

**CONCURRING OPINION
COMPLAINT OF TE JOHN GRADY
VS.
SOUTHWEST FLORIDA PRESBYTERY
SJC 2007-12**

I concur in the result reached by the majority, based on the Issue, as stated in the Majority Opinion, but believe that the Issue, as framed and expanded by the Standing Judicial Commission in the Majority Opinion, goes beyond that stated by the parties.

TE Grady complained that Southwest Florida Presbytery erred in deciding that "the portion of this report (from the Shepherding Committee) regarding TE John Grady and Faith PCA be read into the minutes of Presbytery." Southwest Florida Presbytery did not err in merely recording the Shepherding Committee Report in the Minutes.

In my view, if the Standing Judicial Commission had used the issue, as proposed by TE Grady, then the Judgment would be different, in that the Judgment should have been that the Presbytery did not err by including the Shepherding Committee Report in the Minutes.

BCO 39-3(1) states that "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."

Accordingly, in my opinion, the Standing Judicial Commission expanded the Issue to include a finding that the Shepherding Report "contained a finding of 'sins and errors' concerning TE Grady," and thereby seems to be in conflict with *BCO* 39-3(1).

/s/ Samuel J. Duncan

**PRESBYTERIAN CHURCH IN AMERICA
VS.
LOUISIANA PRESBYTERY
SJC 2007-14**

I. SUMMARY OF THE FACTS

1. In case 2006-2, Part 2, the Standing Judicial Commission found that Louisiana Presbytery failed to reach a decision consistent with the Constitution of the Presbyterian church in America when it found "no strong presumption of guilt in any of the charges contained [in the

Central Carolina Memorial] and exercise[d] its prerogative not to institute process [against TE Stephen Wilkins] regarding [those] allegations. (*cf.*, the findings of the SJC with regard to case 2007-8.)

The Standing Judicial Commission mandated the following Amends. “Pursuant to *BCO* 40-5 the Standing Judicial Commission hereby cites Louisiana Presbytery to appear ‘to show what it has done or failed to do in the case in question.’ To implement this process, RE Samuel J. Duncan is hereby appointed to: a) serve as prosecutor in this matter and conduct the case, which is designated as Case 2007-14; b) select Assistant Prosecutors from members of the General Assembly to assist him with this matter; c) draw an indictment to be served upon Louisiana Presbytery, with the circumstances and specifications therein not limited to those raised in 2006-02 and 2007-8; d) prepare a citation instructing Louisiana Presbytery to respond, in writing or at a called meeting of the Standing Judicial Commission, to the indictment and to enter its pleas to the matters contained therein no later than February 1, 2008. (*BCO* 40-6, 31-2, 32-3) If Louisiana Presbytery enters a plea of ‘not guilty,’ then Louisiana Presbytery is directed to appear, through its representatives, for trial in this matter before the Standing Judicial Commission on March 5, 2008 (*BCO* 40-5, 40-6, 31-2, 32-3).”

2. The citation and indictment, finalized on January 2, 2008, asserted two specifications of conduct wherein Louisiana Presbytery was alleged to have violated the Constitution. First, that Louisiana Presbytery failed properly to address and record differences between the views asserted by TE Stephen Wilkins and the standard expositions of the teachings of Scripture set forth in our Constitution (*BCO* 21-4, 21-5, and *RAO* 16-3(e)(5)). Second, that Louisiana Presbytery failed to find a strong presumption of guilt that some of the views of TE Wilkins were out of conformity with the Constitution, and thus was derelict in its duties and caused much unresolved pastoral confusion and harm (*BCO* 13-9, 40-4, 40-5). The indictment alleged that these failures constituted “a fundamental neglect of the Biblical responsibilities of the eldership (2 Timothy 1:13-14; 2:15-16; Acts 20:28, 1 Timothy 4:16).” The citation also directed that Louisiana Presbytery appear before the Standing Judicial Commission at a called meeting on February 1, 2008, to be conducted by conference call, to enter its plea on these charges. The citation provided that the Presbytery could respond in writing if it so desired (*BCO* 32-3). (See the attached citation and indictment.)

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3. On January 19, 2008, Louisiana Presbytery met to receive and respond to the allegations contained in the indictment. The Presbytery voted to plead “Not Guilty” to Specification One of the Indictment (failure to address and record differences) and to plead “Guilty” to Specification Two of the Indictment (failure to find a strong presumption of guilt that some views were out of accord) and to “reference the matter to the SJC.” The vote was 9 for, 6 against, and 4 abstentions.
4. On January 27, 2008, the congregation of Auburn Avenue Presbyterian Church convened in a congregational meeting, and voted to withdraw from the Presbyterian Church in America and to affiliate with the Confederation of Reformed Evangelical Churches.
5. On January 27, 2008, TE Wilkins advised Louisiana Presbytery of his intention to withdraw from the Presbyterian Church in America and to affiliate with the Confederation of Reformed Evangelical Churches. TE Wilkins further applied to be received as a member of Auburn Avenue Presbyterian Church (CREC) and was received by that Congregation as a member.
6. Louisiana Presbytery, Auburn Avenue Presbyterian Church, and TE Wilkins advised the Stated Clerk of the Presbyterian Church in America of these actions in writing by e-mail received on Monday, January 28, 2008.
7. On February 1, 2008, the Standing Judicial Commission met by conference call. It was moved, seconded, and carried to receive the e-mail correspondence of January 19, 2008, from the clerk of record of Louisiana Presbytery, as the plea in writing from LAP. The pleas reflected the actions of Presbytery taken at its meeting of January 19, 2008 (see above). Louisiana Presbytery did not provide at this time any rationale for its plea of “Not Guilty” on Specification 1. It was further moved, seconded, and carried by the SJC “To amend the citation by changing the trial date to 3:00 p.m. on March 6, 2008 and to appoint the officers of the SJC and TE Dewey Roberts as a committee to receive any additional pleas from LAP and to prepare for a trial and/or further necessary proceedings.” A revised citation was approved on February 1 and was sent to Louisiana Presbytery on February 25.
8. On February 9, 2008, Louisiana Presbytery held a called meeting. During that meeting Presbytery “[r]eceived communication that Auburn Avenue Presbyterian Church has withdrawn from the PCA and that TE Wilkins has joined AAPC as of [January 27, 2008].” Presbytery noted the irregularity in its minutes as per *BCO* 38-3(a),

and removed the name of TE Stephen Wilkins from the roll of Presbytery as per *BCO* 38-3(a). A motion to change the plea of Presbytery on Specification 1 to “Guilty” failed by a vote of 5-5. Finally, Presbytery adopted an “Explanation to Accompany the Submission of Pleas to the SJC” (see attached).

9. On February 11, 2008, RE Samuel J. Duncan resigned as Prosecutor.
10. The Special Committee of the SJC for Case 2007-14 (see item 7 above) met by conference call on February 15, 2008. The Special Committee adopted the following three motions. 1) That TE Dewey Roberts be appointed as replacement Prosecutor for the case. 2) “That the Prosecutor be empowered to interview potential witnesses and determine what evidence could be brought to trial on Charge 1, and that if the Prosecutor determines that there are not sufficient witnesses or evidence to conduct a proper trial under the requirements of the *BCO*, the Prosecutor would then bring recommendation to the officers that the charge be *nol-pros* (not processed) and the officers would take the recommendation to the full SJC for a vote.” 3) “That should a decision be made to proceed to trial on charge 1, LAP’s representatives be allowed to participate by telephone conference if they so desire.”
11. On March 6, 2008, the Standing Judicial Commission conducted the trial on Specification 1. Representatives from Louisiana Presbytery were present in person to defend the Presbytery. There were two prosecution witnesses. There were no defense witnesses. The prosecution entered into the record 272 pages of documentary evidence. The defense also entered documentary evidence.

II. VERDICT

Specification 1 - After the trial, Specification 1 was dismissed by the Standing Judicial Commission for reasons noted below.

Specification 2 - The Presbytery’s guilty plea having previously been entered on Specification 2, the Standing Judicial Commission voted to proceed to the imposition of the censure of admonition (*BCO* 32-3, para 3; 36-3) for the reasons noted below.

III. REASONING AND OPINION

Specification 1 - The Standing Judicial Commission dismisses Specification 1 against Louisiana Presbytery on the following grounds.

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- a) We cannot conclude that Presbytery was required by Scripture, the Constitution, or the directives of the SJC to apply *BCO* 21-4 and *RAO* 16-3(e)(5) to the *BCO* 31-2 investigation required by the SJC in Case 2006-2 (Part 1, Judgment 3). While, as Presbytery admits, *BCO* 21-4 and *RAO* 16-3(e)(5) may have provided wise counsel as to how Presbytery could have better handled their investigation of TE Wilkins, the fact that we are unable to conclude that these steps were required in this matter means that we cannot conclude that the standard required by *BCO* 29-1 and 39-3 for a finding of guilt has been met with regard to charge 1, nor that Louisiana Presbytery was required to follow any specific set of steps in reaching their conclusion on the required *BCO* 31-2 investigation.
- b) In addition, we recognize and receive Presbytery's explanation for their not guilty plea (see attached), recognizing that the reference to case 2006-2 in item (3) refers to the SJC's action on the Part 1 of that case (decision from October 2006), and recognizing the specific items of rationale raised by Presbytery.
- c) This dismissal of Specification 1 on the grounds noted in (a) does not negate our concern with regard to evidence raised by the prosecution that LAP failed to make a specific finding with rationale on the constitutionality of TE Wilkins' views with regard to each of the specific areas raised in the Memorial from Central Carolina Presbytery and that they failed to categorize, at least as far as is required by *BCO* 34-5, any such views found to be out of conformity with the Constitution. Further, this dismissal in no way lessens the seriousness of Specification 2, nor the implications of Presbytery's guilty plea with regard to their error "in not finding a strong presumption of guilt that some of TE Wilkins' theological views were out of conformity with the Constitution and in not pressing forward with a trial." (See Presbytery's "Explanation to Accompany the Submission of Pleas to the SJC.") In this sense Louisiana Presbytery did fail properly to "address" TE Wilkins' differences to determine whether or not his views were out of accord at key points with the "system of doctrine." These errors on the part of Presbytery did injure the peace and purity of the Church. However, all the matters raised in this section are also dealt with in Specification 2 and thus, we believe, are adequately addressed by our censure below. We raise the concerns here to be clear on the meaning and scope of our decision to dismiss Specification 1.

Specification 2 - By entering a plea of “Guilty” in this matter as to Specification 2 of the Indictment, Louisiana Presbytery acknowledges the matters alleged and confesses its failures as to them. By so doing it is subject to judgment and censure without further process (*BCO* 32-3). In light of the withdrawal of TE Wilkins and Auburn Avenue Presbyterian Church from the Presbyterian Church in America, there are no practical means by which Louisiana Presbytery could make amends for its failure to find “a strong presumption of guilt that some of TE Wilkins’ theological views were out of conformity with the Constitution and in not pressing forward with a trial.” We appreciate Presbytery’s admission of guilt on this Specification and do not consider further action beyond the censure of admonition to be necessary to preserve the peace, purity, and unity of the Church.

IV. IMPOSITION OF CENSURE

As this matter involves a public offense, the following censure of admonition is to be announced in public by letter to Louisiana Presbytery that is to be included in their minutes and by inclusion in the report of the Standing Judicial Commission which is made a part of the minutes of General Assembly (SJCM 21-2,3), and administered by the Moderator of the 36th General Assembly in the presence of the General Assembly. (*BCO* 36-3)

The Presbyterian Church in America, in the name of the Lord Jesus Christ and for the sake of the peace, purity and unity of His Church, does hereby publicly admonish Louisiana Presbytery for its failure adequately to protect the peace, purity and unity of the Church in its investigation of and proceedings pertaining to TE Stephen Wilkins that should have raised a strong presumption of guilt that the views held and taught by TE Wilkins differed from the “standard exposition of Scripture contained in our Constitution.” (*BCO* 29-1) In failing to find a strong presumption of guilt that some of the views of TE Wilkins were out of conformity with the Constitution, Louisiana Presbytery was derelict in its duty under *BCO* 13-9, 40-4, and 40-5, and thus caused much unresolved pastoral confusion, and, likely, harm throughout the Church.

We further admonish Louisiana Presbytery that, should they be faced in the future with credible reports raising questions about the orthodoxy of the views of a teaching elder under its jurisdiction (*BCO* 31-2, 40-4, and 40-5), they must insure that they conduct a full and thorough investigation, which would include specific, documented findings as to

“...whether [the view(s)] strike at the vitals of religion and are industriously spread, or whether they arise from the weakness of the human understanding and are not likely to do much injury” (*BCO* 34-5).

Finally, we admonish Louisiana Presbytery to take care that it be diligent to “condemn erroneous opinions which injure the purity and peace of the Church” (*BCO* 13-9(f) and that it be careful that heretical opinions not be allowed to gain ground (*BCO* 40-4). These are critical duties of Presbytery that cannot be satisfied by deferring to a lower court or to the views of a teaching elder. (See *BCO* 39-3(4).) The faithful performance of these duties by presbyteries is a critical component of our corporate responsibility to live out, in love, the truth of Ephesians 4:11-16

And He Himself gave some to be apostles, some prophets, some evangelists, and some pastors and teachers, for the equipping of the saints for the work of ministry, for the edifying of the body of Christ, till we all come to the unity of the faith and of the knowledge of the Son of God, to a perfect man, to the measure of the stature of the fullness of Christ; that we should no longer be children, tossed to and fro and carried about with every wind of doctrine, by the trickery of men, in the cunning craftiness of deceitful plotting, but, speaking the truth in love, may grow up in all things into Him who is the head – Christ – from whom the whole body, joined and knit together by what every joint supplies, according to the effective working by which every part does its share, causes growth of the body for the edifying of itself in love. (NKJV)

V. FINAL NOTE

We are thankful for Presbytery’s willingness to work through the issues raised in this and previous cases, to admit their errors, and to hear the admonition of the Standing Judicial Commission of the General Assembly. It is our hope and prayer that the Lord will bring healing and restoration as the fruit of this process (*BCO* 27-3 and 27-4).

Each section of the Decision having been approved *seriatim*, the Secretary called the roll. The vote on the decision Case 2007-14 was:

TE Dominic A. Aquila, Concur	TE John M. McArthur Jr., Absent
TE Howell A. Burkhalter, Concur	RE J. Grant McCabe, Absent
TE Alton Craig Chapman, Absent	TE Charles E. McGowan, Concur
TE Stephen M. Clark, Concur	TE D. Steven Meyerhoff, Concur
RE M. C. (Cub) Culbertson, Concur	RE Frederick Neikirk, Concur
RE Perry Denniston, Concur	RE Steven T. O’Ban, Concur

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RE J. Howard Donahoe, Concur	RE Calvin Poole, Concur
RE Samuel J. Duncan, Disqualified	TE G. Dewey Roberts, Disqualified
TE Paul B. Fowler, Concur	TE Michael F. Ross, Concur
TE William W. Harrell Jr., Concur	RE Olin L. Stubbs, Dissent
RE Thomas F. Leopard, Absent	RE John Tolson, Concur
TE William E. Lyle, Absent	RE John B. White Jr, Concur

16 concur, 1 dissent, 2 disqualified, 5 absent.

**CONCURRING OPINION
CASE 2007-14**

Procedurally, this case is another sad reminder that the language of *BCO* 34-1 continues to poorly serve the PCA:

34-1. Process against a minister shall be entered before the Presbytery of which he is a member. However, if the Presbytery refuses to act in doctrinal cases or cases of public scandal and two other Presbyteries request the General Assembly to assume original jurisdiction (to first receive and initially hear and determine), the General Assembly shall do so. [Underlining added.]

The phrase “refuses to act” is poorly-worded. It is vague and essentially unusable. The noun “act” is not defined. It can, and has been, interpreted to mean just about any action or attention Presbytery gives to the matter. Thus, the bar for assumption of original jurisdiction is set unapproachably high. The bar needs to be brought down to a reasonable level.

This present case seemed almost tailor-made for the assumption of original jurisdiction, but it didn’t happen, despite petitions from Presbyteries. The SJC is bound by the language of the *BCO*, even when that language is deficient. Instead, the PCA got tied in knots addressing it via other less direct routes (like *BCO* 40-5). Assumption of original jurisdiction would have been the most logical and appropriate avenue to address this matter, and would have better served the PCA, the SJC, Louisiana Presbytery and the minister in question.

This defective phrase also had the PCA tied in knots in a previous case involving a minister from Tennessee (Case 99-01, *M28GA* Tampa 2000 & *M29GA*, Dallas 2001). In both the Tennessee and Louisiana cases, the SJC declined requests and ruled it could not assume original jurisdiction because those Presbyteries had not “refused to act.” [In the Tennessee case, the GA overruled the SJC and instructed them to assume original jurisdiction and conduct a 31-2 investigation, which subsequently resulted in no indictment.]

The PCA needs to revise 34-1 to make the assumption of original jurisdiction possible, in doctrinal cases or cases of public scandal. The phrase “refuses to act” should be changed. If the language is changed and the bar comes down to a reasonable level, the 34-1 revision could also stipulate a greater number of Presbyteries needed to request assumption, or set a percentage.

/s/ RE Howard Donahoe

**JUDICIAL CASE 2007-14
PRESBYTERIAN CHURCH IN AMERICA
VS.
LOUISIANA PRESBYTERY**

**OBJECTION
TO DECISION OF STANDING JUDICIAL COMMISSION**

As a member of the Standing Judicial Commission and Prosecutor in the above matter, I was disqualified from taking part in the proceedings by reason of my having expressed my opinion on the merits to my assistant prosecutors, witnesses, and advisors, all of whom were not members of the Standing Judicial Commission. (*BCO* 32-17) Since I did not have the right to vote on this matter by virtue of said disqualification, and thus no right to Dissent or Protest, I file this Objection in accord with *BCO* 45.

In filing this Objection, I support the Verdict reached by the Standing Judicial Commission in regard to Charges 1 and 2 of the Indictment. This Objection is based on procedure adopted to present this decision to the General Assembly. It is my belief that the Standing Judicial Commission’s action should be reported to the General Assembly and approved or disapproved pursuant to *BCO* 15-3.

Had this case, and the initial trial that developed, been a judicial reference under *BCO* 41 and Chapter 13 of the SJC Manual, then SJCM 13.8(c) (6) and (d) indicate that the decision is merely reported to the General Assembly, without a vote of approval or disapproval, as is the case with any complaint or appeal heard and decided by the Standing Judicial Commission. However, this case did not come to the Standing Judicial Commission by way of a reference. Jurisdictionally, this case, and the ultimate trial of Louisiana Presbytery, came to the Standing Judicial Commission through *BCO* 40.

The Standing Judicial Commission took jurisdiction of this case by virtue of the Memorial in Case 2006-2, which sought to invoke the general review

and control provisions of *BCO* 40-4 and 40-5. In taking jurisdiction in this manner and through this Chapter of the *BCO*, the Standing Judicial Commission was proceeding to trial under *BCO* 40, not a reference under *BCO* 41.

With jurisdiction based on *BCO* 40, *BCO* 40-6 provides that the trial will be "conducted according to the rules provided for process against individuals." There is no link from this jurisdictional directive to that of a reference described in *BCO* 41 and SJCM 13 and the special procedures related thereto. Process against an individual necessarily involves the general procedures of a judicial commission as described in *BCO* 15-3. *BCO* 13-3 provides that commission selected to try the case (the Standing Judicial Commission) shall submit "a full statement of the case and the judgment rendered" to the court, which shall without debate "approve or disapprove of the judgment..." If the court approves the judgment of the commission, it "shall be final and shall be entered on the minutes" of the court as its action.

In conclusion, a proper handling of the Verdict and Judgment of the Standing Judicial Commission in this case would be for the Standing Judicial Commission to make a full report to the General Assembly, with the same being approved or disapproved, without debate, thereat.

/s/ Samuel J. Duncan

[Editorial Note: Overture 22 was referred to the SJC, with the concurrence of the CCB, by the 34th General Assembly (*M34GA*, 34-34, II, p. 83; p. 310). For action by the SJC, see p. 140.

IV. OVERTURE 22 – SUN COAST FLORIDA PRESBYTERY

OVERTURE 22 from Suncoast Florida Presbytery (to SJC, pending advice of CCB)

“Declare Auburn Avenue Session Heterodox; Appoint Commission to Discipline Auburn Avenue Session; Appoint Commission to Discipline TE Steve Wilkins”

Whereas, our Lord rebukes the churches in Pergamum and Thyatira for their tolerance of false teaching (Revelation 2:14-15, 20); and

Whereas, in July of 2005 the Louisiana Presbytery accepted their Committee on Federal Vision Theology's recommendations that Pastor Steve Wilkins of Auburn Avenue Presbyterian Church be "publicly exonerated by Louisiana Presbytery, and declared to be faithful to the Confessional standards of the PCA;" and

Whereas, the Summary Statement of AAPC's position on the Covenant, Baptism, and Salvation was “unanimously adopted by the Session of AAPC on April 3, 2005; and

Whereas, the session of AAPC sets forth in the Summary Statement a covenant of grace that is said to be made with the elect and reprobate alike, contrary to the Westminster standards:

1. "The Bible ordinarily (though not always) views election through the lens of the covenant. This is why covenant members are addressed consistently as God's elect, even though some of those covenant members may apostatize, proving themselves in the end not to have been among the number of those whom God decreed to eternal salvation from before the foundation of the world. Thus, the basis for calling them God's 'elect' was their standing as members of the Church (which is the body of Christ) and not some knowledge of God's secret decree. The visible Church is the place where the saints are 'gathered and perfected' by means of 'the ministry, oracles, and ordinances of God' (*WCF* 25.3)" (Auburn Avenue Summary Statement).
2. "God, however, mysteriously has chosen to draw some into the covenant community who are not elect unto eternal salvation. These non-elect covenant members are truly brought to Christ, united to Him in the Church by baptism and receive various gracious operations of the Holy Spirit.

Corporately, they are part of the chosen, redeemed, Spirit-indwelt people. Sooner or later, however, in the wise counsel of God, these fail to bear fruit and fall away. In some sense, they were really joined to the elect people, really sanctified by Christ's blood, really recipients of new life given by the Holy Spirit. God, however, has chosen not to uphold them in the faith, and all is lost. They break the gracious new covenant they entered into at baptism" (Auburn Avenue Summary Statement).

Whereas, the session of AAPC compromises the doctrine of justification by faith alone in Jesus Christ in the Summary Statement with their insistence on the incorporation of each baptized person into Christ through his/her baptism, a status which is maintained or lost by the individual based upon his/her own perseverance in covenant faithfulness, contrary to the Westminster standards:

1. "Once baptized, an individual may be truly called a 'Christian' because he is a member of the household of faith and the body of Christ (1 Cor. 12). However, not all who are 'Christians' in this sense will persevere to the end" (AAPC Summary Statement).
2. "Starting with their baptisms, they have every reason to believe

God loves them and desires their eternal salvation. Baptism marks them out as God's elect people, a status they maintain so long as they persevere in faithfulness” (AAPC Summary Statement).

Whereas, the session of AAPC in their Summary Statement erroneously attributes to water baptism the entrance of each baptized individual into actual union with Christ, contrary to the Westminster Standards:

1. “When someone is united to the Church by baptism, he is incorporated into Christ and into His body; he becomes bone of Christ's bone and flesh of His flesh (Eph. 5:30). He becomes a member of ‘the house, family, and kingdom of God’ (WCF 25.2). Until and unless that person breaks covenant, he is to be reckoned among God's elect and regenerate saints” (AAPC Summary Statement).

Whereas, the session of AAPC in their Summary Statement assails the Westminster standards' doctrine of assurance by setting forth a final salvation dependent upon an individual's own covenant faithfulness, a salvation that may be maintained or lost by the individual:

1. “Once baptized, an individual may be truly called a ‘Christian’ because he is a member of the household of faith and the body of Christ (1 Cor. 12). However, not all who are ‘Christians’ in this sense will persevere to the end” (AAPC Summary Statement).
2. “Starting with their baptisms, they have every reason to believe God loves them and desires their eternal salvation. Baptism marks them out as God's elect people, a status they maintain so long as they persevere in faithfulness” (AAPC Summary Statement).

Therefore, be it resolved that the Suncoast Florida Presbytery overtures the 34th General Assembly of the PCA to acknowledge the heterodoxy of the session of Auburn Avenue Presbyterian Church and the Louisiana Presbytery's error in declaring Pastor Steve Wilkins “faithful to the confessional standards of the PCA.”

And be it further resolved for the glory of Christ, the purity of His church, and for the good of Auburn Avenue Presbyterian Church, the Louisiana Presbytery, and the Presbyterian Church in America, that a commission be established for disciplinary action against Pastor Wilkins and the Session of Auburn Avenue Presbyterian Church.

Adopted by Suncoast Florida Presbytery at the stated meeting on April 4, 2006.

Attested by /s/ TE Mike Kendrick, Stated Clerk

MINUTES OF THE GENERAL ASSEMBLY

MSC that Overture 22 be answered that it is deemed to be out of accord with the *BCO* for the following reasons:

1. The overture calls on the assembly to declare the Auburn Avenue Session heterodox. *BCO* 40-6 provides that a church court may be tried as an individual is tried. But a trial must be conducted with proper procedures followed and the accused having the opportunity for proper defense. The assembly could not by fiat declare a Presbytery heterodox.
2. The overture calls for a commission to be established to take disciplinary action against TE Steve Wilkins. The proper procedure is the application of *BCO* 34-1. For that to take place it must be established that Louisiana Presbytery refused to act and at least two other presbyteries request that the General Assembly assume original jurisdiction. The problem is that the presbytery did act by conducting an investigation but deciding not to indict (similar to the Ernest Trice Thompson, Hays Watson Smith, [PCUS, prior to the formation of the PCA] and John Wood [PCA] cases) and not one elder in the presbytery filed a complaint.
3. The overture calls for an assembly commission to be established to take disciplinary action against the Auburn Avenue session. The proper procedures would be for two sessions of Louisiana Presbytery to ask the Presbytery to assume original jurisdiction of the session and try the session as an individual (*BCO* 33-1; 40-6).
4. The SJC is addressing the Louisiana Presbytery-Steve Wilkins matter in its consideration of and decision on the memorial from Central Carolina Presbytery (*BCO* 40-5 [2005 edition]).

V. THE OFFICERS OF THE SJC CHOSEN FOR NEXT YEAR ARE:

Chairman: TE Dominic A. Aquila
Vice Chairman: RE Samuel J. Duncan
Secretary: RE John White, Jr.
Assistant Secretary: TE John M. McArthur Jr.

Respectfully submitted,

/s/ TE Dominic A. Aquila, Chairman /s/ RE John White Jr., Secretary

36-32 Report of Committee of Commissioners on Mission to North America

RE David Kliewer, Chairman of the Committee of Commissioners, led the Assembly in prayer and presented the report. **Recommendations 1-6, 8-15** were **adopted**. **Recommendation 7** was **deferred** to the Report of the CoC on Administrative Committee. (For the report of the MNA Permanent Committee, see Appendix H, pp. 436-59. See also, Informational Report, 36-21, p.65.)