

## MINUTES OF THE GENERAL ASSEMBLY

encouragements to consider the promises of the covenant, etc.<sup>5</sup> All parents should be reminded, as the *BCO* states, that covenant children "are federally holy *before* Baptism, and *therefore* are they baptized." (*BCO* 56-4.h. Emphasis added).<sup>6</sup>

/s/ RE Howie Donahoe

**CASE 2019-02**  
***TE DANIEL SCHROCK, ET AL.***  
**vs.**  
***PHILADELPHIA PRESBYTERY***

**DECISION ON COMPLAINT**  
**October 18, 2019**

### **I. SUMMARY OF THE FACTS**

- 06/24/18 On June 24, 2018, the congregation of New Life Philadelphia (PCA) voted to call TE Larry Smith as senior pastor.
- 08/29/18 TE Smith was examined by the Credentials Committee of Philadelphia Presbytery. The Committee voted not to recommend that TE Smith be examined on the floor of Presbytery because it judged that TE Smith's views regarding the continuation of the spiritual gifts of prophecy and tongues beyond the Apostolic era and the closing of the canon amounted to exception of substance to WCF 1.1 which is out of accord with the fundamentals of the system because it is hostile to the system.
- 09/05/18 The Presbytery Coordinating Committee requested that Mr. Smith provide a written statement outlining his views of the continuation of the gifts of prophecy and tongues.

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<sup>5</sup> *BCO* 27-4 ... In this it acts 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.

<sup>6</sup> I remember Dr. Will Barker relaying a story: "I was always impressed at Covenant Church St. Louis when I was a seminary student. I was in the choir loft behind the pulpit area. And when there would be an infant baptized, professor R. Laird Harris, a former moderator of our Assembly, would sit about the second pew and my line of vision was right across the baptismal font to where Dr. Harris was seated. And I was always interested to see how intently he watched what was happening in that - - that ceremony. And I was realizing Laird Harris believes God is doing something right at that moment with that child. And it struck me."

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- 09/15/18 TE Smith was examined on the floor of Presbytery. Members of Presbytery questioned Mr. Smith further on his views on the gifts of tongues and prophecy he presented in his written statement and his oral examination.
- 09/15/18 There was a motion that the candidate's views regarding the continuation of the spiritual gifts of prophecy and tongues beyond the Apostolic era and closing of the canon amounted to an exception of substance to WCF 1.1 which is out of accord with the fundamentals of the system because it is hostile to the system. The motion failed 17-22.
- 09/15/18 TE Smith's theological exam was approved by a vote of 23-15. TE Smith's examinations were approved in an omnibus by a majority vote. Two exceptions of TE Smith, regarding WCF 4.1 and 21.8 were approved as being more than semantic, but not striking at the vitals of religion. No motion was approved regarding the approval of or categorization of TE Smith's views on the continuation of the gifts of prophecy and tongues.
- 11/12/18 TE Daniel Schrock, et al., filed a Complaint against the action of Philadelphia Presbytery "in approving TE Smith's examination, and by failing to determine and record the nature of TE Smith's stated difference as either an allowable or unallowable exception as required by *BCO* 21-4e, f. and *RAO* 16-3.e.5, Presbytery was required to judge "the stated difference(s) to be "out of accord," that is, "hostile to the system" or "striking at the vitals of religion" (*BCO* 21-4)."
- 01/19/19 Philadelphia Presbytery denied the Complaint of November 12, 2018.
- 01/24/19 TE Schrock, et al., carried their Complaint to the General Assembly.
- 06/04/19 The Panel of the SJC, consisting of RE John Pickering (Chairman), TE Fred Greco (Secretary), RE Bruce Terrell, RE Steve Dowling (alternate), and TE Guy Waters (alternate) held a hearing on the Complaint.

## II. STATEMENT OF THE ISSUE

Did Philadelphia Presbytery err by failing to judge and record the nature of TE Smith's views on the continuation of the spiritual gifts of prophecy and tongues beyond the Apostolic era, as required by *BCO* 13-6, 21-4e, f. and *RAO* 16-3.e.5

## III. JUDGMENT

Yes, and this matter is remanded to Philadelphia Presbytery for action consistent with this Decision.

## IV. REASONING AND OPINION

When a minister seeks admission to a PCA Presbytery from another denomination, the *BCO* requires that the Presbytery examine the minister "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." (*BCO* 13-6). The Presbytery is also to require ministers coming from another denomination 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)."

The process by which a Presbytery is to judge any differences that a minister transferring from another denomination has with the Confession of Faith and Catechisms is set forth in the Rules of Assembly Operations (*RAO* 16-3.e.5). Not only is the minister to state the specific instances in which he may differ from the Standards, but the Presbytery minutes are to record the minister's stated differences in his own words. The Presbytery is then to categorize the nature of the difference as either no difference, merely semantic, more than semantic but not out of accord with any fundamental of our system of doctrine, or out of accord (that is, hostile to the system or striking at the vitals of religion. (*RAO* 16.3.e.5.a-d.) The purpose of the *RAO* provision is more than mere record keeping. The requirement to include the judgment of the Presbytery on these matters in its minutes presupposes that the Presbytery is to take action on any differences a transferring minister has with the Standards.

In this case, TE Smith was examined by the Candidates Committee of Presbytery in some detail regarding his views on the continuation of

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prophecy and tongues beyond the Apostolic era. The result of the Committee's examination was that it did not recommend TE Smith come to the floor of Presbytery for examination because his "views regarding the continuation of the Spiritual gifts of prophecy and tongues beyond the Apostolic era and closing of the canon amounted to exception of substance to WCF 1.1 which is out of accord with the fundamentals of the system because it is hostile to the system." TE Smith, at the request of the Presbytery Coordinating Committee, provided the Presbytery with a written statement outlining his views. The Presbytery then proceeded to examine TE Smith for transfer into the Presbytery over the lack of recommendation from the Candidates Committee. After Presbytery arrested TE Smith's theological examination, a motion was made that TE Smith's views regarding the continuation of the spiritual gifts of prophecy and tongues beyond the Apostolic era be found out of accord with the fundamentals of the system. That motion failed by a vote of 17-22. Subsequently, TE Smith's theological examination was approved by a vote of 23-15, and his examinations were approved in an omnibus by a "majority vote" (no vote count is recorded in the minutes).

The Presbytery did not record in its minutes its judgment with respect to TE Smith's views on the continuation of prophecy and tongues beyond the Apostolic era. No affirmative vote approving TE Smith's views was taken, and the Presbytery did not categorize his views in accord with *RAO* 16-3.e.5. In fact, the Presbytery did not take action on TE Smith's views "in his own words" as required by *RAO* 16-3.e.5. Presbytery did have a written statement of TE Smith in hand for the discussion and vote on whether to approve TE Smith's theological examination, but there was no statement of his stated difference before the Presbytery to approve and categorize.

This oversight on the part of Presbytery is especially disconcerting considering Presbytery *did* have two specific written statements of TE Smith's differences with the Standards on the doctrines of creation (WCF 4.1) and the Fourth Commandment (WCF 21.8). While those statements are brief, they are in TE's Smith's own words, and the Presbytery took a specific action required by *BCO* 21-4 and *RAO* 16, namely, to judge those stated differences "[w]hile more than semantic Presbytery determined that these exceptions do not striking [sic] at the vitals of the Christian Religion." (per *RAO* 16-3.e.5.c)

Presbytery's error is more than one of record-keeping; Presbytery failed to do its Constitutional duty to judge the nature of TE Smith's stated difference

in his own words. The Record does indicate that a motion was made to judge the stated difference “out of accord with the fundamentals of the system,” but it does not indicate exactly what views were being judged. In other words, it is not clear if presbytery’s vote related to TE Smith’s paper, specific views expressed in committee, or specific views expressed on the floor (if these were different). Thus, the record is not clear on what was the stated difference in the candidate’s own words. Further, the written statement provided by TE Smith does not answer a number of questions regarding his views. It apparently does not answer questions that were raised during TE Smith’s floor examination. The Complaint makes several statements regarding TE Smith’s views, including that “there are two different kinds of prophetic revelation operative in the era of the Apostles” and that there is a “lesser revelation with respect to that special insight [from the Spirit].” But we find nowhere in the record TE Smith’s *own statements* regarding the nature of any continuing prophecy as a lesser form of revelation, which view the Credentials Team and a substantial minority of presbytery viewed as constituting an unacceptable difference. It appears that his view was discussed on the floor, but not reduced to a written statement and subject to judgment and vote by Presbytery.

As such, we are unable to determine whether Presbytery erred with respect to its judgment about TE Smith’s views – whether they are out of accord with the fundamentals of the system or not. There was no specific action by Presbytery and insufficient documentation of TE Smith’s views to do so. Accordingly, the Complaint is sustained, and the matter remanded to Presbytery for a determination regarding TE Smith’s views on the continuation of prophecy and tongues beyond the Apostolic era. Presbytery is to receive from TE Smith a written statement in his own words of his view (per *RAO* 16.3.e.5) that addresses specifically the revelatory (or not) nature of such prophecy and tongues. Although Presbytery remains responsible for determining the details of how it requests the written statement, here are some specific questions Presbytery might ask TE Smith to address in light of his prior examination on the floor of Presbytery and his previous written statement:

1. Do you believe that there is any category of revelation other than special revelation or general revelation? If so - what do you understand this category of revelation to be? What is its relationship to special revelation? What is your understanding of WCF 1.1, 1.6, and do you hold any differences with, qualifications about, or reservations concerning any of the doctrines, concepts, phrases, wording, or emphases in those paragraphs?

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2. Define these terms that you have used: “modern-day prophecy”; “Spirit-led insight”; “tongues”; “interpretation of tongues”; “modern prophetic words”.
3. Do you understand “modern-day prophecy” or “Spirit-led insight” to be revelation in any sense of the term? If so, what is its relationship with Scripture?
4. Do you understand the “interpretation of tongues” to be revelation in any sense of the term? If so, what is its relationship with Scripture?

Finally, we understand that sustaining this Complaint has no effect on the transfer of TE Smith into Philadelphia Presbytery. That action has been taken by Presbytery and cannot be undone. If TE Smith’s views are judged by Presbytery upon its further examination to be out of accord with the fundamentals of the system, any further action could only come as a result of a change in TE Smith’s views to bring them into accord, a *BCO* 31-2 investigation, or someone filing charges.

The Panel's Proposed Decision was written by TE Greco and adopted by the Panel. The Reasoning was further revised by the SJC, and then the SJC approved the Decision by a vote of 14-5-2, with three absent.

Bankson, <i>Concur</i>	Duncan, M., <i>Concur</i>	Neikirk, <i>Concur</i>
Bise, <i>Concur</i>	Duncan, S., <i>Concur</i>	Nusbaum, <i>Dissent</i>
Cannata, <i>Dissent</i>	Ellis, <i>Absent</i>	Pickering, <i>Concur</i>
Carrell, <i>Abstain</i>	Greco, <i>Concur</i>	Ross, <i>Abstain</i>
Chapell, <i>Absent</i>	Kooistra, <i>Absent</i>	Terrell, <i>Dissent</i>
Coffin, <i>Concur</i>	Lee, <i>Concur</i>	Waters, <i>Concur</i>
Donahoe, <i>Dissent</i>	Lucas, <i>Dissent</i>	White, <i>Concur</i>
Dowling, <i>Concur</i>	McGowan, <i>Concur</i>	Wilson, <i>Concur</i>

**Dissenting Opinion**

***Case 2019-02: TE Daniel Schrock et. al. v. Philadelphia Presbytery***

RE Howie Donahoe, joined by TE Ray Cannata, TE Sean Lucas,  
RE Bruce Terrell

This Complaint should have been denied because the Complainants failed to demonstrate clear error in Presbytery's judgment in sustaining the minister's transfer exam. Furthermore, there's no constitutional issue involved because

the recording requirements of *RAO* 16-3.e.5 are not part of the Constitution. Finally, the amends are vague, unwarranted, and non-binding.

TE Schrock and 13 others filed an eight-page Complaint with Presbytery alleging two errors:

Philadelphia Presbytery erred in approving TE Smith's examination, and by failing to determine and record the nature of TE Smith's stated difference as either an allowable or unallowable exception as required by *BCO* 21-4e, f. and *RAO* 16-3.e.5. Presbytery was required to judge "the stated difference(s) to be "out of accord," that is, "hostile to the system" or "strik[ing] at the vitals of religion" (*BCO* 21-4)."

Based on those two allegations, SJC should have adjudicated two issues (rather than one).

1. Did Presbytery clearly error in judgment by approving TE Smith's exam (i.e., by not judging his view as being "hostile to the system" or "strik[ing] at the vitals of religion")?
2. Did Presbytery violate the constitutional requirements of *BCO* 21-4.f?

### **Burden in a Complaint**

Presbytery judged the minister's view was neither hostile to the Westminster system nor did it strike at the vitals of religion. Thereafter, the burden was on the Complainant to demonstrate otherwise - first to the Presbytery and then to the SJC. That burden was not met.<sup>7</sup>

When an examining committee declines to recommend a man for a floor exam, and the exam gets docketed nonetheless, it's reasonable to expect the committee to ensure its report contains sufficient evidence for the basis of their concern, and thus, the Presbytery Minutes would then also contain such a record. Five of the Complainants were members of the Credentials Committee and present at the minister's exam before the Committee. Thus, they had opportunity to include, in their Committee's written report to

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<sup>7</sup> The Complaint cited two judicial cases, from 1986 and 1998, purportedly as precedent: *Gentry v. Calvary* and *Landrum v. MS Valley*. Though similar in some respects, neither Case had the same set of facts as our present one. For example, neither of those Cases involved an un rebutted examinee assertion that his view was the same as that contained in the JETS article by Dr. Poythress. (See comments later in this Opinion). *Gentry v. Calvary* (Case #1, M14GA, pp. 224-33). *Landrum v. Mississippi Valley* (Case 95-11, M26GA, pp. 222-27)

Presbytery, the record of any Committee Q&A they judged as demonstrating the minister's view was hostile to our system. The Committee could have sent questions to the minister in the 17 days between the Committee exam and the Presbytery meeting, asking for written responses. And though more difficult, they could have tried to ensure any problematic Q&A during the floor exam was also recorded.

**Constitutional Requirement** - *RAO* 16.3.e.5 vs. *BCO* 21-4.f

The Complaint didn't devote much space to the allegation about *RAO* 16.3.e.5. In fact, only 4 of 259 lines in the Complaint address the *RAO* 16.3 recording requirements (i.e., 2%).

The *Rules of Assembly Operations* are not part of the PCA Constitution, and thus, compliance with *RAO* 16-3 is not a *constitutional* issue. It's more appropriately a matter for the GA Committee on Review of Presbytery Records, which already addresses presbytery compliance with *RAO* 16-3 annually. Below are excerpts from the RPR section of the *RAO*.

*RAO* Article XVI. Review of Presbytery Records

16-1. 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 2).

16-2. General Assembly carries out this review through its Committee on Review of Presbytery Records.

16-3. Guidelines for Keeping Presbytery Minutes

e.5. Minutes of presbytery relating to examinations  
... Each Presbytery shall also record whether ...

e.6. Minutes of presbytery relating to ministerial calls  
shall record that the specific arrangements (*BCO* 20-1) and the call were found to be in order.

The *constitutional* issue is whether Presbytery complied with the requirements of *BCO* 21-4.f. The Record indicates Presbytery did.

*BCO* 21-4.f. Therefore, in examining a candidate for ordination [or a non-PCA minister for transfer; *BCO* 13-6], the Presbytery shall inquire not only into the candidate's knowledge and views in the areas specified above, but also *shall require the candidate to state the specific instances in which he may differ* with the Confession of Faith and Catechisms in any of their statements



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and/or propositions. The court may grant an exception to any difference of doctrine only if in the court's judgment *the candidate's declared difference* is not out of accord with any fundamental of our system of doctrine because the difference is neither hostile to the system nor strikes at the vitals of religion. (Emphasis added.)

Complying with *BCO* 21-4.f, Philadelphia Presbytery required the examinee to state the specific instances in which he differed from the Westminster Standards, and he stated two. Presbytery judged both as being more than semantic, but not hostile to the system. The Record doesn't indicate the examinee ever included his view on prophecy as an "instance in which he may differ" from the Standards. Regardless, having heard the report of its Credentials Committee, and having conducted a full transfer exam at a stated meeting, Presbytery sustained the theology exam, and the transfer exam as a whole, and thus it didn't judge any of his views to be hostile to the system or as striking at the vitals of religion. Thus, Presbytery complied with *BCO* 21-4.f.

In addition, because the exam was sustained, Presbytery clearly did not regard the view as "hostile to the system," and thus Presbytery did not regard it as category (d) of *RAO* 16.3.e.5. So, that leaves categories (b) or (c) - "merely semantic" or "more than semantic but not out of accord with any fundamental of our system of doctrine." Failing to choose between category (b) or (c) does not itself justify sustaining a Complaint.

When GA has cited a presbytery for not categorizing a stated difference, the presbytery has usually not been required to revisit the matter and adopt a specific *RAO* 16-3.e.5 judgment. This is demonstrated below in an excerpt from last year's Report of the Committee on Review of Presbytery Records for two presbyteries. The Dallas GA adopted RPR's *unanimous* recommendation and found each response satisfactory. (Emphasis added below.)

2018 GA Citation: Feb 14, 2017 and Nov 14, 2017 (*BCO* 21-4, *RAO* 16.3.e.5) – Stated differences not judged with the prescribed categories.

Nashville Response: We agree with the exception. Our minutes do not record the prescribed language in approving the exceptions of two transferring TEs and we have *adjusted our practice* to bring it into compliance.

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- 2019 RPR: That the [above] response to the 47th GA be found satisfactory.
- 2018 GA Citation: Nov 14, 2017 (*RAO* 16-3.e.5) – Stated differences not judged.
- S. FL Response: We agree with this exception; *future minutes* will properly reflect the decision of Presbytery.
- 2019 RPR: That the [above] response to the 47th GA be found satisfactory.<sup>8</sup>

Lack of adherence to the *RAO* is not a constitutional violation. The *BCO* contains many examples of things that are constitutionally required to be recorded in Presbytery Minutes, but *RAO* 16-3.e.5 categorization is not one of them. The *RAO* is not part of the *BCO*. And *RAO* 16 cannot be imported into the constitutional requirements of *BCO* 21-4.

If *RAO* 16-3.e.5 is so important that it warrants sustaining a Complaint against a Presbytery in an ordination exam, then it should be proposed for inclusion in the *BCO*, seeking the advice and consent of our 88 presbyteries.<sup>9</sup>

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<sup>8</sup> With regard to Philadelphia Presbytery's September 15, 2018 Minutes, the 2019 RPR did not cite any procedural or constitutional problem in how TE Smith's views were judged or categorized. (M47GA pp. 497-98)

<sup>9</sup> Below are 10 examples of items constitutionally required by the *BCO* to be recorded in Minutes.

- 18-4 In no case may a candidate omit from his course of study any of the subjects prescribed in the Form of Government as tests for ordination without obtaining the consent of Presbytery (see *BCO* 21-4); and where such consent is given the Presbytery shall *record* the fact and the reasons therefore.
- 18-7 In all cases of a removal or withdrawal of a candidate, the sufficient reason for the action shall be *recorded* in the minutes of Presbytery.
- 19-2 No Presbytery shall omit any of these parts of [a licensure] examination except in extraordinary cases; and whenever a Presbytery shall omit any of these parts, it shall always make a *record* of the reasons therefor, and of the trial parts omitted.
- 19-6 The license may be terminated at any time by a simple majority vote of the issuing Presbytery. The Presbytery shall always *record* its reasons for this action in its minutes.
- 19-13 If the intern shall devote himself unnecessarily to such pursuits as interfere with a full trial of his gifts, it shall be the duty of the Presbytery to rescind his intern status, and to *record* its reasons therefor in the Minutes .
- 20-1 If the call comes from another source, the Presbytery shall always make a *record* of the reasons why it considers the work to be a valid Christian ministry.
- 21-4.a Whenever a Presbytery shall omit any of these educational requirements [for ordination], it shall always make a *record* of the reasons for such omission and the parts omitted.

By reviewing compliance with *RAO* 16-3, this Decision enters the realm of *BCO* Chapter 40. But last year, the SJC ruled the review of *BCO* 40 issues was not in its purview. In *Case 2018-02: Lewis v. Mississippi Valley*, the SJC ruled:

The only responsibility the SJC has with respect to [*BCO*] Chapter 40 ["*General Review and Control*"] is upon referral of a matter from the General Assembly according to *RAO* 16-10.c. and as administered under Chapter 15 of the *OMSJC*.<sup>10</sup>

*RAO* 16 is clear that the review of presbytery records (including presbytery compliance with *RAO* 16-3) is the purview of the GA Committee on Review of Presbytery Minutes

*RAO* 16-1. 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 2).

*RAO* 16-2. General Assembly carries out this review through its Committee on Review of Presbytery Records.

The SJC's procedural ruling in *Lewis* applied to all sections of *BCO* 40, including those below. Thus, per *Lewis*, these are *RPR* authorities and responsibilities, and not the SJC's.<sup>11</sup>

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21-4.d Whenever a Presbytery shall omit any of these parts [of an ordination exam], it shall always make a *record* of the reasons for such omissions and of the trial parts omitted.

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.

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).

<sup>10</sup> RE Donahoe and five others filed a Dissenting Opinion in *Lewis*, arguing the SJC *did* have legitimate, direct jurisdiction on some matters arising via *BCO* 40-5, but the SJC disagreed. (M47GA, pp. 563-73)

<sup>11</sup> In this present Complaint, the matter was not a "proceeding in a judicial case" (*BCO* 40-3). And thus, it is a matter for the *RPR*. Below are several examples of how the *BCO* uses the phrase "judicial case."

12-3 When a church is without a pastor ... In *judicial cases*, the moderator shall be a minister of the Presbytery to which the church belongs.

15-2 Among the matters that may be properly executed by commissions are the taking of the testimony in *judicial cases*, ...

*BCO 40-3.* It is ordinarily sufficient for the higher court merely to record in its own minutes and in the records reviewed whether it approves, disapproves or corrects the records in any particular; but should any serious irregularity be discovered the higher court may require its review and correction by the lower. 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.

*BCO 40-4.* Courts may sometimes entirely neglect to perform their duty, by which neglect heretical opinions or corrupt practices may be allowed to gain ground; or offenders of a very gross character may be suffered to escape; or some circumstances in their proceedings of very great irregularity may not be distinctly recorded by them. In any of these cases their records will by no means exhibit to the higher court a full view of their proceedings. If, therefore, the next higher court be well advised that any such neglect or irregularity has occurred on the part of the lower court, it is incumbent on it to take cognizance of the same, and 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.

## **Amends**

The Decision contains amends that are vague, unwarranted, and non-binding. Below are five sequential sentences from the Decision's concluding paragraph containing amends.

1. As such, we are unable to determine whether Presbytery erred with respect to its judgment about TE Smith's views - whether they are out of accord with the fundamentals of the system or not.

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41-3 In making a reference, the lower court may ask for advice only, ... and in particular it may refer a *judicial case* with request for its *trial* and decision by the higher court.

42-1 An appeal is the transfer to a higher court of a *judicial case* on which judgment has been rendered in a lower court and is allowable only to the party against whom the decision has been rendered.

43-1 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.

If a higher court is *unable* to determine if a lower court has erred, a complaint should be denied. A complainant has the burden of demonstrating error; a lower court is not required to prove absence of error. Thus, the major part of this Complaint, which alleges Presbytery erred in *judgment*, should have been denied. The Complainants did not meet their burden.

2. There was no specific action by Presbytery and insufficient documentation of TE Smith's views to do so.

But Presbytery *did* take specific action. It sustained the exam, fully aware of the view expressed by the minister in his paper, and aware of his agreement with and reference to Dr. Poythress' article. Presbytery apparently believed it had sufficient information to sustain the exam. The SJC statement above seems to ignore the fact that Presbytery conducted an oral exam and there was Q&A and debate, the specifics of which are unknown to the SJC. A presbytery is not required to include in its minutes a transcript of an oral exam or floor debate.

3. Accordingly, the Complaint is sustained, and the matter remanded to Presbytery for a determination regarding TE Smith's views on the continuation of prophecy and tongues beyond the Apostolic era.

But Presbytery has already *made* a determination, and it was *the most important* determination - i.e., that the minister's view did not disqualify him for transfer. And if the issue addressed by the SJC is actually *RAO 16*, then Presbytery could now simply adopt a motion and categorize the already-examined view to be either option (b) or (c) from *RAO 16.3.e.5*.

4. Presbytery is to receive from TE Smith a written statement in his own words of his view (per *RAO 16.3.e.5*) that addresses specifically the revelatory (or not) nature of such prophecy and tongues.

It is unclear how Presbytery should go about "receiving" an additional written statement. It seems the Decision assumes the minister will voluntarily submit one. But why would he? His ministerial promise to be "subject to his brethren" doesn't obligate him to that. Is the SJC ordering such a submission? What if he declines? The minister is presently in good standing and under no obligation to answer quasi-judicial interrogatory questions about his views from either the SJC or the Presbytery. Declining

to provide further statements is a right protected by the principle in *BCO 35-1* against self-incrimination. This isn't an exam. And it's clear from the final sentence in the Decision that jeopardy could entail: "If TE Smith's views are judged by Presbytery upon its further examination to be out of accord with the fundamentals of the system, any further action could only come as a result of a change in TE Smith's views to bring them into accord, a *BCO 31-2* investigation, or someone filing charges."<sup>12</sup>

5. Although Presbytery remains responsible for determining the details of how it requests the written statement, here are some specific questions Presbytery might ask TE Smith to address in light of his prior examination on the floor of Presbytery and his previous written statement.

It seems the SJC is herein functioning as a sort of exam super-committee, or at least drafting what it deems are questions that should be asked in certain exams. If Philadelphia Presbytery has erred, then rule so. It's hard to view these amends as much different than a higher court saying to a lower court that the higher court can't decide from the record if a man's view is hostile to the system (as alleged by a complainant), but it concludes the lower court didn't have enough information to decide (even though the higher court doesn't have a transcript from either a committee or a floor exam), and therefore, the higher court crafts some questions, and, if/when the lower court get answers in writing, the higher can review the lower court's judgment. It's hard to view the amends in this Decision as being much different than a scenario where there's been a hearing before a group of judges where the plaintiff (complainant) was unable to prove his case, but instead of rightfully declaring the claim fails for lack of substantiation, the judges send the matter back to the plaintiff and invite him to see if he can find more evidence. In fact, the judges even suggest where the plaintiff might look.

Finally, it would have been helpful for the SJC Decision to include the minister's brief statement in its Summary of the Facts. So, it is included below. The minister began his paper by excerpting 1 Cor. 12:1-11 and then continued:

1 Corinthians 12: 1-11 mentions at least nine gifts of the Spirit which are given to church. Verse 4 emphasizes that though there

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<sup>12</sup> While the right against self-incrimination in *BCO 35-1* wouldn't apply to an exam, TE Smith's exam was sustained and the SJC has not reversed or annulled that exam.

are a variety of gifts there is one Spirit (the Holy Spirit) who gives these gifts. Verse 5 emphasizes that there is one Lord (Jesus Christ) who enables members of the body to serve one another. Verse 6 emphasizes that there is one God (the Father) who empowers the gifting of everyone in the church.

The remainder of this chapter (verses 12-24) emphasizes the sovereignty of God in distributing the various gifts as he wishes (vs. 18) in order to form a working body (vs. 19). God distributes spiritual gifts so that "there may be no division in the body, but that the members may have the same care for one another" (vs. 25). Simply spoken, God gives spiritual gifts, among which prophecy and tongues are listed, to strengthen and unify the body of Christ.

Before going further, I want to reiterate what I wrote in my written response to the credentials committee and what I repeatedly indicated in my oral exam - I do not believe in any ongoing special revelation. Special revelation was sealed with the completion of the canon of Scripture. The 66 books of the Bible are the necessary, authoritative, sufficient and inerrant Word of God. They are the final court of authority for judgment for all councils, confessions, catechisms, beliefs, or words that are spoken with the intent of revealing God's will or purpose, but they were used for the building up of God's church. In his Pentecost sermon Peter indicates that the pouring out of the Holy Spirit on the church was the fulfillment of Joel's prophetic words. "And in the last days it shall be, God declares, that I will pour out my Spirit on all flesh, and your sons and your daughters shall prophesy, and your young men shall see visions, and your old men shall dream dreams; 18 even on my male servants and female servants in those days I will pour out my Spirit, and they shall prophesy" (Acts 2:17-18). Acts 21:9 tells us of the four daughters of Phillip the evangelist "who prophesied." I Corinthians 11:4-5 indicates that men and women prophesied in the church.

Based on the teaching of Scripture I believe that New Testament prophecy is a gift of the of the Spirit by which a person is given special insight by the Holy Spirit to help edify the body of Christ. Modern day prophecy is Spirit-led insight that is spoken through

a fallible and sinful human being and is therefore subject to error. The same would be true of the interpretation of tongues in a worship service. In either case such a word is not to be accepted on par with Scripture but is to be judged by the Scripture. Furthermore, God has clearly laid out for us exactly how this should be done in I Corinthians 14:26-32. [He then excerpts 1 Cor. 14:26-33.]

I find it odd to think that I Corinthians 14, which was written in about A.D. 55 or 56 was given to instruct the church only for a few decades until the last of the New Testament Scriptures was written. Of course, that is possible, but I believe that it is much more likely that this is given as a guide to the Church until the day when Christ comes in all his glory and does away with every "partial" manifestation. I believe that 1 Corinthians 13:8-12 makes a strong argument for the continuation of prophesy and tongues until the second coming of Jesus. [He then excerpts 1 Corinthians 13:8-12.]. In these verses, when we see him "face to face" is paralleled with "when the perfect comes." This is the time when there will no longer be any need for partial and flawed spiritual gifts in the body of Christ.

My position on spiritual gifts, and specifically on prophesy and tongues/interpretation, is in full agreement with Dr. Vern Poythress in his paper, *"Modern Spiritual Gifts as Analogous to Apostolic Gifts: Affirming Extraordinary Works of the Spirit Within Cessationist Theology."*<sup>13</sup> Dr. Poythress demonstrates that modern preaching is analogous to the written teaching/discursive special revelation of Luke. Similarly, he argues that modern prophesy is analogous to the nondiscursive form of special revelation that the Lord

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<sup>13</sup> The original Poythress article appeared in the Journal of the Evangelical Theological Society (*JETS* 39/1, March 1996, pp. 71-101). [https://www.etsjets.org/files/JETS-PDFs/39/39-1/39-1-pp071-101\\_JETS.pdf](https://www.etsjets.org/files/JETS-PDFs/39/39-1/39-1-pp071-101_JETS.pdf)

A slightly revised 2012 version is found [here](https://frame-poythress.org/modern-spiritual-gifts-as-analogous-to-apostolic-gifts-affirming-extraordinary-works-of-the-spirit-within-cessationist-theology/): <https://frame-poythress.org/modern-spiritual-gifts-as-analogous-to-apostolic-gifts-affirming-extraordinary-works-of-the-spirit-within-cessationist-theology/>. Poythress restates this view in the 2010 P&R booklet *What Are Spiritual Gifts?* (Basics of the Faith, 2010), which is also sold in the PCA Bookstore (<https://www.pcabookstore.com/p-8080-what-are-spiritual-gifts.aspx>). Dr. Poythress has taught at Westminster Seminary for 43 years, currently as professor of New Testament and biblical interpretation. His degrees include BS, Cal Tech; PhD, Harvard; MDiv & ThM, He was editor of the *Westminster Theological Journal* for 14 years (2005–2018) and is a PCA minister.



reveals to John recorded in the Revelation. The key word is analogous. Written scripture is the flawless, inerrant and authoritative Word of God. Modern preaching draws on that Word, and if it is good and orthodox, is faithful to the Bible. But we know that even faithful preaching can be mixed with error and opinion that is not directly drawn from the Word or somehow makes a mistaken application of the Word. Nonetheless the church can be edified through such preaching. Similarly, modern prophetic words are not on par with Scriptural revelations and are flawed and subject to error. As such they should always be weighed against the Scripture and judged by church leadership as we see in 1 Corinthians 14. Just as no preacher in his illustrations and applications of the Biblical text should declare "thus saith the Lord," so also no one giving a prophetic word should declare "thus saith the Lord." We can only use these words when we are quoting the Scripture itself.

Speaking of the heat generated by this argument, Dr. Poythress points out that the flawed assumptions of some cessationists and some noncessationists are the root of the problem. Each side is trying to protect something they believe is critical and so they argue based on false assumptions about the nature of modern prophetic speech. He writes:

Cessationists feel that they must rule out this type of process completely, in order to protect the sufficiency and exclusivity of biblical authority. Noncessationists, by contrast, feel pressure to submit to such information uncritically, contrary to the fallible character of modern sources. Both sides need to cool down. The crucial error is to confuse the involvement of God with lack of involvement of human creatureliness and human sin, and in addition to confuse involvement of God with full divine authority in the product. God is in a sense "directly" involved in the growth of grass and blowing breezes: "he makes grass grow for the cattle" (Ps 104:14). But growing grass is not inspired."

I find myself in full agreement with Dr. Poythress regarding the nature of modern prophetic speech. I read a quote from Dr. Boice one time that stated, "without the

illumination of the Holy Spirit the Bible remains a closed book." I say "Amen" to Dr. Boice as well. The mysterious working of the Holy Spirit, in concert with the Word of God in the hearts of His people, serves to bring great glory to the Lord Jesus Christ. As limited and finite beings we should expect to find a great deal of mystery as we encounter the majesty of the eternal, omnipotent, holy, triune God. As Isaiah has said ... [He excerpts Isaiah 55:8-9.] Glory be the Father who has once and for all revealed Himself to us in His Son and in His Word, and who continues to make Himself known through the ongoing work of the Holy Spirit."

Granted, there is legitimate debate about how to treat an examinee's assertion that his view is the same as someone else. The examining body can handle this as it deems best. Some Presbyteries ignore or disallow it entirely. But it may sometimes be helpful for an examinee to report that his view is the same as one expressed in a larger article, especially one that has been published for some time, and broadly reviewed and available. This might help the examining court achieve a better understanding of the examinee's view. At the same time, the examinee would still need to be conversant with the doctrine in question, and his professed agreement with the other author shouldn't end the exam (any more than a candidate's assertion that he agrees 100% with the WCF should end his exam). In addition, whether an examinee's view is *actually* the same as a view expressed in an article is a judgment left to the examining court. The examinee might be confused.<sup>14</sup>

Below are some excerpts from Dr. Poythress' 1996 article.<sup>15</sup>

I maintain that modern spiritual gifts are analogous to but not identical with the divinely authoritative gifts exercised by the apostles. Since there is no strict identity, apostolic teaching and the Biblical canon has exclusive divine authority. On the other hand, since there is analogy, modern spiritual gifts are still genuine and useful to the Church. Hence there is a middle way

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<sup>14</sup> According to the Brief from the Presbytery's Representative, TE Smith is a graduate of WTS Philadelphia.

<sup>15</sup> In two footnotes, he attributes many of his ideas to classroom lectures from Ed Clowney (1917-2005), an OPC minister who became a WTS professor in 1952 and served 18 years as WTS president, 1966-84.

between blanket approval and blanket rejection of modern charismatic gifts. (pp. 71)

...Modern gifts are fallible. They are all dependent on Scripture and do not add to the Biblical canon. (p. 77)

(X. Debate About Cessation of Prophecy) – Now let us look for a moment at a tangled debate. People debate about whether “prophecy” in the New Testament and the early church was divinely inspired and infallible. Did it possess full divine authority? Richard B. Gaffin, Jr.,<sup>16</sup> says that it was inspired. Wayne A. Grudem argues that it was not.<sup>17</sup> Many people believe that the outcome of this debate is crucial for the future of the charismatic movement. But actually, the outcome of the debate makes very little practical difference today.

Suppose Gaffin is right. Then “prophecy” ceased with the completion of the apostolic era and the completion of the canon of Scripture. Modern phenomena are fallible and hence are not identical with New Testament prophecy. But modern nondiscursive processes with teaching content is analogous to prophecy, just as modern preaching is analogous to apostolic preaching. Hence the general principles concerning spiritual gifts, as articulated in 1 Cor 12-14 and elsewhere, are still applicable. What charismatics call “prophecy” is not really the “prophecy” mentioned in the New Testament. Rather, it is a fallible analogue. It is really a spiritual gift for speaking fallibly through nondiscursive processes. It contrasts with preaching, which is a spiritual gift for speaking fallibly through discursive processes. Modern nondiscursive processes with circumstantial content are in a sense not really analogous to inspired biblical prophecy. But they can function positively in the service of the Spirit, just as does circumstantial content through discursive processes.

On the other hand, suppose that Grudem is right. Then “prophecy” continues. But such “prophecy” is fallible. It is not identical with the inspired prophecy of the Old Testament. It is in fact a spiritual gift for speaking fallibly through nondiscursive processes. If the content is biblical, its authority derives from

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<sup>16</sup> R.B. Gaffin, Jr., *Perspectives on Pentecost: Studies in New Testament Teaching on the Gifts of the Holy Spirit* (Baker, 1979)

<sup>17</sup> W. A. Grudem, *The Gift of Prophecy in the New Testament and Today* (Crossways, 1988)

the Bible. If the content is circumstantial, it is not an addition to the Bible (not divinely authoritative). Hence it is just information and has no special authority. Hence Grudem ends up with substantially the same practical conclusions as does Gaffin.

Hence, there is no need for Gaffin and Grudem to disagree about the modern phenomena. They disagree only about the label given to the phenomena (“not-prophecy” versus “prophecy”), and about whether the New Testament phenomena were identical or merely analogous to the modern phenomena. Both Gaffin and Grudem already acknowledge the fallibility of the modern phenomena. Gaffin needs only to take the additional step of integrating the modern phenomena into a theology of spiritual gifts. Given this theological integration, we find that there is an analogical justification for the use of these gifts in the church today.

Grudem, on the other hand, needs only to clarify the status of “prophecy.” “Prophecy,” he says, is fallible, but still revelatory. It still derives from God, and still is important for the well-being of the church. Gaffin and many others find this sort of description difficult to grasp or classify. How can something be “revelatory” and still not compete with the sufficiency of Scripture? I explain how partly by distinguishing teaching content from circumstantial content. Teaching content must not add to Scripture but can only rephrase what is already there in Scripture. Circumstantial content has the same status as information received through a long-distance telephone call - that is, it has no special claim to authority. It is therefore obvious that neither type of content threatens the sufficiency of Scripture.

If charismatics and noncharismatics could agree on these points, I think that the debate on modern spiritual gifts would be largely over. But there are practical adjustments. People who value nondiscursive gifts have tended to migrate into charismatic circles, where nondiscursive gifts are prized. People who value discursive gifts have migrated into noncharismatic circles, where discursive gifts are prized. Each group tends to prize only people of its own kind. We all need to learn again from 1 Corinthians 12 the importance of every gift, including those with which we have yet to become comfortable.

We cannot dictate beforehand that discursive gifts or nondiscursive gifts must always be dominant, that they must be the outstanding characteristic of every Christian community.

For the Lord “gives them [gifts] to each one, just as he determines,” not as we determine (1 Cor. 12:11). On the other hand, we can be confident that the Lord purposes to rule and guide his church through the complete Scripture. He adds no extra divinely authoritative claims. Hence, a natural preeminence belongs to teaching content, whose authority derives from Scripture (cf. Eph. 4:11).... (pp. 93-4).

These nuanced arguments are supported by some other respected Reformed theologians.<sup>18</sup> Below are some excerpts from Dr. Iain Duguid's chapter, "*What Kind of Prophecy Continues? Defining the Differences between Continuationism and Cessationism*" in the recent book, "*Redeeming the Life of the Mind: Essays in Honor of Vern Poythress*" (Crossways, 2017).

Some years ago, [Poythress] wrote an article entitled "Modern Spiritual Gifts..." Its central argument - that so-called spiritual gifts such as prophecy may function at different levels, some of which continue while others cease - is reproduced and developed in his more recent booklet *What Are Spiritual Gifts?* In this short piece, *I intend to support Dr. Poythress' conclusion* by setting the cessationist-continuationist debate in a fuller biblical-theological setting and demonstrating that the phenomenon of biblical prophecy is more multifaceted than typically been recognized. (Emphasis added.)<sup>19</sup>

After surveying different uses of the words, "prophet" and "prophecy," in the Old Testament, Professor Duguid observes:

To conclude, the definition of "prophecy" in the Old Testament is significantly broader than simply capital-*P* prophecy (the deliverance of unmediated authoritative oracles from God). It also covers a broader range of Spirit-inspired activities, including

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<sup>18</sup> For further insight into *WCF* 1:1, see Garnet H. Milne's excellent book, *Westminster Confession of Faith and the Cessation of Special Revelation: The Majority Puritan Viewpoint on Whether Extra-Biblical Prophecy is Still Possible* (Wipf & Stock, 2007). In a review on The Gospel Coalition website, Dr. Kevin DeYoung wrote: "Undoubtedly, the best book on cessationism in the first century of the Reformed tradition is Garnet Milne's published dissertation...In this work - a model of careful scholarship serving the church - Milne argues the Puritans were overwhelmingly cessationists, but that their cessationism was not without some permeable boundaries (see also Vern Poythress's article on 'Affirming Extraordinary Works of the Spirit Within Cessationist Theology.')."

<sup>19</sup> Dr. Duguid is professor of Old Testament at WTS (MDiv, WTS; PhD in OT, Cambridge). An ordained ARP minister, he is currently pastor of Christ Presbyterian (ARP) in Philadelphia, which he helped plant.

preaching, teaching, leading in worship, and recording history. In addition, prophesying also functions as a mark of Spirit-possession, identifying certain individuals as being singled out for particular tasks that do not necessarily include speaking with a "Thus says the Lord" authority.

...This more complex portrait of prophecy in the Old Testament prepares us for a more complex understanding of the New Testament picture....In sum, if we allow the New Testament to reflect the diversity of prophetic phenomena present in the Old Testament, then the pressure to try to make all prophecy in the New Testament either capital-*P* prophecy or small-*p* prophecy is lifted, allowing a fairer evaluation of its manifold forms.

...[M]any Reformed churches - including the Orthodox Presbyterian Church... - insist on the continuing direction of the Spirit today in at least one area: that of a "call to ministry." Ministerial candidates are expected to have a definite and substantive sense (though not necessarily a dramatic experience) that God, by his Spirit, is directing them into pastoral work. As with Grudem's lowercase-*p* prophecy, this internal sense of call is subject to important qualifications. A man may exhibit a strong internal sense of call but may lack the gifts or character necessary for church office. Alternatively, a suitable ministry position may not present itself, even though the church affirms that man's call in general terms. But the process of evaluating and testing a man's internal sense of a call to the ministry in the Presbyterian system is broadly similar to Grudem's process of evaluating prophecies. A man whose sense of internal call is not sustained by the church is not disciplined as a false prophet. Rather, he is perceived as having simply misunderstood God's direction for his life (at least for the present).<sup>20</sup>

/s/ RE Howie Donahoe

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<sup>20</sup> OPC Form of Government 20.3. PCA *BCO* contains similar statements; examples below. (Emphasis added.)

- 16.1 Ordinary vocation to office in the Church is the *calling of God by the Spirit* ...
- 18-1 Candidate ... is a member of the Church in full communion who, *believing himself to be called*
- 19-2 The examination for licensure shall be as follows: (1) Give a statement of his Christian experience and *inward call* to preach the Gospel in written form and/or orally before the Presbytery ...
- 19-9 Before the applicant begins his period of internship, he shall give to the Presbytery a written and/or an oral statement (at the discretion of the Presbytery) of *his inward call* to the ministry of the Word.
- 38-2 A minister of the Gospel against whom there are no charges, if *fully satisfied in his own conscience that God has not called him to the ministry*, ...

**Dissenting Opinion**  
**Case 2019-02: Schrock v. Philadelphia**  
RE E. J. Nusbaum

I respectfully dissent with the Standing Judicial Commission concerning its ruling in this Case.

In sustaining this Complaint, the SJC has declared that Philadelphia Presbytery “failed to judge and record the nature of TE Smith’s views on the continuation of the spiritual gifts of prophecy and tongues beyond the Apostolic era as required by *BCO* 13-6, 21-4e, f. and *RAO* 16-3.e.5.”

In support of its decision to sustain the complaint, the SJC states in the Reasoning and Opinion that the Presbytery failed in three areas:

- 1) “The Presbytery did not record in its minutes its judgment with respect to TE Smith’s views on the continuation of prophecy and tongues beyond the Apostolic era.”
- 2) “No affirmative vote approving TE Smith’s views was taken.”
- 3) “The Presbytery did not categorize his views in accord with *RAO* 16-3.e.5. In fact, the Presbytery did not take action on TE Smith’s views ‘in his own words’ as required by *RAO* 16-3.e.5.”

It is my opinion that the record of the case demonstrates that the Presbytery did not commit any of these errors.

First, the record of the case is clear that Philadelphia Presbytery did make and record a judgment concerning the views in question. The minutes recorded that at one point in the discussion of the exam, a motion was made to declare the Minister’s views regarding the continuation of spiritual gifts to be “out of accord with the fundamentals of the system because it is hostile to the system.” That motion failed 17-22. This vote, as recorded in the Philadelphia Presbyteries minutes, demonstrates the Presbytery did record in its minutes its judgment with respect to TE Smith’s views on the continuation of prophecy and tongues beyond the Apostolic era.

Second, the Presbytery did take an affirmative vote concerning TE Smith’s views. In addition to recording the vote on the failed motion, the Presbytery did take a vote sustaining his examination. This vote, with 23 of the 38 votes

cast in favor of sustaining the exam, demonstrates that Presbytery took an affirmative vote approving TE Smith's views.

Finally, Philadelphia Presbytery was not required to apply *RAO* 16-3.e.5 to TE Smith's views on the continuation of the spiritual gifts of prophecy and tongues. In TE Smith's examination, the record clearly shows that the Presbytery did ask the Minister about his stated differences. He had two and those stated differences were adjudicated by the Presbytery in accordance with *RAO* 16-3.e.5. The record also shows that TE Smith never declared that his views on the continuation of the spiritual gifts were a stated difference. It is true that a significant minority of the Presbytery did not agree with his view. However, a controversial view is not the same as a "stated difference." The *BCO* and *RAO* are clear and consistent:

*BCO* 13-6: "...ministers coming from other denominations to state the specific instances in which they may differ..." (Emphasis added.)

*BCO* 21-4: "...shall require the candidate to state the specific instances in which he may differ..." (Emphasis added.)

*RAO* 16-3: "...shall record ministers' and ministerial candidates' stated differences with our standards in their own words." (Emphasis added.)

The plain reading of these excerpts is that a stated difference is a statement coming from a minister or candidate where he expresses what he feels to be a difference the Standards. Once stated by the candidate or minister, a presbytery is required to take the steps specified in *RAO* 16-3. However, declaring that Philadelphia Presbytery was required to handle TE Smith's view on continuation of spiritual gifts in accordance with *RAO* 16-3 is to make controversial views the equivalent of "stated differences."

To require that controversial views be handled as stated difference has created a vagueness which has the potential to affect all examinations in our presbyteries. Most problematic is that presbyteries do not have clear guidance on a standard to use to make a determination on whether or not a view is to be handled as a "stated difference." In this case, the SJC determined that because 47% of presbyters felt that TE Smith's views were out of accord and hostile to our system, the view qualified as a stated difference and therefore, the requirements of *RAO* 16-3 were applicable. But such a ruling gives presbyteries no objective standard to know what the SJC



may determine to be a stated difference in future cases. What if only 30% of the presbyters feel the view is out of accord? Or what if only one person? Imagine that an examination is in progress and some number of people, 5, 10, or 15, etc., disagree with the candidate's views. The only way for a presbytery to be sure it is in compliance with this present Decision would be to pause the exam, give time for the candidate to put his view in writing (or at least record the candidate's view in his own words) and then categorize the view in accordance with *RAO* 16-3. The vague standard established by the Decision in this case has the potential to allow an undefined minority to delay and disrupt the examination of candidates with which they disagree.

In summary, this Complaint should not have been sustained. The Philadelphia Presbytery conducted a sound exam that met all the requirements specified in the Constitution of the Church. Most problematic is the erroneous and vague interpretation of the term "stated difference." This is a serious error that has the potential to create unnecessary confusion and delay in future exams.

/s/ RE E. J. Nusbaum

**CASE 2019-03**  
***COMPLAINT OF DAN & ANGELIA CROUSE***  
vs.  
***NORTHWEST GEORGIA PRESBYTERY***

**DECISION ON COMPLAINT**  
**October 18, 2019**

**I. SUMMARY OF THE FACTS**

- 06-07/18    The Session of Midway Presbyterian Church provided notice to the congregation for 2018 an election of officers and took nominations from the congregation.
- 7/15/18    The Complainant, then serving as an elected Deacon, was nominated for the office of ruling elder.
- 7/16/18    The Session determined that the Complainant's nomination would not proceed and that he would not be invited to training or be examined.