacon's family regarding absence and to solicit a proposal from a third-party organization "to assist with resolution of issues regarding Allegation #2."
- 09/27/21 Dr. Sam Lamerson, a professor at Knox Seminary who had participated in teaching and church life at CCC, filed a "complaint" with SFP against the judgments of the Pastor and the

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Session as they related to the two allegations of sexual abuse. In addition to his complaint, he stated, "pursuant to [BCO] 31.2 I believe it is in the proper action of the South Florida Presbytery to demand satisfactory explanation from the Session of the Cross and Dr. Boland for their actions which have led to this scandal."

- 09/28/21 There was a called meeting of Session "to discuss how to proceed regarding the complaint filed by Dr. Sam Lamerson with the presbytery." TE Aquila attended, counseled that Dr. Lamerson had no standing to file a complaint and further provided a draft response which Session agreed to transcribe onto CCC letterhead and send to Presbytery.
- 09/29/21 The Session sent a letter to SFP, asserting "The Complaint filed by TE Lamerson is administratively out of order and cannot be adjudicated...."
- 10/2/21 At a called meeting of the Session, it agreed to engage Crossroads Resolutions Group to "resolve matters with the [Smiths], as well as Drs. Lamerson and Bruce." There is no evidence in subsequent minutes that this ever happened.
- 11/22/21 JCOM, a standing commission of SFP, took up the complaint and report from Dr. Lamerson as empowered by the Standing Rules of Presbytery. JCOM requested and demanded Session minutes and other documents related to claims asserted.
- 12/16/21 Session wrote JCOM indicating, "we don't believe there is reason or standing to bring these issues to the JC."
- 01/17/22 JCOM acts to "demand that the CCC Session, within ten days, show cause why the JC[OM] should not cite the CCC Session for failing to provide the properly requested records of the CCC Session despite repeated written requests."
- 01/26/22 RE Tom Turner, Clerk of the Session submitted minutes of the Session from 2021 as part of the regular annual reviews of Session minutes required by BCO 12-7.

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- 02/02/22 Session objected to "threat to cite the Session of [CCC]," questioned the constitutional basis for [JCOM's] authority to demand documents and asserted that "[JCOM] does not have subpoena powers by which it can compel a lower court to respond to requests outside of its jurisdiction."
- 02/08/22 SFP voted to "direct Presbytery to obtain Session Minutes from 2019 to present in regard to an active JCOM case involving Cross Community Church." The motion further directed that the minutes be provided by February 19, 2022.
- 02/25/22 JCOM voted to cite Session to appear before it.
- 03/15/22 The Session declined to appear before JCOM on April 1, claiming that JCOM had no constitutional authority to direct such an appearance.
- 05/10/22 At SFP meeting, SFP discussed CCC case and related items. "...a motion was made by TE Sam Lamerson that both CCC matters (against TE Tommy Boland and the CCC Session) be referred to the JC [Judicial Commission] for investigation and if necessary, adjudication, as required by *BCO* 31-2 (in the case of TE Boland) and by *BCO* 40-4 (in the case of CCC Session)." This action was taken in response to a request from JCOM that Presbytery decide whether these matters, as they had unfolded, should remain with JCOM or if SFP, as a whole, should take them up.
- 05/12/22 RE Tom Turner, Clerk of CCC Session, submitted minutes of CCC Session from 2018, 2019, and 2020. Again, he was explicit in saying that he was submitting these minutes under *BCO* 12-7.
- 05/25/22 JCOM cited the Session, the Clerk of Session, an RE, and TE Boland, Pastor, to appear to answer as to "credible reports with respect to the Session of important delinquencies or grossly unconstitutional proceedings." The citation also included reference into the termination of membership of Josh Bruce.
- 05/31/22 Session informed JCOM it would not appear, contending complaints of Lamerson and Bruce were out of order.

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- 08/03/22 JCOM unanimously approved its final decision and report regarding the Cross Community Session.
- 08/08/22 SFP affirmed the decision of JCOM to find that the CCC Session was guilty of important delinquencies and failures and further of insubordination to presbytery. The decision of JCOM and SFP then "admonished" Session for failing to "fulfill its duty to care for all the members of CCC" and for "failing to respect the constitutional authority of [SFP]." It further directed Session to take several actions.
- 08/13/22 RE Turner complained against the August 8 action of SFP.
- 08/23/22 JCOM recommended denial of the Turner Complaint.
- 11/08/22 SFP denied Turner Complaint at its stated meeting.
- 11/09/22 Turner elevated his Complaint to the SJC.
- 12/16/22 Initial ROC was received by Office of the Stated Clerk.
- 05/11/23 Finalized ROC was completed.
- 07/18/23 Hearing was held in the case. The SJC Panel included RE Bise (chair), TE Kooistra and TE Ross, along with alternates TE Bankson and RE Neikirk.

II. STATEMENT OF THE ISSUES

1. Did South Florida Presbytery err by investigating these matters through its Judicial Commission?
2. Did South Florida Presbytery err by judging the Session of Cross Community Church guilty of alleged offenses without first following the steps for judicial process: namely, issuing an indictment with charges and specifications, citing the Session to enter a plea, and conducting a trial?

III. PROPOSED JUDGMENTS

1. No.
2. Yes. The decision of Presbytery to approve the recommendations of JCOM, thereby finding the Session guilty of four matters and then imposing on Session censure and mandated corrective actions is hereby annulled (*BCO* 43-10). The matter is returned to Presbytery with instructions that Presbytery either: a) proceed with this matter through the avenue of raising exceptions to the Session's minutes, should Presbytery be convinced that such exceptions are justified, and dealing with whatever response is forthcoming; or b) engaging in informal interactions with Session in an effort to reach a mutual understanding of the proper course of action, which would not preclude other options if the informal interactions do not yield agreement; or c) proceeding to formal judicial process following *BCO* 40-6. Further, given the gravity of the allegations, we direct that Presbytery determine at its first stated meeting after this decision is reported as final, or at an earlier meeting if desired by Presbytery, which of these paths it will follow and how.

IV. REASONING AND OPINION

This matter arose when various individuals raised complaints to Presbytery regarding how the Session of Cross Community Church dealt with (or did not deal with) allegations of two instances of sexual misconduct by members of Cross Community Church. The serious nature of these allegations was exacerbated in that the alleged victims were minors, the alleged perpetrators were sons of the pastor, there was an arrest of one of the sons growing out of one of these incidents, and there was some knowledge of these allegations in the church. Recognizing the serious nature of the allegations, SFP sought, through its Judicial Commission (JCOM), to investigate these matters. Session raised, at various points in the process, objections regarding: whether JCOM was properly empowered to deal with these matters; whether JCOM had a right to demand several years' worth of past minutes of the Session, as well as other documents; whether there were really "credible reports"; whether JCOM had a right to "cite" the Session to appear before them; and whether complaints from individuals seeking to get these matters

before Presbytery were in order. As a result of these concerns, Session stated that it was unwilling to comply with citations from JCOM and that it would not meet with JCOM (or respond in writing) unless or until Session's concerns were addressed. Session did eventually provide the requested minutes of Session for the years 2018-2021 although it did not provide certain other documents that were requested.

JCOM met with the individuals who presented complaints to Presbytery and reviewed various documents, including Session minutes for the years in question, a police report that dealt with one of the allegations of misconduct, and a letter from a law firm (styled an appeal) that contained the second allegation of misconduct. The Commission also considered Overture 6 that was approved by the 42nd General Assembly, and the report of the Ad Interim Committee on Domestic Abuse and Sexual Assault that came to the 49th General Assembly.

In the course of its work, JCOM concluded that the two complaints brought with regard to these matters were not properly before Presbytery and that the letter from the law firm did not meet the criteria for an appeal. JCOM did conclude, however, that these documents, together with the police report and the interviews conducted by JCOM, constituted credible reports of "neglect by the CCC Session to perform its duty," and, thus, that SFP, through its JCOM, was required by *BCO* 40-4 to "take cognizance of" and to examine, deliberate, and judge."

In light of the information gathered and Session's unwillingness to comply the JCOM's citations, JCOM reached the following decisions:

The Judgment of the Presbytery Judicial Commission

1. Judgment:

- a. The CCC Session is guilty of the important delinquency of failing to support the alleged victims by failing to have their allegations investigated by an expert third party.
- b. The CCC Session is guilty of the important delinquency of failing to care for the CCC members by failing to report the alleged incidents to the congregation, failing to have the incidents

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expertly investigated, and by retaining [name] on staff as worship leader even after his arrest.

- c. The CCC Session is guilty of the important delinquency of failing to follow the reporting requirements of the 42nd GA and the State of Florida.
- d. The CCC Session is guilty of insubordination by rejecting the South Florida Presbytery's authority to examine its actions and inactions.

2. Actions:

- a. Therefore, the South Florida Presbytery (SFP) requires the CCC Session to call a meeting of its members to take place within 60 days of the SFP's approval of these actions at which designated representatives of the Presbytery will explain the entire situation to the Congregation (*BCO* 13-9f). (A separate action of the South Florida Presbytery will be necessary to appoint the representative.)
 - b. The SFP admonishes the CCC Session to fulfill its duty to care for all the members of the church, (including families with children, alleged victims of abuse, and alleged abusers) by following the 42nd GA's resolutions, the 49th GA's advice, and Florida Statutes.
 - c. The SFP requires the CCC Session to report in writing to the SFP within three months of the SFP's approval of these actions on all measures taken to comply with this judgment. The SFP retains jurisdiction to receive the written report and to take such further actions as it may deem necessary.
 - d. The SFP admonishes the CCC Session to respect the constitutional authority of SFP (*BCO* 13-9e).
3. The JC retains jurisdiction to take such other and further action as may be necessary in furtherance of this finding and in relation to the other matters reached herein.

The Reasoning and Opinion of the Presbytery Judicial Commission

1. The JC[OM] is not judging the truth of the allegations of sexual abuse, but rather the actions and inactions of the CCC Session in response to them and its response to the efforts of the JC[OM] to investigate.

SFP considered the JCOM report at its meeting of August 8, 2022. It is not clear from the minutes whether SFP approved the entire report or only the Judgment section shown above, but it certainly approved the material contained in the Judgment section of the JCOM Report.

RE Turner's Complaint against the action of Presbytery raised many of the procedural issues noted above. In his Brief, however, and in oral argument, the Complainant and his representative were explicit that the sole issue they wished to have before the SJC was whether SFP had the right to declare the Session guilty of various allegations, and on the basis of those declarations of guilt to censure Session and direct it to take certain actions, without following formal judicial process.

While Complainant granted that *BCO* 40 gives Presbytery the right to review the records and actions of Session, and that *BCO* 40-5 provides remedies when a Presbytery receives "credible reports" of "any important delinquency or grossly unconstitutional proceedings" of a Session, Complainant contended that *BCO* 40-6 (*cf.*, *BCO* 32; 30-1) requires that those remedies, particularly when they deal with findings of guilt and imposition of censure, are available only after formal process has been followed (or when there has been an admission of guilt by the Session). Complainant argued, not only that such process is a Constitutional requirement and right, but that it is also the only way that the lower court can be accorded a fair opportunity to defend its actions. Thus, the presence of an indictment ensures the Session will know exactly where Presbytery believed Session erred, and the conduct of a formal trial is the only way to ensure that Session has an opportunity to present evidence and defend its actions. In support of this understanding, Complainant cited the process followed by the SJC in case 2006-02 (*Report on Memorial from Central Carolina Presbytery*). In that case, the SJC concluded that Louisiana Presbytery had failed to "reach a decision consistent with the Constitution of the Presbyterian Church in America." Following *BCO* 40-5,

the SJC then cited Louisiana Presbytery to appear “to show what it has done or failed to do” in the case in question. The decision then stated that this process would be implemented by the SJC appointing a prosecutor, ordering an indictment to be drawn, citing Presbytery to respond to the indictment by entering a plea on the matters contained in the indictment, and ordering a trial should the plea be “not guilty.” (*M36GA*, pp. 89-90) Thus, Complainant argued that the SJC understood that it could not impose the outcomes of *BCO 40-5* without proceeding to formal process under *BCO 40-6*.

SFP argued “Although the Session twice refused to appear when cited, the JC[OM] found that the Sessional records and interviews of aggrieved church members were sufficient to determine that important delinquencies and grossly unconstitutional proceedings had occurred” and that Session had neglected to perform its required duties. SFP noted that where there is evidence that a lower court has neglected its duty, *BCO 40-4* gives the appellate court jurisdiction to “examine, deliberate, and judge in the whole matter as completely as if it had been recorded, and thus brought up by review of its records.” SFP further contended that once such neglect, delinquencies, and grossly unconstitutional proceedings are identified, *BCO 40-5* gives the appellate court “four options for how to proceed after citing the lower court to appear and explain itself: a. reverse or redress the lower court’s actions, b. censure the delinquent court, c. remit the matter, and d. stay proceedings.” Respondent granted that *BCO 40-6* “certainly envisions a trial in some situations, specifically if the lower court has followed 40-5 and cooperated with the higher court during the investigative period.” Respondent was not convinced, however, that formal process is required in all cases, and particularly that such process is not required in a case such as this where Session refused to appear when cited and where, in the judgment of SFP, documentary evidence makes it clear that Session failed to perform its Constitutional duties.

We recognize the confusion that existed in this matter because the original reports came to Presbytery largely by way of complaints and an “appeal” that were brought by ones who did not have standing. We further recognize that at least some of Session’s reticence to respond to the citations from JCOM was a function of their belief that since the complaints and appeal were not in order Presbytery could not deal with them. Having said that, we do agree with Presbytery that, even though these filings were out of order, Presbytery was within its rights to take these filings, along with the other documentary evidence that came out in the course of JCOM’s discussions of these filings,

as “credible reports” that could reasonably have led Presbytery to invoke *BCO* 40-5. *BCO* 40-5 is silent as to the method by which such credible reports come to the higher court and as to the standard by which the higher court is to evaluate the credibility of such reports. Thus, presbyteries have broad discretion in receiving reports and determining their credibility.

Additionally, while we understand some of Session’s procedural concerns about the investigative process, and while we recognize Session’s offer to meet informally with the SFP Minister and Church Relations Committee to try to deal with these issues in a non-judicial forum, and while we recognize that Session eventually provided JCOM with the Sessional minutes it desired, we conclude that the gravity of the allegations and a proper respect for the courts of the Church should have led Session to be more forthcoming in meeting with and providing documents to JCOM, even if Session desired to assert various procedural concerns about JCOM’s process. Following that path would have likely reduced suspicions and allowed for a better dialogue about the allegations.

While we agree that Presbytery was within its rights to receive and investigate these credible reports, and while we recognize that Presbytery made a good faith effort to investigate carefully and with sensitivity, we do not agree that Presbytery was within its rights to judge Session to be guilty, and then to impose censures on Session, without issuing an indictment with charges and specifications, citing the Session to enter a plea, and conducting a trial per *BCO* 40-6 (or receiving an admission of guilt from Session). Courts, just as much as individuals, must have the right to know exactly what they are being charged with, and they must have the right to question witnesses and evidence, and to present witnesses and evidence on their own behalf. This conclusion is consistent with Proverbs 18:7, the concern for the rights of both parties that is evidenced throughout the “Rules for Discipline,” the lack of any qualifying language (e.g., “ordinarily”) in *BCO* 40-6, and the pattern established in case 2006-02 (see above). Moreover, this understanding is not new. In his 1898 *Exposition of the Book of Church Order*, F.P. Ramsey offered the following comment on the very similar paragraph contained in the PCUS “Rules of Discipline:”

In the exercise of general review and control the superior court may go so far as to enter upon the records of the inferior court a censure of the records (but not of the court), or send to

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the inferior court an order to review and redress irregular proceedings; but in the exercise of its jurisdiction **by process** the superior court may censure the inferior court (and not its records merely), and may itself reverse and redress the proceedings (in other than judicial cases) instead of ordering the inferior court to reconsider and correct them. [N]o inferior court may be censured except after conviction on regular trial, any more than an individual. (pp. 242-243, <https://www.pcahistory.org/bco/rod/40/05.html>; emphasis added.)

The import of proceeding by formal judicial process in cases such as this is highlighted by examples that are evident in the Record. First, it is not clear that some of the matters for which Session was adjudged guilty were set out clearly (maybe at all) in JCOM's citation for Session to appear [compare the "Matters" raised on ROC 162-164 that Respondent said "basically laid out the charges" with the "Judgments" in the matter on ROC 192-193]. It is unclear how Session could defend itself if the charges were not clearly laid out and if Presbytery was not limited to those charges. Second, Session stated repeatedly that they did not agree with factual statements made by JCOM, yet some of those disputed facts underpin JCOM's conclusions. Third, Presbytery's "Judgment" and "Actions" contained conclusions about the meaning of the PCA Constitution (*e.g.*, does the Constitution require third party investigations in cases such as these? what is the proper authority of the higher court? can a Presbytery compel a Session to follow resolutions and advice from GA?) and the laws of the civil magistrate (*e.g.*, what does the relevant Florida statute require?). Surely, Session should have had the right formally to challenge whether Presbytery's understanding of the PCA Constitution and the laws of the civil magistrate were accurate before Session was judged guilty of violating what Presbytery understood to be the requirement of those documents.

We understand that Presbytery was, rightly, concerned about the gravity of the allegations, and that Presbytery was frustrated by what it saw as an unwillingness of Session to cooperate in the investigation. The remedy for those concerns was not, however, to proceed without process. The proper remedy would have been for Presbytery to have begun process and then, if Session refused to participate, to deal with them for their contumacy (*BCO* 32-6).

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The decision of Presbytery to approve the recommendations of JCOM, thereby finding the Session guilty of four matters and then imposing on Session censure and mandated corrective actions is hereby annulled (*BCO* 43-10). The matter is returned to Presbytery with instructions that Presbytery either: a) proceed with this matter through the avenue of raising exceptions to the Session's minutes, should Presbytery be convinced that such exceptions are justified, and dealing with whatever response is forthcoming; or b) engaging in informal interactions with Session in an effort to reach a mutual understanding of the proper course of action, which would not preclude other options if the informal interactions do not yield agreement; or c) proceeding to formal judicial process following *BCO* 40-6. Further, given the gravity of the allegations, we direct that Presbytery determine at its first stated meeting after this decision is reported as final, or at an earlier meeting if desired by Presbytery, which of these paths it will follow and how.

Finally, we note the Respondent asked in his brief that if the SJC remitted this matter to Presbytery for trial, it do so with "an order that in the meantime the Session comply with the Presbytery's directives on August 9, 2022 - to call a congregational meeting with Presbytery representatives present to explain the situation to the congregation and to follow Florida statutes for reporting." We decline to issue this ruling because it assumes the very things that would need to be proven, that is, that the allegations are true, that Session failed to deal properly with the allegations, and that Session has failed to follow Florida law. We share Respondent's concern that justice be done, that individuals are protected against any future sexual misconduct, and that Session follow the mandates of Romans 13. But we cannot do that by opining on the requirements of civil law or by ordering the very thing we said Presbytery did not have the right to order apart from formal judicial process. We, like Presbytery, can encourage Session to apprise the Congregation of the issues, but the only way that can be mandated is by following the constitutionally allowed mechanisms set forth above.

In the Panel's proposed decision, the Case Summary and Summary of the Facts were drafted by RE Bise; the remainder of the proposed decision was drafted by RE Neikirk. The entirety of the proposed Panel decision was edited by the Panel and adopted unanimously on 8/18/23. The SJC reviewed each part of the

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proposed decision. The SJC approved the amended Decision on the following **20-0** vote, with four absent.

Bankson	<i>Concur</i>	S. Duncan	Absent	Maynard	<i>Concur</i>
Bise	<i>Concur</i>	Eggert	<i>Concur</i>	Neikirk	<i>Concur</i>
Carrell	<i>Concur</i>	Evans	<i>Concur</i>	Pickering	<i>Concur</i>
Coffin	<i>Concur</i>	Garner	Absent	Sartorius	<i>Concur</i>
Dodson	<i>Concur</i>	Greco	<i>Concur</i>	Ross	<i>Concur</i>
Donahoe	<i>Concur</i>	Kooistra	Absent	Waters	<i>Concur</i>
Dowling	<i>Concur</i>	Lee	<i>Concur</i>	White	Absent
M. Duncan	<i>Concur</i>	Lucas	<i>Concur</i>	Wilson	<i>Concur</i>

CASE No. 2022-23

TE MICHAEL WOODHAM

v.

SOUTH FLORIDA PRESBYTERY

DECISION ON COMPLAINT

October 20, 2023

I. SUMMARY OF THE FACTS

- 02/09/21 The resignation of TE [Name Redacted] as Associate Pastor of [Congregation Redacted] was reported to South Florida Presbytery ("SFP").
- 05/18/21 The congregation's approval of TE [redacted]'s resignation was reported to SFP.
- 05/28/21 TE [redacted] drafted and sent a letter declaring that his "attempts to keep my views and vows in the PCA are becoming disingenuous," and that he has made the "decision to step down from pastoral ministry and demit my credentials in the PCA."
- 08/17/21 The Minister and Church Relations Committee (MCRC) reported to SFP its "ongoing ministry to TE [redacted]."
- 10/08/21 SFP's Judicial Commission (JC) discussed SFP "Case No. 21-01" regarding TE [redacted].
- 11/23/21 SFP's JC "reached tentative agreement" that TE [redacted] "be censured with the (*sic*) Deposition from office ...," and "that a final decision and motion be withheld pending a meeting (to be set) with TE Halleran to discuss the role of the MCRC in deposed TE's (*sic*) generally, and then specifically in this case, given that the censure, once delivered, concludes the judicial process (*BCO* 30-1)."
- 01/12/21 SFP's JC met to continue to discuss censures regarding TE [redacted].

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- 02/16/22 SFP's JC agreed to consult with TE [redacted] regarding proceeding with the Case under *BCO* 38-1.
- 05/10/22 SFP, upon report of SFP's JC, "approve[d] the judgment of the JC as the decision of the Presbytery," namely, "to depose TE [redacted] and to suspend him from the Sacraments of the Church." TE Halleran then reported to SFP "that he, on behalf of the MCRC, will continue to endeavor to bring [name redacted] to a sense of his guilt and repentance." Presbytery Minutes then indicated that "the JC retained jurisdiction of the case to monitor any progress and, if necessary, to impose additional discipline."
- 08/02/22 SFP's JC "discussed the Presbytery's attempts to work with TE [redacted] (through the MCRC) and the complete lack of any progress." JC thereupon acted to "impose the final censure (excommunication)," and to bring this action "to the floor of Presbytery for final approval."
- 08/08/22 It is reported to SFP that "MCRC [is] working with Mr. [redacted] on an ongoing basis." Presbytery minutes then indicate "[d]iscussion on Mr. [redacted]'s church oversight, ruled out of order as he has not been led to repentance and will be excommunicated later in this meeting (*BCO* 46). (Mr. [redacted] has been under the care of MCRC in regard to this matter.)" SFP then acted "to accept ruling of JCOM (*sic*) to excommunicate Mr. [redacted]," and proceeded to inflict the censure of excommunication upon Mr. [redacted].
- 08/12/22 TE Michael Woodham filed complaint with SFP for having "erred in taking this action [i.e., excommunicating Mr. (redacted)] by failing to assign Mr. (redacted) to membership in some particular church as required by *BCO* 46-8."
- 09/26/22 SFP's JC issued its "Final Decision and Report" regarding TE Woodham's August 12, 2022 Complaint, acting to deny in whole TE Woodham's Complaint.

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- 11/08/22 JC reported to SFP its action to deny TE Woodham’s Complaint, and SFP “approves” the matter.
- 11/14/22 TE Woodham carried his Complaint to the General Assembly.
- 06/20/23 The Hearing was held via videoconference before a Panel, composed of TE Guy Waters (chair), RE Melton Duncan, and RE Jim Eggert. Both parties had previously filed timely briefs. The Complainant, TE Woodham, was present and was assisted by TE Dominic Aquila. TE Damon Palmer represented Presbytery.

II. STATEMENT OF THE ISSUE

Did South Florida Presbytery err when, after deposing a Teaching Elder from office and not yet having assigned him to membership in some particular church, it subsequently excommunicated him?

III. JUDGMENT

No

IV. REASONING AND OPINION

This case involves a Teaching Elder whom South Florida Presbytery (SFP) both deposed and suspended from the Sacraments of the Church on May 10, 2022. At its next stated meeting, on August 8, 2022, South Florida Presbytery acted to excommunicate this TE. At neither meeting (nor at any point in the interim) did Presbytery act to assign Mr. [redacted] “to membership in some particular church, subject to the approval of the Session of that church” (*BCO* 46-8).

Complainant argues that “the one and only proper action SFP should [have] take[n] under our constitution after deposing Mr. [redacted] from office was to assign him to membership in some particular church.” When SFP acted to excommunicate TE [redacted], Complainant continues, it therefore acted “contrary to *BCO* 46-8,” since “Mr. [redacted] was no longer a teaching elder member of SFP, and no longer under its judicial oversight.” Complainant requests that that the “censure of excommunication [be] annulled,” and that “South Florida Presbytery assign Mr. [redacted] to membership in some

particular church, subject to the approval of the Session of that Church per *BCO* 46-8.”

Two matters are necessary to the resolution of this case. The first concerns the constitutional question of the nature and extent of Presbytery’s jurisdiction over a Teaching Elder whom it has deposed from the ministry. The second concerns the factual question of South Florida Presbytery’s actions, in light of *BCO* 46-8, relating to Mr. [redacted] in the window of time between his deposition and excommunication.

Presbytery’s Jurisdiction

The *Book of Church Order* stipulates that “when a Presbytery shall ... depose [a minister] without excommunication, it shall assign him to membership in some particular church, subject to the approval of the Session of that church” (*BCO* 46-8). In view in this provision is the transfer of a deposed minister from the jurisdiction of one court (Presbytery) to a lower court (Session). Having been judicially removed from the ministry, a deposed man is no longer eligible to maintain his membership in Presbytery. He is therefore assigned to membership in a particular church.

While the action of *BCO* 46-8 is obligatory, *BCO* 46-8 specifies neither a timeframe within which Presbytery must complete this action, nor the particular means or mechanism by which this action must be accomplished. Presbytery, therefore, has Constitutionally delimited discretion in the manner in which it implements this provision to those men to whom this provision applies.

Until such a man is transferred to the membership in some particular church, he remains under the jurisdiction of Presbytery, his deposition notwithstanding. This principle is reflected elsewhere within the *Book of Church Order*.

Members of one church dismissed to join another shall be held to be under the jurisdiction of the Session dismissing them until they form a regular connection with that to which they have been dismissed (*BCO* 46-3).

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When a Presbytery shall dismiss a minister, licentiate or candidate, the name of the Presbytery to which he is dismissed shall be given in the certificate, and he shall remain under the jurisdiction of the Presbytery dismissing him until received by the other (*BCO* 46-6).

And, in the case of “a member of a particular church [who] has willfully neglected the church for a period of one year, or has made it known that he has no intention of fulfilling the church vows,” that member remains under the jurisdiction of his Session and subject to its discipline (*BCO* 38-4).

Once a man is transferred to the jurisdiction of a lower court, Presbytery’s jurisdiction over the man does not altogether terminate. Should a Teaching Elder, deposed and suspended from the sacraments, profess his repentance to Presbytery and furnish satisfactory evidence of the same to Presbytery, it is *Presbytery* and not his local Session that is tasked with removing the censure(s) and, if applicable, restoring him to office. This is the express testimony of *BCO* 37-9(a).

If the censure(s) does not include excommunication, the presbytery inflicting the censure(s) shall retain the authority to remove the censure(s) and, at its discretion, restore him to office. This authority is retained by the presbytery even when a divested or deposed minister is assigned, under the provisions of *BCO* 46-8, to a session.

While these circumstances envisioned in *BCO* 37-9(a) did not take place in this particular Case, this hypothetical example illustrates the ongoing jurisdictional power of Presbytery over a man, deposed and assigned to membership in a particular church, with respect to his restoration and the removal of censure(s). Presbytery retains this power in light of the fact that it rendered judgment in this particular case (whether with or without process).¹

¹ Complainant argued that a previous SJC ruling, *Randy C. Stringer v. Mississippi Valley Presbytery* Case No. 90-7, *M19GA*, 1990, pp. 533-5, is “a precedent case quite similar to this one” (Complainant’s Brief, 2). In *Stringer*, the SJC found that Presbytery erred when, having deposed a minister and not having assigned him to a particular church, it subsequently excommunicated him. SJC then ruled that Presbytery “should take no other action but to assign Mr. Stringer to a particular church according to *BCO* 46-8” (*M19GA* 1990, p. 534). Setting aside the question whether SJC correctly adjudicated that particular case in 1990, we note that *BCO* 37-9 was subsequently added to the *BCO* in 1994 (*M22GA*, 1994, p.61). *BCO*

If a Teaching Elder, deposed and suspended from the sacraments, were to continue impenitent, it would therefore be the same court – Presbytery – that would be tasked with taking action with respect to this man. Presbytery is the appropriate court to inflict, if warranted, the higher censure of excommunication upon this man, should the sin continue. We note that the question of the process by which a presbytery would move to excommunication was not before us, so we make no comment on that procedure. Such an action would simply constitute the conclusion of a particular case that had originated within and had been conducted by the Presbytery.

It is for these reasons, contrary to the claim of Complainant, that South Florida Presbytery retained jurisdiction to inflict the censure of excommunication upon a Teaching Elder whom it had deposed from the ministry. Having acted to depose and to suspend from the sacraments Mr. [redacted], South Florida Presbytery did not altogether forfeit its jurisdiction over Mr. [redacted]. It was not, therefore, constitutionally barred from inflicting the censure of excommunication upon Mr. [redacted] on August 12, 2022.

South Florida Presbytery’s Actions in Light of *BCO* 46-8

The second matter necessary to the resolution of this case concerns the actions that South Florida Presbytery took with respect to Mr. [redacted] in light of *BCO* 46-8. The Parties are factually agreed that Presbytery took no action to assign Mr. [redacted] to membership in a particular church, neither on May 10, 2022, August 12, 2022, or at some point in the interim. It is important, therefore, to review from the Record what actions Presbytery and its committees did take in this time period regarding Mr. [redacted].

The minutes of South Florida Presbytery for May 10, 2022 (the date on which SFP deposed and suspended from the sacraments Mr. [redacted]) indicate that a member Teaching Elder of SFP, acting on behalf of Presbytery’s Minister and Church Relations Committee (MCRC), would “continue to bring [redacted] to a sense of his guilt and repentance.” Simultaneously, the Presbytery’s Judicial Commission “retained jurisdiction of the case to monitor

37-9(a) affirms explicitly that Presbytery continues to have jurisdiction over a deposed minister, even when that minister has been assigned to a session per *BCO* 46-8.

any progress and, if necessary, to impose additional discipline.” The minutes for Presbytery’s Judicial Commission’s meeting of August 2, 2022 indicate that the Commission “discussed the Presbytery’s attempts to work with TE [redacted] (through the MCRC) and the complete lack of any progress.” It was this discussion that occasioned the Commission’s recommendation to SFP that the censure of excommunication be inflicted upon TE [redacted]. The September 26, 2022 Report of Presbytery’s Judicial Commission in response to the Complaint of TE Woodham against SFP, a Report that was subsequently approved by SFP on November 8, 2022, in its statement of the facts of the case, described the work of the MCRC subsequent to “Mr. [redacted] [having been] formally advised of the censures in writing by the Judicial Commission.”

MCRC (through TE Halleran) then continued try (*sic*) to minister to Mr. [redacted] including trying to place him with a PCA church. Mr. [redacted] made it very clear that he would not start going to any such church whether South Florida Presbytery “assigned” him to one or not” (emphasis and quotation marks original). MCRC reached the point where in their opinion, any such further efforts would be futile and so advised the Judicial Commission. The MCRC’s opinion was consistent with what the Judicial Commission had also witnessed concerning Mr. [redacted]’s most recent thoughts on the PCA. During the course of these efforts, Mr. [redacted] did advise that he was attending a non-PCA church and this was corroborated by his social media posts and other Teaching Elders.

This factual summary, drafted by SFP’s Judicial Commission and presented to the Presbytery, met with no objection from Presbytery, so far as the Record indicates. This Summary documents the efforts of the two bodies – the Minister and Church Relations Committee (MCRC) and the Judicial Commission (JC) – that Presbytery had tasked with pursuing Mr. [redacted] subsequent to its censuring of Mr. [redacted] in May, 2022. This summary reflects sincere efforts on the part of SFP’s MCRC to assist Presbytery in fulfilling its *BCO* 46-8 mandate to assign Mr. [redacted] to membership in some particular church. Mr. [redacted]’s intransigent resistance to membership in a member congregation of the PCA prompted the MCRC to conclude any further efforts to assign him to be “futile.” The MCRC’s conclusion was “consistent with” what the JC had itself “witnessed” regarding Mr. [redacted]

and was also confirmed by evidence of [redacted]'s attendance at a non-PCA church.

Thus, it is clear that SFP undertook efforts to implement the provision of *BCO* 46-8. It did so through its MCRC and its JC. MCRC – and ultimately Presbytery itself – halted those efforts when it became clear that Mr. [redacted] would not cooperate with Presbytery in its endeavors to implement *BCO* 46-8, and when Presbytery's JC determined to recommend to SFP that the censure of excommunication be inflicted upon Mr. [redacted]. It should be remembered that this committee and commission undertook and concluded their work rapidly, within the space of three months. Neither the committee nor the commission could be fairly faulted with undue delay in taking up the matters that Presbytery had set before it.

In evaluating Presbytery's factual determinations regarding Mr. [redacted] in light of *BCO* 46-8, the provisions of *BCO* 39-3(2) and 39-3(3) apply. In the first place, the SJC must "exhibit great deference" to SFP "regarding those factual matters which the lower court is more competent to determine," and thus "should not reverse a factual finding of a lower court, unless there is clear error on the part of the lower court." (*BCO* 39-3(2)) In the second place, the SJC must "exhibit great deference" to SFP "regarding those matters of discretion and judgment which can only be addressed by a court with familiar acquaintance of the events and parties," and thus "should not reverse such a judgment by a lower court, unless there is clear error on the part of the lower court." (*BCO* 39-3(3))

In light of the above, we conclude that nothing in the Record indicates "clear error" on the part of South Florida Presbytery's efforts to implement *BCO* 46-8. On the contrary, SFP made the effort to implement *BCO* 46-8 and ceased those efforts only when it concluded that circumstances bound them to do so. The SJC therefore has no basis upon which to reverse the lower court's findings and judgments in this matter.

Conclusion

Complainant claims that a Presbytery is constitutionally barred from inflicting the censure of excommunication upon a minister whom it has deposed and suspended from the sacraments, that South Florida Presbytery erred in so doing, and that South Florida Presbytery should only have assigned

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Mr. [redacted] to membership in a particular church. But a Presbytery retains jurisdiction over a deposed minister until the transfer of that jurisdiction to a lower court is concluded, and, even after that conclusion, retains a measure of jurisdiction over that man. Furthermore, the Record indicates that South Florida Presbytery undertook efforts to implement the provisions of *BCO* 46-8 with respect to Mr. [redacted]. Complainant has demonstrated from the Record no clear error on the part of Presbytery with respect to the actions in question. It is for these reasons that the Complaint is denied.



The Panel’s proposed decision was written by TE Guy Prentiss Waters, amended by the Panel, and adopted by the Panel by vote of 2-1 on 7/7/23. The SJC reviewed each part of the proposed decision. The SJC approved the amended Decision on the following **18-2** vote, with four absent.

Bankson	<i>Concur</i>	S. Duncan	Absent	Maynard	<i>Concur</i>
Bise	<i>Concur</i>	Eggert	<i>Concur</i>	Neikirk	<i>Concur</i>
Carrell	<i>Concur</i>	Evans	<i>Concur</i>	Pickering	<i>Dissent</i>
Coffin	<i>Concur</i>	Garner	Absent	Sartorius	<i>Concur</i>
Dodson	<i>Concur</i>	Greco	<i>Concur</i>	Ross	<i>Concur</i>
Donahoe	<i>Concur</i>	Kooistra	Absent	Waters	<i>Concur</i>
Dowling	<i>Dissent</i>	Lee	<i>Concur</i>	White	Absent
M. Duncan	<i>Concur</i>	Lucas	<i>Concur</i>	Wilson	<i>Concur</i>

CONCURRING OPINION

Case No. 2022-23: *TE Woodham v. South Florida*
RE Howie Donahoe
November 9, 2023

I concurred in this Decision but believe some brief, additional clarification of *BCO* 46-8 is warranted. And I feel conscience bound to comment further on my understanding of whether a presbytery can excommunicate a man after it has already deposed him.

BCO 46-8. When a Presbytery shall divest a minister of his office without censure, or depose him without excommunication, it shall assign him, to membership in some particular church, subject to the approval of the Session of that church.

Grammar & *BCO* 46-8

Some might argue *BCO* 46-8 requires *immediate* assignment which, practically speaking, probably means two options. Either a motion to divest/depose will contain the name of the church to which the man is assigned, or the assignment motion will immediately follow the adoption of a motion to divest/depose. However, the SJC's Reasoning understands the "when" conjunction more broadly. In short, it means "in the event that ..." rather than "at the same time that ...". The SJC rightly contends:

While the action of *BCO* 46-8 is obligatory, *BCO* 46-8 specifies neither a timeframe within which Presbytery must complete this action, nor the particular means or mechanism by which this action must be accomplished.

I agree. The opening word "When" in *BCO* 46-8 is a conjunction that connects a subordinate clause (divest/depose) and a main clause (assign). But the conjunction itself doesn't indicate whether the action in the main clause (assign) occurs "at the same time," or simply, "in the event of" the action in the subordinate clause (divest/depose). Several provisions in the *BCO* open with the conjunction "When" and are later followed by the imperative "shall." In those instances, "when" is best understood as "in the event of." Put another

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way, the conjunction "when" does not require the subsequent "shall" action to be understood as "shall, *at the same moment,*" Below are some examples. All emphasis is added.

14-3. *When* an emergency shall require a meeting of the General Assembly earlier than the time to which it stands adjourned, the moderator *shall* issue a call for a special meeting at the request or with the concurrence of ten percent (10%) of the commissioners who had seats in the Assembly at its preceding meeting,

24-9. *When* a ruling elder or deacon cannot or does not for a period of one year perform the duties of his office, his official relationship *shall* be dissolved by the Session and the action reported to the congregation.

32-18. *When* a case is removed by appeal or complaint, the lower court *shall* transmit "the Record" thus prepared to the higher court with the addition of the notice of appeal or complaint, and the reasons therefor, if any shall have been filed.

38-1. *When* any person shall come forward and make his offense known to the court, a full statement of the facts *shall* be recorded and judgment rendered without process.

See also *BCO* 5-9.c, 8-4, 13-2, 13-10, 20-9, 21-1, 24-8, 25-2, 36-1, 38-4 & 57-3.

Granted, there are a few instances in the *BCO* where "When" means "at the same time as" or perhaps "hastily," but in those instances the timing is explicitly clarified later in the sentence.

21-2. *When* an intern has completed his internship to the satisfaction of the Presbytery, and has accepted a call, the Presbytery shall take *immediate* steps for his ordination.

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33-2. *When* an accused person is found contumacious (cf. 32-6), he shall be *immediately* suspended from the sacraments (and if an officer from his office) for his contumacy.

34-4.a. *When* a minister accused of an offense is found contumacious (cf. 32-6), he shall be *immediately* suspended from the sacraments and his office for his contumacy. [cf. *BCO* 34-7]

I can't find any instance in the *BCO* where there is a "when ... shall" arrangement that indicates immediacy unless the explicit timing is also specified, as in the four instances above.

At the same time, a Presbytery is ordinarily expected to ensure a divested/deposed minister is promptly and officially transferred to the jurisdiction of an individual church. Such a transfer would probably work best if it was mutually satisfactory to both the Session and the divested/deposed minister, but that's not constitutionally required. And if a Presbytery assigned a divested/deposed minister to membership in ABC PCA Church, with that Session's consent, that would not prevent him from soon thereafter requesting the Session to transfer his membership to DEF PCA Church - or even to XYZ ARP Church.

And if the Session of ABC PCA Church can later transfer a deposed minister to XYZ ARP Church, at his request, soon after Presbytery assigns his membership in the PCA Church, I don't see why the Presbytery couldn't transfer his membership to XYZ ARP Church in the first place. That would seem prudent, and doing something like that might have avoided the turmoil in this Case. The main goal of *BCO* 46-8 seems to be to get the man under the jurisdiction of the government of a Bible-believing individual church ASAP.¹

The Record in this present Case indicated a Presbytery committee reported the deposed minister did not want to be assigned membership in a church in the Presbytery that deposed him. That's probably not an uncommon, or even an unreasonable, sentiment amongst deposed PCA ministers. *BCO* 46-8 doesn't

¹ The SJC Decision noted that Presbytery's Ministers & Church Relations Committee concluded there was "evidence of [redacted]'s *attendance at a non-PCA church*." [Emphasis added.] The Record doesn't indicate the name or denomination of that non-PCA church.

explicitly require assignment to membership in a PCA church (though one might argue it seems implied).

The original Complaint in this Case was more concerned with Presbytery's excommunication after deposition, than the speed at which membership assignment was made, though they were related. In the excerpt below, the original Complaint grants that immediacy is not required by *BCO* 46-8.

Following the infliction of the censure of deposition, SFP should have acted to assign [the deposed minister] to membership in some particular church. Since SFP did not act to assign him to membership at the May 10, 2022 meeting, it could have appointed a committee or commission to carry out the requirement of *BCO* 46-8. Or, it could have concluded the requirements of *BCO* 46-8 at its next meeting on August 9, 2022.

Jurisdiction Regarding Post-Deposition Censure

In the 20 days since I concurred in denying this Complaint, I've begun to have reservations. I'm no longer sure that a presbytery has any jurisdiction over a man after the moment he is divested or deposed (unless, perhaps, while those actions are held in abeyance during an appeal.)

BCO 37-9 explicitly addresses the jurisdiction of presbyteries vs. sessions regarding the *removal* of censures imposed on a minister and the *restoration* of a minister. The provision says nothing about the jurisdiction to increase censure.

BCO 37-9. In the case of the *removal* of censures from, or the *restoration* of, a minister, jurisdiction shall be as follows:

- a. If the censure(s) does not include excommunication, the presbytery inflicting the censure(s) shall retain the authority to *remove* the censure(s) and, at its discretion, restore him to office. This authority is retained by the presbytery even when a divested or deposed minister is assigned, under the provisions of *BCO* 46-8, to a session.

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- b. If the censure includes excommunication, the penitent may only be *restored* to the communion of the church through a session (*BCO* 1-3; 6-4; 57-4; 57-5; 57-6). Once the penitent is restored, and therefore a member of a local church, the authority to remove any other censure(s) in respect to office, *concurrently imposed with that of excommunication* shall belong to the court originally imposing such censure(s). [Emphasis is added here, and throughout this Opinion.]

A fair reading of *BCO* 37-9.b. concludes that if excommunication is warranted, it is imposed *concurrently* with deposition. That did not occur in this Case. I can find no *BCO* statements giving a presbytery authority to subsequently increase, or add, a censure to a divested or deposed minister.

As reported in the SJC Decision, Presbytery's Minutes of May 10, 2022 indicated the Presbytery Judicial Commission "retained jurisdiction of the case to monitor any progress and, if necessary, to impose additional discipline." Similarly, footnote 1 in the SJC Decision ends with: "*BCO* 37-9(a) affirms explicitly that Presbytery continues to have jurisdiction over a deposed minister, even when that minister has been assigned to a session per *BCO* 46-8."

I now believe that *BCO* 37-9 only affirms a Presbytery's authority to *lift or remove* censures related to office, but not to impose some censure after deposition. *BCO* 37-9.a. only affirms a presbytery's right to *remove* and *restore* in a non-excommunication situation. And *BCO* 37-9.b. only affirms a presbytery's authority to decide what to do *about office* if a man has been restored by a church post-excommunication. Nothing is said in *BCO* 37-9 about increasing a censure.

BCO 30-3 specifies: "Indefinite suspension [from office] is administered to the impenitent offender until he exhibits signs of repentance, or until by his conduct, the necessity of the greatest censure be made manifest." There is no similar *BCO* paragraph specifying that deposition is imposed until the necessity of the greatest censure be made manifest.

BCO 36-7 stipulates: "The censure of deposition shall be administered by the moderator in the words following: ... If the censure *includes* suspension or

excommunication, the moderator shall proceed to say: ..." *BCO* 30-5 mentions similar timing: "Deposition is the degradation of an officer from his office and may or may not be *accompanied with* the infliction of other censure."²

BCO 34-4.b stipulates: "If after further endeavor by the court to bring the [contumacious minister already suspended from office] to a sense of his guilt, he persists in his contumacy, he shall be deposed *and* excommunicated from the Church." Neither *BCO* 34-4 nor any other provision in the *BCO* stipulates something like the following: *If after further endeavor by the Presbytery to bring a deposed minister to a sense of his guilt, he persists in his contumacy (or impenitence), Presbytery shall excommunicate him from the Church.* Yet that seems to have been the situation in this Case.

The legislative history of *BCO* 37-9 sheds some light on this. Over three decades ago, in 1989, Delmarva Presbytery overtured the Assembly regarding *BCO* 37 and the overture was referred to the Committee on Judicial Business ("CJB"). (*M17GA*, p. 166) The following year, no action was recorded. In 1991 and again in 1992, the matter was referred to the Committee on Constitutional Business ("CCB", which was the new name of the CJB.) In 1993, the CCB recommended adding what was to become *BCO* 37-9, and the Assembly in Columbia, SC adopted it. (*M21GA*, pp. 80, 281). Presbyteries then voted 45-4 to approve, and in 1994, the 22nd GA in Atlanta, moderated by TE Will Barker, enacted the change (*M22GA*, p. 61). Nothing in the legislative history of *BCO* 37-9 supports the interpretation that a presbytery can excommunicate a man at some point after it has deposed him. The history of *BCO* 37-9 demonstrates the matter in question involved jurisdiction in the process of *restoring* an excommunicated or a deposed teaching elder.

² *BCO* 30-5 dates to 1879 and stipulates: "Deposition is the degradation of an officer from his office and may or may not be accompanied with the infliction of other censure." That's confusing. Does that mean suspension from sacraments? I doubt it. In his 1898 comments on this provision, F.P. Ramsay simply writes: "Courts should be careful not to suspend indefinitely from office unless in cases in which deposition should follow if there is not repentance." I believe it is unfair for a presbytery to impose the censure of suspension from the sacraments on a minister *being deposed*. It is unfair, and frankly, I think a bit strange to give a presbytery jurisdiction to continue that suspension over a man who is no longer under its jurisdiction. I believe that demonstrates a failure to trust a session. And I believe it's an inaccurate reading of *BCO* 37-9. If I am wrong, I hope the PCA will revise that paragraph.

I apologize for not preparing better for this Case when it was heard by the SJC. I regret not raising these arguments during the SJC meeting. Because our SJC Rules say that should ordinarily be done, I fully understand if the SJC puts an Answer to this Concurrence.

/s/ RE Howie Donahoe

CONCURRING OPINION

Case No. 2022-23: *TE Woodham v. South Florida*

RE Jim Eggert

November 3, 2023

I concur with the result of the Court's Decision but not with all its reasoning.

I disagree with the Decision's assessment that "two matters are necessary to the resolution of this case." Per the Decision those two matters are: (1) "the constitutional question of the nature and extent of Presbytery's jurisdiction over a Teaching Elder whom it has deposed from the ministry and (2) "the factual question" of the Presbytery's "actions," considering *BCO* 46-8 relating to "the window of time between his deposition and excommunication."

Although my reasoning is somewhat different from that of the Decision, I believe that the answer to the former question is entirely dispositive, and therefore evaluation of the latter question is not necessary to the resolution of this case. Furthermore, with respect to the latter question, I disagree with the Decision's deferential approach to the Presbytery's *BCO* 46-8 activities.

I believe that the issue presented is simple: the Complainant maintained that "the one and only action" that Presbytery could take after deposing the minister "was to assign him to membership in some particular church" pursuant to *BCO* 46-8. Put another way, the Complainant effectively maintained that the Presbytery, having deposed the minister and suspended him from the Sacraments, lacked continuing jurisdiction over him to elevate that censure to excommunication, such jurisdiction being exercisable only by a Session to whom the deposed minister should have been assigned. I maintain that the

Complainant's contentions were incorrect and therefore the complaint should be denied on that basis alone.

I. Presbytery's Limited Jurisdiction

The Decision asserts that until a deposed minister "is transferred to the membership in some particular church, he remains under the jurisdiction of Presbytery, his deposition notwithstanding."

I disagree with the breadth of the Decision's framed statement. For the reasons set forth below, I am convinced that the Constitution affords Presbytery limited jurisdiction to elevate censure in an adjudicated case regarding the minister but assigns no general residual jurisdiction to Presbytery.

Citing a "principle" that is "reflected elsewhere in the *Book of Church Order*," the Decision, in part, supports Presbytery's retained general jurisdiction over deposed ministers on analogical reasoning and inferences from *BCO* 46-3 (relating to the residual jurisdiction of Sessions over dismissed members); *BCO* 46-6 (relating to residual jurisdiction of Presbyteries over dismissed ministers); and *BCO* 38-4 which prescribes the power of Sessions to remove members from the roll when they have neglected the church for a period of one year.

My disagreement with the Decision's use of the above provisions turns on my interpretational approach to our Constitution. The Constitution assigns different roles to each of the Session, Presbytery, and General Assembly such that they are "limited by the express provisions of the Constitution" (*BCO* 11-4). Because the respective jurisdictions of the courts are "limited," we consult the Constitution to resolve any question about the boundaries of power between Sessions and Presbyteries, which are "distinctly defined" so that the courts may collectively achieve an "orderly and efficient dispatch of ecclesiastical business" (*BCO* 11-4).

With respect to the general jurisdiction of Presbytery over deposed ministers, *BCO* 46-3, *BCO* 46-6, and *BCO* 38-4 (cited by the Decision) do not expressly assign such jurisdiction to Presbytery over deposed ministers. To the contrary, the fact that *BCO* 46-3 and *BCO* 46-6 explicitly retain jurisdiction in the case of *dismissals* supports the *opposite* inference in cases like *BCO* 46-8 governing the deposition and *assignment* (not *dismissal*) of deposed ministers. Unlike *BCO* 46-3, *BCO* 46-6, and *BCO* 38-4, *BCO* 46-8 directs assignment of a

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deposed minister to a local church and Session but does *not* state that Presbytery retains any *general jurisdiction* over the deposed minister. Therefore, in the absence of other language in the Constitution, Presbytery is assigned no jurisdiction over a deposed minister at all.

Whereas a *dismissal* of a minister from one Presbytery to another involves transfer of like kind, the *deposition* of a minister from office instantly degrades the former minister's association with and spiritual relationship to the Church from one tier of the courts of the Church (Presbytery) to another (Session).

The jurisdiction of deposed ministers is constitutionally assigned to a Session, not the minister's former Presbytery. The constitutional rule is simple: "Process against all church members, other than ministers of the Gospel, shall be entered before the Session of the church to which such members belong, except in cases of appeal" (*BCO* 33-1). Being "other than a minister of the Gospel," process against a deposed minister is, unless prescribed otherwise, to be entered against him only before the Session to whom he is assigned pursuant to *BCO* 46-8. *BCO* 46-8 does not grant (or even mention) residual jurisdiction to Presbytery over a deposed minister.

Notably, however, the Constitution does provide a *limited exception* to the general rule that a Session rather than Presbytery has sole jurisdiction over deposed ministers. *BCO* 37-8 (governing "The Removal of Censure") provides, "In the restoration of a minister who is under indefinite suspension from the Sacraments, and/or his office, or has been deposed, it is the duty of the Presbytery to proceed with great caution." In other words, it is specifically and solely the duty of *Presbytery* to "proceed" in the restoration of the minister regarding any case in which the Presbytery censured a minister. *BCO* 37-8 further provides the method for restoration: the Presbytery (not a local Session) "should first admit him to the Sacraments, if he has been debarred from them." Thus, our Constitution assigns exclusively to Presbytery (rather than his Session) the power to restore the deposed minister to the Sacraments.

Further, *BCO* 37-8 prescribes that the case of the deposed minister for which he was censured "shall always be under judicial consideration until the declaration of restoration has been pronounced." The "judicial consideration" in view is that of the Presbytery, not a local Session, and is indefinite in duration since it is the task of the Presbytery to conclude the judicial case either by restoration or by elevation of the censure.

What is more, *BCO 37-9* was added in 1994 and settled any previous doubt about Presbytery's continuing jurisdiction over a minister suspended from the Sacraments," despite his *BCO 46-8* assignment to a Session. It reads as follows:

In the case of the **removal of censures** from, or the **restoration** of, a minister, jurisdiction shall be as follows:

a. If the censure(s) does not include excommunication, the presbytery inflicting the censure(s) shall retain the authority to remove the censure(s) and, at its discretion, restore him to office. **This authority is retained by the presbytery even when a divested or deposed minister is assigned, under the provisions of *BCO 46-8*, to a session.** [emphasis added].

Since Presbytery "retains authority" to restore a deposed minister, it must also, by necessary implication, retain sole authority to *elevate* the censure in the judicial case in question since such a matter remains specifically under its "judicial consideration" (*BCO 37-8*). This brings harmony to the relationship between the courts. If the power to elevate censure to excommunication in the case were assigned to a local Session, such would contradict Presbytery's express obligation to "proceed with great caution" in the matter. Moreover, the assigned Session, having the power to excommunicate the deposed minister, could both interdict and deprive the Presbytery of its constitutionally assigned sole authority to "first admit him to the Sacraments, if he has been debarred from them" (*BCO 37-8*).

Therefore *BCO 37-8* and *BCO 37-9* together implicitly assign exclusive (if *limited*) jurisdiction to Presbytery to not only restore a deposed minister whom it has censured with suspension from the Sacraments, but also to *elevate* his censure to excommunication. This is a *limited residual jurisdiction* in favor of Presbytery, contrary to the broad assignment of residual jurisdiction to Presbytery expressed by the language adopted in the Decision. In my view, all jurisdiction outside the case adjudicated against the deposed minister is assigned to a Session, and Presbytery retains no residual jurisdiction to consider such other matters.

This is why I agree with the result reached by the Decision. Contrary to the argument of the Complainant, the Presbytery had the power to elevate the minister's censure in this case to excommunication, which is exactly what Presbytery did. Since that *limited* jurisdiction was exclusive to Presbytery, the complaint must be denied on this ground alone, and, being totally dispositive of all questions, this is the only issue that needed to be addressed.¹ I agree with the Decision's conclusion that Presbytery had power to elevate the censure, but merely think that the Decision has framed that jurisdiction too broadly when it asserts that until a deposed minister "is transferred to the membership in some particular church, he remains under the jurisdiction of Presbytery, his deposition notwithstanding."

II. South Florida Presbytery's Actions in Light of BCO 46-8

Having answered in the negative that "the one and only action" that Presbytery could take after deposing the minister "was to assign him to membership in some particular church" pursuant to *BCO* 46-8, the second half of the Decision (titled "South Florida Presbytery's Actions in Light of *BCO* 46-8") proceeds to evaluate Presbytery's application of *BCO* 46-8. For the reasons stated above, I believe that the Decision's evaluation of this question is unnecessary, Presbytery's elevation of its prior censure to excommunication having made this consideration irrelevant to the outcome of this case. But I would add that I believe that the latter half of the Decision is not only superfluous; it is also mistaken.

While conceding Presbytery's obligation to assign the deposed minister to a local church, the Decision makes two assertions: (1) "*BCO* 46-8 specifies neither a timeframe within which Presbytery must complete this action, nor the particular means or mechanism by which this action must be accomplished" and (2) that Presbytery possesses a "Constitutionally delimited discretion in the manner in which it implements this provision to those men to whom this provision applies."

I disagree with both assertions.

¹ I would add that the complaint did not raise the question of whether the censure could be elevated without further process, a question that I leave for another day. (See *BCO* 39-3: "A higher court, reviewing a lower court, should limit itself to the issues raised by the parties to the case in the original (lower) court").

A. BCO 46-8 Assignments Should be Made Contemporaneously with Deposition from Office.

With respect to timing, *BCO* 46-8 plainly states that the assignment to a local church is to occur “[w]hen a Presbytery shall depose [a minister] without excommunication.” While it is true that the word “when” affords a range of meaning, including, “in the event that” or “if” (e.g., “a contestant is disqualified when he disobeys the rules”), the word “when” is most reasonably understood in *BCO* 46-8 to specify that the assignment is to be made *at the same time* as the deposition. This interpretation is preferable because it advances the apparent purpose of the assignment, namely, to afford continued oversight and jurisdiction over a deposed minister concerning his spiritual life outside the limited residual matter framing the ground of his censure still pending before Presbytery (*BCO* 37-8 & *BCO* 37-9). As explained in the previous section, upon his deposition, a deposed minister is no longer a minister or member of Presbytery, and Presbytery retains only that residual jurisdiction over him afforded to it under *BCO* 37-8 and *BCO* 37-9 pertaining to the case still under judicial consideration, but nothing more. That is why the assignment to a local church is directed to be made “*when*” (i.e., *at the time*) the minister is deposed. Such an assignment is both urgent and needful for the deposed minister who is otherwise jurisdictionally adrift under our Constitution, particularly bearing in mind that original jurisdiction of the deposed minister of everything in his life other than the case adjudicated against him in Presbytery is constitutionally assigned to a Session (*BCO* 33-1).

Consequently, I disagree with the Decision’s claim that *BCO* 46-8 specifies no timeframe within which Presbytery must assign the minister to a church. It must do so immediately.

B. Presbyteries Are Owed no Deference in Delaying the Mandatory BCO 46-8 Assignment.

The Decision, holding that there is no “particular means or mechanism” by which the assignment must be accomplished, recounts the “sincere efforts” of Presbytery to fulfill its obligation to assign, noting that it only “halted those efforts when it became clear that the deposed minister would not cooperate with Presbytery in its endeavors to implement *BCO* 46-8,” the deposed minister’s “intransigent resistance” making any further efforts “futile.” The

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Decision, invoking the discretionary standard of *BCO* 39-3.2, maintains that the minister's resistance presented "factual matters" which the Presbytery was more competent to determine, finding that the court owes "great deference" to the Presbytery on such points since they are matters of Presbytery's "discretion and judgment." I disagree.

Since the requirement to assign the deposed minister to a local church is coincident with the deposition of the minister, I believe the Decision's claim that Presbytery "made the effort to implement *BCO* 46-8," which Presbytery delayed (and ultimately never implemented at all) is not supported by the Record.

In my view, the fact that a *BCO* 46-8 assignment is "subject to the approval" of the assigned Session does not afford an extension of time to Presbytery to make an assignment; it only makes that assignment defeasible by the assigned Session.

If an assigned church Session declines its assignment, Presbytery is obligated to assign the deposed minister to another church, subject to the approval of the Session of that church. There is no reason to complicate the simple procedure prescribed by *BCO* 46-8 which neither requires nor authorizes "means or mechanisms" of assignment as suggested by the Decision. Of course, any Presbytery would be well served by deliberating carefully when it makes the assignment and, if possible, coordinating that effort with a member church together with or in anticipation of a decision to depose a minister to ameliorate the risk that an assigned Session might decline the same.

But *BCO* 46-8 unequivocally states that the assignment is due "[w]hen a Presbytery shall depose a minister without excommunication." Presbyteries and their member Sessions should act with comity, cooperation, and compassion as coordinate courts of the Church. The expectation not only of our Constitution but of the Church's Chief Shepherd is that some Session (and perhaps more than one) will be willing to accept the assignment of a deposed minister for both the good of the Church and the obvious need of the deposed minister to be a member of a particular congregation and subject to the jurisdiction of a court of the Church.

A Presbytery's election to assign a deposed minister to one church rather than another is certainly a matter of discretion to which this court would owe "great

deference,” but no such deference is owed to the *failure to assign* the deposed minister at all – which is what happened in this case.

The deposed minister’s reported “intransigent resistance” to the assignment purportedly making any further efforts to assign him “futile” is irrelevant. *BCO* 46-8 does not require the consent or cooperation of the deposed minister; the only “approval” prescribed by *BCO* 46-8 is the Session’s. In my view, any judgment about a minister’s alleged “intransigent resistance” would belong to the assigned Session, not to Presbytery which, by virtue of the minister’s deposition, loses jurisdiction to adjudicate and censure such alleged conduct, assuming that “resistance” (“intransigent” or otherwise) is censurable.

The Decision’s deference would apparently grant discretionary power to Presbytery to indefinitely augment its jurisdictional power over the minister by deciding to delay exercising its *BCO* 46-8 obligation to assign the deposed minister to a Session, the only proper judicatory for the governance of his spiritual life outside the limited parameters of the case over which Presbytery has constitutional authority. Therefore, I think the Decision’s deference to Presbytery’s discretion as to when the assignment should be made is facially contrary to the *BCO* 46-8 assignment framework.

Presbytery had no jurisdiction over the unadjudicated claim referenced in the Decision that the deposed minister “would not cooperate with Presbytery in its endeavors to implement *BCO* 46-8,” a claim for which no formal process was ever afforded to the minister before he was excommunicated (presumably on other grounds). Alleged offenses of a minister after he is deposed from office and distinct from the residual case still under Presbytery’s judicial consideration per *BCO* 37-9 are the exclusive prerogative of a Session with jurisdiction over the man, not the Presbytery that deposed him.

I therefore disagree with the Decision’s reasoning that finds no “clear error” in Presbytery’s conclusions about the deposed minister’s alleged lack of cooperation with the Presbytery’s “efforts to implement,” *BCO* 46-8. The coordination of jurisdiction between Sessions and Presbyteries prescribed by our Constitution requires a coincident assignment of a deposed minister to a local church at the time he is deposed. The local Session, not the Presbytery, is in the best position to assess whether the minister is cooperative with the assignment, and therefore our Constitution assigns the local Session (not Presbytery) jurisdiction over such matters, including the power to initiate

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formal process if the deposed minister refuses to cooperate with the Session's assigned jurisdiction.

Thus, while I concur in the result, for the reasons and to the extent set forth above, I disagree with the form of the Decision.

/s/ RE Jim Eggert

CASE No. 2023-01

MRS. KRISTIN HANN
v.
PEE DEE PRESBYTERY

RULING ON COMPLAINT

October 20, 2023

This Case is judicially out of order because the Complainant lacks standing. Because Mrs. Hann is not subject to the jurisdiction of Pee Dee Presbytery her Complaint is out of order and cannot be put in order, and therefore is dismissed.

We note, however, that the record indicates Presbytery continues to investigate these matters. This out of order Ruling does not stay any action that may grow out of such investigation, nor the review of any actions that may grow out of the review of Presbytery's records.

The Panel included TE Coffin (chair), RE Pickering and RE Eggert, with alternates RE S. Duncan and TE Greco. After reviewing the Panel's 6/30/23 proposed Ruling, SJC voted to approve this Ruling on the following **17-2** vote, with four absent and one recused.

Bankson	<i>Concur</i>	S. Duncan	Absent	Maynard	<i>Dissent</i>
Bise	<i>Concur</i>	Eggert	<i>Concur</i>	Neikirk	<i>Concur</i>
Carrell	<i>Concur</i>	Evans	<i>Concur</i>	Pickering	<i>Concur</i>
Coffin	<i>Concur</i>	Garner	Absent	Sartorius	<i>Dissent</i>
Dodson	<i>Concur</i>	Greco	<i>Concur</i>	Ross	Recused
Donahoe	<i>Concur</i>	Kooistra	Absent	Waters	<i>Concur</i>
Dowling	<i>Concur</i>	Lee	<i>Concur</i>	White	Absent
M. Duncan	<i>Concur</i>	Lucas	<i>Concur</i>	Wilson	<i>Concur</i>

TE Ross recused himself from Case 2023-01 reporting it was "because of personal advice given to members of these disputes and prior knowledge of issues in said Cases."

CASE No. 2023-02

MRS. KAPPIE REYNOLDS

v.

PEE DEE PRESBYTERY

RULING ON COMPLAINT

October 20, 2023

The instant Complaint is judicially out of order because it was not timely filed. The Complaint seeks to redress acts or decisions taken by a Session which received and acted upon a confession at a meeting of the court in excess of six months before the Complaint was filed, putting the Complaint far outside the sixty-day period prescribed by *BCO* 43-2.

For these reasons, the Complaint is not demonstrated to be timely, nor can it be cured to be rendered timely. Therefore, the instant Complaint is judicially out of order and should be dismissed.

This Ruling expresses no opinion (1) as to whether Mrs. Reynolds might be eligible to bring a charge as an “injured party” and prosecute her claims as a “personal offense” (*BCO* 31-5) or (2) concerning the Session’s jurisdiction to determine whether Mrs. Reynold’s claims are outside the scope of the confession it received from the censured Ruling Elder.

The Panel included TE Coffin (chair), RE Pickering and RE Eggert, with alternates RE S. Duncan and TE Greco. After reviewing the Panel’s 6/30/23 proposed Ruling, the SJC voted to approve this Ruling on the following **18-1** vote, with four absent and one recused.

Bankson	<i>Concur</i>	S. Duncan	Absent	Maynard	<i>Concur</i>
Bise	<i>Concur</i>	Eggert	<i>Concur</i>	Neikirk	<i>Concur</i>
Carrell	<i>Concur</i>	Evans	<i>Concur</i>	Pickering	<i>Concur</i>
Coffin	<i>Concur</i>	Garner	Absent	Sartorius	<i>Concur</i>
Dodson	<i>Concur</i>	Greco	<i>Concur</i>	Ross	Recused
Donahoe	<i>Dissent</i>	Kooistra	Absent	Waters	<i>Concur</i>
Dowling	<i>Concur</i>	Lee	<i>Concur</i>	White	Absent
M. Duncan	<i>Concur</i>	Lucas	<i>Concur</i>	Wilson	<i>Concur</i>

MINUTES OF THE GENERAL ASSEMBLY

TE Ross recused himself from Case 2023-02 reporting it was "because of personal advice given to members of these disputes and prior knowledge of issues in said Cases."

Case No. 2023-04

TE RYAN BIESE et al.
v.
TENNESSEE VALLEY PRESBYTERY

DECISION ON COMPLAINT

October 20, 2023

I. SUMMARY OF THE FACTS

- 10/14/22 The Tennessee Valley Presbytery (TVP) Committee for the Review of Session Records (RSR) met and reviewed minute submissions from various churches, one set of which was from Redeemer Church in Knoxville, TN. The minutes, dated January 26, 2022, contained this statement: “The youth group will have an outdoor Super Bowl Party on Feb. 7.”
- 10/18/22 TVP held its Stated Meeting and the RSR committee recommended that the Redeemer Church Session minutes be cited for an exception of substance based on WLC 117, WLC 118, WCF 21:8, and *BCO* 40-2. After floor debate, the RSR Committee motion failed. A subsequent motion to approve the Redeemer Church minutes without exception carried.
- 12/07/22 Teaching Elder Biese, Ruling Elder Nathan Bowers, and Ruling Elder Wil Davis complained against the 10/18/22 action of TVP approving the minutes of Redeemer Church without exception.
- 02/11/23 At its Presbytery meeting, the TVP Stated Clerk reported that the Presbytery Leadership Committee recommended sustaining the Complaint of TE Biese et al., but a substitute motion to deny the Complaint prevailed.
- 03/08/23 The Complaint was carried to the General Assembly.
- 03/15/23 The Complaint was received by the Stated Clerk of the PCA.

06/22/23 The SJC Panel held the Hearing via videoconference. Panel members included RE Dowling (chair), TE Sartorius, and RE Wilson with alternates TE Lee and RE Donahoe.

II. STATEMENT OF THE ISSUE

1. Did Tennessee Valley Presbytery err in approving without exception the minutes of Redeemer Church at its meeting on 10/08/22 and by denying the Complaint of TE Ryan Biese et al. at its meeting on 2/11/23?

III. JUDGMENT

1. No.

IV. REASONING AND OPINION

Complainants allege that Presbytery erred when it approved without exception on October 8, 2022 the minutes of the Session of Redeemer Church (Knoxville) from January 26, 2021, and thereby declined to cite the Session with an exception of substance for these minutes. Complainants further allege that Presbytery subsequently erred when it denied a Complaint brought against Presbytery for its approval of these minutes. The language from these Session minutes in question reads as follows, “The youth group will have an outdoor Super Bowl party on Feb. 7.” On October 8, 2022, Presbytery’s Committee for Review of Sessional Records recommended that Presbytery cite Session with an exception of substance. Presbytery thereupon acted to “remove [this] item from the motion” and “approve[d] without exception the January 26, 2021 minutes of Redeemer Church (Knoxville).”

Complainants argue that the youth group event of February 7 “appears to violate the Scripture and represents a clear and serious irregularity from the prescriptions of the Constitution.” They contend that, in its actions of October 8, 2022, Presbytery erred when it approved these minutes and thus did not find “an exception of substance in the aforesaid minutes.” Presbytery should have cited Session with an exception of substance, Complainants continue, “since the action of the Session is not in accordance with the Constitution of the PCA.”

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The Record indicates, and Complainants acknowledge, that Presbytery adopted no grounds for its actions on October 8, 2022. That is to say, when it acted to remove the RSR Committee’s recommendation from the motion, and when it approved without exception the Session minutes, Presbytery afforded no explanation for either action. One could speculate as to why Presbytery acted as it did. Perhaps it was discovered that the planned Super Bowl party never took place. Perhaps Presbytery was uncertain from the Session minutes whether the language in question reflected an action of the Session. In either case, one could see why Presbytery might not have taken an exception of substance. But such speculations as these fall entirely outside the Record. The Record affords insufficient information to permit the higher court to find Presbytery to have erred in its interpretation of the Constitution with respect to these two actions. It is for this reason that the Complaint is denied.

As a final note – when those members of a lower court are contemplating a complaint over any action, it is wise to make substantial effort to better preserve the record of the action taken. Similarly, presbyteries, as a whole, should strive to keep more detailed records over matters of controversy.

The Panel’s proposed decision was written by RE Dowling and revised and approved by a Panel vote of 3-0 on 7/31/23, with concurrence by the two alternate panel members. The SJC approved the Decision, as amended, on the following **18-1** vote, with four absent and one recused.

Bankson	<i>Concur</i>	S. Duncan	Absent	Maynard	<i>Concur</i>
Bise	<i>Concur</i>	Eggert	<i>Dissent</i>	Neikirk	<i>Concur</i>
Carrell	<i>Concur</i>	Evans	<i>Concur</i>	Pickering	<i>Concur</i>
Coffin	<i>Concur</i>	Garner	Absent	Sartorius	<i>Concur</i>
Dodson	<i>Concur</i>	Greco	<i>Concur</i>	Ross	<i>Concur</i>
Donahoe	Recused	Kooistra	Absent	Waters	<i>Concur</i>
Dowling	<i>Concur</i>	Lee	<i>Concur</i>	White	Absent
M. Duncan	<i>Concur</i>	Lucas	<i>Concur</i>	Wilson	<i>Concur</i>

RE Donahoe recused himself and reported doing so in accord with SJC Vow 5 (RAO 17.1), the reasons for which had become clearer to him as the Case proceeded: "If in a given case I find my view on a particular issue to be in conflict with the Constitution of the PCA, I will recuse myself from such case, if I cannot conscientiously apply the Constitution."

CONCURRING OPINION

Case 2023-04: *TE Ryan Biese, et al. vs. Tennessee Valley*
TE Arthur G. Sartorius
November 9, 2023

I concur with the Decision of the Standing Judicial Commission in Case 2023-04. I write, however, to highlight the importance of the underlying substantive issue of the Case, and to emphasize that the SJC Decision should not be read as if it in any way addresses the underlying substantive issue.

In this particular Case, the core of the Complainants' position was that a church-sponsored youth group Super Bowl Party is in conflict with the propositions of the Westminster Standards which relate to a proper observance of the Christian Sabbath.

The Westminster Confession of Faith, Chapter 21 paragraph 8, sets forth the overall tone of the Standards in regard to the observance of the Christian Sabbath. There it is explained that:

“This Sabbath is then kept holy unto the Lord, when men, after a due preparing of their hearts, and ordering of their common affairs beforehand, do not only observe an holy rest, *all the day*, from their own works, words, and thoughts about their worldly employments and recreations, but also are taken up, *the whole time, in the public and private exercises of his worship, and in the duties of necessity and mercy.* (emphasis added)

Westminster Larger Catechism Question and Answer 117 is similar in content:

Q. How is the Sabbath or the Lord's Day to be sanctified?

A. *The Sabbath or Lord's Day is to be sanctified by an holy resting all the day, not only from such works as are at all times sinful, but even from such worldly employments and recreations as are on other days lawful; and making it our delight to spend the whole time (except so much of it as is to be taken up in works of necessity and mercy) in the public and private exercises of God's worship: and, to that end, we are to prepare our hearts, and with such foresight,*

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diligence, and moderation, to dispose and seasonably dispatch our worldly business, that we may be the more free and fit for the duties of that day. (emphasis added)

Questions 118 through 121 also deal with the manner in which one is to keep the Christian Sabbath, all of which set forth the proposition that the Sabbath Day is a holy day of rest for the purpose of worship, so as the whole time of the day is to be our delight in the Lord. Of these further parts of the Larger Catechism, Question and Answer 118 is particularly worth noting in that it speaks of “the charge of keeping the Sabbath” being “more specially directed to... superiors, because they are bound not only to keep it themselves, but to see that it be observed by all those that are under their charge; and because they are prone oftentimes to hinder them by employments of their own.”

Based upon such particular language in our Standards, it would seem difficult to conceive of how a church session allowing a youth group to put on a Super Bowl Party on a Sunday would be an activity that could be considered within the bounds of what the Westminster Standards deem to be an appropriate Sabbath observance.

Furthermore, in the past, at the yearly meeting of the General Assembly, efforts were advanced with a design to possibly lead to amending the Standards to broaden allowable recreation on the Sabbath Day. Such efforts were defeated. (See Overture 7 answered in the negative at the 41st GA which sought to “Establish Study Committee on Sabbath Issue in Westminster Standards” and similarly, Overture 2 brought before the 43rd GA)

While it could be true that a number of officers of the PCA hold stated differences to the Standards in regard to “recreation” on the Christian Sabbath, and that such differences have not been found to strike at the vitals of religion or found to be hostile to our system of doctrine, that should not authorize churches or presbyteries to ignore what our Constitution sets forth. When a decision of a lower court is reviewed by a higher court it is the duty of the higher court to “insure that this Constitution is not amended, violated or disregarded in judicial process....” *BCO* 39.3.

Therefore, in conclusion, it is urged by this concurrence that the decision of the SJC in this Case only be read as a denial of the Complaint based upon the clear inadequacy of the Record, and not as one addressing the

underlying substantive issue.

/s/ TE Arthur G. Sartorius

DISSENTING OPINION

Case No. 2023-04: *TE Biese, et al, v. Tennessee Valley*

RE Jim Eggert

November 8, 2023

Background and Summary

At its meeting on October 18, 2022, the Presbytery, exercising its “Review and Control” jurisdiction over one of its member Session’s records, took and recorded the following act in its own minutes: “MSP to approve without exception the January 26, 2021, minutes of Redeemer (Knoxville).” The propriety of Presbytery’s action is the subject of the instant complaint.

The Session minute from Redeemer (Knoxville) under review was this: “The youth group will have an outdoor Super Bowl Party on Feb. 7 [2021]” (hereafter referred to as “the Super Bowl Minute”).

The SJC’s Decision poses and answers the following question in the negative:

Did Tennessee Valley Presbytery err in approving without exception the minutes of Redeemer Church at its meeting on 10-08-2022 and by denying the Complaint of TE Ryan Biese (Et al) at its meeting on 02-11-2023?

I dissent from the Decision on procedural grounds because I believe this case has been presented in a mode of review that the SJC is not Constitutionally authorized to adjudicate. Because the SJC cannot reach the question posed, I cannot join in the Decision’s declaration that the Presbytery did not err.

The Presbytery’s review of the Super Bowl Minute is non-justiciable because the Constitution does not commit Presbytery’s review of Session records to the Assembly (and therefore the SJC). Furthermore, other than cases presenting credible reports of an “important delinquency or grossly unconstitutional

proceedings” of a “court next below’ under *BCO* 40-5, the Assembly has not committed to the SJC any part of what “Review and Control” authority it *does* have.

I. The Case is Judicially Out of Order Because the SJC Has No Jurisdiction to Review the Super Bowl Minute.

BCO 39-1 states, “The acts and decisions of a lower court are brought under the supervision of a higher court in one or another” of the four modes of review: (1) Review and Control, (2) Reference, (3) Appeal, and (4) Complaint.

When we look at this case, we find that, while different “modes of review” were in operation, they all pertained to the propriety of the way Presbytery carried out its Session minutes review function under *BCO* Chapter 40. The ultimate question, however framed, is “Did Presbytery make the right decision about the Super Bowl Minute when it approved it without exception”?

Presbytery was unquestionably engaged in *BCO* Chapter 40 “Review and Control” activities when it approved the Super Bowl Minute. When the Complainants later invoked that “mode of review” called “complaint” (governed by *BCO* Chapter 43) -- a “written representation made against some act or decision of a court of the Church” -- it was directed against Presbytery’s act or decision to approve the Super Bowl Minute per its *BCO* Chapter 40 “Review and Control” powers.

What shall we do when a complaint proceeding, representing one mode of review, asks for a review of a court’s acts or decisions taken while it was exercising another mode of review? To answer that question, we must consult the Constitution to determine what powers and parameters are afforded to the court in the mode of review complained against. Therefore, to consider the question posed by the complaint in this case, the SJC must consider those constitutional powers assigned to Presbyteries whenever they review minutes of their member Sessions.

When we read *BCO* Chapter 40, we discover its six constituent paragraphs bear such a relation to one another as to set out that “mode of review” we collectively call “Review and Control” jurisdiction. These paragraphs establish an amalgam of proceedings depending on which of the six sequenced sections of that chapter is invoked:

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- *BCO* 40-1 prescribes both “the right and duty of every court above the Session to review, at least once a year, the records of the court next below.” *BCO* 40-2 and 40-3 set the constitutional standards for what we customarily call the review of minutes or, more precisely, “records” of a “court next below,” the type of proceedings at issue in this case.
- *BCO* 40-4 governs the situation, not raised in this case, when a court does not “distinctly record” its action in its minutes and therefore its records do not “exhibit to the higher court a full view of their proceedings.”
- *BCO* 40-5 and *BCO* 40-6, also not at issue in this case, govern those instances where a court “having appellate jurisdiction” receives a “credible report with respect to the court next below of any important delinquency or grossly unconstitutional proceedings of such court.” In such matters, the higher court can initiate formal proceedings against the lower.

BCO 40-1’s phrase “court next below” pertaining to records review is important to the instant matter. Our polity does not authorize records review of *non-adjacent* courts. Because Sessions are not “courts next below” from the General Assembly, the Assembly has no authority to review the records of Sessions. This elementary observation has an important implication for this case: because the General Assembly has no jurisdiction to review Session records under *BCO* 40-1 through *BCO* 40-3, the SJC (which is no more than a commission of the Assembly) lacks authority to undertake the review of Session records, just as it lacks authority to undertake the review of the review of Session records.

We see how this principle touches this case when we read the Decision’s framing of the issue presented by the complaint:

Did Tennessee Valley Presbytery err *in approving without exception the minutes of Redeemer Church at its meeting on 10-08-2022 and by denying the Complaint of TE Ryan Biese (Et al) at its meeting on 02-11-2023?* (Emphasis added)

Presbytery’s act of “approving without exception” certain minutes of a Session was a *review of a Session record*. And once we apprehend that our polity *prohibits* the review of records by non-adjacent courts, we see that the first

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question framed by the Decision -- did Presbytery err in approving the minutes of the Session -- makes it hard to understand how the SJC, without effectively engaging in record review of a non-adjacent court, could evaluate whether the Presbytery erred or not when it approved the record in question. The problem is not remedied by the Decision's framing of the seeming second question -- whether Presbytery erred "by denying the Complaint..." -- because the second question is identical to the first. The SJC could not possibly dispose of the complaint without effectively engaging in a review of the Super Bowl Minute.

The Decision, reasoning that the record in this matter "affords insufficient information to permit the higher court to find Presbytery to have erred in its interpretation of the Constitution," declines to disturb Presbytery's judgment about the Super Bowl Minute, implying that if the SJC would have had additional information available it might have reached a different result. The Decision even encourages those who file complaints concerning record review "to make substantial effort to better preserve the record of the action taken" and for Presbyteries to "strive to keep more detailed records over matters of controversy" pertaining to minute review. The Decision assumes that the Presbytery had a process that may have produced information or material *outside* of the Super Bowl Minute when it was considering whether it would approve or disapprove the same, and that the Presbytery's evaluation of the minute together with such unidentified possible extra information or material should be afforded deference by the SJC. For instance, the decision "speculates" that perhaps Presbytery concluded that the Super Bowl party "never took place" or that it was not "not an act of the Session."

It's tempting to suppose that the SJC is in no different position whatsoever than the Presbytery to read the thirteen words of the Super Bowl Minute and make its own "interpretation of the Constitution" regarding the same. In that case, how was the Presbytery in any different or better position to evaluate the Constitution as it pertained to the Super Bowl Minute than is the SJC? What additional "information" is relevant in reviewing Session minutes beyond Session minutes themselves?

It is instructive to compare the detailed regulations and procedures afforded for the review of Presbytery minutes via the *Rules of Assembly Operation (RAO)* Chapter 16 as against the absence such guidelines and procedures afforded for the review of Session minutes per *BCO* 40-1 through *BCO* 40-3. *RAO* Chapter 16 helpfully sets out detailed guidelines for the review of

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Presbytery minutes, for keeping Presbytery minutes, for submitting Presbytery records, for examining Presbytery records, for reporting on Presbytery records, and for Presbyteries responding to the General Assembly. These regulations map a procedure for the Assembly and the Presbyteries to both evaluate Presbytery minutes and communicate with one another regarding the Assembly's review of Presbytery records so that errors, mistakes, and sometimes misunderstandings can be identified and resolved through a mutual process of orderly exchange between the Assembly and its Presbyteries. In other words, *RAO* Chapter 16 affords a mechanism for review and the development of information that the General Assembly can use to evaluate and resolve issues arising out of Presbytery minutes, which is seemingly the kind of "information" found wanting in the Decision.

In contrast to *RAO* Chapter 16, our Constitution prescribes no such guidelines for Presbytery review of Session minutes. The *RAO* is not part of the Constitution because it has never been adopted through a constitutional process and is therefore not enforceable as a rule governing Session minute reviews. The only guide that we have in a case like this, and the only rules the SJC could ever constitutionally enforce, if any, pertaining to a Presbytery's review of Session minutes are those that can be discerned from the first three short paragraphs of *BCO* Chapter 40.

We might mistakenly assume in a case involving Session record review by a Presbytery that *RAO* Chapter 16 applies to the review of Session minutes, but it does not. In fact, the Decision shows signs of this assumption, using the phrase "exception of substance" no less than five times, and concluding that "one could see why Presbytery might not have taken an *exception of substance*" (emphasis added) to the Super Bowl Minute. But the phrase "exception of substance," introduced and defined only in *RAO* Chapter 16, is not found anywhere in our Constitution, the only authority that the SJC may apply in cases arising before it.

In the absence of the Assembly's adopting constitutional rules governing Presbytery review of Session records, Presbyteries are presumptively free to adopt and implement their own procedures for such Session record review if such procedures do not transgress the Constitution. Many such schemes might be (and presumably have been) fashioned that suit the size, characteristics, and preferences of our various Presbyteries.

I believe that the absence of constitutional uniformity in the procedures regulating Session record review illustrates the problematic nature of SJC jurisdiction in a case like today's. Presbytery may adopt its own written rules (or even implement *unwritten* customs or practices) governing its Session record review. But it is neither the place nor prerogative of the SJC, charged as it is with interpreting and enforcing our *Constitution*, to either interpret or enforce Presbytery's *local rules or customs*, whether written or otherwise, and it certainly is in no position to interpret and apply the *RAO* rules governing the review of *Presbytery* minutes as if such rules applied to the review of Session minutes in any way.

This reveals a real gap between our Constitution and the unregulated local procedural frameworks governing Session minute review. Through this fissure one can begin to see the shape of the argument advanced in this dissent. It is my contention that this disjunction between the constitutional prescription requiring the review of minutes of "courts next below" and the absence of procedural mechanisms to realize such review is evidence that the Presbytery review of Session records is an insular feature of our polity. The regulation of the exchange between Presbyteries and their member Sessions that is essential to effective Session record review is left entirely to the government of Presbyteries, and neither the Assembly nor the SJC (as it commission) has jurisdiction to review a Presbytery's review of Session minutes, other than pertaining to those prescriptions that can be discerned in *BCO* Chapter 40.

If one thinks about it, the same principle operates with respect to the General Assembly's review of Presbytery records: the Constitution does not prescribe a particular procedure for the General Assembly to implement Presbytery minute review pursuant to *BCO* 40-1 through *BCO* 40-3, so the General Assembly has adopted its own procedures for implementing those provisions in *RAO* chapter 16. Presbyteries do the same by adopting their own standing rules or local customs and practices governing Session record review. Thus, both the Assembly and Presbyteries "legislate" "between the lines" of those standards that our Constitution prescribes for the review of minutes of adjacent courts.

One might conclude that the procedural vacuum pertaining to Presbytery review of Session minutes just means that the Assembly should afford deference to Presbytery's activity, which is perhaps a reasonable interpretation of the Decision's approach. But, for the reasons set out below, I believe that

the Assembly's power of review is more limited than that and have concluded that the Assembly lacks jurisdiction over a Presbytery's review of Session minutes at all. Therefore, for practical purposes, the Assembly's power of "Review and Control" is restricted to those cases that arise as credible reports of important delinquencies or grossly unconstitutional proceedings under *BCO* 40-5.

These constitutional restraints on Assembly review can be demonstrated by trying to apply the first three paragraphs of *BCO* chapter 40 to this case. *BCO* 40-2 lays out four considerations that the higher court (in this case Presbytery) is to apply when it is examining the records of a court next below. The instant Complaint might implicate two of them: "Whether they [the proceedings of the Session] have been regular and in accordance with the Constitution" and "Whether they [the proceedings of the Session] have been wise, equitable and suited to promote the welfare of the Church" (*BCO* 40-2.2 and *BCO* 40-2.3)

But after listing these considerations, *BCO* Chapter 40 continues, "It is ordinarily sufficient for the higher court [in this case Presbytery] merely to record in its own minutes and in the records reviewed whether it approves, disapproves or corrects the records in any particular" (*BCO* 40-3). This means that, as a constitutional "standard of review," the SJC must presume that it was "*sufficient*" for Presbytery to approve the Super Bowl Minute. (Exactly the same result would obtain, by the way, if Presbytery had *disapproved* the minute because that also would "ordinarily" be "sufficient.") "Ordinarily" means of a kind to be expected in the normal order of events; routine; or usual. In other words, normally it is *sufficient* for a next higher court (in this case Presbytery), upon reviewing the records of a lower court (in this case a Session), to simply set out the higher court's approval, disapproval, or correction of the lower court's minutes. That is all that is required. Since either the approval or disapproval of records of courts next below is *sufficient*, Presbytery's acts or decisions about Session records are subject to no meaningful "standard of review" implementable by the SJC.

Moreover, the word "ordinarily" suggests that some records reviewed by a next higher court (in this case, Presbytery with respect to the Super Bowl Minute) might present *extraordinary* circumstances. This implication is made explicit in the second clause of *BCO* 40-3 which continues, "but should any serious irregularity be discovered the higher court may require its review and correction by the lower."

“*May* require its review and correction?” That is surprising since one might have expected that the emergence of a “serious irregularity” in the minutes of a Session would *mandate* the reviewing Presbytery act to redress it. Yet that is not what our Constitution prescribes. Even in such an *extraordinary* case, *BCO* 40-3 merely provides that the higher court “may” (not “shall”) in such cases require the “serious irregularity” to be reviewed and corrected by the lower court, making such review and correction solely a matter of *discretion* with Presbytery without any apparently meaningful standard of review to evaluate the exercise of that discretion. Whereas the Decision implicitly interprets this provision to permit the SJC to review the activity with bounded deference to Presbytery, I take it that the deference due to Presbytery by this language to be so complete as to make a complaint against the action *non justiciable*.

Thus, even if we assume that the Super Bowl Minute presents a “serious irregularity,” and that the Assembly is constitutionally permitted to review the question, the Assembly (through the SJC) faces an impossible situation. Strictly applying the standard of *BCO* 40-3, nothing in those constitutional provisions authorizes the SJC to require the Presbytery to, in turn, require the Session’s review and correction of the Super Bowl Minute, seeing that such an act rests entirely within Presbytery’s sole discretion.

The above analysis is just another way of explaining how the Constitution neither authorizes nor assigns the General Assembly (through the SJC) constitutional jurisdiction or standards to review the records of a non-adjacent court. Put another way, records review is a discrete “Review and Control” activity under *BCO* Chapter 40 that begins and ends with the court adjacent to the court that makes a record. Records review, as such, creates and encourages an insular forum of exchange between those two adjacent courts. Filing a complaint against a records review decision of Presbytery confuses two distinct modes of review because the SJC has no authority to engage in what is effectively a review of a Session record under *BCO* 40-2 and *BCO* 40-3.

A point of clarification is in order. This dissent is not to be understood to render all matters recorded in Presbytery minutes to be nonjusticiable simply because they involve records that could, in theory, be reviewed pursuant to “Review and Control” under *BCO* 40-2 and *BCO* 40-3, nor should it be understood to generally restrict the ability of the higher courts to review acts or decisions recorded in Presbytery minutes. Obviously, the acts and decisions of Sessions

and Presbyteries are usually recorded in their minutes. This case is unique in that the *particular activity* of Presbytery complained against is itself the review of the records of a Session bounded by *BCO* 40-1 through *BCO* 40-3. The non justiciability of simple records review comprises the intended scope of this dissent. This dissent is not intended to find a restriction on the constitutional review of other acts or decisions of Presbyteries in any way.

I will be quick to add that the General Assembly *is* granted other “Review and Control” powers under *BCO* Chapter 40. The General Assembly may, upon receipt of a “credible report with respect to the court next below of any important delinquency or grossly unconstitutional proceedings of such court” cite the court alleged to have offended to appear before the SJC and give an account. (*BCO* 40-5). But this is not at all a review of a “records review” process where the General Assembly “looks over the shoulder” of that exchange between lower courts essential to the records review process, critiquing and correcting the adequacy of Presbytery's review of Session records, but instead mirrors a formal “case of process” where the “accused” is a court. And I would add that this mode of review ensures that the SJC will have before it the kind of “information” the Decision found wanting in the instant case.

II. The SJC Lacks Authority to Adjudicate “Review and Control” Decisions of Presbyteries Except in *BCO* 40-5 Proceedings

The obstacle to the SJC review of the instant complaint is even more profound than already stated.

Even if we were to assume, contrary to all that is set forth in the above section, that the General Assembly has jurisdiction to review the Presbytery's review of the Super Bowl Minute, the General Assembly has never in fact delegated to the SJC authority to implement *BCO* 40-2 and *BCO* 40-3, making it unconstitutional for the SJC to apply these standards to a case like this.

The General Assembly's powers are enumerated in *BCO* 14-6 and include the following:

- a. To receive and issue all appeals, references, and complaints regularly brought before it from the lower courts; to bear

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testimony against error in doctrine and immorality in practice, injuriously affecting the Church; to decide in all controversies respecting doctrine and discipline; ...

c. To review the records of the Presbyteries, to take care that the lower courts observe the Constitution; to redress whatever they may have done contrary to order;

While unequivocally granting these powers to the General Assembly, *BCO* 15-4 nevertheless also directs the Assembly to delegate certain of those powers to the SJC:

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.

This direction to commit matters to the SJC corresponds to the powers afforded to the Assembly in *BCO* 14-6(a): “To receive and issue all appeals, references, and complaints regularly brought before it from the lower courts; to bear testimony against error in doctrine and immorality in practice, injuriously affecting the Church; to decide in all controversies respecting doctrine and discipline...”

But the “Rules of Discipline” encompass Chapters 27 through 46 of the *Book of Church Order*, which include the four modes of review of the acts or decisions of lower courts set out in *BCO* 39-1. “All matters governed by the Rules of Discipline” is a wide designation and therefore seems, at first impression, to indicate that the Assembly is obliged to commit anything at all relating to the implementation of the Rules of Discipline to the SJC rather than the Assembly. “All matters” on its face would presumptively include “Review and Control” proceedings as encompassed under the six paragraphs composing *BCO* Chapter 40.

But that “first impression” would be incorrect.

It must be presumed that, until the Assembly in fact commits any particular of its powers to the SJC, such powers are retained by the Assembly. Upon closer review, we discover that the Assembly has not delegated to the SJC jurisdiction of proceedings under *BCO* 40-1 through *BCO* 40-4.

BCO 15-4's imperative "shall commit all matters governed by the Rules of Discipline" to the SJC is a direction to the General Assembly, and is not, on its face, self-executing. While *BCO 15-4* directs the Assembly to act, the question remains whether the Assembly has done so as a matter of historical fact, as well as in what manner it has done so. The SJC may not presume to possess independent powers to set the boundaries of its own jurisdiction; it must defer to the Assembly's interpretation and implementation of its mandated duty to "commit" certain matters to the SJC under *BCO 15-4*. Otherwise, the SJC would become a law unto itself, effectively defining its own powers beyond the accountability of the Court that created it.

The *RAO* evinces the Assembly's interpretation and implementation of its mandated duty to "commit" matters to the SJC pursuant to *BCO 15-4*. That interpretation and implementation appears in two paragraphs of the *RAO*:

RAO 17-1: "The Standing Judicial Commission shall have oversight of appeals, complaints and judicial references from lower courts."

RAO 17-2: "With respect to the Rules of Discipline, any reference (*BCO 41*), appeal (*BCO 42*), complaint (*BCO 43*), *BCO 40-5* proceeding, or request to assume original jurisdiction (*BCO 34-1*) made to the General Assembly shall be assigned to the Standing Judicial Commission for adjudication."

Assuming that *RAO 17* conveys the Assembly's understanding and implementation of the *BCO 15-4* mandate, we see that *RAO 17* commits to the SJC precious little of the Assembly's presumptively retained *BCO* Chapter 40 and *BCO 14-6(c)* "Review and Control" jurisdiction.

In *RAO 17-1* the Assembly merely declares the SJC's "oversight of appeals, complaints and judicial references from lower courts," omitting altogether any oversight over *BCO* Chapter 40 "Review and Control" jurisdiction. In other words, this provision affords the SJC no "oversight" over the implementation of any of the paragraphs of *BCO* Chapter 40.

At least *RAO 17-2* “assigns” the limited class of “*BCO 40-5* proceedings” to the SJC, but it assigns nothing else, implicitly *excluding* any assignment of *BCO-40-1, 2, 3* and *4* proceedings from the SJC’s power of “adjudication.”

In other words, the entire “mode of review” we call “Review and Control,” other than “proceedings under *BCO 40-5*,” has not in fact been committed to the SJC for either “oversight” or “adjudication.” Consequently, the SJC has no authority to implement or apply *BCO 40-2* through *BCO 40-4* in this or in any other case, and the Complaint is judicially out of order.

The *RAO* delegates only *BCO 40-5* proceedings to the SJC, not any other part of *BCO Chapter 40* “Review and Control.” As a result, Presbytery’s “Review and Control” decisions about Session minutes are outside the scope of the SJC’s review powers unless, having met the threshold requirement of a “credible report with respect to the court next below of any important delinquency or grossly unconstitutional proceedings of such court,” they are presented to the SJC in *BCO 40-5* proceedings. But no such proceedings are before the SJC in this matter, and therefore this matter is outside the purview of the SJC.

III. The Instant Complaint is Governed Exclusively by “Review and Control,” and is Not a “Proceeding in a Judicial Case”

Notwithstanding the above analysis, if this case were not a proceeding in “Review and Control,” but were instead a “proceeding in a judicial case,” then the SJC would have jurisdiction to adjudicate it. To this end, we must consider the possible application of *BCO 40-3*, providing as it does an exception to the “Review and Control” jurisdiction of the Assembly in the following phrasing:

Proceedings in judicial cases, however, shall not be dealt with under review and control when notice of appeal or complaint has been given the lower court; and no judgment of a lower court in a judicial case shall be reversed except by appeal or complaint.

Therefore, if the instant proceedings are deemed to be “proceedings in a judicial case” then the instant complaint, including the issues it raises, falls outside of the orbit of “Review and Control” jurisdiction altogether.

When Presbytery approved the Super Bowl Sunday Minute it was not engaged in a “proceeding in a judicial case,” but in a “Review and Control” proceeding. Presbytery’s mere receipt and consideration of a complaint did not transform its “Review and Control” proceeding into a “proceeding in a judicial case.” As noted above, to adjudicate the Complaint before us, the SJC must take up in hand the very standards that apply to “Review and Control” proceedings as prescribed in *BCO* 40-2 and *BCO* 40-3. Therefore, the SJC is today invited to apply the standards applicable to “Review and Control” proceedings, not “proceedings in a judicial case.”

That a complaint is not a “proceeding in a judicial case” is also supported by the observations of the esteemed commentator on the *Book of Church Order*, F.P. Ramsay:

And that a complaint is not judicial process is evident from these two considerations: that no one can be censured by the issue of a complaint; and that questions that were not connected with a judicial cause may be the subjects of complaint (F.P. Ramsay, *Exposition of the Book of Church Order* (1898, pp. 252-254), on XIII-4-1).

In this case, the “questions that were not connected with a judicial cause” are questions pertaining to how Presbytery acquitted itself in exercising its “Review and Control” powers under *BCO* Chapter 40. So, although questions about acts or decisions taken in “Review and Control” proceedings might have otherwise been the proper subject of a complaint, they fall *outside* the delegated purview of the SJC because they are not “proceedings in a judicial case” pursuant to *BCO* 40-3.

IV. Conclusion

Upholding our standards is an important matter, and the questions raised by the Complainants in this case are good and important ones.

The enforcement of the Sabbath by the ecclesiastical courts might arise in various forms other than “Review and Control.” These other modes of review may also be considered by those who believe that the Church needs reform or correction in this area.

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Such a concern may be brought by a member of the Session or a member of the church as a complaint against an act of a Session approving a Super Bowl party, or for refusing to exercise discipline and oversight concerning it. In such a case that “act or decision” of the court, if any, would be directly under consideration.

Those who believe that a Super Bowl Party violates our standards, after following the prescriptions of Matthew 18, might consider bringing charges and formal process against those they believe have violated the Sabbath.

Per *BCO* 33-1, “if the Session refuses to act in doctrinal cases or instances of public scandal and two other Sessions of churches in the same Presbytery request the Presbytery of which the church is a member to initiate proper or appropriate action in a case of process and thus assume jurisdiction and authority, the Presbytery shall do so.” Therefore, if two Sessions of a Presbytery agreed to ask for this relief then a matter such as presented in this case could be handled as a case of process with the full development of the facts that attend a trial. The decision would be subject to SJC review by complaint or appeal, and the SJC would have the benefit of a fully developed record in such a case.

Such complainants could also request their Presbytery to invoke *BCO* 40-5 jurisdiction over the Session on the ground that the Session’s “approval” of a Super Bowl party -- if such approval were in fact established --- was an “important delinquency or grossly unconstitutional proceeding.” If Presbytery agreed, Presbytery would cite the Session to appear and show cause. If the Presbytery refused to invoke such jurisdiction, or if the complainants were unhappy with the outcome of a show cause proceeding, the complainants might file a complaint to the Presbytery and take the matter to the SJC through *BCO* Chapter 43 arguing that Presbytery erred by either refusing to invoke its *BCO* 40-5 powers or by failing to censure the Session. In such a case, the SJC would have a much more fully developed record by virtue of the evidence adduced in the proceedings, which would be in the nature of a trial.

Lastly, if concerned persons were of the conviction that a Presbytery’s actions or inaction regarding church Super Bowl parties in its member churches under its care present an “important delinquency or grossly unconstitutional proceeding,” then *BCO* 40-5 charges may be sought with respect to the Presbytery.

Some might assert that all decisions of a Presbytery, including decisions about the exercise of its “Review and Control” jurisdiction should be subject to review by the higher court, and this dissent unreasonably undermines that principle. While I respect the point, I cannot reconcile it with the current structuring of our Constitution. I would point out that the modes of review are neither comprehensive nor equal. Our Constitution affords different modes of review. The various “modes of review” help ensure that important matters touching the peace and purity of the Church might be addressed “in one or another” of the “modes of review” (*BCO* 39-1), just like one city may have multiple roads leading to it. But it does not follow that every mode of review is as suitable as every other to achieve a desired objective, just as we find that some roads prove to be unsuitable avenues to one’s intended destination.

I believe that our Constitution permits the Assembly to exercise “Review and Control” authority only in the most extreme cases (involving “important delinquencies” or “grossly unconstitutional proceedings”), and only in those cases involving the acts or delinquencies of Presbyteries. The Constitution does not grant to the Assembly “Review and Control” authority over the acts or delinquencies of Sessions, and therefore the Assembly cannot assign such authority to the SJC. The only part of “Review and Control” jurisdiction the *RAO* assigns to the SJC is *BCO* 40-5, ensuring that the SJC may only proceed in accordance with the protections and advantages afforded to deliberation and decision in judicial proceedings (not general review proceedings), with citation and a trial “according to the rules provided for process against individuals.” This method affords the full development of the facts as well as the protections that realize the comity and regard due to coordinate courts of the Church.

Because I cannot agree that the Presbytery did not err in approving the disputed minutes, I cannot concur and respectfully dissent. I maintain that the SJC cannot say whether the Presbytery erred or not. The case is simply judicially out of order.

/s/ RE Jim Eggert

CASE Nos. 2023-06 and 2023-08 ¹

TE KNOX BAIRD et al.

v.

GRACE PRESBYTERY

DECISION ON COMPLAINTS

March 7, 2024

CASE SUMMARY

These cases came before the SJC on the Complaints of TE Knox Baird and several other members of the Session of First Presbyterian Church of Hattiesburg, Mississippi (“FPCH”) against Grace Presbytery (“GP”) arising out of actions by GP in response to multiple requests for review or investigation of actions by the Session of FPCH (“the Session”).

I. SUMMARY OF THE FACTS

- 05/18/22 By a vote of 17-0 the Session voted to engage a third-party mediator to assist in identifying and resolving conflicts within the church. Session minutes indicate that this followed a period of “many trials and difficulties,” and note “disagreement between members of the staff.”
- 05/25/22 The Session voted 13-4 to engage the Blue Hen firm as a mediator.
- 05/31/22 TE Jim McCarthy, Senior Pastor of FPCH wrote the Session indicating that he “[could not] participate in this ‘Blue Hen’ process,” noting that he believed the proposed process was contra-Biblical.
- 06/03/22 A complaint by RE Hugh Bolton and seven other FPCH members against the May 25 action of the Session was addressed to the

¹ These two Cases were assigned to the same Panel under *RAO* 17-3(d). The Panel heard and decided the Cases together because they involve the same parties and present interconnected questions of fact.

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Stated Clerk of the Session. The Clerk later indicated that RE Bolton instructed him to “hold the Complaint.”

- 06/22/22 The Session approved a motion to: (1) request assistance from GP’s standing Advisory Committee “to promote the peace, purity and unity within the leadership of the church,” (2) request that the Advisory Committee co-receive the report of Blue Hen, and (3) “that the Advisory Committee of GP provide counsel and coaching where needed, and identify action plans to assist in the restoration of damaged relationships.”
- 07/19/22 RE Bolton addressed another complaint against the Session’s actions concerning Blue Hen to the Stated Clerk of the Session. Documents produced by the Session indicate that Mr. Bolton instructed the clerk to “hold” the complaint and that this complaint was not known to the Session until it was produced as an attachment to a Dec. 22, 2022 complaint to GP by FPCH member Mr. Charles Wilson.
- 07/20/22 At the Stated Session Meeting, the Session passed a Motion to suspend the activities of The Blue Hen Group for three (3) months. A timeline produced by the Session further indicated that TE Toby Holt, Chairman of the Presbytery Advisory Committee, proposed “3 months of peace” when the Session would not discuss nor take any action related to disputed matters. That timeline also indicated that RE Hugh Bolton addressed the Session to inform the Session members that he had prepared a Complaint against the Session for its engagement with The Blue Hen Group and that RE Bolton told the Session that he had instructed the Clerk of Session to hold the Complaint and not file it. Note that these timeline items do not appear in Session minutes.
- 09/21/22 A representative of Blue Hen hand-delivered a check to FPCH refunding the fee previously paid, less its out-of-pocket costs.
- 10/19/22 GP’s Advisory Committee produced a “Preliminary Report” in which it summarized its understanding of the history of conflict and offered five options for FPCH: reconciliation, church

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planting, judicial process, congregational meeting, and departure of parties.

- 11/30/22 Charges were filed against nine members of the Session by 27 members of FPCH. The charges included “making accusatory and slanderous statements ...untrue [statements] concerning [FPCH’s Senior Pastor], ... [attempt[ing] to go outside the church to settle disputes, and violat[i]on of] their vows.” (“Charges #1”)

Special Called Session Meeting by RE Greg Powell and RE Randy Henderson to discuss reconciliation among the Session. All options/alternatives for pathways forward as suggested by the GP Advisory Committee from its report dated October 19, 2022, were discussed. At the conclusion, TE McCarthy told the Session that he did not know why it wouldn't call a Congregational Meeting to resolve these matters as the Session had the votes to do so.

- 12/02/22 Eleven (11) Ruling Elders of the Session filed a request for the Session to call a Congregational meeting to vote to dissolve the call of TE McCarthy should he not resign by December 28.

- 12/07/22 Called Session meeting called by TE McCarthy to bring up the matters in Charges #1. The nine (9) Ruling Elders named in Charges #1 were not allowed to attend the meeting based upon Moderator McCarthy's unilateral decision made prior to the meeting that (a) process had immediately begun against the nine (9) Ruling Elders by the accusers reducing the charges to writing and delivering same to the Session, and (b) that Charges #1 constituted a single, collective charge of slander against nine (9) men. The remaining members of the Session (exclusive of the nine (9) men) met separately and dismissed Charges # 1.

- 12/09/22 Called Session meeting, moderated by TE Jim Misner, to receive the request of the Eleven (11) Ruling Elders to call a Congregational Meeting for the purpose of voting to dissolve the call of TE McCarthy. No action was taken at this meeting. The meeting was concluded when RE Hugh Bolton requested that he and two (2) other Ruling Elders be allowed to speak privately with TE McCarthy about his resignation. Note that this timeline item

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does not appear in Session minutes, however, the minutes of a meeting on December 14 characterized that meeting as “a resumption of the Called Meeting begun on December 9, 2022.”

- 12/10/22 Request for Review on Dismissal of Charges based on *BCO* 40-5 filed with GP by FPCH member Charles Wilson and 24 others for the dismissal of Charges #1. The Session indicated it did not receive a copy of said Request for Review until January 24, 2023, when received from GP’s First Pres Committee/ Commission.
- 12/11/22 Complaint by FPCH Member Wade Walker filed with the Clerk of the Session alleging that he was improperly excluded from worship originating from his disruption of Communion during the FPCH Worship Service on November 22, 2022.
- 12/13/22 Charges # 2 dated Dec. 10, 2022 for Bribery/Extortion against Eleven (11) Ruling Elders filed by Charles Wilson and 24 others were received by the Session.
- 12/14/22 Request for Review filed with GP by Wade Walker and Frances Allston related to issues originating from Mr. Walker’s disruption of Communion during an FPCH Worship Service. The Session has indicated it did not receive a copy of said Request for Review until January 24, 2023, when received from GP’s First Pres Committee/Commission.
- Called Session meeting where RE Hugh Bolton delivered TE McCarthy’s resignation proposal that was agreed to by the Session.
- 12/21/22 Complaint filed with GP by Charles Wilson and 19 others pursuant to *BCO* 43-1 concerning the Session’s use of Blue Hen. The Session has indicated it did not receive a copy of this Complaint until January 24, 2023, when received GP’s First Pres Committee/Commission.
- 12/22/22 TE McCarthy sent a letter to the members of FPCH informing them of his resignation.

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Request of Review on Lack of Action based on *BCO 40-5* filed with GP by Charles Wilson and 24 others for lack of action on Charges #2. The Session has indicated it did not receive a copy of this Request until January 24, 2023 when received from Presbytery's First Pres Committee/Commission.

- 12/26/22 The Session mailed a letter calling a congregational meeting to act upon the resignation of TE McCarthy.
- 01/01/23 Charges # 3 dated December 27, 2022 for Slander against RE John Kosko by Charles Wilson was received by the Session.
- 01/08/23 The FPCH congregation voted 273-92 to accept the resignation of TE McCarthy.
- 01/09/23 Three (3) Complaints against the Session were filed by FPCH RE Grant Bennett. (Complaint 1- Excluding 9 Elders from the called meeting of December 9, 2022; Complaint 2- Not proceeding with judicial process on Charges #2; Complaint 3- Not acting in a timely manner at the "next Session meeting" on Charges #3.) All three (3) Complaints were later sustained by the Session on January 18, 2023.
- 01/10/23 GP acted to dissolve the pastoral relationship between FPCH and TE McCarthy. Also, the Presbytery voted to appoint the First Pres Committee/Commission.
- 01/18/23 The Session initiated judicial process on the Twenty-One (21) Charges pursuant to Charges # 1 dated Nov. 30, 2022 for Slander, Charges # 2 dated December 10, 2022 for Bribery/Extortion, and Charges # 3 dated December 27, 2022 for Slander. Prosecutors were appointed for each set of Charges with instructions for indictments to be drawn and delivered to each accused.
- 01/24/23 GP's Committee/Commission wrote the FPCH Clerk of Session directing certain documents be made part of the Record, including individual communications among elders and church members.

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- 02/06/23 *BCO* 43-1 Complaint by Charles Wilson and Ed Allegretti dated February 4, 2023, signed February 5, 2023. was received by the Session.
- 02/22/23 Letter from the GP's First Pres Committee/Commission was received by the Session. This letter responded to a request for extension of time to produce documents, alerted the Session to a 40-5 complaint concerning the conduct of slander trails ("Charges #1"), and asked that the Session notify the FPCH congregation of the committee-commission's ongoing work.
- 02/22/23 The Session received pleas from each accused on the Twenty-One (21) indictments, set trial dates, and appointed a Judicial Committee to coordinate same. The Session also acted on the *BCO* 43-1 Complaint of Charles Wilson and Ed Allegretti received on Feb. 6, 2023. Additionally, the Session instructed Church Administrator Arrington Rhett to email the requested Session minutes to the Committee/Commission.
- 02/23/23 FPCH Church Administrator emailed the First Pres Session Minutes for the years 2021 and 2022 to the Presbytery's First Pres Committee/Commission.
- 03/02/23 FPCH Church Administrator emailed the Session Minutes for the January 2023 Session meeting to the Presbytery's First Pres Committee/Commission.
- 03/06/23 FPCH elders filed their First Complaint with GP seeking the dismissal of the Blue Hen Complaint and the dissolution of the GP Commission on procedural grounds. ("First Complaint") On the same date the FPCH elders filed their Second Complaint with GP seeking the dismissal of the *BCO* 40-5 Requests for Reviews and the dissolution of the GP Committee on procedural grounds. ("Second Complaint")
- 03/07/23 GP Commission issued a Stay of pending trials.
- 03/30/23 GP met in a called meeting and denied the First Complaint and the Second Complaint and further directed that all related matters at

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the Session level and at the Presbytery level be held in abeyance until decisions are rendered by the higher court.

- 04/20/23 FPCH elders elevated the First Complaint and the Second Complaint to the General Assembly by filing notice with the Office of the Stated Clerk.
- 04/24/23 FPCH elders filed their Third Complaint with GP, seeking to vacate the Stay order issued by the GP Commission, thereby allowing FPCH Session to conduct trials.
- 05/09/23 At its stated meeting GP denied the Third Complaint.
- 05/17/23 FPCH elders filed with the General Assembly, escalating the Third Complaint.
- 08/29/23 SJC cases 2023-06 and 2023-08 were assigned to a panel consisting of RE John Bise (convener), TE Rhett Dodson, RE Jack Wilson, and alternates RE John Maynard and TE Mike Ross.
- 10/25/23 The Panel conducted a Hearing on the Record of the Case and subsequently finalized the ROC.
- 12/20/23 The Panel conducted the Hearing.

II. STATEMENT OF THE ISSUES

1. Did Grace Presbytery err under *BCO* 43-8 in appointing the Commission to hear December 21 Blue Hen complaint due to that complaint being administratively out of order and otherwise untimely per *BCO* 43-3?
2. Did Grace Presbytery err under *BCO* 43-8 in appointing the Commission to hear December 21 Blue Hen complaint due to that complaint being moot and thereby administratively out of order under *BCO* 43-3?

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3. Did the GP Commission violate *BCO* 11-4, 13-9, and 43-6 and grossly exceed its authority when it directed the Clerk of Session and the Session to produce personal communications of individual Session members?
4. Did the Commission violate *BCO* 11-4, 13-9, and 43-6 and grossly exceed its authority when it directed the Session to inform the FPCH congregation of the Commission's work?
5. Did Grace Presbytery err under *BCO* 11-4, 13-9, 40-3, and 40-5 when it appointed the Committee to address three Requests for Review that were already the subject of complaints filed with the Session?
6. Did the Commission exceed its authority in staying the pending trials?
7. Was the Commission's Stay of Pending Trials unconstitutional because the Commission demonstrated it is not impartial respecting FPCH?

III. JUDGMENTS

1. Yes
2. Yes
3. Yes, in part.
4. Yes
5. No
6. Yes
7. Not reached or decided

IV. REASONING AND OPINION

Issues 1 & 2 - The appointment and work of the Commission to hear the "Blue Hen Complaint."

In May 2022, the Session voted to hire the Blue Hen Group to assist in identifying and mediating relational, administrative and personnel issues. A ruling elder in active service on the FPCH Session presented a written complaint (joined by other church members) against this action to the FPCH Clerk and instructed him to "hold" it. In June 2022, the Session requested

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assistance from GP's standing Advisory Committee. In July 2022, the same ruling elder wrote to the Session regarding his Complaint. On July 20, 2022, the Session approved a motion to suspend the activities with the Blue Hen Group pending further interaction with the Presbytery's Advisory Committee. In September 2022, the Session terminated the engagement with Blue Hen.

The FPCH Session contends the "Blue Hen Complaint" was never properly presented to it because of the filer's instructions to the Clerk to "hold" it, and that it became moot when the engagement with Blue Hen was terminated. Session minutes for 2022 do not indicate that the ruling elder who initiated the "Blue Hen Complaint" ever released his "hold" or took other action to request a hearing or obtain a decision from the Session. However, in December 2022, he presented the Complaint to GP and contended that the Session had failed to act on it. GP assigned the matter to the Commission for adjudication.

The Record clearly demonstrates that the original Complaint was never formally filed (because the filer requested it to be "held" and never instructed the Clerk to present it to the Session) and was thus never considered by the FPCH Session. In intervening months, the action of the Session to abandon and terminate the engagement with the mediator/consultant rendered the issues presented in the Complaint moot. The effect of the termination was to take the same action (namely, terminating the engagement) as the relief sought in the Complaint. For these reasons, the questions presented in the "Blue Hen Complaint" were subsequently rendered moot. As to this issue these issues, the Complaint is sustained.

Issue 3 - The GP directive for the FPCH Clerk to provide communications not in his possession.

In January 2023, while the charges against ruling elders were pending trial in the lower court, GP's Committee/Commission directed that the Clerk of FPCH's Session transmit the following to be made a part of Committee/Commission's Record:

1. Complete Session Minutes, including unredacted Executive Session Minutes touching on the conflict leading to the resignation of TE Jim McCarthy, from 01-01-2021 through 01-10-2023...

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2. All communications (letters, emails, text messages) among the FPC teaching and ruling elders touching on the conflict leading to the resignation of TE Jim McCarthy, from 01-01-2021 through 01-10-2023;
3. All communications (letters, emails, petitions, and text messages) presented by the FPC teaching and ruling elders at FPC Session meetings touching on the conflict leading to the resignation of TE Jim McCarthy, from 01-01-2021 through 01-10-2023;
4. All communications (letters, emails, petitions, and text messages) from FPC members to the FPC teaching and ruling elders, touching on the conflict leading to the resignation of TE Jim McCarthy, from 01-01-2021 through 01-10-2023, whether read at Session meeting or not shared by the Clerk with the Session;
5. Lists of FPC members contacted by each FPC elder touching on the conflict leading to the resignation of TE Jim McCarthy, from 01-01-2021 through 01-10-2023; numbering from original.
6. All communications (letters, emails, text messages) between the ITC teaching and ruling elders and The Blue Hen, either the entity or individuals working with or for The Blue Hen
7. All minutes, reports, and communications between the members of the FPC Session committee recommending the employment of The Blue Hen;
8. All communications (letters, emails, text messages) between the FPC teaching and ruling elders and the Presbytery Advisory Committee, including any individual members of the Advisory Committee; and
9. Any other information or documentation touching on the conflict leading to the resignation of TE Jim McCarthy, from 01-01-2021 through 01-10-2023 believed to be relevant.

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The requests for Minutes, papers presented to Session, etc. (i.e. items 1, 3, 6, 7, 8, 9) were appropriate. With regard to the other items the Committee/Commission went too far. Here GP's Committee/Commission demanded that the Clerk obtain documents not in his custody or control from individuals against whom several charges were pending at the time of its request. The request was not limited to Session records and actions. Instead, it sought "all communications," including individual communications and messages among elders and from members "touching on the conflict."

Clerks of Sessions and Presbyteries have a duty to keep accurate records of the proceedings of their respective courts (*BCO* 12–7, 13–11). In the case of a trial, the minutes of the trial, consisting of the charges, the answer, record of the testimony, and all such acts, orders, and decisions of the court relating to the case, form the Record of the Case (*BCO* 32–18). When the case is removed from the lower court by appeal or complaint, it is the duty of the lower court to provide the Record of the Case to the higher court, along with the notice of appeal or complaint and the reason(s) for said action (*BCO* 32–18, 42–5, 43–6). Nothing outside this Record may be taken into consideration by the higher court (*BCO* 32–18).

In the case of investigations, both Sessions and Presbyteries have a duty, which they are to exercise with due diligence and great discretion, to demand from those under their care satisfactory explanations concerning reports affecting their Christian character (*BCO* 31–2). If such an investigation results in raising a strong presumption of guilt, then the court is to initiate process (*BCO* 31–2).

Applying those provisions to these cases, we reach three conclusions regarding the Committee / Commission's directive for the Clerk of Session to submit documents:

First, the Presbytery's Committee/Commission directed the FPCH Clerk of Session to make "all communications (letters, emails, text messages) between the FPC teaching and ruling elders and the Presbytery Advisory Committee, including any individual members of the Advisory Committee; and any other information or documentation touching on the conflict leading to the resignation of TE McCarthy from 01–02–2021 through 01–10–2023" a part of the Record. This directive was, in the first place, unduly broad and sweeping in its range. The Clerk could not reasonably be assumed to have in his possession or have access to "all communications (letters, emails text

messages)” among individual members of the session, members of the church, and a committee of Presbytery etc. Furthermore, *BCO* 32–18, 42–5, and 43–6 define the contents of the Record. Those contents consist of the official records of the court and do not extend to or include personal communications except those voluntarily submitted as evidence in the course of an investigation or trial. The foregoing *BCO* provisions should not be understood to impose a duty on the clerk of the lower court to obtain documents, even from members of the court, that the clerk does not already have in his possession. The obligation for the clerk of the lower court to assemble the record of the case should not be interpreted as a subpoena power by the higher court. When the Presbytery Commission requested the FPCH Clerk of Session submit the relevant documents, he submitted to the Commission all the relevant Session minutes and documents in his possession. The *BCO* requires him to deliver no further documents.

Second, had Presbytery followed the required procedure of *BCO* 40–5 and in the first instance cited “the court alleged to have offended to appear before the court having appellate jurisdiction, or its commission,” then the Committee/Commission could have requested personal communications directly from the individuals involved rather than addressing a sweeping directive to the FPCH Clerk of Session. Moreover, the demand that correspondence among individuals be made a part of the “record of the case”, suggests an intention to use these communications as part of a formal investigation and subsequent proceedings, even though those individual communications were not part of the Session’s records and could not, by definition, evidence or reflect any official acts of the Session. The Committee/Commission confused its pastoral or shepherding function (acting as a committee, in part at the invitation of the Session) with its quasi-judicial function (acting as a commission investigating under *BCO* 40-5). This confusion was compounded by GP’s failure to first cite the Session to appear and explain its actions as directed by *BCO* 40-5. The Session requested an informal meeting with the Committee/Commission, and the Committee/Commission declined that request.

Third, while a court or its commission may make a reasonable request for pertinent information in order to form a more complete picture of the situation which it is called to investigate or adjudicate, at no point, either with regard to investigations or trials does the *BCO* authorize a court to compel the submission of personal correspondence in any form (e.g. texts, emails, letters,

etc.). A court may request personal correspondence in the course of an investigation, especially in a case like this one, where specific charges have been filed and said correspondence is likely to bear directly on the accused's guilt or innocence. In addition, a party may willingly submit personal correspondence as evidence in an investigation or trial (see *BCO* 35). But no court has the right to compel or force the submission of such correspondence.² The Committee/Commission exceeded its authority when it issued its directive.

When a Session or Presbytery receives a report affecting the Christian character of one of its members, the court, “shall with due diligence and great discretion demand from such persons satisfactory explanations” (*BCO* 31–2), but such a demand is only a request, however strongly, authoritatively, or urgently it may be made. No court may force or compel an explanation. Two convincing reasons exist that lead to this interpretation of the term *demand*. First, this sense becomes clear when *BCO* 31–2 is read in the historical context of the proposed 1858 revisions to the Book of Discipline. The committee of ten members who worked on the revision (including Charles Hodge and James Henley Thornwell) originally proposed the text read as follows: “Nevertheless, each church court has the inherent power, to demand and receive satisfactory explanations from its members concerning any matters of evil report.” Though courts have the right to demand satisfactory reports, the phrase “and receive,” raised great concerns. The church’s power is “wholly” (*BCO* 3–2) and “exclusively spiritual” (*BCO* 3–4) and as such is “only ministerial and declarative” (Preliminary Principle 7) and can, in no sense, be coercive.

Second, the term *demand* must be read as a request because “the accused party is allowed, but shall not be compelled, to testify” in giving evidence (*BCO* 35–2). Members of the church are free from self–incrimination. If *demand* meant to compel or force satisfactory explanations, then one could be compelled to testify in violation of *BCO* 35–2 and thus forced into self–incrimination. The phrase “and receive” was, therefore, dropped from the proposed revision of 1858, and the essential reading of *BCO* 31–2 as we have it today was adopted.³

² This decision does not involve and does not reach any questions related a court’s right to demand explanations or documents from individuals for issues not related to pending charges. Similarly, this decision should not be misunderstood to foreclose the possibility that a member’s declining to respond to such inquires or requests, in the absence of pending charges, could form the basis for further action by the court. See *BCO* 35-14.

³ For helpful articles, see <https://www.pcahistory.org/bco/pcusa/1858/rod.pdf> (accessed 1 January 2024); <https://www.pcahistory.org/bco/articles/hodge-1858-revisedbook.pdf> (accessed 1 January 2024). J. H. Thornwell defended the inclusion of “demand and receive”

Courts can seek, request, and even demand information, but they cannot compel the submission of any documents other than those which rightfully compose the Record of the Case as defined by the *BCO* (32–18, 42–5, 43–6). Presbytery could have requested, but was in error to direct, the submission of additional documents, and its directive is vacated. As to this issue, the Complaint is sustained. This decision does not reach any questions related to whether such communications, if obtained by a prosecutor, could be used as evidence in a trial.

Issue 4 - The GP directive for the Session to inform the congregation.

The Presbytery consists of the teaching elders and congregations accepted by it within its geographical bounds (*BCO* 13–1). The Presbytery has responsibility for said elders and congregations, and to carry out that responsibility, the Presbytery has certain powers which *BCO* 13–9 outlines. None of its powers, however, allow Presbytery to demand or compel Sessions under its care address their congregations.

As with Issue 3 above, the Presbytery may request and even urge the Session to inform the congregation of its activity, or the Presbytery may itself inform the congregation of its activity (*BCO* 13–9.f). But the Presbytery does not have the right to demand the Session communicate with the congregation. As to this issue, the Complaint is sustained.

Issue 5 - GP’s appointment of a committee to review *BCO* 40-5 Reports

The Session in June 2022 requested assistance from GP’s standing Advisory Committee for three purposes, all related to conflict within the Church and its leadership. Based upon the information known to the Advisory Committee, the complaints lodged with GP, and the complexity of the situation, it was not unreasonable for GP to assign consideration of the “Requests” which were in the nature of “report with respect to the court next below of any important delinquency or grossly unconstitutional proceedings of such court” (*BCO* 40-5) to a committee. As of the January 10, 2023 Called Meeting of GP at which the Committee was appointed, GP did not have minutes of the Session for the

(see <https://www.pcahistory.org/HCLibrary/periodicals/spr/v13/13-1-1.pdf>) (accessed 1 January 2024), but it was R. L. Dabney’s view that prevailed (see <https://www.pcahistory.org/HCLibrary/periodicals/spr/v12/12-1-3.pdf>) (accessed 1 January 2024).

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relevant meetings since those minutes were not sent until February 23 and March 2, 2023. [ROC 170] Those “Requests” and statuses as of the January 10, 2023 appointment of the Committee were:

Request 1 was filed December 10, 2022 and related to the dismissal of Charges #1 against nine of the REs of the Session. [ROC 83-84] On January 9, 2023, RE Grant Bennett complained against the Session “for the Session’s delinquency and failure to properly act in its meeting on December 7, 2022 in relation to charges filed by members” As of the January 10 Committee appointment date, there was no indication that any further action had been taken by the Session since the dismissal of the underlying charges on December 7 and there is no indication in the ROC that GP had any knowledge of the then recently filed complaint by RE Bennett. We note that Session minutes from a meeting on January 18, 2023 indicate that the Session initiated judicial process on these Charges #1 by appointing a prosecutor, ordering that indictments be drawn and served upon the accused men with lists of witnesses, and that each accused be cited to appear to enter his plea. Those actions were interrupted by the filings of 40-5 Reports, the actions of GP, and suspending of process pending rulings by the SJC.

Request 2 was filed by FPCH member Wade Walker on December 14, 2022, relating to the Session’s action ordering him to abstain from worship following his disruption of a worship service on November 27, 2022. Mr. Walker submitted an apology to the Session on November 27, 2022, requesting forgiveness by the Session. He had complained to the Session against this action on December 11, 2022. That Complaint was not included in the ROC, but reference to it appears in Session minutes of December 14, 2022. In the same meeting of December 14, the Session voted to sustain Mr. Walker’s December 11 complaint. There is no indication in the ROC that GP had knowledge of these facts or of actions by the Session as of January 10, 2023.

Request 3 was filed by FPC member Charles H. Wilson and 24 others on December 22, 2022. This request related to the Session’s failure to act on Charges #2 brought against 11 ruling elders of the Session by Mr. Wilson and 24 others. Charges #2 were dated December 10, 2022 and received by the Session on December 13, 2022. The Session held a called meeting on December 14, 2022 to act upon other matters. There is no indication in the ROC that GP had knowledge of these facts or of actions in response by the Session as of January 10, 2023. As was the case with Request 1, Session minutes from a meeting on January 18, 2023 indicate that the Session initiated

judicial process on these Charges #2 by appointing a prosecutor, ordering that indictments be drawn and served upon the accused men with lists of witnesses, and that each accused be cited to appear to enter his plea. Those actions were interrupted by the filings of 40-5 Reports, the actions of GP, and suspending of process pending rulings by the SJC.

GP had a duty to examine the reports, an important aspect of which would have been determinations as to the appropriateness for GP to “take up” any action on the basis of the reports. It was entirely appropriate for GP to assign responsibility to examine to a committee. As of the date of the Complaint by FPC, neither GP’s FPC Committee nor GP had taken any complainable action such as a premature intervention in a matter properly before the Session.

For these reasons, as to this issue, this Complaint is denied.

Issues 6 & 7 - The stay of trials scheduled in the lower court.

BCO 40-5 permits a higher court to stay the actions of a lower court when a 40-5 report is pending, but only after the higher court has cited the lower court to appear to answer the issues reported.

40-5. When any court having appellate jurisdiction shall receive a credible report with respect to the court next below of any important delinquency or grossly unconstitutional proceedings of such court, ***the 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.*** (emphasis supplied)

The court thus issuing the citation may reverse or redress the proceedings of the court below in other than judicial cases; or it may censure the delinquent court; or it may remit the whole matter to the delinquent court with an injunction to take it up and dispose of it in a constitutional manner; or it may stay all further proceedings in the case; as circumstances may require.

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The GP Committee/Commission failed to issue such a citation or afford the lower court an opportunity to be heard prior to entering its stay order. In staying the trials without following the procedures outlined in *BCO 40-5*, GP’s Committee erred.

This decision does not require the SJC to rule on Issue 7 presented by the Complainants, since the GP Commission has no jurisdiction to conduct the trial of the cases. At the hearing, GP’s representatives conceded that GP is not aware of grounds that would allow it to assume original jurisdiction over the pending trials at this time.

For these reasons, the Complaint is sustained and the “stay” is annulled. The trials should proceed in the court of original jurisdiction (FPCH) in accordance with the Constitution. Should any errors arise in the conduct or outcome of the trials, those may be addressed through the appeal or complaint process. Should any improper proceedings occur to which *BCO 40-5* applies, those matters may be presented to GP by report or in the review of the Session’s records by GP.

The Case Summary and Statement of Facts were drafted by Panel Chairman Bise. The Reasoning and Opinion was drafted by all Panel members, edited by the Panel, and adopted unanimously. The SJC reviewed each part of the January 30, 2024 proposed decision and approved the final version of the Decision by vote of **17-0**, with one disqualified, four recused, and two absent.

Bankson	<i>Concur</i>	S. Duncan	Disqualified	Maynard	<i>Concur</i>
Bise	<i>Concur</i>	Eggert	<i>Concur</i>	Neikirk	<i>Concur</i>
Carrell	<i>Concur</i>	Evans	Absent	Pickering	<i>Concur</i>
Coffin	<i>Concur</i>	Garner	<i>Concur</i>	Sartorius	<i>Concur</i>
Dodson	<i>Concur</i>	Greco	<i>Concur</i>	Ross	Absent
Donahoe	Recused	Kooistra	Absent	Waters	Recused
Dowling	<i>Concur</i>	Lee	<i>Concur</i>	White	<i>Concur</i>
M. Duncan	Recused	Lucas	Recused	Wilson	<i>Concur</i>

RE Sam Duncan was disqualified because he is a member of a church in this Presbytery.

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RE Mel Duncan indicated he recused "because of a close prior relationship to the former S Minister of FPC Hattiesburg. I was the Calvary Presbytery approved mentor to Rev. McCarthy and my children made professions of faith under his ministry as a Youth Director in my home church."

RE Donahoe indicated he recused because he was aware of facts not in the Record and did not believe he could be sufficiently impartial.

TE Lucas indicated he recused because he is the former senior pastor of FPC Hattiesburg.

TE Waters indicated that he recused from this case because of prior correspondence with a member of Grace Presbytery regarding a procedural question that TE Waters, in hindsight, believes touched on issues related to this Case.

CONCURRING OPINION

Case Nos. 2023-06 & 2023-08: *TE Baird et al. v. Grace*
TE David F. Coffin, Jr.,
joined by RE Pickering, TE Greco, RE Neikirk, TE Bankson
March 27, 2024

I concur with the decision of the Standing Judicial Commission (SJC) in this case, to sustain, in the main, the Complaint. That concurrence notwithstanding, I believe the SJC erred in failing to redact the Complainant's Brief for cause. In my judgment, the Brief should have been redacted, first by the Panel, and then, failing that, by the Commission, for the use of intemperate language and for failing the rules of decorum in debate. In each of six instances, veiled accusatory language or insinuations are gratuitously made with respect to the Clerk of Grace Presbytery. Whatever his failings may or may not have been, he should not be indicted or put on trial in a brief. The error is compounded in that this setting provides the Clerk no opportunity to respond to the claims and accusations.

In my judgment the material I object to does not in the least advance any legitimate purpose of the brief, i.e., to set forth sound and compelling

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arguments demonstrating why a court did or did not err in a given matter. I am not asserting that each instance of objectionable language in the brief is separately and equally culpable, but rather that each one is tied to the other as a part of a narrative, a narrative that begins mildly in the first instance and then progressively builds to something more bold and intemperate, drawing the reader in by degrees. Thus, properly, they all should have been redacted. They all appear to be part of one strategy to gradually undermine the Clerk in a way that violated Roberts's Rules of decorum in debate, and the requirement that all debate be germane to the question at hand. For my part, I am confident, that should such a speech have been offered on the floor of the General Assembly, the moderator would have rightly ruled it out of order on those grounds.

The SJC has a responsibility to its mission—seeking truth and justice through a civil, adversarial process—to police strictly violations of order. In correcting violations of its deliberative code, the Commission works to prevent the breakdown of the whole. In so doing, the SJC sustains a culture among its members that upholds the Commission's values and prepares members to uphold the same in the heat of proceedings in cases. At its October 2023 meeting, the SJC redacted, for intemperance, parts of a Brief filed by the Representative of the General Assembly in another Case. This decision is one in a chain of unbroken precedents in such matters, a chain that encourages consistency and impartiality. A link is now missing. It is my hope that the Commission will be restored to its accustomed care to maintain exacting standards of decorum in all of the deliberations that are before it.

CASE No. 2023-07

TE JOHN EVANS

v.

ARIZONA PRESBYTERY

DECISION ON APPEAL

March 7, 2024

I. SUMMARY OF THE FACTS

04/13/20 TE Evans responding to an inquiry from TE Phil Kruis, wrote: “You seem to be asking what expectations I may have of Presbytery in light of the SJC decision¹... I believe that Presbytery should note in the minutes that I am a TE in good standing, dissolve any pastoral relationship with the Covenant congregation pending their acting on my resignation (*BCO* 23-1) and list my status on the Presbytery rolls as ‘without call.’”

TE Kruis responded, “I think you may have answered my question and we may not need to interact over the phone. Our report on the SJC ruling will include that the Presbytery’s action of April 2019 was annulled and that you are a member in good standing. I don’t think any of us were aware that you had tendered your resignation at Covenant.² ... I do not think we need any more clarification.”

04/12/22 TE Mark Lauterbach, chairman of the AZP Shepherding Committee, emailed TE John Evans asking his status since he is without call and advising that “According to *BCO* 13-2 we can only keep your ordination for 3 years from dissolution of your last call.”

04/13/22 TE Evans responded, “My state of being without call began in August 2020, after the SJC annulled the AZP judgment and censure (thus restoring me to my office and, formally at least, to my pastoral charge) and I submitted to AZP my resignation from

¹ See SJC Cases 2019-10 & 2019-12 in M48GA, pp. 771-779.

² In his email to TE Lauterbach, dated April 13, 2022, TE Evans said, “Richard will have a copy of my resignation, dated Aug 13 in his records.”

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the Covenant pastorate.” TE Evans also noted his previous correspondence with TE Phil Kruis, dated August 13, 2020.

- 06/12/22 TE Evans joined Bethel congregation of the Evangelical Presbyterian Church in England and Wales (EPCEW) in Cardiff.
- 07/21/22 TE Evans emailed AZP Stated Clerk RE Richard Wolfe to inform Presbytery that he had joined another church body, EPCEW, thereby withdrawing his membership in the PCA and requesting his name be erased from the roll of AZP (*BCO* 38-3(a)).
- 07/21/22 The Administrative Commission of AZP met and “MSC to approve the request from TE John Evans to withdraw his membership from the Arizona Presbytery, pending acknowledgment of his reception into new denomination.”
- 07/26/22 RE Wolfe, the AZP Stated Clerk emailed TE Falko Drijfhout of EPCEW asking for confirmation the TE Evans had “transferred into your denomination.”
- 07/27/22 TE Drijfhout responded “I have not heard anything about John Evans being affiliated to the EPCEW. He may have joined any of our congregations, but his credentials as minister (teaching elder) have not been transferred as far as I know.”
- 08/16/22 The AZP Stated Clerk emailed TE Evans requesting “...a copy of any document showing your reception into your denomination for our records for RPR.”
- 08/21/22 TE Evans responded, “I have informed Arizona Presbytery that I have withdrawn from the PCA... to affiliate with another branch of the visible church, that is all the provision requires to enable the Presbytery to take the three steps mentioned in the provision; no certificate is necessary for Presbytery to act.”

The Stated Clerk, RE Wolfe responded, “The Arizona Presbytery will acknowledge and act upon your withdrawal and affiliation with another branch of the visible church once you have provided me with documentation of your affiliation.”

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- 09/07/22 TE Drijfhout, stated clerk of EPCEW, responded to RE Wolfe's July 26 email, "I can now confirm that the Rev Dr John F. Evans is newly a member of our congregation in Cardiff, Bethel Church. He is employed by the Union School of Theology at Bridgend."
- 09/08/22 Rev Andrew Graham of Bethel Presbyterian Church, Cardiff, emailed RE Wolfe, "I can confirm that Revd Dr John Evans has been worshipping regularly with our congregation for six months, and as he reported to your presbytery, became a member of our church which is a church of the Evangelical Presbyterian Church in England and Wales (EPCEW) on 12 June 2022."
- 12/13/22 The Administrative Commission of AZP discussed "TE John Evans' request to be removed from the rolls of Presbytery. Presbytery will be notified of his request and vote on this request. We will also communicate to Presbytery and TE Evans that in keeping with *BCO* 38-3 by joining a local church rather than a presbytery, he has demitted his office."
- 01/19/23 At its Stated Meeting of January 19-20, 2023, AZP received a report stating that "Presbytery was notified in a letter dated July 21, 2022 that John Evans has affiliated with another branch of the visible church."

In response, AZP adopted the following motions: "...to begin the proceedings in [*BCO*] 34-10 for TE John Evans, inquiring into the dereliction of his call. The grounds for following *BCO* 34-10 are that John Evans has been without call for a prolonged period of time."

AZP minutes of the meeting also record: "The Stated Clerk was thereby ordered and empowered by the Presbytery to follow procedures in *BCO* 34-10, notifying TE Evans in writing of the actions taken and that at the next Stated meeting of presbytery the question of his being so dealt with is to be considered. An invitation of his attendance shall be properly extended."

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01/20/23 RE Wolfe, the AZP Stated Clerk emailed TE Evans, notifying him of Presbytery's actions and further added that Presbytery would consider, "... whether to divest you of your office as minister of the Gospel (Teaching Elder) as a result of a prolonged period without a call..."

01/23/23 TE Evans responded indicating his surprise at the 01/20/2023 email from Stated Clerk Wolfe stating: "As stated clerk you received my attached communication six months ago (July 21, 2022) informing AZP that I had withdrawn my membership from the PCA and affiliated with another branch of the Church, all under the provision of *BCO* 38-3(a)."

TE Evans further noted: "You indicated last year (Aug 21) that you did not accept my letter and your office would not act on my letter unless I provided you with documentation of my affiliation. Drawing on expert counsel, I told you that no further documentation was necessary; my letter was adequate."

04/28/23 At its stated meeting of April 27-28 (with TE Evans not attending and having not submitted a statement) Presbytery adopted the following motions in sequence:

- 1) In accordance with *BCO* 13-2 and 34-10, we divest TE John Evans without censure due to his lack of call for a prolonged period of time, not exceeding three years. (28 for, 5 against, 5 abstain)
- 2) In accordance with *BCO* 38-3, at his request, we acknowledge TE John Evans' new membership in a local church, record the irregularity, and remove his name from our rolls.

05/12/23 TE Evans appealed the action taken by AZP "To divest TE John Evans of his office without censure."

07/05/23 A panel consisting of RE John White, TE Rhett Dodson, TE Sean Lucas, TE Brad Evans (alt.). and RE Sam Duncan (alt) was appointed to hear the case.

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- 07/14/23 Panel held its Constituting Meeting and elected RE White as chairman and TE Dodson as secretary.
- 08/10/23 Panel met, found the case judicially in order and sets a hearing for August 17 to decide objections to the Record of the Case.
- 12/15/23 Panel hearing was held on the Case.

II. STATEMENT OF THE ISSUE

Did Arizona Presbytery (AZP) err when, on April 28, 2023, it voted to “divest TE John Evans without censure due to his lack of call for a prolonged period of time, not exceeding three years” (*BCO* 34-10) despite TE Evans’ notification to AZP (on July 21, 2022) that since June 12, 2022 he had affiliated with the Evangelical Presbyterian Church in England and Wales?

III. JUDGMENT

Yes. TE John Evans’ appeal of his divestiture is sustained and the action of AZP is reversed because, at the time of the action, TE Evans was no longer subject to the jurisdiction of AZP. (*BCO* 42-9 and *BCO* 38-3(a))

IV. REASONING AND OPINION

Presbytery divested TE Evans of his office without censure (*BCO* 34–10) and then proceeded to remove his name from its rolls following the procedure of *BCO* 38–3a. The Presbytery proceeded to act under *BCO* 34–10 even though a) it failed to ascertain adequately whether the Appellant had “habitually failed to be engaged in the regular discharge of his official functions” and b) it failed to act on his “attempt to withdraw” from the PCA through his affiliation with another branch of the visible church or even investigate the nature of the denomination with which he affiliated.

Almost eighteen months had elapsed from the time the Appellant had resigned from his church to the first communication to him from the Presbytery’s representative. And yet, it is not clear from the record of the case that Presbytery ascertained whether “he was engaged in the regular discharge of his official functions.” By March 2022, however, the Appellant was in the

United Kingdom, teaching at Union School of Theology, presumably as a way of exercising his official ministerial functions. It would have behooved Presbytery's representative to have asked more questions or even suggest that Presbytery move to investigate the situation.³ However, Presbytery does not appear to ascertain adequately the issues of the Appellant's "regular discharge of his official functions."

Arizona Presbytery argues that Evans lacks standing to appeal the actions taken by the Presbytery. By arguing Evans lacks the standing to appeal, Presbytery engages in a circular argument. On the one hand, it claims jurisdiction over Evans to divest him of his office but argues he lacks standing to appeal said action. Standing and jurisdiction in this instance, however, must stand or fall together. To deny Evans standing to appeal the Presbytery's action would be to deny him a fundamental right to fairness in this matter. In the end, what Presbytery should have done regarding *BCO* 38–3a ultimately makes the question of standing moot. Per *BCO* 38–3a, Evans withdrew from the PCA on June 12, 2022 and, therefore, Presbytery had no authority to divest TE Evans.

More importantly, Presbytery should not have moved to divest TE Evans of his office because six months prior to instigating process per *BCO* 34–10, he had already removed himself from the Presbytery's jurisdiction by affiliating with another branch of the visible church (*BCO* 38-3.a). The provisions of *BCO* 38–3a are clear.

38-3. a. When a member or officer in the Presbyterian Church in America shall attempt to withdraw from the communion of this branch of the visible Church by affiliating with some other branch (*BCO* 2-2), if at the time of the attempt to withdraw he is in good standing, the irregularity shall be recorded, his new membership acknowledged, and his name removed from the roll. But if at the time of the attempt to withdraw there is a record of an investigation in process (*BCO* 31-2), or there are charges (*BCO* 32-3) concerning the member or minister, the

³ It should be noted that nowhere in the ROC was there evidence that the Presbytery cited the Appellant for "labor[ing] outside the geographical bounds of, or in a work not under the jurisdiction of his Presbytery" without "the full concurrence of and under circumstances agreeable to his Presbytery" (*BCO* 13-2). Perhaps the timeline was such that the Appellant had already decided to withdraw from the PCA when he accepted the call to labor in the United Kingdom; however, not communicating with the Presbytery exacerbated the conflict.

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court of original jurisdiction may retain his name on the roll and conduct the case, communicating the outcome upon completion of the proceedings to that member or minister. If the court does not conduct the case, his new membership shall be acknowledged, his name removed from the roll, and, at the request of the receiving branch, the matters under investigation or the charges shall be communicated to them.

On June 12, 2022, TE Evans joined Bethel congregation of the Evangelical Presbyterian Church of England and Wales (EPCEW). The following month, on July 21, 2022, he informed RE Wolfe, Stated Clerk of Presbytery, of this affiliation and his withdrawal from the PCA per *BCO* 38–3a. On that same date the Presbytery’s Administrative Commission met and adopted the motion “to approve the request of TE John Evans to withdraw his membership from Arizona Presbytery, pending acknowledgement of his reception into new denomination.” Presbytery’s motion contains two misunderstandings of *BCO* 38–3a. First, the procedure is not a request. It is an act by a member or officer by which he or she voluntarily withdraws membership from the PCA. The freedom of voluntary association or voluntary withdrawal is a right which PCA members and officers possess. Much was made in the Appellee’s brief and oral arguments that *BCO* 38–3a only addresses an *attempt* (emphasis added) to withdraw from the PCA and affiliate with another branch of the visible church. The act of withdrawal is styled an attempt in the *BCO* because at the time of withdrawal, the member or officer must be in good standing and must not be under a formal investigation or have charges filed against him or her. If those conditions are met, however, then the attempt at withdrawal is successful, and a court is required to 1) record the irregularity, 2) acknowledge the member or officer’s new membership, and 3) remove his or her name from the roll. No other action of the member, officer, or court is required.

The second misunderstanding on the part of Presbytery is in supposing that *BCO* 38–3a requires acknowledgement by the receiving body of the member or officer’s new membership. This is not the case. Despite this misunderstanding of *BCO* 38–3a, Presbytery did receive acknowledgement of TE Evans’ reception into membership in an EPCEW congregation but did not follow through on the recommendation of its Administrative Committee to acknowledge this reception.

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When TE Evans informed Presbytery that he had joined a congregation of the EPCEW, he was a member in good standing. No investigation was in process (*BCO* 31–2), and no charges had been filed against him (*BCO* 32–3). It was Presbytery’s responsibility to abide by the required steps of *BCO* 38–3a and 1) record the irregularity of TE Evans’ withdrawal, 2) acknowledge his membership in EPCEW, and 3) remove his name from the Presbytery roll. Presbytery failed to follow these required steps and instead, six months later, initiated process against TE Evans per *BCO* 34–10, and nine months after his withdrawal Presbytery divested him of his office.

The appellee also argued that Presbytery simply acted *explicitly* to divest TE Evans in light of his *implicit* divestiture by joining a local congregation outside the PCA. This argument reflects a fundamental and serious misunderstanding of the nature of ordination. Ordination to the Christian ministry is not the sole possession of the PCA or any other congregation or denomination. The PCA recognizes the legitimacy of ordination to the gospel ministry across denominations that uphold the fundamentals of evangelical religion. Ordained applicants coming from other denominations into the PCA do not have to be ordained again (*BCO* 13–6), and ministers in good standing who withdraw or transfer out of the PCA take their ordination credentials with them.

Because of these irregularities in the proceedings of the Presbytery in dealing with the Appellant, the SJC reverses in whole the proceedings of Arizona Presbytery with respect to the divestiture of TE Evans. The SJC further instructs Presbytery to follow the provisions of *BCO* 38-3a with respect to TE Evans, to wit: 1) record the irregularity of TE Evans’ withdrawal, 2) acknowledge his membership in EPCEW, and 3) remove his name from the Presbytery roll.

The SJC reviewed each part of the proposed decision and approved the final version of the Decision by vote of **22-0**, with two absent.

Bankson	<i>Concur</i>	S. Duncan	<i>Concur</i>	Maynard	<i>Concur</i>
Bise	<i>Concur</i>	Eggert	<i>Concur</i>	Neikirk	<i>Concur</i>
Carrell	<i>Concur</i>	Evans	Absent	Pickering	<i>Concur</i>
Coffin	<i>Concur</i>	Garner	<i>Concur</i>	Sartorius	<i>Concur</i>
Dodson	<i>Concur</i>	Greco	<i>Concur</i>	Ross	Absent
Donahoe	<i>Concur</i>	Kooistra	<i>Concur</i>	Waters	<i>Concur</i>
Dowling	<i>Concur</i>	Lee	<i>Concur</i>	White	<i>Concur</i>

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

CONCURRING OPINION

Case No. 2023-07: *Appeal of TE John Evans v. Arizona Presbytery*
TE Paul Bankson
March 25, 2024

I concur with the decision of the Standing Judicial Commission (SJC) in this case that TE John Evans was, to quote the approved decision, “no longer subject to the jurisdiction of AZP. (*BCO* 42-9 and *BCO* 38-3(a)).” My concurring opinion is very simple—it is for this very reason that I believe the case should have been ruled judicially out of order at the outset and never brought before the SJC. The approved decision itself appears to indicate as much in the amends of the decision which instruct the Presbytery “to follow the provisions of *BCO* 38-3a with respect to TE Evans to wit: 1) record the irregularity of TE Evans’ withdrawal, 2) acknowledge his membership in the EPCEW, and 3) remove his name from the Presbytery roll.”

Regardless of whether Arizona Presbytery (AZP) did or did not acknowledge TE Evans’ withdrawal does not negate the reality that he indeed was a member of the EPCEW per *BCO* 38-3a as the record shows he was a member in good standing at the time he left the PCA and joined that body. Thus, TE Evans lacked any standing to file an appeal in the first place and AZP lacked any jurisdiction.

Respectfully submitted,

TE Paul Bankson

CONCURRING OPINION

Case No. 2023-07: *Appeal of TE Evans v. Arizona*
RE Howie Donahoe
March 15, 2024

I agree with the Decision that Presbytery erred. But I have a different concern. The Appeal should have been ruled administratively out of order for lack of standing.¹ The unanimous Decision found one Issue in this Case: *Did presbytery err on April 28, 2023, when it voted to divest the minister without censure?* But there was an administrative question for the SJC to answer first - Does the person have standing to file an appeal? More specifically: When did TE Evans cease being under the jurisdiction of Presbytery? It was either on June 12, 2022 (when he affiliated with EPCEW), or five weeks later, on July 21, 2022 (when he notified Presbytery he had done so). For the argument in this Concurring, it matters little which of those is correct. The Decision holds that on April 20, 2023: "TE Evans was no longer subject to the jurisdiction of AZP." But that also must mean he wasn't under PCA jurisdiction when he filed his Appeal to the SJC on May 12, 2023, and thus lacked standing to do so. He didn't gain standing by Presbytery's invalid action of April 20.

What could a minister do if a presbytery unconstitutionally "divests" him when he is no longer under its jurisdiction? He could send a *BCO* 40-5 letter to the PCA Stated Clerk alleging a "grossly unconstitutional proceeding" (which anyone can do, even a non-PCA-member). Or he could try to recruit someone with standing in that presbytery to file a *BCO* 43-1 complaint to presbytery seeking to have presbytery rescind the action. But if a person is no longer under PCA jurisdiction, regardless of reason, he cannot seek higher court review via complaint or appeal.

At the same time, I'll grant that *BCO* 38-3.a can be confusing when compared to the paragraph following it. *BCO* 38-3.a is automatic in a way that *BCO* 38-3.b probably isn't.

BCO 38-3.a. When a member or officer in the Presbyterian Church in America shall attempt to withdraw from the communion of this branch of the visible Church by affiliating

¹ I was one of four SJC Officers that rendered a preliminary ruling that the matter was administratively in order. I regret that oversight.

MINUTES OF THE GENERAL ASSEMBLY

with some other branch (*BCO 2-2*), if at the time of the attempt to withdraw he is in good standing, the irregularity shall be recorded, his new membership acknowledged, and his name removed from the roll. But if at the time of the attempt to withdraw there is a record of an investigation in process (*BCO 31-2*), or there are charges (*BCO 32-3*) concerning the member or minister, the court of original jurisdiction may retain his name on the roll and conduct the case, communicating the outcome upon completion of the proceedings to that member or minister. If the court does not conduct the case, his new membership shall be acknowledged, his name removed from the roll, and, at the request of the receiving branch, the matters under investigation or the charges shall be communicated to them.

38-3.b. When a member or minister of the Presbyterian Church in America shall attempt to withdraw from the communion of this branch of the visible Church by affiliating with a body judged by the court of original jurisdiction as failing to maintain the Word and Sacraments in their fundamental integrity (*BCO 2-2*), that member or minister *shall be warned* of his danger, and if he *persists*, his name shall be erased from the roll, thereby, so far as the Presbyterian Church in America is concerned, he is deemed no longer to be a member in any body which rightly maintains the Word and Sacraments in their fundamental integrity, and if an officer, thereby withdrawing from him all authority to exercise his office as derived from this Church. When so acting the court shall make full record of the matter and shall notify the *offender* of its action. (emphasis added)

With reference to the facts in this present Case, the following is how *BCO 38-3* probably would have been handled in a few presbyteries with which I'm familiar. After the presbytery clerk received a minister's July 12, 2022 notification, he would include it in his clerk's report at the next stated meeting. At that meeting, he would report that the minister communicated he had disaffiliated from the PCA on June 12, 2022, having affiliated with the XYZ Church. The clerk would report he administratively removed the minister from the rolls on June 12. There the matter would end unless some TE or RE commissioner made a motion like this: "Presbytery judges that the XYZ

Church fails to maintain the Word and Sacraments in their fundamental integrity, and therefore, jurisdiction is retained to complete the process outlined in *BCO* 38.3.b.” I don't know how else to understand these two provisions of *BCO* 38-3.² Perhaps a clarifying *BCO* amendment is in order.

/s/ RE Howie Donahoe

CONCURRING OPINION

Case No. 2023-07: *Appeal of TE Evans v. Arizona*
RE Jim Eggert
March 27, 2024

This case involves the standing and jurisdiction of Presbyteries over ministers who have attempted to withdraw from the denomination. I concur in the judgment, but wanted to clarify my reasons for doing so, since they are not precisely the same as those expressed in the Decision.

The Decision states that a minister’s “attempt at withdrawal is successful” if at the time of withdrawal, he is “in good standing” is not “under a formal investigation” nor has “charges filed against him.” In such cases, the Decision adds, “No other action of the member, officer, or court is required.” I do not agree with the Decision’s interpretation of the phrase “the attempt at withdrawal is successful” nor do I agree that “No other action of the member, officer, or court is required.” In my view, *BCO* 38-3.a withdrawals are not self-executing, but are subject to a continuing limited jurisdiction of the Presbytery to review the notice of withdrawal, the good standing of the member or

² Here is an excerpt from the PCA Historical Center website: "The wording of the current PCA text dates to an amendment adopted in 1998 [*M26GA*, 26-17, Item 2, p. 57]. This amendment was the end result of efforts by the Committee on Constitutional Business to perfect the language of proposed amendments to *BCO* 38-3 that had first been presented in 1996 by Northeast Presbytery (Overture 6) and Potomac Presbytery (Overture 26)." Presbyteries had voted 38-6 in favor of the revisions to *BCO* 38-3.a and 38-3.b, which were enacted in 1998.

In 1998, the following italicized sentence in *BCO* 38-3.a was deleted, which was, at the time, the last sentence in that paragraph, which referenced (1) if an officer withdraws in good standing, or (2) if the court declines to prosecute: "... *In either case such removal from the roll shall thereby withdraw from him all authority to exercise his office as derived from this Church.*"

minister, and to form a judgment concerning the doctrinal integrity of the body with which the minister has affiliated.

BCO 38-3. provides:

a. When a member or officer in the Presbyterian Church in America shall attempt to withdraw from the communion of this branch of the visible Church by affiliating with some other branch (*BCO* 2-2), if at the time of the attempt to withdraw he is in good standing, the irregularity shall be recorded, his new membership acknowledged, and his name removed from the roll. But if at the time of the attempt to withdraw there is a record of an investigation in process (*BCO* 31-2), or there are charges (*BCO* 32-3) concerning the member or minister, the court of original jurisdiction may retain his name on the roll and conduct the case...b. When a member or minister of the Presbyterian Church in America shall attempt to withdraw from the communion of this branch of the visible Church by affiliating with a body judged by the court of original jurisdiction as failing to maintain the Word and Sacraments in their fundamental integrity (*BCO* 2-2), that member or minister shall be warned of his danger, and if he persists, his name shall be erased from the roll, thereby, so far as the Presbyterian Church in America is concerned, he is deemed no longer to be a member in any body which rightly maintains the Word and Sacraments in their fundamental integrity, and if an officer, thereby withdrawing from him all authority to exercise his office as derived from this Church. When so acting the court shall make full record of the matter and shall notify the offender of its action.

In ordinary usage, an “attempt to withdraw” requires an affirmative communicative act. The verb “attempt” alternatively means: (1) *to make an effort to do, accomplish, solve, or effect* (Synonyms include “try, endeavor, essay, and strive” which mean “to make an effort to accomplish an end” and “stresses the initiation or beginning of an effort or (2) *the act or an instance of attempting, especially an unsuccessful effort.* (*Webster’s Ninth New Collegiate Dictionary*, 1991). For example, a minister who joins another denomination, but keeps it a secret from or does not notify his Presbytery of the same has not

“attempted to withdraw ... by affiliating with some other branch.” The “attempt” is not realized unless and until the minister *communicates* his desire to withdraw to his Presbytery.

A *BCO* 38-3 “attempt to withdraw ... by affiliating with some other branch” entails the *possibility of failure*. If an “attempt to withdraw” were automatically realized without precondition and “no other action of the court is required” merely by virtue of a minister’s new affiliation (as the Decision seems to suggest), then every “attempt to withdraw” would be successful by definition. But the attempt cannot be successful by definition since we know, for example, from *BCO* 38-3 that an “attempt to withdraw” will *fail* if the minister is not “in good standing” at the time of the attempt.

BCO 38-3 is divided into two sections: (a) and (b). *BCO* 38-3.b prescribes that the Presbytery has an obligation to warn a minister attempting to withdraw if the Presbytery judges the new body as failing to maintain the Word and Sacraments in their fundamental integrity. This implies a continuing jurisdiction in the Presbytery over a minister for this limited purpose. A minister who has notified a Presbytery of his withdrawal, and the Presbytery assesses the new body as failing to maintain the Word and Sacraments in their fundamental integrity, the Presbytery is to warn him that “if he persists, his name shall be erased from the roll” and that “so far as the Presbyterian Church in America is concerned, he is deemed no longer to be a member in any body which rightly maintains the Word and Sacraments in their fundamental integrity.” In such a case, the Presbytery is also to advise him that it is “withdrawing from him all authority to exercise his office as derived from this Church.” Therefore, Presbyteries must have as much continuing jurisdiction over a withdrawing minister to make this evaluation and warning possible. Presbytery’s power to take action under *BCO* 38-3.b is not circumscribed, as the Decision seems to suppose, because his “attempt to withdraw” was already “successful” merely by virtue of notifying Presbytery of his new affiliation such that “no other action of the member, officer, or court is required.”

In short, the phrase “attempt to withdraw” implies the possibility of failure, contradicting any supposition that a minister’s new affiliation is so perfectly self-executing that it requires Presbytery to remove the minister from its rolls as a mere perfunctory administrative act. It is this possibility of the failure of the withdrawal that necessarily implies residual jurisdiction of Presbytery to review both the withdrawal and the new affiliation. The act of withdrawal is

contingent upon Presbytery's satisfaction of the "good standing" of the minister at the "time of withdrawal" which should be understood as the time that Presbytery was provided notice of his new affiliation. The act of withdrawal is also contingent on Presbytery's residual power to warn the minister (and withdraw his credentials) if it concludes that he has affiliated with a body that fails to maintain the Word and Sacraments in their fundamental integrity.³

I disagree with the following passage from the Decision for similar reasons:

The second misunderstanding on the part of Presbytery is in supposing that *BCO* 38–3a requires acknowledgement by the receiving body of the member or officer's new membership. This is not the case. Despite this misunderstanding of *BCO* 38–3a, Presbytery did receive acknowledgement of TE Evans' reception into membership in an EPCEW congregation but did not follow through on the recommendation of its Administrative Committee to acknowledge this reception.

I understand this passage to suggest that a Presbytery cannot insist on receiving an acknowledgement of the new affiliation because the attempt to withdraw is automatically put into effect by the withdrawing member's *claim* of new affiliation. I disagree. Whether an acknowledgment is required or not should be left to the reasonable discretion of a Presbytery as the circumstances indicate. In my view, a court in these circumstances possesses inherent jurisdiction to evaluate to its reasonable satisfaction whether the claim of affiliation is true or false. Every court must have power to explore its own jurisdiction, otherwise the power of jurisdiction will be delegated to those outside of the Church courts. Such a rule would deprive the Church courts of any power to assess their own power, which would effectively abdicate ecclesiastical power to others, relying on subjective rather than objective standards of "affiliation."

Lastly, I want to be clear that, in my view, there is only a limited residual jurisdiction of the Presbytery in cases of disaffiliation. Assuming the member

³ Of course, Presbytery made no such finding regarding the Evangelical Presbyterian Church in England and Wales in this case, nor does the record indicate that it ever even entertained such a claim.

APPENDIX Q

is in good standing at the time of the notice of affiliation, this limited jurisdiction is only as much as is needed to remove him from the roll after fulfilling the court's obligations under *BCO* 38-3.a & b. The court's loss of jurisdiction is not automatic at an "attempt." Obviously, in such cases as here where the minister is in good standing and the Presbytery has received notification that he has affiliated with a body for which the Presbytery has expressed no doubt but that it upholds the Word and Sacraments in their fundamental integrity, then the Presbytery's jurisdiction is limited to removing his name from the rolls and noting the irregularity. Therefore, in this case, the *BCO* 38-3 conditions having been met, Presbytery had no jurisdiction to commence or continue divestiture proceedings under *BCO* 13-2 and should have removed the minister's name from its roll.

CASE No. 2023-09

APPEAL OF TE AARON MYERS

v.

ILLIANA PRESBYTERY

DECISION ON APPEAL

March 7, 2024

CASE SUMMARY

This case involves the elevation of two different censures at the same time: (1) the elevation of suspension from office to deposition from office and (2) the elevation of suspension from the Sacraments to excommunication.

While both censures are weighty, excommunication is far more significant. J. Aspinwall Hodge rightly said, “Excommunication is the most severe penalty, and is inflicted only when all other methods have failed to reclaim the offender.” *What Is Presbyterian Law?* (1882), p. 119. In this case, it appears that the deposition was imposed as an ancillary consequence of the Presbytery’s finding excommunication to be appropriate. (Obviously, a man may not continue in office in the Church if he has been excommunicated.) Therefore, this decision examines the question of whether the Presbytery could elevate the censure of indefinite suspension from the Sacraments to excommunication without additional judicial process. We leave for another day whether the censure of suspension from office may be elevated to excommunication without further judicial process in the absence of excommunication.

For the reasons set out below, we hold that suspension from the Sacraments cannot be elevated to excommunication without additional process, reverse the judgment, and remand the matter to Presbytery for further proceedings.

I. SUMMARY OF FACTS

10/24/20 TE Myers was tried and found guilty of “maltreatment of his wife” and “fits of anger.”

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- 11/21/20 Illiana Presbytery “imposed the censure of indefinite suspension from the office of Teaching Elder in the PCA until he demonstrates “satisfactory evidence of repentance” as exhibited by, “eminently exemplary, humble and edifying life and testimony.”
- 01/16/21 Motion passed to “prevent TE Myers from exercising all functions of his office including the sacraments until case is decided *BCO* 42-6.”
- 04/09/22 A committee was formed by Illiana “to shepherd TE Myers toward repentance and restoration to the Lord and to teaching elder.” (“the First Committee”).
- 06/15/22 TE Sean Radke emailed TE Myers asking when he is willing to meet with the Committee, and TE Myers responded that he believed it would be “unwise” for him to speak since his wife had filed divorce proceedings that remained pending, and asked for additional time before he meets with the First Committee.
- 06/22/22 Email from TE Myers to Radke: “There’s no way I’ve repented of 100% of what I’ve done wrong in my marriage only bc as you pointed out, I don’t know ALL the sin I committed (and never will in this life)- including not only sinful deeds and words, but thoughts and intentions (bc I lack the omniscience that only God possesses). But what I can say is that there isn’t one sin I’ve committed of which I’m aware that I have not confessed to the Lord (and to Danielle if it was against her) and sought by His grace to turn from and fight against. This would include pride, selfishness, anger, arguing, bitterness, lust, hypocrisy, covetousness, envy, and unforgiveness. I’m sure there are more. I know I’m a sinful man saved only by the mercy and grace of God through Christ.”
- 10/06/22 Radke proposed a meeting and asked, “since you are submitting to the censure of the presbytery (Lord's Supper), are you requesting that the censure be lifted?” TE Myers responded: “[S]ince I’ve submitted to Presbytery I am requesting the censure to be lifted.”

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10/15/22 The First Committee made three recommendations:

1. The committee unanimously recommends that Iliana Presbytery be satisfied as to the reality of the profession of TE Myers' repentance and restore him to the Sacraments of the Church, that he may receive all the means of Grace that the gospel affords to him (BCO 37-3).
2. The committee unanimously recommends that Iliana Presbytery consider the mandate of this committee fulfilled and be disbanded.
3. Given that the committee unanimously agrees that our brother, TE Myers, is in a state of repentance, we recommend that Iliana Presbytery form a new committee with the mandate to work toward shepherding our brother and his family to restoration both personally and publicly.

10/22/22 Presbytery met and directed the First Committee to “correspond with TE Myers commending his repentance on certain sins but requesting clarification on his repentance regarding his sin of mistreating his wife. (“Fits of anger” is not mentioned.)

12/20/22 TE Myers sent the following email to the Presbytery:

Father and brothers, in 2020, I was accused and found guilty of offenses that the court claimed were substantiated by the specifications listed, but to which I could not (and still cannot) in good conscience concur. I explained this to the committee chaired by TE Radke, along with the fact that I have nevertheless recognized my responsibility to submit to Presbytery’s censures by not engaging in any functions of the ministry nor partaking of the Sacraments. I believe I have demonstrated, both in my heart and my actions, the fruit of repentance.

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However, since I am now fully satisfied in my own conscience that God is not calling me to the ministry, I believe the proper course of action is this: I request that Presbytery divest me of my office without censure (BCO 38-2). As I understand it, there are no longer any charges pending against me since judicial process against me was completed with the judgments and censures inflicted on me. And further, I request that per BCO 46-8, the Presbytery assign me to the membership of Calvin OPC in Phoenix, AZ. I understand that my assignment to the Calvin OPC Session will include the continuation of the censure of indefinite suspension from the Sacraments.

Respectfully,
TE Aaron Myers”

01/21/23 Presbytery answered TE Myers December 20 written request in the negative. and formed a new committee “seeking to bring TE Myers to repentance, per 37-2 and report, if appropriate, at the April meeting.”

03/10/23 A newly formed committee (“the New Committee”) sent a letter to TE Myers including “a summary of the charges of which he was convicted, his lack of specific repentance for these sins, and a question on if he is willing to repent of those sins.”

? The New Committee sent a letter to TE Myers stating that it had “one question,” namely: “Are you willing to specifically repent for mistreating your wife and for your fits of anger?” The letter stated that the “first step in repentance involves acknowledging your guilt...”

TE Myers responded that he had “been through this with the previous committee over and over again, and I’ve got nothing to add.” “I’m not guilty of the charges,” he continued, and “I cannot in good conscience acknowledge that of which Illiana accused

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me.” He stated that he would “not be responding anymore” and that he had “long since moved on” from the matter.

- 03/31/23 The New Committee met and noted that it “met two times, sent a letter to TE Myers, received a response and based on the response received, the committee believes it can no longer perform fruitful work with TE Myers.”
- 04/01/23 The New Committee reported: “Though we desired to frequently converse and pray with TE Myers, he made it very clear that this was his last communication with Illiana Presbytery. Based on TE Myers’ response, we believe we can no longer perform fruitful work with TE Myers.” The committee had no formal recommendations.
- 04/01/23 Presbytery deposed and excommunicated TE Myers stating that he had been “proved by sufficient evidence to be guilty of the sins of maltreatment of his wife and fits of anger.”
- 04/15/23 The Stated Clerk of Presbytery posted a letter via certified mail to TE Myers informing him of the action of Presbytery.
- 04/21/23 The Stated Clerk’s letter was delivered in person to TE Myers.
- 05/20/23 TE Myers filed his appeal with the SJC.

I. STATEMENT OF THE ISSUE

Did the Presbytery err in elevating, without any additional process, the censure of suspension from the Sacraments and suspension from office to excommunication and deposition from office?

II. JUDGMENT

Yes. In the absence of any specific procedure set forth in the *BCO*, due process principles must govern the elevation of indefinite suspension from Sacraments or from office, as a part of the court’s continued oversight and care (*cf. BCO 37-2*). Because of the previous finding of guilt and imposition of censure, however, the censured person is not

entitled to full process *de novo* for the court to find him “incorrigible and contumacious” (*BCO* 30-4).

Accordingly, Presbytery’s action is reversed in whole. This judgment returns the Appellant back to his previous disciplinary status: suspended from the Sacraments and suspended from office. The Presbytery may only increase the Appellant’s censure after complying with this Decision. Further, the mere fact that a man will not agree with a guilty verdict is not *per se* evidence of being incorrigible or contumacious.

IV. REASONING AND OPINION

In this case, Appellant argues that new steps for judicial process are required for “new censures” against the Appellant. Specifically, Appellant states:

This specific judicial case, concluded on November 21, 2020, with the pronouncement of judgments and infliction of censures, and as such no further censures could be pronounced or added against the Appellant based on the now concluded judicial process.

With Respect to *De Novo* Judicial Process

Appellant would have the court require an entirely new judicial process for any elevation of censure, which would include the protections of the Rules of Discipline (ROD) for one who is presumed innocent until proven guilty. Appellant’s theory is that the sin of contumacy is a completely different sin from that which Appellant has already tried, convicted, and censured. The error in this thinking is that the proposed contumacy of the Appellant is *not* completely different and distinct from his censured sin. In fact, an accusation of contumacy in this context (as opposed to refusing to obey a citation (*BCO* 32-6) and being found contumacious without a trial) is directly related to the censured sin. While a censured person is entitled to some rights, clearly he is not entitled to all rights under the ROD. One who has been judged *guilty* by the court does not have the right to a presumption of innocence, for example.

Secondly, the initiation of *de novo* judicial process would begin with *BCO* 32-2:

Process against an offender shall not be commenced unless some person or persons undertake to make out the charge; or unless the court finds it necessary, for the honor of religion, itself to take the step provided for in *BCO* 31-2.

However, as envisioned by the language of the *BCO*, there are no persons to make out a charge for the elevation of censure, and there is no *BCO* 31-2 common fame reports to provoke an investigation (“demand from such persons satisfactory explanations concerning reports affecting their Christian character.”). The court itself has been intimately dealing with the accused for some time. The court’s judgment of guilt and imposition of the censure of indefinite suspension is only inflicted on an “impenitent offender” and it lasts until “he exhibits signs of repentance, or until by his conduct, the necessity of the greatest censure be made manifest” (*BCO* 30-3). By its previous action, the court has already found the censured person impenitent.

A judgment of incorrigibility and contumacy (*BCO* 30-4) does not present a new *matter* before the court. On the contrary, before the court is the same *matter*, the sin with respect to which the subject was found guilty, now in a new *manner*, i.e., contumaciously and incorrigibly.¹ The first censure with respect to the matter/sin was indefinite suspension, because the manner was unrepentance. It is unreasonable to suppose that the elevation of censure from indefinite suspension to the censure of excommunication would require the *full process* for a showing of guilt with respect to the original allegation (as noted above), now in a new manner. However, that is just what would be necessary for the process to begin *de novo* according to the ROD as they stand.

With Respect to the Elevation of Censure without any Process

Alternatively, Appellee argues that it properly elevated Appellant’s censure from indefinite suspension from the Sacraments and suspension from office to

¹ One can see this distinction between *matter* and *manner* clearly at work *BCO* 33-2: “When an accused person is found contumacious (cf. 32-6), he shall be immediately suspended from the sacraments ... for his contumacy.... The censure shall in no case be removed until the offender has not only repented of his contumacy, but has also given satisfaction in relation to the charges against him.”

excommunication and deposition from office without any new finding of impenitence. There is precedent for this position.² Can a court elevate a censure without any mechanism for the censured person to present evidence to the court of his repentance? The current language of the *BCO* is ambiguous at best, and the elevation of censure does not comport well with an act by legislative fiat. In any other circumstance, a majority vote of the court to censure a person apart from due process (stated charges, plea, right to face accuser, right to a defense, right to a record that would provide the basis for an appeal to a higher court, etc.) would be *illicit* and *unjust*.

Just as the censured person is not entitled to all the rights of one not found guilty, it would be contrary to our judicial principles to allow a court, not having found the grounds of excommunication at trial and judgment (*i.e.*, “incorrigible and contumacious”), and, having found grounds for indefinite suspension (*i.e.*, lack of repentance), to conclude later by a legislative declaration, without further process, a judgment that they have not found by due process. Preliminary Principle 8 asserts that “... [E]cclesiastical discipline.... can derive no force whatever, but from its own justice, the approbation of an impartial public, and the countenance and blessing of the great Head of the Church.” Such a legislative declaration would certainly be unjust. And as such, it could not be seen to be just by an impartial public. It would amount to a bill of attainder, by justice-loving folk a hated device.³ No such act of a court of the church could know the countenance and blessing of the great Head of the Church.

A Way Forward

This presents us with a conundrum: if *de novo* judicial process is not required, and *some* process would be required by our judicial principles, how should an increased censure be imposed? An exploration of how the intrinsic powers of our courts, as set forth in the Constitution, and guided broadly by our current rules and regulations, might supply a more just and reasonable course to settle

² See *Dallison v. North Florida Presbytery, M30GA* (2002), page 156, 160-161.

³ A bill of attainder, legislation that imposes punishment on a specific person or group of people without a judicial trial, is twice forbidden in the United States Constitution, *i.e.*, Article 1 Section 9, and Article 1 Section 10. The Framers adopted the constitutional prohibitions on bills of attainder unanimously and without debate. In the *Federalist No. 44*, James Madison observed that bills of attainder are contrary to the first principles of the social compact, and that their prohibition was a “bulwark in favor of personal security and private rights”. https://constitution.congress.gov/browse/essay/artI-S9-C3-1/ALDE_00013186/

the matter. In the increase of a censure from indefinite suspension to excommunication and/or deposition from office, the court takes up that same original matter/sin, and adds the manner of incorrigibility and contumacy, which requires a decision to end the censure of indefinite suspension and to begin the censure of excommunication. The court's judgment of guilt, presumably for a "gross crime or heresy" (*BCO* 30-4),⁴ and finding unrepentance, now must progress to finding the convicted person "incorrigible and contumacious". This is a new finding, and must be supported by due process considerations, but the finding itself is completely dependent upon the process that has already begun and had reached an intermediate stage in its progression.

Where then, might this Court look for a sound basis for resolution to this conundrum? What guidance might the Court find in the parliamentary rules of procedure that typically govern the court's proceedings in such a circumstance?⁵ The censure of indefinite suspension must have been the result of a motion. The parliamentary setting for the motion was the conclusion of a judicial procedure. That motion would have been out of order had it not come in that setting. Under parliamentary law, to undo a motion for indefinite suspension requires a motion to amend a matter previously adopted, and surely that cannot be accomplished apart from the motion coming at the conclusion of due process before the court, as in the first instance.

All the courts of the PCA have intrinsic powers granted by Christ the Head of the Church in the Scripture,⁶ not granted, foundationally, by the *BCO*, nor by the members of the church. This truth is enshrined in *BCO* 11-3:

All Church courts are one in nature, constituted of the same elements, possessed inherently of the same kinds of rights and powers, and differing [in their administration, *BCO* 11-4] only as the Constitution may provide.

⁴ That presumption is vindicated in that the sin leading to indefinite suspension must be liable to elevation to excommunication.

⁵ See "I. Government. 101- Rules of Order. The rules of parliamentary order shall be the standing rules herein and after provided. In matters not otherwise covered, Robert's Rules of Order (Revised) shall prevail." "Standing Rules of the Illiana Presbytery" (As of October 2022).

⁶ See Preface to the *BCO*, "I. THE KING AND HEAD OF THE CHURCH".

These powers are summarized in *BCO* 11-4:

. . . . Every court has the right to resolve questions of doctrine and discipline seriously and reasonably proposed, and in general to maintain truth and righteousness, condemning erroneous opinions and practices which tend to the injury of the peace, purity, or progress of the Church.

Among those powers:

they possess the right to require obedience to the laws of Christ. . . . The highest censure to which their authority extends is to *cut off the contumacious and impenitent from the congregation of believers*. Moreover, *they possess all the administrative authority necessary to give effect to these powers.* (*BCO* 11-2, emphasis added)

The indefinitely suspended person has a right to a hearing in the matter: he must be charged by the court supervising the indefinite suspension with being “incurable and contumacious,” he must be presented with the evidence to that effect, he must be called upon to plead before the court, and he would have a right to a defense before the original trial court. The court, upon completing its hearing, would be called upon to consider a motion to amend a matter previously adopted, to elevate the indefinite suspension to excommunication. Passage would require a two-thirds majority (2/3), unless previous notice were given of an intent to offer a motion to amend a matter previously adopted,⁷ the notice framed in such a way as to avoid undermining the impartiality of the maker and thereby disqualifying him from participation in the hearing. Only such a process, just in itself, and seen to be just, could obtain the countenance and blessing of the great Head of the Church.

The Summary of the Facts was written by Eggert and the Statement of the Issue, Judgment, and Reasoning was written by Greco. The SJC reviewed each part of the proposed decision and approved the final version of the Decision by vote of **21-1**, with 2 absent.

⁷ RONR (12th ed.) 35:2 (7).

MINUTES OF THE GENERAL ASSEMBLY

Bankson	<i>Concur</i>	S. Duncan	<i>Concur</i>	Maynard	<i>Concur</i>
Bise	<i>Concur</i>	Eggert	<i>Dissent</i>	Neikirk	<i>Concur</i>
Carrell	<i>Concur</i>	Evans	Absent	Pickering	<i>Concur</i>
Coffin	<i>Concur</i>	Garner	<i>Concur</i>	Sartorius	<i>Concur</i>
Dodson	<i>Concur</i>	Greco	<i>Concur</i>	Ross	Absent
Donahoe	<i>Concur</i>	Kooistra	<i>Concur</i>	Waters	<i>Concur</i>
Dowling	<i>Concur</i>	Lee	<i>Concur</i>	White	<i>Concur</i>
M. Duncan	<i>Concur</i>	Lucas	<i>Concur</i>	Wilson	<i>Concur</i>

CONCURRING OPINION

Case No. 2023-09: *Appeal of TE Myers v. Illiana*
TE Arthur Sartorius, joined by RE Dowling and RE Donahoe
March 27, 2023

The SJC Decision in this case well defines the issue before it:

“Did the Presbytery err in elevating, without any additional process, the censure of suspension from the Sacraments and suspension from office to excommunication and deposition from office?”

The one-word initial answer to that stated issue is one in which I can fully concur: “Yes.” It seems to me that there is no doubt that the Presbytery erred. Additional process is indeed necessary. Yet, that being said, I write this Concurrence because I disagree with the SJC’s “Reasoning and Opinion” regarding which procedures should govern that additional process.

The conclusion of the SJC majority is that whatever additional process ought to be employed, when elevating a case from the censure of suspension from the Sacraments and suspension from office to excommunication, need not include all the protections of the *BCO* Rules of Discipline.

The SJC opinion even states that an Accused need not be afforded a presumption of innocence until proven guilty. If that is a part of the “due process” to be utilized – or if perhaps other due process rights are abrogated from what the *BCO* outlines, what will this due process look like that should now be followed? The answer to that question, in my opinion, because of the

SJC Reasoning and Opinion, has now been placed in a state of flux.

Is the Accused now required to testify against himself – though *BCO* 35-2 says he shall not be compelled? Shall testimony no longer be required to be recorded and transcribed – though *BCO* 35-9 states that it shall? Can the standards for who it is that might be a competent witness (*BCO* 35-1) change – or the number of witnesses required to substantiate a charge (*BCO* 35-4) be altered?

I could go on with other similar questions, but my point should be apparent. If new process is required for elevation of censure, but such process does not require the full protections of the *BCO*'s Rules of Discipline, what is that process?

Fortunately, the SJC Reasoning and Opinion gives some guidance in that regard. It is suggested in the section entitled “A Way Forward” that “intrinsic powers of our courts, as set forth in the Constitution, *and guided broadly by our current rules and regulations, might supply a more just and reasonable course to settle the matter.*” (Emphasis added) Yet – where I differ from that statement, is that I see the “current rules and regulations” to be very much requirements, rather than guidelines.

Again, this case involves the elevation of a censure from a prior judgment, but to require a court to follow *BCO* judicial procedures in order to elevate the censure *is necessary* because the Appellant is faced with what truly are new charges. The issues raised in this case are in fact new and different from the first case – the case that led to the censure which is now sought to be elevated.

To find TE Myers guilty of a charge which would lead his to excommunication, he must also be found guilty of additional matters not adjudicated in the initial case. There are new offenses alleged – offenses different from those raised in his prior case. The Opinion of the SJC in part seems to acknowledge this. It is stated in the Opinion that the Appellant must “be charged by the court supervising the indefinite suspension with being ‘incurable and contumacious,’” and “that he must be presented with the evidence to that effect. He must be called upon to plead before the court, and he would have a right to a defense before the original trial court.” And yet, at the same time, because the SJC also rightly sees that these new charges are not entirely unconnected to the first case, it is proposed that the means of presenting those charges and evidence need not be bound, but only guided, by the *BCO* procedures. I cannot agree.

Excommunication is a censure “to be inflicted *only* on account of gross crime or heresy *and* when the offender shows himself incorrigible and contumacious.” (Emphases added) Since excommunication was not imposed at the time of the initial trial of TE Myers, it could only follow that at the initial trial, the Appellant was not found guilty of committing a “gross crime”¹ and he was not found to be incorrigible and contumacious. The SJC Opinion has stated that a “gross crime” should be presumed. In a footnote of the Reasoning and Opinion it is stated that such a “presumption is vindicated in that the sin leading to indefinite suspension must be liable to elevation to excommunication.”

While I might not agree with that assessment, that point need not be argued here. Before a court elevates a censure to excommunication, it is abundantly clear that new evidence must show that the man in question is “incorrigible and contumacious.” This is, in fact, a new charge not dealt with in the prior case.

As such, that charge *must* now be substantiated with new facts – new facts which should be presented in a *full new trial* subject to *all* the Rules of Discipline of the *BCO*. To do otherwise – while attempting to follow the SJC Opinion in this and other cases -- could result in trial courts actually defining due process in manners that could then differ from court to court, rather than be uniform.

The “proposed way forward” of the Opinion, I would I argue, could easily be interpreted by differing church courts applying a court’s own due process standards, choosing only select parts of the *BCO*, or even devising new standards – again, all of which could easily differ from session to session and presbytery to presbytery.

Certainly, we are denomination governed from the “bottom up” rather than top down, but we still are a denomination. We are not a confederation of autonomous self-ruling church courts. Under the “way forward” proposed by the whole SJC – it would seem to me that denominational disunity could be fostered, thus making it so that the only future way to regain a broader renewed healthy unity would either be through the necessity of new *BCO* amendments or some sort of attempt at “judicial legislation” by the highest court. Neither seems wise.

¹ An allegation or charge of heresy has never been involved in this case.

It would seem to me that the best “way forward” would be one in which the added charges of incorrigibility and contumaciousness needed to elevate a censure – be treated as truly new charges – new charges subject to existing Rules of Discipline.

The reluctance expressed in the SJC Opinion to take this approach seems largely to be based upon a view that since any such new charges have a connection to the prior charges for which the Appellant was found guilty – that following BCO procedures as a requirement for elevation of a censure becomes a process *de novo*.² The Latin phrase “de novo” has an intrinsic meaning which suggests doing something entirely “anew” or “from the start.” It is a term fairly commonly used in the American civil legal system. The usage in the civil system often involves a situation where a higher court reverses a lower court for certain error(s). A remedy that could be imposed in such a case – at the higher court’s discretion – might include a “de novo trial” – a new trial conducted as if the first trial were a nullity.

Yet, the Appellant has not suggested that he should be tried anew on the original charges – only that he should be tried according to the BCO process in regard to the new and unique charges. Yes, the new charges grow out of a prior concluded matter, but the prior concluded matter need not be heard again. The only question at this time is one of whether or not – since the first conviction and censure – TE Myers has now shown himself, by latter conduct, to be incorrigible and contumacious.

Allow me to return back to a statement I already mentioned which was included in the Reasoning and Opinion of the SJC – the statement: “One who has been judged *guilty* by the court does not have the right to a presumption of innocence.” Really? Is TE Myers to come before his Presbytery on charges not previously litigated – those of being “incorrigible and contumacious” – and not be presumed innocent? Is he not presumed innocent of the new charges because he was once found guilty of “maltreatment of his wife” and “fits of anger?” While the guilt of the prior conviction may indeed be presumed when moving forward – that should *not* change the standard presumption of innocence in regard to alleged incorrigibility and contumaciousness. These

² “De Novo” is not a phrase found in any of our constitutional documents. It is found in the *OMSJC*, but there it is used in regard to the way the SJC commences a judicial trial coming before it “from the beginning” when a “judicial case is referred to and accepted by the Commission.” It then is to be tried – from the beginning.

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new charges must be shown to have occurred, and to have occurred after the prior first conviction.

In the SJC Reasoning and Opinion, it is opined that “as envisioned by the language of the *BCO*” in the case of elevation of censure “there are no persons to make out a charge for the elevation of censure, and there is no *BCO* 31-2 common fame reports to provoke an investigation.” Certainly, if the majority of a presbytery is willing to elevate a censure to depose a minister with no process – one man of the presbytery might well be willing to level a charge of incorrigibility and contumaciousness. Certainly, if a second committee charged with the task of bringing a teaching elder to a sense of repentance concludes its work after sending just two emails and receiving two immediate responses from the Appellant over a period of time of a little more than one hour (ROC 21-22), and then surmise that it can do no further fruitful work in the matter – someone would be willing bring charges or make “common fame reports” so as to invoke *BCO* 31-2.

My conclusion is in agreement with the rest of the concurring members of the SJC that “additional process” is certainly required if this prior censure is to be elevated to deposition. But, in short, my difference with others, and which thus prompts this Concurrence, is that I see the due process principles of the *BCO* Rules of Discipline as being fully adequate, preferred, and required in such a matter. Process need not be subject to re-invention if the process stated in the *BCO* is simply applied and followed.

Respectfully Submitted,
Arthur G. Sartorius

DISSENTING OPINION

Case No. 2023-09: *Appeal of TE Myers v. Illiana*

RE Jim Eggert

March 25, 2024

Summary

I dissent because I believe that suspension of TE Aaron Myers from the Sacraments cannot be elevated to excommunication without additional *judicial* process as prescribed by the *Rules of Discipline*.

My Dissent and the Decision gladly agree that some manner of process is needed in order to elevate censure; we differ, however, on what *sort* of process is due. I take the view that elevation of censure requires *judicial* process, or what I will refer to in this Dissent as “Traditional Process,” meaning a “case of process,” as described in *BCO* 31 (“The Parties in Cases of Process”) and as further articulated in *BCO* Chapters 32 through 37. In broad terms, Traditional Process requires an indictment, an appointment of a prosecutor, citation, and a trial. As I understand today’s Decision, something less than a Traditional Process (*how much less* is not always clear) is required in cases of elevating censure.

The Decision advances a process different from Traditional Process, grounding the same on the “guidance” that it finds “in the parliamentary rules of procedure that typically govern the court’s proceedings in such a circumstance,” the “circumstance” referring to cases involving the elevation of censure. For clarity, and because the Decision’s prescription does not appear to be strictly grounded in the *Rules of Discipline*, I will refer to the Decision’s process as a “Parliamentary Process.”

The Decision’s and this Dissent’s approaches are, I think, essentially different from one another, and are consequential to the fundamental rights of our members in elevation cases. In my view, elevation of censure in this case requires Presbytery to pick up where it left off in the judicial case that has already begun, resulting in the imposition of indefinite suspension. If it seeks to elevate censure, Presbytery must now allege and prove, via Traditional Process, such conduct that would now justify elevating Myers’ suspension to excommunication. Presbytery must appoint a prosecutor, prepare an

indictment with charges and specifications, serve a citation and conduct a trial.¹ In order to excommunicate Myers, Presbytery must establish through formal judicial process (1) that he has committed a “gross crime or heresy,” (2) that he “obstinately refuses to hear the Church, and has manifested no evidence of repentance,” and (3) that he has shown himself “incorrigible and contumacious” (See *BCO* 36-6 and 30-4). In the meantime, TE Myers would be returned to his previous disciplinary status: suspended from the Sacraments and indefinitely suspended from office.

I. Historical Review of our Polity Pertaining to Elevation of Indefinite Suspension.

Whether elevating the censure of suspension to excommunication requires additional process is a subject of historical debate and seems to have exhibited different approaches at different points on Presbyterian history.

Prior to 1788 Steuart of Pardovan's *Collections of the Laws of the Church of Scotland* were accepted as authoritative in American Presbyterianism. In Book IV, title vi of that volume (“Of the Order of Proceeding to Excommunication”) we can still today read the procedures in effect in late eighteenth century Scottish (and American) Presbyterianism for the elevation of suspension from the Sacraments (what they called “the lesser excommunication”) to the “higher excommunication” (what we now simply call “excommunication”). Steuart at page 233. Those procedures provided that if a church Session desired to “proceed further” against a person who had lain “under the censure of the lesser excommunication for a considerable time,” it was required first to obtain the approval of Presbytery, having found the offender “frequently relapsing in these vices he was censured for” as evincing “such a degree of contumacy, and so aggravat[ing] the crime as to found a process of the higher excommunication, which is to be inflicted or not, as may most tend to the reclaiming of the guilty person, and edification of the church.” *Id.* at 233-234. Hence it appears that early American Presbyterianism required at least some kind of process before indefinite suspension could be elevated.

¹ *BCO* 32-2 says, “Process against an offender shall not be commenced unless some person or persons undertake to make out the charge; or unless the court finds it necessary, for the honor of religion, itself to take the step provided for in *BCO* 31-2.” Therefore, either an individual can make out the charge that excommunication is warranted, or Presbytery itself may deem it necessary to appoint a prosecutor to proceed with the case.

We find that in 1825, the General Assembly reversed the Synod of Genessee because “they passed a new and severe censure on the appellant ... without a new and regular trial.” (Minutes of 1825, page 124, cited in *A Collection of the Acts and Deliverances and Testimonies of the Supreme Judicatory of the Presbyterian Church From its Origin in America to the Present Time*, Philadelphia: Presbyterian Board of Publication: 1856, Samuel J. Baird), page 142. This would appear to refer to Traditional Process.

By contrast, sixty years later, F.P Ramsay, commenting on a previous version of the rule governing indefinite suspension from the Sacraments, stated that the court may elevate censure “without another trial, whenever it shall seem necessary to the court to proceed so far” F.P. Ramsay, *Exposition of the Book of Church Order* (1898, p. 183), on RoD, IV-3. Ramsay makes no reference to what, if any, other type of process was required if not “another trial” in the sense of Traditional Process.

Yet contrary to Ramsay, Morton Smith’s *Commentary on the Book of Church Order* Section 30-3 states that a court must institute new process to elevate indefinite suspension to excommunication. “Such suspension,” he wrote, “should be reviewed periodically,” and, “[i]f the offender remains unrepentant, then the court should bring additional charges, and impose the greater censure of excommunication.” Smith’s phrase *bring additional charges* would seem to imply a trial under a Traditional Process.

To this we must add that the Standing Judicial Commission has in the past reasoned along the lines of Ramsay’s approach, treating Presbytery’s decision to elevate censure as a matter of its discretion without the necessity of further process. See *Dallison v. North Florida Presbytery*, M30GA 2002, page 156, 160-161. *Dallison* flatly denied that the Constitution requires a “new trial for new charges” for elevating censure. *Id.* at 161. *Dallison* held, “If the court determines in its mercy that it is going to inflict the lowest censure possible in the beginning and move to higher censures 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).” Today’s Decision mentions *Dallison* in a footnote, insisting on a Parliamentary Process prior to a court’s elevating censure, a process that *Dallison* never mentioned and that seems inconsistent with the wide discretion afforded by *Dallison*.

I maintain that, for the reasons set out in this Dissent, Traditional Process is and should be required to elevate censure, and *Dallison* was wrongly decided.

II. Traditional Process is Required to Elevate Suspension to Excommunication.

BCO 30-1 identifies the four discrete censures the Church courts may impose.

The censures, which may be inflicted by church courts, are admonition, suspension from the Sacraments, excommunication, suspension from office, and deposition from office. The censures of admonition or definite suspension from office shall be administered to an accused who, upon conviction, satisfies the court as to his repentance and makes such restitution as is appropriate. Such censure concludes the judicial process. The censures of indefinite suspension or excommunication shall be administered to an accused who, upon conviction, remains impenitent.

The sentence, “Such censure concludes the judicial process” invites further examination. Its placement in the section suggests that the imposition of the censures of admonition and definite suspension “conclude the judicial process,” whereas the imposition of indefinite suspension and excommunication do not.

What does *BCO* 30-1 mean by “judicial process?” This becomes clearer when one considers the whole of the *Rules of Discipline*, and particularly the relation that “indefinite suspension from the Sacraments” bears to “excommunication.”

A. How Indefinite Suspension and Excommunication Are Similar.

Suspension from the Sacraments and excommunication are the same in that they cut off an offender from the Sacraments. They are also the same in their duration, and the conditions for their removal.

Regarding duration, *BCO* 37-4 states, “When an excommunicated person shall be so affected with his state as to be brought to repentance” he is to be restored. Likewise, *BCO* 30-3 states, “Indefinite suspension is administered to the impenitent offender until he exhibits signs of repentance...” *BCO* 37-3 affirms

the same idea: “When the court shall be satisfied as to the reality of the repentance of an indefinitely suspended offender, he shall be admitted to profess his repentance...” The duration of both censures being *indefinite*, depending in both cases upon the spiritual condition of the offender, indefinite suspension from the Sacraments as well as excommunication are in these essential aspects the same as the other.

B. How Indefinite Suspension and Excommunication Are Different.

However, while *BCO* 30-1 tells us that suspension may be imposed upon “an accused who, upon conviction, remains impenitent,” we discover that excommunication is imposed on different grounds. Excommunication is administered only where the offender “obstinately refuses to hear the Church and has manifested no evidence of repentance” (*BCO* 36-6). Furthermore, excommunication “is to be inflicted only on account of gross crime or heresy and when the offender shows himself incorrigible and contumacious” (*BCO* 30-4). From these provisions we derive a three-fold justification for excommunication: (1) that the offender has committed a “gross crime or heresy,” (2) that the offender “obstinately refuses to hear the Church, and has manifested no evidence of repentance,” and (3) that the offender has shown himself “incorrigible and contumacious.” All three conditions must be satisfied before a court may impose excommunication.

As noted above, a court’s finding at conviction that an offender “remains impenitent” is the only stated ground provided in the *Rules of Discipline* for imposing indefinite suspension (*BCO* 30-1). Therefore, the infliction of indefinite suspension adjudicates only that an offender is “impenitent” at that time, leaving *unadjudicated* the three-fold justification for excommunication.

The different grounds for the imposition of indefinite suspension and excommunication are relevant in considering whether further process is required to elevate suspension to excommunication.

C. Restoration Does Not Require Traditional Process.

BCO 30-1 implicitly tells us that excommunication does not “conclude the judicial process.” This is curious since, obviously, where Traditional Process has ended in excommunication, there is no further “judicial process” that even *can* occur when an offender is excommunicated at the time of conviction (other

than to file an appeal). While in one sense we might say that the court of original jurisdiction repeatedly inflicts the censure of excommunication against an excluded offender who serially claims penitence and seeks readmission but fails to satisfy the court of his repentance, it is more accurate to say that his excommunication remains in place as a standing judgment of the Church, the burden thereafter resting on the offender to satisfy the court of the authenticity of his repentance.

Of course, a “judgment” of excommunication is never *final* in the sense that it cannot be revisited, one of the designs of this censure being “to operate on the offender as a means of reclaiming him” (*BCO* 30-4). Therefore, the court of original jurisdiction remains open to receive and restore the offender upon its satisfaction that he is repentant. Thus, while a court of original jurisdiction testing the authenticity of the repentance of the excommunicated offender does not proceed in the form of a Traditional Process, it is still right and fair to deem such evaluation as part of an “unconcluded judicial case” (*BCO* 30-1) in the sense that, should the court be satisfied of the offender’s repentance, the standing judgment of excommunication will be lifted, and the offender will be restored to fellowship, bringing the “judicial process” to a glad conclusion. This is the only sense in which the “judicial process” is not “concluded” in the case of an excommunication for purposes of *BCO* 30-1.

D. Elevation of Censure Requires Traditional Process, which is a Continuation of “Judicial Process.”

BCO 30-1 likewise tells us that the “judicial process” is not “concluded” in the case of *indefinite suspension from the Sacraments*. When an offender is indefinitely suspended from the Sacraments that censure is to be “administered to the impenitent offender until he exhibits signs of repentance, or until by his conduct, the necessity of the greatest censure be made manifest” (*BCO* 30-3). Clearly, the “unconcluded judicial process” in the case of suspension includes at least the same informal evaluation that the court of original jurisdiction undertakes to *restore* an excommunicated offender. Such restoration does not involve Traditional Process.

On the other hand, indefinite suspension leaves the judicial business of the court unconcluded in a way that excommunication does not. *BCO* 30-3 prescribes that suspension of an offender may be elevated to excommunication only when “his conduct” has made the “necessity of the greatest censure

manifest” (*BCO* 30-3). Clearly, it is the offender’s conduct *after* imposition of suspension that may subject him to excommunication. And as explained above, excommunication, having different grounds for its imposition than suspension, those grounds must be evident (“manifest”) before the court of original jurisdiction may elevate the censure. After all, if the grounds for imposing excommunication had been “manifest” by the evidence adduced at trial, then the court of original jurisdiction would have been bound to impose excommunication in the first instance. Therefore, after first imposing indefinite suspension, it must be assumed by the court of original jurisdiction (together with the higher courts) that the grounds for excommunication did not exist at the time of the original censure and remain unproven and unadjudicated until a “case of process” has settled the question.

The *informal* machinations of a “case under judicial consideration” described in *BCO* 37-8, while useful to consider the question of restoration, are wholly insufficient to justify imposition of the harshest sentence the Church can impose. For that, the “case under judicial consideration” may only elevate the censure in the same way that excommunication may have been imposed in the first instance: via Traditional Process, not by a Parliamentary Process. As it is still a “case under judicial consideration,” if the court believes there is a ground to elevate the censure to excommunication, Traditional Process must continue from where it left off with an indictment, specifications, and a Prosecutor adducing such evidence at trial sufficient to justify the imposition of excommunication.

Therefore, I cannot agree with the Decision’s claim that the “current language of the *BCO* is ambiguous at best” regarding the “mechanism” for elevating censure. There can be no reasonable doubt but that before a member of the PCA may be excommunicated -- which is the “greatest censure” that the Church of Jesus Christ can impose against an individual -- he must first be afforded Traditional Process to establish the warrant for its imposition. Whatever warrants first justified the imposition of indefinite suspension will *not* justify the imposition of excommunication without Traditional Process establishing the three-fold justification for excommunication, which is an entirely different censure.

The Parliamentary Procedure for adjudicating Myers’ contumacy proposed by the Decision falls outside of our Constitutional norms without any Constitutional warrant. Our *Rules of Discipline* know how to prescribe such exceptional cases where parliamentary procedure may be substituted for

Traditional Process. For example, Presbyteries may divest a minister who habitually fails to be engaged in the regular discharge of his official functions. (*BCO* 34-10). It may do so via “judicial proceedings” if the cause of his dereliction is his “breach of his covenant engagement.” By contrast, “if it shall appear that his neglect proceeds only from his lack of acceptance to the Church” the Presbytery may proceed by parliamentary procedure rather than a “case of process” by which a “majority of two-thirds (2/3)” of his Presbytery may divest such a man from office, “even against his will.” A minister divested through this parliamentary process is nevertheless permitted to appeal “as if he had been tried after the usual forms.” Today’s Decision rejects the “usual form” of a case of process in favor of an *unusual* Parliamentary Process for the elevation of censure but does so with no Constitutional warrant at all. I see no reason why Mr. Myers’ alleged contumacy and proposed elevation of censure should not be “tried after the usual forms” (Traditional Process) rather than the *unusual* form advanced in the Decision.

III. A “Case Under Judicial Consideration” Is A Continuation of Traditional Process, Not a “De Novo” Process.

I agree with the Decision that in proceedings to elevate censure the case “before the court is the same *matter*, the sin with respect to which the subject was found guilty, now in a new *manner*, i.e., contumaciously and incorrigibly.” But the Decision mistakenly claims that affording Traditional Process for elevation would require a “*de novo* process” (i.e., “from the beginning” or “anew”).

The Decision rejects what it calls Myers’ suggestion that “the court require an entirely new judicial process for any elevation of censure, which would include the protections of the *Rules of Discipline* (ROD) for one who is presumed innocent until proven guilty,” calling such a procedure a *de novo* process. The Decision seems to assume that affording *de novo* process for elevation of censure would require that the charge of “maltreatment of his wife and fits of anger” would have to be proven against Myers again, but I do not believe that is the case.²

² To the contrary, *BCO* 35-15 specifically provides a mechanism to challenge an underlying conviction: “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.”

In my view, proceedings to elevate censure (in the end, whether we call them *de novo* or simply Traditional Process doesn't matter) would necessarily begin with an offender's original trial and conviction as an established fact of record of which the court can (and should) take judicial notice - "the same matter." Whether it is the original court or a new court that takes up the question of elevating censure, the original record must serve as a point of beginning and context for evaluating any proposal to elevate censure.³ In this case, the record of the trial is well over three years past, and therefore it would seem to be incumbent upon anyone participating in the decision who has not read the same (or was not present at the initial trial) to read the transcript and evidence in its entirety. In any given Presbytery, members come and go, and it is possible that some members of Presbytery asked to vote on the question of elevation may not have been one of those who heard the case personally or had the opportunity to read the record of the trial and therefore fully understand the *matter*. Since, as the Decision rightly insists, it is indeed the same *matter* presented in a new *manner*, the judges should familiarize themselves with the trial transcript so that they can rightly judge the *matter* in light of its new *manner*. And it is precisely because the same matter is before the court in a new manner that Traditional Process is required, for it is the character of the "new manner" that must be proved before the Church may impose its highest censure, just as would have been the case had excommunication been imposed as the initial censure.

The *new manner* is the heart of the case for excommunication. Myers' prior conviction for "maltreatment of his wife and fits of anger" is not the most relevant consideration as to whether his censure should be elevated because the justification for his excommunication cannot be grounded solely on the *matter* of the prior verdict against him or even based on his prior censure. I think all would agree that other than *incorrigible contumacy*, no sin whatsoever justifies excommunication. As scandalous as it may seem to the world (and daresay sometimes even to the Church), if they have been washed, sanctified, and justified in the name of the Lord Jesus Christ and by the Holy Spirit, the Church of Jesus Christ opens her arms wide to sinners, whether the

³ *BCO 37-7* provides: "When a person under censure shall reside at such a distance from the court by which he was sentenced as to make the continued exercise of spiritual oversight impractical (cf. *BCO 37-2*), it shall be lawful for the court, with the acquiescence of the offender and the concurrence of the receiving court, to **transmit a certified copy of its proceedings** to the court where the delinquent resides, which shall assume jurisdiction, take up the case, and proceed with it as though it had originated with itself." (Emphasis added.)

sexually immoral, homosexuals, idolaters, adulterers, thieves, the greedy, and all other sort, just as it does to angry men who have mistreated their wives. (See 1 Cor. 6:10-11). Our churches are stuffed to the rafters with redeemed offenders, only a fraction of which the Church courts have ever had the occasion to adjudicate. A man may be convicted of the worst of sins, but if he believes on the Lord Jesus Christ and is found repentant, grieving for and hating his sin “as to turn from them all unto God, purposing and endeavoring to walk with Him in all the ways of His commandments” (WCF 15.2), then he is deemed a part of the body of Christ.

“Purposing and endeavoring to walk with Christ in all the ways of his commandments,” even if imperfectly, is the antithesis of an “incorrigible and contumacious” person, and it is the happy business of the Church to shepherd such souls, not cast them out. Excommunication cannot stand against those who show they have been washed by the Lord Jesus Christ and as a result are “purposing and endeavoring” to walk with Christ, however grievous their prior offenses, and despite their imperfect repentance. Hence, those “having a new heart and a new spirit created in them, are further sanctified, really and personally, through the virtue of Christ’s death and resurrection, by His Word and Spirit dwelling in them; the dominion of the whole body of sin is destroyed, and the several lusts thereof are more and more weakened and mortified, and they more and more quickened and strengthened, in all saving grace to the practice of true holiness...” (WCF 13.1).

The Christian life inevitably produces forward progress, even if halting. That is why to be excommunicated, one under indefinite suspension from the Sacraments must show himself both “incorrigible and contumacious.” Contumacy is stubborn resistance and willful contempt for the authority of the Church. To show that Myers is “incorrigible and contumacious” requires the court to demonstrate both that he is incapable of being corrected or amended *and* that he holds the Church in contempt. *TE Rhett Dodson, et. al. v. Ohio Presbytery*, M48GA 2021, 2019-01, Page 649, at 663 (“The finding of contumacy as a basis for excommunication requires separate evidence in the Record at or before the point at which the decision is made to excommunicate the individual.”)

If Myers had been found “incorrigible and contumacious” from the start, then Presbytery would have imposed excommunication at the first. Therefore, it is Myers’ conduct *after* his conviction and censure that is now under scrutiny,

and in settling that question he is entitled to: (1) present a defense to the claim that the evidence adduced against him at trial demonstrated a “gross crime or heresy” justifying excommunication, (2) a presumption of innocence with respect to any claim that he, since being censured, “obstinately refuses to hear the Church, and has manifested no evidence of repentance,” and (3) a presumption of innocence with respect to whether he has, since being convicted, shown himself “incorrigible and contumacious.”

While the Decision is correct to note that “[b]y its previous action, the court has already found [Myers] impenitent,” this cannot fairly be understood as a determinative *condemnation* of Myers since indefinite suspension is only imposed upon an “impenitent” until he “exhibits signs of repentance” (*BCO* 30-3), which *assumes* that he might repent at any time after the initial infliction of the censure. Indeed, since a person under indefinite suspension has not been cast out of fellowship by excommunication, shouldn't a court of the Church assume a posture of hopeful expectancy that he *will* repent, graciously expecting the Holy Spirit to realize the censure's intended effect of reclaiming the sinner? After all, the discipline of the Church “is to be exercised as under a dispensation of mercy and not of wrath,” the Church acting “the part of a tender mother, correcting her children for their good, that every one of them may be presented faultless in the day of the Lord Jesus.” (*BCO* 27-4).

Moreover, the indefinite suspension can only be elevated if “by his conduct, the necessity of the greatest censure be made manifest” (*BCO* 30-3). This “conduct” is different from the “impenitence” found at the first. “*Conduct*,” just as it was in the first imposition of censure, is exactly what must be proven to *elevate* censure, and by definition the conduct in view must have occurred *after* the infliction of the censure.

Surely before a man is excommunicated, the burden of proof is on the *court* to demonstrate via Traditional Process when and in what manner such conduct has been discovered since the time the court imposed the initial censure (in this instance more than three years ago). To excommunicate the man, the conduct must “be made manifest,” not by Parliamentary Procedure, but by the Traditional Process prescribed by our *Rules of Discipline*.⁴ We surely would

⁴ Sometimes the contumacious will refuse to appear for a citation at all, and if he fails to appear twice he is subject to excommunication for his contumacy without further trial. (*BCO* 32-6; 33-2; 34-4). There is no reason this rule would not apply in the case of elevation. This is not a heavy burden for a court to bear. On the other hand, if a man does appear to contest the claim of his contumaciousness and obstinacy he is entitled to see and test the evidence against

have insisted that such conduct was proven by Traditional Process had excommunication been imposed at the first, so why should we stop insisting on proof via Traditional Process before a court later imposes the greatest censure?

The Decision's claim that there "are no persons to make out the charge" is not plausible. Obviously if, as the Decision proposes, there is any person or persons to compose a "motion to amend" the indefinite suspension previously adopted, then there is most certainly someone to "make out the charge."⁵ Presumably the Presbytery would have articulable, substantial, and justifiable *grounds* to move to amend the indefinite suspension to elevate the same to excommunication. If they do, then such would easily frame an indictment via Traditional Process. But if there are no such grounds, then what could possibly justify the motion? Indeed, the Decision insists that in its Parliamentary Process that Myers must be "*charged* (emphasis added) ... with being incorrigible and contumacious" and be "presented with the evidence to that effect." If that be true, how can it plausibly be claimed that there is "no person to make out the charge" in exactly the same way that would satisfy Traditional Process?

Some might contend that requiring Traditional process for the elevation of censure is too onerous, burdening the courts with a "second trial," cynically suggesting that our courts will thereby be incentivized to impose excommunication rather than assume the risks and burdens of a later formal proceeding that might arise out of indefinite suspension. By that logic, I suppose one might argue that even the Decision's Parliamentary Procedure, arising as it does out of "parliamentary law" might be regarded as too burdensome. But I think better of our courts, fully expecting that they will not calculate the appropriate measure of censure based on their own convenience, but as guided by the Scriptures, the wisdom of the Holy Spirit, and the *Rules of Discipline*, all as applied to the particular circumstances of each case, gladly assuming the risks and burdens of such proceedings for the good of the Church, the offender, and the glory of God.

him in a case of process before he is excommunicated, and the process is salutary because, if the claim of obstinacy be demonstrated, it affords the court a pointed opportunity to demonstrate the fact and call him to repent, which is one of the fundamental purposes of discipline.

⁵ What is more, even without a person to make out the charge, *BCO* 32-2 authorizes the court to "take the step provided for in *BCO* 31-2" on its own recognizance if it "finds it necessary, for the honor of religion."

IV. The Murky Path Forward.

Today's Decision insists that "further process" for Mr. Myers is ultimately grounded not strictly in our Constitution, but in a hazy penumbra of "parliamentary law" arising out of our Constitution. The Decision summons an "exploration of how the intrinsic powers of our courts, as set forth in the Constitution, and guided broadly by our current rules and regulations, might supply a more just and reasonable course to settle the matter." The Decision extrapolates these "intrinsic powers" from the "administrative authority" proclaimed in *BCO 11-2* to "cut off the contumacious and impenitent from the congregation of believers." The noun "exploration" invokes images of an expedition into the unknown. The Decision insists that our Constitution is "ambiguous at best" as a chart and compass through the "conundrum" of what sort of process should govern the elevation of censure, reassuring us that "parliamentary law" marks our path rather than the *Rules of Discipline*.

I disagree. It seems to me that the "just and reasonable course" is simply to follow Traditional Process as set forth in the *Rules of Discipline*, the only rules that the Church has ever clearly agreed to follow before "the contumacious and impenitent" are "cut off from the congregation of believers."

A. The General Assembly Has No Clear Authority to Police Undefined "Parliamentary Rules."

The Parliamentary Procedure proposed in the Decision raises more problems than it solves.

As a reviewing court, the SJC is called upon to interpret and enforce the *Constitution* of the PCA, not *Robert's Rules of Order* or nascent parliamentary law. Being solely a court of review, it is doubtful that the SJC is or should be the final arbiter of the interpretation and application of local parliamentary law serving to fill in the alleged gaps left by our Constitution in the procedure for elevating censure, particularly as against a lower court's interpretation and exercise of its own administrative authority, exercised, as the Decision insists, pursuant to the lower court's "intrinsic powers."

Today's Decision assumes that the SJC has a warrant on behalf of the General Assembly to invoke, declare, and enforce against a lower court "parliamentary

rules of procedure that typically govern the court's proceedings in such a circumstance." The Decision states:

The indefinitely suspended person has a right to a hearing in the matter: he must be charged by the court supervising the indefinite suspension with being "incorrigible and contumacious," he must be presented with the evidence to that effect, he must be called upon to plead before the court, and he would have a right to a defense before the original trial court. The court, upon completing its hearing, would be called upon to consider a motion to amend a matter previously adopted, to elevate the indefinite suspension to excommunication. Passage would require a two thirds majority (2/3), unless previous notice were given of an intent to offer a motion to amend a matter previously adopted, the notice framed in such a way as to avoid undermining the impartiality of the maker and thereby disqualifying him from participation in the hearing.

But, given the rationale of the Decision, the General Assembly (through the SJC) cannot possibly authoritatively declare that the above procedure must govern the way the case against Myers shall proceed. If we take the Decision's fundamental premise as true, unless prohibited by the Constitution, Presbytery has "intrinsic power" to shape its own self organization, including the adoption, amendment, or suspension of any standing rules governing the elevation of censure where the Constitution's prescription is supposedly "ambiguous at best." "Intrinsic power" means belonging to the essential nature or constitution of the body in question, in this case the Presbytery. But when any court acts pursuant to its "intrinsic powers," by what warrant can any other court review that exercise? If, for example, a Presbytery or Session writes its own rule (or even adopts an unwritten practice) to prescribe the mechanism for the escalation of censure in those gaps that our Constitution has allegedly left open, by what authority does any higher court interpret that local rule or practice, especially where the lower court never agreed that another Church court could enforce a contrary rule or interpretation to that adopted by itself? The General Assembly has never adopted any "parliamentary rules of procedure" for the SJC to interpret as governing our Presbyteries and Sessions, and the Presbyteries and Sessions of the PCA have never agreed to be governed by such "rules of parliamentary procedure" pursuant to a

Constitutional amendment process (*See BCO 26-2*). It seems, therefore, that the Decision's mandated procedure is no more than judicial fiat. Is the SJC's "intrinsic power" to interpolate alleged Constitutional gaps better or more binding than that of the lower courts, particularly where it is asserted that the Constitution provides no clear answer?

B. The Implementation of the Parliamentary Process Dangerously Consolidates Power in the Higher Courts, and Especially the SJC.

And this leads to yet another conundrum: the Decision's commitment to the "intrinsic powers" of the courts in theory permits as many different procedures for elevating censure as there are Sessions and Presbyteries in the PCA, opening the door to a lack of uniformity in the standards for imposing the Church's highest censure in elevation cases.

It is also concerning that the SJC's invocation of its "exploration" of "parliamentary rules" seems to promise a future where the SJC will hold itself out as the final arbiter of such "parliamentary law" in cases that may arise before it. But the PCA has never adopted a definitive written body of "parliamentary law" to govern the elevation of censure, leaving a vacuum of authority.

The SJC will fill this vacuum, promising as it does to be "guided broadly by our current rules and regulations," thus issuing itself a license (perhaps grounded in its own "intrinsic power") to regulate the lower courts at or beyond the border of our Constitutional boundaries. *BCO 42-3* lists the first ground for an appeal as "any irregularity in the proceedings of the lower court," which I have always presumed referred to the regulations afforded by our *Rules of Discipline* in Traditional Process. Today's Decision opens wide the field of "irregularities" to include the breach of uncodified "parliamentary rules," anything that the SJC deems a breach of "parliamentary law" in the elevation of censure. As it reviews the decisions of lower courts, the SJC assumes to itself the power to declare whether a procedure utilized was a "just and reasonable course," whether it sufficiently satisfied amorphous "due process considerations," and was "guided broadly" -- be sure to emphasize *broadly* -- "by our current rules and regulations." I am very concerned that, unshackled from any rules adopted by the Assembly, the vague rules announced today leave the SJC vulnerable to judicial activism under the

umbrella of undefined and extra constitutional “parliamentary law” in its review of elevation cases.

Apart from Traditional Process under the *Rules of Discipline*, future parties (including Mr. Myers) will struggle to anticipate what will pass as adequate grounds for appeal should they be excommunicated by the elevation of censure. For example, if the offender must be “charged by the court” as the Decision prescribes, should the court be bound to apply the rules governing citations and indictments (*BCO* 32-4 & 32-5) as well as the rules governing citing the offender two times, affording a prescribed number of days for notice (*BCO* 32-6 & 32-7)? The Decision seems to conclude that such protections do not apply since Traditional Process does not apply.

Consider also, for example, whether breach of any of the following *BCO* rules clearly prescribed in cases of process could lead to a successful appeal under today’s new Parliamentary Procedure guided by undefined “due process considerations”:

- 32-13. Requirement that the witnesses shall be examined in the presence of the accused (as permitted by *BCO* 32-8), or at least after he shall have received due citation to attend. Witnesses may be cross-examined by both parties, and any questions asked must be pertinent to the issue.
- 32-15. Prescribing the order of the trial.
- 32-18. Prescribing how records are to be kept of the proceedings. (This is particularly interesting, since it will be difficult indeed for a higher court to review an appeal of an excommunication where no transcript of the proceedings was kept -- does “parliamentary law” require it?)
- 35-2 The accused party is allowed, but shall not be compelled, to testify; prohibition of compelling a spouse to testify against the other spouse. Are these protections erased in the Parliamentary Process? Can TE Myers be compelled to address the court regarding the claim that he has become “incorrigible and contumacious?”
- 35-6. The exclusion of a witness from being present during the examination of another witness on the same case, if either party objects unless a member of the court.

- 35-10. The requirement that all testimony be transcribed so that the higher courts have it available for their review.

Will the SJC, being “guided broadly by our current rules and regulations” find that omitting any of the above (or other provisions of the *Rules of Discipline*) was a “just and reasonable course,” satisfying “due process considerations?” Will a breach of any of them be an “irregularity” sufficient to overturn a censure? Who can say? And if they are, then why shouldn’t elevation of censure simply be governed by Traditional Process as I propose?

Conclusion

In sum, contrary to the Decision, I understand the *Rules of Discipline* to require the courts of the Church to follow the prescriptions of Traditional Process when elevating censure from indefinite suspension to excommunication.

Considering today’s decision, I would expect and encourage our Presbyteries to propose amendments to our *Rules of Discipline* to bring clarity and uniformity to this area, especially in light of the uncertainties and local variations inevitably resulting from the “intrinsic powers” of the courts advanced by today’s Decision.

I respectfully dissent.

CASE No. 2023-10

RE JOHN MARTINEZ & RE JESSE COOK

v.

PACIFIC PRESBYTERY

DECISION ON COMPLAINT

March 7, 2024

CASE SUMMARY

This Case initially arose from a divided vote of the Session of Valley Presbyterian Church ("VPC") on the question of whether doxologies would be permitted at the close of the weekly worship service (in addition to allowing benedictions). In July 2022, the Session adopted a policy disallowing doxologies at the close of worship. REs Riedinger and Shaw, members of VPC, filed a complaint with the Session against that decision. The Complaint was denied, they carried it to Presbytery, and Presbytery sustained the Complaint in January 2023, ruling the Session erred in adopting that policy. Thereafter, two of the Church's other elders, REs Martinez and Cook, who had been its commissioners to the January 2023 meeting when Presbytery sustained the Reidinger/Shaw Complaint, filed two Complaints with Presbytery - (the "Doxology Complaint" and the "Visitation Complaint.") They contended (1) Presbytery erred by sustaining the Reidinger/Shaw Complaint and ruling the Session erred in adopting the no-doxologies-for-closing-worship policy, and (2) Presbytery erred by tasking its Shepherding Committee to "follow-up" with the Session on the matter. Presbytery sustained the Martinez/Cook Doxology Complaint, reversing its prior ruling, now allowing the no-doxologies-for-closing-worship policy. But Presbytery denied their Visitation Complaint and they carried it to the SJC. The SJC sustained that Complaint in part and denied it in part.

I. SUMMARY OF THE FACTS

07/11/22 Stated Meeting of the Session of Valley Presbyterian Church, North Hills, CA. ("VPC") In a divided vote, the Session adopted the following: "To have God's blessings as formal benedictions to conclude the service and not doxologies."

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- 08/09/22 REs Jack Riedinger and Larry Shaw (members of the Session) filed a Complaint with Session regarding its decision of July 11. (The "Riedinger/Shaw Complaint") It was cosigned by TE Ron Svendsen, Senior Pastor of VPC.¹
- 09/08/22 Session Stated Meeting. Denied the Riedinger/Shaw Complaint.
- 10/06/22 Riedinger and Shaw carried their Complaint to Pacific Presbytery. ("Presbytery") It was cosigned by TE Svendsen.
- 01/19/23 Nine days before the Presbytery meeting, Presbytery Clerk TE Heard distributed the Riedinger/Shaw Complaint and the Session's response to Presbytery members.
- 01/28/23 Presbytery Stated Meeting. Presbytery sustained the Riedinger/Shaw Complaint, ruling "the Valley Session erred in restricting the end of public worship services to formal benedictions and not using doxologies." Presbytery also adopted the following motion:
- The Shepherding Committee is tasked with following up with the Valley Presbyterian Church Session.
- 03/12/23 REs Martinez and Cook, who were VPC Commissioners to that January 28 Presbytery meeting, filed a Complaint with Presbytery ("Complaint 1") against its sustaining of the Riedinger/Shaw Complaint. Presbytery sustained Martinez/Cook Complaint 1 thereby reversing its decision in the Riedinger/Shaw Complaint. This allowed the Session to continue with its no-doxologies-for-closing-worship policy.
- 03/13/23 Session Stated Meeting. TE Myers and RE Hoard, representing the Shepherding Committee, were seated at the meeting, and their visit was docketed as Item 3. At the Panel Hearing, REs Martinez

¹ We note that a Teaching Elder does not have the right to file a complaint against an action of a Session because, as a member of Presbytery (*BCO* 13-1), he is not subject to the jurisdiction of the Session (*BCO* 43-1). However, as the complaint was made by two Ruling Elders who were members of the Congregation, the complaint was valid.

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and Cook indicated they were unaware that Shepherding Committee members would attend the Session meeting until a few days prior, after seeing the docket prepared by TE Svendsen.

Martinez and Cook filed a second Complaint with Presbytery ("Complaint 2") asking Presbytery to reverse its previous decision which "tasked" the Shepherding Committee "with following up with the Valley Presbyterian Church Session." Below are excerpts from that part of Martinez/Cook Complaint 2:

Pursuant [*sic*] BCO 11-4 and 13-9, the [Presbytery] has acted beyond its power and jurisdiction by sending delegates from Presbytery's shepherding committee to "follow[ing] up" with the VPC session.

BCO 13-9 contains no express provision, which meaning is clear and undebatable, as would permit a presbytery to require the receiving of a presbytery committee's visit without a request by a specific problem in the session or congregation. (Footnote: Morton H. Smith, *Commentary on The PCA Book of Church Order*; Page 93. Constitutional Inquiry, 1982, p. 107, 10-77. Digest, I, P.261.)

[P]ursuant [*sic*] BCO 13-9 section f, there are no reports of evils that have arisen in VPC.

05/02/23 Presbytery Stated Meeting. Presbytery sustained Martinez/Cook Complaint 1, thereby reversing its January 2023 decision that had sustained the Riedinger/Shaw Complaint against the Session's July 2022 decision disallowing doxologies. Thus, Presbytery now allowed the Session to disallow doxologies.

Presbytery denied Martinez/Cook Complaint 2, which left in place its January 2023 decision, i.e., "The Shepherding Committee is tasked with following up with the Valley Presbyterian Church Session."

Presbytery minutes contained the following:

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"Notation, with this decision, the court, in reflection upon the action taken at the January 28, 2023, Stated Meeting directing the Shepherding Committee to follow up with the Valley Presbyterian Session, emphasized that the motion passed on that day was brought in light of TE Ron Svendsen's previous personal request (off the floor) to the Shepherding Committee for assistance, and his agreement to receive it when assistance from the committee was proffered at presbytery. Hence, the presbytery, TE Alex Watlington had argued, was not in violation [*sic*] BCO 11-4 or 13-9."

05/11/23 Session Stated Meeting. According to Complainants' Brief, the "Session requested that all communications on this matter pass through the Clerk of the VPC Session in light of the fact that TE Svendsen was the chair of the Shepherding Committee and was the only one speaking to the Shepherding Committee."

05/30/23 REs Martinez & Cook carried their Complaint 2 to the SJC. Below is an excerpt from the cover letter dated May 17, 2023.

Complainants contend that Pacific Presbytery erred when it acted to send the Shepherding Committee, of Pacific Presbytery, without the request of the Session Valley Presbyterian Church (BCO 13-9). Furthermore, the committee was tasked to follow up with the Session of Valley Presbyterian Church, however with no clear intention. The sending of the Shepherding Committee, of the Pacific Presbytery, had no bases [*sic*] to follow up and conduct an inquiry.

09/22/23 Panel Hearing via videoconference. Panel included TE Bankson, RE Carrell and RE Donahoe with TE Kooistra and TE Pickering as alternates. Complainants Martinez and Cook were present, as were Presbytery's Representatives TE Myers and TE Watlington. Prior to the Hearing, the Complainants filed an 11-page

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Preliminary Brief and Presbytery Representative filed a one-page Preliminary Brief.

09/26/23 Panel members Bankson, Donahoe and Pickering adopted Proposed Decision.

II. STATEMENT OF THE ISSUES

1. Did Presbytery misinterpret the *BCO* and thereby err on January 28, 2023 when it adopted a motion "tasking [its] Shepherding Committee to follow up with the Valley Presbyterian Church Session"?
2. Did Presbytery clearly err in not providing more specific direction of the Shepherding Committee and the Session when it simply tasked the Committee to "follow-up"?

III. JUDGMENT

1. No. Therefore, this part of the Complaint is denied.
2. Yes. Therefore, this part of the Complaint is sustained.

IV. REASONING AND OPINION

BCO 39-3.1 stipulates: "A higher court, reviewing a lower court, should limit itself to the issues raised by the parties to the case in the original (lower) court." Therefore, this Decision does not touch the matter of benedictions vs. doxologies. Nor does it touch the matter of who has final authority over the parts of the weekly Sunday worship service. Those were not issues raised by the Martinez/Cook Complaint, presumably because Presbytery sustained their other Complaint on those matters on May 2, 2023.

Standard of Review - Complainants contend the primary issue is a matter of constitutional interpretation and therefore the SJC should not feel obligated to give "great deference" to Presbytery's decision per *BCO* 39-3.4. However, Issue 1 involves constitutional interpretation *and* a matter of judgment and discretion, so both *BCO* 39-3.3 and 3.4 apply to that part. Issue 2 is a question of judgment and discretion, so *BCO* 39-3.3 applies.

Issue 1 - Impermissible Visitation?

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The Complainants contend this case presents a constitutional issue for which no deference to the lower court's decision is required because Presbytery violated the *BCO*:

Pursuant *BCO* 11-4 and 13-9, the Pacific Presbytery has acted beyond its power and jurisdiction by sending delegates from Presbytery's shepherding committee to "follow[ing] up" with the VPC session. [ROC 4:26]

The Complaint contends the task assigned to the Shepherding Committee is not something envisioned in the general jurisdictional paragraph of *BCO* 11-4, nor is it a presbytery power delineated in *BCO* 13-9:

BCO 11-4. For the orderly and efficient dispatch of ecclesiastical business, it is necessary that the sphere of action of each court should be distinctly defined. The Session exercises jurisdiction over a single church, the Presbytery over what is common to the ministers, Sessions, and churches within a prescribed district, and the General Assembly over such matters as concern the whole Church. The jurisdiction of these courts is limited by the express provisions of the Constitution.

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

BCO 13-9. The Presbytery has power to receive and [settle the] issue [in] appeals, complaints, and references brought before it in an orderly manner. In cases in which the Session

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cannot exercise its authority, it shall have power to assume original jurisdiction. It has power: ...

- f. ... to visit churches for the purpose of inquiring into and redressing the evils that may have arisen in them; to unite or divide churches, at the request of the members thereof; ...
- g. ... in general, to order whatever pertains to the spiritual welfare of the churches under its care.

The lower court answered the constitutional question correctly; its decision presumes that presbyteries may visit sessions in at least some circumstances. Whether a visit was justified in this circumstance is a question of judgment and discretion, on which we must defer to Presbytery's judgment if it can be reasonably supported by the record.

Complainants maintain that a GA decision from 38 years ago is dispositive and should settle this matter - *Complaint of TE Preg et al. v. Missouri*. (M13GA, pp. 127-30) However, while that case involved the issue of presbytery visitation, facts were substantively different from our present case. In 1985, Missouri Presbytery enacted a standing rule tasking its Committee on Care of the Churches to "conduct yearly visits to each church including at least one visit with the session for discussion of the welfare of the church, such discussion to follow an outline made in advance to the session. Visits to deacons meetings, congregational meetings, worship services, etc. are also encouraged."

Westminster Reformed Presbyterian Church, pastored then by TE Mike Preg, complained against that provision. Below are excerpts from the Statement of the Issue, the Judgment, and the Explanatory Opinion of the GA's ad hoc Judicial Commission. All emphasis is added.

At the heart of the issue is whether a higher court has taken action affecting a lower court in areas not expressly authorized by the *BCO*. The question in the complaint is whether the presbytery may *require* a visit by a presbytery committee on pastoral concern to a session and a congregation *against the wishes of the session and in the absence of any evident problem*.

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The Commission voted (16-0) to sustain the complaint and to instruct the presbytery by its normal process to bring its Standing Rules and procedures into conformity with *BCO*, as interpreted by this ruling. Grounds: *BCO* 11-4 clearly limits the authority of the higher court to specific areas listed in the *BCO*.

In the opinion of the Commission, *BCO* 13-9 contains no express provision, which meaning is clear and undebatable, as would permit a presbytery to require the receiving of a presbytery's committee's visit *without a request by or a specific problem* in the session or congregation in question.²

The decision in *Preg v. Missouri* established that mandatory visitation *without cause* is outside the powers of a presbytery. But the question of whether a presbytery has cause, or whether a matter rises to the level of something warranting an unrequested visit, is a matter of discretion and judgment.

What might justify a presbytery in visiting a session meeting uninvited? Neither the decision in *Preg* nor *BCO* 13.9.f require a presbytery to obtain permission to "visit" a church if the presbytery deems some "evil" has arisen. But the *BCO* does not define the verb "visit" or the noun "evil." The word "evil" only appears in this one place in the constitutional portion of the *BCO*.³ Complainants grant that an uninvited visitation can occur "for the purpose of inquiring into and redressing the evils that may have arisen in" a church. (*BCO* 13-9.f). But they argue that no such "evil" had arisen in their church, and Presbytery's Brief admits the nature of the visit was *not* to investigate reports of evil.

Presbytery's Brief and its oral argument at the Hearing contend the visit was permissible via *BCO* 13-9.f, which it states a presbytery has the power "to unite ... churches, at the request of the members thereof." That provision is an odd one to cite, unless perhaps the Presbytery was interpreting "unite" to mean something like "help unify." That Presbytery interpretation is implied when its Brief notes that because "the VPC moderator asked for help in dealing with division, the presbytery sought to help bring unity amongst the VPC session

² In 1985, there was no SJC. Ad hoc judicial commissions were formed for each separate case, onsite at GA, and comprised of eight TE and eight RE commissioners.

³ Also appears in *BCO* 52-2, but that paragraph is not part of the Constitution.

and her church.” However, as F.P. Ramsey observes in his commentary on this same text in the PCUS Book of 1879, that provision refers to the power of *uniting two churches* into a single church.

Despite Presbytery’s failure to emphasize it in its Brief or at oral argument, the Record does contain a reasonable justification for Presbytery to have made a visit to the VPC Session. Along with two REs, the 28-year Senior Pastor of VPC co-signed a complaint to Presbytery regarding a Session decision about an element of the worship service, and the associate pastor and two ruling elders opposed it! It was neither unreasonable nor a "clear error" for presbyters to conclude the "peace" and "spiritual welfare" of VPC might be at risk in such circumstances. It is possible, of course, that the parties were not antagonistic towards each other, and that they sought to use the *BCO*’s complaint mechanism merely to resolve a matter of conscience between them. Support for this interpretation may be found in the initial complaint filed against the Session’s decision and in some of the statements made at oral argument. However, it was still reasonable for Presbytery to send representatives to VPC’s Session to verify whether such was the case, and it would have been uncharitable and a violation of VPC’s obligation to submit to Presbytery’s review and control to turn away those representatives. For these reasons, we defer to Presbytery’s judgment that the decision to send the Shepherding Committee to the VPC Session did not violate the *BCO* in this instance.

Issue 2 – The Question of “Follow up”

It is unclear what presbyters might have expected when the Shepherding Committee was tasked to "follow up." It is understandable why some might have understood that vaguely worded instruction differently. Indeed, its ambiguity has presented a challenge for us in deciding Issue 1; was the visit compulsory, or not? If it was compulsory, what were the grounds supporting it? If it wasn’t compulsory, why wasn’t that made clear to the VPC Session? The Complainants, and perhaps other members of the VPC Session, perceived the visit as an uninvited and unwarranted investigation, while Presbytery’s Representatives deny it was an investigation at all and stated in oral argument in response to a question from the Panel that the visit was not even compulsory.

In its Brief, Presbytery’s Representatives contend the "follow-up" was not an investigation, but rather, "the shepherding committee was simply sent to

extend care and counsel at the request of one of her members." However, that request came only from TE Svendsen, who was the Shepherding Committee Chairman, the Senior Pastor of VPC (and therefore the moderator of the VPC Session), and one of the three men who co-signed a Complaint to Presbytery against the Session's decision to disallow doxologies at the close of worship. (Presbytery sustained the Riedinger/Shaw Complaint on January 28, 2023 and later reversed that decision when it sustained the first Martinez/Cook Complaint on May 2, 2023.) In short, TE Svendsen was more than just "one of her members," and it should have been clear that he represented one side of a contentious issue among the VPC Session members and therefore should not be understood to represent the entire Session in making his request unless he had been formally asked to do so by the VPC Session.

Nothing prohibited the Shepherding Committee from communicating with the Session *through the Session's clerk*. But, even so, the Shepherding Committee only communicated with the Pastor/Shepherding Committee Chairman/Complainant. As we concluded above in our discussion of Issue 1, the Presbytery may have had the constitutional power to "visit," doing so with just a few days' notice and no effort at seeking an invitation was a clear error of judgment. This matter might never have arisen if the Shepherding Committee had communicated directly to the Session's clerk and not just to the Pastor. If there was a problematic division in the Session, this communication decision exacerbated it. On the other hand, the Session could have communicated directly with the Shepherding Committee to seek clarification, or even to request that the Shepherding Committee not visit.

Finally, this case demonstrates the consequences of adopting unclear motions. Robert's Rules stipulate the chair has responsibility to ensure motions are clear:

[Before stating the question] the chair must be confident that all members understand it. (RONR (12th ed.) 4:15.e)

In principle, the chair must state the question on a motion immediately after it has been made and seconded, unless he is obliged to rule the motion is not in order or unless, in his opinion, the wording is not clear. (RONR (12th ed.) 4:16)

If a motion is offered in a wording that is not clear or that requires smoothing ... it is the duty of the chair to see that the motion is put in suitable form - preserving the content to the satisfaction of the mover - *before* the question is stated. ... The chair - either on his own initiative or at the secretary's request - can require any main motion, amendment, or instructions to a committee to be in writing before he states the question. (RONR (12th ed.) 4:18)⁴

For these reasons, we conclude that Presbytery erred in a matter of judgment by sending its Shepherding Committee on a “following up” mission without clearer instructions regarding its objectives.

Conclusion

We do not sustain the Complainants' contention that the *BCO* was violated. At the same time, we find that Presbytery made clear errors of judgment in omissions and communications that contributed to this Complaint coming to the SJC.

The Proposed Decision was drafted by the Panel together. The SJC reviewed each part of the proposed decision and approved the final version of the Decision by vote of **22-0**, with two absent.

Bankson	<i>Concur</i>	S. Duncan	<i>Concur</i>	Maynard	<i>Concur</i>
Bise	<i>Concur</i>	Eggert	<i>Concur</i>	Neikirk	<i>Concur</i>
Carrell	<i>Concur</i>	Evans	Absent	Pickering	<i>Concur</i>
Coffin	<i>Concur</i>	Garner	<i>Concur</i>	Sartorius	<i>Concur</i>
Dodson	<i>Concur</i>	Greco	<i>Concur</i>	Ross	Absent
Donahoe	<i>Concur</i>	Kooistra	<i>Concur</i>	Waters	<i>Concur</i>
Dowling	<i>Concur</i>	Lee	<i>Concur</i>	White	<i>Concur</i>
M. Duncan	<i>Concur</i>	Lucas	<i>Concur</i>	Wilson	<i>Concur</i>

⁴ See also RONR sections 47:14 through 47:19: "Suggestions for inexperienced presiding officers."

CASE No. 2023-11

MR. TIMOTHY PSIAKI

v.

PACIFIC NORTHWEST PRESBYTERY

DECISION ON COMPLAINT

March 7, 2024

I. SUMMARY OF THE FACTS

- 02/05/23 Annual officer elections took place at Covenant Presbyterian Church, Issaquah, WA. Complainant alleged that communing members under the age of 18 were present at the meeting but excluded from voting at the meeting, per the Congregation's by-laws.
- 02/17/23 Covenant Church Session notified the Congregation of the results of the officer election, identifying officers elected and announcing their ordination and installation during the morning worship service of 2/26/23.
- 02/26/23 At the Covenant Church morning worship service, the Session proceeded to ordain and install the previously elected officers.
- 04/17/23 Complainant filed his complaint with the Session alleging that the Session erred in installing officers who were elected in an unconstitutional manner through the exclusion of minor voters who were communicant members.
- 04/20/23 Session voted that the Complaint be rejected, following advice from a Presbyter from their Presbytery.
- 04/23/23 Session subsequently rules the Complaint out of order, claiming that it involved the same essential matter as *SJC 2022-20 Wilson v. Pacific Northwest Presbytery*.
- 05/2023 Complainant carried his complaint to Pacific Northwest Presbytery.

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- 05/18/23 At the Stated Meeting of Presbytery, the Complaint was ruled out of order. No grounds were given for this action.
- 06/02/23 Complainant carried his complaint to the General Assembly.
- 08/09/23 The Complaint was assigned to a panel, consisting of TEs Sean Lucas (chairman), David Garner, and Paul Lee (alternate), and REs John Pickering (secretary) and John White (alternate).
- 12/13/23 The hearing was held via GoToMeeting before the panel. Mr. Psiaki represented himself. Presbytery was represented by TE Brant Bosserman.

II. STATEMENT OF THE ISSUE

Did the Session err when they installed officers elected at a February 5, 2023, congregational meeting, despite the exclusion from voting at the congregational meeting of communicant members under the age of eighteen?

III. JUDGMENT

Yes.

IV. REASONING AND OPINION

This Case centers around the action of the CPC Session to ordain and install officers previously elected at a CPC congregational meeting. Complainant maintains, and Respondent does not dispute, that communicant members under the age of eighteen were barred from voting in the election of those officers. In a previous Case, another Complaint was raised against the action of CPC congregation to elect men to office. The SJC ruled this previous Complaint (SJC 2022-20 *Wilson v. Pacific Northwest Presbytery*) judicially out of order because it was a complaint against an action of a *congregation* and not an action of a *church court*. This Complaint, however, is against the action of CPC Session and not against any action of CPC congregation. The Complaint is, therefore, judicially in order.

Complainant rightly maintains that the Constitutional rights of certain communing members of CPC (that is, those under the age of eighteen) were violated when these members were prevented from voting in this officer election. The Constitution declares, “Those only who have made a profession of faith in Christ, have been baptized, and admitted by the Session to the Lord’s Table, are entitled to all the rights and privileges of the Church” (*BCO* 6-4). The only express provision in the Constitution for the suspension or removal of any existing ecclesiastical right or privilege is the particular censures imposed upon a church member found guilty of some offense (*BCO* 36). The Record gives no indication that the communing members who were prevented from voting at this congregational meeting had been so censured as to deprive them of the right to vote at a congregational meeting.

The Record indicates, rather, that this prevention came not from any express provision of the *BCO* but from a provision of CPC Bylaws that limits voting in congregational meetings to those communing members aged eighteen and above (ROC 4). But the bylaws of a local congregation cannot be the final word on ecclesiastical matters. This point is clearly stated in *BCO* 25-7, “if a particular church is incorporated, the provisions of its charter and bylaws must always be in accord with the Constitution of the Presbyterian Church in America” (emphasis added). In light of this provision, no congregation or court of the Church may use its bylaws to set aside the Constitution or violate church law, for whatever reason. Thus, this provision of the CPC Bylaws can pass constitutional scrutiny only if it is rooted in some provision of *BCO* that gives sessions or congregations discretion over who may vote in congregational meetings. Not only is there no such provision, but nothing in the *BCO* indicates that sessions and congregations have such discretion.

The Testimony of the *BCO*

Our polity is clear that the authority and right to choose officers is a critical piece of the power Christ has given to His Church. Thus *BCO* 3-1 states “The power which Christ has committed to His Church vests in the whole body, the rulers and those ruled, constituting it a spiritual commonwealth. This power, as exercised by the people, extends to the choice of those officers whom He has appointed in His Church.” *BCO* 16-1 reiterates this principle in holding that “Ordinary vocation to office in the Church is the calling of God by the Spirit, through the inward testimony of a good conscience, the manifest approbation of God’s people, and the concurring judgment of a lawful court of

the Church.” This doctrine of vocation, as well as the right and responsibility of God’s people to provide outward confirmation of a man’s call, is central to our polity.

BCO 16-2 then underscores the centrality of this doctrine and applies it to particular congregations when it asserts “The government of the Church is by officers gifted to represent Christ, and the right of God’s people to recognize by election to office those so gifted is inalienable. Therefore no man can be placed over a church in any office without the election, or at least the consent of that church.” The only mechanism whereby a local church can elect or consent to a man being placed in office over them is through a congregational meeting (see *BCO* 5-9(f); 20-2 through 20-5; and 24-1 through 24-5). Further, the *BCO* clearly delineates what “the congregation” is in 25-1 (the chapter dealing with Congregational Meetings) when it states “[t]he congregation consists of all the communing members of a particular church, and they only are entitled to vote.”

Respondent Presbytery argues, however, that “Being a communicant member is a *necessary*, but not a *sufficient* condition for voting (*BCO* 6-4; 25-1)” (emphasis added), and that PCA congregations have the right “to evaluate minor communicants as lacking the ‘regular standing’ (*BCO* 20-3; 24-3) necessary to elect officers.” We disagree.

BCO 4-1 defines “a particular church” as consisting of “a number of professing Christians with their children....” *BCO* Chapter 6 then makes clear that the crucial distinction in 4-1 is not in any way based on age but on whether one is a communing or non-communing member, and that this distinction is based entirely on whether one has made a profession of faith and has been admitted by the Session to the Lord’s Table. *BCO* 6-4 then states “Those only who have made a profession of faith in Christ, have been baptized, and admitted by the Session to the Lord’s Table [*i.e.*, communicant members], are entitled to all the rights and privileges of the church.” The word “all” in 6-4 is critical. Given the principles set forth in *BCO* 3-1 and 16-1,2 it is unreasonable to think that the word all in 6-4 is somehow meant to exclude some communicants from the right to vote in congregational elections unless there is a clear provision somewhere else in the *BCO* that leads to that conclusion.

In fact, however, what we find in the remainder of the *BCO* are consistent, unqualified, references to all communing members being allowed to

participate in critical aspects of congregational meetings. A review of *BCO* 5-10(i)(3); 20-3; 24-1; 24-3; 25-1; 25-2; and 25-3 clearly demonstrates that one's right to participate at every key juncture of the process of organizing a church (choosing her officers and affirming the covenant of organization) and of congregational meetings (joining the call for a meeting, being part of the quorum (and being counted in the determination of the number required for a quorum), and voting) is tied to whether one is a communing member, not to age.¹

The Meaning of “Good and Regular Standing” (BCO 20-3; 24-3)

Respondent makes much of the phrase “in good and regular standing” in *BCO* 20-3 and 24-3, arguing that this phrase gives the Session the right to “evaluate minor communicants as lacking ‘the regular standing’ (BCO 20-3; 24-3) necessary to elect officers.” It is unwise to read a phrase such as “in good and regular standing” that appears infrequently in the *BCO* as establishing an exception to clear provisions of the Constitution unless either the clear language of the provision or a clear legislative history requires us to do so. In this situation, neither of those requirements holds.

The phrase “good and regular standing” is used only in *BCO* 20-3 and 24-3. The phrase, “good standing,” and the word, “regular,” however, are used in other places in the *BCO* and those uses are instructive. The references to “good standing” never appear to have in view age (or any other demographic characteristic). Rather, this phrase consistently has in view whether one is under censure. Thus, for example, *BCO* 58-4 states that the minister may “invite all those who profess the true religion, and are communicants in good

¹ We note that a similar pattern exists with the other major right of members of the church - the right to discipline. *BCO* 27-3 holds: “All baptized persons, being members of the Church are subject to its discipline and entitled to the benefits thereof.” The remainder of “The Rules of Discipline” then draws a crucial distinction, not on the basis of age, but on the basis of whether one has made a profession of faith and has been admitted to the Lord’s Table. Thus, Chapter 28 deals specifically with the “Disciplining of Non-communing Members” while the remainder of “The Rules of Discipline,” while surely still recognizing the rights and responsibilities of parents, deals with discipline of communing members. It would be untenable to argue that a Session could not apply one of the censures discussed in Chapter 30 to a minor member of their Congregation, if warranted by process or a case without process, even as that Session would and should still respect the right of the parents to take their own discipline of the minor.

standing in any evangelical church” (cf. *BCO* 14-2, 19-1, 24-7, 25-2, 38-3, 43-1, 43-5, and 46-7). Further, while the phrase “regular standing” does not appear in the *BCO*, the word “regular” is used as a modifier in a number of places (e.g., *BCO* 10-1, 13-3, 19-1, 21-4a, 24-7, and 42-2). In each of these instances, the word “regular” typically carries the sense of “according to rule,” that is, the rules and standards of the Constitution. It is not reasonable to conclude that these uses of “regular” in the *BCO* are intended in some way to convey a grant of discretion to the courts of the Church to establish or prescribe rules and standards at those points. And so, for example, when *BCO* 24-7 and 42-1 speak of “regular trials,” it is untenable to conclude that this provision somehow allows churches or sessions to develop their own definitions of what constitutes a “regular trial.” Therefore, the way in which the phrase, “good standing,” and the word, “regular” are used separately in the *BCO* does not provide a basis for concluding that *BCO* 20-3 and 24-3 are intended to confer on local sessions or congregations the authority to set restrictions on voting in congregational meetings beyond those specified in the *BCO*.

The question, then, is whether the coupling of this phrase and this word (“good and regular standing”) can be shown to confer such authority. The history of the interpretation of the phrase, “good and regular standing,” in the PCUS and PCA indicates that the answer to that question is “No.” The phrase, “good and regular standing,” at least with regard to the election of pastors, goes back to the 1879 PCUS *Book of Church Order*.² F. P Ramsay’s comments on this phrase in 1898 are instructive.

Those not members of the Church are excluded from voting for its officers, as a matter of course; for nothing can entitle him who will not acknowledge Christ to the right of participating in the government of his Church. Those not members of the particular church are excluded, for otherwise the individuality of the particular church would perish. Those not communicants are excluded, for the reason that only those who are themselves endeavoring to obey Christ can be qualified to act as his agents in pointing out what men he

² While the placement of the phrase in the provisions for the election of pastors has changed over the years, the language of the phrase has not changed. The PCUS Constitution did not have a passage equivalent to *BCO* 24-3 in 1879, although such a provision, including the language “in good and regular standing,” was added in 1925.

would put over his people. For the same reason, none under censure can be allowed to vote.³

Mapping Ramsay's comments back on the provisions of the paragraph on election of pastors tells us that he understood "good and regular standing" to mean that the communicant member of the local congregation could not be under censure. There is nothing in his discussion that suggests age could be considered in determining if one is in "good and regular standing."⁴

Moreover, we find that Ramsay's conclusion was consistent with various actions of the PCUS as recorded in *A Digest of the Acts and Proceedings of the General Assembly of the Presbyterian Church in the United States 1861-1944*. With regard to the question "Who may vote in a congregational meeting?" the reader is directed to the comment on Paragraph 123 of the *Form of Government*. In commenting on the definition of members "in good and regular standing" in Paragraph 123 (which has the same language as *BCO* 20-3 except for the change in the name of the denomination), the editors of the *Digest* quote an act of the 1861 PCUS General Assembly that stated, "Every member of our Church is entitled to a dismissal in good standing, unless process be commenced against him." Further, the *Digest* records that in 1940 the Presbytery of Mobile overtured the General Assembly "asking for construction of 'voters' in new Par. 124" (which has the same language as *BCO* 20-4). The Assembly's answer was "'voters' means members in good and regular standing, present and voting," after which the editors provide a cross reference to the discussion of Par. 123).⁵ In short, it is clear that the PCUS, from whose Constitution much of the language of our *BCO* came, understood "good and regular standing," when used in the context of a right to vote in congregation meetings, to refer to whether one was under discipline. There is no evidence that this language was intended to allow sessions or congregations to set additional, extra-constitutional limits on voting, whether by reason of age or some other category.

³ F.P. Ramsay, *Exposition of the Book of Church Order* (Richmond, VA: Presbyterian Committee of Publication, 1898), pp. 129-130.

⁴ Respondent's brief cites Ramsay as indicating "that lack of adult sovereignty may justifiably prevent a communicant from exercising certain church rights," but the pages cited (43-44) deal with baptized non-communicant members, not communicant members.

⁵ *A Digest of the Acts and Proceedings of the General Assembly of the Presbyterian Church in the United States 1861-1944* (Richmond, VA: Presbyterian Committee of Publication, 1945), pp. 206, 214.

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Interpretations of *BCO* 20-3 and 24-3 in the PCA have consistently reflected the same understanding as that of the PCUS - that is, that these provisions must be understood as allowing minor communicant members to vote in congregational elections of officers. Thus, Morton Smith, one of the drafters of the PCA's *Book of Church Order* and the first Stated Clerk of the General Assembly, wrote the following about *BCO* 24-3 (and, by extension 20-3):

This paragraph defines the voters. It indicates that all communing members in good standing are eligible to vote. This includes children, who have been admitted to the Lord's Table. The argument for this practice is that, if they are able to make this major decision that affects them for all eternity, they are certainly able to make lesser decisions, such as those involving the church.⁶

Smith makes the same point in his commentary on *BCO* 25-1: "The voting membership of the congregation is here defined. Note that all communicant members are entitled to vote. Thus, when young children are admitted to the Table on the basis of their profession of faith, then they are granted voting privileges in the congregation."⁷ The fact that Smith draws the same conclusion about the right of minor communicants to vote from *BCO* 25-1, which does not include the phrase "in good and regular standing," as he does from *BCO* 24-3, which does include that phrase, underscores the fact that he did not understand the phrase "in good and regular standing" to convey any right to sessions or congregations to bar minor communicants from voting in elections of officers.

Further, the 12th General Assembly of the PCA dealt with a Constitutional Inquiry that raised the very question that is before us in this case:

1984 - Constitutional Inquiry #9. From Texas Presbytery.

Question: That the Presbytery ask the General Assembly's Permanent Committee on Judicial Business if a congregation may be permitted to set a minimum age for voting in view of *BCO* 6-2, 6-4, 24-3, 25-1 and 25-3.

⁶ Smith, Morton H., *Commentary on the Book of Church Order of the Presbyterian Church in America*, 3rd ed., (Greenville, SC: Southern Presbyterian Press, 1998), p. 251.

⁷ *Ibid.*, p. 261.

APPENDIX Q

Answer: The *BCO* does not provide for the setting of minimum age for voting in congregational meetings even when constituted as a meeting of the corporation, except when the state provides for a minimum age for those voting in the corporation. [Clerk's Note: *BCO* 25-11 indicates that congregations must act in accord with applicable civil laws.] Adopted.⁸

The clear language of this response demonstrates that the answer is not to be read as “there is nothing in the *BCO* on this matter and thus churches may do as they wish,” but as “the *BCO* does not allow for the establishment of a minimum voting age except in corporate matters where required by the state.”

Just over 10 years later, the 23rd General Assembly received both a personal resolution and an overture from a Presbytery asking that the *BCO* be amended to allow sessions to establish minimum voting ages. Those requests were referred by the General Assembly to the Committee on Constitutional Business to draft appropriate language.⁹ The “whereas’s” in the overture and the action of the Assembly in asking CCB to draft appropriate language certainly indicate a general understanding that the *BCO*, as then written (with the same language as that in use today), did not allow sessions the freedom to set minimum voting ages. The CCB reported proposed language to the 24th General Assembly, and the Assembly voted that the personal resolution and overture be answered in the affirmative, as amended by the language proposed by CCB, and sent to the presbyteries for advice and consent.¹⁰ While the proposed amendment was supported by the bare minimum of presbyteries needed to consent, the 25th General Assembly voted against adding the amendments to the *BCO*.¹¹ Our point here is not to argue why the 25th Assembly voted against adding the proposed amendments, nor is it to argue what the 25th Assembly should have done. Our point is simply that the attempt to amend the *BCO* to allow sessions to establish minimum voting ages in congregational meetings reinforces the conclusion that any attempt to read the current provisions of the *BCO* as allowing sessions to set such minimums

⁸ *M12GA*, p. 140. In 1984, the answers to Constitutional Inquiries were proposed by the Judicial Business Committee but had to be adopted by the General Assembly. Thus, this was an action of the Assembly.

⁹ *M23GA*, pp. 244-245.

¹⁰ *M24GA*, pp. 312-313.

¹¹ *M25GA*, p. 114.

would be a novel reading that is inconsistent with how the relevant provisions of the *BCO* have been understood historically.

As noted above, *BCO* 25-11 draws a distinction between “matters ecclesiastical,” where “the actions of such local congregation or church shall be in conformity with the provisions of this *Book of Church Order*” (emphasis added), and other actions, including those dealing with property, or whether the church will affiliate or withdraw from the PCA, that may be taken in accordance with “applicable civil laws.” Thus, this paragraph draws an important distinction between ecclesiastical matters where civil laws, including church bylaws, cannot trump the *BCO*, and civil matters where the church can and should follow applicable civil laws. There is no indication in the Record that the meeting being held was a corporate meeting under the laws of the State of Washington. Rather, it was a congregational meeting, an ecclesiastical gathering subject to the provisions of the *BCO*. Any allowable civil law restrictions are not applicable. Thus, *BCO* 25-11 offers no warrant for the restriction of voting by communicant members under the age of eighteen in elections of pastors, ruling elders, or deacons.

Dr. L. Roy Taylor, the third Stated Clerk of the General Assembly, provided a cogent summary of the Constitution’s position on the question of whether churches and sessions can set minimum voting ages in congregational meetings. In reflecting on the material we have discussed in this section, he wrote, “In short, the Book of Church Order does not provide for the setting of a minimum voting age except in cases where the civil law requires a specified age of majority for one to vote on legal matters (the purchase or sale of church property, for example). Therefore, Sessions should bear in mind that, when they admit young children to communion, they are also admitting them to voting privileges in congregational meetings in all matters except in cases where the civil law requires a specified age of majority for one to vote on legal matters.”¹²

The *BCO* and Voting Restrictions

It is certainly within the power of the Church to place restrictions upon the rights and actions of its communicant membership. But the setting of such restrictions is not the prerogative of a single congregation or court. It must be

¹² https://www.pcahistory.org/mo/taylorLR/taylor_minimum_voting_age.pdf.

by the action of the whole Church, acting through the regular procedures set forth in the *BCO* to amend the Constitution. If there were interest in restricting the rights of communicant members to vote in officer elections, then the Constitution would have to be amended to reflect in express fashion that restriction. Absent such amendment, the Constitutional right of any communicant members to vote in an officer election may not be abridged or denied, even by church bylaws.

It is important to underscore the important principle that is at stake in this case. Respondent argues that “Being a communicant member is a *necessary*, but not a *sufficient* condition for voting (*BCO* 6-4; 25-1)” (emphasis added), and that PCA congregations have the right “to evaluate minor communicants as lacking the ‘regular standing’ (*BCO* 20-3; 24-3) necessary to elect officers.” But, even if we grant that assertion (which, as shown above, we do not) nothing in the text of these provisions, nor in their legislative history, gives any indication that voting is the only action that is in view, or that age is the only “sufficient” condition that must be considered. If, therefore, this Commission were to accept Respondent’s argument, there is no clear basis by which to determine which extra-Constitutional restrictions on the rights of communicant members are allowable and which ones are not. Thus, for example, could a congregation refuse to allow communicant members to be counted toward the required percentage of membership for calling a congregational meeting in *BCO* 25-2? Could congregants of a certain age be denied access to the courts of the Church by a bylaw provision forbidding them from filing complaints under *BCO* 43? Further, what would prevent a church in its bylaws from denying women the right of voting in a congregational meeting under a theory of “household voting,” or from saying that only persons of a certain race or ethnicity could vote for church officers, or from saying that only members of Session could vote in congregational elections?

In short, accepting Respondent’s argument would either leave churches free to restrict communicant members’ voting rights without restriction or could lead to unnecessary, protracted, and repeated litigation, without clear direction from the Constitution, to determine which restrictions are reasonable and which are not. Thankfully, neither of these possibilities is before us. The language, context, and history of the *BCO* provisions under consideration all demonstrate that a church may not restrict the voting rights of communicant members of their congregation on the basis of age, or for any other reason, except where there is a clear Constitutional warrant for so doing (*e.g.*, the

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member is not in good standing or is not present at the meeting where the election is taking place).

Conclusion

For all of these reasons the Complaint is sustained. This Decision does not annul the action of CPC Session in ordaining and installing these particular officers to church office. But in any subsequent action respecting the election, ordaining, and installation of men to church office, CPC Session must ensure that its actions, and those of the Congregation, comply with the Constitution in keeping with this Decision.

The Panel proposed the Complaint be denied. A substitute motion was adopted to replace the Panel's Statement of the Issue, Judgment, and Reasoning. The SJC reviewed each part of the proposed amended decision and approved the final Decision by vote of **15-5**, with 3 absent, and 1 disqualified.

Bankson	<i>Concur</i>	S. Duncan	<i>Concur</i>	Maynard	<i>Dissent</i>
Bise	<i>Concur</i>	Eggert	<i>Dissent</i>	Neikirk	<i>Concur</i>
Carrell	<i>Concur</i>	Evans	Absent	Pickering	<i>Dissent</i>
Coffin	<i>Concur</i>	Garner	<i>Dissent</i>	Sartorius	<i>Concur</i>
Dodson	<i>Concur</i>	Greco	<i>Concur</i>	Ross	Absent
Donahoe	Disqualified	Kooistra	<i>Concur</i>	Waters	<i>Concur</i>
Dowling	<i>Concur</i>	Lee	<i>Concur</i>	White	Absent
M. Duncan	<i>Concur</i>	Lucas	<i>Dissent</i>	Wilson	<i>Concur</i>

RE Donahoe was disqualified because he is a member of a church in this Presbytery.

CONCURRING OPINION

Case No. 2023-11: *Mr. Psiaki v. Pacific Northwest*
TE David F. Coffin, Jr., joined by RE Wilson
March 27, 2024

I concur with the decision of the Standing Judicial Commission (SJC) in this case, to sustain the Complaint, finding that a provision of church Bylaws that limits voting in congregational meetings to those communing members aged eighteen and above, is unconstitutional. Nothing in the *BCO*, or the acts and deliverances of the General Assembly, indicates that sessions and congregations have such discretion. *BCO 25-7* is clear: “if a particular church is incorporated, the provisions of its charter and bylaws must always be in accord with the Constitution of the Presbyterian Church in America”.

Yet as upholding our polity in this case, I must further bear witness, for the sake of conscience, that I disagree with this state of affairs. I think that the PCA has erred in this matter, and that the error ought to be corrected by an adjustment to the *BCO*.

Historic Presbyterian doctrine holds that children of believers are members of the church by birthright. As such, they *have* all the rights and responsibilities of church members, these rights are not a grant of our *BCO*. However, the *exercise* of these rights and responsibilities is rightly related to their intellectual, emotional, physical, and spiritual maturity. A child of believers has a right to baptism. But that right is not exercised in the delivery room; it is exercised when the child has physically matured enough to be publicly exposed to others without a threat to its health. This truth is implicitly recognized in our practice of “communicant” membership. A child member has the right to communion, but does not have the exercise of that right, until the child can make a credible profession of faith. We grant that a child member might have been subject to the regenerating power of the Holy Spirit from a very young age. Yet to make a credible profession of faith, and to participate at the Table responsibly, the child must have matured intellectually, emotionally, physically, and spiritually.

However, there is nothing about making a credible profession of faith that signals the proper exercise of other rights of membership, rights that typically take further maturation before reasonable competence—intellectual,

emotional, physical and, spiritual—has been achieved. Voting for church officers, serving as a church officer, exercising the right to complain of Session actions, bringing charges against an allegedly erring brother or sister, being yourself subject to formal disciplinary procedures, all require a maturation that a young communicant typically does not have, particularly while living in the household of one's parents. There is nothing about a credible profession of faith that implies competence, or necessitates the exercise of these rights, and they may well be reasonably regulated by age regulations.

This should not surprise us. Confession of Faith 1.6. teaches us that,

The whole counsel of God concerning all things necessary for his own glory, man's salvation, faith and life, is either expressly set down in Scripture, or by good and necessary consequence may be deduced from Scripture: unto which nothing at any time is to be added . . . Nevertheless, we acknowledge . . . that there are some circumstances concerning the worship of God, and government of the church, common to human actions and societies, which are to be ordered by the light of nature, and Christian prudence, according to the general rules of the Word, which are always to be observed.

What do circumstances concerning the government of the church, common to human actions and societies, ordered by the light of nature, and Christian prudence, teach us? Children are by birthright citizens of the country of their parents. As such, they *have* all the rights and responsibilities of citizens, these rights are not a grant of the civil government. However, the *exercise* of these rights and responsibilities is rightly related to their intellectual, emotional, physical, and spiritual maturity. And all good governments set age-appropriate restrictions on the exercise of those rights (e.g., voting, driving, subjection to draft, taxation, subjection to criminal prosecution, right to work, service in military, running for office) for the sake of the child and the good of the community. I further note that the fact that *BCO* allows for age restrictions if the state requires it, demonstrates that the question is one of prudence, not principle.

I look forward to a day when I can vote to deny a complaint alleging that limits voting in congregational meetings to those communing members aged

eighteen and above is unconstitutional because the PCA will have reformed its polity according to the sound outworking of her fundamental principles.

DISSENTING OPINION

Case No. 2023-11: *Mr. Psiaki v. Pacific Northwest*

TE Sean Lucas

March 8, 2024

This case turned on two key phrases: “rights and privileges” and “good and regular.” First, in *BCO* 6-4, “Those only who have made a profession of faith in Christ, have been baptized, and admitted by the Session to the Lord’s Table, are entitled to all the *rights and privileges* of the church.” Of what do the rights and privileges consist? And does “all the rights and privileges” mean “every single right and privilege extended to every single person from the moment he or she is admitted by the Session to the Lord’s Table”?

The parallel case to associate membership is instructive. In *BCO* 46-4, associate members “shall have all the rights and privileges of that church, with the exception of voting in a congregational or corporation meeting and holding an office in that church.” This helpfully includes voting in a congregational meeting and holding church offices as part of the “rights and privileges of the church.” And yet, not every single person is allowed to hold church office. Our Assembly exercised its authority to limit church office to men only (*BCO* 24-1). It exercised its prohibitive authority to limit “rights and privileges.”

But does this mean any male communicant member can seek to exercise his “right and privilege” to serve as a church officer? No. *BCO* 24-1 gives to the Session the power to exercise its discretion by rendering “a decision on Christian experience at any point in the process, and based on that decision, may judge him ineligible for that election.” Such a decision may not rise to the level of a disciplinary offense; it may involve vagaries of Christian maturity that are hard to tease out. Yet, such a limit on a right and privilege exists.

What about a limit on the right and privilege of being an officer based on age? A Session would be within its purview to limit church office to men who have at least reached their majority in years and demonstrates the requisite spiritual

and emotional maturity for church office. No court of the church would be willing to have a teenager as an elder or deacon. And even though the Constitution does not provide for this, either by way of permission or prohibition, a Session for prudential reasons would rightly restrict certain male communicant members from office because of age.

Likewise, if Presbytery were to receive a petition of an independent gathering of believers to become a mission church who are all under the age of 18, though they may be PCA Communicant members, Presbytery would rightly urge such a group to wait until there is more years and wisdom before they seek to plant a church. Even though the Constitution does not specifically provide for this, a Presbytery for prudential reasons would rightly restrict communicant members from planting a church because of age.

In a similar fashion, there may be prudential reasons for a Session or a Congregation to restrict communicant members from exercising their “right and privilege” to vote in congregational meetings until a certain point in time. Such a restriction might be different from congregation to congregation. Likewise, a Session or Congregation would be within its purview to have no restriction at all. However, to limit a Session’s prudential judgment as they work with parents to exercise oversight over those minors who are communicant members (*BCO* 28-1) would be a misuse of church power from a court of the church.

The second phrase is “good and regular.” In *BCO* 20-3 (cf. *BCO* 24-3), “all communing members in *good and regular* standing, but no others, are entitled to vote in the churches to which they are respectively attached.” Good standing focuses on those who are free from disciplinary action (*BCO* 14-2, 19-1); whether members or ministers, they are entitled to letters of dismissal to other congregations or presbyteries (*BCO* 13-10(2); 13-13; 46-7; 38-3a). Likewise, only members in “good standing” may file complaints against the actions of a Session (*BCO* 24-7, 25-2, 43-1). Those who are in “good standing” at a PCA church or any other evangelical church may come to the Lord’s Table (*BCO* 58-4).

But what is “regular” standing? In this instance, it refers to those who are members “according to rule” (cf. *BCO* 19-16; 46-3). Certainly, those rules would include those requirements expressly provided for in *BCO* 6-4: profession of faith in Christ, baptism, and admission to the Lord’s Table by

the Session. But *BCO* 28-3 (cf. *BCO* 6-2) allows prudential discretion to the Session how and when these “rules” are applied: both in terms of whether such profession of faith is credible and in terms of when a minor has come to “years of discretion.” Beyond that, there might be other “rules” that could be established for when a minor’s “rights and privileges” might be exercised—such as those discussed above, in terms of holding church office, participating as members of a church plant, or voting in congregational meetings.

One such rule might come from civil authorities. *BCO* 25-11 recognizes that there might be “civil laws” to which a local congregation or church submits by their “action.” One such civil law might include the setting of a minimum age for actions of the corporation. It may be the case that the Congregation’s election of officers doubles as the Corporation’s elections as its officers; thus, the State’s restriction has the net effect of restricting the minor communicant’s ability to elect elders (*BCO* 25-7). Surely, though, if the State can restrict a minor’s “rights” as a communicant member, the Church has the prudential ability and right do the same. From this we conclude that a minor communicant member’s voting rights are not inalienable; they are directed by prudential discretion of a Session or Congregation.

In fact, the history of the PCA suggests that there has been a great deal of liberty extended to Sessions and Congregations in determining “regular” standing. In 1984, in response to a Constitutional Inquiry from Texas Presbytery, the General Assembly said that “the *BCO* does not provide for the setting of a minimum age for voting in congregational meetings even when constituted as a meeting of the corporation, except when the state provides for a minimum age for those voting in the corporation” (*M12GA*, p. 140). By noting that the *BCO* “does not provide for setting a minimum age,” the Assembly was saying there was no provision one way or the other. It may be that one lived in a State where such provision was made; otherwise, there is no provision, one way or the other. In the same way that the *BCO* does not “provide for” (and so does not either prohibit or mandate) a “rotating session,” so the *BCO* does not provide for—either by mandate or prohibition—a minimum age. The Assembly’s unwillingness to accede to overtures through the years to clarify this issue, either by setting or prohibiting a minimum age, demonstrates its wisdom in leaving this matter to the prudential discretion of local church sessions.

In the light of these things, I believe that the Commission erred in their decision.

TE Sean M. Lucas

DISSENTING OPINION

Case No. 2023-11: *Mr. Psiaki v. Pacific Northwest*
RE Jim Eggert, TE David Garner,
RE John Maynard, and RE John Pickering
March 26, 2024

We write to dissent from today's Decision. We do not believe that our Constitution, as presently framed, supports an unqualified right to minor communicant members to vote in congregational meetings.

The Absence of Biblical Prescription

It always behooves us to first consider the Scriptural example regarding the right and practice of voting for officers. Acts 2 references Peter standing up “among the brothers (the company of persons was in all about 10)” and “they put forward” two men, choosing them by lot. The “they” presents some challenges of interpretation since there is textual evidence in Acts 1:13-14 that the company seems to have included the eleven, “the women” as well as “Mary the mother of Jesus and his brothers.” Yet Peter's proposal in Acts 1:16, addressed as it is to the “Brothers” raises reasonable questions about who the selecting “company” was. Did “Brothers” include the entirety of the group? “Sisters” are not mentioned but it might be reasonably supposed that they would be included by that appellation and, particularly in light of the instant matter, one might also wonder whether children would be in view. Would the appellation “Brothers,” typically include younger communicant children? It is not possible to conclude with certainty.

By comparison, in Acts 6, we find the twelve instructing the “full number of the disciples” to “pick out from among you seven men of good repute, full of the Spirit and of wisdom, whom we will appoint to this duty,” meaning ordination to the office of Deacon. The text says that the group “chose” seven

men and “these they set before the apostles, and they prayed and laid their hands on them,” again indicating that the “full number” agreed on a mode of selection. Again, we may fairly ask who exactly composed the “full number of disciples” in this context, bearing in mind that Acts 2:41 records that Jerusalem had at least “3,000 souls” who had become part of the body of believers in that city, which raises interesting challenges for understanding the exact mechanism for their choice. Acts 2:46 says that the church met in the temple courts (where there would have been many meeting spaces) but also “broke bread in their homes,” suggesting a plurality of congregations in the single city. (Compare e.g. Paul traveling from “house to house” in Ephesus in Acts 20:20). Did the “full number of disciples” who “picked” the seven include communicant children? It is not possible to discern for sure.

Reasonable persons may differ about whether children admitted to the Lord’s Supper participated in the selection of officers described in the above texts, and thus it is difficult to derive a strict Biblical prescription commanding a Scripture-grounded right in minor communicants to vote for church officers. Because our form of government is in conformity with the “general principles of Biblical polity,” we recognize that not every detail of our polity is Scripturally decreed. (*BCO* 21-5) Minor communicant voting appears to be such an issue. Therefore in order to settle the question presented in this case, we are left to humbly contend with the words and meaning of our Constitution, recognizing that where the Scripture leaves liberty, our Constitution may grant liberty as well, while remaining ever subject to amendment to reflect such additional wisdom and correcting insight the Spirit of Christ grants the Church via Constitutional amendment to implement the best and most agreeable administration of our Biblical polity.

The Testimony of Our Constitution

Only two sections of our *Form of Government* demarcate the *grant* of congregational voting entitlement in our polity and therefore these two provisions are the polestar for navigating any conclusion about minor communicant suffrage rights in PCA congregational meetings:

- *BCO* 20-3 -- “All communing members in good and regular standing, but no others, are entitled to vote in the churches to which they are respectively attached” [this provision governs the election of pastors] and

- *BCO* 24-3 -- “All communing members in good and regular standing, but no others, are entitled to vote in the election of church officers in the churches to which they respectively belong” [this provision governs the election of ruling elders and deacons]

Amidst all the provisions of our Constitution, only these two unequivocally declare who is “entitled” to vote “in the churches to which they are respectively attached” and “the churches to which they respectively belong” regarding the election of officers.¹ Therefore if entitled communicant minor suffrage is to be framed by our Constitution, we must reckon with the phrase “good and regular standing.” We will see below that this qualifying phrase has circumscribed the right to “entitled” suffrage in our polity since the nineteenth century.

“Good standing” means that the member under consideration is not under censure.²

“Regular” in this context is just the adjective for the noun *regulation* and means *constituted, conducted, or done in conformity with established or prescribed usages, rules, or discipline; conformable to some accepted or adopted rule or standard*. Our *Book of Church Order* uses the word “regular” this way in *BCO* 10-1: “The Church is governed by various courts, in regular gradation.” In other words, the relationship of the various courts of the Church are regulated in accordance with a prescribed rule or standard.

¹ Whether these provisions govern voting entitlement in other types of matters that congregations might take up is possible, but less clear (dissolution of the official relationship between the church and the officer without censure per *BCO* 24-7; the selection of corporate officers or buying, selling, and mortgaging real property per *BCO* 25-7; affiliation with the PCA or a Presbytery or withdrawal from the same per *BCO* 25-11; request for dissolution per *BCO* 25-12. On the other hand, a congregational meeting to vote on the dissolution of the pastoral relation shall be “called and conducted in the same manner as the call of the pastor” (*BCO* 23-1).

² Ten sections of our *Book of Church Order* use the phrase “good standing,” without the additional phrase *and regular*. It is only in connection with voting rights that we find this compound expression, making it unique to the suffrage question. (For the use of the phrase “good standing,” see *BCO* sections 13-3, 14-2, 19-1, 24-7, 25-2, 38-3, 43-1, 43-5, 46-7, and 58-4.

Therefore “regular standing” means that the member under consideration conforms to some accepted or adopted rule or standard that qualifies him to vote. Since, as we have already noted, *BCO* 20-3 and 24-3 are the only places in our Constitution endowing “entitlement” to vote as such, any regulations giving rise to entitlement to *regular standing* must be found, if at all, *outside* of the Constitution. After all, if being a communicant member “in good standing” (not under censure) gives an unqualified right to vote, then the addition of the adjective “regular” would be rendered inoperative and idle. Since scouring the Constitution in search of further “regulations” governing who has standing to vote at congregational meetings turns up nothing, it follows that such regulations, if any, must arise from the local church.

To illustrate another such use of the adjective “regular” where an external standard is in view, consider *BCO* 21-4.a which prescribes that an intern applying for ordination may present authentic testimonials of having completed a “regular course of theological studies.” To say that the course of theological studies is “regular” means that the course of instruction was regulated by an educational institution where the details of the course of instruction were entrusted solely to that institution rather than to the Assembly. Or consider *BCO* 13-3 which states that every ruling elder not known to the Presbytery shall produce a certificate of his “regular appointment” from the Session of the church whom he represents. That is to say that Sessions have their own regulations for selecting their commissioners to Presbytery, such regulations being entrusted solely to those Sessions. Therefore, Presbytery may require a certificate of his “regular appointment” to Presbytery by the local rules of his Session. Similarly, a member of a congregation seeking *regular standing* to vote at a congregational meeting is one who is in conformity with that congregation’s regulations governing who has standing to vote, a standard entrusted to the local churches by our Constitution.

Therefore, according to the testimony of our Constitution, “regular standing” for voting entitlement means regulated by local practice.

BCO 25-11 is a Limitation on, not a Grant, of Voting Entitlement

BCO 25-1 is, we believe, misunderstood to grant universal entitlement to vote for all communicant members. *BCO* 25-1 says, “The congregation consists of all the communing members of a particular church, and they only are entitled to vote.” Because this provision contains the phrase “entitled to vote” it is

tempting to interpret this provision as a full grant of voting entitlement, but this is not the case. In fact, the opposite is the case because *BCO* 25-1, properly understood, is a *limit* rather than a *grant* of voting entitlement.

BCO 25-1 was added by the PCUS in 1925 together with the entire chapter now governing “Congregational Meetings.” Before 1925, the *Form of Government* had no independent section regulating congregational meetings or generally addressing the corporate aspects of the church congregation. For example, before 1925 there were no Constitutionally mandated quorum requirements for a congregational meeting (*BCO* 25-3) and no regulations concerning how the Moderator of a congregational meeting should be selected (*BCO* 25-4),³ such matters being left to local regulation and practice, just as voter eligibility long had been. However, among the provisions that were *not* changed with the adoption of the new chapter on “Congregational Meetings” in 1925 were those long-standing articles referenced above which the PCA has inherited in the form of *BCO* 20-3 and 24-3 declaring that only those communing members who are “in good and regular standing” are “entitled to vote,” a standard that had long been governed by local, rather than constitutional, regulation. It is not reasonable to understand the 1925 addition of an article on “Congregational Meetings” as an abandonment of deference to local congregational practice in voter eligibility.

Moreover, taken on its face, *BCO* 25-1 does *not* say that all communicant members of a congregation are unqualifiedly entitled to vote; it states merely that “*they only*,” meaning communing members, are entitled to vote. The regulation or restriction of voting within the class of “communing members” in “good and regular standing” expressly prescribed in *BCO* 20-3 and 24-3 is entirely unaffected by *BCO* 25-1, which effectively provides that being a communicant member is a *necessary* but not a *sufficient* qualification to vote at a congregational meeting. In other words, unlike *BCO* 20-3 and 24-3, *BCO* 25-1 is not a *grant* of suffrage rights, but a *limitation* on them.

Distinguishing between necessary and sufficient qualifications is not mere gamesmanship or special pleading but has a theological foundation. *BCO* 25-1 certainly excludes non-communicant and non-members from voting, but more fundamentally, it is written the way it is because Presbyterians would otherwise assume for theological reasons that the reference to the

³ You can find the referenced parallel provisions in *The Book of Church Order*, Presbyterian Church in the United States, Revised Edition (1925), XXVII, §154 and §155.

“congregation” in *BCO* 25-1 would certainly *include* its children, both communing and non-communing alike. Therefore, the clause “and they only are entitled to vote” was added not to grant a newfangled and unqualified voting entitlement for all communing members, including minor communicants, but to interrupt the theological presumption of minor children's inclusion in the “congregation” for the purpose of congregational meetings. Therefore, the origin and best explanation for the addition and framing of the clause “and they only are entitled to vote” are the different considerations attending the eligibility and suitability of a congregation’s communicant children to participate in the sort of business taken up at congregational meetings despite their unquestionable theological inclusion in “the congregation.”

If the grant of an *unqualified* right of suffrage to all communicant members of a congregation (children or otherwise) had been intended, then *BCO* 25-1 would have simply been written this way: “The congregation consists of all the communing members of a particular church, *all of whom are entitled to vote.*” So the fact that *BCO* 25-1 acts as a *limitation* on the types of members who are entitled to vote only serves to highlight that the right to vote at congregational meetings may be qualified or regulated *within the class of communing members* just as *BCO* 20-3 and 24-3 (and their predecessor provisions) have long expressly prescribed. When we consider that non-members and persons under censure pose fairly straightforward cases for voter exclusion, it would seem that local discretion in regulating communicant minor voting is particularly what the limitation of *BCO* 25-1 has in view.

The Origin of the Phrase “Good and Regular Standing”

From 1788 to 1867 the *Form of Government* provided that a pastor must be voted upon by the congregation’s “electors,” with the added qualification that “no person shall be entitled to vote who refuses to submit to the censures of the church regularly administered; or who does not contribute his just proportion, according to his own engagements, or the rules of the congregation, to all its necessary expenses” (*A Draught of the Form of the Government and Discipline of the Presbyterian Church in the United States of America*, Printed by S. and J. Loudon, No. 5 Water Street, 1787 and adopted in 1788, page 21-22). By comparison, ruling elders and deacons, who were presumably not compensated by their congregations, were to be elected “in the mode most approved and in use in that congregation” (*Id.* at page 16). These

provisions evidence the instantiation of congregational preference and local regulation of congregational voting stretching back to the seventeenth and eighteenth centuries in American Presbyterianism.

This context also informs the development of the *Form of Government* in the PCUS in the years following the Civil War as the Southern Church sought to affect a major revamping of the *Book of Church Order*. Thus, we find in the 1867 draft:

All communicating members of the church, in good and regular standing, but no others, are entitled to vote in the election of church officers in the congregations to which they are respectively attached. In the election of a pastor, when a majority of the electors cast their votes for a candidate, he shall be considered elected; but a separate vote shall also be taken of the non-communicating adult members of the church, who are regular in their attendance on the common ordinances in that congregation, and of all other persons who regularly contribute to the support of the pastor, in order to be laid before the presbytery as a representation of their desire in the premises.

(*Form of Government, Presbyterian Church in the U.S.* 1869, Chapter VI, Section IV). This draft first introduced the phrase “good and regular standing.” The 1869 draft was the same as its 1867 counterpart except that it proposed to make the vote of non-communicating adult members discretionary rather than mandatory, again showing a tendency to widen deference to local practice in congregational elections.

After more than a decade of work, the new *Form of Government* was adopted in 1879, and the section demarcating voting entitlement took substantially the form of our current book:

All communicating members in good and regular standing, but no others, are entitled to vote in the election of church officers in the churches to which they are respectively attached; and when a majority of the electors cast their votes for a person for either of these offices, he shall be considered elected.

(Form of Government, Presbyterian Church in the U.S. 1869, Chapter VI, Section III, IV). This grant of the entitlement to vote only to those communing members who are in “good and regular standing” has persisted in our polity -- now codified in *BCO 20-3* and *BCO 24-3* -- since its final adoption in 1879, now some 145 years in continuous use. The PCA has never changed it, having carried that phrase over from the PCUS in 1973.

As a matter of Constitutional interpretation, it is our view that we should not read this phrase in a way that our forefathers, who passed it on to us, did not. It is hard to accept that this phrase has been understood to grant a universal right of suffrage to minor communicants over the past 150 years of Presbyterianism, especially in light of clear evidence of such varied Presbyterian practice regarding minor voting rights. As we shall see below, it appears that our forefathers read it as permissive of local regulation of congregation voting, including minor communicant voting.

The History of Local Regulation of Voting Entitlement

When we study the history of Presbyterian polity, we discover that congregations have long regulated eligibility to vote in congregational meetings. The Presbytery in its brief to the SJC provides a lengthily cited survey of pre-1879 practice cataloging a “wide variety of additional rules for voters,” including (1) Minimum period of church attendance, (2) Consistency of attendance for a number of successive Sundays or communion services, (3) Monetary contribution sufficient to hold/rent a pew, (4) Monetary subscription to defray minister’s annual salary or other church expenses, (5) Right to wield more votes depending on how many feet of pew one rented, (6) Right to allocate votes to family members and other regular occupants of one’s pew, (7) Confinement of all voting matters (not just officer elections) to regular contributors, (8) Confinement of voting for pastors and deacons, but not ruling elders to contributors, (9) Confinement of voting to men, (10) Minimum voting age between 16 and 21, sometimes different for men and women.

In its brief, the Presbytery also recounts convincing evidence of how deference to local voting practice persisted past the 1879 revisions:

[C]ongregational voting rules, including minimum voting age, were observed in the PCUS well after the 1879 voter conditions had been adopted. In 1894 Second Presbyterian

Church in Charleston published its *Manual for the Use of Members*. Second Presbyterian had been pastored by the widely read ecclesiologist, Rev. Thomas Smyth (1808-1873), and was notable for its size and history. Its Manual cannot, therefore, be mistaken as containing obscure or contrarian practices. Next to its avowed conformity to the PCUS Constitution, it asserts the “Necessity for these rules” laid down by the congregation. “There are several matters in the mode of government and discipline left...undetermined” in the Constitution, with the result that it allows for a “variety of practices. “Predictably, the profile of eligible voters was one such matter. Since it involves adoption of financial burden, the church understood minister-election to belong to its “Temporal Government.” In “all elections of a pastor,” voters had to be a: “male pew-holder, not under twenty-one years of age, who has signed these rules and held a pew, or half pew, for twelve months, and whose pew rent is fully paid up to the first day of the six months in which the meeting is held.”

Second Presbyterian was in the same Presbytery as the Rev. John B. Adger (1810-1899), who chaired the committee that oversaw the creation of the new *BCO* after James Henley Thornwell (the first chairman) died in 1862. Adger served his last several years in the same Presbytery as Second Presbyterian Church. As the Presbytery noted in its brief, “If Second Presbyterian’s elector conditions contradicted the *BCO*, it could not have escaped Adger’s notice and commentary, or the rebuke of presbytery.”

We find additional evidence for the longstanding practice in favor of local voting regulation from no less than the Princeton theologian Charles Hodge who, although divided from his southern Presbyterian brothers by the Civil War, was both an interested observer of Presbyterian practice and erudite commentator concerning Presbyterian polity for a better part of the nineteenth century. In a chapter titled “Who May Vote in the Election of Pastor,” Hodge wrote:

In the Presbyterian Church, great diversity of usage has prevailed. Perhaps the most common method is for heads of families, and they only, whether communicants or not, to vote in the choice of pastor. In other cases, all communicants, male

and female, adults and minors, and all contributors vote. In others again, the elective franchise is confined to adult members of the congregation.

The Church and Its Polity (New York: Thomas Nelson and Sons, 1879), page 244. This testimony from Hodge supports the conclusion that local diversity of electoral practice prevailed in both the Northern and Southern Church throughout the nineteenth century and that the restriction of the franchise to adults was a familiar voting limitation for at least some congregations.

It seems therefore that the 1879 language “good and regular standing,” rather than introducing a rule guaranteeing suffrage for minors (and others), both abbreviated and instantiated the longstanding custom of deference to local electoral regulatory practices already long recognized under the former rule.

Thus, we find that, historically speaking, Presbyterian congregations, under the umbrella of the very phrase we are interpreting today, were understood to be Constitutionally at liberty to impose various voting regulations fully adaptable to changing local norms, practices, expectations, convictions, and preferences, including local preference regarding minor communicant voting.

We would add that the latitude granted to congregations under this rule of deference is not categorically unreviewable by the courts. We are not being asked today to adjudicate a parade of horrors resulting from deferential local regulation. The only question posed to the SJC by this case is whether minor communicant suffrage can be regulated under the longstanding rules articulated in *BCO* 20-3 and *BCO* 24-3. Given that regulating minor communicant suffrage is not clearly prohibited by Scripture, was apparently accepted practice in Presbyterian churches since at least 1788, and has apparently persisted in some congregations for at least 145 years under the language of the *BCO* today under consideration, we dissent from today’s Decision, rejecting as it does the longstanding locally permissive interpretation of the phrase “good and regular standing.”

The Persuasiveness of the Decision is Only Apparent

The Decision promotes an apology for minor communicant suffrage derived inductively from provisions *outside* of *BCO* 20-3 and 24-3, the only provisions of our Constitution that actually demarcate voting entitlement. The arguments

are grounded in important principles that animate our ecclesiastical convictions, such as:

- The right of the people to elect the officers that rule over them (*BCO* 16)
- The definition of “the congregation” as consisting of “all communing members” (*BCO* 25-1)
- Those who have made a profession of faith in Christ, have been baptized, and admitted by the Session to the Lord's Table, “are entitled to all the rights and privileges of the church” (*BCO* 6-4)
- Communing members should be allowed to “participate in critical aspects of congregational meetings.”

No doubt, there is a reasonable and principled case to be made for minor communicant suffrage. Our own respective congregations practice it, and were it not for the phrase “regular standing” in *BCO* 20-3 and *BCO* 24-3 together with the long history of local regulation of congregational elections in American Presbyterianism, the inductive arguments advanced would persuade us.

But the immediate task for the SJC in any given case is not to resolve “important principles” in the abstract so much as to “judge according to the Constitution of the Presbyterian Church in America” as our oaths demand as applied to the case before us.

Perhaps most telling is the Decision's concession that “[i]t is certainly within the power of the Church to place restrictions upon the rights and actions of its communicant membership.” But why should that be the case? If the opportunity to cast a vote for or against those who will rule over you is truly a “right,” how can the Church possibly possess the power to take that right away, even by Constitutional amendment? And if the careful inductive reasoning of the Decision, based as it is on all the argument that when one considers the whole of our Constitution one must conclude that minor communicants *must* have a right to vote, how could the Church justify adopting a change to our Constitution that would effectively nullify these “important principles” supposedly embedded therein and render our Constitution internally incoherent?

Recounting the debates of past Assemblies on the question, the Decision declines to “argue” about what the 25th General Assembly should have done when presented with an amendment that would have expressly permitted Sessions to regulate minor voting, which is to say that it would have been just as right and proper for the Assembly to have adopted an express warrant to Sessions to regulate minor voting as its doing nothing at all. But if the Assembly could regulate minor voting, or “allow” Sessions to regulate minor voting, then why wouldn’t the present restriction of voting entitlement to those in “regular standing” *already* permit that result?

The proposal insists that such regulation “must be by the action of the whole Church,” and “the Constitution would have to be amended to reflect that restriction.”

But, in an ecclesiastical sense, is the Assembly inherently in a better position than a Session to judge whether the minor communicants in a Session’s congregation should be permitted to vote, or to determine under what conditions they should be permitted to do so? We believe “[a]ll Church courts are one in nature, constituted of the same elements, possessed inherently of the same kinds of rights and powers, and differing only as the Constitution may provide” (*BCO* 11-3). If the 23rd, 24th and 25th Assemblies debated and ultimately declined to pass a provision unequivocally prescribing the particulars of regulating minor communicant voting, and if it is really true that church Sessions and General Assemblies alike are “possessed inherently of the same kinds of rights and powers,” why would those Assemblies’ failure to pass a clear resolution about how to regulate minor communicant voting close the path the instant Session reached regarding the same issue? Under the circumstances, is the “decision” of the General Assembly to fail to agree upon any particular action inherently any more valid than the decision of any given Session in the PCA about the issue?

In this case we were asked to review a Session’s decision to permit the regulation of minor communicants voting in its congregation. Whenever “according to Scriptural example, and needful to the purity and harmony of the whole Church, disputed matters of doctrine and order arising in the lower courts are referred to the higher courts for decision, such referral shall not be so exercised as to impinge upon the authority of the lower court.” (*BCO* 11-3). How could the proposal *not* be such an infringement, particularly if the matter in question was debated and then effectively laid aside by the continued

deliberations of no less than three General Assemblies? Is a Session not permitted to pick up and resolve the matter that those three General Assemblies laid aside without a clear resolution?

The only way to overcome this objection is to insist that our Constitution *already* clearly prohibits the regulation of minor communicant voting, which is the position presented by the Decision. But our Constitution does *not* clearly prohibit the regulation of minor communicant voting not only for the reasons previously explained, but also precisely because three different General Assemblies (and the Presbyteries that reviewed their proposals) reached no firm consensus regarding the question.

Reasonable minds may differ as to whether minor communicant children must be afforded a right to vote in congregational meetings. If the Assembly would like to make a rule that guarantees communicant minor suffrage, it may certainly do so through a Constitutional amendment. It is not wise for the SJC to announce such a rule from the bench considering the long history of a contrary practice and conflicting opinions, particularly when we consider that we have no clear idea of how many congregations this ruling may impact, or in what fashion.

This Dissent was drafted by RE Jim Eggert and edited by TE David Garner and RE John Pickering.

DISSENTING OPINION

Case No. 2023-11: *Mr. Psiaki v. Pacific Northwest*
RE John Maynard
March 25, 2024

I concur with RE James Eggert's well-reasoned apologetic that local churches in the PCA today are free to set minimum limits on the voting age of church members. In support of his dissent, I would like to offer some additional arguments which support limitations on minor communicant voting.

In the PCA today some contend that we have what amounts to a mandate applied to all local churches which requires them to allow every communing member to vote regardless of their age. This would mean that an 8-year-old

child (and sometimes even younger) could be the deciding vote on whether a church calls a senior pastor or not, or whether the church purchases a \$5 million dollar property. Is there any Scriptural support for such a mandate? Does God's Word provide any suggestion of support for the rationale of setting age limits for voting?

There is a wise and rational argument to be made that local churches are free to regulate voting age if they choose to do so. As already mentioned, RE Eggert has shown that the history of the church and its secondary standards support this freedom. I would like to add the perspective that there is a clear acknowledgment of the wisdom of age restrictions in Scripture and the same rationale for such restrictions would apply to limiting who may vote on issues of vital importance to the church.

First, note the limits that God himself establishes limits on the age of military service in OT Israel. (Numbers 1:3, 32, 45; 26:2; 1 Chronicles 23:27, etc.) It's easy to understand why. Military service requires mental, physical and even spiritual maturity which comes only with years. Enlisting children to fight in hand-to-hand combat with Canaanites, Hittites and Amorites hardly made sense. There were obvious wisdom principles at work here which undergirded the rationale for limiting by age those who were eligible to serve in the military.

Second, the book of Proverbs repeatedly calls attention to the developed wisdom of those with the maturity which comes with age along with the lack of developed wisdom that is associated with the young. At least 26 of the verses in Proverbs begin with the phrase, "My son," as a father passes along wisdom gained by years of life to his young son. "Hear, O sons, a father's instruction, and be attentive, that you may gain insight, for I give you good precepts; do not forsake my teaching. When I was a son with my father, tender, the only one in the sight of my mother, he taught me and said to me, 'Let your heart hold fast my words; keep my commandments, and live. Get wisdom; get insight; do not forget, and do not turn away from the words of my mouth.'" (Proverbs 4:1-4) Based upon the wisdom of Proverbs, is it reasonable to assert that an eight-year-old communing member has the same developed wisdom, insight and experience of a 60-year-old (or even a 16-year-old) member?

Third, it is said in Luke 2:52 that even "Jesus increased in wisdom and stature." As a child who was "fully man," he progressed in learning like every other

child and thus his wisdom grew over time. In the same passage in Luke, “when he was twelve years old, they went up (to the Feast of Passover) according to custom.” (Luke 2:41-42) Josephus tell us, “Up to this age (twelve years old) a Jewish boy was called ‘little,’ afterwards he was called ‘grown up,’ and became a ‘Son of the Law,’ or ‘Son of the Precepts.’ At this age he was presented on the Sabbath called the ‘Sabbath of Phylacteries’ in the Synagogue and began to wear the phylacteries with which his father presented him.” (Jos. Antt. ii. 9. 6, v. 10. 4.) Different levels of age and maturity were required by law or convention for one to be eligible to exercise the privileges of participation in Old Testament rituals.

Fourth, this is more of an argument from silence, but the drinking of alcoholic beverages is present in Scripture (usually in positive terms) but there is no mention of age restrictions. Does that mean that there is no place for wise and reasonable restrictions? Although the Scriptures appear to be silent on this question, it is entirely reasonable and rational considering the warnings in Scripture against drunkenness (Proverbs 20:1) that communities were free to set limits and did so whether by law or social convention. And again, the principle that would guide these restrictions are the same ones that have operated in societies throughout the ages – younger people generally lack the judgment and wisdom that will come with age to make the choice to drink or not.

Our confessional statements assert, “The whole counsel of God concerning all things necessary for his own glory, man’s salvation, faith and life, is either expressly set down in Scripture, or by good and necessary consequence may be deduced from Scripture.” (WCF 1.6) Turning from special revelation to general revelation, we consider it rational and reasonable for the USA and all other democracies in the world today to establish by law age limitations on the exercise of the right to vote in civil elections. With respect to voting age, different nations have different laws, but ALL nations restrict voting by age. Should the church ignore the wisdom of Scripture and the testimony of general revelation as it applies to this issue? Limitations on voting age in the US is not even debated today because having such a limitation is logical, reasonable, rational, even wise. It’s a generally accepted principle that citizens of the United States should not have the right to vote until they reach an age when they can make an informed and rational choice among competing candidates or issues. Other conventional age restrictions that seem to flow from general

APPENDIX Q

revelation include the purchase of alcoholic beverages, tobacco products, prescription drugs and the signing of legal documents.

Much like the limitations which govern the voting of citizens in different countries in the "free world" today, it is entirely reasonable and wise from a Scriptural perspective that local churches are free to establish standards which limit the age of those who are entitled to vote in congregational meetings. RE Eggert's dissent asserts that local churches in the PCA indeed have the freedom to set age limits on voting for church matters. This should be seen as logical, reasonable, rational, and even wise in the PCA much as it is in every democracy in our world today. The PCA as a body could pass legislation on this question which would apply to every local church, but we have not chosen to do so because local churches, much like different nations, are free to establish their own standards on this issue. The PCA has by implication chosen to remain silent and as Eggert has argued, left this issue to the local church. There is no universal age restriction for voting in the PCA and there is no mandate which prevents local churches in our "grass roots" denomination from setting such limitations.

OBJECTION ¹

Case No. 2023-11: *Mr. Psiaki v. Pacific Northwest*
RE Howie Donahoe
March 26, 2024

Along with the five dissenting SJC members, I agree the *BCO* already allows congregations to establish a reasonable minimum voting age - something that's been allowed throughout American Presbyterian history and our PCA history. I understand the SJC Decision ruled that the *BCO* currently prohibits a congregation from establishing a minimum voting age, but not necessarily that it *should* be prohibited. Hopefully, a *BCO* amendment will be proposed next year to clarify that PCA churches have freedom to establish reasonable minimum voting ages. The SJC Decision affects *hundreds* of PCA churches. There has never been an SJC Decision that affects anywhere near the number of churches this one will, and thus, a lengthy Objection.

¹ As a member of the Presbytery from which this Complaint arose, I was disqualified from participation.

Following are brief summaries of nine reasons why the SJC should have denied the *Psiaki* Complaint. These are also reasons presbyteries should revise the BCO to ensure congregations regain this freedom.

- | | | |
|---------------------|--------------------------------|--------------------------|
| 1. Regular Standing | 4. Korean Churches | 7. Past Overtures |
| 2. RE Term Limits | 6. 1984 Constitutional Inquiry | 8. Lack of Independence |
| 3. RPCES J&R | 5. GA Commissioner Voting Fee | 9. Requisite Discernment |

1. "Regular" Standing - The two Dissenting Opinions effectively explain how the Decision fails to adequately interact with the critically important historical category of "regular" standing in *BCO* 20-3 and 24-3, and the grammar involved in the phrase "those only" in *BCO* 6-4. I agree with the arguments therein and refer the reader to those.

The interpretation of "regular" standing was also addressed last year in my other Objection. (*Wilson v. Pacific NW, M50GA*, pp. 940-59) That Objection presented six arguments from Presbytery's Brief filed by Dr. Brant Bosserman in *Wilson*, a link to which can be found at the end of this Objection. His two Briefs present extensive and substantial evidence that throughout the history of American Presbyterianism, and especially in the Southern churches, congregations have had freedom to set reasonable voting age requirements.

2. Elder Term Limits - It's presently a well-known, widespread practice for congregations to elect REs for set terms, requiring reelection after the term expires. But we cannot find a hint for that allowance in the BCO. The opposite is assumed - ordained active service until honorably retired. A hermeneutic that allows a congregation to set term limits for elders should also allow a congregation to set reasonable voting age restrictions for minor communicants.²

3. Reformed Presbyterian Church Evangelical Synod Joining & Receiving - Three years before the 1982 J&R with the PCA, the PCA had 22 presbyteries

² *BCO* 34-10 stipulates that if an RE "fails to be engaged in the regular discharge of his official functions" and if it is "due to his lack of acceptance to the Church" a session should divest that RE rather than let him continue indefinitely as an RE without call.

and 460 churches, and the RPCES had 17 presbyteries and 190 churches.³ During J&R, many of those RP churches (probably most) had voting age restrictions. Those RP churches brought Covenant College and Covenant Theological Seminary with them into the PCA. But nowhere in our 1979-1982 GA Minutes do we read that they joined the PCA with the understanding that they would be required to eliminate their voting age restrictions. Nowhere in our GA Minutes do we read that the 416 RP ministers and the 719 RP elders were told or expected to do so. Both denominations had Assembly Committees that worked together on the J&R. The issue of voting age restrictions doesn't appear to ever have been an issue. Every one of the 22 PCA presbyteries voted in favor of receiving the RP churches, without any clear indication that it was contingent on the RP churches deleting their voting age restrictions. In reference to J&R, the PCA Clerk at that time, Dr. Smith, published a paper titled, "Some of the Characteristics of the Polity of the PCA." (*M10GA*, pp. 339-343) The paper never mentioned voting age restrictions, even though it was relatively well known that the RPCES allowed such. The church in this *Psiaki* Case was one of those 190 RP churches that came into the PCA in 1982. That church has had a voting age restriction in its bylaws since it was it was RPCES. It comes as a surprise to them now to be told they have acted unconstitutionally for the last 42 years in the PCA. So, either the PCA intended for the RP churches to drop those restrictions without clearly telling them, or (more likely) the PCA never expected or required them to do so.⁴

4. Korean Churches - I understand that many - perhaps most - of our Korean churches have either formal or informal voting age restrictions. In 1982, the PCA formed the first Korean language presbytery, composed of churches in 5 states: PA (3), IL, GA, FL and CA. In doing so, conditions and requests were stipulated by the 12th GA, but there was no mention of these Korean churches being required to eliminate minimum voting age restrictions. The PCA now

³ The 17 RPCES presbyteries at that time were: E. Canada, Northeast, Philadelphia, New Jersey, Delmarva, Pittsburgh, Southeast, Florida, Southern, Illiana, Midwestern, Great Lakes, Great Plains, Rocky Mountain, Southwest, California, and Pacific Northwest. (*M9GA*, 1981, p. 338)

⁴ To be clear, the PCA did not grandfather an allowance to RPCES churches. When the PCA wants to grandfather a provision, it does so explicitly. For example, consider this grandfathering note attached to *BCO* 24-10: "Editorial Comment: The General Assembly explicitly provided that those Elders and Deacons granted emeritus status prior to June 22, 1984, retain the privilege of vote. (By order of the Fifteenth General Assembly 15-83, III, 31)." The RPCES churches did not need to change their practice because *the PCA* already allowed voting restrictions when the RP's arrived.

has nine Korean Presbyteries with 215 churches (11% of the PCA) and 717 TEs (13% of the PCA). (See *MIOGA*, 1982, p. 92 and <https://www.pcaac.org/resources/korean-resources/>)

5. GA Commissioner Voting Fee - The Decision offers the following broad statement in the final paragraph before its Conclusion:

The language, context, and history of the BCO provisions under consideration all demonstrate that a church may not restrict the voting rights of communicant members of their congregation on the basis of age, or for any other reason, *except where there is a clear Constitutional warrant for so doing* (e.g., the member is not in good standing or is not present at the meeting where the election is taking place). (emphasis added)

However, restrictions are sometimes placed on things that appear to be a fundamental right, without a clear constitutional warrant for doing so. The GA registration fee is one example. You cannot vote unless you've paid it. This Objection does not oppose the fee. There just isn't any "clear Constitutional warrant" to require a fee to vote. And it demonstrates that no man is in "regular" standing to vote at GA (and can't get a voting device) unless he's paid the fee.

Let's say a small church in Idaho wants to send two of its REs to GA in Richmond as its commissioners, as "entitled" by BCO 14-2. The registration fees would be \$600. In addition, their airfare, shared lodging, and meals would be about \$4,000. And if they were employed, they might also need to use vacation time. Some churches (perhaps many) can't send an RE commissioner because none of their REs can take a week off from work. If a church's right to vote is an un-constrainable right (as minor communicant voting is alleged to be), upon which no restrictions can be placed *for any reason*, then why not allow a church's GA commissioners to pay their registration fee, and then join the meeting, hear the debates, and vote live online?

Let me press further. BCO 14-2 every congregation is "entitled" to two RE representatives (and more for larger churches) and stipulates the Assembly consists of all TEs in good standing and REs "as elected by their session." Therefore, if an RE is elected by his session to be a GA commissioner, the *only*

thing the BCO requires is that he "produce appropriate credentials" at the GA "before his name shall be enrolled as a member of the Assembly." (*BCO* 14-4) Nothing is said about any other requirement.

In addition to the fee, there's a problem with intentionally differentiating among voters. On what *constitutional* basis can a single GA approve charging a higher voting fee for TEs than it does for REs? At the 46th GA in 2018 Calvary Presbytery's Overture 7 sought (unsuccessfully) to reduce the RE registration fee to \$100. (*M46GA*, pp. 35, 75, 112, 680) Three years later, at the 49th GA in 2022, while the AC Permanent Committee recommended registration fees for TEs and REs remain at \$450, the AC Committee of Commissioners substituted a recommendation that TE fees be increased to \$525 and RE fees reduced to \$300 (i.e., 57% of the TE fee). The Committee of Commissioners reported it was designed "to encourage Ruling Elder participation in our courts." The 49th GA adopted it. (*M49GA*, p. 71)

The most common rationale given for this change is to increase RE attendance. But why, without any *constitutional* warrant, would it be permissible for a single GA to revise the registration/voter fee to increase participation of one group of voters? Could a congregation decide to afford two votes to communing adult males to increase adult male attendance at congregational meetings? To repeat a question from the SJC Decision, "*where is the clear Constitutional warrant for so doing?*" Where does the BCO even hint that a single GA can act to affect the voter turnout ratio by varying the fee it charges to vote? ⁵

Granted, a registration/voting fee is stipulated in our Assembly standing rules (*RAO* 10-4). Apparently, our Assemblies have found it exegetically permissible to create such a voting impediment from what the *BCO* says about GA commissioners. But if the Assembly has exegetical liberty to do that, then why wouldn't the BCO allow a congregation to have the same constitutional freedom to adopt a reasonable voting age restriction in *its* standing rules?

Similarly, let's say a presbytery wanted to hold future meetings in a venue that required extra expenditures. Would it be constitutionally permissible for the presbytery to adopt into its standing rules a "registration fee" for TE and RE voting at those presbytery meetings?

⁵ Honorably retired TEs and REs pay a lower registration fee, as do REs from churches with small budgets.

Near the bottom of page 3, the Decision offers this argument:

BCO 6-4 then states “Those only who have made a profession of faith in Christ, have been baptized, and admitted by the Session to the Lord’s Table [i.e., communicant members], are entitled to all the rights and privileges of the church.” The word “all” in 6-4 is critical.

Given the principles set forth in *BCO 3-1* and *16-1,2* it is unreasonable to think that the word “all” in 6-4 is somehow meant to exclude some communicants from the right to vote in congregational elections *unless there is a clear provision somewhere else in the BCO that leads to that conclusion.* (emphasis added)

An analogous principle to the first sentence from *BCO 6-4* above might be this: “*Only those churches that have affiliated with the PCA are entitled to all the rights and privileges afforded by the BCO.*” But not all PCA churches are entitled to an *unencumbered* right to vote in a GA. And if the Decision’s hermeneutic is applied to churches voting in GA, the following would seem to be a fair parallel statement to the second paragraph above.

Given the principles set forth in *BCO 14-2* and *14-4*, it is unreasonable to think that the phrase “*entitled to two ruling elders representatives*” is somehow meant to exclude some churches from the right to vote in GA simply because they don’t pay the registration fee, unless there is a clear provision somewhere else in the BCO that leads to that conclusion.

In the middle of page 2, the Decision suggests, “*The only express provision in the Constitution for the suspension or removal of any existing ecclesiastical right or privilege is the particular censures imposed upon a church member found guilty of some offense (BCO 36).*” But there are no express provisions in the Constitution for making a congregation’s right to vote in the Assembly contingent on paying a registration (voting) fee. and there are no express provisions in the Constitution for varying registration fees to affect the turnout of one category of voters.

To conclude, being elected by one's session to be a GA Commissioner is a *necessary* condition for voting at GA, but not a *sufficient* condition for doing so. And likewise, being a communing member is a necessary condition for voting in congregational matters, but not a sufficient one.

Again, this Concurrence doesn't recommend abolishing GA registration fees. I agree that allowing a GA to adopt a rule requiring TEs and REs to pay a registration fee is a prudent and necessary thing. But allowing a congregation to adopt a rule requiring a communing member to reach a certain age before voting also seems a very prudent thing to do. And neither are prohibited by the BCO.

6. Constitutional Inquiry - At the bottom of page 6, the Decision cites a 22-year-old constitutional inquiry. But the answer to a constitutional inquiry is not binding exegesis of a constitutional provision - even if adopted by the 12th GA. There have been instances where a subsequent Assembly or SJC held different interpretations than previous ones. Sometimes one GA approves a BCO amendment, but the following GA does not. And sometimes the SJC renders a decision in one case that at least seems to reverse an SJC ruling in a prior case.⁶

In 1984 at the 12th GA in Baton Rouge, there were 13 constitutional inquiries. A different constitutional inquiry, #2 from Gulf Coast, asked about referencing of an indictment to a higher court for trial. The Judicial Business Committee and 12th GA answered in a way that's *contrary* to our interpretation and practice today. So, citing a 22-year-old answer to a constitutional inquiry is not as significant as it might appear.⁷

7. Past Overtures - On page 7, the Decision seemed to suggest the PCA expressed opposition to allowing voting age restrictions when, in 1997, the 25th GA in Colorado Springs declined to adopt a change. But that would

⁶ As an example, this happened at the same March 2024 meeting at which the SJC cited the Constitutional Inquiry in the *Psiaki* Decision. Compare this year's SJC Decision in Case 2023-09 *Appeal of TE Myers v. Illiana* with the SJC Decision 22 years ago in Case 2001-25 *Appeal of TE Dallison v. North Florida (M30GA, 2002, pp. 156 ff.)* I was an SJC member for both Cases.

⁷ In 1984, JBC included TEs Joe Gardner, Rodney King, Vaughn Hathaway, Dave Linden, Russell Toms, and REs William Buiten, David Fox, Henry Smith, John Van Voorhis and Stanley Wells. *M12GA*, pp. 137, 288.

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conclude too much. Here's a fuller explanation. An Overture was adopted in 1996 by the 24th GA in Ft. Lauderdale and approved by presbyteries over the subsequent year. The Overture proposed adding a new *BCO* 6-5, to provide (among other conforming changes) the following:

BCO 6-5. A congregation may, at its discretion, set the minimum voting age for its communing members, provided it is not greater than eighteen (18) years of age. The congregation may also, at its discretion, set a different voting age for different matters provided it is not greater than eighteen (18) years of age.

The SJC Decision is grammatically accurate when it reports the proposed addition was "supported by the bare minimum of presbyteries needed to consent." At the time, adoption required approval from 38 of 56 presbyteries. The amendment was approved by presbyteries voting 39-11 in favor (i.e., supported by 78% of the presbyteries voting, with 6 abstaining). Furthermore, none of those six abstaining presbyteries reported votes on *any* of the several amendments that year, so it would be wrong to conclude that any of the six abstained because they did not support the proposed change.⁸

It would be mistaken to assume a defeated overture can be interpreted to mean the men who voted against it preferred the opposite of what it was proposing. In 1980 for example, Overture 3 from Southern Florida Presbytery sought to codify the allowance of term limits for REs. The Overture recognized "the widespread use within our denomination" and that "many of our particular churches using limited terms of active service also desire that there be no doubt or questioning as to whether the procedure they are using is allowed by the *Book of Church Order*." The Overture was answered *in the negative* by the 8th GA in Savannah, but nobody concluded that meant congregations could no longer utilize term limits. (M8GA, p. 37)

Consider another example. Two years ago, Pittsburgh Presbytery filed Overture 30 to the 49th GA in Birmingham, and after 15 Whereas clauses, it proposed GA add a new *BCO* 6-5, to provide (among other conforming changes) the following:

⁸ The abstaining presbyteries were Korean Eastern, Korean NW, Korean Southern, Korean SW, SW Florida, and TN Valley. See M24GA, 1996 Ft. Lauderdale, pp. 312-13 and M25GA, 1997 Colorado Springs, p. 114.

BCO 6-5. A congregation may, at its discretion by a vote of 2/3, set the minimum voting age for its communing members, provided it is not greater than eighteen (18) years of age. The congregation may also; at its discretion, set a different minimum voting age for different matters provided it is not greater than eighteen (18) years of age.

The CCB expressed two concerns about the Pittsburgh Overture, including a concern about the vague phrase "different matters." However, the Overtures Committee did not recommend the GA answer it in the negative. Instead, by a 79% majority (106-27) the OC recommended it be "referred back to Pittsburgh Presbytery *without prejudice* yet paying particular attention to the concerns in the CCB report." (emphasis added) That recommendation was included in the OC's omnibus recommendation, and without *any* GA commissioner making a motion to split it from the omnibus, it was adopted without debate by vote of 2062-33. (*M49GA*, Assembly action p. 77; OC report p. 108; CCB p. 425; Overture in full pp. 1345-48)

8. Lack of Independence - The rights and responsibilities of minor communicants are "irregular" in numerous ways. Unlike adults, minors cannot exercise the independency ordinarily required for fair voting. For example, non-driving minors can't vote unless their parents or someone else brings them to the meeting. And even if he could take the bus, most of us would grant that his parents have the biblical authority to prevent him from attending the meeting. We don't ordinarily afford voting rights to individuals with such a lack of independency.

9. Requisite Discernment - In constitutionally acknowledging the civil government's right to debar communicant minors from voting in certain church corporation matters (*BCO* 25-11), the *BCO* presupposes, and seemingly grants, that minors lack the requisite discernment, judgment, and independence that society assumes is needed for adult decisions. This fact is also recognized in ecclesiastical trials. *BCO* 35-1 begins: "All persons of *proper age* and intelligence are competent witnesses ..."

But some suggest that all communing minors have the requisite mental competence and discernment to make reasonable judgments in all congregational votes because they "understand the Gospel" (*BCO* 57-2) and

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have affirmed the five questions of *BCO 57-2* and *57-5* (the constitutional prerequisites for admission to the Lord's Supper). But that is not a sound assertion. Does a 10-year-old, communing, fifth grade, covenant child - who has an age-appropriate understanding of the Gospel, who knows and confesses himself to be a sinner, knows and confesses Jesus to be his Savior, and has an age-appropriate understanding of the Lord's Supper - have the requisite discernment to intelligently vote on whether his church should dismiss an elder, or petition presbytery to dissolve the minister's call, or incur a mortgage, or leave the PCA to join the OPC, RCNA, ARP, EPC, RCUS, etc.? Highly unlikely.

/s/ RE Howie Donahoe

The Rev. Dr. Brant Bosserman was PNW's representative in *Wilson v. PNW* and in *Psiaki*. My Objection in *Wilson*, reflecting his research, can be found **here** and at the link below.

Dr. Bosserman's Brief in *Psiaki* can be found **here** and at the second link below.

<https://drive.google.com/file/d/1hsYrEMVV36CVj6mul3-tKx5FlvpnuA-8/view>

<https://drive.google.com/file/d/1fmEl6Je5EIOFWbYeP5NdHJKq7e5CT5Kb/view>

**PRESBYTERIAN CHURCH IN AMERICA
STANDING JUDICIAL COMMISSION**

CASE No. 2023-13

BCO 40-5 MATTER

re:

METRO NEW YORK PRESBYTERY

RULING ON REPORT

January 12, 2024

The SJC cited Metro New York Presbytery to appear at the Commission’s Fall Stated Meeting as directed by the 50th General Assembly in the following resolution:

That the 50th General Assembly:

- a. Find that the minutes of Metropolitan New York Presbytery (September 20, 2022; pp. 69–71) constitutes a “credible report” of “an important delinquency or grossly unconstitutional proceedings” (*BCO 40-5*) in Presbytery’s delinquency to redress a Session who admitted to unconstitutional proceedings of: (1) permitting a woman to expound the Scriptures during a worship service on the Lord’s Day; (2) holding many worship services without preaching; and (3) serving the Lord’s Supper at many services without a preceding sermon. Furthermore, Presbytery was delinquent in failing to redress the views of a Teaching Elder who stated his approval of said proceedings.
- b. Cite Metropolitan New York Presbytery to appear, per *BCO 40-5*, before the PCA’s Standing Judicial Commission which the 50th GA constitutes its commission to adjudicate this matter, by representative or in writing, at the SJC’s fall stated meeting, to “show what the lower court has done or failed to do in the case in question,” following the *Operating Manual for the SJC*, particularly chapter 15.

The party representatives provided documents bearing on the matter pursuant to *OMSJC 15.2*. The representatives of the General Assembly filed a brief outlining their position. The representative of Metro New York Presbytery

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chose not to file a brief, stating that Presbytery's position was outlined in the minutes of Presbytery's called meeting of August 8, 2023, which minutes were provided to the Commission. On October 19, 2023, representatives of the General Assembly and the Presbytery appeared for hearing before the Standing Judicial Commission.

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

The SJC remits this matter to Metro New York Presbytery with the injunction that they take up and dispose of the matter in a constitutional manner. (*OMSJC* 15-6.c) Metro New York Presbytery has addressed this matter as indicated in Minutes of August 8, 2023 and September 19, 2023. The Presbytery shall complete its work of dealing with TE Higgins and the Session of Trinity Presbyterian Church, Rye, NY, and report the results of that work to the Committee on Review of Presbytery Records for the 51st GA.

The minutes of the August 8, 2023, meeting of Presbytery make clear that Presbytery has taken some action on this matter. Those minutes record that Presbytery found that it erred when it "failed to redress unconstitutional proceedings at a church within its bounds when it allowed a woman to teach in its public worship service in place of the preaching that Sunday and for that teaching to be the sermon that preceded the celebration of the Lord's Supper even though the Senior Pastor briefly expounded the Word prior to celebrating the Lord's Supper on that day." Presbytery further found that it erred in failing to redress the views of the teaching elder who stated his approval of those proceedings.

In support of these conclusions Presbytery adopted the following statements:

It is the position of Metropolitan New York Presbytery that an "exposition of the Word" by a woman shall not take the place of the ordinary sermon in public worship services in the churches within its bounds.

It is the position of Metropolitan New York Presbytery that only qualified men should preach to God's people during public worship services. We do not believe that the principle that "a woman can do whatever an unordained man

APPENDIX Q

can do” is to be applied to the preaching in public worship services (*BCO* 4-4, 8-5; *WCF* 21.5; *WLC* 156, 158).

Furthermore, it is the position of Metropolitan New York Presbytery that it is permissible for unordained and unlicensed men to occasionally preach (*BCO* 19-1), but not a woman.

Though allowing this woman to teach in place of a sermon only happened once, Metropolitan New York Presbytery has informed the church’s Senior Pastor and the Session that this practice is unconstitutional, and they are not to repeat it in the future. The Senior Pastor and Session agreed to submit to the will of the presbytery on this matter.

Presbytery further concluded that it did not err in its decision to take no further action with regard to the allegations that “many worship services were held without preaching” and that a church within its bounds celebrated the Lord’s Supper without a preceding sermon. In both cases the Presbytery accepted the report of the Senior Pastor of the Church that the Session sought to differentiate between an exposition of God’s Word delivered by one who is ordained or licensed, which would be referred to as “a sermon,” and an exposition of God’s Word delivered by one who is not ordained or licensed, which would be referred to as “a message.” Thus, Presbytery concluded that there was always an exposition of God’s Word in the worship services of this congregation, but that exposition was sometimes called “a sermon” and sometimes “a message” depending on who was delivering the exposition.

In the course of the hearing before the SJC, the representative of Presbytery also provided the unapproved minutes of the Presbytery meeting of September 19, 2023. Those minutes record that Presbytery had asked the teaching elder and session in question to “examine their views regarding women preaching the Word of God in public worship services in light of the PCA Constitution (specifically, *WCF* 21.5, *WLC* 156 and 158) and the Metropolitan New York Presbytery’s position; and they notify the presbytery of their views at its next stated meeting (*BCO* 21-5, vows 2-3).” Those minutes also record that Presbytery received the following response from the Session: “The pastors and elders of Trinity Presbyterian Church—in keeping with our respective ordination and installation vows—take no exceptions to *WCF* 21.5 or to *WLC* #s 156 and 158. We continue to profess our cheerful agreement to all of the vows listed in *BCO* 21-5.” While the unapproved minutes are not clear, they

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appear to indicate that Presbytery approved this response. That was also the view of the Presbytery's representative at the hearing.

This response, received by Presbytery at a meeting that occurred after Presbytery was cited to appear before the Standing Judicial Commission, is clearly inadequate and requires further response. The Session's response neither acknowledges any error nor delineates any specific stated differences that the teaching or ruling elders take to the *Westminster Standards* or the *Book of Church Order* in order to have viewed the alleged practice to be permissible.

In view of the inadequate nature of the response of the session, and the lack of clarity in the unapproved minutes as to exactly what action Presbytery took on that response, the Commission concluded that the best way forward was to follow *OMSJC* 15.6.c by remitting this matter to Presbytery so as to allow Presbytery to complete any remaining work in the matter, including such things as: seeking an admission of error from the teaching elder and session involved in the matter; requiring a statement of specific stated differences that the teaching or ruling elders take to the Constitutional documents that led them to conclude the they did not err (if that is their position); seeking evidence of repentance from those who committed the errors that Presbytery has identified; and determining how the congregation will be informed of Presbytery's conclusion that the Session had erred in its actions. Presbytery's actions will then be reported to the 51st General Assembly, which Assembly can then review, through the Committee on Review of Presbytery Records, the adequacy and constitutionality of those actions. Should the actions be found to be satisfactory the matter will be concluded. Should the Assembly, on recommendation from RPR, conclude that Presbytery's response is inadequate then *RAO* 16-10.c may be followed. The Standing Judicial Commission believes this approach is consistent with *BCO* 40 as understood and applied in light of *RAO* 16.10. It also appropriately protects the prerogatives and responsibilities of Presbytery while moving the matter toward a conclusion that is consistent with our Constitution.

A Further Note on Procedure in the Matter

This case came to the SJC as a *BCO* 40-5 reference from the 50th General Assembly on the basis of a proposal from the Committee on Review of Presbytery Records. RPR argued that the review of the records of Metro New York Presbytery led to a credible report of an “important delinquency or grossly unconstitutional proceedings.” The Committee further argued that *BCO* 40-5 requires that such reports, even when arising from the review of the records of a presbytery, must be handled by citing the Presbytery to appear before the court next above, in this case, the General Assembly which has empowered the Standing Judicial Commission to act on its behalf. In voting to adopt the recommendation of RPR the 50th General Assembly apparently accepted RPR’s argument with regard to how properly to understand and apply *BCO* 40-5 to a matter arising out of the required review of the records of a presbytery.

As the Commission was assigned this matter by the General Assembly, we took up the matter and dealt with it. At the same time, we question the constitutionality of the Assembly’s referral in this case and wish to take this opportunity to explain why we are dubious about the Assembly’s action.

We note, first, that *BCO* 15-4 states “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. (emphasis added) The fact that the annual review of presbytery records is treated as an exception to the SJC’s jurisdiction over “all matters governed by the Rules of Discipline” should make us cautious about any argument that suggests that matters raised by RPR can come directly to the SJC as happened in this case.

Further, while the *Rules of Assembly Operations* and the *Operating Manual for the Standing Judicial Commission* are, and must be, under the authority of the *Book of Church Order*, it is also true that the *RAO* and *OMSJC* tell us, by way of application, how the PCA understands relevant provisions of the *BCO*. In regard to this matter, *RAO* 16-2 establishes that the General Assembly will carry out the required annual review of presbytery records through “its Committee on Review of Presbytery Records.” This statement reminds us that RPR is a committee of the General Assembly. As such, its powers and procedures must come as grants from the Assembly. *RAO* 16-4.e; 16-6; 16-7;

16-8; 16-9; and 16-10.c spell out those powers and procedures. Of particular relevance to the present matter are *RAO* 16-6.c and 16-10.c

RAO 16-6.c states “The findings of the committee with respect to the minutes of each presbytery **shall** be noted under the following categories as appropriate:” 1) exceptions of substance; 2) exceptions of form; and 3) notations. (emphasis added) No other options are provided for RPR. Further, *RAO* 16-10.c states “If, in responding to an exception of substance, a presbytery reports that it disagrees with the conclusion of the Assembly and/or has not corrected or redressed the identified problem; and the committee... continues to believe that the presbytery has persisted in an error that is significant enough to require an Assembly response; **then** the committee shall notify the Assembly of the continuing exception, and shall make a recommendation as to whether the Assembly should again seek a more acceptable response from the presbytery, or should appoint a representative to present its case and refer the matter to the Standing Judicial Commission to cite the presbytery to appear for proceedings according to *BCO* 40-5.” (emphasis added) In other words, RPR is empowered to bring a recommendation to cite a presbytery to appear for proceedings under *BCO* 40-5 **only** after 1) the Assembly has taken an exception of substance to the minutes of presbytery; 2) presbytery has had the opportunity to respond to the exception (whether by agreeing with it and redressing the matter or by disagreeing with it); and 3) RPR has concluded the response is unsatisfactory and requires further action by the Assembly.

This conclusion is buttressed by an analysis of Chapter 15 of *OMSJC* (the chapter of the *Manual* dealing with “Procedure for Hearing a Report Arising Out of General Review and Control (*BCO* 40; *RAO* 16-10.c)”). First, *OMSJC* is subordinate to the *BCO* and *RAO* (see *RAO* 17-5), and thus Chapter 15 must be interpreted in light of the material in the previous paragraph. Second, both the title of Chapter 15 and the language of 15.2 clearly acknowledge that the provisions of the Chapter are dependent on *RAO* 16-10.c, and, thus, that any report that arises out of the annual review of presbytery records that alleges “an important delinquency or grossly unconstitutional proceeding of a lower court (*BCO* 40-5)” can come to the SJC only after the provisions of *RAO* 16-10.c have been followed.

In the matter before us, the first two required steps in the process set forth in *RAO* 16-10.c were omitted. The 50th General Assembly did not first find an

exception of substance, nor was Metro New York Presbytery given the opportunity to respond to such an exception or to “redress the identified problem” before being cited to appear before the Standing Judicial Commission. As such, the 50th General Assembly exceeded its authority in immediately ordering the citation for Metro New York Presbytery to appear before the Standing Judicial Commission.¹

This is not a small issue. *BCO* 11-3 holds:

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

Thus, as much as we recognize the appropriate concern about the actions of the church in question and Metro New York Presbytery’s response to those actions, which concern grows out of the responsibility of mutual submission and understanding that “every act of jurisdiction is the act of the whole Church performed by it through the appropriate organ” (*BCO* 11-4), we must also recognize the appropriate prerogatives of Metro New York Presbytery as a court of the Church. The procedures set forth in *BCO* 40, *RAO* 16-10.c, and *OMSJC* 15 appropriately balance these two concerns by providing a means whereby the actions of presbyteries are reviewed by General Assembly with regard to their conformity to our Constitution, a presbytery has the right to respond to any allegations of lack of conformity (whether by explanation or redress), and if there is ongoing disagreement, a mechanism is provided whereby such a dispute may be finally settled. The General Assembly should be scrupulous in the future in maintaining this careful balance that is required by our rules.

Finally, we underscore that none of the forgoing analysis in any way calls into question whether RPR acted appropriately in identifying the errors committed by Metro New York Presbytery. Both we and the Presbytery have concluded

¹ Of course, the other option would have been for the Assembly to suspend *RAO* 16-10.c, following the procedure set forth in *RAO* XX, but that path was not followed.

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that Presbytery erred and that those errors need to be corrected. Further, nothing in this analysis in any way comments on how *BCO* 40-5 reports that arise in some manner other than the annual review of the records of a presbytery should be handled. That question is not before us.

This first section of this Ruling (pp. 1-3) was adopted unanimously by the SJC's drafting committee consisting of RE Frederick Neikirk (chairman), TEs Fred Greco and Sean Lucas, and REs Mel Duncan and John Pickering. The second section titled "A Further Note on Procedure in the Matter" (pp. 4-6) was authored only by RE Neikirk and TE Lucas.

The SJC approved the Ruling on the following **16-2** vote, with three absent, two not qualified, and one recused.

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

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

TEs Garner and Kooistra were not present at the SJC meeting in October 2023 when the Hearing was held in this matter, and thus not qualified.

CONCURRING OPINION

Case No. 2023-13

BCO 40-5 Matter re Metropolitan New York Presbytery

TE Fred Greco, joined by RE Dowling, RE S. Duncan, and TE Sartorius

I concur with the Decision of the Standing Judicial Commission in this case to remit the matter to the Presbytery to allow it to resolve the errors of the teaching elder and session involved in the matter. However, I desire to state my disagreement with the portion of the SJC’s decision entitled “A Further Note on Procedure in the Matter.”

First and foremost, I do not believe that the SJC was required to make such a statement in its decision. At best, the “Further Note” is *dicta* that is not binding on future Assemblies or litigants. At worst, I believe it is a statement that goes beyond the requirements of our Constitution and attempts explicitly to correct the 50th General Assembly. As a creature of the General Assembly, the **Committee** on Review of Presbytery Records (emphasis added) may recommend an action to the Assembly (*BCO* 15-1). It may not, however, bind the General Assembly to a specific course of action. The SJC has indicated in its decision that *Rules of Assembly Operation (RAO)* 16-6.c does indeed bind the General Assembly in its process because it delineates the normal and ordinary course of action arising out of the Committee on Review of Presbytery Records (CRPR). While this is the ordinary course of action, I do not believe it is Constitutionally mandated.

Because the *RAO* is not a part of the Constitution (*BCO* Preface III), the Constitutional provision that governs is *BCO* 40 (Review and Control, specifically *BCO* 40-5). That states in part:

When any court having appellate jurisdiction shall receive a credible report with respect to the court next below of any important delinquency or grossly unconstitutional proceedings of such court, the 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.

MINUTES OF THE GENERAL ASSEMBLY

I believe that the matter raised in New York Metro Presbytery is an “important delinquency or grossly unconstitutional proceeding” of the Session of Trinity Presbyterian Church (Rye, NY). I further believe that the Presbytery failed to properly resolve such matter and do its duty under *BCO* 40-5. As a result, CRPR was within its purview to report such to the General Assembly and to ask the Assembly to act.

I do not think that every such report under *BCO* 40-5 would warrant immediate referral to the General Assembly to act through its Standing Judicial Commission. In fact, CRPR followed its normal course in what has become SJC 2023-14. However, I do not believe that CRPR is *forbidden* from bringing such recommendations to the Assembly. I note that the Assembly agreed with the recommendation of CRPR by an overwhelming margin (1447 to 168, or 89% to 11%). I further note that it is possible (even likely) that CRPR anticipated an inadequate response from the Presbytery to the exception of substance, a possibility that was borne out by the SJC decision characterizing it as “clearly inadequate and requires further response.” The response did not even address the heart of the matter, as the SJC decision states: “The Session’s response neither acknowledges any error nor delineates any specific stated differences that the teaching or ruling elders take to the *Westminster Standards* or the *Book of Church Order* in order to have viewed the alleged practice to be permissible.”

For the reasons stated above, I concur and clarify that I do not believe the SJC should have issued its “Further Note on Procedure in the Matter.”

TE Fred Greco

CONCURRING OPINION

Case No. 2023-13
BCO 40-5 Matter re Metropolitan New York Presbytery
TE David F. Coffin, Jr.
January 30, 2024

I concur with the decision of the Standing Judicial Commission (SJC) in this case, to remit

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this matter to Metro New York Presbytery with the injunction that they take up and dispose of the matter in a constitutional manner. (*OMSJC* 15-6.c) Metro New York Presbytery has addressed this matter as indicated in Minutes of August 8, 2023 and September 19, 2023. The Presbytery shall complete its work of dealing with TE Higgins and the Session of Trinity Presbyterian Church, Rye, NY, and report the results of that work to the Committee on Review of Presbytery Records for the 51st GA.

However, so there will be no misunderstanding with respect to my concurrence, some further observations are in order to highlight and support the “Further Note on Procedure” concluding the decision (pp. 4-6). That note sets forth a declaration of conscience, explaining that though the SJC complied with the assignment of a *BCO* 40-5 matter from the 50th General Assembly, it did so with grave concerns about the constitutionality of the Assembly’s referral, while having little or no recourse.

The expression of these concerns must be understood in light of the fact that the SJC is governed exclusively by the provisions of *The Book of Church Order* and the “Rules of Assembly Operations” (*RAO*). Specific directions governing the implementation of these provisions are set forth in the “Operating Manual for Standing Judicial Commission,” (*OMSJC*) as adopted by the General Assembly (*RAO* 17-5). Each member of the SJC vows, with respect to his labors, to judge according to the Constitution of the PCA (*RAO* 17-1).

Further, it must be noted that when a matter comes before the SJC, the Commission is required, throughout the *OMSJC*, to determine whether the matter is properly before the Commission according to the provisions of the Constitution. This is true from the reception of a case—in the provisions for finding a case Administratively in Order—and with respect to the hearing of a matter—in the provisions for a Panel finding a case Judicially in Order. Just as the referring Assembly could not determine the final judgment of a case prior to referring it to the SJC, so too the Assembly cannot determine *the SJC’s judgment* as to whether a case is in order.

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In addition, the chapter of the *OMSJC* that sets forth the procedure for taking up a referral from the Assembly via CRPR, i.e., “15. Procedure For Hearing a Report Arising Out of General Review and Control (*BCO* 40; *RAO* 16-10.c),” is clearly dependent upon *RAO* 16-10.c., anticipating that the provisions of *RAO* 16-10.c have governed the referral, and thus necessitates the *SJC*’s judgment as to compliance with *RAO* mandated procedures.

All of these considerations urge that it is procedurally appropriate, and a matter of conscientious necessity, for the *SJC* to communicate its concern about the way this matter was referred to the *SJC*.

With respect to that concern, first, a general consideration. Our *BCO* is properly designed to set forth the fundamental scriptural principles of the government of the church, and a few practices and procedures that, prudentially, will provide a wholesome uniformity, consistency, and due process in the functioning of our government and discipline. Each Court of the church must adopt a set of regulations that set forth how those principles, practices and procedures will practically govern that court. These regulations are typically set forth in Rules or Bylaws adopted by that Court (e.g., “Rules of Assembly Operations” (*RAO*)). However, these Rules can neither add to, nor take away from, the provisions of the *BCO*. Thus, the Court’s Rules determine, for that Court, subject to review, how the *BCO* will be administered in that jurisdiction.

The question in this instance is: May the Committee on Review of Presbytery Records (CRPR) recommend to the General Assembly that a matter arising out of the review of presbytery minutes be considered as a *BCO* 40-5 case? At first glance, one might suppose that would be permissible; *BCO* 40-5 is a provision of our government, and available to the *Courts* of the church for the good of the church. However, that initial impression cannot stand analysis. The question is, more properly, can CRPR, a *committee* of the Assembly, *a committee that is a creature of the Assembly*, and has responsibilities and powers *no more or less than those appointed by the Assembly* in the “Rules for Assembly Operation,” properly recommend to the Assembly that a matter arising out of the review of presbytery minutes, be considered as a *BCO* 40-5 case without the CRPR itself first following the procedural requirements of the *RAO*? The answer is plainly, No. In its rules the Assembly has declared that a matter arising out of presbytery minutes *must be treated* by the CRPR in a particular way. The pertinent rules are as follows:

Rules of Assembly Operation 16-6. Guidelines for Examining Presbytery Records [emphasis added]:

- c. The findings of the committee with respect to the minutes of each presbytery shall be noted under the following categories as appropriate:
- 1) Exceptions of substance: Apparent violations of the Scripture or serious irregularities from the Constitution of the Presbyterian Church in America, actions out of accord with the deliverances of the General Assembly, and matters of impropriety and important delinquencies, and any non-compliance with *RAO* 16-3.e.5 should be reported under this category [record of officer candidate examinations].
 - 2) Exceptions of form: Violations of the Assembly's Guidelines for Keeping Presbytery Minutes (*RAO* 16-3), rules of order, etc. should normally be reported under this category. When a minor irregularity from a *BCO* provision or requirement is noted, it may be treated as an exception of form (*BCO* 40-3). If subsequent minutes continue to reflect the same particular exception of form, it may become an exception of substance.
 - 3) Notations: The committee may report to the clerk of presbytery any typographical errors, misspellings, improper punctuation and other minor variations in form and clarity. These are to be given as advice for the respective clerks.

These, *and these only*, are the Committee's options. Further, when it appeared through experience that these Rules were not adequate for serving the Assembly well, the Assembly itself added to those Rules,¹ in section 16, a way in which a matter arising out of the review of presbytery minutes *could* be referred to the SJC under *BCO* 40-5, after the regular requirements of the *RAO* had been pursued and found wanting,

¹ For insight into the historical circumstances of the amendment, the corresponding change to *BCO* 40-5, and the significance of those circumstances for understanding the provisions in question, see the Concurring Opinion of RE. J. Howard Donahoe in this case.

MINUTES OF THE GENERAL ASSEMBLY

RAO 16-10.c. If, in responding to an exception of substance, a presbytery reports that it disagrees with the conclusion of the Assembly and/or has not corrected or redressed the identified problem; and, the committee (after reviewing the presbytery's response and rationale, and, if a majority so desires, consulting with the Committee on Constitutional Business) continues to believe that the presbytery has persisted in an error that is significant enough to require an Assembly response; then, the committee shall notify the Assembly of the continuing exception, and shall make recommendation as to whether the Assembly should again seek a more acceptable response from the presbytery, or should appoint a representative to present its case and refer the matter to the Standing Judicial Commission to cite the presbytery to appear for proceedings according to *BCO 40-5*.

Note that this path is permissible for the Committee only *after* it has fulfilled its responsibilities under the regular Rules for dealing with matters arising out of presbytery minutes (as cited above).

In this case referred to the SJC by the GA, the CRPR had no right to recommend to the Assembly that a matter arising out of the review of presbytery records, *de novo*, be treated as a *BCO 40-5* case without first following the order and requirements of the procedures of *RAO 16*, and the Assembly itself, had no right to accede to that recommendation. The Assembly had no right to do so because it had already bound itself according to the provisions set forth in the *RAO*. Apart from suspending those Rules, or amending them, the Assembly had no right to accede to the improper request from CRPR. The acts of the 50th GA in this matter provide a misleading standard, the error of which must be exhibited and rejected by a more considered deliberation. It is my hope that future Assemblies will not follow such an unconstitutional course and that future Moderators will rule such recommendations out of order.

Should the 50th Assembly's action in this matter be taken as precedent for other such referrals, the SJC would be burdened with increased responsibilities, responsibilities unspecified, and thus a distraction from the mounting caseload that is specified as its Constitutional obligation. *RAO 16-10. c.* was designed

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to bring before the SJC alleged exceptions of substance (“Apparent violations of the Scripture or serious irregularities from the Constitution of the Presbyterian Church in America, actions out of accord with the deliverances of the General Assembly, and matters of impropriety and important delinquencies”) only after the brotherly discussion of the concerns raised by CRPR, as approved by the Assembly, were brought to a presbytery for an appropriate response. Through this time-tested collegial procedure, most such disputes are resolved. The *RAO*, however, contains a valuable safeguard, should the exchange reach a stalemate: The Assembly itself, upon recommendation from CRPR, can send the matter to the SJC.

The erroneous view evident in the action of the 50th General Assembly, neglecting the wise procedure set forth in a proper reading of the *BCO* and the *RAO*, threatens to do damage to the unity of our various courts, and diminish the capacity of the SJC to adjudicate cases with efficiency and justice, doing significant harm to our church.

TE David F. Coffin, Jr.

CONCURRING OPINION

Case No. 2023-13

BCO 40-5 Matter re Metropolitan New York Presbytery

RE Howie Donahoe

January 30, 2024

I concurred in the SJC Ruling. I agree the matter raised in this Case appeared to be an “important delinquency or grossly unconstitutional proceeding” of a Session, and thereafter, by a Presbytery. I agree with a Dissenting Opinion that concludes, “any report deemed credible within our denomination of a woman preaching in the pulpit of a PCA Church, before a PCA Congregation, in a PCA Worship service shall be considered a “grossly unconstitutional proceeding.” The SJC Ruling does not dispute these conclusions, but that is not the issue addressed in the second part of the Ruling. I believe further comment is warranted regarding the matter addressed in the second part of the SJC’s Ruling (the final three pages).

MINUTES OF THE GENERAL ASSEMBLY

First, I offer here some legislative history, hopefully shedding light on the interpretation of *BCO* 40-5. I readily grant legislative history is not the primary way to interpret the meaning of a text in the law. It is possible men could have different understandings of a text when they vote to approve it. So, I agree with the late Justice Scalia that the hunt for "original intent" might be a fool's errand, and much prefer his textualist philosophy wherein a text is to be understood to mean what the words meant at the time of their adoption. But legislative history can often clarify the meaning of the text, *especially* when rationale is provided at the time the new law is considered and when the rationale is drafted by the committee elected by the body.

In 2005 and 2006, the long-serving Strategic Planning Committee ("SPC") presented comprehensive reports to the 33rd and 34th GAs in Chattanooga and Atlanta. (*M33GA*, p. 342-445; *M34GA*, pp 568-628) The SPC Reports recommended multiple amendments to the *RAO* and the *BCO*, including the current wording of *BCO* 40-5 and what is now *RAO* 16-10.c. It appears there were 14 primary members on the SPC, with RE Brock as chairman.

TE Frank Barker	TE Will Barker	TE Dave Clelland	TE Lig Duncan III
TE Wayne Herring	TE Bill Lyle		
RE Joel Belz	RE Frank Brock	RE Sam Duncan	RE Bebo Elkin
RE Glenn Fogle	RE Harry Hargrave	RE Jack Williamson	RE Mike Wilson

There were also several advisory members including Agency and Committee Coordinators, Stated Clerk Taylor, and two advisory teaching elders - TEs David Coffin and Elliot Lee.

The amendment to *BCO* 40-5 (the current language of the *BCO*) was adopted by the 33rd GA and sent to the presbyteries. The SPC's rationale was included in its report to the 33rd GA and in the material sent to the presbyteries. The presbyteries voted 54-11 to approve the amendment (83% in favor).² The revision was then adopted and enacted by the 34th GA in Atlanta in 2006. (*M34GA*, p. 57) This is the text we have operated under for the last 18 years.

BCO 40-5, first sentence: "When any court having appellate jurisdiction ~~shall be advised either by the records of~~ **receive a**

² Eleven presbyteries voted against the *BCO* 40-5 amendment: Ascension, Calvary, Grace, Heritage, Mississippi Valley, Northern Georgia, SE Alabama, SE Louisiana, Southwest, Southwest Florida, and Westminster.

credible report with respect to the court next below ~~or by memorial, either with or without protest, or by any other satisfactory method,~~ of any important delinquency or grossly unconstitutional proceedings of such court, the 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 ~~it~~ **the lower court** has done or failed to do in the case in question." (*M33GA*, 33-45, 33-48, III, 8b, pp. 184, 186)." [*M34GA*, pp. 57-60]

[SPC rationale] "Comment: Proposed change simplifies the language of the antecedent in the conditional, and allows for the use of a commission, in anticipation of a proposed amendment to *RAO* 14-10.c [now *RAO* 16.10.c] establishing a judicial procedure to settle the question of the disputed exceptions alleged under General Assembly review of presbytery records. (*M33GA*, 33-48, III, 8, p. 186; see also Appendix C, Attach. 1, p. 342)." [cf. *M33GA* pp. 340-41.]

It is clear from the SPC's rationale for the *BCO* 40-5 revision that it was initiated in preparation of the *RAO* revision that would pertain to a situation in which a presbytery filed unsatisfactory *responses* to RPR/GA citations. This *RAO* revision was also published in the SPC's Report to the 33rd GA, in anticipation of proposing it to the 34th GA for a vote.

In 2006, at the 34th GA in Atlanta, the Assembly adopted fifteen revisions to the *RAO* in omnibus, by more than the required two-thirds majority, including the addition below to what was then *RAO* 14-10.c (which is now 16-10.c).

[14-10.c - all new; now 16-10.c] If, in responding to an exception of substance identified by the Assembly, a presbytery reports that it disagrees with the conclusion of the Assembly and has not corrected or redressed the identified problem; and, the committee (after reviewing the presbytery's response and rationale) continues to believe that the presbytery has persisted in an error that is significant enough to require an Assembly response; then, the committee shall notify the Assembly of the continuing exception, and shall

MINUTES OF THE GENERAL ASSEMBLY

make recommendation as to whether the Assembly should again seek a more acceptable response from the presbytery, or should refer the matter to the Standing Judicial Commission to cite the presbytery to appear for proceedings according to *BCO* 40-5. [*M34GA*, p. 72-73]

[SPC rationale] "See comment on *BCO* 40-5."

It is difficult, at least for me, to review that legislative history and conclude the commissioners and presbyters who approved the revision to *BCO* 40-5 envisioned the abridged process followed by last year's Assembly regarding this present matter. No Assembly in the last 18 years since the adoption of that revision to *BCO* 40-5 has ever used such an abridged process.

In short, while the provisions of *BCO* 40-5 and *RAO* 16-10.c were rightfully applied last year to Case 2023-14: *BCO 40-5 Matter re Northwest Georgia*, they were not rightfully applied to Case 2023-13: *BCO 40-5 Matter re Metro New York*. *RAO* 16-10.c was not followed - *nor suspended* - by the 50th GA. It is within the SJC's purview, and perhaps its responsibility, to simply apprise the Assembly of such. And this appraisal might be particularly warranted when such a large majority of an Assembly overlooks such a procedural mistake.

I offer two final thoughts. Some might contend *RAO* 16-10.b and 10.c are not mandatory because they are not part of the Constitution. However, those *RAO* sections set forth how the PCA has decided *BCO* 40-5 *will and should be* implemented at the Assembly level. They can only be ignored if two-thirds of an Assembly votes to suspend the Rules, or, after someone has successfully proposed a revision to the *RAO*.

I leave the reader to ponder a scenario. Let us say the minutes of a presbytery show that an ordination candidate expressed a relatively common difference with the Standards, say, allowing for some sort of recreation on the Sabbath. And presbytery judged it as not striking at any fundamental of our system of doctrine. And let us suppose a particularly zealous RPR regarded presbytery's judgment as an "important delinquency," and sought to bypass our regular order, and, through a *BCO* 40-5 accusation, without any due process, without any pre-indictment investigation, sought immediately to bring the matter to a

trial before the SJC? Would we be persuaded wisdom and fairness had been served? I think not.

RE Howie Donahoe

DISSENTING OPINION

Case No. 2023-13

BCO 40-5 Matter re Metropolitan New York

RE Melton L. Duncan

January 29, 2024

Fathers and Brothers,

I am humbly dissenting from the decision in PCA v. Metropolitan New York Presbytery.

I affirm the rightness of the Review of Presbytery Records (RPR) recommendation approved by the Memphis General Assembly; that RPR properly utilized the *BCO 40-5* statute to cite a lower court with a credible report of an “important delinquency” before the PCA. I also want to affirm the rightness of the SJC to determine the matter on the merits. My right honorable brethren on the Standing Judicial Commission (SJC) apparently disagreed and remanded the matter back down with reasoning; “A Further Note on Procedure in the Matter.” In my view the SJC had the appropriate authority given by the 50th General Assembly to conclude the matter without further process.

In summary I am arguing that any report deemed credible within our denomination of a woman preaching in the pulpit of a PCA Church, before a PCA Congregation, in a PCA Worship service shall be considered a “grossly unconstitutional proceeding.”

For the Church,

RE Melton L. Duncan

DISSENTING OPINION

Case No. 2023-13
BCO 40-5 Matter re: Metropolitan New York
RE Jim Eggert
January 2024

First, I want to affirm my agreement with the SJC's conclusion in this case. The response of the Presbytery was clearly inadequate since the record failed to reflect that the Session had acknowledged any error, nor that the teaching or ruling elders on the Session delineated any specific stated differences that they take to our Standards or the *Book of Church Order* that would have explained how it would be possible for them to have viewed the exposition of the Word by a woman in public worship services to be a permitted practice. I also agree that this matter should be remitted to the Presbytery to take up and dispose of in a constitutional manner and report its work of dealing with TE Higgins and the Session of Trinity Presbyterian Church, Rye, NY, and report the results of that work to the Committee on Review of Presbytery Records (RPR) for the 51st General Assembly.

My agreement above suggests that perhaps I might have *concurred* with the decision. But in the end, I chose to dissent because I disagree with the Decision's critique of the 50th General Assembly's action in referring this case to the SJC, a referral which I am convinced was appropriate under the circumstances.

My dissent springs mainly from that part of the opinion that commences "A Further Note on Procedure in the Matter" where the decision today "questions the constitutionality of the Assembly's referral in this case" to the SJC. I dissent because I do not question that referral. Further, the decision "takes [an] opportunity to explain why [The SJC] is dubious about the Assembly's action" of assigning the case to the SJC, but I do not regard the assignment as "dubious." Lastly, the decision asserts that the Assembly "exceeded its authority in immediately ordering the citation" for the presbytery to appear before the SJC, a proposition with which I also disagree.

When the 50th General Assembly decided that the minutes of the Metropolitan New York Presbytery constituted a "credible report" of an "important delinquency or grossly unconstitutional proceedings" (*BCO 40-5*) and cited

the Presbytery to appear before the SJC, the Assembly did *not* refer the SJC to evaluate either: (1) the constitutionality of the Assembly's referral or (2) the propriety of the referral under its own *Rules of Assembly Operation*. Yet a large measure of the decision today is filled with discussion of that very subject matter.

This raises a question that is both interesting and important: Was the SJC right to undermine the legitimacy of the very *referral* of this matter under the circumstances of this case? For the reasons set out herein I am not yet persuaded that it was.

The General Assembly's powers are enumerated in *BCO* 14-6 and include the following:

- a. ... to bear testimony against error in doctrine and immorality in practice, injuriously affecting the Church; to decide in all controversies respecting doctrine and discipline;
- ...
- c. ... to take care that the lower courts observe the Constitution; to redress whatever they may have done contrary to order...

Certainly, *BCO* 40-5 is one of the constitutional mechanisms to provide a means for the Assembly to perform these vital functions. *BCO* 40-5 states:

When any court having appellate jurisdiction shall receive a credible report with respect to the court next below of any important delinquency or grossly unconstitutional proceedings of such court, the 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.

Of course, *BCO* 40-5 is a part of the *Rules of Discipline* and provides a means by which a lower court is cited to appear before a higher court. The triggering mechanism for this procedure is a "court having appellate jurisdiction" receiving a "credible report" of the sort described in the provision. *BCO* 40-5

does not specify exactly in what manner the “credible report” may arise and does not on its face exclude the possibility that it may arise out of the review of presbytery records. Indeed, unlike *BCO* 40-1 through 40-4, *BCO* 40-5 makes no express reference to “records” of a lower court at all. One might imagine any number of ways that a “credible report” might come to the Assembly, and *BCO* 40-5 appears to stand apart in Chapter 40 as a procedure and remedy only for the most *egregious* cases – those credibly involving “important delinquencies” or “grossly unconstitutional proceedings” – so that *BCO* 40-5 is not a species of regular “records review” so much as a mechanism to address only those exceptional cases falling into the orbit of the rule that command the urgent attention of the Assembly.

BCO 40-5 requires the exercise of judgment about whether the actions alleged trigger the criteria precedent to the issuance of a citation. Of course, a biblical or constitutional violation is always a “delinquency,” but, if it results in no substantial harm, it may not be “important.” An unconstitutional act or omission of a court is not good, but to be actionable under *BCO* 40-5 it must be “gross,” which means glaringly noticeable, usually because of inexcusable behavior. A court’s “grossly unconstitutional” act or omission is so flagrant and inexcusable as to undermine our constitutional order to a degree that it is deemed harmful in its own right.

In this matter, the Assembly exercised its judgment to trigger the issuance of a citation and committing the matter to the SJC for adjudication, deeming the report it received from RPR about Metro New York Presbytery to be a “credible report” of an “important delinquency or grossly unconstitutional proceeding” of that court. *BCO* 15-4’s imperative that the Assembly “shall commit all matters governed by the Rules of Discipline” to the SJC (including proceedings under *BCO* 40-5) is a mandate to the General Assembly, and is not, on its face, self-executing. In other words, a particular matter is committed to the SJC when the Assembly in fact “commits” that matter to the SJC, as it obviously did in this case.

Under the circumstances presented in this case, my deference to the Assembly’s preliminary determination to commit the instant *BCO* 40-5 proceedings to the SJC is such that I cannot in good conscience join in today’s decision which asserts the Assembly “exceeded its authority” by doing so. Of course, the SJC is a commission of the Assembly and, as such is “authorized to deliberate upon and conclude the business referred to it” (*BCO* 15-1), which

it has done. But the decision as adopted essentially asserts that the business was improperly *referred*, arguing as it does, that the mechanism of the referral came to the Assembly through RPR in a manner that allegedly violated not only the *Rules of Assembly Operation (RAO)* and the *Operating Manual of the Standing Judicial Commission (OMSJC)*, but apparently our Constitution. In other words, the Decision effectively maintains that the very *citation* of the presbytery was outside the power of the Assembly.

For reasons set out below, I respectfully disagree. First, it appears that the decision's interpretation of the *RAO* transgresses *BCO* 40-5. Furthermore, I don't believe the referral of the case to the SJC necessarily violated the *RAO*. I disagree with the constitutional considerations advanced in the Decision and have concluded that the referral of the matter to the SJC was in order.

I. As Articulated in the Decision, the Interpretation of RAO 16 is Unconstitutional and Cannot be Enforced.

The Decision agrees that the Assembly "apparently accepted RPR's argument with regard to how to properly understand and apply *BCO* 40-5 to a matter arising out of the required review of the records of a presbytery." The Assembly simply applied *BCO* 40-5 on its face when it made the determination that it had received a "credible report" of an "important delinquency or grossly unconstitutional proceeding" and cited the presbytery to appear before the SJC. Not a single word of *BCO* 40-5 prohibits the Assembly from citing a presbytery to appear because the "report" arose from RPR in connection with its review of presbytery records, a limitation that must be derived -- if it can be derived at all -- from a source *other* than *BCO* 40-5.

BCO 40-5 took its present form in 2006 via an amendment adopted per the recommendation of the Strategic Planning Committee, whose rationale noted that the change "allows for the use of a commission, in anticipation of a proposed amendment to *RAO* 14-10.c establishing a judicial procedure to settle the question of the disputed exceptions alleged under General Assembly review of presbytery records." (M33GA, 33-48, III, 8, p. 186; see also Appendix C, Attachment 1, p. 342)." (See also pp. 340-41 in M33GA.) Of course, the rationale of an Assembly Committee is not determinative of the Assembly's intent, which must be derived by the words of the text that the Assembly adopted. Therefore, even if we assume that the Strategic Planning Committee's rationale for the revision was initiated in preparation of the *RAO*

provision now in consideration, such rationale cannot control the interpretation of *BCO* 40-5. We ought not interpret *BCO* 40-5 based on *actual* provisions of the *RAO*, much less “*anticipated*” ones, for that would make the interpretation of the Constitution reliant on extra constitutional documents and procedures that can be revised outside the constraints of the constitutional amendment process. Neither the *RAO* nor the *OMSJC* are part of the Constitution and are constitutionally *subordinate* to the *BCO*. Therefore, the prescriptions of the *BCO* must supersede any contrary prescriptions of the *RAO* or the *OMSJC*.

BCO 40-5 prescribes that when a qualifying report has been received by “any court having appellate jurisdiction,” then “*the first step*” is to cite the court to appear. The Decision advances an interpretation of *RAO* 16-6.c and *RAO* 16-10.c that supposes the Assembly must entertain *other* precedent steps before citing a presbytery to appear, i.e. that the Assembly must first take an exception of substance to the presbytery minutes, afford the presbytery an opportunity to respond to RPR, and *only then* entertain a recommendation from RPR to cite the presbytery to appear per *BCO* 40-5. These novel and modified “first steps” prescribed by the *RAO* (and advanced by the Decision) are a not enforceable since the *BCO* is supreme over the *RAO*, and because the insertion of interceding steps ahead of “the first step” mandated by *BCO* 40-5 would unconstitutionally amend *BCO* 40-5, contrary to the prescriptions of *BCO* 26-1 and 26-2, making the citation of the Presbytery not the “first step,” but the *last*.

II. The Assembly Did Not Violate BCO 15-4

The Decision alludes to *BCO* 15-4, a provision that states the Assembly “shall commit all matters governed by the Rules of Discipline” to the SJC. But by this rule, the committal of the instant *BCO* 40-5 proceeding to the SJC, being a matter governed by the *Rules of Discipline*, was not only appropriate; it was *mandatory*.

While it is true that *BCO* 15-4 removes the “annual review of Presbytery records” from the jurisdiction of the SJC, that is not the case here. The Decision warns that the SJC’s lack of jurisdiction over the annual review of presbytery records “should make us cautious about any argument that suggests that matters raised by RPR can come directly to the SJC as happened in this case.” But the Assembly most certainly did *not* ask the SJC to engage in the “annual review of presbytery records;” it empowered the SJC to *adjudicate* a

case as prescribed by *BCO* 40-5 by “reversing or redressing the proceedings of the court below in other than judicial cases,” “censuring the delinquent court,” “remitting the whole matter to the delinquent court with an injunction to take it up and dispose of it in a constitutional manner,” or “staying all further proceedings in the case” just “as circumstances may require.” None of those remedies could be accomplished merely by the “annual review of presbytery records.” The full SJC received the record in this case, reviewed briefs, heard the arguments of the parties, and then rendered a final decision. None of these procedures, and certainly not the result reached in this case, bear any substantive resemblance to the “annual review of presbytery records.” They were acts unique to the adjudication of a *BCO* 40-5 case.

III. The Assembly Did Not Violate BCO 11-3

Calling it “no small issue,” the Decision also advances the argument that *BCO* 11-3 implies that the Assembly (through RPR) should have followed the procedures in *RAO* 16, first identifying that the presbytery’s minutes showed an “exception of substance” and that the presbytery then be “given an opportunity to respond to such an exception or to ‘redress the identified problem’ before being cited to appear.” *BCO* 11-3 reads as follows:

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

Against the chain of reasoning advanced in the Decision, not a syllable of this provision prescribes the Decision’s proposed procedure. Indeed, *BCO* 40-5, does not require that a presbytery be given an opportunity to respond *before* being cited to appear, stating instead that the “*first step* [emphasis added] shall be to cite the court alleged to have offended to appear,” *after* which a presbytery is to be heard. Consequently, nothing in *BCO* 11-3 supports the conclusion that the Constitution was violated merely because the Assembly acted on a recommendation from RPR to commit *BCO* 40-5 proceedings to the

SJC in this matter, proceedings in which the presbytery was in fact heard by the SJC. By the reasoning of the Decision, it would seem that *BCO* 40-5 would *itself* transgress *BCO* 11-3.

IV. The Committal did not Clearly Violate the RAO.

The Decision today carefully advances an interpretation of *RAO* 16, particularly *RAO* 16-6.c and 16-10.c, but the Decision's interpretation is not the only reasonable interpretation of the *RAO* or the *BCO*, and it is evidently *not* the interpretation adopted by the 50th General Assembly.

The *RAO* is certainly one way that the Assembly expresses its interpretation and implementation of the *BCO*. But I am not persuaded that the *RAO*, as presently written, exhausts all the mechanisms by which the Assembly may commit a *BCO* 40-5 proceeding to the SJC per *BCO* 15-4.

I do not understand the argument of today's Decision to be that the Assembly lacks essential power to assign a *BCO* 40-5 proceeding to the SJC, but that the *origin* of the presentation of the *BCO* 40-5 proceeding in this particular matter wrongly originated via an unauthorized source (RPR) and an unauthorized procedure (without precedent exchanges between RPR and the presbytery) that violated the letter of the *RAO*. Today's Decision effectively maintains that the *RAO* prescribes but a single path by which the Assembly may assign a *BCO* proceeding to the SJC that arises out of RPR. I respectfully disagree.

In support of its interpretation, the Decision cites *RAO* 16-10.c, under the heading "Guidelines for Responding to the Assembly:"

If, in responding to an exception of substance, a presbytery reports that it disagrees with the conclusion of the Assembly and/or has not corrected or redressed the identified problem; and, the committee (after reviewing the presbytery's response and rationale, and, if a majority so desires, consulting with the Committee on Constitutional Business) continues to believe that the presbytery has persisted in an error that is significant enough to require an Assembly response; ***then***, the committee shall notify the Assembly of the continuing exception, and shall make recommendation as to whether the Assembly should again seek a more acceptable response from the

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presbytery or should appoint a representative to present its case and refer the matter to the Standing Judicial Commission to cite the presbytery to appear for proceedings according to *BCO* 40-5. (emphasis added).

Putting aside that “guidelines” are not necessarily as stringent a regulation as “rules,” the Decision interprets the adverb “then” to effectively mean “then, and then only,” advancing the position that RPR, being a creature of the Assembly, may only do what the Assembly expressly authorizes, whether they be guidelines or otherwise, its “powers and procedures coming as grants from the Assembly.”

But this argument demands closer scrutiny. *RAO* 16-10.c governs only “exceptions of substance.” Curiously, however, “exceptions of substance” are defined as

Apparent violations of the Scripture or serious irregularities from the Constitution of the Presbyterian Church in America, actions out of accord with the deliverances of the General Assembly, and matters of impropriety and important delinquencies, and any noncompliance with *RAO* 16-3.e.5 should be reported under this category.

The definition of “exception of substance” does *not* cite *BCO* 40-5, nor does it allude to *BCO* 40-5 “grossly unconstitutional proceedings.”

Regarding an “exception of substance,” one might suppose that a “serious irregularity from the Constitution” or even a “matter of impropriety” should be interpreted to include both “important delinquencies” and “grossly unconstitutional proceedings.” On the other hand, if one adopts a stricter interpretive approach – along the lines of today’s decision – we perhaps might infer that, since RPR’s “powers and proceedings” come only as “grants from the Assembly,” and since no mention is made in *RAO* 16-10.c of *BCO* 40-5’s “grossly unconstitutional proceedings,” that RPR has been granted no authority to engage in an exchange with a presbytery concerning the same, so that the review and control of credible reports of “grossly unconstitutional proceedings” (from whatever source) remain the exclusive prerogative of the *Assembly* regardless of the machinations of RPR.

But more fundamentally, the Decision overlooks that *RAO* 16-7, the article that prescribes the “Guidelines for Reporting on Presbytery Records” and lists those matters that RPR may report to the Assembly, seems to ascribe broad authority to RPR. After authorizing RPR to include in its report

- the minutes it has received (*RAO* 16-7.a),
- a list of the presbyteries that have not submitted minutes (*RAO* 16-7.b),
- RPR’s recommendation concerning the minutes of each presbytery including the details about any exceptions of substance (*RAO* 16-7.c),

the very next paragraph then authorizes and directs RPR to include in its report “[a]ny other recommendation to the Assembly” (emphasis added) (*RAO* 16-7. d).

“Any other recommendation” is a wide grant of power to RPR, and a particularly potent endowment when one considers that it is added *after* the very provision that the Decision maintains circumscribes RPR’s whole authority to recommend a *BCO* 40-5 citation regarding an “exception of substance.” Beyond those powers described in the Decision, RPR may make any other recommendation at all to the Assembly, presumably including recommendations regarding “grossly unconstitutional proceedings” concerning *BCO* 40-5. Put simply, the Decision’s proposed interpretation of the *RAO*, while presenting one plausible understanding of those rules, is not the only one. I maintain that the Assembly was free to interpret the *RAO* another way, and obviously did so. Indeed, if the above is correct, then a motion to suspend the rules would not have even been necessary (or expected), as is supposed by the Decision.

Granted, we cannot know for sure what interpretation of the *RAO* the Assembly had in view when it assigned the instant *BCO* 40-5 proceeding to the SJC; that is the enigma inherent in the collective action of any Assembly. But when the *RAO* is reasonably susceptible to two interpretations, one of which vindicates the Assembly’s referral of a *BCO* 40-5 proceeding to the SJC, it’s my view that the SJC should prefer the interpretation that vindicates the Assembly’s action. As explained above, there are at least two such plausible interpretations in this case: (1) that *RAO* 16.10.c unconstitutionally amends the “first step” of *BCO* 40-5 and (2) *RAO* 16-7. d grants RPR wide authority to make other recommendations, including concerning proposed *BCO* 40-5

proceedings. Therefore, I have concluded to defer to the Assembly's apparent judgment.

V. The Referral was not Out of Order.

In the end, the propriety of the Decision's critique of the Assembly is bound up with one's understanding of the relationship between the Assembly and the SJC in *BCO* 40-5 proceedings. *OMSJC* 15 governs the SJC when it hears reports arising out of review and control under *BCO* 40 and *RAO* 16-10. c. In such cases, *OMSJC* 15.1 and 15.2 direct the SJC to first determine whether the case is administratively and judicially in order. Generally, in any matter presented to the SJC, if a case is not in order, the Commission cannot proceed in the case. So perhaps the critique of the Assembly's referral of the instant case should be understood as the common exercise of the SJC's obligation to engage in such a preliminary analysis, and perhaps one might even propose that the Assembly may not antecedently adjudicate the SJC's judgment as to whether a case is in order under the *RAO* or otherwise.

Whatever the merit of such an argument, I do not believe that this analysis justifies the Decision as written.

First and foremost, the SJC did *not* find the instant case to be administratively or judicially out of order. It received the record, received briefs, heard the argument of the parties, deliberated, and then decided the case, all as prescribed by *BCO* 40-5. Indeed, if the case was out of order, then the SJC should have refused to hear the case at all. Such did *not* occur, and if the argument of the Decision be true, then not only was the referral of the *BCO* 40-5 proceeding to the SJC in this case null and void, violating as it allegedly did both the Constitution and the *RAO*, but it also follows that today's Decision itself would be null and void as a lawless act of both the Assembly and its SJC. Applying the Decision's logic, the SJC, without the prescribed precedent work of RPR, could not have been in any better position to take up this *BCO* 40-5 proceeding than was the Assembly itself, which is to say that neither the Assembly nor the SJC could take it up at all.

Contrary to the reasoning of the Decision, I am inclined to defer to the Assembly's apparent interpretation and implementation of its mandated duty to "commit" *BCO* 40-5 proceedings to the SJC under *BCO* 15-4 and assume a more deferential attitude toward the Assembly's referral in this case than the Decision's explanation will permit.

Evaluating the role of the SJC in a *BCO* 40-5 referral from the Assembly is complicated by the fact that such a referral has two elements:

- (1) the preliminary and jurisdictional question of whether the matter is appropriate for a *citation* to issue to a presbytery in the first place; and
- (2) whether the “credible report” has been proven to be true.

That the SJC (rather than the Assembly) has exclusive jurisdiction to settle the matters identified in (2) is not, I believe, a controversy. But it is not so clear that the Assembly lacks authority to adjudicate the question posed by (1) in circumstances like this case. If we assume, as *BCO* 40-5 seems to do, that the Assembly has the power of *referral* to the SJC, we must also assume that the Assembly must possess power to evaluate:

- What constitutes a “report;”
- Whether a report is a “credible report;”
- Whether a report, if true, would demonstrate an “important delinquency; “and
- Whether a report, if true, would demonstrate a “grossly unconstitutional proceeding.”

Interestingly, even *RAO* 16-10.c, highlighted by the Decision, seems to assume that the Assembly *does* have power to assess those matters addressed in (1), for *RAO* 16-10.c provides that the Assembly can receive a recommendation from RPR to refer a *BCO* 40-5 matter arising out of the review of presbytery records to the SJC.

But if the Assembly possesses a primary role in evaluating the matters laid out in (1) above, to what degree does the SJC possess the power to review those preliminary determinations in such cases as the Assembly elects to exercise such power? *BCO* 15-4’s direction that the Assembly “commit all matters governed by the Rules of Discipline” seems to assume that the Assembly both possesses power and may play an active role – to “commit” implies action – to make at least the preliminary determination about what is in fact a matter “governed by the Rules of Discipline.”

For example, a report about alleged grossly unconstitutional proceedings of a presbytery received by the Assembly that is not “credible” is *not* “governed by the Rules of Discipline,” and therefore the Assembly cannot, constitutionally speaking, “commit” the matter to the SJC, nor can the SJC take it up. The same goes for reports that do not in the Assembly’s judgment present “important delinquencies” or “grossly unconstitutional proceedings.” If the Assembly, after deliberation, affirmatively declined to commit a report to the SJC because it concluded it did not present an “important delinquency” or “grossly unconstitutional proceeding,” would its own SJC have the power to review that determination, reverse it, and take up the matter? I would not think so since the Assembly, not the SJC, is the only body with power to “commit” the matter to the SJC. But by the same logic, the SJC should not have jurisdiction to review and reverse the Assembly’s action in cases where it has reached the opposite conclusion – that a matter did *not* present “important delinquencies” or “grossly unconstitutional proceedings.” Today’s Decision implies that the SJC retains a power of review over an Assembly’s determination about whether a matter is appropriate to be “committed” under *BCO* 40-5. I disagree.

I grant that there are reasons to be concerned about direct referrals of *BCO* 40-5 reports to the SJC in that the Assembly could become overly aggressive in assigning *BCO* 40-5 cases, overwhelming the SJC, when perhaps redressing a concerning report might be better resolved through the robust process of review of presbytery records. And even though I disagree, I also appreciate the plausible interpretation of the *BCO*, *RAO* and *OMSJC* articulated in the decision about the prerequisites that must be satisfied before RPR may propose that the Assembly commit a *BCO* 40-5 proceeding to the SJC arising out of the review of presbytery minutes.

But I am unpersuaded that the decision’s interpretation is the *only* plausible interpretation, and I am inclined in this case to defer to the Assembly’s apparent interpretation and implementation of its mandated duty to “commit” *BCO* 40-5 proceedings to the SJC under *BCO* 15-4 in this case. The Assembly obviously found the report in this case so egregious that it justified invoking the exceptional provisions of *BCO* 40-5.

Lastly, I want to state my conviction that the final disposition of the instant matter, including whether it should for any reason be subject to another *BCO* 40-5 referral, is and should be the prerogative of the 51st General Assembly according to its best judgment in interpreting our Constitution. It is not within

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the SJC's purview or power, in this Decision or otherwise, to direct or constrain the 51st General Assembly's interpretation of the *RAO* or the Constitution with respect to the referral of *BCO* 40-5 proceedings, nor is it the SJC's role to "explain" to the 51st General Assembly what should happen after the Presbytery in this case reports its work of dealing with TE Higgins and the Session of Trinity Presbyterian Church, Rye, NY, nor do I find it appropriate in this case for the SJC to counsel the Assembly to be "scrupulous in the future in maintaining" the alleged "careful balance that is required" by the Assembly's own "rules" of operation.

I respectfully dissent.

**PRESBYTERIAN CHURCH IN AMERICA
STANDING JUDICIAL COMMISSION**

Case No. 2023-14

BCO 40-5 REPORT

re:

NORTHWEST GEORGIA PRESBYTERY

RULING ON REPORT

January 12, 2024

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

That the 50th General Assembly:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CASE Nos. 2023-15 & 2023-17

MR. TOM TURNER

v.

SOUTH FLORIDA PRESBYTERY

RULING ON COMPLAINTS

March 7, 2024

South Florida Presbytery ruled these Complaints administratively out of order for lack of standing. Likewise, the SJC rules these Complaints are administratively out of order due to lack of standing and cannot be put in order. Mr. Turner is no longer a member of the PCA because Cross Community Church, where he is a member, disaffiliated from the PCA at a congregational meeting on February 12, 2023.

Ten days prior to that meeting, their pastor (then and still) TE Tommy Boland notified South Florida Presbytery that he had left the PCA and affiliated with Stevens Valley Church in Nashville, TN (pastored by a man who left the PCA in October 2016).

The Minutes of the February 12, 2023 congregational meeting of Cross Community include these excerpts:

Pastor Boland then presented to the congregation a recommendation and motion from the Session that the Church withdraw from membership in the PCA. ... Ballots were then distributed for voting by members and collected for counting. The tabulated vote was 55 in favor, and 4 against, passing by a majority.

A second motion was introduced by RE Tom Turner wherein the congregation authorizes the session to proceed with withdrawal at an appropriate date in the future, to allow for completion of outstanding business and implementation of appropriate changes to Articles of Incorporation, By-Laws and other actions deemed necessary to properly define out [*sic?*] structure an organization moving forward. This was approved by a majority voice vote.

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The second motion was out of order because it purported to approve a contingent action, with respect to the Congregation's vote to disaffiliate from the PCA. Therefore, the first motion is the effectual action of the congregation, and the requirements of *BCO* 25-11 were met with the adoption of the first motion. We note that no action of Presbytery was required because the Congregation had already disaffiliated.

The SJC reviewed the Officer's proposed ruling and approved the final version of the Ruling by vote of **19-2**, with one not qualified and two absent.

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

DISSENTING OPINION

Case Nos. 2023-15 & 2023-17: *RE Turner v. South Florida*
REs John Bise and Frederick Neikirk
March 27, 2024

We respectfully disagree with our brothers on the Standing Judicial Commission in the decision to rule these cases administratively out of order (“AOO”) due to lack of standing. The decision was predicated on the determination that when Cross Community Church (“CCC”) voted on February 12, 2023 to withdraw from membership in the PCA, the action was effective immediately, thereby rendering out of order a second resolution of the congregation. The second resolution provided that CCC “...authorizes the session to proceed with withdrawal at an appropriate date in the future, to allow for completion of outstanding business and implementation of appropriate changes [to various corporate documents] ... and other actions deemed necessary....” Summarily, it is our view that the two resolutions in question were intertwined in such a way that the AOO ruling denies access to the Courts of the Church to a censured party, in this instance CCC, acting through RE Turner.

RE Tom Turner had complained to the South Florida Presbytery (“SFP”) against an action of SFP’s Judicial Commission (“SFPJC”). This action was taken on July 19, 2023 and followed a two-year series of communications and judicial activities surrounding TE Tommy Boland, the pastor of CCC, allegations of sexual misconduct within the church and of the CCC Session failing to take appropriate actions in response to those allegations, and related items. Notably, TE Boland had first refused or failed to appear before SFPJC, then was suspended from the office of teaching elder by SFPJC which appointed a commission to enforce its judgement. TE Boland then communicated to SFPJC that he had previously withdrawn from membership in the PCA by affiliating with the Stephens Valley Church, an independent body. SFPJC later cited the Session of CCC to appear before it “in accordance with *BCO* 40-5” to answer for its actions in permitting TE Boland to continue preaching at CCC. Although SFPJC cited the CCC Session to appear on multiple occasions, the Session had refused to appear, asserting that the actions and censure against TE Boland were not lawful. At the meeting on July 19, 2023, SFPJC voted “to depose TE Boland from his pastoral office in accordance with *BCO* 34-4b and recognize his transfer of church membership

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(under suspension) to the Stephens Valley Church in Nashville, TN.” SFPJC’s minutes also record “A second motion was made to dissolve the relationship of the Cross Community Church with the Presbyterian Church in America for its repeated defiance of any action of SFP, in accordance with *BCO* 40-5 and 40-6 in censuring a delinquent court according to the rules provided for process against individuals, so far as they may be applicable.”

On July 20, 2023 RE Turner filed two complaints with SFP. The first asserted that the SFPJC erred when it deposed TE Boland. The second argued that SFPJC erred in dissolving the relationship of CCC and SFP in that SFPJC did not have the authority to take that action. On July 27, 2023 the Administrative Committee of SFP notified RE Turner that his complaints were out of order in that his church was no longer a member of SFP. On that same date the Stated Clerk of SFP notified the Stated Clerk of the General Assembly that CCC was no longer a part of SFP or the PCA. On August 8, 2023 SFPJC reported its actions to Presbytery. There is, however, no evidence in the Record that either SFPJC or SFP ever acted to confirm or adopt the July 27, 2023 decision of Presbytery’s Administrative Committee.

Historically, the courts of the PCA have held that any party who has been censured has the right to be heard via appeal or complaint regarding the censure decision and the process that led to that decision. This case should be no different.

The decision of the SJC states:

The second motion was out of order because it purported to approve a contingent action, with respect to the Congregation’s vote to disaffiliate from the PCA. Therefore, the first motion is the effectual action of the congregation, and the requirements of BCO 25-11 were met with the adoption of the first motion. We note that no action of Presbytery was required because the Congregation had already disaffiliated.

We see no reason the congregation of CCC should be denied the latitude to affect the disaffiliation based on timing determined by its Session. Whether the determinative aspect was corporate documentation or the desire to complete the judicial process in pending cases, such an authorization is not

unreasonable, though admittedly in this instance the timing had become protracted.

The actions of CCC's Session and of TE Boland were understandably frustrating to the Presbytery. Neither was cooperative with SFPJC's attempt to inquire into serious allegations of misconduct and each allegedly withheld material information. Further, both appear to have defied instructions from SFP. Nevertheless, there were available paths open to the Session, TE Boland, and to SFP. CCC's Session or TE Boland could have requested reference of the cases to the SJC. SFP could have drawn charges against the CCC Session and the church, cited the Session to appear, and proceeded to trial or to a judgement of contumacy in the event of continued refusal to appear. Any of these would have been more consistent with our polity than the denial of access resulting from the AOO ruling, and each would have made it more likely that the allegations against TE Boland and the Session would have been adjudicated so as either to vindicate or appropriately censure the Session, based on findings of the Court.

Among prior SJC cases supporting the access to Courts of the Church by parties disputing a censure against them is SJC Case 2013-07: *Session of FPC North Port v. Southwest Florida Presbytery*. That case revolved around the right of an individual to complain against a lack of judicial process prior to her removal from church rolls. In the final decision of that case, the SJC wrote,

In Presbyterian polity in general, and specifically in the polity of the Presbyterian Church in America, the actions of a court (whether of a Session or a Presbytery) are not beyond review and possible correction. As the Westminster Confession of Faith states: "All synods or councils, since the apostles' times, whether general or particular, may err" (WCF 31.3). In accordance with our Book of Church Order, when a communing member of the Church who is subject to the jurisdiction of a court believes that court has erred, the member has a right to file a complaint against an act or decision of the court (BCO 43-1).

We believe that RE Turner and CCC had the same right to complain as did the individual communing member in 2013-07.

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Another helpful case is SJC Case 2019-06, *PCA v. Presbytery of the Mississippi Valley* in which a key issue was the right of a person removed from the membership roll to object to a session's assertion of no intention to submit to the government and discipline of the church. In this case, the SJC ruled that the Petitioner should have been afforded the right to process.

[T]he Session should have afforded the Petitioner her constitutional privileges and processes described in BCO 38-4 before deciding to remove her name from the roll.

We see Case 2019-06 as analogous with respect to the right of one to process when censured.

In sum, we believe that CCC should have been afforded a hearing and formal process before being removed from membership. Such a course would have been more in keeping with the polity of the PCA and the precedents of this Commission, and, more important, would have made it more likely that the cause of Christ and His Church would have been vindicated and any evils appropriately called to account.

Finally, we must emphasize that our dissent takes no position on the validity of the underlying issues in the case. Whether TE Boland or the Session were justified in any or all of their actions is not before us. Our point is simply to assert that RE Turner should have had access to the courts of the Church to complain against the removal imposed on CCC.

/s/ RE John R. Bise

/s/ RE Frederick Neikirk

**PRESBYTERIAN CHURCH IN AMERICA
STANDING JUDICIAL COMMISSION**

CASE No. 2023-19

TE JARED HUFFMAN

v.

TENNESSEE VALLEY PRESBYTERY

RULING ON APPEAL

March 8, 2024

This case came before the SJC styled as an appeal after TE Huffman had initially filed an appeal with the Stated Clerk of Tennessee Valley Presbytery on September 6, 2023. The case had originated January 17, 2023 when the Tennessee Valley Presbytery (“TVP”) in a called meeting empowered its Moderator to appoint an ad-interim committee to demand satisfactory explanations concerning reports affecting the Christian character of TE Huffman per *BCO* 31-2. TE Huffman had previously disclosed patterns of sin to the Session of Restoration Southside Church where he had served. The work of the ad-interim committee and a subsequent judicial commission with TE Huffman led to his making a confession which, after interaction with the commission, was finalized on June 2, 2023 and reported to TVP at its stated meeting on August 8, 2023. TE Huffman’s confession was prepared under provisions governing the conduct of a *BCO* 38-1 case without process which were amended by action of the 50th General Assembly on June 13, 2023. Prior to June 13, 2023, *BCO* 38-1 stipulated that the accused had the right of *complaint* against the court’s judgment. On June 13, 2023, *BCO* 38-1 was amended to say that “a censured person has the right to *appeal (BCO 42)*” (emphasis added).

Although TE Huffman filed notice with the Stated Clerk of TVP of his “appeal” to *the Presbytery* on September 6, 2023, there was confusion as to the proper process. There is no indication in the Record of the Case that TVP acted on the appeal. TE Huffman subsequently filed an appeal with the SJC on September 26, 2023.

In view of the fact that this Case originated and was near completion under the terms of *BCO 38-1* as it existed prior to amendment by the 50th General

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Assembly, it would be unfair to retroactively impose the amended terms on TE Huffman. Accordingly, we find that the Case is judicially out of order and remand the same to TVP for adjudication as a complaint as was proper under the then extant rule. As TVP has not ruled on the complaint (previously mischaracterized as an appeal) presented to it on September 6, the matter is remanded to the Presbytery. The clock is reset for Presbytery, as instructed, to consider the complaint at its next stated meeting. If the presbytery fails to consider the complaint at its next stated meeting, the complaint can be brought to the next higher court (SJC). Also, if the presbytery denies the complaint, it can be carried to the next higher court. The remainder of the (Old *BCO 43-2*) section then applies:

(excerpt from old *BCO 43-2*) ... Written notice [of complaint] thereof shall be filed with both the clerk of the lower court and the clerk of the higher court within thirty (30) days of notification of the last court's decision. Notification of the last court's decision shall be deemed to have occurred on the day of mailing (if certified, registered, or express mail of a national postal service or any private service where verifying receipt is utilized), the day of hand delivery, or the day of confirmed receipt in the case of e-mail or facsimile. Furthermore, compliance with such requirements shall be deemed to have been fulfilled if a party cannot be located after diligent inquiry or if a party refuses to accept delivery.

The proposed ruling was drafted and approved by the Panel, which included TE Waters (chair), RE Eggert, and RE Bise with alternates RE White and TE Lucas. The SJC approved the final Ruling by vote of **19-1**, with 3 absent and 1 recused.

Bankson	<i>Concur</i>	S. Duncan	<i>Concur</i>	Maynard	<i>Concur</i>
Bise	<i>Concur</i>	Eggert	<i>Concur</i>	Neikirk	Recused
Carrell	<i>Concur</i>	Evans	Absent	Pickering	<i>Concur</i>
Coffin	<i>Concur</i>	Garner	<i>Concur</i>	Sartorius	<i>Concur</i>
Dodson	<i>Concur</i>	Greco	<i>Concur</i>	Ross	Absent
Donahoe	<i>Dissent</i>	Kooistra	<i>Concur</i>	Waters	<i>Concur</i>
Dowling	<i>Concur</i>	Lee	<i>Concur</i>	White	<i>Concur</i>
M. Duncan	<i>Concur</i>	Lucas	Absent	Wilson	<i>Concur</i>

RE Neikirk indicated he recused because he was given facts in the Case by a person related to a party before the Case became public.

IV. PROPOSED MANUAL CHANGES

The Standing Judicial Commission submits to the 51st General Assembly the following proposed amendments (underscoring for additions; ~~striketrough~~ for deletions) to the *Operating Manual of the Standing Judicial Commission (OMSJC)* for adoption. Changes relate to six areas.

1. Amend OMSJC 8.4 (a) and (b) to provide a standard size for footnote text and to permit tables of contents and cover pages for briefs:

- a. Any brief filed hereunder must be typewritten or printed on 8-1/2 x 11 inch paper, with no smaller than 12 point type, with 1 inch margin on all sides, line numbering that restarts on each page, and may be single spaced. All briefs shall also be filed by electronic means with the Stated Clerk. The text of footnotes shall be no smaller than 10 point type and shall be single spaced.
- b. The preliminary brief filed by a party shall not exceed 12 pages in length. Any supplemental brief filed by a party shall not exceed 6 pages in length. Briefs may include a cover page and table of contents which shall not count toward the page limitation.

RATIONALE - The proposed change to subsection (a) provides a uniform standard for formatting footnotes. The proposed change to subsection (b) allows for and encourages useful organizational additions to briefs which do not count against the page limit.

2. Briefs for matters initially determined to be Administratively Out of Order (AOO) and Judicially Out of Order (JOO)—Amend the sections

enumerated below be amended to permit parties to file briefs when cases are found to be Administratively or Judicially Out of Order

8. BRIEFS

8.1 Review Briefs

In the event that the Officers find that a case is not administratively in order (OMSJC 9.1(a)), or a Judicial Panel finds that a case is not judicially in order (OMSJC 9.1(b) & OMSJC 10.5-6), each party may file a review brief setting out the party's position regarding whether the case is in order. In such review brief the parties may allude to those documents that have been supplied by the lower court as the proposed Record of the Case and may additionally allude to any documents that were not submitted as part of the proposed Record of the Case but only if such documents bear on whether the case is in order. Review briefs shall be filed with and reviewed by the officers if no panel has been assigned and shall be filed with and reviewed by a panel if a panel has been assigned.

~~8.21~~ Preliminary Briefs

- a. Once the Record of the Case is established only one preliminary brief may be submitted through the Stated Clerk before the initial hearing by a Panel or the Full Commission, whichever is hearing the case. Any preliminary brief from a Complainant or Appellant shall be filed after the Panel has declared the case judicially in order and no later than 14 days after he receives the established (perfected) ROC. The Stated Clerk immediately shall mail a copy of this brief to the Respondent or Appellee. Any preliminary brief from a Respondent or Appellee must be filed no later than 14 days prior to the date set for the hearing of the case.
- b. Such a preliminary brief should include the party's position with regard to the following:
 - (1) A summary of the facts.
 - (2) A summary of the proceedings in the lower court(s).
 - (3) A statement of the issues.
 - (4) The proposed judgment and relief.
 - (5) Argument in support of judgment and relief.

8.32 Supplemental Briefs

A supplemental brief may be filed only when the case initially has been heard by a panel. Within 14 days after a party has received a proposed and recommended decision of a Judicial Panel under *OMSJC* 17.5 of this Manual, that party may file with the Stated Clerk a supplemental brief which shall be limited to setting forth errors the party believes were made in the proposed and recommended decision of the Panel or Commission in accordance with *OMSJC* 17.9.a. In the event of a rehearing before the full Commission, each party may file a supplemental brief in accord with a briefing schedule to be established by the officers of the Commission.

8.43 No brief of a party shall make any reference to any fact not a part of the Record of the Case. The Panel or Commission may, at its discretion, strike all or part of a brief that makes such reference.

8.54

- a. Any brief filed hereunder must be typewritten or printed on 8-1/2 x 11 inch paper, with no smaller than 12~~10~~ point type, with 1 inch margin on all sides, line numbering that restarts on each page, and may be single spaced.
- b. Any review brief shall not exceed two pages in length. The preliminary brief filed by a party shall not exceed 12~~10~~ pages in length. Any supplemental brief filed by a party shall not exceed 5 pages in length. c. Any brief timely filed which does not meet these standards of form shall be returned to the sending party with reasons. In this case a revised brief may be submitted provided that such brief is filed with the Stated Clerk within 5 days of notification that the brief does not meet the standard of form.

8.65 Failure to file a brief by a party shall not be considered to be an abandonment of the case.

ADMINISTRATIVE PROCEDURE 9.2

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9.2

- a. If a case is preliminarily ~~initially~~ found not to be administratively in order or not to be judicially in order, the Officers or a Panel shall reduce to writing the ground for such preliminary finding, including any conclusion as to whether the case either can or cannot be put in order. The Stated Clerk shall ~~notify~~ ~~contact~~ the relevant parties or clerks of such preliminary conclusion and request that the case be put in order, if possible, and advise the parties that the party bringing the appeal or complaint may file a review brief within 15 days of such notification. The Respondent may file a responsive review brief within 15 days of the first review brief.

- b. If a case cannot be put in order within the Rules of Discipline of the BCO and the requirements of this Manual, or In cases where the Officers or a Panel have made such a preliminary finding that the case is out of order, the Officers or Panel, as the case may be, shall, after the 30-day period described above has expired, and after reviewing any review brief(s), make a secondary determination as to whether the case is in order. No party shall be entitled to an oral hearing on such a jurisdictional question without the consent of the Officers or Commission as the case may be. If the Officers' or Panel's secondary conclusion is that the case is not in order, no further action shall be taken in relation to the case other than to recommend to the next meeting of the Commission that the case be dismissed on the ground that the case is out of order. That recommendation shall include a statement setting forth the ground(s) for the conclusion that the case is not in order and either an explanation as to why it cannot be put in order or that the parties have failed to timely put the case in order despite an opportunity to do so. Alternatively, the Officers or Panel may, based on the review brief(s), find that the case is administratively in order and proceed with the case, subject to the review of any jurisdictional question by the Full Commission.

MINUTES OF THE GENERAL ASSEMBLY

- ~~c. If the parties fail to put the case in order within 30 days after notification under this Section of the Manual, In cases where it is determined that the case should be heard by the Full Commission and the Commission makes a preliminary finding that the case is out of order, the Commission shall reduce to writing the ground for such preliminary finding, including any conclusion as to whether the case either can or cannot be put in order. The Stated Clerk shall notify the relevant parties or clerks of such preliminary conclusion and request that the case be put in order, if possible, and advise the parties that they may file a review brief within 30 days of such notification. After the 30-day period described above has expired, and after reviewing any review brief(s), the Commission shall make a final determination as to whether the case is in order. No party shall be entitled to an oral hearing on such a jurisdictional question without the consent of the Commission.~~
- ~~d. Then the Officers of the Commission may make a determination that the case not be found in order and take no further action in relation to the case other than to recommend to the next meeting of the Commission that the case be dismissed on the ground that the case was not found in order.~~
- ~~e. That recommendation shall include a brief statement of the grounds for the determination that the case is not in order and either an explanation as to why it cannot be put in order or a report that the parties have failed to do so.~~

10.6 If the Judicial Panel determines that a case is not judicially in order, the Panel through the Stated Clerk shall notify the parties and give them an opportunity to cure the defect, if it can be cured within the Rules of Discipline of the *BCO* and the requirements of this Manual. If the defect is cured within 30 days from receipt of such notice, the Panel shall proceed to hear and adjudicate the case. Except as noted below, if significant defects are not cured within 30 days from the receipt of notice then the Panel may make a determination that the case not be found in order and take no further action in relation to the case other than to recommend to the next meeting of the Commission that the case be dismissed on the ground that the case was not found

in order. If, however, the defect is due to the neglect or failure of the lower court to provide a Record of the Case that is “complete and sufficiently documented” as defined in *BCO* 32-18, 42-5, and *OMSJC* 7, then the Panel shall apply *BCO* 42-7 or 43-6 as appropriate. If the decision of the Panel is not confirmed by the Commission, the Commission may return the case to the Panel, or may appoint a new Panel in accordance with *RAO* 17.3 to hear and adjudicate the case, or may decide to hear the case as the Full Commission.

RATIONALE - The proposed changes provide parties the opportunity to file briefs when cases are found to be Administratively Out of Order or Judicially Out of Order and provide the Commission information from both parties before making a final ruling.

3. Amend the sections listed below to eliminate mailed (hard copy) filings in favor of exclusive electronic (e.g., email) filings:

OMSJC 4.2

The call of a special meeting shall specify the business to be considered at the meeting, and no other business may be considered except by an affirmative vote of three-fourths of those members present and voting, which in no case shall be less than 13 affirmative votes of members of the Commission. Further, no action may be taken on any case not specified in the call. The Officers may amend the call for the consideration of additional business if notice thereof is sent by ~~mail or~~ electronic means to the Commission members no less than 14 days before the date of the meeting.

OMSJC 7.4.c and 7.4.d

- c. If a party objects to the Record as being incorrect or incomplete, such party shall notify: (i) the Stated Clerk, (ii) the Panel Chairman or the Chairman of the Commission if the case is to be heard by the Commission, and (iii) the other party, by ~~mail or~~ electronic means within 15 days of the date of receiving of such Record of the Case from the Stated Clerk, obtaining a receipt of acknowledgment from each. Any party so objecting shall specify, in writing, the alleged defect(s) and proposed remedy(ies). Failure to lodge a timely objection to

the Record of the Case shall constitute acceptance of the Record of the Case by the parties.

- d. If the other party shall accede to the objection, it shall be so stipulated in writing and made a part of the Record of the Case. Such stipulation shall be filed by ~~mail or~~ electronic means with the Stated Clerk and the Panel Chairman, or the Chairman of the Commission if the case is to be heard by the Commission, not more than 30 days after the date the last party received such Record of the Case from the Stated Clerk, obtaining a receipt of acknowledgment.

OMSJC 10.7.b

- b. Notify all parties of such time and place of hearing ~~by letter with return receipt requested or~~ by electronic means. ~~If by letter, such notice shall be mailed not less than 40 days prior to the date of hearing. If by electronic means, such~~ Such notice shall be sent not less than 40 days prior to the date of hearing and there must be a receipt of acknowledgement in the file from each party. Such 40 day period may be shortened if the parties to the case agree in writing.

OMSJC 10.10

- 10.10 AFTER THE ORAL ARGUMENTS. A Judicial Panel immediately after hearing the oral arguments of the parties, shall go into closed session and discuss the issues in the case. In that discussion, the Panel may (1) frame the issues, (2) vote on a judgment and (3) announce these to the parties. Or, the Panel may take all these matters under advisement and reconvene within the next 20 days, as often as necessary, to frame the issues and render a judgment. This "reconvening" may be held by telephone conference call. The Chairman of the Panel shall designate a Panel member voting with the majority to prepare a written decision. This decision shall be ~~mailed or~~ sent by electronic means to the Stated Clerk of the General Assembly within 40 days from the date the Panel heard the oral arguments. Any Panel member may file, within

said 40 day period, a concurring or dissenting opinion which shall be appended to the decision.

OMSJC 10.11.a

10.11.a When a Judicial Panel has reached a decision in a case, the Chairman or Secretary of the Judicial Panel shall prepare a full report of the case and ~~mail or~~ send by electronic means the same to the Stated Clerk, who shall forward, immediately, a copy of the full report to each member of the Commission. This report shall include the following

OMSJC 11.3.b

b. Notify the parties of such time and place of hearing ~~by letter with return receipt requested or~~ by electronic means. ~~If by letter, such notice shall be mailed not less than 30 days prior to the date of hearing. If by electronic means, such~~ Such notice shall be sent not less than 30 days prior to the date of hearing and there must be a receipt of acknowledgement in the file from each party.

OMSJC 12.10, 13.7, and 14.7

12.10 After a decision has been reached by the full Commission, any member may file by ~~mail or~~ electronic means, within 14 days after the date the text of the decision is sent by the Secretary to the members of the Commission, a concurring or dissenting opinion, which, if it conforms with the requirements of *OMSJC* 18.12, shall be promptly sent to the parties as an appendix to the decision

13.7 After a decision has been reached by the full Commission, any member may file by ~~mail or~~ electronic means, within 14 days after the date the text of the decision is sent by the Secretary to the members of the Commission, a concurring or dissenting opinion, which, if it conforms with the requirements of *OMSJC* 18.12, shall be promptly sent to the parties as an appendix to the decision.

MINUTES OF THE GENERAL ASSEMBLY

- 14.7 After a decision has been reached by the full Commission, any member may file by ~~mail or~~ electronic means, within 14 days after the date the text of the decision is sent by the Secretary to the members of the Commission, a concurring or dissenting opinion, which, if it conforms with the requirements of *OMSJC* 18.12, shall be promptly sent to the parties as an appendix to the decision.

***OMSJC* 17.6, 17.7.a, 17.7.d**

- 17.6 If no member of the Judicial Panel shall request a rehearing but a party shall have timely requested under Section 17.5 a rehearing by the full Commission, the Stated Clerk shall ~~mail or~~ send by electronic means a ballot to each Commission member which shall have a place for each member to indicate his vote in favor of or against such party's request. Each member shall complete and file such ballot with the Stated Clerk within 15 days of the receipt of the ~~mailing or~~ electronic notice. If any member fails to file such ballot by ~~mail or~~ electronic means within said 15 days, or shall file the ballot without completing it, that member's vote shall be recorded as a vote against the request for such a rehearing.

- 17.7 d. Where seven members of the Standing Judicial Commission shall file by ~~mail or~~ electronic means written request for such rehearing within 15 days of the receipt of the proposed decision under Section 17.5.

***OMSJC* 17.8.h(4) and (5)**

- (4) the Stated Clerk shall ~~mail~~ send the proposal by electronic means to each member of the Commission at least 10 days before the date set for such telephone conference call;
- (5) the Stated Clerk shall in the same ~~mail~~ communication send to each Commission member a written ballot;

OMSJC 18.6

- 18.6 The minutes of the meetings of the SJC must be approved by ~~mail or~~ electronic ballot within 20 days after receipt of such minutes. If any member fails to file with the Stated Clerk the ballot within 20 days, that member's vote shall be recorded as approval of the minutes.

OMSJC 18.8.a

- a. Any party may upon a showing of good cause waive his right to appear before the higher court and present oral argument. This waiver shall be accomplished by a written notice to the higher court, ~~mailed~~ sent by electronic means not less than 14 days prior to the scheduled hearing, stating the reasons for the waiver. A party's waiver has no effect upon the other party's right of appearance.

OMSJC 18.10

- 18.10 FILING, NOTICE, AND THE COMPUTATION OF DATES. When a provision of the Manual requires a computation of time under Section 18.9, above, such period of time shall be computed with the following construction of certain terms used herein, to-wit:
- a. A ~~mailing by~~ communication from the Commission or Panel shall be computed from the day after the document is sent electronically posted or delivered to an overnight carrier.
- b. Documents required or permitted to be filed by a party shall be filed with the Stated Clerk. Such filing shall be sent via electronic means and shall not be timely unless the documents are received by electronic means in the office of the Stated Clerk by 11:59 PM (Eastern Time) on the deadline date ~~within the time fixed for such filing, except that papers shall be deemed filed on the day of mailing if sent by certified, registered, priority, or express mail of the United States Postal Service or any delivery service where verifying receipt is utilized. Neither facsimiles nor E-mail will be allowed for~~

~~purposes of filing.~~ Interested parties should be aware that responsibility for such filings rests with them and that ~~delays~~ problems in delivery or non-delivery are the sole responsibility of the filing party. An electronic confirmation of receipt shall be conclusive evidence of delivery.

- c. "Notice," "notification," "from receipt," "after the receipt" shall be the local date on which the party received the electronic delivery, as ordinarily confirmed by a return email when the papers are actually delivered to the party. For all papers requiring such, the Commission shall be responsible for obtaining verification of date of delivery. However, compliance with such requirements shall be deemed to have been fulfilled in any of the following instances, to wit:
- (1) If a party changes his/her contact or email address without notifying the Office of the Stated Clerk.
 - (2) If a party cannot be located after diligent inquiry.
 - (3) If a party refuses to accept delivery of materials or notice, or refuses to confirm receipt of an electronic communication.
 - (4) If materials or notice are returned to the sender with an electronic notice of being undeliverable or by the carrier with a notation that delivery could not be accomplished.

OMSJC 18.10(d)

The Judicial Panel, or the Commission if the case is to be heard by the Commission, may extend any of the deadline dates if it determines that so doing is in the interest of justice.

RATIONALE - Filings made by electronic means (email) have obtained widespread acceptance in the most courts. Many courts only accept electronic filings. The current system imposes burdens on the parties to determine if a filing is timely based on the type of mail carrier or delivery service used, and burdens on the Stated Clerk's Office to determine receipt by a party of a mailed filing or document. Standardizing the sending of all filings and documents under the OMSJC by electronic means will provided needed certainty and efficiency.

4. Amend *OMSJC 17.1* to add new subsections 17.1(e) and (f) as follows:

OMSJC 17.1

e. Any Amends. (Directions as to what the lower court must do, or undo, in light of the Judgment. Cf. *BCO* 42-9; 43-10; 40-5).

f. A direction that the full decision (*OMSJC* 17.1(a-f)) shall be recorded in the minutes of the lower court(s), as well as a statement of how an affected lower court has complied with any amends therein.

RATIONALE - The amendments provide a mechanism by which the General Assembly may know that lower courts have considered and complied with the Court's decisions and judgments.

5. Amend *OMSJC 7.2* to add new subsection 7.2 (c) and (d) as follows:

- c. The Clerk shall work with the Office of Stated Clerk of the General Assembly to provide an inventory of documents for the Record.
- d. The Clerk shall provide a summary timeline of the Case. This will include dates that important documents were filed, dates parties received important notifications, significant actions of the original and higher courts related to the matter and dates thereof in the following format.

MM/DD/YY	Session action.
MM/DD/YY	John Doe filed complaint with Session.
MM/DD/YY	Session called meeting; complaint was considered and denied.
MM/DD/YY	Complainant received notification that his complaint was denied.
MM/DD/YY	Complainant carried/filed that complaint with Presbytery.
MM/DD/YY	Presbytery stated meeting; complaint was considered and denied.
MM/DD/YY	Complaint notified Presbytery Clerk he had carried/filed it with the SJC.

RATIONALE - The amendments provide additional detail to enhance the Court's understanding of actions in the lower court and assist the administrative staff in organizing the Record of the Case.

6. Amend OMSJC Section 9.1 as follows:

1. When a judicial case is submitted to the Commission, the Officers shall make an initial determination as to whether the case is administratively in order.

a. A case is administratively in order if the relevant provisions of BCO 41, 42, and 43 have been followed, including but not limited to:

(1) an Appeal must include specification(s) of error set forth concisely in numbered paragraphs for each error alleged to support the Appeal (BCO 42-3, -8; cf. BCO, Forms For Judicial Business Appendix G, V Appeal). If an Appeal fails this qualification, putting the case in order (OMSJC 9.2 a.) shall include only formatting, not substantive, changes.

(2) a Complaint must include a statement of the action(s) or delinquency(s) complained of and the reasons supporting said complaint set forth concisely in numbered paragraphs (BCO 43-2; BCO, Forms for Judicial Business Appendix G, VI Complaint). If a Complaint fails this qualification, putting the case in order (OMSJC 9.2 a.) shall include only formatting, not substantive, changes.

~~b. If a majority of the Officers cannot agree whether the matter is in order, then it shall be submitted to the full Commission at its next meeting.~~

~~b. A case is judicially in order when a Panel or the Commission determine that the relevant provisions of BCO 41, 42, and 43 have been followed and the documents~~

APPENDIX Q

~~for the Record of the Case are in order in accordance with
OMSJC 7.2.~~

RATIONALE - The additions provide guidance and definition for administrative decisions by reference to the elements of Appeals and Complaints described in the Book of Church Order.

V. OFFICERS

The Commission unanimously elected the following Officers for 2024-2025:

RE Jack Wilson, Chairman

RE Sam Duncan, Vice Chairman

TE Fred Greco, Secretary

TE Hoochan Paul Lee, Assistant Secretary

**STANDING JUDICIAL COMMISSION
SUPPLEMENTAL REPORT
TO THE FIFTY-FIRST GENERAL ASSEMBLY**

May 24, 2024

Item 7. Amend *OMSJC* Sections to conform cross-references to *BCO 35* as follows:

- 7.2.a(3) all transcribed testimony actually taken before the lower court (*BCO 35-7 35-9*). Audio and/or video recordings shall not be admissible or be made a part of the Record of the Case unless the same have been transcribed and authenticated by the Moderator and Stated Clerk of the lower court (*BCO 35-8 35-10*);
- 7.2.b(3) all transcribed testimony actually taken before the lower court (*BCO 35-7 35-9*). Audio and/or video recordings shall not be admissible or be made a part of the Record of the Case unless the same have been transcribed and authenticated by the Moderator and Stated Clerk of the lower court (*BCO 35-8 35-10*);
- 18.4.a(2) that the new evidence does have an important bearing on the case and refer the case to the lower court for a new trial (*BCO 35-14 35-16*).
- 18.4.b(2) that the new evidence does have an important bearing on the case and refer the case to the lower court for a new trial (*BCO 35-14 35-16*).

Rationale:

BCO 35 was amended at the 2023 General Assembly in Memphis. The amendments resulted in renumbering several paragraphs of that Chapter. The cross-references found in the *OMSJC* were not updated at that time. This amendment accomplishes that conforming update.

APPENDIX R

STATED CLERK'S REPORT TO THE FIFTY-FIRST GENERAL ASSEMBLY OF THE PRESBYTERIAN CHURCH IN AMERICA

In their new book, *The Great Dechurching*, Jim Davis and Michael Graham write, “More people have left the church in the last 25 years than all the new people who became Christians from the First Great Awakening, Second Great Awakening, and Billy Graham crusades combined.” Pew Foundation researchers now estimate Christians will only comprise about a third of the U.S. population by 2070.¹ If we only consider the math, then the question is not whether Christianity will decline in our nation but how fast and to what degree.

Church statistician Ryan Burge pulls no punches when describing what is happening in the major Protestant churches. He says, “The mainline is just a bloodbath,” with the major liberal denominations down by at least 30 percent since 1987.² Evangelicals are not far behind. Southern Baptists lose more members every year than our total denomination and are down at least three million from their 16 million high a decade ago.

Against all that bad news, Burge says this: “There are two traditions that are up. The Assemblies of God has grown by over 50% in the [last] 35 years. The PCA has doubled in size, as well.” But then he says that the Assemblies are not doing as well as a first glance would indicate. “Sure, they have grown 50% since the late 1980s. But notice... their growth rate has decline[d] from 2% per annum to nearly 0% in the last few years.”

Only the PCA has kept growing. Burge acknowledges that the PCA is “incredibly small” compared to the Assemblies and the SBC, but, according to Burge, we are actually exceeding the growth rate of the general population

¹ David O'Reilly, “What Is the Future of Religion in America?,” *Trust Magazine* (Feb. 7, 2023). <https://www.pewtrusts.org/en/trust/archive/winter-2023/what-is-the-future-of-religion-in-america>

² Ryan Burge, “Religion Data Wonk: Just How Bad Is Denominational Decline?,” *Religion Unplugged* (June 15, 2023). <https://religionunplugged.com/news/2023/6/12/just-how-bad-is-denominational-decline>

(but only by 0.1%). According to these observations, the PCA is a clear outlier according to national church trends. Praise the Lord! Praise the Lord also that *our* numbers indicate that we grew again this past year, consistent with our 50-year history – except for the Covid years. What should we make of these blessings?

First, we must acknowledge that we cannot be exact about our numbers. Although we continue to show growth, the numbers of 100 churches (mostly small ones) were estimated by their presbytery clerks for last year's 50th Anniversary statistics, and we do not regularly receive annual reports from many others. Still, the numbers are generally trending upward which, in an age of unquestionable church decline, gives us cause for being grateful for the Lord's blessing.

Second, we must humbly pray, asking that God would make us faithful stewards of our unique blessings. We should not pretend that we can explain or deserve such blessings, but we can affirm, as we come away from our 50th Anniversary celebrations, that our forefathers did something special when they declared us to be Scriptural and Confessional and, at the same time, to have the Great Commission as our "top priority".³ Our founders humbly acknowledged that our doctrinal scruples and love of tradition could turn us inward and tempt us to pride or schism. They also believed that prioritizing Christ's mission could keep us alive and flourishing. So far, they have been proven correct. We have had our share of controversy, but somehow our mission priorities have stayed intact and now mark us as a church that God has used against the cultural tides to proclaim the gospel to a world that needs Jesus.

51ST GENERAL ASSEMBLY IN RICHMOND, VA, JUNE 10-14, 2024

Registration for the General Assembly to be held in Richmond, June 10-14, opened in early January. As of May 20th, 1,927 commissioners had registered, and is the 4th largest number in our history.

OVERTURES TO THE 51ST GENERAL ASSEMBLY

As of the writing of this report, thirty-five (35) overtures have been submitted to the 51st General Assembly.

³ See the "Message to All Churches" adopted by the First General Assembly.

APPENDIX R

In addition to the usual overtures relating to presbytery boundaries, seven overtures seek amendment to the Rules of Discipline. Two overtures seek to establish study committees: one to whom these seven discipline overtures would be referred for review and recommendation to the 52nd General Assembly; and, one that would seek an evaluation of the *Jesus Calling* books.

Five overtures seek to require background checks for church officers. Other overtures seek further amendment to *Book of Church Order (BCO)* standards for presbyteries' dealings with ministers (including dealing with transfers of ministers, dealing with TE presbytery membership, and adding care of TEs to the duties for which presbytery has the power to act). Another overture seeks to add the responsibility of living in obedience to the Great Commission to the duties of the Session in *BCO* 12-5.

Three overtures address the General Assembly through amendments to portions of the *Rules of Assembly Operation (RAO)* relating to review and control, including: how proposed amendments to the *RAO* are handled; the need to hear from affected Permanent Committees and Agencies before considering *RAO* changes related to them (addressing an issue from the 50th GA through a coordinated effort of Ascension Presbytery and the Stated Clerk's Office); and, what information should be required from our institutions of higher learning. Another related overture seeks to clarify the nature of policies followed by committees and agencies that are set by the GA (*BCO* 14).

Two overtures address the dissolution of pastoral calls. Two seek to grant at least part of *BCO* 53 ("The Preaching of the Word") full constitutional authority. And two address gender issues—one seeking amendment to *BCO* 7, and one commending the letter of the commission dealing with transgender procedures for minors that was formed in response to Overture 12 to the 50th General Assembly (see below). Five overtures were turned down by presbyteries and were then submitted by church sessions or an individual. You can find a complete listing and the text of the overtures submitted to date in the *Commissioners Handbook*. Please go to the General Assembly website <https://pcaga.org/resources/> to keep abreast of additional overtures as they are received. The deadline for submitting overtures to this year's Assembly (if they do not require CCB review) was May 11 ["one (1) month (31 days) prior to the opening of the General Assembly" *RAO* 11-8].

BCO AMENDMENT VOTES BY PRESBYTERIES

The Fiftieth General Assembly sent three proposed amendments to the *Book of Church Order* to presbyteries for advice and consent this past year. All have received the required approval from two-thirds of the presbyteries (59) and will be before this Fifty-first Assembly for a final vote (requiring approval by a majority of commissioners).

Presbytery Votes on Amendments Sent Down by the 50th General Assembly

	For	Against
Item 1: Amend <i>BCO</i> 7-3	65	14
Item 2: Amend <i>BCO</i> 8-2 and 9-3	76	2
Item 3: Amend <i>BCO</i> 38-1	78	1

For a complete tally of the presbytery votes as of May 20, please see Attachment 1.

Votes for *BCO* amendments may continue to be submitted until the 51st GA convenes. Presbyteries should be aware that not voting on a proposed amendment to the *BCO* is tantamount to a negative vote (*BCO* 26-2) because the advice and consent of two-thirds of Presbyteries is required for approval. That differs from *Robert’s Rules of Order*, in which abstentions (refraining to vote) are not counted in determining a majority. The *BCO* is of higher parliamentary authority than Robert’s Rules of Order for denominational business.

OVERTURE 12 TO THE 50TH GENERAL ASSEMBLY, “PETITION GOVERNMENT TO END SEX-CHANGE PROCEDURES FOR MINORS”

Overture 12 to the Fiftieth General Assembly authorized Moderator Fred Greco to appoint a commission to draft a humble petition to government officials regarding the protection of minor children from the damages of gender reassignment. The commission completed its work, and in January, the Stated Clerk’s Office sent the petition and a cover email to the Federal officials designated in the overture. The overture also urged presbytery clerks to send the petition to state and provincial government officials, so the Stated Clerk’s Office provided the petition and the cover email to the presbytery clerks for their use.

OVERTURE 28 TO THE 50TH GENERAL ASSEMBLY, “DECLARE MESSAGE TO ALL NATIONS A FAITHFUL EXPRESSION OF BIBLICAL POLITY SHAPING THE PCA”

Overture 28 to the Fiftieth General Assembly declared the “Message to All Nations” a faithful expression of the Biblical polity that shaped the founding of the PCA in 1973. It directed the Stated Clerk to send it to the Presbyterian Church in the USA via its Stated Clerk. This has been done as directed.

DOMESTIC ABUSE AND SEXUAL ASSAULT HANDBOOK

The PCA’s greatest, present legal vulnerabilities relate to abuse issues. The Stated Clerk’s Office is in the midst of preparing a handbook for churches with *suggested* approaches and general principles to handling allegations of domestic abuse and sexual assault (state laws and church situations are too varied for us to seek to create a universal template). The handbook largely consists of extractions from the Domestic Abuse and Sexual Assault (DASA) study committee’s report. The handbook also intends to include a resource list of, among other things, attorneys and independent investigators. However, our attempts to create this resource list of independent investigators and attorneys with expertise in this area and a willingness to help churches is going very slowly. Understandably, Christian attorneys are reticent to provide counsel outside the states in which they are licensed. However, we have discovered there is greater willingness to provide consulting advice, and we are requesting that our churches provide us with names of believers who would be willing to be consultants.

Another step we are taking in our response to abuse is maintaining a list of disciplinary actions (i.e., suspensions and depositions) taken by presbyteries against teaching elders. Presbyteries already communicate this information to the Stated Clerk’s Office annually. The combined list of such will only include the action and dates of the disciplinary actions and will only be provided to authorized individuals from search committees with respect to specific individuals they are considering for pastoral roles. The Stated Clerk’s Office does not receive from presbyteries the causes for the discipline, and discerning such is the responsibility of search committees through references. The details for compiling, maintaining, and informing churches of names on that list are being examined by our legal counsel. We should be able to serve search committees in this way by fall. Please remember that we also provide search committees with Ministerial Data Forms from ministers who have submitted

them to the Stated Clerk's Office as part of our regular work of serving the larger church.

LEGAL MATTERS

The PCA has been named in a pending lawsuit dated March 11, 2024, related to a car accident in October 2022. Our insurer is defending the claim, and the PCA can do nothing further at this time except follow the instructions provided by the attorney or adjuster.

Various courts in the PCA are receiving a spate of subpoenas for access to church records (local church records, trial records, SJC records, ministers' notes, etc.), often from those involved in difficult divorces and cases of abuse. After receiving an opinion on such matters from the PCA's legal counsel, the Stated Clerk's Office will not ordinarily grant access to GA Committee nor - Commission records due to the liabilities to which it opens our church. The AC recommends that all church courts carefully weigh the risks of granting outside parties access to ecclesiastical records. The Stated Clerk's Office will share our counsel's legal opinion with any church court that asks, but must be clear that state laws vary, requiring churches and presbyteries to consult local attorneys.

FINANCES

Last summer, the Administrative Committee, under which the Stated Clerk serves, received a dire report from our accountants projecting a \$200-\$300K operating loss due to the financial impact of the 50th Anniversary celebration, staff transitions, and high inflation. Following that forecast, we prayed, our development team went to work, and many responded generously. With 2023 financial statements in hand, I am delighted to report that the projected six-figure operating loss was reduced to approximately -\$24K. Further, buoyed by a strong 2023 market performance, net income for the year rose to \$140K. We praise the Lord for his provision and the generosity of many who aided in our better-than-expected year-end results. Those who provided special help included the Committees and Agencies that provided above-and-beyond their regular fees, members of the Administrative Committee, key churches and presbyteries to whom we reached out for additional support, and Administrative Committee staff (the amazingly committed and expert people who serve our church with genuine zeal for Christ). We continue to ask that all churches support the financial needs of the AC as part of our mutual responsibility for the mission and ministry of the whole PCA.

The PCA is unique in NAPARC in not requiring dues of its member churches. In 2023, 385 churches *increased* their giving to the AC (compared to 312 in 2022 and 320 in 2021). Of those churches, 63 had not given to the AC in at least four years. In contrast, the number of churches that *decreased* their giving to the AC in 2023 dropped to 236. Of those 236, 88 churches dropped their giving to \$0. Considering 284 reduced their giving in 2022 and 304 did so in 2021, we praise the Lord that fewer churches decreased giving while many more increased their giving.

RESIGNATIONS AND RESULTING NOMINATIONS NEEDED (AS OF THE WRITING OF THIS REPORT)

TE Brett Carl is no longer serving on the Committee on Mission to the World Committee class of 2025. Alternate TE Tom Patton will fill the unexpired term.

RE Patrick Fant resigned from the Committee on Reformed University Fellowship class of 2026. Alternate RE Jeremy Kath will fill the unexpired term.

TE Scott Seaton resigned from the Board of Trustees of Covenant College class of 2027. The Nominating Committee has nominated RE John C. Kwasny for the unexpired term.

RE Ryan Bailey resigned from the Board of Directors of Geneva Benefits class of 2024. Geneva's Board appointed RE Cody Dick to fill the unexpired term. This term expires at the end of General Assembly.

STANDING JUDICIAL COMMISSION (SJC)

The Standing Judicial Commission (SJC) handled approximately 25 cases this past year.

Please pray for the men of the SJC as they work toward the purity and progress of the PCA. SJC work has historically been handled with exemplary integrity. We have a number of new men on the SJC, and these new members have been received and tutored with collegiality by experienced members. We pray that this relational investment will help the court deal with decisions in a manner that blesses the whole church.

For the report of cases handled this past year see the SJC Report, p. 2001 of this *Handbook*.

COMMITTEE ON CONSTITUTIONAL BUSINESS

All overtures proposing amendments to the *BCO* and *RAO* (*RAO* 11-5) are referred to the CCB to seek advice for the Assembly regarding their conformity with our constitution. The Office of the Stated Clerk supports the CCB in its operations and communications. The Stated Clerk may also seek advice from the CCB on matters of constitutional import (*RAO* 8-2.b.1).

All overtures proposing amendments to the *BCO* and *RAO* were referred to CCB. I did not request advice on any other matters.

For CCB's advice on the overtures, see the Committee on Constitutional Business Report, p. 291 of this *Handbook*.

THE OFFICE

The Stated Clerk's Office is in a period of staff transition due to retirements and other moves. Dr. Dixie Zietlow (Ph.D. in Business Administration and former Chief of Staff to Illinois Senator Win Stoller) is the new Business Administrator for the PCA, replacing our long-serving and treasured John Robertson, who has retired. Priscilla Lowrey, who has carried such a heavy load of meticulously preparing GA documents and records, has retired from full-time work in light of the long health struggle and recent homegoing of her husband, Mark. Experienced churchman and *BCO* historian Dr. Per Almquist will now manage documents and answer *BCO* questions. Dick Doster has announced his retirement from editing *byFaith* and will fully transition after GA with Andy Jones, a PCA TE and head of Roundtree, the agency that does many publications for PCA committees and agencies, taking his place.

JOHN ROBERTSON

For the past 25 years, TE John Robertson served in the role of Business Administrator for the Administrative Committee of the PCA. As an ordained minister and certified public accountant, John's fluency in both Presbyterian polity and finances proved to be the right combination to help the PCA manage growth while also maturing in its operations and financial affairs.

Managing the PCA's business affairs is complex because the AC has no permanent funding source. Every year, the Assembly decides to create new initiatives and study committees, but it is up to the AC to find room for these

items in its budget while maintaining its normal operations. John proved highly capable at helping the church achieve its agenda without breaking the bank.

John's track record includes building the offices in Lawrenceville and helping the PCA prevail in a six-year court case, survive the Great Recession, and navigate its first canceled General Assembly (due to Covid-19).

As expert as has been John's financial management, those who worked under John's leadership talk more about his pastoral skills than his accounting skills. They recall how he is brought to tears when talking about small churches donating to the denomination, realizing the great sacrifice their gift requires. Though he was paid to evaluate the numbers, it is obvious to those who worked alongside him that he saw his work as being a shepherd of Christ's flock.

Reflecting on John's service, Stated Clerk emeritus Roy Taylor declared, "Selecting John Robertson to serve as Business Administrator was one of the wisest decisions I ever made." Many who served with John agree, and the PCA will enjoy the fruit of his labors for decades to come.

TRANSLATIONS OF THE *BCO* AND OTHER DOCUMENTS

We continue to make progress with foreign language (Spanish and Portuguese) translations of our *Book of Church Order (BCO)* to help our church welcome and minister to diverse peoples and generations. The elders on the Spanish review committee are nearing the completion of their hard work with marvelous blessing:

"The Lord's favor to us in 2023 was unmistakable," says Hernando Sáenz-Oggioni, Hispanic Ministries Coordinator at Mission to North America (MNA). "We grew to 62 Hispanic Teaching Elders, 52 candidates, and 42 churches. To put it into perspective, over the past decade, we have doubled the number of PCA Hispanic pastors and more than tripled the number of Hispanic candidates for the gospel ministry in the PCA."

The PCA also has 19 Portuguese-speaking, Brazilian churches pastored by 26 Brazilians who are working with Mission to North America to pave the way for what are anticipated to be many more Presbyterian pastors from Brazil.

MINUTES OF THE GENERAL ASSEMBLY

Our Korean-heritage fathers and brothers continue to provide important leadership in our Permanent Committees and Agencies, as well as to grow presbyteries and churches. To further their leadership and participation, key leaders have been updating the Korean *BCO* translation. Those of Korean heritage now total 14 percent of the Teaching Elders and 12 percent of the churches of the PCA.

STATISTICS

See Attachment 2 for the full Table of 2023 Five-Year Summar of Statistics. You may also view the statistics online at <https://presbyteryportal.pcanet.org/Report/StatsReport>.

Quick Summaries:

Churches added		12
Churches Transferred to Other Denominations		4
Churches Dissolved		11
	<u>Last Year</u>	<u>This Year</u>
Teaching Elders	5247	5285
Candidates for Ministry	751	572
Child Baptisms	5028	5411
Child Professions	4520	4859
Adult Professions	4175	4641
Total Membership	386,345	393,528
Total Disbursements	\$1.05B	\$1.13B

PCA PERSPECTIVE

Most whom I consult think that our tensions are lower than in the last two years, and are grateful. Brothers are working hard to come to consensus on issues that can divide us. We are not united on all things, but there seems to be a genuine desire to unify as much as our convictions allow so that we may unite in mission and, by God’s grace, add momentum to our efforts to spread the gospel and nurture God’s people. Mission to North America’s and Mission to the World’s church planting plans nationally and internationally seem to be exciting the entire denomination. Covenant College and Covenant Seminary are both reporting enrollment increases. Christian Discipleship Ministries’ Women’s and leadership training conferences have been very well attended.

APPENDIX R

Ridge Haven's camp ministries are bursting at the seams. Geneva Benefits is providing trusted financial services to our denomination and to a growing number of others. The PCA Foundation's assets are growing to bless all of these efforts. From a broad perspective, the PCAs overall membership and funding show healthy increases this past year – perhaps demonstrating a post-Covid “pattern” in development. We pray that all of these blessings are indicative of the Lord's grace enabling our obedience to Christ's mission, and we pray that he will equip us to be faithful in stewarding the growth that he is giving as a special blessing to the PCA.

Bryan Chapell
Stated Clerk

Attachment 1

2023-2024

**BCO AMENDMENTS SENT DOWN TO PRESBYTERIES
BY THE 50th GENERAL ASSEMBLY
FOR VOTING, and for ADVICE AND CONSENT**

NOTE: The Stated Clerk's Office sends the proposed amendments only in their final form, as approved by the General Assembly.

ITEM 1: Amend BCO 7-3, regarding titling of unordained people, by the addition of a sentence (underlined).

[Overture 26 was answered in the affirmative as amended by the Overtures Committee.]

7-3. No one who holds office in the Church ought to usurp authority therein, or receive official titles of spiritual preeminence, except such as are employed in the Scripture. Furthermore, unordained people shall not be referred to as, or given the titles of, the ordained offices of pastor/elder, or deacon.

For: 65

Against: 14

APPENDIX R

ITEM 1: Amend BCO 7-3

Presbytery	For	Against	Abstain	Vote
1 Arizona	32	2	1	+
2 Ascension	24	4	1	+
3 Blue Ridge	54	3	1	+
4 Calvary	80	5	4	+
5 Canada West				
6 Catawba Valley	34	7	0	+
7 Central Carolina	53	1	2	+
8 Central Florida	70	7	3	+
9 Central Georgia	39	0	0	+
10 Central Indiana	18	9	4	+
11 Chesapeake	37	2	2	+
12 Chicago Metro	20	31	0	-
13 Columbus Metro				
14 Covenant	59	3	1	+
15 Eastern Canada	23	1	4	+
16 Eastern Carolina	32	7	3	+
17 Eastern Pennsylvania	21	22	3	-
18 Evanseal	66	2	0	+
19 Fellowship	26	1	4	+
20 Georgia Foothills	33	7	5	+
21 Grace	37	0	1	+
22 Great Lakes				
23 Gulf Coast	36	2	0	+
24 Gulfstream	13	9	2	+
25 Heartland	25	0	1	+
26 Heritage	24	3	2	+
27 Highlands	53	0	0	+
28 Hills and Plains	21	28	0	-
29 Houston Metro				
30 Illinois	20	0	0	+
31 Iowa	18	0	0	+
32 James River	62	2	0	+
33 Korean Capital	2	36	4	-
34 Korean Central	19	5	4	+
35 Korean Eastern	4	13		-
36 Korean Northeastern	0	10	1	-
37 Korean Northwest				
38 Korean Southeastern	4	18	2	-
39 Korean Southern	5	10	2	-
40 Korean Southwest	24	10	0	+
41 Korean Southwest O.C.	24	6	1	+
42 Lowcountry	19	0	0	+
43 Metro Atlanta	32	54	1	-
44 Metropolitan New York	3	20	1	-

Presbytery	For	Against	Abstain	Vote
45 Mississippi Valley	81	0	0	+
46 Missouri	15	18	1	-
47 Nashville	49	15	2	+
48 New Jersey	17	1	1	+
49 New River	16	0	2	+
50 New York State	14	14	2	-
51 North Florida	36	3	0	+
52 North Texas	54	11	4	+
53 Northern California	11	10	6	+
54 Northern Illinois	33	0	2	+
55 Northern New England	10	6	1	+
56 Northwest Georgia	41	0	0	+
57 Ohio	24	1	0	+
58 Ohio Valley	23	13	1	+
59 Pacific				
60 Pacific Northwest	38	12	0	+
61 Palmetto	56	2	0	+
62 PeeDee	34	0	0	+
63 Philadelphia				
64 Philadelphia Metro West	24	9	0	+
65 Piedmont Triad	28	6	4	+
66 Pittsburgh	48	0	1	+
67 Platte Valley	17	3	0	+
68 Potomac				
69 Providence	49	1	0	+
70 Rio Grande	18	8	0	+
71 Rocky Mountain	20	42	4	-
72 Savannah River	36	0	0	+
73 Siouxlands	33	0	0	+
74 South Coast	29	8	4	+
75 South Florida	39	2	0	+
76 South Texas	13	18	6	-
77 Southeast Alabama	30	0	0	+
78 Southern Louisiana	25	0	2	+
79 Southern New England	43	2	1	+
80 Southwest Florida	47	0	4	+
81 Suncoast Florida	36	1	1	+
82 Susquehanna Valley	43	0	3	+
83 Tennessee Valley	53	25	1	+
84 Tidewater	38	3	0	+
85 Warrior	22	1	0	+
86 West Hudson				
87 Westminster	32	2	0	+
88 Wisconsin	20	14	1	+

Official Totals: For - 65 Against - 14
 Number of Presbyteries: 88
 Number Reporting: 79
 2/3 Approval is: 59

ITEM 2: Amend BCO 8-2 and 9-3, to require officers 'conformity to Biblical standards for chastity and sexual purity in self-description, by the addition of the underlined wording.

[Overture 23 from Mississippi Valley Presbytery was answered in the affirmative as amended by the Overtures Committee. (Overtures 9, 16, 17, and 24 were answered with reference to Overture 23.)]

8-2. He that fills this office should possess a competency of human learning and be blameless in life, sound in the faith and apt to teach. He should exhibit a sobriety and holiness of life becoming the Gospel. He should conform to the biblical requirement of chastity and sexual purity in his descriptions of himself, and in his convictions, character, and conduct. He should rule his own house well and should have a good report of them that are outside the Church.

9-3. To the office of deacon, which is spiritual in nature, shall be chosen men of spiritual character, honest repute, exemplary lives, brotherly spirit, warm sympathies, and sound judgment, conforming to the biblical requirement of chastity and sexual purity in their descriptions of themselves and in their convictions, character, and conduct.

For: 77

Against: 2

APPENDIX R

ITEM 2: Amend BCO 8-2 and 9-3

Presbytery	For	Against	Abstain	Vote
1 Arizona	32	2	1	+
2 Ascension	30	0	0	+
3 Blue Ridge	58	0	4	+
4 Calvary	86	0	1	+
5 Canada West				
6 Catawba Valley	38	4	0	+
7 Central Carolina	54	0	2	+
8 Central Florida	73	4	3	+
9 Central Georgia	39	0	0	+
10 Central Indiana	22	6	5	+
11 Chesapeake	37	5	0	+
12 Chicago Metro	33	15	5	+
13 Columbus Metro				
14 Covenant	62	0	1	+
15 Eastern Canada	26	0	4	+
16 Eastern Carolina	31	5	4	+
17 Eastern Pennsylvania	44	0	2	+
18 Evangeel	75	0	0	+
19 Fellowship	32	0	0	+
20 Georgia Foothills	32	9	4	+
21 Grace	37	0	1	+
22 Great Lakes				
23 Gulf Coast	36	1	0	+
24 Gulfstream	21	0	2	+
25 Heartland	28	0	0	+
26 Heritage	26	6	2	+
27 Highlands	50	1	1	+
28 Hills and Plains	47	1	1	+
29 Houston Metro				
30 Illiana	20	0	0	+
31 Iowa	18	1	0	+
32 James River	60	3	1	+
33 Korean Capital	24	14	3	+
34 Korean Central	23	0	1	+
35 Korean Eastern	20	0	0	+
36 Korean Northeastern	11	1	0	+
37 Korean Northwest				
38 Korean Southeastern	24	0	0	+
39 Korean Southern	17	0	0	+
40 Korean Southwest	34	0	0	+
41 Korean Southwest O.C.	27	4	0	+
42 Lowcountry	19	0	0	+
43 Metro Atlanta	47	37	1	+
44 Metropolitan New York	3	17	2	-

Presbytery	For	Against	Abstain	Vote
45 Mississippi Valley	79	0	0	+
46 Missouri	26	9	0	+
47 Nashville	64	2	1	+
48 New Jersey	18	0	1	+
49 New River	17	0	2	+
50 New York State	16	15	0	+
51 North Florida	41	0	0	+
52 North Texas	64	7	1	+
53 Northern California	11	14	1	-
54 Northern Illinois	29	2	3	+
55 Northern New England	17	0	0	+
56 Northwest Georgia	40	0	0	+
57 Ohio	24	0	0	+
58 Ohio Valley	35	0	0	+
59 Pacific				
60 Pacific Northwest	44	9	0	+
61 Palmetto	56	0	1	+
62 PeeDee	35	0	0	+
63 Philadelphia				
64 Philadelphia Metro West	30	3	0	+
65 Piedmont Triad	32	4	2	+
66 Pittsburgh	49	0	1	+
67 Platte Valley	19	1	0	+
68 Potomac				
69 Providence	49	1	0	+
70 Rio Grande	22	3	0	+
71 Rocky Mountain	54	10	3	+
72 Savannah River	36	0	0	+
73 Southeast	29	4	0	+
74 South Coast	31	6	4	+
75 South Florida	41	0	0	+
76 South Texas	33	1	4	+
77 Southeast Alabama	31	0	0	+
78 Southern Louisiana	24	1	2	+
79 Southern New England	42	5	1	+
80 Southwest Florida	53	0	0	+
81 Suncoast Florida	36	3	3	+
82 Susquehanna Valley	50	0	2	+
83 Tennessee Valley	72	6	1	+
84 Tidewater	31	4	2	+
85 Warrior	21	0	0	+
86 West Hudson				
87 Westminster	39	0	0	+
88 Wisconsin	31	2	1	+

Official Totals: For - 77 Against - 2
 Number of Presbyteries: 88
 Number Reporting: 79
 2/3 Approval is: 59

ITEM 3: Amend BCO 38-1, regarding confessions and offended parties, as follow (strike-through for deletions, underlining for new wording).

[Overture 27 from Pacific Northwest Presbytery was answered in the affirmative as amended by the Overtures Committee.]

38-1. When any person shall come forward and make his offense known to the court, a full statement of the facts shall be recorded and judgment rendered without process. In handling a confession of guilt, it is essential that the person intends to confess and permit the court to render judgment without process. Statements made by him in the presence of the court must not be taken as a basis of a judgment without process except by his consent. In the event a confession is intended, a written Confession (i.e., a sufficient summary of the facts, the person's specific confession, and any expression or evidence of repentance) must be approved by the accused, and by the court, before the court proceeds to a judgment, and the co- signed document shall be appended to the minutes (regular or executive session). No other information may be presented without written consent from the accused and the court, and this prohibition includes individuals, prosecutors, committees, and commissions. A censured person has the right to appeal (BCO 42). The person has the right to be assisted by counsel at any point, in accord with the stipulations of BCO 32-19. [See Stated Clerk's note below.]

In any instances involving a personal offense (BCO 29-3), the court shall attempt to inform the offended person(s) of that part of the Confession the court deems pertinent to the offense against him or her. The court shall invite the offended person to provide the court comment on the Confession prior to final approval of the Confession by the confessor and the court. The court shall encourage the offended person to enlist the help of an advisor in preparing any such comments. In all instances, the court shall report the way such offended persons were informed of the parts of the Confession pertinent to them.

[Stated Clerk's Note: The last two sentences in paragraph one above are necessary because the 50th GA Overtures Committee adopted wording prior to the 50th GA's adopting Items 9 and 10 of the Amendments Sent Down to Presbyteries by the 49th GA, thereby amending the same section of the *BCO*. See below, note 7 of the Rationale accompanying Overture 27.]

Rationale #7 from Overture 27 to 50th GA:

7. Note: The 49th GA approved two amendments to *BCO* 38-1 and sent them to presbyteries for a vote. As of April 11, 2023, presbyteries had voted 77-1 & 78-0 in favor. If the 50th GA in Memphis also approves them, then the current final sentence in *BCO* 38-1 ("*The accused person has the right of complaint against the judgment*") will be revised to read: "A censured person has the right to appeal (*BCO* 42)." And an additional sentence will be added after it: "The person has the right to be assisted by counsel at any point, in accord with the stipulations of *BCO* 32-19." These two new sentences would not be touched or affected by this Overture.

For: 78

Against: 1

MINUTES OF THE GENERAL ASSEMBLY

ITEM 3: Amend BCO 38-1

Presbytery	For	Against	Abstain	Vote
1 Arizona	32	2	1	+
2 Ascension	29	0	0	+
3 Blue Ridge	59	0	4	+
4 Calvary	86	0	1	+
5 Canada West				
6 Catawba Valley	41	0	0	+
7 Central Carolina	56	0	0	+
8 Central Florida	78	0	0	+
9 Central Georgia	39	0	0	+
10 Central Indiana	28	0	6	+
11 Chesapeake	26	7	10	+
12 Chicago Metro	34	0	3	+
13 Columbus Metro				
14 Covenant	63	0	0	+
15 Eastern Canada	24	0	2	+
16 Eastern Carolina	35	1	6	+
17 Eastern Pennsylvania	36	0	10	+
18 Evanuel	84	0	0	+
19 Fellowship	28	0	0	+
20 Georgia Foothills	38	0	7	+
21 Grace	37	1	2	+
22 Great Lakes				
23 Gulf Coast	37	0	0	+
24 Gulfstream	23	0	0	+
25 Heartland	28	0	1	+
26 Heritage	33	0	4	+
27 Highlands	52	0	0	+
28 Hills and Plains	28	5	10	+
29 Houston Metro				
30 Illiana	20	0	0	+
31 Iowa	18	0	1	+
32 James River	61	3	0	+
33 Korean Capital	39	0	0	+
34 Korean Central	21	0	6	+
35 Korean Eastern	16	0	0	+
36 Korean Northeastern	11	0	0	+
37 Korean Northwest				
38 Korean Southeastern	11	2	11	+
39 Korean Southern	17	0	0	+
40 Korean Southwest	22	5	9	+
41 Korean Southwest O.C.	28	1	2	+
42 Lowcountry	19	0	0	+
43 Metro Atlanta	82	0	0	+
44 Metropolitan New York	21	0	0	+

Presbytery	For	Against	Abstain	Vote
45 Mississippi Valley	84	0	0	+
46 Missouri	30	0	5	+
47 Nashville	66	1	2	+
48 New Jersey	16	0	0	+
49 New River	19	0	0	+
50 New York State	26	0	0	+
51 North Florida	41	0	0	+
52 North Texas	70	0	1	+
53 Northern California	26	0	1	+
54 Northern Illinois	32	0	3	+
55 Northern New England	16	0	1	+
56 Northwest Georgia	31	1	6	+
57 Ohio	24	0	0	+
58 Ohio Valley	36	0	0	+
59 Pacific				
60 Pacific Northwest	51	0	0	+
61 Palmetto	56	0	0	+
62 PeeDee	33	0	1	+
63 Philadelphia				
64 Philadelphia Metro West	30	0	3	+
65 Piedmont Triad	36	2	0	+
66 Pittsburgh	49	0	1	+
67 Platte Valley	20	0	0	+
68 Potomac				
69 Providence	49	1	0	+
70 Rio Grande	19	0	2	+
71 Rocky Mountain	65	0	1	+
72 Savannah River	36	0	0	+
73 Southern	33	0	0	+
74 South Coast	31	0	10	+
75 South Florida	40	0	1	+
76 South Texas	26	7	6	+
77 Southeast Alabama	31	0	0	+
78 Southern Louisiana	26	0	1	+
79 Southern New England	51	0	1	+
80 Southwest Florida	51	0	2	+
81 Suncoast Florida	36	3	4	+
82 Susquehanna Valley	38	3	11	+
83 Tennessee Valley	71	3	5	+
84 Tidewater	35	0	3	+
85 Warrior	21	0	1	+
86 West Hudson				
87 Westminster	5	24	0	-
88 Wisconsin	31	0	3	+

Official Totals: For - 78 Against - 1
 Number of Presbyteries: 88
 Number Reporting: 79
 2/3 Approval is: 59

APPENDIX R

Attachment 2

STATISTICS (2023)

CHURCHES ADDED TO THE DENOMINATION IN 2023

Presbytery	Church	Address	Date Rec.	Source
Blue Ridge	Hope	Crozet, VA	03/23	Organized
Calvary	Oconee	Seneca, SC		ARP
Chicago Metro	Christ	Wheaton, IL	11/15/23	Division from Christ Roselle
Gulf Coast	Gulf Coast	Gulf Shores, AL	10/11/23	Organized
Korean SE	Grace Community	Suwanee, GA	06/04/23	Organized
	Saebit	Newnan, GA	09/24/23	Organized
Northern IL	Exodus	Springfield, IL	11/23	Organized
Northwest GA	Riverside Community	Cartersville, GA	08/19/23	Organized
Pacific	Bridges Community	Alhambra, CA	09/24/23	Organized
	Christ our Redeemer	Camarillo, CA	05/21/23	Merger of Christ Ventura and Red. Camarillo
Pacific NW	Boise	Boise, ID	10/23	Organized
Piedmont Triad	Great Commission	NC		Independency
South Coast	Trinity of San Diego	Encinitas, CA	02/05/23	Organized
Southeast AL	Reformation	Pike Road, AL	04/25/23	Organized

CHURCHES LOST FROM THE DENOMINATION IN 2023

Presbytery	Church	Address	Date Rec.	Source
Central Indiana	Trinity	Brownsburg, IN	06/26/23	Independency
Chesapeake	New Covenant	Abingdon, MD	05/09/23	OPC
Chicago Metro	Grace	Lansing, IL	02/12/23	
Columbus Metro	New City	Hilliard, OH		Dissolved
Eastern Carolina	Antioch	Goldsboro, NC	01/28/23	ARP
Gulfstream	Hammock Street	Boca Raton, FL	08/27/23	
James River	Northside	Richmond, VA		Dissolved
Metro Atlanta	Christ Gwinnett	Lawrenceville, GA	10/03/23	Dissolved
	Christos Community	Norcross, GA	10/03/23	Dissolved
	Village East Atlanta	Atlanta, GA	10/03/23	Dissolved
Metro NY	Covenant of Faith	Jericho, NY	03/14/23	Dissolved
NY State	Armor	Orchard Park, NY		OPC
Northern CA	New City Salt Lake	Salt Lake City, UT	04/23	Dissolved

MINUTES OF THE GENERAL ASSEMBLY

Churches Lost, continued

Pacific	Christ Church Ventura	Ventura, CA	05/21/23	Merged
	Redeemer	Camarillo, CA	05/21/23	Merged
Phil Metro West	CrossPointe	Media, PA	12/31/23	Dissolved
Southeast AL	Clayton	Clayton, AL	01/24/23	Dissolved
TN Valley	Mountain View	Chattanooga, TN		Dissolved
Westminster	Cash Hollow	Johnson City, TN	03/19/23	Dissolved

MINISTERS ADDED TO THE DENOMINATION IN 2023

Presbytery	Name of Minister	Date Rec.	Source
Arizona	Erik Coonce		
Ascension	Cody Hooper	04/16/23	Ordained
Blue Ridge	Thomas Wong	12/10/23	Ordained
Calvary	C. Scott Cook		ARP
	Mikael Romer	02/05/23	Ordained
	William Vandoodeward	10/24/23	ARP
Canada West	Jeremy Britton		Ordained
	Brock Pavier	11/05/23	Ordained
	Abel Sisco	03/26/23	
	Philip Tadros		Ordained
Central Carolina	Patrick Wang	03/04/23	Ordained
	Matt Harris	03/12/23	Ordained
	William Keyton	09/17/23	Ordained
	Joel-Philip May	03/26/23	Ordained
Central Florida	Tyler Kenney		Ordained
	Matthew Matulia	01/08/23	Ordained
	Steve Page	12/03/23	Ordained
Central Georgia	Mike Palombo		EPC
Central Indiana	Brandon Buller		
	David Chambers		
	KJ Drake	10/02/23	Ordained
	Chris McLaughlin	10/02/23	Ordained
Chicago Metro	Andrew Barber		
	Mike Fenimore		
	Brian Martin		
	Ben Pannera		
Columbus Metro	Joseph Mills		

APPENDIX R

Ministers Added, continued

Covenant	Austin Lenox	04/02/23	Ordained
	Joshua Reagan		Ordained
	Phil Reynolds	10/03/23	Non-den
	John Stephenson	05/09/23	Ordained
Eastern Carolina	Anderson Shore	11/12/23	Ordained
Eastern Canada	Tarak George	03/26/23	Ordained
	Kingsley Lai	03/26/23	Ordained
Evangel	Scott Churnock	08/08/23	OPC
	Chad Escue	09/10/23	Ordained
	Clayton Hornback	09/10/23	Ordained
	Stephen Merwin	11/26/23	Ordained
	Joel Richards	11/26/23	Ordained
	Luke Stannard	05/14/23	Ordained
Fellowship Great Lakes	Corey Lanier	08/13/23	Ordained
	Andrew Chesebro		Ordained
	Paul Davis		Ordained
	Nathan Groeslma		Ordained
	Thomas Myrick		
	Roger Qi		Ordained
	Jerry Riendeau	01/29/23	Ordained
	Devon Rossman	05/14/23	Ordained
	Nick Settington	02/19/23	Ordained
Gulf Coast	Heath Taws	05/21/23	Ordained
	Leo Yen	03/31/23	Ordained
Heartland	John Choi	09/24/23	Ordained
	Tyler Clements	10/15/23	Ordained
	Billy Hastings	05/07/23	Ordained
	Ryan Mayo	10/15/23	Ordained
	Bill Vogler		
Heritage	Robert Corwin	01/28/23	Ordained
	Caleb Evans	05/09/23	Ordained
Hills and Plains	Shane Pennington		Ordained
James River	Ryan Cavanaugh	04/15/23	OPC
Korean Capital	Si Young Jung	11/12/23	Ordained
Korean Central	Sagar Mekwan	01/19/23	Ordained
Korean NW	Daniel Daewook Kim		
Korean SE	Eric Ryu		

MINUTES OF THE GENERAL ASSEMBLY

Ministers Added, continued

Korean SW OC	Jung Hyun Ahn	10/04/23	Ordained
	Daniel J. Kang	03/26/23	Ordained
	Christopher Kim	09/24/23	Ordained
	Paul Lee	03/26/23	Ordained
	Yong Ho Lee	09/12/23	PCKor
Lowcountry	Caleb Willingham	08/06/23	Ordained
Metro Atlanta	Donny Harwood	11/12/23	Ordained
Metropolitan NY	Will Anderson		Ordained
	Joshua Oh	11/14/23	KAPC
Mississippi Valley	Heath Cross		
	Wilson Jamison	08/20/23	Ordained
Missouri	Lowell Griggs	01/17/23	EPC
Nashville	Gary Anderson	08/13/23	Ordained
	LeeEric Fesko	08/13/23	Ordained
	Ryan Hudson	04/30/23	Ordained
	Evan McCarthy	08/20/23	Ordained
	Stephen Simmons	02/26/23	Ordained
New Jersey	Nathan Pugh		Chile
New York State	Justin Chiarot	11/05/23	Ordained
	Jared Hoyt	09/16/23	EPC
	Eric Walter	09/24/23	Ordained
North Florida	Ethan McConnell	01/08/23	Ordained
	Jason Peters	11/19/23	Ordained
North Texas	Sam Leopold	10/22/23	Ordained
	Conrad Quiros		
	Ryan Swindle		Ordained
Northern California	Amos Choi		
Northern Illinois	Josue Pernillo	10/08/23	Ordained
	Zach Rogers	04/16/23	Ordained
N New England	Jeremy McKeen	10/21/23	CCCC
	James Pavlic	01/21/23	CCCC
Pacific	Christian Bland	11/12/23	Ordained
	Nicholas Whitaker		
Pacific Northwest	Tommy Hannah		
Palmetto	Devin Coleman	06/11/23	Ordained
	Alfred Matthews	08/10/23	ECA
Piedmont Triad	Taylor Howsmon	01/15/23	Ordained
	John Nyuon	03/26/23	Ordained
	Mack Strawbridge	06/04/23	Ordained

APPENDIX R

Ministers Added, continued

Philadelphia	Colin Howland		
	Casey Huckel	10/22/23	Ordained
	Jonathan Richardson	01/29/23	Ordained
	Josiah Vanderveen	06/18/23	Ordained
Phil Metro West	Jacob Bier	09/10/23	Ordained
	Dean Chia	06/04/23	Ordained
	Nicholas Gwak	06/04/23	Ordained
	Joshua Jacobs	03/05/23	Ordained
Platte Valley	Tim Janiszewski	11/04/23	EPC
Potomac	Christopher Calvi	03/26/23	Ordained
Providence	Roy McDaniel	11/19/23	Reinstate
	Stephen St. John	02/07/23	Sovereign
Grace	John Summers	11/19/23	Ordained
Rio Grande	Bradley Boatman		
	Gavyn Chavez	05/07/23	Ordained
	Daniel Davalos		
	Charles Fiorillo		
Rocky Mountain	Cristian Garcia	02/07/23	Ordained
	Josh Harstine	05/21/23	Ordained
	Luke Lilevjen		
Siouxlands	Brock Larson		Ordained
South Coast	Rudy Manrique	11/19/23	Ordained
	Ryan Miller	03/05/23	Ordained
	Jason Pickard	09/27/23	New Zealand
	Kyler Wright	02/12/23	Ordained
	Joel Yoon	04/26/23	KAPC
	South Texas	David Vilches	04/29/23
S New England	John Weller		Ordained
	David Augustine	09/16/23	Ordained
	Yang “Tony” He	08/20/23	Ordained
Southwest Florida	Nicholas Betancourt	11/19/23	Ordained
	Timothy Brown	03/26/23	Ordained
	Charles Dause		Ordained
	Wade Savant	05/09/23	
	Austin Snively		Ordained
	Jonathan Spencer	10/08/23	Ordained
Suncoast Florida	Peter Stonecipher	02/26/23	Ordained
Susquehanna Valley	Timothy Cook	11/18/23	Ordained
Tennessee Valley	Mark Gregory	05/13/23	EPC

MINUTES OF THE GENERAL ASSEMBLY

Ministers Added, continued

West Hudson	Wendel Abreu		
	Fernando Almeida		
Westminster	AJ Babel	09/10/23	Ordained
	Michael Moon	04/23/23	Ordained

MINISTERS DISMISSED TO OTHER DENOMINATIONS IN 2023

Presbytery	Name of Minister	Date	To
Catawba Valley	James Almond	05/23	ARP
Chesapeake	David Barker	05/09/23	OPC
	Nicholas Hathaway	05/09/23	OPC
	Kurt Scharping	05/09/23	OPC
Covenant	Seth Still	01/13/23	PCUSA
Eastern PA	Jules Grisham	11/14/23	EPC
Evangel	Mark Hunter	09/23/23	EPC
Gulf Coast	Stacey Cox	02/14/22	ARP
Hills and Plains	Hunter Bailey		EPC
	Samuel Rodriguez		RCUS
Houston Metro	Jonathan Schumate		EPC
Korean NW	Jonathan Han	04/17/23	KAPC
Korean SW OC	Hyun Joong Lim	09/12/23	CRC
Metro New York	Norman Yung	09/22/23	EPC
Missouri	Edward Killeen	04/26/23	EPC
Nashville	Mika Edmondson		EPC
New York State	Jonathan Hunt	01/21/23	OPC
Northern California	Timothy Marseglia	05/23	EPC
N New England	Jason Wakefield	02/04/23	EPC
Pacific	Geoffrey Shaw	01/28/23	CREC
Pacific Northwest	Doug Kothe	10/09/23	IntMinFell
	Aaron Morris	05/02/23	PCUSA
Pittsburgh	John Jee	07/22/23	OPC
Potomac	Michael Langer	06/06/23	EPC
Providence	Nathan Eldredge	02/07/23	ARP
South Texas	George Lacy		Australia PC
Southeast Alabama	Todd Baucum	01/24/23	ECO
Tennessee Valley	Michael Ford		EPC
Tidewater	Jeffrey Lee	10/05/23	EFC of America

APPENDIX R

MINISTERS REMOVED FROM OFFICE IN 2023

Presbytery	Name of Minister	Date	How Removed
Arizona	Benjamin Castaneda	03/07/23	Divested
Blue Ridge	Wade Bradshaw	11/06/23	Name Erased
Central Carolina	Kris Decker	08/26/23	Divested
Central Florida	Jonathan McClure	05/23/23	Name Erased
	William Gunter	04/18/23	Demitted
Central Georgia	Paul Manuel	11/20/23	Name Erased
	Timothy Mares	05/09/23	Demitted
Chesapeake	Tony Kim		Deposed
	F. Todd Williams	03/23	Name Erased
Chicago Metro	Paul Vroom	03/30/23	Deposed
Columbus Metro	Nate Conrad	05/16/23	Deposed
Covenant	Jon Dorton	10/02/23	Demitted
	Jason Glover	02/07/23	Demitted
	Bryan Miller	10/04/23	Demitted
Eastern Carolina	Kelley Buffaloe	04/22/23	Name Erased
	Cole McLaughlin	04/15/23	Demitted
	Didi Wong	10/27/23	Name Erased
Eastern PA	Gregg MacDougall	11/15/23	Divested
Evangel	William Bondurant	05/09/23	Divested
	Casey Giddens	02/14/23	Divested
Highlands	Mark Kreitzer	02/25/23	Deposed/Excom
Illiana	Jason Knox	04/01/23	Divested
Iowa	Edward Ludt	12/01/23	Demitted
	Jeff Maskevich		Name Erased
Korean Central	Hyun Seok Kim	10/11/23	Demitted
Korean SE	Donghyun Choi	09/28/23	Name Erased
	Samuel Kim	09/28/23	Name Erased
Metro Atlanta	Andrew Flatgard	05/02/23	Deposed
	Ewan Kennedy	05/02/23	Demitted
	Seth McLaughlin	05/02/23	Demitted
	Bruce McRae	01/23	Name Erased
Metro New York	Willard Sokol	01/17/23	Deposed
Missouri	Kenneth Conklin	10/17/23	Deposed
Nashville	John Patton	11/14/23	Demitted
	Darren Smith	08/08/23	Demitted
North Florida	Jim Huster	04/11/23	Name Erased

MINUTES OF THE GENERAL ASSEMBLY

North Texas	James Jessup	05/03/23	Name Erased
Northern California	Michael Chung	10/06/23	Divested
	Rob Wootten	10/06/23	Deposed
Pacific Northwest	Robert Binion	10/06/23	Demitted
	William Jackson	10/09/23	Divested
	Edward Koh	10/09/23	Divested
Palmetto	Gary Bainton	11/09/23	Deposed
Providence	Michael Shipma	01/24/23	Name Erased
Rocky Mountain	Brandon Acheson	01/26/23	Deposed
Savannah River	Charlie Turner	10/17/23	Name Erased
Suncoast Florida	Jeff Krause	05/09/23	Divested
South Coast	Gary Cass	10/03/23	Demitted
South Texas	Robert Pickard		Name Erased
S New England	Stephen Um	09/23/23	Name Erased
Susquehanna Valley	Aaron Anderson	11/20/23	Name Erased
	Mark Bolze	11/20/23	Divested
	Philip Postma		Divested
Tennessee Valley	Jared Huffman	08/19/23	Deposed
West Hudson	Marc Rollman	09/20/23	Divested
Wisconsin	Jeffrey Pennington	01/28/23	Name Erased

MINISTERS DECEASED IN 2023

Presbytery	Name of Minister	Date
Blue Ridge	John Kuebler	07/23/23
Chesapeake Covenant	Thomas Wenger II	09/11/23
	Craig Barnard	01/29/23
	William Hogan	11/25/23
Evangel	Harry Reeder	05/18/23
Georgia Foothills	John Grauley	09/24/23
Gulf Coast	Steven Bradford	04/23
Heritage	Anthony Wade	04/30/23
Highlands	Ted Mahaffey	06/01/23
Houston Metro	James Spiritosanto	02/23
Metro Atlanta	Carl Wilhelm	05/08/23
Metropolitan NY	Timothy Keller	05/19/23

APPENDIX R

Ministers Deceased, continued

Mississippi Valley	Michael Butterfield	03/20/23
	Mark Lowrey	12/24/23
	James Turner	01/21/23
New Jersey	Elwin Jewell	08/31/23
New River	David Currence	03/23/23
	Harold Kelley	05/26/23
North Florida	Ronald Swafford	12/11/23
Pacific Northwest	Richard Longfellow	03/05/23
Palmetto	Harold Patteson	
	Paul Poyner	07/31/23
Philadelphia	George Gunn	03/23
	Jong Yun Lee	01/18/23
	Stephen Smallman	05/14/23
Potomac	Marlin Hardman	01/13/23
Rio Grande	Aaron Zapata	01/27/23
Savannah River	Charles Rector	07/27/23
	Charles Stakely	07/19/23
South Coast	Richard Kaufmann	02/18/23
	George Miladin	07/02/23
South Texas	Mike McCrocklin	05/23
Tidewater	Cal Frett	03/23
Warrior	John M. Warren	05/28/23
	W. Cecil Williamson	01/23
West Hudson	William Iverson	08/21/2
Westminster	Preston Sartelle	04/21/23
	John Whitner	04/22/23

MINUTES OF THE GENERAL ASSEMBLY

FIVE YEAR SUMMARY 2023

	2019	2020	2021	2022*	2023
Presbyteries	88	88	88	88	88
Churches	1,567	1,580	1,593	1,627	1,645
Missions	348	348	318	305	289
Teaching Elders	5,057	5,117	5,159	5,247	5,285
Candidates	557	531	704	751	572
Licentiates	169	171	222	193	186
Profession of Faith by Children	4,922	4,023	4,479	4,520	4,859
Profession of Faith by Adults	5,153	4,291	4,674	4,175	4,641
Communicants	300,113	299,891	297,239	300,413	305,045
Non-communicants	78,551	78,330	75,991	80,685	83,198
Total Membership (Comm, Non-comm, IEs)	383,721	383,338	378,389	386,345	393,528
Family Units	147,666	145,058	143,933	143,696	142,887
Adult Baptisms	2,613	2,181	2,275	2,287	2,645
Infant Baptisms	5,717	4,583	5,363	5,028	5,411
Total Contributions	\$904,550,356	\$1,042,366,740	\$998,758,176	\$1,083,558,318	\$1,111,603,109
Per Capita Giving	\$3,014.03	\$3,475.82	\$3,360.12	\$3,606.90	\$3,644.06
Assembly Causes	\$21,897,147	\$21,952,615	\$21,701,660	\$21,417,490	\$21,363,097
Presbytery Causes	\$10,621,337	\$10,056,064	\$10,383,683	\$9,519,199	\$9,621,223
Congregation Benevolences	\$117,755,108	\$119,004,084	\$120,310,548	\$128,101,223	\$131,618,050
Total Benevolences	\$150,273,592	\$151,012,763	\$152,395,891	\$159,037,912	\$162,602,370
Per Capita Benevolences	\$501	\$504	\$513	\$529	\$533
Congregational Current Expenses	\$697,389,987	\$683,085,062	\$686,149,852	\$795,205,621	\$858,955,418
Congregational Building Fund	\$89,827,572	\$100,487,760	\$121,359,547	\$97,780,703	\$105,814,369
Total All Disbursements	\$937,491,151	\$934,585,585	\$959,905,290	\$1,052,024,236	\$1,127,372,157

Totals represent the latest statistics reported by churches to the Stated Clerk's Office.

*Numbers based on statistics received through 11.13.2023

APPENDIX S

REPORT OF THE THEOLOGICAL EXAMINING COMMITTEE TO THE FIFTY-FIRST GENERAL ASSEMBLY OF THE PRESBYTERIAN CHURCH IN AMERICA June 2024

I. Introduction to the Committee's Work

A. Purpose and Scope of Examinations

According to our *Book of Church Order*, Teaching Elders should seek office “out of a sincere desire to promote the glory of God in the Gospel of his Son.” In this same spirit, the Theological Examining Committee (comprising 3 Teaching Elders, 3 Ruling Elders, and 2 alternates) serves the General Assembly by ensuring that candidates for positions of influence in our denomination are both gifted for and committed to promoting the glory of God by promoting the biblical gospel of Jesus Christ. Our task, according to *The Book of Church Order*, chapter 4, section 1.14, is to examine “all first and second level administrative officers of committees, boards, and agencies, and those acting temporarily in these positions who are being recommended for first time employment.”

B. Nature of Examinations

The examinations we administer resemble those for the ordination of Teaching Elders in the PCA, covering the following areas: Christian experience, theology, the sacraments, church government and the *BCO*, Bible content, church history, and the history of the PCA. Our standard procedure is to administer a written examination covering theological views, followed by an intensive oral examination, which entails not only views but knowledge in these areas.

II. Summary of the Committee's Work

In the past year, the committee has conducted two (2) examinations.

1. On **November 28, 2023** the committee examined **Dr. Dixie Zietlow** for

MINUTES OF THE GENERAL ASSEMBLY

the position of **Business Administrator of the PCA Administration Committee**. All areas of the exam were sustained and unanimously approved by the committee.

The nominee submitted a written statement affirming that she had no personal differences with the Westminster Standards.

2. On **January 12, 2024**, the committee examined **RE Brad Voyles** for the position of **President of Covenant College**. All areas of the exam were sustained and unanimously approved by the committee.

The nominee stated that he had no personal differences with the Westminster Standards.

Respectfully submitted,

TE K.J. Drake, Chairman

RE Edward Currie, Secretary

APPENDIX T

ATTENDANCE REPORT FOR THE FIFTY-FIRST GENERAL ASSEMBLY OF THE PRESBYTERIAN CHURCH IN AMERICA

City/State	Church	Teaching Elder	Ruling Elder
Arizona			
Flagstaff, AZ	Church/Resurrection	Joshua Walker	
Goodyear, AZ	King of Kings	Alex Diaz Joshua Harp	Dirk Uphoff
Peoria, AZ	Fellowship of Grace	Jonathan Foster	Dave Price Keith Shull
Sun City West, AZ	Covenant	Paul Muresan	
Other Teaching Elders		Matt Esswein DH Henry	
Ascension			
Aliquippa, PA	New Life	Jared Nelson	
Beaver, PA	Chapel	Tom Stein Jr.	
Beaver Falls, PA	Christ	Scott Moreland	
Ellwood City, PA	Berean	Cody Hooper	
Erie, PA	Faith Reformed West Erie	David Hills Marc Miller	
Harrisville, PA	Rocky Springs	Scott Fleming	
Industry, PA	Fairview Reformed	Jeff Zehnder	Ben Hardesty
Seneca, PA	Christ Covenant PCA	Jeremy Coyer	
Valencia, PA	Gospel Fellowship	Matthew Everhard	Dave Gibson Dale Hohman
Volant, PA	Hillcrest	Nathan Morgan	Tim Adams Jay Neikirk
Blue Ridge			
Blacksburg, VA	Grace Covenant		Donald Weyburn
Charlottesville, VA	Christ Central Grace Community Trinity	Joseph Magri Jon Anderson Chris Colquitt Kelly Scott	Hunter Chorey John Collmus Michael Martin Craig Wood

MINUTES OF THE GENERAL ASSEMBLY

City/State	Church	Teaching Elder	Ruling Elder
Blue Ridge, continued			
Christiansburg, VA	Providence	Brian Waters	
Crozet, VA	Hope	Todd Johnson	
Draper, VA	Draper's Valley	Roland Mathews	Uriah Bartlett Stuart Pratt
Floyd, VA	Harvestwood Cov		Don Craighead Charlie Nave
Harrisonburg, VA	Christ Covenant	Bill Leach Burress McCombe Todd Pruitt	Gary Shickel Jerry Weniger
Lexington, VA	Grace	Justin Clement Jason Kriaski	Mark Coddington
Lynchburg, VA	Mercy	Bryan Rigg	Stephen Hobson Wynn Shackleford
Martinsville, VA	Hope	Matt Pinckard	
Roanoke, VA	Christ the King	John Pennylegion Tobias Riggs	Frank Smith
Staunton, VA	Providence	Jake Hooker	Michael Gray
	Westminster	Kyle Ferguson	
	Holy Cross	Jake Bennett Kent Woodrow	
Waynesboro, VA	Tabernacle	Essen Daley Kyle Kockler	
Winchester, VA	Eagle Heights	Nat Davidson	James Murphy
Other Teaching Elders		Tom Breeden Josiah Carey John Carroll Dave Gilleran Doug Hart Joe Holland Jr. Mick Leary Heath McLaughen John Pearson Joe Slater Ben Spivey Drew Trotter Jr. Bailey Wagner Willis Weatherford Thomas Wong	

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City/State	Church	Teaching Elder	Ruling Elder
Calvary			
Abbeville, SC	Lebanon	John Butler	
	New Hope	James Norris	Pat Hodge
Anderson, SC	New Covenant	Tom Buitert	
		Tim Pitzer	
		Jonathan Wisdom	
Clemson, SC	Clemson	Bryan Counts	Mark Dodd
		Reid Jones	Will Huss Jr.
			Rob Porter
Clinton, SC	Westminster	Chad Reynolds	
Easley, SC	Covenant	David Preston	
Fountain Inn, SC	Fairview	Kenny Maple	
		Jonathan Williams	
Greenville, SC	Downtown	Brian Habig	Scott Hultstrand
		Jeff Heiser	Mark Miller Jr.
		Sam Taaffe	
	Eastside	Mark Auffarth	
	Grace & Peace	Joe Dentici	George Koontz
		Timothy Udouj	
	Mitchell Road	Scott Puckett	Jon Barkman
		Mark Reed	Bob Caldwell
		Neel Skelton	Jason Cochran
		Jacob Virtue	Philip Temple
	Redeemer	Nick Turner	
	Resurrection	Jonathan Davis	
	Second	Brendon Branigin	Mel Duncan
		Jeff Early	Kevin Mobley
		Rick Phillips	Jeremy Weaver
Greenwood, SC	Greenwood	Paul Patrick	
Greer, SC	Antioch	Zachary Groff	
	Fellowship	Marty Martin	Terry Richards
		Andrew Newman	Jeff Wayne
Laurens, SC	Friendship	Robert Cathcart Jr.	
Reidville, SC	Reidville		Larry Bradley
			Roy Verrips
Roebuck, SC	Mount Calvary	Andrew Hane	Josh Killen
		Jim Stephenson	
		Richard Thomas	
Seneca, SC	Crossgate	Jay Brown	
	Oconee	Scott Cook	Mac McRoberts

MINUTES OF THE GENERAL ASSEMBLY

City/State	Church	Teaching Elder	Ruling Elder
Simpsonville, SC	Christ Community		Randy Gordon Dale Olsen
	Palmetto Hills Woodruff Road	Josh Martin Scotty Anderson Dan Dodds Taylor King Carl Robbins	Benjamin Wiggershaus Fredric Marcinak Doug McConkey Derek Scott
Spartanburg, SC Taylors, SC Other Teaching Elders	Grace Emmanuel Upstate	Justin Kendrick William Castro Jonathan Master Rod Mays George Mixon Michael Morales Oliver Pierce Joey Pipa Jr. Roy Taylor Jr. Jeffrey Windt	

Canada West

Calgary, AB	Woodgreen	Don Hulsey	Paul Mandry
Edmonton, AB	Crestwood	Jeff Kerr	
Lethbridge, AB	Westminster Chapel	Adam Harris	
		Theo Lodder	

Catawba Valley

Charlotte, NC	Prosperity StoneBridge	Bruce Brown Kevin Burrell Daniel Ellingburg	Frank Lopane
Concord, NC	Providence	Ben Ressler	
Cornelius, NC	NorthCross	Gary Purdy	
Denver, NC	Lakeshore	Berry Stubbs	
Harrisburg, NC	Grace	Eugene Oldham	Daniel Nicholas Scott Starcher
Hickory, NC	Grace Covenant	Mike Gordon	Nate Phillips
Mooresville, NC	Harbor	Michael Colvard Tyler Spry	Jim Aldridge
	Shearer		Corey Wing
Mount Ulla, NC	Back Creek	Bill Thrailkill	
Stanley, NC	First	Jay Krestar	Kevin Rhyne

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City/State	Church	Teaching Elder	Ruling Elder
Catawba Valley, continued			
Other Teaching Elders		Hudson Belk Will Faires Jr. Andrew Goyzueta	
Central Carolina			
Albemarle, NC	Second Street	John Black	
Charlotte, NC	Christ Central	Tony Myles	
Central Carolina, continued			
	East Charlotte Hope Community	Sid Druen Matt Guzi Aaron Ingle Trip Smith III Mark Upton	Jon Wilkinson
	South Charlotte	Dean Faulkner	George Kurz Joe Spencer
	Sovereign Grace	Bill Barclay Will Keyton Ben Thomas	Ron Barnwell Homer Nash Jr.
	Uptown		Tim Shorey
Fayetteville, NC	Cross Creek	Michael Mock	Steve Bennett Johnny Surles
Indian Trail, NC	Church/Redeemer	Matt Harris Adam Mumpower	
Locust, NC	Carolina		Tim Akers
Matthews, NC	Christ Covenant	Dave Baxter Bruce Creswell Kevin DeYoung Nathan George Tom Groelsema Joel May Mike Miller Eric Russ	Jordan Clark Curt Johnson Flynt Jones Lane Jones Jim Sutton
Mount Gilead, NC	Lake Tillery	Chip McAulay	
Sanford, NC	Christ	Ralph Johnston	
Southern Pines, NC	Redeemer	Bo Collins III	Bob Rose
Waxhaw, NC	Grace	Daniel Vinson	
		Chris Brock Drew Martin Will Ross	

MINUTES OF THE GENERAL ASSEMBLY

City/State	Church	Teaching Elder	Ruling Elder
Central Florida			
Brooksville, FL	Faith	Anthony Alonso	
Casselberry, FL	Chinese Evan Christ	Moses Han	
DeLand, FL	Immanuel	Deren Harper Tyler Kenney	
Eustis, FL	Lakeside Covenant New Hope	Matt Matulia Richard Burguet	
Lake Mary, FL	River Oaks	Cody Brobst	
Maitland, FL	Orangewood	Joe Creech	James Miller David Moore
Melbourne, FL	Northside		Bob Mattes
Ocala, FL	Good Shepherd	Josh Gilman Michael Rauls	Mike Dwyer Barry Ginn
Orlando, FL	Grace	Theo van Blerk	
	Christ United Fell	Michael Aitcheson Colton Allen	Gregory Hersey
	Lake Baldwin St. Paul's University	Brian Lum Shue Chan Justin Borger Rick Gilmartin Steve Weidenmuller	John Maynard
Port Orange, FL	Spruce Creek	Josh Owen Robert Rothwell	Vic Headley Gabe Williams
Sanford, FL	St. Andrews Chapel	Stephen Adams Don Bailey Jr. Burk Parsons Kevin Struyk	Michael Crotty Steven DeLoach Lee Webb
St. Cloud, FL	Lake Nona		Andrew Augenstein Kevin Chase
Titusville, FL	Christ Community	Daniel Levi	
Vero Beach, FL	Christ the King	Seth Wallace	Glenn Grevengood
Other Teaching Elders		Levi Berntson Thomas Brewer Stephen Fisher Kevin Gardner Aaron Garriott Michael Glodo Jonathan Iverson Benjamin Shaw Scott Swain	

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City/State	Church	Teaching Elder	Ruling Elder
Central Georgia			
Eatonton, GA	Lake Oconee	Jeff Birch	Richard Driessnack
Forsyth, GA	Dayspring	Mike Palombo	George Rountree
		David Martin	Steve Harbin
Kathleen, GA	Houston Lake	Paul Bankson	Lloyd Strickland
			Chuck Ezell
Macon, GA	First	Parker Agnew	Todd Kinnebrew
	North Macon	Bob Brunson	Chuck Duggan
Midland, GA	St. Andrews	Hunter Stevenson	Blake Sullivan
			Rob Morton
Milledgeville, GA	Covenant	Kreg Bryan	John Mitchell
		Bill Douglas	Chris Schuster
			Doug Pohl
Central Indiana			
Carmel, IN	Christ Community	Josiah Jones	
Indianapolis, IN	Fountain Square	Pat Hickman	
	Grace	Nicholas Davelaar	
	New City Redeemer	John Peoples Jr.	
		Taylor Bradbury	
Muncie, IN	Westminster	Charles Anderson	
		Jeff Nottingham	
Richmond, IN	Christ	Ben Reed	
		Kristofer Holroyd	Phil Pinegar
Yorktown, IN	New Life	David Chambers	
		Rich Hawkins	
		David Young	
		Bob O'Bannon	
		KJ Drake	
		Andrew Whitaker	
Chesapeake			
Arnold, MD	Broadneck Evan	Brian March	Chris Deterding
Baltimore, MD	Abbott Memorial	Jon Pickens	Steven Deterding
		Chris Garriott	
Columbia, MD	Faith Christian Fell	JB Watkins	
	City of Hope	John Song	

MINUTES OF THE GENERAL ASSEMBLY

City/State	Church	Teaching Elder	Ruling Elder
Chesapeake, continued			
Davidsonville, MD	Grace	David Frierson	
Dundalk, MD	Inverness	Michael Weltin	
Forest Hill, MD	Aisquith	John Ceselsky	
	Forest Hill	Jason Van Bommel	Shawn Trautman
Havre de Grace, MD	Living Hope	Donald Dove	
Lutherville, MD	Hope Chapel	Sebastian Kim	
Marriottsville, MD	Chapelgate	Mike Khandjian	Joe Raine
		Tai Paul Kim	
Millersville, MD	Severn Run Evan	Jesse Crutchley	Brad Chwastyk Jeremiah Horner
Owings Mills, MD	Liberty	Aaron Lira	Steven Madden
Parkville, MD	Loch Raven	David Milligan	Brian Duty
		Bryant Park	
Pasadena, MD	Severna Park Evan	Dan Smith	
		Michael Stephan	
Reisterstown, MD	Covenant of Grace	Mark Samuel	Gregory Hard
Relay, MD	Grace Reformed	Doug Serven	
Severn, MD	Grace Point	Josh Sillaman	Matthew Zolnierek
Stevensville, MD	Safe Harbor	Nathan Waddell	
Westminster, MD	Deep Run	Brian LoPiccolo	
		Daniel Iverson III	
		Jacob Jasin	
		Arch Van Devender	
Chicago Metro			
Chicago, IL	Covenant	Dan Adamson	
		Aaron Baker	
Crown Point, IN	Grace	Brad McMurray	
Hinsdale, IL	Trinity	Geoff Ziegler	
Lansing, IL	First	Ken Wojnarowski	
Manhattan, IL	Missio Dei	Mike Fenimore	
Orland Park, IL	Redemption	Caleb Hughes	
Roselle, IL	Christ	Joe Cristman	Gary Templin
		Pablo Herrera	
West Chicago, IL	Faith Community	Rhett Austin	
Winnetka, IL	Grace	Marshall Brown	
Other Teaching Elders		Sean Martin	
		Philip Ryken	

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City/State	Church	Teaching Elder	Ruling Elder
Columbus Metro			
Dublin, OH	Northwest	Chris Mabee Patrick Tebbano	Chip Crickard
Gahanna, OH	Walnut Creek	Hayden Nesbit	
Granville, OH	The Granville Chapel	Dan Layman	
Covenant			
Charleston, MS	First	Grant Gilliam	
Cleveland, MS	Covenant	Ben Ratliff	Ted Leininger Matthew Mullins Jacob Taylor
Columbus, MS	Main Street	Aaron Suber	Justin Harris Russ Russell Bill Davis
Corinth, MS	Trinity	John Windham	
Dyersburg, TN	First	Gage Jordan	
Eads, TN	Hickory Withe	Doug Barcroft	
Fort Smith, AR	Covenant	John Clayton	
Germantown, TN	Riveroaks Reformed	Tommy Lee Jr.	
Greenville, MS	Covenant		Collins Brent
Greenwood, MS	Westminster	Richard Owens Josh Reagan	
Hernando, MS	Christ Covenant	Jim Plunk	Bob Barber Scott Sartor
Hot Springs, AR	Hope	Scott Davis	Billy Eddy
Indianola, MS	First	Duncan Hoopes	Jason Conner Q. Davis Jr.
Jackson, TN	Grace	Scott Floyd	
Jonesboro, AR	Christ Redeemer	Bill Berry	
Memphis, TN	Independent	Robert Browning	David Caldwell
		Sean Lucas Ronnie Rowe Parker Tenent	
	Redeemer	Matt Howell	
Olive Branch, MS	Christ	Logan Almy Daniel Stanphill	
Oxford, MS	Christ	Clint Wilcke Ryan Dean	
Salttillo, MS	Redeemer		Jeremy Foster
Somerville, TN	Christ	Tyler Kenyon	
Starkville, MS	Grace		Jonathan Barlow

MINUTES OF THE GENERAL ASSEMBLY

City/State	Church	Teaching Elder	Ruling Elder
Covenant, continued			
Tupelo, MS	Lawndale	Bill Bradford Jeremy Britt	
Water Valley, MS	First	Curt Presley III	Barron Caulfield
Other Teaching Elders		Alan Cochet Joseph Johnson Jay Outen Jim Shull	

Eastern Canada

Bedford, NS	Bedford	Bill Radford	
Gatineau, QC	Grace Gatineau	Frank Garcia	
Ottawa, ON	Resurrection	Ben Jolliffe	
Toronto, ON	Christ	Kyle Hackmann Lyndon Jost	Ewan Goligher Rick Swagerman
		Luke Bert	

Eastern Carolina

Cary, NC	Peace	Doug Domin Chris Florence Ken Langley	Joe Frazier
Clayton, NC	Christ	John Musgrave	
Dunn, NC	Christ	Tim Inman	
Durham, NC	Christ Central	Daniel Mason	Glen Berkel Carson Rockett
Jacksonville, NC	Good Shepherd Harvest	Mark Whipple Jason Petterson	Tom Phillips Craig Simon
New Bern, NC	Village Chapel		
Princeton, NC	Progressive	Shawn Willis	
Raleigh, NC	Christ The King	Elliot Grudem James Sutton	
	Midtown Community Redeemer	Anderson Shore Garrett Black Ross Jelgerhuis	Bruce Narveson Michael Newkirk
Wake Forest, NC	Christ Our Hope	Timothy Sharpe Gabe Sylvia Jr.	Michael Ovack
Wilmington, NC	Christ the King		Jakim Friant Tim Pattison
	Downtown	Jay Denton	

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City/State	Church	Teaching Elder	Ruling Elder
Wilson, NC	Wilson	Andy Raynor	Ken Dozier Danny Handley

Other Teaching Elders Sam Kennedy

Eastern Pennsylvania

Allentown, PA	Lehigh Valley West Valley	Matt Franchetti Mark Howard	Ken George
Center Valley, PA	Cornerstone	Matt Bostrom	Dave Almack
Dresher, PA	New Life	Clint Estes	
Easton, PA	Bridge Community	Tim Gorbey	
Hatfield, PA	Lansdale	Brian Hand	
Quakertown, PA	Providence	Jonathan Kuciemba	
Scranton, PA	Hope	Taylor Bradley	Bill Barnes
Warminster, PA	Christ Covenant	Mark Herzer	
Willow Grove, PA	Calvary	Angel Gomez	
Other Teaching Elders			Jonathan Eide
		Michael Goodlin	

Evangel

Alabaster, AL	Evangel	Alex Goodsell	
Birmingham, AL	Briarwood	Jim Alexander Max Bunn Stephen King Joel Richards Michael Wichlan	Billy Ball Mark Hess Matt Moore Drew Ricketts Mike Sanders Bruce Stallings Bryan Wintersteen Charles Woodall
	Cahaba Park Covenant	Claude McRoberts III David Driskill John Fountain Henry Morris	Mark Hogewood Mark Midyette John Pickering
	Faith	Jamie Peterson Sr. Martin Wagner	
	Oak Mountain	Caleb Click Mark Long Tom Patton III Greg Poole	Jeff Anderson Nathan Kirkpatrick
	Red Mountain	Charles Johnson	Cole Gresham Miles Gresham

MINUTES OF THE GENERAL ASSEMBLY

City/State	Church	Teaching Elder	Ruling Elder
Evangel, continued	Third	Michael Brock Anton Ivanov Hunter Twitty	
Hoover, AL Jacksonville, AL Moody, AL	Cross Creek Hope Community Community	Steve Mayes	Brandon Robbins Matthew Duke Joe Ellis Mark Bowyer
Pell City, AL Rainbow City, AL Sylacauga, AL Trussville, AL	Lakewood Rainbow Knollwood Christ	Ray Tucker Mark Jessup Jeffrey Bagley Michael Davis	Michael McMillan
Other Teaching Elders		James Dickson Howard Eyrich Murray Lee	
Fellowship			
Chester, SC	Trinity Zion	Richard Wheeler Al Ward Jr.	Don Wood Jr. Steven Palecek
Clover, SC	Bethel	Chris Donnelly Trent Thomas	Neil Allen Chris Wallace
Fort Mill, SC	Christ Ridge		Josh Bouldin Chad Cureton
Gaffney, SC Lake Wylie, SC	Salem Redeeming Grace	Corey Lanier Devin Kahan	Ryan Bowen Jimmy Summers
Lancaster, SC McConnells, SC	Indian Land Olivet	Michael Lee Chip McArthur Jr.	Chris Arnold Jason Petty
Rock Hill, SC	Hopewell Westminster	Jason Anderson Caleb Blow Jonathan Garrett Mike Honeycutt JT Hoover	
Van Wyck, SC York, SC	Trinity Filbert	Chris Sewell Jeff Bryant Dave Hall	Joe Bilbro Everett Whitesides
Other Teaching Elders		Mark Ashbaugh Wallace Tinsley Jr.	

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City/State Church Teaching Elder Ruling Elder

Georgia Foothills

Athens, GA	Redeemer	Wes Andrews Todd Lowery Matt Siple	
Blairsville, GA	Grace	Christian Brewer	
Chestnut Mtn, GA	Chestnut Mountain	Travis Brown Ben Phillips	Dave Martin James Zeller
Clarkesville, GA	Christ	Hobie Wood Steve Woodworth	
Dacula, GA	Restoration	Scott Barber	
Duluth, GA	Old Peachtree	Joe Deighton Alan Johnson	Jon Richards Jack Wilson
Gainesville, GA	Westminster	Charlie Phillips	
Watkinsville, GA	Faith Oconee Fellowship	Nathan Parker Clay Werner	Jerry Norris
Winder, GA	Northside	Tim Weldon	
Other Teaching Elders		Ed Dunnington Rod Entrekin Stephen Estock Alan Foster Bruce Owens	

Grace

Biloxi, MS	First	Tim Horn	
Brookhaven, MS	Faith	Brady Nelson	
Crystal Springs, MS	First	Christopher Willett	Bob Lee
Gulfport, MS	First	Gardner Fish	Bryan Kelly
Hattiesburg, MS	Bay Street First	Brian Davis Darwin Jordan	Sam Duncan Keith Easterling Rob Jackson Jr.
	Woodland	David Irving	Troy Gibson
Hazlehurst, MS	First	James Logan	
Mize, MS	Calvary	Jackson Lin	
Natchez, MS	New Covenant	John Franklin	
Summit, MS	New Covenant	Brian McCollough	Chris Bird

Great Lakes

Ann Arbor, MI	Christ	Jeremy Byrd	
Bad Axe, MI	First	Scott McDermand	
Brighton, MI	Pathway Covenant	Andrew Chesebro	
Dearborn, MI	Grace	Jerry Riendeau	

MINUTES OF THE GENERAL ASSEMBLY

City/State	Church	Teaching Elder	Ruling Elder
Great Lakes, continued			
Detroit, MI	Redeemer	DeMyron Haynes	Jerome Gorgon Jay Quint
East Lansing, MI	University Reformed	Nate Groelsema Jason Helopoulos Kevin Phipps Nick Setterington	David Hinkley Kevin McAlvey Zane Meibeyer
Elkhart, IN	Heart City	Joel Irvin	
Fenton, MI	Tyrone Covenant	Lawrence Bowlin David Groendyk	
Ferndale, MI	New City	Tommy Myrick	
Ft. Wayne, IN	Providence	Tony Garbarino	Ross Harris
Grand Rapids, MI	Christ	Roger Qi Andrew Vander Maas	Bob La Fleur Jerry Stutzman
Great Lakes, continued			
Granger, IN	Gracehill Michiana Covenant	Ben Seneker Elliott Pinegar Peter Wallace	Jacob Stoltzfus
Harrison Tship, MI	Knox	Adam Thomas	
Holland, MI	Covenant	Ken Klett	
Hudsonville, MI	Hudsonville Ref	Chad DeGraff Shane Sterk	
Kalamazoo, MI	Trinity Good Shepherd	Jeremy Visser Ryan Potter Neil Quinn	Greg Vanden Heuvel
Mount Pleasant, MI	Fellowship Reformed	Devon Rossman	
Other Teaching Elders		Bruce Baugus Robert Knuth	
Gulf Coast			
Cantonment, FL	Pinewoods	David Balzer	Don Roe
Fairhope, AL	Eastern Shore	Pat Davey	Mike McCrary
Foley, AL	Grace Fellowship	Rick Fennig	TJ Neely Rick Sullivan
Ft. Walton Beach, FL	Westminster	Chad Watkins	Jason Belcher Landon Jostes
Gulf Breeze, FL	Concord	Jonathan Becker	Joel Holston
Lillian, AL	Lillian Fellowship	Dean Conkel	
Loxley, AL	Loxley	Andrew Colbert	Doug Vermeulen
Mobile, AL	Christ		Devin Brown Lukasz Myc
	Christ Redeemer	Ben Nelson	

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City/State	Church	Teaching Elder	Ruling Elder
Gulf Coast, continued			
Niceville, FL	Grace Community First	Dustin Belue Joe Grider	Bob Steele
Panama City, FL	Covenant	Stephen Tipton	Leigh Hinkle Rocky Welch Todd Mitchell Nathan Sato
Pensacola, FL	First	Heath Taws	
Pensacola, FL	Fairfield McIlwain Memorial	Ralph LaGuardia David McIntosh Jr.	George Earles
Tallahassee, FL	Westminster Wildwood	Sean McGowan David McNeely	George Close
Other Teaching Elders		Dennis Shackelford	

Gulfstream

Boca Raton, FL	Spanish River	Al Barth David Cassidy Brian Haring Matt Wilson	Mike Veitz
Jupiter, FL	Sand Harbor	Andrew Jacobson Steven Weiss	Bob Brunjes
Palm Bch Garden, FL	Cornerstone	Mark Murnan	
Port St. Lucie, FL	Christ the King	Jason Paugh	
Stuart, FL	Grace Treasure Coast	Bernie van Eyk Rob Edenfield	
West Palm Beach, FL	Truth Point	Matt Eusey	
Other Teaching Elders		Josh Malone	

Heartland

Andover, KS	Kirk of the Plains	Rick Franks	
Lawrence, KS	Grace	George Boomer Ryan Mayo	Phil Oberzan Scott Rask
Lees Summit, MO	Christ the Redeemer	Jason Wegener	Steve Campbell Jim Slocomb
Olathe, KS	New Hope	Jim Baxter Tim Elliott	Larry Hauck Brian Phipps
Overland Park, KS	Redeemer	John Choi Tony Felich	Lance Kinzer
Wichita, KS	Evangel Heartland Comm	Tim Rackley Jonathan Whitley Ben Marquez	Marlon Johnston

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City/State	Church	Teaching Elder	Ruling Elder
Heritage			
Dover, DE	Grace	Kenny Foster Joshua Suh	Tyler Hogan Tim Reisinger
Easton, MD	Shore Harvest	Scott Shaw	Conrad Judy Jr
Elkton, MD	Fair Hill	Steve Coward Peter Lamme	Tom deLorimier
Hockessin, DE	Good News	Charles Davis Sam DeSocio	
Kemblesville, PA	Cornerstone		George Pauley Dave Spangler
Middletown, DE	Crossroads	Michael Hernandez	
Millsboro, DE	East Gate	Kevin Gladding	
New Castle, DE	Heritage	Ruben Sernas	
Heartland, continued			
Newark, DE	Evangelical	Chad Barber Caleb Evans Rick Gray Graham Guo	Brian Warshaw Bill Zinkand
Salisbury, MD	Providence	Peter Render	
Smyrna, DE	CenterPoint	Dave Dorst	
Wilmington, DE	City Faith	Israel Ruiz Ore Kevin Koslowsky	
Other Teaching Elders		Randen Schleiden Daryl Wattley	
Highlands			
Asheville, NC	Covenant Reformed	Jim Curtis Sean McCann	
	Grace & Peace Trinity	Jonathan Inman Robert Recio	Tim Carlson Stephen Todd
Boone, NC	CrossPoint Comm Grace Highlands	Scott Stewart Graham Svendsen	
Brevard, NC	Cornerstone	Andy Silman	
Elizabethton, TN	Memorial	Tim Mindemann	Robert King
Franklin, NC	Emmanuel	Tim McQuitty	
Hazelwood, NC	Hazelwood	Steve Muzio	
Morganton, NC	Faith	Danny Beck	
Murphy, NC	Providence	David Hina	Wil Meiners
Newland, NC	Fellowship	Cooper Starnes	
Sylva, NC	Redeemer	Steven Hansen	

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City/State	Church	Teaching Elder	Ruling Elder
Highlands, continued			
Weaverville, NC	First	Skip Gillikin	
Other Teaching Elders		Andy Adams	
		Lonnie Barnes	
		Craig Bulkeley	
		Alec Cotton	
		Scott Hill	
		Andrew Shank	
Hills and Plains			
Bentonville, AR	Christ	Aaron Raines	
		Chris Taylor	
Edmond, OK	Heritage	Michael Philliber	
		Casey Shutt	
Hills and Plains, continued			
Fayetteville, AR	Christ Community Covenant	Dave Abney	
		Jay Bruce	Jeff Chewning
		Paul Sagan	Nathan Jarvis
Joplin, MO	Christ the King	Levi Bakerink	
Minco, OK	First Reformed	Jason Averill	
Norman, OK	Christ the King	Mike Biggs	
Oklahoma City, OK	City	Jason Hsu	
Owasso, OK	Trinity	Blake Altman	
Rogers, AR	Trinity Grace	Brandon Van Marel	Noel Henley
Siloam Springs, AR	Redeemer	Ted Wenger	
Stillwater, OK	Grace	Wilson Van Hooser	Aaron Reeves
Tulsa, OK	Christ	Jeremy Fair	
		Grace & Peace	Tyler Gray
Houston Metro			
Beaumont, TX	Reformed	Mark Blalack	Ryan Bowling
			Chuck Heare
		Josh Rieger	Eric Manthei
Bellaire, TX	Riverside	David Wakeland	Winston Dollahon
			Charles Reed
Houston, TX	Christ	Richard Harris	Dan Tidwell
		Axel Sotelo	Ken Wynne
		Clay Holland	David Duren
		Blake Arnoult	Philip Whitley
		Lou Veiga	Jeremy Thomas

MINUTES OF THE GENERAL ASSEMBLY

City/State	Church	Teaching Elder	Ruling Elder
Houston Metro, continued			
Huntsville, TX	Christ	Nolan Williamson	Mark Fullerton Sam Massey
Katy, TX	Christ	Fred Greco Curt Mire Duncan Rankin	Mark Becker Dave Cias Neal Hare
Lufkin, TX	Covenant	Mark O'Neill	Bill Craig
Spring, TX	Spring Cypress	Ben Duncan	Justin Chandler Danny McDaniel
The Woodlands, TX	Grace	Kyle Bobos Bradley Wright	
Other Teaching Elders		Juan Carlos Martinez	

Illiana

Carbondale, IL	Grace	Harris Adams	
Coulterville, IL	Grandcote Reformed	James Stark	
Cutler, IL	Reformed		Keith Boyce
Illiana, continued			
Edwardsville, IL	Center Grove	Wes James	Andre Kok
Marissa, IL	Marissa	James Ryan	
Sparta, IL	Bethel Reformed	Alex Eppstein	
Troy, IL	Providence	Scott Edburg	Scott Lollar Don Walters

Iowa

Holland, IA	Colfax Center	Luke Wolfe	
Hospers, IA	Hospers	Brian Janssen	
Iowa City, IA	One Ancient Hope		Chris Sutton
North Liberty, IA	Hope Evangelical	Lincoln Larsen	
Urbandale, IA	Westkirk	Nathan Hiatt	

James River

Amelia Crt Hse, VA	River Run	Marty Cates	
Ashland, VA	Grace Community	Clint Dowda	
Chester, VA	Centralia	Dan Lipford	
	New Creation	Joel Passmore	
Fredericksburg, VA	Evident Grace Fell	David Fischer	Greg Bay Matt Murray
	New City Fellowship	Bob Becker	Matthew McCorkle Eugene Rivers

APPENDIX T

City/State	Church	Teaching Elder	Ruling Elder
James River, continued	New Life in Christ	Sam Capitano Robert Rumbaugh Sean Whitenack	Robert Williams
Hopewell, VA	West End West Hopewell	Eric Dugan Ethan Mullis	Sam Couch Brian Berkompas Pat Maddox
King George, VA Midlothian, VA	Grace Spring Run Sycamore	Dave Bentz Andrew Conrad Brian Fletcher Donnie Clinton Jr Sean Sawyers	Daniel Jordan Bruce McCloy Steve OBrien Dennie Pritchard Gene Whitehead
Powhatan, VA	Evergreen Comm	Nick Krauss	Robert Adams Steve Donahue
Richmond, VA	All Saints Reformed Church Hill City Stony Point Ref	Dennis Bullock Steve Moulson Harrison Ford Curt Kenney	Matt Fender Rick Hutton Barry Anderson George Constantino Dan Carrell Jeff Faris
Stafford, VA Other Teaching Elders	West End Hope of Christ	Joe Brown Leonard Bailey Ryan Cavanaugh Jerry Gill Leonard Liu Harry Long Stanley Morton Jim Pulizzi Ambrose Winfree	Phil Soldan Rich Leino
Korean Capital			
Centreville, VA	Christ Central Korean Central	Huey Lee Owen Lee Bobby Suh	Sang Choi Charles Gill Jack Kim Guang Yon Weon Phill Yoon

MINUTES OF THE GENERAL ASSEMBLY

City/State	Church	Teaching Elder	Ruling Elder
Korean Capital, continued			
Chantilly, VA	Korean	Yong Ho Cha	
Clarksville, MD	Harvest	Walter Lee	
		Brian Shim	
		Steve Yoon	
Fairfax, VA	Korean	Paul Bang	
		Jacob Kim	
	Mok Yang	Peace Ahn	
Fairfax Station, VA	Christ Central	Peter Kim	
Laurel, MD	Covenant	Dong Woo Kim	
Norfolk, VA	Saesoon	Jong Ug Choi	
Rockville, MD	Rosebrook	Moses Lee	
Other Teaching Elders		David Bae	
		Su Cheor Jang	
		Abraham Kim	

Korean Central

Columbia, MO	Korean First	Hanjoo Park	
Elmhurst, IL	Vineyard	Sun Sik Park	Jason Park
		James Yoo	
Korean Central, continued			
Glenview, IL	First Korean	Stephen Jon	Cedric Choi
Indianapolis, IN	Eunhye Korean	Paul Cho	
Nixa, MO	First Korean	Ju-Heon Lyu	
Palatine, IL	Bethel	Anson Lee	
St. Ann, MO	First Korean	Shinkwon Lee	
St. Robert, MO	Calvary	Youngjin Moon	
Vernon Hills, IL	Highland Korean	Jason Hyunsoo Park	
Other Teaching Elders		Samuel Kang	
		Sungwoo Nam	
		Brian Park	

Korean Eastern

Ambler, PA	SarangNanum Comm	Seogwoo Sun	
Cheltenham, PA	Cheltenham	Dennis Kim	
Dillsburg, PA	First Korean	David Kim	
Lansdale, PA	Cornerstone	Andrew Kim	
		Isaac Lee	
Philadelphia, PA	Emmanuel	Chanwoo Lee	
State College, PA	State College Korean	Kyu Hong Yeon	
Warminster, PA	Korean Saints	Seunggyun Lee	

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City/State	Church	Teaching Elder	Ruling Elder
Korean Eastern, continued			
Other Teaching Elders		Jonathan Kim Danny Kwon Kisup Lee	
Korean Northeastern			
Tenafly, NJ	Glory Community	Sam Sung	
Other Teaching Elders		Paul Lee	
Korean Northwest			
Beaverton, OR	Eden Community	Joshua Kim	
Lacey, WA	Olympia One Light	Choon Sik Park	
Ripon, CA	The Lords	Seongeun Jang	
Walnut Creek, CA	Heavenly	Jeremiah Kim	
Other Teaching Elders		Daniel Jung Chun Ho Oh	
Korean Southeastern			
Charlotte, NC	Charlotte	Sungkyun Na	
Columbia, SC	Sandol	Thomas Oh	
Ft. Walton Beach, FL	FWB Inat'l Comm	Joshua Jea	
Knoxville, TN	Korean Sarang	Jin Eun Jung	
Macon, GA	Macon Korean	Jong Su Hong	
Marietta, GA	Korean Covenant	Luke Kim	
Newnan, GA	Saebit Korean	Ik Joon Park	
North Ft. Myers, FL	Korean Community	Changwon Choi	
Ocala, FL	Ocala Korean	Sam Kim	
Ocoee, FL	Him	Juseong Paek	
Panama City, FL	Panama City Korean	Zadok Hong	
Peachtree Crnrs, GA	New	Youngchun Cho Sungyak Kim	
Pike Road, AL	Mont Open Kingdom	Kyung Jae Seo	
Ridgeland, MS	Korean American	Ki Won Jang	
Suwanee, GA	Grace Community	Eddie Lim Billy Park	David Seo
Tallahassee, FL	Korean Cornerstone	Joon Yung Jang	
Other Teaching Elders		Anthony Lee Bill Sim	

MINUTES OF THE GENERAL ASSEMBLY

City/State	Church	Teaching Elder	Ruling Elder
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Korean Southern

Carrollton, TX	Hope	Gu Kwang Lee	
Friends Wood, TX	Houston	Soo Dong Kim	
Houston, TX	Korean Faith	In Seung Lee	

Korean Southwest

Diamond Bar, CA	Global	Daniel Chin	
Gardena, CA	Lamp	Caleb Her	
Los Angeles, CA	Living Faith	Aaron Sunu	
San Fernando, CA	Gateway	Sang Kim	
Torrance, CA	Redeemer	Yuma Takei	
Other Teaching Elders		Joseph Kim	
		Roberto Koh	

Korean Southwest Orange County

Stanton, CA	Stanton City	DP Park	
Other Teaching Elders		Will Chang	
		Joel Kim	

Lowcountry

Beaufort, SC	First Scots	Alex Mark	Mark Senn
		Steven Walton	Ron Woernle
Bluffton, SC	Grace Coastal	Jason Crenshaw	
Charleston, SC	Church Creek	Nick Batzig	Donald Cummings
		Caleb Willingham	
Goose Creek, SC	Metro North	John Schley	Nate Arnold
Hilton Head Is, SC	Hilton Head	Michael Craddock	
		William McCutchen	
		Harrison Spitler	
Mount Pleasant, SC	Christ Church	Jon Payne	Tom Clark
			Mike Royal
North Charleston, SC	Two Rivers	Jeremy Mullen	
Orangeburg, SC	Trinity	John Mark Patrick	
Summerville, SC	Hope Community	Nathan Francis	
Other Teaching Elders		Jacob Lee	

Metro Atlanta

Alpharetta, GA	Living Fellowship	Andrew Harwell	
Atlanta, GA	Atlanta Westside	Walter Henegar	Jeff Heck
		Nagib Hermes	Norman Powell
		Joseph Parker	Bruce Terrell

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City/State	Church	Teaching Elder	Ruling Elder
Metro Atlanta, continued			
	Church/Redeemer City Intown Community	Jimmy Agan III	Chuck Francis David Entrekin Brian Terrell Joseph Thompson Jim Wert Jr.
	Kindred Hope Ponce Westminster	Howard Brown Hace Cargo Rush Hill Aaron Messner Carlton Wynne	Russell Berry Chet Lilly John White Jr.
Covington, GA	Trinity	Matt Abel Rob Rienstra	
Cumming, GA	GracePointe	James Nichols	Daniel Cook
Dahlonega, GA	Creekstone	Rich Good	
Fayetteville, GA	Redemption Fell		Frank Brown
Franklin, GA	Salem	Bill Heard	
Griffin, GA	Community	Joe Arnold	
Johns Creek, GA	Perimeter	Bob Cargo Bob Carter Herschel Hatcher Omari Hill Randy Pope Eric Ryan Randy Schlichting	Simon Cole
Lawrenceville, GA	New City	Chip Sweney Jr. Patrick Choi Brandon Dean Ryan Johnson	
Marietta, GA	East Cobb		Bob Edwards
Newnan, GA	Christ	Drew Archer	
Peachtree City, GA	Carriage Lane	Timothy Gwin	Craig Jeffery Greg Rosser
Stockbridge, GA	The Rock	John Stovall	
Tucker, GA	Tucker	Erik Veerman	
Other Teaching Elders		Doug Griffith Stephen Maginas Kevin McCarty Guy Richard	

MINUTES OF THE GENERAL ASSEMBLY

City/State	Church	Teaching Elder	Ruling Elder	
Metropolitan New York				
New York, NY	Emmanuel	Tim Chang Scott Strickman		
	Exilic Redeemer	Aaron Chung David Ellis Drew Field	James Oh	
		Rich McCaskill III Hector Sanchez Jr. Crawford Stevener Jeffrey White		
		Redeem East Harlem	Justin Adour	
		Redeem Lincoln Squ	Michael Keller Bruce O'Neil	
	Other Teaching Elders	Terry Gyger Wei Ho Eric Lipscomb Matthew Terrell John Yenchko		
	Mississippi Valley			
	Bailey, MS	Bailey	Eric Mabbott	
	Belzoni, MS	First	Steven Dahl	
	Brandon, MS	Brandon	Brad Mills	
Clinton, MS	Pinehaven		Kevin Burns Larkin Chapman	
	Providence	Bryce Davis Ian Kayser		
Delhi, LA	Delhi	Chris Wright		
Edwards, MS	Edwards	Thomas Graves		
Jackson, MS	First	Wiley Lowry III	Stuart Clarke	
		Jamie Peipon	David Cleland	
		David Strain	Ned Currie	
		Charles Wingard	Wayne Husband Alan Walters Mark Windham	
	Redeemer	Brian Gault Wilson Jamison Zack Owens	William Stackler	
Louisville, MS	First	Heath Cross Matt Miller		

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City/State	Church	Teaching Elder	Ruling Elder
Mississippi Valley, continued			
Meridian, MS	Northpointe	Mason Kiple Kevin Vollema	
Monroe, LA	Ouachita	Harris Bond	Chuck Murphy
Pearl, MS	Pearl	Joey McLeod Jr.	
Philadelphia, MS	First	David Storment	
Raymond, MS	Raymond	Zach Byrd	
Ridgeland, MS	Pear Orchard	Caleb Cangelosi Dean Williams	James Clark Ken Haynes Eddie Moran
Ruston, LA	Covenant Reformed	Chris Stevens	
Tchula, MS	Tchula		Samuel Hutton
Union, MS	First	Christopher Shelton	Joe Norsworthy
Vicksburg, MS	Westminster		Gordon Sluis
Yazoo City, MS	Second		Rob Coker

Other Teaching Elders

Ligon Duncan III
Aaron Halbert
Haruaki Odate
Danny Ruth
Guy Waters

Missouri

Ballwin, MO	Twin Oaks	David D. Barnes Russell St. John	Bob Wilkinson
Chesterfield, MO	Chesterfield	Hugh Barlett Adam Delaplane Justin Huensch Owen Tarantino	John Ranheim
Eureka, MO	Heritage	Jesse York	Ken Leslie
Kirkwood, MO	Trinity	Pablo Rosales	Bill Porter
Owensville, MO	Redeem Grace Fell	Charles Stover	
St. Louis, MO	Covenant	Christopher Smith Noah Wiersema	
	Kirk of the Hills	Chad Townsley	Lowell Pitzer John Tubbesing Marcus Whitman
	Midtown		
	New City West End	Steve Schaper Thurman Williams	

MINUTES OF THE GENERAL ASSEMBLY

City/State	Church	Teaching Elder	Ruling Elder
Missouri, continued			
	Restoration Comm	Zac Carrera Jon Eagin Daniel Song Logan Ford	
Washington, MO Other Teaching Elders	South City New Port	Cartee Bales John Chung Daniel Doriani Ben Hoemann	Rob Allyn
Nashville			
Brentwood, TN	All Saints	Matthew Bradley Nathan McCall	Jay Hollis
Clarksville, TN	Christ	Richard Schwartz	
Columbia, TN	Zion	Keaton Paul	
Cookeville, TN	Grace	Step Morgan	Nick Duncan
Franklin, TN	Cornerstone	Tony Giles Nate Shurden	Randy Allen Jim Payne
	Parish	Jamie Crampton George Grant Brian Phillips	Brandon Herrenbruck Michael Mastroberti
Goodlettsville, TN	Faith	John dos Santos	
Mt. Juliet, TN	Hickory Grove	Kenny Silva	Al Williams
Murfreesboro, TN	Trinity	Mitchell Carter Ryan Hudson	
Nashville, continued			
Nashville, TN	Christ	Lee Eric Fesko	Jeff Creasy Tom Drury Bill Mooney Rob Wheeler
	City Covenant	David Richter Ryan Anderson Chad Scruggs	John Bryant Bryce Sullivan
	Midtown Fellowship	Elliott Cherry Randy Draughon Jeremy Kemp	
	Parks West End Comm	Eric Ashley John Bourgeois IV J Hager Stephen Simmons	Chuck Merritt
Rockvale, TN	Redeemer		Jonathan Kinney

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City/State Church Teaching Elder Ruling Elder

Nashville, continued

Tullahoma, TN	Covenant	Will Young	Frank Wonder
Other Teaching Elders		Charles McGowan Steve Robertson Kevin Twit Steve Young	

New Jersey

Allenwood, NJ	Calvary	Tom Harr Jr.	Scott MacLean
Cherry Hill, NJ	Covenant	Drew Grigg	
	True Vine Comm	Nate Pugh	
Glassboro, NJ	Mercy Hill		Tim Pacek Ric Springer
Lawrenceville, NJ	Hope	Stephen O'Neill David Rowe	
Mount Laurel, NJ	Grace	Matthew Fisher	Matt Castillo
Other Teaching Elders		Ted Trefsgar Jr. Jonathan Hatt	Aaron Snethen

New River

Buckhannon, WV	Grace	Alan Hager	
Charleston, WV	Kanawha Salines	Andy Styer	James Walling
Dellslow, WV	Mercy	John Downs	
Hurricane, WV	Redeemer	Kurt Gray	
Other Teaching Elders		Peter Green Mike Hall Steven Szelmeczki Michael VanDerLinden	

New York State

Buffalo, NY	Christ Central	Christopher Jhu	
Cortland, NY	Church/Redeemer	Jared Hoyt	
Duanesburg, NY	Reformed	Anthony Gorsuch	
Ithaca, NY	New Life	Tim LeCroy	
Rochester, NY	Grace	Eric Walter	Curtis Lindahl
	New City Fell Beech		Drew McLean
Rock Tavern, NY	Westminster	Kevin Chiarot	
Wellsville, NY	Presbyterian	Tom Kristoffersen	
Other Teaching Elders		Jonathan Hood	

MINUTES OF THE GENERAL ASSEMBLY

City/State	Church	Teaching Elder	Ruling Elder
North Florida			
Gainesville, FL	Faith	Cord Carlin	
Jacksonville, FL	Ortega	Joshua Hinson	Kevin Morris
	Westminster	Stephen Spinnenweber	
Live Oak, FL	Community	Tommy Peterson	
McIntosh, FL	Community	Zach Seal	
Middleburg, FL	Pinewood	J.D. Funyak	Ron Diamond
		Dennis Griffith	Jay Funyak
			Jason Henning
			Rick Roberts
			Charles Rogers
Palm Coast, FL	Grace	Dan McManigal	
St. Johns, FL	Cross Creek	Craig Williford	
Yulee, FL	Grace Community	David Bradsher	
Other Teaching Elders		Curtis McDaniel III	
		Larry Roff	
North Texas			
Allen, TX	Cornerstone	Mark Evans	Daniel Wann
Amarillo, TX	Redeemer	Tyler Taber	David Gatz
Anna, TX	Grace and Peace	Matt Wood	Brian Heise
			James Poteet
Arlington, TX	Redeemer Arlington		Stephen Wolters
Carrollton, TX	Metrocrest	Bill Lovell	Larry Perry
Celina, TX	New City	Jake Patton	
Colleyville, TX	Colleyville	Josh Anderson	
Dallas, TX	Bethel	Anton Heuss	Ed Kim
	El Buen Pastor	Jahaziel Cantu	
	Mercy	Doug Tharp	
	New St. Peter's		Brian Franklin
			Jim Pocta
	Park Cities	Paul Goebel	Donald Dillahunty
		Sam Leopold	Tim Jeffress
			Kyle Manley
			Gregory Morris
			Rick Owens
			Bill Thomas
			Steven Vanderhill
			Blake Woodall
Fort Worth, TX	Fort Worth	Brandon Eggar	

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City/State	Church	Teaching Elder	Ruling Elder
North Texas, continued			
	Grace Community Trinity	Kyle Oliphint Brian Davis Andy Wood	
Frisco, TX	Christ Community	Patrick Poteet	
Killeen, TX	Hill Country PCA	Peter Dietsch	
Lubbock, TX	Providence	John Bennett	
McKinney, TX	Redeemer	Jordan Stone Mark Trigsted	Jeff Landers Tony Mangefeste Gary Matlack
Midlothian, TX	Christ the King	Dave Lindberg	Greg Gorman
Plano, TX	Trinity	Jeff Morrow Jake Yohannan	Eric Wallace
Richardson, TX	Town North	David Rogers	Joel Aguilar David Schlimme
Southlake, TX	Lakeside	Donny Friederichsen	Guy Mouton Steven Stallard
Temple, TX	Redeemer	JB Wilbanks	Doug Smith Ken Smith
Tyler, TX	Fifth Street	Drew Pressoir	Clint Covington
Weatherford, TX	Weatherford		Wes Hammond Rob Looper
Other Teaching Elders		Lou Best Ben Dunson Richey Goodrich Paul Miller	

Northern California

Brigham City, UT	Brigham City Bible	Alex Ford	
Castro Valley, CA	Indelible Grace	Jesse Robinson	
Honolulu, HI	The City	John Kim	
Mililani, HI	Trinity	JC Cunningham	Anthony Miklas
Palo Alto, CA	Grace	Iron Kim	Jason Greene
Roseville, CA	Valley Springs	Matt Mobley Tag Tuck	
San Anselmo, CA	Grace	Jeremiah Hill	
San Luis Obispo, CA	Trinity	Bryce Hales	
San Ramon, CA	Canyon Creek	Travis Marsh Kevin Timmons	
St. George, UT	All Saints Reformed	Ben Kappers	

MINUTES OF THE GENERAL ASSEMBLY

City/State	Church	Teaching Elder	Ruling Elder
Northern California, continued			
Sunnyvale, CA	Revive	SooSang Park	
West Jordan, UT	Jordan Valley	Jon Stoddard	A.T. Stoddard
Other Teaching Elders		John Kong Jon Medlock	

Northern Illinois

Champaign, IL	Covenant Fellowship	KJ Kim	
Freeport, IL	Grace Fellowship	Justin Coverstone	Larry DeVries Dean Kuper
Hanna City, IL	Hanna City	David Keithley	Fred Winterroth
Normal, IL	Christ	Brad Lucht	
Paxton, IL	Westminster	Steve Jones	
Peoria, IL	Grace	John Cherne III	Lee Gerrietts Dustin Schumacher
Urbana, IL	Redeemer All Souls	Mark Henninger Josue Pernillo	
		Bryan Chapell	

Northern New England

Lewiston, ME	Free Grace	Per Almquist	
Manchester, NH	Church/Redeemer	Jon Taylor	
Nashua, NH	Christ	James Pavlic	
Pembroke, NH	Christ Church PCA	Ian Hard	
Other Teaching Elders		Joshua Henderson	

Northwest Georgia

Canton, GA	Cherokee	Clif Daniell	James Friday Chuck Lokey
	Grace		Stephen Murphy Brady Payne
Cartersville, GA	Riverside Community	Jody Stancil	Kirk Swanson Nathan Welden
Dallas, GA	Grace Covenant		Daniel Stout
Douglasville, GA	Grace	David Gilbert John Sutton	Justen Ellis John Reams
Kennesaw, GA	Christ Community	Cameron Barham	

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City/State	Church	Teaching Elder	Ruling Elder
Northwest Georgia, continued			
Marietta, GA	Hope	Martin Hawley	
Powder Springs, GA	Midway	Cilas Menezes	Kenneth Dewhurst Rick Griffin
Rome, GA	Seven Hills Fell	Jeff Summers	
Smyrna, GA	Smyrna	Danny Myers Joel Smit	Jim Stratton
Villa Rica, GA	First	Thomas Myers	
Woodstock, GA	Christ Covenant	Job Dalomba Jason Kennedy	John Vining
Other Teaching Elders		Greg Bylsma Robert Lester Buster Williams	

Ohio

Boardman, OH	Cornerstone	Mark Bell	
Hudson, OH	Grace	Rhett Dodson	Gregg Gorzelle
	Redeemer	Justin Salinas Jason Piland	Ernie Miller Jim Parkin
Kent, OH	Christ	Jacob Piland	
Mayfield Hgts, OH	Story	Jeremy King	
Medina, OH	Harvest	David Wallover Seth Young	
North Canton, OH	Trinity	Lee Hutchings	Scott Wulff
Vincent, OH	Veto	John Fennell	

Ohio Valley

Cincinnati, OH	Faith New City	Matt Cadora Brian Ferry Zach Meyer Michael Previtera Josh Reitano	
Elizabethtown, KY	Grace	Monty Hershberger	Mike Nelson
Hamilton, OH	Living Hope PCA	Chad Grindstaff	
Lexington, KY	Hope Tates Creek	Marshall Wilmhoff Mark Randle	Paul Adams
Louisville, KY	Community Redeemer		Herb Melton
		Murray Nickel	

MINUTES OF THE GENERAL ASSEMBLY

City/State	Church	Teaching Elder	Ruling Elder
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Ohio Valley, continued

Ludlow, KY	Trinity	Chuck Hickey	Shay Fout Joshua Kiihne
Springboro, OH Other Teaching Elders	King's Cross Comm	Casey Cramer Nick Bratcher Larry Hoop Paul Hurst Kyle McClellan	

Pacific

Bakersfield, CA	Providence Reformed	Jonathan Key	
Las Vegas, NV	Spring Meadows	Christian Bland	Richard Salinas Ron Warren
Manhattan Beach, CA	Pacific Crossroads	Shawn Gendall Alex Watlington	
North Hills, CA	Valley	Ron Svendsen	
Santa Barbara, CA	Christ	Nicholas Whitaker	
Other Teaching Elders		Jeffrey Choi	

Pacific Northwest

Anchorage, AK	Faith	Jerid Krulish	Jeff Banker Jay Gardner
Beaverton, OR	Evergreen	Adam Parker	Mike Barnes Micah Meeuwssen
Bellevue, WA	Hope	Martin Hedman	Jim Sherwin
Boise, ID	Boise		Howie Donahoe
Coeur d'Alene, ID	Immanuel	Seth Miller	
Everett, WA	Westminster	Brent Kilman	
Hillsboro, OR	Ascension	Eric Costa	
Issaquah, WA	Covenant	Andrew Perkins	
Mill Creek, WA	Trinitas	Brant Bosserman	Scott Hedgcock
Newberg, OR	Chehalem Valley	Michael Awtry	
Poulsbo, WA	Liberty Bay	Patrick Severson	Everett Henry Robert Moseng Frank Spears
Puyallup, WA	Resurrection		
Seattle, WA	Trinity	Gavin Brand Luke Morton	
Spokane, WA	Coram Deo	Matt Allhands	
Vancouver, WA	Westminster		Camden Spiller

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Walla Walla, WA	Covenant	Ron Gonzales	
Yakima, WA	St. Andrews	Craig Harris	Darren Maxfield

Palmetto

Aiken, SC	New Covenant	Brad Rogers	
Batesburg-L'ville, SC	Christ Community	Kent Suits	
Blair, SC	Salem	Richard Hodges	
Blythewood, SC	Blythewood		Brooks Goodman
Chapin, SC	Chapin	Scott Dinkins	
Columbia, SC	Christ Covenant	Justin McGuire	
	Cornerstone	Joshua Knott	
	Eau Claire	Adam Shields	
	Northeast	Eric Walter	
	Rose Hill	Max Rogland	
	St. Andrews	Bob Bryant	David Layman
		Andrew Davis	
Irmo, SC	Faith	Karl McCallister	
	Grace Point	Todd Boone	
		Keith Kneeshaw	
North Augusta, SC	North Augusta Fell	Jason Cornwell	
Winnsboro, SC	Lebanon	Matthew Coplin	Stephen Gantt
			Jimmy Joyner
Other Teaching Elders		Curt McDaniel Jr.	
		Craig Wilkes	

Pee Dee

Alcolu, SC	New Harmony	David Sanders	
Andrews, SC	Andrews	Mark Horne	
Conway, SC	Grace	Kyle Brent	
Dillon, SC	First	Matt Adams	Michael Brown
		Don Stager	lee Gullede
Florence, SC	Faith	Jordan Gallo	Jack North
	Good Shepherd	Stacey Severance	Andy McInville
Hartsville, SC	Hartsville	James Robbins	Martin Driggers
			John Ropp
Kingstree, SC	Kingstree	Robert Jolly	Will Carsten
			Chris Kellahan
Manning, SC	New Covenant	Daniel Miller	
Myrtle Beach, SC	Faith	John Irwin	Carl Bazemore
			Gene Readinger

MINUTES OF THE GENERAL ASSEMBLY

City/State	Church	Teaching Elder	Ruling Elder
Pee Dee, continued	Surfside	Brian Peterson	Dwain Curtis Paul Goodrich
New Zion, SC	Sardinia	Zach Simmons	
Sumter, SC	Westminster	Stuart Mizelle Nathan Thomas	
Other Teaching Elders		Michael Brown Jim Carter	

Philadelphia

Bala Cynwyd, PA	City Line	Ryan Egli	David Fuller
Chestnut Hill, PA	Cresheim Valley	Jonathan Richardson	
Glenside, PA	New Life	Mark Moser Ben Thompson	
Philadelphia, PA	Korean United	Daniel Kwon	
	Northeast Community	Maranatha Chung	
	Renewal	Hansoo Jin	
	Tenth	Colin Howland	Keith Bennett
	Third Reformed	Josiah Vanderveen	
Other Teaching Elders		Casey Huckel Tim Geiger Greg Hobaugh SJ Lim	

Philadelphia Metro West

Coatesville, PA	Olive Street	Timothy Brindle	Nathan Carlson
Conshohocken, PA	Christ The King	Eric Huber	
Harleysville, PA	Covenant	John Muhlfeld	
Phoenixville, PA	Iron Works		Ray Rishty
Upper Chichester, PA	Restoration	Jonathan Bonomo	
Upper Darby, PA	Crossroads Comm	Michael Quillen	
Other Teaching Elders		Phil DeHart Dave Garner	

Piedmont Triad

Burlington, NC	Northside	Jim Mitchell	
Clemmons, NC	New Hope	Matthew Hutchens Benjamin Tietje	

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City/State	Church	Teaching Elder	Ruling Elder
Piedmont Triad, continued			
Greensboro, NC	Christ	Jeff Miller	Towner Scheffler
	Covenant Grace	Tom Brown Machen Strawbridge	
High Point, NC	Immanuel	Jacob Morrison	
Jamestown, NC	Friendly Hills	Chris Jessup Nathan Kline	
	Meadowview Ref	Pablo Ayllon	Richard Jones
Lexington, NC		Taylor Howsmon	Kevin Miller
		George Sayour	
		Ethan Smith	
Winston-Salem, NC	Hope	Austin Pfeiffer	
	Salem	Joel Branscomb	Trevor Laurence
	Trinity	Derek Radney	
Other Teaching Elders		Clyde Godwin	

Pittsburgh

Bovard, PA	Laurel Highlands	Adrian Armel	
Carmichaels, PA	Greene Valley	Keith Larson	
East Liverpool, OH	First Evangelical	Gregory Mead	
Eighty-Four, PA	View Crest	Shaun Nolan	George Willis
Harrison City, PA	New Life	Matthew Fisher	
Indiana, PA	Resurrection Indiana	David Schweissing	
LaVale, MD	Faith	Lee Capper	
Leechburg, PA	Kiski Valley	Matt Stevens	
Ligonier, PA	Pioneer	David Kenyon	
Murrysville, PA	Murrysville Comm	Seth Gurley	
Pittsburgh, PA	City Reformed		Ben Chidester
	First Reformed	James Weidenaar	
	Grace and Peace	Travis Scott	
Robinson Tship, PA	Providence	Rick Appleton	David Auman
		Ray Heiple Jr.	Denny Baker
Washington, PA	Washington	Mike Bowen	
Wexford, PA	Covenant Comm	Jon Price	Adam Kirkton
Other Teaching Elders		Frank Moser	

Platte Valley

Fremont, NE	Grace		Les Novak
Omaha, NE	Grace Central	Eric Tonjes	

MINUTES OF THE GENERAL ASSEMBLY

	Harvest Community	Jacob Gerber Andrew Lightner Michael Gordon	Bob DeYoung
Other Teaching Elders			

Potomac

Alexandria, VA	Alexandria	Joel Acevedo Josh Diack	Aaron Renenger
Annandale, VA	One Voice Fell	Chris Sicks	
Arlington, VA	Christ	Billy Boyce	Steve Clarke Mark Doehnert John Drum
Ashburn, VA	King's Cross	John Jones IV	
Bowie, MD	Reformed	Chris Calvi Stephen Fix	
Burke, VA	Christ	Porter Harlow	Scott Hatch Phil Lee
California, MD	Cornerstone	Dae Gyu Kim Joo Young Kim Walt Nilsson	Doug Leepa Chad Reed
Centreville, VA	Imago Dei Mount Zion	Nathan Boyette Jegar Chinnavan	
College Park, MD	Wallace	Ryan Moore	Charles Robinson
Derwood, MD	Shady Grove	Charlie Baile	
Fairfax, VA	New Hope	David Coffin Jr. Paul Wolfe	Steve Edwards
Falls Church, VA	Chinese Christian	Tim Carroll	
Frederick, MD	Faith Reformed	John Armstrong Jr.	Martin Hudzinski Reid Wilson
Fulton, MD	Good Hope	Samuel Hettinger Jack Waller	Jim Heckman
Gainesville, VA	Gainesville	Jack Lash	
Germantown, MD	Christ		Matt Pickens
Hagerstown, MD	Grace Reformed Fell	Garry Knaebel Jerry Mead	
Hancock, MD	Grace Christian Fell	Edward Guyer	
Herndon, VA	Grace Christian	Zhongming Chen Arthur Hsu Zhiyong Wang	Jei-show Yueh
Laurel, MD	Christ Reformed	Berdj Tchilinguirian	
Leesburg, VA	Potomac Hills	Dave Silvernail Jr.	
Lusby, MD	Harvest Fellowship	Barry Noll	Cal Metz
Manassas, VA	Spriggs Road		Ryan Heisey Bill McFarland

APPENDIX T

City/State	Church	Teaching Elder	Ruling Elder
Potomac, continued			
McLean, VA	McLean	William Fullilove Austin Kettle Ryan Laughlin Terence Little Joe Palekas Timoteo Sazo JT Tarter II Rob Yancey Jr.	Kevin Humphreys James Metzger Tom Pilsch
Silver Spring, MD Springfield, VA	Mosaic Community Harvester	Joel St. Clair Dan Doll Mark Hayes	Paul Perrone Greg Smith Thomas Kim
Vienna, VA Warrenton, VA	NewCity Heritage	Dan Warne	Edward Faudree Christopher Olderog
Washington, DC	Grace	Glenn Hoburg Duke Kwon Russell Whitfield Remargo Yancie	Aaron Jaggard
Woodbridge, VA	Crossroads	Alex Young	Greg Mourad Aaron Root
Other Teaching Elders		Cyril Chavis Matthew DeLong Irwyn Ince Jr. Joseph Ko Timothy Mountfort Nathan Newman Don Sampson	
Providence			
Albertville, AL Cullman, AL Decatur, AL Fort Payne, AL Huntsville, AL	Grace Fellowship Christ Covenant Decatur Grace Cornerstone	Jackie Gaston Jr. Jason Ellerbee Scott Phillips Matthew Duraski John Summers	John Anderson Jonathan Haynes John Bise Mark Hundscheid
	Southwood The Village	Will Spink Alex Shipman	

MINUTES OF THE GENERAL ASSEMBLY

City/State	Church	Teaching Elder	Ruling Elder
Providence, continued	Westminster	Duncan Cantrell James Ensley Jim Roberts Joe Steele III Jacob Hale	Curtis Edewaard
Meridianville, AL Tuscumbia, AL	North Hills First		Lee Hudson Hal Hughston Jr.
Other Teaching Elders		Ron Clegg Glenn Gresham	

Rio Grande

Albuquerque, NM	City		Arlen Biersgreen Joshua Spare
El Paso, TX Las Cruces, NM	High Desert Christ the King Coram Deo University	Dan Rose Dawson Hunt Dustin Hunt Jordan Huff	Robin Rose
White Rock, NM Other Teaching Elders	Bryce Avenue	Zachary Garris Daniel Herron	

Rocky Mountain

Aurora, CO Billings, MT Castle Rock, CO	New Life Rocky Mtn Comm Cornerstone	Tim Sin Shawn Young	Mark Shelby Dennis Helsel Bruce Olson
Centennial, CO Cheyenne, WY Colorado Sprgs, CO	Skyview Northwoods Cheyenne Mountain Forestgate Village Seven	Rick Vasquez Blake Denlinger Matthew Capone Matt Giesman Josh Harstine	Jim Franks David Kliever EJ Nusbaum Bill Petro
Denver, CO Kalispell, MT Lafayette, CO Lander, WY	Waypoint Denver Faith Covenant The Table Covenant	Steve Stanton Ronnie Garcia John Sackett Michael Phillips Scott MacNaughton	Casey Clark Doug Duncan

APPENDIX T

City/State	Church	Teaching Elder	Ruling Elder
Rocky Mountain, continued			
Littleton, CO	Deer Creek Comm	Paul May Daniel Nealon	
Longmont, CO	Redeemer Longmont	Paul Ranheim	Dave Vanden Hoek
Montrose, CO	Trinity Reformed	Cristian Garcia	
New Castle, CO	Trinity Reformed	Zach Kruis	
Westminster, CO	Rocky Mountain	Shane Waldron Christopher Weniger	
Whitefish, MT	Church of the Cross	Russ Tamm Dominic Aquila Mark Bates III Steve Bostrom Duane Cory David Cullen III Del Farris Don Pegler Kurt Schimke Larry Wilkes	
Savannah River			
Augusta, GA	Cliffwood First	Geoff Gleason John Franks Mike Hearon D.T. House II Ken McHeard	
Brunswick, GA	Lakemont Redeemer	Dave Vosseller Jim Shaw II	
Dublin, GA	Covenant	Jonathan Rowe	
Evans, GA	Christ Church	Ryan Bigham Robbie Hendrick	
Lyons, GA	Grace Community	Jason Davis	
Pooler, GA	First	Greg Salazar	
Richmond Hill, GA	New Covenant	Dave Senters	Travis Peacock Rob Shepherd Tom Taylor Jr. Ty Donaldson
Savannah, GA	Grace The Kirk	Philip Ryan Pete Whitney	
St. Simons Isl, GA	Golden Isles	Jonas Brock Alex Brown	

MINUTES OF THE GENERAL ASSEMBLY

City/State	Church	Teaching Elder	Ruling Elder
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Savannah River, continued

Statesboro, GA	Trinity	Jim McCarthy	
Waynesboro, GA	First	Eric Schievenin	
Other Teaching Elders		Roland Barnes	
		Evan Gear	
		Terry Johnson	
		Timothy Shaw	

Siouxlands

Duluth, MN	Grace	Nathan Lee	
Hinckley, MN	First		Ben Wiener
Lennox, SD	Lennox Ebenezer	Ethan Sayler	
Minnetonka, MN	Good Shepherd		Blake Pool
Rapid City, SD	Black Hills Comm	Art Sartorius	
Spearfish, SD	New Covenant	Luke Bluhm	
Sturgis, SD	Foothills Community	Jeffrey Neikirk	
Other Teaching Elders		Matt Ryman	

South Coast

Aliso Viejo, CA	Aliso Creek	Nick Locke	
Encinitas, CA	Redeemer	Paul Kim	
Escondido, CA	New Life	Won Kwak	
Irvine, CA	New Life	Jeffrey Suhr	
La Mesa, CA	New Life	Connor Underseth	Dean Abbott
		Joel Wood	
Murrieta, CA	Christ	Sam Hogan	
Oceanside, CA	Arise	Brad Jones	
Palm Desert, CA	Providence	Danny Dalton	Marty McCullah
San Diego, CA	North Park	Adriel Sanchez	Jeff Ramsey
	Resurrection	Robert Novak	
Yorba Linda, CA	Grace	Rudy Manrique	Robert Olson
Other Teaching Elders		Lloyd Kim	
		Eric Pilson	

South Florida

Coral Springs, FL	First	David Barry	Ed Barnhill
		John Moore	Greg Miseyko
Cutler Bay, FL	Pinelands	Aldo Leon	Chris Barrett

APPENDIX T

City/State	Church	Teaching Elder	Ruling Elder
South Florida, continued			
Ft. Lauderdale, FL	Coral Ridge	Caleb Koornneef Rob Pacienza Andrew Siegenthaler	
Hollywood, FL	Park Road	TJ Campo	
Homestead, FL	Redlands Community	Lee Mashburn	
Miami, FL	El Redentor	Carlos Salabarría	
Palmetto Bay, FL	Old Cutler	Michael Campbell Greg Foss	
San Juan, PR	Iglesia La Travesía	Yamil Alejandro	
South Texas			
Austin, TX	All Saints	Brent Baker Josh Keller David Vilches	
	Christ the King	Timothy Fox	Bob Hardister Larry Laine
	Emmanuel Redeemer	Greg Ward Jon Herr Eric Landry Danny Morgan	Barry McBee Joshua Torrey Andrew Waller
	Resurrection	Adam Radcliff	
Boerne, TX	Trinity	Allen Taha	
Bryan, TX	Westminster	Tree Triolo	
Harlingen, TX	Covenant	Italo Furieri	
Kerrville, TX	Christ		Tuan La
New Braunfels, TX	Christ Hope	Nicholas Bullock Mike Haberkorn	Gary Henry
San Antonio, TX	Redeemer	Bryant McGee	Jeremy Whitley
	Trinity Grace	Ben Tharp	
Other Teaching Elders		Tom Gibbs Dan Young	

Southeast Alabama

Wiesbaden, Germany	Christ	Phil Gelston	
Auburn, AL	Covenant	Jere Scott Bradshaw	Steve Dowling Mark Tatum
Boblingen, Germany	Covenant Fellowship	Dylan Halter	Sammy Rothfuss
Brewton, AL	First	Parker Johnson	

MINUTES OF THE GENERAL ASSEMBLY

City/State	Church	Teaching Elder	Ruling Elder
Southeast Alabama, continued			
Dothan, AL	First	Jay Joye	David Shipman
Millbrook, AL	Millbrook	Brannon Bowman	Rick Clark
Monroeville, AL	Monroeville	Roger McCay Jr.	
Montgomery, AL	Eastwood	Ross Hodges	
		Barton Lester	
	Trinity	Bill Clark	Mark Anderson
		Kurt Cooper	Bart Harmon
			Houston Waring
			John Weiss
	Young Meadows	Adam Coppock	
Vicenza, Italy	New Life	Michael Graham	
Prattville, AL	First	Allan Bledsoe	
Troy, AL	First	Rick Holbert	
Okinawa, Japan	Okinawa Covenant	Miguel D'Azevedo	
Other Teaching Elders		Tanner Crum	
		James Williams	

Southern Louisiana

Baton Rouge, LA	South Baton Rouge	Kelly Dotson	
		Nathan Tircuit	
	Westminster	Brandon Bernard	
Clinton, LA	Faith	Tony Pyles	
New Orleans, LA	Redeemer	Ken Kostrzewa	
Zachary, LA	Plains	Campbell Silman	

Southern New England

Boston, MA	Citylife	Benjamin Bae	
		Tony He	
		Daniel Paik	
Cambridge, MA	Christ The King	Travis Drake	
Charlestown, RI	Christ Our Hope	Daniel Jarstfer	Chris Shoemaker
			Mark Slater
Concord, MA	Redeemer	Matthew Kerr	Cris Campelli
Coventry, CT	Presbyterian	Will Snyder	
Dorchester, MA	Christ the King	Moses Park	David Daniel
Groton, CT	Covenant	Rodney Henderson	
Hyde Park, MA	Parkway	Bryan Loney	
Manchester, CT	Presbyterian	Michael Robison	

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City/State	Church	Teaching Elder	Ruling Elder
Southern New England, continued			
New Haven, CT	Christ	Jerry Ornelas Benjamin Sheldon	
Newton, MA	Grace Fellowship	Bruce Cooke	
	Christ the King	Nathan Barczy	
Quincy, MA	Christ the King	Helio Carneiro	
Springfield, MA	Grace	Stephen LaValley	
Wallingford, CT	Christ	Mike Brunjes	
West Springfield, MA	Covenant Comm	Robert Hill	
Worcester, MA	Grace	Jarrett Allebach	
		Travis Hutchinson	
		Solomon Kim	
		Richard Lints	
Southwest Florida			
Bartow, FL	Oak City	Taylor Clark Brian MacDonald	
Brandon, FL	Westminster	Jeremy Fuller Wes Holland Jr.	Ed Allen Jim Eggert
Clearwater, FL	Christ Community		Rick Richert
Dade City, FL	Christ the King	Chuck Williams	
Lakeland, FL	Covenant	Jeff McDonald	Scott Robinson
	Redeemer	Dave Martin	
	Trinity		Frank McCaulley
Lutz, FL	Cornerstone	Sam Lago	
Mulberry, FL	Greater Hope	Tim Brown Stan McMahan Jr.	Ben Arnold Clint DeBoer
Riverview, FL	Redeemer	Craig Swartz	
St. Petersburg, FL	City	John Baber Justin Woodall	Wyatt Graves
	St. Petersburg	David Harding	Bob Berry
Tampa, FL	Christ Central	John Keen	Bryan Toenes
	Tampa Bay	Freddy Fritz	Todd Bayley Ken Pothoven
	University	Wright Busching	
	Westtown	Cory Colravy Morgan Lusk	Phil Smith

MINUTES OF THE GENERAL ASSEMBLY

City/State	Church	Teaching Elder	Ruling Elder
Southwest Florida, continued			
Winter Haven, FL	Cypress Ridge Redeemer	Rodney Barton Drew Bennett Austin Snively Jonathan Winfree	Ron Avery
Other Teaching Elders		Aldo Mondin David O'Dowd	
Suncoast Florida			
Bonita Springs, FL	Bay	Patrick Womack	
Cape Coral, FL	Providence Christian	Brent Lauder Peter Stonecipher	Michael Levenhagen
Ft. Myers, FL	Westminster	Ryan Broadhurst	
Lake Suzy, FL	Grace	David Stewart	Randy Bibby Bob Rhodes
Marco Island, FL	Marco	Gary Goodrich	
Naples, FL	Covenant	Greg Blosser	
North Ft. Myers, FL	North Ft. Myers	Dann Cecil	
North Port, FL	Covenant of Grace		Aleksey Fomichenko
Sarasota, FL	Covenant Life	Ken Aldrich Bob Dillard Jr. Mike Vieira	Greg Clement Brent Phillips
Venice, FL	New Creation Auburn Road	Steve Jeantet Dwight Dolby	Jim Robinson
Susquehanna Valley			
Alexandria, PA	Christ Reformed	Angelo Valle	
Carlisle, PA	Carlisle Reformed	Tim Cook Matt Purdy	Bill Kauffman Philip Tan
Chambersburg, PA	Redeemer	Jeff Cottone	James Marvin
Cleona, PA	Lebanon Valley	Cisco Victa	
Cochranville, PA	Manor	Daniel Henderson	
Harrisburg, PA	Trinity	John Hayward Michael Wolcott	Edward Lankford
Hummelstown, PA	Hershey	David Kertland	
Lancaster, PA	Harvest	Jim Furey	

APPENDIX T

City/State	Church	Teaching Elder	Ruling Elder
Susquehanna Valley, continued			
	Westminster	Chris Walker	John Barry Lee Brooks Kyle Hunt John Mwaura
	Wheatland	Luke Le Duc Keith Winder	
Mechanicsburg, PA	New Covenant Fell	Chris Bowen	Bret Bucklen Nathan Scheidler
Mount Joy, PA	Proclamation	Troy DeBruin Collin Gingrich	Mike Evanko
Oxford, PA	Bethany	Drew Belden	
Shippensburg, PA	Hope Reformed	Steve Brown	Tom Pasquarello
State College, PA	Oakwood	Ben Lee	Douglas Sharp Jr.
York, PA	New Life Providence	Erik Swanson Vince Wood	Joe Heidler Jay Hassinger Chris Menges
Other Teaching Elders		Bob Eickelberg Shibu Oommen Chris Peter Richard Smith Jr. Ron Zeigler	

Tennessee Valley

Chattanooga, TN	Covenant		Adam Sanders John Wykoff
	First	Josh Adair Gabe Fluhrer	Pete Austin IV Loren Hartley Mike Kramer
	Highland Park Fell	Corby Shields	
	New City Fell	Kevin Smith	
	New City Fell East L	Gustavo Formenti	
	North Shore Fell	Chris Powell John Tomberlin Rob Wolfe	
	St. Elmo	Daniel Wells	Hans Madueme
Cleveland, TN	Trinity	Sam Brown Philip Caines	Ben Christmann
Crossville, TN	First	Andy Aikens	Robert Berman Forrest Marion

MINUTES OF THE GENERAL ASSEMBLY

City/State	Church	Teaching Elder	Ruling Elder
Tennessee Valley, continued			
Dalton, GA	Grace	Adam Brokaw Wes Parsons	
Flintstone, GA	Chattanooga Valley	Roger Collins Dennis Louis	
Ft. Oglethorpe, GA	First	Ryan Biese	Wil Davis
Hixson, TN	Hixson	Steven Edging	
Jasper, TN	Grace	Erik McDaniel	Steve Summers
Knoxville, TN	Christ Covenant	Andrew Halbert Jr.	
	Redeemer	Rob Herron	Josh Flory
		Shawn Slate	Josh Hurst
Lookout Mtn, TN	Lookout Mountain	Frank Hitchings	Bill Davis
		Chad Middlebrooks	Larry Goodman
		Wil Nettleton	Derek Halvorson
		Brian Salter	Gary Lindley
		John Mark Scruggs	John Wingard
Louisville, TN	Christ the King	Nate Xanders	
Maryville, TN	Trinity	Jonathan Brooks	
Morristown, TN	Lakeway	Chris Talley	Ryan Bowles
Oak Ridge, TN	Christ Church Covenant	John Blevins III	
		Sean Morris	Brad Isbell
		Nick Willborn	Allyn Lay
Rising Fawn, GA	Rock Creek Fell	Andy Jones	Scott Jones
		Eric Youngblood	
Signal Mountain, TN	Wayside	Brian Cosby	David Moss
		Allen Hawkins	
Sweetwater, TN	Christ	Wes Alford	
Trenton, GA	Grace Community	Hutch Garmany	
Other Teaching Elders		Jeremy Coenen	
		Corey Pelton	
		Chandler Rowlen	
		David Stoddard	
		David Zavadil	

Tidewater

Chesapeake, VA	Crosswater	Matt Horne Dan Kerley	
	Grace	Alvin Lin	
Elizabeth City, NC	Harbor		Tim Panek
Hampton, VA	Calvary Reformed	TJ Schley	Jim Rogers

APPENDIX T

City/State	Church	Teaching Elder	Ruling Elder
Tidewater, continued			
Norfolk, VA	Immanuel Trinity	Jack Howell Ben Lyon	Daniel Brown
Smithfield, VA	Hope	Blake Wingfield	Dale Baugh
Suffolk, VA	Westminster Ref	John Martin Ross Turner	Ernest Perry Mark Steiner
Virginia Beach, VA	New Covenant	Jeff Elliott	Blair Allen Kurt Nelson
	New Life	Ken Christian Jr.	Woody Brooks
Williamsburg, VA	Grace Covenant	Camper Mundy Jr.	David Christian Timothy Nargi Jr. Ron Pohl Robert Smole
Yorktown, VA	By Grace Community	Kevin Hass	Matt Houseman
Other Teaching Elders		Bryan Fowler Peter Lyon Ben Robertson	

Warrior

Aliceville, AL	First	Derrick Brite	Donny Sanders Frank Summerville
Eutaw, AL	Pleasant Ridge	Tom Kay Jr.	
Greensboro, AL	First	John Alexander	
Selma, AL	New Covenant	Michael Perry	
Tuscaloosa, AL	Riverwood Trinity	Jeff Pate Richard Vise Jr.	
Other Teaching Elders		Paul Kooistra John Robertson	

West Hudson

Glen Rock, NJ	Grace Redeemer	Steve Sage Peter Wang	Steve Hoogerhyde
Hoboken, NJ	Redeemer Hudson	Reed Dunn	
Jersey City, NJ	Redeemer Jersey City	Mark Wellman	
Montclair, NJ	Redeemer	Daniel Ying	Abraham Houg
Newark, NJ	Comunidade Crista	G Oliveira	
Short Hills, NJ	Covenant	Christopher Diebold	Jared Smith
Other Teaching Elders		John Hanna	

MINUTES OF THE GENERAL ASSEMBLY

City/State	Church	Teaching Elder	Ruling Elder
Westminster			
Birchleaf, VA	Sandlick	Michael Moon	Kerry Belcher
Bristol, TN	Edgemont	Aaron Bartmess	Glynn Williams
Cedar Bluff, VA	Covenant	Carl Howell Jr.	Dan Hankins
Coeburn, VA	Coeburn		BL Peters
Glade Spring, VA	Seven Springs	Thomas Rickard	
Greenville, TN	Meadow Creek	Richard Steele	
Johnson City, TN	Christ Community	AJ Babel	
		Bill Leuzinger	
	Westminster	Bobby Roberts	
		Andy Wyatt	
Kingsport, TN	Westminster	Rob Dykes	Andy McLeod
		Steve Warhurst	

Wisconsin

Cedar Grove, WI	Faith Reformed	Zachary Tarter	
Delafield, WI	Cornerstone		Steve Iler
Green Bay, WI	Jacob's Well	Jonatan Azpilcueta	
La Crosse, WI	Christ Covenant	Michael Bowman	
Madison, WI	Harvest	Michael Vogel	
	Lake Trails	Rich Verano	Tucker Meyers
	Resurrection	Matt Lietzen	
Milwaukee, WI	Friend of Sinners	Dan Quakkelaar	Robert Honey
Stevens Point, WI	Good Hope	James Lima	
Waukesha, WI	Iglesia Presbiteriana	Luis Garcia	
Wausau, WI	New Hope Comm	Tony Lombardo	
Other Teaching Elders		Chris Vogel	

Teaching Elders: 1459
 Ruling Elders: 654
 Total: 2113

Churches: 1006

Presbyteries: 88

APPENDIX U

OVERTURES REFERRED BY THE FIFTIETH GENERAL ASSEMBLY TO THE FIFTY-FIRST GENERAL ASSEMBLY OF THE PRESBYTERIAN CHURCH IN AMERICA

(**Note:** The following overture was referred back to the IRC by the 50th General Assembly (*M50GA*, 50-24, p. 22-24)

OVERTURE 2023-2 from Covenant Presbytery (to IRC, AC)
“Request PCA Join International Conference of Reformed Churches (ICRC)”

Whereas the PCA voted at its 49th General Assembly in June 2022 to withdraw from the National Association of Evangelicals (NAE); and

Whereas it is fitting for the PCA to establish and maintain connections with other denominations that share our commitment to the Scriptures, the Reformed faith, and the Great Commission; and

Whereas the International Conference of Reformed Churches (ICRC) is a global organization that can help the PCA in establishing and maintaining such connections; and

Whereas the ICRC aligns well with the theology and mission of not only the PCA, but also the North American Presbyterian and Reformed Council (NAPARC), of which the PCA is a member; and

Whereas the ICRC already includes several other NAPARC denominations, such as the Associate Reformed Presbyterian Church (ARPC), the Orthodox Presbyterian Church (OPC), the Reformed Presbyterian Church of North America (RPCNA), and the United Reformed Churches in North America (URCNA); and

Whereas the PCA’s projected annual membership dues in the ICRC (estimated at \$9,800 as of August 2022) would amount to

MINUTES OF THE GENERAL ASSEMBLY

approximately half of our previous annual membership dues in the NAE (\$20,000); and

Whereas the PCA’s membership in the ICRC would enable us to build relationships with, share resources with, and train and equip international Reformed churches in need of spiritual, ecclesial, and material support; and

Whereas the Lord Jesus taught us, “Everyone to whom much is given, of him much will be required” (Luke 12:48);

Therefore be it resolved that the PCA submit a request to join the ICRC.

Adopted by Covenant Presbytery at its stated meeting, October 4, 2022

Attested by /s/ TE Robert Browning, stated clerk

OVERTURES TO THE FIFTY-FIRST GENERAL ASSEMBLY OF THE PRESBYTERIAN CHURCH IN AMERICA

(Note: The following are the original texts of the overtures as submitted by Presbyteries to the PCA Office of the Stated Clerk. For any changes to these overtures by the Committees of Commissioners and/or the Assembly, see the respective Committee of Commissioners Reports in the Daily Journal.)

OVERTURE 1 from Piedmont Triad Presbytery (to CCB, OC)
Original Overture #1: Vacated by the Presbytery
Current Overture #1: “Amend *BCO* 35-1 and 35-8 Regarding Witness Eligibility”

[Editorial Note: This overture is similar issue to Overture 18 but proposes an alternative amendment.]

Be it resolved: That *BCO* 35-1 and 35-8 be amended by deleting some current language (indicated below by ~~strike through~~) and adding some new language (indicated below by underlining).

APPENDIX U

~~35-1. All persons of proper age and intelligence are competent witnesses, except such as do not believe in the existence of God, or a future state of rewards and punishments. Any person who swears or promises to testify truthfully (BCO 35-8) can be called as a witness. Either party has the right to challenge object to a witness whom he believes to be incompetent, and the court shall consider and rule on the objection examine and decide upon his competency.~~

No changes to BCO 35-2 through 35-7

~~35-8. The oath or affirmation to a witness shall then be administered by the Moderator in the following or like terms: The court shall inform the witness that, regardless of whether he believes in God or in a future state of rewards and punishments, his oath or promise is made in the presence of God and God will judge him on the truthfulness of his answers. The Moderator shall then ask the witness the following:~~

Do you solemnly ~~swear~~promise, in the presence of God, that you will declare the truth, the whole truth, and nothing but the truth, according to the best of your knowledge in the matter in which you are called to witness, as you shall answer it to the great Judge of the living and the dead?

If, however, the witness cannot take an oath either for conscientious reasons or because he is not a Christian and thus not able to take a lawful oath invoking God, the Moderator shall then ask the witness the following: at any time a witness should present himself before a court, who for conscientious reasons prefers to swear or affirm in any other manner, he should be allowed to do so.

Do you solemnly promise that you will declare the truth, the whole truth, and nothing but the truth, according to the best of your knowledge in the matter in which you are called to witness?

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Such that the final text reads:

35-1. Any person who swears or promises to testify truthfully (*BCO* 35-8) can be called as a witness. Either party has the right to object to a witness, and the court shall consider and rule on the objection.

35-8. The court shall inform the witness that, regardless of whether he believes in God or in a future state of rewards and punishments, his oath or promise is made in the presence of God and God will judge him on the truthfulness of his answers. The Moderator shall then ask the witness the following:

Do you solemnly swear, in the presence of God, that you will declare the truth, the whole truth, and nothing but the truth, according to the best of your knowledge in the matter in which you are called to witness, as you shall answer it to the great Judge of the living and the dead?

If, however, the witness cannot take an oath either for conscientious reasons or because he is not a Christian and thus not able to take a lawful oath invoking God, the Moderator shall then ask the witness the following:

Do you solemnly promise that you will declare the truth, the whole truth, and nothing but the truth, according to the best of your knowledge in the matter in which you are called to witness?

Proposed Text of *BCO* 35-1 through 35-8

For context and clarity, the following is the full proposed text of *BCO* 35-1 through 35-8. Note that this text includes the two changes to *BCO* 35 approved and enacted by the 50th General Assembly.

APPENDIX U

35-1. (*If revised*) Any person who swears or promises to testify truthfully (*BCO* 35-8) can be called as a witness. Either party has the right to object to a witness, and the court shall consider and rule on the objection.

35-2. (*No change*) The accused party is allowed, but shall not be compelled, to testify; but the accuser shall be required to testify, on the demand of the accused. A husband or wife shall not be compelled to bear testimony against one another in any court.

35-3. (*No change*) A court may, at the request of either party, or at its own initiative, make reasonable accommodation to prevent in-person contact with the accused:

- a. The court may have testimony taken by videoconference. The videoconference shall employ technical means that ensure that all persons participating in the meeting can see and hear each other at the same time, and which allows for live cross-examination by both parties.
- b. The court may restrict the accused from appearing on the videoconference screen, and when the accused is represented by counsel (*BCO* 32-19), cross-examination shall be conducted by that counsel.
- c. In all cases where such accommodation has been made, videoconference testimony by witnesses under the age of 18 shall be taken by written interrogatory to be read to the witness by a person appointed by the court in accordance with the applicable provisions of *BCO* 35-11.
- d. The court shall include in the record of the proceedings its reasons for this accommodation and any objection from either party.

35-4. (*No change*) The testimony of more than one witness shall be necessary in order to establish any charge; yet, if in addition to the testimony of one witness, corroborative evidence be produced, the offense may be considered proved.

MINUTES OF THE GENERAL ASSEMBLY

35-5. (*No change*) It belongs to the court to judge the degree of credibility to be attached to all evidence.

35-6. (*No change*) No witness afterwards to be examined, unless a member of the court, shall be present during the examination of another witness on the same case, if either party object.

35-7. (*No change*) Witnesses shall be examined first by the party introducing them; then cross-examined by the opposite party; after which a member of the court, or either party, may put additional interrogatories. No question shall be put or answered except by permission of the moderator, subject to an appeal to the court. The court shall not permit questions frivolous or irrelevant to the charge at issue.

35-8. (*If revised*) The court shall inform the witness that, regardless of whether he believes in God or in a future state of rewards and punishments, his oath or promise is made in the presence of God and God will judge him on the truthfulness of his answers. The Moderator shall then ask the witness the following:

Do you solemnly swear, in the presence of God, that you will declare the truth, the whole truth, and nothing but the truth, according to the best of your knowledge in the matter in which you are called to witness, as you shall answer it to the great Judge of the living and the dead?

If, however, the witness cannot take an oath either for conscientious reasons or because he is not a Christian and thus not able to take a lawful oath invoking God, the Moderator shall then ask the witness the following:

Do you solemnly promise that you will declare the truth, the whole truth, and nothing but the truth, according to the best of your knowledge in the matter in which you are called to witness?

Rationale

This Overture proposes to amend Chapter 35 of the *Book of Church Order* by revising the criteria for witness eligibility to allow persons professing no supernatural belief as witnesses in cases of process. Currently, *BCO* 35-1 disqualifies as witnesses persons “who do not believe in the existence of God, or a future state of rewards and punishments.” The proposed amendments would expand witness eligibility such that persons who do not believe in God or a future state of rewards and punishments are permitted to act as witnesses in cases of process and to offer their testimony to the courts of the church. The Overture also revises the instructions of *BCO* 35-8 regarding the oath or promise witnesses shall make.

Summary of what the proposed amendment does, and does not, do.

1. The amendment expands witness eligibility and permits church courts to hear the testimony of persons who are willing to affirm the revised oath or promise in *BCO* 35-8.
2. The amendment retains a party’s right to object to the admittance of any witness.
3. The amendment requires the court to inform every witness, regardless of his individual beliefs, that his oath or promise is made in the presence of God and that God will judge him on the truthfulness of his answers.
4. The amendment retains and clarifies the exemplary oath for Christian witnesses while introducing an exemplary promise that is applicable to Christians who for conscientious reasons prefer not to swear an oath, non-Christian theists, and atheists.
5. The amendment *does not* require the court to permit any person to testify as a witness. Only witnesses who swear or promise that they will testify truthfully are permitted to be considered as witnesses. If either party objects to the admittance of a witness, the court shall consider and rule on the objection.
6. The amendment *does not* require the court to attach the same degree of credibility to the testimony of every witness (cf. *BCO* 31-8; 35-5).

7. The amendment *does not* require the court to administer an oath to any witness for whom an oath to God would be unlawful (cf. *WCF* 22.2) or a violation of conscience.

Further Explanation and Responses to Objections

The current restriction of *BCO* 35-1 is properly understood as a product of the context of Christendom that dominated for centuries in the West. There was an extended time in the West when belief in God generally and belief in the Christian faith particularly were so widespread that even those outside of the church could be presumed to be theists of some sort, and the absence of such belief in an individual signaled an unusually significant philosophical and moral deviation from societal norms. In this context of common theistic belief, restrictions against non-theist witnesses did not severely curtail the church's capacity to receive the judicial testimony of outsiders in her courts. This is no longer the case in the rapidly secularizing modern world. In our current post-Christendom cultural milieu, functional naturalism is no longer an exceptional anomaly, and those outside of the church who might possess valuable testimony for her courts are increasingly likely to formally profess no belief in God or a future state of rewards and punishments. The proposed amendment revises witness eligibility requirements in recognition of the sweeping and profound cultural shifts that have taken place in recent decades in order that our courts are not unduly restrained in their pursuit of truth and justice.

The Westminster Standards make abundantly clear that there are many ways that falsehood may corrupt the life, witness, integrity, and justice of Christ's church. Of course, overt lies may come in from the outside. But falsehood may also take root if, internally, the church sets up obstacles to her unfettered pursuit of the truth. *Westminster Larger Catechism* 144–145 state that, beyond merely avoiding bearing false testimony, the ninth commandment enjoins Christians actively to “the preserving and promoting of truth” and that it prohibits “concealing the truth, undue silence in a just cause, and holding our peace when iniquity calleth for either a reproof from ourselves, or complaint to others” or otherwise acting “to the prejudice of truth or justice.” What is more, the command calls us to “a charitable esteem of our neighbors,” including our atheist neighbors, which at very least means that we ought to charitably entertain the possibility that our neighbors who bear the image of God are by common grace capable of telling the truth about grave matters. The

notion that non-theists, in the absence of the threat of immediate punishment, ought never to be trusted to offer truthful testimony posits a perpetual hermeneutic of suspicion that fails both to conform to the Reformed doctrine of common grace and to attain the heights of the “charitable esteem” required by the Decalogue and our Standards.

The law of God binds not only the life of Christians individually but the life of the church collectively and the conduct of her courts. Insofar as a provision of our *BCO* inhibits the courts’ preservation and promotion of truth in a manner that may functionally result in the concealment of the truth and undue silence to the prejudice of justice, said provision impedes the church in its God-mandated commitment to the truth. Fully and joyfully giving ourselves to the vision of the ninth commandment laid out in our Standards will involve the careful, circumspect work of removing unnecessary hindrances that obstruct the courts of the church in their labors to pursue, establish, expose, and respond with justice to the truth wherever it may be found.

Significantly, the proposed amendment does not mandate that a court receive as equally credible every witness’s testimony. It simply permits witnesses who profess no faith to offer their testimony to be judged by the wisdom and discretion of the court (cf. *BCO* 35-5), even as it retains the right of either party to object to the participation of any witness. This provision will be incalculably valuable in the abundant and easily imagined scenarios wherein an individual who does not believe in God or a future state of rewards and punishments may be able to offer substantive testimony about the speech, actions, or abusive behavior of a member of the church. Whether an unbelieving neighbor who witnesses sinful conduct while attending a dinner in a member’s home, or an adult child living at home who sees one spouse strike another, or an atheist coworker who individually observes unethical acts or an adulterous relationship in the workplace, or a medical professional who treats an injury and can corroborate a victim’s disclosure to the court, or a secularist visiting a church who alone witnesses (or even suffers) the commitment of an offense, or a victim of abuse within the church who has been so harmed as to have left the faith but nevertheless desires to bear witness to the court and seek the justice deserved, all of these individuals and so many more may be gifts to the church’s courts as those courts seek to do what is right before God for the sake of Christ’s bride and in the cause of truth and justice.

What is more, the requirement of *BCO* 8-2 (echoing 1 Timothy 3:7) that every elder “should have a good report of them that are outside the Church” suggests that the courts of the church ought to have a constitutional means of formally receiving and substantiating by way of judicial testimony an ill report from those outside the church—atheists among them—that would call into question an ordained elder’s continued qualification and fitness for office, questions that would necessarily be settled through judicial process. As the *BCO* currently stands, any offense witnessed and corroborable exclusively by individuals who do not believe in God or a state of future rewards and punishments, whether committed by an elder or any other member of the church, is rendered functionally invisible to the courts of the church because there is no avenue for such witnesses to offer admissible testimony to the offense. Such offenses are not invisible to the Lord of the church, and they should not be invisible to the church of the Lord.

Outright lies are not the only threat to the justice of the church’s courts. Constitutional obstacles to the open pursuit of the truth, wherever it may be found, are perhaps a more sinister—because a more subtle—way that falsehood may prevail and injustice multiply to the harm of the most vulnerable under our care.

Of course, witnesses are not called upon in judicial proceedings only to testify to an offense. They may also offer exculpatory testimony about an accused individual’s innocence. It should be noted, then, that permitting non-theists to offer testimony in the courts of the church may serve the cause of truth and justice both by corroborating the wrongdoing of an offender and by substantiating the innocence of the wrongfully accused.

By way of comparison with a sister NAPARC denomination, the Associate Reformed Presbyterian Church already permits all persons created in the image of God to stand as witnesses: “All persons generally are competent to testify as witnesses, though the court shall make due allowance for age, intelligence, character, belief in God, possible bias, relationship to the parties involved, and other like circumstances” (*Book of Discipline*, 4.4J). Consequently, the ARP is currently better equipped than the PCA to welcome the truth into her courts, protect the vulnerable, guard the purity of the church, and adjudicate with justice.

The formation of the Ad Interim Committee on Domestic Abuse and Sexual Assault by the 47th General Assembly and the reception of their report at the

49th General Assembly indicated an initial commitment by the Presbyterian Church in America to take constructive action toward reviewing policies and procedures and implementing wise changes to the *BCO* in order to more effectively protect the vulnerable, respond to allegations of abuse, find the truth, acquit the innocent, and create judicial processes whereby victims are not unduly burdened and are instead able to pursue and receive just recourse from the church. This amendment represents one step toward making good on that commitment. While the proposed changes to Chapter 35 of the *BCO* are relevant to all manner of judicial proceedings, they are particularly crucial to ongoing endeavors to better protect children and victims of abuse.

In Holy Scripture, the certainty and efficacy of God’s justice are not contingent upon the internal faith or fear of any individual. The apostle Paul declares that Christ Jesus is he “who is to judge the living and the dead” (2 Timothy 4:1), the Lord who can be trusted to render justice according to deeds (2 Timothy 4:14). In line with Scripture’s unequivocal teaching that all persons without exception will be accountable to the justice of God, the proposed revision to *BCO* 35-8 requires the court to inform all witnesses that their testimony is given in the presence of God and that God will judge them on the truthfulness of their answers. Consequently, the members of the court may take heart in their declaration precisely because God truly is the God who is—the Judge of the living and of the dead—irrespective of any potential witness’s belief or non-belief. When invoking the justice of God, the most basic question is not, “Does this witness believe in the God of justice?” but rather, “Do we believe in the God of justice?”

Notably, while retaining the exemplary oath for Christians, the proposed amendment to *BCO* 35-8 does not require atheists to swear an unlawful oath (cf. *WCF* 22.2) by the name of a God in whom they do not believe. The court’s declaration to the witness regarding God’s presence and judgment is true regardless of the witness’s subjective belief, and the language of the added promise is applicable without issue to Christians with conscientious objections to oath-taking, non-Christian theists, and non-theist witnesses alike. Intriguingly, while non-Christian theists are currently permitted to testify in the courts of the church—and, presumably, to swear the included oath in its present language by God’s name—the added promise removes the possibility that a non-Christian theist might be asked to swear an oath by God’s name and, in this way, is more consistent with the claims of *WCF* 22.2 that oaths by God’s

name require “holy fear and reverence” and must not be sworn “vainly and rashly.”

To the potential objection that the courts of the church ought to have jurisdiction over and authority to discipline all witnesses who testify, it should be noted that *BCO 35-1* already permits any non-Christian theist—who is not subject to the court’s jurisdiction or authority to discipline—to testify as a witness. As currently written, *BCO 35-1* does not require potential witnesses to be under the court’s jurisdiction, and it is the objection and not the proposed amendment that is foreign to the PCA’s existing policy in this regard.

To the potential objection that oathtaking is a necessary condition for admissible witness testimony, it should be noted that *BCO 35-8* already permits witnesses for conscientious reasons to forego the exemplary oath and “affirm in any other manner.” As currently written, *BCO 35-8* does not require all potential witnesses to swear an oath, and it is the objection and not the proposed amendment that is foreign to the PCA’s existing policy in this regard.

To the potential objection that admitting atheists as witnesses renders the church liable to malicious lies, it should be noted that she already is and will continue to be until Christ returns. It is not immediately clear why this concern should be selectively applied to the atheist—eager adherents of other non-Christian religions could presumably have as much or more reason to desire to intentionally harm the church with lies, but there exists no blanket prohibition in the *BCO* barring them from offering testimony. What is more, an atheist willing to lie in order to intentionally and maliciously bring harm to the church will presumably have no ethical qualms about lying concerning his belief in the supernatural in order that he be permitted to testify as a witness in the first place. Consequently, the current provisions of *BCO 35* functionally do nothing to protect the church from an individual committed to spreading lies about and within the church. Ironically, the provisions as presently constructed serve only to prohibit the testimony of an honest atheist who forthrightly acknowledges his non-belief and yet wishes to bear truthful witness to the court, even as they are impotent against the dishonest atheist who is willing to lie about his beliefs in order to be admitted as a witness. The proposed amendment, however, removes the obstacle barring the honest atheist from testifying and, rather than relying on ineffective safeguards against malicious liars, focuses attention on the court’s responsibility to judge the degree of

credibility to be attached to the testimony of theist and non-theist witnesses alike.

To the potential objection that atheist testimony is unnecessary because documentary evidence is admissible and sufficient, it should be noted that there are myriad offenses which are the interest of ecclesial courts that will never generate associated documentary evidence from authorities. Though forensic tests and evidence may at times be available to substantiate allegations of physical or sexual assault, other forms of abuse (e.g., emotional abuse, verbal abuse, spiritual abuse, and instances of physical and sexual abuse that do not leave physical evidence) and other forms of sin more generally (e.g., adultery, alcoholism, lying) are not analogously confirmable by testing and documentation and may in many cases only be substantiated through eyewitness testimony. Documentary evidence is in reality only available in a small fraction of cases relevant to the courts of the church. Even where documentary evidence is available, documents—unlike human witnesses—cannot answer the questions posed to them by various parties seeking clarification, disputing facts, or pursuing further related information in a judicial process. The courts' ability to hear all relevant witness testimony is therefore immensely important to their pursuit of truth and justice both when documentary evidence may be available and in the far more frequent scenarios when it is not.

To the potential objection that the civil magistrate, not the church courts, ought to be entrusted to handle the matters impacted by the amendment, it should be noted that most sinful offenses initiating process in ecclesial courts, including some forms of abusive behavior, are non-criminal in nature and therefore are not even subject to the involvement of the civil magistrate. To be clear, there are indeed certain types of accusation and offense that the civil magistrate ought to initially address and investigate. In such cases, the church should do its best to continue to pastorally care for those involved, but the civil authorities should be promptly and clearly notified of potential crimes, especially if those crimes are against those more vulnerable. However, even in cases where an alleged offense is criminal in nature, it is certainly within the realm of possibility that the civil magistrate could ignore, fail to properly investigate, taint, or tamper with evidence relevant to, reach a wrong conclusion about, or otherwise mishandle an allegation. To reject necessary changes in our *BCO* on the grounds that the civil magistrate will handle the cases that fall through the cracks in our current provision involves a failure to

reckon with the variety of offenses of interest to ecclesial courts and unduly binds the courts of the church to the actions and findings of an immanently fallible civil magistrate.

Adopted by Piedmont Triad Presbytery at its stated meeting, November 11, 2023

Attested by /s/ TE Ethan Smith, stated clerk

OVERTURE 2 from Northern California Presbytery (to CCB, OC)
“Amend *BCO* 13-6 for Clarity in Transfers of Ordination”

Be it resolved: That *BCO* 13-6 be amended by the current language as follows (underlining for additions, ~~striketrough~~ for deletions):

13-6. Ministers Transferring into the Presbytery

- a. A Ministers seeking admission to a Presbytery from another Presbyteries Presbytery in the Presbyterian Church in America shall be examined on Christian experience, and also ~~touching~~ as to his ~~their~~ views in theology, the Sacraments, and church government. If the examining Presbytery does not accept the Minister seeking admission, it shall record this fact along with its rationale in the minutes, and shall communicate its rationale to his current Presbytery.

- b. If an applicants comes from another denominations, the Presbytery shall examine him ~~them~~ thoroughly ~~in knowledge and views~~ as required by the trials listed in BCO 21-4. ~~and require them to answer in the affirmative the questions put to candidates at their ordination.~~ Ordained ministers from other denominations being considered by Presbyteries for reception may come under the extraordinary provisions set forth in *BCO* 21-4.

- c. In every case, Presbyteries shall ~~also~~ require each ordained ministers ~~coming from other denominations~~ entering the Presbytery to state the specific instances in which ~~they~~ he may differ with the *Confession of Faith* and *Catechisms* in any of their statements and/or propositions, which differences the court shall judge in accordance with ~~*BCO* 21-4~~ (see *BCO* 21-4.f-g (see also *RAO* 16-3.e.5.a-d). Each ordained

minister accepted into the Presbytery shall also be required to answer in the affirmative the questions put to candidates at their ordination.

So that the amended section will read as follows:

13-6. Ministers Transferring into the Presbytery

- a. A Minister seeking admission to a Presbytery from another Presbytery in the Presbyterian Church in America shall be examined on Christian experience, and also as to his views in theology, the Sacraments, and church government. If the examining Presbytery does not accept the Minister seeking admission, it shall record this fact along with its rationale in the minutes, and shall communicate its rationale to his current Presbytery.
- b. If an applicant comes from another denomination, the Presbytery shall examine him thoroughly as required by the trials listed in *BCO* 21-4. Ordained ministers from other denominations being considered by Presbyteries for *reception* may come under the extraordinary provisions set forth in *BCO* 21-4.
- c. In every case, Presbyteries shall require each ordained minister entering the Presbytery to state the specific instances in which he may differ with the Confession of Faith and Catechisms in any of their statements and/or propositions, which differences the court shall judge in accordance with *BCO* 21-4.f-g (see also *RAO* 16-3.e.5.a-d). Each ordained minister accepted into the Presbytery shall also be required to answer in the affirmative the questions put to candidates at their ordination.

Rationale:

As presently written *BCO* 13-6 presents ambiguity concerning the thoroughness of exams for ministers transferring into a presbytery either from within the PCA or from another denomination.

In the case of PCA transfers, there has been significant debate about whether “touching on” indicates a less stringent exam, or indicates the specific subject areas to be covered. As that language dates to the 1869 draft of the PCUS *BCO*,

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in which such usage was understood to specify matters to be covered, clarifying the original intent by updating the language seems needful.

In the case of transfers from outside the PCA, it is unclear whether *BCO* 13-6 as currently written intends “in knowledge and views” to be more akin to the “views” examination of those transferring from within the PCA, or to the full breadth of the trials of *BCO* 21-4.c. However, *BCO* 21-4.g (“the candidate’s knowledge and views in the areas specified above”) indicates that the whole list of trials is in view.

Since there can be great diversity between a minister transferring into the PCA (e.g., from a NAPARC denomination vs. non-NAPARC denomination), this amendment provides clarity to the items which a presbytery must either examine or must apply the “extraordinary cases” clause to ministers of “proven extraordinary gifts” (21-4.h).

As there has been confusion among presbyteries and the responses from Review of Presbytery Records, this amendment seeks to remove ambiguity and provide clarity to presbyteries on which exams to perform, what must be noted in the minutes, and what reports must be made.

Adopted by the Northern California Presbytery at its Stated Meeting, 6 October 2023.

Attested by /s/ TE Alex Ford, Stated Clerk.

OVERTURE 3 from Pee Dee Presbytery (to CCB, OC)
“Grant Constitutional Status to *BCO* 53 re Preaching”

Whereas, the constitutional documents of our denomination include the Directory of Public Worship (Preface III, *BCO* 26.1) with our Book of Church Order implying the usefulness of and adherence to the Directory of Public Worship; and

Whereas, it was the desire of our founding fathers to have an authoritative Directory of Public Worship for our beloved denomination; and

Whereas, the Third General Assembly placed a temporary preface to the Directory of Public Worship stating it “does not have the force of law”

which was only to be in place “until a more precise statement can be prepared by the Constitutional Documents Committee;” and

Whereas, the Constitutional Documents Committee was dismissed in 1978 without any report or action pertaining to the Directory of Public Worship; and

Whereas, the 1980 General Assembly tasked the Permanent Committee on Judicial Business to re-write the Directory of Worship but this committee failed to achieve the original goal of authoring an authoritative Directory of Public Worship beyond chapters 56-58 concerning the sacraments; and

Whereas, the most recent changes to our Directory of Public Worship being the constitutionalization of *BCO* 59-3 by the 46th General Assembly; and

Whereas, we are a denomination that rightly adheres to and affirms the Regulative Principle of Worship; and

Whereas, the current Directory of Public Worship is wrongly considered just pious advice; and

Whereas, the current Directory of Public Worship is often neglected or ignored due to its lack of constitutionality; and

Whereas, there are current worship practices within our denomination that would be found out of order by our Directory of Public Worship, especially pertaining to women and other unqualified persons “Preaching” in Public Worship services; and

Whereas, the Larger Catechism continues, in Question 158, to state that “the word of God is to be preached only by such as are sufficiently gifted, and also duly approved and called to that office;” and

Whereas, our Westminster Shorter Catechism, Question 89, states that it is through the “reading, but especially the preaching of the word” that the Spirit effectually calls, convinces, and converts sinners; and

Whereas, WSC 89 additionally states that it is through the “reading, but especially the preaching of the word” that the Spirit builds up believers in holiness and comfort; and

Whereas, the Apostle Paul clearly teaches that only qualified and approved men within Christ’s church are those who have been set aside for the reading and preaching of the scriptures in worship (1 Tim. 2:12; 3:2; 4:14); and

Whereas, the Session is charged to order worship “in accordance with the Directory of Worship” in *BCO* 12-5e; and

Whereas, the amending and constitutionalizing of chapter 53 would assist the Session in ordering worship according to the Word of God, the Regulative Principle of Worship, and our Standards; and

Whereas, the amending and the constitutionalizing of chapter 53 would ensure that no perversion of the greatest means of grace given to the life of the Church takes place within our congregations’ worship services;

Therefore, be it resolved, that the Pee Dee Presbytery hereby requests the 51st General Assembly of the Presbyterian Church in America to amend our *Book of Church Order* 53 (by deleting the language indicated below by strikethrough and adding new language, indicated below by underlining) and give this chapter constitutional status.

CHAPTER 53

The Preaching of the Word

53-1. The preaching of the Word is an ordinance of God for the salvation of men. Serious attention should be paid to the manner in which it is done. The minister or a qualified man should apply himself to it with diligence and prove himself a “worker who does not need to be ashamed, rightly dividing the word of truth” (2 Timothy 2:15).

53-2. The subject of a sermon should be some verse or verses of Scripture, and its object, to explain, defend and apply some part of the system of divine truth; or to point out the nature, and state the bounds and obligation, of some

duty. A text should not be merely a motto, but should fairly contain the doctrine proposed to be handled. It is proper also that large portions of Scripture be sometimes expounded, and particularly improved, for the instruction of the people in the meaning and use of the sacred Scriptures.

53-3. Preaching requires much study, meditation, and prayer, and ministers or qualified men should prepare their sermons with care, and not indulge themselves in loose, extemporary harangues, nor serve God with that which costs them naught. They should, however, keep to the simplicity of the Gospel, and express themselves in language that can be understood by all. They should also by their lives adorn the Gospel which they preach, and be examples to believers in word and deed.

53-4. As a primary design of public ordinances is to unite the people in acts of common worship of the most high God, ministers, or a qualified man, should be careful not to make their sermons so long as to interfere with or exclude the important duties of prayer and praise, but should preserve a just proportion in the several parts of public worship.

53-5. By way of application of the sermon the minister, or a qualified man, may urge his hearers by commandment or invitation to repent of their sins, to put their trust in the Lord Jesus Christ as Savior, and to confess him publicly before men.

53-6. No ~~person~~ qualified man should be invited to preach or exhort in any of the churches under our care without the consent of the Session.

Adopted by Pee Dee Presbytery at its stated meeting, October 26, 2023

Attested by /s/ TE Michael S. Brown, stated clerk

OVERTURE 4 from Central Indiana Presbytery (CCB, OC)
 “Establish Study Committee for Judicial Rules Changes”

Be it resolved that the 51st General Assembly of the Presbyterian Church in America postpone consideration of all overtures touching *Book of Church Order (BCO)* chapters 27–46 (“Rules of Discipline”) and refer all such proposed overtures to a Study Committee for review and recommendation to the Overtures Committee of the 52nd General Assembly. Quorum shall be three

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Ruling Elders and three Teaching Elders; all members shall be from differing presbyteries. The committee shall be self-funded: each committee member shall bear his own expenses and be allowed to submit these expenses to his church or presbytery. The Moderator of the 51st General Assembly shall have discretion to fill any vacancies by an officer of the same order (*BCO 7-2*).

The committee shall produce in its report recommendations on overtures referred to it. The Committee's report shall be submitted to the Stated Clerk by the deadline listed in the *Rules of Assembly Operation (RAO)* for Overtures. Though the ad-hoc committee shall strive for unanimity where at all possible, for any overtures recommended by the committee, a minority report recommending an alternative shall be allowed if the minority includes at least two Ruling Elders and two Teaching Elders. Nothing herein shall prevent the committee from recommending germane amendments to any overtures referred to it by this Assembly.

Be it further resolved that the 51st General Assembly of the Presbyterian Church in America suspend *RAO 9-4*, limiting committee membership to seven (7) members, and compose this study committee of eleven elders from different presbyteries, with at least four Ruling Elders and four Teaching Elders, with one alternate each, respectively, as follows, listed in alphabetical order (each member has given his assent to serve in this capacity, should the Assembly pass this overture):

- TE Per Almquist (Northern New England)
- RE Dan Barber (Central Indiana)
- RE Howie Donahoe (Pacific Northwest)
- TE Jacob Gerber (Platte Valley)
- TE Fred Greco (Houston Metro)
- TE Larry Hoop (Ohio Valley)
- RE Trevor Laurence (Piedmont Triad)
- TE Paul Lee (Korean Northeastern)
- RE E. J. Nusbaum (Rocky Mountain)
- RE Bryce Sullivan (Nashville)
- (Alternate) TE Steve Tipton (Gulf Coast)
- RE Richard Wolfe (Arizona)
- (Alternate) RE Jim Wert (Metro Atlanta)

In the event that the Overtures Committee does not recommend that the 51st General Assembly suspend *RAO* 9-4, or the Assembly itself declines to approve a recommendation to suspend, then this Overture recommends that the Moderator of the 51st General Assembly appoint seven (7) men to this Study Committee from this list of eleven (11), with the rest as advisory members, and appoint its convener.

Rationale

There is likely to be no small number of overtures being proposed this year to the General Assembly pertaining to judicial procedures beginning with investigation through the completion of formal judicial process. Furthermore, the overtures being drafted have dependencies upon one another: some items are being proposed to move from *BCO* 32 to *BCO* 31, and 35 to 32, etc. The only way to achieve these kinds of systematic (and helpful) changes is to work on multiple overtures *en masse*. Approving this Overture will enable more extensive review, discussion, and debate on the matters than would be possible during the normal work of the Overtures Committee and will result in a report helpful for the 52nd GA Overtures Committee when it considers the postponed 2023 overtures. **It is our hope that this overture will encourage other presbyteries to consider submitting additional proposed changes beyond our own.**

We understand that the main reason the *RAO* limits committee membership to seven relates to funding by the Administrative Committee, which has historically borne the full burden of any study committee. Additionally, *Robert's Rules of Order (RONR)* helpfully explains that larger committee composition may be desirable in certain circumstances:

“When a special committee is appointed for deliberation or investigation, however, it should often be larger, and it should represent, as far as possible, all points of view in the organization, so that its opinion will carry maximum weight. When such a committee is properly selected, its recommendations will most often reflect the will of the assembly” (12th ed., §50:18).

The proposed membership of this committee has been carefully selected to broadly represent the variety of views within our fellowship, and each member has demonstrated the ability to work collaboratively and collegially. Each one

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at some time or another served on Review of Presbytery Records and/or Overtures Committee and has in his own right expertise and experience in the *BCO* and to varying degrees with judicial process. It should be noted that the proposed membership of this committee consists of:

- three current SJC members, two of whom served as judges, and one as clerk, on a recent trial;
- two current CCB members and one alternate;
- five former trial representatives;
- three trained legal professionals;
- three General Assembly Moderators.

Because the Study Committee proposed in this Overture does not require funding from the Administrative Committee, and due to the extended and deliberative nature of the proposed items to be referred to it, we believe it should be relatively simple to suspend *RAO* 9-4. Therefore, this Overture also proposes the 51st General Assembly Overtures Committee recommend that the 51st General Assembly vote to suspend *RAO* 9-4 in this instance so that the committee can include eleven members. Their biographical sketches and relevant service to the Presbyterian Church in America are listed below:

TE Per Almquist, Northern New England. BA Johns Hopkins ('96); M.Div. Covenant Theological Seminary ('99); DMin Reformed Theological Seminary, dissertation "Presbyterian Polity in Practice: A Commentary on the Book of Church Order;" Sr. Pastor/planter, Free Grace Presbyterian Church, Lewiston, Maine. Presbytery committees served: Recording clerk Northern New England Presbytery, Chm. Ministerial Relations and Review of Sessional Records. GA committees served: Chm/Vice Chm Review of Presbytery Records, Nominating Committee; Chairman, Committee on Constitutional Business; various Committees of Commissioners.

RE Dan Barber, Central Indiana. B.S. Psychology, Georgia College (1998); M.Div., Covenant Seminary (2011) with an emphasis in Educational Ministries. Product specialist and technology evangelist for NetApp, Inc. CDM Permanent Committee Class of 2026; Review of Presbytery Records Class of 2022; Overtures Committee 2022, 2023. Ruling Elder, 2013–2014, The Kirk of the Hills (St. Louis, MO); 2019–2021, Redeemer Presbyterian Church (Indianapolis, IN); 2021–Present,

Fountain Square Presbyterian Church (Indianapolis; also Clerk of Session). 2022–Present, Moderator, Central Indiana Presbytery. Review of Session Records team, CIP, 2021–Present. Served as a respondent and/or representative in multiple cases for both Presbytery and General Assembly before the Standing Judicial Commission in both complaints and judicial process. Authored/co-authored several judicially-related overtures considered and/or passed by multiple General Assemblies.

RE Howie Donahoe. Pacific Northwest. B.S. USAF Academy, M.A. Arizona State; AF pilot 8 yrs., airline pilot 35 yrs.; PCA member 41 years, eight churches, four presbyteries; RE 37 years; SJC member for 24 years. Moderator of 47th GA in Dallas. Appointed study committees on Sexuality & on Domestic Abuse and Sexual Assault. Six terms on the SJC: classes of 2002 (elected '98), 2006, 2010, 2015, 2019, 2024, and will have served on the SJC a total of 25 years in June 2024.

TE Jacob Gerber, Platte Valley. B.A. University of Nebraska-Lincoln (2006). M.Div., Beeson Divinity School (2009). Ph.D. Candidate, Puritan Reformed Theological Seminary (Present). Professional Parliamentarian, Credentialed as a Professional Registered Parliamentarian (National Association of Parliamentarians) and a Certified Professional Parliamentarian-Teacher (American Institute of Parliamentarians) before Retirement (2001–2011). Author, *Parliamentary Procedure for Presbyters: A Beginner's Guide* (Presbyterian Polity, 2023). Interim Pastor for Crete Berean Church (Crete, NE; 2011) and First Evangelical Covenant Church (Lincoln, NE; 2011–2013). Assistant Pastor at Redeemer Presbyterian Church (PCA) (2011–2015). Senior Pastor at Harvest Community Church (PCA) (2015–Present). Stated Clerk, Platte Valley Presbytery (2018–Current). PCA General Assembly Service: Floor Clerk (2017); Overtures Committee (2018; 2023); Covenant Theological Seminary CoC (2019); Mission to the World CoC (Secretary; 2021); Review of Presbytery Records (2020–Present); Ad-Hoc Rules Subcommittee for RPR (2021–2022); Secretary for RPR (2023–2024); Assistant Representative for RPR before SJC for BCO 40-5 Cases (2023).

TE Fred Greco, Houston Metro. BA University of Buffalo, Buffalo, NY; MA University of Chicago, Chicago, IL; JD University of Michigan, Ann Arbor, MI; MDiv Reformed Theological Seminary. Currently serves as senior pastor of Christ Church, Katy, TX, 2006-present. Previously

MINUTES OF THE GENERAL ASSEMBLY

worked as an attorney focusing on corporate, real estate, and employment law. Current member of Standing Judicial Commission, 2009-present; service on SJC includes as secretary (2011-13) and chairman (2014-17; 2019–2022). Chaired numerous panels and has worked to improve efficiency of SJC using technology. General Assembly Moderator (50th); other service includes Nominating Committee; Theological Examining Committee (2004-05); and numerous committees of commissioners, including Administration and Overtures. Presbytery service includes Moderator (2009-11) and chairman of Ministerial Relations and Candidates & Credentials Committees.

TE Larry Hoop, Ohio Valley. B.A. Miami University (1972); M.Div. Trinity Evangelical Divinity School (1984); D.Min. Covenant Theological Seminary (2004). Campus Staff, IVCF, OH (1972-80); Director of Christian Education (1983-85) and Associate Pastor (1985-88), Westminster Presbyterian Church, Elgin, IL; Pastor, Colfax Center Presbyterian Church, Holland, IA (1988-2012); Supply Pastor, Russellville (OH) Presbyterian Church (2014-17) and Wheat Ridge (West Union, OH) Presbyterian Church (2014-22). Church and Presbytery Relations Representative, PCA Administrative Committee (2015-21); byFaith News Editor (2021-). Stated Clerk, Northern Illinois Presbytery (1987-88), Ohio Valley Presbytery (2015 -). GA Service: CCB (Alternate, 2001-02; Member, 2002-06, 2007-11, 2013-17, 2018-23; secretary, 2008-11; Chairman, 2014-17, 2021-23); RPR (1991-93, 2019-22; vice-chairman, 1992; secretary, 1993); Nominating Committee (2023-); CoCs: Bills and Overtures/Overtures (1987, 1995, 1997, 1999, 2001-03, 2008-09; secretary, 1997), IRC (1998, 2014-16, chairman, 2016), MTW (2004, chairman), CTS (2005, 2012), RUF (2006), AC (2007, 2010-11), MNA (2013). Has served as Presbytery Prosecutor and Respondent, and Representative of Complainant, arguing three cases before SJC Judicial Panels and two before the full SJC.

RE Trevor Laurence, Piedmont Triad. B.A. Religion, University of Florida (2009); M.A., Christian Thought, Gordon-Conwell Theological Seminary (2013); Ph.D., Theological Ethics, University of Exeter (2020). Executive Director, Catechesia Institute (2019–); Research Associate, Centre for the Study of Bible and Violence (2019–). Author, *Cursing with God: The Imprecatory Psalms and the Ethics of Christian Prayer* (Baylor University Press, 2022); Co-Editor, *Violent Biblical Texts: New*

Approaches (Sheffield Phoenix Press, 2022). Church Planter and Pastor, Trinity Church, Winston-Salem, NC (2012–2016); Ruling Elder, Trinity Church, Winston-Salem, NC (2016–). Presbytery Service: Leadership Development Team, Piedmont Triad Presbytery (2017–2019); Moderator (2023). General Assembly Service: Overtures Committee (2019, 2021–2023).

TE Paul Lee, Korean Northeastern. Previous service in Korean Eastern: Philadelphia Shepherding Committee, Chair (May 2005 – Jun 2007); Youth Committee, Member (Nov 2002 – Feb 2006); Candidate Examining Committee, Member (Jan 2006 – Oct 2011), Chair (Dec 2008 – Jun 2009); Presbytery Stated Clerk, Jun 2009 – Oct 2011. Korean Northeastern Presbytery (formed Oct 2011 out of Korean Eastern): Candidate Examining Committee, Secretary (Feb 2012 – Sep 2014), Chair (Jun 2013 – current); Presbytery Stated Clerk, Oct 2013 – current. General Assembly service includes: GA Recording Clerk, 2015-2018 (43-46 GA), 2021-2023 (48GA-50GA) GA Computing Clerk, 2019 (47GA); Standing Judicial Commission, Member (2019-2024 term); Interchurch Relations Committee, Member (2016-2018); Theological Exam Committee, Alternate (2009, 2010); Nominating Committee Appointee (2011, 2014, 2015-17, 2018-2023); Chair (2017); Review of Presbytery Records Committee Appointee (2010, 2014-2023) and Alternate (2011); Secretary (2016, 2017), Assistant Secretary (2018), Vice Chair (2019, 2020-21), Chair (2022, 2023); Overtures Committee, Appointee (2011, 2014-2023), Secretary (2018); Floor Clerk, Appointee (2010 and 2011); Communion Elder, Appointee (2010, 2011, 2014, and 2015).

RE E. J. Nusbaum, Rocky Mountain. Active-duty infantry officer from 1979 to 1985. Naval Reserve Officer from 1988 to 2007. Retired as a Captain (O-6) on 31 December 2007. Ordained as a Ruling Elder in 1987. Clerk of Session for 6 years. RMT MNA committee from 1998–2021, Shepherding Committee (Current), Moderator 2010–2011. CoC 21 of the last 24 assemblies, including Administration (26th GA), Ridge Haven (27th and 49th), Chairman of the Bills and Overtures Committee (29th GA); Overtures Committee for nine assemblies. Committee for Constitutional Business (2002–2007; 2008–2012) and the Standing Judicial Commission (2013-2022). Moderator of the 35th GA.

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RE Bryce Sullivan, Nashville. B.S. Psychology, Georgia State University; MA, Psychology, and Ph.D. Clinical Psychology, Ohio State University (1997). Dean and Professor, Belmont University. RE Center Grove Church, Edwardsville, IL (Illiana). RE Covenant Presbyterian Church Nashville (Nashville). OC (2016, 2017, 2018, 2022); CC Board (2014-2018); RPR (2012, 2019-2022); Chair, CoC CTS (2012); CCB (alternate, 2021; member, 2022-present). Nashville Presbytery service: Moderator (2023), Leadership Development (credentialing, 2020-present), Judicial Commission (2021-2023), Campus Ministry (2010-2016), and Standing Rules. Covenant Presbyterian Church Committees: Personnel, Discipleship, Missions, Congregational Care, and Church Corporation. Member, National Association of Parliamentarians.

TE Steve Tipton, Gulf Coast. B.A. California State University, Fullerton; MDiv, Reformed Theological Seminary; PhD, Evangelical Theological Faculty, Leuven. Serves as Senior Pastor of Covenant Presbyterian Church, Panama City FL (2022 -). Served as Senior Pastor of Hillcrest Presbyterian Church, Volant PA (2010-2022). Served in Ascension Presbytery on the Administration Committee (2010-2022, Chairman 2012-2014, 2017), as Moderator (2019), and on several Judicial and Study Committees. Serves Gulf Coast Presbytery as Assistant Parliamentarian (2022 -). Invited to moderate a meeting of Central Indiana Presbytery for a difficult and sensitive matter. Service to the General Assembly includes: Overtures Committee (2013 & 2021); Review of Presbytery Records Committee (2012-2022, Chair 2018, Vice-Chair 2020-2022); Assistant Parliamentarian (47th GA, 2019); Assisting the PCA Stated Clerk in answering submitted BCO/Polity questions; and various Committees of Commissioners: RUM (2011); CTS (2012); AC (2014, 2016, 2018); RBI (2015, Chairman 2017); IRC (2019); MNA (2022). Taught Ecclesiology for a seminary in Asia (2018). Author of several articles on polity and church related matters.

RE Richard Wolfe, Arizona. University of California, Berkeley (BA), Rutgers Law School, Camden, NJ (JD). Labor law attorney at the Staff Judge Advocate's Office, Fort Huachuca (16 years) after prior employment with Army's 1st ID and 3rd ID in Germany (20 years). Captain, Staff Judge Advocate, honorable discharge 1985. RE at Grace Presbyterian Church, Sierra Vista (10 years). Stated Clerk, AZP (2017–Present). Came to understand the doctrines of grace attending Tenth

Presbyterian Church, Philadelphia, while in law school, when Doctor James Boice was pastoring, who married Barbara and him 42 years ago.

RE Jim Wert, Metro Atlanta. B.A. in Political Science and German, University of North Carolina at Chapel Hill (1980); M.B.A., Baker Scholar, Harvard Business School (1985). Managing Partner, Wert & Associates (2013-present). Over 33 years of experience across marketing, financial, and management consulting fields; 16 years of board service on various internationally focused non-profits, including church planting partnership. GA: Moderator of the 43rd General Assembly (2015); chairman of Host Committee (2018); Overtures Committee (2009-2017, 2022); PCA Strategic Planning Committee (2001-2005); byFaith Oversight Committee (2018–present); PCA 50th Anniversary Celebration Committee chair (2021-2023); Theological Examining Committee alternate (2023). Presbytery: Moderator (2010, 2012, 2024); Credentials Committee (2001-present); MNA (2009-present); Presbytery prosecutor for a complex case involving a TE (2015-2016). Founding member, Intown Community Church; PCA member 45 years (officer 41 years).

Adopted by the Central Indiana Presbytery on November 10, 2023

Attested by /s/ TE Taylor Bradbury, Stated Clerk

OVERTURE 5 from Piedmont Triad Presbytery (to MNA)
 “Adjust Piedmont Triad and Catawba Valley Presbytery Boundaries”

Whereas, a presbytery composed of Churches with similar geographic and ministry contexts can lead to more efficient oversight, cooperation, and connection between particular congregations in the presbytery; and

Whereas, fostering a sense of connectionalism and cooperation of churches, teaching elders, and ruling elders beyond the local congregation is a hallmark of historic Presbyterianism; and

Whereas, *the Guidelines for Dividing Presbyteries*, as adopted by the 26th General Assembly of the Presbyterian Church in America, include “regional cohesiveness,” “member churches hav[ing] a potential for

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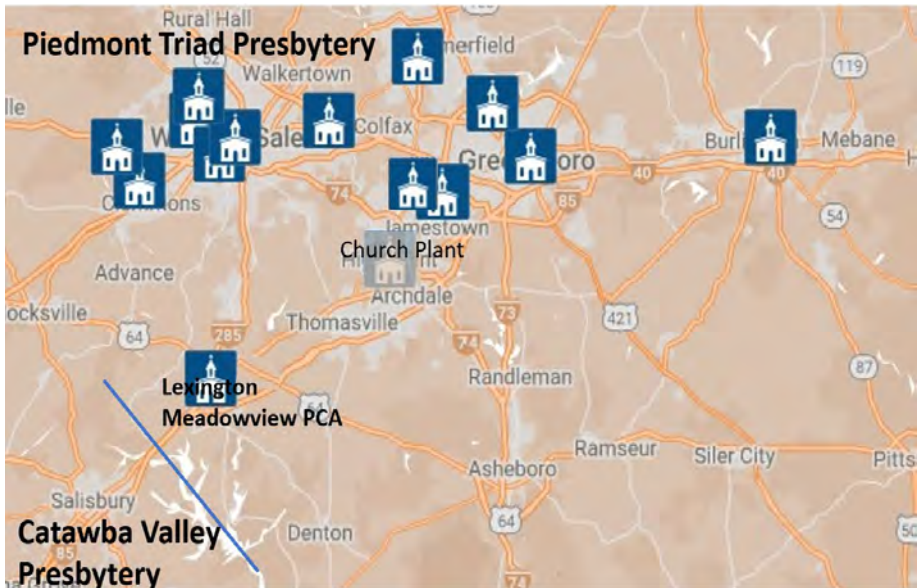
shared ministries,” and “member churches hav[ing] a common commitment to the region;” and

Whereas, the ministry context of Meadowview is in a rural small-town setting which is made up of multi-generational families since the founding of the Church.

Whereas, Piedmont Triad Presbytery is primarily made up of Churches along the I-40 Corridor between the cities of Winston-Salem and Greensboro and their surrounding suburbs, making MRPC the only Church in PTP that is in a rural and small town setting.

Whereas, Meadowview in Lexington, NC has demographic, historic, cultural, and economic affinity with many of the Churches in Catawba Valley Presbytery.

Whereas, MRPC sits on the southwest corner and edge of Piedmont Triad Presbytery and the next town over is in Catawba Valley Presbytery.



Whereas, MRPC has interest in planting churches south of them including in Salisbury, NC, which is in Catawba Valley Presbytery

APPENDIX U

Whereas, the current Membership in each Presbytery is as follows:

Piedmont Triad Presbytery Churches & Ministries - CURRENT

1. Christ Church Greensboro, 414 N. Church St, Greensboro, NC 27401
2. Covenant Grace Church, 4747 Lake Brandt Rd, Greensboro, NC 27455
3. Friendly Hills Church, 1450 Guilford College Road, Jamestown, NC 27282
4. Grace Presbyterian Church Kernersville, 360 Hopkins Rd, Kernersville, NC 27284
5. Great Commission Church, 1450 Guilford College Road, Jamestown, NC 27282
6. Hope Presbyterian Church, 2050 N Peace Haven Rd, Winston-Salem, NC 27106
7. Immanuel (mission church), 155 W. Westwood Ave, High Point, NC 27262
8. New Hope Presbyterian Church, 3540 Clemmons Rd, Clemmons, NC 27012
9. Northside Presbyterian Church, 1805 Vaughn Rd, Burlington, NC 27217
10. Redeemer Presbyterian Church, 1046 Miller St, Winston-Salem, NC 27103
11. Salem Presbyterian Church, 600 Holly Ave, Winston-Salem, NC 27101
12. Soma Valley, 819 Williams Rd, Lewisville, NC 27023
13. Summer Oaks Church, 2315 Scalesville Rd., Summerfield, NC 27358
14. Trinity Church, 4555 Shattalon Drive, Winston-Salem, NC 27106
15. RUF Winston-Salem State University, Winston-Salem, NC
16. RUF Wake Forest University, Winston-Salem, NC
17. *Meadowview Reformed Presbyterian Church, 1 Graceway Dr., Lexington, NC 27295

*Meadowview PCA would be the only church to move to Catawba Valley Presbytery with this boundary change.

Catawba Valley Presbytery Churches & Ministries - CURRENT

MINUTES OF THE GENERAL ASSEMBLY

1. Back Creek Presbyterian Church, 2145 Back Creek Church Road, Mount Ulla, NC 28125
2. Christ Church at Rivers Edge, 901 East Catawba Avenue, Belmont, NC 28012-0821
3. First Presbyterian Church, 512 Old Mt. Holly Road, Stanley, NC 28164
4. Grace Covenant Presbyterian Church, 3710 North Center Street, Hickory, NC 28601
5. Goshen Presbyterian Church, 380 Woodlawn Avenue, Belmont, NC 28012-2138
6. Grace Church, 2007 Stallings Road, Harrisburg, NC 28075
7. Lakeshore Church PCA, 8083 Hope Drive, Denver, NC 28037
8. Harbor Church PCA, P.O. Box 4025, Mooresville, NC 28117
9. Harvest Church, 710 Lithia Inn Road, Lincolnton, NC 28092-8786
10. Prosperity Presbyterian Church, 5533 Prosperity Church Road, Charlotte, NC 28269
11. New Hope Presbyterian Church, 602 Stevens Street, China Grove, NC 28023
12. NorthCross Church, 11020 – H Bailey Road, PO Box 2275, Cornelius, NC 28031
13. Providence Presbyterian Church, 246 Branchview Drive NC, Concord, NC 28025
14. Shearer Presbyterian Church, 684 Presbyterian Road, Mooresville, NC 28115
15. SouthLake Church PCA, 13820 Hagers Ferry Road, Huntersville, NC 28078
16. StoneBridge Church Community, 3700 Prosperity Church Road, Charlotte, NC 28269
17. RUF – Davidson College, Davidson, NC

Whereas, PTP will still meet the numeric “Guidelines for Dividing Presbyteries” in that upon MRPC joining with CVP there will be in PTP:

- over 10 Churches and Mission Churches (14 Total = 13 churches and 1 mission church)
- a total communicate membership of over 1000 (1810)
- at least 3 churches with membership over 125 (4 Churches > 125, 2 Churches 100-125)

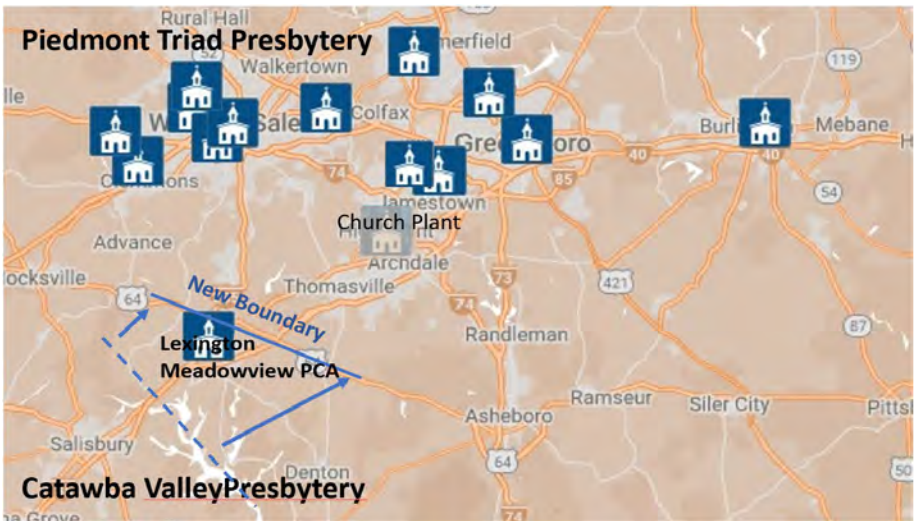
APPENDIX U

Whereas, Catawba Valley Presbytery expressed support for Meadowview to pursue this boundary move at their September 23rd Stated meeting as reflected in their minutes as follows:

“It was moved and seconded that by unanimous voice vote, CVP encouraged the Session of Meadowview to pursue this overture.”

(Minutes of the Catawba Valley Presbytery Stated Meeting, 9/23/23)

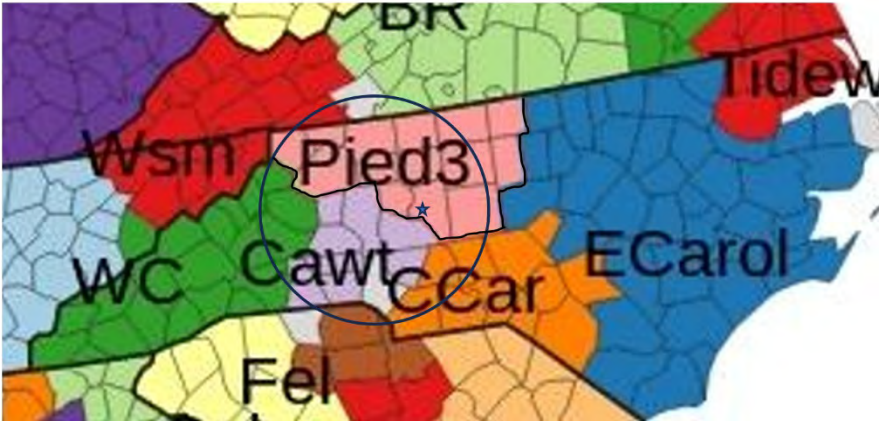
Whereas, if the southern boundary in Davidson County were moved to Hwy 64, only Meadowview Presbyterian Church would be affected.



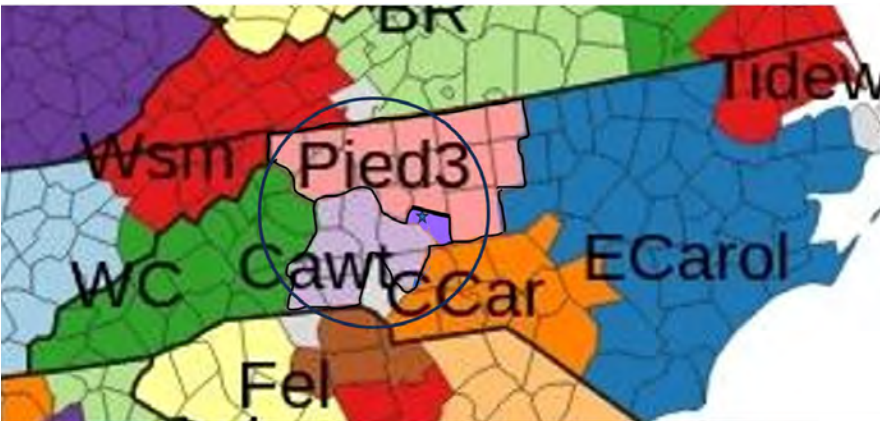
MINUTES OF THE GENERAL ASSEMBLY

Whereas, the current and future maps of the Presbyteries in North Carolina will be:

Current NC Presbytery Boundaries



New NC Presbytery Boundaries



Now therefore be it resolved, that the Presbytery of Piedmont Triad Presbytery Overture the 51st General Assembly to restructure the boundary between Piedmont Triad Presbytery (PTP) and Catawba Valley Presbytery (CVP) such that CVP will extend North to Hwy 64 in Davidson County and PTP will extend South to Hwy 64 in Davidson County, effective July 1, 2024.

Adopted by Piedmont Triad Presbytery at its stated meeting, November 11, 2023

Attested by /s/ TE Ethan Smith, stated clerk

OVERTURE 6 from the Presbytery of Susquehanna Valley (to CCB, OC)
“Amend *BCO* Sections to Require Background Checks for Church Office”

[Editorial Note: This overture is similar to Overtures 16, 17, 23, and 24.]

Whereas the Scriptures declare that elders and deacons must be “above reproach: (1 Tim. 3:2; Titus 1:7), “self-controlled” (1 Tim. 3:2; Titus 1:8), “not violent but gentle” (1 Tim. 3:3), “not quick tempered” (Titus 1:7), and “proven blameless” (1 Tim. 3:10); and

Whereas, regarding elders, 1 Timothy 3:7 says, “he must be well thought of by outsiders, so that he may not fall into disgrace, into a snare of the devil”; and

Whereas the sixth commandment requires us to “comfort and succor the distressed and protect and defend the innocent” (WLC 135); and

Whereas the ninth commandment forbids us from “concealing the truth, undue silence in a just cause, and holding our peace when iniquity calleth for either a reproof from ourselves, or complaint to others,” and from “hiding, excusing, or extenuating of sins when called to a free confession” (WLC 145); and

Whereas the church must be a community that creates a safe environment for children where they can learn about the Lord (Proverbs 22:6; Mark 9:42); and

Whereas, on six separate occasions the Ad-Interim Committee on Domestic Abuse and Sexual Assault recommended that Presbyteries and churches require background checks to better protect their members – including the statement, “Churches protect their members with policies that take into consideration the most vulnerable in the congregation” by including, but not limited to, “Presbyteries enacting policies to require background checks and abuse training for all ordinands and transfers, and policies to protect whistleblowers against retribution.” (DASA Report, pg. 2314); and

Whereas an ordained minister coming into a new Presbytery is relatively unknown to the members of the Presbytery; and

Whereas *BCO* 13-6 requires Presbyteries to examine ministers seeking admission to the presbytery regarding their Christian experience...

Therefore, **be it resolved** that the following sections of the BCO be amended as follows:

13-6. Ministers seeking admission to a Presbytery from other Presbyteries in the Presbyterian Church in America shall be examined on Christian experience, and also touching their views in theology, the Sacraments, and church government. If applicants come from other denominations, the Presbytery shall examine them thoroughly in knowledge and views as required by BCO 21-4 and require them to answer in the affirmative the questions put to candidates at their ordination. Before receiving the minister from a Presbytery in the PCA or from another denomination, the Presbytery shall obtain and review with the candidate an “Identity History Summary”¹ from the FBI and a state/local background check or a “Vulnerable Sector Check”² from the Canadian Government. Ordained ministers from other denominations being considered by Presbyteries for reception may come under the extraordinary provisions set forth in BCO 21-4. Presbyteries shall also require ordained ministers coming from other

¹ The FBI Identity History Summary is a listing of certain information taken from fingerprint submissions kept by the FBI. It provides a uniform reporting process for the United States.

² Vulnerable Sector Check is a federally mandated standard set by the national Royal Canadian Mounted Police. The process determines whether or not an applicant has a record suspension (formerly known as pardons) for a sexual offence.

denominations to state the specific instances in which they may differ with the *Confession of Faith* and *Catechisms* in any of their statements and/or propositions, which differences the court shall judge in accordance with BCO 21-4 (see BCO 21-4.e,f).

BCO 18.3 The Presbytery shall obtain a and review with the applicant an “Identity History Summary” from the FBI and a state/local background check or a “Vulnerable Sector Check” from the Canadian Government. The applicant shall appear before the Presbytery in person, and shall be examined by the Presbytery on experiential religion and on his motives for seeking the ministry.

BCO 19-2. Examination for Licensure.

The examination for licensure shall be as follows:

- a. The Presbytery shall obtain and review with the candidate an “Identity History Summary” from the FBI and a state/local background check or a “Vulnerable Sector Check” from the Canadian Government.

The rest of 19-2 shall be renumbered accordingly.

BCO 21-4

- c. Trials for ordination shall consist of:
 - (1) The Presbytery shall obtain and review with the candidate an “Identity History Summary” from the FBI and a state/local background check or a “Vulnerable Sector Check” from the Canadian Government.

The rest of 21-4.c shall be renumbered accordingly.

BCO 24-1. Every church shall elect persons to the offices of ruling elder and deacon in the following manner: At such times as determined by the Session, communicant members of the congregation may submit names to the Session, keeping in mind that each prospective officer should be an active male member who meets the qualifications set forth in 1 Timothy 3 and Titus 1. Nominees for the office of ruling elder and/or deacon shall receive instruction in the qualifications and work of the office. The session should obtain and

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review with the candidate an “Identity History Summary” from the FBI and a state/local background check or a “Vulnerable Sector Check” from the Canadian Government.

Adopted by Susquehanna Valley Presbytery at its stated meeting, November 18, 2023

Attested by /s/ TE Tucker York, stated clerk

OVERTURE 7 from Ascension Presbytery (to CCB, OC, AC, CC, CDM,
“Amend RAO 11-5 to Clarify Process CTS, GEN, MNA, MTW,
for RAO Amendments” PCAF, RH, RUF)

Whereas, as RAO 11-5 is difficult to follow; and

Whereas, it appears to some that RAO 11-5 is internally inconsistent. The first sentence requires all overtures proposing amendment of the *Book of Church Order* or the *Rules of Assembly Operations* be referred to the Committee on Constitutional Business for its advice to the Overtures Committee. This indicates that all overtures proposing changes to the RAO fall within the jurisdiction of the Overtures Committee. The third sentence of 11-5, however, says that any overture “having to do with the nature or responsibilities of a permanent Committee or Agency” shall be referred to the appropriate permanent Committee or Agency, unless the overture proposes an amendment to the Constitution (which does not include the RAO); and

Whereas, RAO 12-1 and 15-1 state that the Overtures Committee is to consider and make recommendations on all overtures proposing amendment to the Constitution and all other overtures referred by the Stated Clerk; and

Whereas, at the 50th General Assembly, there was debate regarding whether an overture proposing an RAO change that would impact permanent Committees and Agencies should be referred by the Stated Clerk to the Overtures Committee or to the relevant permanent Committees and Agencies; and,

Whereas, the permanent Committees and Agencies, and from them, the relevant Committees of Commissioners, have the expertise necessary to speak to the impact of a proposed change to the *RAO* that touches on the nature or responsibilities of the permanent Committee(s) or Agency(ies); and

Whereas, the Overtures Committee has the authority to perfect proposed amendments in ways that are not available to Committees of Commissioners; and

Whereas, any minority of the Overtures Committee (*RAO* 15-6.s) has the right to bring a minority report, encompassing a different answer to the overture, to the Assembly, which minority report can allow for floor debate on the substance of a proposal in a way that is not available for a recommendation coming from a Committee of Commissioners; and

Whereas, the members of the Overtures Committee should hear from affected committees or agencies before finalizing recommendations on *RAO* changes that impact those committees or agencies; and

Whereas, the members of the permanent Committees and Agencies, the Committees of Commissioners, and the staff of the permanent Committees and Agencies may speak on the floor of General Assembly, and thus can express agreement or disagreement with any recommendation from the Overtures Committee, including presenting argumentation that the recommendation of the Overtures Committee not be adopted (*RAO* 15-8.e); and

Whereas, having recommendations from multiple committees may lead to incompatible recommendations, as well as debate as to which Committee's recommendation is to take precedence, as was seen at the 50th General Assembly.

Therefore, be it resolved that the Presbytery of the Ascension hereby overtures the 51st General Assembly to amend *RAO* 11-5 by deleting the entirety of the current *RAO* 11-5 and replacing it with the following:

- 11-5.** All overtures shall be published in the *Commissioner Handbook* with reference for consideration indicated. The Stated Clerk shall refer overtures as follows. The Stated Clerk's referral shall be final unless redirected by a vote of the General Assembly.
- a. All overtures requesting amendment of the *Book of Church Order* or the *Rules of Assembly Operations* shall be referred to the Committee on Constitutional Business for its advice to the relevant Committee(s) as listed below.
 - b. All overtures proposing amendment to the Constitution shall be referred to the Overtures Committee. The Stated Clerk may also refer such overtures to other Committees of Commissioners, other permanent Committees or Agencies, or other ad interim or special committees for advice only to the Overtures Committee.
 - c. All overtures proposing amendment to the *Rules of Assembly Operations* having to do with the nature or responsibilities of a permanent Committee or Agency shall be referred to the Overtures Committee and to the permanent Committee(s) or Agency(ies) that would be impacted by the proposed change. In such cases the permanent Committee(s) or Agency(ies) and the relevant Committee(s) of Commissioners shall be given the opportunity to meet with the Overtures Committee to share their proposed response(s). Such opportunity shall occur at a mutually convenient time or at the beginning of the Overtures Committee's Tuesday afternoon session. The General Assembly shall act on the overture on the basis of the recommendation of the Overtures Committee, recognizing that the members of the permanent Committee(s) or Agency(ies) and the relevant Committee(s) of Commissioners will be able to enter into floor debate on that recommendation.
 - d. Any other overture having to do with the nature or responsibilities of a permanent Committee or Agency shall be referred by the Stated Clerk to the appropriate permanent Committee or Agency, ad interim committee, or special committee.
 - e. All overtures concerning presbytery boundaries or the formation of a new presbytery shall be referred by the Stated Clerk to the permanent Committee on Mission to North America.
 - f. All other overtures shall be referred by the Stated Clerk to the Overtures Committee.

Adopted by the Presbytery of the Ascension at its stated meeting of November 4, 2023.

Attested by /s/ RE Fredrick Neikirk, Stated Clerk

OVERTURE 8 from Covenant Presbytery (to MNA)
“Change Boundaries of Covenant and Mississippi Valley Presbyteries”

Whereas, the geographic center of Covenant Presbytery has shifted significantly north and west in recent years as evidenced by the frequency of stated meetings in the Memphis area and parts of Arkansas; and

Whereas, Choctaw, the county in Mississippi where Old Lebanon (the only PCA church in the county) is located, is on the southernmost border of Covenant Presbytery and borders The Presbytery of the Mississippi Valley on its southern and its western border; and

Whereas, the Session of Old Lebanon wants to have a more regular participation in the stated meetings of Presbytery; and

Whereas, the Session of Old Lebanon finds this participation difficult due to the locations where many of the stated meetings of Covenant Presbytery are held; and

Whereas, the locations of the stated meetings of The Presbytery of the Mississippi Valley are usually closer to Ackerman, MS, and often significantly so, than the locations of the stated meetings of Covenant Presbytery; and

Whereas, Covenant Presbytery has in the past acted in similar situations to allow the transfer of churches in Winona, MS; Columbia, TN; Fayetteville, AR; Charleston, AR; and Stamps, AR, to presbyteries adjacent to Covenant Presbytery, and to receive a PCA mission in Joplin, MO, into Covenant Presbytery from an adjacent presbytery;

Therefore be it resolved, that Covenant Presbytery, with the agreement of the Session of Old Lebanon Presbyterian Church, Ackerman, MS,

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overtures the 2024 General Assembly to transfer Choctaw County in Mississippi from the geographic bounds of Covenant Presbytery to the geographic bounds of The Presbytery of the Mississippi Valley.

Adopted by Covenant Presbytery at its 159th Stated Meeting, October 3, 2023.

Attested by /s/ TE Robert Browning, Stated Clerk of Covenant Presbytery

OVERTURE 9, from Metro Atlanta Presbytery (to CCB, OC)
“Add Great Commission Requirement to *BCO* 12-5”

Whereas sessions of churches are to watch over the flock of God and equip them for works of service and mission, and

Whereas sessions of churches are to instruct members in the truths of the Gospel and the need for sharing the good news of Christ, and

Whereas the Book of Church Order delineates duties of session of churches in BCO 12 but does not specifically call sessions to these responsibilities,

Therefore, the Book of Church Order shall be amended to read as follows (Insert into 12-5e)

12-5 e. ...to determine the best measures for promoting the spiritual interests of the church and congregation, including living in obedience to the Great Commission (Matthew 28:19-20) (new language indicated by underlining)

Rationale:

MAP landed more toward the philosophy of “comprehensive simplicity,” as well as leveraging existing *BCO* content, rather than trying to articulate a new set of Session responsibilities. “Obedience to the Great Commission” is an important and necessary addition, and also well established in the PCA as a definitional and common standard.

Adopted by Metro Atlanta Presbytery at its stated meeting, October 3, 2023
Attested by /s/ Randy Schlichting, stated clerk.

OVERTURE 10, from Metro Atlanta Presbytery (to CCB, OC)
“Add Presbytery TE Care to BCO 13-9”

Whereas presbyteries are to watch over Teaching Elders and further equip them for works of service and mission, and

Whereas presbyteries are to instruct Teaching Elders in the truths of the Gospel and the need for sharing the good news of Christ, and

Whereas presbyteries are called to minister to those Teaching Elders in their midst who are hurting emotionally, physically, and spiritually, and

Whereas the Book of Church Order delineates duties of presbyteries in *BCO* 13 but does not specifically call presbyteries to these responsibilities or have a plan,

Therefore, the *Book of Church Order* shall be amended to read as follows
(Insert into 13-9g)

13-9 g. ...in general, to order whatever pertains to the spiritual welfare of the churches and each teaching elder under its care.
(new language indicated by underlining)

Rationale:

The spiritual care of a Presbytery’s Teaching Elders merits explicit attention in the *BCO*, and the current *BCO* 13 has a logical spot to emphasize this responsibility (among others) as it lists a presbytery’s powers and responsibilities in the current 13-9.

Adopted by Metro Atlanta Presbytery at its stated meeting, October 3, 2023
Attested by /s/ Randy Schlichting, stated clerk.

OVERTURE 11 from Mississippi Valley Presbytery (to MNA)
“Change Boundaries of Mississippi Valley and Covenant Presbyteries”

Whereas the geographic center of Covenant Presbytery has shifted significantly north and west in recent years as evidenced by the frequency of stated meetings in the Memphis area and parts of Arkansas; and

Whereas Choctaw, the county in Mississippi where Old Lebanon (the only PCA church in the county) is located, is on the southernmost border of Covenant Presbytery and borders The Presbytery of the Mississippi Valley on its southern and its western border; and

Whereas the Session of Old Lebanon wants to have a more regular participation in the stated meetings of Presbytery; and

Whereas the Session of Old Lebanon finds this participation difficult due to the locations where many of the stated meetings of Covenant Presbytery are held; and

Whereas the locations of the stated meetings of The Presbytery of the Mississippi Valley are usually closer to Ackerman, MS, and often significantly so, than the locations of the stated meetings of Covenant Presbytery; and

Whereas The Presbytery of the Mississippi Valley has in the past acted in similar situations to receive churches in Winona, MS; Delhi, LA; and Ruston, LA, from adjacent presbyteries;

Therefore, be it resolved, The Presbytery of the Mississippi Valley joins with Covenant Presbytery (and with the agreement of the Session of Old Lebanon Presbyterian Church, Ackerman, MS) to overture the 2024 General Assembly to transfer Choctaw County, Mississippi, from the geographic bounds of Covenant Presbytery to the geographic bounds of the Presbytery of the Mississippi Valley.

Adopted by Mississippi Valley Presbytery at its stated meeting, November 7, 2023

Attested by /s/ TE Chris Wright, Stated Clerk

OVERTURE 12 from Catawba Valley Presbytery (to MNA)
“Adjust Catawba Valley and Piedmont Triad Presbytery Boundaries”

Whereas, a presbytery composed of Churches with similar geographic and ministry contexts can lead to more efficient oversight, cooperation, and connection between particular congregations in the presbytery; and

Whereas, fostering a sense of connectionalism and cooperation of churches, teaching elders, and ruling elders beyond the local congregation is a hallmark of historic Presbyterianism; and

Whereas, *the Guidelines for Dividing Presbyteries*, as adopted by the 26th General Assembly of the Presbyterian Church in America, include “regional cohesiveness,” “member churches hav[ing] a potential for shared ministries,” and “member churches hav[ing] a common commitment to the region;” and

Whereas, Meadowview Reformed Presbyterian Church in Lexington, NC, has demographic, historic, cultural, and economic affinity with many of the Churches in Catawba Valley Presbytery; and

Whereas, Meadowview Reformed Presbyterian Church sits on the southwest corner and edge of Piedmont Triad Presbytery and the next town over is in Catawba Valley Presbytery; and

Whereas, Meadowview Reformed Presbyterian Church has interest in planting churches south of them including in Salisbury, NC, which is in Catawba Valley Presbytery; and

Whereas, Piedmont Triad Presbytery passed an Overture at their November 11, 2023 Stated Meeting to move the boundary between Piedmont Triad Presbytery and Catawba Valley Presbytery, thereby moving Meadowview into the bounds of Catawba Valley Presbytery; and

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Whereas, Piedmont Triad Presbytery’s Overture to the 2024 General Assembly outlines the Churches in both presbyteries, the maps reflecting this change; and

Whereas, Piedmont Triad Presbytery’s Overture to the 2024 General Assembly highlights that Piedmont Triad Presbytery will still meet the numeric “Guidelines for Dividing Presbyteries” adopted by the 26th General Assembly

Now therefore be it resolved, that Catawba Valley Presbytery Overtures the 51st General Assembly to restructure the boundary between Piedmont Triad Presbytery and Catawba Valley Presbytery such that Catawba Valley Presbytery will extend North to Hwy 64 in Davidson County, NC, and Piedmont Triad Presbytery will extend South to Hwy 64 in Davidson County, NC, effective July 1, 2024; and that all existing PCA churches and church plants of the aforementioned territory will come into the Catawba Valley Presbytery, and that all teaching elders and churches be received following a successful theological views examination, effective July 1, 2024.

*Adopted by Catawba Valley Presbytery at its stated meeting January 27, 2024
Attested by /s/ TE Scott Deneen, stated clerk*

OVERTURE 13 from Calvary Presbytery (to OC)
“Commend and Encourage Distribution of Commission Letter Regarding Gender Reassignment for Minors”

That the 51st General Assembly commend as biblically faithful the letter written by the PCAGA50 Moderator’s Commission, humbly petitioning leaders of United States Government “to protect the lives and welfare of minor children from the physical, mental, and emotional harms associated with medical and surgical interventions for the purpose of gender reassignment. Furthermore, we call upon you to use your positions to promote the health, bodily integrity, and wellbeing of minors who are suffering from gender dysphoria and related conditions.”

APPENDIX U

That the 51st General Assembly further encourage PCA Sessions and Presbyteries to communicate with their own respective regional and/or municipal governments the same.

Adopted unanimously by Calvary Presbytery at its stated meeting on January 27, 2024

Attested by /s/ Melton L. Duncan, Stated Clerk

January 21, 2024

The Honorable Joseph R. Biden, Jr.
President of the United States
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

The Honorable John G. Roberts, Jr.
Chief Justice
Supreme Court of the United States
1 First Street NE
Washington, DC 20543

The Honorable Mike Johnson
Speaker
U.S. House of Representatives
Washington, DC 20515

The Honorable Hakeem Jeffries
Democratic Leader
U.S. House of Representatives
Washington, DC 20515

The Honorable Chuck Schumer
Majority Leader
United States Senate
Washington, DC 20515

The Honorable Mitch McConnell
Republican Leader
United States Senate
Washington, DC 20515

Dear Leaders of the United States Government:

We, the Presbyterian Church in America, the largest body of confessional Presbyterian and Reformed churches in North America, consisting of more than 1,500 congregations and 374,000 members across the United States and Canada, humbly petition you to protect the lives and welfare of minor children from the physical, mental, and emotional harms associated with medical and surgical interventions for the purpose of gender reassignment. Furthermore, we call upon you to use your positions to promote the health, bodily integrity, and wellbeing of minors who are suffering from gender dysphoria and related conditions.

We recognize the growing nationwide distress and concern over interventionist practices targeting children. While we acknowledge complexities around these issues, we share those concerns and urgently appeal to you to protect the Nation’s children. The basis for our appeal is that all people—young and old, male and female—are created in the image of God (Genesis 1:26–27; James 3:9). This unique status accords all human beings with inherent dignity, a dignity that extends to both soul *and* body. For over two thousand years, the Christian Church in all her branches has stood on the teaching that the value of the human body arises from its source, which is from God, and its purpose, which is to bear God’s image. We believe current gender reassignment interventions for children are *not* in keeping with the high value of human bodies—a value determined not by circumstance, ability, or human judgment, but by the determination of our wise Creator who constituted each person a body-soul unity (Genesis 2:7; Psalm 139:13–16).

We also ground our humble petition in God’s love for children. He expressed his love when the Son of God said, “Let the children come to me; do not hinder them, for to such belongs the kingdom of God” (Mark 10:14 ESV). Indeed, his deep love for children is revealed in comparing them to those who are greatest in the kingdom of heaven. Because of this love, it is a grave sin to harm children (Matthew 18:1-6). In his kindness, God has provided parents and the civil magistrate for the protection of children (Ephesians 6:1–4; Romans 13:1–4).

Until recently, an obligation to protect children has been widely acknowledged in Western society. The duty to protect children from harm is to be met by authorities in familial and civic contexts who recognize the vulnerabilities unique to childhood. While these vulnerabilities can be preyed upon by powerful external forces, they are also susceptible to the internal confusions and instabilities often accompanying childhood.

As Christians, we recognize that we live in a fallen world in which some children and adults experience a perceived incongruence between their biological sex and their internal sense of gender. These feelings of gender incongruence cause severe psychological distress often associated with debilitating anxiety and depression. We genuinely sympathize with the parents and loved ones of those who experience this kind of suffering—many of them in our churches.

However, experts disagree on the nature and causes of gender dysphoria. Persons who try to change their biological sex through the process of transitioning—including psychotherapy, lifelong hormonal treatments, and extensive nongenital and genital surgeries—are attempting the impossible. This reality merely reflects the divine design, as God created human beings distinctly male and female (Genesis 1:27; Matthew 19:4; Mark 10:6). Since the sexual binary is rooted in creation and determined by God, it cannot be changed; therefore, it is not surprising that transition attempts carry many long-term risks. Among these risks, which are often irreversible, include conditions such as sterility, infertility, cancer, cardiovascular disease, strokes, blood clots, pituitary apoplexy, pseudotumor cerebri, and diminished bone density.

For children, the stakes are even higher. Since the brain has not yet fully developed during puberty and adolescence, minor children are not mentally and emotionally ready to give informed consent to life-altering and non-reversible medical procedures. And with the increase in depression, anxiety, isolation, and alienation of children and adolescents in the United States and Canada—exacerbated by the use of social media and, more recently, COVID-19 policies—young people often experience fluctuating emotions and internal confusion. Teenage girls especially have been susceptible to rapid onset gender dysphoria, a recent phenomenon involving large numbers of teen girls claiming to have gender dysphoria. The increased diagnosis of gender dysphoria in girls has been driven by social contagion from current social, educational, and cultural influences. Children whose minds and personalities are still developing do not yet possess the perspective or maturity to make these irreversible decisions; they should be given time to accept their biological sex, which occurs in the majority of teens allowed to progress through natural puberty.

Although we respect the expertise of medical professionals, it is striking that traditionally, medical students had to affirm the Hippocratic Oath, which includes the commitment: “I will abstain from all intentional wrong-doing and harm, especially from abusing the bodies of man or woman.” This priority of not harming others is ultimately grounded in the triune God who is love (1 John 4:8), from whence he calls us to love each other. Reflecting this nature of God, one of the greatest commandments is that we love our neighbors as ourselves (Matthew 22:39). As Scripture states, “Love does no harm to a neighbor” (Romans 13:10 NIV; cf. Exodus 20:13). Providing medical

intervention for the purposes of transitioning does irreversible harm and injustice to all people, but especially minor children.

For these reasons, we condemn the practice of surgical and medical gender reassignment, especially of minors, and we humbly petition you to protect the lives and welfare of minor children.

Sincerely,

Members of the Commission Appointed by the Moderator,
50th General Assembly of the Presbyterian Church in America (PCA)

OVERTURE 14 from the Presbytery of Northwest Georgia (to CCB, OC,
“Amend *RAO* 4-21.d to Require Enrollment Data CC, CTS)
from Higher Ed Institutions”

Whereas, the Lord Jesus Christ charged Peter with the keys of the kingdom (Matt 16:19) and our confessional standards further outline this important responsibility as being held by Church officers (WCF, Ch XXX); and

Whereas, elsewhere in Scripture elders are exhorted to “shepherd the flock of God” (1 Pet 5:2) by exercising “oversight”; and

Whereas, it is impossible for commissioners to provide sufficient oversight without sufficient information and data;

Therefore, be it resolved that the Presbytery of Northwest Georgia hereby overtures the 51st General Assembly to amend *RAO* 4-21.d by adding the following guidance as a final numbered subsection (additions underlined):

RAO 4-21.d.5)

5) If a Committee or Agency is a higher education institution, the minutes shall include the following data, updated annually and delineated by degree program: total student enrollment, number of students by full-time or part-time status, number of students by gender, and number of students by learning modality (whether in-person, online, or hybrid). The minutes should indicate that the data have been reviewed by the respective Committee or Board.

*Adopted by the Northwest Georgia Presbytery at its 53rd Stated Meeting,
January 20, 2024.*

Attested: /s/ TE Robby Baxter, Stated Clerk

OVERTURE 15 from the Session of West End (to CCB, OC)
Presbyterian Church, Hopewell, Virginia
“Amend *BCO* 7-2 to Specify Ordination for Biological Males Only”

[Note: This overture was adopted by the Session of West End Presbyterian Church, in Hopewell, Virginia; submitted to James River Presbytery at its stated meeting, January 20, 2024, by TE Eric Dugan, commissioner to the Presbytery; and rejected by the Presbytery at that meeting. (*RAO* 11-10).]

Whereas our culture is wrestling with gender identity issues and has difficulty defining both male and female, and

Whereas that same culture now permits those who are biologically one gender to be accepted as the other or to be defined by another entirely different gender identity, and

Whereas the Bible teaches only two sexes and that each have different, but complementary, roles in Christ’s church, and

Whereas one’s gender is tied to their biological sex: “God created man in his own image, in the image of God he created him; male and female he created them” (Genesis 2:27), and

Whereas there are denominations which currently ordain such persons and do so in opposition to God’s Word, and

Whereas there has been confusion about gender and sex, including among those who profess to hold evangelical and even reformed theological positions and who may wish to hold ordination in the PCA;

Therefore, be it resolved to amend *BCO* 7-2 by adding to the final sentence of the paragraph the word “biological” before the words “men only,” as follows:

“The ordinary and perpetual classes of office in the Church are elders and deacons. Within the class of elder are the two orders of teaching elders and ruling elders. The elders jointly have the government and spiritual oversight of the Church, including teaching. Only those elders who are specially gifted, called and trained by God to preach may serve as teaching elders. The office of deacon is not one of rule, but rather of service both to the physical and spiritual needs of the people. In accord with Scripture, these offices are open to biological men only.”

Adopted by the session of West End PCA Church in Hopewell, VA at its stated meeting, April 25, 2023

Submitted by the Session of West End Presbyterian Church, Hopewell, Virginia, to James River Presbytery at its stated meeting, January 20, 2024.

Rejected by James River Presbytery at its stated meeting, January 20, 2024 (RAO 11-10).

Attested by /s/ RE Chris Rohde, stated clerk, James River Presbytery.

Approved for submission to the Presbyterian Church in America’s General Assembly by the Session of West End Presbyterian Church, Hopewell, Virginia, at its stated meeting on January 23, 2024.

Attested by /s/ RE Gary Kimball, Clerk of Session.

OVERTURE 16 from Warrior Presbytery (to CCB, OC)
“Amend *BCO* 13-6, 21-4, 24-1 to Require Background Checks”

[Editorial Note: This overture is similar to Overtures 6, 17, 23, and 24.]

Whereas, the qualifications for elders and deacons include being “above reproach” (1 Tim. 3:2 and Titus 1:7), “self-controlled” (1 Tim. 3:2 and Titus 1:8), “not violent but gentle” (1 Tim. 3:3),” not ... quick-tempered” (Titus 1:7), and “prove themselves blameless” (1 Tim. 3:10); and

Whereas, the qualifications for elders include being “well thought of by outsiders” (1 Tim. 3:7); and

Whereas, the qualification of every believer is to “keep your conduct among the Gentiles honorable” (1 Pet. 2:12); and

Whereas, our confession warns leaders against the “careless exposing, or leaving [those in their care] to wrong, temptation, and danger” (*WLC* 130); and

Whereas, under the *Book of Church Order* church courts are to perform “a careful examination” of church officers including as to their “personal character” (21-4.c; 24-1.a) and “Christian experience” (13-6); and

Whereas, the report of the Ad Interim Committee on Domestic Abuse and Sexual Assault to the 49th General Assembly of the Presbyterian Church in America (the “DASA Report”) implores that “Churches protect their members with policies that take into consideration the most vulnerable in the congregation,” including “Presbyteries enacting policies to require background checks and abuse training for all ordinands and transfers, and policies to protect whistleblowers against retribution” (*M49GA* [2022], 965, 965 n.11) (See attachment for possible examples of such policies); and

Whereas, the DASA Report further recommends, “Candidates for the gospel ministry and others employed for spiritual oversight (Sunday school teachers, youth leaders, etc.) should be examined carefully to determine their godly character. Presbyteries and Sessions are encouraged to carefully investigate a candidate for leadership roles including but not limited to the candidate’s knowledge of theology. *Background checks*, social media checks, and careful reference checks should be used to screen for abusive leadership” (*ibid.*, 1183); and

Whereas, the 42nd General Assembly resolved that churches prevent types of abuse “by screening staff and volunteers” (*M42GA* [2014], 59); and

Whereas, the 42nd General Assembly resolved that churches “must cooperate with those authorities as they ‘bear the sword’ to punish those who do evil ‘in such an effectual manner as that no person be suffered ... to

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offer any indignity, violence, abuse, or injury to any other person whatsoever” (Romans 13:1-7; 1 Peter 2:13-14; *WCF* 23.3)” (*ibid.*); and

Whereas, our confession’s instruction that “there are some circumstances concerning ... government of the Church, common to human actions and societies, which are to be ordered by the light of nature and Christian prudence” (*WCF* 1.6) includes the wisdom and prudence of background checks; and

Whereas, our confession does not require submission to unlawful or unbiblical standards (*WCF* 23.4) nor thereby require the government’s involvement in the business of the church (*WCF* 23.3); and

Whereas, presbyteries and sessions of the PCA are called to order and conduct all trials and examinations of candidates for church office utilizing their own discretion and wisdom due to the authority and right of their office (*BCO* 13, 21, and 24);

Therefore, be it resolved that *BCO* 13-6 be amended by the addition of a second paragraph:

13-6. ...

A Presbytery shall order and review a background check on each candidate, administered under the specific rules and policies of the Presbytery, as part of its examination of the candidate’s Christian experience (if seeking admission from another Presbytery in the Presbyterian Church in America) or acquaintance with experiential religion (if seeking admission from other denominations [see *BCO* 21-4.c.(1)(a)]). The candidate shall be permitted to address the content of the background check.

Be it further resolved that *BCO* 21-4.c.(1) be amended by adding a final unnumbered paragraph to the subsection:

21-4.c.(1) . . .

A Presbytery shall order and review a background check on each candidate, administered under the specific rules and policies of the Presbytery, as part of its examination of a candidate’s

experiential religion (BCO 21-4.c.(1)(a)). The candidate shall be permitted to address the content of the background check.

So that the unnumbered paragraphs will read

“A Presbytery may accept a seminary degree which includes study in the original languages in lieu of an oral examination in the original languages.

A Presbytery shall order and review a background check on each candidate, administered under the specific rules and policies of the Presbytery, as part of its examination of a candidate’s experiential religion (BCO 21-4.c.(1)(a)). The candidate shall be permitted to address the content of the background check.”

Be it further resolved that BCO 24-1 be amended by inserting a second unnumbered paragraph after subsection e and before the unnumbered paragraph that begins “Notwithstanding the above...”

24-1.e...

A Session shall order and review a background check on each candidate, administered under the specific rules and policies of the Session, as part of its examination of a candidate’s Christian experience (BCO 24-1.a.). The candidate shall be permitted to address the content of the background check.

Be it further resolved that Presbyteries and Sessions are hereby encouraged to adopt policies for conducting mandatory background checks on every candidate for office.

Adopted by Warrior Presbytery at its stated meeting, January 23, 2024.

Attested by /s/ TE Michael Perry, stated clerk

Attachment

Sample Policies for Presbyteries and Sessions

The following is an example of a policy that could be adopted or amended by a Presbytery to adhere with local laws and regulations:

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Prior to any candidate coming before the Presbytery for examination for ordination or transfer of credentials, the [insert committee name] Committee shall order a background check on the candidate ordinarily at the cost of the Presbytery. The report of the background check shall only be received by the Committee in executive session. The candidate shall be furnished with a copy of the background check and given the opportunity to respond to any content in the background check. The Committee shall report to the Presbytery (1) that it has received the report of the background check, and no concerns were raised; (2) that it has received the report of the background check, and potential concerns were satisfactorily explained by the candidate without reflecting negatively on his *BCO* 13-6 or 21-4.c.(1)(a) examination; or (3) that it has received the report of the background check, and potential concerns should be weighed by the Presbytery in the candidate's *BCO* 13-6 or 21-4.c.(1)(a) examination. Any details of possible concerns found in the background check may be disclosed only to the Presbytery and/or the Session of the church calling the candidate when in executive session. Such details may be disclosed outside the Committee only at the Committee's discretion or upon the request of the Presbytery or Session properly seeking the information.

The following is an example of a policy that could be adopted by a Session:

Prior to any candidate coming before the Session for examination for the office of Ruling Elder or Deacon, the Session shall order a background check on the candidate at the cost of the Session. The report of the background check shall only be received by the Session in executive session. The candidate shall be furnished with a copy of the background check and given the opportunity to respond to any content in the background check. Information learned should ordinarily only be considered as part of the Session's examination of the candidate's personal character under *BCO* 24-1.a. and should not ordinarily be disclosed to the congregation.

OVERTURE 17 from The Ohio Presbytery (to CCB, OC)
“Amend *BCO* 13-6, 21-4, and 24-1 to Require Background Checks for
Church Office”

[Editorial Note: This overture is similar to Overtures 6, 16, 23, and 24.]

Be it resolved that *BCO* 13-6 be amended by adding a final paragraph to the end of the section:

13-6. . . .

A Presbytery shall order and review a background check on each candidate, administered under the specific rules and policies of the Presbytery, as part of its examination of the candidate’s Christian experience (if seeking admission from another Presbytery in the Presbyterian Church in America) or acquaintance with experiential religion (if seeking admission from other denominations [see *BCO* 21-4.c.(1)(a)]). The candidate shall be permitted to address the results of the background check.

Be it further resolved that *BCO* 21-4.c.(1) be amended by adding a final unnumbered paragraph to the end of the subsection:

21-4.c.(1) . . .

A Presbytery shall order and review a background check on each candidate, administered under the specific rules and policies of the Presbytery, as part of its examination of a candidate’s experiential religion (*BCO* 21-4.c.(1)(a)). The candidate shall be permitted to address the results of the background check.

So that the unnumbered paragraphs will read

“A Presbytery may accept a seminary degree which includes study in the original languages in lieu of an oral examination in the original languages.

A Presbytery shall order and review a background check on each candidate, administered under the specific rules and policies of the Presbytery, as part of its examination of a candidate’s experiential religion (*BCO* 21-4.c.(1)(a)). The candidate shall be permitted to address the content of the background check.”

Be it further resolved that *BCO* 24-1 be amended by inserting a second unnumbered paragraph after subsection e. and before the unnumbered paragraph that begins, “Notwithstanding the above . . .”:

24-1.e...

A Session shall order and review a background check on each candidate, administered under the specific rules and policies of the Session, as part of its examination of a candidate’s Christian experience (*BCO* 24-1.a.). The candidate shall be permitted to address the results of the background check.

Be it further resolved that Presbyteries and Sessions are hereby encouraged to adopt policies for conducting mandatory background checks on every candidate for office.

RATIONALE:

It is well-established that performing background checks is an important part of a global safety policy for churches,¹ but they can also shed light on the character of a candidate for office. Performing a background check provides additional information to the supervising court regarding the biblical and confessional criteria for office. The results of the background check are not dispositive of a man’s fitness for ministry. It should be used as one piece in the examination of a man’s Christian character.

Biblically, the qualifications for elders and deacons includes being “above reproach” (1 Tim. 3:2 and Titus 1:7), “self-controlled” (1 Tim. 3:2 and Titus 1:8), “not violent but gentle” (1 Tim. 3:3), “not . . . quick-tempered” (Titus 1:7), and “proven blameless” (1 Tim. 3:10). For elders Scripture requires they “must be well thought of by outsiders” (1 Tim. 3:7). The Scriptural command to every believer is to “keep your conduct among the Gentiles honorable” (1 Pet. 2:12). Thus the *Book of Church Order* states that church courts must perform “a careful examination” including “personal character” (21-4.c; 24-1.a) and “Christian experience” (13-6).

¹ See, e.g., Richard R. Hammar, *Pastor, Church & Law*, 5th ed. (Carol Stream, IL: Christianity Today, 2019), 918–947.

Furthermore, our confession warns leaders against the “careless exposing, or leaving [those in their care] to wrong, temptation, and danger” (WLC 130).

The use of background checks has previously been encouraged and recommended by the General Assembly and its Committee on Domestic Abuse and Sexual Assault:

- The report of the Ad Interim Committee on Domestic Abuse and Sexual Assault to the Forty-Ninth General Assembly of the Presbyterian Church in America (the “DASA Report”) implores that “Churches protect their members with policies that take into consideration the most vulnerable in the congregation,” including “Presbyteries enacting policies to require background checks and abuse training for all ordinands and transfers, and policies to protect whistleblowers against retribution” (*M49GA* [2022], 965, 965 n.11).
- The DASA Report further recommends, “Candidates for the gospel ministry and others employed for spiritual oversight (Sunday school teachers, youth leaders, etc.) should be examined carefully to determine their godly character. Presbyteries and Sessions are encouraged to carefully investigate a candidate for leadership roles including but not limited to the candidate’s knowledge of theology. Background checks, social media checks, and careful reference checks should be used to screen for abusive leadership” (*ibid.*, 1183).
- The 42nd General Assembly resolved that churches prevent types of abuse “by screening staff and volunteers” (*M42GA* [2014], 59).
- The 42nd General Assembly resolved that churches “must cooperate with those authorities as they ‘bear the sword’ to punish those who do evil ‘in such an effectual manner as that no person be suffered ... to offer any indignity, violence, abuse, or injury to any other person whatsoever’ (Romans 13:1-7; 1 Peter 2:13-14; WCF 23.3)” (*ibid.*).

Response to Common Objections:

There are two objections to this proposal— noted in responses to Overture 6 at the 50th General Assembly from South Texas Presbytery—that warrant consideration and response:

- “Some candidates who have nothing to hide may refuse to submit to a background check, because they do not trust the State and do not believe the church should be looking to the state for the approval of

candidates. This liberty of conscience should be left free and not bound by extra-biblical rules.” (M50GA,108)

- “It is also not clear what will happen if a candidate refuses to submit to a criminal background check. If a man refuses to be fingerprinted or undergo a background check for reasons of conscience, is he disqualified for office? Is refusal to submit to a criminal background check by the civil magistrate is not a legitimate ground to disqualify a man for office. Thus, the overture would add an extra-Biblical requirement for officers.” (M50GA, 108–109)

Of the qualifications for church officers in 1 Timothy 3, the majority correspond to moral character. Only two are related to theological ability (as reflected in “able to teach” and “hold the mysteries of the faith”). Hence, the *Book of Church Order* reflects this importance by stating church courts must perform “a careful examination” including “personal character” (21-4.c; 24-1.a) and “Christian experience” (13-6). At the 50th General Assembly, the PCA again stressed the importance of moral character by amending our constitution stating church courts should give “specific attention to potential notorious concerns” and “to his practical struggle against sinful actions, as well as to persistent sinful desires” (BCO 21-4.c(e); 24-1). It is, therefore, clear from the recent debates and votes that the presbyteries of the PCA desire more reflection on the moral character of candidates’ ministries. Background checks are consistent with the recent emphasis on moral character within the PCA and its officers.

Further, the concept of “extra-biblical” in the objections is not properly defined or defended in the reasoning given by the Overtures Committee of the 50th General Assembly. For instance, neither examination in church history nor the *Book of Church Order* are required by a clear scriptural command; nonetheless they are requirements for ordination, along with many other things that are not explicitly named in Scripture (BCO 21-4.c; 24-1). This is because they are consistent with the instruction of scripture and the qualification of church officers. And this distinction between *command* and *consistent with* applies across our confession (WCF 1.6) and *Book of Church Order*. In particular, we confess “there are some circumstances concerning the ... government of the Church, common to human actions and societies, which are to be ordered by the light of nature and Christian prudence” (WCF 1.6). While background checks might not find any direct command in Scripture, they are consistent with biblical instructions to walk properly in the world since an officer “must

be well thought of by outsiders” (1 Tim. 3:7) and Christians are instructed to “keep your conduct among the Gentiles honorable” (1 Pet. 2:12). Though background checks might conform to guidance “common to human actions and societies” this requirement is not derived in an effort to please the world or the state. Perhaps counterintuitively, Paul says officers must be well thought of by outsiders so that they “may not fall into disgrace, into a snare of the devil” (1 Tim. 3:7). It is therefore pastorally wise to care for our church bodies *and our candidates* by requiring presbyteries and sessions to perform background checks.

Given the Scriptural consistency as well as consistency of recent amendments to the PCA’s *Book of Church Order*, background checks should not be considered as binding or violating men’s consciences unlawfully (PP 1 and PP 7). Instead, they are a consistent application of Scriptural standards for officers. If approved by the General Assembly and Presbyteries as a desired application of Scriptural principles, they would be capable of binding the conscience of officers (PP 1) who “promise subjection to your brethren in the Lord” (*BCO* 21-5; 24-6).

Candidates for office who cannot submit to the standards of their courts are not to be considered lesser brethren (Rom. 14:22) but should not be viewed as qualified to serve in the PCA if they cannot fulfill vows to their brethren.

Lower Court Policies:

The General Assembly ought not dictate the particular procedures Presbyteries and Sessions implement in performing background checks. Each Presbytery and Session will have local considerations that dictate how it can wisely fulfill this new constitutional requirement. However, the following forms are examples of the kinds of policies that could be adopted or amended to fit the needs of the court and to adhere to local laws and regulations.

Sample Presbytery policy:

Prior to any candidate coming before the Presbytery for examination for ordination or transfer of credentials, the [insert committee name] Committee shall order a background check on the candidate ordinarily at the cost of the Presbytery. The report of the background check shall only be received by the Committee in executive session. The candidate shall be furnished with a copy of the background check and given the opportunity to respond to the results of the background check. The

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Committee shall report to the Presbytery (1) that it has received the report of the background check, and no concerns were raised; (2) that it has received the report of the background check, and potential concerns were satisfactorily explained by the candidate without reflecting negatively on his *BCO* 13-6 or 21-4.c.(1)(a) examination; or (3) that it has received the report of the background check, and potential concerns should be weighed by the Presbytery in the candidate's *BCO* 13-6 or 21-4.c.(1)(a) examination. Any details of possible concerns found in the background check may be disclosed only to the Presbytery and/or the Session of the church calling the candidate when in executive session. Such details may be disclosed outside the Committee only at the Committee's discretion or upon the request of the Presbytery or Session properly seeking the information.

Sample Session policy:

Prior to any candidate coming before the Session for examination for the office of Ruling Elder or Deacon, the Session shall order a background check on the candidate at the cost of the Session. The report of the background check shall only be received by the Session in executive session. The candidate shall be furnished with a copy of the background check and given the opportunity to respond to the results of the background check. Information learned should ordinarily only be considered as part of the Session's examination of the candidate's personal character under *BCO* 24-1.a. and should not ordinarily be disclosed to the congregation.

Adopted by The Ohio Presbytery at its stated meeting, February 3, 2024.

Attested by /s/ TE Jason Piland, Stated Clerk

OVERTURE 18 from The Ohio Presbytery (to CCB, OC)
“Amend *BCO* 35-1 and 35-8 Regarding Witness Eligibility”

[Editorial Note: This overture is similar issue to Overture 1 but proposes an alternative amendment.]

Be it resolved that *BCO* 35-1 and 35-8 be amended as follows (underlines for additions, strikethroughs for deletions):

35-1. All persons ~~of proper age and intelligence~~ are competent witnesses, ~~except such as do not believe in the existence of God, or a future state of rewards and punishments~~ and a witness may testify only after making an oath or giving affirmation to testify truthfully (*BCO* 35-8). ~~Either party has the right to challenge a witness whom he believes to be incompetent, and the court shall examine and decide upon his competency.~~

35-8. ~~The~~ A witness's oath or affirmation ~~to a witness~~ shall be administered by the Moderator after warning the witness of the obligation to testify truthfully in the following or like terms. The Moderator shall inform the witness that regardless of whether he believes in God or in a future state of rewards and punishments, his oath or affirmation is made in the presence of God, and God will judge him on the truthfulness of his answers. The Moderator shall then ask the witness the following:

Do you solemnly promise, in the presence of God, that you will declare the truth, the whole truth, and nothing but the truth, according to the best of your knowledge in the matter in which you are called to witness, as you shall answer it to the great Judge of the living and the dead?

~~If, however, at any time a witness should present himself before a court, who for conscientious reasons prefers to swear or affirm in any other manner, he should be allowed to do so.~~ a witness cannot take an oath either because he does not have Christian faith necessary to invoke the name of God rightly or because he conscientiously objects to swearing an oath, the Moderator shall then ask the witness to affirm the following:

Do you solemnly promise that you will declare the truth, the whole truth, and nothing but the truth, according to the best of your knowledge in the matter in which you are called to witness?

The amended sections will then read as follows:

35-1. All persons are competent witnesses, and a witness may testify only after making an oath or giving affirmation to testify truthfully (*BCO 35-8*).

35-8. A witness's oath or affirmation shall be administered by the Moderator after warning the witness of the obligation to testify truthfully. The Moderator shall inform the witness that regardless of whether he believes in God or in a future state of rewards and punishments, his oath or affirmation is made in the presence of God, and God will judge him on the truthfulness of his answers. The Moderator shall then ask the witness the following:

Do you solemnly promise, in the presence of God, that you will declare the truth, the whole truth, and nothing but the truth, according to the best of your knowledge in the matter in which you are called to witness, as you shall answer it to the great Judge of the living and the dead?

If, however, a witness cannot take an oath either because he does not have Christian faith necessary to invoke the name of God rightly or because he conscientiously objects to swearing an oath, the Moderator shall then ask the witness to affirm the following:

Do you solemnly promise that you will declare the truth, the whole truth, and nothing but the truth, according to the best of your knowledge in the matter in which you are called to witness?

Rationale:

This overture is an attempt to improve upon the work of the Piedmont Triad Presbytery in Overture 1. By making this Overture, The Ohio Presbytery does not comment on the substance of Overture 1 in expanding witness eligibility.

In short, while Overture 1 intends to expand witness eligibility, it actually opens the door to narrow eligibility. While removing the category of witness “competency” and expanding a court’s ability to prohibit any witness from testifying, nothing in the amended *BCO* 35 prohibits a court from barring atheists—and many other kinds of people—from testifying. Indeed, the potential abuse of the amended *BCO* 35 is significant: nothing in the text prohibits a court from barring anyone from testifying for any reason.

Our current *BCO* maintains the important distinction between a witness’s *competency* and a witness’s *credibility*. *Competency* is a determination of a witness’s fitness to testify at all. It is a binary determination by the court: a witness is either qualified (competent) or not qualified (incompetent) to take the stand and give testimony. Consistent with our historic practice,¹ a court should only be able to disqualify a witness from testifying for expressly delineated reasons. Our current *BCO* provides three reasons: improper age, improper intelligence, and “not believ[ing] in the existence of God, or a future state of rewards and punishments” (35-1). The *BCO* is clear that a challenge to a witness taking the stand is permitted only on these grounds.

¹ Not only is this an American Presbyterian practice traceable in our heritage to at least 1879 (*The Book of Church Order of the Presbyterian Church in the United States* [Richmond, VA: Presbytery Committee of Publishing, 1879]), it is the long-standing common law practice as well, going back before the 18th century (William Blackstone, *Commentaries on the Law of England*, Book 3 [Oxford: Clarendon, 1767], 370). However, the movement in American legal systems has been toward removing all barriers to competency, thereby making more people eligible to serve as witnesses. (See, e.g., Note on Fed. Rules Evid. 601; Christopher B. Mueller and Laird C. Kirkpatrick, *Evidence*, 5th ed. [New York: Wolters Kluwer, 2012], 437–438.) This overture follows Overture 1 and the general American trend, but it would be easy to retain the categories of incompetency for improper age and intelligence:

35-1. All persons of proper age and intelligence are competent witnesses, ~~except such as do not believe in the existence of God, or a future state of rewards and punishments~~ and a witness may testify only after making an oath or giving affirmation to testify truthfully (*BCO* 35-8). Either party has the right to challenge a witness whom he believes to be incompetent, and the court shall examine and decide upon his competency.

Witness *credibility*, on the other hand, is a separate concept. Credibility is the determination of whether one's testimony is truthful or not, a determination that is made by the court trying a case (*BCO 35-5*). If two witnesses' stories differ, which one will the court believe? The one that is more credible. This determination is not made by an official motion, but it is implicitly decided during deliberations when a court comes to a judgment at the end of a trial.

A related concept is an objection not to a witness taking the stand, but an objection to *specific testimony* of a witness. Objecting to particular questions asked to a witness or to particular statements by a witness is always permitted, and that does not require the language found in *BCO 35-1* or Overture 1. Objections may be raised to frivolous or irrelevant questions or testimony (*BCO 35-7*). Also, the court has the right to use its discretion as to which questions are appropriate to ask (e.g., whether leading questions are appropriate or eliciting hearsay is permissible) (*BCO 35-7*). None of these are challenges to competency.

The challenges raised to a witness under *BCO 35-1* are only challenges to that witness's competency, not challenges to his credibility (which is offered through other testimony) or challenges to particular testimony (which any party may raise). The *BCO 35-1* competency challenges can only be made regarding that person's age, intelligence, or belief in God.

Maintaining narrow grounds of incompetency is intentional and best suits the interests of justice. Historically, the PCA has permitted only these very narrow categories to proscribe how the prosecutor and the accused can conduct his case. He has the right to call his own witnesses that can best make his argument to the court. Therefore, the rules limiting who can take the witness stand are very narrow, allowing parties the maximum freedom in developing their case. This freedom in advocacy is essential in ensuring justice for both victims and accused individuals in our church courts.

Overture 1, however, still permits objections to a witness taking the stand, but it does not tether those objections to the concept of competency any longer. Instead, Overture 1 does not describe the situations when a witness may be rightly barred from testifying, so a court is left to its own discretion in making that determination. All limitations, except for the court's will, are removed. Granting this level of new discretion to courts creates an unjust system. It is not difficult to imagine scenarios where a court would bar witnesses just because they are considered uncouth in the eyes of the court, even though those

individuals have important information to assist the court in its pursuit of the truth.

Consider the hypothetical case of an abusive pastor. Individuals who he has abused have left the PCA church, and some have left the faith altogether. At his trial, the pastor objects to all of these former members testifying because they are “disgruntled” and left the church angrily and without seeking reconciliation and restoration. Thus, he argues to the court, they are not fit to testify. Under the current *BCO*, those who left the faith likely will not be permitted to testify, but the others will. While the intent of Overture 1 is to permit all of these former members to testify, regardless of belief in God, Overture 1 actually sets up the possibility of a court to bar all of these former “disgruntled” members from testifying. A Presbytery could agree with the accused and bar all of them from testifying. Without their critical testimony, there is no case against the pastor, and he is acquitted of all charges. Truth is not found out, a man is not called to account for his sin, and victims continue to suffer.

Overture 1 leaves a massive loophole that can easily be used (even unintentionally) to drastically narrow who can testify in church courts. To reach Overture 1’s intended result—to expand who can testify in church courts—the mechanism of objecting untethered from competency must be removed.²

*Adopted by The Ohio Presbytery at its stated meeting, February 3, 2024.
Attested by /s/ TE Jason Piland, Stated Clerk*

² Overture 1 also changes the categories of “oath” and “affirmation” to “oath” and “promise.” This is an unnecessary change that weakens the import and gravity of the affirmation. An “affirmation” is a legal category that has the same legal effect as an oath (see, e.g., Fed. Rules Evid. 603). It triggers rights and obligations in the exact same way that oaths do. There is no reason to use the word “promise” in the place of “affirmation.”

OVERTURE 19 from the Session of Fountain Square (to CCB, OC)
Presbyterian Church, Indianapolis, Indiana
“Amend *BCO* 41 to allow Venue Change in Judicial Cases”

[Note: This overture was passed by the Session of Fountain Square Presbyterian Church on February 1, 2024, submitted to Central Indiana Presbytery at its stated meeting on February 9, 2024, and rejected by Central Indiana Presbytery at that meeting. (The relevant extract of the Presbytery minutes has been provided to the Stated Clerk of the PCA according to RAO 11-10.)]

Resolved that the *Book of Church Order (BCO)* 41 be amended as follows, and that these proposed amendments be referred to the Study Committee proposed in Overture 4 to the 51st General Assembly of the Presbyterian Church in America: (deletions are denoted throughout by ~~strikethroughs~~, additions are underlined)

41-1. A reference is a written representation and application ~~made~~ requested by a ~~lower~~ court of original jurisdiction to an adjacent or higher court for advice or other action on a matter pending before ~~the lower court, and is ordinarily to be made to the next higher court~~ it.

41-2. Among proper subjects for reference are matters that are new, delicate or difficult; or on which the members of the lower court are very seriously divided or cannot maintain impartiality; or which relate to questions involving the Constitution and legal procedures respecting which the lower court feels the need of guidance.

41-3. In making a reference the ~~lower~~ court of original jurisdiction may ask for advice only, or for final disposition of the matter referred; ~~and~~ in particular, it may refer a report regarding a personal offense (BCO 29-3) with request for its investigation and report (BCO 31) by an adjacent court of the same gradation (BCO 11-4), or a judicial case (BCO 32) with request for its trial and decision by the higher court.

41-4. A reference may be presented to the ~~higher~~ requested court by one or more representatives appointed by the ~~lower~~ court of original jurisdiction for this purpose. It should be accompanied with so much

of the record as shall be necessary for proper understanding and consideration of the matter referred.

41-5. Although references are sometimes proper, in general it is better that every court should discharge the duty assigned it under the law of the Church. A ~~higher~~ requested court is not required to accede to the request of the ~~lower~~ court of original jurisdiction, but it should ordinarily give advice when so requested.

41-6. When a court makes a reference, the court of original jurisdiction ~~it~~ ought to have all the testimony and other documents duly prepared, produced and in perfect readiness, so that the ~~higher~~ requested court may be able to fully consider and handle the case with as little difficulty or delay as possible, and should be able and ready to assist with any logistical or financial burdens which may ensue upon acceding to the reference request.”

so that the final text would read:

“**41-1.** A reference is a written representation and application requested by a court of original jurisdiction to an adjacent or higher court for advice or other action on a matter pending before it.

41-2. Among proper subjects for reference are matters that are new, delicate or difficult; or on which the members of the lower court are very seriously divided or cannot maintain impartiality; or which relate to questions involving the Constitution and legal procedures respecting which the lower court feels the need of guidance.

41-3. In making a reference the court of original jurisdiction may ask for advice only, or for final disposition of the matter referred. In particular, it may refer a report regarding a personal offense (*BCO 29-3*) with request for its investigation and report (*BCO 31*) by an adjacent court of the same gradation (*BCO 11-4*), or a judicial case (*BCO 32*) with request for its trial and decision by the higher court.

41-4. A reference may be presented to the requested court by one or more representatives appointed by the court of original jurisdiction for this purpose. It should be accompanied with so much of the record as

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shall be necessary for proper understanding and consideration of the matter referred.

41-5. Although references are sometimes proper, in general it is better that every court should discharge the duty assigned it under the law of the Church. A requested court is not required to accede to the request of the court of original jurisdiction, but it should ordinarily give advice when so requested.

41-6. When a court makes a reference, the court of original jurisdiction ought to have all the testimony and other documents duly prepared, produced and in perfect readiness, so that the requested court may be able to fully consider and handle the case with as little difficulty or delay as possible, and should be able and ready to assist with any logistical or financial burdens which may ensue upon acceding to the reference request.”

RATIONALE

For small Presbyteries and Sessions, it can be particularly difficult to perform an investigation properly, let alone to execute a trial. This provision provides the ability in certain circumstances for a court to transfer a case to another court of the same gradation (*BCO* 11-4) without having to send it up to a “higher court”—thus ensuring that the higher courts can function in a more appellate capacity.

In the cases origivative against Teaching Elders, where the only higher court is the General Assembly, reference to that court functionally eliminates the right of appeal, since there no court higher than that of the General Assembly. Implementing the ability for courts to reference a case “horizontally” preserves the right of appeal and ultimately upholds biblical justice without increasing the already high workload of the Standing Judicial Commission.

Nothing in this proposed language requires accession by the requested court.

Adopted by the Session of Fountain Square Presbyterian Church on February 1, 2024.

Attested by /s/ RE Dan Barber, Clerk of Session, Fountain Square Presbyterian Church.

Submitted to Central Indiana Presbytery at its stated meeting on February 9, 2024.

Rejected by Central Indiana Presbytery at its stated meeting on February 9, 2024. [The relevant extract of the Presbytery minutes has been provided to the Stated Clerk of the PCA according to RAO 11-10.]

Attested by /s/ Taylor Bradbury, Stated Clerk, Central Indiana Presbytery

OVERTURE 20 from the Session of Fountain Square (to CCB, OC)
Presbyterian Church, Indianapolis, Indiana
“Proposed Systematic Changes to *BCO* 31, 32, and 35”

[Note: This overture was passed by the Session of Fountain Square Presbyterian Church on February 1, 2024, submitted to Central Indiana Presbytery at its stated meeting on February 9, 2024, and rejected by Central Indiana Presbytery at that meeting. (The relevant extract of the Presbytery minutes has been provided to the Stated Clerk of the PCA according to RAO 11-10.)]

BE IT RESOLVED that the *Book of Church Order (BCO)* Chapters 31, 32, and 35 be amended as follows, and that these proposed amendments be referred to the Study Committee proposed in Overture 4 to the 51st General Assembly of the Presbyterian Church in America: (deletions are denoted throughout by ~~strike throughs~~, additions are underlined).

CHAPTER 31

Investigations and ~~t~~The Parties in Cases of Process

31-1. It is incumbent on every member of a court of Jesus Christ engaged in church discipline (*BCO* 27) to bear in mind the inspired injunction:

“Brethren, if a man is overtaken in any trespass, you who are spiritual restore such a one in the spirit of gentleness, considering yourself lest you also be tempted” (Galatians 6:1).
[Editorial note: current *BCO* 32-1]

31-12. Original jurisdiction (the right first or initially to hear and determine) in relation to ministers of the Gospel shall be in the Presbytery of which the minister is a member, except in cases as provided in *BCO* 34-1. Such original jurisdiction in relation to church members shall be in the Session of the church of which he/she is a member, except in cases as provided in *BCO* 33-1. Any report received by an Officer (*BCO* 7-2) regarding an alleged offense (*BCO* 29) shall be forwarded without delay to Clerk of the court of original jurisdiction. The Clerk of the court shall, within seven (7) calendar days of receipt, notify the accused person (and any associated entity, e.g., RUF, MNA, etc.) that a report has been filed against him.”

31-3. ~~The original and only parties in a case of process are the accuser and the accused. The accuser is always the Presbyterian Church in America, whose honor and purity are to be maintained. The prosecutor, whether voluntary or appointed, is always the representative of the Church, and as such has all its rights in the case. In appellate courts the parties are known as appellant and appellee. [Editorial note: this paragraph is moved to proposed 31-8] Great caution ought to be exercised in receiving accusations from any person who is known to indulge a malignant spirit towards the accused; who is not of good character; who is himself under censure or process; who is deeply interested in any respect in the conviction of the accused; or who is known to be litigious, rash or highly imprudent. [Editorial note: moved from current 31-8]~~

31-24. It is the duty of all church Sessions and Presbyteries to exercise care over those subject to their authority. They shall with due diligence and great discretion demand from such persons satisfactory explanations concerning reports affecting their Christian character, and .This duty is more imperative when those who deem themselves aggrieved by injurious reports shall may ask for an investigation. Reports regarding an alleged personal offense (*BCO* 29-3) in which there is an alleged victim shall ordinarily be initiated by the court no more than thirty (30) days from receipt by the Clerk of the court and shall be completed without undue delay. ~~If such investigation, however originating, should result in raising a strong presumption of the guilt of the party involved, the court shall institute process, and shall appoint a prosecutor to prepare the~~

~~indictment and to conduct the case. This prosecutor shall be a member of the court, except that in a case before the Session, he may be any communing member of the same congregation with the accused. [Editorial note: move to 31-7]~~

31-5. The court shall ensure that those investigating meet a basic standard of conduct for impartiality, and the court may hire a third party to aid in investigation. When the allegations involve personal offenses (BCO 29-3) against women, the court shall ordinarily ensure that the investigative body includes female advisory members.

A member shall recuse himself from any investigation in which the member's impartiality might reasonably be questioned, including but not limited to the following circumstances:

- i. The member has personal bias or prejudice concerning a party or a party's representative;
- ii. The member has personal knowledge of facts that are in dispute in the proceeding, or has investigated the facts of a matter independently;
- iii. The member was a witness concerning the matter. [Editorial note: these paragraphs are a new insertion]

31-6: Upon completion of an investigation ([editorial: proposed] BCO 31-4), a report shall be prepared by the court and considered by it outside the presence of any persons directly involved, and the approved report shall be transmitted to all such persons at the same time. Neither the court at large, nor the accused shall have access to evidence collected (testimony recordings, documents, etc.) apart from what is contained within the report, unless it is brought forth by the prosecutor at trial. [Editorial note: this paragraph is a new insertion]

31-7. If such investigation, however originating, should result in raising a strong presumption of the guilt of the party involved, the court shall institute process ([editorial: proposed] BCO 32-2) and conduct the case. This prosecutor shall be a member of the court, except that in a case before the Session, he may be any communing member of the same congregation with the accused.

31-38. The original and only parties in a case of process are the accuser and the accused. In every case the Church is the injured and accusing party, against the accused. Thus, the accuser is always the Presbyterian Church in America, whose honor and purity are to be maintained. The prosecutor, whether voluntary or appointed, is ‘always the representative of the Church, and as such has all its rights in the case. In appellate courts the parties are known as appellant and appellee. The accused may obtain representation ([editorial: proposed] *BCO* 32-7) when formal process begins ([editorial: proposed] *BCO* 32-1).

31-4. Every indictment shall begin: ~~“In the name of the Presbyterian Church in America,”~~ and shall conclude, ~~“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.”~~ In every case the Church is the injured and accusing party, against the accused. [Editorial: moved to proposed *BCO* 32-2]

31-59. An injured party shall not become a prosecutor of personal offenses without having tried the means of reconciliation and of reclaiming the offender, required by Christ.

“Moreover, if thy brother shall trespass against thee, go and tell him his fault between thee and him alone: if he shall hear thee, thou hast gained thy brother but if he will not hear thee, then take with thee one or two more, that in the mouth of two or three witnesses every word may be established” (Matthew 18:15-16).

A church court, however, may judicially investigate personal offenses as if general when the interest of religion seem to demand it. So, also, those to whom private offenses are known cannot become prosecutors without having previously endeavored to remove the scandal by private means.

31-610. When the offense is general, the case may be conducted either by any person appearing as prosecutor or by a prosecutor appointed by the court.

31-711. When the prosecution is instituted by the court, the previous steps required by our Lord in the case of personal offenses are not necessary. There are many cases, however, in which it will promote the interests of religion to send a committee to converse in a private manner with the offender, and endeavor to bring him to a sense of his guilt, before instituting actual process.

~~**31-8.** Great caution ought to be exercised in receiving accusations from any person who is known to indulge a malignant spirit towards the accused; who is not of good character; who is himself under censure or process; who is deeply interested in any respect in the conviction of the accused; or who is known to be litigious, rash or highly imprudent.~~

31-912. Every voluntary prosecutor shall be previously warned, that if he fail to show probable cause of the charges, he may himself be censured as a slanderer of the brethren.

31-103. When a member of a church court is under process, all his official functions may be suspended at the court's discretion; but this shall never be done in the way of censure. When a report is made (BCO 31-1) alleging a serious personal offense or public scandal by a member of the court, the court shall ordinarily suspend the accused from some or all of his official functions, which may include the right to attend and vote in unrelated matters of the court, for the duration of the resulting investigation, but this shall never be done in the way of censure. The court may by separate action continue such suspension if the investigation results in a strong presumption of guilt (BCO 31-2). The court shall in no way prevent the accused from attending meetings of the court regarding his case, nor restrict him from access to the minutes of the same distributed to other members of the court.

31-114. In the discussion of all questions arising in his own the case, the ~~accused~~ parties shall exercise the rights of ~~defendant~~ the parties only, not of judge. In light of the duty of all church Sessions and Presbyteries to exercise care for their constituents ([editorial: proposed] BCO 31-24), it is wise for the court to appoint men, and women when appropriate, to assist in providing care for both parties.

Any man so appointed shall not have the right to vote in any matters related to the case.

31-15. In all judicial matters, the court shall ordinarily operate in Closed Session. A Closed Session shall be understood as a meeting or portion of a meeting wherein only commissioners, and others specifically invited by the court, are present. The proceedings shall not be secret, but rather discussion of such matters outside of the meeting shall be at the discretion of each commissioner, and the minutes of such a closed session may be read and approved in open session. However, no person present at a closed session shall later identify in any manner the views, speeches or votes of a member during the closed session, apart from that member's written permission.

CHAPTER 32

General Provisions Applicable to all Cases of Process

~~32-1. It is incumbent on every member of a court of Jesus Christ engaged in a trial of offenders, to bear in mind the inspired injunction: "Brethren, if a man is overtaken in any trespass, you who are spiritual restore such a one in the spirit of gentleness, considering yourself lest you also be tempted" (Galatians 6:1). [Editorial: moved to proposed BCO 31-1]~~

~~32-2. Process against an offender shall not be commenced unless some person or persons undertake to make out the charge; or unless the court finds it necessary, for the honor of religion, itself to take the steps provided for in BCO 31-24 through 31-6. Process begins when the court appoints a prosecutor, which should ordinarily be done immediately after finding a strong presumption of guilt by investigation, or after receiving charges directly."~~

32-2. An indictment is the written account of charges and specifications formally prepared by the prosecutor. Every indictment shall begin: "**In the name of the Presbyterian Church in America,**" and shall conclude, "**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.**" In drawing the indictment, the times,

places and circumstances should, if possible, be particularly stated, that the accused may have an opportunity to make his defense (cf. BCO 32-11). [Editorial: the first sentence is new; the rest is from existing 31-4, 32-5]

32-3. A citation is a notice for a party or a witness to appear before the court, and shall be issued and signed by the moderator or clerk by order and in the name of the court. It is appropriate that with each citation the moderator or clerk call the attention of the parties to the Rules of Discipline (*BCO* 27 through 46) and assist the parties to obtain access to them. ~~When a charge is laid before the Session or Presbytery, it shall be reduced to writing, and nothing shall be done at the first meeting of the court, unless by consent of parties, except:~~

- ~~1. to appoint a prosecutor;~~
- ~~2. to order the indictment drawn and a copy, along with names of witnesses then known to support it, served on the accused, and~~
- ~~3. to cite the accused to appear and be heard at another meeting which shall not be sooner than ten days after such citation.~~

~~At the second meeting of the court the charges shall be read to the accused, if present, and he shall be called upon to say whether he be guilty or not.~~

~~If the accused confesses, the court may deal with him according to its discretion; if he plead and take issue, the trial shall be scheduled and all parties and their witnesses cited to appear. The trial shall not be sooner than fourteen (14) days after such citation. Accused parties may plead in writing when they cannot be personally present. Parties necessarily absent should have counsel assigned to them. [Editorial: the remainder of this is moved to later in the chapter]~~

32-4. The citation shall be issued and signed by the moderator or clerk by order and in the name of the court. He shall also issue citations to such witnesses as either party shall nominate to appear on his behalf. Indictments and citations shall be delivered in person or in another manner providing verification of the date of receipt; electronic delivery alone is sufficient when receipt is acknowledged by the recipient. Compliance with these requirements shall be deemed to

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have been fulfilled if a party cannot be located after diligent inquiry or if a party refuses to accept delivery.

~~32-5. In drawing the indictment, the times, places and circumstances should, if possible, be particularly stated, that the accused may have an opportunity to make his defense. Any person refusing to obey a citation shall be cited a second time. This second citation shall be accompanied with a notice that if he does not appear at the time appointed (unless providentially hindered, which fact he must make known to the court) he shall be dealt with for his contumacy ([Editorial: proposed]BCO 32-10).~~

~~32-6. a. When an accused person shall refuse to obey a citation, he shall be cited a second time. This second citation shall be accompanied with a notice that if he does not appear at the time appointed (unless providentially hindered, which fact he must make known to the court) he shall be dealt with for his contumacy (cf. BCO 33-2; 34-4).~~

~~b. When an accused person shall appear and refuse to plead, or otherwise refuse to cooperate with lawful proceedings, he shall be dealt with for his contumacy (cf. BCO 33-2; 34-4). On all questions arising in the progress of a case, the discussion shall first be between the parties; and when they have been heard, they may be required to withdraw from the court until the members deliberate upon and decide the point. [Editorial: added language taken from current BCO 32-14]~~

~~32-7. The time which must elapse between the serving of the first citation on the accused person, and the meeting of the court at which he is to appear, shall be at least ten (10) days. The time allotted for his appearance on the subsequent citation shall be left to the discretion of the court, provided that it be quite sufficient for a seasonable and convenient compliance with the citation. In cases of process before any church court, no professional representative shall be permitted to appear on behalf of any party, nor assist with oral or written arguments, nor engage in communications regarding the case. A person shall be considered a professional representative when: the representative is functioning in an attorney/client relationship, or the representative is remunerated specifically for his representation.~~

- a. In accordance with the preceding provisions, the accused may obtain representation, and parties necessarily absent shall

have representation assigned to them. Representatives for either party shall be communing members in good standing and may continue until the conclusion of the case in a higher court. Representatives shall not be allowed to sit in judgment in the case or vote in any related judicial matters decided by the court. Representatives for either party may appoint assistants according to these same provisions.

- b. In cases originating before a Session, a party may be represented by any communing member of the same particular church. If the Session judges that a party will not be well-served by representation from that body, the Session may request a representative from its Presbytery. In cases originating before any other court, a party may be represented by any member of that court. [Editorial: revision of current *BCO* 32-19, with a portion taken from current *BCO* 32-3]

~~32-8. When the offense with which an accused person stands charged took place at a distance, and it is inconvenient for the witnesses to appear before the court having jurisdiction, that court may either (a) appoint a commission of its body, or (b) request the coordinate court contiguous to the place where the facts occurred to take the testimony for it, or (c) have the testimony taken by videoconference, which shall employ technical means that ensure that all persons participating in the meeting can see and hear each other at the same time, and which allows for live cross-examination by both parties. The accused shall always have reasonable notice of the time and place of the meeting of this commission or coordinate court. If deemed expedient there may be a committee appointed, which shall be called the Judicial Committee, and whose duty it shall be to digest and arrange all the papers, and to prescribe, under the direction of the court, the whole order of the proceedings (cf. [editorial: proposed] *BCO* 32-11). The members of this committee shall be entitled, notwithstanding their performance of this duty, to sit and vote in the case as members of the court.~~ [Editorial: added language taken from current *BCO* 32-11]

~~32-9. When an offense, alleged to have been committed at a distance, is not likely otherwise to become known to the court having jurisdiction, it shall be the duty of the court within whose bounds the~~

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~~facts occurred, after satisfying itself that there is probable ground for accusation, to send notice to the court having jurisdiction, which shall at once proceed against the accused; or the whole case may be remitted for trial to the coordinate court within whose bounds the offense is alleged to have been committed. Minutes of the trial shall be kept by the clerk, which shall exhibit the charges, the answer, record of the testimony, as defined by BCO 35-9, and all such acts, orders, and decisions of the court relating to the case, as either party may desire, and also the judgment. The clerk shall without delay assemble the Record of the Case which shall consist of the charges, the answer, the citations and returns thereto, and the minutes herein required to be kept.~~

- a. When a case is removed by appeal or complaint, the lower court shall transmit "the Record" thus prepared to the higher court with the addition of the notice of appeal or complaint, and the reasons therefor, if any shall have been filed.
- b. Nothing which is not contained in this "Record" shall be taken into consideration by the higher court. On the final decision of a case in a higher court, the judgment shall be sent down to the court in which the case originated.

The parties shall be allowed copies of the Record of the Case at their own expense if they demand them. [Editorial: added language taken from current BCO 32-18 with minor edits]

~~**32-10.** Before proceeding to trial, courts ought to ascertain that their citations have been duly served. Contumacy is noncompliance with a lawful directive of the court (failure to appear for a citation, refusal to testify or provide evidence, etc.). Any officer or private member of the church found by the court to be noncompliant may be censured for contumacy (BCO 33-2; 34-4).~~ [Editorial: the first sentence is an adaptation from current BCO 32-6; the remainder of the added language taken from current BCO 35-14 with edits]

~~**32-11.** In every process, if deemed expedient there may be a committee appointed, which shall be called the Judicial Committee, and whose duty it shall be to digest and arrange all the papers, and to~~

~~prescribe, under the direction of the court, the whole order of the proceedings. The members of this committee shall be entitled, notwithstanding their performance of this duty, to sit and vote in the case as members of the court. Process occurs throughout a series of meetings of the court leading to and concluding with trial. Nothing shall be done at the first meeting of the court except as specified below, unless by consent of the parties:~~

- a. At the first meeting of the court, the court shall (1) appoint a prosecutor; (2) order the indictment drawn, and a copy, along with names of witnesses then known to support it, served on the accused; and (3) cite the accused to appear and be heard at another meeting which shall not be sooner than ten days after such citation.
- b. At the second meeting of the court, the court shall (1) read at least the charges to the accused, if present, and (2) he shall be called upon to say whether he be guilty or not.
 - i. If the accused confesses, the court may deal with him according to its discretion.
 - ii. If the accused does not confess, the trial shall be scheduled and all parties and their witnesses cited to appear. The trial shall not be sooner than fourteen (14) days after such citation. Accused parties may plead in writing when they cannot be personally present. [Editorial: added language expanded and adapted from current BCO 32-3]

The accused or a member of the court may object to the consideration of a charge, for example, if he thinks the passage of time since the alleged offense makes fair adjudication unachievable. The court should consider factors such as the gravity of the alleged offense as well as what degradations of evidence and memory may have occurred in the intervening period. [Editorial: added language taken from current BCO 32-20]

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32-12. Before proceeding to trial, the court shall delineate any trial rules to be observed by both parties not contained herein (e.g., points of order or objections which will be observed, manner to present evidence, etc.) at least fourteen (14) days prior to trial commencement, to which both parties shall assent. Courts ought also to ascertain that their citations have been duly served. [Editorial: added language expanded and taken from current *BCO* 32-10]

~~When the trial is about to begin, it shall be the duty of the moderator solemnly to announce from the chair that the court is about to pass to the consideration of the case, and to enjoin on the members to recollect and regard their high character as judges of a court of Jesus Christ, and the solemn duty in which they are about to engage.~~ [Editorial: this paragraph is moved to proposed *BCO* 32-15]

32-13. In order that the trial may be fair and impartial, ~~the~~ witnesses shall be examined in the presence of the accused (as permitted by *BCO* 32-~~8~~14), or at least after he shall have received due citation to attend. Witnesses may be cross-examined by both parties, and any questions asked must be pertinent to the issue (*BCO* 35-7). Every member sitting as a judge shall maintain a high standard of integrity, independence, and competence:

- i. He shall not render judgment on any matter pending before his court on anything other than the Constitution of the Church and the facts presented by the Record of the Case and other materials properly before him, and he shall not vote without having read the entirety of the Record of the Case and all other documents properly filed by the parties, and has heard the arguments of the parties and the discussion as to the merits of the matters in controversy.
- ii. He shall not express his opinion of the merits of any case pending trial to either party, or to any person not a member of the court, or absent himself from any sitting without the permission of the court, or satisfactory reasons rendered.
- iii. He shall not make any public or private statement that might reasonably be expected to affect the outcome of a matter which has been filed under the Rules of Discipline (*BCO* 27

through 46) with a court. Notwithstanding the foregoing, he may make statements regarding the principles of the form of government and discipline, the requirements of the BCO, the Rules of Assembly Operation, and Robert's Rules. If such statements seem to the member especially liable to be construed to address a matter before the court, a member making such public or private statements shall expressly qualify the statements indicating that they are limited to the subject matters permitted by this subsection and are not made with a view to the matter.

- iv. He shall be objective and open-minded with respect to all issues and all parties.

Pending the trial of a case, any member of the court who cannot meet these requirements shall be thereby disqualified from taking part in subsequent proceedings. A member shall recuse himself from sitting as a judge when his impartiality might reasonably be questioned ([Editorial: proposed]BCO 31-5). [Editorial: language adapted from the *Operating Manual of the Standing Judicial Commission* §2] A member of the court shall not be disqualified from sitting as a judge by having given testimony in the case, unless a party makes an objection, and the court subsequently determines that such member should be disqualified. The elder against whom the objection has been made shall retain the right to vote in the determination of qualification. Either party may, for cause, challenge the right of any member to sit in the trial of the case, which question shall be decided by the other members of the court. [Editorial: language taken from current BCO 35-13 and 32-16]

~~**32-14.** On all questions arising in the progress of a trial, the discussion shall first be between the parties; and when they have been heard, they may be required to withdraw from the court until the members deliberate upon and decide the point. [Editorial: moved to BCO 32-6] An offense may take place outside the court of original jurisdiction.~~

- a. When it is inconvenient for the witnesses to appear before the court having jurisdiction, that court may either:

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- i. appoint a commission of its body, or
- ii. request the coordinate court contiguous to the place where the facts occurred to take the testimony for it,
or
- iii. have the testimony taken by videoconference, which shall employ technical means that ensure that all persons participating in the meeting can see and hear each other at the same time, and which allows for live cross-examination by both parties.

The accused shall always have reasonable notice of the time and place of the meeting of this commission or coordinate court. [Editorial: taken and adapted from current *BCO* 32-8]

- b. When it is not likely otherwise to become known to the court having jurisdiction, it shall be the duty of the court within whose bounds the facts occurred, after satisfying itself that there is probable ground for accusation, to send notice to the court having jurisdiction, which shall at once proceed against the accused; or the whole case may be remitted for trial to the coordinate court within whose bounds the offense is alleged to have been committed. [Editorial: taken and adapted from current *BCO* 32-9]

32-15. When a court of first resort proceeds to the trial of a case, the following order shall be observed:

1. The moderator shall charge the court that it is about to pass to the consideration of the case, and to enjoin on the members to recollect and regard their high character as judges of a court of Jesus Christ, and the solemn duty in which they are about to engage. [Editorial: additional language taken from current *BCO* 32-12]
2. The indictment shall be read, and the answer of the accused heard; the reading of the indictment may be waived by consent of the parties.
3. The witnesses for the prosecutor and then those for the accused shall be examined.

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4. The parties shall be heard: first, the prosecutor, and then the accused, and the prosecutor shall close.
5. The roll shall be called, and the members may express their opinion in the case.
6. The vote shall be taken, the verdict announced, and judgment entered on the records.

~~32-16. Either party may, for cause, challenge the right of any member to sit in the trial of the case, which question shall be decided by the other members of the court. [Editorial: moved to proposed BCO 32-13]~~

~~32-17. Pending the trial of a case, any member of the court who shall express his opinion of its merits to either party, or to any person not a member of the court; or who shall absent himself from any sitting without the permission of the court, or satisfactory reasons rendered, shall be thereby disqualified from taking part in the subsequent proceedings. [Editorial: moved to proposed BCO 32-13]~~

~~32-18. Minutes of the trial shall be kept by the clerk, which shall exhibit the charges, the answer, record of the testimony, as defined by BCO 35-7, and all such acts, orders, and decisions of the court relating to the case, as either party may desire, and also the judgment.~~

~~The clerk shall without delay assemble the Record of the Case which shall consist of the charges, the answer, the citations and returns thereto, and the minutes herein required to be kept.~~

~~The parties shall be allowed copies of the Record of the Case at their own expense if they demand them.~~

~~When a case is removed by appeal or complaint, the lower court shall transmit "the Record" thus prepared to the higher court with the addition of the notice of appeal or complaint, and the reasons therefor, if any shall have been filed.~~

~~Nothing which is not contained in this "Record" shall be taken into consideration by the higher court. On the final decision of a case in a higher court, the judgment shall be sent down to the court in which the case originated. [Editorial: moved to proposed BCO 32-9]~~

~~32-19: No professional counsel shall be permitted as such to appear and plead in cases of process in any court; but an accused person may,~~

~~if he desires it, be represented before the Session by any communing member of the same particular church, or before any other court, by any member of that court. A member of the court so employed shall not be allowed to sit in judgment in the case. [Editorial: moved to proposed BCO 32-7]~~

~~**32-20.** The accused or a member of the court may object to the consideration of a charge, for example, if he thinks the passage of time since the alleged offense makes fair adjudication unachievable. The court should consider factors such as the gravity of the alleged offense as well as what degradations of evidence and memory may have occurred in the intervening period. [Editorial: moved to proposed BCO 32-11]~~

CHAPTER 35

Evidence

35-1...

35-4. The testimony of more than one witness shall be necessary in order to establish any charge; yet if, in addition to the testimony of one witness, corroborative evidence be produced, or if several credible witnesses bear testimony to different similar acts, belonging to the same general charge, the offense may be considered to be proved.

35-5. It belongs to the court to judge the degree of credibility to be attached to all evidence. All evidence to be presented at trial, along with witness names, shall be exchanged by the parties at least fourteen (14) days before the trial is scheduled to commence.

35-6. No witness afterwards to be examined, unless a member of the court, shall be present during the examination of another witness on the same case, if either party object.

35-7. Witnesses shall be examined first by the party introducing them; then cross-examined by the opposite party; after which any member of the court, or either party, may put additional interrogatories. No question shall be put or answered except by permission of the

moderator, subject to an appeal to the court. [Editorial note: new paragraph]

The court shall not permit questions frivolous or irrelevant to the charge at issue, including assertions or questions regarding the character of the witness not in question, and any finding by the court that such an assertion or question was made shall be stricken from the Record of the Case.

35-8...

35-10. The records of a court or any part of them, whether original or transcribed, if regularly authenticated by the moderator and clerk, or by either of them, shall be deemed good and sufficient evidence in every other court. In like manner, testimony taken by one court (including testimony written or recorded during investigation) and regularly authenticated shall be received by every other court.

35-11. ~~In like manner, testimony taken by one court and regularly certified shall be received by every other court as no less valid than if it had been taken by itself.~~ Evidence relevant to the issue at charge shall be automatically admitted by the court when its authenticity is not in dispute or can be easily ascertained by the court.

35-12. When it is not convenient for a court to have the whole or perhaps any part of the testimony in any particular case taken in its presence, a commission shall be appointed, or coordinate court requested, to take the testimony in question, which shall be considered as if taken in the presence of the court.

Due notice of the commission or coordinate court or videoconference, and of the time and place of its meeting, shall be given to the opposite party, that he may have an opportunity of attending. If the accused shall desire on his part to take testimony at a distance for his own exculpation, he shall give notice to the court of the time and place at which it shall be taken, in order that a commission or coordinate court, as in the former case, may be appointed for the purpose. Testimony may be taken on written interrogatories by filing the same with the clerk of the court having jurisdiction of the case, and giving two weeks' notice thereof to the adverse party, during which

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time he may file cross-interrogatories, if he desire it. Testimony shall then be taken by the commission or coordinate court in answer to the direct and cross-interrogatories, if such are filed, and no notice need be given of the time and place of taking the testimony.

~~35-13. A member of the court shall not be disqualified from sitting as a judge by having given testimony in the case, unless a party makes an objection, and the court subsequently determines that such member should be disqualified. The elder against whom the objection has been made shall retain the right to vote in the determination of qualification.~~ [editorial: moved to proposed *BCO* 32-13] ~~A member of the court who is the prosecutor in the case (*BCO* 31-2) is disqualified from sitting as a judge.~~ [editorial: moved to proposed *BCO* 32-7]

~~35-14. An officer or private member of the church refusing to testify may be censured for contumacy.~~ [Editorial: moved to proposed *BCO* 32-10]

~~35-15.~~ 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.

~~35-164.~~ If, in the prosecution of an appeal, new evidence be offered which, in the judgment of the appellate court, has an important bearing on the case, it shall be competent for that court to refer the case to the lower court for a new trial; or, with the consent of parties, to admit the evidence and proceed with the case.

so that the final text would read:

CHAPTER 31

Investigations and the Parties in Cases of Process

31-1. It is incumbent on every member of a court of Jesus Christ engaged in church discipline (*BCO 27*) to bear in mind the inspired injunction:

“Brethren, if a man is overtaken in any trespass, you who are spiritual restore such a one in the spirit of gentleness, considering yourself lest you also be tempted” (*Galatians 6:1*).

31-2. Original jurisdiction (the right first or initially to hear and determine) in relation to ministers of the Gospel shall be in the Presbytery of which the minister is a member, except in cases as provided in *BCO 34-1*. Such original jurisdiction in relation to church members shall be in the Session of the church of which he/she is a member, except in cases as provided in *BCO 33-1*. Any report received by an Officer (*BCO 7-2*) regarding an alleged offense (*BCO 29*) shall be forwarded without delay to Clerk of the court of original jurisdiction. The Clerk of the court shall, within seven (7) calendar days of receipt, notify the accused person (and any associated entity, e.g., RUF, MNA, etc.) that a report has been filed against him.”

31-3. Great caution ought to be exercised in receiving accusations from any person who is known to indulge a malignant spirit towards the accused; who is not of good character; who is himself under censure or process; who is deeply interested in any respect in the conviction of the accused; or who is known to be litigious, rash or highly imprudent.”

31-4. It is the duty of all church Sessions and Presbyteries to exercise care over those subject to their authority. They shall with due diligence and great discretion demand from such persons satisfactory explanations concerning reports affecting their Christian character, and those who deem themselves aggrieved by injurious reports may ask for an investigation.” Reports regarding an alleged personal offense (*BCO 29-3*) in which there is an alleged victim shall ordinarily

be initiated by the court no more than thirty (30) days from receipt by the Clerk of the court and shall be completed without undue delay.

31-5. The court shall ensure that those investigating meet a basic standard of conduct for impartiality, and the court may hire a third party to aid in investigation. When the allegations involve personal offenses (*BCO 29-3*) against women, the court shall ordinarily ensure that the investigative body includes female advisory members.

A member shall disqualify himself from any investigation in which the member's impartiality might reasonably be questioned, including but not limited to the following circumstances:

- a. The member has personal bias or prejudice concerning a party or a party's representative;
- b. The member has personal knowledge of facts that are in dispute in the proceeding, or has investigated the facts of a matter independently;
- c. The member was a witness concerning the matter.

31-6: Upon completion of an investigation (*BCO 31-4*), a report shall be prepared by the court and considered by it outside the presence of any persons directly involved, and the approved report shall be transmitted to all such persons at the same time. Neither the court at large, nor the accused shall have access to evidence collected (testimony recordings, documents, etc.) apart from what is contained within the report, unless it is brought forth by the prosecutor at trial.

31-7. If such investigation, however originating, should result in raising a strong presumption of the guilt of the party involved, the court shall institute process (*BCO 32-2*) and conduct the case. This prosecutor shall be a member of the court, except that in a case before the Session, he may be any communing member of the same congregation with the accused.

31-8. The original and only parties in a case of process are the accuser and the accused. In every case the Church is the injured and accusing party, against the accused. Thus, the accuser is always the Presbyterian Church in America, whose honor and purity are to be maintained. The

prosecutor, whether voluntary or appointed, is always the representative of the Church, and as such has all its rights in the case. In appellate courts the parties are known as appellant and appellee. The accused may obtain representation (*BCO* 32-7) when formal process begins (*BCO* 32-1).

31-9. An injured party shall not become a prosecutor of personal offenses without having tried the means of reconciliation and of reclaiming the offender, required by Christ.

“Moreover, if thy brother shall trespass against thee, go and tell him his fault between thee and him alone: if he shall hear thee, thou hast gained thy brother but if he will not hear thee, then take with thee one or two more, that in the mouth of two or three witnesses every word may be established” (Matthew 18:15-16).

A church court, however, may judicially investigate personal offenses as if general when the interest of religion seem to demand it. So, also, those to whom private offenses are known cannot become prosecutors without having previously endeavored to remove the scandal by private means.

31-10. When the offense is general, the case may be conducted either by any person appearing as prosecutor or by a prosecutor appointed by the court.

31-11. When the prosecution is instituted by the court, the previous steps required by our Lord in the case of personal offenses are not necessary. There are many cases, however, in which it will promote the interests of religion to send a committee to converse in a private manner with the offender, and endeavor to bring him to a sense of his guilt, before instituting actual process.

31-12. Every voluntary prosecutor shall be previously warned, that if he fail to show probable cause of the charges, he may himself be censured as a slanderer of the brethren.

31-13. When a member of a church court is under process, all his official functions may be suspended at the court's discretion; but this shall never be done in the way of censure. When a report is made (*BCO* 31-1) alleging a serious personal offense or public scandal by a member of the court, the court shall ordinarily suspend the accused from some or all of his official functions, which may include the right to attend and vote in unrelated matters of the court, for the duration of the resulting investigation, but this shall never be done in the way of censure. The court may by separate action continue such suspension if the investigation results in a strong presumption of guilt (*BCO* 31-2). The court shall in no way prevent the accused from attending meetings of the court regarding his case, nor restrict him from access to the minutes of the same distributed to other members of the court.

31-14. In the discussion of all questions arising in the case, the parties shall exercise the rights of the parties only, not of judge. In light of the duty of all church Sessions and Presbyteries to exercise care for their constituents (*BCO* 31-4), it is wise for the court to appoint men, and women when appropriate, to assist in providing care for both parties. Any man so appointed shall not have the right to vote in any matters related to the case.

31-15. In all judicial matters, the court shall ordinarily operate in Closed Session. A Closed Session shall be understood as a meeting or portion of a meeting wherein only commissioners, and others specifically invited by the court, are present. The proceedings shall not be secret, but rather discussion of such matters outside of the meeting shall be at the discretion of each commissioner, and the minutes of such a closed session may be read and approved in open session. However, no person present at a closed session shall later identify in any manner the views, speeches or votes of a member during the closed session, apart from that member's written permission.

CHAPTER 32

General Provisions Applicable to all Cases of Process

32-1. Process against an offender shall not be commenced unless some person or persons undertake to make out the charge; or unless the court

finds it necessary, for the honor of religion, itself to take the steps provided for in *BCO* 31-4 through 31-6. Process begins when the court appoints a prosecutor, which should ordinarily be done immediately after finding a strong presumption of guilt by investigation, or after receiving charges directly.”

32-2. An indictment is the written account of charges and specifications formally prepared by the prosecutor. Every indictment shall begin: **“In the name of the Presbyterian Church in America,”** and shall conclude, **“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.”** In drawing the indictment, the times, places and circumstances should, if possible, be particularly stated, that the accused may have an opportunity to make his defense (cf. *BCO* 32-11).

32-3. A citation is a notice for a party or a witness to appear before the court, and shall be issued and signed by the moderator or clerk by order and in the name of the court. It is appropriate that with each citation the moderator or clerk call the attention of the parties to the Rules of Discipline (*BCO* 27 through 46) and assist the parties to obtain access to them.

32-4. Indictments and citations shall be delivered in person or in another manner providing verification of the date of receipt; electronic delivery alone is sufficient when receipt is acknowledged by the recipient. Compliance with these requirements shall be deemed to have been fulfilled if a party cannot be located after diligent inquiry or if a party refuses to accept delivery.

32-5. Any person refusing to obey a citation shall be cited a second time. This second citation shall be accompanied with a notice that if he does not appear at the time appointed (unless providentially hindered, which fact he must make known to the court) he shall be dealt with for his contumacy (*BCO* 32-10).

32-6. On all questions arising in the progress of a case, the discussion shall first be between the parties; and when they have been heard, they

may be required to withdraw from the court until the members deliberate upon and decide the point.

32-7. In cases of process before any church court, no professional representative shall be permitted to appear on behalf of any party, nor assist with oral or written arguments, nor engage in communications regarding the case. A person shall be considered a professional representative when: the representative is functioning in an attorney/client relationship, or the representative is remunerated specifically for his representation.

- a. In accordance with the preceding provisions, the accused may obtain representation, and parties necessarily absent shall have representation assigned to them. Representatives for either party shall be communing members in good standing and may continue until the conclusion of the case in a higher court. Representatives shall not be allowed to sit in judgment in the case or vote in any related judicial matters decided by the court. Representatives for either party may appoint assistants according to these same provisions.
- b. In cases originating before a Session, a party may be represented by any communing member of the same particular church. If the Session judges that a party will not be well-served by representation from that body, the Session may request a representative from its Presbytery. In cases originating before any other court, a party may be represented by any member of that court.

32-8. If deemed expedient there may be a committee appointed, which shall be called the Judicial Committee, and whose duty it shall be to digest and arrange all the papers, and to prescribe, under the direction of the court, the whole order of the proceedings (cf. *BCO* 32-11). The members of this committee shall be entitled, notwithstanding their performance of this duty, to sit and vote in the case as members of the court.

32-9. Minutes of the trial shall be kept by the clerk, which shall exhibit the charges, the answer, record of the testimony, as defined by *BCO*

APPENDIX U

35-9, and all such acts, orders, and decisions of the court relating to the case, as either party may desire, and also the judgment. The clerk shall without delay assemble the Record of the Case which shall consist of the charges, the answer, the citations and returns thereto, and the minutes herein required to be kept.

- c. When a case is removed by appeal or complaint, the lower court shall transmit “the Record” thus prepared to the higher court with the addition of the notice of appeal or complaint, and the reasons therefor, if any shall have been filed.
- d. Nothing which is not contained in this “Record” shall be taken into consideration by the higher court. On the final decision of a case in a higher court, the judgment shall be sent down to the court in which the case originated.

The parties shall be allowed copies of the Record of the Case at their own expense if they demand them.

32-10. Contumacy is noncompliance with a lawful directive of the court (failure to appear for a citation, refusal to testify or provide evidence, etc.). Any officer or private member of the church found by the court to be noncompliant may be censured for contumacy (*BCO* 33-2; 34-4).

32-11. Process occurs throughout a series of meetings of the court leading to and concluding with trial. Nothing shall be done at the first meeting of the court except as specified below, unless by consent of the parties:

- a. At the first meeting of the court, the court shall (1) appoint a prosecutor; (2) order the indictment drawn, and a copy, along with names of witnesses then known to support it, served on the accused; and (3) cite the accused to appear and be heard at another meeting which shall not be sooner than ten days after such citation.

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- b. At the second meeting of the court, the court shall (1) read at least the charges to the accused, if present, and (2) he shall be called upon to say whether he be guilty or not.
 - i. If the accused confesses, the court may deal with him according to its discretion.
 - ii. If the accused does not confess, the trial shall be scheduled and all parties and their witnesses cited to appear. The trial shall not be sooner than fourteen (14) days after such citation. Accused parties may plead in writing when they cannot be personally present.

The accused or a member of the court may object to the consideration of a charge, for example, if he thinks the passage of time since the alleged offense makes fair adjudication unachievable. The court should consider factors such as the gravity of the alleged offense as well as what degradations of evidence and memory may have occurred in the intervening period.

32-12. Before proceeding to trial, the court shall delineate any trial rules to be observed by both parties not contained herein (e.g., points of order or objections which will be observed, manner to present evidence, etc.) at least fourteen (14) days prior to trial commencement, to which both parties shall assent. Courts ought also to ascertain that their citations have been duly served.

32-13. In order that the trial may be fair and impartial, witnesses shall be examined in the presence of the accused (as permitted by *BCO* 32-14), or at least after he shall have received due citation to attend. Witnesses may be cross-examined by both parties, and any questions asked must be pertinent to the issue (*BCO* 35-7). Every member sitting as a judge shall maintain a high standard of integrity, independence, and competence:

- i. He shall not render judgment on any matter pending before his court on anything other than the Constitution of the Church and the facts presented by the Record of the Case and other materials properly before him, and he shall not vote without

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having read the entirety of the Record of the Case and all other documents properly filed by the parties, and has heard the arguments of the parties and the discussion as to the merits of the matters in controversy.

- ii. He shall not express his opinion of the merits of any case pending trial to either party, or to any person not a member of the court, or absent himself from any sitting without the permission of the court, or satisfactory reasons rendered.
- iii. He shall not make any public or private statement that might reasonably be expected to affect the outcome of a matter which has been filed under the Rules of Discipline with a court. Notwithstanding the foregoing, he may make statements regarding the principles of the form of government and discipline, the requirements of the *BCO*, the *Rules of Assembly Operation*, and *Robert's Rules*. If such statements seem to the member especially liable to be construed to address a matter before the court, a member making such public or private statements shall expressly qualify the statements indicating that they are limited to the subject matters permitted by this subsection and are not made with a view to the matter.
- iv. He shall be objective and open-minded with respect to all issues and all parties.

Pending the trial of a case, any member of the court who cannot meet these requirements shall be thereby disqualified from taking part in subsequent proceedings. A member shall recuse himself from sitting as a judge when his impartiality might reasonably be questioned (*BCO* 31-5).

A member of the court shall not be disqualified from sitting as a judge by having given testimony in the case, unless a party makes an objection, and the court subsequently determines that such member should be disqualified. The elder against whom the objection has been made shall retain the right to vote in the determination of qualification. Either party may, for cause, challenge the right of any member to sit

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in the trial of the case, which question shall be decided by the other members of the court.

32-14. An offense may take place outside the court of original jurisdiction.

- a. When it is inconvenient for the witnesses to appear before the court having jurisdiction, that court may either:
 - iv. appoint a commission of its body, or
 - v. request the coordinate court contiguous to the place where the facts occurred to take the testimony for it, or
 - vi. have the testimony taken by videoconference, which shall employ technical means that ensure that all persons participating in the meeting can see and hear each other at the same time, and which allows for live cross-examination by both parties.

The accused shall always have reasonable notice of the time and place of the meeting of this commission or coordinate court.

- b. When it is not likely otherwise to become known to the court having jurisdiction, it shall be the duty of the court within whose bounds the facts occurred, after satisfying itself that there is probable ground for accusation, to send notice to the court having jurisdiction, which shall at once proceed against the accused; or the whole case may be remitted for trial to the coordinate court within whose bounds the offense is alleged to have been committed.

32-15. When a court of first resort proceeds to the trial of a case, the following order shall be observed:

1. The moderator shall charge the court that it is about to pass to the consideration of the case, and to enjoin on the members to recollect and regard their high character as judges of a court

of Jesus Christ, and the solemn duty in which they are about to engage.

2. The indictment shall be read, and the answer of the accused heard; the reading of the indictment may be waived by consent of the parties.
3. The witnesses for the prosecutor and then those for the accused shall be examined.
4. The parties shall be heard: first, the prosecutor, and then the accused, and the prosecutor shall close.
5. The roll shall be called, and the members may express their opinion in the case.
6. The vote shall be taken, the verdict announced, and judgment entered on the records.

CHAPTER 35

Evidence

35-1. ...

35-4. The testimony of more than one witness shall be necessary in order to establish any charge; yet if, in addition to the testimony of one witness, corroborative evidence be produced, or if several credible witnesses bear testimony to different similar acts, belonging to the same general charge, the offense may be considered to be proved.

35-5. It belongs to the court to judge the degree of credibility to be attached to all evidence. All evidence to be presented at trial, along with witness names, shall be exchanged by the parties at least fourteen (14) days before the trial is scheduled to commence.

35-6. No witness afterwards to be examined, unless a member of the court, shall be present during the examination of another witness on the same case, if either party object.

35-7. Witnesses shall be examined first by the party introducing them; then cross-examined by the opposite party; after which any member of the court, or either party, may put additional interrogatories. No question shall be put or answered except by permission of the

moderator, subject to an appeal to the court. [Editorial note: new paragraph]

The court shall not permit questions frivolous or irrelevant to the charge at issue, including assertions or questions regarding the character of the witness not in question, and any finding by the court that such an assertion or question was made shall be stricken from the Record of the Case.

35-8. ...

35-10. The records of a court or any part of them, whether original or transcribed, if regularly authenticated by the moderator and clerk, or by either of them, shall be deemed good and sufficient evidence in every other court. In like manner, testimony taken by one court (including testimony written or recorded during investigation) and regularly authenticated shall be received by every other court.

35-11. Evidence relevant to the issue at charge shall be automatically admitted by the court when its authenticity is not in dispute or can be easily ascertained by the court.

35-12. When it is not convenient for a court to have the whole or perhaps any part of the testimony in any particular case taken in its presence, a commission shall be appointed, or coordinate court requested, to take the testimony in question, which shall be considered as if taken in the presence of the court.

Due notice of the commission or coordinate court or videoconference, and of the time and place of its meeting, shall be given to the opposite party, that he may have an opportunity of attending. If the accused shall desire on his part to take testimony at a distance for his own exculpation, he shall give notice to the court of the time and place at which it shall be taken, in order that a commission or coordinate court, as in the former case, may be appointed for the purpose. Testimony may be taken on written interrogatories by filing the same with the clerk of the court having jurisdiction of the case, and giving two weeks' notice thereof to the adverse party, during which time he may file cross-interrogatories, if he desire it. Testimony shall then be taken by the commission or coordinate court in answer to the

direct and cross-interrogatories, if such are filed, and no notice need be given of the time and place of taking the testimony.

35-13. 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.

35-14. If, in the prosecution of an appeal, new evidence be offered which, in the judgment of the appellate court, has an important bearing on the case, it shall be competent for that court to refer the case to the lower court for a new trial; or, with the consent of parties, to admit the evidence and proceed with the case.

BE IT FURTHER RESOLVED that the following references be updated accordingly:

- *BCO* 38-3, update “31-2” to “31-3”
- *BCO* 42-6, update “31-10” to “31-13”
- *BCO* 35-3, 38-1, 42-10, update “32-19” to “32-7”
- *BCO* 38-3.a, update “32-3” to “32-11”
- *BCO* 33-2, 34-4 update “32-6” to “32-10”
- All references to these same chapters within the Appendices
- All references to these same chapters within the *OMSJC*

RATIONALE

These three chapters have enjoyed no small number of attempted and successful overtures and throughout their history. Even so, still much confusion abounds for many lower courts, resulting and an overabundance of work for the higher courts upon review and control, complaint and appeal. We believe that much of this can be mitigated in the future by adding structure that will bring clarity to the process, while offering new emendations—as the Assembly did recently to *BCO* 35— which will prove very helpful to future investigations and cases of process.

Should all these changes be adopted as proposed, the result would be the retaining of most of the current text (with some additions throughout), relocating items together throughout these three chapters, several entirely new

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paragraphs, totaling 1102 additional words with the *Rules of Discipline*, as allocated below:

- 400 words regarding impartiality (123 in 31-5; 277 in 32-13);
- 103 words regarding the reporting of allegations;
- 80 words regarding reporting of results of an investigation;
- 126 words regarding non-censure suspension;
- 110 words regarding the adoption of closed session; and
- 283 words regarding various sundry changes throughout the remainder.

It would further demonstrate a new logical flow for the lower courts to better follow in handling any judicial cases arising before them:

Chapter 31

- 31-1 Solemn warning when beginning judicial procedures (Existing 32-1)
- 31-2 Original jurisdiction and notification of reports (Existing 31-1)
- 31-3 Caution in receiving accusations (Existing 31-8)
- 31-4 Initiation and timeliness of investigations (Existing 31-2, ¶1)
- 31-5 Impartiality of the investigative body
- 31-6 Investigative Committee Findings and Documents
- 31-7 Actions of the court upon finding a strong presumption of guilt (Existing 31-2, ¶2)
- 31-8 Parties in a case of process (Existing 31-3)
- 31-9 Requirements for prosecution of personal offenses (Existing 31-5)
- 31-10 Requirements for prosecution of general offenses (Existing 31-6)
- 31-11 Requirements for prosecution when instituted by the court (Existing 31-7)
- 31-12 Voluntary prosecutors (Existing 31-9)
- 31-13 Administrative suspension (Existing 31-10)
- 31-14 Care for the parties and voting rights (Existing 31-11 with expansion)
- 31-15 Closed Session for Judicial process

The result is a chapter that follows the flow of actual investigations through the initiation of process, with some changes to existing paragraphs for better fit: for example, current *BCO* 31-8 is moved to 31-2, which is where considering of accusations would normally begin, upon their reception. The bulk of the additions aim to provide some additional clarity to the investigative process, which currently occupies the minority of the text in this chapter. These changes will also result in less complaints to the higher courts while simultaneously providing a modest increase in direction for investigations—without being too prescriptive—maintaining the current *BCO* posture of discretion for decision-making by a court of original jurisdiction, being closest to whatever investigation and process is occurring.

Chapter 32

- 32-1 Initiation of formal process (Current 32-2)
- 32-2 Indictments (Current 31-4, 32-5, reference to 32-20)
- 32-3 Citations (Current 32-3, 32-4 in part)
- 32-4 Delivery of citations and indictments (Current 32-4 in part)
- 32-5 Refusal to obey citations (adaptation of current 32-6, 35-12; reference to 32-10)
- 32-6 Progress of a case (Current 32-14)
- 32-7 Prohibition against professional counsel (Current 32-19)
- 32-8 Judicial Committees (Current 32-11)
- 32-9 Minutes (Current 32-18)
- 32-10 Contumacy (adaptation of current 32-6 in part)
- 32-11 Meetings of the court (adapted from current 32-3, 32-20)
- 32-12 Pretrial matters (Current 32-10, with expansion)
- 32-13 Trial impartiality (expansion of current 32-13, 32-16, 35-13, based on *OMSJC* 2)
- 32-14 Offenses taking place at a distance (adapted from current 32-8, 32-9)
- 32-15 The trial (adapted from current 32-12, 32-15)

If all proposed changes are adopted, items that appear in multiple locations within the chapter—for example, citations or indictments, which appear both here in current *BCO* 32-3 and 32-5, as well as 31-3—would be collocated in the same section, or at least in adjacent sections. The resulting structure is in a natural flow regarding judicial process and provides a helpful outline within

the *BCO* itself for presbyters in conducting court cases (in addition to the helpful procedural checklists already provided elsewhere): Sections 1–10 explain the individual elements of judicial process (citations, indictments, representation, recordkeeping, contumacy, etc.), while Sections 11–15 delineate the formal meetings of the court from the first to the last culminating with the trial and decision itself.

Chapter 35

- 35-1 Witness competency
- 35-2 Rights of the accused
- 35-3 Accommodations for witness testimony
- 35-4 Proving a charge
- 35-5 Judging credibility of evidence
- 35-6 Sequestration of witnesses
- 35-7 Examination of witnesses at trial
- 35-8 Witness oath
- 35-9 Recording of testimony and the Record of the Case
- 35-10 Admissibility of evidence from other courts
- 35-11 Admissibility of other evidence
- 35-12 Testimony taken at a distance
- 35-13 Right to request a new trial
- 35-14 Evidence offered during appeal

The bulk of the reorganization of *BCO* 35 occurred during the work of the Overture Committee to the 49th General Assembly, ratified at the 50th, wherein we significantly reworked the first five sections along the same lines as what has been proposed for *BCO* 31 and 32. The substantive changes in *BCO* 35 do no materially alter the topic of each section.

Itemized Rationale. The following brief description of each proposed change and the rationale for it is offered.

Proposed BCO 31-1: Solemn Warning When Beginning Judicial Procedure. Moved from *BCO* 32-1 to the first chapter where most cases originate.

Rationale: Commenting on what today is our *BCO* 32-1 (in Ramsay it is §172), Ramsay offers this wisdom: “The trial proper begins with

the charge of the Moderator to the court (183), while the process begins with the determination of the court that there shall be a judicial prosecution, and judicial procedure begins with the determination of the court to investigate; but this principle, while especially imperative during the trial proper, applies throughout the whole judicial procedure, as indeed in all dealing with offenders.”

The warning to brothers about engaging in the restorative process of ecclesiastical discipline is certainly apropos both at the start of a trial, but even as much at the start of any judicial process; hence, it is proposed to be moved here. As such, the word “trial” is replaced by “church discipline.”

Proposed BCO 31-2: Notification of Reports Against Christian Character.

Requires Officers of the PCA to immediately forward any report received to the Stated Clerk of the court of original jurisdiction, who shall notify the accused within seven days. Also requires that coordinating agencies/entities (e.g., RUF, MTW, Presbytery, etc.) be notified when an allegation regarding the Christian character of an officer is submitted to the court of original jurisdiction.

Rationale: Reports often come at inopportune times. As such, notification of the report to the accused and the broader court of original jurisdiction can be significantly delayed, perhaps by months. This is unfair to all involved—the accusers, the accused, and the court. Timeliness is of significant importance in all judicial matters. In addition, as was proposed at the 50th General Assembly, there needs to be some direction regarding reporting of allegations to agencies which are associated but do not have original jurisdiction, which is also answered in this proposal.

No language is here offered as to whether the initial report is to be shared with anyone, including the accused or any other agency/entity; that is to be determined by the body through its investigative and deliberative processes.

Proposed BCO 31-3. Moves the consideration of accusers earlier in the chapter, from 31-8 to 31-3, as the consideration often begins upon receiving the initial report against a member.

Proposed BCO 31-4 The Imperative Duties of an Investigation and Timeliness of Such. Clarifies that the duties of church courts to investigate all reports regarding the Christian character (alleged morality-related offenses) equally and sets a standard for timeliness to begin such an investigation.

Rationale: All reports against the Christian character of any individual under the care of our Church are equally important in the sight of God (1 Timothy 5:21). The justice of the Lord Jesus Christ and our responsibilities as His under-shepherds demand that regardless of who is aggrieved by the accusations, each court take its responsibility equally seriously. Likewise, the court should avoid the appearance of favoritism, and this phrase has been interpreted by some as “circling the wagons” to protect an accused person—who undoubtedly will argue he is aggrieved by any reports against him. Finally, the current language creates a potential subjective standard to be met by investigating bodies which may be used by an accused person as grounds for complaint and/or dismissal of a strong presumption of guilt.

These small changes remove the appearance of any favoritism in the process from a rules perspective and yet preserve the right of someone to ask themselves for an investigation because they are aggrieved by injurious reports against them.

Regarding timeliness, Overture 25 to the 50th General Assembly attempted a similar change. The changes here propose that an investigation should *ordinarily* begin within 30 days of receipt of the report by the Clerk. This is a reasonable time frame; and “begin” simply means the court “taking up” or “considering” whether or not to pursue an investigation, along the lines of the requirement in *BCO* 43-2 regarding “consideration” of complaints, as it has discretion in this matter.

Proposed BCO 31-5: Timely and Impartial Investigations. Investigations shall begin in a timely manner and shall be performed by individuals who meet a basic standard for impartiality, and allows for third-parties to be hired to aid in investigation. Also clarifies that the court should ordinarily involve female

advisors when considering allegations of a moral nature brought by female parishioners.

Rationale: *BCO* 11-3 teaches us “All Church courts are one in nature, constituted of the same elements, possessed inherently of the same kinds of rights and powers, and differing only as the Constitution may provide.” Our high court has long had a well-defined standard for conduct of Commission members (*OMSJC* §2). The changes proposed here codifies a basic standard of impartiality in part from what is used by our high court. Since all courts are one in the same in nature and SJC members are chosen from said lower courts themselves, it is perfectly reasonable to assume that a basic standard for impartiality may reasonably be likewise expected of the lower courts.

Two other items here proposed including the allowance for outside third parties as well as the ordinary addition of female advisory members on the investigative body when there are accusations of personal sin against a woman—as is the case for the majority of “normal” investigation in the courts of the world—but stops short of being exclusively the only option, again, preserving the discretion of the court of original jurisdiction.

Proposed BCO 31-6: Investigative Committee Findings and Documents. Clarifies that neither the accused nor court members at large have the right to investigative documents (witness testimony, evidence, etc.) and that the Investigative Report shall be distributed to all parties at the same time.

Rationale: Years and years of discussion on the Review of Presbytery Records as to what a “full and accurate record” (*BCO* 13-11) actually means when it comes to judicial process, but more specifically investigations and complaints, for which there is less definition and more flexibility in our current language. These proposed changes codify prior SJC rulings in specific cases, providing guidance to the lower courts who may not be familiar with them. As a matter of practice, nothing in this proposed language limits the ability of a court or its investigative body to engage in further follow-up conversations with individuals involved in an investigation after delivering their report.

Further, the proposed language does not infringe on the right of the accused or hinder him/her in making a sufficient defense. If the investigation results in a strong presumption of guilt, then the evidence collected by the investigative body will be passed along to the prosecutor, and from there the formal process will take over. The SJC explained this succinctly in its decision in Case 2021-06, p.7:

... the SJC does not agree with the Complainant that he would necessarily have the right to “the minutes and documents of the BCO 31-2 Committee.” An investigative committee might interview several people who may or may not have ended up being significant for determining whether there was a strong presumption of guilt in a certain matter. Likewise, a committee might collect a range of documents that are not germane to their investigation. Surely it would be inappropriate to disclose each witness, all testimony, and every document to an accused individual upon his request. Those witnesses, documents, and evidence that are germane to the charges and specifications will be made known in the indictment; at that point, the accused should have access to those materials to prepare a defense (BCO 32-4, 5, 8).

Proposed BCO 31-7: Finding of a Strong Presumption of Guilt. This proposal retains the full language of the second paragraph of current BCO 31-2, and simply moves it to its own section, given the expansion of the earlier investigative procedures. This keeps it within the normal flow of the investigative process.

Proposed BCO 31-8 through 31-12. These paragraphs represent a renumbering of current BCO 31-3 and 31-5 through 31-9, with no changes to text or order, respectively. Existing BCO 31-4 is proposed to be moved to BCO 32 in another overture, except for the last sentence, which is incorporated into proposed 31-8, where it fits contextually very well.

Proposed BCO 31-13: Ordinary Automatic Administrative Leave in Reports Alleging a Serious Personal Offense or Public Scandal. This paragraph clarifies that certain kinds of reports received by courts should ordinarily result in a type of “Administrative Leave” during investigation in cases alleging serious immorality or public scandal, and clarifies what this leave may or may

not include, while still giving significant discretion to the court and seeking to protect an accused person's rights as a member of that court.

Rationale: Overture 8 to the 50th General Assembly attempted to get at this outcome. This proposal does several things differently. First, it *ordinarily* places an accused person under suspension for serious morality-related allegations—what qualifies as “serious” is best determined by the court (no change is envisioned here regarding doctrinal reports; these too may still warrant a suspension of a Teaching Elder). The proposed language here specifically gives no examples of what might be serious, because each case is unique: a financial crime may be serious enough, for example. No position is taken with regard to pay, which is a matter to be decided by the various courts which may be involved.

This also further clarifies that during this leave the accused shall be allowed into any proceedings regarding his case, but he may, as part of his “administrative suspension” be disallowed from attendance and voting in other matters before the court. It has been observed by the SJC that Sessions have some discretion in disallowing certain members to attend given special circumstances (e.g., SJC Case 2011-11); and, if all courts are one in the same in nature (*BCO* 11-3), then such may be applied to other courts as well. To pick up on the same example from earlier, if a Teaching Elder was accused of embezzlement from his church, and he was also on an Admin or Finance committee, or even was Treasurer of the Presbytery, the court should be able to suspend him from those duties.

Proposed BCO 31-14: Disallow the Accused from Voting in His Own Defense. This paragraph represents a renumbering of current *BCO* 31-11, with no changes to the text.

Proposed BCO 31-15: Adoption of Closed Session for Judicial Matters. Establishes a *BCO*-wide provision for Closed Session (in which the SJC normally operates) and specifies that judicial process—including investigations—shall take place in Closed Session by default.

Rationale: Closed Session is the normal mode of operation for the Standing Judicial Commission. As such, it is a good model for lower

courts. Executive Session—solely a machination of *Robert’s Rules of Order (RONR)*—is often misunderstood by courts and court members, and has and does create a lot of confusion. Further, Executive Session itself creates practical issues, too, when, for example, a pastor is charged: can he not tell his Session? Can he not tell his congregation? Etc. Closed Session mitigates many of these issues. Nothing in the proposed language here prevents the entering into an Executive Session if the court deems it necessary. In either Closed or Executive sessions, it remains to the court to determine “who should be invited.” This also further specifies that all judicial matters normally operate this way, eliminating significant confusion with regard to *RONR* provisions on this matter.

Proposed BCO 32-1: Initiation of Formal Process. Identifies how formal process begins and codifies previous SJC rulings (following Ramsay) that process begins when the court appoints a prosecutor, whether in the case of charges being filed directly, or upon finding a strong presumption of guilt after an investigation.

Rationale: There is some confusion among presbyters regarding when process “officially” begins. However, Ramsay is normally appealed to on this point, who explains that it begins when the prosecutor is appointed. This simply codifies that interpretation for clarity and directs that the court should ordinarily appoint a prosecutor without delay, as delays in such appointment can cause additional judicial problems.

Proposed BCO 32-2: Indictments. Explains what an indictment is and its form and collocates all indictment references together from *BCO* 31 and 32.

Rationale: The first sentence is new, and simply explains the element itself. The remainder of this section is pulled verbatim from current *BCO* 31-4 and 32-5.

Proposed BCO 32-3: Citations. Explains what a citation is and its form.

Rationale: Most of the changes to 32-3 consist in relocating the remainder of current *BCO* 32-3 to later in the chapter, to coincide with the new flow of the chapter. The first sentence also incorporates the

two elements from current *BCO 32-4* on who shall sign the citation and the fact that citations shall also be issued to trial witnesses.

Proposed BCO 32-4: Delivery of Citations and Indictments. Explains the method of serving both indictments and citations and explains in what circumstances exclusively digital delivery is acceptable.

Rationale: The struck content was relocated into proposed *BCO 32-3*. The only new item here is clarification that exclusively electronic delivery is acceptable if the recipient acknowledges receipt. This may be worked out ahead of time by the parties and court, and follows the general practice where electronic items are counted as received on the day the clerk finds them in his email as long as a paper copy is likewise mailed—this simply makes the latter step of sending a paper copy unnecessary in most circumstances.

Proposed BCO 32-5: Refusal to Obey Citations. Explains what the court is to do when a citation is ignored.

Rationale: This section represents a split of current *BCO 32-6* into two parts, this being the first, and the remainder appearing later in proposed *BCO 32-10*. The only substantive change here is the replacement of the word “accused” with “any person” which helpfully clarifies that contumacy may apply to anyone refusing to appear before a court with respect to judicial process, having been properly cited to do so.

Proposed BCO 32-6: Progress of a Case. This is simply a renumbering of current *BCO 32-14*.

Proposed BCO 32-7: Prohibition Against Professional Counsel. Defines professional representation during process, and specifies the requirements of such a representative for both parties.

Rationale: This came in its original form from two presbyteries to the 50th General Assembly but its genesis was the recent SJC trial. There were several deficiencies in the first iteration. Simply put, this current proposal codifies existing CCB interpretation and application of the

current language of *BCO* 32-19. The full language of the CCB's advice is quoted below from *M27GA*, p. 148:

V. ADVICE TO STATED CLERK

SC Advice 1

Question

“Does *BCO* 32-19 forbid parties in cases on appeal or complaints taken to a higher court to secure the professional services of attorneys (either members of the PCA or not members of the PCA) to prepare their appeal or complaint, prepare briefs, and handle correspondence and communications with an ecclesiastical court or its clerk.”

Response

Yes *BCO* 32-19 forbids professional counsel from formal involvement (that is, acting in an attorney/client relationship) in cases of process in the courts of the church. Parties in such cases may, of course, seek help anywhere they can find it, but the parties should not be “represented” by professional counsel “as such” in any case, including correspondence about the case.

Respectfully submitted,

/s/ Robert C Cannada, Jr., Chairman

/s/ Frank D. Moser, Secretary

Received as information

The deficiencies of the previous version (the prohibitions were considered by many to be too broad) have been removed, and the additions (counsel may continue throughout the duration of the case; representation at the Session level may be obtained through presbytery) were initially welcome from the previous iteration. This proposal strictly limits itself to codifying the longstanding (now 24 years) advice given to the Assembly on such matters.

Additionally, clarification is provided for assistants in proposed 32-7a, and the only provisions applying to them likewise apply to trial representatives: that they are members in good standing and they shall not be allowed to likewise vote in the judicial matters in which they are assisting.

The last sentence of current *BCO* 32-3 is incorporate herein since it applies to representation, following the rationale of collocating items together topically throughout this chapter.

Proposed BCO 32-8: Judicial Committees. This is a renumbering of current *BCO* 32-11 with an update to the reference therein to the new appropriate provision of *BCO* 32.

Proposed BCO 32-9: Minutes and Records. This is a renumbering of current *BCO* 32-18 with some added structure.

Rationale: The current 32-18 is composed of five separate paragraphs, and the new format will make individual items more easily referenceable in judicial decisions.

Proposed BCO 32-10: Contumacy. Explains what contumacy is and who may be censured in that case.

Rationale: The first sentence attempts to explain at the most basic level what contumacy is, and then establishes some examples—without limiting contumacy to just those examples—via adaptation from the language currently in *BCO* 32-6 (refusing to appear, appearing and refusing to plead). The current language contains a provision “or otherwise refuse to cooperate with lawful proceedings” which is nebulous at best, and serves as a kind of catchall for any kind of contumacy within formal process. With this new sentence explaining what contumacy is, that “catchall” becomes unnecessary and thus is dropped.

The remainder of the added language is taken from current *BCO* 35-14, replacing “refusing to testify” with “found by the court to be noncompliant.”

Proposed BCO 32-11: Meetings of the Court. Delineates the basic meetings of the court and what happens at each of those meetings.

Rationale: The first sentence is new and explanatory to describe the meetings of the court. The remainder of proposed *BCO* 32-11

including subparagraphs A and B is taken almost verbatim from current *BCO* 32-3. The only substantive change here is the replacing of “if he plead and take issue” with “if the accused does not confess” since neither the words “plea” nor “plead” are present anywhere else in the text.

This section is concluded with the exact language of current *BCO* 32-20, which explains how the accused might object to the consideration of a charge, which typically happens very early in the court’s process (though it may continue throughout if the question is undecided), here collocated with the early meetings of the court for clarity.

Proposed BCO 32-12: Pretrial Matters. Explains that courts may provide additional trial rules not contained within the *BCO* (which gives minimal guidance) and requires that any such rules must be agreed to by both parties along the same timeline for the commencement of trial.

Rationale: This stipulation follows the same timeline for trials, so it introduces no essential delays in the process. It does codify the practice of some PCA courts in stipulating additional parameters for any specific proceeding—a flexibility that is allowed by the *BCO* in providing courts of original jurisdiction latitude to use their discretion in these matters. For example, a court may provide a rule that “heresay” will not ordinarily be allowed. There is no specific prohibition in the *BCO* against it, though it is generally frowned upon, and not considered nearly as weighty as original first-person evidence and testimony.

The result of the court implementing such parameters at the beginning will 1) serve to head off future appeals, the parties having agreed beforehand, and 2) set expectations for both parties as to what the court will be allowing or disallowing, whatever the case may be. The PCA does not have an extensive rulebook in this regard, so codifying the ability for courts and standing judicial bodies to do this is very helpful.

Proposed BCO 32-13: Trial Impartiality and Requirements of Judges. Preserves the existing language, further establishes the requirements for impartiality in any trial, and consolidates current *BCO* 32-17 and 35-13 into this section.

Rationale: The only statements around impartiality at trial currently pertain to the examination of witnesses, the language of which is herein retained.

BCO 11-3 teaches us “All Church courts are one in nature, constituted of the same elements, possessed inherently of the same kinds of rights and powers, and differing only as the Constitution may provide.” Our high court has long had a well-defined standard for conduct of Commission members (*OMSJC* §2). The changes proposed here codifies a basic standard for competency, independence, and impartiality for judges in judicial cases, based in large part on what is used by our high court. Since all courts are one and the same in nature and SJC members are chosen from said lower courts themselves, it is perfectly reasonable to expect that these standards should be expected of judges in the lower courts as well.

Accordingly, language is herein adapted from *OMSJC* §2 in four paragraphs beginning with the end of the current language in *BCO* 32-13. These paragraphs attempt to offer the same standard of conduct for lower court judges as there is for those in higher courts. These provisions also coincide with the proposals for impartiality with regard to Investigations (proposed *BCO* 31-4 through 31-7).

The sixth paragraph represents an incorporation of current *BCO* 32-17, commonly referred to as the prohibition against “circularizing the court”—though this phraseology is often confusing to presbyters. This paragraph concludes with an adaptation from *OMSJC* §2 on when a member shall recuse himself.

This section concludes with the incorporation of current *BCO* 35-13 which also pertains to the disqualification of judges, and thus makes the most sense to be placed here in the revised structure of these chapters. No substantive changes are made.

Proposed BCO 32-14: Offenses Taking Place at a Distance. This language represents a renumbering of current *BCO* 32-8 and 32-9, consolidating them into one section, both of which pertain to offenses occurring outside the court

of original jurisdiction, and offering a more pleasant formatting of the content therein.

Proposed BCO 32-15: *The Trial*. Delineates the steps to be taken at the trial proper, which remain unaltered from this same section currently.

Rationale: Step 1 incorporates the current language of *BCO* 32-12 nearly exactly since it pertains to that same step. The only other alteration is a single additional phrase is added to Step 2 noting that the reading of the indictment may be waived by the court, having already been read to the accused at the second meeting of the court.

The remainder of the current *BCO* 32 (§16–20) have already been incorporated in the preceding proposals, and thus are stricken hereafter.

Proposed BCO 35-4: *Affirm that a Pattern of Offenses Satisfies Evidentiary Criteria*. Clarifies, in accordance with historical Presbyterian interpretation, that multiple individual witnesses to a single general charge may be used to satisfy the requirements of “two or three witnesses” as a pattern of offense.

Rationale: It can be an issue as to whether each separate *act* requires two witnesses to be considered proven, even under the current provision which allows for one of those witnesses to be a piece of corroborating evidence. The additional language here clarifies that singular acts under the same general charge function to satisfy the charge, and the language is taken directly from the 1821 PCUSA *Book of Discipline*, VI.VI.

Proposed BCO 35-5: *Clarification Regarding Evidentiary Discovery*. Clarifies that the court shall direct both parties to exchange all evidentiary materials and witnesses at least fourteen (14) days ahead of the scheduled commencement of the trial.

Rationale: This is a practice that has been in use by some courts in the PCA, and it appears to be a good practice which should be codified for all. Nothing in this proposal would preclude rebuttal evidence of any kind, which should be disclosed as soon as possible under this same principle. The court here has discretion to order discovery

exchange earlier, but it must do so at least two weeks beforehand, which corresponds to the 14-day provision of existing *BCO* 32-3 (proposed *BCO* 32-11) for the scheduling of such trial after the second meeting of the court.

Proposed BCO 35-7: Prohibiting Blanket Character Attacks in the Name of Credibility. Specifies that while a party shall not be hindered from making his or her case, character attacks unrelated to the indictment or specific testimony by either party shall not be permitted by the court and directs the court how to proceed if it occurs.

Rationale: A party should be allowed to present its case—that is not in question. But what should not be allowed by any church court is attacks on the character of anyone testifying that are unrelated to their testimony or the issue at charge.

T. David Gordon’s entire article on this point is convincing, but here we shall only quote it in part (*M27GA*, p. 125):

The Issue is the Law, not the Parties

I suppose it should be evident to the reader that judges are responsible to rule and decide in terms of the law of the Church, not in terms of their perception of who are the “good guys” and/or the “bad guys.” Sadly, experience teaches that again, shepherds are fairly astute at identifying the deceitfulness of the human heart, but they are less astute at judging matters of law. Regrettably, those who sit in judgment often expect or even encourage arguments related to the moral character of the parties in question. Such comments are almost never proper or germane (and a judicious moderator of a trial will rule them out of order, and not permit them).

If the issue involved is an individual’s moral character, then, of course, some comments about moral character are germane. But even here, they are only germane in a relatively narrow arena. If an elder is on trial for adultery, it is irrelevant to ask whether he pays his taxes, gives money to the Church, etc. He is not on trial for these other matters; he is on trial for adultery. Similarly, if an individual complains against an action of one of the courts, the moral character of the complainant or of the

court in question is irrelevant. The only relevant question is whether the court erred in the specific way that it has been alleged to have erred. Neither party should be obliged to prove its moral standing in any complaint. Since no one is permitted to complain who is not a member in good standing of the Church (*BCO* 43-1), it must be assumed that the person filing the complaint is already deemed by the court to be in good standing. And, since the court itself is constituted by those who have been deemed wise and exemplary, its moral character similarly is not at issue. If good people break some specific law of the Church, the Church's courts must render a judgment of guilt; if bad people keep some specific law of the Church, the Church's courts must render a judgment of innocence.

This is what the Bible teaches when God is spoken of as no "respector of *persons*" (a wonderful translation of the more-contemporary "is not partial"). The point in these passages is that God's justice cannot be perverted by *personal* considerations. God is, in this sense, not a juror, but a judge. The issue for him is always whether his own inflexible, faultless *standard* has been violated or not; the issue is never whether other *personal* considerations can cause the demands of justice to be perverted. "For the LORD your God is God of gods and Lord of lords, the great God, mighty and awesome, who is not partial and takes no bribe, who executes justice for the orphan and the widow, and who loves the strangers, providing them food and clothing" (Deut.10:17-18). Thus, when we exercise justice impartially, we are imitating God. "You shall not render an unjust judgment; you shall not be partial to the poor or defer to the great: with justice you shall judge your neighbor" (Lev. 19:15). "You must not be partial in judging: hear out the small and the great alike; you shall not be intimidated by anyone, for the judgment is God's." (Deut. 1:17). Biblically, justice is administered only when there is an entire disregard for the *persons* involved; whether they be small or great, rich or poor, strangers or friends.

Ironically, then, what is often the *shepherd's* greatest strength (an ability to “size people up” in terms of their moral or spiritual condition) is the *judge's* greatest weakness. To be genuinely useful as an elder, one must wear two hats, and develop two sets of skills. To be a good shepherd of souls, one must develop good instincts, and one must cultivate empathy and sympathy; in short, one must be a “people person.” To be an administrator of justice, one must develop a capacity to put personal considerations aside, for the purposes of administering law impartially. Although this challenge may appear beyond the capacity of mere mortals, we must remember that though we are indeed mere creatures, we are creatures made in the image of our God, Who is Himself both a compassionate Shepherd and an impartial Judge.

Further, this proposal allows the court itself to enforce this provision, and does not rely solely on the ability of one party to recognize it in the heat of the moment. And it thus directs the court what to do with the Record of the Case when such an instance occurs.

Proposed BCO 35-10 and 35-11: Clarification Regarding Evidentiary Admissibility. Clarifies which evidence shall be automatically admitted by the court.

Rationale: In the case of a complaint, typically both parties would stipulate evidence for automatic admittance to the Record of the Case, and the ROC is thus created by agreement. In cases of process, however, this process simply does not work: why would an accused person ever stipulate to a single piece of evidence? The burden lies squarely on the prosecution; the accused is innocent until proven guilty, and as such any man so accused is likely not to stipulate to any evidence.

According to the justice of the Lord Jesus, from whose sight nothing is hidden, evidence that is relevant on its face should be admitted automatically by the court when its authenticity is not in dispute.

This also provides a path for the admission of material such as police reports, medical records, etc. which today may require testimony to

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admit into evidence. This can be an issue, as has been brought up multiple times in the last few years, because the author of such a report, for example, may not be determined to be competent to testify according to our rules in *BCO 35-1*. Were these provisions adopted, the court would automatically admit such records so long as their authenticity and relevance was not in dispute, which in the case of things such as police reports, medical records, etc., is relatively easy for the court to determine.

The proposed provisions here further codify that such evidence received as testimony during investigation—investigations themselves are official proceedings of the court—shall be automatically admissible where the authenticity of such is not in question.

These changes cumulatively will have the effect of working to ensure that all relevant evidence is considered by the court in its decision, while helping to protect witnesses from (perhaps multiple) unnecessary retellings of their stories diminishing the right of cross-examination by the opposing party.

Proposed BCO 35-13 and 35-14: Deletions. The current language in *BCO 35-13* and *35-14* is moved to other proposed sections in *BCO 31* and *BCO 32*. The remaining section, *BCO 35-16* is thus renumbered to *35-14*.

Adopted by the Session of Fountain Square Presbyterian Church on February 1, 2024.

Attested by /s/ RE Dan Barber, Clerk of Session, Fountain Square Presbyterian Church.

Submitted to Central Indiana Presbytery at its stated meeting on February 9, 2024. Rejected by Central Indiana Presbytery at its stated meeting on February 9, 2024.

[The relevant extract of the Presbytery minutes has been provided to the Stated Clerk of the PCA according to RAO 11-10.]

Attested by /s/ TE Taylor Bradbury, Stated Clerk, Central Indiana Presbytery

OVERTURE 21 from Central Indiana Presbytery (to CCB, OC)
 “Change the Prohibition Against ‘Interlocutory Appeal’ by Complaint in
BCO 43-1”

Resolved that the *Book of Church Order (BCO)* 43 be amended as follows (deletions are denoted throughout by ~~strikethroughs~~, additions are underlined):

“**43-1.** A complaint is a written representation made against some act or decision of a court of the Church. It is the right of any communing member of the Church in good standing to make complaint against any action of a court to whose jurisdiction he is subject, except that no complaint is allowable in a judicial case ~~in which an appeal is pending~~ after process has commenced. If a complaint is filed after process has commenced, adjudication shall be delayed until after the judicial case has been completed, or, if an appeal is filed, after it has been fully adjudicated or withdrawn.”

so that the final text would read:

“**43-1.** A complaint is a written representation made against some act or decision of a court of the Church. It is the right of any communing member of the Church in good standing to make complaint against any action of a court to whose jurisdiction he is subject, except that no complaint is allowable in a judicial case after process has commenced. If a complaint is filed after process has commenced, adjudication shall be delayed until after the judicial case has been completed, or, if an appeal is filed, after it has been fully adjudicated or withdrawn.”

RATIONALE

The SJC noted in a recent decision that lack of clarity within the *BCO* can create “procedural confusion:”

... procedural confusion has come from allowing people to file *BCO* 43-1 complaints against some aspect of the judicial process *after* the court has found a strong presumption of guilt, and thus, after process has commenced. Allowing and adjudicating such pre-trial *BCO* 43-1 complaints could significantly delay a trial, especially if adjudication of each complaint needs to wait for the next meeting of presbytery, or

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wait for an SJC decision. For example, an accused person might seek to file complaints against:

1. the investigative procedures (as in this Case)
2. the appointment of a particular prosecutor
3. the wording of the indictment
4. the appointment of a particular member of the trial commission
5. the date of the trial
6. any pre-trial rulings of the trial court (allowable defense counsel, witness citations, length of briefs, scheduled length of trial, length of closing arguments, etc.)

Allowing such pre-trial *BCO* 43-1 complaints could also ping-pong matters indefinitely. For example, an accused person might file a *BCO* 43-1 complaint against the appointment of a particular prosecutor. If Presbytery sustains it, then some other presbyter might file a *BCO* 43-1 complaint against that decision. And either of those complainants might take their complaint to the SJC. Theoretically, the matter might never get to trial if objections are handled as *BCO* 43-1 complaints rather than as objections the trial court addresses via *BCO* 32-14. (Case 2021-06, *M49GA*, p. 975).

This codifies this and previous SJC interpretations (Case 2013-03: Complaint of G. Rick Marshall vs. Pacific Presbytery. *M42GA*, p. 548); Case 2015-04: *Thompson v. S. FL*, *M44GA*, p. 515) that there is no provision for “appeal by complaint” when a case is actively being adjudicated. This proposal adopts a version of the recommendation from a concurring opinion in SJC Case 2021-06 on this matter.

Adopted by Central Indiana Presbytery on February 9, 2024
Attested by /s/ TE Taylor Bradbury, Stated Clerk

OVERTURE 22 from the South Florida Presbytery (to CCB, OC)
“Amend *BCO* 13-2 to clarify Teaching Elder Presbytery Membership”

Whereas, *BCO* 8-7 and 13-2 both speak to the location where a Teaching Elder’s presbytery membership should be held; and

Whereas, *BCO* 8-7 and 13-2 can be read as inconsistent with each other. *BCO* 8-7 requires a TE’s membership to be held in the presbytery “within whose bounds he *labors*” but *BCO* 13-2 says that his membership is to be held within the “geographical bounds he *resides*”; and

Whereas, it is possible to reside in the geographical bounds of one presbytery, but labor in the geographical bounds of a neighboring presbytery; and

Whereas, the following sentence of *BCO* 13-2 confirms the intention that a TE be a member of the presbytery where he labors when it says, “When a minister *labors* outside the geographical bounds...”; and

Whereas, it is proper and expedient for a presbytery to have jurisdiction over the TEs who labor within its geographical bounds (see Morton Smith, *Commentary on the Book of Church Order*, 142).

Therefore, be it resolved that the South Florida Presbytery hereby overtures the 51st General Assembly to amend *BCO* 13-2 as follows (underlining for additions, ~~striketrough~~ for deletions):

13-2. A minister shall be required to hold his membership in the Presbytery within whose geographical bounds he ~~resides~~ labors, unless there are reasons which are satisfactory to his Presbytery why he should not do so. When a minister labors outside the geographical bounds of, or in a work not under the jurisdiction of his Presbytery, at home or abroad, it shall be only with the full concurrence of and under circumstances agreeable to his Presbytery, and to the Presbytery within whose geographical bounds he labors, if one exists. When a minister shall continue on the rolls of his Presbytery 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. A minister without call shall make or file a report to his Presbytery at least once each year.

So that the amended section will read as follows:

13-2. A minister shall be required to hold his membership in the Presbytery within whose geographical bounds he labors, unless there are reasons which are satisfactory to his Presbytery why he should not do so. When a minister labors outside the geographical bounds of, or in a work not under the jurisdiction of his Presbytery, at home or abroad, it shall be only with the full concurrence of and under circumstances agreeable to his Presbytery, and to the Presbytery within whose geographical bounds he labors, if one exists. When a minister shall continue on the rolls of his Presbytery 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. A minister without call shall make or file a report to his Presbytery at least once each year.

*Adopted by South Florida Presbytery at its stated meeting, February 13, 2024.
Attested by /s/ TE Robbie Crouse, Stated Clerk*

OVERTURE 23 from Missouri Presbytery (to CCB, OC)
“Amend *BCO* 13-6, 21-4, and 24-1 to Require Background Checks for Church Office”

[Editorial note: This overture is similar to Overtures 6, 16, 17, and 24.]

Whereas the qualifications for elders and deacons includes being “above reproach” (1 Tim. 3:2 and Titus 1:7), “self-controlled” (1 Tim. 3:2 and Titus 1:8), “not violent but gentle” (1 Tim. 3:3), “not...quick-tempered” (Titus 1:7), and “proven blameless” (1 Tim. 3:10); and

Whereas the qualification of every believer is to “keep your conduct among the Gentiles honorable” (1 Pet. 2:12); and

Whereas our confession warns leaders against the “careless exposing, or leaving [those in their care] to wrong, temptation, and danger” (*WLC* 130); and

Whereas the *Book of Church Order* states that church courts perform “a careful examination” including “personal character” (21-4.c; 24-1.a) and “Christian experience” (13-6); and

Whereas the report of the Ad Interim Committee on Domestic Abuse and Sexual Assault to the Forty-ninth General Assembly of the Presbyterian Church in America (the “DASA Report”) says, “Churches protect their members with policies that take into consideration the most vulnerable in the congregation” by, at a minimum, “Presbyteries enacting policies to *require background checks* and abuse training for all ordinands and transfers, and policies to protect whistleblowers against retribution” (emphasis added, DASA Report, *M49GA*, p. 949); and

Whereas the 42nd General Assembly resolved that churches prevent types of abuse “by screening staff and volunteers” (Overture 6, *M42 GA*, p. 59.); and

Whereas the 42nd General Assembly resolved that churches “must cooperate with those authorities as they ‘bear the sword’ to punish those who do evil ‘in such an effectual manner as that no person be suffered ... to offer any indignity, violence, abuse, or injury to any other person whatsoever’ (Romans 13:1-7; 1 Peter 2:13-14; *WCF* 23.3)”;

Therefore, be it resolved that *BCO* 13-6 be amended by adding language as follows (underlining for additions, ~~strike through~~ for deletions):

13-6. When a minister is ~~Ministers~~ seeking admission to a Presbytery from another Presbytery ~~other Presbyteries~~ in the Presbyterian Church in America, or from another denomination, the receiving Presbytery shall cause a state and federal level fingerprint-based background check to be performed on the minister. The results of the background check shall be shared with the members of the receiving Presbytery, with the members of the dismissing Presbytery, and with the calling church or other organization that is calling the minister. He shall be examined on Christian experience, and also touching his ~~their~~ views in theology, the Sacraments, and church

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government. If applicants come from other denominations, the Presbytery shall examine them thoroughly in knowledge and views as required by *BCO* 21-4 and require them to answer in the affirmative the questions put to candidates at their ordination. Ordained ministers from other denominations being considered by Presbyteries for reception may come under the extraordinary provisions set forth in *BCO* 21-4. Presbyteries shall also...

Therefore, be it further resolved that *BCO* 21 be amended by adding a new 21-4.b, and renumbering the succeeding paragraphs (underlining for additions):

21-4. b. Prior to ordination, the examining Presbytery shall cause a state and federal level fingerprint-based background check to be performed on each candidate. The results of the background check shall be shared with the Presbytery and with the calling church. The fee for the background check shall be paid for by the calling church or organization, or in the case of the ordinand being an evangelist, the Presbytery shall pay the fee.

Therefore, be it further resolved that *BCO* 24-1 be amended by adding language as follows (underlining for additions):

24-1. ...set forth in 1 Timothy 3 and Titus 1. The Session shall cause a state and federal level fingerprint-based background check to be performed on each candidate eligible for election. The cost shall be covered by the nominee's church. The results of the background check may be shared with the congregation if deemed prudent by the Session. Nominees for the office of ruling elder and/or deacon shall receive instruction...

So that the amended paragraphs will read as follows:

13-6. When a minister is seeking admission to a Presbytery from another Presbytery in the Presbyterian Church in America, or from another denomination, the

receiving Presbytery shall cause a state and federal level fingerprint-based background check to be performed on the minister. The results of the background check shall be shared with the members of the receiving Presbytery, with the members of the dismissing Presbytery, and with the calling church or other organization that is calling the minister. He shall be examined on Christian experience, and also touching his views in theology, the Sacraments, and church government. If applicants come from other denominations, the Presbytery shall examine them thoroughly in knowledge and views as required by *BCO* 21-4 and require them to answer in the affirmative the questions put to candidates at their ordination. Ordained ministers from other denominations may come under the extraordinary provisions set forth in *BCO* 21-4. Presbyteries shall also require ordained ministers coming from other denominations to state the specific instances in which they may differ with the *Confession of Faith* and *Catechisms* in any of their statements and/or propositions, which differences the court shall judge in accordance with *BCO* 21-4 (see *BCO* 21-4.e,f).

21-4.b. Prior to ordination, the examining Presbytery shall cause a state and federal level fingerprint-based background check to be performed on each candidate. The cost shall be covered by the nominee's church. The results of the background check shall be shared with the Presbytery and with the calling church. The fee for the background check shall be paid for by the calling church or organization, or in the case of the ordinand being an evangelist, the Presbytery shall pay the fee.

24-1. Every church shall elect persons to the offices of ruling elder and deacon in the following manner: At such times as determined by the Session, communicant members of the congregation may submit names to the Session, keeping in mind that each prospective officer should be an active male member who meets the qualifications set forth in 1 Timothy 3 and Titus 1. The Session shall cause a state and federal level fingerprint-based background check to be performed on each candidate eligible for election. The results of the background

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check may be shared with the congregation if deemed prudent by the Session. Nominees for the office of ruling elder and/or deacon shall receive instruction in the qualifications and work of the office. Each nominee shall be examined in:

*Adopted by Missouri Presbytery at its special meeting of February 27, 2024.
Attested by RE Robert Wilkinson, stated clerk*

OVERTURE 24 from the Presbytery of South Texas (to CCB, OC)
“Amend *BCO* 13-6, 21-4, and 24-1 to Require Background Checks for Church Office”

[Editorial Note: This overture is similar to Overtures 6, 16, 17, and 23.]

Whereas, the qualifications for elders and deacons include being “above reproach” (1 Tim. 3:2 and Titus 1:7), “self-controlled” (1 Tim. 3:2 and Titus 1:8), “not violent but gentle” (1 Tim. 3:3), “not ... quick-tempered” (Titus 1:7), and “prove themselves blameless” (1 Tim. 3:10); and

Whereas, the qualifications for elders include being “well thought of by outsiders” (1 Tim. 3:7); and

Whereas, the qualification of every believer is to “keep your conduct among the Gentiles honorable” (1 Pet. 2:12); and

Whereas, our confession warns leaders against the “careless exposing, or leaving [those in their care] to wrong, temptation, and danger” (*WLC* 130); and

Whereas, under the *Book of Church Order* church courts are to perform “a careful examination” of church officers including as to their “personal character” (21-4.c; 24-1.a) and “Christian experience” (13-6); and

Whereas, the report of the Ad Interim Committee on Domestic Abuse and Sexual Assault to the 49th General Assembly of the Presbyterian Church in America (the “DASA Report”) implores that “Churches protect their members with policies that take into consideration the

most vulnerable in the congregation,” including “Presbyteries enacting policies to require background checks and abuse training for all ordinands and transfers, and policies to protect whistleblowers against retribution” (*M49GA* [2022], 965, 965 n.11) (See attachment for possible examples of such policies); and

Whereas, the DASA Report further recommends, “Candidates for the gospel ministry and others employed for spiritual oversight (Sunday school teachers, youth leaders, etc.) should be examined carefully to determine their godly character. Presbyteries and Sessions are encouraged to carefully investigate a candidate for leadership roles including but not limited to the candidate’s knowledge of theology. *Background checks*, social media checks, and careful reference checks should be used to screen for abusive leadership” (*ibid.*, 1183); and

Whereas, the 42nd General Assembly resolved that churches prevent types of abuse “by screening staff and volunteers” (*M42GA* [2014], 59); and

Whereas, the 42nd General Assembly resolved that churches “must cooperate with those authorities as they ‘bear the sword’ to punish those who do evil ‘in such an effectual manner as that no person be suffered ... to offer any indignity, violence, abuse, or injury to any other person whatsoever” (Romans 13:1-7; 1 Peter 2:13-14; *WCF* 23.3)” (*ibid.*); and

Whereas, our confession’s instruction that “there are some circumstances concerning ... government of the Church, common to human actions and societies, which are to be ordered by the light of nature and Christian prudence” (*WCF* 1.6) includes the wisdom and prudence of background checks; and

Whereas, our confession does not require submission to unlawful or unbiblical standards (*WCF* 23.4) nor thereby require the government’s involvement in the business of the church (*WCF* 23.3); and

Whereas, presbyteries and sessions of the PCA are called to order and conduct all trials and examinations of candidates for church office utilizing their own discretion and wisdom due to the authority and right of their office (*BCO* 13, 21, and 24);

Therefore, be it resolved that *BCO* 13-6 be amended by adding a final unnumbered paragraph to the end of the subsection:

13-6. . . .

A Presbytery shall order and review a background check on each candidate, administered under the specific rules and policies of the Presbytery, as part of its examination of the candidate's Christian experience (if seeking admission from another Presbytery in the Presbyterian Church in America) or acquaintance with experiential religion (if seeking admission from other denominations [see *BCO* 21-4.c.(1)(a)]). The candidate shall be permitted to address the content of the background check.

Be it further resolved that *BCO* 21-4.c.(1) be amended by adding a final unnumbered paragraph at the end of the subsection:

21-4.c.(1) . . .

A Presbytery shall order and review a background check on each candidate, administered under the specific rules and policies of the Presbytery, as part of its examination of a candidate's experiential religion (*BCO* 21-4.c.(1)(a)). The candidate shall be permitted to address the content of the background check.

Be it further resolved that *BCO* 24-1 be amended by inserting a second unnumbered paragraph immediately after subsection "e" and before the unnumbered paragraph that begins, "Notwithstanding the above . . .":

24-1.e. . . .

A Session shall order and review a background check on each candidate, administered under the specific rules and policies of the Session, as part of its examination of a candidate's Christian experience (*BCO* 24-1.a). The candidate shall be permitted to address the content of the background check.

Be it further resolved that Presbyteries and Sessions are hereby encouraged to adopt policies for conducting mandatory background checks on every candidate for office.

Adopted by South Texas Presbytery at its stated meeting, January 28, 2024

Attested by /s/ RE Barry McBee, stated clerk

Attachment

Sample Policies for Presbyteries and Sessions

The following is an example of a policy that could be adopted or amended by a Presbytery to adhere with local laws and regulations:

Prior to any candidate coming before the Presbytery for examination for ordination or transfer of credentials, the [insert committee name] Committee shall order a background check on the candidate ordinarily at the cost of the Presbytery. The report of the background check shall only be received by the Committee in executive session. The candidate shall be furnished with a copy of the background check and given the opportunity to respond to any content in the background check. The Committee shall report to the Presbytery (1) that it has received the report of the background check, and no concerns were raised; (2) that it has received the report of the background check, and potential concerns were satisfactorily explained by the candidate without reflecting negatively on his *BCO* 13-6 or 21-4.c.(1)(a) examination; or (3) that it has received the report of the background check, and potential concerns should be weighed by the Presbytery in the candidate's *BCO* 13-6 or 21-4.c.(1)(a) examination. Any details of possible concerns found in the background check may be disclosed only to the Presbytery and/or the Session of the church calling the candidate when in executive session. Such details may be disclosed outside the Committee only at the Committee's discretion or upon the request of the Presbytery or Session properly seeking the information.

The following is an example of a policy that could be adopted by a Session:

Prior to any candidate coming before the Session for examination for the office of Ruling Elder or Deacon, the Session shall order a background check on the candidate at the cost of the Session. The report of the background check shall only be received by the Session in executive session. The candidate shall be furnished with a copy of the background check and given the opportunity to respond to any

content in the background check. Information learned should ordinarily only be considered as part of the Session's examination of the candidate's personal character under *BCO* 24-1.a and should not ordinarily be disclosed to the congregation.

OVERTURE 25 from Tennessee Valley Presbytery (to CCB, OC)
"Amend *BCO* 31-2 to Expand Who May Assist in an Investigation"

Be it resolved: That *BCO* 31-2 be amended by the addition of a sentence as follows (new language indicated by underlining):

31-2. It is the duty of all church Sessions and Presbyteries to exercise care over those subject to their authority. They shall with due diligence and great discretion demand from such persons satisfactory explanations concerning reports affecting their Christian character. This duty is more imperative when those who deem themselves aggrieved by injurious reports shall ask an investigation. As circumstances warrant, Sessions and Presbyteries are encouraged to consider utilizing the assistance of experienced or specially qualified outside parties or consultants in investigations in which such assistance could inform the investigative conclusions.

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

Rationale

There are differing opinions as to whether the *BCO* requires Sessions and Presbyteries alone to conduct 31-2 investigations. This amendment is intended to clarify that a Session or Presbytery has the option of using resources outside the Session or Presbytery in an investigation if it deems it expedient.

Examples of when such an assistance would be helpful include: one Presbytery used a forensic accountant to review evidence and prepare a report on allegations that a minister was culpable in an Amazon return/church reimbursement scheme; when an abuse allegation involves a minor and specialized training in interviewing a minor victim is needed; when a member of a Session or Presbytery is the subject of an investigation and the Session or Presbytery wishes to ensure impartiality in its investigation.

Adopted by Tennessee Valley Presbytery at its stated meeting, February 10, 2024

Attested by /s/ TE Chris Powell, stated clerk

OVERTURE 26 from Tennessee Valley Presbytery (to CCB, OC)
“Amend *BCO* 32-19 To Expand Representation of Accused Persons
Before Church Courts”

Whereas, the exercise of discipline is highly important and necessary, and in its proper usage discipline maintains the glory of God, the purity of His Church, the keeping and reclaiming of disobedient sinners (*BCO* 27-3), and

Whereas, the ends of discipline, so far as it involves judicial action, are the rebuke of offenses, the removal of scandal, the vindication of the honor of Christ, the promotion of the purity and general edification of the Church, and the spiritual good of offenders themselves (*BCO* 27-3), and

Whereas, the power which Christ has given the Church (including the exercise of church discipline) is for building up, and not for destruction, is to be exercised as under a dispensation of mercy and not of wrath (*BCO* 27-4), and

Whereas, our robust, biblical processes of church discipline are necessarily unique, sometimes complicated, and foreign to the normal life experience of church members in particular, and

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Whereas, the current rules for representation limit counsel for church members to members of their local congregation, which may be very small and may not include members well-versed in our polity (e.g., a church plant), and

Whereas, elsewhere in the Rules of Discipline (43-5) broader provisions for representation already exist for a complainant, who “may obtain the assistance of a communing member of the Presbyterian Church in America, who is in good standing, in presenting his complaint,” and

Whereas, in a small church or Presbytery it may be difficult to secure members to serve as counsel who are disinterested or unconnected to a case, and

Whereas, a defendant who is young, female, or a newly received church member may find appearing unrepresented before our church courts daunting and insurmountably difficult, and

Whereas, persons involved in cases connected with abuse stand in particular need of assistance and support, and

Whereas, no member of a church or court should be frustrated, disadvantaged, or dissuaded from appearing in a discipline case because of the difficulties outlined above;

Therefore, be it resolved that *BCO* 32-19 be amended as follows:

No professional counsel shall be permitted as such to appear and plead in cases of process in any court; but an accused person may, if he desires it, be represented before ~~the Session~~ any court by a communing member ~~of the same particular church, or before any other court, by any member of that court~~ in good standing of a PCA church or any member in good standing of a PCA court. A member of the court so employed shall not be allowed to sit in judgment in the case.

So that the amended section would read:

32-19. No professional counsel shall be permitted as such to appear and plead in cases of process in any court; but an accused person may, if he desires it, be represented before any court by a communing member in good standing of a PCA church or any member in good standing of a PCA court. A member of the court so employed shall not be allowed to sit in judgment in the case.

Adopted by Tennessee Valley Presbytery at its stated meeting, February 10, 2024

Attested by /s/ TE Chris Powell, stated clerk

OVERTURE 27 from Potomac Presbytery (to CCB, OC)
“Amend *BCO* 13-6 to Add Personal Character and Family Management
to the Examination of Transferring Ministers”

Whereas, it is common for personal moral issues to crop up after ordination,
and

Whereas, many ministers have gone through significant family changes
between callings (e.g..single to married, or childless to father), and

Whereas, in 13-6 the *BCO* now requires presbyteries only to examine transfers
from other presbyteries with regard to their Christian experience and
their views,

Therefore, be it resolved that the first sentence of *BCO* 13-6 be changed to
read:

Ministers seeking admission to a Presbytery from other
Presbyteries in the Presbyterian Church in America shall be
examined on Christian experience (including personal
character and family management), and also touching their
views in theology, the Sacraments, and church government.

So that all of *BCO* 13-6 would read:

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13-6. Ministers seeking admission to a Presbytery from other Presbyteries in the Presbyterian Church in America shall be examined on Christian experience (including personal character and family management), and also touching their views in theology, the Sacraments, and church government. If applicants come from other denominations, the Presbytery shall examine them thoroughly in knowledge and views as required by *BCO* 21-4 and require them to answer in the affirmative the questions put to candidates at their ordination. Ordained ministers from other denominations being considered by Presbyteries for reception may come under the extraordinary provisions set forth in *BCO* 21-4. Presbyteries shall also require ordained ministers coming from other denominations to state the specific instances in which they may differ with the *Confession of Faith* and *Catechisms* in any of their statements and/or propositions, which differences the court shall judge in accordance with *BCO* 21-4 (see *BCO* 21-4.e,f).

Adopted by the Potomac Presbytery at its stated meeting, March 16, 2024
Attested by /s/ TE Joel St. Clair, Stated Clerk

OVERTURE 28 from New Jersey Presbytery (to CCB, OC)
“Amend *RAO* 16-6.c.1. to Eliminate Conflict with *BCO* 40-5”

Whereas *BCO* 40-5 sets-forth the process by which the General Assembly is to address a report of “any *important delinquency* or grossly unconstitutional proceedings” of a Presbytery (emphasis added); and

Whereas *BCO* 40-5, together with *BCO* 15-4 and *RAO* 17-2, mandates that the “first step” the General Assembly take upon receiving and finding such a report credible is to cite the Presbytery to appear in a judicial proceeding; and

Whereas, it is the right and duty of the General Assembly to review, at least once a year, the records of the presbyteries of the Presbyterian Church in America (*BCO* 40-1); and

Whereas the General Assembly carries out this review through its Committee on Review of Presbytery Records (CRPR); and

Whereas *RAO* 16 governs the Committee’s examination of presbytery records, and specifies that the Committee shall note its finding with respect to Presbytery minutes under the categories of exceptions of substance, exceptions of form, and notations, as appropriate; and

Whereas *RAO* 16-6.c.1 specifies that exceptions of substance are defined to include “matters of impropriety and *important delinquencies*” (emphasis added); and

Whereas *RAO* 16-10.b. specifies that Presbyteries are to respond to the subsequent General Assembly with respect to exceptions of substance; and

Whereas, *RAO* 16-10.c. specifies the process by which the subsequent General Assembly may cite a Presbytery with a continuing exception of substance to appear before the SJC for proceedings according to *BCO* 40-5; and

Whereas *RAO* 16-6.c.1. and *RAO* 16-10.c. appear to be in conflict with *BCO* 40-5 with respect to how important delinquencies are handled, the former specifying a prolonged and voluntary process of citation under 40-5, the latter specifying immediate and mandatory citation; and

Therefore be it resolved, that the 51st General Assembly of the Presbyterian Church in America amend *RAO* 16-6.c.1 such that the paragraph would read, if adopted (strikethrough for deletions, underline for additions):

- 1) Exceptions of substance: Apparent violations of the Scripture or serious irregularities from the Constitution of the Presbyterian Church in America, actions out of accord with the deliverances of the General Assembly, and matters of impropriety and ~~important~~ substantive delinquencies, and any non-compliance with *RAO* 16-3.e.5. should be reported under this category.

Adopted by New Jersey Presbytery at its stated meeting, March 16, 2024

Attested by /s/ RE Richard Springer, stated clerk

OVERTURE 29 from the Session of Bryce Avenue (to CCB, OC)
Presbyterian Church, White Rock, New Mexico
“Amend *BCO 53* by Addition to Ensure Only Men Preach”

[Note: This overture was adopted by the Session of Bryce Avenue Presbyterian Church, White Rock, New Mexico; submitted to the Rio Grande Presbytery at its stated meeting, January 22, 2024; and rejected by the Presbytery at that meeting (*RAO 11-10*).]

Whereas, preaching involves the explanation, defense, and application of Scripture (*BCO 53-2*); and

Whereas, Scripture prohibits women from preaching sermons to men (1 Timothy 2:11-12); and

Whereas, the *Book of Church Order* applies 1 Timothy 2:11-12 so as to prohibit women from preaching in a church’s worship service (*BCO 12-5(e)*); and

Whereas, preaching is an element of a stated worship service (*BCO 47-9*); and

Whereas, colleges and seminaries, including Covenant College and Covenant Seminary, hold stated chapel services that involve preaching (*BCO 53-2*); and

Whereas, campus ministries, including Reformed University Fellowship, hold stated services that involve preaching (*BCO 53-2*); and

Whereas, Scripture’s teaching—whether “expressly set down” or deduced “by good and necessary consequence”—must guide and regulate stated services that include preaching, even those services taking place outside of the local church (*WCF 1.6*); and

Whereas, the Presbyterian Church in America would benefit from clarity as to whether women may preach sermons to men in a college/seminary stated chapel service and a campus ministry stated service;

Therefore, be it resolved to amend *BCO 53* by adding a new paragraph, bearing full constitutional authority, which reads as follows:

BCO 53-7. No woman is permitted to preach a sermon to men, whether that be in a church’s worship service, a college/seminary stated chapel service, or a campus ministry stated service (1 Timothy 2:11-12; BCO 53-2; cf. BCO 12-5.e).

Adopted by the Session of Bryce Avenue Presbyterian Church, White Rock, New Mexico, at its stated meeting, December 20, 2023.

Submitted by the Session of Bryce Avenue Presbyterian Church, White Rock, New Mexico, to Rio Grande Presbytery through a registered commissioner at its stated meeting, January 22, 2024.

Rejected by Rio Grande Presbytery at its stated meeting, January 22, 2024 (RAO 11-10).

Attested by TE Dustin Hunt, stated clerk, Rio Grande Presbytery.

Approved for submission to the Presbyterian Church in America’s 51st General Assembly by the Session of Bryce Avenue Presbyterian Church in White Rock, New Mexico, at its stated meeting on March 20, 2024.

Attested by /s/ RE David Forslund, Clerk of Session.

OVERTURE 30 from Lowcountry Presbytery (to CCB, OC)
“Amend BCO 23-1 To Require that the Presbytery of Jurisdiction
Conduct an Exit Interview Prior to Dissolution of Call”

Whereas, the Presbyterian ecclesiastical system provides beneficial oversight, accountability, and protection in the relationship between churches and ministers; and

Whereas, such a system requires transparency and participation on the part of both the church and its ministers; and

Whereas, PCA BCO 23-1 states that the “...Presbytery needs to determine if the dissolution of the pastoral relationship with the senior pastor was brought about in Christian love and good order on the part of the parties concerned,” but this pertains only to the narrow situation of a senior pastor and provides no mechanism for explaining how the Presbytery is to do this; and

Whereas, some PCA churches use non-disclosure and non-disparagement agreements when dissolving a pastoral call with the effect of avoiding the oversight required by *BCO* 23-1; and

Whereas, due to such agreements, in some cases ministers may be unwilling to speak with the Presbytery concerning the reason for their dissolution of call, thereby functioning to both conceal and perpetuate unhealthy church situations; and

Whereas, the “Report of the Ad Interim Committee on Domestic Abuse and Sexual Assault,” in “Section Six: The Misuse of Spiritual Authority” warns multiple times (p. 2441, line 13; p. 2443, line 41) of non-disclosure agreements as a form of spiritual abuse; and

Whereas, the glory of Christ, the peace and purity of the church, and the well-being of her undershepherds, warrant better care and greater transparency for both the teaching elder and the congregation;

Therefore, be it resolved that *Book of Church Order* 23-1 be amended by the lettering of its paragraphs (23-1.a, b, and c), the rewording of its second paragraph (23-1 [b]), and the addition of a fourth section (23-1.d). (Additions underlined, deletions ~~struck through~~):

23-1

- a.** When any minister shall tender the resignation of his pastoral charge to his Presbytery, the Presbytery shall cite the church to appear by its commissioners, to show cause why the Presbytery should or should not accept the resignation. If the church fails to appear, or if its reasons for retaining its pastor be deemed insufficient, his resignation shall be accepted and the pastoral relation dissolved. If any church desires to be relieved of its pastor, a similar procedure shall be observed.
- b.** ~~But~~ Whether the minister or the church initiates proceedings for a dissolution of the relation, there shall always be a meeting of the congregation called and conducted in the same manner as the call of the pastor. In any case, the minister must not physically leave the field until ~~the Presbytery or its commission empowered to~~

~~handle uncontested requests for dissolution has dissolved the pastoral relationship has been dissolved.~~

- c.** The associate or assistant pastors may continue to serve a congregation when the pastoral relation of the senior pastor is dissolved, but they may not normally succeed the senior pastor without an intervening term of service in a different field of labor. However, a congregation by a secret ballot with four-fifths (4/5) majority vote may petition Presbytery for an exception which by a three-fourths (3/4) majority vote Presbytery may grant. Presbytery needs to determine if the dissolution of the pastoral relationship with the senior pastor was brought about in Christian love and good order on the part of the parties concerned.

- d.** Before any pastoral call may be dissolved by the Presbytery, the teaching elder whose call is in question shall participate in an exit interview conducted by the Presbytery or a committee thereof. This interview shall address the circumstances of the departure, the spiritual and emotional health of the teaching elder and his family, and any concerns for the health of the church from which the minister is departing. Furthermore, no church may hinder any teaching elder from speaking freely and openly with the appointed representatives of the Presbytery. No Presbytery shall omit this interview except in extraordinary cases, and then only with two-thirds (2/3) approval of the Presbytery, and it shall always make a record of the reasons for its omission.

Should this exit interview reveal an important delinquency or grossly unconstitutional proceeding by, or raise concerns of moral failing among the church or session, the Presbytery shall address this revelation or concern through General Review and Control (BCO 40). Should the exit interview reveal potential offense(s) by the departing minister, the Presbytery shall deal with him according to the applicable Rules of Discipline (BCO 31-35), and may retain him on the rolls while any potential

offense is investigated and any process deemed necessary is completed (BCO 38-3.a).

So that the amended section 23-1 will read as follows:

23-1.

- a. When any minister shall tender the resignation of his pastoral charge to his Presbytery, the Presbytery shall cite the church to appear by its commissioners, to show cause why the Presbytery should or should not accept the resignation. If the church fails to appear, or if its reasons for retaining its pastor be deemed insufficient, his resignation shall be accepted and the pastoral relation dissolved. If any church desires to be relieved of its pastor, a similar procedure shall be observed.
- b. Whether the minister or the church initiates proceedings for a dissolution of the relation, there shall always be a meeting of the congregation called and conducted in the same manner as the call of the pastor. In any case, the minister must not physically leave the field until the pastoral relationship has been dissolved.
- c. The associate or assistant pastors may continue to serve a congregation when the pastoral relation of the senior pastor is dissolved, but they may not normally succeed the senior pastor without an intervening term of service in a different field of labor. However, a congregation by a secret ballot with four-fifths (4/5) majority vote may petition Presbytery for an exception which by a three-fourths (3/4) majority vote Presbytery may grant. Presbytery needs to determine if the dissolution of the pastoral relationship with the senior pastor was brought about in Christian love and good order on the part of the parties concerned.
- d. Before any pastoral call may be dissolved by the Presbytery, the teaching elder whose call is in question shall participate in an exit interview conducted by the Presbytery or a committee thereof. This interview shall address the circumstances of the departure, the spiritual

and emotional health of the teaching elder and his family, and any concerns for the health of the church from which the minister is departing. Furthermore, no church may hinder any teaching elder from speaking freely and openly with the appointed representatives of the Presbytery. No Presbytery shall omit this interview except in extraordinary cases, and then only with two-thirds (2/3) approval of the Presbytery, and it shall always make a record of the reasons for its omission.

Should this exit interview reveal an important delinquency or grossly unconstitutional proceeding by, or raise concerns of moral failing among the church or session, the Presbytery shall address this revelation or concern through General Review and Control (BCO 40). Should the exit interview reveal potential offense(s) by the departing minister, the Presbytery shall deal with him according to the applicable Rules of Discipline (BCO 31-35), and may retain him on the rolls while any potential offense is investigated and any process deemed necessary is completed (BCO 38-3.a).

Adopted unanimously by Lowcountry Presbytery at its stated meeting, January 27, 2024, and unanimously amended and adopted at a called meeting, March 25, 2024.

Attested by /s/ RE David Walters, stated clerk.

OVERTURE 31 from the New River Presbytery	(to CCB, OC, AC, CC,
“Amend <i>BCO</i> 14-1 Regarding Changes in	CDM, CTS, GEN, MNA,
Permanent Committee and Agency Policy”	MTW, PCAF, RH, RUF)

Whereas, *BCO* 14-1.7 states, “The Assembly’s committees are to serve and not to direct any Church judicatories. They are not to establish policy, but rather execute policy established by the General Assembly”; and

Whereas, the interpretation of the current wording of *BCO* 14-1.7 is disputed regarding the authority of permanent committees and agencies¹ to

¹ The *BCO* does not capitalize “committee” or “agency.” In contrast, the *RAO* capitalizes both. The *BCO* convention is used here.

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establish operational policies, as evidenced by lengthy floor debates at recent General Assembly meetings, such as the debate over Reformed University Fellowship's (RUF) new Affiliation Agreement at the 50th General Assembly in 2023, and the debate about the Mission to the World (MTW) Manual at the 48th General Assembly in 2021; and

Whereas, the General Assembly, due to its limited time, cannot feasibly review every minor change to a permanent committee's financial, operational, and personnel policies, such as per diem reimbursements for travel, which would be better addressed by the permanent committees themselves; and

Whereas, the use of the singular "policy" as opposed to "policies" suggests that it is not the intention of *BCO* 14-1.7 for the General Assembly to determine every operational policy, but rather to set the general mission of the committees and agencies; and

Whereas, the composition of permanent committees is already determined by the General Assembly through the Nominating Committee and the floor vote, ensuring that these committees are representative of the General Assembly; and

Whereas, the General Assembly effectively exercises review and control of the committees and agencies through the committees of commissioners, which have the responsibility to review the minutes, reports, and recommendations of the permanent committees and agencies; and

Whereas, in the case that a permanent committee or agency attempts to implement a policy that is grossly unconstitutional or out of accord with the teachings of the Presbyterian Church in America, the General Assembly can be notified of such actions through the committee of commissioners' reports and recommendations and can act on such a report (see *RAO* 14-1, 14-3, and especially 14-11); and

Whereas, the 50th General Assembly added section 4 to *RAO* 4-21.d, which reads: "A recording of information sufficient to demonstrate the Committee's or Board's implementation of instructions received from

General Assembly and of material policies and material policy changes adopted by the Committee or Board in that year”; and

Whereas, this addition suggests that the 50th General Assembly interpreted *BCO* 14 such that Committees and Boards *may* create and make changes to their policy, including “material” (i.e., “important; essential; relevant”) policies and policy changes, and that only changes that are “material” are necessary to record in their minutes; and

Whereas, the General Assembly wishes to maintain its ability to direct the mission of the permanent committees and agencies; and

Whereas, it is necessary to clarify the authority of permanent committees and agencies to create and execute operational, financial, and personnel policies while preserving the General Assembly's oversight of these committees and agencies; and

Whereas, it is desirable to establish a clear framework for the General Assembly's review and control of permanent committees and agencies without hindering their ability to carry out day-to-day operations and decisions; and

Whereas, the proposed changes aim to provide clarity, efficiency, and accountability in the functioning of permanent committees and agencies while preserving the constitutional authority and oversight of the General Assembly;

Therefore, be it resolved to amend the Book of Church Order by amending *BCO* 14-1.7 as follows: [Proposed additions underlined, and deletions noted by strike out.]

BCO 14-1

7. The Assembly's committees are to serve and not to direct any Church judicatories. They are not to establish ~~policy~~, ~~but rather execute policy established by the General Assembly~~ or modify their ministry priorities or mission, which may only be determined by the General Assembly. However, they may create and execute operational policies

necessary for the administration of their responsibilities. Policies and material changes thereunto must be recorded in the committee or agency's minutes for review and control by the General Assembly (cf. RAO 14-1, 14-3, 14-11).

Furthermore,

Whereas, the existence of substantial organizational apparatuses used to fulfill permanent committees' and agencies' missions (e.g., RUF, the permanent committee, versus RUF the organization that fulfills the mission of RUF, the permanent committee), is not reflected in our *BCO* or *RAO*; and

Whereas, these organizations are sometimes mistakenly confused for permanent committee "subcommittees" referred to in *RAO* 4-10; and

Whereas, proper oversight of the operation of these organizations is hindered by the lack of reference to them in our *BCO* and *RAO*; and

Whereas, oversight of these organizations resides with their respective permanent committee or agency, but review and control resides with their respective committee of commissioners;

Therefore, be it resolved to amend the Book of Church Order by adding a new *BCO* 14-1.8, and renumbering *BCO* 14-1.8-15 as follows: [Proposed additions underlined and deletions noted by strike out.]

8. Committees and agencies may, in the course of fulfilling their mission, create organizations that remain entirely under the oversight of the committee or agency. These organizations shall only establish or change standing operational policies with approval from the committee or agency. The approval of these policies shall be recorded in the committee or agency's minutes for review and control by the General Assembly (cf. RAO 14-1, 14-3, 14-11).

~~8-9.~~ The committees serve the Church through the duties assigned by the General Assembly.

[renumber *BCO* 14-1.9-15 to *BCO* 14-1.10-16]

The full text of *BCO* 14-1 shall read as follows:

14-1. The General Assembly is the highest court of this Church, and represents in one body all the churches thereof. It bears the title of The General Assembly of the Presbyterian Church in America, and constitutes the bond of union, peace and correspondence among all its congregations and courts.

Principles for the Organization of the Assembly:

1. The Church is responsible for carrying out the Great Commission.
2. The initiative for carrying out the Great Commission belongs to the Church at every court level, and the Assembly is responsible to encourage and promote the fulfillment of this ministry by the various courts.
3. The work of the Church as set forth in the Great Commission is one work, being implemented at the General Assembly level through equally essential committees.
4. It is the responsibility of every member and every member congregation to support the whole work of the denomination as they be led in their conscience held captive to the Word of God.
5. It is the responsibility of the General Assembly to evaluate needs and resources, and to act on priorities for the most effective fulfillment of the Great Commission.
6. The Church recognizes the right of individuals and congregations to labor through other agencies in fulfilling the Great Commission.
7. The Assembly's committees are to serve and not to direct any Church judicatories. They are not to establish or modify their ministry priorities or mission, which may only be determined by the General Assembly. However, they may create and execute operational policies necessary for the administration of their responsibilities. Policies and material changes thereunto must be recorded in the committee or agency's minutes for review and

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control by the General Assembly (cf. *RAO* 14-1, 14-3, 14-11).

8. Committees and Agencies may, in the course of fulfilling their mission, create organizations which remain entirely under the oversight of the Committee or Agency. These organizations shall not have the authority to establish or change operational policies without approval from the Committee or Agency. The approval of these policies, along with the policies themselves, shall be recorded in the Committee or Agency's minutes for review and control by the General Assembly (cf. *RAO* 14-1, 14-3, 14-11).
9. The committees serve the Church through the duties assigned by the General Assembly.
[renumber *BCO* 14-1.9-15 to *BCO* 14-1.10-16]

Adopted by New River Presbytery at its 150th stated meeting, March 2, 2024

Attested by /s/ TE Kurt Gray, stated clerk

OVERTURE 32 from the Presbytery of Eastern Pennsylvania (to CCB, OC, "Amend *BCO* 23 to Address Dissolution of Call AC, CC, CDM, CTS, for those employed by a Committee or Agency" GEN, MNA, MTW, PCAF, RH, RUF)

Whereas RUF ministers are members of their local Presbytery and laboring within her bounds; and

Whereas all Teaching Elders serving on any permanent committee or agency are members of their local Presbytery; and

Whereas the Presbytery alone can "receive, dismiss, ordain, install, remove and judge ministers" (*BCO* 13-9a); and

Whereas the Presbytery alone has the authority to establish and dissolve pastoral relations (*BCO* 13-9c); and

Whereas the Presbytery is in the best position to appraise the validity, effectiveness and necessity of RUF ministers within her bounds; and

Whereas RUF is a program committee of our denomination which exists to serve the church and labors under her authority (cf. *BCO* 14-1.12); and

Whereas RUF, being a program committee, possesses no authority to ordain or dismiss members of a Presbytery; and

Whereas RUF's "Affiliation Agreement" has no Constitutional authority (though it is being advanced as being necessary or required for Presbyteries to have RUF ministers labor within her bounds); and

Whereas the *BCO* does not offer sufficient guidance as to the relationship between the local Presbytery and RUF

Therefore, be it resolved, that Eastern Pennsylvania Presbytery hereby requests the 51st General Assembly of the Presbyterian Church in America to add to our *Book of Church Order* a new 23-2 (the two underlined paragraphs) and renumber the original items.

23-2. When any minister (teaching elder) shall tender his resignation of a call extended by a PCA permanent committee or agency, the Presbytery shall cite the committee or agency to appear by its appointed representative(s), to show cause why the Presbytery should or should not accept the resignation. If the committee or agency fails to appear, or if its reasons for retaining the minister be deemed insufficient, his resignation shall be accepted and the relation be dissolved.

If a committee or agency desires to dissolve the call of one of its ministers, they must notify the minister and his Presbytery, and if the request is not uncontested, Presbytery shall set a time and place to hear both parties. The Presbytery's decision whether or not to dissolve such a call shall be binding on the committee or agency. The committee or agency shall honor the decision of the Presbytery.

23-23. The Presbytery may designate a minister as honorably retired when the minister by reason of age wishes to be retired, or as

medically disabled when by reason of infirmity is no longer able to serve the church in the active ministry of the Gospel. A minister medically disabled or honorably retired shall continue to hold membership in his Presbytery. He may serve on committees or commissions if so elected or appointed.

23-34. A minister, being medically disabled or honorably retired, may be elected pastor emeritus by a congregation which seeks to honor his past earnest labors among them.

Adopted by Eastern Pennsylvania Presbytery at its stated meeting, April 9, 2024.

Attested by /s/ TE Thomas G. Keane, Jr., Stated Clerk

OVERTURE 33, from TE Benjamin Inman (to OC, AC)
“Erect *Ad Interim* Committee on the Book *Jesus Calling*”

The book *Jesus Calling: Enjoying Peace in His Presence*, authored by now-deceased PCA church member Sarah Young, is one of the most influential published Christian works of the present century. Regardless of the author's intentions, as documented below, the book contains and promotes ostensibly grave errors and has been firmly rejected by influential public figures within, and theologically akin to, the PCA. The following proposed overture would establish an *ad interim* committee to document the PCA's historical relationship to the book, demonstrate whether the book constitutes a violation of the Second Commandment, and bring recommendations for any warranted actions of repentance by the PCA.

Whereas, communion with the living and true God is mediated by the Lord Jesus Christ alone, and “No one has ever seen God; the only God, who is at the Father's side, he has made him known.” (John 1:18); and

Whereas, while the apostle John's instruction about true saving faith dwells on three preeminent marks—confession of the incarnate Christ, sincere love of fellow Christians and the earnest repudiation of sin—his final, summary exhortation is the pithy, “Little children, keep yourselves from idols.” (1 John 5:21); and

Whereas, the church of Jesus Christ does not have jurisdiction to judge outsiders (1 Corinthians 5:12), yet the most publicly disruptive event of Paul's ministry in Acts erupted from the Gospel's efficacious debunking of idolatry: "And you see and hear that not only in Ephesus but in almost all of Asia this Paul has persuaded and turned away a great many people, saying that gods made with hands are not gods." (Acts 19:26); and

Whereas, opposition to idolatry is entailed by the sixth vow of every PCA teaching elder, Do you promise to be zealous and faithful in maintaining the truths of the Gospel and the purity and peace and unity of the Church, whatever persecution or opposition may arise unto you on that account? (*BCO* 21-5); and

Whereas, PCA courts have a responsibility regarding not only our system of doctrine but also any matter which "strikes at the vitals of religion" (*BCO* 19-2.f, 21-4.g, 34-5); and

Whereas, PCA presbyteries specifically hold authority "to condemn erroneous opinions which injure the purity or peace of the church" (*BCO* 13-9.f); and

Whereas, it is the task of the General Assembly, "to recommend measures for the promotion of charity, truth and holiness through all the churches under its care" (*BCO* 14-6.k); and

Whereas, the PCA has a responsibility within its jurisdiction to discipline and so restrain the promulgation of opinions or practices harmful to the peace and purity of the church, per "... for their publishing of such opinions, or maintaining of such practices, as are contrary to the light of nature, or to the known principles of Christianity, whether concerning faith, worship, or conversation; or to the power of godliness ... they may lawfully be called to account, and proceeded against by the censures of the Church." (*WCF* XX.iv); and

Whereas, the PCA's subordinate standards stipulate among the sins forbidden by the Second Commandment: "... all devising, counselling, commanding, using, and anywise approving, any religious worship not instituted by God himself; ... ; the making any representation of God, of all or of any of the three persons, ... inwardly in our mind, ... in any kind of image or likeness of any

creature whatsoever; all worshipping of it, or God in it or by it; ... though under the title of ... devotion, good intent, or any other pretence whatsoever . . .” (Larger Catechism 109); and

Whereas, the book “*Jesus Calling: Enjoying Peace in His Presence*” has provoked on-going criticism among evangelical believers for the last 15 years or more, and wider attention¹; and

Whereas, leaders respected across the spectrum of the PCA have publicly criticized and warned against the book: Kathy Keller of Redeemer NYC in “The Redeemer Report,”² Justin Taylor on The Gospel Coalition website,³ Tim Challies in his regular writing ministry,⁴ and Michael Horton on The White Horse Inn website;⁵ and

Whereas, according to the author’s own account in the original Introduction of the first editions, the text consists of messages from Jesus produced in a fashion similar to the occult practice of automatic writing;⁶ and

Whereas, the advertising for the book describes it accurately as, “Written as if Jesus Himself is speaking directly to you, *Jesus Calling* invites you to experience peace in the presence of the Savior who is always with you;”⁷ and

Whereas, the book consists of 365 daily readings cast as the words of Jesus Christ directly addressing the reader, and is published specifically to provide benefits obtained by the worship of Christ: “In many parts of the world, Christians seem to be searching for a deeper experience of Jesus’ Presence and Peace. The messages that follow address that felt need;”⁸ and

Whereas, by design, *Jesus Calling* is an idol, 1) because the text is a tool for experiencing a mental image—not a picture but an articulate and counterfeit

¹ *New York Times*, 2013

² <https://www.redeemer.com/redeemer-report/article/jesus-calling-by-sarah-young-a-review>

³ [Citing Michael Horton](#), [Citing Kathy Keller](#).

⁴ “[Ten Serious Problems with Jesus Calling.](#)”

⁵ Horton’s piece is available in full [here](#).

⁶ For an attentive overview of the original Introduction and comparison with the revised version in subsequent editions, see the [post](#) from Ruth Graham at *The Daily Beast*.

⁷ <https://www.jesuscalling.com/books/jesus-calling/>

⁸ For readers without a copy of *Jesus Calling*, this quote and further analysis by Tim Challies can be found [here](#).

personality—of the risen Lord Jesus Christ, and 2) because the image is used for the purposes of purported communion with the true risen Lord Jesus; and **Whereas**, *Jesus Calling* is enormously influential: having sold 45 million units⁹ (which makes the author the bestselling Christian writer of all time), having been translated into 35 languages,¹⁰ and having launched a brand with social media presence, merchandising,¹¹ a television series¹² and a version marketed for use with children;¹³ and

Whereas, it is public knowledge that the author before, during and after both the production and publication of *Jesus Calling* was a member of the PCA and a career missionary with Mission To The World;¹⁴ and

Whereas the publisher Thomas Nelson (owned by HarperCollins) is not under the jurisdiction of the PCA, and the author’s passing in August 2023 has carried her above the jurisdiction of the PCA; and

Whereas, because *Jesus Calling* was published in 2004, it is unreasonable to bring a complaint to or against any court of the PCA on this matter, as “The passage of time since the alleged offense makes fair adjudication unachievable,” especially given the likelihood that “degradation of evidence and memory may have occurred in the intervening period” (*BCO* 32-20); and

Whereas, based on the facts here cited, it is plausibly arguable that the PCA failed to uphold its standards in pastoral care and discipline and stands as the one ecclesiastical authority at fault in the promulgation of the single most influential, particular and concrete tool of idol worship among American evangelicals.

Whereas, in the recent past the PCA, by action of the General Assembly, has confessed and corporately repented in solidarity with our distant fathers for the sins endemic to American Chattel Slavery and our much nearer fathers for sins of racism during the period of the American Civil Rights Movement; and

⁹ *Publishers Weekly* July 7, 2023

¹⁰ Obituary in *ByFaith*

¹¹ *Publisher’s Weekly*

¹² Thomasnelson.com blog

¹³ <https://www.jesuscalling.com/books/jesus-calling-365-devotions-for-kids/>

¹⁴ See *Christianity Today* and *ByFaith*.

Whereas, these previous actions of corporate repentance require an abiding concern for how similar corruptions may well continue among us despite opinions and anecdotes to the contrary; and

Whereas, Larger Catechism 110, to which there is no common exception in the PCA, gives us specific and grave reasons to give serious consideration to the possibility of corporate sin in this matter: “... besides God’s sovereignty over us, and propriety in us, his fervent zeal for his own worship, and his revengeful indignation against all false worship, as being a spiritual whoredom; accounting the breakers of this commandment such as hate him, and threatening to punish them unto divers generations . . .”; and

Whereas, pastoral fidelity within the jurisdiction of the PCA, and filial loyalty to professing Christians beyond the PCA, as well as evangelistic compassion for those outside Christ must reckon with the practical dangers of idolatry: “Those who make them become like them; so do all who trust in them” (Psalm 115:8); and

Whereas, the PCA’s sister churches in the membership of NAPARC have a particular interest in this matter, per the commitment to, “Exercise mutual concern in the perpetuation, retention, and propagation of the Reformed faith.”;¹⁵ and

Whereas, the guilt which may be plausibly argued would likely suggest shame for particular agencies of the General Assembly and persons significant and honored in their endeavors; and

Whereas, the guilt which may be plausibly argued ought to be demonstrated or dismissed in a fashion free from any appearance of institutional modesty; and

Whereas vindication from anything shameful most rightly satisfies the conscience when received from a party not directly involved in the matter under scrutiny; and

Whereas the General Assembly’s Theological Examining Committee (*BCO* 14-1,14) is both the smallest and arguably most independent of the standing committees; and

¹⁵ CONSTITUTION of the NORTH AMERICAN PRESBYTERIAN AND REFORMED COUNCIL, IV.4.

Whereas, the pithiness of the apostle John’s, “Little children, keep yourselves from idols,” presumes a simplicity that may challenge us; and

Whereas, questions required by the PCA’s relationship to *Jesus Calling*, may ultimately serve “in order that [our] earnestness for [Christ] might be revealed to [us] in the sight of God” (2 Corinthians 7:12); and

Whereas, the seriousness of this matter is matched by the unflinching grace of the living and true God who instructs forthrightly: “But when we are judged by the Lord, we are disciplined so that we may not be condemned along with the world” (1 Corinthians 11:32); and

Whereas, the passing of an overture by the General assembly does not entail endorsement of the “whereas” statements, and unanimity on all the preceding points is not necessary;

Therefore be it resolved that the General Assembly erect an *Ad Interim* Committee tasked to return a report to the next convened General Assembly:

1. Documenting the PCA’s historical relationship to the book, *Jesus Calling*.
2. Demonstrating whether the book constitutes a violation of the Second Commandment according to our Subordinate Standards as proved from Scripture.
3. Bringing recommendations for any warranted actions of repentance by the PCA.

Therefore be it further resolved that the General Assembly’s Theological Examining Committee be empowered as a commission to populate the *ad interim* committee with four (4) Teaching Elders and five (5) Ruling Elders (including from their own number if they so decide).

Therefore be it further resolved that the committee be encouraged to make judicious use of video-conferencing and to seek assistance from TE Wayne Sparkman of the PCA Historical Center, and the budget not exceed \$10,000 to be funded by gifts to the AC designated for this purpose.

Submitted to Eastern Carolina Presbytery by TE Benjamin T. Inman.

Rejected by Eastern Carolina Presbytery at its stated meeting on April 20, 2023
Attested by /s/ RE Daniel J. Prins, Stated Clerk, Eastern Carolina

OVERTURE 34, from Columbus Metro Presbytery (to MNA)
“Merge Columbus Metro and Ohio Valley Presbyteries”

Whereas, growth in the number of member churches and church plants in Ohio Valley Presbytery (OVP) in both Ohio and Kentucky have given rise to a strategic plan for Presbytery multiplication into Ohio-focused and Kentucky/Indiana-focused Presbyteries; and,

Whereas, church closures or denominational realignments have decreased the number of member churches from seven to five churches in Columbus Metro Presbytery (CMP), limiting CMP’s capacity to healthily function as a church, court, and mission; and,

Whereas, campus ministry partnerships overseen by Columbus Metro Presbytery extend into the current boundary of Ohio Valley Presbytery, specifically through Campus Outreach Columbus’s leadership of Campus Outreach at University of Cincinnati; and,

Whereas, member churches in both OVP and CMP envision multiplying into distinct to-be-named Kentucky and distinct to-be-named Ohio Presbyteries in the near future, in order to focus on regional ministry;

Whereas, laboring together in a common presbytery to prepare for healthy future multiplication supports our calling to govern the church well and to share in strategic ministry planning for our region, and supports OVP’s efforts to host the 53rd General Assembly of the PCA;

Now therefore be it resolved, that the Ohio Valley Presbytery and the Columbus Metro Presbytery overture the 51st General Assembly of the Presbyterian Church in America to merge the aforementioned Presbyteries into one Presbytery, continuing under the name “Ohio Valley Presbytery,” to include all mission works and churches located in the counties of Ohio south and west of but not including Mercer, Auglaize, Shelby, Logan, Hardin, Marion, Morrow, Knox,

Coshocton, Muskingum, Perry, Hocking, Vinton, and Meigs; all of Kentucky north and east of and including the counties of Breckinridge, Hardin, Larue, Taylor, Casey, Pulaski, and McCreary; and the Indiana counties of Dearborn, Ohio, Switzerland, Jefferson, Scott, Clark, Floyd, Washington, and Harrison.

*Adopted by Columbus Metro Presbytery at its called meeting, April 30, 2024.
Attested by /s/ RE Michael D. Mattes, Stated Clerk, Columbus Metro Presbytery*

OVERTURE 35, from Ohio Valley Presbytery (to MNA)
“Merge Ohio Valley and Columbus Metro Presbyteries”

Whereas, growth in the number of member churches and church plants in Ohio Valley Presbytery (OVP) in both Ohio and Kentucky have given rise to a strategic plan for Presbytery multiplication into Ohio-focused and Kentucky/Indiana-focused Presbyteries; and,

Whereas, church closures or denominational realignments have decreased the number of member churches from seven to five churches in Columbus Metro Presbytery (CMP), limiting CMP’s capacity to healthily function as a church, court, and mission; and,

Whereas, campus ministry partnerships overseen by Columbus Metro Presbytery extend into the current boundary of Ohio Valley Presbytery, specifically through Campus Outreach Columbus’s leadership of Campus Outreach at University of Cincinnati; and,

Whereas, member churches in both OVP and CMP envision multiplying into distinct to-be-named Kentucky and distinct to-be-named Ohio Presbyteries in the near future, in order to focus on regional ministry;

Whereas, laboring together in a common presbytery to prepare for healthy future multiplication supports our calling to govern the church well and to share in strategic ministry planning for our region, and supports OVP’s efforts to host the 53rd General Assembly of the PCA;

MINUTES OF THE GENERAL ASSEMBLY

Now therefore be it resolved, that The Ohio Valley Presbytery and the Columbus Metro Presbytery overture the 51st General Assembly of the Presbyterian Church in America to merge the aforementioned Presbyteries into one Presbytery, continuing under the name “Ohio Valley Presbytery,” to include all mission works and churches located in the counties of Ohio south and west of but not including Mercer, Auglaize, Shelby, Logan, Hardin, Marion, Morrow, Knox, Coshocton, Muskingum, Perry, Hocking, Vinton, and Meigs; all of Kentucky north and east of and including the counties of Breckinridge, Hardin, Larue, Taylor, Casey, Pulaski, and McCreary; and the Indiana counties of Dearborn, Ohio, Switzerland, Jefferson, Scott, Clark, Floyd, Washington, and Harrison.

Adopted by the Ohio Valley Presbytery at its stated meeting, May 7, 2024.

Attested by /s/ TE Larry C. Hoop, Stated Clerk, Ohio Valley Presbytery

APPENDIX V

TUESDAY NIGHT WORSHIP

Tuesday, June 11, 2024

Faithful to the Scriptures

6:00 pm Prelude Choir

6:30 pm Welcome

Call to Worship*

Crown Him with Many Crowns

Crown Him with many crowns, the Lamb upon His throne;
Hark! How the heav'nly anthem drowns all music but its own:
Awake, my soul, and sing of Him who died for thee,
And hail Him as thy matchless King through all eternity.

Crown Him the Lord of love; behold His hands and side,
Rich wounds, yet visible above, in beauty glorified:
No angel in the sky can fully bear that sight,
But downward bends His burning eye at mysteries so bright.

Crown Him the Lord of peace; whose pow'r a scepter sways
From pole to pole, that wars may cease, absorbed in prayer and praise;
His reign shall know no end; and round His pierced feet
Fair flow'rs of Paradise extend their fragrance ever sweet.

Crown Him the Son of God, before the worlds began,
And ye who tread where He hath trod, Crown Him the Son of Man;
Who every grief hath known that wrings the human breast,
And takes and bears them for His own, that all in Him may rest.

Crown Him the Lord of years, the Potentate of time;
Creator of the rolling spheres, ineffably sublime:
All hail, Redeemer, hail! For Thou hast died for me:
Thy praise and glory shall not fail throughout eternity.

Prayer of Adoration and Invocation*

Reading of the Law — Romans 12:3-21 (ESV)

For by the grace given to me I say to everyone among you not to think of himself more highly than he ought to think, but to think with sober judgment, each according to the measure of faith that God has assigned. For as in one body we have many members, and the members do not all have the same function, so we, though many, are one body in Christ, and individually members one of another. Having gifts that differ according to the grace given to us, let us use them: if prophecy, in proportion to our faith; if service, in our serving; the one who teaches, in his teaching; the one who exhorts, in his exhortation; the one who contributes, in generosity; the one who leads, with zeal; the one who does acts of mercy, with cheerfulness.

Let love be genuine. Abhor what is evil; hold fast to what is good. Love one another with brotherly affection. Outdo one another in showing honor. Do not be slothful in zeal, be fervent in spirit, serve the Lord. Rejoice in hope, be patient in tribulation, be constant in prayer. Contribute to the needs of the saints and seek to show hospitality.

Bless those who persecute you; bless and do not curse them. Rejoice with those who rejoice, weep with those who weep. Live in harmony with one another. Do not be haughty, but associate with the lowly. Never be wise in your own sight. Repay no one evil for evil, but give thought to do what is honorable in the sight of all. If possible, so far as it depends on you, live peaceably with all. Beloved, never avenge yourselves, but leave it to the wrath of God, for it is written, “Vengeance is mine, I will repay, says the Lord.” To the contrary, “if your enemy is hungry, feed him; if he is thirsty, give him something to drink; for by so doing you will heap burning coals on his head.” Do not be overcome by evil, but overcome evil with good.

Unison Confession of Sin — from Psalm 51

Have mercy on us, O God, according to your steadfast love; according to your abundant mercy blot out our transgressions. Wash us thoroughly from our iniquity and cleanse us from our sin! For we know our transgressions, and our sin is ever before us. Against you, you only, have we sinned and done what is evil in your sight, so that you may be justified in your words and blameless in your judgment. Create in us clean hearts, O God, and renew a right spirit within us. Restore to us the joy of your salvation and uphold us with a willing spirit. Then we will teach transgressors your ways, and sinners will return to you.

Assurance of Pardon

Psalm 98*

Sing a new song to Jehovah for the wonders He has wrought;
His right hand and arm most holy triumph to His cause have brought.
In His love and tender mercy He has made salvation known,
In the sight of ev'ry nation He His righteousness has shown.

Truth and mercy towards His people He has ever kept in mind,
And His full and free salvation He has shown to all mankind.
Sing O earth, sing to Jehovah, praises to Jehovah sing;
With the swelling notes of music shout before the Lord, the King.

Seas with all your fullness thunder, all earth's peoples now rejoice;
Floods and hills in praise uniting, to the Lord lift up your voice.
For, behold, the Lord is coming, robed in justice and in might;
He alone will judge the nations, and His judgment shall be right.

Scripture Reading — Psalm 19

Pastoral Prayer

Collection

Congregational Singing while collection is taken:

O the Deep, Deep Love of Jesus

O the deep, deep love of Jesus! Vast, unmeasured, boundless, free;
Rolling as a mighty ocean in its fullness over me.
Underneath me, all around me, is the current of Thy love;
Leading onward, leading homeward, to Thy glorious rest above.

O the deep, deep love of Jesus! Spread His praise from shore to shore;
How He loveth, ever loveth, changeth never, nevermore;
How He watches o'er His loved ones, died to call them all His own;
How for them He intercedeth, watcheth o'er them from the throne.

O the deep, deep love of Jesus! Love of ev'ry love the best:
'Tis an ocean vast of blessing, 'Tis a haven sweet of rest.
O the deep, deep love of Jesus! 'Tis a heav'n of heav'ns to me;
And it lifts me up to glory, for it lifts me up to Thee.

Scripture Reading — 2 Timothy 3:14-4:5

Sermon — “The Blessing of the Bible”

Rev. Fred Greco, Senior Pastor, Christ Church | Katy TX

How Firm a Foundation*

How firm a foundation, you saints of the Lord,
Is laid for your faith in his excellent Word!
What more can He say than to you he has said,
To you who for refuge to Jesus have fled?

"Fear not, I am with you, O be not dismayed;
For I am your God, and will still give you aid;
I'll strengthen you, help you, and cause you to stand,
Upheld by My righteous, omnipotent hand.

"When through the deep waters I call you to go,
The rivers of sorrow shall not overflow;
For I will be with you, your troubles to bless,
And sanctify to you your deepest distress.

"When through fiery trials your pathway shall lie,
My grace, all-sufficient, shall be your supply;
The flame shall not hurt you; I only design
Your dross to consume and your gold to refine.

"E'en down to old age all My people shall prove
My sovereign, eternal, unchangeable love;
And when hoary hairs shall their temples adorn,
Like lambs they shall still in My bosom be borne.

"The soul that on Jesus has leaned for repose,
I will not, I will not desert to his foes;
That soul, though all hell should endeavor to shake,
I'll never, no never, no never forsake."

Nicene Creed

We believe in one God, the Father Almighty,
Maker of heaven and earth, of all things visible and invisible.

And in one Lord Jesus Christ, the only-begotten Son of God,
begotten of his Father before all worlds,
God of God, Light of Light, very God of very God,
begotten, not made, being of one substance with the Father;
by whom all things were made;
who for us and for our salvation
came down from heaven,

and was incarnate by the Holy Spirit of the virgin Mary,
and was made man;
and was crucified also for us under Pontius Pilate;
he suffered and was buried;
and the third day he rose again according to the Scriptures,
and ascended into heaven, and is seated at the right hand of the Father;
and he shall come again, with glory, to judge both the living and the dead;
whose kingdom shall have no end.

And we believe in the Holy Spirit, the Lord and giver of life,
who proceeds from the Father and the Son;
who with the Father and the Son together is worshiped and glorified;
who spoke by the prophets;
and we believe in one holy catholic and apostolic church;
we acknowledge one baptism for the remission of sins;
and we look for the resurrection of the dead,
and the life of the world to come. Amen.

The Lord's Supper

(The bread is gluten, dairy, egg, and nut free)

Doxology*

Benediction*

WORSHIP LEADERS

Rev. Steve Moulson, Pastor, Church Hill Presbyterian Church | Richmond, VA

Mr. Rick Hutton, Ruling Elder, All Saints Reformed Pres. Church | Richmond, VA

Rev. Dan Lipford, Pastor, Centralia Presbyterian Church | Centralia, VA

Rev. Harry Long, Pastor Emeritus, Chairman of the Host Committee |
Midlothian, VA

SONG LEADERS

Mr. Jack Templeton, Conductor, All Saints Reformed Pres. Church | Richmond, VA

Mr. Brian Evans, Instrumental Lead, Church Hill Pres. Church | Richmond, VA

MUSICIANS

Ashley Poppe, Alyssa Evans, Peter Greydanus, Amy Pinteá, Brian Strawley,
Mark Oates, Carl Lundgren, Justin Holroyd, Amy Roberts, Kathy Pritchard

WEDNESDAY EVENING WORSHIP

Wednesday, June 12, 2024

True to the Reformed Faith

4:45 p.m. Prelude

What Wondrous Love Is This

Call to Worship — Psalm 63:1-5*

Minister: O God, You are my God; earnestly I seek You; my soul thirsts for You;

People: My flesh faints for You, as in a dry and weary land where there is no water.

Minister: So I have looked upon You in the sanctuary, beholding Your power and glory.

People: Because Your steadfast love is better than life, my lips will praise You.

Minister: So I will bless You as long as I live; in Your name I will lift up my hands.

All: My soul will be satisfied as with fat and rich food, and my mouth will praise You with joyful lips.

Hymn of Adoration*

A Mighty Fortress is Our God

A mighty fortress is our God, a bulwark never failing;
our helper he amid the flood of mortal ills prevailing.
For still our ancient foe doth seek to work us woe;
his craft and pow'r are great; and armed with cruel hate,
on earth is not his equal.

Did we in our own strength confide, our striving would be losing;
were not the right man on our side, the man of God's own choosing.
Dost ask who that may be? Christ Jesus, it is he,
Lord Sabaoth his name, from age to age the same,
and he must win the battle.

And though this world, with devils filled, should threaten to undo us,
we will not fear, for God hath willed his truth to triumph through us.
The prince of darkness grim, we tremble not for him;
his rage we can endure, for lo! his doom is sure;
one little word shall fell him.

That Word above all earthly pow'rs, no thanks to them, abideth;
the Spirit and the gifts are ours through him who with us sideth.
Let goods and kindred go, this mortal life also;
the body they may kill: God's truth abideth still;
his kingdom is forever.

Invocation*

Affirmation of Faith*

Heidelberg Catechism #1

Minister: What is your only comfort in life and death?

All: That I am not my own, but belong with body and soul, both in life and in death, to my faithful Saviour Jesus Christ. He has fully paid for all my sins with His precious blood, and has set me free from all the power of the devil. He also preserves me in such a way that without the will of my heavenly Father, not a hair can fall from my head; indeed, all things must work together for my salvation. Therefore, by His Holy Spirit, He also assures me of eternal life and makes me heartily willing and ready from now on to live for him.

Song of Praise*

And Can It Be That I Should Gain

And can it be that I should gain an int'rest in the Savior's blood?
Died he for me, who caused his pain? For me, who Him to death pursued?
Amazing love! How can it be that Thou, my God, shouldst die for me?
Amazing love! How can it be that Thou, my God, shouldst die for me?

He left His Father's throne above (so free, so infinite his grace!),
humbled Himself, so great his love! And bled for all His chosen race!
'Tis mercy all, immense and free, for, O my God, it found out me!
Amazing love! How can it be that Thou, my God, shouldst die for me?

Long my imprisoned spirit lay fast bound in sin and nature's night;
Thine eye diffused a quick'ning ray; I woke, the dungeon flamed with light;
my chains fell off, my heart was free; I rose, went forth, and followed Thee.
Amazing love! How can it be that Thou, my God, shouldst die for me?

No condemnation now I dread; Jesus, and all in Him, is mine!
Alive in Him, my living Head, and clothed in righteousness divine,
bold I approach th'eternal throne, and claim the crown, through Christ,
my own.
Amazing love! How can it be that Thou, my God, shouldst die for me?

Public Confession

Our God in heave, if you should mark iniquities, who could stand? We know that if we say we have no sin, we deceive ourselves, and the truth is not in us. Not one of us does good, no, not one. We have stiffened our necks against your will, hardened our hearts to your Word, refused to hear your voice, pulled away from your loving embrace, despised correction, and forgotten you in our thoughts. Yes, we have sinned against you. Father, we repent. We come to Christ, who has promised rest for our souls. We take his yoke upon us. We desire to learn from him. Grant that we may bring forth the fruits of repentance from sincere hearts, which are precious in your sight. In Jesus' Name, we pray. Amen.

Silent Confession

Assurance of Pardon

1 John 2:1-2 My little children, I am writing these things to you so that you may not sin. But if anyone does sin, we have an advocate with the Father, Jesus Christ the righteous. He is the propitiation for our sins, and not for ours only but also for the sins of the whole world.

Song of Renewal*

O Love That Will Not Let Me Go

O Love that wilt not let me go, I rest my weary soul in Thee;
I give Thee back the life I owe,
That in Thine ocean depths its flow may richer, fuller be.

O Light that follow'st all my way, I yield my flick'ring torch to Thee;
My heart restores its borrowed ray,
That in thy sunshine's blaze its day may brighter, fairer be.

O Joy that seekest me through pain, I cannot close my heart to Thee;
I trace the rainbow through the rain,
and feel the promise is not vain that morn shall tearless be.

O Cross that liftest up my head, I dare not ask to fly from Thee;
I lay in dust life's glory dead,
and from the ground there blossoms red life that shall endless be.

Scripture Reading — John 1:43-51

Sermon — “Exceeds Expectations”

Rev. Ben Robertson | RUF Campus Minister, College of William & Mary

Song of Response*

The Sands of Time Are Sinking

The sands of time are sinking, the dawn of heaven breaks;
The summer morn I've sighed for - the fair, sweet morn awakes:
Dark, dark had been the midnight, but dayspring is at hand,
And glory, glory dwelleth in Emmanuel's land.

The king there in His beauty, without a veil is seen:
It were a well-spent journey, though seven deaths lay between:
The Lamb with His fair army, doth on Mount Zion stand,
And glory, glory dwelleth in Emmanuel's land.

O Christ, He is the fountain, the deep, sweet well of love!
The streams on earth I've tasted more deep I'll drink above:
There to an ocean fullness, His mercy doth expand,
And glory, glory dwelleth in Emmanuel's land.

The bride eyes not her garment, but her dear Bridegroom's face;
I will not gaze at glory, but on my King of grace.
Not at the crown He giveth, but on His pierced hand;
The Lamb is all the glory of Emmanuel's land.

O I am my Beloved's and my Beloved is mine!
He brings a poor vile sinner into His house of wine
I stand upon His merit – I know no other stand,
Not e'en where glory dwelleth in Emmanuel's land.

Benediction — Jude 24-25*

Now to him who is able to keep you from stumbling and to present you blameless before the presence of his glory with great joy, to the only God, our Savior, through Jesus Christ our Lord, be glory, majesty, dominion, and authority, before all time and now and forevermore. Amen

Postlude*

WORSHIP LEADERS

Ms. Jena Chenkin, Violist, Westminster Reformed Presbyterian Church |
Suffolk, VA

Rev. Justin Clement, Pastor, Liturgist, Grace Presbyterian Church | Lexington,
VA

Rev. Essen Daly, Pastor, Liturgist, Tabernacle Presbyterian Church |
Waynesboro, VA

Rev. Jason Kriaski, Assistant Pastor, Percussionist, Grace Presbyterian Church
| Lexington, VA

Mr. Josh Mullins, Director of Worship Arts, Piano and Vocals, Westminster
Reformed Presbyterian Church | Suffolk, VA

Rev. Ben Robertson, RUF Campus Minister, Preacher, College of William &
Mary | Williamsburg, VA

Ms. Abbie Rowland, Vocalist, Westminster Reformed Presbyterian Church |
Suffolk, VA

Rev. Kellett Thomas, Guitar and Vocalist, Grace Presbyterian Church |
Lexington, VA

Rev. Ross Turner, Pastor, Violinist, Westminster Reformed Presbyterian
Church | Suffolk, VA

THURSDAY NIGHT WORSHIP

Thursday, June 13, 2024

Obedient to the Great Commission of Jesus Christ

7:30 pm Call to Worship 예배로의 부름 **Psalm** 시편 **96:7-13**

Rev. David Moon 문다윗 목사 (Korean Central Presbyterian Church)

Minister: 만국의 족속들이 영광과 권능을 여호와께 돌릴지어다
여호와께 돌릴지어다

People: 여호와의 이름에 합당한 영광을 그에게 돌릴지어다
예물을 들고 그의 궁정에 들어갈지어다

Minister: 아름답고 거룩한 것으로 여호와께 예배할지어다 온
땅이여 그 앞에서 떨지어다

People: 모든 나라 가운데서 이르기를 여호와께서 다스리시니
세계가 굳게 서고 흔들리지 않으리라 그가 만민을 공평하게
심판하시리라 할지로다

Minister: 하늘은 기뻐하고 땅은 즐거워하며 바다와 거기에
충만한 것이 외치고

People: 밭과 그 가운데에 있는 모든 것은 즐거워할지로다 그
때 숲의 모든 나무들이 여호와 앞에서 즐거이 노래하리니

All: 그가 임하시되 땅을 심판하러 임하실 것임이라 그가 의로
세계를 심판하시며 그의 진실하심으로 백성을 심판하시리로다

Minister: Ascribe to the Lord, O families of the peoples, ascribe to the
Lord glory and strength!

**People: Ascribe to the Lord the glory due His name; bring an offering,
and come into His courts!**

Minister: Worship the Lord in the splendor of holiness; tremble before Him,
all the earth!

People: Say among the nations, “The Lord reigns! Yes, the world is established; it shall never be moved; He will judge the peoples with equity.”

Minister: Let the heavens be glad, and let the earth rejoice; let the sea roar, and all that fills it;

People: Let the field exult, and everything in it! Then shall all the trees of the forest sing for joy

All: before the Lord, for He comes, for He comes to judge the earth. He will judge the world in righteousness, and the peoples in His faithfulness.

Songs of Praise 찬양

Praise Team (Korean Capital Presbytery)

Prayer of Thanksgiving 감사기도

Rev. Mark Oh 오지영 목사 (Korean Capital Presbytery)

Confession of Sin 회개기도 - **Romans** 로마서 **2:4**

Rev. Huey Lee 이해진 목사 (Christ Central Presbyterian Church)

Assurance of Pardon 사죄의 확신 - **Colossians** 골로새서 **1:13-14**

Rev. Paul Bang 방지훈 목사 (Korean Presbyterian Church of Washington)

Confession of Faith 신앙고백 - **The Apostles Creed** 사도신경

Rev. Dong Woo Kim 김동우 목사

(Covenant Presbyterian Church of Maryland)

전능하사 천지를 만드신 하나님 아버지를 내가 믿사오며,
그 외아들 우리 주 예수 그리스도를 믿사오니,
이는 성령으로 잉태하사 동정녀 마리아에게 나시고
본디오 빌라도에게 고난을 받으사
십자가에 못박혀 죽으시고
장사한 지 사흘 만에 죽은 자 가운데서 다시 살아 나시며,
하늘에 오르사, 전능하신 하나님 우편에 앉아 계시다가,

저리로서 산 자와 죽은 자를 심판하러 오시리라.
성령을 믿사오며,
거룩한 공회와, 성도가 서로 교통하는 것과,
죄를 사하여 주시는 것과,
몸이 다시 사는 것과 영원히 사는 것을 믿사옵나이다. 아멘

**I believe in God the Father Almighty, Maker of heaven and earth:
And in Jesus Christ his only Son, our Lord;
who was conceived by the Holy Spirit, born of the virgin Mary,
suffered under Pontius Pilate, was crucified, dead, and buried;
He descended into hell;
the third day He rose again from the dead;
He ascended into heaven,
and sitteth at the right hand of God the Father Almighty;
from thence He shall come to judge the quick and the dead.
I believe in the Holy Spirit; the holy catholic church;
the communion of saints; the forgiveness of sins;
the resurrection of the body; and the life everlasting. Amen**

Love Offering for Mission to the World 세계선교위원회를
위한 선교헌금

Rev. Eung Yul Ryoo 류응렬 목사 (Korean Central Presbyterian Church)

Choir Presentation 성가대 찬양
Korean Central Presbyterian Church

One Voice Prayer for Mission to the World

세계선교위원회를 위한 통성기도

Rev. Eung Yul Ryoo 류응렬 목사 (Korean Central Presbyterian Church)

Sermon 설교 - **“Blessed to Bless 복 주기 위해 복 받은 사람”**
(Psalm 시편 67)

Rev. Joel Kim 김은일 목사 (Westminster Seminary, California)

Songs of Response 화답 찬양

Praise Team (Korean Capital Presbytery)

Benediction 축도

Rev. Peace Ahn 안성식 목사 (Mok Yang Presbyterian Church)

WORSHIP LEADERS

Rev. Hyung Min (David) Bae, Leader and Vocals | Centreville, VA

Ms. Uree Chang, Vocals, Korean Central Presbyterian Church DC |
Arlington, VA

Ms. Alice Hong, Vocals, Korean Central Presbyterian Church DC |
Arlington, VA

Mr. Hwihu Kang, Pastoral Intern, Electric Guitar 2, Korean Presbyterian
Church of Washington | Fairfax, VA

Mr. Darien Mun, Drums, Christ Central Presbyterian Church | Centreville,
VA

Mr. Sam Na, Korean Presbyterian Church of Washington, Bass | Fairfax,
VA

Mr. Daniel Hosung Yi, Electric Guitar 1, Korean Central Presbyterian
Church DC | Arlington, VA

Rev. John Yun, College and Worship Pastor, Korean Central Presbyterian
Church | Centreville, VA

PART IV

CORRECTIONS TO PREVIOUS MINUTES OF THE GENERAL ASSEMBLY

Corrections to the *Minutes of the 49th General Assembly*

Correction **Overture 15 — Negative Votes** p.80ff.
Adding one person whose name was inadvertently left off:
TE Danny Morgan South Coast

Corrections to the *Minutes of the 50th General Assembly*

Correction **Appendix A: Stated Clerk's Report**
Attachment 1: BCO Amendments Sent Down p.133ff.
The vote tallies published did not include the onsite revision reflecting the most up-to-date votes. The vote totals as reported to the General Assembly are included on the following pages.

2022-2023

**BCO AMENDMENTS SENT DOWN TO PRESBYTERIES
BY THE 49th GENERAL ASSEMBLY
FOR VOTING, and for ADVICE AND CONSENT**

NOTE: The Stated Clerk's Office sends the proposed amendments only in their final form, as approved by the General Assembly.

ITEM 1: Amend BCO 7 to disqualify from office men describing themselves as homosexual. [Overture 15 was answered in the affirmative as amended.]

BCO 7.

4. Men who describe themselves as homosexual, even those who describe themselves as homosexual and claim to practice celibacy by refraining from homosexual conduct, are disqualified from holding office in the Presbyterian Church in America.

For: 48

Against: 32

CORRECTIONS

ITEM 1: Amend BCO 7

		Item 1 - BCO 7							Item 1 - BCO 7				
	Presbytery	For	Against	Abstain	Passed	Not P.		Presbytery	For	Against	Abstain	Passed	Not P.
1	Arizona						45	Mississippi Valley	77	4	2	1	
2	Ascension	28	7	0	1		46	Missouri	28	39	0		1
3	Blue Ridge	38	36	0	1		47	Nashville	16	52	1		1
4	Calvary	61	31	4	1		48	New Jersey	14	5	0	1	
5	Canada West	22	7	1	1		49	New River	10	2	3	1	
6	Catawba Valley	31	6	1	1		50	New York State	11	16	2		1
7	Central Carolina	41	11	1	1		51	North Florida	21	18	1	1	
8	Central Florida	39	47	0		1	52	North Texas	48	45	4	1	
9	Central Georgia	38	8	0	1		53	Northern California	12	20	2		1
10	Central Indiana	6	11	1		1	54	Northern Illinois	11	15	1		1
11	Chesapeake	31	36	1		1	55	Northern New England	4	14	1		1
12	Chicago Metro	18	25	0		1	56	Northwest Georgia	34	8	0	1	
13	Columbus Metro						57	Ohio	11	7	0	1	
14	Covenant	52	37	0	1		58	Ohio Valley	17	28	4		1
15	Eastern Canada	4	25	0		1	59	Pacific	12	21	2		1
16	Eastern Carolina	22	27	3		1	60	Pacific Northwest					
17	Eastern Pennsylvania	12	15	2		1	61	Palmetto	41	37	0	1	
18	Evangel	57	40	0	1		62	PeeDee	35	0	3	1	
19	Fellowship	33	4	1	1		63	Philadelphia	8	9	0		1
20	Georgia Foothills	15	27	2		1	64	Philadelphia Metro We	13	5	1	1	
21	Grace	43	7	0	1		65	Piedmont Triad	18	22	0		1
22	Great Lakes	45	9	1	1		66	Pittsburgh	39	15	2	1	
23	Gulf Coast	35	2	0	1		67	Platte Valley	5	17	1		1
24	Gulfstream						68	Potomac	19	53	3		1
25	Heartland	21	4	0	1		69	Providence	37	13	4	1	
26	Heritage	19	20	4		1	70	Rio Grande	9	20	0		1
27	Highlands	41	18	0	1		71	Rocky Mountain	32	47	4		1
28	Hills and Plains	24	21	3	1		72	Savannah River	39	1	0	1	
29	Houston Metro	34	16	0	1		73	Stoulands	16	13	0	1	
30	Illiana	16	0	0	1		74	South Coast					
31	Iowa	9	3	0	1		75	South Florida	21	5	4	1	
32	James River	55	22	2	1		76	South Texas	23	29	0		1
33	Korean Capital	22	15	1	1		77	Southeast Alabama	42	2	1	1	
34	Korean Central	24	3	7	1		78	Southern Louisiana	10	13	1		1
35	Korean Eastern						79	Southern New England	29	39	0		1
36	Korean Northeastern						80	Southwest Florida	51	14	0	1	
37	Korean Northwest	20	2	0	1		81	Suncoast Florida	34	14	1	1	
38	Korean Southeastern						82	Susquehanna Valley	45	12	3	1	
39	Korean Southern	14	0	2	1		83	Tennessee Valley	39	54	0		1
40	Korean Southwest	22	4	0	1		84	Tidewater	17	23	2		1
41	Korean Southwest O.C.	32	5	1	1		85	Warrior	16	14	0	1	
42	Lowcountry	20	14	0	1		86	West Hudson	13	13	1		1
43	Metro Atlanta	29	81	0		1	87	Westminster	26	2	0	1	
44	Metropolitan New York	1	31	1		1	88	Wisconsin	24	26	1		1

Official Totals: For - 48 Against – 32
 Number of Presbyteries: 88
 Number Reporting: 80
 2/3 Approval is: 59

ITEM 2: Amend BCO 8 by the addition of a new paragraph, 8-8, adding chaplain endorsement requirements and recommendations; and **renumber** the following paragraphs accordingly. [Overture 28 was answered in the affirmative as amended.]

8-8. A Presbytery may, at its discretion, approve the call of a teaching elder to work as a Chaplain whether military or civilian, with an organization outside the jurisdiction of the Presbyterian Church in America, provided that he be engaged in preaching and teaching the Word, that the Presbytery be assured he will have full freedom to maintain and teach the doctrine of our Church, and that he reports at least annually on his work. The Chaplain may be appointed to the work of an evangelist when serving as a Chaplain. Teaching elders ministering as paid or volunteer chaplains are strongly encouraged to seek and obtain their Ecclesiastical Endorsement from the endorsing agency authorized by the General Assembly for such purpose.

8-89. As there were in the Church under the law, elders of the people for the government thereof, so in the Gospel Church, Christ has furnished others besides ministers of the Word with gifts and commission to govern when called thereunto, who are called *ruling elders*.

8-910. Elders being of one class of office, ruling elders possess the same authority and eligibility to office in the courts of the Church as teaching elders. They should, moreover, cultivate zealously their own aptness to teach the Bible and should improve every opportunity of doing so.

For: 78

Against: 2

CORRECTIONS

ITEM 2: Amend BCO 8

		Item 2 - BCO 8				
Presbytery	For	Against	Abstain	Passed	Not P.	
1	Arizona					
2	Ascension	33	0	2	1	
3	Blue Ridge	61	0	1	1	
4	Calvary	88	0	1	1	
5	Canada West	26	0	0	1	
6	Catawba Valley	38	0	0	1	
7	Central Carolina	51	0	0	1	
8	Central Florida	60	0	0	1	
9	Central Georgia	38	0	0	1	
10	Central Indiana	16	0	0	1	
11	Chesapeake	71	0	1	1	
12	Chicago Metro	37	0	0	1	
13	Columbus Metro					
14	Covenant	76	1	0	1	
15	Eastern Canada	28	0	2	1	
16	Eastern Carolina	50	0	0	1	
17	Eastern Pennsylvania	27	0	1	1	
18	Evangel	87	0	0	1	
19	Fellowship	36	0	1	1	
20	Georgia Foothills	42	0	2	1	
21	Grace	47	0	1	1	
22	Great Lakes	46	1	2	1	
23	Gulf Coast	37	0	0	1	
24	Gulfstream					
25	Heartland	25	0	0	1	
26	Heritage	35	0	3	1	
27	Highlands	58	0	0	1	
28	Hills and Plains	41	0	2	1	
29	Houston Metro	50	0	0	1	
30	Illiana	16	0	0	1	
31	Iowa	13	0	0	1	
32	James River	79	0	0	1	
33	Korean Capital	35	0	1	1	
34	Korean Central	30	0	3	1	
35	Korean Eastern					
36	Korean Northeastern					
37	Korean Northwest	22	0	0	1	
38	Korean Southeastern					
39	Korean Southern	11	2	3	1	
40	Korean Southwest	26	0	0	1	
41	Korean Southwest O.C.	33	1	4	1	
42	Lowcountry	30	0	0	1	
43	Metro Atlanta	106	2	3	1	
44	Metropolitan New York	32	1	0	1	

		Item 2 - BCO 8				
Presbytery	For	Against	Abstain	Passed	Not P.	
45	Mississippi Valley	83	0	0	1	
46	Missouri	60	0	2	1	
47	Nashville	72	0	0	1	
48	New Jersey	21	0	0	1	
49	New River	14	0	0	1	
50	New York State	5	21	1	1	
51	North Florida	29	0	0	1	
52	North Texas	81	0	3	1	
53	Northern California	34	0	0	1	
54	Northern Illinois	30	0	0	1	
55	Northern New England	17	0	1	1	
56	Northwest Georgia	44	0	1	1	
57	Ohio	12	2	3	1	
58	Ohio Valley	42	0	0	1	
59	Pacific	19	0	1	1	
60	Pacific Northwest					
61	Palmetto	75	0	0	1	
62	PeeDee	40	0	0	1	
63	Philadelphia	16	0	0	1	
64	Philadelphia Metro West	17	0	0	1	
65	Piedmont Triad	38	0	0	1	
66	Pittsburgh	48	0	1	1	
67	Platte Valley	7	10	4	1	
68	Potomac	46	1	1	1	
69	Providence	51	0	0	1	
70	Rio Grande	25	1	0	1	
71	Rocky Mountain	77	0	0	1	
72	Savannah River	39	0	1	1	
73	Siouxlands	32	0	0	1	
74	South Coast					
75	South Florida	22	0	8	1	
76	South Texas	50	1	2	1	
77	Southeast Alabama	44	0	0	1	
78	Southern Louisiana	19	0	1	1	
79	Southern New England	68	0	0	1	
80	Southwest Florida	52	9	2	1	
81	Suncoast Florida	44	0	0	1	
82	Susquehanna Valley	30	3	1	1	
83	Tennessee Valley	42	0	1	1	
84	Tidewater	43	0	0	1	
85	Warrior	29	0	0	1	
86	West Hudson	20	1	2	1	
87	Westminster	28	0	1	1	
88	Wisconsin	17	7	5	1	

Official Totals: For - 78 Against - 2
 Number of Presbyteries: 88
 Number Reporting: 80
 2/3 Approval is: 59

ITEM 3: Amend BCO 15-1 and 15-3 to clarify the role of a Presbytery commission.

[Overture 25 was answered in the affirmative as amended.]

15-1. A commission differs from an ordinary committee in that while a committee is appointed to examine, consider, and report, a commission is authorized to deliberate upon and conclude the business referred to it, ~~except in the case of judicial commissions of a Presbytery appointed under BCO 15-3.~~ A commission shall keep a full record of its proceedings, which shall be submitted to the court appointing it. Upon such submission this record shall be entered on the minutes of the court appointing, the date of the submission being the date of “the meeting of the court” for filing requirements under the rules of discipline, with exception of the “notification” dates of BCO 42-4 and 43-3, except in the case of a presbytery commission serving as a session or a judicial commission as set forth in BCO 15-3. The effective date of dismissal of a commission of Session or Presbytery shall be not before the time allowed for the filing of a complaint or appeal against that commission’s decision has expired. Any complaint or appeal so timely filed, shall be adjudicated by that commission until the matter is settled by the that commission or a higher court. When a commission is appointed to serve as an interim Session, its actions are the actions of a Session, not a Presbytery. Every commission of a Presbytery or Session must submit complete minutes and a report of its activities at least once annually to the court which commissioned it.

15-3. Presbytery as a whole may ~~try a judicial case within its jurisdiction (including the right to refer any strictly constitutional issue to a study committee with options listed below),~~ hear a case, with or without process (BCO 31-38), a reference (BCO 41), an appeal (BCO 42), a complaint (BCO 43), a BCO 40-5 proceeding, or a request to assume original jurisdiction (BCO 33-1) properly before it, or it may of its own motion commit ~~any judicial such~~ a case to a commission. Such a commission shall be appointed by the Presbytery from its members other than members of the Session of the church from which the case comes up. The commission shall try the

CORRECTIONS

case in the manner presented by the Rules of Discipline and shall submit to the Presbytery a full statement of the case and the judgment rendered. ~~The Presbytery without debate shall approve or disapprove of the judgment, or may refer, (a debatable motion), any strictly constitutional issue(s) to a study committee. In case of referral, the Presbytery shall either dismiss some or all of the specific charges raised in the case or decide the case only after the report of the study committee has been heard and discussed. If Presbytery approves, the~~ The judgment of the commission shall be final and shall be entered on the minutes of Presbytery as the action the decision of the Presbytery, and the statement of the case and judgment printed in its minutes. ~~If Presbytery disapproves, it shall hear the case as a whole, or appoint a new commission to hear the case again.~~

So that *BCO* 15-1 and 15-3 as amended would read:

15-1. A commission differs from an ordinary committee in that while a committee is appointed to examine, consider, and report, a commission is authorized to deliberate upon and conclude the business referred to it. A commission shall keep a full record of its proceedings, which shall be submitted to the court appointing it. Upon such submission this record shall be entered on the minutes of the court appointing, the date of the submission being the date of “the meeting of the court” for filing requirements under the rules of discipline, with exception of the “notification” dates of *BCO* 42-4 and 43-3. The effective date of dismissal of a commission of Session or Presbytery shall be not before the time allowed for the filing of a complaint or appeal against that commission’s decision has expired. Any complaint or appeal so timely filed, shall be adjudicated by that commission until the matter is settled by that commission or a higher court. When a commission is appointed to serve as an interim Session, its actions are the actions of a Session, not a Presbytery. Every commission of a Presbytery or Session must submit complete minutes and a report of its activities at least once annually to the court which commissioned it.

MINUTES OF THE GENERAL ASSEMBLY

15-3. Presbytery as a whole may hear a case, with or without process (*BCO* 31-38), a reference (*BCO* 41), an appeal (*BCO* 42), a complaint (*BCO* 43), a *BCO* 40-5 proceeding, or a request to assume original jurisdiction (*BCO* 33-1) properly before it, or it may of its own motion commit such a case to a commission. Such a commission shall be appointed by the Presbytery from its members other than members of the Session of the church from which the case comes up. The commission shall try the case in the manner presented by the Rules of Discipline and shall submit to the Presbytery a full statement of the case and the judgment rendered. The judgment of the commission shall be the decision of the Presbytery, and the statement of the case and judgment printed in its minutes.

For: 68 Against: 12

CORRECTIONS

ITEM 3: Amend BCO 15-1 and 15-3

		Item 2 - BCO 8				
Presbytery	For	Against	Abstain	Passed	Not P.	
1	Arizona					
2	Ascension	33	0	2	1	
3	Blue Ridge	61	0	1	1	
4	Calvary	88	0	1	1	
5	Canada West	26	0	0	1	
6	Catawba Valley	38	0	0	1	
7	Central Carolina	51	0	0	1	
8	Central Florida	60	0	0	1	
9	Central Georgia	38	0	0	1	
10	Central Indiana	16	0	0	1	
11	Chesapeake	71	0	1	1	
12	Chicago Metro	37	0	0	1	
13	Columbus Metro					
14	Covenant	76	1	0	1	
15	Eastern Canada	28	0	2	1	
16	Eastern Carolina	50	0	0	1	
17	Eastern Pennsylvania	27	0	1	1	
18	Evangel	87	0	0	1	
19	Fellowship	36	0	1	1	
20	Georgia Foothills	42	0	2	1	
21	Grace	47	0	1	1	
22	Great Lakes	46	1	2	1	
23	Gulf Coast	37	0	0	1	
24	Gulfstream					
25	Heartland	25	0	0	1	
26	Heritage	35	0	3	1	
27	Highlands	58	0	0	1	
28	Hills and Plains	41	0	2	1	
29	Houston Metro	50	0	0	1	
30	Illiana	16	0	0	1	
31	Iowa	13	0	0	1	
32	James River	79	0	0	1	
33	Korean Capital	35	0	1	1	
34	Korean Central	30	0	3	1	
35	Korean Eastern					
36	Korean Northeastern					
37	Korean Northwest	22	0	0	1	
38	Korean Southeastern					
39	Korean Southern	11	2	3	1	
40	Korean Southwest	26	0	0	1	
41	Korean Southwest O.C.	33	1	4	1	
42	Lowcountry	30	0	0	1	
43	Metro Atlanta	106	2	3	1	
44	Metropolitan New York	32	1	0	1	

		Item 2 - BCO 8				
Presbytery	For	Against	Abstain	Passed	Not P.	
45	Mississippi Valley	83	0	0	1	
46	Missouri	60	0	2	1	
47	Nashville	72	0	0	1	
48	New Jersey	21	0	0	1	
49	New River	14	0	0	1	
50	New York State	5	21	1	1	
51	North Florida	29	0	0	1	
52	North Texas	81	0	3	1	
53	Northern California	34	0	0	1	
54	Northern Illinois	30	0	0	1	
55	Northern New England	17	0	1	1	
56	Northwest Georgia	44	0	1	1	
57	Ohio	12	2	3	1	
58	Ohio Valley	42	0	0	1	
59	Pacific	19	0	1	1	
60	Pacific Northwest					
61	Palmetto	75	0	0	1	
62	PeeDee	40	0	0	1	
63	Philadelphia	16	0	0	1	
64	Philadelphia Metro West	17	0	0	1	
65	Piedmont Triad	38	0	0	1	
66	Pittsburgh	48	0	1	1	
67	Platte Valley	7	10	4	1	
68	Potomac	46	1	1	1	
69	Providence	51	0	0	1	
70	Rio Grande	25	1	0	1	
71	Rocky Mountain	77	0	0	1	
72	Savannah River	39	0	1	1	
73	Siouxlands	32	0	0	1	
74	South Coast					
75	South Florida	22	0	8	1	
76	South Texas	50	1	2	1	
77	Southeast Alabama	44	0	0	1	
78	Southern Louisiana	19	0	1	1	
79	Southern New England	68	0	0	1	
80	Southwest Florida	52	9	2	1	
81	Suncoast Florida	44	0	0	1	
82	Susquehanna Valley	30	3	1	1	
83	Tennessee Valley	42	0	1	1	
84	Tidewater	43	0	0	1	
85	Warrior	29	0	0	1	
86	West Hudson	20	1	2	1	
87	Westminster	28	0	1	1	
88	Wisconsin	17	7	5	1	

Official Totals: For - 68 Against - 12
 Number of Presbyteries: 88
 Number Reporting: 80
 2/3 Approval is: 59

ITEM 4: Amend BCO 16 by adding 16-4 regarding qualifications for church office.

[Overture 29 was answered in the affirmative as amended.]

BCO 16.

4. Officers in the Presbyterian Church in America must be above reproach in their walk and Christlike in their character. While office bearers will see spiritual perfection only in glory, they will continue in this life to confess and to mortify remaining sins in light of God's work of progressive sanctification. Therefore, to be qualified for office, they must affirm the sinfulness of fallen desires, the reality and hope of progressive sanctification, and be committed to the pursuit of Spirit-empowered victory over their sinful temptations, inclinations, and actions.

For: 79 Against: 1

CORRECTIONS

ITEM 4: Amend BCO 16

		Item 4 - BCO 16							Item 4 - BCO 16				
	Presbytery	For	Against	Abstain	Passed	Not P.		Presbytery	For	Against	Abstain	Passed	Not P.
1	Arizona						45	Mississippi Valley	85	0	0	1	
2	Ascension	32	1	3	1		46	Missouri	64	0	0	1	
3	Blue Ridge	64	0	0	1		47	Nashville	71	1	1	1	
4	Calvary	85	0	7	1		48	New Jersey	21	0	0	1	
5	Canada West	28	0	0	1		49	New River	15	0	0	1	
6	Catawba Valley	38	0	0	1		50	New York State	24	3	0	1	
7	Central Carolina	50	0	0	1		51	North Florida	44	0	1	1	
8	Central Florida	102	4	3	1		52	North Texas	83	5	0	1	
9	Central Georgia	38	0	0	1		53	Northern California	21	6	6	1	
10	Central Indiana	18	0	0	1		54	Northern Illinois	29	0	0	1	
11	Chesapeake	69	0	2	1		55	Northern New England	16	1	2	1	
12	Chicago Metro	41	1	0	1		56	Northwest Georgia	42	0	1	1	
13	Columbus Metro						57	Ohio	18	0	0	1	
14	Covenant	85	1	0	1		58	Ohio Valley	42	1	1	1	
15	Eastern Canada	34	0	1	1		59	Pacific	15	4	1	1	
16	Eastern Carolina	51	0	1	1		60	Pacific Northwest					
17	Eastern Pennsylvania	27	0	2	1		61	Palmetto	69	1	0	1	
18	Evangel	90	0	0	1		62	PeeDee	39	0	1	1	
19	Fellowship	38	0	0	1		63	Philadelphia	16	0	2	1	
20	Georgia Foothills	38	2	2	1		64	Philadelphia Metro We	17	0	0	1	
21	Grace	41	0	2	1		65	Piedmont Triad	22	15	0	1	
22	Great Lakes	46	1	2	1		66	Pittsburgh	53	0	0	1	
23	Gulf Coast	36	1	0	1		67	Platte Valley	22	0	0	1	
24	Gulfstream						68	Potomac	42	27	4	1	
25	Heartland	25	0	0	1		69	Providence	51	0	0	1	
26	Heritage	39	0	2	1		70	Rio Grande	25	1	0	1	
27	Highlands	54	4	0	1		71	Rocky Mountain	75	0	1	1	
28	Hills and Plains	39	1	4	1		72	Savannah River	37	1	0	1	
29	Houston Metro	38	12	1	1		73	Siouxlands	29	1	0	1	
30	Illiana	16	0	0	1		74	South Coast					
31	Iowa	14	0	0	1		75	South Florida	24	2	4	1	
32	James River	80	0	0	1		76	South Texas	51	0	0	1	
33	Korean Capital	38	0	0	1		77	Southeast Alabama	44	0	0	1	
34	Korean Central	32	0	2	1		78	Southern Louisiana	21	0	1	1	
35	Korean Eastern						79	Southern New England	58	4	1	1	
36	Korean Northeastern						80	Southwest Florida	61	0	0	1	
37	Korean Northwest	22	0	0	1		81	Suncoast Florida	36	8	2	1	
38	Korean Southeastern						82	Susquehanna Valley	52	3	3	1	
39	Korean Southern	13	2	1	1		83	Tennessee Valley	67	22	7	1	
40	Korean Southwest	28	0	0	1		84	Tidewater	42	1	0	1	
41	Korean Southwest O.C.	34	2	2	1		85	Warrior	29	1	0	1	
42	Lowcountry	30	0	0	1		86	West Hudson	24	1	2	1	
43	Metro Atlanta	93	11	7	1		87	Westminster	29	0	1	1	
44	Metropolitan New York	9	23	2		1	88	Wisconsin	18	8	7	1	

Official Totals: For - 79 Against - 1
 Number of Presbyteries: 88
 Number Reporting: 80
 2/3 Approval is: 59

ITEM 5: Amend BCO 21-4 and 24-1 by adding the following paragraphs regarding requirements for ordination:

- a new sub-paragraph 21-4.e and the re-lettering of subsequent sub-paragraphs 21-4.e-h to 21-4.f-i; and
- a new second paragraph to 24-1.

[Overture 31 was answered in the affirmative as amended.]

BCO 21.

4. Ordination Requirements and Procedures

- e. In the examination of the candidate's personal character, the presbytery shall give specific attention to potential notorious concerns. Careful attention must be given to his practical struggle against sinful actions, as well as to persistent sinful desires. The candidate must give clear testimony of reliance upon his union with Christ and the benefits thereof by the Holy Spirit, depending on this work of grace to make progress over sin (Psalm 103:2-5, Romans 8:29) and to bear fruit (Psalm 1:3, Gal. 5:22-23). While imperfection will remain, when confessing sins and sinful temptations publicly, the candidate must exercise great care not to diminish the seriousness of those sins in the eyes of the congregation, as though they were matters of little consequence, but rather should testify to the work of the Holy Spirit in his progress in holiness (1 Cor. 6:9-11).

Reletter current paragraphs 21-4.e-h to 21-4.f-i

BCO 24.

1. Every church shall elect persons to the offices of ruling elder and deacon in the following manner: At such times as determined by the Session, communicant members of the congregation may submit names to the Session, keeping in mind that each prospective officer should be an active male member who meets the qualifications set forth in 1 Timothy 3 and Titus 1. After the close of the nomination period nominees for the office of ruling elder and/or deacon shall receive instruction in the qualifications and work of the office. Each nominee shall then be examined in:

- a. his Christian experience, especially his personal character and family management (based on the

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- qualifications set out in 1 Timothy 3:1-7 and Titus 1:6-9),
- b. his knowledge of Bible content,
 - c. his knowledge of the system of doctrine, government, discipline contained in the Constitution of the Presbyterian Church in America (*BCO* Preface III, The Constitution Defined),
 - d. the duties of the office to which he has been nominated, and
 - e. his willingness to give assent to the questions required for ordination. (*BCO* 24-6)

In the examination of the nominee's personal character, the Session shall give specific attention to potential notorious concerns. Careful attention must be given to his practical struggle against sinful actions, as well as to persistent sinful desires. The nominee must give clear testimony of reliance upon his union with Christ and the benefits thereof by the Holy Spirit, depending on this work of grace to make progress over sin (Psalm 103:2-5, Romans 8:29) and to bear fruit (Psalm 1:3, Gal. 5:22-23). While imperfection will remain, when confessing sins and sinful temptations publicly, the nominee must exercise great care not to diminish the seriousness of those sins in the eyes of the congregation, as though they were matters of little consequence, but rather should testify to the work of the Holy in his progress in holiness (1 Cor. 6:9-11).

So that *BCO* 21-4.e and 24-1 as amended would read:

21-4. Ordination Requirements and Procedures

- e. In the examination of the candidate's personal character, the presbytery shall give specific attention to potential notorious concerns. Careful attention must be given to his practical struggle against sinful actions, as well as to persistent sinful desires. The candidate must give clear testimony of reliance upon his union with Christ and the benefits thereof by the Holy Spirit, depending on this work of grace to make progress over sin (Psalm 103:2-5, Romans 8:29) and to bear fruit (Psalm 1:3, Gal. 5:22-23). While imperfection will remain, when confessing sins and sinful temptations publicly, the candidate must exercise great care not to diminish the seriousness of

MINUTES OF THE GENERAL ASSEMBLY

those sins in the eyes of the congregation, as though they were matters of little consequence, but rather should testify to the work of the Holy Spirit in his progress in holiness (1 Cor. 6:9-11).

24-1. (following 24-1.a-e)

In the examination of the nominee's personal character, the Session shall give specific attention to potential notorious concerns. Careful attention must be given to his practical struggle against sinful actions, as well as to persistent sinful desires. The nominee must give clear testimony of reliance upon his union with Christ and the benefits thereof by the Holy Spirit, depending on this work of grace to make progress over sin (Psalm 103:2-5, Romans 8:29) and to bear fruit (Psalm 1:3, Gal. 5:22-23). While imperfection will remain, when confessing sins and sinful temptations publicly, the nominee must exercise great care not to diminish the seriousness of those sins in the eyes of the congregation, as though they were matters of little consequence, but rather should testify to the work of the Holy Spirit in his progress in holiness (1 Cor. 6:9-11).

For: 76 Against: 4

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ITEM 5: Amend BCO 21-4 and 24-1

Item 5 - BCO 21-4 and 24-1						Item 5 - BCO 21-4 and 24-1					
Presbytery	For	Against	Abstain	Passed	Not P.	Presbytery	For	Against	Abstain	Passed	Not P.
1 Arizona						45 Mississippi Valley	85	0	0	1	
2 Ascension	33	1	2	1		46 Missouri	64	0	0	1	
3 Blue Ridge	64	1	3	1		47 Nashville	70	3	0	1	
4 Calvary	93	0	3	1		48 New Jersey	21	0	0	1	
5 Canada West	24	0	1	1		49 New River	15	0	0	1	
6 Catawba Valley	38	0	0	1		50 New York State	24	3	0	1	
7 Central Carolina	52	0	0	1		51 North Florida	41	3	1	1	
8 Central Florida	54	5	4	1		52 North Texas	53	31	5	1	
9 Central Georgia	38	0	0	1		53 Northern California	20	5	8	1	
10 Central Indiana	13	5	0	1		54 Northern Illinois	21	6	2	1	
11 Chesapeake	71	0	1	1		55 Northern New England	11	3	6	1	
12 Chicago Metro	21	20	3	1		56 Northwest Georgia	42	0	0	1	
13 Columbus Metro						57 Ohio	18	0	0	1	
14 Covenant	76	3	5	1		58 Ohio Valley	37	0	2	1	
15 Eastern Canada	26	5	1	1		59 Pacific	9	10	1		1
16 Eastern Carolina	43	4	5	1		60 Pacific Northwest					
17 Eastern Pennsylvania	26	0	3	1		61 Palmetto	67	4	0	1	
18 Evangel	88	0	0	1		62 PeeDee	38	0	2	1	
19 Fellowship	38	0	0	1		63 Philadelphia	15	0	2	1	
20 Georgia Foothills	21	20	2	1		64 Philadelphia Metro We	17	0	0	1	
21 Grace	43	0	0	1		65 Piedmont Triad	30	7	0	1	
22 Great Lakes	46	1	2	1		66 Pittsburgh	49	1	0	1	
23 Gulf Coast	37	1	0	1		67 Platte Valley	9	12	0		1
24 Gulfstream						68 Potomac	39	30	4	1	
25 Heartland	25	0	0	1		69 Providence	52	3	0	1	
26 Heritage	35	4	5	1		70 Rio Grande	25	1	0	1	
27 Highlands	51	6	0	1		71 Rocky Mountain	75	0	1	1	
28 Hills and Plains	34	3	7	1		72 Savannah River	27	10	1	1	
29 Houston Metro	50	0	0	1		73 Siouxlands	32	0	0	1	
30 Illiana	16	0	0	1		74 South Coast					
31 Iowa	15	0	0	1		75 South Florida	25	0	5	1	
32 James River	80	0	0	1		76 South Texas	52	0	0	1	
33 Korean Capital	38	0	0	1		77 Southeast Alabama	44	0	0	1	
34 Korean Central	29	0	5	1		78 Southern Louisiana	14	5	4	1	
35 Korean Eastern						79 Southern New England	35	28	3	1	
36 Korean Northeastern						80 Southwest Florida	59	2	1	1	
37 Korean Northwest	22	0	0	1		81 Suncoast Florida	36	5	2	1	
38 Korean Southeastern						82 Susquehanna Valley	46	11	2	1	
39 Korean Southern	14	1	1	1		83 Tennessee Valley	52	0	1	1	
40 Korean Southwest	28	0	0	1		84 Tidewater	43	0	0	1	
41 Korean Southwest O.C.	32	3	3	1		85 Warrior	28	1	1	1	
42 Lowcountry	30	0	0	1		86 West Hudson	23	1	3	1	
43 Metro Atlanta	48	60	3		1	87 Westminster	27	1	2	1	
44 Metropolitan New York	2	26	2		1	88 Wisconsin	18	8	8	1	

Official Totals: For - 76 Against - 4
 Number of Presbyteries: 88
 Number Reporting: 80
 2/3 Approval is: 59

MINUTES OF THE GENERAL ASSEMBLY

ITEM 6: Amend BCO 31-10 and 33-4 on pre-trial non-disciplinary suspensions.

[Overture 2021-20 was answered in the affirmative as amended.]

BCO 31-10. When a member of a church court is under process, all his official functions may be suspended at the court's discretion; but this shall never be done in the way of censure, and this requires a two-thirds (2/3) majority.

BCO 33-4. When it is impracticable immediately to commence process against an accused church member, the Session may, if it thinks the edification of the Church requires it, prevent the accused from approaching the Lord's Table until the charges against him can be examined, but this requires a two-thirds (2/3) majority.

For: 78 Against: 2

CORRECTIONS

ITEM 6: BCO 31-10 and 33-4

		Item 6 - BCO 31-10 and 33-4							Item 6 - BCO 31-10 and 33-4				
	Presbytery	For	Against	Abstain	Passed	Not P.		Presbytery	For	Against	Abstain	Passed	Not P.
1	Arizona						45	Mississippi Valley	85	0	0	1	
2	Ascension	35	0	0	1		46	Missouri	60	0	2	1	
3	Blue Ridge	64	0	2	1		47	Nashville	58	0	0	1	
4	Calvary	93	0	0	1		48	New Jersey	20	0	0	1	
5	Canada West	26	0	0	1		49	New River	15	0	0	1	
6	Catawba Valley	38	0	0	1		50	New York State	28	0	0	1	
7	Central Carolina	48	3	0	1		51	North Florida	23	0	2	1	
8	Central Florida	61	0	1	1		52	North Texas	95	0	3	1	
9	Central Georgia	38	0	0	1		53	Northern California	34	0	0	1	
10	Central Indiana	18	0	0	1		54	Northern Illinois	30	0	0	1	
11	Chesapeake	15	42	9		1	55	Northern New England	17	0	2	1	
12	Chicago Metro	43	0	0	1		56	Northwest Georgia	33	6	3	1	
13	Columbus Metro						57	Ohio	16	0	0	1	
14	Covenant	5	74	4		1	58	Ohio Valley	39	0	0	1	
15	Eastern Canada	28	0	2	1		59	Pacific	19	0	1	1	
16	Eastern Carolina	52	0	0	1		60	Pacific Northwest					
17	Eastern Pennsylvania	26	0	2	1		61	Palmetto	70	0	1	1	
18	Evangel	84	1	5	1		62	PeeDee	37	0	1	1	
19	Fellowship	38	0	0	1		63	Philadelphia	16	0	0	1	
20	Georgia Foothills	42	0	2	1		64	Philadelphia Metro West	16	0	0	1	
21	Grace	37	0	2	1		65	Piedmont Triad	39	0	0	1	
22	Great Lakes	46	1	2	1		66	Pittsburgh	40	3	6	1	
23	Gulf Coast	37	0	0	1		67	Platte Valley	22	0	0	1	
24	Gulfstream						68	Potomac	62	1	2	1	
25	Heartland	22	2	1	1		69	Providence	51	0	0	1	
26	Heritage	35	0	3	1		70	Rio Grande	25	1	0	1	
27	Highlands	35	17	2	1		71	Rocky Mountain	65	0	2	1	
28	Hills and Plains	39	0	3	1		72	Savannah River	37	0	1	1	
29	Houston Metro	50	0	0	1		73	Siouxlands	19	8	0	1	
30	Illiana	16	0	0	1		74	South Coast					
31	Iowa	15	0	0	1		75	South Florida	25	0	5	1	
32	James River	77	0	0	1		76	South Texas	50	1	2	1	
33	Korean Capital	38	0	0	1		77	Southeast Alabama	44	0	0	1	
34	Korean Central	33	0	1	1		78	Southern Louisiana	25	0	0	1	
35	Korean Eastern						79	Southern New England	65	0	0	1	
36	Korean Northeastern						80	Southwest Florida	64	0	0	1	
37	Korean Northwest	22	0	0	1		81	Suncoast Florida	45	0	1	1	
38	Korean Southeastern						82	Susquehanna Valley	24	19	8	1	
39	Korean Southern	14	1	1	1		83	Tennessee Valley	48	0	0	1	
40	Korean Southwest	25	0	0	1		84	Tidewater	43	0	0	1	
41	Korean Southwest O.C.	31	5	2	1		85	Warrior	28	0	0	1	
42	Lowcountry	30	0	0	1		86	West Hudson	19	0	3	1	
43	Metro Atlanta	93	3	15	1		87	Westminster	30	0	0	1	
44	Metropolitan New York	32	0	0	1		88	Wisconsin	30	1	1	1	

Official Totals: For - 78 Against - 2
 Number of Presbyteries: 88
 Number Reporting: 80
 2/3 Approval is: 59

ITEM 7: Amend BCO 33-1 and 34-1, establishing a percentage threshold for Original Jurisdiction requests. [Overture 8 was answered in the affirmative as amended.]

33-1. Process against ~~all a church members, other than ministers of the Gospel,~~ shall be entered before the Session of the church to which such members belongs, ~~except in cases of appeal.~~ However, if the Session does not indict in either doctrinal cases or instances of public scandal and the Session refuses to act in doctrinal cases or instances of public scandal and two other Sessions of at least ten percent (10%) of churches in the same Presbytery request the Presbytery of which the church is a member to initiate proper or appropriate action in a case of process and thus assume original jurisdiction for a case of process (to first receive and initially hear and determine) and authority, the Presbytery shall do so. The Presbytery may assess the costs thereof equitably among the parties, including the petitioning Sessions and the Session of the church member.

34-1. Process against a minister shall be entered before the Presbytery of which he is a member. However, if the Presbytery does not indict in either doctrinal cases or instances of public scandal and the Presbytery refuses to act in doctrinal cases or cases of public scandal and two other at least ten percent (10%) of Presbyteries request the General Assembly to assume original jurisdiction for a case of process (to first receive and initially hear and determine), the General Assembly shall do so. The General Assembly may assess the costs thereof equitably among the parties, including the petitioning Presbyteries and the Presbytery of the minister.

So that BCO 33-1 and 34-1 as amended would read:

33-1. Process against a church member shall be entered before the Session of the church to which such member belongs. However, if the Session does not indict in either doctrinal cases or instances of public scandal and the Sessions of at least ten percent (10%) of churches in the same Presbytery request the Presbytery of which the church is a member to assume original jurisdiction for a case of process, the Presbytery shall do so. The Presbytery may assess the costs

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thereof equitably among the parties, including the petitioning Sessions and the Session of the church member.

34-1. Process against a minister shall be entered before the Presbytery of which he is a member. However, if the Presbytery does not indict in either doctrinal cases or instances of public scandal and at least ten percent (10%) of Presbyteries request the General Assembly to assume original jurisdiction for a case of process, the General Assembly shall do so. The General Assembly may assess the costs thereof equitably among the parties, including the petitioning Presbyteries and the Presbytery of the minister.

For: 40 Against: 40

MINUTES OF THE GENERAL ASSEMBLY

ITEM 7: BCO 33-1 and 34-1

	Item 7 - BCO 33-1 and 34-1						Item 7 - BCO 33-1 and 34-1						
	Presbytery	For	Against	Abstain	Passed		Not P.	Presbytery	For	Against	Abstain	Passed	Not P.
1	Arizona						45	Mississippi Valley	80	5	0	1	
2	Ascension	22	5	9	1		46	Missouri	12	49	0		1
3	Blue Ridge	11	53	3		1	47	Nashville	10	55	0		1
4	Calvary	79	10	5	1			New Jersey	21	0	0	1	
5	Canada West	25	0	0	1		49	New River	4	6	5		1
6	Catawba Valley	35	3	0	1		50	New York State	4	25	0		1
7	Central Carolina	40	2	0	1		51	North Florida	25	1	1	1	
8	Central Florida	61	0	1	1		52	North Texas	55	36	3	1	
9	Central Georgia	2	36	1		1	53	Northern California	0	34	3		1
10	Central Indiana	0	17	1		1	54	Northern Illinois	2	26	2		1
11	Chesapeake	0	70	1		1	55	Northern New England	0	19	0		1
12	Chicago Metro	43	1	0	1		56	Northwest Georgia	23	12	8	1	
13	Columbus Metro						57	Ohio	14	3	1	1	
14	Covenant	15	62	2		1	58	Ohio Valley	28	9	2	1	
15	Eastern Canada	0	22	8		1	59	Pacific	10	0	1	1	
16	Eastern Carolina	5	36	11		1	60	Pacific Northwest					
17	Eastern Pennsylvania	17	6	6	1		61	Palmetto	28	36	7		1
18	Evangel	9	79	1		1	62	PeeDee	7	31	2		1
19	Fellowship	16	17	5		1	63	Philadelphia	3	12	2		1
20	Georgia Foothills	34	2	6	1		64	Philadelphia Metro We	14	2	0	1	
21	Grace	13	27	0		1	65	Piedmont Triad	16	20	0		1
22	Great Lakes	52	2	0	1		66	Pittsburgh	10	34	6		1
23	Gulf Coast	27	10	1	1		67	Platte Valley	5	10	6		1
24	Gulfstream						68	Potomac	7	37	1		1
25	Heartland	23	0	2	1		69	Providence	43	8	3	1	
26	Heritage	23	17	4	1		70	Rio Grande	8	17	0		1
27	Highlands	16	35	5		1	71	Rocky Mountain	55	17	3	1	
28	Hills and Plains	9	24	10		1	72	Savannah River	22	17	1	1	
29	Houston Metro	37	12	2	1		73	Siouxlands	27	1	1	1	
30	Illiana	15	0	1	1		74	South Coast					
31	Iowa	2	13	0		1	75	South Florida	14	15	1		1
32	James River	40	39	2	1		76	South Texas	6	43	3		1
33	Korean Capital	21	15	4	1		77	Southeast Alabama	43	1	0	1	
34	Korean Central	21	4	9	1		78	Southern Louisiana	1	17	4		1
35	Korean Eastern						79	Southern New England	35	19	8	1	
36	Korean Northeastern						80	Southwest Florida	4	54	3		1
37	Korean Northwest	20	0	2	1		81	Suncoast Florida	6	39	1		1
38	Korean Southeastern						82	Sasquehanna Valley	29	14	10	1	
39	Korean Southern	14	2	0	1		83	Tennessee Valley	34	25	7	1	
40	Korean Southwest	2	19	0		1	84	Tidewater	5	34	4		1
41	Korean Southwest O.C.	33	3	2	1		85	Warrior	4	22	2		1
42	Lowcountry	13	15	2		1	86	West Hudson	20	0	2	1	
43	Metro Atlanta	28	73	10		1	87	Westminster	6	22	2		1
44	Metropolitan New York	2	21	3		1	88	Wisconsin	25	1	6	1	

Official Totals: For - 40 Against - 40
 Number of Presbyteries: 88
 Number Reporting: 80
 2/3 Approval is: 59

ITEM 8: Amend BCO 35, paragraphs 1-5 to allow victim protection provisions, and renumber paragraphs 6-14 accordingly. [Overture 2021-40 was answered in the affirmative as amended.]

35-1. All persons of proper age and intelligence are competent witnesses, except such as do not believe in the existence of God, or a future state of rewards and punishments. ~~The accused party may be allowed, but shall not be compelled to testify; but the accuser shall be required to testify, on the demand of the accused.~~ Either party has the right to challenge a witness whom he believes to be incompetent, and the court shall examine and decide upon his competency. ~~It belongs to the court to judge the degree of credibility to be attached to all evidence.~~

35-2. The accused party is allowed, but shall not be compelled, to testify; but the accuser shall be required to testify, on the demand of the accused. A husband or wife shall not be compelled to bear testimony against one another in any court.

35-3. A court may, at the request of either party, or at its own initiative, make reasonable accommodation to prevent in-person contact with the accused:

a. The court may have testimony taken by videoconference.

The videoconference shall employ technical means that ensure that all persons participating in the meeting can see and hear each other at the same time, and which allows for live cross-examination by both parties.

b. The court may restrict the accused from appearing on the videoconference screen, and when the accused is represented by counsel (BCO 32-19), cross-examination shall be conducted by that counsel.

c. In all cases where such accommodation has been made, videoconference testimony by witnesses under the age of 18 shall be taken by written interrogatory to be read to the witness by a person appointed by the court in accordance with the applicable provisions of BCO 35-11.

MINUTES OF THE GENERAL ASSEMBLY

- d. The court shall include in the record of the proceedings its reasons for this accommodation and any objection from either party.

~~35-34.~~ The testimony of more than one witness shall be necessary in order to establish any charge; yet if, in addition to the testimony of one witness, corroborative evidence be produced, the offense may be considered to be proved.

~~35-5. Witnesses shall be examined first by the party introducing them; then cross-examined by the opposite party; after which any member of the court, or either party, may put additional interrogatories. No question shall be put or answered except by permission of the moderator, subject to an appeal to the court. The court shall not permit questions frivolous or irrelevant to the charge at issue. It belongs to the court to judge the degree of credibility to be attached to all evidence. [Editorial note: In the current BCO, this sentence is the last sentence in 35-1.]~~

~~35-46.~~ No witness afterwards to be examined, unless a member of the court, shall be present during the examination of another witness on the same case, if either party object.

~~35-57.~~ Witnesses shall be examined first by the party introducing them; then cross-examined by the opposite party; after which any member of the court, or either party, may put additional interrogatories. No question shall be put or answered except by permission of the moderator, subject to an appeal to the court. The court shall not permit questions frivolous or irrelevant to the charge at issue. [Editorial note: In the current BCO, this paragraph is 35-5 – no change in wording.]

Renumber current BCO 35-6 through BCO 35-14 to read 35-8 through 35-15.

So that BCO 35-1 through 35-6 would read:

35-1. All persons of proper age and intelligence are competent witnesses, except such as do not believe in the existence of God, or a future state of rewards and

CORRECTIONS

punishments. Either party has the right to challenge a witness whom he believes to be incompetent, and the court shall examine and decide upon his competency.

35-2. The accused party is allowed, but shall not be compelled, to testify; but the accuser shall be required to testify, on the demand of the accused. A husband or wife shall not be compelled to bear testimony against one another in any court.

35-3. A court may, at the request of either party, or at its own initiative, make reasonable accommodation to prevent in-person contact with the accused:

- a. The court may have testimony taken by videoconference. The videoconference shall employ technical means that ensure that all persons participating in the meeting can see and hear each other at the same time, and which allows for live cross-examination by both parties.
- b. The court may restrict the accused from appearing on the videoconference screen, and when the accused is represented by counsel (*BCO* 32-19), cross-examination shall be conducted by that counsel.
- c. In all cases where such accommodation has been made, videoconference testimony by witnesses under the age of 18 shall be taken by written interrogatory to be read to the witness by a person appointed by the court in accordance with the applicable provisions of *BCO* 35-11.
- d. The court shall include in the record of the proceedings its reasons for this accommodation and any objection from either party.

35-4. The testimony of more than one witness shall be necessary in order to establish any charge; yet if, in addition to the testimony of one witness, corroborative evidence be produced, the offense may be considered to be proved.

35-5. It belongs to the court to judge the degree of credibility to be attached to all evidence.

MINUTES OF THE GENERAL ASSEMBLY

35-6. No witness afterwards to be examined, unless a member of the court, shall be present during the examination of another witness on the same case, if either party object.

35-7. Witnesses shall be examined first by the party introducing them; then cross-examined by the opposite party; after which any member of the court, or either party, may put additional interrogatories. No question shall be put or answered except by permission of the moderator, subject to an appeal to the court. The court shall not permit questions frivolous or irrelevant to the charge at issue.

Renumber current *BCO* 35-6 through *BCO* 35-14 to read 35-8 through 35-15.

For: 77 Against: 3

CORRECTIONS

ITEM 8: BCO 35

	Presbytery	Item 8 - BCO 35				
		For	Against	Abstain	Passed	Not P.
1	Arizona					
2	Ascension	35	0	0	1	
3	Blue Ridge	59	1	3	1	
4	Calvary	90	0	0	1	
5	Canada West	25	0	0	1	
6	Catawba Valley	38	0	0	1	
7	Central Carolina	51	0	0	1	
8	Central Florida	61	0	1	1	
9	Central Georgia	38	0	0	1	
10	Central Indiana	18	0	0	1	
11	Chesapeake	12	46	7		1
12	Chicago Metro	43	0	0	1	
13	Columbus Metro					
14	Covenant	73	1	5	1	
15	Eastern Canada	28	0	2	1	
16	Eastern Carolina	52	0	0	1	
17	Eastern Pennsylvania	24	1	3	1	
18	Evangel	82	0	3	3	
19	Fellowship	37	0	0	1	
20	Georgia Foothills	42	0	2	1	
21	Grace	41	0	0	1	
22	Great Lakes	46	1	2	1	
23	Gulf Coast	37	0	0	1	
24	Gulfstream					
25	Heartland	12	10	3	1	
26	Heritage	35	0	3	1	
27	Highlands	55	0	1	1	
28	Hills and Plains	41	0	2	1	
29	Houston Metro	50	0	0	1	
30	Illiana	16	0	0	1	
31	Iowa	11	2	2	1	
32	James River	13	61	5		1
33	Korean Capital	38	0	0	1	
34	Korean Central	32	0	0	1	
35	Korean Eastern					
36	Korean Northeastern					
37	Korean Northwest	22	0	0	1	
38	Korean Southeastern					
39	Korean Southern	12	2	2	1	
40	Korean Southwest	22	0	0	1	
41	Korean Southwest O.C.	35	0	3	1	
42	Lowcountry	30	0	0	1	
43	Metro Atlanta	101	5	5	1	
44	Metropolitan New York	32	0	0	1	

	Presbytery	Item 8 - BCO 35				
		For	Against	Abstain	Passed	Not P.
45	Mississippi Valley	86	0	0	1	
46	Missouri	60	0	2	1	
47	Nashville	68	0	0	1	
48	New Jersey	21	0	0	1	
49	New River	14	0	1	1	
50	New York State	29	0	0	1	
51	North Florida	21	0	4	1	
52	North Texas	72	0	2	1	
53	Northern California	34	0	0	1	
54	Northern Illinois	28	0	1	1	
55	Northern New England	18	0	1	1	
56	Northwest Georgia	33	0	3	1	
57	Ohio	16	0	1	1	
58	Ohio Valley	37	1	1	1	
59	Pacific	23	0	13	1	
60	Pacific Northwest					
61	Palmetto	65	3	3	1	
62	PeeDee	33	2	3	1	
63	Philadelphia	16	0	1	1	
64	Philadelphia Metro We	16	0	0	1	
65	Piedmont Triad	40	0	0	1	
66	Pittsburgh	46	2	3	1	
67	Platte Valley	22	0	0	1	
68	Potomac	66	0	1	1	
69	Providence	51	0	0	1	
70	Rio Grande	25	1	0	1	
71	Rocky Mountain	70	0	1	1	
72	Savannah River	38	0	1	1	
73	Siouxlands	30	0	0	1	
74	South Coast					
75	South Florida	28	0	2	1	
76	South Texas	47	4	2	1	
77	Southeast Alabama	23	15	6	1	
78	Southern Louisiana	21	0	0	1	
79	Southern New England	62	0	1	1	
80	Southwest Florida	57	2	1	1	
81	Suncoast Florida	45	0	1	1	
82	Susquehanna Valley	51	1	1	1	
83	Tennessee Valley	57	4	5	1	
84	Tidewater	43	0	0	1	
85	Warrior	28	0	1	1	
86	West Hudson	19	0	3	1	
87	Westminster	2	26	2		1
88	Wisconsin	27	0	2	1	

Official Totals: For - 77 Against – 3
 Number of Presbyteries: 88
 Number Reporting: 80
 2/3 Approval is: 59

MINUTES OF THE GENERAL ASSEMBLY

ITEM 9: Amend BCO 38-1, regarding counsel for a case without process, by the addition of a final sentence. [Overture 2021-35 was answered in the affirmative as amended.]

BCO 38-1. When any person shall come forward and make his offense known to the court, a full statement of the facts shall be recorded and judgment rendered without process. In handling a confession of guilt, it is essential that the person intends to confess and permit the court to render judgment without process. Statements made by him in the presence of the court must not be taken as a basis of a judgment without process except by his consent. In the event a confession is intended, a full statement of the facts should be approved by the accused, and by the court, before the court proceeds to a judgment. The accused person has the right of complaint against the judgment. The person has the right to be assisted by counsel at any point, in accord with the stipulations of BCO 32-19.

For: 80 Against: 0

CORRECTIONS

ITEM 9: BCO 38-1

		Item 9 - BCO 38-1				
Presbytery		For	Against	Abstain	Passed	Not P.
1	Arizona					
2	Ascension	34	1	0	1	
3	Blue Ridge	59	1	0	1	
4	Calvary	92	0	0	1	
5	Canada West	28	0	0	1	
6	Catawba Valley	38	0	0	1	
7	Central Carolina	51	0	0	1	
8	Central Florida	61	0	1	1	
9	Central Georgia	38	0	0	1	
10	Central Indiana	18	0	0	1	
11	Chesapeake	61	0	0	1	
12	Chicago Metro	43	0	0	1	
13	Columbus Metro					
14	Covenant	74	5	0	1	
15	Eastern Canada	28	0	2	1	
16	Eastern Carolina	53	0	0	1	
17	Eastern Pennsylvania	26	0	3	1	
18	Evangel	84	0	0	1	
19	Fellowship	38	0	0	1	
20	Georgia Foothills	42	9	2	1	
21	Grace	43	0	0	1	
22	Great Lakes	46	1	2	1	
23	Gulf Coast	37	0	0	1	
24	Gulfstream					
25	Heartland	25	0	0	1	
26	Heritage	35	0	3	1	
27	Highlands	55	0	0	1	
28	Hills and Plains	40	0	2	1	
29	Houston Metro	50	0	0	1	
30	Illiana	16	0	0	1	
31	Iowa	15	0	0	1	
32	James River	77	0	0	1	
33	Korean Capital	38	0	0	1	
34	Korean Central	33	0	2	1	
35	Korean Eastern					
36	Korean Northeastern					
37	Korean Northwest	22	0	0	1	
38	Korean Southeastern					
39	Korean Southern	14	2	0	1	
40	Korean Southwest	25	0	0	1	
41	Korean Southwest O.C.	32	1	5	1	
42	Lowcountry	30	0	0	1	
43	Metro Atlanta	99	1	11	1	
44	Metropolitan New York	32	0	0	1	

		Item 9 - BCO 38-1				
		For	Against	Abstain	Passed	Not P.
45	Mississippi Valley	85	0	0	1	
46	Missouri	60	0	2	1	
47	Nashville	69	0	1	1	
48	New Jersey	21	0	0	1	
49	New River	14	0	0	1	
50	New York State	28	0	1	1	
51	North Florida	27	0	1	1	
52	North Texas	96	0	2	1	
53	Northern California	34	0	0	1	
54	Northern Illinois	29	0	0	1	
55	Northern New England	19	0	0	1	
56	Northeast Georgia	40	0	0	1	
57	Ohio	17	0	0	1	
58	Ohio Valley	26	0	1	1	
59	Pacific	20	0	15	1	
60	Pacific Northwest					
61	Palmetto	68	0	0	1	
62	PeeDee	40	0	0	1	
63	Philadelphia	16	0	0	1	
64	Philadelphia Metro We	16	0	0	1	
65	Piedmont Triad	39	0	0	1	
66	Pittsburgh	49	1	1	1	
67	Platte Valley	22	0	0	1	
68	Potomac	65	0	0	1	
69	Providence	51	0	0	1	
70	Rio Grande	25	1	0	1	
71	Rocky Mountain	70	0	2	1	
72	Savannah River	39	0	1	1	
73	Siouxlands	31	0	0	1	
74	South Coast					
75	South Florida	26	0	4	1	
76	South Texas	50	1	2	1	
77	Southeast Alabama	44	0	0	1	
78	Southern Louisiana	21	0	0	1	
79	Southern New England	63	0	0	1	
80	Southwest Florida	59	0	1	1	
81	Suncoast Florida	43	1	2	1	
82	Susquehanna Valley	52	1	1	1	
83	Tennessee Valley	68	0	1	1	
84	Tidewater	43	0	0	1	
85	Warrior	28	0	0	1	
86	West Hudson	19	0	3	1	
87	Westminster	30	0	0	1	
88	Wisconsin	30	1	1	1	

Official Totals: For - 80 Against - 0
 Number of Presbyteries: 88
 Number Reporting: 80
 2/3 Approval is: 59

ITEM 10: Amend BCO 38-1 and 42-2 to allow appealing a censure in a Case Without Process. [Overture 2021-19 was answered in the affirmative.]

BCO 38-1. When any person shall come forward and make his offense known to the court, a full statement of the facts shall be recorded and judgment rendered without process. In handling a confession of guilt, it is essential that the person intends to confess and permit the court to render judgment without process. Statements made by him in the presence of the court must not be taken as a basis of a judgment without process except by his consent. In the event a confession is intended, a full statement of the facts should be approved by the accused, and by the court, before the court proceeds to a judgment. ~~The accused has the right of complaint against the judgment.~~ A censured person has the right to appeal (BCO 42).

BCO 42-2. ~~Only~~ The only parties entitled to an appeal are those who have submitted to a regular trial, those appealing a censure in a BCO 38-1 case without process, and those appealing a BCO 34-10 divestiture without censure.

For: 79 Against: 1

CORRECTIONS

ITEM 10: BCO 38-1 and 42-2

Presbytery	Item 10 - BCO 38-1 and 42-2				
	For	Against	Abstain	Passed	Not P.
1 Arizona					
2 Ascension	32	1	0	1	
3 Blue Ridge	60	1	0	1	
4 Calvary	93	0	0	1	
5 Canada West	28	0	0	1	
6 Catawba Valley	37	0	1	1	
7 Central Carolina	50	0	1	1	
8 Central Florida	61	0	1	1	
9 Central Georgia	38	0	0	1	
10 Central Indiana	18	0	0	1	
11 Chesapeake	15	26	22		1
12 Chicago Metro	40	0	3	1	
13 Columbus Metro					
14 Covenant	83	1	0	1	
15 Eastern Canada	28	0	2	1	
16 Eastern Carolina	49	0	4	1	
17 Eastern Pennsylvania	26	0	4	1	
18 Evangel	74	0	1	1	
19 Fellowship	36	0	0	1	
20 Georgia Foothills	42	0	2	1	
21 Grace	46	0	0	1	
22 Great Lakes	46	1	2	1	
23 Gulf Coast	37	0	0	1	
24 Gulfstream					
25 Heartland	25	0	0	1	
26 Heritage	35	0	3	1	
27 Highlands	52	1	1	1	
28 Hills and Plains	39	1	2	1	
29 Houston Metro	50	0	0	1	
30 Illiana	16	0	0	1	
31 Iowa	15	0	0	1	
32 James River	77	0	0	1	
33 Korean Capital	38	0	0	1	
34 Korean Central	31	0	3	1	
35 Korean Eastern					
36 Korean Northeastern					
37 Korean Northwest	22	0	0	1	
38 Korean Southeastern					
39 Korean Southern	13	2	1	1	
40 Korean Southwest	27	0	0	1	
41 Korean Southwest O.C.	33	1	4	1	
42 Lowcountry	30	0	0	1	
43 Metro Atlanta	100	2	9	1	
44 Metropolitan New York	32	0	0	1	

	Item 10 - BCO 38-1 and 42-2				
	For	Against	Abstain	Passed	Not P.
45 Mississippi Valley	84	0	0	1	
46 Missouri	60	0	2	1	
47 Nashville	72	0	0	1	
48 New Jersey	21	0	0	1	
49 New River	15	0	0	1	
50 New York State	29	0	0	1	
51 North Florida	25	1	1	1	
52 North Texas	95	0	2	1	
53 Northern California	34	0	0	1	
54 Northern Illinois	29	0	0	1	
55 Northern New England	16	0	3	1	
56 Northwest Georgia	38	0	2	1	
57 Ohio	17	0	0	1	
58 Ohio Valley	35	1	0	1	
59 Pacific	23	0	12	1	
60 Pacific Northwest					
61 Palmetto	67	0	0	1	
62 PeeDee	38	1	1	1	
63 Philadelphia	16	0	0	1	
64 Philadelphia Metro West	16	0	0	1	
65 Piedmont Triad	37	0	0	1	
66 Pittsburgh	46	1	3	1	
67 Platte Valley	22	0	0	1	
68 Potomac	61	0	1	1	
69 Providence	51	0	0	1	
70 Rio Grande	25	1	0	1	
71 Rocky Mountain	71	0	0	1	
72 Savannah River	40	0	0	1	
73 Siouxlands	30	0	0	1	
74 South Coast					
75 South Florida	28	0	2	1	
76 South Texas	50	1	2	1	
77 Southeast Alabama	44	0	0	1	
78 Southern Louisiana	19	0	0	1	
79 Southern New England	65	0	0	1	
80 Southwest Florida	57	0	2	1	
81 Suncoast Florida	43	2	0	1	
82 Susquehanna Valley	45	8	5	1	
83 Tennessee Valley	67	0	1	1	
84 Tidewater	43	0	0	1	
85 Warrior	29	0	0	1	
86 West Hudson	20	0	2	1	
87 Westminster	29	0	1	1	
88 Wisconsin	30	1	1	1	

Official Totals: For - 79 Against - 1
 Number of Presbyteries: 88
 Number Reporting: 80
 2/3 Approval is: 59

MINUTES OF THE GENERAL ASSEMBLY

ITEM 11: Amend *BCO 42-6* regarding vote required for maintaining censure during an appeal. [Overture 2021-21 was answered in the affirmative.]

BCO 42-6. Notice of appeal shall have the effect of suspending the judgment of the lower court until the case has been finally decided in the higher court. However, the court of original jurisdiction may, for sufficient reasons duly recorded, prevent the appellant from approaching the Lord's Table, and if an officer, prevent him from exercising some or all his official functions, until the case is finally decided (cf. *BCO 31-10; 33-4*). This shall never be done in the way of censure, and shall require a two-thirds (2/3) majority.

<p>For: 76 Against: 4</p>

CORRECTIONS

ITEM 11: BCO 42-6

		Item 11 - BCO 42-6							Item 11 - BCO 42-6				
Presbytery		For	Against	Abstain	Passed	Not P.			For	Against	Abstain	Passed	Not P.
1	Arizona						45	Mississippi Valley	85	0	0	1	
2	Ascension	35	0	0	1		46	Missouri	60	0	2	1	
3	Blue Ridge	60	0	1	1		47	Nashville	67	0	0	1	
4	Calvary	52	34	5	1		48	New Jersey	21	0	0	0	1
5	Canada West	30	0	0	1		49	New River	15	0	0	0	1
6	Catawba Valley	38	0	0	1		50	New York State	28	0	1	1	
7	Central Carolina	6	45	0		1	51	North Florida	24	0	2	1	
8	Central Florida	61	0	1	1		52	North Texas	94	0	2	1	
9	Central Georgia	38	0	0	1		53	Northern California	34	0	0	1	
10	Central Indiana	18	0	0	1		54	Northern Illinois	29	0	0	0	1
11	Chesapeake	5	44	13		1	55	Northern New England	19	0	1	1	
12	Chicago Metro	42	0	0	1		56	Northwest Georgia	33	2	5	1	
13	Columbus Metro						57	Ohio	14	0	3	1	
14	Covenant	64	11	2	1		58	Ohio Valley	33	0	2	1	
15	Eastern Canada	28	0	2	1		59	Pacific	19	0	1	1	
16	Eastern Carolina	48	0	2	1		60	Pacific Northwest					
17	Eastern Pennsylvania	27	0	1	1		61	Palmetto	71	0	1	1	
18	Evangel	79	0	0	1		62	PeeDee	35	2	1	1	
19	Fellowship	37	0	0	1		63	Philadelphia	16	0	0	0	1
20	Georgia Foothills	42	0	2	1		64	Philadelphia Metro We	16	0	0	0	1
21	Grace	40	0	1	1		65	Piedmont Triad	40	0	0	0	1
22	Great Lakes	46	1	2	1		66	Pittsburgh	45	1	4	1	
23	Gulf Coast	37	0	0	1		67	Platte Valley	7	13	0		1
24	Gulfstream						68	Potomac	54	1	5	1	
25	Heartland	25	0	0	1		69	Providence	51	0	0	0	1
26	Heritage	35	0	3	1		70	Rio Grande	25	1	0	0	1
27	Highlands	48	2	4	1		71	Rocky Mountain	1	55	14		1
28	Hills and Plains	40	2	1	1		72	Savannah River	38	1	0	0	1
29	Houston Metro	50	0	0	1		73	Siouxlands	27	2	1	1	
30	Illiana	16	0	0	1		74	South Coast					
31	Iowa	14	0	0	1		75	South Florida	27	0	3	1	
32	James River	77	0	0	1		76	South Texas	50	1	2	1	
33	Korean Capital	38	0	0	1		77	Southeast Alabama	44	0	0	0	1
34	Korean Central	26	0	6	1		78	Southern Louisiana	19	0	0	0	1
35	Korean Eastern						79	Southern New England	65	0	1	1	
36	Korean Northeastern						80	Southwest Florida	60	0	0	0	1
37	Korean Northwest	21	0	1	1		81	Suncoast Florida	46	0	0	0	1
38	Korean Southeastern						82	Susquehanna Valley	26	21	9	1	
39	Korean Southern	14	2	0	1		83	Tennessee Valley	69	0	0	0	1
40	Korean Southwest	22	0	0	1		84	Tidewater	43	0	0	0	1
41	Korean Southwest O.C.	29	3	6	1		85	Warrior	29	0	1	1	
42	Lowcountry	30	0	0	1		86	West Hudson	20	0	2	1	
43	Metro Atlanta	100	1	10	1		87	Westminster	29	1	0	0	1
44	Metropolitan New York	32	0	0	1		88	Wisconsin	30	1	1	1	

Official Totals: For - 76 Against - 4
 Number of Presbyteries: 88
 Number Reporting: 80
 2/3 Approval is: 59

ITEM 12: Amend BCO 43-2 and 43-3 regarding timing for considering a complaint.

[Overture 21 was answered in the affirmative as amended.]

43-2. A complaint shall first be made to the court whose act or decision is alleged to be in error. Written notice of complaint, with supporting reasons, shall be filed with the clerk of the court within sixty (60) days following the meeting of the court. The court shall consider the complaint at its next stated meeting, or at a called meeting prior to its next stated meeting, provided that the complaint has been filed with the clerk at least ten (10) days in advance. **If the complaint is filed with less than ten (10) days-notice, the court may consider the complaint at a later meeting not more than 60 days later.** No attempt should be made to circularize the court to which complaint is being made by either party.

43-3. If, after considering a complaint, the court alleged to be delinquent or in error is of the opinion that it has not erred, and denies the complaint, the complainant may take that complaint to the next higher court. If the lower court fails to consider the complaint against it by or at its next stated meeting, provided that the complaint has been filed with the clerk at least ten (10) days in advance, the complainant may take that complaint to the next higher court. **If the complaint is filed with less than ten (10) days-notice, the court may consider the complaint at a later meeting not more than 60 days later.** Written notice thereof shall be filed with both the clerk of the lower court and the clerk of the higher court within thirty (30) days of notification of the last court's decision.

Notification of the last court's decision shall be deemed to have occurred on the day of mailing (if certified, registered or express mail of a national postal service or any private service where verifying receipt is utilized), the day of hand delivery, or the day of confirmed receipt in the case of email or facsimile. Furthermore, compliance with such requirements shall be deemed to have been fulfilled if a party cannot be located after diligent inquiry or if a party refuses to accept delivery.

CORRECTIONS

For: 78 Against: 2

MINUTES OF THE GENERAL ASSEMBLY

ITEM 12: Amend BCO 43-2 and 43-3

Item 12 - BCO 43-2 and 43-3						Item 12 - BCO 43-2 and 43-3					
Presbytery	For	Against	Abstain	Passed	Not P.	Presbytery	For	Against	Abstain	Passed	Not P.
1 Arizona						45 Mississippi Valley	86	0	0	1	
2 Ascension	35	0	1	1		46 Missouri	60	0	2	1	
3 Blue Ridge	59	1	1	1		47 Nashville	70	0	0	1	
4 Calvary	85	0	0	1		48 New Jersey	21	0	0	1	
5 Canada West	28	0	0	1		49 New River	13	0	1	1	
6 Catawba Valley	36	0	3	1		50 New York State	25	1	3	1	
7 Central Carolina	46	0	5	1		51 North Florida	25	0	0	1	
8 Central Florida	61	0	1	1		52 North Texas	95	0	0	1	
9 Central Georgia	38	0	0	1		53 Northern California	34	0	0	1	
10 Central Indiana	18	0	0	1		54 Northern Illinois	29	0	0	1	
11 Chesapeake	51	0	13	1		55 Northern New England	18	1	0	1	
12 Chicago Metro	43	0	0	1		56 Northwest Georgia	38	1	1	1	
13 Columbus Metro						57 Ohio	2	16	0		1
14 Covenant	78	1	0	1		58 Ohio Valley	37	0	0	1	
15 Eastern Canada	28	0	2	1		59 Pacific	18	1	1	1	
16 Eastern Carolina	50	0	0	1		60 Pacific Northwest					
17 Eastern Pennsylvania	26	0	2	1		61 Palmetto	70	0	2	1	
18 Evangel	89	0	0	1		62 PeeDee	37	0	3	1	
19 Fellowship	38	0	0	1		63 Philadelphia	16	0	0	1	
20 Georgia Foothills	42	0	2	1		64 Philadelphia Metro We	15	0	1	1	
21 Grace	45	0	0	1		65 Piedmont Triad	40	0	0	1	
22 Great Lakes	46	1	2	1		66 Pittsburgh	48	1	1	1	
23 Gulf Coast	37	0	0	1		67 Platte Valley	14	3	3	1	
24 Gulfstream						68 Potomac	51	0	0	1	
25 Heartland	25	0	0	1		69 Providence	51	0	0	1	
26 Heritage	35	0	3	1		70 Rio Grande	25	1	0	1	
27 Highlands	40	10	4	1		71 Rocky Mountain	71	0	0	1	
28 Hills and Plains	39	0	3	1		72 Savannah River	36	2	0	1	
29 Houston Metro	50	0	0	1		73 Siouxlans	30	0	0	1	
30 Illiana	16	0	0	1		74 South Coast					
31 Iowa	15	0	0	1		75 South Florida	26	1	3	1	
32 James River	77	0	0	1		76 South Texas	48	5	1	1	
33 Korean Capital	38	0	0	1		77 Southeast Alabama	44	0	0	1	
34 Korean Central	28	0	3	1		78 Southern Louisiana	19	0	0	1	
35 Korean Eastern						79 Southern New England	66	0	1	1	
36 Korean Northeastern						80 Southwest Florida	21	27	7		1
37 Korean Northwest	21	0	1	1		81 Suncoast Florida	47	0	0	1	
38 Korean Southeastern						82 Susquehanna Valley	46	5	7	1	
39 Korean Southern	13	2	1	1		83 Tennessee Valley	68	0	0	1	
40 Korean Southwest	25	0	0	1		84 Tidewater	43	0	0	1	
41 Korean Southwest O.C.	36	0	2	1		85 Warrior	29	0	0	1	
42 Lowcountry	30	0	0	1		86 West Hudson	20	0	2	1	
43 Metro Atlanta	100	2	9	1		87 Westminster	30	0	0	1	
44 Metropolitan New York	32	0	0	1		88 Wisconsin	30	1	1	1	

Official Totals: For - 78 Against - 2
 Number of Presbyteries: 88
 Number Reporting: 80
 2/3 Approval is: 59

PART V

REFERENCES AND INDEX

FIFTY-FIRST GENERAL ASSEMBLY PRE-ASSEMBLY SCHEDULE AND GENERAL ASSEMBLY DOCKET

Presbyterian Church in America
Greater Richmond Convention Center
Richmond, VA • June 11-14, 2024

PRE-ASSEMBLY SCHEDULE

Monday, June 10, 2024

- 8:00 a.m.** Commissioner Registration Open
- 10:00 a.m.** Briefing for Overtures Committee (Overtures Committee begins immediately after briefing)
- 11:00 a.m.** Briefing for Committee of Commissioners
- 12:00 noon** Lunch on your own
- 1:00 p.m.** Meetings of the Committees of Commissioners begin:
Administrative Committee
Covenant Theological Seminary
Geneva Benefits
Reformed University Fellowship
- 5:00 p.m.** Commissioner Registration Closed

Tuesday, June 11, 2024

- 7:00 a.m.** Commissioner Registration Opens
- 8:00 a.m.** Briefing for Committees of Commissioners
- 9:00 a.m.** Meetings of the Committees of Commissioners begin:
Committee on Discipleship Ministries
Covenant College
Mission to North America
Mission to the World

MINUTES OF THE GENERAL ASSEMBLY

PCA Foundation
Ridge Haven

- 10:30 a.m.** Meeting of AC/Board of Directors as needed
- 10:30 a.m.** Meeting of Committee of Commissioners on Interchurch Relations
- Noon** Interchurch Relations and Fraternal Delegates Luncheon
Fraternal delegates, members of the Interchurch Relations Committee, members of the Administrative Committee, and members of the Committee of Commissioners on Interchurch Relations invited.
- Briefing of Floor Clerks
- 1:30 – 2:30 p.m.** Commissioner Welcome Reception in the Exhibit Hall
- 2:00 p.m.** Committee on Constitutional Business (if necessary)
- 2:30 – 4:25 p.m.** Seminars
2:30 - 3:20 p.m. First Session
3:35 - 4:25 p.m. Second Session
- 4:30 – 5:15 p.m.** Pre-Assembly Prayer Meeting
- 6:30 p.m.** Commissioner Registration Closed
Commissioner Registration will reopen for 15 minutes at the close of worship.

DOCKET

Only the orders of the day and special orders are fixed times in the docket. Other items may be taken up earlier or later in the docket, depending upon the rate at which actions on reports are completed. *Therefore, those who present reports should be prepared to report earlier or later than the docketed times.*

- 6:00 p.m.** Musical Prelude
- 6:30 p.m.** Opening Session of the General Assembly
Call to Order by the outgoing Moderator: TE Fred Greco (RAO 1-1)
Worship Service and Observance of the Lord's Supper

DOCKET

8:10 p.m. Assembly Reconvenes

Report on enrollment and determining of quorum
(*RAO 1-2, 14-5*)

Election of Moderator (*RAO 1-3, 1-4, 1-5*)

Presentation to Retiring Moderator

Presentation and Adoption of Docket (*RAO 3-2, m.*)

Election of Recording and Assistant Clerks

Appointment of Assistant Parliamentarians (*RAO 3-2, i.*)

Appointment by Moderator of a Committee of Thanks

Report of the Stated Clerk of the General Assembly,
including:

New Churches Added, Statistics, Overtures (*RAO*
11-4 to 11-11)

Communications (*RAO 11-1, 11-2, 11-3, 11-11*)

Presbytery Votes on Proposed Amendments to *BCO*

Vote on *BCO* proposed Amendments approved by
Presbyteries (*if needed, according to BCO 26-2,*
saying that amendments to the BCO passed by two-
thirds of the presbyteries require a majority vote of
those present and voting at GA).

Partial Report of the Committee on Review of
Presbytery Records on proposed *RAO*
Amendments (*if needed, according to RAO 20,*
saying that amendments require a two-thirds vote
of, at least, a majority of the total enrollment).

Partial Report of the Overtures Committee on proposed
RAO Amendments (*if needed, according to RAO*
20, saying that amendments require a two-thirds
vote of, at least, a majority of the total enrollment).

Partial Report of the Standing Judicial Commission (*if*
needed, according to RAO 17-5, saying that
OMSJC amendments require a two-thirds vote of,
at least, a majority of the total enrollment).

Cooperative Ministries Committee Report

Committee on Constitutional Business Report

MINUTES OF THE GENERAL ASSEMBLY

Theological Examining Committee Report

10:00 pm Business recess

Wednesday, June 12, 2024

7:30 am Commissioner Registration Open

8:00 a.m. Assembly-wide Prayer Convocation

9:30 a.m. Assembly Reconvenes

Review of Presbytery Records Committee Report

The RPR report may be amended on the floor. Standard rules of debate apply. Minority reports are allowed (RAO 16-7 h.; 19).

11:00 am Informational and Committee of Commissioners Reports

Committee of Commissioners' Reports are not subject to floor amendments. No minority reports are allowed. But alternative proposals passed by a majority of the CoC may be presented. The Assembly votes on the recommendations to approve, disapprove or refer back without instructions (RAO 14-9).

Interchurch Relations (Fraternal Delegates will be introduced to the General Assembly and greetings will be offered at this time.)

Covenant Theological Seminary

Geneva Benefits

Reformed University Fellowship

12 noon Lunch (on your own)

1:30 p.m. Assembly Reconvenes

Informational and Committee of Commissioners Reports

Committee of Commissioners' Reports are not subject to floor amendments. No minority reports are allowed. But alternative proposals passed by a majority of the CoC may be presented. The Assembly votes on the recommendations

DOCKET

to approve, disapprove or refer back without instructions (RAO 14-9).

Mission to North America

Covenant College

Mission to the World

Ridge Haven Conference Center

3:30 p.m. Standing Judicial Commission Report

4:30 p.m. Deadline for Nominations from the floor to the Nominating Committee (RAO 8-4 i.).

Meeting of the Nominating Committee

Business Recess for Worship

Note on Presentation of New Business:

All personal resolutions are new business (RAO 13-1, 13-2, 11-9) and are to be presented no later than the recess of the afternoon session. A two-thirds majority vote is required. If the Assembly receives the resolution, it will be referred by the Stated Clerk to the proper committee of commissioners.

4:45 p.m. Worship Service

Commissioner Registration Closed

5:45 p.m. Recess for Dinner and Fellowship Time

Meeting of Theological Examining Committee (if necessary)

Thursday, June 13, 2024

7:30 am Commissioner Registration Open

8:00 a.m. Assembly Reconvenes

Informational and Committee of Commissioners Reports

MINUTES OF THE GENERAL ASSEMBLY

Committees of Commissioners' Reports are not subject to floor amendments. No minority reports are allowed. But alternative proposals passed by a majority of the CoC may be presented with responses from the permanent Committee or Agency. The Assembly votes on the recommendations to approve, disapprove or refer back without instructions (RAO 14-9).

PCA Foundation

Committee on Discipleship Ministries

Administrative Committee

9:30 a.m. **Special Order:** Nominating Committee Report

Administration of vows to SJC members (RAO 17-1)

Declaration of SJC as Assembly's Commission (BCO 15-4, saying that the GA shall declare the SJC "as a whole" to be its commission).

10:00 a.m. Overtures Committee Report

The Report of the Overtures Committee may not be amended on the floor. The Assembly either approves, disapproves or recommits without instructions the recommendations (RAO 15-8 c.). An OC member may not participate in floor debate unless he is the designee of the chairman on a specific recommendation (RAO 15-8 f.). A minority report is permitted (RAO 15-6 s.3; 15-8 g.) if signed by at least 10% of the total number of votes cast on the item by members of the OC of whom at least 4% must be teaching elders and at least 4% must be ruling elders.

12 noon Lunch Recess

1:30 p.m. Assembly Reconvenes

Overtures Committee Report continued

5:30 p.m. Recess for Dinner

7:30 p.m. Assembly Reconvenes for Worship Service

9:10 p.m. Reconvene for business if necessary

9:15 p.m. Overtures Committee Report continued

DOCKET

- 10:00 p.m.** Committee on Thanks Report
Appointment of Commission to review and approve final version of minutes
Adjournment (*BCO 14-8*, requiring the Moderator to say, ***“By virtue of the authority delegated to me by the Church, I do now declare that the General Assembly of the Presbyterian Church in America is adjourned, to convene in Chattanooga, Tennessee on the 24th day of June 2025, A.D.”***.)
Sing Psalm 133
- 10:15 p.m.** Apostolic Benediction (II Corinthians 13:14)
“The grace of the Lord Jesus Christ, the love of God, and the fellowship of the Holy Spirit be with you all.”

Friday, June 14, 2024

- 8:00 a.m.** Assembly Reconvenes for Business (Optional)
Facilities are available until noon if agenda requires

Psalm 133

Behold how good a thing it is,
And how becoming well
Together such as brethren are
In unity to dwell

Like precious ointment on the head,
That down the beard did flow,
Ev’n Aaron’s beard and to the skirts
Did of his garments go.

As Hermon’s dew, the dew that doth
On Zion’s hill descend;
For there the blessing God commands,
Life that shall never end.

MINUTES OF THE GENERAL ASSEMBLY

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**QUICK REFERENCE:
GENERAL ASSEMBLY SESSIONS AND ITEM NUMBERS
DAILY JOURNAL
FIFTY-FIRST GENERAL ASSEMBLY**

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