CASE No. 2023-11

MR. TIMOTHY PSIAKI
v.
PACIFIC NORTHWEST PRESBYTERY

DECISION ON COMPLAINT

March 7, 2024

I. SUMMARY OF THE FACTS

02/05/23 Annual officer elections took place at Covenant Presbyterian Church, Issaquah, WA. Complainant alleged that communing members under the age of 18 were present at the meeting but excluded from voting at the meeting, per the Congregation's by-laws.

02/17/23 Covenant Church Session notified the Congregation of the results of the officer election, identifying officers elected and announcing their ordination and installation during the morning worship service of 2/26/23.

02/26/23 At the Covenant Church morning worship service, the Session proceeded to ordain and install the previously elected officers.

04/17/23 Complainant filed his complaint with the Session alleging that the Session erred in installing officers who were elected in an unconstitutional manner through the exclusion of minor voters who were communicant members.

04/20/23 Session voted that the Complaint be rejected, following advice from a Presbyter from their Presbytery.

04/23/23 Session subsequently rules the Complaint out of order, claiming that it involved the same essential matter as SJC 2022-20 *Wilson v. Pacific Northwest Presbytery*.

05/2023 Complainant carried his complaint to Pacific Northwest Presbytery.

05/18/23 At the Stated Meeting of Presbytery, the Complaint was ruled out of order. No grounds were given for this action.

06/02/23 Complainant carried his complaint to the General Assembly.

08/09/23 The Complaint was assigned to a panel, consisting of TEs Sean Lucas (chairman), David Garner, and Paul Lee (alternate), and REs John Pickering (secretary) and John White (alternate).

12/13/23 The hearing was held via GoToMeeting before the panel. Mr. Psiaki represented himself. Presbytery was represented by TE Brant Bosserman.

II. STATEMENT OF THE ISSUE

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

III. JUDGMENT

Yes.

IV. REASONING AND OPINION

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

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

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

The Testimony of the *BCO*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

> 1984 - Constitutional Inquiry #9. From Texas Presbytery.
> Question: That the Presbytery ask the General Assembly's Permanent Committee on Judicial Business if a congregation may be permitted to set a minimum age for voting in view of BCO 6-2, 6-4, 24-3, 25-1 and 25-3.

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

[7] Ibid., p. 261.

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

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

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

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

[9] *M23GA*, pp. 244-245.

[10] *M24GA*, pp. 312-313.

[11] *M25GA*, p. 114.

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

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

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

The *BCO* and Voting Restrictions

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

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

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

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

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

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

Conclusion

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

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

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

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

CONCURRING OPINION

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

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

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

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

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

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

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

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

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

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

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

DISSENTING OPINION

Case No. 2023-11: *Mr. Psiaki v. Pacific Northwest*
TE Sean Lucas
March 8, 2024

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

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

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

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

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

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

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

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

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

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

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

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

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

TE Sean M. Lucas

DISSENTING OPINION

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

We write to dissent from today's Decision. We do not believe that our Constitution, as presently framed, supports an unqualified right to minor communicant members to vote in congregational meetings.

The Absence of Biblical Prescription

It always behooves us to first consider the Scriptural example regarding the right and practice of voting for officers. Acts 2 references Peter standing up "among the brothers (the company of persons was in all about 10)" and "they put forward" two men, choosing them by lot. The "they" presents some challenges of interpretation since there is textual evidence in Acts 1:13-14 that the company seems to have included the eleven, "the women" as well as "Mary the mother of Jesus and his brothers." Yet Peter's proposal in Acts 1:16, addressed as it is to the "Brothers" raises reasonable questions about who the selecting "company" was. Did "Brothers" include the entirety of the group? "Sisters" are not mentioned but it might be reasonably supposed that they would be included by that appellation and, particularly in light of the instant matter, one might also wonder whether children would be in view. Would the appellation "Brothers," typically include younger communicant children? It is not possible to conclude with certainty.

By comparison, in Acts 6, we find the twelve instructing the "full number of the disciples" to "pick out from among you seven men of good repute, full of the Spirit and of wisdom, whom we will appoint to this duty," meaning ordination to the office of Deacon. The text says that the group "chose" seven

men and "these they set before the apostles, and they prayed and laid their hands on them," again indicating that the "full number" agreed on a mode of selection. Again, we may fairly ask who exactly composed the "full number of disciples" in this context, bearing in mind that Acts 2:41 records that Jerusalem had at least "3,000 souls" who had become part of the body of believers in that city, which raises interesting challenges for understanding the exact mechanism for their choice. Acts 2:46 says that the church met in the temple courts (where there would have been many meeting spaces) but also "broke bread in their homes," suggesting a plurality of congregations in the single city. (Compare e.g. Paul traveling from "house to house" in Ephesus in Acts 20:20). Did the "full number of disciples" who "picked" the seven include communicant children? It is not possible to discern for sure.

Reasonable persons may differ about whether children admitted to the Lord's Supper participated in the selection of officers described in the above texts, and thus it is difficult to derive a strict Biblical prescription commanding a Scripture-grounded right in minor communicants to vote for church officers. Because our form of government is in conformity with the "general principles of Biblical polity," we recognize that not every detail of our polity is Scripturally decreed. (*BCO* 21-5) Minor communicant voting appears to be such an issue. Therefore in order to settle the question presented in this case, we are left to humbly contend with the words and meaning of our Constitution, recognizing that where the Scripture leaves liberty, our Constitution may grant liberty as well, while remaining ever subject to amendment to reflect such additional wisdom and correcting insight the Spirit of Christ grants the Church via Constitutional amendment to implement the best and most agreeable administration of our Biblical polity.

The Testimony of Our Constitution

Only two sections of our *Form of Government* demarcate the *grant* of congregational voting entitlement in our polity and therefore these two provisions are the polestar for navigating any conclusion about minor communicant suffrage rights in PCA congregational meetings:

- *BCO* 20-3 -- "All communing members in good and regular standing, but no others, are entitled to vote in the churches to which they are respectively attached" [this provision governs the election of pastors] and

- *BCO* 24-3 -- "All communing members in good and regular standing, but no others, are entitled to vote in the election of church officers in the churches to which they respectively belong" [this provision governs the election of ruling elders and deacons]

Amidst all the provisions of our Constitution, only these two unequivocally declare who is "entitled" to vote "in the churches to which they are respectively attached" and "the churches to which they respectively belong" regarding the election of officers.[1] Therefore if entitled communicant minor suffrage is to be framed by our Constitution, we must reckon with the phrase "good and regular standing." We will see below that this qualifying phrase has circumscribed the right to "entitled" suffrage in our polity since the nineteenth century.

"Good standing" means that the member under consideration is not under censure.[2]

"Regular" in this context is just the adjective for the noun *regulation* and means *constituted, conducted, or done in conformity with established or prescribed usages, rules, or discipline; conformable to some accepted or adopted rule or standard*. Our *Book of Church Order* uses the word "regular" this way in *BCO* 10-1: "The Church is governed by various courts, in regular gradation." In other words, the relationship of the various courts of the Church are regulated in accordance with a prescribed rule or standard.

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[1] Whether these provisions govern voting entitlement in other types of matters that congregations might take up is possible, but less clear (dissolution of the official relationship between the church and the officer without censure per *BCO* 24-7; the selection of corporate officers or buying, selling, and mortgaging real property per *BCO* 25-7; affiliation with the PCA or a Presbytery or withdrawal from the same per *BCO* 25-11; request for dissolution per *BCO* 25-12. On the other hand, a congregational meeting to vote on the dissolution of the pastoral relation shall be "called and conducted in the same manner as the call of the pastor" (*BCO* 23-1).

[2] Ten sections of our *Book of Church Order* use the phrase "good standing," without the additional phrase *and regular*. It is only in connection with voting rights that we find this compound expression, making it unique to the suffrage question. (For the use of the phrase "good standing," see *BCO* sections 13-3, 14-2, 19-1, 24-7, 25-2, 38-3, 43-1, 43-5, 46-7, and 58-4.

Therefore "regular standing" means that the member under consideration conforms to some accepted or adopted rule or standard that qualifies him to vote. Since, as we have already noted, *BCO* 20-3 and 24-3 are the only places in our Constitution endowing "entitlement" to vote as such, any regulations giving rise to entitlement to *regular standing* must be found, if at all, *outside* of the Constitution. After all, if being a communicant member "in good standing" (not under censure) gives an unqualified right to vote, then the addition of the adjective "regular" would be rendered inoperative and idle. Since scouring the Constitution in search of further "regulations" governing who has standing to vote at congregational meetings turns up nothing, it follows that such regulations, if any, must arise from the local church.

To illustrate another such use of the adjective "regular" where an external standard is in view, consider *BCO* 21-4.a which prescribes that an intern applying for ordination may present authentic testimonials of having completed a "regular course of theological studies." To say that the course of theological studies is "regular" means that the course of instruction was regulated by an educational institution where the details of the course of instruction were entrusted solely to that institution rather than to the Assembly. Or consider *BCO* 13-3 which states that every ruling elder not known to the Presbytery shall produce a certificate of his "regular appointment" from the Session of the church whom he represents. That is to say that Sessions have their own regulations for selecting their commissioners to Presbytery, such regulations being entrusted solely to those Sessions. Therefore, Presbytery may require a certificate of his "regular appointment" to Presbytery by the local rules of his Session. Similarly, a member of a congregation seeking *regular standing* to vote at a congregational meeting is one who is in conformity with that congregation's regulations governing who has standing to vote, a standard entrusted to the local churches by our Constitution.

Therefore, according to the testimony of our Constitution, "regular standing" for voting entitlement means regulated by local practice.

BCO 25-11 is a Limitation on, not a Grant, of Voting Entitlement

BCO 25-1 is, we believe, misunderstood to grant universal entitlement to vote for all communicant members. *BCO* 25-1 says, "The congregation consists of all the communing members of a particular church, and they only are entitled to vote." Because this provision contains the phrase "entitled to vote" it is

tempting to interpret this provision as a full grant of voting entitlement, but this is not the case. In fact, the opposite is the case because *BCO* 25-1, properly understood, is a *limit* rather than a *grant* of voting entitlement.

BCO 25-1 was added by the PCUS in 1925 together with the entire chapter now governing "Congregational Meetings." Before 1925, the *Form of Governmen*t had no independent section regulating congregational meetings or generally addressing the corporate aspects of the church congregation. For example, before 1925 there were no Constitutionally mandated quorum requirements for a congregational meeting (*BCO* 25-3) and no regulations concerning how the Moderator of a congregational meeting should be selected (*BCO* 25-4),[3] such matters being left to local regulation and practice, just as voter eligibility long had been. However, among the provisions that were *not* changed with the adoption of the new chapter on "Congregational Meetings" in 1925 were those long-standing articles referenced above which the PCA has inherited in the form of *BCO* 20-3 and 24-3 declaring that only those communing members who are "in good and regular standing" are "entitled to vote," a standard that had long been governed by local, rather than constitutional, regulation. It is not reasonable to understand the 1925 addition of an article on "Congregational Meetings" as an abandonment of deference to local congregational practice in voter eligibility.

Moreover, taken on its face, *BCO* 25-1 does *not* say that all communicant members of a congregation are unqualifiedly entitled to vote; it states merely that "*they only,*" meaning communing members, are entitled to vote. The regulation or restriction of voting within the class of "communing members" in "good and regular standing" expressly prescribed in *BCO* 20-3 and 24-3 is entirely unaffected by *BCO* 25-1, which effectively provides that being a communicant member is a *necessary* but not a *sufficient* qualification to vote at a congregational meeting. In other words, unlike *BCO* 20-3 and 24-3, *BCO* 25-1 is not a *grant* of suffrage rights, but a *limitation* on them.

Distinguishing between necessary and sufficient qualifications is not mere gamesmanship or special pleading but has a theological foundation. *BCO* 25-1 certainly excludes non-communicant and non-members from voting, but more fundamentally, it is written the way it is because Presbyterians would otherwise assume for theological reasons that the reference to the

[3] You can find the referenced parallel provisions in *The Book of Church Order*, Presbyterian Church in the United States, Revised Edition (1925), XXVII, §154 and §155.

"congregation" in *BCO* 25-1 would certainly *include* its children, both communing and non-communing alike. Therefore, the clause "and they only are entitled to vote" was added not to grant a newfangled and unqualified voting entitlement for all communing members, including minor communicants, but to interrupt the theological presumption of minor children's inclusion in the "congregation" for the purpose of congregational meetings. Therefore, the origin and best explanation for the addition and framing of the clause "and they only are entitled to vote" are the different considerations attending the eligibility and suitability of a congregation's communicant children to participate in the sort of business taken up at congregational meetings despite their unquestionable theological inclusion in "the congregation."

If the grant of an *unqualified* right of suffrage to all communicant members of a congregation (children or otherwise) had been intended, then *BCO* 25-1 would have simply been written this way: "The congregation consists of all the communing members of a particular church, *all of whom are entitled to vote*." So the fact that *BCO* 25-1 acts as a *limitation* on the types of members who are entitled to vote only serves to highlight that the right to vote at congregational meetings may be qualified or regulated *within the class of communing members* just as *BCO* 20-3 and 24-3 (and their predecessor provisions) have long expressly prescribed. When we consider that non-members and persons under censure pose fairly straightforward cases for voter exclusion, it would seem that local discretion in regulating communicant minor voting is particularly what the limitation of *BCO* 25-1 has in view.

The Origin of the Phrase "Good and Regular Standing"

From 1788 to 1867 the *Form of Government* provided that a pastor must be voted upon by the congregation's "electors," with the added qualification that "no person shall be entitled to vote who refuses to submit to the censures of the church regularly administered; or who does not contribute his just proportion, according to his own engagements, or the rules of the congregation, to all its necessary expenses" (*A Draught of the Form of the Government and Discipline of the Presbyterian Church in the United States of America*, Printed by S. and J. Loudon, No. 5 Water Street, 1787 and adopted in 1788, page 21-22). By comparison, ruling elders and deacons, who were presumably not compensated by their congregations, were to be elected "in the mode most approved and in use in that congregation" (*Id*. at page 16). These

provisions evidence the instantiation of congregational preference and local regulation of congregational voting stretching back to the seventeenth and eighteenth centuries in American Presbyterianism.

This context also informs the development of the *Form of Government* in the PCUS in the years following the Civil War as the Southern Church sought to affect a major revamping of the *Book of Church Order*. Thus, we find in the 1867 draft:

> All communicating members of the church, in good and regular standing, but no others, are entitled to vote in the election of church officers in the congregations to which they are respectively attached. In the election of a pastor, when a majority of the electors cast their votes for a candidate, he shall be considered elected; but a separate vote shall also be taken of the non-communicating adult members of the church, who are regular in their attendance on the common ordinances in that congregation, and of all other persons who regularly contribute to the support of the pastor, in order to be laid before the presbytery as a representation of their desire in the premises.

(*Form of Government, Presbyterian Church in the U.S.* 1869, Chapter VI, Section IV). This draft first introduced the phrase "good and regular standing." The 1869 draft was the same as its 1867 counterpart except that it proposed to make the vote of non-communicating adult members discretionary rather than mandatory, again showing a tendency to widen deference to local practice in congregational elections.

After more than a decade of work, the new *Form of Government* was adopted in 1879, and the section demarcating voting entitlement took substantially the form of our current book:

> All communicating members in good and regular standing, but no others, are entitled to vote in the election of church officers in the churches to which they are respectively attached; and when a majority of the electors cast their votes for a person for either of these offices, he shall be considered elected.

(*Form of Government, Presbyterian Church in the U.S.* 1869, Chapter VI, Section III, IV). This grant of the entitlement to vote only to those communing members who are in "good and regular standing" has persisted in our polity -- now codified in *BCO* 20-3 and *BCO* 24-3 -- since its final adoption in 1879, now some 145 years in continuous use. The PCA has never changed it, having carried that phrase over from the PCUS in 1973.

As a matter of Constitutional interpretation, it is our view that we should not read this phrase in a way that our forefathers, who passed it on to us, did not. It is hard to accept that this phrase has been understood to grant a universal right of suffrage to minor communicants over the past 150 years of Presbyterianism, especially in light of clear evidence of such varied Presbyterian practice regarding minor voting rights. As we shall see below, it appears that our forefathers read it as permissive of local regulation of congregation voting, including minor communicant voting.

The History of Local Regulation of Voting Entitlement

When we study the history of Presbyterian polity, we discover that congregations have long regulated eligibility to vote in congregational meetings. The Presbytery in its brief to the SJC provides a lengthily cited survey of pre-1879 practice cataloging a "wide variety of additional rules for voters," including (1) Minimum period of church attendance, (2) Consistency of attendance for a number of successive Sundays or communion services, (3) Monetary contribution sufficient to hold/rent a pew, (4) Monetary subscription to defray minister's annual salary or other church expenses, (5) Right to wield more votes depending on how many feet of pew one rented, (6) Right to allocate votes to family members and other regular occupants of one's pew, (7) Confinement of all voting matters (not just officer elections) to regular contributors, (8) Confinement of voting for pastors and deacons, but not ruling elders to contributors, (9) Confinement of voting to men, (10) Minimum voting age between 16 and 21, sometimes different for men and women.

In its brief, the Presbytery also recounts convincing evidence of how deference to local voting practice persisted past the 1879 revisions:

> [C]ongregational voting rules, including minimum voting age, were observed in the PCUS well after the 1879 voter conditions had been adopted. In 1894 Second Presbyterian

> Church in Charleston published its *Manual for the Use of Members*. Second Presbyterian had been pastored by the widely read ecclesiologist, Rev. Thomas Smyth (1808-1873), and was notable for its size and history. Its Manual cannot, therefore, be mistaken as containing obscure or contrarian practices. Next to its avowed conformity to the PCUS Constitution, it asserts the "Necessity for these rules" laid down by the congregation. "There are several matters in the mode of government and discipline left…undetermined" in the Constitution, with the result that it allows for a "variety of practices. "Predictably, the profile of eligible voters was one such matter. Since it involves adoption of financial burden, the church understood minister-election to belong to its "Temporal Government." In "all elections of a pastor," voters had to be a: "male pew-holder, not under twenty-one years of age, who has signed these rules and held a pew, or half pew, for twelve months, and whose pew rent is fully paid up to the first day of the six months in which the meeting is held."

Second Presbyterian was in the same Presbytery as the Rev. John B. Adger (1810-1899), who chaired the committee that oversaw the creation of the new *BCO* after James Henley Thornwell (the first chairman) died in 1862. Adger served his last several years in the same Presbytery as Second Presbyterian Church. As the Presbytery noted in its brief, "If Second Presbyterian's elector conditions contradicted the *BCO*, it could not have escaped Adger's notice and commentary, or the rebuke of presbytery."

We find additional evidence for the longstanding practice in in favor of local voting regulation from no less than the Princeton theologian Charles Hodge who, although divided from his southern Presbyterian brothers by the Civil War, was both an interested observer of Presbyterian practice and erudite commentator concerning Presbyterian polity for a better part of the nineteenth century. In a chapter titled "Who May Vote in the Election of Pastor," Hodge wrote:

> In the Presbyterian Church, great diversity of usage has prevailed. Perhaps the most common method is for heads of families, and they only, whether communicants or not, to vote in the choice of pastor. In other cases, all communicants, male

> and female, adults and minors, and all contributors vote. In others again, the elective franchise is confined to adult members of the congregation.

The Church and Its Polity (New York: Thomas Nelson and Sons, 1879), page 244. This testimony from Hodge supports the conclusion that local diversity of electoral practice prevailed in both the Northern and Southern Church throughout the nineteenth century and that the restriction of the franchise to adults was a familiar voting limitation for at least some congregations.

It seems therefore that the 1879 language "good and regular standing," rather than introducing a rule guaranteeing suffrage for minors (and others), both abbreviated and instantiated the longstanding custom of deference to local electoral regulatory practices already long recognized under the former rule.

Thus, we find that, historically speaking, Presbyterian congregations, under the umbrella of the very phrase we are interpreting today, were understood to be Constitutionally at liberty to impose various voting regulations fully adaptable to changing local norms, practices, expectations, convictions, and preferences, including local preference regarding minor communicant voting.

We would add that the latitude granted to congregations under this rule of deference is not categorically unreviewable by the courts. We are not being asked today to adjudicate a parade of horribles resulting from deferential local regulation. The only question posed to the SJC by this case is whether minor communicant suffrage can be regulated under the longstanding rules articulated in *BCO* 20-3 and *BCO* 24-3. Given that regulating minor communicant suffrage is not clearly prohibited by Scripture, was apparently accepted practice in Presbyterian churches since at least 1788, and has apparently persisted in some congregations for at least 145 years under the language of the *BCO* today under consideration, we dissent from today's Decision, rejecting as it does the longstanding locally permissive interpretation of the phrase "good and regular standing."

The Persuasiveness of the Decision is Only Apparent

The Decision promotes an apology for minor communicant suffrage derived inductively from provisions *outside* of *BCO* 20-3 and 24-3, the only provisions of our Constitution that actually demarcate voting entitlement. The arguments

are grounded in important principles that animate our ecclesiastical convictions, such as:

- The right of the people to elect the officers that rule over them (*BCO* 16)
- The definition of "the congregation" as consisting of "all communing members" (*BCO* 25-1)
- Those who have made a profession of faith in Christ, have been baptized, and admitted by the Session to the Lord's Table, "are entitled to all the rights and privileges of the church" (*BCO* 6-4)
- Communing members should be allowed to "participate in critical aspects of congregational meetings."

No doubt, there is a reasonable and principled case to be made for minor communicant suffrage. Our own respective congregations practice it, and were it not for the phrase "regular standing" in *BCO* 20-3 and *BCO* 24-3 together with the long history of local regulation of congregational elections in American Presbyterianism, the inductive arguments advanced would persuade us.

But the immediate task for the SJC in any given case is not to resolve "important principles" in the abstract so much as to "judge according to the Constitution of the Presbyterian Church in America" as our oaths demand as applied to the case before us.

Perhaps most telling is the Decision's concession that "[i]t is certainly within the power of the Church to place restrictions upon the rights and actions of its communicant membership." But why should that be the case? If the opportunity to cast a vote for or against those who will rule over you is truly a "right," how can the Church possibly possess the power to take that right away, even by Constitutional amendment? And if the careful inductive reasoning of the Decision, based as it is on all the argument that when one considers the whole of our Constitution one must conclude that minor communicants ***must*** have a right to vote, how could the Church justify adopting a change to our Constitution that would effectively nullify these "important principles" supposedly embedded therein and render our Constitution internally incoherent?

Recounting the debates of past Assemblies on the question, the Decision declines to "argue" about what the 25th General Assembly should have done when presented with an amendment that would have expressly permitted Sessions to regulate minor voting, which is to say that it would have been just as right and proper for the Assembly to have adopted an express warrant to Sessions to regulate minor voting as its doing nothing at all. But if the Assembly could regulate minor voting, or "allow" Sessions to regulate minor voting, then why wouldn't the present restriction of voting entitlement to those in "regular standing" *already* permit that result?

The proposal insists that such regulation "must be by the action of the whole Church," and "the Constitution would have to be amended to reflect that restriction."

But, in an ecclesiastical sense, is the Assembly inherently in a better position than a Session to judge whether the minor communicants in a Session's congregation should be permitted to vote, or to determine under what conditions they should be permitted to do so? We believe "[a]ll Church courts are one in nature, constituted of the same elements, possessed inherently of the same kinds of rights and powers, and differing only as the Constitution may provide" (*BCO* 11-3). If the 23rd, 24th and 25th Assemblies debated and ultimately declined to pass a provision unequivocally prescribing the particulars of regulating minor communicant voting, and if it is really true that church Sessions and General Assemblies alike are "possessed inherently of the same kinds of rights and powers," why would those Assemblies' failure to pass a clear resolution about how to regulate minor communicant voting close the path the instant Session reached regarding the same issue? Under the circumstances, is the "decision" of the General Assembly to fail to agree upon any particular action inherently any more valid than the decision of any given Session in the PCA about the issue?

In this case we were asked to review a Session's decision to permit the regulation of minor communicants voting in its congregation. Whenever "according to Scriptural example, and needful to the purity and harmony of the whole Church, disputed matters of doctrine and order arising in the lower courts are referred to the higher courts for decision, such referral shall not be so exercised as to impinge upon the authority of the lower court." (*BCO* 11-3). How could the proposal *not* be such an infringement, particularly if the matter in question was debated and then effectively laid aside by the continued

deliberations of no less than three General Assemblies? Is a Session not permitted to pick up and resolve the matter that those three General Assemblies laid aside without a clear resolution?

The only way to overcome this objection is to insist that our Constitution *already* clearly prohibits the regulation of minor communicant voting, which is the position presented by the Decision. But our Constitution does *not* clearly prohibit the regulation of minor communicant voting not only for the reasons previously explained, but also precisely because three different General Assemblies (and the Presbyteries that reviewed their proposals) reached no firm consensus regarding the question.

Reasonable minds may differ as to whether minor communicant children must be afforded a right to vote in congregational meetings. If the Assembly would like to make a rule that guarantees communicant minor suffrage, it may certainly do so through a Constitutional amendment. It is not wise for the SJC to announce such a rule from the bench considering the long history of a contrary practice and conflicting opinions, particularly when we consider that we have no clear idea of how many congregations this ruling may impact, or in what fashion.

This Dissent was drafted by RE Jim Eggert and edited by TE David Garner and RE John Pickering.

DISSENTING OPINION

Case No. 2023-11: *Mr. Psiaki v. Pacific Northwest*
RE John Maynard
March 25, 2024

I concur with RE James Eggert's well-reasoned apologetic that local churches in the PCA today are free to set minimum limits on the voting age of church members. In support of his dissent, I would like to offer some additional arguments which support limitations on minor communicant voting.

In the PCA today some contend that we have what amounts to a mandate applied to all local churches which requires them to allow every communing member to vote regardless of their age. This would mean that an 8-year-old

child (and sometimes even younger) could be the deciding vote on whether a church calls a senior pastor or not, or whether the church purchases a $5 million dollar property. Is there any Scriptural support for such a mandate? Does God's Word provide any suggestion of support for the rationale of setting age limits for voting?

There is a wise and rational argument to be made that local churches are free to regulate voting age if they choose to do so. As already mentioned, RE Eggert has shown that the history of the church and its secondary standards support this freedom. I would like to add the perspective that there is a clear acknowledgment of the wisdom of age restrictions in Scripture and the same rationale for such restrictions would apply to limiting who may vote on issues of vital importance to the church.

First, note the limits that God himself establishes limits on the age of military service in OT Israel. (Numbers 1:3, 32, 45; 26:2; 1 Chronicles 23:27, etc.) It's easy to understand why. Military service requires mental, physical and even spiritual maturity which comes only with years. Enlisting children to fight in hand-to-hand combat with Canaanites, Hittites and Amorites hardly made sense. There were obvious wisdom principles at work here which undergirded the rationale for limiting by age those who were eligible to serve in the military.

Second, the book of Proverbs repeatedly calls attention to the developed wisdom of those with the maturity which comes with age along with the lack of developed wisdom that is associated with the young. At least 26 of the verses in Proverbs begin with the phrase, "My son," as a father passes along wisdom gained by years of life to his young son. "Hear, O sons, a father's instruction, and be attentive, that you may gain insight, for I give you good precepts; do not forsake my teaching. When I was a son with my father, tender, the only one in the sight of my mother, he taught me and said to me, 'Let your heart hold fast my words; keep my commandments, and live. Get wisdom; get insight; do not forget, and do not turn away from the words of my mouth.'" (Proverbs 4:1-4) Based upon the wisdom of Proverbs, is it reasonable to assert that an eight-year-old communing member has the same developed wisdom, insight and experience of a 60-year-old (or even a 16-year-old) member?

Third, it is said in Luke 2:52 that even "Jesus increased in wisdom and stature." As a child who was "fully man," he progressed in learning like every other

child and thus his wisdom grew over time. In the same passage in Luke, “when he was twelve years old, they went up (to the Feast of Passover) according to custom.” (Luke 2:41-42) Josephus tell us, “Up to this age (twelve years old) a Jewish boy was called ‘little,’ afterwards he was called ‘grown up,’ and became a ‘Son of the Law,’ or ‘Son of the Precepts.’ At this age he was presented on the Sabbath called the ‘Sabbath of Phylacteries’ in the Synagogue and began to wear the phylacteries with which his father presented him.” (Jos. Antt. ii. 9. 6, v. 10. 4.) Different levels of age and maturity were required by law or convention for one to be eligible to exercise the privileges of participation in Old Testament rituals.

Fourth, this is more of an argument from silence, but the drinking of alcoholic beverages is present in Scripture (usually in positive terms) but there is no mention of age restrictions. Does that mean that there is no place for wise and reasonable restrictions? Although the Scriptures appear to be silent on this question, it is entirely reasonable and rational considering the warnings in Scripture against drunkenness (Proverbs 20:1) that communities were free to set limits and did so whether by law or social convention. And again, the principle that would guide these restrictions are the same ones that have operated in societies throughout the ages – younger people generally lack the judgment and wisdom that will come with age to make the choice to drink or not.

Our confessional statements assert, “The whole counsel of God concerning all things necessary for his own glory, man’s salvation, faith and life, is either expressly set down in Scripture, or by good and necessary consequence may be deduced from Scripture.” (WCF 1.6) Turning from special revelation to general revelation, we consider it rational and reasonable for the USA and all other democracies in the world today to establish by law age limitations on the exercise of the right to vote in civil elections. With respect to voting age, different nations have different laws, but ALL nations restrict voting by age. Should the church ignore the wisdom of Scripture and the testimony of general revelation as it applies to this issue? Limitations on voting age in the US is not even debated today because having such a limitation is logical, reasonable, rational, even wise. It's a generally accepted principle that citizens of the United States should not have the right to vote until they reach an age when they can make an informed and rational choice among competing candidates or issues. Other conventional age restrictions that seem to flow from general

revelation include the purchase of alcoholic beverages, tobacco products, prescription drugs and the signing of legal documents.

Much like the limitations which govern the voting of citizens in different countries in the "free world" today, it is entirely reasonable and wise from a Scriptural perspective that local churches are free to establish standards which limit the age of those who are entitled to vote in congregational meetings. RE Eggert's dissent asserts that local churches in the PCA indeed have the freedom to set age limits on voting for church matters. This should be seen as logical, reasonable, rational, and even wise in the PCA much as it is in every democracy in our world today. The PCA as a body could pass legislation on this question which would apply to every local church, but we have not chosen to do so because local churches, much like different nations, are free to establish their own standards on this issue. The PCA has by implication chosen to remain silent and as Eggert has argued, left this issue to the local church. There is no universal age restriction for voting in the PCA and there is no mandate which prevents local churches in our "grass roots" denomination from setting such limitations.

OBJECTION [1]

Case No. 2023-11: *Mr. Psiaki v. Pacific Northwest*
RE Howie Donahoe
March 26, 2024

Along with the five dissenting SJC members, I agree the *BCO* already allows congregations to establish a reasonable minimum voting age - something that's been allowed throughout American Presbyterian history and our PCA history. I understand the SJC Decision ruled that the *BCO* currently prohibits a congregation from establishing a minimum voting age, but not necessarily that it ***should*** be prohibited. Hopefully, a *BCO* amendment will be proposed next year to clarify that PCA churches have freedom to establish reasonable minimum voting ages. The SJC Decision effects *hundreds* of PCA churches. There has never been an SJC Decision that affects anywhere near the number of churches this one will, and thus, a lengthy Objection.

[1] As a member of the Presbytery from which this Complaint arose, I was disqualified from participation.

Following are brief summaries of nine reasons why the SJC should have denied the *Psiaki* Complaint. These are also reasons presbyteries should revise the BCO to ensure congregations regain this freedom.

1. Regular Standing	4. Korean Churches	7. Past Overtures
2. RE Term Limits	6. 1984 Constitutional Inquiry	8. Lack of Independence
3. RPCES J&R	5. GA Commissioner Voting Fee	9. Requisite Discernment

1. "Regular" Standing - The two Dissenting Opinions effectively explain how the Decision fails to adequately interact with the critically important historical category of "regular" standing in *BCO* 20-3 and 24-3, and the grammar involved in the phrase "those only" in *BCO* 6-4. I agree with the arguments therein and refer the reader to those.

The interpretation of "regular" standing was also addressed last year in my other Objection. (*Wilson v. Pacific NW, M50GA,* pp. 940-59) That Objection presented six arguments from Presbytery's Brief filed by Dr. Brant Bosserman in *Wilson,* a link to which can be found at the end of this Objection. His two Briefs present extensive and substantial evidence that throughout the history of American Presbyterianism, and especially in the Southern churches, congregations have had freedom to set reasonable voting age requirements.

2. Elder Term Limits - It's presently a well-known, widespread practice for congregations to elect REs for set terms, requiring reelection after the term expires. But we cannot find a hint for that allowance in the BCO. The opposite is assumed - ordained active service until honorably retired. A hermeneutic that allows a congregation to set term limits for elders should also allow a congregation to set reasonable voting age restrictions for minor communicants.[2]

3. Reformed Presbyterian Church Evangelical Synod Joining & Receiving - Three years before the 1982 J&R with the PCA, the PCA had 22 presbyteries

[2] *BCO* 34-10 stipulates that if an RE "fails to be engaged in the regular discharge of his official functions" and if it is "due to his lack of acceptance to the Church" a session should divest that RE rather than let him continue indefinitely as an RE without call.

and 460 churches, and the RPCES had 17 presbyteries and 190 churches.[3] During J&R, many of those RP churches (probably most) had voting age restrictions. Those RP churches brought Covenant College and Covenant Theological Seminary with them into the PCA. But nowhere in our 1979-1982 GA Minutes do we read that they joined the PCA with the understanding that they would be required to eliminate their voting age restrictions. Nowhere in our GA Minutes do we read that the 416 RP ministers and the 719 RP elders were told or expected to do so. Both denominations had Assembly Committees that worked together on the J&R. The issue of voting age restrictions doesn't appear to ever have been an issue. Every one of the 22 PCA presbyteries voted in favor of receiving the RP churches, without any clear indication that it was contingent on the RP churches deleting their voting age restrictions. In reference to J&R, the PCA Clerk at that time, Dr. Smith, published a paper titled, "Some of the Characteristics of the Polity of the PCA." (*M10GA*, pp. 339-343) The paper never mentioned voting age restrictions, even though it was relatively well known that the RPCES allowed such. The church in this *Psiaki* Case was one of those 190 RP churches that came into the PCA in 1982. That church has had a voting age restriction in its bylaws since it was it was RPCES. It comes as a surprise to them now to be told they have acted unconstitutionally for the last 42 years in the PCA. So, either the PCA intended for the RP churches to drop those restrictions without clearly telling them, or (more likely) the PCA never expected or required them to do so.[4]

4. Korean Churches - I understand that many - perhaps most - of our Korean churches have either formal or informal voting age restrictions. In 1982, the PCA formed the first Korean language presbytery, composed of churches in 5 states: PA (3), IL, GA, FL and CA. In doing so, conditions and requests were stipulated by the 12th GA, but there was no mention of these Korean churches being required to eliminate minimum voting age restrictions. The PCA now

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[3] The 17 RPCES presbyteries at that time were: E. Canada, Northeast, Philadelphia, New Jersey, Delmarva, Pittsburgh, Southeast, Florida, Southern, Illiana, Midwestern, Great Lakes, Great Plains, Rocky Mountain, Southwest, California, and Pacific Northwest. (*M9GA*, 1981, p. 338)

[4] To be clear, the PCA did not grandfather an allowance to RPCES churches. When the PCA wants to grandfather a provision, it does so explicitly. For example, consider this grandfathering note attached to *BCO* 24-10: "Editorial Comment: The General Assembly explicitly provided that those Elders and Deacons granted emeritus status prior to June 22, 1984, retain the privilege of vote. (By order of the Fifteenth General Assembly 15-83, III, 31)." The RPCES churches did not need to change their practice because *the PCA* already allowed voting restrictions when the RP's arrived.

has nine Korean Presbyteries with 215 churches (11% of the PCA) and 717 TEs (13% of the PCA). (See *M10GA*, 1982, p. 92 and https://www.pcaac.org/resources/korean-resources/)

5. GA Commissioner Voting Fee - The Decision offers the following broad statement in the final paragraph before its Conclusion:

> The language, context, and history of the BCO provisions under consideration all demonstrate that a church may not restrict the voting rights of communicant members of their congregation on the basis or age, or for any other reason, *except where there is a clear Constitutional warrant for so doing* (e.g., the member is not in good standing or is not present at the meeting where the election is taking place). (emphasis added)

However, restrictions are sometimes placed on things that appear to be a fundamental right, without a clear constitutional warrant for doing so. The GA registration fee is one example. You cannot vote unless you've paid it. This Objection does not oppose the fee. There just isn't any "clear Constitutional warrant" to require a fee to vote. And it demonstrates that no man is in "regular" standing to vote at GA (and can't get a voting device) unless he's paid the fee.

Let's say a small church in Idaho wants to send two of its REs to GA in Richmond as its commissioners, as "entitled" by BCO 14-2. The registration fees would be $600. In addition, their airfare, shared lodging, and meals would be about $4,000. And if they were employed, they might also need to use vacation time. Some churches (perhaps many) can't send an RE commissioner because none of their REs can take a week off from work. If a church's right to vote is an un-constrainable right (as minor communicant voting is alleged to be), upon which no restrictions can be placed *for any reason*, then why not allow a church's GA commissioners to pay their registration fee, and then join the meeting, hear the debates, and vote live online?

Let me press further. BCO 14-2 every congregation is "entitled" to two RE representatives (and more for larger churches) and stipulates the Assembly consists of all TEs in good standing and REs "as elected by their session." Therefore, if an RE is elected by his session to be a GA commissioner, the *only*

thing the BCO requires is that he "produce appropriate credentials" at the GA "before his name shall be enrolled as a member of the Assembly." (*BCO* 14-4) Nothing is said about any other requirement.

In addition to the fee, there's a problem with intentionally differentiating among voters. On what *constitutional* basis can a single GA approve charging a higher voting fee for TEs than it does for REs? At the 46th GA in 2018 Calvary Presbytery's Overture 7 sought (unsuccessfully) to reduce the RE registration fee to $100. (*M46GA*, pp. 35, 75, 112, 680) Three years later, at the 49th GA in 2022, while the AC Permanent Committee recommended registration fees for TEs and REs remain at $450, the AC Committee of Commissioners substituted a recommendation that TE fees be increased to $525 and RE fees reduced to $300 (i.e., 57% of the TE fee). The Committee of Commissioners reported it was designed "to encourage Ruling Elder participation in our courts." The 49th GA adopted it. (*M49GA*, p. 71)

The most common rationale given for this change is to increase RE attendance. But why, without any *constitutional* warrant, would it be permissible for a single GA to revise the registration/voter fee to increase participation of one group of voters? Could a congregation decide to afford two votes to communing adult males to increase adult male attendance at congregational meetings? To repeat a question from the SJC Decision, *"where is the clear Constitutional warrant for so doing?"* Where does the BCO even hint that a single GA can act to affect the voter turnout ratio by varying the fee it charges to vote? [5]

Granted, a registration/voting fee is stipulated in our Assembly standing rules (*RAO* 10-4). Apparently, our Assemblies have found it exegetically permissible to create such a voting impediment from what the *BCO* says about GA commissioners. But if the Assembly has exegetical liberty to do that, then why wouldn't the BCO allow a congregation to have the same constitutional freedom to adopt a reasonable voting age restriction in *its* standing rules?

Similarly, let's say a presbytery wanted to hold future meetings in a venue that required extra expenditures. Would it be constitutionally permissible for the presbytery to adopt into its standing rules a "registration fee" for TE and RE voting at those presbytery meetings?

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[5] Honorably retired TEs and REs pay a lower registration fee, as do REs from churches with small budgets.

Near the bottom of page 3, the Decision offers this argument:

> *BCO* 6-4 then states “Those only who have made a profession of faith in Christ, have been baptized, and admitted by the Session to the Lord's Table [i.e., communicant members], are entitled to all the rights and privileges of the church.” The word “all” in 6-4 is critical.
>
> Given the principles set forth in *BCO* 3-1 and 16-1,2 it is unreasonable to think that the word "all" in 6-4 is somehow meant to exclude some communicants from the right to vote in congregational elections *unless there is a clear provision somewhere else in the BCO that leads to that conclusion.* (emphasis added)

An analogous principle to the first sentence from *BCO* 6-4 above might be this: "*Only those* churches that have affiliated with the PCA are entitled to *all* the rights and privileges afforded by the BCO." But not all PCA churches are entitled to an *unencumbered* right to vote in a GA. And if the Decision's hermeneutic is applied to churches voting in GA, the following would seem to be a fair parallel statement to the second paragraph above.

> Given the principles set forth in *BCO* 14-2 and 14-4, it is unreasonable to think that the phrase "*entitled* to two ruling elders representatives" is somehow meant to exclude some churches from the right to vote in GA simply because they don't pay the registration fee, unless there is a clear provision somewhere else in the BCO that leads to that conclusion.

In the middle of page 2, the Decision suggests, *"The only express provision in the Constitution for the suspension or removal of any existing ecclesiastical right or privilege is the particular censures imposed upon a church member found guilty of some offense (BCO 36)."* But there are no express provisions in the Constitution for making a congregation's right to vote in the Assembly contingent on paying a registration (voting) fee. and there are no express provisions in the Constitution for varying registration fees to affect the turnout of one category of voters.

To conclude, being elected by one's session to be a GA Commissioner is a *necessary* condition for voting at GA, but not a *sufficient* condition for doing so. And likewise, being a communing member is a necessary condition for voting in congregational matters, but not a sufficient one.

Again, this Concurrence doesn't recommend abolishing GA registration fees. I agree that allowing a GA to adopt a rule requiring TEs and REs to pay a registration fee is a prudent and necessary thing. But allowing a congregation to adopt a rule requiring a communing member to reach a certain age before voting also seems a very prudent thing to do. And neither are prohibited by the BCO.

6. Constitutional Inquiry - At the bottom of page 6, the Decision cites a 22-year-old constitutional inquiry. But the answer to a constitutional inquiry is not binding exegesis of a constitutional provision - even if adopted by the 12th GA. There have been instances where a subsequent Assembly or SJC held different interpretations than previous ones. Sometimes one GA approves a *BCO* amendment, but the following GA does not. And sometimes the SJC renders a decision in one case that at least seems to reverse an SJC ruling in a prior case.[6]

In 1984 at the 12th GA in Baton Rouge, there were 13 constitutional inquiries. A different constitutional inquiry, #2 from Gulf Coast, asked about referencing of an indictment to a higher court for trial. The Judicial Business Committee and 12th GA answered in a way that's *contrary* to our interpretation and practice today. So, citing a 22-year-old answer to a constitutional inquiry is not as significant as it might appear.[7]

7. Past Overtures - On page 7, the Decision seemed to suggest the PCA expressed opposition to allowing voting age restrictions when, in 1997, the 25th GA in Colorado Springs declined to adopt a change. But that would

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[6] As an example, this happened at the same March 2024 meeting at which the SJC cited the Constitutional Inquiry in the *Psiaki* Decision. Compare this year's SJC Decision in Case 2023-09 *Appeal of TE Myers v. Illiana* with the SJC Decision 22 years ago in Case 2001-25 *Appeal of TE Dallison v. North Florida* (*M30GA,* 2002, pp. 156 ff.) I was an SJC member for both Cases.

[7] In 1984, JBC included TEs Joe Gardner, Rodney King, Vaughn Hathaway, Dave Linden, Russell Toms, and REs William Buiten, David Fox, Henry Smith, John Van Voorhis and Stanley Wells. *M12GA*, pp. 137, 288.

conclude too much. Here's a fuller explanation. An Overture was adopted in 1996 by the 24th GA in Ft. Lauderdale and approved by presbyteries over the subsequent year. The Overture proposed adding a new *BCO* 6-5, to provide (among other conforming changes) the following:

> *BCO* 6-5. A congregation may, at its discretion, set the minimum voting age for its communing members, provided it is not greater than eighteen (18) years of age. The congregation may also, at its discretion, set a different voting age for different matters provided it is not greater than eighteen (18) years of age.

The SJC Decision is grammatically accurate when it reports the proposed addition was "supported by the bare minimum of presbyteries needed to consent." At the time, adoption required approval from 38 of 56 presbyteries. The amendment was approved by presbyteries voting 39-11 in favor (i.e., supported by 78% of the presbyteries voting, with 6 abstaining). Furthermore, none of those six abstaining presbyteries reported votes on *any* of the several amendments that year, so it would be wrong to conclude that any of the six abstained because they did not support the proposed change.[8]

It would be mistaken to assume a defeated overture can be interpreted to mean the men who voted against it preferred the opposite of what it was proposing. In 1980 for example, Overture 3 from Southern Florida Presbytery sought to codify the allowance of term limits for REs. The Overture recognized "the widespread use within our denomination" and that "many of our particular churches using limited terms of active service also desire that there be no doubt or questioning as to whether the procedure they are using is allowed by the *Book of Church Order*." The Overture was answered *in the negative* by the 8th GA in Savannah, but nobody concluded that meant congregations could no longer utilize term limits. (M8GA, p. 37)

Consider another example. Two years ago, Pittsburgh Presbytery filed Overture 30 to the 49th GA in Birmingham, and after 15 Whereas clauses, it proposed GA add a new *BCO* 6-5, to provide (among other conforming changes) the following:

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[8] The abstaining presbyteries were Korean Eastern, Korean NW, Korean Southern, Korean SW, SW Florida, and TN Valley. See M24GA, 1996 Ft. Lauderdale, pp. 312-13 and M25GA, 1997 Colorado Springs, p. 114.

> *BCO* 6-5. A congregation may, at its discretion by a vote of 2/3, set the minimum voting age for its communing members, provided it is not greater than eighteen (18) years of age. The congregation may also; at its discretion, set a different minimum voting age for different matters provided it is not greater than eighteen (18) years of age.

The CCB expressed two concerns about the Pittsburgh Overture, including a concern about the vague phrase "different matters." However, the Overtures Committee did not recommend the GA answer it in the negative. Instead, by a 79% majority (106-27) the OC recommended it be "referred back to Pittsburgh Presbytery *without prejudice* yet paying particular attention to the concerns in the CCB report." (emphasis added) That recommendation was included in the OC's omnibus recommendation, and without *any* GA commissioner making a motion to split it from the omnibus, it was adopted without debate by vote of 2062-33. (*M49GA*, Assembly action p. 77; OC report p. 108; CCB p. 425; Overture in full pp. 1345-48)

8. Lack of Independence - The rights and responsibilities of minor communicants are “irregular” in numerous ways. Unlike adults, minors cannot exercise the independency ordinarily required for fair voting. For example, non-driving minors can't vote unless their parents or someone else brings them to the meeting. And even if he could take the bus, most of us would grant that his parents have the biblical authority to prevent him from attending the meeting. We don't ordinarily afford voting rights to individuals with such a lack of independency.

9. Requisite Discernment - In constitutionally acknowledging the civil government’s right to debar communicant minors from voting in certain church corporation matters (*BCO* 25-11), the *BCO* presupposes, and seemingly grants, that minors lack the requisite discernment, judgment, and independence that society assumes is needed for adult decisions. This fact is also recognized in ecclesiastical trials. *BCO* 35-1 begins: "All persons *of proper age* and intelligence are competent witnesses ..."

But some suggest that all communing minors have the requisite mental competence and discernment to make reasonable judgments in all congregational votes because they "understand the Gospel" (*BCO* 57-2) and

have affirmed the five questions of *BCO* 57-2 and 57-5 (the constitutional prerequisites for admission to the Lord's Supper). But that is not a sound assertion. Does a 10-year-old, communing, fifth grade, covenant child - who has an age-appropriate understanding of the Gospel, who knows and confesses himself to be a sinner, knows and confesses Jesus to be his Savior, and has an age-appropriate understanding of the Lord's Supper - have the requisite discernment to intelligently vote on whether his church should dismiss an elder, or petition presbytery to dissolve the minister's call, or incur a mortgage, or leave the PCA to join the OPC, RCNA, ARP, EPC, RCUS, etc.? Highly unlikely.

/s/ RE Howie Donahoe

The Rev. Dr. Brant Bosserman was PNW's representative in *Wilson v. PNW* and in *Psiaki.* My Objection in *Wilson,* reflecting his research, can be found **here** and at the link below.

Dr. Bosserman's Brief in *Psiaki* can be found **here** and at the second link below.

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