

MINUTES OF THE GENERAL ASSEMBLY

An appellate court may give its opinion on the reasonableness of a censure, but it has no authority to increase it. Otherwise, an appellant might open himself up to jeopardy if the appellate court could increase his censure. *BCO 42-9* does not give this power to the higher court. On the other hand, it is within the authority of the appellate court to recommend to the trial court a lesser censure than was originally imposed. In Case 1997-09, the SJC advised a session to decrease a censure from excommunication to indefinite suspension from the sacraments. (Appeal of Robert Shive vs. Central Carolina Presbytery).

The Summary of the Facts was prepared by RE Frank A. Brock and RE Thomas F. (Tom) Leopard.

The Statement of Issues and Judgment were prepared jointly by the Panel.

The Reasoning and Opinion was written by TE Lawrence N. Lunceford with the concurrence of RE Frank A. Brock and RE Thomas F. (Tom) Leopard.

The Statement of Issues and Judgment, as well as the Reasoning and Opinion, was extensively amended by the full SJC.

Roll call vote on Case 2002-01

TE Dominic A. Aquila	Concur	RE Collie W. Lehn	Concur
RE Frank A. Brock	Absent	RE Thomas F. (Tom) Leopard	Concur
RE Robert C. (Bob) Cannada	Concur	TE Lawrence N. Lunceford	Dissent
RE M. C. (Cub) Culbertson	Concur	TE William R. (Bill) Lyle	Concur
RE J. Howard (Howie) Donahoe	Concur	RE J. Grant McCabe	Concur
RE Samuel J. (Sam) Duncan	Concur	TE Charles McGowan	Absent
TE Robert M. Ferguson Jr.	Concur	TE David P. (Dave) Peterson	Disqualified
TE Terry L. Gyger	Concur	TE G. Dewey Roberts	Concur
TE William W. (Bill) Harrell Jr.	Concur	TE James L. Smith Jr.	Concur
RE Terry L. Jones	Concur	TE Robert D. Stuart	Concur
TE Paul D. Kooistra	Absent	RE John B. White Jr.	Concur
		RE W. Jack Williamson	Concur

Adopted: 18 concur; 1 dissent; 1 disqualified; 3 Absent

Case 2002-10
COMPLAINT OF CAROLYN GOERIG
VS.
PACIFIC NORTHWEST PRESBYTERY

I. Summary of the Facts

1. Sometime in 1996, E. S., a member at Faith Presbyterian Church in Tacoma Washington, and the complainant (who was not a member) became involved in a sinful relationship. E. S. and the complainant sought spiritual help from the elders of the church who advised the couple. E. S. and the complainant asked God's forgiveness, forgave each other and broke off their relationship.

2. In the summer of 1997, the complainant started attending Faith Presbyterian Church (Tacoma) and joined the church by reaffirmation of faith on August 29, 1999.
3. In the latter part of 1997, a young woman named S. started attending Faith PC and later started dating E. S. whom she married in the fall of 1999.
4. A conflict between S. and the complainant surfaced almost immediately after the wedding of S. and E. Thus, the complainant decided to attend another PCA church.
5. The complainant considered becoming a member of Covenant Presbyterian Church in Issaquah, WA, in the spring of 2000 and a certificate of transfer of membership was sent from Faith Presbyterian Church (Tacoma) to Covenant PCA in Issaquah on June 12, 2000. The complainant decided not to join Covenant PCA so was never received by that Session because she decided to retain her membership at Faith (Tacoma).
6. In Spring 2000, the complainant started re-attending Faith (Tacoma). On April 21, 2000 S. repented in an e-mail to the complainant for her "attitude and harsh tones" in her e-mails to the complainant S. also told the complainant in this e-mail: "If God has called you to worship there (i.e., Faith Tacoma), then you should."
7. On September 25, 2000 Pastor Rob Rayburn of Faith (Tacoma) wrote the complainant an e-mail to inform her that S. had reacted "quite badly" to seeing the complainant in church several weeks before. Pastor Rayburn also told the complainant: "I am approaching you now to ask that you not visit the church. It is I realize a strange request." In an October 18, 2000 e-mail, Pastor Rayburn told the complainant that "it is my charge to instruct you not to attend Faith Presbyterian Church."
8. Shortly after these e-mails, the complainant met with RE John Pribyl of Faith (Tacoma) and informed him that she still considered herself a member of the congregation. A subsequent meeting in October 2000 with three elders was called for the purpose of giving a hearing to the complainant's perspective on reconciliation according to Matthew 5 and 18. The elders restated their earlier position regarding their counsel that the complainant not attend Faith because of the conflict with S.
9. After almost a year's absence from attending the church, the complainant asked the Session of Faith (Tacoma) in September 2001 to allow her to resume worshiping with the church. This request was denied on September 13, 2001.
10. On October 13, 2001 TE Arnold Brevick filed a complaint with the Session on behalf of the complainant regarding its action of September 13, 2001 to prohibit her from attending Faith PC (Tacoma). This complaint was denied by the Session on December 11, 2001 in which it

also offered to “formally and retroactively remove her name according to the procedure in *BCO 38-4*” (ROC, p. 61). It also stated in its denial of the complaint that “the Session is not willing to consider her a member in good standing who maintains the rights and privileges of membership”.

11. On December 23, 2001 the complainant filed a complaint with Pacific Northwest Presbytery against the decision of the Session of Faith PC (Tacoma) in denying her complaint of October 13, 2001. Pacific Northwest Presbytery appointed a commission at its January 11, 2002 stated meeting. At the April 26, 2002 meeting of the Presbytery the complaint was denied.
12. On May 21, 2002 the complainant carried her complaint to the Standing Judicial Commission “in connection with her unlawful erasure from membership and ban from attending services at Faith PCA”.

II. Statement of Issues

Did Pacific Northwest Presbytery err in denying the complaint filed by Carolyn Goerig on December 23, 2001 against the decision of Faith Presbyterian Church Session of September 13, 2001?

III. Judgment

Yes, because Faith Presbyterian Church Session did not follow the provisions of *BCO 38-4* with regard to Carolyn Goerig’s membership, Pacific Northwest Presbytery should have remanded the case to the Session of Faith Presbyterian Church.

IV. Reasoning and Opinion

BCO 46-3 states that “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.” The Record of the Case indicates that while the complainant requested that her membership be transferred from Faith Presbyterian Church to Covenant Presbyterian Church and that a certificate of transfer was sent to the Session of Covenant PCA in Issaquah, WA, she never united with the church. Therefore, her membership was still with Faith Presbyterian Church (Tacoma).

The intent of the Session to erase her name from its membership rolls “formally and retroactively” according to the steps found in *BCO 38-4* was not a permissible act because the biblical steps of pastoral oversight required in that section were not followed by the Session.

The “power” of all church courts in the Presbyterian Church in America is “exclusively spiritual.” Therefore the power of the Faith Presbyterian Church Session, acting as a church court, is exclusively spiritual and the spiritual powers that are to be exercised by the Session are

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outlined in *BCO* 12. These spiritual powers include the power to “...receive members into the communion of the church; to remove them for just cause...” (*BCO* 12-5.a). Accordingly, a Session may refer to this provision in the *BCO* and take action in accordance therewith.

In addition, under the *Rules of Discipline* of the *BCO*, there are specific provisions under which members can be removed from or dismissed from or the names removed or erased from the membership of local congregations. One such provision is set forth in *BCO* 38-4. This section is very specific in the procedures to be followed where the Session is acting under that section. While the Session of Faith Presbyterian Church considered this section (*BCO* 38-4) as a proposed solution to the matter, the Session did not comply with the provisions of *BCO* 38-4. Therefore it is the judgment of this Commission that the Presbytery erred in denying the complaint filed by Carolyn Goerig.

Reasoning and Opinion of the court was written by TE G. Dewey Roberts and concurred by TE Dominic A. Aquila and RE Collie W. Lehn.

Roll call vote on Case 2002-10

TE Dominic A. Aquila	Concur	RE Collie W. Lehn	Concur
RE Frank A. Brock	Disqualified	RE Thomas F. (Tom) Leopard	Concur
RE Robert C. (Bob) Cannada	Concur	TE William R. (Bill) Lyle	Concur
RE M. C. (Cub) Culbertson	Concur	RE J. Grant McCabe	Absent
RE J. Howard (Howie) Donahoe	Absent	TE Charles McGowan	Concur
RE Samuel J. (Sam) Duncan	Concur	TE David P. (Dave) Peterson	Concur
TE Robert M. Ferguson Jr.	Concur	TE G. Dewey Roberts	Concur
TE Terry L. Gyger	Concur	TE James L. Smith Jr.	Absent
TE William W. (Bill) Harrell Jr.	Concur	TE Robert D. Stuart	Concur
RE Terry L. Jones	Concur	RE John B. White Jr.	Concur
TE Paul D. Kooistra	Absent	RE W. Jack Williamson	Concur

Adopted: 17 concurred, 0 dissented, 0 recused, 1 disqualified, 4 absent

Case 2002-11
COMPLAINT TE BRIAN ABSHIRE
VS.
PACIFIC NORTHWEST PRESBYTERY

I. Summary of the Facts

1. On November 25, 2001, REs Lynch and Rooney, members of the Session of Faith Presbyterian Church (FPC), sent to the Pacific Northwest Presbytery (PNP) a letter consisting of charges against TE Brian Abshire who was pastor of FPC.
2. On November 30, 2001 two members of the congregation of FPC filed with the Session charges against REs Lynch and Rooney.
3. At a meeting of the Session on December 2, 2001 attended by TE Abshire, RE Lynch, RE Rooney and RE Proffitt the charges against REs Lynch and Rooney were considered and by action of