

CASE NO. 2020-05
TE RYAN SPECK
v.
MISSOURI PRESBYTERY
DECISION ON COMPLAINT
March 3, 2022

SUMMARY OF THE CASE

In July 2018, Memorial Presbyterian Church (PCA) (“Memorial”) in St. Louis hosted the first Revoice Conference (“Revoice 18”). Thereafter, several individuals, sessions, and presbyteries communicated concerns to Memorial and to Missouri Presbytery (“MOP” or “Presbytery”) regarding Revoice 18. In light of these concerns, in October 2018 the pastor of Memorial, TE Greg Johnson, and its Session requested that MOP accept, as a *BCO* 41 Reference, the Session’s request to investigate it with regard to the allegations pertaining to the hosting of Revoice 2018. MOP voted to approve a lengthy report issued by its investigative committee in May 2019. The report contained, among other things, nine theological judgments. Complainant complained against MOP’s adoption of the nine theological judgments in July 2019. MOP partially sustained his complaint in October 2019 and voted to reconsider its affirmation of the nine theological judgments at a future called meeting. Complainant unsuccessfully tried to add a question about adoption by gay couples and individuals to the matters to be considered at the future meeting.

In December 2019, at a meeting called to reconsider the nine theological judgments, Complainant raised a point of order concerning the procedures used by MOP’s Administrative Committee in preparation for the meeting, but Presbytery’s Moderator ruled the point of order not well taken, a ruling that was sustained after challenge. MOP reconsidered the nine theological judgments and adopted amended statements to eight of them, referring the ninth judgment to an ad hoc committee for reconsideration. In January 2020, Complainant complained against MOP’s actions at the December 2019 meeting, a Complaint which Presbytery denied in July 2020. Complainant then carried his complaint to the SJC. The Panel conducted the hearing on September 14, 2021 and recommended that the Complaint be denied. The full SJC reviewed the case on March 3, 2022 and approved the following decision to sustain the Complaint in part and to deny it in part.

I. SUMMARY OF THE FACTS

- 07/26/18 Memorial hosted the three-day Revoice 2018 conference.
- 09/07/18 The Session of Covenant PCA, Harrisonburg, VA sent a seven-page letter to the Memorial Session regarding Memorial's involvement in Revoice 2018.
- 09/27/18 TE Andrew Dionne sent a letter to the Memorial Session, which was co-signed by 20 other PCA TEs. (At the time, TE Dionne was pastor of Trinity PCA in Spartanburg, SC. Trinity and TE Dionne left the PCA in May 2019 to affiliate with the non-PCA "Evangel Presbytery.") Among other things, the letter exhorted Memorial Session "to repent of [their] sin of promoting and hosting the 2018 Revoice Conference."
- 10/10/18 TE Johnson and Session of Memorial sent a letter to MOP requesting Presbytery, among other things, to accept, as a *BCO* 41 Reference, the Session's request for Presbytery to investigate it with regard to the allegations pertaining to hosting Revoice 2018.
- 10/16/18 At a Stated Meeting, MOP's Administrative Committee announced that "Presbytery had received a request for reference from Memorial Presbyterian's Session due to complaints the church has received due to the Revoice Conference" and that the Committee Chairman "had formed an investigative committee [hereinafter, "Committee to Investigate Memorial," or "CIM"] chaired by TE Ron Lutjens."
- 10/25/18 Calvary Presbytery sent a 9-page letter to MOP.
- 11/13/18 Southwest Florida Presbytery sent a 12-page letter to MOP.
- 01/15/19 At a Stated Meeting, MOP heard the CIM report on its progress. Presbytery referred all letters pertaining to Revoice to CIM (including the letters already sent from Calvary Presbytery and Southwest Florida Presbytery).
- 01/26/19 Savannah River Presbytery sent a one-page letter to MOP supporting the October 2018 letter from Calvary Presbytery.

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- 05/18/19 At a Called Meeting, MOP considered the 115-page CIM report, which had been previously distributed by email. MOP voted to approve the concluding statements and nine theological judgments (“9 Theological Judgments”).
- 07/08/19 TE Ryan Speck filed a complaint with Presbytery regarding the 9 Theological Judgments. (This is not the complaint later carried to the SJC; this is a separate complaint that was not carried forward.)
- 07/11/19 TE Greg Johnson and Memorial Session sent a two-page letter to Presbytery responding to the May 2019 CIM Report.
- 07/16/19 At a Stated Meeting, MOP appointed a committee to respond to Memorial Session’s July 11 letter and appointed a Complaint Review Committee (“CRC1”), composed of TEs Polski, Porter and York and REs Myers and Lauerman, to review TE Speck’s July 8 Complaint.
- 10/15/19 At its Stated Meeting, MOP considered the thirty-page CRC1 Report, which recommended sustaining part of the Complaint, as follows: “The finding of the CRC is that the MOP did err by failing to judge Revoice 18 for advancing positions contrary to the scriptures and our confessional standards and therefore we recommend that this aspect of the complaint be sustained.” MOP partially sustained TE Speck’s July 2019 complaint and voted to reconsider its affirmation of the 9 Theological Judgments at a future called meeting. TE Speck moved to put the following question on the December 7, 2019, called meeting docket: “Did Revoice 18 err by encouraging gay couples and gay individuals to adopt children, and, if so, is this a serious error that [MOP] needs publicly to correct and clearly warn against?” MOP voted against this motion. Presbytery also created an ad hoc study committee to create a short statement of affirmations and denials regarding human sexuality (hereafter, “A&D Committee.”)
- 10/18/2019 TE Speck emailed the MOP’s Moderator, TE Tim LeCroy, asking him to consider adding to the docket of the December 7, 2019, called meeting the gay adoption question requested on October 15, to be discussed alongside the 9 Theological Judgments.

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11/30/2019 MOP's Stated Clerk emailed members of MOP, with documents attached, to prepare members for the December 7, 2019, meeting of MOP which had been called to reconsider the 9 Theological Judgments.

12/07/2019 At the called meeting, TE Speck raised a point of order objecting to some of the procedures of MOP's Administrative Committee as out of order. MOP's Moderator ruled TE Speck's point of order not well taken; after a challenge to the ruling, MOP voted to sustain the ruling. MOP reconsidered the 9 Theological Judgments and adopted amended statements to eight of them, referring one question to an ad hoc committee to reconsider the question of "Queer Treasure." (Judgment 7) The newly amended and adopted statements included both affirmation and criticism of parts of Revoice 18. MOP authorized its Administrative Committee to draft a letter communicating these changes.

01/03/20 TE Speck filed a Complaint with MOP against MOP's actions taken at the December 7, 2019, meeting (this is the Complaint which later became the basis of Case 2020-05) alleging the following errors:

1. Approval of Theological Judgments 1-5 and 9 of the "MOP Presbytery Ad Hoc Committee to Investigate Memorial Presbyterian Church for Hosting the Revoice 18 Conference in July 2018" (CIM), which Complainant contends are contrary to the Scriptures and to the Confessional Standards of the Presbyterian Church in America; and
2. Denial of TE Speck's point of order regarding the Administrative Committee's (AdCom) handling of the December 7, 2019, meeting; and
3. Refusal to debate and rule on the propriety of gay couples adopting children, as advanced at Revoice 18.

Below are the six MOP Judgments complained against in the first item of TE Speck's Complaint.

1. We concur with the CIM's judgment that the evidence does not demonstrate the allegation that Revoice 18 grounded

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homoerotic desire and actions in Creation rather than in the Fall, thereby advocating for a position contrary to Scripture and our confession of faith, and one grave and serious enough that it needs to be repudiated by Memorial.

2. We concur that terms like “gay,” “sexual orientation,” “queer,” “sexual minorities,” etc., are not always or necessarily unbiblical; and therefore, that Revoice 18’s use of the terminology in question, though confusing to some and potentially unwise, was not a grave and serious doctrinal error.
3. We concur with the CIM’s judgment that the evidence was such that this question as to whether a “gay beneath the gay” exists could not have been judged to be a key teaching of Revoice, but continues have the potential for becoming a grave and serious error if it begins to play a more central role, and thus we exhort those involved with Revoice to consider our position on this matter.
4. We concur with CIM and deny that it is always a grave and serious error worthy of repudiation to claim something which can be traced to our sin nature as in any sense a part of our “identity,” of part of “who we are,” as Revoice does with being SSA. While enduring patterns of brokenness and sin remain part of “who we are,” of our “identity,” as children of Adam, nevertheless sinful desires and deeds must be put to death. We concur that the core question is not: “Is that which rises from sin part of who you are?” but rather: “What are you doing with all the broken parts and places of who you are?”
5. We concur that (i) celibate SSA believers face complex barriers in developing friendships with people of the same gender and that, (ii) Christians must labor to empathize with this difficulty and that, (iii) it was unwise and hence an error of judgment rather than an error striking at the vitals of religion for Revoice leaders to be entertaining publicly the possibility of celibate partnerships without more careful boundaries proposed and that, (iv) TE Johnson adequately warned about the dangers of these type of friendships in his own Revoice 18 talk.

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9. We concur with the CIM's judgment that although Memorial erred in failing to make clear to their congregation our doctrinal differences with Roman Catholicism before and after the Revoice 18 conference, it did not err in allowing Roman Catholics to speak in their church building under the aegis of Revoice, an outside organization, and therefore did not act in such a way as to strike at the vitals of religion.

01/21/20 At a Stated Meeting, MOP referred TE Speck's Jan. 2020 Complaint to a new Complaint Review Committee ("CRC2") composed of TEs Polski, TE Dey, RE Jones and RE Bauer. In addition, Presbytery discussed a draft from the A&D Committee.

06/02/20 At a called meeting, Presbytery adopted the 49 Affirmations and Denials proposed in its A&D Committee Report. A&D Members included TEs Dan Doriani, Mark Dalbey, and Ryan Laughlin, and RE Sean Maney. The 8-page Report was posted at: https://drive.google.com/file/d/197ZR63Fg_TCwOswHjjz7II2JaF1O7mjI/view.

The 49 A&D's were in two Parts:

1. Concise Biblical Theology of Sexuality with Reference to Homosexuality (1-28).
2. Homosexuality and Identity in Current Debate (29-49).

07/21/20 At a Stated Meeting, MOP considered the forty-page CRC2 Report, which recommended denying all the specifications of error in the Complaint, but also recommended revising Theological Judgments 2 (Terminology) and 5 (Spiritual Friendships). Presbytery declined the Committee's proposed revision to Judgment 2 and adopted its recommended revision to Judgment 5. Presbytery then denied TE Speck's January 3, 2020, Complaint. It also heard the report of the Committee to Reconsider Queer Treasure (the one of the 9 Theological Judgments not approved on December 7, 2019), voting to find fault with this lecture given at Revoice 18.

7/23/2020 TE Speck carried his January 3, 2020, Complaint to the General Assembly (Case 2020-05).

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9/14/2021 The Panel (Chairman RE John Pickering, Secretary TE Paul Bankson, RE Dan Carrell, and Alternates RE John Bise and TE David Coffin) conducted the hearing.

II. STATEMENT OF THE ISSUES

- 1 At its December 7, 2019, Called Meeting, did Missouri Presbytery (MOP) err in approving six theological judgments (specifically, Judgments # 1-5 and #9) recommended by CIM (Committee to Investigate Memorial)? Complainant's specifications of errors concern:

MOP Theological Judgment 1 ("Origins of Homoerotic Desire")

MOP Theological Judgment 2 ("Terminology")

MOP Theological Judgment 3 ("The Gay Beneath the Gay")

MOP Theological Judgment 4 ("Gay Identity")

MOP Theological Judgment 5 ("Spiritual Friendship")

MOP Theological Judgment 9 ("Roman Catholic Speakers")

2. Did the MOP err when it acted to deny TE Speck's point of order regarding the Administrative Committee's handling of the December 7, 2019 meeting?
3. Did the MOP err when it acted to refuse to debate and rule on the propriety of gay couples adopting children, as Complainant suggests was advanced at Revoice 18?

III. JUDGMENTS

1. Yes, particularly with regard to MOP Theological Judgments 2, 3, and 5.
2. No.
3. No.

IV. REASONING AND OPINION

- A. Issue 1 –Did Missouri Presbytery err in approving the Committee to Investigate Memorial's (CIM) Theological Allegations and Judgments on #1-5 and #9?**

Missouri Presbytery erred when it approved Judgments # 1-5 and #9 of CIM. Two matters account for Presbytery's error. The first is that MOP employed incorrect criteria for review in adjudicating the allegations presented within the Complaint. The second is that MOP failed to act properly in light of what it found based even on those incorrect criteria. This is reflected in its actions on Theological Judgments #1-5, #9, and considered in light of the findings of CIM and the Complaint Review Committee (CRC). The matter of the incorrect criteria for review and the matter of MOP's failure to act properly will be reviewed in turn.

MOP's Criteria for Review

On December 7, 2019, at the recommendation of its Committee to Investigate Memorial (CIM), MOP adopted eight "Theological Judgments." TE Ryan Speck filed Complaint against six of these Judgments (Theological Judgments #1-5, #9).⁵⁴ In presenting these recommendations, CIM employed criteria for review that it explicitly articulated in its committee report. CIM urged that "the core principles of justice enumerated in *BCO* Chapter 34 ought to govern ... the Memorial Session's role in their decision to host Revoice 18; and ... those principles should also govern our assessment of the theological teachings of Revoice, as we found them in the talks of the Revoice 18 speakers and in their writings and teachings in other venues". CIM further appealed to the "stipulations in *BCO* 40.5" as "relevant ... to this situation...". *BCO* 40-5, CIM reasoned, "seems to have in view not simply doctrinal teaching of ministers that may be erroneous or divisive (which seems to be the focus of *BCO* 34.5), but any and all 'constitutional' breaches that a lower court may have committed." CIM therefore argued that they were to make a determination whether "the Memorial elders and pastor [are] guilty of an **important delinquency** and/or a **grossly unconstitutional proceeding** in allowing the outside group, Revoice, to use its facilities for its conference" (emphasis in original). Any alleged errors could "not simply [be] errors, but errors so serious that they **strike at the vitals of religion** (in faith or morals) AND as well, **are industriously spread** (emphasis in original). Thus, CIM declared that "in our process we considered *BCO* chapters 29, 34, and 40 in determining whether either Revoice or Memorial committed errors that strike at the vitals of religion or simply errors resulting from the weakness of human understanding."

⁵⁴ CIM presented nine Theological Judgments to MOP. On December 7, 2019, MOP adopted eight of those Theological Judgments, and referred a ninth to a committee of Presbytery. TE Speck filed complaint against six of the remaining eight Theological Judgments.

CIM's recommendations to Presbytery with respect to Theological Judgments #1-5, #9 contain language explicitly reflecting these criteria – “grave and serious” (#1, #2, #3, #4), “error of judgment rather than an error striking at the vitals of religion” (#5), “strike at the vitals of religion” (#9). Since Presbytery adopted each of these motions, it thereby employed, whether intentionally or not, CIM's standard in assessing the teachings of Revoice 18 that were before it.⁵⁵

But, in doing so, CIM and Presbytery conflated the language of *BCO* 34 and 40 into a single criterion. By so doing, they defined “any important delinquency or grossly unconstitutional proceedings” from *BCO* 40-5 as consisting only of “Heresy and schism...that strike at the vitals of religion and are industriously spread” as set forth in *BCO* 34-5. This is, however, an inaccurate reading of *BCO* 40-5 and thus was an erroneous criterion for MOP to apply to the teachings of Revoice. In conflating the language of *BCO* 34 and 40, CIM and Presbytery crafted a criterion for assessing the actions of courts of the PCA that is based on the Constitutional standard to be used when undertaking process against a teaching elder. There is no Constitutional reason that the latter should define the former. *BCO* 34 governs “special rules pertaining to process against a minister.” But the teachings in question at Revoice 18 were not being taught exclusively by member teaching elders of MOP. The individuals teaching at Revoice 18 were both officers and non-officers, within the PCA and outside the PCA. There is no Constitutional reason why the standard articulated in *BCO* 34-5 should have been applied beyond its narrow scope, that is, process concerning a PCA teaching elder. Further, in creating this new criterion CIM and MOP apparently overlooked Constitutional material regarding the responsibilities of the courts of the PCA that should have guided their application of *BCO* 40-5 to this matter.

The proper Constitutional criteria to be applied in matters arising under *BCO* 40-5 are those found at *BCO* 11-3,4 and at *BCO* 13-9(f) which deal with the responsibilities of courts. *BCO* 11-4 affirms that “every court has the right to resolve questions of doctrine and discipline seriously and reasonably proposed, and in general to maintain truth and righteousness, condemning erroneous opinions and practices which tend to the injury of the peace, purity, or progress of the church.” *BCO* 11-3 permits “disputed matters of doctrine and order arising in the lower courts” to be “referred to the higher courts for

⁵⁵ In several places in this Reasoning, for the sake of brevity, we use the phrases, “the teachings of Revoice 18” or “the teachings of Revoice.” By those phrases we mean the teaching of some of the speakers at the Revoice 18 Conference.

decision,” while *BCO* 13-9(f). enumerates among the powers of Presbytery, “to condemn erroneous opinions which injure the purity or peace of the Church.” *BCO* 11-3 affirms, then, that when “disputed matters of doctrine” are Constitutionally brought from a lower court to a higher court, then the higher court may lawfully render “decision” with respect to those matters. *BCO* 13-9(f) articulates the proper criteria for evaluation. If an “opinion” is not only “erroneous” but also “injure[s] the purity or peace of the Church,” then Presbytery may lawfully “condemn” that opinion.

MOP’s Findings

The Findings of MOP

The importance of applying the proper Constitutional criteria surfaces when we consider Presbytery’s motions with respect to the Theological Judgments that are the subject of this Complaint. The motions that MOP adopted with respect to these Theological Judgments reflect some measure of concern relating to teachings of Revoice 18 –

Revoice 18’s use of the terminology in question, though confusing to some and potentially unwise, was not a grave and serious doctrinal error” (Theological Judgment #2).

We concur with the CIM’s judgment that the evidence was such that this question as to whether a ‘gay beneath the gay’ exists could not have been judged to be a key teaching of Revoice, but continues to have the potential for becoming a grave and serious error if it begins to play a more central role, and thus we exhort those involved with Revoice to consider our position on this matter (Theological Judgment #3).

We concur that i) celibate SSA believers face complex barriers in developing friendships with people of the same gender and that, ii) Christians must labor to empathize with this difficulty and that, iii) it was unwise and hence an error of judgment rather than an error striking at the vitals of religion for Revoice leaders to be entertaining publicly the possibility of celibate partnerships without more careful boundaries proposed and that, iv) TE Johnson adequately warned about the dangers of these type of friendships in his own Revoice 18 talk. (Theological Judgment #5)

Importantly, the language of concern in the motions cited above was left in place by the findings of a subsequent committee, the Second Speck Complaint Review Committee [CRC2], and the actions of MOP on the July 21, 2020 recommendations of that committee.

Although MOP registered concern with respect to the teachings of Revoice 18 in view in Theological Judgments 2, 3, and 5, it declined to take further action than it did. MOP unnecessarily restrained itself by the incorrect criteria for review that it opted to follow in evaluating the teachings of Revoice 18. Consequently, it did not take adequate action with respect to the errors that it had identified (Theological Judgments 3, 5), and with respect to teachings that it identified as “confusing to some and potentially unwise” (Theological Judgment 2).

The Findings of Committees of MOP

Significantly, the committees of MOP (CIM, CRC) registered greater concern in their findings than did MOP in its adopted Judgments. Consider first the findings of CIM. With respect to the teachings addressed by Theological Judgment 2, CIM noted, “we do agree that the way Revoice and Side B believers in general use terms has been confusing to many in our churches, and we expressed regret that they were not more sensitive to this confusion”; “These terms [“like ‘gay,’ ‘sexual orientation,’ ‘queer,’ and ‘sexual minorities’”] [have] potential to cause offense and division within the church”; and “We sincerely wish that Revoice leaders would have had a greater sense of the responsibility they carry to explain their use of terms more fully to the church they profess to need.” Compare the subsequent and confirmatory finding of CRC2, “some of these terms [‘gay,’ ‘sexual orientation,’ ‘queer,’ ‘sexual minorities’] may well have been used at Revoice 18 in such a way in which they were inconsistent, unwise and confusing to many observers of the conference, thereby contributing to the disturbance of the peace of the church.”

With respect to the teachings addressed by Theological Judgment 3, CIM noted, “The use of terms such as ‘same-sex-attracted’ or ‘gay’ in the way Revoice 18 and many Side B people use them ... indulges in needless and potentially dangerous speculation”; “If one takes these terms the way that Revoice and many Side B people take them ... then the allegation is true that Revoice has committed at least an error of imprudence by indulging in needless and potentially dangerous speculation, and it remains to be seen whether this error will be used in such a way as to strike at the vitals of religion”; “Revoice leaders and speakers do use terms that historically were

synonymous with ‘homoerotic desire’ in a way that expands them to include morally good features that are claimed to be underneath or behind the illicit sexual desires. These terms include ‘homosexual,’ ‘same sex attraction,’ ‘gay,’ and ‘homosexual attraction.’ This leads them to say that not everything about ‘being gay’ or ‘same-sex-attracted’ has to do with sinful sexual desires”; “[the danger is that] this speculation [regarding morally benign qualities tied to homoerotic desire] appears to us to be the prospect of this becoming a central plank in the thinking and approach of some of Revoice’s leaders” ; and “We feel constrained to warn against any expansion of the terms ‘same-sex-attraction’ and ‘being gay’ with its creation of a category of ‘gayness,’ understood as a way of experiencing the world. This seems to us to be a potentially dangerous error of speculation; yet we cannot say with unwavering confidence that we believe it to be an error so serious and obviously destructive of good morals and sound doctrine that we judge it to be an error which ‘strikes at the vitals of religion’ in the areas of doctrine and morals. We do believe it to be at least a lesser error of indulging in necessary and potentially dangerous speculation, something we are warned against as believers (see 1 Timothy 1:3-4).”

With respect to the teachings addressed by Theological Judgment 5, CIM noted, “we concluded that entertaining celibate partnerships was unwise – at least *to whatever degree* they were being given *serious* consideration. CIM regarded this as an error of judgment and not of doctrine...” (emphasis in original); “[I]t is ... our judgment that, to the extent that Revoice event entertains the possibility of ‘celibate partnerships’ ... it has erred in offering unwise, unedifying relational arrangements to SSA Christians (cf. 1 Cor. 6:12)”; and “[W]e ... believe that [Revoice] are open to the danger of a preoccupation with technical boundaries on physical limits in friendships to the neglect of the deeper inner dynamic involved in SSA romantic coupling, and the way it mimics the longing and the personal pull toward the other person that draws a man and woman together toward an exclusive intimacy that is designed by God to move them toward marriage.”

With respect to the teachings addressed by Theological Judgment 4, MOP concluded, “We concur with CIM and deny that it is always a grave and serious error worthy of repudiation to claim something which can be traced to our sin nature as in any sense a part of our ‘identity,’ of [*sic*] part of ‘who we are,’ as Revoice does with being SSA. While enduring patterns of brokenness and sin remain part of ‘who we are,’ of our ‘identity,’ as children of Adam, nevertheless sinful desires and deeds must be put to death. We concur that the core question is not: ‘Is that which rises from sin part of who you are?’ but rather: “What are you doing with all the broken parts and places of who you

are?” But CIM’s findings with respect to Theological Judgment 4 raised concerns that MOP’s action did not: “[W]e believe that the language of ‘gay Christian’ ... poses a particularly challenging problem for both the Revoice project and its critics. We encourage Revoice and those who would adopt such language to do so with great care, recognizing its potential to cause offense and division within the church.”

Consider next the findings of CRC. The Complaint Review Committee (CRC), which was appointed to hear an earlier (July, 2019) complaint of TE Speck against actions of MOP taken on recommendation of its CIM, registered particular concerns with Revoice 18. As to same-sex friendships, “The majority on the CRC along with the CIM itself ... were very concerned with this way [i.e. the way advocated at Revoice 18] of applying the truths that are in this passage [i.e., 1 Sam 18:3, Ruth 1:16-17] and concluded that applying texts in this manner was a significant hermeneutical error that needed to be clearly corrected and warned against by the MOP and MPC.” As to a particular speaker’s specific statement with respect to gay orientation – “Without wishing to disparage the speaker whatsoever (who herself acknowledged that she was engaging intentionally in speculation) the CRC nonetheless must conclude that, in this confined moment, speculations were put forward that caused damage to the peace and purity of the church and possibly to the souls of her members.” As to so-called gay culture, “The CRC concurs with complainant’s concerns, based primarily on the language of WCF 20-1 and its supporting proof texts, that [a Revoice speaker] went too far in suggesting that believers in Christ should closely identify with and willfully associate themselves with even the so-called ‘non-homoerotic’ aspects of LGBTQ/Queer Culture and in so doing did indeed make assertions that ‘struck at the vitals of religion.’” As to use of language, “We ... believe that some of the terms being used are so provocative and so widely misunderstood that believers ought to be extraordinarily careful in their use and perhaps even refrain from using them at all, especially when speaking in public venues.”

CRC no less registered broad concern with the way in which Revoice 18 had disrupted the church. In its October, 2019 report to Presbytery, CRC acknowledged that “the peace of the church ... had been highly disturbed by some aspects of what was said at the *Revoice 18* conference”; [W]e judge that some of the matters of controversy at *Revoice 18* were of ... a variety of error (whether they be errors “arising from the weakness of human understanding” or “striking at the vitals”), ... widely misunderstood by the wider church and

... damaging to the peace of the church;⁵⁶ “there was such grave confusion in the church about what some of the speakers at *Revoice* 18 meant by what they were saying that it became incumbent on the MOP to be more clear about its own views in those areas where the confusion was greatest.”

The failure of MOP to deal properly with the issues raised in the Complaint is magnified by two additional points. First, the concerning teachings did not occur in isolation. In other words, it was not a situation where one individual made a concerning statement on one day in one area of the Presbytery, while another individual offered a different concerning statement on a separate issue on another day in another part of the Presbytery, while a third individual made a concerning statement on yet another issue in yet another part of the Presbytery. All of the statements cited in the Complaint and in the various reports of MOP committees and commissions were made at the same Conference dealing with the same general topic. Thus, it is most reasonable to judge the level of error and level of potential harm by considering the cumulative impact of the errors and concerns across the whole of the Conference. In disposing of the allegations by dealing with each one as a separate entity and stating, in essence, that if there was an error in the specific area it was only minor, MOP apparently missed the fact that the cumulative impact of those errors could and did add up to a major concern.

Second, while MOP did take action to try to make sure that the Congregation of Memorial Presbyterian Church was alerted to possible errors and that steps were taken to mitigate the possible harm to the peace and purity of that Congregation as a result of those errors, it is not evident that MOP dealt appropriately with its responsibility to take similar steps with regard to the broader Church. Certainly, the question of the breadth of impact of erroneous teachings at *Revoice* 18 was raised with the Presbytery. Significantly, the chair of CIM declared to MOP in January, 2019 “his sorrow over his own passivity in failing to ask Presbytery ... to get involved in the *Revoice* controversy, especially after it was over, when our brothers at Memorial could have benefitted from our counsel, encouragement, and inquiry, and when it ought to have been clear to him that the controversy was proving to be so divisive and widespread that it virtually constrained Presbytery’s involvement.” Similarly, the communications from various individuals and courts throughout the Denomination gave indication that the peace and purity of the broader church were being impacted. Yet, while MOP was, commendably,

⁵⁶ The CRC makes this statement of its comment that MOP was hasty in its action in May, 2019. MOP, in October, 2019 “rescinded” its May, 2019 action and called a December, 2019 meeting to “reconsider the nine judgments of the CIM.”

willing to interact with those communications, there is no evidence that Presbytery clearly stated to the broader church that it recognized the errors that were taught at Revoice 18 and the impact of those teachings. Further, it is not clear that Presbytery sought to do what it could to mitigate the impact of those erroneous teachings on the peace and purity of the Church. We recognize that this lack of response by MOP may well have come about because of their use of the incorrect criteria as discussed above, but that does not change the fact that MOP did not do what it needed to do to protect the peace and purity of the broader Church, particularly in light of the responsibilities set forth in *BCO* 11-3, 4.⁵⁷

The Record shows, therefore, that more than one committee of Presbytery acknowledged multiple teachings at Revoice 18 to have been erroneous in themselves and disruptive to the peace of the Church. Similar concerns were registered about the conference as a whole. MOP adopted language that, if anything, was milder and weaker than statements (cited above) appearing in its committees' reports to Presbytery. But even so, Presbytery adopted language that, according to the Constitutional criteria set forth in *BCO* 11-3, 4 and 13-9(f), required it to take action that it neglected to take.

B. Issue 2 –Did Missouri Presbytery err when it acted to deny a point of order regarding its December 7, 2019, meeting?

Complainant argues that MOP violated its own standing rules when its Stated Clerk circulated materials prepared by MOP's Administrative Committee in advance of the December 7, 2019, meeting. According to Complainant, MOP's Standing Rule 8.3.C. limits the Administrative Committee to a purely administrative role; it is "specifically forbidden to institute new work." Complainant argues that the portion of the materials circulated comprised of what the Stated Clerk described in his email to the members of Presbytery as

⁵⁷ *BCO* 11-3, "When ... according to Scriptural example, and needful to the purity and harmony of the whole Church, disputed matters of doctrine and order arising in the lower courts are referred to the higher courts for decision..." *BCO* 11-4, "Every court has the right to resolve questions of doctrine and discipline seriously and reasonably proposed, and in general to maintain truth and righteousness, condemning erroneous opinions and practices, which tend to the injury of the peace, purity, or progress of the Church These courts are not separate and independent tribunals, but they have a mutual relation, and every act of jurisdiction is the act of the whole Church performed by it through the appropriate organ."

“briefs on the nine theological questions we will be considering” constituted impermissible “new work.” Complainant also objects to the characterization of the briefs by the Stated Clerk as having been prepared by “[t]he CIM in conjunction with the Administrative Committee” because the CIM had been dismissed with thanks by MOP some six months earlier. Complainant finds the latter matter particularly irksome because Complainant was himself a member of the CIM, and he was not invited to participate in the preparation of the briefs. Finally, to add insult to injury, “select CIM members were allowed the last 5 minutes of each debate time in order to speak for approval of each of the 9 Judgments.” Complainant raised a point of order concerning these matters at the beginning of the December 6, 2019, meeting, but the Moderator ruled it not well taken, and his ruling survived a challenge by vote of the Presbytery.

Since the facts are not disputed, the question of whether MOP’s actions violated its Standing Rules is a pure question of law, but unlike the other questions of law in this case, it is not a question to be decided under the PCA’s Constitution. It is, instead, a question to be decided under MOP’s Standing Rules, and the leading authority on that subject, MOP, has already ruled. It is not the place of the SJC to instruct MOP on what its own Standing Rules mean. In any case, by voting to uphold the Moderator’s ruling, MOP set aside any violation of its Standing Rules by effectively modifying them for purposes of the materials circulated by the Moderator. We will not disturb that decision.

It is possible, of course, that MOP’s actions also violated the *BCO*, and we do have the authority and responsibility to interpret and apply the *BCO* without deferring to MOP’s interpretation. The *BCO* contains no “new work” prohibition for administrative committees generally, so that part of Complainant’s argument fails to advance. But the *BCO* does contain clear rules for the appointment and dismissal of committees. To that extent, the Stated Clerk’s email was in error; the briefs were not prepared by the CIM at all, as the CIM no longer existed. However, they were evidently prepared by men who had been members of the CIM and who had evidently voted in the majority on the CIM concerning the CIM’s report. Had the Stated Clerk’s email described the briefs as being prepared by “men who were members of the CIM in conjunction with the [Administrative Committee],” Complainant would have had no basis to object regarding the CIM reference. It strains credulity, however, to believe that presbyters’ votes on the 9 Theological Judgments were swayed by the mistaken impression that the full CIM had participated in the preparation of the briefs rather than some of its members who supported the CIM’s report, particularly since Complainant brought the

inaccuracy of the Stated Clerk's email to the attention of the Presbytery at the beginning of the meeting. We conclude that the Stated Clerk's error was harmless error as to the outcome of the vote, although understandably it was not harmless to the feelings of the Complainant. It appears to be an error of the type for which a personal apology would be appropriate, and which should be accepted absent evidence of malice on the part of the Stated Clerk, which Complainant has not alleged. Finally, there is the issue of permitting former members of the CIM to have the last 5 minutes in debate. Presbyteries are free to structure debate on matters of this nature as they see fit within the governing rules, and we see nothing in the rules to prohibit this process as adopted by MOP.

C. Issue 3 –Did Missouri Presbytery erred when it acted to decline a proposal for debate at its December 7, 2019, meeting?

Complainant objects that MOP, at its October 15, 2019, meeting, voted down his proposal to consider at the December 7, 2019, called meeting the question of statements at Revoice 18 concerning the adoption of children by gay couples. He notes that the Complaint Review Committee that considered his July 8, 2019 Complaint (not the complaint at issue in this case, but the prior complaint) stated in its report that it agreed with Complainant “that the MOP owes a clearer statement to the church in relation to its views on non-traditional adoptions and especially adoptions by actively homosexual ‘married’ couples.” (quoting report of MOP's Complaint Review Committee). He also emphasizes the comments of one invited guest at a Revoice 18 workshop who stated that she was “thrilled” to see gay couples adopting children. However, as detailed in the Complaint, the CIM apparently spoke with the leader of the workshop in question, who said that “the comment was made in the context of talking about whether it was better to leave unadopted children in the state foster care system until they ‘age out’ of it, or be in favor [of] allowing gay couples to adopt them.” (quoting CIM report). The CIM report went on to state that “[W]hile we can understand how someone might take a comment like that to be a general endorsement of gay couples adopting children, we consider it unwarranted to construe an off-hand remark, made in the context of that very particular conversation – and by only a guest of the speaker – as an endorsement made by the workshop and thus by Revoice.”

We are sympathetic to Complainant's desire for his Presbytery to consider an important issue raised by a comment made by a guest at a Revoice 18 workshop. However, that is insufficient reason for us to order a presbytery to take up a question of this nature. If Complainant had shown that adoption was a central issue of Revoice 18, or even that multiple speakers had spoken in

favor of it, we would want to know why MOP did not include that issue in its 9 Theological Judgments. But that is not the case. One comment by one guest of a speaker at a conference, taken out of context, is not enough to require a theological determination by a presbytery.

D. Amends

This matter is remanded to MOP Presbytery with instructions that it “hold a new hearing” (*BCO* 43-10) which need focus only on the following matters: “What steps must MOP take to make clear to the broader Church the errors that were identified in Presbytery’s various investigations with regard to some of the teachings at Revoice 18, particularly with regard to Theological Judgments 2, 3, and 5, and what steps must MOP take to fulfill its responsibilities to protect the peace and purity of the broader Church under *BCO* 11-3, 11-4 and 13-9(f) in light of those errors?”

In its new review, we encourage Presbytery to consider interacting with the May 2020 Report of the General Assembly’s Ad Interim Committee on Human Sexuality and how specific statements of some speakers at Revoice 18 may have differed from the propositions in that Report. We understand the AIC Report had only been published for two months when Presbytery declined to sustain this Complaint, and we recognize the Report does not have Constitutional status.

The Statement of the three Issues, the Judgments on Issues 2 and 3, and the Reasoning for Judgments 2 and 3, are largely as they were proposed by the Panel, as drafted by RE John Pickering, and amended and approved by the Panel. Judgment 1, the Reasoning for Judgment 1, and the Amends are largely as they were proposed as a substitute by TE Guy Waters and RE Frederick Neikirk.

The SJC adopted amendments to several parts and adopted the final decision on the following roll call vote:

| | | |
|-----------------------|-------------------------|--------------------------|
| Bankson <i>Concur</i> | M. Duncan <i>Concur</i> | Neikirk <i>Concur</i> |
| Bise <i>Concur</i> | S. Duncan <i>Concur</i> | Nusbaum <i>Concur</i> |
| Cannata <i>Concur</i> | Ellis <i>Concur</i> | Pickering <i>Dissent</i> |
| Carrell <i>Concur</i> | Greco <i>Concur</i> | Ross <i>Concur</i> |
| Chapell <i>Concur</i> | Kooistra <i>Concur</i> | Terrell <i>Concur</i> |
| Coffin <i>Dissent</i> | Lee <i>Concur</i> | Waters <i>Concur</i> |
| Donahoe <i>Concur</i> | Lucas <i>Concur</i> | White <i>Concur</i> |
| Dowling <i>Concur</i> | McGowan <i>Concur</i> | Wilson <i>Concur</i> |
| (22-2-0) | | |

**CONCURRING OPINION
of RE Howie Donahoe**

I write to explain the extent of my concurrence, with reasons, and my understanding of the Decision. Note, however, a Concurring Opinion is not, by any means, an authoritative interpretation of any Decision.

1. The Panel's Proposed Decision - When a case comes to the SJC, a three-judge panel is randomly drawn to conduct the hearing and draft a proposed decision. In our present Case, I regarded the reasoning in the Panel's proposed decision to be some of the finest writing and clearest argumentation I've read in my 23 years on the court. I hope some of that reasoning will appear in a dissenting opinion. I agreed with the Panel's proposed judgments on each of Presbytery's six Theological Judgments ("TJs"), and for the reasons provided by the Panel.

The Panel addressed the allegations of error as specifically stated and characterized in the Complaint. That was a fair and reasonable approach. The final SJC Decision, however, dug deeper to address underlying criteria, which wasn't necessarily required to adjudicate the Complaint, but it wasn't Constitutionally prohibited either. I simply agreed it was reasonable for the SJC to remand for Presbytery to consider whether the errors already identified by its several committees (CIM, CRC1, CRC2) "[tended] to the injury of the peace, purity, or progress of the Church" (the "TIPPPC" criteria, *BCO* 11-4). Such errors might not have been identified as such because Presbytery ultimately applied the narrower "strikes at the vitals of religion" criteria when adopting the six TJs (the "SVR" criteria, *BCO* 34-5). This scenario might be akin to hiring a home inspector to assess all the major systems (plumbing, HVAC, electrical, foundation), and though he judged all those were working properly, he didn't comment on some of the leaks in the roof even though he noticed them.

2. SJC Standards of Review - I was not initially supportive of the judgment offered as a substitute for the Panel's proposed judgment on Issue 1, because I thought it raised an issue not raised by the parties, which is something ordinarily restrained by *BCO* 39-3.1 (below). Subsequently, however, I came to a different view.

BCO 39-3 ... To insure that this Constitution is not amended, violated or disregarded in judicial process, any review of the

judicial proceedings of a lower court by a higher court *shall* be guided by the following principles:

1. 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. ... (Emphasis added.)

Some might contend the review limitation of *BCO* 39-3.1 allows no exceptions. But the *BCO* ordinarily recognizes an important distinction between “should” and “shall.” In the *BCO* excerpt above, those different words are used in adjoining sentences and it’s hard to imagine that textual choice was accidental. The review principles in *BCO* 39-3, sections 1-4, are meant to ensure our Constitution is “not amended, violated, or disregarded in judicial process.” It follows that an overly-strict adherence to only matters raised by the parties could create the very damage *BCO* 39-3 is designed to prevent.

More importantly, and directly related to this present Case, the question about proper Constitutional criteria is not a new or separate *issue*, per se, but simply a *reason* for the SJC finding a procedural defect in reaching the six TJs. Addressing an unraised-but-critical procedural matter is different than raising a new issue.⁵⁸

While the following is not a perfect illustration, it might help. Let’s say a church member is convicted at trial by his Session, and he appeals to Presbytery. In adjudicating the appeal, the Presbytery declines to “hold a hearing” and denies the appeal based on the Record sent up by the Session, which failed to include the trial transcript (contra *BCO* 42-8 and 34-7). The SJC might be hesitant to overrule the Session and Presbytery on the merits of the conviction but sustain the appeal nonetheless and remand for a new hearing based on Presbytery’s significant Constitutional and procedural mistakes - regardless of whether the appellant raised the questions in his appeal carried to the SJC.

Another example that might pertain occurred 18 years ago in Case 2001-32. A session denied “John Doe’s” complaint, he carried it to the Presbytery, and it sustained his complaint on the merits. The Session then carried a complaint to the SJC against Presbytery’s decision. But the SJC declared the matter judicially out-of-order on the procedural grounds that Doe had filed his

⁵⁸ It’s also worth noting the Complainant himself used the SVR criterion in his Complaint and in his Brief, and repeatedly asked the SJC to declare that certain teachings at R18 “struck at the vitals of religion.”

complaint with the Session *one day* after the filing deadline in *BCO* 43-1. Nobody had ever raised the *BCO* 43-1 matter, but the SJC apparently did not interpret *BCO* 39-3.1 as prohibiting it from reaching to that Constitutional breach as its reason to rule it out-of-order. And even though the SJC’s ruling was procedural, it essentially annulled Presbytery’s judgment and rejected Doe’s original complaint against the Session, despite the Session adjudicating it, and Presbytery sustaining it. (The SJC ruling came 24 months after Doe filed his original complaint with the Session.)⁵⁹

More recently, at the SJC’s March 2022 meeting where our present Case was decided, the SJC ruled a complaint judicially out-of-order because the record showed the complainant did not have standing, and this was *after* his Presbytery had adjudicated his complaint without raising the Constitutional irregularity. (Case 2021-07 *RE Acree v. TN Valley*). With reference to *BCO* 39-3.1, I understand the present Decision to be akin to the examples above.

3. “Revoice 18” - Both the Complaint and Presbytery’s six TJs used phrases like “the teaching of Revoice 18” or “Revoice 18’s use of” This could lead some to think Presbytery was evaluating *an organization* rather than allegations about teachings of individuals at a conference sponsored by that organization. Some statements in the Complaint and in Presbytery’s TJs seem to speak as if R18 was a document or an entity, rather than a collection of different speakers. The SJC Decision is more careful by providing this footnote on page 7: “In several places in this Reasoning, for the sake of brevity, we use the phrases, ‘the teachings of Revoice 18’ or ‘the teachings of Revoice.’ By those phrases we mean the teaching of *some* of the speakers at the Revoice 18 Conference.” (Emphasis added.) It’s reasonable to assume that some things said by speakers at R18 might not have been officially-adopted statements or positions of what was then a relatively new organization, and that the organization’s board may have subsequently adopted official statements or positions on some of these matters. I understand the Complaint only references teachings at the July 2018 conference, but the broader church (and the TIPPPC criteria) might warrant Presbytery also interacting with any subsequent official statements of the organization. And it would seem any

⁵⁹ *Session of Christ Covenant v. Central Carolina*, M31GA, p. 107. This was decided five years *after* the 25th GA added *BCO* 39-3 standards of review at the Colorado Springs GA in 1997. While the Ad Interim Committee on Judicial Procedures (which proposed *BCO* 39-3 in a multi-recommendation, single package to the Ft. Lauderdale GA in 1996) might have intended the new standards of review section to preclude what the SJC did in our present Case, the members of the SJC five years later did not interpret *BCO* 39-3.1 that way. (M24GA, p. 97; M25GA, p. 116; M31GA, p. 107)

official statements in place today might be more pertinent to the broader church than any teachings from July 2018 that might be judged as TIPPPC.

It's also important to realize the SJC judges were not required to review any of the seminar videos from R18. We have no jurisdictional responsibilities for that conference, and more importantly, none of them were in the Record of the Case, nor was the SJC required or asked to take judicial notice of them. SJC Vow 4 requires us to affirm the following: "I will judge according to the Constitution of the PCA, through my best efforts applied to nothing other than the record of the case and other documents properly before me."

4. Amends - I don't interpret this Decision to say Presbytery must conduct a new investigation to apply the TIPPPC criteria (just like the home inspector doesn't need to return to the house.) Presbytery can simply review and express some or all the critiques previously offered by its various committees, assuming it deems them valid and if they reasonably trigger concern under the TIPPPC criteria. While the Decision doesn't also suggest the following, it might help if Presbytery cited parts of its own 49 "Affirmations and Denials on Sexuality," which was in the Record of this Case. For the members of the Memorial Presbyterian Church and the members of the PCA, what this Presbytery believes and teaches is probably more clearly and accurately reflected in Presbytery-adopted statements like the A&Ds rather than in any critique of some person's teaching at a conference four years ago.⁶⁰

The Amends also instruct Presbytery to "[take] steps ... to fulfill its responsibilities to protect the peace and purity of the broader Church ... in light of those [TIPPPC] errors" previously identified by MOP Committees. While the SJC was not obligated to define those "steps," it could have. And it's quite possible different SJC judges might have different things in mind. To be frank, it's sometimes easier for judges to reach agreement on language when the language seems to have some flexibility. Ultimately, however, whether Presbytery's response results in greater peace in the broader church is not solely its responsibility. Maintaining peace is a two-way street (or, better yet, an eight-lane highway).

This Concurring Opinion was written by RE Howie Donahoe and joined by TE Ray Cannata.

⁶⁰ It's worth noting the 47th GA's AIC Report was published four months *after* TE Speck's January 2020 Complaint was filed with Presbytery, and the Presbytery adopted the 49 A&D's five months *after* that same January filing. https://drive.google.com/file/d/197ZR63Fg_TCwOswHjjz7II2JaF1O7mjl/view

DISSENTING OPINION
Of RE John D. Pickering,

I dissent in the Judgment as to Issue 1 and concur in the Judgments as to Issues 2 and 3.

The Court holds that MOP applied the wrong standard in its search for erroneous teaching at Revoice 18, pointing to MOP's emphasis on "[h]eresy and schism...that strike at the vitals of religion and are industriously spread" as set forth in *BCO* 34-5. Court Opinion at 7, lines 12-13. Instead, MOP should have applied the standards in *BCO* 11-3,4 and *BCO* 13-9(f), which permits courts to resolve questions of doctrine, maintain truth and righteousness, and condemn erroneous opinions and practices which impinge on the purity and peace of the church. Because it "unnecessarily restrained itself by the incorrect criteria for review that it opted to follow," it "did not take adequate action with respect to the errors that it had identified." Court Opinion at 8, lines 34-36. In other words, MOP was hunting for the trophies of heresy and schism while passing over the lesser game of erroneous opinions.⁶¹ Significantly, though, the Court does not hold that the erroneous opinions voiced at Revoice 18 rise to the level of heresy and schism that strike at the vitals of religion. If the Court held that view, it would have been unnecessary to comment on the standard of review employed by MOP in order to justify the Court's decision. There simply were no trophies to be had on this hunt.

In any case, I am unconvinced by the Court's "cumulative impact" approach. The Court's view is that "disposing of the allegations by dealing with each one as a separate entity" misses the fact that the "cumulative impact of those errors could and did add up to a major concern." Court Opinion at 11, lines 8-11. Or, as the saying goes, "the whole is greater than the sum of its parts." But in some cases, taken literally, that could mean that $2 + 2 = 5$. I believe the Court has arrived at the wrong answer to the equation, at least with respect to MOP Theological Judgments 1, 3, and 9.

⁶¹ While I agree with the Court's analysis of the correct standard of review to be applied by presbyteries in cases of this nature, I note that the Complainant neither raised this issue in his Complaint nor at oral argument. TE Coffin's dissent, in which I join, explains the significance of this fact.

Standard of Review for This Court

Regardless of the standard of review MOP should have used, this Court is obliged to consider the factual issues in this case under the standards of review set forth in *BCO 39-3*, which call for “great deference to a lower court regarding those factual matters which the lower court is more competent to determine, because of its proximity to the events in question, and because of its personal knowledge and observations of the parties and witnesses involved.” This Court is not permitted to reverse a lower court’s factual findings “unless there is clear error on the part of the lower court.” Thus, with respect to facts determined by the lower court and reflected in the Record of the Case, clear error is our standard of review.

On the other hand, we are not required to defer to the lower court “when the issues being reviewed involve the interpretation of the Constitution of the Church.” With respect to such issues, we are to interpret and apply the Constitution according to our “best abilities and understanding, regardless of the opinion of the lower court.” This standard applies to questions of law, as opposed to questions of fact.

We face pure questions of fact on some issues and pure questions of law in the remaining issues. For example, some of CIM’s theological judgments include *factual findings* about what was actually taught at Revoice 18, and some contain *determinations of law* as to whether what was taught violates our Constitution. We must defer, absent clear error, to the lower court as to the factual findings about what was actually taught, which is decisive for some issues, but we are not required to defer to the lower court as to the constitutional application of those facts where such application is at issue. If, for example, MOP determined that a speaker at Revoice 18 taught that the world is flat, we would have to defer to that finding of fact regarding what was taught unless the Record of the Case contained clear and direct evidence that the speaker taught otherwise. But if MOP also determined that flat-earth teaching is consistent with our Constitution, we would be free to apply our own abilities and understanding to determining whether that is the case. I greatly regret that the Court did not examine each specification of error concerning our appropriate standard of review, as I believe it would have provided a more credible path to the Court’s result, a result with which I might have been able to concur as to MOP Theological Judgments 2, 4 and 5.

Analysis of the Complainant's Six Specifications of Error Concerning the Theological Judgments of MOP

1. At its December 7, 2019, Called Meeting, did MOP err in approving six theological judgments (specifically, judgments #1-5 and #9) of CIM (the Committee to Investigate Memorial)?

A. MOP Theological Judgment 1 ("Origins of Homoerotic Desire")

This specification involves a pure question of fact. Complainant objects to MOP's adoption of the judgment that "the evidence does not demonstrate the allegation that Revoice 18 grounded homoerotic desire and actions in Creation rather than in the Fall." The only question at issue is where Revoice 18 grounded homoerotic desire and actions. If MOP were to argue that it is permissible under our Constitution to ground homoerotic desire in Creation, we would have a question of law to decide, but that is not the case. Thus, absent clear error on MOP's part established in the Record of the Case, this Court should defer to MOP's decision on this specification.

Complainant admits in his Complaint that "Revoice 18 speakers and writers say plainly that homoerotic desires do not arise from creation but from the Fall" (Complaint at 2) and that such speakers "clearly said (that it believes homoerotic desire is sinful and grounded only in the Fall)." (Complaint at 3). His argument is that the Revoice 18 speakers' other teachings are inconsistent with this theological position. In terms of our flat-earth analogy, having admitted that the world is round, the speakers go on to assert the inconsistent proposition that, if one sails too far, one will fall over the world's edge. Complainant raises valid questions about some of the arguments voiced at Revoice 18, but, in my view, none sufficient to demonstrate clear error on the part of MOP, especially since most, if not all, of Complainant's arguments were reasonably addressed in the CRC Report at pages 7-9.

B. MOP Theological Judgment 2 ("Terminology")

This specification argues against the judgment that "terms like 'gay,' 'sexual orientation,' 'queer,' 'sexual minorities,' etc., are not always or necessarily unbiblical; and therefore that Revoice 18's use of the terminology in question, though confusing to some and potentially unwise, was not a grave and serious doctrinal error." There is no dispute over whether terms such as those listed were used at Revoice 18; the only issue here is whether the use of such terms is "always or necessarily unbiblical" when used as they were used at Revoice

18. That is a question of law under our Constitution; hence, no deference to the lower court is required.

Complainant does not object in principle to the use of these terms by Christians in all contexts, or as descriptors of specific sins or temptations to sin. His argument is more specific. He stated in his Complaint that the use of these terms at Revoice 18 necessarily carried with it “the underlying assumption of some sort of intrinsic goodness inherent in the gay orientation. . . . [T]his language of ‘gay Christian’ necessarily implies a proper and good quality of ‘gayness’ that could endure into Heaven itself.” To the extent that Complainant’s argument is that speakers at Revoice 18 really meant more than they said on the surface, it is an argument about facts and an area in which this Court should defer to the lower court absent clear error in the Record of the Case. But, as noted above, this issue is best classified as a question of law – does the use of the terms in question, in the context in which they were used, violate our Constitution? I would find that it does not, at least in the context in which the terms were used in this case.

The problem is one of definition of terms. As the CRC Report explains, the meaning of the term “gay” and other like terms when associated with “Christian” differs from speaker to speaker. CRC Report at 12; *see also* Appendix 2 to CRC Report. That meaning may even be shifting in the English language. It seems apparent from the Record that different speakers at Revoice 18 may have intended different meanings in the use of these terms. Complainant disagrees, arguing that that “[t]he Church has a right to understand ‘gay’ and ‘LGBT’ and ‘sexual minority,’ etc., as referring to a group of people who identify as such and live out this lifestyle” (emphasis added). But Complainant cites no authority for the Church’s alleged right to define these terms for the people using them.

This specification of error is really a conflation of issues raised in other specifications of error. For example, the only specific instance cited in Complainant’s brief of a speaker at Revoice 18 advancing a view that clearly carries with it a problematic meaning for “gay” is the same instance used to support Specification of Error 1.C. (The Gay Beneath the Gay). *See* Complaint’s Brief at 3; *see also* subsection C. below. I believe that issue is more properly dealt with in 1.C., which addresses it directly. His other examples are from written works by Revoice 18 speakers, but they are not from statements made at the conference. Those examples may inform worrisome statements by those authors made at the conference, but Complainant does not cite any such statements. But, setting all this aside and

assuming for purposes of argument that some speakers at Revoice 18 used terms like “gay” in a manner that violated our Constitution, it is not clear why that is a problem. Surely the peace and purity of the church can withstand civil discussion of a timely theological issue at a conference convened in part for that purpose?

And yet, caution is certainly in order. The CRC Report expressed reservations about the insufficiency of the wording of the judgment in its lack of caution concerning the careful use of “gay” and like terms, and MOP followed the CRC Report’s recommendation in adopting four general principles along with the judgment to be utilized within the Presbytery when discussing these issues. As expressed in the Report:

1. Go overboard in defining your terms AND your beliefs about homosexual desires.
2. Seek to employ the least controversial terms in the widest public settings.
3. In general settings, such as a worship service, it may be best to refrain from using terminology that requires multiple layers of complex distinctions.
4. Employ the full orbbed principles of the weaker brother.

Minutes of the Stated Meeting of MOP (July 21, 2020), at 7. I commend these principles along with this statement quoted in the CRC Report from the PCA’s *Ad Interim Committee on Human Sexuality*:

Nevertheless, we recognize that some Christians may use the term “gay” in an effort to be more readily understood by non-Christians. The word “gay” is common in our culture, and we do not think it wise for churches to police every use of the term. Our burden is that we do not justify our sin struggles by affixing them to our identity as Christians. Churches should be gentle, patient, and intentional with believers who call themselves “gay Christians,” encouraging them, as part of the process of sanctification, to leave behind identification language rooted in sinful desires, to live chaste lives, to refrain from entering into temptation, and to mortify their sinful desires.

(Report of the PCA’s *Ad Interim Committee on Human Sexuality*, page 10, lines 12-19, as quoted in CRC Report at 12.)

Finally, implicit in this specification of error is the concept that Memorial endorsed all the views taught or offered at Revoice 18, an argument made explicit in Specification of Error 1.F. concerning the statements of a Roman Catholic speaker at the conference. If Revoice 18 speakers had used terms like “gay” in a manner that would violate our Constitution, Memorial’s primary error would appear to be failing to warn its congregation that not all speakers at the conference should be presumed to be reliable teachers of sound doctrine, not necessarily in permitting the speakers to participate in the conference.

Although it is admittedly a close question, for the reasons explained above, I would hold that Complainant has failed to demonstrate that the use of the terms in question at Revoice 18 violates our Constitution.

C. *MOP Theological Judgment 3 (“The Gay Beneath the Gay”)*

This specification takes issue with MOP’s judgment that “the evidence was such that this question as to whether a ‘gay beneath the gay’ exists could not have been judged to be a key teaching of Revoice, but continues to have the potential for becoming a grave and serious error if it begins to play a more central role, and thus we exhort those involved with Revoice to consider our position on this matter.” Like the first specification, this one involves a pure question of fact – is there sufficient evidence in the Record of the Case to support MOP’s judgment that the existence of a “gay beneath the gay” was not a key teaching of Revoice 18? I would find that such evidence exists. As explained in the CRC Report, only one Revoice 18 speaker could be found to broach this subject directly, and even she may not be an advocate of the view. CRC Report at 16-17. Complainant believes this view underlies much of what was taught at Revoice 18, but MOP concluded otherwise, and Complainant has failed to show that MOP committed clear error in doing so. Thus, I would defer to MOP’s conclusions on this issue.⁶²

D. *MOP Theological Judgment 4 (“Gay Identity”)*

⁶² This specification of error is in some sense the opposite side of the coin that is specification of error 1.A. If same-sex attraction were grounded in Creation and not the Fall (a view inconsistent with our Constitution), then presumably the positive attributes associated with it could be celebrated as the “gayness beneath the gay.” In that sense, specifications 1.A. and 1.D. are the same. Said differently, a theory of the “gay beneath the gay” would likely violate our standards because same-sex attraction is grounded in the Fall, not in Creation. But Missouri found that a positive creational view of “gay beneath the gay” was not taught at Revoice 18, and I do not see sufficient factual evidence in the Record of the Case to reverse that factual finding.

This specification argues against MOP's judgment that it is not a grave and serious error "to claim something which can be traced to our sin nature as *in any sense* a part of our 'identity,' of [*sic*] part of 'who we are,' as Revoice does with being [same-sex attracted]." The judgment also included the following statement of application: "[T]he core question is not: 'Is that which rises from sin part of who you are?' but rather: 'What are you *doing* with all the broken parts and places of who you are?'" Like the second specification, this one raises a constitutional question, not a factual question. There is no real dispute over whether some Revoice 18 speakers and teachers used terms like "gay" as an identity marker.

Not surprisingly, nothing in our Constitution prohibits a Christian, in any circumstance, from making known that he or she is persistently tempted by a particular sin. Complainant's argument, of course, goes deeper, and says that use of terms like "gay" in connection with one's identity "describ[es] or modif[ies] his Christian identity." Complaint at 7. The core of the argument is that the label being used describes not only the particular Christian, but Christianity's moral doctrine concerning same-sex attraction. "I am gay, and I am a Christian," or its equivalent, according to the argument, always and necessarily becomes an affirmation of same-sex attraction (as opposed to same-sex sexual activity) as a morally neutral characteristic of some people. Complainant's comparisons to a physical handicap like blindness illustrate this point; Complainant (reasonably) objects to comparing same-sex attraction to a morally neutral condition like blindness *because* same-sex attraction is not morally neutral. I agree with Complainant on this point; same-sex attraction and blindness are not morally equivalent. However, although it is a close question on which there is room for disagreement, I do not agree that the Record of the Case supports the conclusion that the use of terms like "gay" as an identifier at Revoice 18 necessarily implies that the conference speakers and teachers hold or endorse a morally neutral view of same-sex attraction.⁶³

As with Specification of Error I.B. (Terminology), it appears that, if and to the extent that any speakers at Revoice 18 did teach a morally neutral view of same-sex attraction, Memorial's error was one of failing to caution its congregation about the likelihood of heterodox views being taught at the

⁶³ It is possible that I would reach a different conclusion on this issue if I listened to all the presentations made at Revoice 18, which I have not done. As RE Donahoe's concurring opinion points out, under our rules, the Court's decisions are to be made solely on the bases of what is contained in the Record of the Case, and neither recordings nor transcripts of the Revoice 18 presentations were contained within the record, although excerpts were quoted.

conference, not necessarily the sponsorship of the conference. But, as with I.B., I would not reach that issue, because I do not agree that it violates our Constitution “to claim something which can be traced to our sin nature as *in any sense* a part of our ‘identity,’ of [*sic*] part of ‘who we are,’” at least not as those concepts were expressed at Revoice 18 as reflected in the Record of the Case.

E. MOP Theological Judgment 5 (“Spiritual Friendship”)

This specification contends that MOP erred in concluding that Revoice 18 did not teach “that ‘quasi-romantic’ kinds of relationships are legitimate before God as long as explicitly sexual lines are not crossed” and in concluding that Revoice 18’s “entertaining publicly the possibility of celibate partnerships (and thereby implicitly commending them, even if unintentionally)” was an error of judgment rather than an error of doctrine. A key statement in this judgment was that “Memorial PC, through its pastor, TE Johnson, adequately warned in his Revoice 18 talk – and does generally, in his pastoral counsel – about the danger of friendships morphing into romances, stressing the importance of boundaries.” Complainant stresses the same dangers as Memorial and TE Johnson – the obvious peril of allowing a close personal relationship, particularly a one-on-one relationship, between two persons who are or may be sexually attracted to one another to become a sexual relationship. He points to Revoice 18 speakers who dwelt on the relationships recorded in the Bible between Ruth and Naomi, David and Jonathan, and Jesus and John as the basis for pledges of friendship between people attracted to the same sex. Complainant’s Brief at 6-7. In Complainant’s words, “This dangerous teaching encouraged lonely men and women to take fire into their bosoms – will they not be burned (Proverbs 6:27)?” Complaint at 8.

The wording of this judgment points toward a reading of it as a factual judgment, not a determination of law, as it focuses on what “Revoice leaders or speakers at Revoice 18 have taught.” However, I see no real dispute over what was said at Revoice 18 on this topic. The real dispute is over whether what was said, which all parties appear to agree was unwise at times and ran the risk of leading people astray, rises to the level of a constitutional violation. Complainant believes that it does, but MOP judged that the statements were errors of judgment, not doctrine. Although it is a close question, I would agree with MOP, primarily because our Constitution plainly does not prohibit close personal relationships between members of the same sex, and it does not contain a carve-out along the lines of “except for gay people.” The wisdom of focusing on the Biblical examples of these relationships at a conference like

Revoice 18, particularly without qualifying cautions, is a very different issue, as Memorial, TE Johnson, MOP, and Complainant all appear to appreciate. But that is not the issue before us. Just because something is a bad idea (or is executed in an unwise manner) does not make it a violation of our Constitution.

F. MOP Theological Judgment 9 (“Roman Catholic Speakers”).

This specification rejects MOP’s judgment that “although Memorial erred in failing to make clear to their congregation our doctrinal differences with Roman Catholicism before and after the Revoice 18 conference, it did not err in allowing Roman Catholics to speak in their church building under the aegis of Revoice, an outside organization” This issue presents a pure constitutional question – may a PCA church allow a Roman Catholic to speak in its church building in a context like the Revoice 18 conference? Complainant provides a description of that context:

When a church hosts a conference, advertises that conference amongst its membership, calls one of the conference speakers to fill its pulpit on the following Lord’s Day, and agrees to have its own senior pastor speaks [sic] at that conference, the host church is commending that conference to its members. This necessarily implies that the speakers at this conference are generally trustworthy and orthodox speakers.

Complaint at 10. I agree with Complainant’s first sentence. It is not credible to argue that Memorial did not commend Revoice 18 to its members. I do not necessarily reject the second sentence, unless the church explains to its members in some reasonable fashion that one or particular speakers, or possibly all of them except for the church’s senior pastor and other named speakers, should not be uncritically considered as generally trustworthy and orthodox. For example, a church might host a conference on serving the needs of the poor and invite speakers with varying backgrounds and perspectives, including unbelievers and Marxists. But a reasonable caution of some kind to the church’s membership would be in order. That is precisely what MOP said in its judgment – “Memorial erred in failing to make clear to their congregants our doctrinal differences with Roman Catholicism before and after the Revoice 18 conference.” I take no position on exactly how such cautions should be communicated, as that will differ according to time and place. But I agree with MOP that Memorial erred in this way.

Complainant does not appear to be arguing (and the Court’s opinion should not be interpreted to hold) that no Roman Catholic may speak in a PCA church

building under any circumstances. His objection is limited to the context of this particular conference. He emphasizes the particular relevance of the Roman Catholic doctrine of concupiscence, the teaching that the appetite for sin, although the effect of sin, is not itself sinful unless consented to and acted upon. At least one Roman Catholic Revoice 18 speaker apparently characterized this view as a “traditional Christian ethic.” Obviously, in light of the other issues already discussed in this opinion, the Roman Catholic doctrine of concupiscence (which is contradicted by our Constitution (*see, e.g.*, WCF 35; WSC 18; James 1:14-15)) could be used to support a morally neutral view of same-sex attraction. I believe this danger illustrates the need MOP identified for the importance of a session making its congregation aware that non-PCA views will likely be presented at a conference being hosted by the church. I do not believe that it compels us to conclude that Memorial violated our Constitution by hosting Revoice 18 or that MOP did so through this judgment.

I am particularly troubled by the Court’s cumulative approach as it attaches to this issue. Were the Court’s opinion to be read too broadly, it could easily be misunderstood to prohibit any Roman Catholic from ever addressing a group of people in a PCA church building on any matter of faith. I do not believe that is at all what the Court intends, but I also believe that, had the Court considered each specification of error individually, it would have answered this one in the negative.

A Note on the Court’s Amends

Although I dissent from the Court’s decision, I am not troubled by the Amends required by the Court, which fall well short of Complainant’s requested prosecution of TE Greg Johnson and Memorial. Complaint at 14. The Amends focus on MOP’s responsibility to “make clear to the broader Church the errors that were identified in Presbytery’s various investigations with regard to some of the teachings at Revoice 18.” All parties appear to agree that there were errors taught at Revoice 18, and additional clarity regarding those errors should benefit us all. I am hopeful that MOP’s efforts in response to the Court’s decision will contribute to the peace and purity of the Church.

This dissenting opinion was written by RE John D. Pickering and joined by joined by TE David F. Coffin, Jr.

**DISSENTING OPINION
of TE David F. Coffin, Jr.**

I dissent from the decision of the Standing Judicial Commission (SJC) to sustain the above cited Complaint in Issue 1.

The SJC sustained the Complaint in Issue 1, in part, because of the Commission's objection to the significant error made by CIM at the outset of their investigation, an error acquiesced in by Presbytery in their reception of CIM's report.

CIM was assigned to undertake a *BCO* 31-2 investigation of TE Greg Johnson and a *BCO* 40-5 investigation of the Session of Memorial. The standard governing such investigations are clearly set forth in each: *BCO* 31-2, whether the investigation discovers "a strong presumption of guilt" with respect to "reports affecting their Christian character"; *BCO* 40-5, whether the investigation discovers "any important delinquency or grossly unconstitutional proceedings". However CIM believed that the *BCO* implicitly allowed the Committee to set aside the standards above and put in place a standard of their own invention. That is to say, CIM took a standard treating the censure of deposition at the conclusion of a guilty verdict at trial in *BCO* 34-5, i.e., "errors [that] . . . strike at the vitals of religion and are industriously spread," and made that the standard for their pre-trial investigation of both TE Johnson and the Memorial Session. This was a profound error, and would have led to harmful consequences, had it not been for Missouri's subsequent deliberations in the matter, which largely abandoned the CIM invention in favor of the appropriate *BCO* standards as set forth above.

That being granted, the SJC had no right to sustain the Complaint on an issue never raised by the Complainant. *BCO* 39-3.1. plainly states: "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." No party raised the issue of CMI's error, certainly not the Complainant. TE Speck was a member of CMI and participated in its formulation of the erroneous standard. He never raised or recorded an objection, in any of the many hearings before Presbytery or its committees, but rather used the standard in his submissions, arguing that the evidence for the Complaint showed the invented standard had been met. One can see this, for example, in the text of the Complaint filed with Presbytery:

MOP's consideration of the CIM Report's Judgments concluded with MOP re-affirming its positions on such areas

as homosexuality, homosexual identity, and same-sex attraction, namely: “We do not believe that doctrinal positions contrary to the Scriptures and our confessional standards were advanced at Revoice 18. . . .” Complainant contends that MOP erred grievously in vindicating the teachings of Revoice 18, *errors that strike at the vitals of religion and will cause significant harm* to the peace and purity of the Church. [Emphasis added.]

The Record of the Case shows that every party to this case employed the faulty standard multiple times without any hint of doubt as to its legitimacy.

Faced with this reasoning, in the SJC’s debate concerning its decision, an argument was raised to counter it that was apparently persuasive. It was urged that “should,” in the *BCO*, refers to a procedure that is highly recommended and will ordinarily be followed, the exception being only in unusual circumstances. On the other hand, it was alleged, “shall” in the *BCO* refers to a required procedure that must be followed in every circumstance. In light of this alleged interpretive rule, in debate on the substitute in this case, the SJC was plausibly urged that *BCO* 39-3.1 says “should” rather than “shall,” and therefore compliance was only a matter of wisdom, in most cases, but can be set aside at will.

It might be nice if there were such a clear, handy, rule. Unfortunately, that rule is in no place adopted and published in our governing documents, and in many and important instances, the *BCO* does not “recognize” such a rule and uses the word “should” in a well-established grammatical sense, a sense that can only be discovered contextually, not by rule. Woodenly following the above-mentioned rule would lead to disastrous misinterpretations of the Constitution of the PCA.

One must remember that in the English language “should” is a modal verb that is used for a variety of purposes: 1. giving advice, suggestion, or recommendation; 2. predicting the future and talking about expectations; 3. expressing an order, obligation, or instruction (e.g., “All visitors should pay the fee beforehand.”); and 4. advising not to do something. The *BCO* of the PCA regularly uses the word “should” in the third sense. A few important instances will suffice to make the point. A helpful test is to consider, in its context, whether “should” could be modified by “most often” and still preserve the sense of the rule. Emphasis is added throughout.

2-3. “It is according to scriptural example that the Church *should* be divided into many individual churches.”

4-5. “Churches without teaching elders ought not to forsake the assembling of themselves together, but *should* be convened by the Session on the Lord's Day. . . .”

5-2.c. “Should it become necessary, the Presbytery may dissolve the mission church. Church members enrolled *should* be cared for according to the procedures of 13-10.”

5-9. “A new church can be organized only by the authority of Presbytery.”

a. A Presbytery *should* establish standing rules setting forth the prerequisites that qualify a mission church to begin the organization process. . . .”

8-2. “He that fills this office *should* possess a competency of human learning and be blameless in life, sound in the faith and apt to teach. He *should* exhibit a sobriety and holiness of life becoming the Gospel. He *should* rule his own house well and *should* have a good report of them that are outside the Church.”⁶⁴

11-4. “For the orderly and efficient dispatch of ecclesiastical business, it is necessary that the sphere of action of each court *should* be distinctly defined. . . .”

12-1. “if there is only one ruling elder, he does not constitute a Session, but he *should* take spiritual oversight of the church, *should* represent it at Presbytery, *should* grant letters of

⁶⁴ N.B.: The *BCO*, in paraphrasing 1 Tim. 3:2–4, is using “should” for “must”: “2 Therefore an overseer *must* be above reproach, [*must* be] the husband of one wife, [*must* be] sober-minded, [*must* be] self-controlled, [*must* be] respectable, [*must* be] hospitable, [*must* be] able to teach, 3 not a drunkard, not violent but gentle, not quarrelsome, not a lover of money. 4 He *must* manage his own household well, with all dignity keeping his children submissive. . . . 7 Moreover, he *must* be well thought of by outsiders. . . .” [ESV; emphasis added]. Would our *BCO* be worded to relax the standard of Scripture? Of course not! It is using the word “should” in the perfectly acceptable grammatical sense of expressing an order, obligation, or instruction.

dismissal, and *should* report to the Presbytery any matter needing the action of a Church court. . . .”

14-1.11. “Each alternate *should* attend each meeting and fill any vacancy necessary to meet a quorum.”

16-3. “. . . And it is indispensable that, besides possessing the necessary gifts and abilities, natural and acquired, every one admitted to an office *should* be sound in the faith, and his life be according to godliness.”

19-7. “. . . The nature of the internship shall be determined by the Presbytery, but it *should* involve the candidate in full scope of the duties of any regular ministerial calling approved by the Presbytery. . . .”

20-2. “Every church *should* be under the pastoral oversight of a minister, and when a church has no pastor it *should* seek to secure one without delay. . . .”

21-4.b. “In all cases, he *should* be asked to indicate whether he has changed his previous views concerning any points in the Confession of Faith, Catechisms, and Book of Church Order of the Presbyterian Church in America. . . .”

24-1. “Every church shall elect persons to the offices of ruling elder and deacon in the following manner: At such times as determined by the Session, communicant members of the congregation may submit names to the Session, keeping in mind that each prospective officer *should* be an active male member who meets the qualifications set forth in 1 Timothy 3 and Titus 1.”

34-3. “If any one knows a minister to be guilty of a private offense, he *should* warn him in private. But if the offense be persisted in, or become public, he *should* bring the case to the attention of some other minister of the Presbytery.”

35-6. “. . . If, however, at any time a witness should present himself before a court, who for conscientious reasons prefers

to swear or affirm in any other manner, he *should* be allowed to do so.”

All this notwithstanding, the crucial instances for this Dissent are found throughout *BCO 39-3*.

39-3. “. . . To insure that this Constitution is not amended, violated or disregarded in judicial process, any review of the judicial proceedings of a lower court by a higher court shall be guided by the following principles:

1. 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. Further, the higher court *should* resolve such issues by applying the Constitution of the church, as previously established through the constitutional process.
2. A higher court *should* ordinarily exhibit great deference to a lower court regarding those factual matters which the lower court is more competent to determine, because of its proximity to the events in question, and because of its personal knowledge and observations of the parties and witnesses involved. Therefore, a higher court *should* not reverse a factual finding of a lower court, unless there is clear error on the part of the lower court.
3. A higher court *should* ordinarily exhibit great deference to a lower court regarding those matters of discretion and judgment which can only be addressed by a court with familiar acquaintance of the events and parties. Such matters of discretion and judgment would include, but not be limited to: the moral character of candidates for sacred office, the appropriate censure to impose after a disciplinary trial, or judgment about the comparative credibility of conflicting witnesses. Therefore, a higher court *should* not reverse such a judgment by a lower court, unless there is clear error on the part of the lower court.
4. The higher court does have the power and obligation of judicial review, which cannot be satisfied by always deferring to the findings of a lower court. Therefore, a higher court *should* not consider itself obliged to

exhibit the same deference to a lower court when the issues being reviewed involve the interpretation of the Constitution of the Church. Regarding such issues, the higher court has the duty and authority to interpret and apply the Constitution of the Church according to its best abilities and understanding, regardless of the opinion of the lower court.

To relieve the reader from a proliferation of needless argumentation, I will simply assert, without fear of contradiction, that this Court has, with perfect consistency, interpreted “should” in this provision, to have the sense of “must.” With respect to principles 2 and 3 the Court has repeatedly noted that under these standards the higher court *is required* to defer unless there is a showing of clear error.

However, a close reading of principle 1 is demonstrative: “A higher court, reviewing a lower court, *should* [most often?] limit itself to the issues raised by the parties to the case in the original (lower) court. Further, the higher court *should* [most often?] resolve such issues by applying the Constitution of the church, as previously established through the constitutional process.” Clearly such a construction in the *second* part of the principle would lead to a profound failure to grasp our Constitutional order. Just as clearly, the sense of the word does not shift in the two sentences. In each case, contextually, “should” can only be properly construed as “must.”⁶⁵

Thus it is that, for what were doubtless the best of intentions, the SJC violated the *BCO* in its decision to sustain the above cited Complaint in Issue 1. It is hard to overstate the importance of *BCO* 39-3.1. in its requirement that the SJC “limit itself to the issues raised by the parties to the case in the original (lower) court.” Before this provision was adopted, it was possible for judges to raise matters unrelated to the issues brought before the court, and thus use the case to advance, not the litigant’s, but their own favored causes. This possibility was a serious threat to the integrity of the SJC as an appellate court. In my

⁶⁵ Of course nothing asserted in this interpretation relieves an appellate court from the responsibility to enforce the obligations of the Rules of Discipline with respect to appellate proceedings and dismissing a case for failure to comply. These are formal *issues* that belong to the prerogatives of the appellate court, that in the nature of the case could not be raised by the parties, as compared to the material *issues* as raised by the parties, that limit the appellate court’s consideration. For the SJC these formal issues are addressed in the Court’s responsibility to consider whether a case is Administratively or Judicially in order.

judgment all members of the court must be vigilant to protect and uphold this principle.

Further, I note that the Complaint, in each of the specifications of Issue 1, is alleging specific doctrinal errors. The Panel's recommended decision asserted that each of those doctrinal errors were not proven from the ROC (with evidence from the Panel proposed in each instance), and thus denied the complaint. A substitute for the Panel's recommendation in Issue 1 sustained the complaint, ostensibly with respect to the doctrinal errors alleged, *but it does not even address the enumerated errors*. Upon the adoption of the substitute sustaining the Complaint, the SJC, without providing evidence, by implication declared that the doctrinal errors alleged *are* proven. In fact, the SJC's reasoning addresses only a number of instances where the presbytery grants that there were problems with Revoice teaching. But this evidence, however certainly available in the Record of the Case, simply does not sustain the Complaint *as set forth in Issue 1*. It does sustain another complaint that might have been, but was not, in fact, before the court.⁶⁶

This dissenting opinion was written by TE David F. Coffin, Jr. and joined by RE John D. Pickering.

CASE NO. 2021-03
COMPLAINT OF RE DONAVON. J. DEJONG
v.
SESSION OF VILLAGE SEVEN PRESBYTERIAN CHURCH
DECISION ON COMPLAINT
March 3, 2022

I. CASE SUMMARY

This case came before the SJC on the Complaint of RE Donavon J. (DJ) DeJong against the Session of his church, Village Seven Presbyterian Church (V7PC) in Colorado Springs, Colorado, within the Rocky Mountain Presbytery (RMP). At issue are changes made to the governing structure and procedures of V7PC.

⁶⁶ For a full discussion and persuasive defense of this point, see RE Pickering's dissent, in which I join.