

MINUTES
of the
FORTY-NINTH GENERAL ASSEMBLY
of the
PRESBYTERIAN CHURCH IN AMERICA
VOLUME 2 of 2

PLEASE NOTE:

1. The pages of Volume 1 and Volume 2 are numbered consecutively.
2. The INDEX to both volumes is found at the back of Volume 2.

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PART I: Directory of General Assembly Committees and Agencies

PART II: Daily Journal

PART III: Appendices A-S

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PART III

APPENDICES (Continued: Appendices T-X)

NOTE: Appendices A-S are included in Volume 1 of these *Minutes*.
Appendices T-X are found in Volume 2.
See a Table of Contents for these Appendices on the back of this page.

These Appendices include the Reports of the General Assembly Committees, Agencies, and Standing Judicial Commission as originally submitted to the General Assembly. The recommendations in this section are those originally submitted and may have been amended or not adopted by the Assembly. See Part II, Journal, to find the recommendations as they were adopted by the Assembly.

Appendix W presents the Overtures as originally submitted by the presbyteries. See the Overtures Committee report and other Committee of Commissioner reports for Assembly action on these overtures, including any amendments.

The PCA Committee and Agency budgets, as approved by the Assembly, are found in Appendix C, Attachment 3, beginning on p. 215, Vol. 1.

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REPORT OF THE STANDING JUDICIAL COMMISSION TO THE FORTY-NINTH GENERAL ASSEMBLY OF THE PRESBYTERIAN CHURCH IN AMERICA

I. INTRODUCTION

Since its report to the 48th General Assembly, the Standing Judicial Commission has held four meetings: a video conference called meeting on July 13, 2021; an in-person Stated Meeting on October 21, 2021; a video conference called meeting on February 1, 2022; and an in-person Stated Meeting on March 3, 2022.

Members of the Standing Judicial Commission:

Class of 2022

TE Ray Cannata, <i>S. Louisiana</i>	RE John Bise, <i>Providence</i>
TE Fred Greco, <i>Houston Metro</i>	RE EJ Nusbaum, <i>Rocky Mtn</i>
TE Guy Waters, <i>MS Valley</i>	RE John Pickering, <i>Evangel</i>

Class of 2023

Vacant*	RE Daniel Carrell, <i>James River</i>
TE Carl Ellis, Jr., <i>TN Valley</i>	RE Bruce Terrell, <i>Metro N.Y.</i>
TE Charles McGowan, <i>Nashville</i>	RE John B. White, Jr., <i>M. Atlanta</i>

Class of 2024

TE Hoochan Paul Lee, <i>Korean NE</i>	RE Howie Donahoe, <i>Pacific NW</i>
TE Sean Lucas, <i>Covenant</i>	RE Melton Duncan, <i>Calvary</i>
TE Mike Ross, <i>Columbus Metro</i>	RE Samuel Duncan, <i>Grace</i>

Class of 2025

TE Paul Bankson, <i>C. Georgia</i>	RE Steve Dowling, <i>SE Alabama</i>
TE David Coffin, Jr., <i>Potomac</i>	RE Frederick Neikirk, <i>Ascension</i>
TE Paul Kooistra, <i>Warrior</i>	RE R. Jackson Wilson, <i>GA Foothills</i>

*TE Bryan Chapell resigned as a member of the Commission after completing service on the cases initiated prior to his election as Stated Clerk.

II. JUDICIAL CASES

At this time, Cases 2021-06, 2021-09, 2021-10, 2021-11, 2021-13, 2021-14, 2021-15, 2022-01, 2022-02, and 2022-04 are being considered by panels. The SJC has completed its work on the cases listed below, and the report on those cases follows in the order in which they were decided.

2020-07	Wilbourne v. Pacific Presbytery
2020-08	Gendall et al v. Pacific Presbytery
2020-09	Oxbalt et al v. Pacific Presbytery
2020-06	Gordon v. Southern New England Presbytery
2020-14	Myers v. Illiana Presbytery
2021-01	Michelson v. Northwest Georgia Presbytery
2021-02	Tippins v. Northwest Georgia Presbytery
2020-10	Eagle v. Savannah River Presbytery
2021-05	Eudaly, et al. v. Southwest Florida Presbytery
2021-08	In the matter of Korean Southwest Orange County
2020-12	Speck v. Missouri Presbytery
2021-12	Michelson v. Northwest Georgia Presbytery
2020-02	In the matter of PCA v. Missouri Presbytery
2020-05	Speck v. Missouri Presbytery
2021-03	DeJong v. Session of Village Seven Presbyterian Church
2021-07	Acree v. Tennessee Valley Presbytery
2021-08	Citation of Korean Southwest Orange Presbytery

III. REPORT OF THE CASES

CASE NO. 2020-07
TE RANKIN WILBOURNE
V.
PACIFIC PRESBYTERY

CASE NO. 2020-08
TE SHAWN GENDALL, TE RUSSELL HIGHTOWER
AND TE TIMOTHY LIEN
V.
PACIFIC PRESBYTERY

CASE NO. 2020-09
RE SEAN OZBALT AND RE ERIN BARR
V.
PACIFIC PRESBYTERY

DECISION ON COMPLAINTS

July 13, 2021

SUMMARY OF THE CASE

A letter with accusations against TE Rankin Wilbourne was sent to Pacific Presbytery's Shepherdling Committee. Most, if not all, of the 36 signers were reported to be past staff or past members of Pacific Crossroads Church. The following day, Presbytery formed an investigative commission (called the Judicial Commission) "to investigate the allegations submitted to the Shepherdling Committee, and to determine whether a strong presumption of guilt can be corroborated, per *BCO* 31-2, and to bring charges if necessary." Soon thereafter, the Commission informed TE Wilbourne that accusations were made concerning his "dealings with the officers, staff and employees of PCC," but neither the specific allegations nor the names of the accusers were provided to the minister. The accused was not invited to meet with the investigative Commission until its 28th meeting. After three months of investigating, and 34 meetings, the Commission was intending to "bring charges," when the accused minister requested the matter be handled as a *BCO* 38-1 case without process. Two weeks later, the Commission and the minister reached an agreement on a "full statement of the facts" and it was to be presented at a called Presbytery meeting. At the meeting, the Commission distributed and read aloud a six-page report prior to the minister reading his

Statement of Facts and Confession of Guilt. The minister was dismissed for the next part of the meeting, lengthy discussion ensued, Presbytery adopted a motion that *BCO* 34-7 applied, and the minister was deposed from the ministry. All three Complaints alleged several errors, especially that the reading of the negative Commission report, which was not part of the agreed-upon Statement, violated *BCO* 38-1. The SJC eventually sustained the Complaints, annulled the censure of deposition, recommended Presbytery treat his censure (in effect for seventeen (17) months as of the date of this decision) as definite suspension from office (*BCO* 36-4) and as being a sufficient censure for the offenses confessed in the minister's Statement, and recommended Presbytery consider the matter closed.

I. SUMMARY OF THE FACTS

10/02/19 The day before Presbytery's Fall Stated Meeting, Pacific's Shepherding Committee received a communication with allegations against TE Rankin Wilbourne. The Committee indicated it was signed by 36 people, but the letter is not in the Record.

10/03/19 Presbytery's Fall Stated Meeting. The Shepherding Committee recommended that Presbytery "establish a judicial commission to investigate the allegations submitted to the Shepherding Committee, and to determine whether a strong presumption of guilt can be corroborated, per *BCO* 31-2, and to bring charges if necessary." A motion¹ to amend failed, which sought to make it a committee. The Shepherding Committee recommendation was adopted. Presbytery then adopted a motion to appoint the following to the Judicial Commission ("JC"): TEs Ron Svendsen, TE Jason Park, TE Jeff Tell, RE Bob Nisbet, RE Rod DenOuden, and RE Randy Berg.

¹ It is not clear from the record as to whether this commission was to be a *BCO* 15-1 commission that would conclude the business referred to it, keeping a record of its proceedings to be submitted to the appointing court, or a *BCO* 15-3 judicial commission, which would require the appointing court to, without debate, to approve or disapprove its judgment. Although not fatal, the appointment of a committee, rather than a commission of any sort, at this point would have been a wiser and more prudent procedural vehicle to conduct the *BCO* 31-2 investigation. Ordinarily, a *BCO* 15-3 judicial commission should not be appointed until after a strong presumption of guilt is found and a trial is in order.

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- 10/07/19 First JC meeting. Record indicates there were 39 other JC meetings in the four months between October 17, 2019 and February 6, 2021.
- 10/08/19 The JC informed TE Wilbourne and the Session of Pacific Crossroads Church (“PCC”) of its investigation. The JC informed TE Wilbourne that allegations were made against him concerning his “dealings with the officers, staff and employees of PCC” but that it was “not ready to go into details about specific allegations nor ... to disclose names of those involved.” The JC requested the Session to provide it with every email and written document from its Session and staff for the past seven years, with no scope limitations or details regarding the allegations.
- 01/11/20 Three months after it informed TE Wilbourne of the investigation, the JC met with him for the first time. That was the JC’s 28th meeting. Prior to the meeting, he had requested permission to bring someone with him to the meeting, and the JC denied that request, as it continued to do with the same request for other meetings. TE Wilbourne was not informed of the specific accusations against him, nor were his accusers identified. He contends he was never informed of the names of the accusers. However, he was aware of tensions that had arisen in prior years between himself and former PCC staff. The Session was aware of these sins and failures, and TE Wilbourne committed to intensive Christian counseling, which led to a “plan of repentance.” He presented the JC with the plan of repentance he had been following, as well as a list of 40 witnesses whom he believed could provide the JC additional firsthand testimony about incidents he believed the JC might be investigating. However, the JC indicated it would not consult those witnesses.
- 01/23/20 Two days before Presbytery’s Stated Meeting, TE Wilbourne informed the JC by email that he wished to confess to matters related to the investigation and proceed as a *BCO* 38-1 case without process. The next day, the JC provided him a document titled “Working Draft of Potential Charges” and informed him that the JC had been intending to “bring charges” the following day at the Presbytery meeting. The JC informed Wilbourne it would give him two weeks to draft the *BCO* 38-1 “full statement of the facts” and that it would ask for a called meeting to be held two weeks after the Stated Meeting.

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01/25/20 Presbytery Stated Meeting. JC reported it had concluded there was a strong presumption of guilt, and was prepared to recommend indictment, but recommended Presbytery postpone action until a called meeting on Feb. 8. The JC reported:

The Commission decided that if TE Wilbourne does, in fact, come as his own accuser that we would refrain from filing our charges. If he fails to come as his own accuser, we will proceed to file charges.

Over the next two weeks, Wilbourne and the JC met three times and agreed on a seven-page “Statement of Facts and Confession of Guilt.” He also prepared an additional statement (called the “Voluntary Statement,” which included a four-page “Statement of Repentance” and a four-page “Commitment to Repentance”), and the JC agreed it could also be presented to Presbytery at the February 8 meeting.

02/08/20 Presbytery Called Meeting. The Moderator announced the order of business would be: “to hear the Judicial Commission’s report, to hear from TE Rankin Wilbourne, and then to move to consideration of the appropriate censure.” This was the first time Wilbourne was made aware the JC intended to read a detailed report. The JC’s six-page report was distributed and read aloud. On motion, Presbytery voted to “receive the report.” The JC then reported the following to Presbytery.

According to *BCO* 38-1 it is necessary to prepare a "statement of facts" which is to be approved by both accused and the court. The Commission gave TE Wilbourne two weeks to write his confession, and it worked with him to produce a statement of facts which we could mutually approve, and which TE Wilbourne would present at a called meeting of Pacific Presbytery on February 8, 2020. [ROC 19]

Wilbourne then read an eight-page “Statement of Facts and Confession of Guilt,” as well as the first four pages of an eight-page “Voluntary Statement” regarding repentance. Presbytery voted to receive each. Below is a summary.

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1. “Statement of Facts and Confession of Guilt” -
Confessed to sins in two areas:
 - a) 6th Commandment - “I have lorded my authority over our staff in a domineering manner and have engaged in unrighteous anger,” listing nine examples;
 - b) 9th Commandment - “I have engaged in lying, deceitful speech, and manipulative behavior,” listing eight examples.
 - c) “Voluntary Confession of Guilt” - One-page, with six bullet points, each beginning with, “I confess that I ...”

2. “Voluntary Statement in Addition to My Confession”
 - a) “Statement of Repentance” - Four pages.
 - b) “Commitment to Repentance” - Four pages, which included 13 paragraphs, like “Weekly Counseling” and “Training in Conflict Management.” (Not read aloud, but “received” and included in Minutes.)

The Minutes record the following excerpts:

“Moderator Bjerkaas then prayed for TE Wilbourne, after which TE Wilbourne was dismissed from the meeting.”

“Lengthy debate then ensued as to whether TE Wilbourne's sins confessed in the Statement of Fact rise to the level of "base and flagitious." [BCO 34-7]

“[JC member] TE Jason Park then brought the following motion: That the presbytery rule that the sins TE Wilbourne has confessed do rise to the level of base and flagitious. The motion was seconded by TE Jerrard Heard.”

“As ballots were being distributed, Moderator Bjerkaas reminded the court of the motion before them is to rule that the sins confessed by TE Wilbourne be found to rise to the level of base and flagitious. Upon

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voting, the motion passed, with 21 for, 11 against, and 1 abstention.”

“At 11:00 am, TE Jason Park brought the following motion: That TE Rankin Wilbourne be deposed from the ministry. The motion was seconded by [JC member] TE Jeff Tell. Following lengthy, passionate, and often times emotional debate, various points of clarification and points of order, and some statements not directly pertaining to the Statement of Facts being ruled out of order by the Moderator, TE Jason Park called the question. Upon voting, the calling of the question was sustained. TE Kyle Wells requested prayer, which Moderator Bjerkaas led. Moderator Bjerkaas reminded the court of the motion before them: That TE Rankin Wilbourne be deposed from the ministry. Upon voting, the motion passed, with 21 votes for, 10 against, and no abstentions.”

04/05/20 Wilbourne filed Complaint with Presbytery, alleging four “primary constitutional violations” (1-4) and three “secondary violations,” (5-7) followed by fuller explanations of each. Emphasis below was original.

1. At the called meeting of Presbytery on February 8, 2020, the Judicial Commission was allowed to read a detailed report, prior to my 38-1 confession, that was not agreed upon. The reading of this report was improper and inconsistent with BCO 38-1, allowing for injustice in the judgment and censure of the complainant.
2. The Presbytery ruled that my confessed sins were "base and flagitious," (BCO 34-7) when they are not rightly categorized as such.
3. The court neglected to consider the question of my repentance as they were obligated to do.
4. The Commission and Presbytery ignored BCO 32-20, namely that the court should limit its focus to offenses in the space of the last year, unless they have 'recently become flagrant'. They had not recently become flagrant, nor did my confession

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show that they had, nor did the Commission make the case that they had. Constitutionally, offenses from several years ago should only be admissible if the court can prove the pattern persists and had recently become flagrant.

5. During the Judicial Commission's investigation, I was repeatedly denied reasonable opportunities to defend myself.
6. The Judicial Commission prejudiced the Presbytery by claiming they had spoken to people on "both sides" as well as claiming they had spoken to everyone "in the room" at particular incidents. This is not true.
7. Throughout this process, Matthew 18 has not been followed, "as required by Christ" (BCO 31-5).

04/05/20 Session of PCC filed a six-page Complaint with Presbytery alleging five "Failures in Interpretation of the Constitution of the Church," shown below.

1. Submission of a Judicial Commission Report that inappropriately charged the Confessor and influenced the judgment of Presbytery.
2. In both its written report and during deliberations, the Judicial Commission made inaccurate statements that influenced Presbytery's judgment.
3. The Presbytery incorrectly ruled that TE Wilbourne's confessed sins were "Base and Flagitious."
4. The Sins were not recent.
5. Other Concerns.

04/07/20 TEs Gendall, Hightower and Lien filed a 10-page Complaint with Presbytery alleging six "Constitutional Concerns and Violations," shown below. Emphasis was original, and indicated the sections alleged to be violated.

1. BCO 40-4: Courts may sometimes entirely neglect to perform their duty ... In any of these cases their records will by no means exhibit to the higher court a full view of their proceedings. If therefore, the

next higher court be well advised that any such neglect or irregularity has occurred on the part of the lower court, it is incumbent on it to take cognizance of the same, and to examine, deliberate and judge in the whole matter as completely as if it had been recorded, and thus brought up by review of its records.

2. *BCO 38-1*. When any person shall come forward and make his offense known to the court, a full statement of the facts shall be recorded and judgment rendered without process. In handling a confession of guilt, it is essential that the person intends to confess and permit the court to render judgment without process. Statements made by him in the presence of the court must not be taken as a basis of a judgment without process except by his consent. In the event a confession is intended, a full statement of the facts should be approved by the accused, and by the court, before the court proceeds to a judgment. The accused has the right of complaint against the judgment.
3. *BCO 34-7*: the court erred procedurally and factually in its declaration of "base & flagitious."
4. *BCO 32-20*: The court failed to properly consider *BCO 32-20*, especially that process ... shall commence within the space of one year after the offense was committed, unless it has recently become flagrant.
5. *BCO 27-5 & 31-5*: According to *BCO 27-5*, steps A-D of the proper disciplinary principles set forth in Scripture must be followed - whether the sins be general or specific, public or private. That did not happen.
6. *BCO 31-8*: Great caution should be exercised in receiving accusations from any person who is known to indulge a malignant spirit toward the accused ... [or] who is deeply interested in any respect in the conviction of the accused.

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- 07/18/20 Presbytery Called Meeting. Presbytery debated and denied the three Complaints by the following votes: Wilbourne (15-19-1), PCC Session (14-21), and Gendall, Hightower & Lien (13-21).
- 08/04/20 TEs Gendall, Hightower, and Lien carried their Complaint to the SJC.
- 08/05/20 Wilbourne carried his seven-page Complaint to the SJC, with 70 pages of attachments.
- 08/13/20 PCC Session carried its Complaint to the SJC.
- 09/16/20 SJC Officers rule Case administratively in order and randomly drew the Panel, which included TE Greco, TE Cannata and RE S. Duncan, with alternates TE Ellis and RE Donahoe.
- 09/17/20 Panel members were notified of their appointment and received the ROC for three related Complaints against the decision of Pacific Presbytery: Cases 2020-07 *Wilbourne* (ROC 300 pages), 2020-08 *TEs Gendall, Hightower & Lien* (ROC 252 pages), and 2020-09 *Session of Pacific Crossroads* (ROC 228 pages).
- 10/06/20 Panel Constituting Meeting. TE Greco was elected as chairman and RE S. Duncan as secretary. Panel decided to send the Parties copies of the SJC’s July 2020 Decision in Case 2019-10 *Evans v. Arizona*, and its August 2020 Decision in Case 2020-04 *Williams v. Chesapeake*, since they were just recently decided, and both involved *BCO* 38-1.
- 10/29/20 Presbytery Representatives filed a motion asking the Panel to rule all the Cases out-of-order. They alleged Cases 2020-08 and 2020-09 were out of order because those Complainants lacked standing because the final sentence of *BCO* 38-1 purportedly restricts such a complaint to the accused: “*The accused* has the right of complaint against the judgment.” They also contended Case 2020-07 was out of order, for the following reason: “[T]he relief being sought in the complaint goes beyond the specific issue that can be raised under *BCO* 38-1. The only issue the accused can complain against is the judgment: “The accused has the right of complaint *against the judgment.*” ” (Emphasis original.)

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- 11/03/20 Chairman notifies the Presbytery Representative that the motions will be considered after the Record of the Case has been finalized.
- 01/15/21 Panel notified the Parties of its decision on the ROC objections, sent a Revised ROC dated January 15, and notified the Parties the Hearing would be via GoToMeeting on February 22. Panel notified the Parties it denied Respondent's October 29 motions to dismiss the three Complaints, providing rationale.
- 01/28/21 Panel received the Complainant's 10-page Preliminary Brief.
- 02/10/21 Panel received the Presbytery Representative's 10-page Preliminary Brief.
- 02/22/21 Complaint Hearing via GoToMeeting. Present were Panel members TE Greco, TE Cannata, and RE S. Duncan, along with alternates TE Ellis and RE Donahoe. Complainants present included Mr. Wilbourne, RE Ozbolt, TE Gendall, TE Lien and TE Hightower. The Complainants' Representative was TE Larry Hoop. Presbytery's Representatives were TE Tell and TE Park.
- 04/01/21 Panel filed Decision with SJC.

II. STATEMENT OF THE ISSUE

Did Presbytery clearly err on February 8, 2020, in how it handled a *BCO* 38-1 Case Without Process, and previously in how a *BCO* 31-2 investigation was conducted?

III. JUDGMENT

Yes. Therefore, the Complaint is sustained, and the censure of deposition is annulled.

IV. REASONING

Our Book of Church Order calls on higher courts ordinarily to show great deference lower courts in factual matters (*BCO* 39-3(2)) and in matters of discretion and judgment, including the administration of censures (*BCO* 39-3(3)), unless there is clear error on the part of the lower court. In this case, the lower court clearly erred in its actions arising from a *BCO* 38-1 confession. Those errors were prejudicial to the accused and require that the Complaint in Case No. 2020-07 be sustained.

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The six-page Judicial Commission report was more than just a “record of its proceedings ... submitted to the court appointing it.” (*BCO* 15-1) It contained significant assertions against and opinions regarding TE Wilbourne. Because the JC presented this new and prejudicial material in addition to the agreed-upon *Statement of the Facts and Confession*, the process violated the provisions of *BCO* 38-1. If the JC and Presbytery had followed the provisions of *BCO* 38-1, the presbyters would have seen and heard only the seven-page *Statement of Facts and Confession* that was agreed to by the minister and the JC. Presbytery could then have properly proceeded to decide which of the censures of *BCO* 30 was warranted.

Instead of trying to re-do that procedure, and because TE Wilbourne’s confession still exists, the SJC recommends the censure be regarded as definite suspension from office (*BCO* 30-3). In other words, this Decision restores him to the status of a minister in good standing in Pacific Presbytery, without call, having made a *BCO* 38-1 confession and having practically served a 17-month suspension from office. Alternatively, Presbytery is not prohibited from considering TE Wilbourne’s *BCO* 38-1 confession, as the sole basis for imposing a *BCO* 30 censure. Additionally, TE Wilbourne is not prohibited from withdrawing his *BCO* 38-1 confession, at which point Presbytery would need to decide whether to take no further action or determine whether a strong presumption of guilt exists warranting the appointment of a prosecutor, an indictment, and trial.

Rather than have TE Wilbourne consider another *BCO* 38-1 confession and statement of facts and have the Presbytery consider again the censure it would impose, we believe the cause of justice will be served by a *de facto* 17-month definite suspension from office. Therefore, if Presbytery believes a new or greater censure is warranted than the past 17-month suspension, it should find a strong presumption of guilt, bring an indictment against TE Wilbourne, and proceed to a trial. The SJC is not recommending any further censure or an indictment and trial. The SJC recommends Presbytery consider the matter closed.

The SJC is not annulling Presbytery’s dissolution of the minister’s call.

Finally, there were also several other irregularities alleged in the three Complaints, and they are briefly addressed below.

1. There seemed to be a misunderstanding about what a commission delivers to a presbytery. *BCO* 15-1 stipulates: “A commission shall

keep a full record of its proceedings, which shall be submitted to the court appointing it. Upon such submission this record shall be entered on the minutes of the court appointing ...” Thus, a *BCO* 15-1 commission does not typically present a report to presbytery, *because it acts as the presbytery* on the matter assigned to it. It simply submits (files) a record of its proceedings for the records of presbytery. Ordinarily, a presbytery doesn’t “consider” a report from a commission, unless it’s a *BCO* 15-3 commission that tried a judicial case and is presenting a non-debatable recommendation on the judgment. In other words, the *BCO* did not require Pacific Presbytery to hear the JC’s six-page “report.” No motion is needed for the “record of the proceedings” of a commission to be entered into Presbytery records. The JC’s record of its proceedings should simply have been filed with the Presbytery Clerk after the meeting, or at least after the decision on censure. In addition, the motion adopted by Presbytery to “receive the Judicial Commission’s report as presented” was out of order. Even if the JC’s presentation could legitimately be regarded as a “report,” reports are automatically *received* when *presented*, and the motion was thereby unnecessary and probably confusing. (RONR (12th ed.) 51:9, 51:15)

2. Early in the process, the SJC Panel ensured Presbytery’s Representative received a copy of the SJC’s July 2020 Decision in Case 2019-10: *TE Evans v. Arizona*, another Case involving *BCO* 38-1 decided three months earlier. The Presbytery Representatives should have regarded the SJC Decision in *Evans* as “establishing a principle” that “may be appealed to in subsequent similar cases.” (*BCO* 14-7) A major procedural issue in both Cases was clearly similar, but the Presbytery’s Representatives disagreed. They claimed the facts of the Cases were substantially different and contended Arizona’s commission reporting was faulty because it came after the confession was read, but Pacific’s came *before*. We do not agree with Respondent’s attempt to distinguish this case from *Evans*. *BCO* 38-1 does not address the time at which additional adverse information might be presented; it prohibits the introduction of any information adverse to the accused to the court beyond the agreed upon statement of facts at any point prior to the decision on censure. Hearing a negative report before hearing a man’s confession is *more* prejudicial

than after, given the importance of first impressions.² In addition, Presbytery's Representative contended the minister was free to change his mind after hearing the negative JC report, and ask for a trial instead. While that would have been constitutionally permissible for him to do, we find Presbytery's contention implausible and at odds with the procedure outlined in *BCO* 38-1.

3. In its deliberations on censure, Presbytery spent much time on *BCO* 34-7 discussing whether the confessed offenses rose to the level of being "base and flagitious."

BCO 34-7. When a minister, pending a trial, shall make confession, if the matter be base and flagitious, such as drunkenness, uncleanness, or crimes of a greater nature, however penitent he may appear to the satisfaction of all, the court shall without delay impose definite suspension or depose him from the ministry.

It should be noted that this was not time well spent. It is clear that consideration of *BCO* 34-7 was not applicable to any censure consideration because there was no trial pending.

Nevertheless, Presbytery's Representative reported that a *BCO* 38-1 document in the online Presbytery Clerk's Handbook defines *base* as "vile, contemptible" and defines *flagitious* as "heinous, extraordinarily wicked, flagrantly wicked." However, the disclaimer in that document is relevant:

"Interpretations of *The Book of Church Order* ... by the Stated Clerk ... or staff members of the Office of the Stated Clerk are for information only, however, and are not authoritative rulings that may only be made by courts of the Church. ... Parties to potential cases or cases in process

² In his paper titled, *Avoiding Procedural Errors in Judicial Cases*, Stated Clerk Emeritus Dr. Roy Taylor includes this statement: "It is unwise for a Shepherding Committee to report prior to a *BCO* 38-1 procedure, because that would violate the *BCO* 38-1 rights of the self-accused person that only the statement of facts that he has approved and the sins to which he confesses may be used by the court to decide on a censure." However, it is more than just unwise. It will often constitute reversible error, as it did in this Case.

are responsible for their own constitutional and procedural knowledge and understanding.”

When interpreting a word in a constitution or a law, it is important to try to understand the meaning the word had at the time the document was written.³ Because the words *base* and *flagitious* date back to the 1879 PCUS Book of Order, it would be more accurate to use a resource like the Oxford English Dictionary, which shows usage at various times in history, rather than something like the Merriam-Webster 2021 dictionary.⁴

More importantly, context is critical. Regardless of how the two words are defined, it is unusual for the *BCO* to say repentance is immaterial when deciding censure. For example, we would not ordinarily say repentance is immaterial in cases of drunkenness or uncleanness. However, if those sins resulted in public scandal, we might say that. Thus, it seems the main purpose of *BCO* 34-7 is the removal of public scandal achieved by definite suspension or deposition. If the offenses of drunkenness or uncleanness do not create a public scandal, then the *BCO* would allow the court to consider repentance and all degrees of censures. This might also explain why indefinite suspension is not mentioned as an option in *BCO* 34-7, even though one might argue it’s often a harsher censure than definite suspension, because the duration is unknown. Further, *BCO* 34-7 explicitly applies only to ministers, presumably because their sins will be more likely to create a public scandal than those of elders and other church members. This does not mean the censure of deposition was unwarranted for the offense confessed. It just means Presbytery’s

³ “The theory of originalism treats a constitution like a statute, giving the constitution the meaning that its words were understood to bear at the time they were promulgated. ... If you don’t take the words of the Constitution and what they were originally understood to mean, what is the standard? The answer is, there isn’t any standard.... [T]he only sensible way to construe a constitution is the way you construe statutes. What did its words mean when they were adopted?” Justice Antonin Scalia, “*Judicial Adherence to the Text of our Basic Law: A Theory of Constitutional Interpretation.*” Speech at the Catholic University of America, October 18, 1996.

⁴ <https://www.oed.com/> In the *Institutes*, Calvin uses the word *flagitious* to refer to the “incestuous Corinthian,” David’s sin with Bathsheba, murder, the public “worship of images,” and “the sin against the Holy Ghost.”

misreading of *BCO* 34-7 resulted in an error in ignoring any consideration of repentance when deciding censure.

4. *BCO* 38-1 envisions a single document. It does not envision what we had in this Case, which included a seven-page Statement of Facts and Confession of Guilt and an eight-page Voluntary Statement (four-page Statement of Repentance and four-page Commitment to Repentance). Whatever single document is agreed to by the confessor and the court should include all the material necessary for the court to render a decision on censure. That way, the presbyters simply need to read the single document to be ready to vote.⁵
5. Accused persons are permitted counsel or assistance at any point in the investigative process, not just at trial. The accused minister repeatedly requested to bring someone with him to the interviews with the investigative Commission, but the Commission incorrectly ruled that *BCO* 32-19 only allows counsel during a trial. Absent some compelling reason, it is unreasonable to prohibit an accused person from bringing his counsel with him to an investigative interview. Besides, experienced counsel can often help a commission or court avoid procedural mistakes.⁶
6. A fundamental goal of any *BCO* 31-2 investigation is to determine whether the accused has “satisfactory explanations concerning reports affecting their Christian character.” But in this Case, Presbytery’s investigative Commission did not interview the accused until its 28th

⁵ The 2021 Presbytery Clerk’s Handbook prepared by the PCA Clerk’s office recommends the use of an additional, separate document, which it calls the *Voluntary Statement in Addition to the Required Statement of Facts and Confession of Guilt*. (See pages 226 and 228 at <https://www.pcaac.org/wp-content/uploads/2020/12/2021-Presbytery-Clerks-Handbook.pdf>). However, it would seem prudent for such a repentance statement to be included in the mutually agreed-upon *single* document.

⁶ Robert’s Rules stipulates: “An investigative committee appointed as described above has no power to require the accused, or any other person, to appear before it, but it should quietly conduct a complete investigation, making an effort to learn all relevant facts. Information obtained in strict confidence may help the committee to form an opinion, but it may not be reported to the society or used in a trial—except as may be possible without bringing out the confidential particulars.” (RONR (12th ed.) 63:12)

MINUTES OF THE GENERAL ASSEMBLY

meeting - three months after they informed him there were accusations. That was neither wise nor just. Had the Commission interviewed the accused sooner, given him specifics about the allegations, and allowed his Session and PCC staff leadership to also speak as they requested, the following proceedings might have been avoided.

The Complaint in Case No. 2020-07 is sustained, and the censure outlined in that case is annulled. The Complaints in Case Nos. 2020-08 and 2020-09 are sustained and answered by reference to this decision.

This Panel Decision was drafted by RE Howie Donahoe, amended and unanimously approved by the Panel, with amendments by the full SJC. The SJC approved the decision on the following roll call vote:

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

(19-0-0)

RE Terrell disqualified himself because of his personal relationship to the Appellant and Appellant's father-in-law. *OMSJC* 2.10(d).

CASE NO. 2020-06
BRIAN PAUL GORDON
V.
SOUTHERN NEW ENGLAND PRESBYTERY
DECISION ON APPEAL
OCTOBER 21, 2021

SUMMARY OF THE CASE

The Appellant was charged by the Session of his church with failing to keep his membership vows by not attending church for more than one year and failing to submit to the Session in its recommendations regarding his conduct,

his marriage and his family. At trial, the Appellant admitted that the charges were “true”. The Appellant was found guilty at trial. On appeal, the Presbytery affirmed the decision of the lower court. The Appellant appealed the Presbytery’s decision to the General Assembly.

I. SUMMARY OF THE FACTS

- 03/11/15 The Session of First Presbyterian Church North Shore (FPCNS; an OPC congregation at that time) sent Mr. Gordon a letter of admonishment regarding his treatment of his wife. Mr. Gordon disagreed with the admonishment and informed the Session that he intends to leave the church.
- 11/20/15 Session of FPCNS sent a communication to Mr. Gordon to encourage him to take steps to heal his marriage and return to worship.
- 01/14/16 Mr. Gordon wrote to the Session that his plan was to withdraw his membership and inform them when he joined another church. Note: The Session did not remove his name. FPCNS was a member of the OPC at this time. According to the Session, the OPC Rules of Discipline do not allow such a withdrawal, unless “the member informs the session that he does not desire to remain in the fellowship of the OPC, in other words the denomination as a whole, rather than just this particular church.”
- 12/11/16 The Congregation of FPCNS voted to join the PCA
- 12/29/16 Commission of SNEP concluded their interviews with the Ruling Elders of FPCNS. Interviews were conducted in accordance with *BCO* 13-8. The Commission concluded that the Ruling Elders understand and can sincerely adopt the doctrines and polity of the Presbyterian Church in America as contained in its Constitution.
- 01/27/17 FPCNS Teaching Elders were examined and received into SNEP
- 04/28/17 SNEP received FPCNS into the PCA. Mr. Gordon was a member of FPCNS when the church was received into the PCA.
- 05/06/17 The FCPNS Session sent a letter to Mr. Gordon asking him to re-establish contact with the Session, heed their admonishments and

MINUTES OF THE GENERAL ASSEMBLY

return to Lord's Day worship at FPCNS. The letter warned Mr. Gordon that failure to comply could result in additional disciplinary actions.

- 01/15/19 The Session of FCPNS conducted the trial of Mr. Gordon. He was found guilty of "failure to heed the admonition of the session," and failure to follow the membership vow 5 of the OPC and membership vows 4 & 5 of the PCA." . Mr. Gordon was indefinitely suspended from the table.
- 05/14/19 The Session of FPCNS voted to impose the censure of excommunication, because the Session found that Mr. Gordon's conduct warranted the greater censure. (*BCO* 30-3).
- 08/12/19 FPCNS sent a letter to Mr. Gordon notifying him that the censure had been changed to excommunication. Mr. Gordon received the notice from FPCNS regarding his excommunication on 8/16/2019.
- 09/10/19 Mr. Gordon submitted notice to the Stated Clerk of Southern New England Presbytery (SNEP) that he was appealing the decision. The grounds of his appeal were that "they have disregarded all of the very considerable evidence which would have not only exonerated me of the chargers [sic] they leveled against me, but would actually constitute sufficient grounds for me to bring charges against them."
- 03/06/20 SNEP's Commission heard the appeal.
- 06/27/20 SNEP heard the report of the Commission at a Called meeting. SNEP voted in favor of the Commission's recommendation and denied the appeal.
- 07/24/20 The Stated Clerk of the PCA received the appeal from Mr. Gordon.
- 04/15/20 The panel conducted the hearing. Panel members were RE E. J. Nusbaum (chairman), RE Jack Wilson (secretary) and TE Charles McGowan. TE Paul Lee (alternate) was also present.

II. STATEMENT OF THE ISSUES

Did SNEP err on June 27, 2020, in approving the recommendation of its Judicial Commission’s decision to deny Mr. Brian Gordon’s appeal?

III. JUDGMENT

No.

IV. REASONING AND OPINION

The Appellant has not presented any evidence that sustain the specifications of error that he has alleged. The Appellant did not “specify” an error in the conduct of the trial, the admission of evidence, or the Presbytery’s review on appeal. The Appellant failed to identify any error with particularity. Instead, he recited the general grounds for appeal outlined in *BCO* 42-3. We believe this vague and non-specific recitation of general grounds for appeal could be said to be inadequate to identify any particular error with specificity. While the SJC has summarily adjudicated at least one recent case for such lack of specificity (See 2019-05, *Goggan v. Missouri Presbytery*), we review each of the Appellant’s “specifications” below in an abundance of fairness.

A. Failing to Grant a Reasonable Indulgence

The Presbytery granted the Appellant a reasonable indulgence by resetting the date of the hearing. This specification is not supported by the Record and is not sustained.

B. Hurrying to a decision

The Appellant did not identify any specific act or omission by the lower court or the Session in support of this specification. The Session waited approximately twenty (20) months between offering its admonition and proceeding to trial. After the trial and censure, the Session waited an additional five (5) months before proceeding to excommunication because the Appellant never returned to church attendance. This timeline does not indicate any improper rush to a decision. This specification is not supported by the Record and is not sustained.

C. Exhibiting Prejudice

The Appellant has not identified any specific act or omission by the lower court or the Session in support of this specification. While the Appellant contends that the Session took his wife's side in his divorce, he did not identify any error in the conduct of the trial amounting to prejudice. He also failed to identify any prejudicial act by the Presbytery in considering his appeal. This specification is not supported by the Record and is not sustained.

D Exhibiting Injustice

Again, the Appellant has failed to identify any specific erroneous act or omission from the trial or the appeal in support of this vague allegation. At trial, in his brief and oral argument to Presbytery, and in oral argument to the Panel in this case, the Appellant admitted that the trial court's charges against him were true. The Appellant indicated that he did not call witnesses at trial because their testimony would have provided further proof of his guilt. The Appellant made clear that he wished to present evidence not directly related to the charges against him but bearing on the actions of his wife or the circumstances of his marriage. Since Appellant chose not to tender such evidence at trial to support his defense, it is impossible to evaluate whether it would have been admissible, and if so, whether it would have been exculpatory. On appeal, the higher court cannot consider or evaluate evidence not presented at trial. This specification is not supported by the Record and is not sustained.

While a number of defenses at trial and arguments on appeal may have been available to the Appellant, we limit our review to those issues actually presented by the parties in the lower courts and decline to speculate regarding matters not raised by the parties in the lower courts. *BCO* 39-3(1).

The decision of SNEP is affirmed, and the appeal is denied.

The Panel decision was written by RE EJ Nusbaum and RE Jack Wilson and edited and approved by the panel 3-0-0. The SJC amended and approved the decision on the following roll call vote:

APPENDIX T

Bankson <i>Concur</i>	M. Duncan <i>Concur</i>	Neikirk <i>Concur</i>
Bise <i>Dissent</i>	S. Duncan <i>Concur</i>	Nusbaum <i>Concur</i>
Cannata <i>Concur</i>	Ellis <i>Concur</i>	Pickering <i>Concur</i>
Carrell <i>Concur</i>	Greco <i>Concur</i>	Ross <i>Dissent</i>
Chapell <i>Concur</i>	Kooistra <i>Concur</i>	Terrell <i>Concur</i>
Coffin <i>Concur</i>	Lee <i>Concur</i>	Waters <i>Concur</i>
Donahoe <i>Dissent</i>	Lucas <i>Absent</i>	White <i>Absent</i>
Dowling <i>Dissent</i> (18-4-0)	McGowan <i>Concur</i>	Wilson <i>Concur</i>

**Dissenting Opinion
Of RE Howie Donahoe**

I dissented from the Decision because the SJC (1) should have ruled the Appeal administratively out of order for lack of standing and (2) should have ruled that the Session did not retain jurisdiction over Mr. Gordon when First Presbyterian Church North Shore left the OPC and joined the PCA and thus had no jurisdiction to conduct the trial. The Record does not demonstrate Mr. Gordon ever became a PCA member or was ever under the jurisdiction of a PCA Session.

The matter is complicated by Mr. Gordon having participated in a PCA trial even though he had repeatedly maintained he was not leaving the OPC. And he did not raise the jurisdictional question in his appeal. However, his September 2021 Supplemental Brief indicates that at the time of the church's departure from OPC, he was unfamiliar with the OPC rule for how members could remain in the OPC.

Regardless, the higher court must always verify jurisdiction and standing before adjudicating a case, even if neither party raises the issue. This is a critical part of what's considered when a higher court determines if a case is administratively in order. When *BCO* 39-3.1 stipulates, "A higher court, reviewing a lower court, should limit itself to the issues raised by the parties to the case in the original [lower] court," it's not referring to jurisdiction or standing.⁷

⁷ SJC Manual 9.1 stipulates: "When a judicial case is submitted to the Commission, the Officers shall make an initial determination as to whether the case is administratively in order. (a) A case is administratively in order if the relevant provisions of *BCO* 41, 42, and 43 have been followed." The "relevant provisions" would include jurisdiction and standing. There is precedent for the SJC ruling complaints out of order for lack of standing. See, for example, these seven cases: 92-9b *Overman v. E. Carolina*, 2015-03 *Gearhart v. Chicago Metro*, 2012-06 *Bethel*

Here is a summary chronology. In March 2015, about two years before FPCNS joined the PCA and four years before the PCA trial, the OPC Session of FPCNS “admonished” Mr. Gordon in a letter regarding matters related to his marriage. It’s important to note that in one procedural way, admonition is different in the OPC than in the PCA. An OPC Session can impose the censure of admonition *without* a confession of guilt or a guilty verdict at trial. (OPC Book of Discipline 3.6) However, the censure of admonition is not an on-going *status*. It’s administered at one point in time. The OPC *BCO* does not mention the “removal” of an admonition as it does other censures. Nor does a PCA Session vote to remove the censure of admonition at some point in the future, as it would with other censures. (*BCO* 37)

Below are the OPC Session’s *recommendations* in its March 2015 letter sent four years before the PCA trial, in which it admonished him to “repent of harshness to his wife.” [ROC 12]

... It is also our responsibility as your shepherds in the Lord to help guide you in a path of repentance, healing, and reconciliation. In order to help you do so we give you the following recommendations.

1. Begin marriage counseling with [the wife] as soon as possible with a counselor of our recommendation.
2. Meet with Elder ___ for discipleship and accountability.
3. Seek individual professional counseling.
4. Limit your conversations about your circumstances with only 2 or 3 people including ___ but not including the pastor, elders or [the wife].

Eleven days later, on March 22, 2015, Mr. Gordon wrote the OPC Session, saying,

I have determined before the Lord that my family needs to leave FPC. We will be looking for another Presbyterian Church to join, preferably within the OPC. ...We will begin our search for a different OPC church immediately and will be seeking membership there.” [ROC 16]

v. SE Alabama, 2012-08 Jackson v. NW Georgia, 2019-13 Benyola v. Central Florida, 2019-14 McWilliams v. SW Florida, and 2020-01 Benyola v. Central Florida.

He began attending worship elsewhere, and in January 2016, ten months after the admonition, he asked to be removed from the rolls of FPCNS OPC. The OPC Session declined the request on two grounds: (1) their contention that Mr. Gordon was still “under discipline” and (2) their understanding that the OPC Book allowed them to retain someone under discipline *unless* that person was leaving the OPC.

A year later, FPCNS left the OPC and was received into the PCA by the S. New England Presbytery in January 2017.⁸ Four months after joining the PCA, the Session wrote Mr. Gordon and exhorted him to worship at FPCNS PCA - even though he had clearly said in March 2015 and again in January 2016, that he was planning to worship elsewhere in the OPC.

In January 2019 — two years after leaving the OPC — the PCA Session put Mr. Gordon on trial and convicted him on two charges — “failure to heed the admonition of the session” and “failure to follow the membership vow 5 of the OPC and membership vows 4 and 5 of the PCA.” He was judged guilty on both and suspended from the sacraments. Four months later, the Session excommunicated him.

When Your Church Changes Denominations and You Don’t Want to Follow

Again, we note Mr. Gordon complicated jurisdictional questions by appearing at the trial before the PCA Session. But his error does not thereby impart jurisdiction. For example, it would be illegitimate for my PCA Session to put my Methodist neighbor on trial, regardless of whether he chooses to participate.

The OPC Session clearly understood Mr. Gordon desired to stay, and intended to stay, in the OPC. This was clear in the OPC Session Moderator’s email to him in April 2015 - three years before the PCA trial.

With regard to the substance of your request [to be removed from the rolls of FPCNS], however, the [OPC] Book of Discipline does not permit your erasure under these circumstances. Your request, as we understand it, was specific to withdrawing from membership at First Presbyterian Church

⁸ PCA Stated Clerk’s Report, *M46GA*, p. 89

North Shore [OPC]. Under Chapter V(2)(a)(2) of the [OPC] Book of Discipline, however, such an erasure can only be performed where the member informs the session that he *does not desire to remain* in the fellowship of the Orthodox Presbyterian Church, in other words the denomination as a whole, rather than just this particular church.

I am, of course, not in a position to suggest what the Session would decide, but am able to communicate that *should you make the request based on your desire to no longer remain in the fellowship of the Orthodox Presbyterian Church as a whole* we would docket the matter for consideration at a regular Session meeting. (Emphasis added.) [ROC 45]

Thus, it was clear to the OPC Session that Mr. Gordon *did not* intend to leave the OPC, which is why the Session believed they could retain them on the rolls of FPCNS OPC. The Record does not indicate Mr. Gordon ever attended FPCNS after it became a PCA church.

Furthermore, as far as Mr. Gordon's OPC membership was concerned, the OPC Session apparently failed to comply with the OPC rules for withdrawing. Below is an excerpt from the OPC Form of Government, Chapter 16 regarding congregational meetings held to withdraw from the OPC. Note the italicized requirement at the end regarding members who wish to remain in the OPC.

7. A congregation may withdraw from the OPC only according to the following procedure:
 - a. Before calling a congregational meeting for the purpose of taking any action contemplating withdrawal from the Orthodox Presbyterian Church, the session shall inform the presbytery, ordinarily at a stated meeting, of its intention to call such a meeting, and shall provide grounds for its intention. The presbytery, through representatives appointed for the purpose, shall seek, within a period not to exceed three weeks after the presbytery meeting, in writing and in person, to dissuade the session from its intention. If the session is not dissuaded, it may issue a written call for the first meeting of the congregation. The call shall contain the session's recommendation, with its written grounds, together with the presbytery's written argument.
 - b. If the vote of the congregation favors withdrawal, the session shall call for a second meeting to be held not less

than three weeks, nor more than one year, thereafter. If the congregation, at the second meeting, reaffirms a previous action to withdraw, *it shall be the duty of the presbytery to prepare a roll of members who desire to continue as members of the OPC and to provide oversight of these continuing members.* (Emphasis added.)
https://www.opc.org/BCO/FG.html#Chapter_XVI

There is no evidence in the Record that the OPC Session helped arranged for such a remain-in-the-OPC option roll or that the OPC Presbytery of NY and New England required such. In the Minutes of the FPCNS congregational meeting of December 11, 2016, there is no mention of this remain-in-the-OPC option for those who voted against joining the PCA. [ROC 214] Granted, if Mr. Gordon had been familiar with this section of the OPC BCO, perhaps he could have directly petitioned the OPC Presbytery to retain his OPC membership at large. But the real responsibility lay with the departing Session and the OPC Presbytery. Had the rules been followed, Mr. Gordon would have been placed on the rolls of the OPC at large and would have been removed from the rolls of FPCNS when it joined the PCA.

This should have been clear to the Session. In an August 4, 2021, post-Appeal-hearing email to the SJC Panel Chairman, FPCNS RE Joss stated the following:

There is a provision in the OPC Book of Church Order (XVI.7.b) for individual members who object to the church leaving the denomination to be taken under care of the presbytery. This did not happen with [Mr. Gordon] so he was still a member when we came into the PCA. [226]

But that August email does not indicate *why* this did not happen, nor does it indicate Mr. Gordon was aware of, or was informed of, the OPC provision. In his September 28, 2021 Supplemental Brief, Mr. Gordon included excerpts from emails he sent to the Panel in August and September in which he reiterated the Session knew he wanted to stay in the OPC and not join the PCA.⁹

⁹ The Record of the Case was deemed complete by the Panel on March 1, 2021, and the Panel Hearing was on April 15. The Record was later revised on August 12, and finally on September 1 with the addition of 14 pages. [ROC 214-227] The Panel's final proposed decision is dated September 7. Mr. Gordon's Supp Brief contained

I vigorously resisted their decision to switch their denominational affiliation... [P]rior to RE Walters' note, the session had sent [name omitted] ... on a fact-finding mission concerning how I felt about FPCNS leaving the OPC for the PCA. [That person] knew exactly and with what vehemence I opposed such a transition and communicated this to [RE Walters] and the members of the Session. ... RE Walters knew that I had no intention of leaving the OPC but rather only leaving FPCNS because it had left the OPC ... [T]here is plenty of evidence in proof of exactly what my intention was and why. So, it was never my intention to leave the OPC: it was my intention to leave FPCNS only because of their poor treatment of my family and their decision to leave the OPC ... In short, my desire for erasure was not from the OPC but from FPCNS precisely because they planned to transition to the PCA; ... I was *not* interested in *erasure* [from the OPC]; I wanted *out* of FPCNS and into another OPC fellowship. ... Why wasn't I "taken under the care of Presbytery"? Was it not precisely, though the session, *whose responsibility it was* to notify the [OPC] Presbytery of members who wanted to remain in the OPC, *knew* I wanted them to take just such action, they never communicated this to the [OPC] Presbytery? Had they done so, I would now be an OPC man having nothing whatsoever to do with FPCNS ... So, before ever my [PCA] trial began, the session of FPCNS knew that I wanted to leave their fellowship, not the OPC. They could have worked with me to make that happen but put me on trial instead ..."

OPC and PCA Rules on Receiving a New Congregation

The arguments above should be sufficient to establish that the PCA Session erred by believing they could retain jurisdiction over an OPC member, *against his expressed wishes*, after the Session and congregation left the OPC. But this Case also raises the general issue of how a person's membership is moved from one church to another when that church changes denominations.

excerpts from emails he contends he sent to the Panel on August 24, 28, 31, September 7, and 10.

We presume the FPCNS Session (PCA) was familiar with OPC rules on receiving congregations, because the Session membership remained the same after the church came into the PCA. [ROC 216; 220-21]

OPC Form of Government 29.B - Receiving Congregations

2. In receiving an existing, local church not belonging to the Orthodox Presbyterian Church as a new and separate congregation (church) the procedure shall be as follows:

...

- b. The presbytery or a committee appointed by the presbytery *shall examine the applicants* as to their Christian faith and life and their knowledge of and *willingness* to submit to the standards of the Orthodox Presbyterian Church. (Emphasis added.)

Granted, the above did not apply when the OP church sought entry to the PCA. But it would be unreasonable to assume an OPC member like Mr. Gordon was aware of the difference between the OPC and PCA rules. The Record does not indicate Mr. Gordon ever submitted himself for such an applicant examination in the PCA or ever expressed a “willingness to submit to the standards” of the PCA, which, given his membership in the OPC, would have been a reasonable expectation on his part.

While the PCA *BCO* might not be as explicit as the OPC’s, the principle still pertains. A person cannot be taken into another denomination against his will, especially when he has repeatedly indicated his intent to remain in his current denomination. Agreement with the following points is not necessary to establish the FPCNS PCA Session’s lack of jurisdiction, but it demonstrates a principle.

It seems reasonable to expect that when a church joins the PCA, either from PCA mission church status or from another denomination, each joining congregant would ordinarily sign the PCA’s *BCO* 5-9.g. organizing petition to transfer his membership into the PCA along with fellow congregation members. Ordinarily, he would also publicly affirm the covenant promise of *BCO* 5-9.i.(3) at the organizing service. Absent that signing and public affirming, it is reasonable to question if a member of the previous church intends to be part of the church in the new denomination. Put another way, the entire membership roll of an OP church does not *automatically* become the membership roll of the PCA church at the organization service. Each member must ordinarily make that choice individually and demonstrably. And this seems to at least be implied in the PCA’s stipulations below from the *BCO* 5

section titled “The Organization of a Particular Church.” (Emphasis added throughout.)

BCO 5.9.g. In order to proceed to organization as a particular church the members of the mission church *shall sign a petition* to Presbytery requesting the same.

BCO 5.9.h. Upon Presbytery’s *approval of the petition*, Presbytery shall appoint an organizing commission and shall set the date and time of the organization service.

BCO 5-9.i.(3). A member of the organizing commission *shall require* communicant members of the mission church present to enter into covenant, by answering the following question affirmatively, with uplifted hand: Do you, in reliance on God for strength, solemnly promise and covenant that you will walk together as a particular church, on the principles of the faith and order of the Presbyterian Church in America, and that you will be zealous and faithful in maintaining the purity and peace of the whole body?

The SJC Decision does not cite *BCO 13-8*, which would govern *how transferring ruling elders become PCA elders* in a newly received PCA church.

BCO 13-8. The Presbytery, before receiving into its membership any church, shall designate a commission to meet with the church’s ruling elders to make certain that the elders understand and can sincerely adopt the doctrines and polity of the Presbyterian Church in America as contained in its Constitution. In the presence of the commission, the ruling elders shall be required to answer affirmatively the questions required of officers at their ordination.

If *BCO 13-8* is the *only* constitutional provision that applies to an OPC church joining the PCA, it would contradict my understanding of the jurisdictional question. But I don’t believe *BCO 13-8* is the only paragraph that applies. *BCO Chapter 5* also applies regarding the congregation members. The provisions in *BCO 5* were adopted *after BCO 13-8*. So, it’s reasonable to

understand *BCO* 5-9 as describing an additional component of how a church joins the PCA.¹⁰

The Minutes of the Southern New England Commission to receive FPCNS record the following from the organization service on April 28, 2017:

The Service of Reception was conducted according to the Order of Service. The members of First Presbyterian Church responded in the affirmative to their vow to enter into covenant to walk together as a church according to the principles of faith and order of the Presbyterian Church in America. The church was received according to the Word of God and faith and order of the Presbyterian Church in America.” [ROC 222]

The Order of Service in the Record clearly followed that in *BCO* 5-9. [ROC 223-225]

To maintain that Mr. Gordon became a PCA member against his will and against his expressed wishes might be akin to the following examples. Let’s say 50 members of the 99-member XYZ PCA Church vote to leave the PCA and each of the 50 sign a petition to join a local RCA church. But the other 49 vote against doing so and decline to sign the joining petition. Are those 49 *automatically* excised from the rolls of the PCA and immediately entered onto the rolls of the RCA against their will, and immediately under the jurisdiction of its mixed-gender Session and female minister?

Or let’s say instead of joining the RCA, the PCA church joined the CREC. And let’s say John Doe was in the 49-person minority voting against leaving. And let’s say that regardless of Mr. Doe’s clear intention not to leave the PCA, the CREC Session believes it has automatic jurisdiction over him and promptly indicts him for the sin of failing to have his children baptized (citing *WCF*

¹⁰ Here’s some quick history. In 1977, Mid-Atlantic Presbytery filed Overture 33 seeking to add *BCO* 13-8, which was enacted a year later by the 6th GA. *Six years later*, *BCO* 5-1 through 5-7 were added and enacted by the 12th GA in 1984. In 1985, *BCO* 5-9 was *extensively revised*. In 2011, *BCO* Chapter 5 was revised again, including the addition of what is now *BCO* 5-5. In 2015, *BCO* 5-2 was revised, and the last revision to *BCO* Chapter 5 came in 2017 with a revision to 5-3. Thus, it is difficult to argue that *BCO* 13-8 supersedes or stands in place of the lengthy procedures of *BCO* 5-9, when *BCO* 5-9 was revised seven years after *BCO* 13-8. The extensive section on “The Organization of a Particular Church” did not exist in 1978 when *BCO* 13-8 was enacted.

28:5). Mr. Doe then reiterates what he clearly stated previously that he never intended to become part of the CREC. But they retain him on the rolls, conduct the trial, and eventually excommunicate him for lack of repentance for that sin. I find the jurisdictional understanding in these two examples untenable.

Finally, referencing those two examples, PCA presbyteries are often not consulted in such church departures, so how would the average member who wants to remain in the PCA know what his options are? PCA ministers and elders might be aware, but it's not reasonable to expect the average member to know his options. And it might be many months before a PCA presbytery has a stated meeting and can act on the member's petition to remain in the PCA at large.¹¹

Proper Charges? - If the Case had been ruled administratively out of order, there would be no need to address the Charges. However, because the SJC took up the Case, some comments are warranted. Before addressing them directly, we commend the Session for its desire to exhibit pastoral care and offer its counsel. Marital difficulties are often quagmires. And this Dissent does not express any opinion on the Session's assessment of the difficulties in the marriage.

The SJC Reasoning states: "At trial, in his brief, oral argument to Presbytery, and in oral argument to the Panel in this case, the Appellant admitted that the trial court's charges against him were true." However, it matters little whether the charges were true if the charges don't allege something that is truly a sin. *BCO 29-1* stipulates, "Nothing, therefore, ought to be considered by any court as an offense, or admitted as a matter of accusation, which cannot be proved to be such from Scripture." These two charges were illegitimate at the outset.

Charge 1 - The first charge in the PCA Session's indictment was "*failing to receive and heed* the discipline of the [OPC] Session as stated in the admonition of March 11, 2015." The PCA Session cited Hebrews 13:17 as the Scripture mandating obedience the admonition/ recommendation of the elders: "Obey your leaders and submit to them, for they are keeping watch over your souls, as those who will have to give an account." [ROC 39]

First, it seems odd for a PCA Session to charge someone with not heeding recommendations of an OPC Session, even if the membership of those

¹¹ Twelve of our PCA presbyteries only meet twice a year, and 28 others only meet three times a year.

Sessions is identical. More importantly, it is an error to claim husbands and wives are required to *obey* Session advice or recommendations regarding marital struggles, and risk excommunication if they decline. It's not automatically a sin to "fail to heed" such counsel. Presumably, the obedience in view in Hebrews 13 pertains to things *Scripture* prohibits or requires. Session recommendations are not that. (WCF 20.2) Thus, it is not a violation of membership vows.¹²

A Session might indict a man for the sin of divorce without biblical grounds, but it cannot indict him for declining to follow Session recommendations, advice, counsel, admonitions, etc. This principle was most recently expressed in the SJC's February 2020 Decision in Case 2019-06: *PCA v. Presbytery of the Mississippi Valley*, which was a BCO 40-5 referral from the 47th GA involving a wife [the Petitioner] who had been pursuing a divorce. Below are the most pertinent excerpts.

The 47th GA's Question 2 to Presbytery - "If a church member declines to follow advice or counsel from a Session, is that automatically evidence of failing to submit to the government and discipline of the church? (i.e., offense for which the Session indicted her)."

MS Valley Response - "No. Not automatically. The action of the session was to "rule" that [the Petitioner] did not have a Biblical basis for divorce (ROC 13 l. 15ff.). That "rule" was communicated to remove any ambiguity as to what the session deemed obedient action for both [the husband and wife]. Knowing her expressed conclusions (ROC 12, l. 11) a clear scriptural decision and communication was approved by the session for [the Petitioner]. That was intended for her benefit."

[SJC Reasoning for finding that Response unsatisfactory] - Presbytery's answer concludes with the assertion below, which indicates that Presbytery, and perhaps the Session, believe the Petitioner only had two options: "obey" and stop the divorce, or file a Complaint."

¹² OPC Directory for Worship 4.b.2.(5) Vow 5: Do you promise to ... to submit in the Lord to its government, and to heed its discipline, even in case you should be found delinquent in doctrine or life? PCA BCO 57-5. Vow 5: Do you submit yourselves to the government and discipline of the Church, and promise to study its purity and peace?

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“The proper course of action for [the Petitioner], if her conscience would not allow her to obey, would have been to file a complaint against their ruling. The fifth vow of membership precludes summarily disregarding the session's communication. (*BCO 57-5.5; ROC 12, 1.11*).”

But there's at least one other option: *to consider, but respectfully disagree with, the Session's conclusion*. That would *not* be a violation of membership vow 5 or de facto evidence of "failing to submit to the government and discipline of the church." Granted, in a situation like that, a Session might allege the person is divorcing without biblical grounds, and indict on those grounds, but that was not the Indictment against the Petitioner.” ... (Emphasis added.)

Furthermore, whenever a Session offers such or similar counsel, a member is not required to file a *BCO 43 Complaint* if the member declines to follow it (*contra* Presbytery's response to GA Question 2). *A member's responsibility is to seriously and respectfully consider the counsel*. But there may be many instances where a Session advises it regards something as sinful, without the member sinning by not following the advice. (The person's underlying action may indeed be sinful, but his *response to the advice* is not, in and of itself, sinful). This might include Session advice on how the Lord's Day should be observed, whether parents should use books with depictions of Jesus, whether parents should baptize their infants (WCF 28:5), whether tithing is morally obligated, the permissible use of tobacco or alcohol, appropriate clothing standards, "undue delay of marriage" (WLC 139), "avoiding unnecessary lawsuits" (WLC 141), what constitutes "prejudicing the good name of our neighbor" (WLC 145). And if a Session believed an indictment was warranted in any such situation, the indictment should allege the underlying sin, not the person's decision declining to follow Session counsel.”¹³ (Emphasis added.)

¹³ SJC's 2020 Report to the 48th GA, St. Louis Commissioner's Handbook, pp. 2051-64. <https://drive.google.com/file/d/1MW-TfB2VWJQa8-mZyq1Shr512zD9VTwo/view?usp=sharing>

Charge 2 - The second charge was “intentionally absenting himself from Lord’s Day worship *at First Presbyterian ...*” (Emphasis added.) The Session cited Hebrews 10:24-25, “Let us consider how to stir up one another to love and good works, not neglecting to meet together, as is the habit of some, ...” And in this charge, the Session accused him of violating OPC membership vow 5 and PCA membership vow 4.

As with Charge 1, it’s hard to understand how a PCA court can charge someone with breaking an *OPC* membership vow. And as explained above, Mr. Gordon never affirmed *any* PCA membership vow. Furthermore, the January 2019 trial transcript records:

Mr. Gordon ... indicated that he attended the church pastored by David Booth (Merrimack Valley Orthodox Presbyterian Church). He also reported that he attended a Presbyterian Church when he was [in] Shiloh and he has also attended Genesis, a church in Burlington,” [ROC 47]

It is not automatically a violation of Hebrews 10:25 to decline to heed a Session’s counsel to attend worship at a *specific* church when that person is regularly attending elsewhere, especially when the *specific* church has changed denominations and the accused desired to remain in the original denomination.¹⁴

Conclusion - For the reasons above, the Appeal should have been ruled administratively out of order for lack of standing, and any actions of any PCA court regrading Mr. Gordon should have been ruled null and void for lack of jurisdiction. This dissenting opinion was written by RE Howie Donahoe and joined by RE Steve Dowling and TE Michael Ross.

¹⁴ None of the seven Larger Catechism questions on the 4th Commandment cite Hebrews 10:25. It is cited in Westminster Confession of Faith 21:6 and 26:2, but not in a way that supports how it was applied in Charge 2.

CASE NO. 2020-14
TE AARON MYERS
V.
ILLIANA PRESBYTERY
DECISION ON APPEAL
October 21, 2021

I. SUMMARY OF THE FACTS

- 03/12/20 At a meeting of the Session of Providence Presbyterian Church (PPC), Edwardsville, Illinois, following a history of difficulties in the marriage of Danielle Myers (Mrs. Myers) and TE Aaron Myers (TE Myers) spanning at least two years, TE Myers was asked to resign from his pastoral charge. He complied.
- 03/13/20 Six of the ruling elders of Providence Presbyterian Church wrote to the Stated Clerk of Illiana Presbytery bringing a recommendation of charges against TE Myers with respect to his treatment of Mrs. Myers.
- 03/15/20 A letter to the congregation from the Session was read by RE Rodgers informing them of TE Myers' resignation.
- 03/19/20 Mrs. Myers wrote to the Session complaining about alleged inaccuracies in the Session's announcement to the congregation and asking that they publicly correct the matter with respect to the congregation.
- TE Myers rescinded his resignation.
- 03/22/20 The Session denied Mrs. Myers request of 3/19.
- 05/23/20 At a stated meeting, Illiana Presbytery appointed a commission to investigate reports concerning TE Myers according to *BCO* 31-2.
- 05/25/20 Mrs. Myers wrote to the Investigative Commission to say that she would not meet or speak with them, and that she intended to exercise her rights under *BCO* 35-2.

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- 06/03/20 Mrs. Myers wrote to the Investigative Commission saying, “I reverse my decision to follow *BCO* 35-2 to not testify against my husband. I also do not stand by the letters dated March 28, 2020, May 22, 2020 or May 25, 2020 that were signed by me. All three were written under duress and with pressure and coercion from Aaron.”
- 06/26/20 TE Myers informed the Presbytery Investigative Commission that he would not meet with them (*BCO* 35-1) and why.
- 06/29/20 The Commission to Investigate decided that there was sufficient evidence to raise a strong presumption of guilt regarding the allegations brought by the six elders of Providence Presbyterian Church (PPC) and recommended Illiana Presbytery institute process.
- 07/16/20 TE Myers signed a severance agreement delivered by REs Lollar and Cope and then used profanity regarding Mrs. Myers, in the presence of neighbors and children. TE Myers asked the two elders for forgiveness that night via text.
- 07/21/20 A six-member Judicial Commission was appointed by Illiana Presbytery in response to Presbytery's Investigative Commission's report to Presbytery. TE Myers declared that he would not testify.
- 07/30/20 The Commission suspended TE Myers from the duties of his office pending the conclusion of the trial (*BCO* 31-10).
- 09/25/20 Following several weeks of disputes and decisions regarding the language of the indictment, the Commission issued an amended indictment of three charges: 1. maltreatment of his wife; 2. fits of anger; and 3. sexual immorality (use of pornography), and citation to appear for arraignment.
- 10/08/20 The Defense counsel entered a plea of not guilty as received in writing from the Defendant. A new trial date was set for 10/24/20.
- 10/24/20 The Trial was held. In the trial proceedings, charge 3. sexual immorality (use of pornography) and related specifications, were dropped according to a ruling by the Moderator.

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- 10/31/20 After Commission deliberation, the Defendant was unanimously found guilty of the charge of “maltreatment of his wife” and the charge of “fits of anger”.
- 11/05/20 The Commission considered and decided upon a censure to recommend to Presbytery, to wit, “indefinite suspension from office”.
- 11/21/20 Illiana Presbytery heard the report of the Commission decision that TE Aaron Myers was guilty of the charge of maltreatment of his wife and the charge of having fits of anger and unanimously adopted the Commission’s recommended censure as amended to include suspension from the Sacraments (*BCO* 36-5).
- 12/02/20 TE Myers filed his Appeal with the SJC (received 01/06/21).
- 02/27/21 Appellant submitted alleged new evidence to the Panel that he contended had an important bearing on the case (*BCO* 35-14). In light of the alleged new evidence, Appellant requested the SJC to set aside the judgment and censure in the case and remand the case to Illiana Presbytery for a new trial (*BCO* 42-9).
- 04/29/21 Without objection, the Panel found that the statement of Mrs. Danielle Myers submitted by Appellant as new evidence was not new evidence that had an important bearing on the case, and thus declined to receive it.
- 08/10/21 The Panel (Chairman RE Steve Dowling, TE David Coffin, RE John Pickering, and Alternates TE Charles McGowan and RE John White) conducted the hearing.

II. STATEMENT OF THE ISSUE

At its meeting on November 21, 2020, did Illiana Presbytery err in approving its Judicial Commission’s decision that TE Aaron Myers was guilty of the charge of maltreatment of his wife and the charge of having fits of anger?

III. JUDGMENT

No. The decision of Illiana Presbytery is upheld in whole. None of the Appellant's Specifications of Error are sustained.

IV. REASONING

With respect to the guilty verdict Appellant raises four specifications of error on the part of Illiana Presbytery (IP). In a first specification of error,¹⁵ Appellant alleges that IP erred in allowing witnesses to the charges who were not eyewitnesses to the offenses alleged. In addition to the testimony of Appellant's wife, the Judicial Commission (JC) allowed certain Ruling Elders of the congregation to testify that Appellant himself had confessed to the truth of the allegations. Appellant argued that such testimony was "hearsay" and, as such, prohibited as evidence.

This specification of error is not sustained.

A Minute Explanatory. *The Book of Church Order (BCO)* sets forth standards for both the competence and the credibility of witnesses. As to competence:

All persons of proper age and intelligence are competent witnesses, except such as do not believe in the existence of God, or a future state of rewards and punishments. . . . Either party has the right to challenge a witness whom he believes to be incompetent, and the court shall examine and decide upon his competency. . . . (*BCO* 35-1)

The Record shows that the JC acted in accordance with this provision in admitting witnesses and in responding to challenges. The *BCO* does not require that witnesses be eyewitness. Further, the *BCO* does not forbid "hearsay" evidence.

As to credibility:

¹⁵ The indefinite article is used throughout with respect to specifications because the rather diffuse and repetitive character of the Appeal made it difficult to succinctly identify specifications of error. It is the Court's opinion that the following does justice to the Appellant's submission. Future appellants are herein encouraged to consult with *BCO* Appendix G, Suggested Forms for Judicial Business, V. Appeal.

It belongs to the court to judge the degree of credibility to be attached to all evidence. (*BCO* 35-1)

The Record shows that the JC judged as credible the testimony of Ruling Elders testifying that Appellant himself had confessed to the offenses alleged. Here it is instructive to note that in courts that do have a rule on the inadmissibility of hearsay statements, a well-established exception to the rule is made in the case of testimony with respect to statements made against penal interest, i.e., a statement made by a defendant is admissible as evidence if it is inculpatory.¹⁶ The credibility of such testimony is found in the commonsense belief that people do not rashly or falsely make statements against penal interest. The JC found the testimony credible. Apart from a showing of “clear error,” the SJC must defer to the judgment of the lower court in this matter (*BCO* 39-3.3). No such showing is set forth in the Record.

A second specification alleges that IP erred in allowing only one witness to establish a charge, contrary to *BCO* 35-3, “The testimony of more than one witness shall be necessary in order to establish any charge; yet if, in addition to the testimony of one witness, corroborative evidence be produced, the offense may be considered to be proved.”

This specification of error is not sustained.

A Minute Explanatory. This specification depends upon the cogency of the first, and as the first has not been sustained, the second fails with it. According to our reading of the Record each charge was established by at least two witnesses.

A third specification of error alleges that IP erred in allowing charge 2, “fits of anger”, which charge violated the provisions of *BCO* 32-20, i.e., “Process, in case of scandal, shall commence within the space of one year after the offense was committed, unless it has recently become flagrant. . . .” Appellant contends that charges were received by the court of original jurisdiction over a year after the alleged offense took place.

This specification of error is not sustained.

¹⁶ Notice, on the other hand, statements that are *exculpatory* are typically excluded, unless corroborating circumstances clearly indicate the trustworthiness of the statement.

A Minute Explanatory. The facts, in this specification, are not in dispute; rather the question has to do with the meaning of *BCO* 32-20. In his concurring opinion to SJC 2019-08, RE J. Howard Donahoe provided an able exposition of the *BCO* provision at issue. He argued that according to the text “the date of an alleged offense is not material unless the offense is a ‘case of scandal.’” RE Donahoe thus asks, “what constitutes a case of scandal?” For an answer he turned to an historic and highly regarded exposition of the *BCO* by F.P Ramsay:

The principle is that, if the Church neglects to commence process against scandal (which is any flagrant public offence or practice bringing disgrace on the Church) within a year, she is debarred from thereafter doing it. This is not to shield the offender, but to incite to the prompt prosecution of such offences. Offences not so serious or scandalous the Church may bear with the longer while seeking to prevent scandal; but for no consideration is the Church to tolerate such offences as are scandalous.¹⁷

RE Donahoe soundly concluded that the first sentence of *BCO* 32-20 does not shelter an offender in any way, but rather, it is simply meant to “spur the court to prosecute a particular offense—something that is actually bringing public disgrace on the Church. . . . For an offense to be a ‘case of scandal’ it would need to be an offense that is known to the broader public and, unless adjudicated promptly, would bring public disgrace on the Church. . . .”

According to the ROC, the alleged offense brought before the JC of IP was not a “public offence or practice bringing disgrace on the Church,” a “scandal” “known to the broader public.” Therefore the one-year requirement of *BCO* 32-20 did not, in this case, prohibit IP from hearing and adjudicating the case.

Finally, a fourth specification of error alleges that IP erred in employing judicial process with respect to the allegations concerning TE Myers, to the neglect of pastoral care and marriage counseling.

This specification of error is not sustained.

¹⁷ F.P. Ramsay, *An Exposition of the Form of Government and the Rules of Discipline of the Presbyterian Church in the United States* (Richmond: The Presbyterian Committee of Publication, 1898), p. 207.

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A Minute Explanatory. Apart from a showing of “clear error,” the SJC must defer to the judgment of the lower court regarding those matters of discretion and judgment which can only be addressed by a court with familiar acquaintance of the events and parties (*BCO* 39-3.3). No such showing is contained in the Record.

However, the Record does show that judicial process took place only after reasonable attempts at pastoral care had been made at both the local and presbytery level. Early on members of the Session had urged the Appellant to pursue marital counseling. Pastoral help was sought by Session members from a respected mentor. Counseling was arranged through another minister of the Presbytery, apparently to no avail. The Record shows that IP took up judicial process, not to resolve a pastoral matter, but because, after investigation, IP concluded that there was a strong presumption of guilt that the Appellant had committed grievous offenses against his wife that required disciplinary action.

The Panel Decision was drafted by TE David Coffin and RE John Pickering and amended and unanimously approved by the Panel. The SJC amended and approved the decision on the following roll call vote:

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

(22-0-0)

CASE NO. 2021-01
MR. STUART MICHELSON
V.
NORTHWEST GEORGIA PRESBYTERY
DECISION ON COMPLAINT
October 21, 2021

The SJC finds the case is administratively out of order as prematurely filed. Presbytery had not completed its hearing on the Complaint as of the date the

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Complaint was filed with the SJC. The Complainant's time to elevate the Complaint is reset so that timing begins on the later to occur of the notification of: (a) this action by the SJC or (b) ruling by Presbytery on the Complaint.

The SJC approved the foregoing decision on the following roll call vote:

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

(22-0-0)

CASE NO. 2021-02
RE LINDSEY TIPPINS
V.
NORTHWEST GEORGIA PRESBYTERY
DECISION ON *BCO* 40-5 REQUEST
October 21, 2021

The SJC advises the Stated Clerk that the matter should be referred to the General Assembly's Review of Presbytery Records Committee.

The SJC approved the foregoing decision on the following roll call vote:

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

(19-3-0)

CASE NO. 2020-10
MR. ERIC EAGLE
V.
SAVANNAH RIVER PRESBYTERY
DECISION ON COMPLAINT
October 21, 2021

The SJC finds the case is administratively out of order as prematurely filed. Presbytery had not completed its hearing on the Complaint as of the date the Complaint was filed with the SJC. The Complainant's time to elevate the Complaint is reset so that timing begins on the later to occur of the notification of: (a) this action by the SJC or (b) ruling by Presbytery on the Complaint.

The SJC approved the decision on the following roll call vote:

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

(22-0-0)

CASE NO. 2021-05
TE DUSTYN EUDALY AND TE STEVEN LIGHT
V.
SOUTHWEST FLORIDA PRESBYTERY
DECISION ON COMPLAINT
October 21, 2021

The SJC finds this matter to be administratively out of order. PCA jurisdiction over Complainants ended on February 9, 2020, when they affiliated with another branch of the visible church (see *BCO* 38-3). Therefore, they lacked standing to file this Complaint.

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

CASE NO. 2021-08
IN RE KOREAN SOUTHWEST ORANGE COUNTY
CITATION BY GENERAL ASSEMBLY
October 21, 2021

The SJC cites Korean Southwest Orange County Presbytery to appear at the March 3, 2022 Stated Meeting of the SJC in Case No. 2021-08, unless the Presbytery provides satisfactory responses in writing by January 14, 2022 to part (d) of the RPR Report presented to the 2021 General Assembly in the review of Presbytery's records.

The SJC approved the decision on the following roll call vote:

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

CASE NO. 2020-12
COMPLAINT OF TE RYAN SPECK
v.
MISSOURI PRESBYTERY
DECISION ON COMPLAINT
October 21, 2021

SUMMARY OF THE CASE

In July 2018, Memorial Presbyterian Church (PCA) in St. Louis hosted the first Revoice Conference. Thereafter, several individuals, sessions, and presbyteries communicated concerns to Memorial and to Missouri Presbytery. In light of these concerns, in October 2018, the pastor of Memorial PCA, TE Greg Johnson, and the Session of Memorial PCA each requested investigations (*BCO* 31-2 and 41-1) of the allegations. Presbytery directed different committees to investigate the concerns and allegations, and it heard reports from these committees during several Presbytery meetings over many months. In July 2020, Presbytery heard and considered a 97-page report from its committee conducting a *BCO* 31-2 investigation of allegations against TE Johnson. The committee recommended Presbytery decline to find a strong presumption of guilt on each of four allegations, and Presbytery adopted those committee recommendations. TE Ryan Speck filed a Complaint against those decisions, and it was considered by a Presbytery judicial commission. In his Complaint, TE Speck contended:

[The Presbytery] Committee erred in its *BCO* 31-2 investigation of TE Greg Johnson by failing to act “with due diligence and great discretion [to] demand from [TE Johnson] satisfactory explanations concerning reports affecting [his] Christian character” (*BCO* 31-2). Namely, that TE Johnson did not adequately answer some questions posed to him, and what he did answer provides sufficient evidence to raise a strong presumption of guilt that his views are not in conformity with the Scriptures and the Westminster Standards and, therefore, warrant institution of judicial process.

In October 2020, Presbytery adopted the recommended judgment of the commission and denied the Complaint, which TE Speck then carried to the SJC. The Hearing was conducted before the full SJC at its Stated Meeting in Atlanta on March 25, 2021.

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After the Hearing, a question arose as to whether the Record of the Case was complete. The SJC appointed a committee of six members to return a recommendation on the question. A month later, the SJC adopted four committee recommendations, which included rescinding the previous ruling that the Record was complete and sending a letter to Presbytery's Representative with 25 questions for TE Johnson. TE Johnson responded to each, and both parties then filed five-page Addendum Briefs addressing those responses.

The SJC chairman reconvened an SJC meeting on July 13, 2021, and randomly drew names for a drafting committee. The committee filed its report on September 21, 2021. On October 21, 2021, the SJC voted to deny the Complaint, as shown in the Decision below.

I. SUMMARY OF THE FACTS

- 1994 Missouri Presbytery (hereafter "Missouri") produced a report titled "*Faithfulness to God's Standards: The Lord's Calling to Homosexually-Inclined Christians*" which was an update to a 1980 RPCES Report titled: "*Pastoral Care for the Repentant Homosexual.*"
- 2017 Missouri produced an extensive revision and expansion of the 1994 report, and titled it, "*Homosexuality and the Gospel of Grace: Faithfulness to the Lord's Calling in an Age of Sexual Autonomy.*" The Report was 240 pages, with an additional 260 pages of appendixes, and was posted on Missouri's website: https://drive.google.com/file/d/1iBLGL_2YhsIcI9_kZCBxLZHS_YXWhFeLQ/view
- 05/28/18 TE Johnson published "*Reply to 'Queer Culture in the PCA?'*" on the Aquila Report defending the upcoming Revoice conference (in response to a post by TE Al Baker, "*Queer Culture in the PCA?'*" published three days prior).
- 07/15/18 CrossPolitic Podcast conducted a 1-hour interview of TE Johnson.
- 07/26/18 Memorial Presbyterian Church (hereafter "Memorial") hosted the three-day Revoice 2018 conference. TE Johnson taught one breakout session, the transcript of which was in the Record of this Case.

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- 09/07/18 Session of Covenant PCA, Harrisonburg, VA sent a seven-page letter to the Memorial Session regarding Memorial's and TE Johnson's involvement in Revoice 2018.
- 09/27/18 TE Andrew Dionne sent a letter to the Memorial Session, which was co-signed by 20 other PCA TEs. Among other things, the letter exhorted Memorial Session "to repent of [their] sin of promoting and hosting the 2018 Revoice Conference."
- 10/10/18 TE Johnson and Session of Memorial sent a letter to Missouri requesting a *BCO* 31-2 investigation regarding allegations against TE Johnson and requesting Presbytery to accept, as a *BCO* 41 Reference, the Session's request for Missouri to also investigate it with regard to the allegations pertaining to hosting Revoice 2018.
- 10/16/18 At a Stated Meeting, Missouri created an ad hoc Committee to Investigate Memorial ("CIM") and tasked it with "investigating TE Greg Johnson ... as well as the Memorial Session, according to the provisions of *BCO* 31.2 and *BCO* 41.1-4, after concerns were expressed against it for allowing Revoice 18, an organization outside of the jurisdiction of Memorial and outside of the PCA, to hold a conference at its church in July 2018." Members included TEs Ron Lutjens (Chair), Bruce Clark, Sean Maney, Ryan Speck, and Mike Williams, & REs Kyle Keating, George Poland, and Frank Theus.
- 10/25/18 Calvary Presbytery sent a 9-page letter to Missouri.
- 11/13/18 Southwest Florida Presbytery sent a 12-page letter to Missouri.
- 01/15/19 At a Stated Meeting, Missouri heard the CIM report on its progress. Missouri referred all letters pertaining to Revoice to the CIM (including the letters already sent from Calvary Presbytery and Southwest Florida Presbytery).
- 01/26/19 Savannah River Presbytery sent a one-page letter to Missouri supporting the October 2018 letter from Calvary Presbytery.
- 05/18/19 At a Called Meeting, Missouri considered the 115-page CIM report, which had been previously distributed by email. Missouri voted to approve the concluding statements and nine judgments.

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Excerpt from Minutes: “TE Johnson shared his testimony to provide some context for his decision to host Revoice. He noted he wanted to share before the testimony with the Fathers and Brothers before it is published in *Christianity Today* on Monday.”

- 07/08/19 TE Ryan Speck filed a Complaint with Presbytery regarding CIM’s nine judgments approved at the May 18 meeting.
- 07/11/19 TE Johnson and Memorial Session sent a two-page letter to Presbytery responding to the May 2019 CIM Report.
- 07/16/19 At a Missouri Stated Meeting, TE Johnson provided a report from Memorial’s Session to the Presbytery. A committee was appointed to respond to Memorial’s response (“CRM”).
- 08/10/19 Westminster Presbytery sent a 4-page letter to Missouri.
- 08/--/19 SE Alabama (SEAL) Presbytery sent 5-page letter with allegations to Missouri. Later, an “Unofficial” 21-page Addendum from SEAL was sent to Missouri.
- 09/12/19 TE Speck met with Missouri’s Complaint Response Committee (“CRM”) for the hearing on his July 2019 complaint.
- 10/15/19 At its Stated Meeting, Missouri partially sustained TE Speck’s July 2019 (~~Speck-1~~) complaint and voted to reconsider its affirmation of the nine judgments in the CIM report at a future called meeting.

At the same meeting, several requests for investigation of TE Johnson were referred to the already existing CRM (formed three months earlier). CRM was instructed to begin a *BCO* 31-2 investigation of TE Johnson.

Presbytery also created an ad hoc study committee to create a short statement of affirmations and denials regarding human sexuality (hereafter, “A&D Committee.”)

- 11/25/19 Session of Covenant PCA, Fayetteville, AR sent a 5-page letter to Missouri.

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- 12/07/19 At a Called Meeting, Missouri reconsidered the nine theological judgments from the May 2019 CIM Report, and adopted amended statements to eight of them, referring one question to an ad hoc committee to reconsider the question of “Queer Treasure.” The newly-amended-and-adopted statements included both affirmation and criticism of parts of Revoice. Missouri authorized its Admin Committee to draft a letter communicating these changes.
- 12/22/19 Session of Grace & Peace PCA, Anna TX sent a 3-page letter to Missouri.
- 01/11/20 Central Georgia Presbytery adopted Overture 2 and “requests the 48th General Assembly assume original jurisdiction of the case of the investigation by Missouri Presbytery of Greg Johnson and the session of Memorial Presbyterian Church with regard to theological error and involvement in the 2018 Revoice Conference.”
- 01/21/20 At a Stated Meeting, Missouri approved modifications to the reporting of actions taken on the CIM report—modifications that reflected Missouri’s actions taken at its October 15, 2019, Stated Meeting and its December 7, 2019, called meeting. The Presbytery also authorized the Administrative Committee to issue an open letter related to these actions, which was eventually titled “*An Open Letter from the Administrative Committee to the Churches of the PCA and the broader Christian Church.*” The letter and the updated CIM report were, and are, posted online at https://drive.google.com/file/d/1XyxAwY-ACZsVS-pe_barvg2_wI9BBJsB/view

Below is an excerpt from the Open Letter.

Here is a summary of our actions over the past two years In late 2018 we convened a committee to examine and respond to Revoice and Memorial Presbyterian Church's involvement in the conference. That committee presented its findings at a called meeting of Presbytery in May of 2019. At that meeting we approved nine theological judgments and one judicial judgment regarding Pastor Greg Johnson and Memorial Church. As part of that action, Memorial

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and Pastor Johnson were required to respond to the report and a new committee was convened to work with them on our findings and judgments. That committee work is ongoing. Additionally, we received requests from two presbyteries and two local church sessions of the PCA to investigate Greg Johnson in particular. Those requests were referred to the existing committee and that work is ongoing. When the work of that committee is completed, they will recommend to the Presbytery whether there is a strong presumption of guilt of Memorial and Pastor Johnson. If there is a strong presumption of guilt for either party, we will proceed to a trial.

Missouri also considered a draft of the Report of the A&D Committee and heard the Report of the CRM. Missouri's Moderator informed Presbytery about Overture 2 from Central Georgia.

- 01/25/20 Savannah River Presbytery adopted Overture 4 concurring with Calvary's Overture 2 and requested the same assumption of original jurisdiction "with regard to theological error and involvement in the 2018 Revoice Conference."
- 02/01/20 Platte Valley Presbytery sent a one-page letter to Missouri regarding Missouri's 2017 report, "*Homosexuality and the Gospel of Grace*" and what might be Missouri's understanding of WCF 6.5 regarding sin.
- 04/20/20 Missouri's Stated Meeting was cancelled due to Covid.
- 05/2020 The GA's Ad Interim Committee on Human Sexuality published its 60-page report. Members included TEs Bryan Chapell, Kevin DeYoung, Tim Keller and Jim Weidenar & REs Derek Halvorson, Kyle Keating, and Jim Pocta.
<https://pcaga.org/wp-content/uploads/2020/05/AIC-Report-to-48th-GA-5-28-20-1.pdf>
- 06/02/20 At a Called Meeting, Presbytery adopted the 49 Affirmations and Denials proposed in its A&D Committee Report. A&D Members included TEs Dan Doriani, Mark Dalbey, and Ryan Laughlin &

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RE Sean Maney. The 8-page Report was posted at: https://drive.google.com/file/d/197ZR63Fg_TCwOswHjjz7Il2JaF1O7mjI/view

The 49 A&Ds were in two Parts:

1. Concise Biblical Theology of Sexuality with Reference to Homosexuality
2. Homosexuality and Identity in Current Debate

07/21/20 At a Stated Meeting, Presbytery heard the 97-page Report of the CRM (investigating allegations against TE Johnson) and adopted its 8 recommendations. It was posted: https://drive.google.com/file/d/18_vvpZg2PwRFwBjwAg4fGp-bhJXh8Mhm/view

The CRM reported the following had been its understanding of its task.

The first part of the work Presbytery assigned to us in the summer of 2019 was to meet with the Memorial Presbyterian Church (MPC) Session to clarify the commendations, recommendations, and requirements which Missouri Presbytery had addressed to Memorial after it (MOP) adopted the same at its called meeting on May 18, 2019. This part of our work was completed in the delivering of our report ... at the stated meeting on January 21, 2020.

The second part of the work assigned to us by Presbytery in the fall of 2019 was to conduct an investigation after receiving requests from several church courts outside our Presbytery to do a *BCO* 31-2 investigation of TE Greg Johnson and his teaching. Eventually four letters requesting this were received by Missouri Presbytery (MOP). They came from Southeast Alabama Presbytery, Westminster Presbytery, and the Sessions of Covenant Church in Fayetteville, Arkansas and Grace & Peace Presbyterian Church in Anna, Texas. Those letters can be found in the Appendix at the end.

The CRM recommended Presbytery adopt the following:

While TE Greg Johnson has, at times, neglected to do all he could to clarify the meaning of his views and teaching, nevertheless, we the Missouri Presbytery of the Presbyterian Church in America, judge each of these allegations made against him to be untrue ... and find no warrant for a trial since we find no strong presumption of guilt [on any of the four allegations].

Allegation 1: Denies that same-sex-attraction is sinful and thereby fails to properly distinguish misery from the sin which give rise to it. (*Presbytery voted 44-1-4 to find no strong presumption of guilt for this Allegation.*)

Allegation 2: Compromises and dishonors his identity in Christ by self-identifying as a same-sex-attracted man. (43-1-6)

Allegation 3: Denies God's purpose and power to sanctify SSA believers by minimizing the pursuit of orientation change from homosexual to heterosexual. (41-2-8)

Allegation 4: Cannot meet the biblical “above reproach” qualification for the eldership since (a) homosexual inclinations are sin proper and are more heinous for being “against nature,” and since (b) TE Johnson identifies as a homosexually inclined man. (41-6-4)

The other CRM recommendations adopted by Presbytery were as follows:

MSP - We are grateful for TE Greg Johnson’s acknowledgment that has not always been as careful in expressing himself in his teaching as he should have been. We hereby encourage and exhort Greg, our brother in Christ, to take great care, going forward, to qualify what ought to be qualified, and to clarify all his

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views when he speaks or writes, especially on the matter of sexuality; and when it is called for, to explain what he is not saying as well as what he is, especially with those who have taken offense with things he has said, or are likely to.

MSP - We hereby commend TE Johnson for his commitment to the authority of God's Word in his life and teaching for his faithful ministry to the flock of God at Memorial Presbyterian Church, and for his zeal to see unbelievers savingly encounter Jesus Christ's love through the ministry of the Church, especially people in secular LGBT communities.

MSP - We hereby declare that TE Johnson has been and remains an honorable member in good standing of Missouri Presbytery.

MSP - We receive Parts 1 and 2, which are the summaries of the allegations and the arguments behind the committee's judgments, as useful for Session study and for the perfecting of the Church's understanding of the Scriptural teaching on sexuality and how it can be rightly applied in our 21st century setting.

Presbytery also heard the report of the Committee to Reconsider Queer Treasure (the one theological judgment of the CIM not approved on December 7, 2019), voting to find fault with this lecture given at Revoice 18.

- 09/17/20 Presbytery received a different complaint from TE Speck regarding Presbytery's adoption of the CRM's finding no strong presumption of guilt on any of the four allegations.
- 10/20/20 At a Stated Meeting, Presbytery created a *BCO* 15-3 judicial commission to consider TE Speck's September 17 Complaint, and to propose a judgment.
- 11/10/20 The Complaint Review Commission met and adopted a decision denying TE Speck's September 17 Complaint, with supporting rationale.

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- 11/16/20 At a Called Meeting, Presbytery approved the Complaint Commission's proposed denial of TE Speck's September 17, 2020 Complaint. The vote was 43-6-1.
- 12/02/20 TE Speck carried his September 17, 2020 Complaint to the General Assembly (Case 2020-12).
- 01/18/21 SJC Officers declared the Complaint administratively in order (OMSJC 9.1.a), ruled the Complaint should be heard by the full SJC instead of a Panel (OMSJC 9.3), and ruled the Record of the Case was complete and the Complaint was judicially in order and ready for Briefs and a Hearing (OMSJC 9.1.b).
- 03/09/21 Complainant filed his 10-page Preliminary Brief.
- 03/12/21 SJC met by teleconference. SJC deleted 430 pages from the Record, as shown below in an excerpt from those Minutes:

2020-12 Speck v. Missouri Presbytery. The SJC discussed the contents of the Record of the Case (ROC). The following motion was made, seconded, properly amended and adopted without objection: That the Commission delete from the ROC in Case No. 2020-12 the paper entitled "Homosexuality and the Gospel of Grace: Faithfulness to the Lord's Calling in an Age of Sexual Autonomy" (ROC 46-445) as a paper not having a "bearing on the complaint" (*BCO* 43-6) and being "extraneous to the matter before the Commission" (OMSJC 7.4.b) and the Standing Rules of Missouri Presbytery (ROC 16-45). The SJC takes judicial notice of the Report and Standing Rules; therefore, the Parties and SJC members may reference them in argument, but SJC members are not required to read those documents to qualify for the Case. In response to inquiries from SJC members, the Chairman ruled that SJC members from presbyteries submitting *BCO* 34-1 Overtures were not disqualified from Case No. 2020-12 or Case No. 2020-05 by virtue of their presbyteries' Overtures.

- 03/15/21 Respondent filed his 10-page Preliminary Brief.

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- 03/25/21 Hearing was conducted before full SJC in Atlanta with all 24 judges present. (TEs Coffin and Lucas joined by teleconference.) Complainant Speck, his assistant, TE Dominic Aquila, and Presbytery's Representative, TE Tim LeCroy, were present. Presbytery's Clerk observed online.

After the Hearing, the SJC moved into the Committee of the Whole and later rose from the Committee of the Whole. Below is an excerpt from the Minutes:

Chair reported that the committee of the whole approved a motion to recommend that the Commission rescind the declaration that the case is judicially in order, for the limited purpose of perfecting the record with answers to written questions propounded by members of the Commission. *OMSJC* 7.4(f). The Parliamentarian advised that this motion and process were in order. The committee of the whole approved a motion to recommend the statement of the judgment consisting of ROC page 3, lines 8-28, reformatted in the proper form for a statement of the issue. The Commission further agreed without objection to postpone consideration of the final report of the committee of the whole until the Commission next meets at the call of the Chair. The Chairman appointed the following committee to collect and collate questions from members of the Commission and to draft parameters to be communicated to Presbytery to perfect the Record of the Case ...

- 04/13/21 The six-man SJC Questions Committee filed its 30-page Report. In the course of the Committee preparing its Report, SJC members submitted a total of 103 questions, from which the Committee recommended selecting 25.
- 04/30/21 Reconvened SJC Meeting. SJC adopted recommendations from the Questions Committee in the following areas.

The SJC rescinded the Officers' previous *OMSJC* 11.1.e ruling that the Record in Case 2020-12 is "complete and sufficiently documented," thereby suspending the Officers' [January 2021] ruling that the Case is "judicially in order."

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The SJC agreed to send a letter to Presbytery's Respondent, adopting the procedure outlined therein for responses to questions and supplemental [addendum] briefs, per the authority of *OMSJC* 7.4.b and 7.4.e.(3) below.

OMSJC 7.4.b -The hearing body may delete any portions of the Record as submitted that violate justice or due process, a provision of the *BCO* or Roberts Rules of Order, or that are extraneous to the matter before the Commission. The hearing body may also require the addition of material to the Record that is relevant to the Case. Deletions and additions shall always be recorded in the minutes of the hearing body, with the approved rationale for the change. Any deletions or additions shall be reported to the parties and may be addressed in argument from the parties in any hearing requested by a party on the ROC.

OMSJC 7.3.e.(3). After oral argument [on a ROC dispute] the parties shall be dismissed and the Panel or Commission shall make a decision as to whether in fairness and justice the Record of the Case should be corrected.

The SJC adopted the Committee's list of [25] questions for TE Johnson, as amended, to be sent to Presbytery's Representative.

Below is the text of the letter sent to Presbytery's Representative, which was also sent to the Complainant.

In the SJC's deliberations on Case 2020-12, the SJC decided the Record does not yet appear to be "complete and sufficiently documented" (*OMSJC* 11.1.e) and that fairness and justice dictate the accused should have a chance to provide additional documentation for the Record (per the principle of *OMSJC* 7.4.e.(3)) Therefore, the SJC rescinded the SJC Officers' previous ruling that the Record was complete and sufficiently documented, thereby also suspending the ruling that the Case was judicially in

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order at present. Here is the procedure we will now follow.

We are sending the attached questions to you as Presbytery's Representative with a request that you invite TE Johnson to consider providing written answers, which would be added to the Record per OMSJC 7.4.b: "The hearing body may also require the addition of material to the Record that is relevant to the Case." We have copied the Complainant on this letter.

We understand that you, as Presbytery's Representative, are empowered to represent Presbytery in the perfection of the Record. Note that Question #15 in the "Additional/General" category calls for a response from Presbytery's Representative. It is also included in the list for TE Johnson, in case he needs to assist you with the answer.

If TE Johnson chooses to answer the attached questions, please send his response document to the SJC within 14 days after his confirmed receipt of the Questions. Please use the email addresses below. If TE Johnson is able to respond before the deadline, we would welcome it. If TE Johnson declines, please notify us promptly.

If a Response Document is provided, it would be added to the Record, but there would not be a need to re-brief or have another Hearing. However, if either you or the Complainant wish to file an addendum to your previous Brief, dealing only with any additional information provided by TE Johnson, the Complainant's filing deadline would be seven (7) days after his receipt of the Response Document from the SJC, and the Respondent's would be ten (10) days after his receipt of the Response Document from the SJC. Any such additional Briefs are limited to five-pages.

If there is no Response Document to add to the Record, the SJC Chairman would reconvene a SJC meeting and the SJC would plan to continue with post-hearing adjudication of the Complaint.

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The SJC does not believe another hearing is required, even if TE Johnson responds to the questions. However, the SJC would schedule another Hearing, on the additional material only, if requested by one of the parties within 7 days after his receipt of the last additional Brief filed.

The introduction to the SJC's 25 Questions read as follows:

The SJC believes it is necessary to attempt to clarify the Record of the Case because its magnitude (over 600 pages covering multiple years of writing, speaking, and judicial processes) makes it difficult to ascertain if specific representations of perspectives of TE Johnson are his actual or present theological convictions. We understand from the Record:

- he has acknowledged some of his perspectives have matured over time;
- he has acknowledged some were poorly stated due to time limits, situational pressures, or extemporaneity;
- some representations of perspectives are made unclear by imprecision or disagreement over what aspect of sin is being referenced in specific statements;
- some representations have been extrapolated by critics but denied by Johnson.

Thus, the SJC offers TE Johnson the opportunity to answer questions with reference to the specific Allegations in the Complaint now before the Commission. Below are 25 questions arranged by the Allegations, with a fifth category titled "Additional/General."

05/11/21 Presbytery answered the SJC Question about the Q&A in the Record between the Missouri investigative committee and TE Johnson from Fall 2019 and early 2020. This was the one question from the SJC directed to Presbytery out of the 25 questions sent down.

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- 05/20/21 TE Johnson provided a 23-page document responding to the SJC's 25 Questions.
- 05/27/21 Complainant filed a five-page Addendum to his Preliminary Brief.
- 05/31/21 Respondent filed a five-page Addendum to his Preliminary Brief. Neither party requested another Hearing.
- 07/13/21 Reconvened SJC Meeting. Five names were pulled at random to comprise a Drafting Committee tasked to present a proposed decision. Committee included TEs Coffin and Lee, and REs Donahoe, Dowling, and Neikirk.
- 09/21/21 SJC Drafting Committee filed its report to the SJC.
- 10/21/21 SJC's Fall Stated Meeting in Atlanta.

II. STATEMENT OF THE ISSUES

1. Did Presbytery violate *BCO* 31-2 in the manner of its investigation of the allegations?
2. Did Missouri Presbytery clearly err at its meeting on July 21, 2020, when it declined to commence process on any of the following four allegations?
 - 2.a. Allegation 1: *SSA & sin* - TE Johnson "denies that same-sex-attraction is sinful and thereby fails to properly distinguish misery from the sin which give rise to it."
 - 2.b. Allegation 2: *Identity* - TE Johnson "compromises and dishonors his identity in Christ by self-identifying as a same-sex-attracted man."
 - 2.c. Allegation 3: *Sanctification* - TE Johnson "denies God's purpose and power to sanctify SSA [same-sex-attracted] believers by minimizing the pursuit of orientation change from homosexual to heterosexual."

- 2.d. Allegation 4: *Qualification* - TE Johnson “cannot meet the biblical ‘above reproach’ qualification for the eldership since (a) homosexual inclinations are sin proper and are more heinous for being “against nature,” and since (b) TE Johnson identifies as a homosexually-inclined man.”

III. JUDGMENT

1. No
- 2.a. No
- 2.b. No
- 2.c. No
- 2.d. No

IV. REASONING AND OPINION

This Reasoning and Opinion briefly explains why the SJC did not find that Presbytery was unreasonable in its decisions declining to indict.

Issue 1 - *BCO 31-2 Investigation*

BCO 31-2. It is the duty of all church Sessions and Presbyteries to exercise care over those subject to their authority. They shall with due diligence and great discretion demand from such persons satisfactory explanations concerning reports affecting their Christian character. This duty is more imperative when those who deem themselves aggrieved by injurious reports shall ask an investigation.

If such investigation, however originating, should result in raising a strong presumption of the guilt of the party involved, the court shall institute process, and shall appoint a prosecutor to prepare the indictment and to conduct the case. This prosecutor shall be a member of the court, except that in a case before the Session, he may be any communing member of the same congregation with the accused.

The Record demonstrates Presbytery sought to exercise the requisite “due diligence and great discretion” in seeking explanations from TE Johnson

regarding the four allegations. There is no evidence that Presbytery committed clear error in its procedures in this area. Whether the explanations provided were satisfactory is a different issue that will be addressed next.

Issue 2 - Four Allegations –

The SJC does not find that the Presbytery clearly erred in its exercise of judgment when it declined to commence formal judicial process (i.e., declined to order an indictment and appoint a prosecutor) on any of the four allegations.

Below are those four allegations, followed by quotes from the Complaint in support of those allegations. The SJC then provides examples of TE Johnson's explanations/responses on each allegation. These examples include 9 statements from TE Johnson to the Missouri Presbytery investigating committee and 19 answers to questions (shown in italics) from the SJC. The excerpts from the statements before MOP make plausible the conclusion that it was not unreasonable for the Presbytery to decline to indict. This judgment is supported by the excerpts from TE Johnson's answers to the questions posed by the SJC, questions posed to clarify the Record of the Case because its magnitude (over 600 pages that included multiple years of writing and speaking by TE Johnson, as well as various allegations, Presbytery reports, and judicial processes) made it difficult to ascertain if specific representations of perspectives of TE Johnson were his actual theological convictions.

Allegation 1

“TE Johnson denies that same-sex-attraction is sinful and thereby fails to properly distinguish misery from the sin which give rise to it.”

Related to this allegation, Complainant contends the following:

- “TE Johnson draws a false analogy between the merely physical and passive condition of cancer and the spiritual and active orientation of homosexuality that goes far beyond mere suffering due to the curse.”
- “TE Johnson does not believe one can really repent of this corruption (i.e., the homosexual orientation), since he was made or born this way genetically (CRM Report, p. 10). Such "movements of internal corruption" we should flee or resist, not mortify or confess (p. 11). You can only "ask

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forgiveness for a sin, for an action, a word, a thought, a deed, a choice ... " (CRM, p. 17)."

- "... TE Johnson misplaces same-sex attraction into the category of original sin and not into the category of actual transgressions."
- "TE Johnson appears to have created a middle ground between the Roman Catholic view of concupiscence and the Protestant view of actual transgression. He calls the enticement to sin sinful (unlike Roman Catholicism), but he denies that inward enticement is itself a sin."
- "... TE Johnson consistently affirms that apart from the conscious act of the will, a sinful desire is not "a sin" that requires formal, true repentance (e.g., CRM, pp. 9-10, 15-16, 20). Same-sex attraction is "not 'a sin' unless there is volition," according to TE Johnson (CRM, p. 16)."

If the Record demonstrated that the above statements were an accurate summary of TE Johnson's views, it would have been proper to sustain the Complaint. Based on the Record, however, the SJC finds that it was not unreasonable for Presbytery to conclude that TE Johnson does not hold these positions and that he affirms the sinfulness of fallen desires, including all sexual attractions a person might have to someone not their spouse.

Thus, for example, in response to a question from the Presbytery's investigating committee, TE Johnson stated the following:

GJ: I don't recall saying that same-sex attraction is a morally neutral condition. I have repeatedly stated otherwise. Any time I sense an internal sexual or romantic pull toward anyone God has not given me—including any male by definition—I have to recognize that pull for what it is. It is an effect of the fall, yes, but more precisely it is the pull of what St. Paul terms the flesh. It's a motion of the internal corruption that remains in the believer throughout this life. "This corruption of nature, during this life, doth remain in those that are regenerated" (see WCF 6.4-6). This temptation is "original corruption" and is "properly called

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sin,” even when it does not lead to “actual sin.” Apart from Christ, I would carry the guilt of original corruption.”

In addition, in responding to the following questions posed by the SJC to complete the Record, TE Johnson stated the following:

SJC 1.b. Do you concur that any illicit desire or inclination in your heart (even if it arises unbidden from the corruption of nature and does not result in an outwardly sinful act), is properly identified as sin, brings guilt upon you, and must be confessed, repented of, and mortified? (ROC 923, Q #2)

Yes, I concur. Sin is not merely transgression of the law of God. Sin is any want of conformity unto it. We are not sinners because we sin. We sin because we are sinners. I agree with WCF 6 that internal corruption is properly called sin. We are to turn humbly to God in repentance always, both on account of what we do and on account of what we are.

SJC 1.c. Do you believe that you should repent of (i.e., confess as contrary to righteousness, acknowledge as personal guilt, sorrow for, and strive to forsake) any corruption of your heart that is present in you due to original sin, as well as to repent particularly of any particular sins (ROC 928, ln 1ff.)?

Yes, to both questions. I agree with WCF 15.5.

SJC 1.d. Do you attempt, by saying that “the Christian is called to repent of (that is, to confess and forsake) actual sins ... and to proactively ‘mortify’ original corruption (as well as all the actual sins flowing from it)” [see ROC 928, ln 1ff.] to segregate some aspect of original corruption as a category of sin that does not carry personal guilt or does not require repentance characterized by confession, mortification, and forsaking?

No. That is not my intention. All sin, whether original or actual, carries personal guilt and requires all of this.

SJC 2. MOP’s Committee concluded, “We believe it has been and continues to be TE Johnson’s view that homoerotic desire is sinful – not as “a sin,” an ungodly volitional act, but as indwelling sin, a particular manifestation or “motion” (WCF VI.5) of our original corruption.” (ROC 924) How do you define “motion” and how does that definition comport with other uses of the term “motions” in the Standards (i.e., Larger Catechism 147 and 148)?

In *WCF* 6.4, the Assembly distinguished between the “original corruption” conveyed to all humanity and the “actual transgressions” which “proceed” from that corruption. This original corruption includes four elements within the confession, namely that “we are utterly indisposed,” “disabled,” “made opposite to all good” and are “wholly inclined to all evil” (*WCF* 6.4). As part of our original corruption, the confession here distinguishes this “inclination” to evil from the “actual transgressions” that proceed from it.

Of course, if the inclination to sin were itself “actual transgression,” then that would have applied to any potential sexual attraction to someone God has not given us, whether male or female. But the divines chose to categorize the inclination to sin as a facet of original corruption, and not as actual transgression. (We are morally culpable either way.) ...

Here, the point would be that both the corruption and its promptings, proposals, or initiatives (its temptations) are truly and properly sin—and not merely human weakness, contrary to the Roman Church. As A.A. Hodge explains in his commentary on the chapter, “The great burden of pollution and guilt is felt to consist not in what we have done, but in what we are—our permanent moral condition rather than our actual transgressions.”

SJC 4. What does it mean to say that SSA is “of sin” but not “a sin”? Is something that is merely “of sin” morally culpable before God?

That is language I adopted from the 2017 Missouri Presbytery report on sexuality. The distinction is not between degrees of culpability, but between degrees of volition. We are culpable both for what we do (transgression) and also for what we are (any lack of conformity unto). Since sexual temptation (of any kind) arises from our own heart, we are always culpable. “Each one is tempted when, by his own evil desire, he is dragged away and enticed” (James 1:14). I use the phrase “a sin” in its vernacular sense as a synonym for “actual sin.” When speaking of the motions of original corruption, I am

more likely to speak of “indwelling sin.” Temptations are “of sin” in that they are “motions of” original sin/internal corruption.

*SJC 5. Do you have any disagreement with WCF 6.4, 6.5 or 6.6 in its formulation and description of sin, actual or original? If so, identify any differences in detail.*¹⁸

I have no differences with the formulation in WCF 6.4, 6.5 or 6.6. I have leaned heavily on these categories in my teaching on the topic of sexuality in recent years.

Allegation 2:

“TE Johnson compromises and dishonors his identity in Christ by self-identifying as a same-sex-attracted man.”

Related to this allegation, Complainant contends the following:

- “When asked about the question of identity or self-conception (within the context of the 2019 GA affirmation of the Nashville Statement), TE Johnson side-stepped the question entirely (CRM Report, p. 26).” [ROC 5, line 157-158]
- “TE Johnson may not describe himself as a "gay Christian" personally and publicly, but he never declares such a self-designation to be wrong and contrary to God's Word. He refuses to do so, it seems. Why?” [ROC 6, line 189-191]

¹⁸ WCF 6.4 From this original corruption, whereby we are utterly indisposed, disabled, and made opposite to all good, and wholly inclined to all evil, do proceed all actual transgressions.

WCF 6.5 This corruption of nature, during this life, doth remain in those that are regenerated; and although it be, through Christ, pardoned, and subdued; yet both it, and all the motions thereof, are truly and properly sin.

WCF 6.6 Every sin, both original and actual, being a transgression of the righteous law of God, and contrary thereunto, doth, in its own nature, bring guilt upon the sinner, whereby he is bound over to the wrath of God, and curse of the law, and so made subject to death, with all miseries spiritual, temporal, and eternal.

If the Record demonstrated that the above statements were an accurate summary of TE Johnson's views, it would have been proper to sustain the Complaint. Based on the Record, however, the SJC finds that it was not unreasonable for Presbytery to conclude that TE Johnson does not hold these positions and that TE Johnson's statements, responses, and explanations—taken as a whole—do not undermine or contradict his identity as a new creation in Christ.

Thus, for example, in responding to the Presbytery's investigating committee, TE Johnson stated the following:

- GJ: I have avoided the couplet "gay Christian" because of its historical connection to the Gay Christian Network, an affirming group. Also, it's not my Christianity that's gay. It's my sexual orientation that is. ... For me, my fallen sexual orientation is not my identity. As I wrote in CT, "My sexual orientation doesn't define me. It's not the most important or most interesting thing about me.
- GJ: If by identity, you mean the core identity that defines me, the identity that then becomes what I aspire more fully to be, then no Christian should have a fallen sexual orientation as their core identity. Our core identity as Christians is that we have been adopted as sons of Father into his family. That's the objective identity that names and claims me and to which I owe my life, my love and my treasure.
- GJ: If a believer were celebrating their fallen sexuality, then there's obviously a problem with that.
- GJ: [From an email to someone who posted a critique of Johnson's Christianity Today testimony.] You express well how you cannot understand why anyone would celebrate a sin-identity as part of the Christian experience, and I agree. I have no interest in celebrating the sinful impulse of indwelling sin that so disorders my sexuality. I simply want to acknowledge that reality, not to celebrate it ...

In addition, in responding to the following questions posed by the SJC to complete the Record, TE Johnson stated the following:

SJC 6.a. Because “All saints, that are united to Jesus Christ their Head, by his Spirit, and by faith, have fellowship with him in his graces, sufferings, death, resurrection, and glory” (WCF 26.1) and all Christians have an obligation to honor that union with the profession of our identity in Christ as well as our obedience to him, have you compromised that profession by changing your [previously expressed] view that Christians “ought to reckon their identity, their conception of self, in a way that is indexed to the once-for-all judgment Christ has executed against sin, the world and Satan in his death and resurrection” (see ROC 827; 968, ln 9-12)?

No. Jesus is everything to me. ... Every sermon I preach is a proclamation of the saving lordship of Jesus Christ and his calling to live out our new identity in him.

SJC 6.b. Have you changed your agreement with Statement 9 in the Ad Interim Study Committee Report on Human Sexuality? If you have, present differences, please explain them.

I have no disagreement with Statement 9 of the Ad Interim Study Committee Report on Human Sexuality, provided that it is held alongside the other statements in the AIC report. ... In fact, I have no disagreement with the underlying theological or moral structure of the entire report. The concerns I will voice will be pastoral and missiological in nature.

SJC 6.c. Regardless of whether you agree with Complainant that the Bible never describes believers with a sinful modifier, given your understanding of Biblical emphases indicated in [the two questions] above, along with your own testimony that serious misconceptions can occur with Christian’s unqualified identification of themselves as “gay” or “SSA” or “homosexual,” do you understand how you might avoid misunderstanding and bring peace to the church by using wording such as that suggested by concerned brothers below (1 Cor. 8:12-13)?

E.g., #1 “This does not mean that Christians do not continue to struggle with sin all their life long. It means that such a believer ought not consider himself a drunkard Christian or an adulterer Christian or a homosexual Christian but rather a Christian who struggles with the temptation to drunkenness, adultery, or homosexuality....” [emphasis added, ROC 576, ln 256ff.]

E.g., #2 "I'm a Christian fighting against sexual lust, or pride, or worshiping idols, or lying, or gossiping" (ROC 6, ln 181-2).

If you will not use such wording as suggested in these examples, please explain why?

I have never once described myself as a "gay Christian." Even in my GA speech, I said, "I am still same-sex attracted." And when speaking about myself, I have always qualified whatever term I have used. ... I have never spoken of my sexual orientation without also speaking of my agreement with biblical teaching and my commitment to walk with Jesus in celibacy. ...

The AIC notes that the term may be used as "a factual observation about one's experiences," but that believers should be mindful that others may assume something more by the term (AIC 30, lines 4-5-8). But I want to be heard by my fathers and brothers. Some of my detractors have claimed I identify as a "gay Christian," but they have never been able to quote me as such. It is a couplet I have not and do not use. Those who do use it have their reasons, and I do not judge them or quarrel over words. (We owe them the judgment of charity. Most are merely trying to say they are "gay" and they are "Christian." They are not typically intending to modify "Christian" or promote some new form of Christianity that is "gay.") Still, I have always avoided this couplet. ...

My actual daily struggle with sexual temptation is no different from other Christian men. I look away when tempted. I don't take that second glance. I meet with an elder weekly for accountability. I avoid unmonitored internet connections. I invest in Christian friendships in which I am known. I have Covenant Eyes on my phone. That experience is required of any Christian man walking in repentance. Being same-sex attracted does not increase my struggle against sexual temptation, per se.

Again, as the AIC on sexuality states,

“How then should we think of the language of sexual orientation? Insofar as the term orientation is used descriptively to articulate a particular set of experiences, namely the persistent and predominant sexual attractions of an individual, it can remain useful as a way of classifying those experiences in contrast to the experiences of the majority of other people” (AIC p.30 line 41 – p.31 line 1).

Allegation 3

“TE Johnson denies God's purpose and power to sanctify SSA believers by minimizing the pursuit of orientation change from homosexual to heterosexual.”

Related to this allegation, Complainant contends the following. (See also the discussion in Allegation 1.)

- The problem arises when those who claim that same-sex attraction is so strong, that it is such a significant part of their lives, that they find their identity in this disposition. Further, they claim that this one particular sin is the only one that cannot be changed through the process of sanctification.

If the Record demonstrated that the above statement, and those in Allegation 1, were an accurate summary of TE Johnson's views, it would have been proper to sustain the Complaint. Based on the Record, however, the SJC finds that it was not unreasonable for Presbytery to conclude that TE Johnson does not hold these positions and that TE Johnson affirms the reality and hope of progressive sanctification.

Thus, for example, in response to a question from the Presbytery's investigating committee, TE Johnson stated the following:

GJ: God can do anything. He can do miracles. But the normal pattern in this fallen world is that this is a lifelong struggle. I know I will be delivered from temptation when my Lord Jesus brings me to glory. I know of no promise in the Bible that believers will no longer experience temptation in this life. Read Paul in Romans 7. He was not delivered from temptation in this life. As the confession expresses so

succinctly (WCF 6.5) “This corruption of nature, during this life, doth remain in those that are regenerated.” As Calvin explained in his discussion of Romans 6, “So long as you live, sin must needs be in your members. At least let it be deprived of mastery. Let not what it bids be done.” This also lines up with the experience of most believers who are same-sex-attracted.

Longtime Harvest USA director Tim Geiger has stated that he has also never seen same-sex attraction go away—in himself or anyone else. I suspect there are cases out there. But ordinarily this is a lifetime struggle.

In addition, in responding to the following questions posed by the SJC to complete the Record, TE Johnson stated the following:

SJC 8.a. Because our Confession acknowledges that, though our “sanctification is ... yet imperfect in this life, there abiding still some remnants of corruption in every part; whence ariseth a continual and irreconcilable war” (WCF 13.2); “in which war, although the remaining corruption, for a time, may much prevail; yet, through the continual supply of strength from the sanctifying Spirit of Christ, the regenerate part doth overcome; and so, the saints grow in grace, perfecting holiness in the fear of God” (WCF 13.3), do you affirm that it is possible for God to reduce or eliminate same-sex attraction from the inclinations and desires of a believer (see ROC, 943 ln 31ff.)?

Yes, it is possible for God to reduce homoerotic temptation from the inclinations and desires of a believer. It is also possible for God to eliminate such temptations, although this has been much, much rarer in practice. ... I have known others like myself who, while still only ever distracted by the same sex, have found the frequency of these distractions has lessened through the decades. While that may be partly a function of aging, I would like to think progressive sanctification has played a role in this.

But struggle against sexual temptation is typically lifelong, whatever one's orientation, especially with men. ...

As the AIC Report on Sexuality explains:

The error of some Christian approaches to same-sex sexual desire has been to tie faithfulness to the elimination of homosexual temptation (or even the development of heterosexual desire) as though if Christians really did enough therapy, had enough faith, or repented sufficiently, God would deliver them in some final and complete way, changing their orientation (AIC p.25, lines 11-14).

SJC 8.b. Do you affirm that it is proper to expect that “through the continual supply of strength from the sanctifying Spirit of Christ, the regenerate part doth overcome; and so, the saints grow in grace,” even if total elimination of sinful inclinations is uncommon?”

Yes, I affirm this. “And we all, with unveiled face, beholding the glory of the Lord, are being transformed into the same image from one degree of glory to another. For this comes from the Lord who is the Spirit” (2 Corinthians 3:18). This is a lifelong process. “Not that I have already obtained this or am already perfect, but I press on to make it my own, because Christ Jesus has made me his own” (Philippians 3:12).

“It is God’s will that you should be sanctified,” scripture states (1 Thessalonians 4:3).

Again, the degree of change has most often been less than we had hoped. I for example wanted a wife and children, but what I got instead was half a century of virginity and lots of spiritual children. I have grown in my love for Jesus, in prayer, in intimacy with God. My anger has turned to gentleness, my impatience to longsuffering, and my endless lust to mere distractions.

I can affirm exactly what this passage states, and it has been my own experience, that the regenerate part is overcoming and I have grown in grace, though the total elimination of sinful inclinations has not occurred. I look forward to this in glory.

SJC 8.c. Do you affirm that the process of sanctification – even when accompanied by many weaknesses and imperfections (WCF 16.5, 6), with the Spirit and the flesh warring against one another until final glorification (WCF

13.2) – *should give Christians biblical cause to “expect to see the regenerate nature increasingly overcome the remaining corruption of the flesh, but this progress will often be slow and uneven” (ROC 850 lines 26-27, from AIC Statement 7).*

Yes, I affirm this. Jesus does change lives, and that change is progressive. ... Nothing I have stated has ever been intended to suggest otherwise. ... Spiritual growth is toward holiness, not necessarily toward heterosexuality. And progressive sanctification, while absolutely real, remains partial in this life. In his 1646 *Mortification of Sin*, John Owen cautions us, “To mortify a sin is not utterly to kill, root it out and destroy it, that it should have no more hold at all nor residence in our hearts.... This is not in this life to be accomplished. An utter killing and destruction of it ... is not in this life to be expected.” Rather, Owen sees ongoing struggle as a means of God's ministry to us. “God, by our infirmity and weakness, keep[s] us in continual dependence on him for teaching and revelations of himself out of his word, never in this world bringing any soul to the utmost.” As *WCF* 6.5 states so succinctly, “This corruption of nature, during this life, doth remain in those that are regenerated.” If, as I have argued, same-sex attraction is part of our “original corruption”—specifically the part about being “inclined to all evil” (*WCF* 6.4), then we should not be surprised to have to battle the motions of such underlying corruption until delivered into glory at death.

The above quote from the AIC report continues with this same precise and necessary qualification.

“Moreover, the process of mortification and vivification involves the whole person, not simply unwanted sexual desires. The aim of sanctification in one's sexual life cannot be reduced to attraction to persons of the opposite sex (though some persons may experience movement in this direction), but rather involves growing in grace and perfecting holiness in the fear of God.”

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Yes, sanctification is real and progressive, even while the flesh and Spirit continue their war. In this war, grace has the winning hand.

SJC 8.d. Do you affirm with our Confession that “they, who are once effectually called, and regenerated, having a new heart, and a new spirit created in them, are further sanctified, really and personally,” since the ... “dominion of the whole body of sin is destroyed, and the several lusts thereof are more and more weakened and mortified; and they more and more quickened and strengthened in all saving graces to the practice of true holiness” WCF 13.1”

And do you by this affirmation, acknowledge that you will preach and teach that Christians who struggle with SSA should believe that the dominion of sin in their lives is broken, and that they can expect for the attraction to be weakened and mortified as they are strengthened by the Word and Spirit in the practice of true holiness?

Yes. I do affirm with our Confession that “they, who are once effectually called, and regenerated, having a new heart, and a new spirit created in them, are further sanctified, really and personally,” since the ... “dominion of the whole body of sin is destroyed, and the several lusts thereof are more and more weakened and mortified; and they more and more quickened and strengthened in all saving graces to the practice of true holiness.”

All Christians should believe that the dominion of sin in their lives is broken, though it is the lusts that are weakened in WCF 13.1. Christians can expect for the lusts of the heart to be weakened and mortified as the believer is strengthened by the Word and Spirit in the practice of true holiness.

Typically, a believer who is same-sex attracted can expect the same degree of freedom from sexual temptation that a straight believer can ordinarily expect through progressive sanctification. We are new creations in Christ. We are no longer slaves to sin that we must obey its commands. God will not allow us to be tempted beyond what we are able but will provide a way of escape. Jesus said we must pick up our cross daily and die. Without holiness, no one will see the Lord. A

godly character is formed through decades of faithfulness and obedience.

At the same time, again, the confession is nuanced, balancing these words with the qualification that “This sanctification is throughout, in the whole man; yet imperfect in this life, there abiding still some remnants of corruption in every part; whence ariseth a continual and irreconcilable war, the flesh lusting against the Spirit, and the Spirit against the flesh” (WCF 13.2). We must hold both of these realities or we leave the flock either enslaved by sin (on one side) or crushed by unrealistic and unbiblical expectations on the other.

I know octogenarians who tell me they are still distracted when a beautiful woman walks in the room. But they have seen genuine increased freedom from the pull of sexual temptation, albeit less than they might have wanted or hoped for. John Murray—also a lifelong celibate until he married during his retirement at the age of sixty-nine—explained: “There is a total difference between surviving sin and reigning sin, the regenerate in conflict with sin and the unregenerate complacent with sin. . . . It is one thing for sin to live in us; it is another for us to live in sin.”

SJC 9. Do you affirm your agreement with the Statement #7 in the Report of the Ad Interim Study Committee on Human Sexuality? If you have present differences, please explain them.

I think Statement 7 is beautifully written and well nuanced. I am in full agreement with it.

SJC 10. On ROC 943, in response to [MOP] Committee Question 5a, you respond that delivery from same sex attraction would take a “miracle” and that “the normal pattern in this fallen world is that this is a lifelong struggle.” You then cite Paul’s statements in Romans 7 as evidence of this ongoing struggle. But Paul also continually calls us not only to cease from sin, but to live in accordance with God’s Law. For example, Ephesians 4:28 requires not just avoiding theft (or temptations to steal) but a positive commitment to “labor, doing honest work.” Similarly, Ephesians 5:4 does not call us only to avoid filthy talk, but to speak “thanksgiving” (its opposite). More generally, the Ten Commandments not only forbid sin, but enjoin righteousness. Do you

believe it is (ordinarily, outside of a miracle) impossible to give up a proclivity to murder? Theft? Lying? If not, how is it that same sex attraction is different from all these other sins?

When I state that “sexual orientation does not typically change,” I am not saying that God doesn't change lives. Look at TE Tim Geiger. Look at TE Allan Edwards. Look at RE Luke Calvin. Look at RE Jim Pocta. None of these brothers claims to have been freed from the presence of same-sex temptation. ... All of these are walking miracles and proof of the gospel's power to radically reorient a life to God. My point has been and remains that none of this is evidence of a gay-to-straight cure. ...

Same-sex sexual attraction is very similar to opposite-sex sexual attraction. Opposite-sex sexual attraction for someone other than your spouse is also a motion of the corrupt nature tempting you to sin. As such, it too is properly called sin. That sexual pull toward your neighbor's wife is not morally neutral. It is sin to mortify.

But it doesn't typically go away, either. It may be weakened, but it is rare that a Christian man does not feel sexual temptation. ...

Just as we don't instruct believers attracted to the opposite sex to expect all sexual feelings to disappear, we cannot expect that of believers with same-sex attraction. The absence of temptation is not a standard that straight men have ever lived up to.

The Bible does present to us a movement from sin to its opposite. But the opposite of homosexual sin is not heterosexual sin. The opposite is holiness. ...

The AIC report suggests this physiological component by trying (sic) homosexual orientation not merely to original/indwelling sin, but also to our state of misery. “The origins and development of sexual desire remain complex and, in many ways, mysterious. It is possible to conceive of the experience of same-sex attraction as simultaneously a part

of the remaining corruption of original sin as well as the misery of living in a fallen world, one of the ways our bodies themselves groan for redemption (Rom. 8:22-23; *WCF* 6.6; *WLC* 17-19)” (AIC p.28 line 5). Fallen biology may account for much of this reality. “However, we must also acknowledge ... the ways in which the Fall has shaped our biological and social development” (AIC p.27, lines 37-39).

Allegation 4

“TE Johnson cannot meet the biblical ‘above reproach’ qualification for the eldership since (a) homosexual inclinations are sin proper and are more heinous for being ‘against nature,’ and since (b) TE Johnson identifies as a homosexually-inclined man.”

If the Complainant had demonstrated, for example, that the minister was involved in homosexual behavior, cultivated unrepentant lustings, taught that either of those were not sinful, or was not continually seeking to mortify those temptations, it would have been proper to sustain the Complaint. The Record demonstrates it was not unreasonable for Presbytery to conclude that TE Johnson pursues Spirit-empowered victory over his sinful temptations and actions, just as another man must do with heterosexual temptations toward someone not his wife.¹⁹

Thus, for example, in response to the Presbytery’s investigating committee, TE Johnson stated the following:

¹⁹ At the Hearing, the Complainant indicated he questioned whether the ESV accurately translates 1 Cor. 6:9 when it uses the phrase, “men who *practice* homosexuality.” However, the footnote in the ESV indicates: “The two Greek terms translated by this phrase refer to the passive and active partners in consensual homosexual acts.”

In the 48th GA’s AIC Report on Sexuality, footnote 4 for Statement 1 reads as follows: “Paul coined the term *arsenokoitai* (1 Cor. 6:9; 1 Tim. 1:10) from the use of two related terms in the Septuagint version of Leviticus 18 and 20. The basic meaning is “man-bedders” or men who have sex with other men. ... The combination of *arsenokoitai* and *malakoi*, uniquely used in the New Testament in 1 Corinthians 6:9, likely refers most directly—as per the ESV footnote—to the active and passive partners in consensual homosexual activity. For more extended discussion, see Chapter 5 in Kevin DeYoung, *What Does the Bible Really Say About Homosexuality?* (Wheaton, IL: Crossway, 2015).”

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- GJ: The 5th General Assembly of the PCA in 1977 declared that “a practicing homosexual continuing in this sin would not be a fit candidate for ordination or membership in the Presbyterian Church in America.” ... Within the PCA, the categories were “practicing homosexual” and “non-practicing homosexual.” Only the former category was barred from membership and ordained ministry.
- GJ: So how do I view my orientation? Well, it's obviously fallen. No one ever had to convince me of that. ... This means that mortification of sexual sin has been a daily part of my Christian experience these last thirty years. That means fleeing temptation; I've never been able to join a gym or enter a locker room. That means redirecting thoughts. That means accountability. (I've met with an elder every Thursday for the past 18 years for prayer. He gets my Covenant Eyes report to help me stay faithful.)
- GJ: I'm a sinner and so it feels wrong for me to appeal to any righteousness I may have. I'm a virgin who—as I said in my GA floor speech last year—mortifies my indwelling sin daily. But my sin is ever before me. I can mention the more than a decade since I've looked at porn, but I know Proverbs 6:16-19. The point is that we don't judge based on what sinful temptation a minister experiences so much as what he does with that temptation. If a minister of the gospel faithfully mortifies his temptation toward gay sex or slander, developing over decades a character that consistently if imperfectly does what God wants (and not what indwelling sin wants), that is a character that others close to him will see as being above reproach. But the minister himself feels like a “wicked man” with no hope but in God's sovereign grace to “save me from this body of death.” ... [I]f a minister instead engages in more seriously, without particular repentance, they have no basis for an actual gay sex or actual slander, then Paul's logic would seem to indicate that such a minister is unfit for office. And much assurance of salvation.

In addition, in responding to the following questions posed by the SJC to complete the Record, TE Johnson stated the following:

SJC 11. In light of the PCA's statements on homosexuality, Scripture, and the Westminster Standards, how can a same-sex attracted/homosexual elder, who is chaste, be considered above reproach?

I don't see too much difference from how one ordinarily concludes that a minister is above reproach. It is not temptation that disqualifies a man—then we would all be disqualified. As Al Mohler writes, “Every single human being who has experienced puberty has a sexual orientation that, in some way, falls short of the glory of God.” It's a level field at the foot of the cross.

What places a minister above reproach is the Lord's work in developing a Christian character trained through perseverance to trust and obey Jesus Christ in the face of temptation. That includes love for God, the pursuit of holiness, the practice of godliness, personal integrity, humility, self-sacrificial love for people, wise use of spiritual gifts, biblical and confessional orthodoxy and the approbation of God's people.

I do experience same-sex temptation. (I call it same-sex distraction because I'm just trying to serve my Lord when it tries to distract me from that.) I know other pastors in this denomination that experience other temptations like the temptation to slander. Those who have gay sex and those who slander are both listed 1 Corinthians 6 among those who “will not inherit the kingdom.” The Hebrew scriptures similarly call gay sex an abomination to the LORD (Leviticus 18:22). The same scriptures call “spreading strife among brothers” an abomination to the LORD (Proverbs 6:16-19). There are additional sins that also get this same categorization.

The point is that we don't judge by what sinful temptation a minister experiences in his heart so much as by what he does with that temptation. Does he proactively mortify his sin?

If a minister of the gospel faithfully mortifies his temptation toward homoeroticism or slander (or lust, or anger, etc.), developing over decades a character that consistently if imperfectly does what God wants (and not what indwelling

sin wants), that is a character that others close to him will see as being above reproach.

I have been a leader in the same congregation for 27 years. I am known. They view me as above reproach, as does the presbytery in which I have been member these past 19 years—and before that, an intern for about six years. They see all the effort I put into honoring God with my sexuality. They know how I see sin always crouching at my door, requiring me to remain always prepared to battle it. They know I have never been sexually active. I have never held hands, snuggled or looked longingly into someone's eyes. They know I have only kissed once, and that was with a girl in high school before I knew the Lord. They know I have not looked at porn in over 17 years. They know the same ruling elder and I have met for coffee and to pray every Thursday morning for twenty years, and that he gets my Covenant Eyes report. They know I never go near a gym or locker room to avoid any potential temptation or even distraction. They know how I proactively work on having close, long-term Christian friendships in order to proactively mortify the loneliness that might occasion sexual temptation. They know how I respect men and women as image bearers of God and live in joyful submission to my savior Jesus Christ. They have seen all the fruit of the Spirit in me. Those who know me honor God's work in my life and see in it hope that the gospel truly has power to change us. That is the approbation of God's people for a regenerate sinner's life lived in saving union with Jesus Christ in a way that is above reproach. ...

The Presbyterian Church in America itself declared in 1977 only that “practicing homosexuals”—as distinct from non-practicing homosexuals—were not suitable candidates for ordination. Three years later, the 1980 RPCES report on homosexuality specifically rejected any categorical exclusion of “repentant homosexuals” from church office. This year's AIC report states the same position, “Insofar as such persons display the requisite Christian maturity, we do not consider this sin struggle automatically to disqualify someone for leadership in the church (1 Cor. 6:9-11, 1 Tim. 3:1-7, Titus 1:6-9; 2 Pet. 1:3-11),” (AIC p. 31, lines 29-31).

Our AIC report on sexuality commends those of us who have persevered in the face of homoerotic temptation:

Our brothers and sisters who resist and repent of enduring feelings of same-sex attraction are powerful examples to us all of what this ‘daily mortification’ looks like in ‘the best of believers.’ We should be encouraged and challenged by their example and eager to join in fellowship with them for the mutual strengthening of our faith, hope, and love. (AIC p.23, lines 30-33).

The [AIC] report offers further commendation of those who model for the rest of the church what costly obedience looks like.

Finally, we rejoice with our brothers and sisters who, while experiencing ongoing attraction to the same sex and living in a culture which would encourage them to embrace and act on those attractions, instead pursue lives of faithfulness through chastity and obedience to Christ by daily echoing Jesus’s words of “not my will, but yours, be done” with respect to their sexuality (Luke 22:42). In this, they model for us all what it means to heed Jesus’ teaching: “If anyone would come after me, let him deny himself and take up his cross and follow me” (Mark 8:34). May it be that thanks to the finished work of Christ, and at the end of our sometimes faltering and imperfect obedience, we each hear the divine accolade: “Well done, good and faithful servant.”

SJC 12. Is homosexuality a heinous sin? If so, why? If not, why not? (Please support your answer from the Standards and interact with Larger Catechism 150-151)

Sins are not all equally heinous (*WLC* 150). But they are all heinous. Having sex with someone of the same sex is very heinous. Before we ever get to the Standards, the Bible is clear on this point. For a man to lie with another man as one lies with a woman, it is an abomination. Paul picks up the Hebrew of Leviticus—*arsenokoitai*, literally “male bed”—to prohibit it in no uncertain terms as sin that that will keep a man out of the kingdom.

A sin can be aggravated by any number of factors. Sexual immorality is a heinous sin. But the sin can be aggravated, for example, by that immorality being with another man's wife. Or with someone in our church, where we were in a position of spiritual leadership over them. Sexual immorality with someone of the same sex would be yet another aggravation. I do not see the list in *WLC* 151 as exhaustive.

All other things being equal, I would consider homosexual immorality to be more heinous than heterosexual immorality on account of the way it further warps God's creational norm for sex. As in *WLC* 151, it goes against the “light of nature.” Romans 1 notes it is unnatural.

SJC 14. In your Revoice Breakout Session you said “And other people have a calling to glorify God with unwanted same sex attraction or gender dysphoria or intersex condition. And that calling, because it’s a calling from God to suffer, is a holy calling and a holy vocation.” Further, you compare these situations to one who is in an empty marriage and one who has leukemia. (ROC 464). Whatever your answer, what is the Biblical or Confessional basis for designating this as a calling or vocation?

If I thought for a moment that my struggle with same-sex attraction was a random experience, bad luck, something outside of my heavenly Father's care, I would have no hope. It is because it is a calling from my Father that I can follow his wise instruction and trust and obey him through this calling. ...

To be perfectly clear, I was not saying that sin is a holy calling, but that the life-long struggle against a particular indwelling sin on account of a fallen sexual orientation—and enduring the suffering that results from that—is a holy calling. I didn't have

to spell that out because my audience were Christian leaders at a conference that for Christians who are same-sex attracted and committed to the biblical sexual ethic.

SJC 17. (#25 of the Questions the SJC sent down, because some of the questions had multiple parts.) Do you think any of your public statements have upset the peace of the PCA, and if so, do you have any thoughts on how you might restore peace to our denomination?

Certainly, in addition to what I mentioned above, there have been some posts or comments in social media that I regretted. I either deleted them and apologized, or I kept them up with an added apology and clarification. As I said above, I will continue to work with my presbytery in seeking their wisdom as to how and where I should issue further apologies and clarifications. I want nothing more than the purity and peace of the PCA.

Conclusion

Based on the Record, there was no reversible error in the decisions reached by Missouri Presbytery regarding the four allegations. It was not unreasonable for Presbytery to judge that TE Johnson’s “explanations” on the four allegations were “satisfactory.” (BCO 31-2).

The SJC approved the decision on the following roll call vote:

Bankson <i>Dissent</i>	M. Duncan <i>Dissent</i>	Neikirk <i>Concur</i>
Bise <i>Dissent</i>	S. Duncan <i>Dissent</i>	Nusbaum <i>Concur</i>
Cannata <i>Concur</i>	Ellis <i>Concur</i>	Pickering <i>Concur</i>
Carrell <i>Concur</i>	Greco <i>Dissent</i>	Ross <i>Concur</i>
Chapell <i>Concur</i>	Kooistra <i>Concur</i>	Terrell <i>Concur</i>
Coffin <i>Concur</i>	Lee <i>Concur</i>	Waters <i>Concur</i>
Donahoe <i>Concur</i>	Lucas <i>Absent</i>	White <i>Dissent</i>
Dowling <i>Dissent</i>	McGowan <i>Concur</i>	Wilson <i>Concur</i>
(16-7-0)		

**Concurring Opinion
of RE Howie Donahoe**

I concurred with the SJC Decision but believe comment is warranted in five areas:

1. The Judgment of Charity
2. 1 Corinthians 6:9-11
3. Complaints against Non-Indictments
4. 47th GA's AIC Report on Sexuality
5. Reopening the Record

1. The Judgement of Charity - *BCO* 14-7 stipulates, "... Judicial decisions ... may be appealed to in subsequent similar cases as to any *principle* which may have been decided." In 2010, by a vote of 19-1 the SJC decided an important principle when it denied a similar complaint against a non-indictment. Here's an excerpt from the SJC Reasoning.

Complainants hold that certain views expressed by [the minister who was not indicted], capable of a heterodox interpretation, must be so interpreted. But this *violates the judgment of charity*, that if a view can be interpreted in an orthodox fashion, it ought to be so interpreted until one is forced to do otherwise.

Complainants hold that certain of [the minister's] views imply heterodox doctrines, and therefore impute those doctrines to [the minister]. But this is a non sequitur as well. *One cannot properly impute implications that are drawn from a position to a person who expressly denies the implication.* For example, a disciple of Gordon Clark believed that John Gerstner's failure to embrace supralapsarianism implied Arminianism. He was free to so believe, but it was utterly unjust for him to say that Gerstner was an Arminian when Gerstner expressly denied it and spent his ministry upholding the sovereignty of grace in the Gospel.

Against this doubtful reasoning stand [the minister's] express, specific, and unambiguous denials of heterodoxy and affirmations of orthodoxy. The only question, then, is with respect to [the minister's] credibility.²⁰ (Emphasis added.)

²⁰ Case 2010-04: *TE Sartorius et al. v. Siouxlands*. (M39GA, 2011 Virginia Beach, pp. 578-83) Nine current SJC members concurred: TEs Chapell, Coffin, Greco, McGowan, and REs Carrell, S. Duncan, Neikirk, Terrell and White. (TE Dominic Aquila was

In his Complaint and Briefs, the Complainant repeatedly alleges *what he contends* TE Johnson believes, rather than providing reasonable-length quotes from the accused to corroborate those contentions - especially when the accused denies the implications the Complainant imputes. The Complaint never quotes even one complete sentence of TE Johnson's, and the 10-page Preliminary Brief only quotes one complete sentence. This is quite stunning, given that the accusations allege sinful views and statements. The Complainant repeatedly makes assertions like, "Johnson believes ...," and "Johnson affirms ...," without providing evidentiary excerpts.²¹ In the concluding paragraph of his Preliminary Brief, the Complainant asks the SJC to "find a strong presumption of guilt against TE Greg Johnson for his stated views on human sexuality..." But instead of quoting examples of the allegedly unbiblical *stated* views, the Complainant asserts what *he contends* are TE Johnson's views (occasionally providing some snippets from quotes) and then argues why those constructions are problematic.

2. 1 Corinthians 6:9-11 - The Complainant seems to misinterpret or misapply this passage.

⁹ Or do you not know that the unrighteous will not inherit the kingdom of God? Do not be deceived: neither the sexually immoral, nor idolaters, nor adulterers, nor men who *practice* homosexuality,¹⁰ nor thieves, nor the greedy, nor drunkards, nor revilers, nor swindlers will inherit the kingdom of God.
¹¹And such were some of you. But you were washed, you were sanctified, you were justified in the name of the Lord Jesus Christ and by the Spirit of our God. (ESV. Emphasis added.)

on the SJC at the time and concurred. In this present Case, he served as the Complainant's assistant in the complaint against the non-indictment of TE Johnson.)
²¹ *from the Complaint:* [Johnson allegedly] "maintains, believes, draws, misplaces, appears, consistently affirms."
Preliminary Brief: [Johnson allegedly] "maintains, defines, seems to say, is seeking to, appears to have, affirms, views, claims, draws, equates, treats, holds, teaches, promotes," etc.
Addendum Brief: [Johnson allegedly] "denies, appeals to, defines, explains, states, emphasizes, denies, contrasts, means, has adopted, expresses, sees, refuses, responds, suggests," etc.

While the original Complaint does not cite 1 Cor. 6:9-11, it is cited a dozen times in the Complainant's Briefs. Yet those verses never appear as citations in the 12,000-word Westminster Confession of Faith.²²

The SJC's Reasoning on Allegation 4 (regarding the alleged failure to be "above reproach") includes the following footnote on 1 Cor. 6, which seems to emphasize a distinction the Complaint does not grant.

At the Hearing, the Complainant indicated he questioned whether the ESV accurately translates 1 Cor. 6:9 when it uses the phrase, "men who *practice* homosexuality." However, the footnote in the ESV indicates: "The two Greek terms translated by this phrase refer to the passive and active partners in consensual homosexual acts."

In the 47th GA's AIC Report on Sexuality, footnote 4 for Statement 1 reads as follows: "Paul coined the term *arsenokoitai* (1 Cor. 6:9; 1 Tim. 1:10) from the use of two related terms in the Septuagint version of Leviticus 18 and 20. The basic meaning is "man-bedders" or men who have sex with other men. ... The combination of *arsenokoitai* and *malakoi*, uniquely used in the New Testament in 1 Corinthians 6:9, likely refers most directly—as per the ESV footnote—to the active and passive partners in consensual homosexual activity. For more extended discussion, see Chapter 5 in Kevin DeYoung, *What Does the Bible Really Say About Homosexuality?* (Wheaton, IL: Crossway, 2015)." (SJC Decision p. 23)

Contrast that to this excerpt from the Complainant's Preliminary Brief, which cites 1 Cor. 6:

In contrast to those [non-sinful physiological] conditions, *homosexuality* is a violation of the seventh commandment and is always and only portrayed in Scripture as sinful (1 Cor. 6:9 ...) ... [The Bible says] neither "effeminate, nor *homosexuals*...

²² <https://www.pcaac.org/wp-content/uploads/2019/11/WCFScriptureIndex.pdf> Vs. 10 is cited in part of LC 145, and vs. 11 in parts of LC 69, 75, 77, 161 & SC 32, but those parts don't pertain much to assertions in the Complaint.

will inherit the kingdom of God. Such were some of you” (1 Cor. 6:9-11, NASB).” (Brief, p. 6, lines 11 and 19. Emphasis added)

The Complainant does not seem to interpret 1 Cor. 6:9-11 as making any significant distinction between unwanted homosexual temptations and intentional homosexual lusts or actions.

Unwanted Temptations vs. Intentional Sinful Actions - Historically, whenever the PCA has adopted statements related to homosexuality, it has always expressed or at least clearly implied a significant distinction between unbidden temptations and intentional sinful actions (lusting and behavior). Some examples are shown below. These excerpts from GA statements or GA-endorsed statements over the last four decades demonstrate it is tenuous for anyone to maintain the PCA has changed its position on the important distinction between unwanted temptations and intentional sinful thoughts and actions. (Emphasis is added throughout.).

1977 - Forty-four years ago, the 5th GA in Smyrna, GA adopted the following:

That the 5th General Assembly of the PCA affirm the Biblical position for our denomination which states that: (1) The *act* of homosexuality is a sin according to God's Word; ... and (3) In light of the Biblical view of its sinfulness, a *practicing homosexual continuing in this sin* would not be a fit candidate for ordination or membership in the PCA. (M5GA, p. 67)

1980 - Three years later, and two years before the RPCES joined the PCA, its study committee produced a report titled “Pastoral Care for the *Repentant Homosexual*,” and their Synod “commended [the paper] to sessions and congregations as an aid for their ministry to those struggling with homosexuality.” (*158th GS Minutes*, pp. 43-50). Below are excerpts.

Romans 1:26 ff. zeroes in on homosexual *practices* as a major manifestation of sinful man’s attempt to distort the creator's intent. But homosexuality is not singled out as the worst of all manifestations of sin as we can see in Jesus’ indictment against the unbelief of Capernaum (Matt. 11:23). ...

If he who once was involved in homosexuality is growing in grace to such an extent that he can “walk with exemplary

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piety before the flock” *there ought not be any reason for a generalized exclusion from church office.* Judgment must be made in individual cases by the session and/or presbytery, keeping in mind those aggravations that make some sins more heinous than others.

1993 - Twenty-eight years ago, the 21st GA in Columbia, SC adopted Overture 16 from Potomac Presbytery and sent a letter to the US President, titled, “Declaration of Conscience.” Below are excerpts. Note the repeated use of the words “practice” or “behavior.”

[W]e stand resolutely opposed to homosexual *practice* as incompatible with the temporal good of our nation and the eternal good of its people. ... Our categorical rejection of homosexual *behavior* as wrong and destructive cannot fairly be taken to mean that we have not extended ourselves or are unable to extend ourselves in compassion and courage to men and women in our society who are homosexual. ... Our American civil government has historically respected the family's primacy in such matters and has sought to nurture it. Any policy which legitimizes homosexual *practice* abandons this time-honored tradition. To conclude, while condemning homosexual *practice*, we affirm our duty to love and do good to all, even those who are pursuing this perversion. ... More profoundly, however, the truth is that those given over to homosexual *practice* will face the judgment of God. ... Our prayer is that you will stand against any and every pressure that would be brought to bear on your Administration by those who would legitimize homosexual *practices*. (M21GA, p. 129)

1996 - Three years later, a personal resolution to "Oppose Legalization of Homosexual Marriages" was answered by the 24th GA in Ft. Lauderdale “by (1) reference to previous actions of the General Assembly (e.g., M5GA, p. 67-8, M21GA, p.129 ff.) and (2) the following statement:

We affirm the Bible's teaching that promotion of homosexual *conduct* and relationships by any society, including action by the governments to sanction and legitimize homosexual relationships by the legalization of homosexual *marriages*, is an abominable sin calling for God's judgment upon any such society (Lev. 18:22 and Rom. 1:18-32). ... (M24GA, p. 315)

2021 - This year, at the 48th GA in St. Louis, the Overtures Committee voted 124-3 to recommend the GA “declare the Report of the Ad Interim Committee on Human Sexuality as a *biblically faithful declaration* and refer it to the Committee on Discipleship Ministries for inclusion and *promotion* among denominational teaching materials.” The GA adopted that recommendation by a large majority. Below are three examples of excerpts from the AIC Report pertaining to the difference between unwanted temptations and intentional sinful actions.

Nevertheless, there is an *important degree of moral difference* between temptation to sin and giving in to sin, even when the temptation is itself an expressing of indwelling sin. While our goal is the weakening and lessening of internal temptations to sin, Christians should feel their *greatest responsibility* not for the fact that such temptations occur but for thoroughly and immediately *fleeing and resisting* the temptations when they arise. (Statement 6 on Temptation, p. 9)

We give thanks for penitent believers who, though they continue to struggle with same-sex attraction, are *living lives of chastity and obedience*. These brothers and sisters can serve as *courageous examples* of faith and faithfulness, as they pursue Christ with a long obedience in gospel dependence. (Statement 12 on Repentance and Hope, p. 13)

To feel a sinfully disordered sexual attraction (of any kind) is properly to be called sin—and all sin, “both original and actual” earns God’s wrath (WCF 6.6)—but it is *significantly less heinous* (using the language of the WLC 151) than any level of *acting* upon it in thought or deed. ... Our brothers and sisters who resist and repent of enduring feelings of same-sex attraction are *powerful examples* to us all of what this “daily mortification” looks like in “the best of believers.” We should be encouraged and challenged by their example and eager to join in fellowship with them for the mutual strengthening of our faith, hope, and love. (Essay on Confessional Foundations, p. 23)²³

Righteous v. Unrighteous Standing - In addition to the above, it is difficult to see how 1 Cor. 6:9-11 has much application to the allegations in this Case. The

²³ PCA Statements at <https://www.pcahistory.org/pca/studies/index.html> and bibliography of the AIC Report (p.48).

main point of the passage is that, because of God’s act in regeneration and his imputation of the justifying righteousness of Christ, the Corinthian believers were no longer, in any sense, the unrighteous who will not enter the kingdom of God. (See the comments in the ESV Study Bible on verse 11 summarizing the *objective* realities of regeneration and faith.)

When Paul says in vs. 11, “And such were some of you,” he is not saying the Corinthians no longer experience any of those temptations or might even commit those sins. The passage is not addressing that question, at least not directly. He is simply saying these sanctified and justified Corinthians were once the unrighteous-who-will-not-inherit but are now the righteous-in-Christ-who-will-inherit.

At the same time, it would be reasonable to think Paul expected that some of the Corinthians Christians were still tempted to the sins described in vv. 9-10 and was at least implicitly warning them, and all Christians, to avoid a lifestyle that could fairly be described in the terms of vv. 9-10. But here we’d need to distinguish, say, between a greedy person—whose life is characterized by unrepentant greedy lusts and greedy behavior—and a person who is tempted to greedy thoughts but seeks to flee from them and repents of any greedy thoughts and deeds soon thereafter. There is an important difference between a man whose life is characterized by unrepentant and willful reviling speech and a man who sometimes succumbs to the temptation to revile but repents soon thereafter. Paul is not teaching that people who were once characterized by reviling speech will never again speak in that way. Any fears or warnings in this passage are predicated upon his clear statement about who all of them are presently in Christ.²⁴

3. Complaints Against Non-Indictments - Complaints against non-indictments like this one pose many complications, and this is rarely the most prudent course for an accuser who claims a person should be indicted. This point was made 12 years ago in a Concurring Opinion joined by RE Sam

²⁴ In the AIC Report, the first section of the Bibliography was titled, “For Pastors and Sessions” and the AIC reported these were books that could “help pastors and sessions shepherd congregants who are dealing with same-sex attraction.” Each of the 12 books note a significant difference between a person whose life is *characterized* by sinful homosexual *lusts* and *behavior* and a person who is tempted to homosexual thoughts but seeks to flee from such thoughts and repents of any to which he succumbs. That is a distinction in 1 Cor. 6:9-11 that the Complaint does not seem to sufficiently recognize.

Duncan and TE Fred Greco in the Siouxlands Case mentioned on page 1. Below are excerpts from that Concurrence.

This Case ... demonstrates the difficulty a Higher Court faces when presented with a Complaint, which contends that a Lower Court erred in not finding a strong presumption of guilt pursuant to an investigation (*BCO* 31-2). ...

We suggest that instead of filing a Complaint for the failure of a Court to find a strong presumption of guilt after a *BCO* 31-2 investigation, a clearer and better alternative is to commence the process under *BCO* 32-2, i.e., “[p]rocess against an offender shall not be commenced unless some person or persons undertake to make out the charge.”

[W]e suggest that the better way in this Case, and other Cases where the views, beliefs, and practices of men are called into question, would be for the Party who is concerned about these views, beliefs, and practices to make such inquiries as are necessary and practical (cf. Matthew 18:15) to ascertain exactly what these views, beliefs, and practices are; then, assuming they are contrary to Scripture or our Constitution, formally file a “charge” pursuant to *BCO* 32-2 and 32-3. This procedure not only removes the question of whether a strong presumption of guilt exists (*BCO* 31-2), but also allows a Court to directly try the issue raised in the “charge.” (*BCO* 32-3)

Voluntary Prosecutors - I wasn't on the SJC for the Siouxlands Case referenced above, but I can agree with the excerpt from the Concurrence - to a point. Deciding whether a matter warrants a trial should remain a matter of discretion and judgment for the original court, and it shouldn't be required to indict a person every time someone “formally files a charge.”²⁵ Nevertheless, in situations like the one described in the Duncan/Greco Concurrence, if a trial is deemed the wisest course, the court should seriously consider appointing *the accuser* as the “voluntary prosecutor” and placing the burden and responsibility on him to prepare and prosecute the case, especially if it involves one minister accusing another minister of theological error.

²⁵ See the Reasoning provided ten years ago in Overture 15 from Pacific NW Presbytery: “Amend 31-2 to Clarify What Needs to Be Investigated.” (*M40GA*, Louisville 2012, pp. 698-704)

BCO 31-3. The original and only parties in a case of process are the accuser and the accused. The accuser is always the Presbyterian Church in America, whose honor and purity are to be maintained. The prosecutor, whether voluntary or appointed, is always the representative of the Church, and as such has all its rights in the case.

Very few presbyteries have experienced prosecutors, and if they do, it's unlikely he has hundreds of voluntary man-hours to dedicate to the task. It would seem unfair in many instances for an accuser to expect someone else to spend hundreds of hours preparing and prosecuting the accuser's allegations.

Furthermore, there seems to be no jeopardy for someone who unsuccessfully files a complaint against a non-indictment. Our present Case has consumed thousands of man-hours at various levels in PCA courts (not to mention some division and relational strain amongst brothers). What would dissuade others from doing the same thing again in other situations? But if an accuser is made the prosecutor, and fails to prove the offense at trial, he risks being censured.

BCO 31-9. Every voluntary prosecutor shall be previously warned, that if he fail to show probable cause of the charges, he may himself be censured as a slanderer of the brethren.

So, in situations where someone very publicly accuses another person of sin, and the accusation, if proven, would be sufficient to warrant a censure greater than admonition, perhaps the first thing the court should say to the accuser is, "Call your first witness."^{26 27}

Problem with Amends - An additional problem with a complaint against a non-indictment involves the limited and rather awkward remedies available to the higher court in such cases. Below is the amends section of the *BCO* Chapter on Complaints.

²⁶ A similar thing happened three years ago in Case 2016-11 *Complaint of TE Michael Frazier v. Nashville*, where the SJC unanimously denied a complaint against a non-indictment, but only after the Presbytery and the SJC had spent hundreds of man-hours on the Case. (*M46GA*, 2018 Atlanta, p. 500 ff.).

²⁷ We note that in a *presbytery* trial, *BCO 31-2* presently requires the prosecutor to be a member of that court, but in judicial process before a session, the prosecutor can be any member of that church.

BCO 43-10. The higher court has power, in its discretion, to annul the whole or any part of the action of a lower court against which complaint has been made, or to send the matter back to the lower court with instructions for a new hearing. If the higher court rules a lower court erred by not indicting someone, and the lower court refers the matter back to the higher court, it shall accept the reference if it is a doctrinal case or case of public scandal (see *BCO* 41-3).

If a higher court rules that a lower court erred by not indicting someone, and remands it “with instructions for a new hearing,” it’s not reasonable to expect the lower court to reverse itself and indict the person when the lower court was nearly unanimous in the original non-indictment decision.²⁸ Likewise, even if the lower court subsequently conducts a trial, it’s not reasonable to expect a conviction, absent some compelling new evidence or testimony.²⁹

Assumption of Original Jurisdiction - A better solution might be a revision of *BCO* 34-1. A revision like the one below might end the interpretive debates on two parts of the current provision - “refuses to act” and “doctrinal cases or cases of public scandal.” It would remove subjectivity.

Possible Revision of 34-1. Process against a minister shall be entered before the Presbytery of which he is a member. However, ~~if the Presbytery refuses to act in doctrinal cases or cases of public scandal and two~~ if twenty-five percent (25%) of the other Presbyteries request the General Assembly to assume original jurisdiction (to first receive and initially hear and determine), the General Assembly shall do so.

Because such a revision would *require* the GA to wrest jurisdiction from the presbytery *regardless* of what the presbytery may have done or decided, the petitioning threshold would need to be appropriately high. For example, if it were only 10% then merely 9 of 88 presbyteries could trigger it, and it might become an annual event. The SJC is not designed to conduct investigations and trials annually, nor would that be healthy for the denomination. If another

²⁸ Missouri’s votes declining to find strong presumption of guilt on the four charges were 44-1, 43-1, 41-2 and 41-6.

²⁹ See the SJC Decisions in Case 2009-06 *Bordwine v. Pacific NW* (a complaint against a non-indictment that the SJC sustained), and Case 2012-05 *Hedman v. Pacific NW* (a complaint against the subsequent trial acquittal - a complaint the SJC denied by a 15-2 vote). (*M38GA*, 2010, pp. 208 ff. and *M41GA*, 2013, pp. 583 ff.)

presbytery's handling of allegations is so egregious and unreasonable, we should expect at least 25% of the presbyteries (22 of 88) to send a simple, one-sentence email to the PCA Stated Clerk saying: "*In accord with BCO 34-1, our Presbytery requests the GA (through its SJC) to assume original jurisdiction over TE ___ on matters related to ___.*" If there aren't 22 presbyteries that believe this rare and extreme step should be taken, then the PCA is evidently not sufficiently concerned to warrant wresting jurisdiction away from a presbytery.

Thus, the 25% threshold seems a reasonable one. It's not too high to be unattainable and not too low to be prone to abuse, and it would likely be acceptable to two-thirds of our presbyteries (though some would prefer it lower, and some would prefer it higher.)³⁰

4. Excerpts from AIC Report on Sexuality - To support some of his assertions, the Complainant cites excerpts from the 2020 AIC Report. TE Johnson also provides AIC excerpts in support of some of his explanations and answers. The Complainant usually cites from the *first* sections of the "Twelve Statements" and TE Johnson often cites from the *second* sections, i.e., the "Nevertheless" sections.³¹

Below are excerpts from the AIC Report that closely pertain to the subject matter of the four allegations, which seem to harmonize with TE Johnson's explanations and answers. While nothing from the AIC Report was proposed for GA adoption, the 2021 GA in St. Louis, by an overwhelming majority, judged it to be a "biblically faithful declaration" and commended it to Presbyteries and Sessions.

Statement 6 (Temptation) ... Nevertheless ... We can avoid "entering into" temptation by refusing to internally ponder and entertain the proposal and desire to actual sin. Without some distinction between (1) the illicit temptations that arise in us

³⁰ The author of this Concurrence has twice drafted Overtures proposing revisions to BCO 34-1, in 2009 and 2012, but both were unsuccessful. For a comprehensive Legislative and Judicial History of BCO 34-1, see this link to Google Drive: <https://drive.google.com/file/d/1UfhfQLFmvtvuaWyYADQmgZafv2RMQUWps/vi>
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³¹ The Record contains this statement from TE Johnson: "... I have no disagreement with the underlying theological or moral structure of the entire [AIC] report. The concerns I will voice will be pastoral and missiological in nature." (Response to SJC Question 6.b in Allegation 2. See also SJC Questions 6c, 8a, 8c, 10 and 11.)

due to original sin and (2) the willful giving over to actual sin, Christians will be too discouraged to “make every effort” at growth in godliness and will feel like failures in their necessary efforts to be holy as God is holy (2 Peter 1:5-7; 1 Peter 1:14-16). God is pleased with our sincere obedience, even though it may be accompanied with many weaknesses and imperfections (*WCF* 16.6). (Report p. 9)

Statement 7 (Sanctification) ... Nevertheless ... The aim of sanctification in one's sexual life cannot be reduced to attraction to persons of the opposite sex (though some persons may experience movement in this direction), but rather involves growing in grace and perfecting holiness in the fear of God (*WCF* 13.3). (p. 10)

Statement 9 (Identity) Nevertheless ... There is a difference between speaking about a phenomenological facet of a person's sin-stained reality and employing the language of sinful desires as a personal identity marker. That is, we name our sins, but are not named by them. (p. 11)

Statement 10 (Language) ... Nevertheless, we recognize that some Christians may use the term “gay” in an effort to be more readily understood by non-Christians. The word “gay” is common in our culture, and we do not think it wise for churches to police every use of the term. Our burden is that we do not justify our sin struggles by affixing them to our identity as Christians. Churches should be gentle, patient, and intentional with believers who call themselves “gay Christians,” encouraging them, as part of the process of sanctification, to leave behind identification language rooted in sinful desires, to live chaste lives, to refrain from entering into temptation, and to mortify their sinful desires. (p. 12)

Essay 1: Confessional Foundations Regarding Nature of Temptation, Sin and Repentance

II.B.1. The Common Dynamic of Concupiscence - First, the dynamic of spontaneous sinful desire or attraction is not unique to those who experience homosexual desire. All people experience it. It is an essential point in the

Confession that all of us who are descended from Adam and Eve experience their corrupted nature and the complex of disordered affections, desires, and attractions that come with that corruption. The danger of this question arising in the context of the discussion of homosexuality is that some might be tempted to think of that particular example of disordered desire as qualitatively different from their own. Or worse, some may be willing to assert the sinfulness of one category of spontaneous desire but minimize or remain largely ignorant of the sinful concupiscence that is common to all.

The truth is that if we think humbly and carefully about our own spontaneous thoughts, feelings, and desires, we would recognize that we are all much more alike than different. ... Good Reformed teaching on sin places us all on equal footing in our need of Christ's imputed righteousness. (p. 21)

II.B.2. Continued Corruption - Second, according to the system of the Westminster Confession of Faith, we should not be surprised, but rather expect that concupiscence in general, and specific instances like homosexual attraction, would continue in the life of a believer. ... This acknowledgement of the remnants of corruption in believers does not negate the call to fight against that corruption; our endeavor to oppose and put to death what is earthly in us (Col.3:5) demands a commitment to fight all of our sin. However, to teach that our sinful corruption must be entirely removed from any part of us in order to be considered truly repentant is a spiritually treacherous perversion of the doctrine of repentance. (p. 21)

II.B.5. Moral Difference - Finally, we can discern a very practical value to the distinction between the sin that is constituted by our "corruption of nature...and all the motions thereof" and the "actual transgressions" that proceed from it. ... To feel a sinfully disordered sexual attraction (of any kind) is properly to be called sin—and all sin, "both original and actual" earns God's wrath (WCF 6.6)—but it is significantly less heinous (using the language of the WLC 151) than any level of acting upon it in thought or deed. ...

Our brothers and sisters who resist and repent of enduring feelings of same-sex attraction are powerful examples to us all of what this “daily mortification” looks like in “the best of believers.” We should be encouraged and challenged by their example and eager to join in fellowship with them for the mutual strengthening of our faith, hope, and love. (p. 23)

Essay 2: Biblical Perspectives for Pastoral Care - Discipleship, Identity and Terminology

How then should we think of the language of sexual orientation? Insofar as the term orientation is used descriptively to articulate a particular set of experiences, namely the persistent and predominant sexual attractions of an individual, it can remain useful as a way of classifying those experiences in contrast to the experiences of the majority of other people. However, insofar as the term orientation carries with it a set of assumptions about the nature of that experience that is unbiblical (e.g., overemphasized rigidity, its normativity, etc.), then the terminology may require qualification or even rejection in some circumstances. (p. 30)

Singleness, Friendship, Community - Insofar as such persons display the requisite Christian maturity, we do not consider this sin struggle automatically to disqualify someone for leadership in the church (1 Cor 6:9-11, 1 Tim 3:1-7, Titus 1:6-9; 2 Pet 1:3-11) (p. 31)³²

5. Reopening the Record - For two reasons, I abstained from the SJC’s March 25, 2021, post-Hearing vote to consider reopening the Record and sending 25 questions to Missouri. First, I judged that the Record already demonstrated sufficiently that Missouri had not clearly erred in its decisions declining to indict. But I also abstained because the proposal seemed to resemble a quasi-assumption-of-original-jurisdiction and the *post-assumption* investigatory step of SJC Manual 16.1.a. I’m confidently hopeful this procedure won’t become a common occurrence.

³² The AIC Report is at <https://pcaga.org/wp-content/uploads/2020/05/AIC-Report-to-48th-GA-5-28-20-1.pdf>

Regardless, I think it should be clear to the impartial reader that the views expressed in the accused minister's answers to the SJC questions are not fundamentally different from the views expressed in his answers to the questions posed by Missouri's investigating committee. And it's worth noting that the accused minister was under no constitutional obligation to answer any of the questions. (BCO 35-1) In addition, it seems unreasonable for anyone to object to the SJC question-sending if they also supported the *BCO* 34-1 assumption-of-original-jurisdiction petitions from Central Georgia, Savannah River, and SE Alabama, which asked the SJC to institute a process that most likely would begin with similar interrogatories — but ones drafted by a smaller three-judge SJC Panel whose members would have been *drawn by lot*. (*OMSJC* 16.1.a and *RAO* 17.3)

Moreover, the process by which the questions were *selected* was prudent and fair. The Minutes of the SJC's meeting on April 30, 2021, record: "The Commission expressed its gratitude to the Committee members (Waters, Donahoe, Dowling, Bise, Chapell, Kooistra) for their thorough and meticulous work in compiling, refining and reporting the questions and recommendations." I'm confident the six-judge Committee would have included additional questions above the 25 if any of the six members had said it was important to them. Likewise, I'm confident the SJC would have included additional questions if any SJC member had said it was important to them as well. Finally, in my opinion it would be inaccurate to interpret the vote to send questions to Missouri to mean that the SJC majority had concerns about how Missouri conducted its investigation. On the contrary, in judging Issue 1 in this Case, the SJC explicitly ruled Missouri did *not* violate *BCO* 31-2 in the manner of its investigation of the allegations.³³

³³ The SJC questioning in this Case was a slightly different procedure than in a similar one in June 2015. In Case 2014-01: *TEs Aven & Dively v. Ohio Valley*, the SJC ruled by a vote of 15-0: "The Complaint is neither Sustained nor Denied. The Commission cannot render judgment because the Record is insufficient regarding this minister's particular expression of his view. Therefore, the Commission sends the matter back to OVP to hear further from [the minister] regarding his stated difference in order to create a more comprehensive Record." The SJC supplied questions. (*M44GA*, 2016, p. 499). Sixteen months later, the SJC denied a follow-on complaint in Case 2016-01: *Aven v. Ohio Valley*, stating the following Issue and Judgment: "Did Presbytery fail to comply with the directive from the SJC's Decision in Case 2014-01 to "hear further" from the minister regarding his view? No." (*M45GA*, 2017, p. 496) The SJC judged that TE Aven had not complained against the answers provided in the accused minister's nine-page document, which responded to the SJC-suggested questions.

TE David Coffin joins in Parts 1, 2 and 4 of the above concurring opinion.

**Concurring Opinion of
RE Frederick Neikirk and TE Guy Waters**

While we concur with the decision of the Standing Judicial Commission in case 2020-12, we feel compelled to offer the following additional comments, both by way of clarification and explanation. Our comments fall into three sections: why we could not conclude that Missouri Presbytery should have found that there was a “strong presumption of guilt” regarding TE Johnson; concerns regarding the use of *BCO* 31-2 to address alleged doctrinal errors; and ongoing concerns about some of TE Johnson’s views.

I. Why We Could Not Conclude that Missouri Presbytery Should Have Found a “Strong Presumption of Guilt”

The SJC’s decision in this case should not be read as a defense or affirmation of every statement or even every particular view of TE Johnson. That is not the role of the appellate court, particularly in a case arising out of a complaint that Presbytery failed to proceed to an indictment following a *BCO* 31-2 investigation. Further, we want to underscore, at the outset of our Concurring Opinion, the structure and conclusions of the SJC’s Opinion. That opinion repeatedly states that if the statements alleged in the Complaint were an accurate summary of TE Johnson’s views, then the Complaint would need to be sustained. The SJC found, however, based on the Record, that it was “not unreasonable for Presbytery to conclude that TE Johnson does not hold these positions.” As a result, the SJC could not sustain the Complaint.

We wish to elaborate on that conclusion. For this Complaint to be sustained there would have had to have been a finding either that Presbytery somehow failed properly to conduct the *BCO* 31-2 investigation or that said investigation demonstrated “a strong presumption of guilt” but that Presbytery failed to take the next step by indicting TE Johnson.

The *BCO* does not specify any particular set of procedures that a court must follow in conducting a 31-2 investigation. Thus, lower courts have a great deal of latitude in how they proceed in this area. While we are not persuaded that the production of a large Record (over a thousand pages) is necessarily evidence that the lower court has done a good investigation, and while we might have wished that Presbytery had delved more deeply into some of TE

Johnson’s views, we cannot say that the Record demonstrates that Presbytery committed any “clear error” (*BCO* 39-3(2,3)) in how it conducted its investigation.

Of greater import here is how we are to understand “strong presumption of guilt.” Aside from minor stylistic changes, the language of *BCO* 31-2 dates back to the PCUS *Book of Church Order* of 1879. In discussing this provision in his 1898 work *Exposition of the Book of Church Order*, F.P. Ramsay offers this explanation of “strong presumption of guilt”: “A strong presumption means a belief by the members of the court that evidence as then known to them would indicate that guilt probably exists, unless evidence to the contrary can be produced not then known to them.”³⁴ In other words, to conclude that Missouri Presbytery erred, one would have to show that there is evidence in the Record that would demonstrate that it is likely that TE Johnson would be convicted at a trial unless new, exculpatory evidence were provided. We agree that the material provided in the Record does not meet this test.

As the SJC’s opinion demonstrates, some of the problematic comments that TE Johnson had made were subsequently clarified or qualified (see below our discussion in Part III). Further, in several cases, views that Complainant alleged TE Johnson to hold were not supported by the Record. In particular, there is no evidence in the Record that TE Johnson has made some of the statements that Complainant found most problematic, and, in some instances, the Record shows that TE Johnson explicitly denies ever having made the comments (e.g., he avows that he does not use and has not used the “couplet” “gay Christian” to identify himself). (ROC 975, 1029; SJC Opinion 18). Additionally, in some cases the allegations Complainant raised about TE Johnson’s views were apparently based on implications Complainant argued must underlie or follow from things TE Johnson has said or not said. This was particularly evident when the Complainant argued that TE Johnson’s failure to answer adequately (in the view of the Complainant) a question about identity must mean that TE Johnson does not recognize his identity as being in Christ (ROC 5-6). It was also evident in Complainant’s conclusion that TE Johnson’s cancer analogy (which we agree was ill-chosen) must mean that TE Johnson believes same-sex attraction is genetic and ordinarily as incurable as cancer

³⁴ For the history of *BCO* 31-2 see the relevant section of the PCA Historical Center’s *The Historical Development of the Book of Church Order*, available at <https://www.pcahistory.org/bco/rod/31/02.html>. The Ramsay quote is included in that section. It is originally from F(ranklin) P(ierce) Ramsay, *An Exposition of the Form of Government and Rules of Discipline of the Presbyterian Church in the United States* (Richmond, VA: Presbyterian Committee of Publications, 1898), 187.

which must lead, in turn, to “the inexorable conclusion that someone who is same-sex attracted is not responsible for his genetic condition” (ROC 3). By any reasonable understanding of an appropriate judgment of charity we cannot impute to a speaker implications that he denies unless there is no other reasonable understanding of the statements in question, and this is particularly true here given that the Record shows that TE Johnson denies the conclusions Complainant drew (SJC Opinion 14-15).³⁵

All this is not to say that we do not have ongoing concerns with some of TE Johnson’s views and formulations. We do (see Part III). Indeed, Missouri Presbytery recognized that, at a minimum, TE Johnson has not always been as careful as he needed to be in how he has expressed some of his views (ROC 1003, 1004), and we agree with that assessment. But, having concerns about a man’s views is very different from a conclusion that there is a “strong presumption of guilt,” and that Presbytery erred by not reaching that conclusion and thus in not proceeding to indict TE Johnson. Our concerns notwithstanding, we cannot conclude that Presbytery should have found, from the Record (which is all we are allowed to consider in reviewing a Complaint (RAO 17.1(4)), that TE Johnson would likely have been convicted had a trial been held before an impartial presbytery.

II Concerns Regarding the Use of *BCO* 31-2 to Address Alleged Doctrinal Errors

In recent years we have seen several instances of efforts to use *BCO* 31-2 to address alleged doctrinal errors. By its very nature a 31-2 investigation is unlikely to develop a complete, fully documented Record. That, in turn, makes review by a higher court difficult, particularly in doctrinal matters. This case illustrates some of those difficulties.³⁶

³⁵ The SJC has previously underscored the importance of applying a reasonable judgment of charity when drawing conclusions based on implications that one might conclude follow from an individual’s statements. See Case 2010-04: *TE Art Sartorius et al. v. Siouxslands Presbytery* (M39GA, 2011, pp. 578-83), esp. p. 582.

³⁶ We recognize that Allegations 2 and 4 in the Complaint focused, at least in large part, on TE Johnson’s fitness for office (character) given his admission that he is tempted by same sex attraction. We leave it to the Opinion of the SJC and the Report of the PCA General Assembly’s Ad Interim Committee on Human Sexuality to address the question of whether one tempted by (but not acting on) same sex attraction is automatically disqualified from office in the PCA. Our concern here is to highlight the problems of seeking to address the related doctrinal issues via the 31-2 process.

First, there is no requirement for the transcription of testimony in a 31-2 investigation. Thus, in this case, at some key points, the Record provided only summaries of TE Johnson’s views as understood by an investigating committee, rather than a transcript of TE Johnson’s actual statements. Second, there is no requirement that witnesses be cross-examined in a 31-2 investigation. This risks a less critical engagement of a man and his views than would be afforded in a trial. In our judgment, that happened at some points in this case. Third, the gathering of evidence is typically less exacting in a 31-2 investigation than would be the case in a trial. That means, as was true in this matter, that there may well be material in the Record that does not bear directly on the matter at hand, or that key evidence may not be included because there is no one charged with gathering all the evidence as would be the case if there were a prosecutor. Fourth, since the 31-2 process is focused on investigation and information gathering, evidence may not be developed and presented in the systematic way that one would hope would occur in the context of a trial. That was certainly true in this case and, at times, it made it difficult for the appellate court to follow the reasoning that underlaid TE Johnson’s views and the reasoning of the one(s) who have concerns.

None of these comments are intended to argue that Missouri Presbytery erred in its findings, although we could certainly wish that they had probed some key aspects of TE Johnson’s views more deeply at some points. It is simply to point out the difficulties that come with trying to address doctrinal concerns through a 31-2 investigation.³⁷ Given those concerns, it is our conviction that doctrinal cases, such as this one, generally are better handled by concerned parties bringing charges against the individual about whose views there is concern, rather than seeking a 31-2 investigation or bringing a Complaint about the outcome of such an investigation.

III. Ongoing Concerns about Some of TE Johnson’s Views.

The SJC has found that Missouri Presbytery did not “clearly err at its meeting on July 21, 2020, when it declined to commence process on” several allegations that were brought against TE Greg Johnson. As we noted above in Part I, the SJC’s Reasoning in support of its Judgment should not be read as a

³⁷ Indeed, it is not clear that 31-2 is even intended to be a mechanism for getting at doctrinal issues. Note that what is required is that “They [Sessions and Presbyteries] shall with due diligence and great discretion demand from such persons satisfactory explanations concerning reports affecting their Christian character.” That language suggests that 31-2 is intended primarily for “character related issues” rather than issues related to doctrine.

defense or vindication of TE Johnson or any of his statements or views. This is because defending or vindicating TE Johnson is not the role of the appellate court. The SJC, rather, found that Presbytery was not unreasonable in its decisions declining to indict. The statements of TE Johnson that were extracted from the Record of the Case, collated, and included in the Reasoning afford warrant for that particular finding.

At the same time, as those who concur in SJC's Decision, we wish, for the sake of conscience and for the good of the broader church, to register concerns raised by certain statements of TE Johnson that appear in the record. TE Johnson has not been as careful as he ought to have been in expressing his views – an exhortation that Missouri Presbytery has formally conveyed to TE Johnson (ROC 1003, 1004). In particular, he has not given proper attention to how his expressions would be heard and received in the broader church. We offer three examples.

First, TE Johnson has spoken of his same-sex attraction and identity in ways that have unsettled and alarmed the church. In a public address, reflecting on his life before and after his conversion, Johnson states, “it’s not my sexual orientation that’s changed; it’s my life orientation, because Jesus rescued me, a sinner...” (ROC 555). In the same address, he refers to himself in the present as “gay” – “gay people excel in every field, driven by a never-ending need to accomplish enough, be successful enough, in order to become lovable. We decorate our lives to poster over our shame in the hope that we’ll become lovable” (ROC 556). Similarly, in a 2019 article for *Christianity Today*, TE Johnson states, “Jesus hasn’t made me straight. But he covers over my shame. Jesus really loves gay people” (ROC 904).

And yet, TE Johnson also speaks of his same-sex attraction and identity in more qualified and guarded fashion. The Record testifies to TE Johnson’s clear and longstanding refusal to speak of himself using the couplet “gay Christian” (ROC 812). TE Johnson no less disavows celebrating “fallen sexuality” and “sin-identity” (ROC 939, 829). He denies that any “Christian should have a fallen sexual orientation as their core identity [that is,] the core identity that defines me, the identity that then becomes what I aspire more fully to be.” Rather, “our core identity as Christians is that we have been adopted as sons of [the] Father into his family” (ROC 936). In response to a question put to him by the SJC, TE Johnson affirms that same-sex attraction is sinful (ROC 1023). In response to another SJC question, TE Johnson affirms that “homosexual immorality [is] more heinous than heterosexual immorality...” (ROC 1041).

The language that TE Johnson has publicly employed to express his same-sex attraction and identity, however, fails adequately to convey these beliefs to his audiences, particularly Christian audiences. In fact, given the way that such terms are used within our culture at large, to speak of himself as “gay” or to affirm that his “orientation” has “not ... changed,” without immediate qualifiers, risks communicating to the Church what TE Johnson declares is *not* true about his same-sex attraction and identity. Even so, at one point in the Record, TE Johnson speaks dismissively about this concern – “And sometimes religious people get really worked up about what terminology you use to describe your fallen life orientation” (ROC 555). The Record therefore not only indicates that TE Johnson speaks of himself in ways that have troubled and disturbed the church, but also evidences a tone-deafness on the part of TE Johnson about how his public self-descriptions are being understood and received within the Church.³⁸

Second, TE Johnson has drawn an analogy between same-sex attraction and physical illness in such a way as to unsettle and alarm the church. In his floor speech before the 2019 General Assembly, TE Johnson said the following:

We don’t tell alcoholics it’s a sin to conceive of yourself as an alcoholic because drunkenness is a sin We don’t tell paraplegics that they should conceive of themselves as able-bodied because that’s God’s ideal. We wouldn’t tell an infertile woman that she needs to conceive of herself as fertile, and she’s unbelieving to conceive of herself as infertile because that’s not God’s design. Friends, I’m fallen, I’m broken, and Jesus has washed me and saved me (ROC 556).

In these remarks, TE Johnson establishes an analogy between alcoholism, paraplegia, infertility, and his own same-sex attraction. TE Johnson draws comparable analogies in at least two other places in the Record – “[T]he biblical term [for identity] would be calling or vocation. We all have a calling. And for some that calling is to glorify God in a really difficult, empty feeling

³⁸ We may note the parallel but distinct ways in which TE Johnson may speak of a person who has not entertained pornography for 15 years as a pornography “addict” (ROC 568), and a person who “has been sober for 18 years – hasn’t had a drink in 18 years” as “absolutely an alcoholic” (ROC 565). What TE Johnson means by “addict” and “alcoholic” is that this particular sin is “part of [this person’s] story,” though not something that he “identif[ies]” with in the sense of “bow[ing] down to it” (ROC 565). But the effect of using these terms in such a way is inevitably to shock and disturb Christian audiences.

marriage. For some, it's to glorify God when they have cancer. For some, it's to glorify God with same-sex attraction – unwanted same-sex attraction” (ROC 566); “Some people have a vocation to glorify God with a really empty marriage that is a real struggle, but their calling is to glorify God with that. Other people have a calling to glorify God with leukemia. And other people have a calling to glorify God with unwanted same-sex attraction or gender dysphoria or intersex condition” (ROC 464).

The Record testifies that, when asked by his Presbytery to explain his meaning, TE Johnson says paraplegia, infertility, cancer, and same-sex attraction were “similar in their being effects of the fall that cause suffering,” but “dissimilar in terms of moral status” (ROC 961). He expressly declared to his Presbytery that “same-sex attraction is different from these others in that it is not morally neutral” (ROC 961-2). He says that “in my GA floor speech, I was not claiming moral neutrality for same-sex attraction any more than I was for alcoholism. That was not the point of my comparison” (ROC 962). TE Johnson later declared that “sadly what many heard was a moral comparison. They misunderstood me to be stating that same-sex attraction is morally neutral like paraplegia and infertility. As I stated to my presbytery on June 14, 2020, ‘I regret not qualifying my analogy during my floor speech. I had qualified that analogy when I used it in the past and should have thought to do so at GA. I neglected to do so then by oversight....’” (ROC 1042).

TE Johnson’s subsequent explanations are certainly welcome and clarifying. Even so, as he acknowledges, the distinctions that he later employed to explain his analogy in his floor speech could not have been evident from his words to the Commissioners of the 2019 General Assembly. TE Johnson’s floor speech surfaces prominently in the Record both in outside correspondence directed to TE Johnson’s Presbytery and within subsequent investigations of TE Johnson. This prominence indicates the degree to which TE Johnson’s unqualified remarks had the effect of upsetting and disturbing the broader church.

Third, the way in which TE Johnson has spoken of change in the Christian life has needlessly troubled the broader Church. In response to a concern raised by Central Georgia Presbytery alleging TE Johnson’s belief “that those who experience same-sex temptations are not normally delivered from these, and are not normally changed in nature by the LORD” (ROC 801; compare the letter of Grace and Peace PCA, Anna, TX, ROC 653-5), TE Johnson told his own Presbytery, “God can do anything. He can do miracles. But the normal pattern in this fallen world is that this is a lifelong struggle.” (ROC 943).

Elsewhere in the Record, Johnson states that “orientation generally does not change. It’s very rare” (ROC 567; cf. ROC 813, 1057).

TE Johnson’s repeated emphasis upon the rarity of orientation change appears related to a concern that he has expressed with respect to the expectations of Christian audiences, “[religious people] want to make sure that I say I used to be gay, implying God didn’t leave me there, implying that I’ve experienced some level of sexual orientation change that has remained elusive for me and for most of the believers who stand where I stand” (ROC 555). But this emphasis upon the alleged rarity of orientation change has troubled the broader Church. Whether or not TE Johnson is correct in his assessment of orientation change is not our concern here. Our concern, rather, is that the vehemence of TE Johnson’s denials of orientation change has rendered the broader Church unsettled and uncertain with respect to TE Johnson’s commitment to progressive sanctification, particularly the mortification of indwelling sin.

The Record indicates that, in response to questions put to him by the SJC, TE Johnson declares his embrace of the Westminster Standards’ doctrine of sanctification (ROC 1033-35). He stresses that “nothing I have stated has ever been intended to suggest otherwise” than that “Jesus does change lives, and that change is progressive” (ROC 1034). He furthermore qualifies his statement “sexual orientation does not typically change” – “I am not saying that God doesn’t change lives ... All of these people [several persons whom TE Johnson mentions in the material elided] are walking miracles and proof of the gospel’s power to radically reorient a life to God. *My point has been and remains that none of this is evidence of a gay-to-straight cure*” (ROC 1037, emphasis original).

TE Johnson’s public statements about orientation change have not been adequately framed to convey to his audiences the kinds of affirmations and qualifications referenced in the previous paragraph. In other words, TE Johnson has not shown proper concern for how his statements relating to sanctification would be heard and received by the broader Church. In so emphasizing his beliefs about the rarity of orientation change, he has generated avoidable disturbance within the Church. Regrettably, the closing quotation in the paragraph above suggests that TE Johnson does not yet fully apprehend how his public statements about orientation change have been received within and have troubled the Church.

IV. Conclusion

In conclusion, we want to be clear about what we are not saying and what we are saying. We are not saying that the Church has merely misheard or misunderstood TE Johnson. Neither are we saying that the concerns raised before Missouri Presbytery by outside parties with respect to TE Johnson's public teaching were altogether unfounded. In fact, we ourselves have registered above serious concerns about certain of TE Johnson's public statements insofar as those statements lack clarity and reflect a tone-deafness with respect to the broader Church. But, as we stressed earlier, simply having concerns about certain of TE Johnson's public statements is not sufficient to find a "strong presumption of guilt" (see our discussion in Part I). The reason that we did not vote to sustain the Complaint is because the Record of the Case, taken as a whole, contains TE Johnson's subsequent clarifications or qualifications, particularly those offered in the course of Missouri Presbytery's investigations and later confirmed in his answers to questions posed by the SJC, of earlier, problematic statements. Based upon the totality of the evidence within the Record of the Case, we do not believe that there is a "strong presumption of guilt," notwithstanding the concerns that we have registered here about some of TE Johnson's public statements. This concurring opinion was written by RE Frederick (Jay) Neikirk and TE Guy Prentiss Waters and joined by joined by RE Daniel A. Carrell, TE Bryan Chapell, TE David F. Coffin, Jr, TE Hoochan Paul Lee, TE Michael F. Ross, and RE Jack Wilson (as to Parts I, II, and IV of this opinion, but only as to portions of Part III).

DISSENTING OPINION OF RE Samuel J. Duncan

The Standing Judicial Commission, in ruling that Missouri Presbytery did not err in this case, found it was bound by the "great deference" standard in *BCO* 39-3 requiring a finding of "clear error." I believe the Presbyterian Church in America could benefit from a review of the civil/criminal and ecclesiastical meanings of "clear error," since many of our cases hinge on what "clear error" is, or is not, and how much deference should be given to presbytery decisions and actions.

When appellate courts, be they civil/criminal or ecclesiastical, decide cases that are properly before them, the starting point for this appellate review is to determine the correct "standard of review." Historically, the "standard of review" is the amount of deference given by a higher court in reviewing a decision of a lower court.

A low standard of review (very little deference given to the lower court decision) means that the decision under review will be reversed if the higher court considers there is any error at all in the lower court's decision. A high standard of review (much deference given to the lower court decision) means that more deference is accorded to the decision under review, so that it will not be reversed just because the higher court might have decided the matter differently; it will be reversed only if the higher court considers the decision to have obvious error. The standard of review may be set by statute, rule or precedent. Generally, there are different standards for reviewing questions of fact and questions of law, with factual findings given more deference than questions of law.

In considering civil/criminal appeals, there are several “standards of review:”

1. Arbitrary and Capricious: This standard of review is employed when an appellate court determines that a factual finding by a lower court should be reversed because it was made on unreasonable grounds or without any proper consideration of circumstances. This is an extremely deferential standard.

2. Substantial Evidence: This standard of review is employed when a factual finding is made by a jury and will be normally upheld on appeal, unless it is not supported by "substantial evidence." This means something "more than a mere scintilla" of evidence. It means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion. Under the "substantial evidence" standard, appellate review extends to whether there is any relevant evidence in the record which reasonably supports every material fact (that is, material in the sense of establishing an essential element of a claim or defense). Appellate courts will not reverse such findings of fact unless there is no reasonable basis in the evidence submitted by the parties. If the parties presented conflicting evidence at trial, appellate courts applying a "substantial evidence" standard assume that the jury or finder of fact resolved the conflict in favor of the prevailing party, and in turn, appellate courts must defer to such implicit findings of fact about which side's witnesses or documents were more believable, even if they suspect they might have ruled differently if hearing the evidence themselves in the first instance. This is a highly deferential standard.

3. Clearly Erroneous: This standard of review is employed when a trial court (bench trial, without a jury – judge is the finder/trier of fact) makes a finding of fact, which should not be reversed unless the appellate court is left with a "definite and firm conviction" that an error in a factual finding has been committed by the trial court. So if the appellate court finds that, although there

was evidence to support the lower court's factual finding, the evidence taken as a whole—including the eyewitness and the expert testimony—leaves the appellate court with a definite and firm conviction that an error was committed by the trial court in finding that fact, then clear error is present. This is a very deferential standard, but it is limited to factual findings, not the decisions upon which those factual findings are based.

4. De Novo: This standard of review is employed when an appellate court considers a matter as a question of law, affording no deference to the decisions below. Decisions of a lower court on questions of law are reviewed using this standard. This standard of review allows the appellate court to substitute its own judgment about whether the lower court correctly applied the law. This is a very low deferential standard.

5. Mixed Questions of Fact and Law: Lower court decisions containing mixed questions of law and fact are usually subjected to *de novo* review, unless factual issues predominate, in which event the decision will be subject to clearly erroneous review.

6. Abuse of Discretion: This standard of review is employed when a lower court has made a discretionary ruling (such as whether to allow a party claiming a hardship to file a brief after the deadline). This is a highly deferential standard.

The issue of what “standard of review” should be used by higher ecclesiastical courts when reviewing actions of lower ecclesiastical courts was presented to the 24th General Assembly of the Presbyterian Church in America in June, 1996 in the Report of the Ad Interim Committee on Judicial Procedure (the “Report”). See 24th General Assembly, 1996, 24-17, p. 65)

The Report noted that “one of the more difficult problems facing the PCA has been the question of how judicial cases should be handled by the Assembly” and stated that “one of the central concerns” at the founding of the PCA “was a failure of Church discipline.” The Report reminded the PCA, from the “Message to All Churches” that “[w]hen a denomination will not exercise discipline and its courts have become heterodox or disposed to tolerate error” the minority will find itself having to be “submissive to a tolerant and erring majority.” The “Message” declared that this development was the exercise of discipline in reverse, making separation a necessity (and the eventual forming of the PCA).

In other words, and bringing this age old conflict to the present, a lower court's relaxed (tolerant) or refusal to biblically discipline its members must not be protected from a higher court's review by a highly deferential standard of review.

The PCA's initial practice of handling all judicial matters at the General Assembly, and subsequently a standing judicial commission, whose decisions were then approved by the General Assembly, proved to be impractical or unsatisfactory, leading to the creation of this Ad Interim Committee, whose recommendations, including a new "standard of review," were adopted by the PCA and made a part of the *BCO*, which now constitute our current practice.

Part C of the Report's Recommendations covered "Standards for Review" noting that the issue was a "need for a common standard of judicial review, clearly reflecting Presbyterian constitutional principles, to guide the higher courts in fulfilling their obligations under this chapter." To address this need, the following "standards of review" were adopted and made a part of *BCO* 39-3:

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

1. A higher court, reviewing a lower court, should limit itself to the issues raised by the parties to the case in the original (lower) court. Further, the higher court should resolve such issues by applying the Constitution of the church, as previously established through the constitutional process.
2. A higher court should ordinarily exhibit great deference to a lower court regarding those factual matters which the lower court is more competent to determine, because of its proximity to the events in question, and because of its personal knowledge and observations of the parties and witnesses involved. Therefore, a higher court should not reverse a factual finding of a lower court, unless there is clear error on the part of the lower court.

3. A higher court should ordinarily exhibit great deference to a lower court regarding those matters of discretion and judgment which can only be addressed by a court with familiar acquaintance of the events and parties. Such matters of discretion and judgment would include, but not be limited to: the moral character of candidates for sacred office, the appropriate censure to impose after a disciplinary trial, or judgment about the comparative credibility of conflicting witnesses. Therefore, a higher court should not reverse such a judgment by a lower court, unless there is clear error on the part of the lower court.
4. The higher court does have the power and obligation of judicial review, which cannot be satisfied by always deferring to the findings of a lower court. Therefore, a higher court should not consider itself obliged to exhibit the same deference to a lower court when the issues being reviewed involve the interpretation of the Constitution of the Church. Regarding such issues, the higher court has the duty and authority to interpret and apply the Constitution of the Church according to its best abilities and understanding, regardless of the opinion of the lower court.

As grounds for this *BCO* amendment, the Report noted that this proposal would “insure that in judicial review the Constitution actually functions as intended, and is not amended, violated or disregarded in judicial process. Further, clear standards of judicial review will help to preserve the Constitutional graduation of authority while upholding each court’s rights and responsibilities.” Unfortunately, at this time, I do not believe these “standards of review” are as clear and properly applied as the drafters of this *BCO* amendment had hoped.

When does this “clear error” standard apply? How is this “clear error” standard applied? Does this “clear error” standard apply to every action or decision of a lower court, or is this “clear error” standard of review limited to the context of the trials of ordination, a trial/censure in a discipline case, or quasi fact finding situations?

Surely a higher court is not expected to “rubber stamp” all actions of a lower court. And cutting to the heart of the matter, should higher courts give this “great deference” to all actions of a lower court, especially those actions involving the question of whether or not a member should be disciplined? Should a lower court’s failure or refusal to fully begin and complete the discipline process be given just a cursory review, justified by a potential misunderstanding of how the “clear error” standard of review should be applied? No and No!

In *BCO 39-3.2*, the “clear error” standard applies to “factual matters,” because the lower court is more familiar with the “parties” and “witnesses” than the higher court. The reference to “parties” and “witnesses” would seem to make this sub-section apply the “clear error” standard to factual findings from an actual trial, as opposed to a non-trial action or decision. At an actual trial, witnesses and evidence are presented that either fact “A” or fact “B” occurred. When this court of original jurisdiction or initial trier of fact determines that fact “B” is true, this is the type of “factual matter” to which the “clear error” standard of review applies. In other words, the lower court’s factual finding that fact “B” occurred should not be reversed without a ruling from the higher court that finding fact “B” was “clear error.”

In *BCO 39-3.3*, the “clear error” standard applies to matters of “discretion and judgment,” because the lower court is more familiar with the “events” and “witnesses” than the higher court. Given examples of these matters of discretion and judgment are: the “moral character of candidates for sacred office, the appropriate censure to impose after a disciplinary trial, or judgment about the comparative credibility of witnesses.” The reference to “events” and “parties” would seem to describe situations in which a lower court determines certain facts or makes decisions/takes actions after hearing conflicting testimony, statements, arguments, or reports from more than one person. The examples given relate to a lower court acting as an initial trier or finder of certain facts and making decisions or taking actions based on those facts. First, based on his testimony and answers to questions at his trials of ordination, a candidate’s moral character is either acceptable or not. Second, the imposition of a censure is obviously after a trial, or a confession, at which time certain facts were either determined by the lower court after a trial or confessed by the accused, and serve as the basis for a particular censure. Third, the credibility of witnesses giving conflicting testimony could serve as a basis for finding that one witness is more credible than the other.

When the court of original jurisdiction or the initial trier/finder of fact determines that a candidate’s moral character is bad, or the censure of

deposition from office is warranted, or that witness “A” is more credible than witness “B,” these are the types of matters of “discretion and judgment” to which the “clear error” standard of review applies. In other words, the lower court’s decision, after hearing a candidate’s answers to questions from the floor, or what is an appropriate censure after a guilty verdict, or confession, or conflicting statements from adversarial parties/witnesses, should not be reversed without a ruling from the higher court that the decision rendered by the lower court in the crucible of a disputed matter or quasi fact finding matter, was “clear error.” While these types of “factual” determinations would be subject to the “clear error” standard of review, it does not necessarily follow that a lower court’s actions/decisions based on those facts would be subject to the same “clear error” standard, especially in situations when the lower court’s action/decision is not supported by those facts.

It should be noted that no examples are given in *BCO* 39-3.3 outside of situations involving the trials of ordination, an actual trial (or confession), or quasi fact finding matters involving the credibility of witnesses. Accordingly, the “clear error” standard of review would not be applicable to a lower court’s decisions/actions that do not arise from similar contexts. Therefore, the “clear error” standard of review should not be applied to a decision/action of a lower court finding that no strong presumption of guilt existed. The proper standard of review in those situations would fall under *BCO* 39-03.4, which is basically the *de novo* standard of review.

In conclusion, the “clear error” standard of review would be applicable to the matters and situations set out above, but would not be applicable in situations that did not involve some type of factual finding of a lower court following the trials of ordination or an actual trial or confession or some action/decision of a lower court that was not the result of a quasi-fact finding situation. This dissenting opinion was written by RE Samuel J. Duncan and joined by RE John Bise, RE Steve Dowling and RE John White.

DISSENTING OPINION Of RE Steve Dowling

We respectfully dissent from the court’s ruling in this case on the following grounds:

1. That Presbytery did not exercise the “due diligence” required by *BCO* 31-2 in its investigation and that it therefore committed “clear error” [*BCO* 39-3] in making its determinations;

2. That the SJC was not bound by the “great deference” requirement of *BCO 39-3* because this is a case centering on Constitutional interpretation; and
3. That the substantive conclusions reached by Presbytery and confirmed by the SJC do not follow from the facts in the Record of the case.

The first two grounds are procedural, while the third is on the merits of the case. Each of these grounds is important, and each error has significant consequences for the denomination.

That Presbytery did not exercise the due diligence required by *BCO 31-2* in its investigation and that it therefore committed clear error [*BCO 39-3*] in its determinations

While this case is nuanced, it isn't particularly complex and some parts of it are simple. One of the easiest things to understand about it is that the SJC went through most of the judicial process, including its final hearing with the parties to the case, and then opened the record to get more information. Here is the court's reasoning for doing that:

*The SJC believes it is necessary to attempt to clarify the Record of the Case because its magnitude (over 600 pages covering multiple years of writing, speaking, and judicial processes) makes it **difficult to ascertain** if specific representations of perspectives of TE Johnson are his actual or present theological convictions.*

The first thing to notice here is that the SJC says it sought further clarification because the ROC was hard to understand. If the SJC -a group that is reasonably expert in these kinds of processes and issues- cannot make enough sense of the record to reach a conclusion, it's difficult to see how Presbytery understood it well enough to reach its conclusions. Further, the SJC had before it not only everything Presbytery had before it as a court, but also additional briefs, the benefit of a full hearing, and more oral examination of the parties. Though we have no doubt about the fair motives of the court, it proved through its actions that due diligence hadn't been exercised by Presbytery. If it had been, there could be no need to get clarification after a record had once been declared judicially in order, a hearing held, and SJC deliberations begun.

It bears noting that the extent of this clarification was substantial. It wasn't just that there was a question or two about some specific point in the record,

but instead the apparent need for the SJC to form a committee to create interrogatives, communicate them to the accused, and receive his responses. This process resulted in **103** questions being submitted by members of the SJC. From that catalog of questions, the committee chose 25 that it deemed the most useful (through a blind grading process). TE Johnson answered the questions, and these answers -over and against the contents of the original ROC- provide much of the substance cited by the SJC in its support of Presbytery. For example, Allegation #1 is denied with 7 citations, 6 of which are from SJC questions. The denial of Allegation #2 is supported by 4 citations from the original ROC, and 4 from the SJC's additional questions. For Allegation #3, the original ROC is cited once and the SJC's questions are cited 7 times, and the numbers for Allegation #4 are 4 from the original record and 4 from the SJC.

The SJC's supplemental work produced 67% of the citations used by it in support of Presbytery's conclusions, strongly suggesting that Presbytery's investigation was inadequate. If the investigation was inadequate, then Presbytery's conclusions constitute "clear error."

The second thing to observe in the decision's justification is that the SJC wasn't sure whether

*... specific representations of perspectives of TE Johnson are his actual or **present** theological convictions.*

BCO Preliminary Principle 8 says this:

*Since ecclesiastical discipline must be purely moral or spiritual in its object, and not attended with any civil effects, it can derive no force whatever, but from its own justice, **the approbation of an impartial public**, and the countenance and blessing of the great Head of the Church.*

It's hard to conceive that an 'impartial public' would approve of seeking the "present theological convictions" of an accused nearly two years after the discrete incident resulting in a complaint occurred, particularly in the absence of any effort to acquire contrary evidence. This extension of time to the present and *ex post facto* acquisition of information on the part of the court appears to be a misuse of judicial discretion, with the court having undertaken more of a pseudo-BCO 31-2 investigation than an action to perfect the record. Since the opportunity to answer questions two years after the fact was extended to TE

Johnson, then the door should have opened to evidence (if there is any) related to his actions, social media utterances, and writings over the past two years which might contradict the veracity of his carefully formulated responses. Collecting evidence in that manner would be consistent with the desire for a *complete* record rather than merely an *expanded* record.

Discussions of investigative balance aside, TE Johnson's *present* positions are irrelevant to the complaint against him. The actions of the court and TE Speck's subsequent complaint exist within a discrete timeframe that ended with the initiation of the complaint. It's a closed set of circumstances, and subsequent events and information cannot properly be introduced.

In summary, the SJC's actions bear testimony to the fact that Presbytery's investigation was inadequate, and since it was inadequate the subsequent determinations made on that inadequate investigation were "clear error." Moreover, the SJC distorted the record -however unintentionally- by soliciting the "present" views of TE Johnson.

That the SJC was not bound by the "great deference" requirement because this is a case centering on Constitutional interpretation

There are limitations on courts of review in the PCA. *BCO* 39-3 enumerates these, saying first that a higher court should limit itself in its decisions to issues raised by the lower courts, and that higher courts shouldn't overturn the decisions of lower courts unless there is "clear error." In applying these limitations there are conditions and exceptions. For example, *BCO* 39-3.2 presupposes that the lower court's proximity to the events in question better qualifies it to judge a case, and *BCO* 39-3.3 presupposes better ability to judge based on "familiar acquaintance" with events and parties. Putting aside the obvious argument that familiarity may actually compromise a court's objectivity in some cases, *BCO* 39-3.4 establishes that:

The higher court does have the power and obligation of judicial review, which cannot be satisfied by always deferring to the findings of a lower court. Therefore, a higher court should not consider itself obliged to exhibit the same deference to a lower court when the issues being reviewed involve the interpretation of the Constitution of the Church. Regarding such issues, the higher court has the duty and authority to interpret and apply the

Constitution of the Church according to its best abilities and understanding, regardless of the opinion of the lower court.

The matter at hand is a doctrinal case requiring interpretation of the Constitution of the Church and the SJC was not obliged to grant “great deference” to the lower court. Moreover, the SJC had the duty to address the issues raised in the complaint without dependence on the “great deference” standard, but it conducted the case instead as if it were bound by the provisions of *BCO* 39-3.2 and 3. While we respect the SJC’s unwillingness to exceed its mandate, or to position itself as the arbiter of truth for the Assembly, this is an abdication of responsibility with respect to *BCO* 39-3.4.

Further, by not meeting its obligation to interpret the constitution of the church under *BCO* 39-3.4, the SJC has affirmed Presbytery’s authority to make Constitutional and theological declarations on behalf of the denomination. Since the decision made by Presbytery in declining to indict has been affirmed, the SJC not only has reinforced the idea that this authority lies with individual Presbyteries, it has also formalized a dubious Constitutional interpretation of SSA and how it applies to ordination.

That the substantive conclusions reached by Presbytery and confirmed by the SJC do not follow from the facts in the Record of the case

Again, while nuanced, this case only becomes complex when the things pertaining to sexual dysphoria among Christians generally are made indistinct from ordination requirements, and when the semantic ranges of terms used in the discussion are narrowed, expanded, or otherwise changed according to indiscernable criteria. In the first case, solid biblical arguments for the church to embrace “sexual minorities” are extended to ordained service as if there could be no category of sin, or no operative level of a specific type of sin, that is *a priori* disqualifying. In the second, the symbols (or words) with which we communicate are redefined without agreement, having been appropriated by those with special knowledge of the distinctions they desire from the symbols.

For example, the word “homosexual” appears just under 2400 times in the record for this case. In virtually all the places where it’s used the term is semantically equivalent to “same sex attracted,” so there seems to be a high correlation between the symbol and the thing signified in common usage, with some translators using the word to translate *arsenokoitai* 1 Corinthians 6:7-9. Even so, here is what TE Johnson says:

Neither *malakoi* or *arsenokoitai* map very tightly onto this modern use of *gay* or *homosexual* or *same-sex attracted* as an orientation.

He is saying that the biblical strictures are not closely aligned with the “modern” use of the words as an “orientation,” but there is no biblical support for arguing that the concepts in 1 Corinthians 6 are culturally bound. Pucci provides some insight here:

...the Muses sing a discourse similar to true things, but with some distortion, invention, or deflection -in a word, with some differences. The similarity vouches for the credibility of the discourse, while the invention, deflection, and difference make it false.

We mean by this that fine distinctions and novel interpretations may obfuscate truth rather than illuminate it, and that the effort to more narrowly define meaning can have the effect of removing meaning altogether, turning truth into falsehood and vice-versa. In this case, TE Johnson’s reinterpretation of the meanings of *malakoi* and *arsenokoitai* through a modern lens to make a distinction related to “orientation” does little to clarify the issue from a biblical standpoint.

The ROC is clear that TE Johnson identifies himself as a “same-sex attracted man.” Irrespective of whether there’s a distinction between that and “homosexual,” and whether or not *malakoi* and *arsenokoitai* “map tightly” to the scriptures condemning homosexuality, TE Johnson provides enough evidence from his own statements to make it obvious that this characteristic is so core to his being and so central to his personal narrative that it disqualifies him from ordained service.

TE Johnson’s testimony establishes that he has seen himself as same-sex attracted since he was 11 years old. He says he has never had an attraction to a woman and that he finds the idea of looking at a woman lustfully “disgusting.” He says that his public ministry as a same-sex attracted man is intended to help others who are suffering and ashamed about their own same-sex attraction, and in his 2019 General Assembly speech, he claimed that Article 7 of the Nashville Statement “hurt” because it asserts that it is a sin to adopt a homosexual self-conception.

TE Johnson's self-identification *per se*, then, is not a disputable issue; the real question is whether this identification "compromises and dishonors" his identity in Christ, and there is good reason to conclude that it does, because TE Johnson consistently palliates the sin of same-sex attraction such that he dishonors God. For example, he first appeals to the universality of sin to make the argument that same-sex attraction is just like any other sin, while the Constitution's exposition of Scripture asserts that some sins are more heinous than others (with homosexuality "more heinous" than even inappropriate heterosexual activity by virtue of it being against nature).

While it is true that all people are sinners, it is not true that all sins alike are equal. If they were, then every argument advanced by TE Johnson with respect to same-sex attraction would have to apply equally to every kind of sin. The sin of pedophilia would have to be considered no worse than anger; the sin of bestiality no worse than drunkenness. While it is true that all people are sinners and all deserve God's wrath, and while it is true that no one's righteousness is good enough to contribute to his salvation, arguments for sin equivalencies mock the word of God and dishonor Him.

Second, TE Johnson is a late middle-aged man of high achievement. He is well-educated and has an earned PhD establishing him as an expert historian. He is an author. He is a lifelong minister who carries the imprimatur of a Seminary education and ordination by one of the most biblically sound denominations in the world. All these things constitute *aggravations* of his sinful same-sex attraction and his teaching related to it according to the Constitution of the church. Question 151 of the Larger Catechism asks what constitute aggravating factors for sins more heinous, and they are these: "...if they (the persons offending) be of riper age, greater experience or grace, eminent for profession, gifts, place, office, guides to others, and those whose example is likely to be followed by others."

TE Johnson not only dishonors God in his prominent self-identification as a same-sex attracted man, the matter is made worse by his age, leadership position, and level of achievement.

The ROC demonstrates that TE Johnson is capable of formulating an orthodox view of sanctification, but it also demonstrates that he minimizes the possibility of change for people suffering from sexual dysphoria. He acknowledges that God can do anything in much the same way Cessationists acknowledge that God could still perform a miracle in the world; that is, He could, but He won't. He contends strongly -on the basis of his research and

experience- that orientation change practically never happens, citing statistics that establish that only 3.5% to 4% of people will ever experience any change from same-sex attraction to natural attraction.

In his arguments TE Johnson rests on appeals to his own authority, first as a same-sex attracted man, then as an academic, then as a theologian, and then as a minister. He communicates authoritatively and effectively, and he has clearly convinced many that his understanding of how God interacts with same-sex attracted people is the right one: God's ability to change people affected by this particular sin is only a remote possibility and should not be held out as a realistic hope for Christians; it would be extremely rare that they might change. There cannot be a more succinct denial of God's power to sanctify.

At the same time, the form of this argument is the opposite of TE Johnson's argument about the equivalency of sin. First, he claims that all sin is *alike* and SSA is no different from any other sin in order to establish that it cannot be a disqualifying factor for ordination. He subsequently says that while all sin is alike, and all people are sinners, sins related to sexual dysphoria are utterly *different* in that God hardly ever acts to change people from them and therefore those sins need to be accepted as an ontological phenomenon -they are part of being. By that line of reasoning any other sexual sin must also be accepted as a condition of being, whatever the perversion.

While the ROC doesn't show that TE Johnson entirely denies that sanctification could extend to a sexual orientation change, it clearly shows that he doesn't expect it to, even arguing that people need to understand the truth and not be optimistic about change when they are saved [ROC 461, ROC 928, etc.,]. In the same way, TE Johnson both claims the power of sanctification in his life and denies it, particularly when he speaks about his sexual appetites, which continue unabated:

*I share about once a year from the pulpit that I'm a porn addict. I haven't actually looked at pornography for 15 years, but when I did, I was all in and **that pull is still as strong as it was**. I've mortified this for 15 years and it still, you know, I see a computer terminal unmonitored and immediately my mind thinks, I want to look at porn. Fifteen years of strangling this thing, and it doesn't die, it doesn't go away [ROC 453}...*

And:

*TE Johnson: "You wanna know about my sexual brokenness? I am happy to talk to you about what I talked about in the pulpit two weeks ago, and that I think is relevant to this conversation. I am a pornography addict. I have had a pornography addiction for 15 years. Actually 18" Interviewer 2: "Are you still doing pornography, Greg?" TE Johnson: "No, I haven't for 15 years." Interviewer 1: "So you're not an addict." Interviewer 2: "So you're not an addict anymore." TE Johnson: "Oh, but I know what it does inside of me. You see, **I know that if I look at one image, I'm going to look at a thousand. I know I'm not going to come up for air for hours.**" [ROC 553-554, 568"]*

Some might be tempted to minimize these statements because of the circumstances of a live interview. TE Johnson says as much, having called the interaction a "train wreck." That is an assessment of the outcome but not necessarily the conversation, since the interviewers were clearly trying to dissuade TE Johnson from the point he was trying to make, while TE Johnson himself argued harder and harder for his vulnerability to these sins in order to impress upon them how powerful its control is over him. The Constitutional aggravations listed above apply here. If TE Johnson were young or naïve or inexperienced in public interactions, these might serve to mitigate his responsibility for what he said; it might provide an argument from extenuation. Instead, he is mature, educated, esteemed, and an accomplished public speaker. He clearly believes what he insistently told these interviewers and his words cannot be ignored.

By these beliefs and descriptions of his own experience, TE Johnson minimizes God's purposes and power in sanctification, while at the same time demonstrating the grip by which his sin holds him. In his testimony [ROC 610], his sermons [ROC 606], his public speeches [ROC 556] and his writings [ROC 812-830] TE Johnson has made his homosexuality central to his self-perception, his self-presentation, and to his ministry. He has become a public figure as a result, and it is clear from the record that he is regarded as an authority on the subject -one who expressly teaches and intends to teach his version of "truth" as it relates to SSA.

While the ROC and his public utterances demonstrate great facility with language and theological nuance and sometimes serve to obfuscate clear issues, TE Johnson's fundamental argument for serving as an ordained minister of the gospel is that he is now -and has always been- chaste, making him immune to disciplinary action for sexual misconduct.

By this standard no sexual predilection is disqualifying so long as it doesn't materialize in an act. Therefore, the pedophile who suffers in the way TE Johnson does -that is, one who had no hope of change or no resistance to a single look at child pornography such that he "...*wouldn't come up for air for hours...*" is eligible for ordination. The same would also clearly be true of someone who struggled with illicit heterosexual attractions under the same conditions, yet it is unimaginable that a man would be called as a minister of the gospel who said, "I struggle with lust for women to the point that I don't expect change, and I'm also an addict who is one look away from complete immersion in pornography -but don't worry, I only think about it. I'm not currently doing it."

Despite the many excellent points made by TE Johnson about the difficulties faced by Christians who experience SSA or sexual dysphoria, and despite much good advice on how to minister to "sexual minorities," these arguments cannot be applied without distinction to ordained service.

In summary, the SJC overlooked the clear deficiencies of Presbytery's investigation, which is proven by re-opening the record and admitting additional information that sought the "present" positions of TE Johnson, extending consideration of facts well beyond the events complained against. Moreover, it was incumbent on the SJC to deal with the matters raised by the Complainant as issues of Constitutional interpretation instead of deferring to the lower court in this case. For these procedural reasons and based on the merits of the complaint, we respectfully dissent from the majority decision.

This opinion was written by RE Steve Dowling and joined by joined by TE Paul Bankson, RE John Bise, RE Mel Duncan, RE Sam Duncan, TE Fred Greco, and RE John White.

**SJC ANSWER TO THE DISSENTING OPINION
of RE Steve Dowling et al.**

SJC Manual 18.12.c permits the SJC to "Answer" a Dissenting or Concurring Opinion, a procedure akin to the general answering provision in *BCO* 45-5.

While this procedure is rarely used, the Commission finds it necessary to take this step in this present Case because we conclude that the referenced Dissent mischaracterizes key conclusions of the SJC’s Decision. We are concerned these mischaracterizations may lead to confusion in the Church regarding the PCA Constitution and what the SJC actually decided in this Case, and, in turn, how the Decision may apply to future situations.

Even as we take this step, however, we want to assure the Assembly the SJC seeks to operate as a collegial court, and we have been blessed with a good measure of success. We intend for our Answer to be understood in this light.

We organize our Answer by addressing some problematic assertions in the Dissent, by responding to the procedural concerns raised, and by interacting with the Dissent’s allegation that “the substantive conclusions reached by Presbytery and confirmed by the SJC do not follow from the facts in the Record of the case.”

1. Erroneous Assertions in the Dissent - Before addressing the specific procedural and substantive concerns raised by the Dissent, we believe it important to address three assertions in the Dissent that we find to be problematic.

1A. Erroneous Assertions 1 & 2: Concerning the Authority of a Church Court to Render a Constitutional Interpretation of SSA

The first two assertions are made in the following quote from the Dissent. (Emphasis added.)

[T]he SJC has affirmed Presbytery’s authority to make Constitutional and theological declarations *on behalf of the denomination*. Since the decision made by Presbytery in declining to indict has been affirmed, the SJC not only has reinforced the idea that this authority lies within individual Presbyteries, it has also *formalized a dubious Constitutional interpretation of SSA* and how it applies to ordination. (p. 4.)

First, contrary to the assertion in the quote, our ruling and opinion in this Case do not “make” the Constitutional interpretation of “SSA” that is alleged in the second half of the Dissent (pp. 4-7). Such a claim mistakenly construes the ruling and opinion of the SJC in this Case. In each of the discussions of our reasoning for declining to sustain the four substantive allegations brought in

the Complaint, we concluded only that the Complainant had not met his burden, based on the Record, of demonstrating Presbytery erred in declining to indict TE Johnson. Thus, in responding to Allegation 1 we wrote:

“If the Record demonstrated that the above statements [from the Complainant] were an accurate summary of TE Johnson’s views, it would have been proper to sustain the Complaint. Based on the Record, however, the SJC finds that it was not unreasonable for Presbytery to conclude that TE Johnson does not hold these positions and that he affirms....”³⁹

In short, we indicated that holding the kinds of positions alleged in the Complaint would likely make an officer in the PCA liable to indictment by their court of original jurisdiction. The conclusion, however, was that the Record in this Case did not demonstrate Presbytery clearly erred in concluding TE Johnson did not hold the views alleged. The dissenters may conclude the SJC was wrong in that determination, and they have every right to make that argument in a dissent. It is not accurate, however, to assert the SJC is staking out a new position on “SSA” when the ruling and the opinion clearly affirm that the SJC Decision was based on a finding that the facts in the Record did not sustain the allegations that were made in the Complaint.

Having said that, we wish to highlight one other aspect of the SJC’s opinion that contradicts this assertion of the Dissent. For each of the first three allegations, our Opinion begins by providing quotes from the Complaint that were offered in support of the given allegation. In each instance we then go on to say: “If the Record demonstrated that the above statements were an accurate summary of TE Johnson’s views, it would have been proper to sustain the Complaint.”⁴⁰ For the fourth allegation, while the Opinion does not offer statements from the Complaint, the Opinion does say:

“If the Complainant had demonstrated, for example, that the minister was involved in homosexual behavior, cultivated unrepentant lustings, taught that either of those were not sinful, or was not continually seeking to mortify those temptations, it would have been proper to sustain the Complaint.”⁴¹

³⁹ Opinion p. 13. See identical conclusions on Allegations 2 and 3 on pp. 16, 18, and a similar conclusion to Allegation 4 on p. 23, changed only to reflect the different nature of this allegation.

⁴⁰ See Opinion pp. 13, 16, and 18.

⁴¹ Opinion p. 23.

Our point in including all these statements was to try to set forth some guiderails that reflect our understanding of the Confessional boundaries of orthodoxy regarding beliefs and practices that can characterize ordained men in the PCA on matters related to same-sex attraction, same-sex behaviors, etc. We believe those statements reflect quite well the conclusions of the PCA's Ad Interim Committee on Sexuality.⁴² Thus, ironically, rather than setting forth some novel "Constitutional interpretation of SSA" as the Dissent suggests, the SJC's Opinion contains a series of strong and consistent statements that are grounded in the Church's Confessional teaching on these issues, and that echo the testimony of the Ad Interim Committee Report to that teaching. The SJC did not find that the Record clearly provided evidence showing Presbytery had erred in its decision not to indict TE Johnson. That finding should not distract the reader from the clear, Confessional positions on same-sex attraction and sexual immorality that are contained in the Opinion.

Second, in the Dissent's quote cited above on page 1, the Dissent alleges the SJC has "affirmed Presbytery's authority to make Constitutional and theological declarations on behalf of the denomination." But this conclusion is based on a misunderstanding of our polity. Presbyteries (and Sessions) *already* have the right and responsibility to make Constitutional and theological declarations. That right, however, comes not from anything the SJC has done or could do, but from the nature of our graded courts. (See *BCO* 11-3,4.)⁴³ Thus, every court in the PCA is responsible to make theological

⁴² <https://pcaga.org/wp-content/uploads/2020/05/AIC-Report-to-48th-GA-5-28-20-1.pdf>

⁴³ *BCO* 11-3 - All 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. When, however, 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.* (Emphasis added.)

BCO 11-4, para 2 - Every court has the right to resolve questions of doctrine and discipline seriously and reasonably proposed, and in general to maintain truth and righteousness, condemning erroneous opinions and practices which tend to the injury of the peace, purity, or progress of the Church. Although each court exercises exclusive original jurisdiction over all matters especially belonging to it, the lower courts are subject to the review and control of the higher courts, in regular gradation. These courts are not separate and independent tribunals, but they have a mutual relation, and every act of jurisdiction is the act of the whole Church performed by it through the appropriate organ.

and Constitutional determinations as such issues come before them. Indeed, it is precisely to protect that right of the lower courts that *BCO* 39-3 exists.⁴⁴

At the same time, we recognize that right of the lower courts is not unlimited. As *BCO* 11-4, *BCO* 39, and *BCO* 40 all make clear, there is a right and responsibility of higher courts to exercise “review and control” over the lower courts. But that oversight is clearly limited by the Constitution. It must also be conducted within the proper purview and procedures of the higher court as set forth in our Constitution and rules. Among other things, this means that the SJC, in dealing with a complaint, is limited to the issues raised by the parties⁴⁵ and to the evidence contained in the Record of the case.⁴⁶ For the SJC to reach a conclusion that cannot be sustained from the Record, no matter how popular that decision might be to some, would be a breach of its Constitutional limitations and would trample upon the rights and responsibilities of the lower courts in the PCA.

In short, far from affirming some new right for presbyteries, our Decision in this Case serves to preserve the proper prerogatives of the lower courts of the PCA and to underscore the right of review and control, appropriately exercised, including through judicial process. Again, it would be mistaken to conclude that the SJC has recognized some new right for presbyteries. Rather, the SJC acted within the scope of our Constitutional responsibilities and limits. In so doing, we found that the allegations in the Complaint regarding the views held by TE Johnson were not sustained from the Record.

1B. Erroneous Assertion 3: Concerning Acting on a Complaint and the Discipline of an Officer

The third erroneous assertion is found in this quote from the Dissent:

TE Johnson provides enough evidence from his own statements to make it obvious that this characteristic (identifying himself as a ‘same-sex attracted man’) is so core to his being and so central to his personal narrative that it disqualifies him from ordained service. (p. 5)

This conclusion, at least as stated, asserts that the SJC should have found TE Johnson guilty of an offence that must lead to his removal from ordained office

⁴⁴ Note the italicized material in the quote from *BCO* 11-3 in the footnote above.

⁴⁵ *BCO* 39-3.1. This is also the thrust of *BCO* 43-1,3; *OMSJC* 14.4, etc.

⁴⁶ *BCO* 32-18 (para. 5). See also the 4th vow for SJC members in RAO 17-1.

in the PCA. Such a finding, however, would go far beyond anything raised in the Complaint or the Statement of the Issues in the Case. The statement of Issue 2 reads “Did Missouri Presbytery clearly err...when it declined to *commence process* on any of the following four allegations?” (Emphasis added.) That is a very different issue than “Is TE Johnson *guilty* of any of the following four allegations?” Thus, to reach the conclusion publicly offered by the dissenters, the SJC would have had to go far beyond the issues raised in the Complaint.

Further, and more importantly, our Constitution does not allow a higher court to act on a complaint by declaring someone to be guilty. That is not one of the remedies available to a higher court in adjudicating a complaint under *BCO* 43-10, and properly so. A complaint, in our Constitution, is always against the action of a court. Therefore, the SJC, as the higher court, has no right to sustain a complaint by declaring an officer guilty. All we can do is act with respect to the lower court. Were the SJC to seek to declare a man to be guilty, such action would be the epitome of a higher court “acting for” a lower court in violation of the principles of *BCO* 11. Finally, it would be fundamentally unfair to any man to be judged guilty based on a complaint and without benefit of a trial. Yet, this is what a straightforward reading of the Dissent would have us do.

Thus, with all due respect for our brothers, we find that key assertions of their Dissent do not accurately reflect the ruling of the SJC in this Case and are inconsistent with the Constitution of the PCA. We now turn to the specific points of error which the Dissent alleges were committed by the SJC.

2. Answer to Allegations of Procedural Error

The Dissent addresses, at some length, two broad procedural issues: (a) due diligence, particularly regarding the additional questions posed by the SJC to Missouri Presbytery and to TE Johnson; and (b) the proper standard for review. We address each of these in turn.

2A. Due Diligence

The Dissent alleges “the SJC overlooked the clear deficiencies of Presbytery’s investigation, which is proven by re-opening the record and admitting additional information that sought the ‘present’ positions of TE Johnson.” Indeed, the Dissent’s entire discussion of the SJC’s alleged procedural failures in this area is tied to the SJC’s decision to reopen the Record and pose some questions to Presbytery and to TE Johnson. Thus, the Dissent alleges the SJC’s

action in posing these questions (and particularly our rationale) demonstrated the SJC had concluded the ROC was unclear and that Presbytery had failed in its due diligence. (p.1) The Dissent further alleges the citations from the “supplemental work” suggest Presbytery’s investigation was inadequate.

Additionally, the Dissent alleges these questions led the SJC to focus on TE Johnson’s “present positions,” apparently defined by the dissenters as his positions in early 2021, as opposed to his positions during the period in which Presbytery was conducting the *BCO* 31-2 investigation (2018-20).

It is important to recognize, first, that the Minutes of the SJC’s meeting on March 25, 2021, referencing the debate on sending the SJC questions to Presbytery and TE Johnson, state: “The Parliamentarian advised that this motion and process were in order.” In addition, this is not the first time the SJC has suggested or required the provision of additional information.⁴⁷ Thus, whether one agrees with the SJC’s course of action, it was based on a ruling that such action would be in order, and it is an action for which there is precedent.

With regard to sending Questions, the Dissent alleges:

This extension of time to the present and *ex post facto* acquisition of information on the part of the court appears to be a misuse of judicial discretion, with the court having undertaken more of a pseudo-*BCO* 31-2 investigation than an action to perfect the record. ... Discussions of fairness aside, TE Johnson’s *present* positions are irrelevant to the complaint against him. (Dissent p. 2, 3)

We are concerned statements such as this in the Dissent could easily lead people to conclude there was broad opposition expressed to sending the Questions. Because SJC discussions and actions relating to sending the Questions occurred in “closed session,” we don’t feel the liberty to go into much detail, but we assure the reader such a conclusion would be incorrect.⁴⁸

⁴⁷ For example, see *Aven/Dively v. Ohio Valley Presbytery* (*M44GA* at 503-04); *Barnes v. Heartland Presbytery* (*M44GA* at 480 ff.); *Fordice v. Pacific Northwest Presbytery* (*M45GA* at 532).

⁴⁸ *OMSJC* 18.3 - “A Closed Session shall be understood as a meeting or portion of a meeting wherein only Commissioners, and others specifically invited by the Commission, are present. Unlike an Executive Session, however, the proceedings shall not be secret, but rather discussion of such matters outside of the meeting

More importantly, and with no disrespect to our dissenting brothers, we find that they have arrived at their conclusion by focusing on individual phrases in the SJC's explanation for its action, without considering those phrases in the context of the whole statement. The following is the entirety of the SJC's introduction to the list of questions that were sent to the Presbytery and TE Johnson.

The SJC believes it is necessary to attempt to clarify the Record of the Case because its magnitude (over 600 pages covering multiple years of writing, speaking, and judicial processes) makes it difficult to ascertain if specific representations of perspectives of TE Johnson are his actual or present theological convictions. We understand from the Record:

- he has acknowledged some of his perspectives have matured over time;
- he has acknowledged some were poorly stated due to time limits, situational pressures, or extemporaneity;
- some representations of perspectives are made unclear by imprecision or disagreement over what aspect of sin is being referenced in specific statements;
- some representations have been extrapolated by critics but denied by Johnson.

Thus, the SJC offers TE Johnson the opportunity to answer questions with reference to the specific Allegations in the Complaint now before the Commission. Below are 25 questions arranged by the Allegations, with a fifth category titled "Additional/General."

It should be clear from that introduction that the SJC's point in seeking these clarifications to the Record was not that Missouri Presbytery had failed in its duty to investigate, but that the large number of reports, investigations, and writings contained in the Record covered a period of years over which, by his own admission, some of TE Johnson's views were poorly stated and some had "matured." Further, some of the statements in the Record were ones that were

shall be at the discretion of each commissioner, and the minutes of such a closed session may be read and approved in open session. However, no person present at a closed session shall later identify in any manner the views, speeches, or votes of a member of the commission during the closed session, apart from that member's written permission."

made by TE Johnson's critics about his views, but which he denied. Thus, contrary to the conclusions of the Dissent on pp. 1-3, the effort by the SJC to seek clarifications from TE Johnson and from Missouri Presbytery was not a reflection on the quality of Missouri Presbytery's Record or investigative efforts (although some of us would have liked them to have pressed more deeply on some issues). Nor was it an effort to develop evidence on views TE Johnson held in May 2021 but did not hold during the time of Missouri Presbytery's investigations (2018-2020). Rather, it was a request to the minister and Presbytery to pull together and focus pieces of his views that were scattered throughout the Record and that had, in some instances, undergone refinement during Presbytery's investigations.

Further, none of the minister's answers to SJC questions contradicted his previous answers to the Presbytery. The Record does not indicate he answered Presbytery one way but answered the SJC differently. Thus, what the Dissent refers to as his "present" views are essentially the same as those expressed to the Presbytery committee, and the Dissent does not identify any conflicting pair of answers. Even the Complainant's Addendum Brief recognized that the answers to the Presbytery investigation committee and to the SJC were substantively the same, by stating, "TE Johnson's answers to the SJC questions elaborate and confirm the very concerns raised in [my] Complaint." (p. 1). The Complainant did not contend there were any different answers.

The Dissent concludes its discussion of the *BCO* 31-2 procedures used by Presbytery by contending: "If the investigation was inadequate, then Presbytery's conclusions constitute "clear error." (p. 2) But this is a *non sequitur* (a conclusion that does not follow from the previous statement). Investigative procedures and indictment decisions are distinct issues, which is why the SJC Decision specifies two Issues. Further, as we have explained, the thrust of the SJC's action to reopen the Record was not to assert the inadequacy of the Record or the investigation, but to provide a more focused rehearsal of TE Johnson's views that were spread throughout the Record.

2B. Standard of Review

The Dissent's second procedural allegation is that the SJC used an improper standard for review, arguing that the SJC was not bound by the "great deference" requirement of *BCO* 39-3.3 "because this is a case centering on Constitutional interpretation." (p. 3)⁴⁹

⁴⁹ This was also the claim of the other Dissent, from RE Duncan.

In considering this concern it is important to recognize there were two Issues in this Case and they were dealt with differently. In the first Issue: “Did Presbytery violate *BCO* 31-2 in the manner of its investigation of the allegations?” the SJC applied the “clear error standard” of *BCO* 39-3.3 because it found that no specific procedures are required by our Constitution in a 31-2 investigation and that the Record demonstrated that Presbytery “sought to exercise the requisite ‘due diligence and great discretion’ in seeking explanations from TE Johnson.” (Decision p. 12)

Regarding the second issue: “Did Missouri Presbytery clearly err at its meeting of July 21, 2020, when it declined to commence process on any of the following four allegations?” however, the focus is different. We grant that the Complainant alleged TE Johnson held views that violated the Constitution of the PCA. Had the Complainant been able to provide evidence that such views were an accurate summary of TE Johnson’s views, the SJC would have been obliged to consider questions of “Constitutional interpretation.” But such was not the case. As we state repeatedly in our ruling, the evidence provided in the Record and discussed by Complainant did not clearly support the allegation that Presbytery erred in concluding that there was not a “strong presumption of guilt” that TE Johnson held the views the Complainant alleged he held. Thus, for example, and as was stated above, in judging Allegation 1 we wrote: “If the Record demonstrated that the above statements [of the Complainant] were an accurate summary of TE Johnson’s views, it would have been proper to sustain the Complaint. Based on the Record, however, the SJC finds that it was not unreasonable for Presbytery to conclude that TE Johnson does not hold these positions and that he affirms....” In other words, we did not have a basis for applying *BCO* 39-3.4 because there was no question of Constitutional interpretation before us. The evidence in the Record did not provide sufficient support for the allegations made by Complainant regarding TE Johnson’s views. Certainly, that is a *factual finding* with which the dissenters are free to disagree and argue against. But that is a very different discussion than one of whether the SJC failed to conclude that Missouri Presbytery had misinterpreted the Constitution as it reached its conclusions.

3. Answer to Substantive Concerns Raised by the Dissent

The Dissent alleges “the substantive conclusions reached by Presbytery and confirmed by the SJC do not follow from the facts in the Record of the case.” In considering this allegation, it is crucial to begin by understanding the SJC did not “confirm” any “substantive conclusions” reached by Presbytery. Our

Decision repeatedly states that our Decision is based on the finding that the Record does not demonstrate the Complainant’s interpretive conclusions of certain statements were “an accurate summary of TE Johnson’s views,” and thus it was “not unreasonable for Presbytery to conclude TE Johnson does not hold those positions.” It was on that basis that we concluded Presbytery had not erred in declining to commence formal judicial process against TE Johnson.

In addition to all the above, we believe the Church would also be aided by an Answer to two substantive issues raised in the Dissent: (a) the Dissent’s contention that the Record demonstrates that “homosexuality is central to [TE Johnson’s] self-perception, his self-presentation, and his ministry;” and (b) the Dissent’s contention that the Record demonstrates TE Johnson errs in his understanding of I Corinthians 6:9 and that he is engaged in “heinous sin.” We address each in turn.

3A. The Issue of Centrality

The Dissent alleges:

In his testimony [ROC 610], his sermons [ROC 606], his public speeches [ROC 556] and his writings [ROC 812-830] TE Johnson has made his homosexuality central to his self-perception, his self-presentation, and to his ministry.” (Dissent p. 7)

A review of those citations demonstrates the assertion is untenable.

- ROC 610 is a letter from Covenant Church, Fayetteville, AR to Missouri Presbytery, which only has *one* quoted sentence from the minister.
- ROC 606 is also from Covenant Church and identifies a *single* sermon — May 19, 2019: “Testimony of a Unicorn,” even though there are eight years of the minister’s sermons on the Memorial Presbyterian Church website.
- ROC 556 contains excerpts from the same May 2019 sermon and his short speech at the 47th GA critiquing Article 7 of the Nashville Statement and Overture 4 (which 40% of the GA commissioners also voted against).
- ROC 812-830 contain eight items the minister wrote from May 2019 through February 2020, which he submitted to the Presbytery’s investigating committee at its request. Of the eight items, only the

Christianity Today testimony was published. The other seven were unpublished private correspondences.

This hardly demonstrates a centrality of self-perception, self-presentation, and ministry. If there is some other evidence that leads the Dissent to make that assertion, it was not in the Record, and surely not in the ROC sections cited in the Dissent.

The minister's testimony in *Christianity Today* ends with this statement:

The gospel doesn't erase this part of my story so much as it redeems it. My sexual orientation doesn't define me. It's not the most important or most interesting thing about me. It is the backdrop for that, the backdrop for the story of Jesus who rescued me.

3B. 1 Corinthians 6:9 and Heinousness

We first note that the arguments in the Dissent in this area were not raised during the SJC debate on the draft Decision proposed by the Drafting Committee. But even if they had been raised, the Answer below would have been sufficient to settle them.

The Dissent alleges "some translators [use] the word *homosexual* to translate *arsenokoitai* in 1 Corinthians 6:7-9." (p. 4) While not explicitly saying so, the Dissent seems to regard that single word as the best translation of the two words *malakoi* and *arsenokoitai*. This translation decision is very important, but the Dissent does not identify which translators it references or provide argument as to why they should be favored over the many others that translate those two words with a behavioral component. If the word *homosexual* is intended throughout the Dissent to be synonymous with *malakoi* and *arsenokoitai*, that would be important to know.

The ESV translates those two words as "men who practice homosexuality." The NIV translates it as "men who have sex with men." The NRSV translates it as "male prostitutes, sodomites." The New English Translation renders it as "passive homosexual partners, practicing homosexuals" and ends its two lengthy footnotes with: "Since there is a distinction in contemporary usage between sexual orientation and actual behavior, the qualification "practicing"

was supplied in the translation, following the emphasis in BDAG.”⁵⁰ And while the NASB translates *malakoi* and *arsenokoitai* simply as “homosexuals,” it also supplies this footnote: “Two Gr[reek] words in the text, prob.[ably refer to] submissive and dominant male homosexuals.” Thus, even the NASB recognizes the behavioral component.

In the same section, the Dissent critiques one sentence from the minister’s answer to Question 12 from Presbytery’s investigative committee, where he wrote:

Neither *malakoi* or *arsenokoitai* map very tightly onto this modern use of *gay* or *homosexual* or *same-sex attracted* as an orientation. [ROC 1070]

After quoting the sentence, the Dissent alleges:

He is saying that the biblical strictures are not closely aligned with the “modern” use of the words as an “orientation,” but there is no biblical support for arguing that the concepts in 1 Corinthians 6 are culturally bound. ... TE Johnson’s reinterpretation of the meanings of *malakoi* and *arsenokoitai* through a modern lens to make a distinction related to “orientation” does little to clarify the issue from a biblical standpoint. (Dissent p. 4)

But it’s not reasonable to draw such a conclusion from the minister’s sentence, especially in context. Presbytery’s question was this: “*How do you understand 1 Cor. 6:9-11 and its application to Christians that identify as celibate gay Christians?*” In his answer, his sentence immediately following the one quoted in the Dissent says: “These [*malakoi* and *arsenokoitai*] speak of sex acts ... among men. Such men will not enter the kingdom.”

In addition, the minister’s sentence quoted by the Dissent does not say “the concepts” of 1 Corinthians 6 are “culturally bound.” And the Record does not demonstrate the minister has “reinterpreted” the meanings of *malakoi* or *arsenokoitai*, but simply recognizes the importance of the behavioral component in those two words, as do the ESV, NIV, NRSV, NET, NASB, etc.⁵¹

⁵⁰ Bauer, Danker, Arndt, and Gingrich (Greek-English Lexicon of the New Testament)

⁵¹ The Dissent’s use of the phrase “culturally bound” is itself unclear. Does ‘culturally bound’ mean the text is ‘culturally conditioned’ (which of course it is) or does it mean

It is more reasonable to understand the minister's sentence as highlighting the difference between the homosexual *behaviors* indicated by *malakoi* and *arsenokoitai* and the *temptations* (orientation) of homosexuality. In other words, it was reasonable for Presbytery to conclude the minister's sentence simply affirms someone could be homosexually inclined, but not be *malakos* or *arsenokoitēs*.⁵²

Regarding heinousness, the Dissent also alleges the minister:

... appeals to the universality of sin to make the argument that same-sex attraction is just like any other sin, while the Constitution's exposition of Scripture asserts that some sins are more heinous than others (*with homosexuality "more heinous" than even inappropriate heterosexual activity* by virtue of it being against nature)." (p. 5. Emphasis added.)

If the Dissent is intending the word *homosexuality* in this parenthetical to be identical with *malakoi* and *arsenokoitai* (contra how those Greek words are understood in this Answer), then we have less concern with the excerpt above. But the Dissent's parenthetical seems to use *homosexuality* in a more general sense, and if so, it seems to argue homosexual *temptations* are more heinous than heterosexual *sinful behavior* (which appears to be what's meant by "inappropriate activity.") If that's not what's being asserted, then it's hard to understand why the word "even" is used in the comparison.

Regardless, the Dissent's contention about the minister's view is contradicted by the following statement from the minister quoted in the SJC Decision:

Sins are not all equally heinous (WLC 150). But they are all heinous. Having sex with someone of the same sex is very heinous. Before we ever get to the Standards, the Bible is clear on this point. For a man to lie with another man as one lies with a woman, it is an abomination. Paul picks up the Hebrew of

that the text is only applicable in Corinth (which the minister clearly denies in his answer to the "heinousness" question)?

⁵² The minister also addressed 1 Cor. 6:9 in his lengthy answer to Question 7 from the Presbytery committee. In one part, he wrote: "The term *homosexual* is not in the Hebrew/Greek Bible. Sexual orientation is a nineteenth century scientific and social construct. In 1 Corinthians 6, for example, *malakoi* and *arsenokoitai* refer not to sexual orientation or temptation but to actual sexual practice between two men." [ROC 1062]

Leviticus—*arsenokoitai*, literally “male bed”—to prohibit it in no uncertain terms as sin that that will keep a man out of the kingdom.

All other things being equal, I would consider homosexual immorality to be more heinous than heterosexual immorality on account of the way it further warps God's creational norm for sex. As in *WLC 151*, it goes against the “light of nature.” Romans 1 notes it is unnatural. (SJC Decision, p. 26-27)

In addition, the Dissent’s parenthetical assertion would be difficult to demonstrate biblically and was clearly addressed and critiqued in the 2020 Report of the Ad Interim Committee on Sexuality.⁵³ Below is an excerpt, with emphasis added.

Finally, we can discern a very practical value to the distinction between the sin that is constituted by our “corruption of nature...and all the motions thereof” and the “actual transgressions” that proceed from it. ... To feel a sinfully disordered sexual attraction (of any kind) is properly to be called sin—and all sin, “both original and actual” earns God’s wrath (WCF 6.6)—*but it is significantly less heinous* (using the language of the *WLC 151*) *than any level of acting upon it in thought or deed.* ... (AIC Report p. 23.)

Below are five other pertinent excerpts from the AIC Report. All emphasis is added.

Statement 6 (Temptation) ... Nevertheless ... We can avoid “entering into” temptation by refusing to internally ponder and entertain the proposal and desire to actual sin. Without some distinction between (1) the illicit *temptations* that arise in us due to original sin and (2) the willful giving over to *actual sin*, Christians will be too discouraged to “make every effort” at growth in godliness and will feel like failures in their necessary efforts to be holy as God is holy (2 Peter 1:5-7; 1 Peter 1:14-16). (p. 9)

⁵³ <https://pcaga.org/wp-content/uploads/2020/05/AIC-Report-to-48th-GA-5-28-20-1.pdf>

Essay 1: Confessional Foundations Regarding Nature of Temptation, Sin and Repentance

II.B.1. The Common Dynamic of Concupiscence - First, the dynamic of spontaneous sinful desire or attraction is not unique to those who experience homosexual desire. All people experience it. It is an essential point in the Confession that all of us who are descended from Adam and Eve experience their corrupted nature and the complex of disordered affections, desires, and attractions that come with that corruption. The danger of this question arising in the context of the discussion of homosexuality is that some might be tempted to think of that particular example of disordered desire as *qualitatively different* from their own. Or worse, some may be willing to assert the sinfulness of one category of spontaneous desire but minimize or remain largely ignorant of the sinful concupiscence that is common to all.

The truth is that if we think humbly and carefully about our own spontaneous thoughts, feelings, and desires, we would recognize that we are all much more alike than different. ... Good Reformed teaching on sin places us all on equal footing in our need of Christ's imputed righteousness. (p. 21)

II.B.2. Continued Corruption - [To] teach that our sinful corruption must be entirely removed from any part of us in order to be considered truly repentant is a spiritually treacherous perversion of the doctrine of repentance. (p. 21)

II.B.5. Moral Difference - ... Our brothers and sisters who resist and repent of enduring feelings of same-sex attraction are powerful examples to us all of what this "daily mortification" looks like in "the best of believers." We should be encouraged and challenged by their example and eager to join in fellowship with them for the mutual strengthening of our faith, hope, and love. (p. 23)

Essay 2: Biblical Perspectives for Pastoral Care - Discipleship, Identity and Terminology Singleness, Friendship, Community - Insofar as such persons display the requisite Christian maturity, we do not consider this sin struggle automatically to

disqualify someone for leadership in the church (1 Cor 6:9-11, 1 Tim 3:1-7, Titus 1:6-9; 2 Pet 1:3-11) (p. 31)

Conclusion

While appreciating our dissenting brothers' zeal for truth, and their evident desire to promote the peace and purity of the Church, we believe, as we have shown above, that their Dissent does not accurately reflect either the Record in this Case or the ruling and opinion of the SJC. Unfortunately, it is likely that as these inaccuracies are spread in the Church, people will follow the dissenters in drawing conclusions about the SJC's ruling and its understanding of sexual ethics that are neither accurate nor fairly adduced from the Decision. It is for this reason that we find it necessary to provide this Answer.

**CASE NO. 2021-12
COMPLAINT OF
CHRISTIAN MICHELSON AND STUART MICHELSON
v.
NORTHWEST GEORGIA PRESBYTERY
February 1, 2022**

The Complaint is not judicially in order, and the defect cannot be cured within the Rules of Discipline of the *BCO*; therefore, the case is dismissed. *OMSJC* 10.5-6.

RATIONALE

The Complaint as presented to the Session does not identify any act of that court alleged to be in error, thus failing to meet the standard set forth in *BCO* 43-1, "A complaint is a written representation made *against some act or decision of a court* of the Church. It is the right of any communing member of the Church in good standing to make complaint *against any action of a court* to whose jurisdiction he is subject. . ." (emphasis added). (See also *BCO* 43-10, "The higher court has power, in its discretion, *to annul the whole or any part of the action of a lower court against which complaint* has been made. . ." (emphasis added).) According to the ROC, the only act of the Midway Session with respect to the congregation meeting in question is that of the Session meeting of July 8, 2020: The act of calling a congregational meeting (ROC 217). That action is not objected to in the Complaint. Further, the congregational meeting of July 19, 2020 (ROC 226-252), afforded the

Congregation the opportunity to change any of the acts that the Complaint alleges to be erroneous:

[the] change the call of three Assistant Pastors to the role of Associate Pastor through a stand vote that was conducted without the recommendation of a pulpit committee (violating *BCO* 20-2), without ballots (violating *BCO* 20-4), as a slate (violating *BCO* 20-4), with no abstentions counted (violating *BCO* 20-4), and with a significant minority opposed (violating *BCO* 20-5). . . .” (p. 1, lines 13-17).

It was the Congregation that acted to call without a pulpit committee; it was the congregation that decided to place an all-or-none election slate, and so on. Any one of these acts could have been rejected by majority vote of the Congregation, and the Session would have been powerless to order it otherwise. But a congregation meeting is not a court of the Church, and the *BCO* has no provision that allows a Complaint against congregational actions.

This decision does not mean, however, that there is no redress should a congregation take an action that violates the Constitution of the Presbyterian Church in America. There are at least three possible ways by which an alleged unconstitutional action of a Congregation could be dealt with by the higher courts.

First, one with standing could complain against the action of the Congregation at the point a court of the Church sought to implement the alleged unconstitutional decision. Thus, for example, if a Congregation elected a man to their Session who had not been trained or examined by Session per *BCO* 24-1 the Session’s action to install the man would be subject to Complaint. Similarly, if a Congregation voted to call a pastor in a way that violated the Constitution, the action of the Presbytery in approving the call would be subject to complaint by one who had standing.

Second, Presbytery could take note of a Constitutional deficiency in a congregational meeting in their review of the records of the Session (note *BCO* 25-5, last sentence and *BCO* 13-9(b)).

Third, under *BCO* 13-9.f, the Presbytery has power, “. . . to visit churches for the purpose of inquiring into and redressing the evils that may have arisen in them. . . .” Thus, any Constitutional irregularity at a congregational meeting, credibly brought to the attention of Presbytery, may be investigated, and upon a finding of error, may be redressed by the Presbytery.

MINUTES OF THE GENERAL ASSEMBLY

None of these possible responses was before us in this Complaint. The Complaint before us is focused directly on the actions of the congregational meeting themselves, and, as has been noted, there is no basis in our Constitution for a complaint against the actions of a Congregation *per se*.

This decision was unanimously approved by the Panel and amended and approved by the SJC on the following roll call vote:

Bankson <i>Not qual.</i>	M. Duncan <i>Concur</i>	Neikirk <i>Concur</i>
Bise <i>Dissent</i>	S. Duncan <i>Concur</i>	Nusbaum <i>Dissent</i>
Cannata <i>Concur</i>	Ellis <i>Concur</i>	Pickering <i>Dissent</i>
Carrell <i>Not qual.</i>	Greco <i>Concur</i>	Ross <i>Dissent</i>
Chapell <i>Not qual.</i>	Kooistra <i>Concur</i>	Terrell <i>Concur</i>
Coffin <i>Concur</i>	Lee <i>Concur</i>	Waters <i>Concur</i>
Donahoe <i>Dissent</i>	Lucas <i>Concur</i>	White <i>Dissent</i>
Dowling <i>Dissent</i>	McGowan <i>Not voting</i>	Wilson <i>Dissent</i>

(12-8-1)

**Dissenting Opinion
of RE Jack Wilson**

BCO 43-1 provides, “A complaint is a written representation made against some act or decision of a court of the Church.”

The Commission determined that the Complaint was judicially out of order for failing to identify an act of the lower court (in this case a local session). We believe the Complaint did identify an act or decision of the Session and complain against that act. For this reason, we respectfully dissent.

The Complainants alleged that their Session erred by calling a congregational meeting for stated purposes which were arguably at odds with the Constitution. They complain, “...against the actions of the Session...in connection with their [*sic*] recommendation of July 9, 2020 that the congregation...approve the transition of three assistant pastors to the status of associate pastor simultaneously...” (ROC 268). This action, according to the motion Session adopted at a called meeting the day before, proposed that the congregation consent to the election of pastoral candidates via a procedure that the Complainants contended was in conflict with *BCO* 20-2. No congregational meeting was called by the Session to elect a pulpit committee. The Complainants further alleged that the election was improperly conducted without ballots (which are prescribed in *BCO* 20-4).

The portion of the Complaint quoted above identifies an action or decision of the lower court, namely the calling of a congregational meeting at which the Session would recommend procedures which were alleged to be at odds with the Book of Church Order. We find this part of the Complaint sufficient to identify an “act” or “decision” under *BCO* 43-1. In our view, this allegation was sufficient to present a justiciable issue.

We note that the Complainants also present a number of issues regarding the actions of the congregation which may not be justiciable. We recognize, like the majority, that the *BCO* does not currently contain any express provision for complaint against the act of a congregation. That fact does not impair the viability of the complaint against the act or decision to call the meeting with the purposes and parameters stated by the Session. We express no opinion on the merits of the Complaint or whether the Record of the Case, as compiled to this point, would support or prove the allegations of the Complaint. We simply believe at least one justiciable issue was presented in the Complaint. We would have found the Complaint judicially in order and assigned it to a panel for adjudication.

This dissenting opinion was written by RE Jack Wilson and joined by RE John Bise, RE Steve Dowling, RE E.J. Nusbaum, RE John Pickering, TE Michael Ross, and RE John White.

CASE NO. 2020-02
In the Matter of
***BCO* 34-1 Requests to Assume Original Jurisdiction**
March 3, 2022

The SJC answers the *BCO* 34-1 requests from Central Georgia, Southeast Alabama, and Savannah River Presbyteries (2020 Overtures 2, 4 and 25), by reference to the SJC’s October 21, 2021, Decision in Case 2020-12: *TE Ryan Speck v. Missouri Presbytery* and the SJC’s March 3, 2022, Decision in Case 2020-05: *TE Ryan Speck v. Missouri Presbytery*. RE Mel Duncan requested that his negative vote be recorded.

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

SUMMARY OF THE CASE

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

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

I. SUMMARY OF THE FACTS

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

MINUTES OF THE GENERAL ASSEMBLY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

MINUTES OF THE GENERAL ASSEMBLY

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

II. STATEMENT OF THE ISSUES

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

MOP Theological Judgment 1 (“Origins of Homoerotic Desire”)

MOP Theological Judgment 2 (“Terminology”)

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

MOP Theological Judgment 4 (“Gay Identity”)

MOP Theological Judgment 5 (“Spiritual Friendship”)

MOP Theological Judgment 9 (“Roman Catholic Speakers”)

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

III. JUDGMENTS

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

IV. REASONING AND OPINION

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

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

MOP’s Criteria for Review

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

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

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

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

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

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

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

MOP’s Findings

The Findings of MOP

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

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

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

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

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

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

The Findings of Committees of MOP

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

D. Amends

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

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

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

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

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

**CONCURRING OPINION
of RE Howie Donahoe**

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

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

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

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

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

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

1. A higher court, reviewing a lower court, *should* limit itself to the issues raised by the parties to the case in the original (lower) court. ... (Emphasis added.)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

DISSENTING OPINION
Of RE John D. Pickering,

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

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

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

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

Standard of Review for This Court

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

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

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

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

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

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

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

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

B. MOP Theological Judgment 2 ("Terminology")

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

A Note on the Court’s Amends

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I. CASE SUMMARY

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

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

APPENDIX T

The case was heard by the Panel on November 11, 2021, via GoToMeeting. RE DeJong appeared with his assistant, TE Dominic Aquila. TE Stephen Reese appeared as RMP's representative. This Complaint was subsequently sustained in part and denied in part by the SJC.

II. SUMMARY OF THE FACTS

- 06/12/2018 The Session of V7PC appointed an Elder Job Description Committee (EJDC).
- 02/10/2020 The EJDC presented its report to the Session of V7PC.
- 03/09/2020 The Session of V7PC adopted three motions presented by the EJDC, amending two of those motions.
- 04/13/2020 The Session of V7PC adopted as amended the fourth motion presented by the EJDC.
- 05/06/2020 RE DeJong filed a Complaint against the actions of the Session of V7PC taken on March 9, 2020 and April 13, 2020
- 05/11/2020 The Session of V7PC denied the Complaint.
- 06/12/2020 RE DeJong carried his Complaint to RMP.
- 01/04/2021 The Shepherding Committee of RMP, acting as a Commission of RMP, heard the Complaint.
- 01/28/2021 RMP "approve[ed] the RMP commission's ruling ... to deny the complaint."
- 02/18/2021 RE DeJong carried his Complaint to the General Assembly.
- 09/22/2021 The SJC Panel conducted a hearing on objections to the Record of the Case, ruled on the objections, and finalized the Record of the Case.
- 11/11/2021 The SJC Panel heard oral arguments via GoToMeeting. The Panel included TE Fred Greco (Chairman), RE Dan Carrell, and TE Paul Kooistra, with RE Sam Duncan (Secretary) and TE Guy Prentiss Waters attending as alternates.

III. STATEMENT OF THE ISSUES

1. Did Presbytery err when it denied a Complaint against an action of the V7PC Session that proposed a V7PC bylaw change removing the restriction against a ruling elder who has served two consecutive terms from serving further until at least one year has elapsed?
2. Did Presbytery err when it denied a Complaint against an action of the V7PC Session that erected a Judicial Commission of the Session to function in accordance with the document “Village Seven Judicial Commission”?
3. Did Presbytery err when it denied a Complaint against an action of the V7PC Session that erected a Governance Commission of the Session to function in accordance with the document “Village Seven Governance Commission”?

IV. JUDGMENT

1. No.
2. No.
3. Yes, and the Session’s action on the 3rd motion is annulled.

V. REASONING AND OPINION

On March 9, 2020, the EJDC presented four motions to the V7PC Session. On that date, Session adopted three of those motions. The first motion was to adopt a “Ruling Elder Job Description as amended” The second motion was to “recommend to the congregation” a bylaw change to remove the restriction against a ruling elder who has served two consecutive three-year terms, full or partial, from serving further until at least one year has elapsed. The third motion (adopted with amendments) was to erect a “Governance Commission (per *BCO* chapter 15) to oversee the governance of Village Seven Presbyterian Church (as described in *BCO* 12-5) in accord with the document called ‘Village Seven Governance Commission.’” On April 13, 2020, the Session adopted with amendments the fourth of the committee’s motions. That motion was to “adopt [the] document describing our Judicial Commission.”

The Complainant contends that the Session was correct when it adopted the **first motion**, but erred when it adopted the second, third, and fourth motions. In particular, the Complainant contends that these latter three motions were not only in “contradiction” to the first motion, but also “contrary to . . . the PCA Constitution.” Complainant reasons that Presbytery, therefore, should have

sustained the Complaint and annulled Session's actions on the second, third, and fourth motions. We will address in turn the Complainant's claims with respect to each of these motions.

The first motion as adopted reads, "The role of the Ruling Elder at Village Seven Presbyterian Church, according to a comprehensive and Biblical and Book of Church Order understanding is that of governance and shepherding. The Complainant has not demonstrated that the **second motion** conflicts with the first. There is nothing inherently incompatible between this statement of the work of the elder and eliminating the requirement of a year off the Session after serving two consecutive terms. Furthermore, the Complainant has not demonstrated a constitutional conflict. The Constitution is silent on the matter of terms of office, neither prescribing nor proscribing terms. With respect to terms of office, the particular proposal envisioned by this action of Session is constitutionally permissible and unobjectionable.

We also fail to see any constitutional conflict in erecting through the **fourth motion** a Judicial Commission to function in accordance with the document "Village Seven Judicial Commission." The Constitution makes express provision for judicial commissions of Presbytery (*BCO* 15-3) and of General Assembly (*BCO* 15-4, 5), and there is no constitutional barrier to a Session erecting a judicial commission. Furthermore, although the document "Village Seven Judicial Commission" authorizes a separate commission (the "Governance Commission") to present annually a slate of nominees for the Judicial Commission, that slate is presented to the Session. It is the Session that "shall elect one RE per year from a slate of nominees presented by the GC. The Senior Pastor shall present the initial slate of nominees to the Session for election." Therefore, one may not fairly characterize this provision as "demot[ing]" or "disenfranchise[ing]" the ruling elders of V7PC, because it is the Session and not a commission thereof that determines the membership of its Judicial Commission.

Finally, the Complainant alleges that Session erred when it amended and adopted the **third motion** in order to erect a Governance Commission of the V7PC Session to function in accordance with the document "Village Seven Governance Commission." The Complainant contends that this Governance Commission deprives Session members who are not part of the GC of their "responsibility to govern" as members of Session. But the Constitution provides for commissions of church courts and places no barrier to such commissions executing matters relating to governance. The Complainant also objected because the GC was erected as a standing commission, and the

Complainant contends that *BCO 15-2* requires a commission to be “dissolved automatically when the task is completed.” But there is no constitutional barrier to a court erecting a standing commission. The “matters that may be properly executed by commissions,” listed in *BCO 15-2*, are representative and not exhaustive (“*Among the matters* that may be properly executed by commissions are”;emphasis added). The Complainant therefore has not identified a constitutional barrier to a governance commission as such.

Nevertheless, the document “Village Seven Governance Commission” adopted by Session does contain two constitutionally objectionable provisions. In the section delineating the GC’s “Role,” Item 6 reads, “The GC shall work to govern through policy. The GC will be accountable to ensure policy/position/philosophy statements are created when needed, organized for reference, and updated with each change.” This provision is broad, sweeping, and general in setting forth the scope of the GC’s responsibilities. As such, it does not meet the standard of *BCO 15-1* (“a commission is authorized to deliberate upon and conclude the business referred to it”), which limits a commission to the particular business referred to it by the court. This provision adopted by Session is sufficiently broad to permit the GC to function as the Session itself. In addition, Item 4 in the GC document stipulates:

4. The GC shall refer decisions regarding the calling of pastors and senior level staff, capital campaigns, incurring of new debt, anything that would go to the whole congregation for a vote, and the approval of officer candidates, deacon assistants, and Shepherd Team members, to the entire Session for a vote.

This provision permits the GC to function like a session, with the V7 Session functioning like a commission for the specific items mentioned in Item 4. However, in the relationship between a commissioning body and its commission, the power to refer (to delegate authority) should be reversed. A session should refer specific business to its commission, and reserve the remainder to itself, rather than vice versa. These two provisions adopted by the Session permit the GC to function like the Session itself. As such it extends beyond the limits the Constitution sets for an ecclesiastical commission.

Contrast the Session’s creation of its Judicial Commission. The adopted document, “Village Seven Judicial Commission,” makes explicit that the Judicial Commission “shall adjudicate all cases of process,” and then proceeds to define a case of process. As such, this provision meets the constitutional standard that “a commission is authorized to deliberate upon and conclude the

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business referred to it” (BCO 15-1). In the motion it adopted, Session clearly delineated what business would be referred to this particular commission.

Presbytery erred when it did not sustain the Complaint challenging the formation a governance commission to operate in accordance with the document “Village Seven Governance Commission.” Session’s action on its third motion therefore is annulled. This annulment, however, in no way precludes V7PC Session from refining its document to avoid constitutional infirmity.

This decision was written by TE Guy Waters and revised and approved by the Panel and adopted/amended by the full SJC on the following roll call vote:

Bankson <i>Concur</i>	M. Duncan <i>Concur</i>	Neikirk <i>Concur</i>
Bise <i>Concur</i>	S. Duncan <i>Concur</i>	Nusbaum <i>Disqual.</i>
Cannata <i>Concur</i>	Ellis <i>Concur</i>	Pickering <i>Concur</i>
Carrell <i>Concur</i>	Greco <i>Concur</i>	Ross <i>Concur</i>
Chapell <i>Concur</i>	Kooistra <i>Concur</i>	Terrell <i>Concur</i>
Coffin <i>Concur</i>	Lee <i>Concur</i>	Waters <i>Concur</i>
Donahoe <i>Concur</i>	Lucas <i>Concur</i>	White <i>Concur</i>
Dowling <i>Concur</i>	McGowan <i>Concur</i>	Wilson <i>Concur</i>
(23-0-0)		

CASE NO. 2021-07
RE J. LANCE ACREE
VS.
TENNESSEE VALLEY PRESBYTERY
COMPLAINT
March 3, 2022

This case began as an attempt by a Ruling Elder to file a BCO 43-1 Complaint with Presbytery as the original court, even though he was not a commissioner at the Presbytery meeting where the action was taken. The Officers reviewed the Complaint and recommended the Case be found Administratively Out of Order. (OMSJC 9.1.a) The Officers determined that the Case could not be put in order (OMSJC 9.2), because the Complainant was not identified in the roster of Ruling Elder Commissioners at the April 2021 meeting of the Presbytery in which the action was taken from which his Complaint arises. The Presbytery Clerk confirmed he was not a commissioner at that meeting. The Officers

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notified RE Acree that they were making this recommendation to the SJC. Therefore, the SJC rules the Complainant did not have standing to file a *BCO* 43-1 complaint with Presbytery. Presbytery should have also found his Complaint out of order and declined to adjudicate at its July 2021 meeting. See similar SJC rulings on standing in:

- Case 2020-13, *Benyola v. Central Florida*, (M48GA, 2021, p. 817),
- Case 2020-01, *Benyola v. Central Florida* (M48GA, 2021, p. 801),
- Case 2013-08, *RE Warren Jackson v. Northwest Georgia* (M43GA, 2015, p. 568),
- Case 2012-06, *Deacon Don Bethel v. Southeast Alabama* (M41GA, 2013, p. 614), and
- Case 92-9b, *Mr. Overman v. Eastern Carolina* (M21GA, 1993, p. 223).

Bankson <i>Concur</i>	M. Duncan <i>Concur</i>	Neikirk <i>Concur</i>
Bise <i>Concur</i>	S. Duncan <i>Concur</i>	Nusbaum <i>Concur</i>
Cannata <i>Concur</i>	Ellis <i>Concur</i>	Pickering <i>Concur</i>
Carrell <i>Concur</i>	Greco <i>Concur</i>	Ross <i>Concur</i>
Chapell <i>Disqual.</i>	Kooistra <i>Concur</i>	Terrell <i>Concur</i>
Coffin <i>Concur</i>	Lee <i>Concur</i>	Waters <i>Concur</i>
Donahoe <i>Concur</i>	Lucas <i>Concur</i>	White <i>Concur</i>
Dowling <i>Concur</i> (23-0-0)	McGowan <i>Concur</i>	Wilson <i>Concur</i>

**CASE NO. 2021-08
IN THE MATTER OF
KOREAN SOUTHWEST ORANGE COUNTY PRESBYTERY
March 3, 2022**

The SJC cited Korean Southwest Orange County Presbytery (KSWOC) to appear at the March 3, 2022 Stated Meeting in Case No. 2021-08, unless the Presbytery provided satisfactory responses in writing by January 14, 2022 to part (d) of the RPR Report presented to the 2021 General Assembly in the review of Presbytery’s records.

The SJC has not yet received a response adopted by Korean Southwest Orange County Presbytery. We understand the Presbytery did not have a Stated Meeting scheduled between the SJC’s October 21, 2021 Decision and the SJC’s March 3, 2022 meeting. We appreciate that the Presbytery’s Clerk has

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provided the SJC with draft responses he plans to recommend to KSWOC at its Stated Meeting on March 22, 2022, regarding the General Assembly’s 23 exception-of-substance citations from 2015-2018. Assuming Presbytery files its adopted responses by April 1, 2022, the SJC will forward them promptly to the General Assembly Committee on Review of Presbytery Records for RPR to consider at its June Stated Meeting. If Presbytery does not file its adopted responses by April 1, the SJC will cite Presbytery to appear at a called SJC meeting for an *OMSJC* 15.4 hearing, on a date prior to the 49th General Assembly (which commences June 21, 2022). The decision was approved on the following roll call vote:

Bankson <i>Concur</i>	M. Duncan <i>Concur</i>	Neikirk <i>Concur</i>
Bise <i>Concur</i>	S. Duncan <i>Concur</i>	Nusbaum <i>Concur</i>
Cannata <i>Concur</i>	Ellis <i>Concur</i>	Pickering <i>Concur</i>
Carrell <i>Concur</i>	Greco <i>Concur</i>	Ross <i>Concur</i>
Chapell <i>Not qual.</i>	Kooistra <i>Concur</i>	Terrell <i>Concur</i>
Coffin <i>Concur</i>	Lee <i>Concur</i>	Waters <i>Concur</i>
Donahoe <i>Concur</i>	Lucas <i>Concur</i>	White <i>Concur</i>
Dowling <i>Concur</i>	McGowan <i>Concur</i>	Wilson <i>Concur</i>

(23-0-0)

IV. AMENDMENTS TO SJC OPERATING MANUAL

The Commission recommends adoption of the following amendments to its Operating Manual. (New provisions indicated by underlining; provisions to be removed indicated by ~~strike~~):

A. That *OMSJC* 2.6 be amended as follows (underlining for additional wording):

- 2.6. So long as he complies with Section 2.5 above, a member may make public or private statements in the course of his duties as a presbyter or Session member with respect to biblical teaching, confessional interpretation, the principles of the form of government and discipline, the requirements of the *BCO*, the Rules of Assembly Operation, Robert's Rules, and may explain Commission procedures. If such statements seem to the member especially liable to be construed to address a pending or impending matter before the Commission, a member making such public or private statements shall expressly qualify the statements indicating that they are limited to the

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subject matters permitted by this subsection and are not made with a view to any pending or impending matter.

Rationale: This addition does not broaden the speaking rights of SJC members. It simply adds a provision whereby a member who is already fully complying with *OMSJC* 2.5 must take this step in an effort to ensure his listeners and readers do not misconstrue his *OMSJC* 2.6 statements in a way “that might reasonably be expected to affect the outcome of a pending matter or impending matter [of process] in any court of the church.” (*OMSJC* 2.5)

B. That *OMSJC* 18.12 be amended by the addition of (d) and (e) as follows:

OMSJC 18.12

(d) Members may join in pending concurring or dissenting opinions at any time until the 14-day deadline to request the meeting described in *OMSJC* 18.12(c).

(e) No concurring or dissenting opinion shall be circulated to anyone outside the SJC or the PCA Clerk’s office, until the completion of the procedure described in Section 18.12(c) or the passage of the deadline established in 18.12(c) in the event no such meeting is requested.

Rationale: The Manual does not currently specify a time in which members may join in concurring or dissenting opinions. Similarly, the Manual does not direct the officers or staff as to when such opinions should be transmitted to the parties. This amendment provides an objective timeline for reviewing, finalizing, and distributing concurring and dissenting opinions. And, with the other amendments proposed below, these concurring and dissenting opinions would be released at the *same time* as the SJC decision, and *along with it*.

C. That *OMSJC* 17.8 be amended by the deletion of (h) and (j); the rewording of and addition to (k), and the relettering of i to h and of k to i:

OMSJC 17.8

g. No change in wording-

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- ~~(h) After the vote on the decision on the whole, the Chairman of the Commission will communicate the judgment to the parties; and the Stated Clerk shall mail a copy of the decision to the parties.~~
- ~~(ih) No change in wording.~~
- ~~(j) When a decision has been approved under this Manual by the Full Commission, a copy thereof shall be mailed immediately to the parties and shall then be public.~~
- (ki) After a decision has been reached by the Full Commission, any member may file, within 14 days after the date the text of the decision is sent by the Secretary to the members of the Commission, a concurring or dissenting opinion, which, if it conforms with the requirements of OMSJC 18.12, shall be promptly sent to the parties as an appendix to the decision shall be included as an appendix to the ~~opinion~~ decision when it is sent to the parties. The ~~controlling opinion~~ decision and any concurring or dissenting opinions shall be sent to the parties and released to the public at the same time and only after the procedures of OMSJC 18.12 have been completed. (See also 17.2)

Rationale: The revision to (k) aligns this subsection with *OMSJC* 18.12 and mirrors the pattern of civil courts. More important, while agreeing that the decision of the SJC should be privileged, it seems the parties and the Church would benefit from getting the full expression of the views of the members of the SJC *at the same time*. Because concurring or dissenting opinions are currently published weeks later than the decision, the additional opinions may be missed or treated as an afterthought, and the later release may unfortunately have the effect of rekindling conflict or uncertainty in the Church. Further, if there are differences of opinion within the SJC, the Church should be able to know the basis of those in a way that cannot happen simply by reporting the vote in the decision. Finally, if, as 18.12.a notes, concurring and dissenting opinions are vital to allow judges to declare and clear their consciences, it seems this is best accomplished if the decision and opinions are all released together. This would also, for example, ensure any SJC-adopted answer (18.12.c) would *accompany* a dissenting opinion rather than follow several weeks later.

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This revision would ordinarily result in a five-week delay in the release of SJC decisions so they can be accompanied by any concurring or dissenting opinions, and be released *together*, rather than weeks apart as presently happens. If no concurring or dissenting opinions are filed, the delay would be reduced by two weeks. However, with the change proposed to *OMSJC* 17.2 in Item D below, any SJC decision could be announced immediately to the parties if approved by 2/3 of the SJC voting members in such case. If the revision to (k) is adopted, it would void (h) and (j) and thus they would be stricken.

D. That *OMSJC* 17.2 be amended as follows:

17.2 A judgment of the Standing Judicial Commission shall be effective from the time of its announcement to the parties in accordance with *BCO* 15-5(b) except in the case of a minority report in accordance with *BCO* 15-5(c). The Statement of the Issue and Judgment in Any SJC decision can be announced immediately to the parties if approved by 2/3 of voting members in such case. Otherwise, the Decision Issue and Judgment will not be announced until after the procedures of *OMSJC* 18.12 have been completed.

Rationale: As described in the previous Rationale, the change to *OMSJC* 17.8 in Item C above would ordinarily result in a five-week delay in the parties receiving the decision. However, in certain instances, like an appeal sustained in a case involving the censure of deposition, it might be wise and just to immediately release the decision, even though this would mean any concurring or dissenting opinions would need to follow later.

V. ELECTION OF OFFICERS

The Officers of the Standing Judicial Commission elected for 2022-2023 are as follows:

Chairman:	RE Jack Wilson
Vice Chairman:	RE Sam Duncan
Secretary:	RE Howie Donahoe
Assistant Secretary:	TE Fred Greco

Respectfully submitted,

/s/ TE Fred Greco, Chairman

/s/ RE Sam Duncan, Secretary

/s/ RE John Bise, Vice-Chairman

/s/ RE Jack Wilson, Asst. Secretary

**SUPPLEMENTAL REPORT
OF THE STANDING JUDICIAL COMMISSION
TO THE FORTY-NINTH GENERAL ASSEMBLY
OF THE PRESBYTERIAN CHURCH IN AMERICA
June 20, 2022**

I. INTRODUCTION

Since the completion of its original report to the 49th General Assembly, the Standing Judicial Commission held two additional meetings: a video conference called meeting on April 27, 2022 and a video conference called meeting on June 2, 2022.

II. JUDICIAL CASES

The SJC submits this Supplemental Report of the decisions from its April 27, 2022 and June 2, 2022 called meetings. The cases are listed in the order in which they were decided:

- 2021-09 Miller v. Ohio Valley Presbytery
- 2021-10 Williams v. Chesapeake Presbytery
- 2021-13 Dudt v. Northwest Georgia Presbytery
- 2021-06 Herron v. Central Indiana Presbytery
- 2022-01 Eagle, et al. v. Savannah River Presbytery

In addition, the Committee on Constitutional Business (CCB) requested the SJC to provide a response regarding a request from a third party that CCB take certain exceptions to the SJC's minutes. The SJC's response to that request of CCB is included in this Supplemental Report.

III. SUPPLEMENTAL REPORT OF THE CASES

**CASE NO. 2021-09
GARY LEE MILLER**

v.

**OHIO VALLEY PRESBYTERY
DECISION ON COMPLAINT**

April 27, 2022

SUMMARY OF THE CASE

In December 2019, Grace and Peace PCA in Bellevue, Kentucky (near Cincinnati) purchased a Lutheran Church building. Soon thereafter, Mr. Gary Lee Miller, a member of Grace and Peace, requested in writing that certain windows be removed, alleging they violated the Second Commandment. Twelve months later, after discussions between the Session and Mr. Miller and the Session's decision not to remove any of the windows, he filed a Complaint to the Session, which was denied. He carried that Complaint to the Presbytery, which appointed a *BCO* 15-3 Commission to adjudicate it. Seven months later, Presbytery's Commission filed its report recommending Presbytery deny the Complaint, and Presbytery adopted that recommendation by a vote of 25-0. Mr. Miller carried that Complaint to the SJC, a Panel Hearing was held on February 5, 2022, and the Panel later voted 3-0 to recommend the SJC deny the Complaint.

I. SUMMARY OF THE FACTS

- 12/30/19 Grace and Peace PCA purchased Prince of Peace Lutheran Church.
- 01/02/20 Mr. Miller emailed TE Lee Veazey, pastor of Grace and Peace, requesting that certain things be removed from the church building. Below are some excerpts.

All of these [stained-glass] windows should be removed. Worship should be simple without pictures or images. However, two are profoundly perverse and disgusting. The first window on the left of the sanctuary, as one is facing the pulpit, depicts creation. It images God's hand reaching down to craft the worlds. ... The second window on the right of the

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sanctuary, as one is facing the pulpit, depicts the seven spirits of God and images the Holy Spirit via a dove.
... I am aware [the] perverse image [of a painting of Christ kneeling] will be removed from the sanctuary.
... The pulpit should be center and higher than the people.”

- 01/03/20 TE Veazey responded to Mr. Miller’s email and forwarded the response to the other members of the Session (three ruling elders).
- 05/31/20 Grace & Peace held its first public worship service in remodeled sanctuary.
- 07/04/20 Mr. Miller emailed his 12-page paper to RE Frey, titled “Position Paper - Against Imaging Any of the Three Persons of the Triune God.”
- 08/28/20 TE Veazey emailed various pastors and professors for counsel on the matter.
- 09/24/20 RE Frey emailed Mr. Miller’s 12-page position paper to the Session.
- 09/28/20 At the invitation of the Session, Mr. Miller attended a stated Session meeting to discuss his concerns regarding the stained-glass windows and his paper “Against Imaging.”
- 10/03/20 At a called meeting, the Session discussed “whether the images in the stained glass windows were a violation of the Second Commandment and whether they are in conflict with the Westminster Standards concerning images of the Godhead.” The Session considered the following question: “Do the images in the stained glass windows in the sanctuary need to be removed?” By a vote of 3-1, the Session adopted “No” as the answer. On this same day, Session Clerk RE Burkhard notified Mr. Miller of this decision by email, as shown below.

Dear Lee, Thank you again for joining us this past Monday evening to provide additional and clarifying information on your position paper “Against Imaging Any of the Three Persons of the Triune God”. We are

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grateful for your concern for the glory of God, the holiness of God, the keeping of the law of God, the love of Christ and the purity of the church. With that said, it is the decision of the Session that the images in the stained-glass windows are not in violation of the Second commandment. The windows do not serve as objects of worship nor are they used as aids in worship. Therefore, the images in the stained-glass windows do not need to be removed.

- 11/08/20 Mr. Miller approached RE Burkhard requesting a biblical response for keeping the images.
- 11/12/20 After two weeks of emails amongst Session members, Pastor Veazey, on behalf of the Session, sent a one-page letter to Mr. Miller, shown below.

Dear Mr. Miller - Based on your ongoing discussions with a ruling elder and your recent meeting with another elder, it would appear that the communication to you from the session on Saturday, October 3, 2020, on the subject of stained-glass windows in the church building has not been well received. Therefore, in order to provide clarity and to conclude the matter, we offer the following comments.

We have studied and prayed individually as well as jointly well over 100 hours to receive instruction and wisdom from God's Word. We have consulted over a dozen Presbyterian and Reformed pastors and scholars in order to better understand the biblical, theological, and pastoral issues involved. After much study, prayer, consultation, and discussion, the session reached the conclusion that the stained-glass windows in the church building do not contain images of the Triune God and thus are neither sinful (according to Scripture) nor violations of our doctrinal standards (according to the *Westminster Confession of Faith and Catechisms*). As a result, the images do not need to be removed nor will they be removed. The windows simply are decorative works of art in a church building that the Lord has graciously provided to our

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congregation that together reflect biblical and church history through the time of the Reformation.

As for your desire to be given a biblical reason for the position of the session regarding the windows, it is not necessary. Here is what we mean. The position of the session is that the images in the windows are not images of God; therefore, they do not violate the Second Commandment and thus no further argument is needed or will be given.

In view of the concern you have brought to our attention, we remind you of your fifth membership vow to “*submit [yourself] to the government and discipline of the Church*”. We respect your conscience on this matter. If the decision and position of the leadership of the church on this matter causes you to believe that you will have to violate your conscience, it may be best for you and your family to find a local church where you can worship the Lord with a clear conscience and without distraction or hindrance. Please do not hesitate to let us know if we can be of assistance.

- 11/15/20 Mr. Miller spoke to TE Veazey to discuss the Session’s letter of 11/12/20. Mr. Miller claimed the images at the front door show the intent to represent each person of the Trinity.
- 11/23/20 RE Livingston and TE Veazey met with Mr. Miller. Afterwards, the Session began discussing RE Livingston’s draft of a brief “Biblical and Confessional argument.”
- 12/04/20 As a follow-up to their Nov. 23 meeting, RE Livingston emailed Mr. Miller this clarification:

The position of the Session was communicated to you by the clerk of the Session on October 3 and again by the pastor on behalf of the Session on November 12. Although I believe the communication of the Session’s position on October 3 was clear, we will consider the letter of November 12 to be the date of our notification to you of our decision in view of a timeline for a complaint.

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12/13/20 Mr. Miller filed a *BCO* 43-1 Complaint with the Session alleging the Session's "failure to remove images in worship in violation of the Bible, the *BCO*, and the Westminster Standards ..." and the Complaint asked, "for the removal of all images."

The Record to the SJC included photographs of 14 different items. These were previously added to the Record that was reviewed by Presbytery's Commission, at the Complainant's request. At the SJC Panel Hearing, Complainant indicated he was referencing all 14 items in his phrase "all images." Items are listed below.

- 3 etchings on clear glass in foyer/narthex
 - Hand with the word "Father"
 - Cross and Crown with the word "Son"
 - Dove with the word "Holy Ghost"
- 2 banners - Alpha/Omega w/Titus 2:11, and three Circles w/Eph. 2:14
- 9 stained-glass windows without any writing
 - Hand
 - Tree
 - Dove
 - Heart
 - Red Thistle
 - Blank Scroll
 - Two Tablets w/ Numerals I-X
 - XP (Chi Rho)
 - Circle of Thorns & Three Nails

01/11/21 At its next stated meeting, the Session discussed and then subsequently denied the Complaint, by a vote of 3-1. In addition, the Session adopted a two-page statement, titled "Why the Pictures in the Stained Glass Windows Are Not Images of the Triune God: A Brief Statement by the Session."

01/12/21 Session Clerk RE Burkhard emailed Mr. Miller notifying him the Session had denied his Complaint, and Mr. Miller then carried/filed his complaint to Ohio Valley Presbytery the same day.

01/30/21 At Presbytery's January Stated Meeting, a *BCO* 15-3 Judicial Commission was established to hear the case. Commission eventually met eight times.

06/08/21 The Commission conducted the Hearing on the Complaint.

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- 06/17/21 Commission voted 4-0 to recommend Presbytery deny the Complaint.
- 07/06/21 The Commission adopted a written Decision to report to Presbytery, recommending the Complaint be denied.
- 07/31/21 At Presbytery's Summer Stated Meeting, and without debate, Presbytery voted 25-0 to approve the Commission's judgment and denied the Complaint.
- 08/02/21 Mr. Miller took that Complaint to the Standing Judicial Commission, and it was styled as SJC Case 2021-09.
- 02/05/22 Panel Hearing via GoToMeeting. Panel included TE McGowan, RE Neikirk and RE Donahoe (chairman). Alternates TE Ross and RE Terrell were also present. Present for the parties were Complainant Miller and TE Aquila who acted as his assistant, and TE Reitano as the Respondent's representative.
- 03/29/22 Panel adopted Proposed Decision and filed it with the SJC, copying the parties.

II. STATEMENT OF THE ISSUE

Did Ohio Valley Presbytery err on 07/31/21 when it approved its Commission's Judgment that the Session of Grace and Peace did not err on 01/11/21 when it denied Mr. Miller's 12/13/20 Complaint?

III. JUDGMENT

No. Therefore, the Complaint is denied.

IV. REASONING AND OPINION

This Case involved the Second Commandment and how *Westminster Larger Catechism* 109 ("LC 109") understands it, but more specifically, how those teachings are *applied* to specific items. The application of those teachings is a matter of discretion and judgment, i.e., the Session's judgment about the permissibility of the three clear windows, the nine stained-glass windows, and the two banners. Thus, the standard of review in *BCO* 39-3.3 most closely

applies. The burden of proof was on the Complainant to demonstrate that the windows and banners violate LC 109, and that burden was not met.

The Second Commandment and LC 109 are below.

Exodus 20:4-6: ⁴“You shall not make for yourself a carved image, or any likeness of anything that is in heaven above, or that is in the earth beneath, or that is in the water under the earth. ⁵You shall not bow down to them or serve them, for I the LORD your God am a jealous God, visiting the iniquity of the fathers on the children to the third and the fourth generation of those who hate me, ⁶but showing steadfast love to thousands of those who love me and keep my commandments. (ESV)

Q. 109. What are the sins forbidden in the second commandment?

A. The sins forbidden in the second commandment are, all devising, counseling, commanding, using, and anywise approving, any religious worship not instituted by God himself; *the making any representation of God, of all or of any of the three persons, either inwardly in our mind, or outwardly in any kind of image or likeness of any creature whatsoever;* all worshipping of it, or God in it or by it; the making of any representation of feigned deities, and all worship of them, or service belonging to them; all superstitious devices, corrupting the worship of God, adding to it, or taking from it, whether invented and taken up of ourselves, or received by tradition from others, though under the title of antiquity, custom, devotion, good intent, or any other pretense whatsoever; parsimony; sacrilege; all neglect, contempt, hindering, and opposing the worship and ordinances which God hath appointed.⁶⁷

⁶⁷ For the italicized clause in LC 109 above, three Scriptures are cited - Deut. 4, Acts 17, and Romans 1. (ESV. Emphases added below.)

Deut. 4:15–19. ¹⁵“Therefore watch yourselves very carefully. Since you saw no form on the day that the LORD spoke to you at Horeb out of the midst of the fire, ¹⁶beware lest you act corruptly by making a carved image for yourselves, in the form of any figure, the likeness of male or female, ¹⁷the likeness of any animal that is on the earth, the likeness of any winged bird that flies in the air, ¹⁸the likeness of

The Complainant contended each of the 14 items were violations of LC 109 and the Second Commandment. The Session judged they were not. In its two-page November 2020 response to Mr. Miller (the month before his Complaint filing), the Session presented arguments and concluded: “It is therefore the position of the Session that the images in the windows are not images of the Triune God and consequently do not need to be removed.” We do not find clear error in the Session’s conclusion in that matter of discretion and judgment and thus uphold the decisions of the two lower courts. We find the Session’s application of LC 109 to fit within the general application of LC 109 in Reformed churches in the last few centuries.

We also note the Respondent’s Brief reported the following:

“Further, the Presbytery believes it is clear the Session of Grace and Peace takes the Second Commandment, along with the Catechisms’ explanation, very seriously. This is evidenced by the removal of an image they did believe would violate our system of doctrine (a kneeling image of Christ).”

The Complainant further alleged the windows and banners were used as “aids in worship” at Grace and Peace Presbyterian Church. There is, however, no evidence in the Record of any action by the Session regarding the use of, or

anything that creeps on the ground, the likeness of any fish that is in the water under the earth. ¹⁹ *And beware lest you raise your eyes to heaven, and when you see the sun and the moon and the stars, all the host of heaven, you be drawn away and bow down to them and serve them, things that the LORD your God has allotted to all the peoples under the whole heaven.*”

Acts 17:29 [vss. 22-24 included for context: ²² So Paul, standing in the midst of the Areopagus, said: “Men of Athens, I perceive that in every way you are very religious. ²³ For as I passed along and observed the *objects of your worship*, I found also an altar with this inscription: ‘To the unknown god.’ What therefore you *worship* as unknown, this I proclaim to you. ²⁴ The God who made the world and everything in it, being Lord of heaven and earth, does not live in temples made by man ...] ²⁹ Being then God’s offspring, *we ought not to think that the divine being is like gold or silver or stone, an image formed by the art and imagination of man.*

Rom. 1:21-23, 25 ²¹ For although they knew God, they did not honor him as God or give thanks to him, but they became futile in their thinking, and their foolish hearts were darkened. ²² Claiming to be wise, they became fools, ²³ and exchanged the glory of the immortal God for images resembling mortal man and birds and animals and creeping things. ... ²⁵ because they exchanged the truth about God for a lie and *worshipped and served* the creature rather than the Creator, who is blessed forever!

MINUTES OF THE GENERAL ASSEMBLY

reference to, the windows or banners in worship. Similarly, there is no evidence in the Record that any reference was made to the windows or banners during gathered corporate worship. In this regard, the evidence offered by the Complainant simply consisted of his understanding of, and inferences from, comments of some individual members of Session.

In the absence of clear evidence demonstrating that any of the 14 items violated the Second Commandment and *WLC* 109, and in the absence of evidence that any of these items were used in worship or were intended by Session to be used in worship, we have no basis for finding that the Session erred in its decision to allow the 14 items to remain in the Church building. Therefore, the Complaint is denied.

The Panel decision was drafted by REs Donahoe and Neikirk and was adopted by a Panel vote of 3-0.

The SJC revised and approved the decision on the following roll call vote:

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

(19-0-0)

TE Cannata recused himself because of his relationship with one of the Presbytery's representatives.

CASE NO. 2021-10
F. TODD WILLIAMS
v.
CHESAPEAKE PRESBYTERY
DECISION ON APPEAL
April 27, 2022

I. SUMMARY OF THE FACTS

- 09/25/18 TE F. Todd Williams was indicted by the Chesapeake Presbytery Judicial Commission (CPJC) and charged with “failure to maintain his own family well... and to walk with exemplary piety before the flock... of God.” Three specifications were formulated in the indictment.
- 11/13/18 TE Williams confessed to some of the sins outlined in the indictment and requested that the matter be treated as a *BCO* 38-1 Case Without Process.
- 01/08/19 After several iterations related to the statement of the accused and the processes being followed, Chesapeake Presbytery met and received the CPJC report, which included the indictment, TE Williams’ written confession to the charges in the indictment, the pronouncement of judgment and censure, and admonition of the accused. Presbytery voted 42-3-3 to approve the judgment and censure.
- 03/05/19 TE Williams lodged a Complaint against the acts of CPJC and the decisions made by Presbytery on 01/08/19.
- 05/15/19 Chesapeake Presbytery voted to deny TE Williams’ Complaint.
- 06/11/19 TE Williams carried his Complaint to the Standing Judicial Commission of the PCA (SJC 2019-04).
- 08/24/20 The SJC sustained TE Williams’ Complaint, finding that Chesapeake Presbytery erred in approving the CPJC report because it conflated *BCO* 32 and 38-1, thus violating the due process rights of the accused. Further, the SJC ruled that the matter be returned to Chesapeake Presbytery for dismissal or proper adjudication.

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- 09/28/20 Presbytery instituted process by indicting TE Williams on charges of (1) failure to manage his household, (2) slandering his wife, and (3) inappropriate behavior with other women.
- 11/02/20 The CPJC held a plea hearing, at which TE Williams pled “not guilty” to charges #1 and #2, and “guilty” to the third charge. A trial date was set for 12/12/20.
- 11/05/20 The CPJC met and voted to dismiss charges #1 and #2, and to cancel the scheduled trial in favor of dealing with TE Williams according to the Court’s discretion in accordance with *BCO* 32-3. The court set 11/16/20 as the date of a meeting called in order to discuss its response to pre-arraignment motions filed by TE Williams and to establish TE Williams’ level of repentance prior to imposing a sentence.
- 11/16/20 The CPJC met and approved its response to TE Williams’ requests. TE Williams did not appear. A follow up meeting was set for 12/07/20.
- 12/07/20 The CPJC met with TE Williams in order to determine his level of repentance. A motion passed to meet with the Session and staff of Safe Harbor Presbyterian Church (TE Williams’ former church) before imposing a censure; to that end a follow up meeting was set for 01/06/21.
- 01/06/21 The CPJC met with members of the Safe Harbor Session and Cindy Williams (TE Williams’ former wife). TE Williams was not present. At the conclusion of the meeting a motion to depose TE Williams and suspend him from the Sacraments was deferred. A follow up meeting to resume debate was set for 01/18/21.
- 01/07/21 The CPJC solicited the Stated Clerk for advice regarding reinstatement of the two charges the Court had previously dropped.
- 01/18/21 The CPJC met to discuss the motion deferred from its 01/06/21 meeting, deciding to again defer the motion to its next meeting, which it set for 02/01/21.
- 02/01/21 The CPJC met as scheduled, with Cindy Williams and five other visitors present to be interviewed by the Court. After the

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interviews were conducted, the Court passed motions to rescind its dismissal of charges and to proceed with trial on 04/17/21.

- 02/02/21 TE Williams was informed that the decision to drop charges #1 and #2 had been rescinded by the CPJC.
- 04/16/21 TE Williams communicated to the CPJC via email that he had just learned of the trial date. As a result, he failed to appear on 04/17/21 and the Court set a new trial date of 05/15/21.
- 05/05/21 TE Williams wrote the CPJC requesting dismissal of the case. Barring that, he requested that another body hear the case, along with objecting to some of the witnesses scheduled to testify and requesting “discovery statements.” These requests were denied. A final request to provide recordings and transcripts after the trial was granted with respect to the recordings and denied with respect to a transcript (on the basis that it was not required unless and until TE Williams chose to appeal the decision of the Court at trial).
- 05/15/21 The trial was held, with the Court finding TE Williams guilty of all three charges against him and imposing the punishments of Deposition from office and Suspension from the Sacraments.
- 07/10/21 Chesapeake Presbytery voted in the affirmative (43-1-5) on the motion to accept the judgment of its CPJC.
- 07/30/21 TE Williams appealed the decision of Chesapeake Presbytery to the Standing Judicial Commission of the PCA, listing five specifications of error. (1) That there was an irregularity in the proceedings of the lower court, (2) that there was a refusal of reasonable indulgence, (3) that the Court received improper evidence and declined to receive proper evidence, (4) that there was prejudice manifested in the case, and (5) that there was an error in the Court’s judgment and censure.
- 03/09/22 A Panel consisting of RE Steve Dowling (Chair), RE John Bise (Secretary), TE Mike Ross, and Alternates TE Hoochan Paul Lee and RE John Pickering heard the case.

II. STATEMENT OF THE ISSUES

At its meeting on July 10th, 2021, did Chesapeake Presbytery err in approving the judgment and censure of its Presbytery Judicial Commission because of the following specifications of error?

1. That there was an irregularity in the proceeding of the court
2. That there was a refusal of reasonable indulgence
3. That the Court received improper evidence and declined to receive proper evidence
4. That there was prejudice manifested in the case, and
5. That there was an error in the Court's judgment and censure.

III. JUDGMENTS

1. No
2. No
3. No
4. No
5. No

The decision of Chesapeake Presbytery is upheld in whole.

IV. REASONING AND OPINION

With respect to the guilty verdict Appellant raises five specifications of error on the part of the Chesapeake Presbytery Judicial Commission.

In the 1st specification of error, Appellant alleges an irregularity in the proceedings of the lower court based on the argument that he did not see his citation to appear at trial until the day before the trial was scheduled to occur, and that the Court declined his request to re-schedule in favor of citing him to appear a second time.

BCO 32-4 governs the citation process, saying in part that "Indictments and citations shall be delivered in person or in another manner providing verification of the date of receipt. Compliance with these requirements shall be deemed to have been fulfilled if a party cannot be located after diligent inquiry or if a party refuses to accept delivery." There are two elements contained herein, the first designed to ensure that a citation was actually delivered in accordance with Constitutional timelines, and the second a modifier of the first designed to recognize the possibility of evasion. The

Appellant does not dispute that the citation was delivered on the date the Appellee asserts it was, and instead has admitted that he overlooked it, which is concomitant to receiving a letter and failing to open the envelope. That is not the fault of the sender, but of the receiver. Even if this court of review were to determine that Appellee's failure to obtain a delivery receipt was an irregularity, it would not be sufficient to overturn the decision because there was no damage to the Appellant or his case by virtue of a second citation to appear. There is no evidence that the CPJC used the Appellant's initial failure to appear to support an argument that he was not sufficiently repentant. In the 2nd specification of error, Appellant asserts the refusal of reasonable indulgence prior to, and at, the trial based on the argument that the CPJC members hearing the case were the same men who conducted the previous case that was appealed as SJC 2019-04.

There is no Constitutional prohibition against the same members of a court re-hearing a case. If that were a Constitutional imperative, then a Presbytery *not* operating its judiciary through a commission (and acting, instead, as a whole) could never receive the instruction contained in the SJC's decision in SJC 2019-04 and decide to re-try an accused person. Every member of Presbytery who participated in the court, holding to this argument, would have to recuse himself.

Moreover, *BCO* 32-16 establishes the right of an accused to challenge any member sitting in the trial of the case by reason of *cause*. No individual member of the CPJC was challenged and no cause given, and the argument that *BCO* 32-17 applies because the members of the CPJC made their opinions known in adjudicating the previous case is specious because, by advancement of the argument made by the Appellant, all SJC judges should be, and some must be, disqualified from sitting on the current case.

In the 3rd specification of error, Appellant alleges that the CPJC received improper evidence while declining to receive proper evidence based on the argument that his former wife (and those she influenced) provided the bulk of evidence against him, and that in accordance with *BCO* 31.8 this evidence should have been excluded.

Yet *BCO* 31.8 *does not prohibit* a court from receiving accusations from a person who "...indulge(s) a malignant spirit towards the accused; who is not of good character; who is himself under censure or process; who is deeply interested in any respect in the conviction of the accused..." and so on. Instead, it requires of a court receiving such accusations that it must exercise

“great caution” in dealing with such persons. There is no evidence in the Record of the Case that the CPJC failed to exercise such caution and, in this connection, *BCO 39-3.3* applies:

A higher court should ordinarily exhibit great deference to a lower court regarding those matters of discretion and judgment which can only be addressed by a court with familiar acquaintance of the events and parties. Such matters of discretion and judgment would include, but not be limited to: the moral character of candidates for sacred office, the appropriate censure to impose after a disciplinary trial, or *judgment about the comparative credibility of conflicting witnesses*. Therefore, a higher court should not reverse such a judgment by a lower court, unless there is clear error on the part of the lower court (emphasis added).

In the 4th specification of error, Appellant alleges that the CPJC manifested prejudice in the case on the basis of two exemplary arguments. The first contends that CPJC exhibited prejudice by including elements of SJC 2019-04 in its full statement of the case to Presbytery, and the second that CPJC demonstrated prejudice by suspending him from official functions and the Sacraments; that is, that according to *BCO 42-6* such suspensions must never be done by way of censure, but since such suspensions are inherently punitive, they necessarily demonstrate prejudice.

With respect to the first argument, *BCO 15-3* does not provide specific guidance on what it means to submit a “...full statement of the case and the judgment rendered.” Such discretion is left to the court conducting a case, and even while admitting the possibility that a court might go beyond the “full statement” of a case, there is no proof that the statement in view here prejudiced the Presbytery vote. Further, there is no way for a court of review to properly assess this sub-specification in the absence in the ROC of the full statement delivered to Presbytery.

With respect to the second argument, it does not so much demonstrate prejudice in the case as a difference of opinion about the exercise of constitutional authority. That Presbytery had sufficient reasons, and that it documented its reasons through charges and by initiating process, is clear from the record. The imputation of prejudice because Suspensions are inherently punitive might be asserted, but it is not clearly deduced from nor demonstrated in the record.

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In the 5th specification of error, Appellant alleges an error and injustice in the judgment and censure decided by the Court.

While there is no question that the censures leveled in this case are severe (having only stopped short of actual excommunication), the *BCO* does not prescribe specific punishments for particular offenses, nor does it rule out applying any available censure to any conceivable offense. Instead, it preserves the right of courts of the church to exercise their discretion:

A higher court should ordinarily exhibit great deference to a lower court regarding those matters of discretion and judgment which can only be addressed by a court with familiar acquaintance of the events and parties. Such matters of discretion and judgment would include... the appropriate censure to impose after a disciplinary trial... Therefore, a higher court should not reverse such a judgment by a lower court, unless there is clear error on the part of the lower court. (*BCO* 39-3.3)

Because there is no clear error on the part of Presbytery, this Specification cannot be sustained.

This decision was written by RE Steve Dowling and edited and adopted by the Panel unanimously. The SJC amended and approved the decision on the following roll call vote:

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

(19-0-0)

RE Donahoe recused himself because he was on a PCA Session 23 years ago when the Appellant was one of two ministers on staff.

CASE NO. 2021-13
PHIL DUDT
v.
NORTHWEST GEORGIA PRESBYTERY
DECISION ON APPEAL
April 27, 2022

I. SUMMARY OF THE FACTS

- 07/16/18 The Midway Presbyterian Church (MPC) Session determined not to invite Dan Crouse to participate in officer training after being nominated for the office of Ruling Elder by RE Dudt.
- 08/20/18 A motion to rescind the July 19, 2018 action by the MPC Session not to invite Dan Crouse to the training class failed.
- 08/30/18 Dan and Angelia Crouse filed a Complaint that the MPC Session action on July 16, 2018 was a violation of the officer training and examination process outlined in the *BCO*.
- 01/21/19 The MPC Session denied the Complaint and appointed a Shepherding Committee of five REs and one TE to assist in shepherding Dan and Angelia Crouse.
- 02/18/19 Four REs, including RE Dudt, filed a dissent with the MPC Session regarding the denial of the Complaint.
- 04/02/19 The Northwest Georgia Presbytery (NWGP) adopted the recommendation of its Judicial Commission that the Complaint be denied.
- 04/04/19 Dan Crouse carried his Complaint to the General Assembly.
- 10/18/19 The Standing Judicial Commission (SJC 2019-03) ruled that the MPC Session erred in setting aside the nomination of Crouse to be a ruling elder prior to training and examination.
- 05/11/20 RE Dudt made a speech at a MPC Session meeting imploring the Session to call a congregational meeting to inform them of the SJC 2019-03 decision, publicly repent, and apologize to Dan and Angelia Crouse. No motion was made related to the speech.

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- 06/15/20 RE Dudt made a motion at a MPC Session meeting “That the Midway Session inform the Midway Congregation of case 2019-3, the SJC’s decision, and the Session’s formal response. That this be done before the nomination process starts on the 2020 elections.” The motion failed when a substitute motion passed.
- 07/08/20 The MPC Session called a Congregational Meeting for July 19, 2020 to elect three assistant pastors as associate pastors.
- 07/12/20 Seven days prior to the congregational meeting, RE Dudt emailed the congregation the following (emphasis original):

RE: The congregational meeting of July 19, 2020

I am writing to you as an Elder of Midway Presbyterian Church with regards to the congregational meeting set for Sunday 7-19-2020, however I am not representing the Midway Session.

Whereas: This recommendation was hastily established. A Session meeting was called on July 4, 2020 and the Session met on July 8, 2020 to discuss and decide this matter.

Whereas: The entire Session was not able to be present for the meeting.

Whereas: This was not a unanimous decision by the Midway Session and a significant minority is opposed to this motion.

Whereas: The current pandemic will prohibit full participation by the congregation in said meeting.

Whereas: According to the *Book of Church Order* of the PCA (chapter 20-2) “A church shall proceed to elect a pastor in the following

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manner: The Session shall call a congregational meeting to elect a pulpit committee which may be composed of members from the congregation at large or the Session, as **designated by the congregation.**”

Whereas: The Standing Judicial Committee of the PCA ruled against the Midway Session and the Northwest Georgia Presbytery in the case of Dan and Angelia Crouse vs. the Northwest Georgia Presbytery (SJC Case 2019-03) **for unconstitutionally handling officer nominations.** See pages 44-47 of the following link: <https://pcaga.org/wp-content/uploads/2020/06/SJC-Report-to-GA-2020-6-9-20.pdf>

Whereas: The proposed action will expand the Session to 16 members and unduly enhance the influence of the church staff in the governance of the church. This will give the staff a voting block that will require a supermajority of ruling elders to prevail on any motion including the budget and other financial issues.

Therefore: I am asking the congregation to support a substitute motion to postpone this meeting until January 2021 to allow the congregation reasonable time to prayerfully consider the church’s needs, the men’s qualifications, the establishment of a pulpit committee, and the subsidence of the global pandemic to allow for greater congregational participation.

09/21/20

The MPC Session approved a resolution defining how a member of the Session can dissent from an action of the Session which included, among other requirements, that an elder must first resign from his office if he feels compelled to publicly communicate “dissatisfaction with or any opposition

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to a decision or action of the Session.” Otherwise, the elder would be in violation of vow #5 and/or vow #6.

- 10/07/20 The MPC Session approved moving forward with process against RE Dudt and issued an indictment with two charges. Those charges are shown below:
(1) Violating of his ordination vows (#5, 6) distributing the SJC case 2019-03 [Crouse v. NW GA] to the entire congregation against the express will of the Session and therefore failing to be in subjection to his brethren (vow #5), and
(2) Violating the ninth commandment and vow #6 in the letter he sent [to the congregation] on July 12, 2020.
- 10/19/20 RE Dudt pled “not guilty” to the two charges outlined in the indictment.
- 10/22/20 Three MPC Session ruling elders requested the Moderator call a meeting for the purpose of considering two motions: (i) approval an independent moderator from the NWGP for the process and trial and (ii) engagement of a court reporter for the trial.
- 10/26/20 The MPC Session met to consider the two motions. Both motions failed.
- 11/11/2020 The trial commenced at 7:30 pm and concluded at 5:40 am the next day. RE Dudt was found guilty of the two charges in the indictment and censured by indefinite suspension from office. The MPC Session appointed both a Restoration Committee and a Respondents Committee (in case of an appeal). The Session also approved a summary statement of its actions against RE Dudt to be sent to the congregation on November 12, 2020.
- 11/12/20 RE Dudt submitted a Notice of Intention to Appeal dated 11/11/2020 with the NWGP Clerk.
- 11/12/20 MPC Session sent an email to the congregation communicating that RE Dudt had been censured.

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- 11/16/20 MPC Session approved a revised statement regarding RE Dudt to send to the congregation.
- 12/07/20 RE Dudt submitted an Appeal with the NWGP Clerk.
- 04/27/20 NWGP Judicial Commission conducted the Appeal Hearing.
- 08/21/20 NWGP approved the Judicial Commission Decision that the MPC Session did not err procedurally or manifest prejudice in its prosecution of RE Dudt.
- 02/11/20 The SJC Panel Hearing was conducted via GoToMeeting. The Panel included TE Coffin, RE Terrell, and TE Waters (chairman). Alternates RE Dowling and TE Kooistra were present. Also present were RE Dudt and RE David who acted as his assistant, and TE Daniel who served as the Respondent's representative.

II. STATEMENT OF THE ISSUE

At its meeting on November 12, 2020, did the Session of Midway Presbyterian Church err in finding RE Dudt guilty at trial of the two charges in the indictment and thereafter imposing upon RE Dudt the censure of indefinite suspension from office; and at its meeting on August 21, 2021, did Northwest Georgia Presbytery err in approving its Judicial Commission's decision that the Midway Presbyterian Church Session did not err in its prosecution and censure of RE Dudt?

III. JUDGMENT

Yes. The decisions of the Session of Midway Presbyterian Church and Northwest Georgia Presbytery are reversed in whole. The SJC renders the decision that should have been rendered, to wit, not guilty. RE Dudt is relieved of his conviction and censure and is restored to the full exercise of his office.

IV. REASONING AND OPINION

With respect to the guilty verdict, Appellant raises 40 specifications of error on the part of MPC Session and 15 specifications of error on the part of NWGP. Of the specifications of Session error, 14 were sustained (3, 4, 5, 6, 9

in part, 14, 15, 23, 24, 25, 30, 31, 33, 34). Of the specifications of Presbytery error, eight were sustained (1, 3, 4, 5, 7, 13, 14, 15). The specifications of error sustained, taken together, demonstrate clear error on the part of the lower courts with respect to factual findings and matters of discretion and judgment, as well as violations of the Constitution of the PCA, all of which vindicate the Judgment of the SJC in this case. The Session and Presbytery alleged errors will be taken up in turn below.

In the 1st specification of Session error, Appellant alleges that Session erred in not pursuing a *BCO* 31-2 investigation into his actions, establishing a strong presumption of guilt, and on that basis instituting process.

This specification of error is not sustained.

A Minute Explanatory. *BCO* 32-2 provides that “Process against an offender shall not be commenced unless some person or persons undertake to make out the charge; or unless the court finds it necessary, for the honor of religion, itself to take the step provided for in *BCO* 31-2.” The Session followed the path of the former disjunct.

In the 2nd specification of Session error, Appellant alleges that Session misrepresented him in the indictment when it charged that RE Dudt had “distributed” the SJC case 2019-03 to the entire congregation.

This specification of error is not sustained.

A Minute Explanatory. Providing a link in an email is a commonplace means of document distribution.

In the 3rd specification of Session error, Appellant alleges that Session erred in failing to demonstrate that the distribution of SJC case 2019-03 to the entire congregation, against the will of the Session, is properly an offense according to *BCO* 29-1.

This specification of error is sustained.

A Minute Explanatory. Regardless of the means employed to express its will, Session has no right to make that will a rule requiring obedience from a Session member that is not based upon Scripture. Preliminary Principle 7 declares: “All church power, whether exercised by the body in general, or by representation, is only ministerial and declarative since the Holy Scriptures are the only rule

of faith and practice. No church judicatory may make laws to bind the conscience”. The Session had a right to refuse to distribute the SJC decision in question. The Session had no right to forbid RE Dudd from doing so, the 5th ordination vow notwithstanding. The promise to be in “subjection to your brethren” is always qualified and limited by “in the Lord.” As the Larger Catechism instructs us, we owe authorities over us “obedience to their *lawful* commands and counsels. . . . (emphasis added, LC 127).” (BCO 14-7)

In the 4th specification of Session error, Appellant alleges that Session erred in finding RE Dudd guilty of the first charge of the indictment, to wit, distributing SJC case 2019-03 to the entire congregation against the express will of the Session, when at trial no evidence of such an express will was forthcoming.

This specification of error is sustained.

A Minute Explanatory. “Express” is defined as “Directly and distinctly stated or expressed rather than implied or left to inference: not dubious or ambiguous: definite, clear, explicit, unmistakable.” (*Webster’s Third New International Dictionary* (1976)). The ROC did not provide *any evidence* of such an express will. An action by the Session to decline itself to distribute a document does not imply that a Session member is prohibited from such a distribution. In fact, the ROC shows that during the trial, defense’s questioning witnesses on this point was repeated so frequently, with no evidence forthcoming, that the Moderator sought to preempt further pursuit of the matter with witnesses to come: “May we try something on that line of questioning? May we by common consent agree that on that series of questions, there was no explicit mandate to Elder Dudd? Is there any objection? So we will stipulate that there was no explicit mandate to Elder Dudd not to distribute. . . .” Apparently, before he could rule, there was objection voiced; however, the Moderator’s proposal is a clear indication of the state of the evidence-gathering, at least at that late point in the proceedings. Further, the Presbytery Judicial Commission’s written decision plainly grants the point: “In this case, the will of Midway’s session, regarding how SJC 2019-03 was to be handled by the leadership of the church, was consistent and recognizable, even if it was not explicit. . . .” The charge in the indictment, however, was that the action was “against *the express* will of the Session.” [emphasis added. Session clearly erred in finding RE Dudd guilty of the first charge of the indictment.

In the 5th specification of Session error, Appellant alleges that Session erred in finding RE Dudt guilty of the second charge of the indictment, to wit, violating the ninth commandment by including false statements in the July 12 email sent from RE Dudt to the congregation.

This specification of error is sustained.

A Minute Explanatory. The ROC does not show evidence for the allegation that there were false statements in the Appellant's July 12 email. Absent such evidence, the Session's finding is clearly in error.

In the 6th specification of Session error, Appellant alleges that Session erred in finding

RE Dudt guilty of the second charge of the indictment, to wit, violating the ninth commandment, by the July 12th email as a whole. Appellant alleges that Session, without evidence, found that "The purpose of the Letter (specifically, his use of the SJC decision) was to challenge the competency, credibility, and trustworthiness of the Session. Mr. Dudt did not accurately represent the Session's process or position. He employed partial truth to bias the congregation against its elders in order to defeat their recommendation at the forthcoming . . . congregational meeting."

This specification of error is sustained.

A Minute Explanatory. Appellant's purpose in the letter is clearly stated: "I am asking the congregation to support a substitute motion to postpone this meeting until January 2021 to allow the congregation reasonable time to prayerfully consider the church's needs, the men's qualifications, the establishment of a pulpit committee, and the subsidence of the global pandemic to allow for a greater congregational participation." This purpose is misstated in the Session's indictment: "in order to defeat their recommendation at the forthcoming . . . congregational meeting." The Session clearly erred in the judgment made about the content of the email. The ROC does not sustain the claim that Session showed that RE Dudt's email to the congregation constituted an offense as defined by *BCO* 29-1.

In the 7th specification of Session error, Appellant alleges that Session erred in finding RE Dudt guilty of the second charge of the indictment, to wit, violating ordination vow 6 when evidence to the contrary, from SJC 2015-11, was prohibited from being introduced at the trial.

This specification of error is not sustained.

A Minute Explanatory. There is no citation in the ROC that sustains this allegation. However, it is of interest to note that the case referred to in the specification shows that the SJC ruled that: “The admonitions given [the accused] as represented in the Indictment could be interpreted as instructing [the accused] not to send any emails regarding church business, not even one composed with temperate language, and with accurate, non-confidential content, and sent to willing recipients. . . . A ban of that scope would be beyond the powers of a Session because that prohibition would have no basis in the general moral regulations of Scripture.” (SJC 2015-11, *Thompson v. S. Florida*, M44GA, p. 539)

In the 8th specification of Session error, Appellant alleges that Session erred by not investigating the alleged offenses prior to indicting RE Dudt, thus violating *BCO* 31-2.

This specification of error is not sustained.

A Minute Explanatory. See Minute for the 1st specification of Session error.

In the 9th specification of Session error, Appellant alleges that Session erred by not investigating the alleged offenses prior to indicting RE Dudt, thus violating *BCO* 31-2. Further, the specification alleges that the Session erred passing a resolution prohibiting all active officers from publicly disagreeing with the Session. Appellant alleges that this resolution provided a foundation, *ex post facto*, for the accusations against RE Dudt with respect to his July 12th email.

This specification of error is not sustained, in part, and sustained, in part.

A Minute Explanatory. As to the first part, concerning *BCO* 31-2, see specification of error 1. As to the second part, it is sustained. The so-called “Talley Resolution” clearly violates *BCO* PP II.7 and WCF 20-2. Such *in thesi* deliverances form no part of the Constitution of the Church and have no binding power. Yet the question of their authority and of their binding power typically at once become a subject of controversy and needlessly divide the Church. A Session cannot authoritatively establish the meaning of the *BCO*, it can only interpret

it in light of its history and its sense as received by the Church. No officer can be subject to discipline for disagreeing with, or violating, such a resolution. Further, the Resolution is effectively a bill of attainder, i.e., an act of a legislature declaring a person, or a group of people, guilty of some crime, and punishing them, without a trial, and as such it is invalid. It is instructive to note that a bill of attainder is prohibited in the United States Constitution and that every state constitution also expressly forbids bills of attainder. The *BCO* clearly forbids such a procedure in, for example, 24-7 and Preliminary Principle 8.

In the 10th specification of Session error, Appellant alleges that Session erred by classifying the alleged offenses as “general” when no heresy or immorality was involved.

This specification of error is not sustained.

A Minute Explanatory. Appellant appears to understand the difference between “personal offenses” and “general offenses” (*BCO* 29-3) to be the kind of criminality involved. In fact the difference is concerning the offended: Personal, when one or more particular individuals are the subject; general, when that is not the case.

In the 11th specification of Session error, Appellant alleges that Session erred by classifying the alleged offenses as “public,” while he alleges that they were only known to a few.

This specification of error is not sustained.

A Minute Explanatory. Whatever the degrees of understanding of relative criminality might have been, the email to the congregation makes it categorically “public.”

In the 12th specification of Session error, Appellant alleges that Session erred by not sending a committee to converse with RE Dudt before instituting process.

This specification of error is not sustained.

A Minute Explanatory. The provisions of *BCO* 31-7 make the use of such a committee entirely at the Session’s discretion and the Appellant

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has provided no evidence that such a committee would have “promote[d] the interests of religion” in this case.

In the 13th specification of Session error, Appellant alleges that Session erred in not following the principles of Matthew 18.

This specification of error is not sustained.

A Minute Explanatory. The ROC shows that the two elders, Keesee and Talley, who initiated the charges, first spoke with RE Dudt privately.

In the 14th specification of Session error, Appellant alleges that Session erred in assigning malicious motive to RE Dudt in the production and distribution of his July 12th email, contrary to his expressed intent.

This specification of error is sustained.

A Minute Explanatory. See Minute for the 6th specification of Session error.

In the 15th specification of Session error, Appellant alleges that Session erred in failing to follow the procedures of *BCO* 32-3.

This specification of error is sustained.

A Minute Explanatory. The minutes of the Special Session Meeting of October 7, 2020, and the dating of the indictment clearly show that the Session conflated the provisions of *BCO* 32-3. However, Appellant did not raise a point of order, as was his right, at that meeting, nor at the Stated Session Meeting of October 19, 2020 when he was called upon to plead with respect to the indictment; and the error did not cause material harm to Appellant’s cause.

In the 16th specification of Session error, Appellant alleges that Session erred in that the indictment did not match the charges made received at the October 7, 2020, Special Session Meeting.

This specification of error is not sustained.

A Minute Explanatory. There is no provision in the Rules of Discipline that requires an indictment to include all of the wording included in a

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charge received. Further, if there was an error, it is the error of the Prosecutor, not the Session. In any case, the error did not cause material harm to Appellant's cause.

In the 17th specification of Session error, Appellant alleges Session erred by instituting process as if the prosecution was instituted by the court when it was initiated by two elders when they called for the October 7, 2020 Session meeting to indict the RE Dudt.

This specification of error is not sustained.

A Minute Explanatory. The ROC shows the MPC Session voted to commence process against RE Dudt at a duly constituted meeting of the court on October 7, 2020. (187)

In the 18th specification of Session error, Appellant alleges Session erred by allowing an elder to prosecute the case without first attempting to reconcile and reclaim the offender in violation of *BCO* 31-5.

This specification of error is not sustained.

A Minute Explanatory. See Minute for the 13th specification of Session error.

In the 19th specification of Session error, Appellant alleges that Session erred when several members of the court failed to study the Rules of Discipline in preparation for the trial.

This specification of error is not sustained.

A Minute Explanatory. It is wise for the members of a church court to study the Rules of Discipline, but the ROC does not establish that the Rules were not understood by the court. Additionally, the ROC indicates the moderator summarized the Rules in the Session meeting on October 7, 2020.

In the 20th specification of Session error, Appellant alleges that Session erred by not demanding that the members of the pastoral staff attempt the means of reconciliation.

This specification of error is not sustained.

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A Minute Explanatory. There is no constitutional requirement that the Session direct the pastoral staff to pursue reconciliation. Also see Minute for the 13th specification of Session error.

In the 21st specification of Session error, Appellant alleges that Session erred because three associate pastors did not recuse themselves since the alleged offenses were directly related to the calling of them to associate pastor and two of them argued in favor of the indictment and conviction of RE Dudt.

This specification of error is not sustained.

A Minute Explanatory. The ROC does not indicate the Appellant challenged the right of any member of the court to sit in the trial. (*BCO* 32-16)

In the 22nd specification of Session error, Appellant alleges that Session erred by denying RE Dudt's request for an independent moderator.

This specification of error is not sustained.

A Minute Explanatory. While it would have been wise to have procured an independent moderator in this case, it was not constitutionally required.

In the 23rd specification of Session error, Appellant alleges that Session erred by allowing RE Dudt only one communing member of the congregation to represent him at trial before the Session when *BCO* 32-19 states "an accused person, if he desires it, may be represented before the Session by any communing member of the same particular church."

This specification of error is sustained.

A Minute Explanatory. The substance of *BCO* 32-19 is that professional counsel is not permitted, not that the accused is limited to only one representative.

In the 24th specification of Session error, Appellant alleges that Session erred by receiving accusations from witnesses deeply interested in the conviction of the accused (*BCO* 31-8).

This specification of error is sustained.

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A Minute Explanatory. The Record indicates there are at least two instances of evidence of accusations being received from individuals who were “deeply interested in any respect to the conviction of the accused.” *BCO* 31-8 does not prohibit accusations from witnesses that are deeply interested in a conviction, but the provision does require the exercise of great caution. There is no evidence in the ROC that any caution, great or otherwise, was exercised by the court with respect to these witnesses. (*BCO* 31-8).

In the 25th specification of Session error, Appellant alleges that Session erred during the trial by allowing the moderator to relinquish and reassume the chair, which allowed him to examine witnesses.

This specification of error is sustained.

A Minute Explanatory. *Robert’s Rules of Order* states: “The presiding officer who relinquished the chair then may not return to it until the pending main question has been disposed of, since he has shown himself to be a partisan as far as that particular matter is concerned. Indeed, unless a presiding officer is extremely sparing in leaving the chair to take part in debate, he may destroy members’ confidence in the impartiality of his approach to the task of presiding.” RONR (12th ed.) 43:29

In the 26th specification of Session error, Appellant alleges that Session erred when several elders testified that they had been angry with RE Dudt and therefore should have recused themselves to avoid violating *BCO* 27-4 and *BCO* 31-8.

This specification of error is not sustained.

A Minute Explanatory. The ROC does not indicate the members of the court exercised their power out of “wrath” (*BCO* 27-4).

In the 27th specification of Session error, Appellant alleges that Session erred by not allowing members of the congregation to attend the trial when they voted to conduct the proceedings in executive session.

This specification of error is not sustained.

A Minute Explanatory. It was constitutionally permissible for the Session to conduct the trial in executive session.

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In the 28th specification of Session error, Appellant alleges that Session erred by conducting the trial in executive session in conflict with the requirement of minute keeping of the procedures stated in *BCO 32-18*.

This specification of error is not sustained.

A Minute Explanatory. The ROC indicates that careful records of the procedures, including the trial with transcript, were completed as directed in *BCO 32-18*.

A 29th specification of Session error, Appellant alleges that Session erred by not allowing RE Dudt's wife to attend the trial.

This specification of error is not sustained.

A Minute Explanatory. See Minute for the 27th specification of Session error.

A 30th specification of Session error, Appellant alleges that Session erred by declining to receive proper evidence (*BCO 42-3*) that could have contradicted the indictment's claims that RE Dudt's actions that "led to a divisive congregational meeting" when lines of questioning to witnesses about the congregational meeting were ruled out of order by the moderator on grounds of relevancy.

This specification of error is sustained.

A Minute Explanatory. The Moderator improperly ruled out of order questions that may have led to testimony that contradicted the indictment's charge of divisiveness. When an objection was raised against the Moderator's ruling, Session upheld the Moderator's ruling.

A 31st specification of Session error, Appellant alleges that Session erred when the moderator, when questioned during the trial, did not definitely state that the burden of proof rests with the prosecution.

This specification of error is sustained.

A Minute Explanatory. The burden of proof is placed on the prosecution.
SJC 1998-08 states:

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"The fact that the burden of proof is on the prosecution is clear from several procedures in our Book of Church Order. First, the reason why the prosecution argues first at trial, and has the closing remarks, is because the burden of proof is on the prosecution. Second, the accused is not required to testify and the defense need not even present a case. The prosecution, however, must present a case. Third, if an accused person ignores repeated citations to plead, or to appear for trial, that person can be censured for contumacy. He is not, however, censured for the offense on which he was indicted because his guilt on that charge has not yet been proven." (Beverly Smith v. Southwest, M28GA, pp. 218, 227)

A 32nd specification of Session error, Appellant alleges that Session's moderator and clerk refused to distribute copies of the trial audio recordings to the accused within four weeks of Appellant's conviction and, therefore, Session erred in violation of *BCO* 32-18.

This specification of error is not sustained.

A Minute Explanatory. The ROC does not furnish evidence of such a request having been refused by Session, whether through Session's moderator or through Session's clerk. However, if the ROC had demonstrated this, it would have been a Session error.

A 33rd specification of Session error, Appellant alleges that Session erred in violation of *BCO* 42-6 when it announced to the congregation the Appellant's censure approximately an hour and a half after Appellant had filed notice of appeal with the Clerk of Session.

A 34th specification of Session error, Appellant alleges that the wording of Session's November 12 letter to the congregation, announcing Session's judgment and Appellant's censure, violated *BCO* 42-6.

These two specifications of error are sustained.

A Minute Explanatory. *BCO* 42-6 reads in part, "Notice of appeal shall have the effect of suspending the judgment of the lower court until the case has been finally decided in the higher court." Appellant filed notice of appeal, dated November 11, 2020, to Clerk of Presbytery .

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That notice had the effect of suspending Session's judgment in the trial of Appellant. Session therefore erred when it communicated to the congregation on November 12 that Appellant had been censured.

A 35th specification of Session error, Appellant alleges that Session erred in violation of *BCO* 42-6 when it prevented Appellant from exercising his official functions without documenting sufficient reasons.

This specification of error is not sustained.

A Minute Explanatory. Invoking *BCO* 42-6 and 31-10, Session acted to suspend Appellant from the functions of office, without censure, and offered grounds for its action.

A 36th specification of Session error, Appellant alleges that Session erred in violation of *BCO* 42-6 in prohibiting RE Dudt from "performing non-office related duties."

This specification of error is not sustained.

A Minute Explanatory. The ROC indicates that a member of Session's Restoration Committee communicated to Appellant that his suspension from office did include activities that the specification characterizes as "non-office related duties." But the ROC does not indicate that Session acted to prohibit Appellant from performing particular duties not related to his office.

A 37th specification of Session error, Appellant alleges that Session erred in the "harshness of its censure to suspend RE Dudt from the functions of office for his alleged offense," and should have, rather, imposed the censure of admonition.

This specification of error is not sustained.

A Minute Explanatory. The censure of admonition is to be administered to "an accused, who, upon conviction, satisfies the court as to his repentance and makes such restitution as is appropriate. Such censure concludes the judicial process" (*BCO* 30-1). In the judgment of the Session at the time of the imposition of censure, Appellant had not met the requisite conditions for the censure of admonition and, therefore, the Session was in no position to inflict this censure upon Appellant. This

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Minute should not be construed as an endorsement of Session's judgment at the time of the imposition of censure.

A 38th specification of Session error, Appellant alleges that Session erred in violation of *BCO* 42-6 when the Session's Restoration Committee sent an email to Appellant on November 16, 2020 "to begin the process of restoration even though all committee members knew that the notice of appeal, which suspended the judgment, had been filed, thus not respecting RE Dudt's right of appeal (*BCO* 42-6)."

This specification of error is not sustained.

A Minute Explanatory. The email in question was written by a member of the committee "on behalf of the restoration committee." As such, any alleged error would be of the committee and not of the Session. The ROC does not demonstrate that the contents of the email communicated actions of the Session.

A 39th specification of Session error, Appellant alleges that Session erred when it allowed a TE "who testified during the trial that he did not privately discuss this matter with RE Dudt due to a perceived conflict of interest" to write, on behalf of the Restoration Committee, to Appellant the email of November 16, 2020.

This specification of error is not sustained.

A Minute Explanatory. The ROC does not indicate that Session appointed or expressly permitted this TE to write the email of November 16, 2020.

A 40th specification of Session error, Appellant alleges that Session erred in violation of *BCO* 42-6 when an email sent by a member of the Session's Restoration Committee communicated to Appellant that his suspension would "persist even in the presence of an appeal [citing *BCO* 36-5]" notwithstanding the judgment of the lower court having been suspended by Appellant's filing notice of appeal.

This specification of error is not sustained.

A Minute Explanatory. The ROC shows that the language in question is that of a member of a committee of Session but does not show that this language is that of the Session.

A 1st specification of Presbytery error, Appellant alleges that Presbytery erred in violation of *BCO* 42-5 when it allowed testimony taken after the trial to be included in the ROC.

This specification of error is sustained.

A Minute Explanatory. The Session does not dispute that such testimony was so added, but argues that this inclusion is permissible under *BCO* 42-5 (“any papers bearing on the case”). But testimony taken after the trial is not a “paper bearing on the case” (*BCO* 42-5; cf. *BCO* 35-13,14) and, as such, should not have been added to the ROC.

A 2nd specification of Presbytery error, Appellant alleges that Presbytery erred in violation of *BCO* 42-3 (“refusal of reasonable indulgence to a party on trial”) when it declined Appellant’s request to reformat the ROC.

This specification of error is not sustained.

A Minute Explanatory. *BCO* 42-3 governs the lower court’s actions in the course of a trial. As such, it does not regulate a higher court’s responsibilities with respect to reformatting the existing transcript of a trial conducted by a lower court.

A 3rd specification of Presbytery error, Appellant alleges that Presbytery erred in violation of *BCO* 42-4 when it concluded that Appellant had not submitted notice of appeal on November 12, 2020 because Appellant’s filing lacked supporting reasons, and that Appellant only properly submitted (that is, with supporting reasons) his appeal on December 7, 2020.

This specification of error is sustained.

A Minute Explanatory. *BCO* 42-4 envisions two distinct actions that Presbytery has conflated in its adjudication of this matter. First, “notice of appeal may be given the court before its adjournment.” Second, Appellant has thirty days to submit “written notice of appeal, with supporting reasons” to the clerks of the lower and higher courts.

A 4th specification of Presbytery error, Appellant alleges that Presbytery erred in its ruling that Session did not violate *BCO* 42-6 when Session announced to the congregation the Appellant’s conviction and censure on November 12.

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This specification of error is sustained.

A Minute Explanatory. See Minute for the 33rd and 34th specifications of Session error.

A 5th specification of Presbytery error, Appellant alleges that Presbytery erred in violation of *BCO* 42-8 when it failed to answer each specification of error alleged in Appellant's appeal.

This specification of error is sustained.

A Minute Explanatory. Presbytery declined to address the Appellant's specifications "in an *ad seriatim* fashion" and adopted "a summative approach," "rul[ing] against all 40 grounds, with only some given a response". But *BCO* 42-8 requires the higher court "to vote on each specification in this form: Shall this specification of error be sustained?"

A 6th specification of Presbytery error, Appellant alleges Presbytery erred by concluding that the claim that the MPC Session was prejudiced was "never substantiated."

This specification of error is not sustained.

A 7th specification of Presbytery error, Appellant alleges that Presbytery erred by not overturning RE Dudt's conviction on the first specification of the indictment. Appellant alleges that he was indicted and convicted for lack of submission to the "express" will of the Session. He further alleges that Presbytery found only that RE Dudt had violated what they took to be the implied will of the Session, and, without warrant, found that supposed implication sufficient to convict.

This specification of error is sustained.

A Minute Explanatory. Presbytery's substituting of implied will for express will is clearly in error. See Minute for the 4th specification of Session error.

An 8th specification of Presbytery error, Appellant alleges that Presbytery erred by not sustaining the Appellant's claims that he was denied reasonable indulgences (*BCO* 42-3) that included an independent moderator, a court

reporter, the trial not be held in executive session and permitting his wife to attend the trial.

This specification of error is not sustained.

A Minute Explanatory. See Minute for the 22nd, 27th, 28th, and 29th specifications of Session error.

A 9th specification of Presbytery error, Appellant alleges that Presbytery erred in violation of *BCO* 32-18 when it declared in its Written Decision that Appellant had mischaracterized as “hasty” a decision of Session that “in fact ... had been discussed and deliberated upon for several months prior to the called congregational meeting”. Appellant alleges that this declaration (“in fact ... meeting”) “is not one of the Facts of the Case.”

This specification of error is not sustained.

A Minute Explanatory. *BCO* 32-18 prevents the higher court from taking into consideration anything “not contained” in the ROC. But Appellant’s allegation reflects a difference between Appellant and Appellee with respect to the interpretation of the contents of the ROC.

A 10th specification of Presbytery error, Appellant alleges that Presbytery “due to its conflict of interest regarding the inclusion of the SJC decision” acted prejudicially against the Appellant when it devoted “nearly one-third” of its Written Decision to Appellant’s distribution of an SJC Case to the congregation.

This specification of error is not sustained.

A Minute Explanatory. Appellant has not demonstrated either that Presbytery had a conflict of interest in this matter or that such alleged conflict of interest accounts for the proportion of the treatment of this matter relative to the length of Presbytery’s Written Decision as a whole.

An 11th specification of Presbytery error, Appellant alleges that Presbytery erred in concurring with the Session in classifying the alleged offenses as “public,” while he alleges that they were only known to a few.

This specification of error is not sustained.

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A Minute Explanatory. See Minute for the 11th specification of Session error.

A 12th specification of Presbytery error, Appellant alleges that Presbytery erred when it accepted the Session's claim that RE Dudt's email divided the congregation.

This specification of error is not sustained.

A Minute Explanatory. Presbytery, not having found clear error on the part of the Session with respect to this factual claim, exhibited appropriate deference to the lower court's finding.

A 13th specification of Presbytery error, Appellant alleges that Presbytery erred by not recognizing that the MPC Session failed to exercise great caution by receiving accusations from witnesses "deeply interested in any respect in the conviction of the accused" (*BCO* 31-8).

This specification of error is sustained.

A Minute Explanatory. See Minute for the 24th specification of Session error.

A 14th specification of Presbytery error, Appellant alleges that Presbytery erred by ruling that charge 1 of the Session's indictment, citing Acts 15:24-25; Titus 1:6-7, 10, gave adequate Scriptural support for the charge that RE Dudt's email constituted an offense as defined by *BCO* 29-1.

This specification of error is sustained.

A Minute Explanatory. See Minute for the 3rd specification of Session error.

A 15th specification of Presbytery error, Appellant alleges that Presbytery erred by condoning the indictment's assigned motive to RE Dudt's July 12, 2020, email to the congregation.

This specification of error is sustained.

A Minute Explanatory. See Minute for the 6th specification of Session error.

MINUTES OF THE GENERAL ASSEMBLY

The Panel decision was written by TE David Coffin, RE Bruce Terrell, TE Guy Waters, RE Steve Dowling, and TE Paul Kooistra, and edited and approved by the Panel 3-0-0.”

The SJC modified and approved the decision on the following roll call vote:

Bankson <i>Absent</i>	S. Duncan <i>Concur</i>	Nusbaum <i>Concur</i>
Bise <i>Concur</i>	Ellis <i>Concur</i>	Pickering <i>Not Qual.</i>
Cannata <i>Concur</i>	Greco <i>Concur</i>	Ross <i>Concur</i>
Carrell <i>Concur</i>	Kooistra <i>Concur</i>	Terrell <i>Concur</i>
Coffin <i>Concur</i>	Lee <i>Concur</i>	Waters <i>Concur</i>
Donahoe <i>Concur</i>	Lucas <i>Concur</i>	White <i>Absent</i>
Dowling <i>Concur</i>	McGowan <i>Concur</i>	Wilson <i>Concur</i>
M. Duncan <i>Absent</i> (19-0-0)	Neikirk <i>Concur</i>	

Concurring Opinion

of RE Howie Donahoe, joined by TE Sean Lucas, TE Charles McGowan, TE Mike Ross, RE Dan Carrell, RE EJ Nusbaum, RE Bruce Terrell

We concurred with the Decision but believe two comments are warranted - one as a critique of a Session trial court procedure and the other as a general caution regarding individual elders emailing their congregations.

1. The Summary of the Facts indicates that on November 11, 2020, “The trial commenced at 7:30 pm and concluded at 5:40 am the next day.” The Record indicates the meeting concluded at 5:40 am, but it’s unclear when the defense and prosecution closing arguments occurred. Presumably, because there were three prosecution witnesses and 16 defense witnesses, it was probably well after midnight. That is a highly unreasonable way to conduct a trial. An overnight trial is extraordinary, and so is a court discussing the verdict and censure during the wee hours of the morning. The Record does not indicate time was of the essence in this matter. The trial court committed a clear error of judgment in this procedure, despite the defendant’s failure to object.

However, because the Appellant didn’t cite this matter as a specification of error, the SJC did not address it, following *BCO* 39-3.1: “A higher court, reviewing a lower court, should limit itself to the issues raised by the parties to the case in the original (lower) court.” While we agree the SJC should avoid basing judgments on issues unraised by the parties, it is proper to raise concerns about a lower court error, nonetheless. Doing so helps to clarify that

serious errors evident in the Summary of the Facts, and thus evident to the reader, are not necessarily judged as benign.

2. It would be unfortunate for anyone to conclude, that because this Appeal was sustained, it is appropriate for a Session member to email his congregation expressing disagreement with a Session decision. Such conduct would rarely be wise or appropriate.

It would be unfortunate if any elder feels emboldened by this ruling. Session members have several avenues for expressing disagreement with a Session decision, some wiser than others, depending on the circumstances. And ordination vows 5 and 6 certainly must have some bearing on the matter - #5. "Do you promise subjection to your brethren in the Lord?" #6. "Do you promise to strive for the purity, peace, unity, and edification of the Church?"

In addressing Appellant specification of error #3, the SJC ruled: "The Session had a right to refuse to distribute the SJC decision in question. The Session had no right to forbid RE Dudt from doing so, the 5th ordination vow notwithstanding." We agree. The SJC Decision in Case 2019-03 *Crouse v. Northwest Georgia* was a General Assembly action and one which the congregation had a right to see, regardless of whether the SJC Decision found error in a Session action. (BCO 14-7)

But the Session's decision declining to distribute the Decision was not the lone concern expressed by the Appellant in his July 2020 email to the congregation. He offered other critiques of the Session, including his disagreement with the Session's decision to recommend the congregation promote three assistant pastors to associates and his disagreement with the Session's interpretation of BCO 20-2.

The Decision ruled that the Appellant's distribution of the *Crouse* Decision was not a censurable offense. (Charge 1; Appellant specification of error #3, sustained by the SJC) The Decision also ruled that the Session did not prove the email contained false statements or that the email "as a whole" violated the 9th commandment. (Charge 2; Appellant specifications of error #5 and #6, sustained by the SJC) Nevertheless, the propriety and wisdom of sending such an email to the congregation is, in our opinion, highly questionable.

There are few things that disturb the peace and unity of a church more than individual elders bringing to public attention their disagreements with Session decisions. And few things disturb the peace and unity of a church more than

a Session putting an elder on trial for actions related to disagreements with the Session. Not many things divide a church more quickly.

CASE NO. 2021-06
DANIEL HERRON, ET AL.
v.
CENTRAL INDIANA PRESBYTERY
DECISION ON COMPLAINT
June 2, 2022

SUMMARY OF THE CASE

The genesis of this case is a *BCO* 31-2 investigation of TE Daniel Herron on various reports concerning his Christian character. The *BCO* 15-1 non-judicial commission, appointed by CIP on September 13, 2019, met with the TE in question and his accusers over a period of months in the fall of 2019 and made a full report to CIP's Church Planting team in January 2020. The report concluded: "The Commission does not believe there is a 'strong presumption of guilt of the party involved.'" The Commission added, "[I]t is the judgment of the commission that there is enough weight to the allegations that pastoral, corrective measures are in order."

Presbytery "received" an edited version of the full report containing the two recommendations. A complaint was ultimately filed with the SJC against CIP's not finding "a strong presumption of guilt" regarding the accused and for not receiving the full report. The SJC referred the matter back to CIP with instructions to appoint a committee to conduct a *BCO* 31-2 investigation of reports concerning the TE and to "pursue whatever other lines of investigation may be prudent."

The Investigative Committee (IC), appointed by CIP on March 5, 2021, reported on May 14, 2021, finding a strong presumption of guilt regarding TE Herron and recommending that six charges be brought against him. CIP 1) approved the report and approved a motion to try the case as a committee of the whole, 2) suspended TE Herron per *BCO* 31-10 and, 3) released a public statement about actions taken by CIP. After the suspension, CIP denied TE Herron access to meetings and minutes from subsequent meetings of CIP. TE Herron, joined by four others, complained against CIP's actions.

I. SUMMARY OF THE FACTS

- 07/02/2019 Five former members or attenders of a PCA Mission Church sent a letter to Central Indiana Presbytery (CIP) accusing a Teaching Elder (TE) of alleged sins.
- 09/13/2019 CIP appointed a non-judicial commission to begin a *BCO* 31-2 investigation.
- 11/21/2019 Having met with the accusers of the TE as well as the TE himself over the past two months, CIP's Commission decided to interview more witnesses.
- 01/2020 CIP's Commission submitted a full report to the CIP Church Planting Team: "The Commission does not believe there is a 'strong presumption of guilt of the party involved' (*BCO* 31-2) with regard to the accusations sexual harassment, intimidation, and bullying, or that the TE is guilty of an offense as defined in *BCO* 29 (no violation of divine law, heresies, or immoralities)." They then observed, "It is the judgment of the commission that there is enough weight to the allegations that pastoral, corrective measures are in order."
- 02/14/2020 The initial report of the Commission was presented to CIP. After objections were raised to the Commission's initial report, the Commission met during lunch and decided to withdraw their initial report and present an edited report. This edited Commission report was received by CIP. The full report of the Commission was never presented to CIP.
- 02/27/2020 TE Marusich filed a complaint against the actions of CIP. This complaint had four allegations: (1) CIP erred in not finding a "strong presumption of guilt" against the accused; (2) CIP's Commission erred by exceeding its mandate and taking up business not referred to it; (3) CIP's Commission erred by not submitting a full record of its proceedings to the court appointing it; (4) CIP's Commission erred in not delivering the full report of their findings to the Presbytery, the accused's court of original jurisdiction.

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- 07/10/2020 CIP met to address the complaint from TE Marusich. The presbytery sustained items (2) and (3) and denied items (1) and (4).
- 07/20/2020 TE Marusich carried his complaint regarding items (1) and (4) to the General Assembly. The Case was designated as Case No. 2020-04.
- 12/01/2020 The proposed panel decision for Case No. 2020-04 was sent to the parties. The CIP moderator called a meeting to determine how CIP would proceed with the requirements sent down with the SJC's preliminary panel decision.
- 01/08/2021 At the called meeting, and following representations from TE Marusich, CIP voted to rescind the original commission report (vote 23-0-1). CIP moved to dismiss the committee formed to rewrite the commission report (voice vote). CIP approved referring the case back to the SJC contingent on the full court's acceptance of the proposed panel decision (vote 18-5-2).
- 02/04/2021 The SJC issued the final ruling for Case No. 2020-04.
- 02/10/2021 TE Marusich filed charges against TE Herron, citing violations of the 5th and 7th Commandments, *BCO* 21-4.1a, and violations of his ordination vows.
- 02/12/2021 CIP met in executive session to consider the charges brought by TE Marusich. The presbytery voted to move to trial (27-0-1). First date of trial was set for 03/05/2021.
- 02/18/2021 CIP called a meeting for 03/05/2021 to discuss CIP contracting with Godly Response to Abuse in the Christian Environment (GRACE) to investigate charges against TE Herron. This meeting was scheduled to precede the start of the trial on 03/05/2021. Prior to this meeting of the CIP, a series of social media posts going back to December 2020 were posted by one of the accusers. Also, certain highly sensitive and privileged executive session materials were posted on social media
- 03/02/2021 CIP Stated Clerk distributed documents of motions intended to be made at the 03/05/2021 Called Meeting.

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03/05/2021 At the called meeting a letter from TE Marusich was read in which he communicated his desire to “rescind” his charges against TE Herron. A point of order was raised challenging the motion made in the letter. Moderator Passwater ruled that the motion was in order and his ruling was challenged. The ruling was challenged, and the vote (13-15-3) was mistakenly ruled by the Moderator as a vote that sustained his ruling. Eventually, CIP voted to “endorse the dismissal of the charges by TE Marusich by a vote of 25-6-1.

CIP also passed a motion to form a new IC “to consider evidence of a strong presumption of guilt of a chargeable offense with regard to allegations against the Christian character to TE Dan Herron, concerning accusations of sexual harassment and intimidation pursuant to *BCO* 31-2, and Bylaws, IV and in accordance with the directive of the Standing Judicial Commission in case 2020-04...” committee to investigate the matter and report back to CIP (24-6-2).

03/23/2021 TE Herron reached out to the *BCO* 31-2 Committee chair TE Josh Hollowell to provide his email address and expressed willingness to provide any needed information to the committee.

04/18/2021 TE Hollowell reached out to TE Herron to update him on the proceedings of the Committee and communicated, in part, “...I wanted to reach out to you and let you know that we are continuing to process all the information provided to us by the record of the case for the SJC and investigating any new information. At this point we do not plan to reinterview anyone that the prior commission had interviewed unless we have a clarifying question. We don't want to go over the same ground that the previous commission did nor subject anyone to more questioning than is necessary. If, however we receive new information we may reach out to ask you some questions regarding anything new. If you have information that you would like to pass on to the Committee please contact me by email or phone and provide a short summary of the information you would like to pass along so that we can discuss how we want to proceed...”

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- 05/12/2021 *BCO* 31-2 Committee chair TE Josh Hollowell emailed TE Herron requesting limited responses to questions from the Committee. TE Herron emailed his responses.
- 05/14/2021 CIP Stated Meeting. 31-2 Committee presented its report describing that they believed there was sufficient evidence for a strong presumption of guilt. CIP also approved a motion to suspend TE Herron from office (*BCO* 31-10) and to publicly distribute an official statement that included information about the charges, suspension, and eventual trial of TE Herron. CIP declared that the statement was “releaseable [sic] to all TE’s and RE’s of CIP and releaseable [sic] to the public upon request. The Stated Clerk emailed TE Herron the results of the meeting
- 05/16/2021 Information about the actions taken by CIP appeared on social media.
- 05/20/2021 TE Herron requested minutes of the 05/14/2021 Stated Meeting and a copy of the report from the committee that conducted the *BCO* 31-2 investigation. The State Clerk denied his request.
- 06/18/2021 Complainants (TE Herron, et al) filed with CIP a Complaint against the action taken on 05/14/2021.
- 07/07/2021 CIP called meeting to consider the complaint of the actions taken on 05/14/2021. The CIP denied all parts of the Complaint.
- 07/13/2021 TE Herron and others bring their Complaint to the Standing Judicial Commission.
- 11/23/2021 Case assigned to Original Panel REs John White, Mel Duncan, and E. J. Nusbaum (Alternate) and TEs Sean Lucas and Paul Lee (Alternate)
- 12/21/2021 The Panel was expanded. RE E. J. Nusbaum and TE Paul Lee were designated to be primary members. RE Howard Donahoe and TE Mike Ross were added as alternates.

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- 01/17/2022 Panel conducted a Hearing to perfect the Record of the Case.
- 03/21/2022 Panel conducted Hearing. Hearing was conducted by GoToMeeting. Panel members RE White (chairman), RE Nusbaum (secretary), RE M. Duncan, TE Lucas, TE Lee, RE Donahoe (alternate) and TE Ross (alternate) were present. The Complainant, TE Herron was present and accompanied by RE Huber and TE O'Bannon. The Respondent was represented by TE Holroyd and RE Barber.

II. STATEMENT OF THE ISSUES

- A. Did CIP err when they proceeded to process after hearing the report of the Investigative Committee (IC)?
- B. Did CIP err when they suspended TE Dan Herron per *BCO* 31-10?
- C. Did CIP err when they restricted TE Herron from receiving the report of the *BCO* 31-2 Investigative Committee and the minutes and attachments from meetings of CIP?
- D. Did CIP err when they approved and issued a public statement that communicated the decision made by CIP on May 14, 2021?

III. JUDGMENTS

- A. No
- B. No
- C. Yes
- D. No

IV. REASONING AND OPINION

Specification A - Proceeding to Process after hearing the Report of the IC.

In this specification of error, the Complainants raise the Constitutional issue of what constitutes “due diligence and great discretion” and “satisfactory explanations” concerning an accused in a *BCO* 31-2 investigation. The *BCO* provides neither detailed standards for such investigation nor for what is required to determine “a strong presumption of the guilt of the party involved.” Those matters are left to the judgment of the court, which is subject to review by a higher court.

In reviewing actions of a lower court, “A higher court should ordinarily exhibit great deference to a lower court regarding those matters of discretion and judgment which can only be addressed by a court with familiar acquaintance of the events and parties.” (*BCO* 39-3).

In this case, we note that all the documents and interviews of the first non-judicial commission that investigated TE Herron were provided to the IC. The IC also conducted additional interviews and received additional documentation. This additional evidence collected by the IC contained 19 statements in support of TE Herron and 8 statements providing evidence against him. In total, the IC reviewed nearly 300 pages of documentation. The documentation included a seventeen-page letter from the accused, a 56-page transcript of an interview of the accused and an email response from the accused.

The Complainants argue that the IC 31-2 investigation, in demanding “satisfactory explanations” concerning the Christian character of the accused, should have “elicit[ed] appropriate exculpatory communications and conversations with TE Herron...” Since the *BCO* is silent on what constitutes “satisfactory explanations,” it is left to the discretion of the lower court to judge what constitutes those explanations. Yet, the primary purpose of a *BCO* 31-2 investigation is to determine whether the threshold of “a strong presumption of the guilt of the party” is met.

Dr. Morton Smith, in his *Commentary on the PCA Book of Church Order*, notes, “The Court may, even when believing that there is no guilt, institute process for the purpose of vindicating the innocent party. Thus, the Court has unlimited discretion, except when a strong presumption of guilt has been raised by investigation.”

A trial allows both the prosecutor and the accused to present their cases under oath so that those sitting in judgment are able to weigh point-by-point the totality of the testimony and other evidence. It is for those who sit in judgment at the trial to be impartial and view the competency of witnesses testimony and evidence, discounting “accusations from any person who is known to indulge a malignant spirit towards the accused; who is not of good character; who is himself under censure or process; who is deeply interested in any respect in the conviction of the accused; or who is known to be litigious, rash or highly imprudent.” (*BCO* 31-8) *BCO* 32-13 also provides, “In order that a trial be fair and impartial, the witnesses shall be examined in the presence of the accused...” and also allows for cross-examination by the parties.

Because the Record does not show evidence that clear error was committed by CIP, the complaint concerning this specification of error is denied.

Specification B - Suspension of TE Herron per BCO 31-10.

BCO 31-10 - “When a member of a church court is under process, all his official functions may be suspended at the court’s discretion; but this shall never be done in the way of censure.”

The Complainant contends the imposition of his suspension from official functions violated *BCO 31-10*. However, absent some censure statement from the original court, the intention to censure is difficult to demonstrate or for the higher court to notice. The Record did not sufficiently demonstrate evidence warranting finding that Presbytery violated the final clause of *BCO 31-10*.

We understand a minister’s suspension from “all his official functions” would certainly feel like a censure, and very likely have a similar effect. The *BCO* does not stipulate a deadline for commencing a trial after a prosecutor has been appointed. And the appeal process takes many months. Furthermore, unless his church can afford to pay him and his temporary replacement, the non-disciplinary suspension would likely impact his salary and his family's finances (unlike ruling elders under similar non-disciplinary suspensions). And a non-disciplinary suspension could eventually result in the minister losing his job, even if he eventually was acquitted or prevailed on appeal. Therefore, courts should be careful to ensure this is “never” done in the way of censure.

In the Judgment for Issue C, we note that access to presbytery meetings and minutes is not ordinarily to be treated as one of a minister’s “official functions” covered in *BCO 31-10*. He ordinarily still retains those rights even when the non-censure suspension of *BCO 31-10* is imposed.

Because the Record does not show evidence that CIP clearly erred in the application of *BCO 31-10*, the Complaint concerning this specification is denied.

Specification C – Restricting the Complainant from receiving the report of the BCO 31-2 investigative committee and other minutes and attachments from meetings of CIP.

While judicatories are allowed to suspend those under process from their official functions, following *BCO* 31-10, this suspension is administrative in nature. Such suspensions do not have the effect of removing someone as a member of the body; as a result, as a member of that court, Complainant would have the same rights to the minutes and reports of the Presbytery as any other member would have. In this regard, the SJC sustains Complainant on this point.

By restricting his access to the minutes of the Presbytery, including executive session minutes, Presbytery demonstrated a “refusal of reasonable indulgence” to a person against whom process was beginning (*BCO* 43-2). And by restricting his access to called meetings, which are themselves public meetings, Presbytery also created an unreasonable burden on Complainant in understanding fully what the action of the Presbytery against him was. While there might be reasons where it would be appropriate to ask Complainant to recuse himself from executive session meetings where matters of his disciplinary process would be discussed, Presbytery went too far and created a potential future ground of appeal if they continued down this path.

That said, the SJC does not agree with the Complainant that he would necessarily have the right to “the minutes and documents of the *BCO* 31-2 Committee.” An investigative committee might interview several people who may or may not have ended up being significant for determining whether there was a strong presumption of guilt in a certain matter. Likewise, a committee might collect a range of documents that are not germane to their investigation. Surely it would be inappropriate to disclose each witness, all testimony, and every document to an accused individual upon his request. Those witnesses, documents, and evidence that are germane to the charges and specifications will be made known in the indictment; at that point, the accused should have access to those materials to prepare a defense (*BCO* 32-4, 5, 8).

Specification D – Approval and Release of a Public Statement that Communicated the Decision Made by CIP on May 14, 2021.

Once again, this issue turns on *BCO* 39-3(3): “A higher court should ordinarily exhibit great deference to a lower court regarding those matters of discretion and judgment which can only be addressed by a court with familiar acquaintance of the events and parties.” While other judicatories may have handled the matter differently based on their own local circumstances, CIP decided to approve and authorize a “public statement, releasable to all TEs and REs of CIP and releasable to the public upon request”.

Because this matter was already public, and because the Presbytery needed to care for the peace, purity, and unity of the Church at large and the churches of the Presbytery, they exercised their judgment to make a statement on the matter. Because this is a matter of discretion and judgment, the SJC exhibits deference to CIP in this matter and rules that it did not err in approving a public statement in this matter.

Conclusion - In several recent complaints arising from this Presbytery, procedural confusion has come from allowing people to file *BCO* 43-1 complaints against some aspect of the judicial process *after* the court has found a strong presumption of guilt, and thus, after process has commenced. Allowing and adjudicating such pre-trial *BCO* 43-1 complaints could significantly delay a trial, especially if adjudication of each complaint needs to wait for the next meeting of presbytery, or wait for an SJC decision. For example, an accused person might seek to file complaints against:

1. the investigative procedures (as in this Case)
2. the appointment of a particular prosecutor
3. the wording of the indictment
4. the appointment of a particular member of the trial commission
5. the date of the trial
6. any pre-trial rulings of the trial court (allowable defense counsel, witness citations, length of briefs, scheduled length of trial, length of closing arguments, etc.)

Allowing such pre-trial *BCO* 43-1 complaints could also ping-pong matters indefinitely. For example, an accused person might file a *BCO* 43-1 complaint against the appointment of a particular prosecutor. If Presbytery sustains it, then some other presbyter might file a *BCO* 43-1 complaint against that decision. And either of those complainants might take their complaint to the SJC. Theoretically, the matter might never get to trial if objections are handled as *BCO* 43-1 complaints rather than as objections the trial court addresses via *BCO* 32-14.⁶⁸

⁶⁸ *BCO* 32-14. “On all questions arising in the progress of a trial, the discussion shall first be between the parties; and when they have been heard, they may be required to withdraw from the court until the members deliberate upon and decide the point.”

Amends - The SJC instructs the Presbytery to proceed to a trial, given that Presbytery found a strong presumption of guilt on certain allegations on May 14, 2021, and the SJC has declined to sustain the Complaint against those findings. Absent a confession or the dismissal of all charges, Presbytery does not have the option to decline to institute process. This is clear in the 1898 F. P. Ramsay quote below. (Emphasis added throughout.)

And after an investigation is once originated, the court no longer has discretion not to institute process if the investigation results in raising a strong presumption of guilt of the accused. It appears, then, that, after an investigation, the court must always institute process, except where the court judges that the investigation fails to result in raising a strong presumption of guilt, and, of course, the court may institute process, even when the members of the court believe that there is no guilt, if they are persuaded that this is desirable for the vindication of innocence or for other reasons. The sum of the matter is, that the court has unlimited discretion (subject, as in all matters, to the review of higher courts), only that it has not discretion to raise by investigation a strong presumption of guilt and then not institute process. A strong presumption means a belief by the members of the court that evidence as then known to them would indicate that guilt probably exists, unless evidence to the contrary can be produced not then known to them. (Ramsey, *Exposition of the Book of Church Order* [1898, pp. 185-186], on RoD, V-2.)

The Record indicates Presbytery adopted the motion below on January 8, 2021, by a vote of 18-5-2, which read:

Pending the acceptance of the panel decision by the full SJC [in Case No. 2020-04 *Marusich v. CIP*], per *BCO* 41-2 we refer the case [trial] back to the SJC for it to conduct the case with process. Out of concern for the spiritual and emotional wellbeing of those involved, we ask the SJC to please expedite this process.

If Presbytery had filed that Reference, things would have been far simpler. In addition to this present Complaint, there have been three others filed with regard to this matter (one prior and two pending), and this matter has been in various levels of adjudication since 2019. The

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Records of these Cases total over 2500 pages. The Record and the Hearing on this present Case indicated countless pages of comments and accusations have regularly appeared on social media and in the Bloomington press. Indeed, the entire Record of the Case for the previously decided SJC Case 2020-04 has appeared on a social media platform - including Presbytery executive session minutes. The peace and purity of the Church has been disrupted as the resolution of these issues has been delayed.

Finally, the SJC temporarily suspends all decisions relating to censures against TE Herron until after the completion of the judicial process growing out of Presbytery's *BCO* 31-2 findings of 05/14/2021.

The SJC notes it has postponed consideration of all pending (i.e., Case Nos. 2021-14, 2021-15, & 2022-02) and future Complaints on any matter related to TE Daniel Herron or related judicial matters until the completion of the judicial process growing out of Presbytery's *BCO* 31-2 findings of 05/14/2021 and the adjudication of any subsequent appeal.

The decision was drafted and edited by the Panel and revised by the SJC. The final decision was approved on the following roll call vote:

Bankson <i>Concur</i>	S. Duncan <i>Concur</i>	Nusbaum <i>Concur</i>
Bise <i>Concur</i>	Ellis <i>Concur</i>	Pickering <i>Absent</i>
Cannata <i>Recused</i>	Greco <i>Concur</i>	Ross <i>Concur</i>
Carrell <i>Concur</i>	Kooistra <i>Concur</i>	Terrell <i>Concur</i>
Coffin <i>Concur</i>	Lee <i>Absent</i>	Waters <i>Concur</i>
Donahoe <i>Concur</i>	Lucas <i>Absent</i>	White <i>Concur</i>
Dowling <i>Concur</i>	McGowan <i>Absent</i>	Wilson <i>Concur</i>
M. Duncan <i>Concur</i>	Neikirk <i>Concur</i>	
(18-0-0)		

TE Cannata recused himself because of his relationships with the parties and their representatives. *OMSJC* 2.10(d).

**Concurring Opinion
of RE Howie Donahoe**

I concurred with the Judgments on Issues A, B, & C but believe further reasoning is warranted in A & B. I dissented on the Judgment for Issue D (regarding Presbytery's press release).

However, before addressing those, it's worth revisiting a significant procedural problem. As the Decision implies, much of the procedural congestion in related cases in this Presbytery arises from what's known in the civil courts as "interlocutory appeals." Seven years ago, I expressed concern about allowing interlocutory appeals in a concurring opinion in *Marshall v. Pacific*. (Case 2013-03, M43GA, p. 547 ff.) And in that Case, a fellow judge's dissenting opinion expressed confidence this scenario would be unlikely, or at least easily managed. But the several complaints out of Central Indiana this year demonstrate otherwise. To avoid this in the future, perhaps *BCO 43-1* could be revised to further restrict such complaints, using something like what's shown below:

43-1. A complaint is a written representation made against some act or decision of a court of the Church. It is the right of any communing member of the Church in good standing to make complaint against any action of a court to whose jurisdiction he is subject, ~~except that no complaint is allowable in a judicial case in which an appeal is pending.~~ However, in matters related to judicial process, no complaint is allowable after process has commenced (i.e., after the court has directed the appointment of a prosecutor - *BCO 31-2; 32-2*). If a complaint is filed after process has commenced, adjudication shall be delayed until after the judicial case has been completed or, if an appeal is filed, after it has been adjudicated or withdrawn.

In this present Case, 13 months elapsed between when Presbytery voted to commence process and the SJC denied the accused minister's Complaint against investigative procedures. Would a trial be suspended again if someone filed a pre-trial *BCO 43-1* complaint against the appointment of a particular prosecutor, the trial date, the final wording of the indictment, or the appointment of some member of the trial commission? ⁶⁹

⁶⁹ In U.S. law, an "interlocutory appeal" is the appealing of a lower court ruling to an appellate court prior to the final judgment of the lower court (which is essentially what the Complainant did in this present Case.) U.S. civil courts sometimes allow such "appeals," but only if they meet very narrow requirements. For example, the U.S. Supreme Court delineated requirements for U.S. federal courts, holding that a pre-judgment appeal would be permitted only if:

1. the outcome of the case would be conclusively determined by the issue;
2. the matter appealed was collateral to the merits (i.e., of a secondary nature to);
3. and the matter was effectively unreviewable if immediate appeal were not

No party – neither the defendant nor some third party - should be granted appellate review of a decision of a court or its commission via a *BCO* 43-1 complaint *while the judicial case is in process* unless there is some clear demonstration of impending, irreparable harm. The SJC made a similar ruling in 2015 in *Marshall v. Pacific*, where an accused person filed a complaint prior to his trial alleging the indictment was incomplete. The SJC ruled as follows:

The Complaint is Judicially Out of Order, because it has to do with matters in a judicial case that an accused should reserve for proper disposal in an appeal, not through a complaint (*BCO* 32-14; 42-3), ...⁷⁰

We'll now address Issues A, B and D

Issue A – Investigative Procedures

Limited Guidelines - This Case is one of many that have come to the SJC where there is disagreement about investigative processes. Because the *BCO* says little about how to conduct investigations, presbyteries might consider adopting something in their standing rules like that employed by another PCA Presbytery, in which a five-man standing committee has rules and guidelines for how it commences, conducts, and concludes investigations.

https://docs.google.com/document/d/1nJVTcgBLzuwtqnD9hI_SItD5XyVFKQ6/edit?usp=sharing&oid=110515225575322482419&rtpof=true&sd=true

“Reports” - Part of the confusion with investigations probably arises from an overly-broad interpretation of the noun “reports” in *BCO* 31-2.

31-2. It is the duty of all church Sessions and Presbyteries to exercise care over those subject to their authority. They shall with due diligence and great discretion demand from such persons satisfactory explanations concerning *reports* affecting their Christian character. (Emphasis added.)

allowed. (*Lauro Lines v. Chasser*, 1989) <https://supreme.justia.com/cases/federal/us/490/495/case.html>

And interlocutory appeals are even rarer in criminal cases. A defendant’s petition for permission to appeal a trial court’s pre-verdict ruling usually must demonstrate he will be irreparably harmed if he must wait until the end of the trial to appeal.

⁷⁰ See also a concurring opinion two years after *Marshall*: Case 2015-04: *Thompson v. S. FL.*, M44GA, p. 515.

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In the history of American Presbyterianism, the *BCO* word "reports" has ordinarily referred to widely-known accusations, public "reports," or allegations of "common fame." It has not referred to every accusation presented to a Session or a Presbytery. In this present Case, it was not public rumors that generated the initial investigation, but rather, a letter from five people. Thus, the letter was more like what's described in *BCO* 34-3 (below) rather than the "reports" of *BCO* 31-2.

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

Who is the "aggrieved" person of BCO 31-2? - While not paramount to Issue A in this Case, the parties differed in their interpretation of the italicized clause below in *BCO* 31-2 and even addressed the question in both of their Briefs.

BCO 31-2. It is the duty of all church Sessions and Presbyteries to exercise care over those subject to their authority. They shall with due diligence and great discretion demand from such persons satisfactory explanations concerning reports affecting their Christian character. This duty is more imperative when *those who deem themselves aggrieved* by injurious reports shall ask an investigation. (Emphasis added.)

The Complainant (rightly) argued the aggrieved person in view is the subject of the "reports" in the second sentence. But the Respondent (mistakenly) argued the italicized clause refers to the authors of those reports. The "injurious reports" are those alleging something negative about the accused and not reports of injuries felt by accusers. The reports are "injurious" to the accused's character unless investigated and either dismissed or prosecuted. And for that reason, the investigation is "more imperative" if the *accused* (the aggrieved) asks for it.

Issue B - *BCO* 31-10 contains an important and often disregarded prohibition regarding administrative (non-censure) suspensions.

BCO 31-10 - When a member of a church court is under process, all his official functions may be suspended at the court's discretion; *but this shall never be done in the way of censure.* (Emphasis added.)

It is difficult to determine whether a purported non-censure suspension is, instead, improperly imposed as an unofficial censure. Thus, higher courts will ordinarily be reticent to overrule such. However, presbyteries should realize non-censure suspensions will very often have the same *effect* as a censure, especially if the accused minister loses his job prior to the conclusion of process. Presbyteries should heed the 1879 counsel of F.P. Ramsay: “This is a particular application of the principle that one may have the exercise of his official functions suspended without censure; but the court should be slow to do this, unless prudence requires it, lest it work to the prejudice of the accused or make the court appear precipitate.” Unfortunately, rather than being “slow to do this,” these non-censure suspensions have seemed to become the rule rather than the exception in many recent Cases that have come to the SJC. *BCO* 31-10 does not require a presbytery to record a reason for why it administratively suspends a minister pre-trial, and it only requires a simple majority to do so. However, we note an inconsistency between *BCO* 31-10 and *BCO* 42-6 (which requires such recording).

BCO 42-6. Notice of appeal shall have the effect of suspending the judgment of the lower court until the case has been finally decided in the higher court. However, the court of original jurisdiction may, *for sufficient reasons duly recorded*, prevent the appellant from approaching the Lord’s Table, and if an officer, prevent him from exercising some or all his official functions, until the case is finally decided (cf. *BCO* 31-10; 33-4). This shall never be done in the way of censure. (Emphasis added.)

It’s unclear why the *BCO* would require reasons to be “sufficient” and “duly recorded” when administratively suspending a *convicted* minister during an appeal, but not require the same for a minister who is simply *accused* and awaiting trial. It seems those should, if anything, be reversed. The legislative history might explain how we got this inconsistency.^{71 72}

⁷¹ *BCO* 31-10 - The current text dates to PCUS 1879, differing from subsequent editions only in the capitalization of the word "Church."

⁷² *BCO* 42-6 - The first sentence of our current *BCO* 42-6 was added in 1990 (M18GA, p. 49). The second was added in 1996 (M24GA, p. 60). Here is the legislative history.

1879 If the infliction of the sentence of suspension, excommunication or deposition be arrested by appeal, the judgment appealed from shall nevertheless be considered as in force until the appeal be issued.

Issue D – I am dissenting in this Judgment because I consider Presbytery’s post-indictment, pre-trial press release to have been a clear error of discretion and judgment (*BCO* 39-3.3).

The Record contained Presbytery’s Bylaws, which included the following provision common in many presbyteries: “Rules of Order: The edition of *Robert’s Rules of Order* used in the General Assembly will govern Presbytery during the business portion of its meetings unless it is in conflict with the *Book of*

1925 Notice of appeal shall have the effect of suspending the judgment of the lower court until the case has been finally decided in the higher court. If, however, the censure is suspension or excommunication from the sealing ordinances, or deposition from office, the court may, for sufficient reasons duly recorded, put the censure into effect until the case is finally decided.

1973 Same text as PCUS Book of 1925. (*MIGA*, p. 153.)

1990 Notice of appeal shall have the effect of suspending the judgment of the lower court until the case has been finally decided in the higher court. If, however, the censure is suspension from the sacraments, and/or his office, or excommunication from the ~~sealing ordinances~~ sacraments, or deposition from office, the court may, for sufficient reasons duly recorded, put the censure into effect until the case is finally decided.

1996 Notice of appeal shall have the effect of suspending the judgment of the lower court until the case has been finally decided in the higher court. ~~If, however, the censure is suspension or excommunication from the sealing ordinances, or deposition from office, the court may, for sufficient reasons duly recorded, put the censure into effect until the case is finally decided.~~ However, the court of original jurisdiction may, for sufficient reasons duly recorded, prevent the appellant from approaching the Lord’s Table, and if an officer, prevent him from exercising some or all his official functions, until the case is finally decided (cf. *BCO* 31-10; 33-3). This shall never be done in the way of censure.

The 1996 change to *BCO* 42-6 was in omnibus package of 11 changes regarding disciplinary procedures recommended to the 17th GA by the Committee of Commissioners on Judicial Business. The package was approved and sent down to the presbyteries, which approved it by a vote of 37-6. (Changes were made to *BCO* 30-1, 30-3, 34-7, 34-8, 36-4, 36-5, 37-1, 37-2, 37-3, 37-7 and 42-6). The 1996 change (our current version) was recommended by the Ad Interim Committee on Judicial Procedures in 1995 and approved by the presbyteries on a 40-14 vote. (*M23GA*, p. 85). The AICJP had provided the following as its reason for the proposed change: “In the [*BCO* 42] chapter as written there is a conflict between the treatment of an appealing party, where censures may be enacted before the final resolution of the appeal, and other provisions of *BCO*, where a temporary suspension of privileges is permitted while an appeal is processed, but never by way of censure. The amendment applies the latter principles consistently.” (*M23GA*, p. 85)

Church Order or these by-laws.” *Robert’s Rules* contains an important provision that requires a degree of confidentiality that Presbytery did not follow:

A society has the right to investigate the character of its members and officers as may be necessary to the enforcement of its own standards. But neither the society nor any member has the right to make public any information obtained through such an investigation; if it becomes common knowledge within the society, it may not be revealed to anyone outside the society. Consequently, a trial must always be held in executive session, as must the introduction and consideration of all resolutions leading up to the trial. *RONR* (12th ed.) 63:2

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Rather than clarify or calming things, Presbytery’s press release seems to have resulted in greater misunderstandings, as Presbytery actions were interpreted differently by various press sites and blogs. And the Complainant demonstrated how these negatively impacted him.

Our *BCO* does not explicitly prohibit a presbytery from publishing a press release related to an investigation or an indictment. But it seems the *BCO* implies that doing so would be, at best, irregular. *BCO* 36-2 provides: “In the case of public offenses, the degree of censure and *mode of administering it* shall be within the discretion of the court ...” *BCO* 36-3 stipulates: “If the offense is public the Admonition should be administered by the moderator in presence of the court *and may also be announced in public should the court deem it expedient.*” *BCO* 36-4 specifies: “Definite suspension from office should be administered in the presence of the court alone or in open session of the court, as it may deem best, *and public announcement thereof shall be at the court’s discretion.*” (All emphases added.) But unlike our present Case, all those public announcements would *follow* a finding of guilt and imposition of censure, not precede it.

A similar restriction would also apply to any post-conviction press releases: “If (after trial) a member is expelled or an officer is removed from office, the society has the right to disclose that fact - circulating it only to the extent required for the protection of the society or, possibly, of other organizations. Neither the society nor any of its members has the right to make public the charge of which an officer or member has been found guilty, or to reveal any other details connected with the case. To make any of the facts public may constitute libel. A trial by the society cannot legally establish the guilt of the accused, as understood in a court of law; it can only establish his guilt as affecting the society’s judgment of his fitness for membership or office.” *RONR* (12th ed.) 63:3

Concurring and Dissenting Opinions – Finally, it was troublesome to see in the Record that the Presbytery Clerk made a unilateral and unexplained decision to withhold from Presbytery the February 2021 Dissenting Opinion signed by four SJC judges in Case 2020-04: *Marusich v. Central Indiana*. (M48GA, p. 806) SJC Manual 18.12.a describes concurring and dissenting opinions as “an essential element of the work of the Commission.” In addition, a concurring or dissenting opinion is regarded as an “appendix” to an SJC Decision and is to be “promptly sent to the parties.” (*OMSJC* 17.8.k) Fortunately, at the upcoming 49th GA, the SJC is recommending a change to its Manual to require all concurring and dissenting opinions to *accompany* an SJC decision (rather than being sent to the parties weeks after the decision has been sent).

**CENTRAL INDIANA PRESBYTERY
REQUEST FOR REFERENCE
June 2, 2022**

The Chairman presented the request for reference from Central Indiana Presbytery for the trial at issue in the foregoing Case No. 2021-06. The Commission approved a motion to accede to the request and accept the reference subject to the following stipulations: Presbytery shall provide the Prosecutor for the case; counsel for TE Herron from Case No. 2021-06 may serve as his counsel at trial; a trial arrangements committee shall be appointed by the Chairman to consider arrangements for conducting the trial of the and report to the SJC at the earliest possible date; and for economy, the Commission takes judicial notice of the Record of the Case in Case No. 2021-06 and approves the use and reference of materials in that Record in the trial.

**CASE NO. 2022-01
ERIC EAGLE, et al.
v.
SAVANNAH RIVER PRESBYTERY
DECISION ON COMPLAINT
June 2, 2022**

The Officers reviewed the Complaint and found the case Administratively Out of Order and determined that it cannot be put in order because the Complaint was not timely filed. *OMSJC* 9.2. The Complainants

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originally filed this complaint with the SJC on December 15, 2020. (then styled as Case 2020-10). The SJC ruled Case 2020-10 administratively out of order as prematurely filed and reset the clock for the filing of that Complaint “so that timing begins on the later to occur of the notification of: (a) this action by the SJC (which occurred on October 21, 2021) or (b) ruling by Presbytery on the Complaint.” Presbytery ruled on the Complaint on October 20, 2020. The Complaint was filed more than 30 days after the later of those two events and is therefore not timely (*BCO* 43-3). For these reasons, the case is dismissed.

The SJC approved this decision on the following roll call vote:

<i>Bankson Concur</i>	<i>S. Duncan Concur</i>	<i>Nusbaum Concur</i>
<i>Bise Concur</i>	<i>Ellis Concur</i>	<i>Pickering Absent</i>
<i>Cannata Concur</i>	<i>Greco Concur</i>	<i>Ross Concur</i>
<i>Carrell Concur</i>	<i>Kooistra Concur</i>	<i>Terrell Concur</i>
<i>Coffin Concur</i>	<i>Lee Absent</i>	<i>Waters Concur</i>
<i>Donahoe Concur</i>	<i>Lucas Absent</i>	<i>White Concur</i>
<i>Dowling Concur</i>	<i>McGowan Absent</i>	<i>Wilson Concur</i>
<i>M. Duncan Concur</i>	<i>Neikirk Concur</i>	
(19-0-0)		

Attachment

**STANDING JUDICIAL COMMISSION
RESPONSE TO COMMITTEE ON CONSTITUTIONAL BUSINESS
June 2, 2022**

The SJC is grateful for the opportunity to respond to the individual's objection and his request for an "exception of substance" citation to its minutes. For the reasons outlined below, the SJC proposes that the request should be denied.

A. The request for exception is not timely.

The actions against which objections have been raised were initially approved in the March 25, 2021 SJC meeting. They were recorded in the SJC's minutes as follows:

The Chair reported that the committee of the whole approved a motion to recommend that the Commission rescind the declaration that the case is judicially in order, for the limited purpose of perfecting the record with answers to written questions propounded by members of the Commission. *OMSJC* 7.4(f). The Parliamentarian advised that this motion and process were in order. The Chair also reported that the committee of the whole approved a motion to recommend the statement of the judgment consisting of ROC page 3, lines 8-28, reformatted in the proper form for a statement of the issue. The Commission further agreed without objection to postpone consideration of the final report of the committee of the whole until the Commission next meets at the call of the Chair.

The Chairman appointed the following committee to collect and collate questions from members of the Commission and to draft parameters to be communicated to Presbytery to perfect the Record of the Case: Kooistra (convener), Chapell, Waters, Donahoe, Dowling, and Bise. Commissioners' questions and proposals should be submitted to the committee by Wednesday March 31, 2021

The SJC's March 25, 2021 minutes were reviewed and approved without exception by the CCB in May 2021. CCB's report to the 48th General Assembly includes the report of its review of the SJC minutes of March 25,

2021. CCB noted, “The minutes were found to be in order without exception...” (*M48GA*, p. 20, 467) Thus, the undated objection lodged in 2022, against the March 25, 2021 Minutes, is not timely and should be disregarded.

Moreover, at the March 25 meeting, the SJC made specific parliamentary inquiry regarding the propriety of its actions at the time they were initiated and received advice that its actions were proper. The SJC relied upon the advice of its Parliamentarian in the process it initiated on March 25, 2021. While the actions were unusual, the SJC thought it best and most efficient to gather as much information as possible to have the most complete Record possible, given the posture of the case, the time devoted to it, and the attention to the case from across the denomination,

In communicating this action regarding the Record of the Case to the parties, the SJC explained its reasoning for requesting additional information. (See Section C(5) below.) The purpose of the SJC’s actions against which objections have been raised was to obtain the most complete and current Record for rendering a decision.

B. The requesting party failed or refused to present his arguments to the SJC.

It is noteworthy that the party making the instant objection and request to the CCB was the representative of the Complainant, TE Speck, in the proceedings before the SJC. As such, he had the opportunity to participate fully in the hearing, briefing, and submissions of TE Speck to the SJC. The objections lodged with the CCB in 2022 were never presented to the SJC during the course of the proceedings before it or any time after. For this reason, the CCB could consider those objections waived by the failure to present them to the SJC for consideration.

C. The request for an exception is based on multiple misunderstandings and misapplications of the provisions of the *OMSJC*.

The claims and contentions in the request include several erroneous assertions regarding the language and application of the *OMSJC* provisions cited.

1. Purported 40-day requirement - The requesting party contends: “*OMSJC* 10.10 requires that when a case is heard by the full SJC, a preliminary decision must be submitted within 40 days after the hearing date.”

(Request, p. 1 line 45. See also p. 2 lines 26, 32-34, 37; p. 3 line 14; p, 5 lines 44-45).

He is mistaken. *OMSJC* 10.10 only applies to Panels. *OMSJC* 14.4.b applies to hearings before the full SJC, and there is no 40-day post-hearing requirement when a matter is heard by the full SJC. *OMSJC* 14.6 simply stipulates: "As soon as the judgment is rendered, when the complaint is heard by the full Commission rather than by a Judicial Panel, the Chairman shall designate a member or committee of members voting with the majority to prepare a proposed written decision." No deadline is stipulated for when a proposed decision must be submitted or adopted. The operative sections of the *OMSJC* provide:

OMSJC 10.10 AFTER THE ORAL ARGUMENTS. A Judicial *Panel* immediately after hearing the oral arguments of the parties, shall go into closed session and discuss the issues in the case. In that discussion, the Panel may (1) frame the issues, (2) vote on a judgment and (3) announce these to the parties. Or, the Panel may take all these matters under advisement and reconvene within the next 20 days, as often as necessary, to frame the issues and render a judgment. This "reconvening" may be held by telephone conference call. The Chairman of the Panel shall designate a Panel member voting with the majority to prepare a written decision. This [*Panel*] decision shall be mailed or sent by electronic means to the Stated Clerk of the General Assembly within 40 days from the date *the Panel* heard the oral arguments. Any Panel member may file, within said 40 day period, a concurring or dissenting opinion which shall be appended to the decision. (Emphasis added.)

OMSJC 14.4 AFTER THE ORAL ARGUMENTS

- a. After the oral arguments have been completed and if the complaint is being heard by a Judicial Panel, *the Panel* shall proceed under *OMSJC* 10.10.
- b. After the oral arguments have been heard and if the complaint is being heard by the full Commission rather than by a Judicial Panel the Commission shall go into closed session to discuss the complaint and consider its merits.

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- c. When the Judicial Panel acting under *OMSJC* 10.10 is ready to vote or when the full Commission has completed its discussion under Section 14.4.b, above, the vote shall be taken, without further debate, as to what disposition should be made of the complaint.

The SJC did not “complete its discussion under Subsection 14.4.b” until its meeting on October 21, 2021 after receiving the proposed decision from the Drafting Committee randomly selected at the SJC meeting on July 13, 2021. When the full SJC hears a case, it is not unusual for a final decision to follow several months after the hearing.

The request for an exception also cites *OMSJC* 17.9.a (p. 2 line 25, and below), but that subsection does not set any time requirement for SJC to render a post-hearing decision or to adopt a final decision when the matter is heard by the full SJC. The Operating Manual provides:

OMSCJ 17.9 a. In the event of a hearing by the Full Commission where the case was not heard by a judicial panel, the Commission shall issue to the parties a preliminary judgment. [See item 6 below.]

The time spent reaching a decision did not prejudice the Complainant in the case. The SJC’s action reopening the Record of the Case and allowing the parties to submit additional information had the effect of resetting the deadline outlined in the *OMSJC* for decision making. The SJC proceeded as expeditiously as possible in deciding the case. The subcommittee compiling questions completed its report in 19 days, the SJC meeting to consider that report occurred 17 days later, and the SJC letter was sent to the parties on or about April 30, 2021.⁷⁴ In late May 2021, the Presbytery submitted its response, with TE Johnson’s answers, and the Complainant and Respondent both filed Addendum Briefs. At a reconvened SJC meeting on July 13, the SJC’s Chairman appointed a drafting committee of five SJC

⁷⁴ The SJC met on April 30, 2021, after the deadline for submitting minutes to the CCB for the 2021 GA. The CCB met on May 3, 2021, and thus did not have the SJC-approved Minutes of the meeting, which had only occurred three days prior. The April 30 Minutes were approved by the SJC at its meeting on July 13, 2021. (Minutes, p. 3 line 15: “The SJC approved the minutes of its April 30, 2021 meeting without objection.”) The SJC does not submit Minutes to CCB until they have been reviewed and approved by the SJC.

members, drawn randomly, to prepare a proposed decision. That drafting committee filed its report on September 21 and a final decision was adopted by the SJC at its stated meeting on October 21, 2021. (48th GA Commissioner Handbook, p. 2046.) No party was prejudiced by the additional time spent in the decision making process.

2. *OMSJC* 9.4 (below) gives parties the right, after the Record is perfected, to file briefs and present oral arguments at a hearing. Thus, the requestor is correct when he contends the provisions cited by the SJC its May 3, 2021 letter (*OMSJC* 11.1.e and 7.4.e.(3)) do not ordinarily “envision the ROC being amended after the hearing on a case has been concluded.” However, in this instance, the SJC made it clear to the parties that they would retain the rights of *OMSJC* 9.4 after the Record had been reopened and perfected:

OMSJC 9.4 If it is determined that the case should be heard by the Full Commission, the parties shall be notified and a full copy of the Record of the Case shall be sent to each member of the Commission. When the Record of the Case has been perfected under *OMSJC* 7, and when the parties have had opportunity to file briefs under *OMSJC* 8.1, the case shall be docketed for hearing by the Full Commission at its next stated meeting, or at a called meeting set to hear the case.

TE Speck and his representative chose to file an Addendum Brief after the Record was perfected but declined to request an additional hearing. These facts were included in the Summary of the Facts in the SJC’s Decision in Case 2020-12. (49th GA Commissioner Handbook, p. 2046) Thus, the SJC complied with *OMSJC* 9.4.

3. *OMSJC* 7.4.f provides: “The Judicial Panel, or the Commission if the case is to be heard by the Commission, may extend any of the deadline dates in this section [for perfecting the Record] if it determines that so doing is in the interest of justice.” While this ordinarily applies to perfecting the Record prior to the initial hearing, the same principle applies in this Case.
4. The requesting party asserts: “And in any case, neither party in the case requested that the ROC be amended following the hearing on March 25, 2021” (p. 2 line 41; p. 3 line 4). But neither the SJC nor a Panel needs permission from the parties to delete or add material to the Record that is relevant to the Case.

OMSJC 7.4.b - The hearing body may delete any portions of the Record as submitted that violate justice or due process, a provision of the BCO or Roberts Rules of Order, or that are extraneous to the matter before the Commission. The hearing body may also require the addition of material to the Record that is relevant to the Case. Deletions and additions shall always be recorded in the minutes of the hearing body, with the approved rationale for the change. Any deletions or additions shall be reported to the parties, and may be addressed in argument from the parties in any hearing requested by a party on the ROC.

5. The request concedes the following: “The SJC could have ruled that the ROC was insufficient and remand the case to MOP with direct instructions with proposed questions to further investigate the allegations raised against TE Johnson” (p. 3 line 55). That is not substantially different from what the SJC did. Below is the text of the May 3, 2021 letter from the SJC to the Presbytery’s Representative, which was also sent to the Complainant.

In the SJC’s deliberations on Case 2020-12, the SJC decided the Record does not yet appear to be “complete and sufficiently documented” (*OMSJC* 11.1.e) and that fairness and justice dictate the accused should have a chance to provide additional documentation for the Record (per the principle of *OMSJC* 7.4.e.(3)) Therefore, the SJC rescinded the SJC Officers’ previous ruling that the Record was complete and sufficiently documented, thereby also suspending the ruling that the Case was judicially in order at present. Here is the procedure we will now follow.

We are sending the attached questions to you as Presbytery’s Representative with a request that you invite TE Johnson to consider providing written answers, which would be added to the Record per *OMSJC* 7.4.b: “The hearing body may also require the addition of material to the Record that is relevant to the Case.” We have copied the Complainant on this letter.

We understand that you, as Presbytery’s Representative, are empowered to represent Presbytery in the perfection of the Record. Note that Question #15 in

MINUTES OF THE GENERAL ASSEMBLY

the “Additional/General” category calls for a response from Presbytery’s Representative. It is also included in the list for TE Johnson, in case he needs to assist you with the answer.

If TE Johnson chooses to answer the attached questions, please send his response document to the SJC within 14 days after his confirmed receipt of the Questions. Please use the email addresses below. If TE Johnson is able to respond before the deadline, we would welcome it. If TE Johnson declines, please notify us promptly.

If a Response Document is provided, it would be added to the Record, but there would not be a need to re-brief or have another Hearing. However, if either you or the Complainant wish to file an addendum to your previous Brief, dealing only with any additional information provided by TE Johnson, the Complainant’s filing deadline would be seven (7) days after his receipt of the Response Document from the SJC, and the Respondent’s would be ten (10) days after his receipt of the Response Document from the SJC. Any such additional Briefs are limited to five-pages.

If there is no Response Document to add to the Record, the SJC Chairman would reconvene a SJC meeting and the SJC would plan to continue with post-hearing adjudication of the Complaint.

The SJC does not believe another hearing is required, even if TE Johnson responds to the questions. However, the SJC would schedule another Hearing, on the additional material only, if requested by one of the parties within 7 days after his receipt of the last additional Brief filed.

The introduction to the SJC’s 25 Questions read as follows:

The SJC believes it is necessary to attempt to clarify the Record of the Case because its magnitude (over 600 pages covering multiple years of writing, speaking, and judicial processes) makes it difficult to ascertain if specific representations of perspectives of TE Johnson are his

actual or present theological convictions. We understand from the Record:

- he has acknowledged some of his perspectives have matured over time;
- he has acknowledged some were poorly stated due to time limits, situational pressures, or extemporaneity;
- some representations of perspectives are made unclear by imprecision or disagreement over what aspect of sin is being referenced in specific statements;
- some representations have been extrapolated by critics but denied by Johnson.

Thus, the SJC offers TE Johnson the opportunity to answer questions with reference to the specific Allegations in the Complaint now before the Commission. Below are 25 questions arranged by the Allegations, with a fifth category titled “Additional /General.”

Neither the Complainant nor the requesting party (his representative in the Complaint) ever registered any objection after being notified of this procedure. For example, there is no objection of any sort in the Complainant’s Addendum Brief of May 27, 2021. It was not until after the requesting party learned of the SJC’s final decision that he registered any objection to the procedure. And he registered his objection with the CCB, not the SJC, and apparently almost six months after the decision was published.

6. The requestor contends the SJC never sent the parties a “preliminary judgment” after the SJC’s October 21, 2021, meeting at which it was adopted. (p. 4 lines 15-50)

OMSJC 17.9.a In the event of a hearing by the Full Commission where the case was not heard by a judicial panel, the Commission shall issue to the parties a preliminary judgment. Within 14 days after receiving the preliminary judgment, a party may request reconsideration of the judgment by filing a supplemental brief as set forth in

OMSJC 8.2. This supplemental brief shall state the reasons for requesting reconsideration of the preliminary judgment. The commission at its next meeting shall consider the request for reconsideration. Reconsideration of the preliminary judgment shall be granted only by majority vote of the Full Commission.

The SJC’s decision was transmitted to the parties and their representatives on October 22, 2021. The cover letter transmitting the decision was specifically addressed and delivered to the requesting party lodging this objection to CCB. (See Exhibit A attached, p. 2206.) In that letter, the Stated Clerk expressly provided notice and an opportunity for reconsideration. The Clerk wrote, “*OMSJC* 17.9(a) affords parties the opportunity to request reconsideration in a case. Should you wish to do so, please note the deadline and follow the procedure outlined in *OMSJC* 17.9(a).” Thus, contrary to his assertion in his request to the CCB, the requesting party had notice and an opportunity to request reconsideration before the SJC and declined to do so. Neither party nor their representatives requested rehearing or reconsideration. It matters little whether the letter from the Clerk’s office called the Decision a “preliminary judgment.” Instead of timely requesting reconsideration before the SJC, the requesting party delayed such a request and presented it to some members of CCB more than five months after receiving the SJC’s Decision. This request inaccurately alleged that the SJC had failed to afford the Complainant an opportunity to request reconsideration. The effect of withholding such a request from the SJC would be to gain a reconsideration improperly through the CCB, when it was expressly made available, but never requested, through the SJC.

D. The claims presented in the request do not warrant rehearing the case.

RAO 19-5 stipulates:

The [SJC] minutes shall be examined [by CCB] for conformity to this *Manual of the Standing Judicial Commission* and *RAO* 17, violations of which shall be reported as “exceptions” as defined in *RAO* 14-11.d.(2).

RAO 14-11(d)(2) defines “exceptions” as follows:

Exceptions: Violations of the Assembly's Guidelines for Keeping Minutes of Permanent Committees of the General Assembly, prejudicial misstatements of fact, and actions which in substance appear not to conform to the Standards of the Presbyterian Church in America, or to be out of accord with the deliverances of the General Assembly, should be reported under this category.

At best, the issues identified in the objection are procedural in nature, not substantive or substantial. The objection does not identify any prejudice or harm to the Complainant. Even if we granted that some variation from the *OMSJC* exists, it is procedural, not substantive in nature. As outlined above, the additional time devoted to perfecting the Record and formulating a decision was warranted and not prejudicial to any party. The issues presented in the objection do not rise to the level of "exceptions," and certainly none warranting rehearing of the case.

As noted above, the timing of the decision making process and delivery of the final decision were warranted by the complexity of the case and the multiplicity of facts and issues presented. The SJC has recently employed a similar procedure in other cases in which additional information was requested to complete the record of a case. See *Aven/Dively v. Ohio Valley Presbytery*, *M44GA* at 503-504; *Barnes v. Heartland Presbytery*, *M44GA* at 480 and following; *Fordice v. Pacific Northwest Presbytery*, *M45GA* at 532. In those instances, CCB did not note any exceptions to the SJC's employment of similar procedures. While such requests are not typical, they do aid the decision making process by ensuring that records are complete.

E. Approval of the request as submitted would constitute an unwise precedent.

Historically, neither the parties nor their representatives have enjoyed the right to post-decision petitions for CCB review the SJC's decision making practice. To allow such in this instance would set a dangerous precedent in which any party or party representative could attempt to gain an extra-constitutional outlet for judicial review.

CONCLUSION

In conclusion, the SJC has five primary concerns with this objection and its request for the CCB to rule that the SJC violated the OMSJC:

1. The request is not timely.
2. The requesting party failed or refused to present his arguments to the SJC.
3. The request for a citation is based on multiple misunderstandings and misapplications of the provisions of the *OMSJC*.
4. The request's claims do not warrant rehearing the case.
5. And approval of the request as submitted would establish a dangerous precedent.

Therefore, the SJC respectfully requests that CCB deny this objection and its request for an *RAO* 17-1 "exception" with regard to this Case.

Respectfully submitted,

/s/ TE Fred Greco, Chairman

/s/ RE Sam Duncan, Secretary

/s/ RE John Bise, Vice Chairman

/s/ RE Jack Wilson, Asst. Secretary

APPENDIX U

RESOLUTION OF THANKS FORTY-NINTH GENERAL ASSEMBLY OF THE PRESBYTERIAN CHURCH IN AMERICA June 2022

“Ascribe to the LORD” Commissioners of the 49th General Assembly, “ascribe to the LORD glory and strength. Ascribe to the LORD the glory due his name; worship the LORD in the splendor of holiness.” (Psalm 29:2)

This year, the PCA has convened our General Assembly in Birmingham, Alabama. This is the fourth time this great city has hosted our national meeting, and each visit evokes memories of our denomination’s founding. In December 1973, desiring to worship and serve in a church body that was faithful to the scriptures and true to our Reformed convictions, our inaugural Assembly was held in Birmingham and hosted by Briarwood Presbyterian Church. The Honorable Jack Williamson was elected moderator, and the church then known as the National Presbyterian Church formally conducted business for the first time.

It was our pleasure to return to Birmingham this year and join our hearts and voices to *ascribe to the Lord the glory due his name*. We are grateful to the host committee from Evangel Presbytery for so skillfully enabling us to do so. The host committee was very capably led by its Co-Chairmen Daniel Leavenwood and Taylor Denard, family program chairs Bobby Parks, Donna Evans, Cindy Ball, and Jason Ellerbee, plus Steve Whitmer and David Driskill, who oversaw our worship. These servants, along with all other members of each sub-committee and a host of volunteers from local churches, have labored well for the benefit and practical service to this General Assembly. To these brothers and sisters, we extend our heartfelt thanks.

We want to extend our love and thanks to Dr. Roy Taylor, our long time Stated Clerk and outgoing Moderator, who capped his honorable service to our denomination by, along with Rev. Elbert McGowan, Jr., and Rev. Kevin DeYoung, preaching God’s word to us. These pastors blessed us with Christ-honoring sermons, and the musicians and liturgists led us into rich times of worship and praise to our God. Our gratitude goes out to all who led us. We particularly want to thank the staff of the Administrative Committee, who

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serve this church so well and who have worked so hard to plan and execute this our largest-ever Assembly with its unique challenges.

Finally, we wish to express our sincere thanks to the chairs and members of the various committees that met as part of this General Assembly: the Committees of Commissioners, Overtures, Review of Presbytery Records, Committee on Constitutional Business, Theological Examining Committee, and the Nominating Committee.

Mr. Moderator, we move that this motion be received with thanksgiving and acclamation.

RE Phil VanValkenburg, Missouri Presbytery

TE Jon Medlock, Northern California Presbytery

APPENDIX V

REPORT OF THE AD INTERIM COMMITTEE ON DOMESTIC ABUSE AND SEXUAL ASSAULT TO THE FORTY-NINTH GENERAL ASSEMBLY OF THE PRESBYTERIAN CHURCH IN AMERICA (2022)

The Ad Interim Committee to study and report on domestic abuse and sexual assault in the church was created at the 47th General Assembly of the Presbyterian Church in America that met in June 2019 in Dallas, Texas, when the following overture was adopted (*M47GA*, pp. 90-91):

1. That the 47th General Assembly create a seven-man Study Committee on Domestic Abuse and Sexual Assault tasked to accomplish the following:
 - a. The Committee shall prepare an annotated bibliography of resources the Committee endorses on topics related to child abuse and sexual assault, domestic abuse and sexual assault, and domestic oppression. The annotated bibliography should also include pastoral resources for the care of victims of these sins, as well as ministry and counsel for those overtaken by these sins.
 - b. The Committee shall report regarding best practices and guidelines that could be helpful for elders, Sessions, Presbyteries, and agencies for protecting against these sins and for responding to them. However, no practice, policy, or guideline will be proposed for adoption or approval. It is simply information, which shall not be binding or obligatory in any sense.
 - c. The Committee may recommend to the 48th GA any statement(s) it believes would be prudent and warranted for the Assembly to adopt.
2. The 47th GA authorizes the GA Moderator to appoint the seven voting members of this Committee, per *RAO* 9-4 and *RAO* 19-1 (*Robert's Rules, RONR*, 11th ed., pp. 174-175, pp. 495-496, and p. 579).

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- a. These members shall be PCA teaching elders or PCA ruling elders, and the Committee shall include at least three of each. (Anyone may suggest names to the Moderator.)
- b. The 47th GA authorizes the Moderator to make his appointments after the 47th GA adjourns.
3. The 47th GA authorizes the Moderator to appoint others to serve the Committee as non-voting advisors, regardless of denominational affiliation or gender. The 47th GA recommends the Moderator consider appointing, as advisors, at least two subject-matter experts and at least two women.
4. The budget for the Study Committee shall be \$25,000 and that funds be derived from gifts to the AC designated for that purpose.

The Committee is comprised of the following members and advisors:

Teaching Elders

Rev. Dr. Timothy R. LeCroy, Missouri Presbytery, *Chair*

Rev. Dr. Lloyd Pierson, Rocky Mountain Presbytery

Rev. Shane Michael Waldron, Rocky Mountain Presbytery

Rev. T. Cal Boroughs (Hon. Ret.), Tennessee Valley Presbytery

Ruling Elders

Dr. Kelly H. Dehnert, Covenant Presbyterian Church, Lander, WY, *Secretary*

Dr. David R. Haburchak, MD, East Cobb Presbyterian Church, Marietta, GA

Mr. Robert D. Goudzwaard, Christ Covenant PCA, Matthews, NC

Advisory Members

Mrs. Ann Maree Goudzwaard, MDiv Counseling

Executive Director Help[H]er Resources

Member, Christ Covenant Presbyterian Church, Matthews, NC

Mrs. Darby A. Strickland, MDiv Counseling

Christian Counseling Educational Foundation Faculty

Member, Cornerstone Presbyterian Church, Center Valley, PA

Dr. Barbara W. Shaffer, PhD, Psychologist

Member, Faith Presbyterian Church, Wilmington, DE

Dr. M. Diane Langberg, PhD, Psychologist

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Director, Diane Langberg and Associates
Member, Calvary Presbyterian Church, Willow Grove, PA

Mrs. Rachael J. Denhollander, JD
Member, Reformed Baptist Church of Louisville, Louisville, KY

Biographical information for each member and advisor is contained in Attachment 12.

The Committee met thirteen times in person and via video conference and has produced the following report for the General Assembly. This report was unanimously adopted by the Committee.

Due to the fact that the 47th General Assembly expressly forbade the committee from proposing any “practice, policy, or guideline . . . for adoption or approval,” the committee will not be bringing any recommendations to the Assembly. Instead, we offer the following *advice* to presbyteries, sessions, and other ministries within the PCA:

1. That all elders in the Presbyterian Church in America assiduously study this report and consider its advice when shepherding the flock of God;
2. That Presbyteries and Sessions consider using this report to train their members and those seeking ordination in the PCA in order to be ready for situations that will likely arise during their ministries;
3. That Sessions consider using this report to inform their congregational members so that they will be better able to protect, identify, and respond well to abuse when it arises;
4. That all Presbyteries, churches, and other ministries in the PCA develop robust policies for both the prevention of and response to abuse;
5. That competent third parties be engaged by Presbyteries, churches, and other PCA ministries when allegations of abuse arise;
6. That Presbyteries, churches, and other PCA ministries share information regarding helpful pastoral, sessional, and third-party resources and regularly set aside funds for engaging those that can provide competent assistance and, if necessary, conduct investigation of alleged abuse;
7. That all ministers, elders, Presbyteries, Sessions, Permanent Committees and Agencies, and all other PCA ministries inform

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themselves as to the particular laws regarding mandatory reporting to the civil magistrate in their civil jurisdictions;

8. That a Permanent Committee or Agency of the PCA consider forming an office of abuse prevention and response in order to serve the denomination when needs arise; and
9. That the 50th General Assembly of the PCA receive overtures from the lower courts to perform a denomination-wide assessment of the state of abuse in the PCA. One aspect of the overtures might be to create a committee tasked with overseeing the work.

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INTRODUCTION

1. The Structure of the Ad Interim Study Committee Report on Domestic Abuse and Sexual Assault

This report is divided into two main sections:

1. Biblical and theological foundations of understanding abuse (Section One), and
2. Practical pastoral aspects of abuse in the church (Sections Two through Six).

The biblical and theological foundations section articulates a rationale for this topic. This section may also serve as a reference for instances of judicial process. Relevant confessional material further provides an understanding of abuse from our denomination's shared theological commitments.

The practical pastoral sections that follow build on the theology of abuse, providing information for how to understand, prevent, and respond to various forms of abuse. There are sections discussing abuse perpetrated against adults, abuse perpetrated against children, and the misuse of spiritual leadership.

Included in the attachments are material that cover various important practical matters pertinent to the main body of the report that can serve as reference material.

Cross references between the sections help aid the reader.

2. How To Read This Report

This report is designed to be utilized in two ways:

- **Read straight through as a monograph, and**
- **Serve as a reference.**

Reading the report straight through will help inform the reader of the relevant subjects related to abuse and the church. It will also serve to train officers and leaders on the issue of abuse. Referencing the report will serve the leaders when related questions arise in the life of the church.

3. Introduction to Terminology

“Abuse” comes from the Latin *abutor*, which means to misuse. In a general sense the word can be used to denote misuse of a thing, as in abuse of privilege, substance abuse, or prosecutorial abuse. In this report the word is used in its more technical sense, referring to “persistent maltreatment that causes lasting damage.” In this sense, abuse is a misuse of power. Misuse of power can take several forms (physical, verbal, positional, etc.), but the essence of abuse is that it is a misuse of power which wounds another person physically, emotionally, psychologically, and spiritually.

The word “abuse” appears in the English Standard Version five times, two of which can be interpreted according to the subject matter of this report.¹ However, the most common word Scripture uses for abuse is “oppression,” appearing 116 times in the ESV. The Hebrew word for oppression is עָנָה (*‘anah*) which means “affliction” or “humiliation.” When used in the Piel, oppression often means to afflict by mistreating. (Piel is a verbal form in Hebrew that indicates intensiveness.) Examples of this usage are when Sarah mistreats Hagar, Laban charges Jacob not to oppress his daughters, the oppression of the Israelites by the Egyptians, and the command in Exodus 22:22-23 not to oppress orphans and widows. The biblical definition, therefore, is “to afflict by mistreatment.” “Oppression” is also the word that the *Larger Catechism* uses for abuse, appearing in *WLC* 136 and *WLC* 142. This report will use the terms “abuse” and “oppression” interchangeably to refer to the biblical and confessional understanding outlined below.

For the purposes of this report, all forms of physical and non-physical (emotional, psychological, spiritual) abuse will be considered equally sinful. Manipulation, physical force, words, finances, authority, religion, position, and inappropriate sexual contact are all tools that might be implemented by those who misuse their power and control. When someone seeks power and control over another for their own gain, the result is harm. Scripture tells us that the fundamental issue is the heart of a person who diminishes another by using any of these tactics rather than the supposed severity of the method (Matt. 15:19).

For a more comprehensive treatment of definitions, please see the glossary of terms in Attachment 1.²

¹ The two are the crimes of Gibeon who abused the Levite’s concubine (Jud. 19:25), and where Paul says that abusive people will abound in the last days (2 Tim. 3:2).

² See Attachment 1: Definitions.

4. Case Studies

The case studies in this report are based on actual circumstances that have occurred in the PCA. However, names, dates, participants, and details have been rearranged and/or changed in order to protect the people associated. To the best of our ability, we have sought to honor the privacy and dignity of the victims and survivors. The integrity of this report and its ministry to people in crisis is of utmost concern to the contributors. Resemblance in these stories to actual persons and/or events should be considered coincidental.

SECTION ONE: BIBLICAL AND CONFESSIONAL FOUNDATIONS FOR UNDERSTANDING ABUSE

Elders in the Presbyterian Church in America take the vow to “sincerely receive and adopt the *Confession of Faith* and the Catechisms of this Church, as containing the system of doctrine taught in the Holy Scriptures,” (*BCO* 21-5, 24-6). Therefore, the Larger Catechism’s teachings (hereafter, *WLC*) on the Ten Commandments are the official ethical teachings of the PCA. As such, the *WLC* serves as the basis for how elders are to engage in church discipline.

BCO 27-1 teaches that discipline has two aspects:

1. the one referring to the whole government, inspection, training, guardianship and control which the church maintains over its members, its officers and its courts;
2. the other a restricted and technical sense, signifying judicial process.

Therefore, the Constitution of the PCA requires elders, as a part of the discipline of the church, to train its members in the ethical teachings of the *WLC*, to inspect the members of the church in their adherence to ethical behavior as taught by the *WLC*, and to govern, guard, and control the church according to the ethical teachings of the *WLC*. When correction necessitates judicial process, the subject matter of the *WLC* serves as the basis for adjudication.³

³ *BCO* 29-1, “An offense, the proper object of judicial process, is anything in the doctrines or practice of a Church member professing faith in Christ which is contrary to the Word of God. *The Confession of Faith* and *The Larger and Shorter Catechisms of the Westminster Assembly*, together with the formularies of government, discipline, and worship are accepted by the Presbyterian Church in America as standard

For these reasons, this report will ground its understanding of abuse in the ethical teachings of the *WLC* found in its exposition of the Ten Commandments.

While the technical terms describing abuse do not appear in The Westminster Standards, the sinful behaviors that these terms describe do. All forms of abuse described in this report are instances of “misuse,” but more specifically they are misuses of power. This includes power that is (but is not limited to):

- *Physical force* that is used to strike, wound, or force someone to do something to which they do not consent;
- *Authority* that forces someone against their consent and wounds:
 - Formally recognized authority,
 - Familial authority, such as parents have over children,
 - Informal relational authority, such as exhibited by Sunday School teachers or other workers who have charge over children, and/or
 - Relational authority, such as that of respected members of the church.

Misuse of power may also be exhibited in differences of age, in those who are developmentally or intellectually more advanced, and/or in numbers or financial influence.⁴

The Westminster Larger Catechism

The *WLC* lays out the sins of misuse of authority very clearly: aggravations that make some sins more heinous than others, failure of superiors in their duty towards inferiors, and sins of superiors against inferiors.⁵ These serve as the theological basis for our understanding of abuse.

expositions of the teachings of Scripture in relation to both faith and practice. Nothing, therefore, ought to be considered by any court as an offense, or admitted as a matter of accusation, which cannot be proved to be such from Scripture,” (emphasis added).

⁴ Please see below under *WLC* 129, 130, and 151 for a fuller theological discussion.

⁵ For those that are unfamiliar with the Westminster Standards, the language of superiors and inferiors may seem jarring. This is because in modern usage, these words imply a value judgment of being of better or poorer in quality or worth. However, in the 17th century the terms “inferior” and “superior” simply referred to a reference of position. For example, the phrase, “the ground is inferior to the sky,” means simply that the ground is lower than the sky. In modern American society further questions may be raised by the implication of position or class among peoples. To this we must

In the analysis below we will state the catechism question and answer in full and then work through pertinent clauses from the answer with the Scripture verses cited by the Westminster Assembly. While we do not receive and adopt the Scripture references as a part of our Constitution, we should give them due consideration as they are the biblical basis that the Assembly adopted for what they wrote. Some of the more pertinent Scripture citations will be printed in full, but the reader is encouraged to keep Bible in hand in order to read all the references.

WLC 151 on Aggravations That Make Sins More Heinous

The basic principle gleaned from this catechism answer is more heinous sins cause more damage. Because heinous sins cause significant damage, they are to be punished more severely, and victims are to be shown greater care. Many instances are abusive due to the aggravating factors mentioned below. Abuse is not merely one instance by a "hot head," nor is it excusable because of the infrequency of the aggression. Apologizing does not negate abuse. Women do not deserve to be abused because of their actions, wardrobe, or any other factor. Aggravating factors such as power differentials, the presence of covenant relationships, multiform sins, and repeated sins greatly magnify the damage to a victim's soul. Recognizing these factors is key to identifying and responding well.

Q. 151 What are those aggravations that make some sins more heinous than others?

A. Sins receive their aggravations, 1. From the persons offending: if they be of riper age, greater experience or grace, eminent for profession, gifts, place, office, guides to others, and whose example is likely to be followed by others. 2. From the parties offended: if immediately against God, his attributes, and worship; against Christ, and his grace; the Holy Spirit, his witness, and workings; against superiors, men of eminency, and such as we stand especially related and engaged unto; against any of the saints, particularly weak brethren, the souls of them, or any other, and the common good of all or many. 3. From the nature and quality of the offence: if it be against the express letter of the law, break many commandments, contain in it many sins: if not only conceived in the heart, but breaks

understand that the Westminster Standards are not advocating for a societal class system. Rather, this language is used to describe relationships of authority and submission, a concept that is thoroughly biblical.

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forth in words and actions, scandalize others, and admit of no reparation: if against means, mercies, judgments, light of nature, conviction of consciousness, publick or private admonition, censures of the church, civil punishments; and our prayers, purposes, promises, vows, covenants, and engagements to God or men: if done deliberately, wilfully, presumptuously, impudently, boastingly, maliciously, frequently, obstinately, with delight, continuance, or relapsing after repentance. 4. From circumstances of time and place: if on the Lord's day, or other times of divine worship; or immediately before or after these, or other helps to prevent or remedy such miscarriages: if in publick, or in the presence of others, who are thereby likely to be provoked or defiled.

“From the persons offending: if they be of riper age, greater experience or grace, eminent for profession, gifts, place, office, guides to others, and whose example is likely to be followed by others.”

(Scriptures cited: Jer. 2:8; Eccl. 4:13; 1 Kings 11:4, 9; 2 Sam. 12:14; 1 Cor. 5:1; James 4:17; Luke 12:47-48; Jer. 5:4-5; 2 Sam. 12:7-9; Ezek. 8:11-12; Rom. 2:17-24; Gal. 2:11-14.)

The *WLC* and supporting Scripture show that the sins of those in authority are more heinous, causing more damage and deserving of greater punishment because of the position of authority. The confession supports the existence of a differential of power in certain relationships. In each of the instances mentioned, summarized as leadership status, age, and knowledge of the faith, we find accompanying power over another. Power can be misused in order to control, oppress, and harm others. When the misuse of power occurs, it may be considered an abuse of authority.

Superiors are not necessarily official, ordained leaders of the church. Superiors can be prominent members who are well-respected due to their knowledge or faith practice. They can be Sunday school teachers, youth leaders, committee chairpersons, or ministry team leaders. They can also be someone more advanced in age. These power differentials should be considered in an abusive situation. The harm done by leaders has a greater impact on the ones they harm. A shepherd that takes advantage of his position to pillage his own flock is not a shepherd (Ezek. 34).

“Particularly weak brethren, the souls of them”

(Scriptures cited: 1 Cor. 8:11-12; Rom. 14:13, 15, 21; Ezek. 13:19
Rev. 18:12-13; Matt. 23:15.)

The power differential is especially true of anyone who is weaker, but especially those who are substantially helpless, such as children, those with mental or physical disabilities, or those otherwise vulnerable due to their condition. Peter also notes that women in marriages are the weaker vessel, acknowledging the power dynamic between the sexes in general (1 Peter 3:7). Peter’s declaration is interpreted as a statement about physical strength, the vessel being a metaphor for the human body.⁶ Therefore husbands, and men in general, are cautioned: men are, in general, physically stronger than women. This power is provided to protect and serve their sisters in Christ, not to harm.

Some persons are vulnerable due to their position in relation to church power, especially in access to church courts. Because the PCA ordains only men to the office of presbyter, officers in the church must take special care to make sure all laypeople, women in particular, have proper access and representation in ecclesiastical courts. Church officers are instructed to ensure all parties in judicial process have access to the rules of discipline and can obtain good representation (*BCO* 32-3).

In Revelation 18:12-13, souls are equated to precious goods—valuable individuals that ought to be treasured and kept safe. Abuse is a sin that damages the soul. The Pauline passages cited above discuss the destruction of those for whom Christ died. Modern scientific discoveries have shown us that abuse trauma causes lasting damage to the psyche.⁷ The biblical word for psyche is

⁶ So, Matthew Henry, who says that, “she is the weaker vessel by nature and constitution... but in other and higher respects equal to her husband,” in his *Commentary on the Whole Bible*, 1 Peter 3:7. This interpretation is confirmed by other NT uses of the term σκεῦος that more clearly refer to the human body (2 Cor. 4:7, Rom. 9:22, 1 Thess. 4:4). John Calvin affirms this in his comments on 1 Thessalonians 4:4, “As for the expression, that every one of you may know to possess his vessel, some explain it as referring to a wife, as though it had been said, ‘Let husbands dwell with their wives in all chastity.’ As, however, he addresses husbands and wives indiscriminately, there can be no doubt that he employs the term vessel to mean body,” John Calvin, *Commentaries on The Epistle of Paul to the Philippians, Colossians, and Thessalonians*.

⁷ H. D. Gingrich and F. C. Gingrich. *Treating Trauma in Christian Counseling* (Downers Grove, IL: InterVarsity Press, 2017), 55-77.

soul. This confessional clause, “the souls of them,” with its accompanying Scripture citations, therefore, gives the theological basis for abuse-related trauma and speaks to the evil nature of causing damage to another image-bearer’s soul.⁸

“Break many commandments, contain in it many sins”

(Scriptures cited: Col. 3:5; 1 Tim. 6:10; Prov. 5:8-12; 6:32-33; Josh. 7:21.)

The damage of abuse is the result when multiple sins are committed. When a person verbally abuses, they are transgressing the sixth and ninth commandments. If it is a husband of a wife, the fifth and seventh commandments are transgressed as well. All abuse involves deception (a violation of the ninth commandment): the abuser’s self-deceit, the deception of the victim, and the deception of the community. The sin of abuse is deemed more heinous because of this multiplicity of transgressions.

“Promises, vows, covenants, and engagements to God or men”

(Scriptures cited: Ps. 78:34-37; Jer. 2:20; Jer. 42:5-6, 20-21; Eccl. 5:4-6; Prov. 20:25; Lev. 26:25; Prov. 2:17; Ezek. 17:18-19.)

The *WLC* considers sin that transgresses vows and promises as base. This includes spouses who make vows to one another, parents who make vows to their children, church officers who make vows to the flock, and congregations who make vows to their pastors, elders, and deacons. Whenever these vows and promises are broken, it causes great damage. Thus, when a parent abuses a child, great damage is done due to not only the transgression of so many commandments, but also due to the breach of the covenant bond between them. When a husband abuses his wife, great damage is done. When a pastor or elder, who swore to feed the sheep for whom Christ died, abuses his own sheep, it is grievous. This is why Jesus says it would be better to have a great millstone hung around their necks and be thrown into the depths of the sea (Matt. 18:6,

⁸ While the Bible does not use the terms “psychological damage” or “trauma,” it does refer to the damage of souls. The Greek word ψυχή is the word used in the Bible for “soul.” This word also serves as the etymological root for the word “psychology.” Revelation 18:12-13 shows that the soul has great value, the implication being that great care should be taken not to damage souls. Further, Proverbs 14:30 and Habakkuk 3:16 speak of “bone rot” and Psalm 31:10 speaks of “bones wasting away.” These three references seem to be metaphors for harm being done to the soul.

Mark 9:42, Luke 17:2). The implication is that the dread Judge of all will have His vengeance (Rom. 12:19).

“If done . . . frequently, [or] with . . . continuance”

(Scriptures cited: Num. 14:22; Isa. 57:17.)

Non-physical forms of abuse are established by the evidence of a pattern of sinful behavior. The catechism validates this framework with the statement that sins committed frequently or with continuance are more heinous.

“Relapsing after repentance”

(Scriptures cited: Jer. 34:8-11; 2 Peter 2:20-22.)

One of the factors for judging if repentance is genuine, and if restoration of an abuser is warranted, is when they demonstrate fruits in keeping with repentance. Paul writes,

For godly grief produces a repentance that leads to salvation without regret, whereas worldly grief produces death. For see what earnestness this godly grief has produced in you, but also what eagerness to clear yourselves, what indignation, what fear, what longing, what zeal, what punishment! At every point you have proved yourselves innocent in the matter (2 Cor. 7:10-11).⁹

Apologizing is certainly expected when a sin is committed against another. However, simply stating “I’m sorry” is inadequate considering the substance found in Paul’s letter. Is the abuser earnest for God to produce a grief in them that is eager to deal with their sin? Are they grieving how they’ve sinned against God (primarily) and their fellow image-bearer (specifically)? Do they recognize the full impact of their sin on the victim? Are they submitting to the process of repentance? What does restitution look like, and do they desire to do whatever it takes to make the wrong right?

Or, conversely, is the abuser experiencing worldly sorrow? Do they regret their actions, but grieve simply the consequences? Are they upset about what they did or that they got caught? Repentance is a work of the Holy Spirit. A person who diligently deals with their sin positions themselves humbly before their

⁹ See Attachment 10: Repentance for an extended exegesis of this passage.

Lord and pleads for Him to work restoration—restoration to a right relationship with Him. Discerning repentance is difficult especially when the presenting sin involves manipulation and deception, which are key features of a heart that oppresses.¹⁰

The WLC on the Ten Commandments

Having discussed the aggravating factors that cause sins to become more heinous, we now move to the Catechism content of the Ten Commandments. While the transgression of any commandment is grievous, the locus of our analysis will be focused on the fifth, sixth, seventh, and ninth commandments as they relate particularly to abuse.

The Fifth Commandment

“Honor thy father and thy mother: that thy days may be long upon the land which the Lord thy God giveth thee” (Ex. 20:12).

Q. 129 What is required of superiors towards their inferiors?

A. It is required of superiors according to that power they receive from God, and that relation wherein they stand, to love, pray for, and bless their inferiors, to instruct, counsel, and admonish them; countenancing, commending, and rewarding such as do well; and discountenancing, reprovng, and chastising such as do ill; protecting, and providing for them all things necessary for soul and body: and by grave, wise, holy, and exemplary carriage, to procure glory to God, honour to themselves, and so to preserve that authority which God hath put upon them.

Authority, according to the catechism answer, is the power a “superior” receives from God. God gifts that power to benefit those under authority. This includes (but is not limited to) loving, blessing, praying for, instructing, counseling, and admonishing. Those with positions of authority reward and commend those under their care when they do right, as well as discountenance, reprove, and chastise when they do wrong. Superiors are also to protect and provide for all things necessary for soul and body. In accomplishing these goals, those in authority procure glory for God and preserve the authority God

¹⁰ See Attachment 10 on Repentance. Also see this resource to help you discern if what you are seeing is godly repentance. https://www.ccef.org/jbc_article/how-to-discern-true-repentance-when-serious-sin-has-occurred/

gives. Practically, the catechism states this is applied through instruction, counsel, protection, and provision.

As this relates to abuse, it is the duty of the elders to instruct and counsel their congregations according to God’s Word (Deut. 6:6-7), the confessional standards, and common grace informed resources. Superiors thereby provide members with the tools necessary to care for one another. Learning what the Bible teaches regarding abuse and those who abuse, helps create a culture in the church that quickly identifies and thereby prevents sinful abusive behaviors.

It is also the duty of elders to protect and provide. Churches protect their members with policies that take into consideration the most vulnerable in the congregation.¹¹ Leaders—to the best of their ability—provide both children and adults, every age group and gender, with the tools necessary for abuse prevention.

Two areas in the catechism answer address response to abuse:

- *The duty to deal with those who sin.* The catechism states church leaders are to “discountenance.” “Discountenance” is defined as to “discourage by evidence of disapproval.”¹² This evidence is not only exhibited toward the offender, but also witnessed by any victims and the church-at-large. To discountenance is to “call out and thwart” those who do wrong. Calling out the evildoer helps prevent the evil from continuing. It also acts as a deterrent, warning others who might do similarly. Discretion and wisdom are necessary in doing this, as instructed in the *BCO* and in Holy Scripture (*BCO* 32-1, Gal. 6:1). Yet elders should not shy away from the duty of discountenancing the evil of abuse in our midst out of the desire to protect reputations. The catechism directly charges us to discountenance such evil.
- *The charge for elders to “reprove and chastise.”* This speaks directly to the infliction of censures as found in *BCO* 36. Note, according to

¹¹ Examples might be Presbyteries and Sessions enacting policies to hire qualified independent parties to investigate claims of abuse, policies detailing appropriate workplace interactions to inform and protect against harassment, Presbyteries enacting policies to require background checks and abuse training for all ordinands and transfers, and policies to protect whistleblowers against retribution. The basic idea is that the job of prevention is not completed once a Sunday morning child protection policy has been adopted.

¹² *Webster.com Dictionary*, s.v. “discountenance,”

<https://www.merriam-webster.com/dictionary/discountenance>.

the *BCO*, censures may be inflicted on those who are repentant (*BCO* 38-1). Indeed, when a great evil has occurred, it is the duty of the courts of the church to inflict censures in order to operate as a means to reclaim the offender, deliver the church from scandal, and inspire fear by example (*BCO* 30-4). Discretion and wisdom are necessary in making censures known. Protecting any victims is the primary concern.

The second duty of superiors is to provide for those under their authority. This instructs parents to provide for their children. To fail to provide for a child's needs is child neglect. This neglect can also manifest as spousal neglect and/or economic abuse. The standard in the catechism is the duty of familial superiors to provide for the needs of those under their care. Since the catechism notes that provision includes "all things necessary for *soul* and body," spiritual harm by the misuse of power falls under this clause.

The final duty of superiors is to bless inferiors. As it relates to abuse, lack of properly responding to evil when it happens is a failure to bless the vulnerable. Lack of response, and/or a poor response, may lead to spiritual disillusionment and perhaps the inferior departing from the church.¹³

Scripture References for WLC 129

The Scripture references of the *WLC* are a valuable tool to understand the biblical basis of the sin of abuse and further elucidate the thinking of the divines. Below are some of the relevant Scriptures.

The Confessional Definition of Abuse

- Colossians 3:19 – Husbands, love your wives, and do not be harsh with them.

¹³ One example of this is a Pew Research study on the religious "nones" that stated, "One-in-five express an opposition to organized religion in general. This share includes some who do not like the hierarchical nature of religious groups, several people who think religion is too much like a business and others who mention clergy sexual abuse scandals as reasons for their stance." <https://www.pewresearch.org/fact-tank/2016/08/24/why-americas-nones-left-religion-behind/>. See also this article from The Gospel Coalition, that cites "church hurt" as a reason why many young evangelicals are deconstructing: <https://www.thegospelcoalition.org/article/4-causes-deconstruction/>.

- Ephesians 6:4 – Fathers, do not provoke your children to anger, but bring them up in the discipline and instruction of the Lord.
- 1 Peter 3:7 – Likewise, husbands, live with your wives in an understanding way, showing honor to the woman as the weaker vessel, since they are heirs with you of the grace of life, so that your prayers may not be hindered.

These verses describe behaviors of harshness, provocation, and insensitivity through words and/or actions as sinful behaviors in various relationships (husband to wives, parents to children). All relationships struggle with these sins. What makes the sinful behavior abusive is that it is a repeated, persistent pattern of sin over a prolonged period that causes significant and lasting damage. This report understands non-physical forms of abuse in this way. An individual who perpetrates repeated, persistent sins of abuse must not be dismissed as someone who “sometimes loses his cool.” All forms of abuse, whether physical or non-physical, negatively impact both the inner and outer man.

The Requirement To Report Abuse to the Civil Authorities

- 1 Peter 2:14 – or to governors as sent by him to punish those who do evil and to praise those who do good.
- Romans 13:4 – for he is God's servant for your good. But if you do wrong, be afraid, for he does not bear the sword in vain. For he is the servant of God, an avenger who carries out God's wrath on the wrongdoer.

These verses instruct how to deal appropriately with the evil of abuse when it occurs. “Governors” exist in both the state and the church. When it comes to criminal abuse, the governors of the church should submit to the laws and authority of the state (Rom. 13:1-7). When it comes to forms of abuse that the state does not criminalize or does not hold criminally liable, it remains the duty of church governors to discountenance those sins.¹⁴

Oppression as the Biblical Category for Abuse

¹⁴ It should also be noted that many times the civil authorities will decline to investigate a matter or prosecute the perpetrator. This is not a statement of innocence by the magistrate and thus does not necessarily remove the responsibility of the church courts to deal with sin.

- Job 29:12-17 – . . . because I delivered the poor who cried for help, and the fatherless who had none to help him. The blessing of him who was about to perish came upon me, and I caused the widow's heart to sing for joy. I put on righteousness, and it clothed me; my justice was like a robe and a turban. I was eyes to the blind and feet to the lame. I was a father to the needy, and I searched out the cause of him whom I did not know. I broke the fangs of the unrighteous and made him drop his prey from his teeth.
- Isaiah 1:17 – “Learn to do good; seek justice, correct oppression; bring justice to the fatherless, plead the widow's cause.”

These verses speak generally to the duty of leaders to seek justice and correct oppression. They also direct leaders to pay particular attention to those who have less power. We are to plead the widow's cause because she has no one to help her. In dealing with abuse, the Scriptures call us to carefully attend to those in the situation who have less power.

Protecting the Reputation of Church Leaders

- 1 Timothy 4:12 – Let no one despise you for your youth, but set the believers an example in speech, in conduct, in love, in faith, in purity.
- Titus 2:3-5 – Older women likewise are to be reverent in behavior, not slanderers or slaves to much wine. They are to teach what is good, and so train the young women to love their husbands and children, to be self-controlled, pure, working at home, kind, and submissive to their own husbands, that the word of God may not be reviled. (Emphasis added.)
- 1 Kings 3:28 – And all Israel heard of the judgment that the king had rendered, and they stood in awe of the king, because they perceived that the wisdom of God was in him to do justice.
- Titus 2:15 – Declare these things; exhort and rebuke with all authority. Let no one disregard you.

These verses speak to the duty of superiors to accrue glory to God and preserve their reputations by doing what is right. One of the qualifications for an elder is to be thought well of by outsiders (1 Tim. 3:7). If outsiders lack respect for the church due to its failures in both preventing and adequately responding to abuse, leaders are those primarily responsible to seek the ways in which the church has failed to obey God (Amos 3:2; 1 Peter 4:17).

The Sins Forbidden in the Fifth Commandment

Q. 130 What are the sins of superiors?

A. The sins of superiors are, besides the neglect of the duties required of them, an inordinate seeking of themselves, their own glory, ease, profit, or pleasure, commanding things unlawful, or not in the power of inferiors to perform; counselling, encouraging, or favouring them in that which is evil; dissuading, discouraging, or discountenancing them in that which is good; correcting them unduly; careless exposing, or leaving them to wrong, temptation, and danger; provoking them to wrath; or any way dishonouring themselves, or lessening their authority, by an unjust, indiscreet, rigorous, or remiss behaviour.

In this question and answer, one instance of these sins may not constitute abuse. It is the repeated persistent pattern of sin over a prolonged period that causes significant and lasting harm.

“An inordinate seeking of themselves, their own glory, ease, profit, or pleasure.”

- Ezekiel 34:2-4 – “Son of man, prophesy against the shepherds of Israel; prophesy, and say to them, even to the shepherds, Thus says the Lord GOD: Ah, shepherds of Israel who have been feeding yourselves! Should not shepherds feed the sheep? You eat the fat, you clothe yourselves with the wool, you slaughter the fat ones, but you do not feed the sheep. The weak you have not strengthened, the sick you have not healed, the injured you have not bound up, the strayed you have not brought back, the lost you have not sought, and with force and harshness you have ruled them.”
- Philippians 2:21 – For they all seek their own interests, not those of Jesus Christ.

The sin of “seeking of themselves,” as mentioned in this first phrase, may lead to an incessant pattern of demand, minimization, humiliation, blame-shifting, coercion, denial, threats, and/or treating a person like a servant. Sometimes, this may also include stringent limits on access to financial resources. If the self-centeredness of a husband, parent, or caregiver leads to the harm of the family due to its severity and prolonged persistence, then it could be abuse. This is especially true when it leads to the family’s physical or spiritual neglect.

“Commanding things unlawful, or not in the power of inferiors to perform; counselling [or] encouraging them in that which is evil.”¹⁵

(Scriptures cited: Dan. 3:4-6; Acts 4:17; Ex. 5:10-18; Matt. 23:4; Matt 14:8; 2 Sam. 13:28.)

This phrase speaks of when an authority figure asks or commands those under their charge to do something illegal or immoral. Church leaders are responsible to know what constitutes illegal behavior in their community, when, how, and to whom to report a crime, and public resources available to both victims and abusers. This is in addition to wise shepherding care, which has a broad, biblical understanding of what constitutes immorality in the body of Christ. Doctrines of suffering, submission, headship, gossip, slander, and intimacy in marriage, are all relevant to helping congregants respond well to the sins of abuse. It is a grievous sin when an authority figure uses his or her authority (by force or coercion) to secure participation in sinful acts. Related to this, there is an erroneous teaching that submission owed to the husband/father is such that wives and children must submit even if he commands something sinful. It has also been taught that a wife or a child cannot report the husband/father’s (or mother’s if applicable) moral failures to the authorities (church or civil). These are false teachings that must be suppressed.

Further, when a superior “ties up heavy burdens, hard to bear,” through impossible demands and exacting punishments, great soul damage can be done, and thus can be a factor in spiritual abuse or leadership abuse.¹⁶

“Favouring them in that which is evil”

- 1 Samuel 3:13 – “And I declare to him that I am about to punish his house forever, for the iniquity that he knew, because his sons were blaspheming God, and he did not restrain them.”

The Scripture reference for “favoring them in that which is evil,” is Eli’s inaction in disciplining his sons. Passive forbearance with his sons’ great evil is what led to Israel’s downfall. We must not forebear with abusers in the church. This is a sinful favoring of evil. Leaders should instead restrain evil by thoroughly educating themselves and their congregations regarding the

¹⁵ “Favoring” is removed from this section in order to deal with it separately below.

¹⁶ See Attachment 1: Definitions for meanings of these terms and Section Six: Misuse of Spiritual Authority in this report.

dynamics of abuse, carefully constructing robust policies to prevent abuse, and responding adequately when it occurs.

“Dissuading, discouraging, or discountenancing them in that which is good; correcting them unduly”

(Scriptures cited: John 7:46-49; Col. 3:21; Ex. 5:17; 1 Peter 2:18-20; Heb. 12:10; Deut. 25:3.)

When leaders, either in the home, workplace, or church, berate or belittle those under their care, it diminishes the image of God in man. The body and the mind, heart, will, and emotions are all a reflection of God’s image.

Diminishing others is how abusive people manipulate to control. It is an insidious tactic that causes significant (psychological) damage to the inner man. Similarly, an act of discipline or correction that is not reciprocal to the wrong committed can also be weaponized by an abuser. Patterns of devaluing God’s image in another over a prolonged period of time results in a victim’s inability to reason appropriately, make wise personal decisions, and/or mediate reality. Ultimately, it diminishes their capacity to steward their God-given gifts and glorify their Creator.

“Careless exposing, or leaving them to wrong, temptation, and danger”

- Genesis 38:11 – Then Judah said to Tamar his daughter-in-law, “Remain a widow in your father's house, till Shelah my son grows up” for he feared that he would die, like his brothers. So Tamar went and remained in her father's house.
- Genesis 38:26 – Then Judah identified them and said, “She is more righteous than I, since I did not give her to my son Shelah.” And he did not know her again.
- Acts 18:17 – And they all seized Sosthenes, the ruler of the synagogue, and beat him in front of the tribunal. But Gallio paid no attention to any of this.

Exposing children to danger is undeniably abuse and neglect. One instance is sufficient for identifying exposure as abuse, especially when physical harm is involved. Even when there is no physical harm, exposure is sinful. Exposure disrupts the bond of trust between children and their parents and causes lasting damage. “Adverse Child Experiences” or the ACE study, meticulously identified multiple and long-lasting effects of not only physical harm and

exposure, but also of the more overt forms of physical and sexual abuse.¹⁷ Exposure occurs also when children live in a home where substance abuse or other dangerous and sinful behavior occur. ACEs demonstrated lasting damage to a child's developing brain, especially in how that person responds to certain stimuli and social interactions. These experiences can lead to PTSD similar to the severity soldiers experience on a battlefield.

Included in these sins of exposure is when authorities, whether civil or ecclesiastical, require abuse victims to stay in abusive relationships. Requiring an abused wife to reconcile with her unrepentant abuser, return to the marriage home and bed, is careless exposing to danger. The abuser's genuine repentance must be observed, confirmed, and proven through the test of time [see Attachment 10: Repentance]. It involves more than (but is not limited to) admitting to being caught, saying "I'm sorry," and/or pledging to work with the Session.

Similarly, forcing children to reconcile relationally with abusive parents may cause great harm. Care, discernment, and wisdom must be taken in these situations.

The rules of discipline are inappropriate tools for forcing compliance of abuse victims.

Careless exposure to wrong and danger also occurs when authorities in the church fail to properly educate the congregation on issues of abuse and institute appropriate policies for abuse prevention.

As pointed out above in the discussion of Question 129, many people are leaving the church due, in part, to the way the church has responded to abuse. When anyone abandons the bride of Christ for an unbiblical reason, it is sinful. However, if authorities expose "them to temptation," the greater sin lies with leaders. Judah said in Genesis 38:26, "She is more righteous than I." Jesus likewise said, "But whoever causes one of these little ones who believe in me to sin, it would be better for him to have a great millstone fastened around his neck and to be drowned in the depth of the sea" (Matt. 18:6).

"Provoking them to wrath"

¹⁷ For a helpful description of adverse child experiences, see: <https://www.cdc.gov/violence-prevention/aces/index.html>

- Ephesians 6:4 – Fathers, do not provoke your children to anger, but bring them up in the discipline and instruction of the Lord.

Superiors in the family may provoke those under their care by many of the aforementioned *WLC* prohibitions. They might apply exacting punishments, diminish and belittle, have unrealistic expectations, favor their own desires to the exclusion of everyone else in the family, and/or expose them to dangerous situations. When little ones under the authority of others have been caused to sin, far greater sin has been done by those that have provoked them by their abuse. Shepherds care for victims with kindness while simultaneously (justly) punishing abusers.

This principle applies to other “superior-inferior” type relationships as well. Abuse victims are not without sin. However, there is a significant inequality between their sin issues and the evil of abuse. Wrath is an appropriate response to evil. Victims must not sin in their response to the abuse, yet it is within reason that they are very angry about the sins committed against them. This doesn’t excuse sin. It does mean church leaders and members should patiently shepherd the victim with care and understanding, and to never equate their anger with the sins of their abusers.

“Or any way dishonouring themselves, or lessening their authority, by an unjust, indiscreet, rigorous, or remiss behaviour”

- Genesis 9:21 – He drank of the wine and became drunk and lay uncovered in his tent.
- 1 Kings 12:13-16 – And the king answered the people harshly, and forsaking the counsel that the old men had given him, he spoke to them according to the counsel of the young men, saying, “My father made your yoke heavy, but I will add to your yoke. My father disciplined you with whips, but I will discipline you with scorpions.” So the king did not listen to the people, for it was a turn of affairs brought about by the LORD that he might fulfill his word, which the LORD spoke by Ahijah the Shilonite to Jeroboam the son of Nebat. And when all Israel saw that the king did not listen to them, the people answered the king, “What portion do we have in David? We have no inheritance in the son of Jesse. To your tents, O Israel! Look now to your own house, David.” So Israel went to their tents.
- 1 Kings 1:6 – His father had never at any time displeased him by asking, “Why have you done thus and so?” He was also a very handsome man, and he was born next after Absalom.

- 1 Samuel 2:29-31 – “Why then do you scorn My sacrifices and My offerings that I commanded for My dwelling, and honor your sons above Me by fattening yourselves on the choicest parts of every offering of my people Israel?” Therefore the LORD, the God of Israel, declares: “I promised that your house and the house of your father should go in and out before Me forever,” but now the LORD declares: “Far be it from Me, for those who honor Me I will honor, and those who despise Me shall be lightly esteemed. Behold, the days are coming when I will cut off your strength and the strength of your father's house, so that there will not be an old man in your house.”

When leaders, whether in the home, workplace, church, or civil government, dishonor themselves through sinful behavior, harsh discipline, or lax discipline, they bring dishonor on themselves and to God. Leaders in the church should not be surprised when sheep chafe under such authority. When those under authority are provoked to wrath, or otherwise begin to reject authority because of the leader's sin, the greater fault lies with the leader. The charge from the people of Israel is poignant, “Look now to your own house, David!” Church leaders must first see to their own duties before bemoaning and laying blame on those who are leaving the church and speaking derisively of her. The examples of Eli and his sons, David and his sons, and Solomon in his later reign are poignant. As the Lord promised Samuel, He will judge church leaders for such behavior (1 Peter 4:17). The duty of those in authority is to right the ship.

The Sixth Commandment

You shall not murder (Ex. 20:13).

The locus of many sinful behaviors falling under the heading of abuse is found in the sixth commandment. In the Sermon on the Mount, Jesus expands the scope of the commandment from the unjust taking of life, to the inner working of our hearts and to the realm of speech.

You have heard that it was said to those of old, you shall not murder; and whoever murders will be liable to judgment. But I say to you that everyone who is angry with his brother will be liable to judgment; whoever insults his brother will be liable to the council; and whoever says, you fool! will be liable to the hell of fire (Matt. 5:21-22).

The Divines follow in this vein to expound upon the sixth commandment in all its facets:

Q. 135 What are the duties required in the sixth commandment?

A. The duties required in the sixth commandment are, all careful studies, and lawful endeavours, to preserve the life of ourselves and others by resisting all thoughts and purposes, subduing all passions, and avoiding all occasions, temptations, and practices, which tend to the unjust taking away the life of any; by just defence thereof against violence, patient bearing of the hand of God, quietness of mind, cheerfulness of spirit; a sober use of meat, drink, physick, sleep, labour, and recreations; by charitable thoughts, love, compassion, meekness, gentleness, kindness; peaceable, mild and courteous speeches and behaviour; forbearance, readiness to be reconciled, patient bearing and forgiving of injuries, and requiting good for evil; comforting and succouring the distressed, and protecting and defending the innocent.

There is some repetition between WLC 135 and 136, thus the overt actions that are related to abuse will be covered below. However, there are several relevant matters in the answer, especially as it relates to the positive duty to preserve life and protect those under threat.

“To preserve the life of ourselves and others . . . by just defense thereof against violence”

- 1 Kings 18:4 – And when Jezebel cut off the prophets of the LORD, Obadiah took a hundred prophets and hid them by fifties in a cave and fed them with bread and water.
- Psalm 82:4 – Rescue the weak and the needy; deliver them from the hand of the wicked.
- Proverbs 24:11-12 – Rescue those who are being taken away to death; hold back those who are stumbling to the slaughter. If you say, “Behold, we did not know this,” does not He who weighs the heart perceive it? Does not He who keeps watch over your soul know it, and will He not repay man according to his work?

(Additional Scriptures cited: Eph. 5:28-29; 1 Sam. 14:45; Jer. 38:7-13.)

Scripture is clear that preserving life includes defending victims of abuse. The first duty is to preserve our own lives. This speaks to the obligation victims have to protect themselves from an abuser. This may include removing herself and her children from an abusive home, resisting living with a spouse that a church court acknowledged has been abusive, and separating as a matter of protection, even as others urge reconciliation with the abuser. This is the duty to preserve life.

The second duty falls under preserving the life of others. This type of preservation removes the victim, and any other potential victims, from the immediate vicinity of the abuser. Any avenue that the abuser uses to further abuse must be removed. The sixth commandment duty also includes fulfilling the Romans 13 obligation to inform the civil authorities when the situation requires mandated reporting (See Section Five: Child Abuse).

“Patient bearing of the hand of God”

(Scriptures cited: James 5:7-11; Heb. 12:9.)

This duty speaks to the nature of repentance. Genuine repentance patiently bears with the consequences of one’s sin. A truly repentant abuser will recognize the gravity of his or her sin and not force the process of reconciliation. Rather, those truly repentant will wait patiently until the abused are ready for relational restoration.¹⁸

Abusive church leaders should patiently bear under the hand of God and not rush to be restored to a position of leadership. Damage done by abuse can be severe and long lasting. Protecting survivors means continuous safeguarding throughout the recovery process.

“Forbearance, readiness to be reconciled, patient bearing and forgiving of injuries, and requiting good for evil”

(Scriptures cited: Matt. 5:24; Eph. 4:2; Eph. 4:32; Rom. 12:17; Rom. 12:20; Rom. 12:21.)

Because preserving life implies patience with victims, impartiality requires a careful examination of this seemingly opposite clause. In order to understand

¹⁸ See Attachment 9: Forgiveness and Attachment 10: Repentance.

how these duties work together, a biblical understanding of reconciliation and forbearance is needed. Forgiveness is not reconciliation, and forbearance is not antithetical to preservation.

Forgiveness

These passages show that believers must forgive one another. Forgiveness is required by the gospel. However, the duty to preserve life requires protecting victims from their abuser. It also requires protecting those who choose to remain with their abuser. Protection includes trying to persuade a victim to move to safety.

Forgiveness does not always involve relational restoration.¹⁹ When it comes to reconciliation and forgiveness, this must be also measured against the duty to protect. The duty that follows below states, “comfort and succor the distressed.” If the abused person is distressed, leaders are called to continue protecting them while they seek healing.

The catechism answer requires, “requiting good for evil.” Insisting on accountability, justice, and rehabilitation may be the cause of an abuser truly repenting of his or her sins and receiving eternal reward. What greater good can be requited than salvation?

Forbearance

The duty of forbearance does not negate the duty to preserve one’s life from violence. The duty to preserve is primary and supersedes the duty of forbearance. The Scripture reference for forbearance is Ephesians 4:2, “bearing with one another in love,” and the Greek word is ἀνέχω. This word is defined as “endurance.” The context of Ephesians 4 is not intimate relationships but the unity of the church body. Paul is asking believers to be patient with one another’s shortcomings in order to preserve unity and peace in the church. He is not asking abuse victims to endure further abuse. “One another” is plural, implying not an endurance between two persons but an endurance between one person and the larger community. Paul is clear in his writings that patient endurance does not mean allowing grave sins to persist, saying, “purge the evil person from among you,”²⁰ and, “I have handed [them] over to Satan.”²¹ Moreover, the citation for Romans 12 states “repay no one

¹⁹ See Attachment 9: Forgiveness.

²⁰ 1 Corinthians 5:5.

²¹ 1 Timothy 1:20.

evil for evil.” Moving victims out of abusive situations is not repaying evil for evil but protecting from further harm. Abuse is a grave sin against the image-bearer of God. Biblical forbearance does not include remaining in abusive situations.

Nevertheless, adults should not be moved into protective situations against their will unless there is a grave threat of the loss of life.

“Comforting and succouring the distressed, and protecting and defending the innocent.”

- Matthew 25:35-36 – “For I was hungry and you gave Me food, I was thirsty and you gave Me drink, I was a stranger and you welcomed Me, I was naked and you clothed Me, I was sick and you visited Me, I was in prison and you came to Me.”
- Proverbs 31:8-9 – Open your mouth for the mute, for the rights of all who are destitute. Open your mouth, judge righteously, defend the rights of the poor and needy.

(Additional Scriptures cited: 1 Thess. 5:14; Job 31:19-20; Isa. 58:7.)

To give comfort and succor to those distressed by abuse is to protect. This includes the provision of qualified medical care for both the wounds of the body and the wounds of the mind. According to our own Reformed distinctives, man consists of two parts: a body and a soul.²² Though delineated into two, the inner and outer “designate the one spiritual substance of man . . . (Rom. 8:10; 1 Cor. 5:5; 7:34; 2 Cor. 7:1; Eph. 2:3; Col. 2:5).”²³ Both body and soul constitute the whole man, therefore when someone experiences abuse, the whole man is in need of care. The human mind is a mysterious example of this. What we call the mind can in some ways be attributed to the soul. However, we also know that the mind has a physical component.²⁴

For many forms of abuse, including child abuse, sexual abuse, physical assault, sexual assault, and any other abuse that causes severe psychological distress,

²² See *WLC Q. 29* and *Q. 37* and Matt. 6:25; 10:28; Eccl. 12:7; and 1 Cor 5:3, 5.

²³ L. Berkhof. *Manual of Christian Doctrine* (Grand Rapids, MI: WM. B. Eerdmans Publishing Company, 1933), 121-123.

²⁴ See Matthew 22:37 where Jesus substitutes mind for might, “Love the Lord your God with all your heart and with your soul and with your mind.”

damage to the brain and central nervous system is significant.²⁵ This damage can manifest itself as PTSD, OCD, depression, anxiety, and a variety of other disorders. Shepherds are called to care for the soul; however, wisdom directs church leaders to partner with trained individuals with experience working with these conditions for the purpose of comprehensive caregiving.²⁶

Financial provision for counseling and medical treatment is considered an appropriate restitution from the abuser to the abused (see Exodus 22). It can also be an act of mercy for the church to assist victims with the cost of their care. Due to privacy issues as it relates to medical and mental healthcare, consider hiring a third-party administrator to handle reimbursements. Due to the intimate nature of the care, the choice of a counselor belongs to the victim. Stipulations should not be placed on the usage of funds by those granting.

The Sins Forbidden in the Sixth Commandment

The sixth commandment contains overtly sinful behaviors that can be abusive.

Q. 136 What are the sins forbidden in the sixth commandment?

A. The sins forbidden in the sixth commandment are, all taking away the life of ourselves, or of others, except in case of publick justice, lawful war, or necessary defence; the neglecting or withdrawing the lawful and necessary means of preservation of life; sinful anger, hatred, envy, desire of revenge; all excessive passions, distracting cares; immoderate use of meat, drink, labour, and recreations; provoking words, oppression, quarrelling, striking, wounding, and whatsoever else tends to the destruction of the life of any.

“All taking away the life of ourselves, or of others”

- Acts 16:28 – But Paul cried with a loud voice, “Do not harm yourself, for we are all here.”

²⁵ H. D. Gingrich and F. C. Gingrich. *Treating Trauma in Christian Counseling* (Downers Grove, IL: InterVarsity Press, 2017), 67.

²⁶ Does a psychologist need to be a Reformed Christian in order to partner in providing care for victims? While the issue is complex, the short answer is no. Certainly, treatment providers who are not antagonistic to Reformed beliefs, or seek to undermine them, can be engaged. A non-Christian provider can work with a patient’s religious beliefs and still care for them well. The key factor in identifying a treatment provider is that the person is qualified to treat disorders related to abuse trauma.

- Genesis 9:6 – “Whoever sheds the blood of man, by man shall his blood be shed, for God made man in His own image.”

The foundational principle found in this commandment is that all abuse is a taking away of life. This is why abuse is so damaging. Genesis 9:6 states that the severity of the sin is due to the fact that great damage has been done to an image-bearer of God. Since all human beings are made in God’s image, any attempt to take away life is a grave sin with grave consequences.

“Withdrawing the lawful and necessary means of preservation of life”

- Matthew 25:42-43 – “For I was hungry and you gave Me no food, I was thirsty and you gave Me no drink, I was a stranger and you did not welcome Me, naked and you did not clothe Me, sick and in prison and you did not visit Me.”
- James 2:15-16 – If a brother or sister is poorly clothed and lacking in daily food, and one of you says to them, “Go in peace, be warmed and filled,” without giving them the things needed for the body, what good is that?

As seen in the duties of the fifth commandment, the sin of neglect is a form of abuse. Here, in the sixth commandment, the sin of neglect is the taking away of the necessary means for life. The sin of neglect applies to those in authority, but it also applies generally to all human beings. However, only those who have immediate responsibility for the one who is suffering are accountable.

Churches have the duty to care and provide for those who have need due to abuse. If such persons need food, clothing, and shelter because they have fled for their own safety, the church should attempt to provide. This seems to be the very least that the Scriptures cited above require.

“Sinful anger, hatred, envy, desire of revenge; all excessive passions”

- Matthew 5:22 – “But I say to you that everyone who is angry with his brother will be liable to judgment; whoever insults his brother will be liable to the council; and whoever says, ‘You fool!’ will be liable to the hell of fire.”
- 1 John 3:15 – Everyone who hates his brother is a murderer, and you know that no murderer has eternal life abiding in him.

- Leviticus 19:17 – You shall not hate your brother in your heart, but you shall reason frankly with your neighbor, lest you incur sin because of him.
- Proverbs 14:30 – A tranquil heart gives life to the flesh, but envy makes the bones rot.
- Romans 12:19 – Beloved, never avenge yourselves, but leave it to the wrath of God, for it is written, “Vengeance is Mine, I will repay,” says the Lord.
- Ephesians 4:31 – Let all bitterness and wrath and anger and clamor and slander be put away from you, along with all malice.

The sins covered under the sixth commandment do not all lead to the literal loss of life. The catechism does not begin with the sin of physical wounding with an intent to kill and then move to sins of lesser severity. Instead, as in the Sermon on the Mount, the Divines begin with the sins of the heart and move outward. Special note is taken of the citation of Matthew 5:22 and 1 John 3:15. Matthew 5:22 moves from the sin of the heart to verbal abuse. Jesus says that the one who insults his brother should be subject to church discipline. Verbal abuse is evidence of the status of the heart. John writes that the one who hates his brother in his heart is a murderer and will not inherit eternal life. The sins of the tongue reveal the heart. Scripture considers verbal abuse a very serious sin. The church is called to respond to the same extent.

These sins, along with some of those that follow, serve as the confessional basis for the existence of non-physical forms of abuse. Many people struggle to define verbal, emotional, and/or psychological abuse because they are difficult to prove. Indeed, victims of these forms of abuse recognize the difficulty, often wishing their abusers would wound them physically so that there would be evidence. Yet, because of what is shown in this catechism answer, non-physical forms of abuse should be taken as seriously as if there were visible bruises. These sins are a form of the taking away of life. By them the life of an image-bearer is devalued, and great damage is done to the mind and the soul.

Proverbs 14:30, cited here for envy, states that these non-physical sins have an effect on the body, “rotting the bones.” This metaphorical language by Solomon seems to acknowledge that non-physical forms of abuse can be manifested physically in the nervous and immune systems. Our Reformed distinctives affirm that a human being is not in essence only a soul, but a soul-body union, so it should not be surprising that scientists have discovered that damage to the soul affects the body.

Finally, the reference for “sinful passions” in Ephesians 4:31 demonstrates that passions are not only sexual in nature. They include bitterness, wrath, anger, clamor, slander, and malice. “Sinful passions,” biblically, include verbal, emotional, and psychological abuse.

“Distracting cares; immoderate use of meat, drink, labour, and recreations”

- Matthew 6:31, 34 – “Therefore do not be anxious, saying, ‘What shall we eat?’ or ‘What shall we drink?’ or ‘What shall we wear?’ . . . Therefore do not be anxious about tomorrow, for tomorrow will be anxious for itself. Sufficient for the day is its own trouble.”
- Isaiah 5:12 – They have lyre and harp, tambourine and flute and wine at their feasts, but they do not regard the deeds of the LORD, or see the work of His hands.

(Additional Scriptures cited: Luke 21:34; Rom. 13:13; Eccl. 2:22-23; 12:12)

The primary relationship of the sins mentioned in these passages is of the sinner to himself. These sins can be classified as either contributing factors to abuse, or tools the abuser implements. Self-harm, or the threat of self-harm, is the ultimate form of controlling behavior. It is used to manipulate others to speak or act a certain way. This causes grave damage to those under their authority. Children in particular suffer severe trauma when a parent self-harms, having no categories for how to mediate what happened, how (if) they contributed, and/or what they could have done to prevent the circumstances.

The catechism begins with anxiety as a root cause. Anxiety is often a reason why an abuser does what he does. Many abusers were abused themselves. Abuse can lead to disordered desires which cause people to sin and subjugate others. Not all abusers are evil psychopaths. Many of them abuse others out of a need to regulate their own fears, anxieties, and other negative feelings. There may not even be a strong volitional intent to harm others, but they continue to do harm in pursuit of their own self regardless of the harm that this self-pursuit does to others. Addictive behaviors such as substance abuse, workaholism, and an immoderate lifestyle, can be factors that compound the effects of abuse.

“Provoking words”

- Proverbs 15:1 – A soft answer turns away wrath, but a harsh word stirs up anger.
- Proverbs 12:18 – There is one whose rash words are like sword thrusts, but the tongue of the wise brings healing.

Another confessional basis for verbal abuse is causing a person to sin by using provoking words. In the first reference from Proverbs 15, harsh words stir up anger in the one sinned against, moving them to wrath. Under the fifth commandment, causing someone to sin is a sin. In *WLC* 151, the multiplication of sins makes a sin more heinous. Thus, when sinful speech causes another person to sin, the sin is compounded. Also in *WLC* 151, power differentials cause a sin to be even more heinous as when a superior uses provoking words with an inferior. In Proverbs 12, verbal abuse is likened to stabbing with a sword, a deadly weapon. Deadly weapons do grave damage. This is why Jesus warns repeatedly: woe to those who cause “little ones” to sin (Matt. 18:6; Mark 9:42; Luke 17:2).

“Oppression”

- Ezekiel 18:18 – “As for his father, because he practiced extortion, robbed his brother, and did what is not good among his people, behold, he shall die for his iniquity.”
- Exodus 1:14 – And made their lives bitter with hard service, in mortar and brick, and in all kinds of work in the field. In all their work they ruthlessly made them work as slaves.

Oppression is the biblical word for abuse, cited here by the Divines and appearing 116 times in the English Standard Version. The Divines cite Exodus 1:14, which states that the Egyptians made the lives of the Israelites bitter. Verse 12 tells us that this bitterness is due to the oppression of the Israelites by the Egyptians. The word used for oppression in verse 12 is אָנָּח (‘*anah*), which means “affliction.”²⁷ When used in the Hebrew Piel, the word often means to afflict by mistreating, as it does here. Examples of this usage are when Sarah mistreats Hagar, Laban charges Jacob not to oppress his daughters, and the command in Exodus 22:21-23 not to oppress orphans and widows. In studying these usages of the verb, we can define oppression as it is used in the Bible as “to afflict by mistreatment.” *Anah* (אָנָּח) literally means, “to humble.” To oppress is to cause someone to be humbled by ill-treatment. Humiliation in this sense speaks to lasting damage: a person is brought low by mistreatment.

²⁷ This is the standard Hebrew word used for oppression in the Old Testament, appearing some 57 times in the Piel. (Piel is a verbal form in Hebrew that indicates intensiveness.)

“Quarrelling”

- Galatians 5:15 – But if you bite and devour one another, watch out that you are not consumed by one another.
- Proverbs 23:29 – Who has woe? Who has sorrow? Who has strife? Who has complaining? Who has wounds without cause? Who has redness of eyes?

Abusive relationships can be difficult to discern. Often, church leaders feel trapped between the “he said, she said” dilemma and are unsure whom to believe. This catechism question, along with the two verses cited, might even be used as confessional evidence for that claim. Although victims of abuse can be provoked to sinful responses to the oppressive behaviors against them, the greater responsibility rests with the abuser. In the vast majority of cases, one party has greater responsibility and has committed a more heinous sin. This is especially true when the abuser is in authority over the abused. For increased clarity regarding the nature of quarrels, Proverbs 23:29 suggests that asking questions regarding the environment of the home (church, institution) can be helpful.

“Striking, wounding, whatsoever else tends to the destruction of the life of any”

(Scriptures cited: Num. 35:16-18, 21; Ex. 21:18-36.)

The Divines demonstrate in these verses that striking, even when it does not result in death, is sin. Exodus 21:18-19, cited here, sheds light on this:

When men quarrel and one strikes the other with a stone or with his fist and the man *does not die* but takes to his bed, then if the man rises again and walks outdoors with his staff, he who struck him shall be clear; only he shall pay for the loss of his time, and shall have him thoroughly healed.

This passage describes physical assault that results in the incapacitation of the victim (he “takes to his bed”). The assault described also results in long-term damage (walks with a cane). This passage distinguishes between manslaughter and assault. However, the one who assaults remains liable for his sin even if he escapes the death penalty. Other penalties that remain include restitution. The assailant is required to pay restitution to the victim for the loss of his time, as well as pay for whatever care required to make the man whole. Presumably,

if the victim is permanently disabled, the assailant would be required to pay more restitution. Physical abuse and assault that causes lasting damage is a grievous sin necessitating disciplinary process. Protecting victims and requiring restitution are appropriate responses by the church to cases of physical assault. The same principle applies to nonphysical forms of abuse that cause lasting damage.

The Divines conclude this answer with a catchall phrase lest implying that the taking away of life is not limited to the examples provided. As biblical evidence they cite an extended passage from Exodus 21. In studying this passage, other forms of sin beyond physical abuse and assault require a weighty response to all abuse. The text says, “But if there is harm, then you shall pay life for life, eye for eye, tooth for tooth, hand for hand, foot for foot, burn for burn, wound for wound, stripe for stripe” (v. 24).

Consistent application of the principles gleaned from a study of the fifth and sixth commandments exemplifies nonphysical forms of abuse as an unjust taking away of life and is biblically and confessionally warranted.

The Seventh Commandment

You shall not commit adultery (Ex. 20:14).

The Divines’ exposition of the seventh commandment includes assault, abuse, and harassment of a sexual nature.

Q. 139 What are the sins forbidden in the seventh commandment?

A. The sins forbidden in the seventh commandment, besides the neglect of the duties required, are adultery, fornication, rape, incest, sodomy, and all unnatural lusts; all unclean imaginations, thoughts, purposes, and affections; all corrupt or filthy communications, or listening thereunto; wanton looks, impudent or light behaviour, immodest apparel; prohibiting of lawful, and dispensing with unlawful marriages; allowing, tolerating, keeping of stews, and resorting to them; entangling vows of single life, undue delay of marriage; having more wives or husbands than one at the same time; unjust divorce, or desertion; idleness, gluttony, drunkenness, unchaste company, lascivious songs, books, pictures, dancings, stage

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plays; and all other provocations to, or acts of uncleanness, either in ourselves or others.

“adultery, fornication, . . . lascivious songs, books, pictures, dancings, stage plays; and all other provocations to, or acts of uncleanness, either in ourselves or others”

(Scriptures cited: Heb. 13:4; Gal. 5:19; Eph. 5:4; Ezek. 23:14-16; Isa. 23:15-17; Isa. 3:16; Mark 6:22; Rom. 13:13; 1 Peter 4:3; 2 Kings 9:30; Jer. 4:30; Ezek. 23:40.)

The Westminster Standards clearly prohibit sexual activity outside of marriage and participating in and viewing pornography. Illicit sexual behavior is a tactic abusers use. When an abuser coerces a victim to participate in illicit activities, their shame is overwhelming. Shame is then a powerful weapon used to perpetuate abuse and discourage the victim from reporting to authorities. Coercion, or forcing victims to participate in sexual activities, can also fall under the category of sexual assault. These sins are not simply sexual immorality but may be considered forms of abuse.

“rape”

- 2 Samuel 13:14 – But he would not listen to her, and being stronger than she, he forced [oppressed] her and lay with her.

The goal of the biblical and theological introduction has been to ground an understanding of abuse in the teachings of the Westminster Standards, the adopted interpretation of Scripture by the Presbyterian Church in America.²⁸ The Westminster Standards do not have a separate category for sexual abuse outside the sin of rape.²⁹ Rape has a technical, legal definition that excludes many additional forms of sexual abuse. In addition, some victims of sexual abuse may not describe what happened to them as rape. However, in terms of our Confessional Standards and the judicial basis for prosecution of ecclesiastical cases of sexual abuse in the PCA, other forms of sexual abuse fall under the prohibition of rape. In other words, the Standards’ prohibition of rape is broader than what we would commonly call rape. Without the inclusion of sexual abuse under the confessional category for rape, there is no other clear

²⁸ See Introduction: The Structure of the Ad Interim Committee Report on Domestic Abuse and Sexual Assault.

²⁹ There are some sins forbidden in WLC 139 that may contribute to sexual abuse, but they do not constitute an overarching category.

prohibition of sexual abuse in our confessional standards. Therefore, it is necessary to include all forms of sexual assault and abuse under the confessional umbrella of rape.

The Scripture reference for rape given by the Divines is the story of Amnon's and his half-sister Tamar.³⁰ The story is very clear. Amnon propositioned his sister. She refused his proposition. Amnon forced Tamar to comply, and he raped her. The use of force and vaginal penetration make this story a clear instance of rape.

By analyzing the features of this story, we find that not only is rape described, but sexual abuse in general, since many aspects of sexual abuse are present. Amnon and Tamar were close acquaintances. He had a power dynamic over her. He stalked her, groomed her, sexually harassed her, propositioned her, and when she refused, he used force to initiate illicit sexual contact.³¹ After the abuse occurred, he shunned her. The word used for rape here is the same Hebrew word mentioned above for "oppression," which is the general biblical word for abuse. In fact, some older translations say that he "forced" her or "humbled" her. The point is, while this is rape, it is not only rape. If there was

³⁰ While this biblical story contains many of the aspects of sexual abuse, there is one feature that may not occur in every instance: Tamar's argument with and implied struggle against Amnon. It is not a requirement for abuse to be considered abuse that a victim must argue with and physically struggle against their abuser. Of note here is that the passage does not explicitly record her crying out. The Mosaic Law required betrothed virgins to cry out if they are being raped; however, Tamar was not betrothed, so the same stipulations did not strictly apply. Nevertheless, she was in the city and in a house where servants were located, so if she had cried out, someone may have come to her aid. Despite the fact that she did not cry out, the Scriptures do not place any blame on her, laying the fault solely on the evil actions of Amnon. Note also that the Scriptures do not explicitly say that she struggled against him. It implies a struggle when it says, "being stronger than she, he violated her and lay with her" (2 Sam. 13:14). The fact that it does not explicitly record a struggle, then makes it a feature of the story but not a factor in consideration of whether or not something is sexual abuse.

³¹ The Hebrew word *chazaq* ("to be strong") can be used in the Scriptures in a nonphysical way. In Exodus 12:33, the Egyptians "urge" the Israelites to leave in haste. In 2 Kings 4:8, the Shunammite "urges" Elisha to stay with her. This semantic range opens up our understanding of Deuteronomy 22:25 and 2 Samuel 13:14 to include forceful urging or coercion. See Katie McCoy, "God Is Not Silent: What the Bible Teaches about Sexual Assault," *The Ethics & Religious Liberty Commission of the Southern Baptist Convention* (2017), <https://erlc.com/resource-library/articles/god-is-not-silent-what-the-bible-teaches-about-sexual-assault/>.

any other form of sexual contact in this story it would still be considered sexual abuse.

Consent is a major part of the story of Amnon and Tamar. In verse 12, Tamar pleads with her brother, “Do not oppress me, for such a thing is not done in Israel.” The verb is in the Piel, thus a forceful affliction by mistreatment is signified. In both the 1611 King James Version and the 1599 Geneva Bible, the translations the Divines used, this verb is translated “to force.” In those translations Tamar says, “Do not *force* me” (v. 12). Consent is key. If she had consented to be a willing participant, it would have been the sin of incest, not rape.³²

Since consent is a key factor in the confessional definition of rape, it follows that any sexual activity where consent is not given, can’t be given, or consent is impaired, falls under the umbrella of the confessional prohibition of rape.³³ Impairment of consent exists in a differential of power (boss with subordinates, pastor with parishioners), age, or state of consciousness (including a person impaired by a substance). If two peers attend a party and one of them becomes intoxicated, it is considered sexual assault if the other takes advantage of the impaired person. The requirement for consent also extends to the marriage bed. If an intimate partner does not consent and the other persists and engages in sexual relations, it is considered sexual assault.

With regard to child sexual abuse, whenever an adult sexually abuses a minor, it falls under the confessional umbrella of rape because children are unable to consent to sexual activity with adults.

Often, abuse in the church involves young adults and/or teenagers. Young adult or youth leaders possess a power dynamic with younger teens that impairs the ability to consent. This raises the heinousness of the sin beyond sexual immorality to abuse.

The sins *WLC* 139 includes in rape are recognized as crimes in many legal jurisdictions. Presbyteries and Sessions must understand mandatory reporting laws applicable to their locale. When a crime has been committed, Romans 13 takes precedence over Matthew 18. Adult victims must be consulted before

³² Note here that we use the phrase, “consenting to be a willing participant.” A person may be berated and coerced into giving in, but that may not be the same as willing consent. Wisdom is required in discerning the difference.

³³ This is not to say that all sexual abuse is the same in degree of severity. *WLC* 151 still applies here.

reporting their abuse to authorities. No report should be made against an adult victim's consent.³⁴ However, if the civil authorities decline to investigate or prosecute, the church is responsible to pursue the matter within the ecclesiastical court. The duties outlined for responding to abuse remain in effect. (See "Reporting" in each section of this report for further information on reporting different forms of abuse.)

"All corrupt or filthy communications, or listening thereunto; wanton looks"

(Scriptures cited: Eph. 5:3-4; Prov. 7:5, 21-22; Isa. 3:16; 2 Peter 2:14.)

Scripture forbids all crude or lascivious speech and behavior. This type of speech and/or behavior toward others sinfully diminishes image-bearers. If there is any form of power differential in the relationship, it is classified as sexual harassment. It is also considered harassment in the absence of a power differential if the comments are unwanted and are severe or repeated. If a pattern of such harassment persists over a prolonged period, it can be classified as abusive. All forms of sexual harassment are subject to the discipline of the church. (See considerations of WLC 151 above for further discussion on power differentials.)

"Impudent or light behaviour, immodest apparel . . . gluttony, drunkenness, unchaste company, lascivious songs, books, pictures, dancings, stage plays; and all other provocations to, or acts of uncleanness, either in ourselves or others"

(Scriptures cited: Prov. 7:10, 13; Ezek. 16:49; Prov. 23:30-33; Gen. 39:10; Eph. 5:4; Ezek. 23:14-16; Isa. 23:15-17; Isa. 3:16; Mark 6:22; Rom. 13:13; 1 Peter 4:3; 2 Kings 9:30; Jer. 4:30; Ezek. 23:40.)

Do these passages indicate victims contribute to their abuse?

First, no person is without sin. But does sin contribute or lead to abuse or assault? Abuse or assault is never stipulated as a form of punishment in the Scriptures, speaking to the fact that no one deserves abuse or assault. Attributing a victim's sin, appearance, friends, and/or recreations to an assault minimizes the sin of the abuser. Scripture is clear: we cannot make someone sin; people choose to sin (James 1:14). Predators have been known to

³⁴ The exception to this is if the adult was a minor when the abuse occurred and there is reason to suspect that ongoing abuse may be occurring involving other minors.

intentionally pursue these vulnerabilities because the target is easier prey and society will attribute at least part of the blame on them. In the church, we must judge justly with clear eyes. All sin is not equal. God deals with sin proportionate to the evil that has been committed and directly with the heart that commits it. A victim's sin can be addressed outside of the abusive situation, giving adequate time and resources to heal from the effects of the more heinous crime committed against them. However, care must be taken to express that the abuse is not their fault.

Second, these verses regarding the seductress, along with many similar passages, characterize the danger of idolatry in general, or of the people of Israel, the bride of Yahweh. This can be seen in many of the Proverbs, the Prophets (especially Ezekiel), and Revelation. Throughout the Prophets, enemy cities are also personified as women. The use of this analogy is not necessarily meant to emphasize the danger women pose to men. In reality, the majority of instances of sinful seduction recorded in the Bible are of men taking advantage of women (Gen. 19:4-5; Gen. 34, 38; Judg. 19:22-25; 2 Sam. 11; 2 Sam. 13).

Blaming the victim is one of the main reasons wounded people don't come forward. Shepherds help victims report by listening, hearing them, and reserving judgment.

“Unjust divorce, or desertion”

- Malachi 2:16 – “For the man who does not love his wife but divorces her,” says the LORD, the God of Israel, “covers his garment with violence,” says the LORD of hosts. So guard yourselves in your spirit, and do not be faithless.
- Matthew 5:32 – But I say to you that everyone who divorces his wife, except on the ground of sexual immorality, makes her commit adultery, and whoever marries a divorced woman commits adultery.
- 1 Corinthians 7:12-13 – To the rest I say (I, not the Lord) that if any brother has a wife who is an unbeliever, and she consents to live with him, he should not divorce her. If any woman has a husband who is an unbeliever, and he consents to live with her, she should not divorce him.

The 20th General Assembly of the PCA produced a study Report on Divorce and Remarriage.³⁵ The committee concluded that grounds for divorce is *porneia*.³⁶ It also acknowledged the possibility of a believer divorcing an unbelieving spouse because of desertion.³⁷ The report states that in a case when “words and actions on the part of one spouse that threatens the life of the other spouse and/or children, that the one(s) threatened should be counseled by the Session, or representative thereof, to remove themselves from the threatening situation.”³⁸ After those threatened are protected and moved to safety, “the Session should investigate, whether these words and actions are in effect breaking the one-flesh relationship by ‘hating’ the abused spouse and not ‘nourishing and cherishing’ this one (Eph. 5:28-29). . . . When it is determined by the Session that the abuser does not appear to them to be Christian and the abuse continues,”³⁹ the church court should excommunicate the abuser. After this, the believing spouse may seek a divorce in the civil courts.⁴⁰ In response to this report, the 20th General Assembly adopted the following recommendations (see *Minutes of the 20th General Assembly*, pp. 59-60.):

- When an unbeliever separates from the marriage relationship with a believer, the believer is free from that marriage and free to remarry but only in the Lord (1 Cor. 7:15, 39) [Recommendation 2.f].
- The believer in the aforementioned case is free to make the biblical divorce legal in the eyes of the state [Recommendation 2.h].
- Under extreme circumstances, a Session following the *BCO* may properly judge that such desertion (separation) has occurred, even though the deserting spouse is still physically present in the home (“desertion” being viewed in the sense understood in the study report on divorce, Chapter 2, Section II.E.4.) [Recommendation 2.g].

Section II.E.4 of the report begins by saying:

³⁵ This report is found in the *Minutes of the 20th General Assembly* (1992), 513-636.

³⁶ *Minutes of the 20th General Assembly* (Atlanta: Stated Clerk of the General Assembly, 1992), 633-635.

³⁷ *Ibid.*, 634-635.

³⁸ *Ibid.*

³⁹ *Ibid.*

⁴⁰ *Ibid.*

“. . . We must be careful not to open the floodgate of excuses. On the other hand, we need to recognize the reality of the ‘separation.’ We should allow sessions the liberty to discern with much prayer what would be the proper response in particular circumstance.

Several considerations incline us to agree with those of our authorities who have maintained that desertion can occur as well by the imposition of intolerable conditions as by departure itself. We are struck by the fact that, taking Matthew 19 and 1 Corinthians 7 together, it appears that the Lord concedes the necessity of the abolition of marriage in certain cases precisely so as to protect a blameless spouse from intolerable conditions. Further, taking into account both the general principles of biblical ethics and the Scripture's characteristic manner of ethical instruction, viz. the statement of commandments in a general form to which is added case law sufficient to indicate the manner of application, it seems to us that those Reformed authorities are correct who have argued that sins which are tantamount in extremity and consequence to actual desertion should be understood to produce similar eventualities (cf. *Larger Catechism*, Q. 99, A. 6).

What is more, a husband's violence, particularly to the degree that it endangers his wife's safety, if unremedied, seems to us, by any application of Biblical norms, to be as much a ruination of the marriage in fact as adultery or actual departure. This is so precisely because his violence separates them, either by her forced withdrawal from the home or by the profound cleavage between them which the violence produces, as surely as would his own departure, and is thus an expression of his unwillingness—to consent to live with her in marriage (1 Cor. 7:12-13; Eph. 5:28-29). Further, insofar as the “passivity” of the blameless spouse is an important prerequisite in Paul's permission of the dissolution of marriage on account of desertion, it seems right to note that in the case of physical abuse, for example, the blameless spouse is similarly victimized.”⁴¹

⁴¹ *Ibid.*, 562-563.

In Appendix 1 of the report, an ad hoc committee of Philadelphia Presbytery formed and was chaired by Rev. Dr. William S. Barker.⁴² Dr. Barker is the former Dean of Westminster Seminary, Philadelphia, President of Covenant Seminary, St. Louis, and the Moderator of the 22nd General Assembly of the PCA. In the *ad hoc* committee analysis of the Westminster Divines' allowance for divorce due to abuse, the report concluded:

... When physical abuse is occurring in a marriage, the church must deal with a situation which, as the Puritans saw, is contrary to God's purpose for marriage. A temporary separation may be necessary for safety, which the church may need to facilitate, and the abusing partner should be disciplined, with helpful counsel but eventually to the point of excommunication if there is no repentance in deed as well as in word. The situation is complicated in our cultural setting when the marriage partner is not a member of a church, or is a member of some other church; nevertheless, discipline must be attempted. Only after a suitable length of time and a sufficient process of church discipline should a divorce be granted for such a desertion of one's marriage partner and the marriage covenant. (This is essentially the conclusion reached by David D. Prescott in *The Problem of Wife Abuse: Wife Abuse and Pastoral Counseling*, Westminster Theological Seminary D.Min. project, 1991; cf. pp. 212-221 on "Divorce: Is It a Possibility?")

In its understanding of the Bible's teaching on divorce as "nothing but adultery or such willful desertion as can no way be remedied by the Church or civil magistrate is cause sufficient of dissolving the bond of marriage,"⁴³ the Westminster Assembly was seeking to steer the Scriptural path

⁴² Ibid., 607-621. In this analysis the committee leaned heavily upon the work of Dr. David C. Jones, erstwhile professor of ethics at Covenant Seminary, and member of several PCA GA study committees. See also David C. Jones, "The Westminster Confession on Divorce and Remarriage," *Presbyterion* XVI, 1 (Spring 1990), 17-40.

The complete report as well as other PCA documents on divorce and remarriage can be found in *What God Has Joined Together: The PCA Papers on Divorce and Remarriage* (Lawrenceville, GA: PCA Administrative Committee and Committee on Discipleship Ministries, 2021).

⁴³ WCF 24:6.

between two demonstrable extremes⁴⁴ and in the process uphold God's high ideal for marriage. On the one hand, this ruled out the Roman Catholic concept of no divorce, allowing divorce for adultery and under certain circumstances desertion. On the other hand, it ruled out divorce for incompatibility as some such as Milton were advocating. Physical abuse of a spouse was seen as contrary to the biblical purpose for marriage and would thus be grounds for church discipline and could, if it led to prolonged separation without remedy, become a cause for dissolution of a marriage. Such circumstantial details can be handled only by a body of elders cognizant of and close to the situation. Whereas proven adultery would be readily acknowledged as grounds for a divorce, desertion on the basis of physical abuse as a cause for dissolution of a marriage should be determined from the circumstances by the local session or in the case of a minister by the presbytery.⁴⁵

To summarize, the *Westminster Confession* (24:6) allows for divorce in the case of willful desertion, and the 20th General Assembly study committee report on divorce and remarriage allowed divorce in certain circumstances of abuse when a spouse is living under intolerable conditions. Intolerable conditions consist of more than physical violence on the part of the abuser. An abuser can create intolerable living conditions without ever laying a hand on his spouse or children. The Domestic Abuse section of this report will cover nonphysical tactics the abuser might use to create intolerable living conditions.

Secondly, the Divines' citation of Malachi 2:16 included the phrase, "God hates divorce." While this was the former understanding, many scholars understand this to be a mistranslation. Thus, the ESV translates the verse, "When a man hates his wife and divorces . . ." This translation is supported by both the Septuagint and the Latin Vulgate.⁴⁶ Excommunication should be

⁴⁴ These extremes were the Roman Catholic position of no divorce and the Zwinglian position that had six allowable grounds for divorce, "adultery, impotence, willful desertion, grave incompatibility, sexually incapacitating illness, and deception," *M20GA*, 609-610.

⁴⁵ *Ibid.*, 620-621. Emphasis added.

⁴⁶ Please see the following essay by Covenant Seminary Old Testament Professor C. John Collins. It is quite thorough: https://www.academia.edu/5304267/Malachi_2_16_again_. Collins argues that the translation, "God hates divorce," relies on changing the vowel "pointings" of the Masoretic Text. Collins further states that

avoided as a penalty for a wife who has fled her abuser. Even if it is eventually determined she was erroneous for pursuing divorce, the primary duty of a shepherd is a careful and prayerful approach to best address the difficulty of a wife living in a situation that threatens her (and/or her children's) well-being.

This report will deal with the issue of divorce in more depth in Attachment 11: "Divorce and Abuse." The topic of divorce in cases of domestic abuse constitutes more study on desertion and how one should think and adjudicate covenant breaking behavior. It must be asked, at what point is nonphysical abuse intolerable and dangerous?

The Ninth Commandment

You shall not bear false witness against your neighbor (Ex. 20:16).

The sins of the ninth commandment that contribute to abuse have been covered above (under the sixth commandment). This section will address three additional items in the exposition of the ninth commandment that relate to the investigation of abuse allegations, the response of the church to abuse, proper repentance of an abuser, and the issue of false reports.

Q. 144 What are the duties required in the ninth commandment?

A. The duties required in the ninth commandment are, the preserving and promoting of truth between man and man, and the good name of our neighbour, as well as our own; appearing and standing for the truth; and from the heart, sincerely, freely, clearly, and fully, speaking the truth, and only the truth, in matters of judgment and justice, and in all other things whatsoever; a charitable esteem of our neighbours; loving, desiring, and rejoicing in their good name; sorrowing for, and

the LXX and Vulgate both testify against the KJV rendering and that Martin Luther, John Calvin, and the 1560 Geneva Bible agree with the Vulgate in their own translations. Therefore, the King James Version's translation of Micah 2:16 as "God hates divorce," was an innovation. The influence of the KJV is evident in many of our modern translations, including the NASB and NKJV, translations used by many PCA elders. Interestingly, as Collins points out, *The Westminster Annotations and Commentary on the Whole Bible* list both translations ("God hates divorce" and "if a man hates his wife and divorces") as potential options and favors neither one. See also the PCA GA AIC on Marriage and Divorce which agrees, in essence, with our exegesis: *M20GA*, 207.

covering of their infirmities; freely acknowledging of their gifts and graces, defending their innocency; a ready receiving of a good report, and unwillingness to admit of an evil report, concerning them; discouraging tale-bearers, flatterers, and slanderers; love and care of our own good name, and defending it when need requireth; keeping of lawful promises; studying and practising of whatsoever things are true, honest, lovely, and of good report.

“preserving and promoting of truth . . . appearing and standing for the truth . . . in matters of judgment and justice”

- Zechariah 8:16 – These are the things that you shall do: Speak the truth to one another; render in your gates judgments that are true and make for peace;
- Proverbs 31:8-9 – Open your mouth for the mute, for the rights of all who are destitute. Open your mouth, judge righteously, defend the rights of the poor and needy.
- Joshua 7:19 – Then Joshua said to Achan, “My son, give glory to the LORD God of Israel and give praise to Him. And tell me now what you have done; do not hide it from me.”
- Leviticus 19:15 – “You shall do no injustice in court. You shall not be partial to the poor or defer to the great, but in righteousness shall you judge your neighbor.”
- Proverbs 14:5, 25 – A faithful witness does not lie, but a false witness breathes out lies. A truthful witness saves lives, but one who breathes out lies is deceitful.

The positive duty under the ninth commandment is to preserve and promote truth. Application of this principle results in the duty of church courts, to the best of their ability, to discover the truth in allegations of abuse. This translates to a duty to undertake a thorough, competent, and unbiased investigation as demonstrated in the Scriptures cited above. Zechariah 8:16 (NAS 1995) says, “Judge with truth.” Proverbs 31:9 (NAS 1995) instructs, “. . . judge righteously, and defend the rights of the poor and afflicted.” Leviticus 19:15 (NAS 1995) implores, “do no injustice in judgment.” The key to judging righteously, as Scripture commands, is to discover the truth.

Joshua 7:19 depicts an investigation. Even after Achan was discovered by lot to be the source of God’s judgment in the defeat at Ai, Joshua calls Achan forward and questions him. Joshua follows up in order to fully discover the

truth. It was not enough to know Achan was guilty; the truth needed to be discovered and disclosed.

The perniciousness of false reports is included in the discussion of *WLC* 145 below. While false reports are rare, the best way to protect against them is to undertake an investigation to discover the truth.⁴⁷ The question (Q. 145) below also warns against prejudicing the truth. The best way to avoid prejudging a matter is to engage a competent third party to perform an unbiased investigation. The question below further warns against passing unjust sentence. The best way to avoid passing unjust sentence is to perform a competent and thorough investigation.

The duty to investigate is codified in the *Book of Church Order* (emphasis added):

31-2. It is the duty of all church Sessions and Presbyteries to exercise care over those subject to their authority. They shall with due diligence and great discretion demand from such persons satisfactory explanations concerning reports affecting their Christian character. This duty is more imperative when those who deem themselves aggrieved by injurious reports shall ask an investigation.

If such investigation, however originating, should result in raising a strong presumption of the guilt of the party involved, the court shall institute process, and shall appoint a prosecutor to prepare the indictment and to conduct the case. This prosecutor shall be a member of the court, except that in a case before the Session, he may be any communing member of the same congregation with the accused.

The *BCO* clearly states the court's duty when someone reports abuse: it is to perform a thorough investigation and demand explanations concerning the report. If the investigation raises a strong presumption of guilt, the court must institute process by appointing a prosecutor and preparing an indictment. The *BCO* does not prohibit a Session from enlisting the help of a third party in performing an investigation.

⁴⁷ See Attachment 7: Myths about Abuse for information on the frequency of false reports.

Therefore, the duty of a church court is to perform thorough, competent, and unbiased investigations in order to preserve and promote the truth and to judge righteously. While a direct and explicit duty to engage a competent third party is not found here, it is advised by this committee in order to best fulfill the duties required and sins forbidden in the ninth commandment.

Q. 145 What are the sins forbidden in the ninth commandment?

A. The sins forbidden in the ninth commandment are, all prejudicing the truth, and the good name of our neighbours, as well as our own, especially in public judicature; giving false evidence, suborning false witnesses, wittingly appearing and pleading for an evil cause, out-facing and overbearing the truth; passing unjust sentence, calling evil good, and good evil; rewarding the wicked according to the work of the righteous, and the righteous according to the work of the wicked; forgery, concealing the truth, undue silence in a just cause, and holding our peace when iniquity calleth for either a reproof from ourselves, or complaint to others; speaking the truth unseasonably, or maliciously to a wrong end, or perverting it to a wrong meaning, or in doubtful and equivocal expressions, to the prejudice of truth or justice; speaking untruth, lying, slandering, backbiting, detracting, tale-bearing, whispering, scoffing, reviling, rash, harsh, and partial censuring; misconstruing intentions, words, and actions; flattering, vain-glorious boasting, thinking or speaking too highly or too meanly of ourselves or others; denying the gifts and graces of God; aggravating smaller faults; hiding, excusing, or extenuating of sins, when called to a free confession; unnecessary discovering of infirmities; raising false rumours, receiving and countenancing evil reports, and stopping our ears against just defence; evil suspicion; envying or grieving at the deserved credit of any, endeavouring or desiring to impair it, rejoicing in their disgrace and infamy; scornful contempt, fond admiration; breach of lawful promises; neglecting such things as are of good report, and practising, or not avoiding ourselves, or not hindering what we can in others, such things as procure an ill name. (*WLC 1:145 WCS*)

“Concealing the truth, undue silence in a just cause, and holding our peace when iniquity calleth for either a reproof from ourselves, or complaint to others”

- Leviticus 5:1 – “If anyone sins in that he hears a public adjuration to testify, and though he is a witness, whether he has seen or come to know the matter, yet does not speak, he shall bear his iniquity;”
- 1 Kings 1:6 – His father had never at any time displeased him by asking, “Why have you done thus and so?” He was also a very handsome man, and he was born next after Absalom.

(Additional Scriptures cited: Deut. 13:8; Acts 5:3, 8-9; 2 Tim. 4:6; Lev. 19:17; Isa. 59:4.)

This clause furthers the duties covered under the fifth commandment. Abusers thrive on silence. Evil loves darkness. Thus, leaders should speak generally about the issue of abuse and specifically when abuse occurs in the community. The church or institution’s reputation is secondary to reproving and discountenancing evil. When church leaders are not open about abuse, they discourage members who notice problematic patterns of behavior, as well as corroborating witnesses, from coming forward. Abuse dissipates when brought into the light.

“Hiding, excusing, or extenuating of sins, when called to a free confession”

- Proverbs 28:13 – Whoever conceals his transgressions will not prosper, but he who confesses and forsakes them will obtain mercy.
- Proverbs 30:20 – This is the way of an adulteress: she eats and wipes her mouth and says, “I have done no wrong.”
- Genesis 3:12-13 – The man said, “The woman whom you gave to be with me, she gave me fruit of the tree, and I ate.” Then the LORD God said to the woman, “What is this that you have done?” The woman said, “The serpent deceived me, and I ate.”
- Jeremiah 2:35 – You say, “I am innocent; surely His anger has turned from me.” Behold, I will bring you to judgment for saying, “I have not sinned.”
- 2 Kings 5:25 – He went in and stood before his master, and Elisha said to him, “Where have you been, Gehazi?” And he said, “Your servant went nowhere.”

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- Genesis 4:9 – Then the LORD said to Cain, “Where is Abel your brother?” He said, “I do not know; am I my brother's keeper?”

The Scripture passages above articulate unrepentant sin. One who is truly repentant will offer a free and full confession without hedging, hiding, or blaming others. They will confess fully, not simply confessing to those sins for which they have been caught. The *WCF* 15.5 reads, “Men ought not to content themselves with a general repentance, but it is every man's duty to endeavor to repent of his particular sins particularly” (Ps. 19:13; Luke 19:8; 1 Tim. 1:13, 15).

Struggling with lust, a lack of sex, or a problem with substance abuse is not the foundation nor rationale for abuse. These are excuses. Abuse is a grave sin, magnified by many factors seen in the analysis of *WLC* 151 above. Scripture tells us that leaders call sinners to account. They do not conceal the truth by excusing or lessening sin. Scriptures call shepherds to protect sheep, bring evil out from the dark, and hold offenders accountable.

“Raising false rumours, receiving and countenancing evil reports, and stopping our ears against just defence”

- Exodus 23:1 – “You shall not spread a false report. You shall not join hands with a wicked man to be a malicious witness.”

(Additional Scriptures cited: Prov. 29:12; Acts 7:56-57; Job 31:13-14.)

These passages affirm that false reports happen. False reporting is pernicious and evil, as the accompanying Scripture shows. Falsely reporting abuses, however, is rare.⁴⁸ Scripture narrates *one* instance of a woman falsely accusing a man of abuse (Gen. 39:14-15), yet multiple instances of men misusing women.⁴⁹ The Bible also tells us God will not be mocked (Gal. 6:7) and He will reveal this darkness (Job 12:13-25; Dan. 2:22; 1 Cor. 4:5).

“Believe victims” is a common slogan today because of #metoo. To believe those who report abuse does not negate exploration of the claims. For leaders

⁴⁸ The frequency of false reports for cases of physical and sexual abuse is estimated to be between 2% and 10%. See Attachment 7: Myths about Abuse for information on the frequency of false reports.

⁴⁹ Genesis 19:4-5 34; 38; Judges 19:22-25; 2 Samuel 11; 13.

in the church, “believe victims” means taking necessary actions to protect first. After physical safety is ensured, church courts can then discern the truth in the allegations.

Deuteronomy 22:25-27 states:

“But if in the open country a man meets a young woman who is betrothed, and the man seizes her and lies with her, then only the man who lay with her shall die. But you shall do nothing to the young woman; she has committed no offense punishable by death. For this case is like that of a man attacking and murdering his neighbor, because he met her in the open country, and though the betrothed young woman cried for help there was no one to rescue her.”

This passage articulates that a woman should be believed when there are no witnesses or evidence (“out in the country”). Abuse rarely happens in the presence of a witness. In this situation, the man is to die and “you shall do nothing to the young woman.” This passage implies false reports of abuse are rare. As mentioned above, the best way to fulfill the duty to defend against false reports is to engage a qualified third party to investigate.

Conclusion

The purpose of this biblical and confessional introduction has been twofold. First was to demonstrate that since PCA elders are bound by oath to the ethical teachings of the Westminster Standards, it follows that they are bound by oath to whatever the Standards teach concerning abuse. Second was to expound what the Westminster Standards teach concerning abuse.

The *Westminster Larger Catechism’s* exposition of the Ten Commandments is a valuable resource for guiding the ethics of the church. Specifically, the Divines’ thorough biblical study provides a powerful set of tools for understanding abuse from a biblical and confessional perspective. This study grounds our understanding of abuse in the Holy Scriptures and God’s heart for victims. His desire is that we discountenance evil by bringing it into the light of day.

Here are the key takeaways from this biblical and confessional study of abuse:

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1. The existence of power differentials is demonstrated by the Standards, factoring in what is considered abuse and increasing the severity of the damage done;
2. The categories of abuse discussed in this report—physical, sexual, spiritual, and psychological—all have strong biblical support;
3. Church leaders have a duty to educate their people on the issues of abuse and to develop robust protection and prevention policies;
4. Church leaders have a duty to respond well to abuse by protecting victims, undertaking a competent, unbiased investigation, discountenancing evil, and providing patient care for those affected; and
5. Though an explicit duty cannot be located in the Standards, an independent, third party investigation is advisable in order to discover the truth.

The goal of the Introduction was to present the confessional case for responding to abuse. The remainder of this report will describe what a practical response involves. Sections Two through Six may not read like a typical PCA study report. This is because they will begin with the assumption of the biblical and theological understanding of abuse presented in Section One and proceed to a practical development of the biblical and theological content in implementable ways. To put it another way, the introduction has attempted to establish the “why”; the remaining material will answer the “what” and the “how.”

Elders in the Presbyterian Church in America take the vow to “sincerely receive and adopt the *Confession of Faith* and the Catechisms of this Church, as containing the system of doctrine taught in the Holy Scriptures,” (BCO 21-5, 24-6). Therefore, the Larger Catechism’s teachings (hereafter, *WLC*) on the Ten Commandments are the official ethical teachings of the PCA. As such, the *WLC* serves as the basis for how elders are to engage in church discipline.

BCO 27-1 teaches that discipline has two aspects:

1. the one referring to the whole government, inspection, training, guardianship and control which the church maintains over its members, its officers and its courts;
2. the other a restricted and technical sense, signifying judicial process.

Therefore, the Constitution of the PCA requires elders, as a part of the discipline of the church, to train its members in the ethical teachings of the *WLC*, to inspect the members of the church in their adherence to ethical behavior as taught by the *WLC*, and to govern, guard, and control the church according to the ethical teachings of the *WLC*. When correction necessitates judicial process, the subject matter of the *WLC* serves as the basis for adjudication.⁵⁰

For these reasons, this report will ground its understanding of abuse in the ethical teachings of the *WLC* found in its exposition of the Ten Commandments.

While the technical terms describing abuse do not appear in The Westminster Standards, the sinful behaviors that these terms describe do. All forms of abuse described in this report are instances of “misuse,” but more specifically they are misuses of power. This includes power that is (but is not limited to):

- *Physical force* that is used to strike, wound, or force someone to do something to which they do not consent;
- *Authority* that forces someone against their consent and wounds:
 - Formally recognized authority,
 - Familial authority, such as parents have over children,
 - Informal relational authority, such as exhibited by Sunday School teachers or other workers who have charge over children, and/or
 - Relational authority, such as that of respected members of the church.

⁵⁰ *BCO 29-1*, “An offense, the proper object of judicial process, is anything in the doctrines or practice of a Church member professing faith in Christ which is contrary to the Word of God. *The Confession of Faith* and *The Larger and Shorter Catechisms of the Westminster Assembly*, together with the formularies of government, discipline, and worship are accepted by the Presbyterian Church in America as standard expositions of the teachings of Scripture in relation to both faith and practice. Nothing, therefore, ought to be considered by any court as an offense, or admitted as a matter of accusation, which cannot be proved to be such from Scripture,” (emphasis added).

Misuse of power may also be exhibited in differences of age, in those who are developmentally or intellectually more advanced, and/or in numbers or financial influence.⁵¹

The Westminster Larger Catechism

The *WLC* lays out the sins of misuse of authority very clearly: aggravations that make some sins more heinous than others, failure of superiors in their duty towards inferiors, and sins of superiors against inferiors.⁵² These serve as the theological basis for our understanding of abuse.

In the analysis below we will state the catechism question and answer in full and then work through pertinent clauses from the answer with the Scripture verses cited by the Westminster Assembly. While we do not receive and adopt the Scripture references as a part of our Constitution, we should give them due consideration as they are the biblical basis that the Assembly adopted for what they wrote. Some of the more pertinent Scripture citations will be printed in full, but the reader is encouraged to keep Bible in hand in order to read all the references.

WLC 151 on Aggravations That Make Sins More Heinous

The basic principle gleaned from this catechism answer is more heinous sins cause more damage. Because heinous sins cause significant damage, they are to be punished more severely, and victims are to be shown greater care. Many instances are abusive due to the aggravating factors mentioned below. Abuse is not merely one instance by a "hot head," nor is it excusable because of the infrequency of the aggression. Apologizing does not negate abuse. Women do

⁵¹ Please see below under *WLC* 129, 130, and 151 for a fuller theological discussion.

⁵² For those that are unfamiliar with the Westminster Standards, the language of superiors and inferiors may seem jarring. This is because in modern usage, these words imply a value judgment of being of better or poorer in quality or worth. However, in the 17th century the terms "inferior" and "superior" simply referred to a reference of position. For example, the phrase, "the ground is inferior to the sky," means simply that the ground is lower than the sky. In modern American society further questions may be raised by the implication of position or class among peoples. To this we must understand that the Westminster Standards are not advocating for a societal class system. Rather, this language is used to describe relationships of authority and submission, a concept that is thoroughly biblical.

not deserve to be abused because of their actions, wardrobe, or any other factor. Aggravating factors such as power differentials, the presence of covenant relationships, multiform sins, and repeated sins greatly magnify the damage to a victim's soul. Recognizing these factors is key to identifying and responding well.

Q. 151 What are those aggravations that make some sins more heinous than others?

A. Sins receive their aggravations, 1. From the persons offending: if they be of riper age, greater experience or grace, eminent for profession, gifts, place, office, guides to others, and whose example is likely to be followed by others. 2. From the parties offended: if immediately against God, his attributes, and worship; against Christ, and his grace; the Holy Spirit, his witness, and workings; against superiors, men of eminency, and such as we stand especially related and engaged unto; against any of the saints, particularly weak brethren, the souls of them, or any other, and the common good of all or many. 3. From the nature and quality of the offence: if it be against the express letter of the law, break many commandments, contain in it many sins: if not only conceived in the heart, but breaks forth in words and actions, scandalize others, and admit of no reparation: if against means, mercies, judgments, light of nature, conviction of consciousness, publick or private admonition, censures of the church, civil punishments; and our prayers, purposes, promises, vows, covenants, and engagements to God or men: if done deliberately, wilfully, presumptuously, impudently, boastingly, maliciously, frequently, obstinately, with delight, continuance, or relapsing after repentance. 4. From circumstances of time and place: if on the Lord's day, or other times of divine worship; or immediately before or after these, or other helps to prevent or remedy such miscarriages: if in publick, or in the presence of others, who are thereby likely to be provoked or defiled.

“From the persons offending: if they be of riper age, greater experience or grace, eminent for profession, gifts, place, office, guides to others, and whose example is likely to be followed by others.”

(Scriptures cited: Jer. 2:8; Eccl. 4:13; 1 Kings 11:4, 9; 2 Sam. 12:14; 1 Cor. 5:1; James 4:17; Luke 12:47-48; Jer. 5:4-5; 2 Sam. 12:7-9; Ezek. 8:11-12; Rom. 2:17-24; Gal. 2:11-14.)

The WLC and supporting Scripture show that the sins of those in authority are more heinous, causing more damage and deserving of greater punishment because of the position of authority. The confession supports the existence of

a differential of power in certain relationships. In each of the instances mentioned, summarized as leadership status, age, and knowledge of the faith, we find accompanying power over another. Power can be misused in order to control, oppress, and harm others. When the misuse of power occurs, it may be considered an abuse of authority.

Superiors are not necessarily official, ordained leaders of the church. Superiors can be prominent members who are well-respected due to their knowledge or faith practice. They can be Sunday school teachers, youth leaders, committee chairpersons, or ministry team leaders. They can also be someone more advanced in age. These power differentials should be considered in an abusive situation. The harm done by leaders has a greater impact on the ones they harm. A shepherd that takes advantage of his position to pillage his own flock is not a shepherd (Ezek. 34).

“Particularly weak brethren, the souls of them”

(Scriptures cited: 1 Cor. 8:11-12; Rom. 14:13, 15, 21; Ezek. 13:19 Rev. 18:12-13; Matt. 23:15.)

The power differential is especially true of anyone who is weaker, but especially those who are substantially helpless, such as children, those with mental or physical disabilities, or those otherwise vulnerable due to their condition. Peter also notes that women in marriages are the weaker vessel, acknowledging the power dynamic between the sexes in general (1 Peter 3:7). Peter’s declaration is interpreted as a statement about physical strength, the vessel being a metaphor for the human body.⁵³ Therefore husbands, and men in general, are cautioned: men are, in general, physically stronger than women. This power is provided to protect and serve their sisters in Christ, not to harm.

⁵³ So, Matthew Henry, who says that, “she is the weaker vessel by nature and constitution... but in other and higher respects equal to her husband,” in his *Commentary on the Whole Bible*, 1 Peter 3:7. This interpretation is confirmed by other NT uses of the term *σκεῦος* that more clearly refer to the human body (2 Cor. 4:7, Rom. 9:22, 1 Thess. 4:4). John Calvin affirms this in his comments on 1 Thessalonians 4:4, “As for the expression, that every one of you may know to possess his vessel, some explain it as referring to a wife, as though it had been said, ‘Let husbands dwell with their wives in all chastity.’ As, however, he addresses husbands and wives indiscriminately, there can be no doubt that he employs the term vessel to mean body,” John Calvin, *Commentaries on The Epistle of Paul to the Philippians, Colossians, and Thessalonians*.

Some persons are vulnerable due to their position in relation to church power, especially in access to church courts. Because the PCA ordains only men to the office of presbyter, officers in the church must take special care to make sure all laypeople, women in particular, have proper access and representation in ecclesiastical courts. Church officers are instructed to ensure all parties in judicial process have access to the rules of discipline and can obtain good representation (*BCO* 32-3).

In Revelation 18:12-13, souls are equated to precious goods—valuable individuals that ought to be treasured and kept safe. Abuse is a sin that damages the soul. The Pauline passages cited above discuss the destruction of those for whom Christ died. Modern scientific discoveries have shown us that abuse trauma causes lasting damage to the psyche.⁵⁴ The biblical word for psyche is *soul*. This confessional clause, “the souls of them,” with its accompanying Scripture citations, therefore, gives the theological basis for abuse-related trauma and speaks to the evil nature of causing damage to another image-bearer’s soul.⁵⁵

“Break many commandments, contain in it many sins”

(Scriptures cited: Col. 3:5; 1 Tim. 6:10; Prov. 5:8-12; 6:32-33; Josh. 7:21.)

The damage of abuse is the result when multiple sins are committed. When a person verbally abuses, they are transgressing the sixth and ninth commandments. If it is a husband of a wife, the fifth and seventh commandments are transgressed as well. All abuse involves deception (a violation of the ninth commandment): the abuser’s self-deceit, the deception of the victim, and the deception of the community. The sin of abuse is deemed more heinous because of this multiplicity of transgressions.

“Promises, vows, covenants, and engagements to God or men”

⁵⁴ H. D. Gingrich and F. C. Gingrich. *Treating Trauma in Christian Counseling* (Downers Grove, IL: InterVarsity Press, 2017), 55-77.

⁵⁵ While the Bible does not use the terms “psychological damage” or “trauma,” it does refer to the damage of souls. The Greek word ψυχή is the word used in the Bible for “soul.” This word also serves as the etymological root for the word “psychology.” Revelation 18:12-13 shows that the soul has great value, the implication being that great care should be taken not to damage souls. Further, Proverbs 14:30 and Habakkuk 3:16 speak of “bone rot” and Psalm 31:10 speaks of “bones wasting away.” These three references seem to be metaphors for harm being done to the soul.

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(Scriptures cited: Ps. 78:34-37; Jer. 2:20; Jer. 42:5-6, 20-21; Eccl. 5:4-6; Prov. 20:25; Lev. 26:25; Prov. 2:17; Ezek. 17:18-19.)

The *WLC* considers sin that transgresses vows and promises as base. This includes spouses who make vows to one another, parents who make vows to their children, church officers who make vows to the flock, and congregations who make vows to their pastors, elders, and deacons. Whenever these vows and promises are broken, it causes great damage. Thus, when a parent abuses a child, great damage is done due to not only the transgression of so many commandments, but also due to the breach of the covenant bond between them. When a husband abuses his wife, great damage is done. When a pastor or elder, who swore to feed the sheep for whom Christ died, abuses his own sheep, it is grievous. This is why Jesus says it would be better to have a great millstone hung around their necks and be thrown into the depths of the sea (Matt. 18:6, Mark 9:42, Luke 17:2). The implication is that the dread Judge of all will have His vengeance (Rom. 12:19).

“If done . . . frequently, [or] with . . . continuance”

(Scriptures cited: Num. 14:22; Isa. 57:17.)

Non-physical forms of abuse are established by the evidence of a pattern of sinful behavior. The catechism validates this framework with the statement that sins committed frequently or with continuance are more heinous.

“Relapsing after repentance”

(Scriptures cited: Jer. 34:8-11; 2 Peter 2:20-22.)

One of the factors for judging if repentance is genuine, and if restoration of an abuser is warranted, is when they demonstrate fruits in keeping with repentance. Paul writes,

For godly grief produces a repentance that leads to salvation without regret, whereas worldly grief produces death. For see what earnestness this godly grief has produced in you, but also what eagerness to clear yourselves, what indignation, what fear, what longing, what zeal, what punishment! At every point you have proved yourselves innocent in the matter (2 Cor. 7:10-11).⁵⁶

⁵⁶ See Attachment 10: Repentance for an extended exegesis of this passage.

Apologizing is certainly expected when a sin is committed against another. However, simply stating “I’m sorry” is inadequate considering the substance found in Paul’s letter. Is the abuser earnest for God to produce a grief in them that is eager to deal with their sin? Are they grieving how they’ve sinned against God (primarily) and their fellow image-bearer (specifically)? Do they recognize the full impact of their sin on the victim? Are they submitting to the process of repentance? What does restitution look like, and do they desire to do whatever it takes to make the wrong right?

Or, conversely, is the abuser experiencing worldly sorrow? Do they regret their actions, but grieve simply the consequences? Are they upset about what they did or that they got caught? Repentance is a work of the Holy Spirit. A person who diligently deals with their sin positions themselves humbly before their Lord and pleads for Him to work restoration—restoration to a right relationship with Him. Discerning repentance is difficult especially when the presenting sin involves manipulation and deception, which are key features of a heart that oppresses.⁵⁷

The WLC on the Ten Commandments

Having discussed the aggravating factors that cause sins to become more heinous, we now move to the Catechism content of the Ten Commandments. While the transgression of any commandment is grievous, the locus of our analysis will be focused on the fifth, sixth, seventh, and ninth commandments as they relate particularly to abuse.

The Fifth Commandment

“Honor thy father and thy mother: that thy days may be long upon the land which the Lord thy God giveth thee” (Ex. 20:12).

Q. 129 What is required of superiors towards their inferiors?

A. It is required of superiors according to that power they receive from God, and that relation wherein they stand, to love, pray for, and bless their inferiors, to instruct, counsel, and admonish them; countenancing, commending, and rewarding such as do well; and discountenancing, reproving, and chastising such as do ill; protecting, and providing for them all things necessary for soul and body: and by grave, wise, holy, and exemplary carriage, to procure glory

⁵⁷ See Attachment 10 on Repentance. Also see this resource to help you discern if what you are seeing is godly repentance. https://www.ccef.org/jbc_article/how-to-discern-true-repentance-when-serious-sin-has-occurred/

to God, honour to themselves, and so to preserve that authority which God hath put upon them.

Authority, according to the catechism answer, is the power a “superior” receives from God. God gifts that power to benefit those under authority. This includes (but is not limited to) loving, blessing, praying for, instructing, counseling, and admonishing. Those with positions of authority reward and commend those under their care when they do right, as well as discountenance, reprove, and chastise when they do wrong. Superiors are also to protect and provide for all things necessary for soul and body. In accomplishing these goals, those in authority procure glory for God and preserve the authority God gives. Practically, the catechism states this is applied through instruction, counsel, protection, and provision.

As this relates to abuse, it is the duty of the elders to instruct and counsel their congregations according to God’s Word (Deut. 6:6-7), the confessional standards, and common grace informed resources. Superiors thereby provide members with the tools necessary to care for one another. Learning what the Bible teaches regarding abuse and those who abuse, helps create a culture in the church that quickly identifies and thereby prevents sinful abusive behaviors.

It is also the duty of elders to protect and provide. Churches protect their members with policies that take into consideration the most vulnerable in the congregation.⁵⁸ Leaders—to the best of their ability—provide both children and adults, every age group and gender, with the tools necessary for abuse prevention.

Two areas in the catechism answer address response to abuse:

- *The duty to deal with those who sin.* The catechism states church leaders are to “discountenance.” “Discountenance” is defined as to

⁵⁸ Examples might be Presbyteries and Sessions enacting policies to hire qualified independent parties to investigate claims of abuse, policies detailing appropriate workplace interactions to inform and protect against harassment, Presbyteries enacting policies to require background checks and abuse training for all ordinands and transfers, and policies to protect whistleblowers against retribution. The basic idea is that the job of prevention is not completed once a Sunday morning child protection policy has been adopted.

“discourage by evidence of disapproval.”⁵⁹ This evidence is not only exhibited toward the offender, but also witnessed by any victims and the church-at-large. To discountenance is to “call out and thwart” those who do wrong. Calling out the evildoer helps prevent the evil from continuing. It also acts as a deterrent, warning others who might do similarly. Discretion and wisdom are necessary in doing this, as instructed in the *BCO* and in Holy Scripture (*BCO* 32-1, Gal. 6:1). Yet elders should not shy away from the duty of discountenancing the evil of abuse in our midst out of the desire to protect reputations. The catechism directly charges us to discountenance such evil.

- *The charge for elders to “reprove and chastise.”* This speaks directly to the infliction of censures as found in *BCO* 36. Note, according to the *BCO*, censures may be inflicted on those who are repentant (*BCO* 38-1). Indeed, when a great evil has occurred, it is the duty of the courts of the church to inflict censures in order to operate as a means to reclaim the offender, deliver the church from scandal, and inspire fear by example (*BCO* 30-4). Discretion and wisdom are necessary in making censures known. Protecting any victims is the primary concern.

The second duty of superiors is to provide for those under their authority. This instructs parents to provide for their children. To fail to provide for a child’s needs is child neglect. This neglect can also manifest as spousal neglect and/or economic abuse. The standard in the catechism is the duty of familial superiors to provide for the needs of those under their care. Since the catechism notes that provision includes “all things necessary for *soul* and body,” spiritual harm by the misuse of power falls under this clause.

The final duty of superiors is to bless inferiors. As it relates to abuse, lack of properly responding to evil when it happens is a failure to bless the vulnerable. Lack of response, and/or a poor response, may lead to spiritual disillusionment and perhaps the inferior departing from the church.⁶⁰

⁵⁹ *Webster.com Dictionary*, s.v. “discountenance,” <https://www.merriam-webster.com/dictionary/discountenance>.

⁶⁰ One example of this is a Pew Research study on the religious “nones” that stated, “One-in-five express an opposition to organized religion in general. This share includes some who do not like the hierarchical nature of religious groups, several people who think religion is too much like a business and others who mention clergy sexual abuse scandals as reasons for their stance.” <https://www.pewresearch.org/fact-tank/2016/08/24/why-americas-nones-left-religion-behind/>. See also this article from The Gospel Coalition, that cites “church hurt” as a reason why many young

Scripture References for WLC 129

The Scripture references of the WLC are a valuable tool to understand the biblical basis of the sin of abuse and further elucidate the thinking of the divines. Below are some of the relevant Scriptures.

The Confessional Definition of Abuse

- Colossians 3:19 – Husbands, love your wives, and do not be harsh with them.
- Ephesians 6:4 – Fathers, do not provoke your children to anger, but bring them up in the discipline and instruction of the Lord.
- 1 Peter 3:7 – Likewise, husbands, live with your wives in an understanding way, showing honor to the woman as the weaker vessel, since they are heirs with you of the grace of life, so that your prayers may not be hindered.

These verses describe behaviors of harshness, provocation, and insensitivity through words and/or actions as sinful behaviors in various relationships (husband to wives, parents to children). All relationships struggle with these sins. What makes the sinful behavior abusive is that it is a repeated, persistent pattern of sin over a prolonged period that causes significant and lasting damage. This report understands non-physical forms of abuse in this way. An individual who perpetrates repeated, persistent sins of abuse must not be dismissed as someone who “sometimes loses his cool.” All forms of abuse, whether physical or non-physical, negatively impact both the inner and outer man.

The Requirement To Report Abuse to the Civil Authorities

- 1 Peter 2:14 – or to governors as sent by him to punish those who do evil and to praise those who do good.
- Romans 13:4 – for he is God's servant for your good. But if you do wrong, be afraid, for he does not bear the sword in vain. For he is the servant of God, an avenger who carries out God's wrath on the wrongdoer.

evangelicals are deconstructing: <https://www.thegospelcoalition.org/article/4-causes-deconstruction/>.

These verses instruct how to deal appropriately with the evil of abuse when it occurs. “Governors” exist in both the state and the church. When it comes to criminal abuse, the governors of the church should submit to the laws and authority of the state (Rom. 13:1-7). When it comes to forms of abuse that the state does not criminalize or does not hold criminally liable, it remains the duty of church governors to discountenance those sins.⁶¹

Oppression as the Biblical Category for Abuse

- Job 29:12-17 – . . . because I delivered the poor who cried for help, and the fatherless who had none to help him. The blessing of him who was about to perish came upon me, and I caused the widow's heart to sing for joy. I put on righteousness, and it clothed me; my justice was like a robe and a turban. I was eyes to the blind and feet to the lame. I was a father to the needy, and I searched out the cause of him whom I did not know. I broke the fangs of the unrighteous and made him drop his prey from his teeth.
- Isaiah 1:17 – “Learn to do good; seek justice, correct oppression; bring justice to the fatherless, plead the widow's cause.”

These verses speak generally to the duty of leaders to seek justice and correct oppression. They also direct leaders to pay particular attention to those who have less power. We are to plead the widow’s cause because she has no one to help her. In dealing with abuse, the Scriptures call us to carefully attend to those in the situation who have less power.

Protecting the Reputation of Church Leaders

- 1 Timothy 4:12 – Let no one despise you for your youth, but set the believers an example in speech, in conduct, in love, in faith, in purity.
- Titus 2:3-5 – Older women likewise are to be reverent in behavior, not slanderers or slaves to much wine. They are to teach what is good, and so train the young women to love their husbands and children, to be self-controlled, pure, working at home, kind, and submissive to their own husbands, that the word of God may not be reviled. (Emphasis added.)

⁶¹ It should also be noted that many times the civil authorities will decline to investigate a matter or prosecute the perpetrator. This is not a statement of innocence by the magistrate and thus does not necessarily remove the responsibility of the church courts to deal with sin.

MINUTES OF THE GENERAL ASSEMBLY

- 1 Kings 3:28 – And all Israel heard of the judgment that the king had rendered, and they stood in awe of the king, because they perceived that the wisdom of God was in him to do justice.
- Titus 2:15 – Declare these things; exhort and rebuke with all authority. Let no one disregard you.

These verses speak to the duty of superiors to accrue glory to God and preserve their reputations by doing what is right. One of the qualifications for an elder is to be thought well of by outsiders (1 Tim. 3:7). If outsiders lack respect for the church due to its failures in both preventing and adequately responding to abuse, leaders are those primarily responsible to seek the ways in which the church has failed to obey God (Amos 3:2; 1 Peter 4:17).

The Sins Forbidden in the Fifth Commandment

Q. 130 What are the sins of superiors?

A. The sins of superiors are, besides the neglect of the duties required of them, an inordinate seeking of themselves, their own glory, ease, profit, or pleasure, commanding things unlawful, or not in the power of inferiors to perform; counselling, encouraging, or favouring them in that which is evil; dissuading, discouraging, or discountenancing them in that which is good; correcting them unduly; careless exposing, or leaving them to wrong, temptation, and danger; provoking them to wrath; or any way dishonouring themselves, or lessening their authority, by an unjust, indiscreet, rigorous, or remiss behaviour.

In this question and answer, one instance of these sins may not constitute abuse. It is the repeated persistent pattern of sin over a prolonged period that causes significant and lasting harm.

“An inordinate seeking of themselves, their own glory, ease, profit, or pleasure.”

- Ezekiel 34:2-4 – “Son of man, prophesy against the shepherds of Israel; prophesy, and say to them, even to the shepherds, Thus says the Lord GOD: Ah, shepherds of Israel who have been feeding yourselves! Should not shepherds feed the sheep? You eat the fat, you clothe yourselves with the wool, you slaughter the fat ones, but you do not feed the sheep. The weak you have not strengthened, the sick you have not healed, the injured you have not bound up, the strayed you have not brought back, the lost you have not sought, and with force and harshness you have ruled them.”

- Philippians 2:21 – For they all seek their own interests, not those of Jesus Christ.

The sin of “seeking of themselves,” as mentioned in this first phrase, may lead to an incessant pattern of demand, minimization, humiliation, blame-shifting, coercion, denial, threats, and/or treating a person like a servant. Sometimes, this may also include stringent limits on access to financial resources. If the self-centeredness of a husband, parent, or caregiver leads to the harm of the family due to its severity and prolonged persistence, then it could be abuse. This is especially true when it leads to the family’s physical or spiritual neglect.

“Commanding things unlawful, or not in the power of inferiors to perform; counselling [or] encouraging them in that which is evil.”⁶²

(Scriptures cited: Dan. 3:4-6; Acts 4:17; Ex. 5:10-18; Matt. 23:4; Matt 14:8; 2 Sam. 13:28.)

This phrase speaks of when an authority figure asks or commands those under their charge to do something illegal or immoral. Church leaders are responsible to know what constitutes illegal behavior in their community, when, how, and to whom to report a crime, and public resources available to both victims and abusers. This is in addition to wise shepherding care, which has a broad, biblical understanding of what constitutes immorality in the body of Christ. Doctrines of suffering, submission, headship, gossip, slander, and intimacy in marriage, are all relevant to helping congregants respond well to the sins of abuse. It is a grievous sin when an authority figure uses his or her authority (by force or coercion) to secure participation in sinful acts. Related to this, there is an erroneous teaching that submission owed to the husband/father is such that wives and children must submit even if he commands something sinful. It has also been taught that a wife or a child cannot report the husband/father’s (or mother’s if applicable) moral failures to the authorities (church or civil). These are false teachings that must be suppressed.

Further, when a superior “ties up heavy burdens, hard to bear,” through impossible demands and exacting punishments, great soul damage can be done, and thus can be a factor in spiritual abuse or leadership abuse.⁶³

⁶² “Favoring” is removed from this section in order to deal with it separately below.

⁶³ See Attachment 1: Definitions for meanings of these terms and Section Six: Misuse of Spiritual Authority in this report.

“Favouring them in that which is evil”

- 1 Samuel 3:13 – “And I declare to him that I am about to punish his house forever, for the iniquity that he knew, because his sons were blaspheming God, and he did not restrain them.”

The Scripture reference for “favoring them in that which is evil,” is Eli’s inaction in disciplining his sons. Passive forbearance with his sons’ great evil is what led to Israel’s downfall. We must not forebear with abusers in the church. This is a sinful favoring of evil. Leaders should instead restrain evil by thoroughly educating themselves and their congregations regarding the dynamics of abuse, carefully constructing robust policies to prevent abuse, and responding adequately when it occurs.

“Dissuading, discouraging, or discountenancing them in that which is good; correcting them unduly”

(Scriptures cited: John 7:46-49; Col. 3:21; Ex. 5:17; 1 Peter 2:18-20; Heb. 12:10; Deut. 25:3.)

When leaders, either in the home, workplace, or church, berate or belittle those under their care, it diminishes the image of God in man. The body and the mind, heart, will, and emotions are all a reflection of God’s image.

Diminishing others is how abusive people manipulate to control. It is an insidious tactic that causes significant (psychological) damage to the inner man. Similarly, an act of discipline or correction that is not reciprocal to the wrong committed can also be weaponized by an abuser. Patterns of devaluing God’s image in another over a prolonged period of time results in a victim’s inability to reason appropriately, make wise personal decisions, and/or mediate reality. Ultimately, it diminishes their capacity to steward their God-given gifts and glorify their Creator.

“Careless exposing, or leaving them to wrong, temptation, and danger”

- Genesis 38:11 – Then Judah said to Tamar his daughter-in-law, “Remain a widow in your father's house, till Shelah my son grows up” for he feared that he would die, like his brothers. So Tamar went and remained in her father's house.

- Genesis 38:26 – Then Judah identified them and said, “She is more righteous than I, since I did not give her to my son Shelah.” And he did not know her again.
- Acts 18:17 – And they all seized Sosthenes, the ruler of the synagogue, and beat him in front of the tribunal. But Gallio paid no attention to any of this.

Exposing children to danger is undeniably abuse and neglect. One instance is sufficient for identifying exposure as abuse, especially when physical harm is involved. Even when there is no physical harm, exposure is sinful. Exposure disrupts the bond of trust between children and their parents and causes lasting damage. “Adverse Child Experiences” or the ACE study, meticulously identified multiple and long-lasting effects of not only physical harm and exposure, but also of the more overt forms of physical and sexual abuse.⁶⁴ Exposure occurs also when children live in a home where substance abuse or other dangerous and sinful behavior occur. ACEs demonstrated lasting damage to a child’s developing brain, especially in how that person responds to certain stimuli and social interactions. These experiences can lead to PTSD similar to the severity soldiers experience on a battlefield.

Included in these sins of exposure is when authorities, whether civil or ecclesiastical, require abuse victims to stay in abusive relationships. Requiring an abused wife to reconcile with her unrepentant abuser, return to the marriage home and bed, is careless exposing to danger. The abuser’s genuine repentance must be observed, confirmed, and proven through the test of time [see Attachment 10: Repentance]. It involves more than (but is not limited to) admitting to being caught, saying “I’m sorry,” and/or pledging to work with the Session.

Similarly, forcing children to reconcile relationally with abusive parents may cause great harm. Care, discernment, and wisdom must be taken in these situations.

The rules of discipline are inappropriate tools for forcing compliance of abuse victims.

⁶⁴ For a helpful description of adverse child experiences, see: <https://www.cdc.gov/violenceprevention/aces/index.html>

Careless exposure to wrong and danger also occurs when authorities in the church fail to properly educate the congregation on issues of abuse and institute appropriate policies for abuse prevention.

As pointed out above in the discussion of Question 129, many people are leaving the church due, in part, to the way the church has responded to abuse. When anyone abandons the bride of Christ for an unbiblical reason, it is sinful. However, if authorities expose “them to temptation,” the greater sin lies with leaders. Judah said in Genesis 38:26, “She is more righteous than I.” Jesus likewise said, “But whoever causes one of these little ones who believe in me to sin, it would be better for him to have a great millstone fastened around his neck and to be drowned in the depth of the sea” (Matt. 18:6).

“Provoking them to wrath”

- Ephesians 6:4 – Fathers, do not provoke your children to anger, but bring them up in the discipline and instruction of the Lord.

Superiors in the family may provoke those under their care by many of the aforementioned *WLC* prohibitions. They might apply exacting punishments, diminish and belittle, have unrealistic expectations, favor their own desires to the exclusion of everyone else in the family, and/or expose them to dangerous situations. When little ones under the authority of others have been caused to sin, far greater sin has been done by those that have provoked them by their abuse. Shepherds care for victims with kindness while simultaneously (justly) punishing abusers.

This principle applies to other “superior-inferior” type relationships as well. Abuse victims are not without sin. However, there is a significant inequality between their sin issues and the evil of abuse. Wrath is an appropriate response to evil. Victims must not sin in their response to the abuse, yet it is within reason that they are very angry about the sins committed against them. This doesn’t excuse sin. It does mean church leaders and members should patiently shepherd the victim with care and understanding, and to never equate their anger with the sins of their abusers.

“Or any way dishonouring themselves, or lessening their authority, by an unjust, indiscreet, rigorous, or remiss behaviour”

- Genesis 9:21 – He drank of the wine and became drunk and lay uncovered in his tent.

- 1 Kings 12:13-16 – And the king answered the people harshly, and forsaking the counsel that the old men had given him, he spoke to them according to the counsel of the young men, saying, “My father made your yoke heavy, but I will add to your yoke. My father disciplined you with whips, but I will discipline you with scorpions.” So the king did not listen to the people, for it was a turn of affairs brought about by the LORD that he might fulfill his word, which the LORD spoke by Ahijah the Shilonite to Jeroboam the son of Nebat. And when all Israel saw that the king did not listen to them, the people answered the king, “What portion do we have in David? We have no inheritance in the son of Jesse. To your tents, O Israel! Look now to your own house, David.” So Israel went to their tents.
- 1 Kings 1:6 – His father had never at any time displeased him by asking, “Why have you done thus and so?” He was also a very handsome man, and he was born next after Absalom.
- 1 Samuel 2:29-31 – “Why then do you scorn My sacrifices and My offerings that I commanded for My dwelling, and honor your sons above Me by fattening yourselves on the choicest parts of every offering of my people Israel?” Therefore the LORD, the God of Israel, declares: “I promised that your house and the house of your father should go in and out before Me forever,” but now the LORD declares: “Far be it from Me, for those who honor Me I will honor, and those who despise Me shall be lightly esteemed. Behold, the days are coming when I will cut off your strength and the strength of your father's house, so that there will not be an old man in your house.”

When leaders, whether in the home, workplace, church, or civil government, dishonor themselves through sinful behavior, harsh discipline, or lax discipline, they bring dishonor on themselves and to God. Leaders in the church should not be surprised when sheep chafe under such authority. When those under authority are provoked to wrath, or otherwise begin to reject authority because of the leader's sin, the greater fault lies with the leader. The charge from the people of Israel is poignant, “Look now to your own house, David!” Church leaders must first see to their own duties before bemoaning and laying blame on those who are leaving the church and speaking derisively of her. The examples of Eli and his sons, David and his sons, and Solomon in his later reign are poignant. As the Lord promised Samuel, He will judge church leaders for such behavior (1 Peter 4:17). The duty of those in authority is to right the ship.

The Sixth Commandment

You shall not murder (Ex. 20:13).

The locus of many sinful behaviors falling under the heading of abuse is found in the sixth commandment. In the Sermon on the Mount, Jesus expands the scope of the commandment from the unjust taking of life, to the inner working of our hearts and to the realm of speech.

You have heard that it was said to those of old, you shall not murder; and whoever murders will be liable to judgment. But I say to you that everyone who is angry with his brother will be liable to judgment; whoever insults his brother will be liable to the council; and whoever says, you fool! will be liable to the hell of fire (Matt. 5:21-22).

The Divines follow in this vein to expound upon the sixth commandment in all its facets:

Q. 135 What are the duties required in the sixth commandment?

A. The duties required in the sixth commandment are, all careful studies, and lawful endeavours, to preserve the life of ourselves and others by resisting all thoughts and purposes, subduing all passions, and avoiding all occasions, temptations, and practices, which tend to the unjust taking away the life of any; by just defence thereof against violence, patient bearing of the hand of God, quietness of mind, cheerfulness of spirit; a sober use of meat, drink, physick, sleep, labour, and recreations; by charitable thoughts, love, compassion, meekness, gentleness, kindness; peaceable, mild and courteous speeches and behaviour; forbearance, readiness to be reconciled, patient bearing and forgiving of injuries, and requiting good for evil; comforting and succouring the distressed, and protecting and defending the innocent.

There is some repetition between *WLC* 135 and 136, thus the overt actions that are related to abuse will be covered below. However, there are several relevant matters in the answer, especially as it relates to the positive duty to preserve life and protect those under threat.

“To preserve the life of ourselves and others . . . by just defense thereof against violence”

- 1 Kings 18:4 – And when Jezebel cut off the prophets of the LORD, Obadiah took a hundred prophets and hid them by fifties in a cave and fed them with bread and water.

APPENDIX V

- Psalm 82:4 – Rescue the weak and the needy; deliver them from the hand of the wicked.
- Proverbs 24:11-12 – Rescue those who are being taken away to death; hold back those who are stumbling to the slaughter. If you say, “Behold, we did not know this,” does not He who weighs the heart perceive it? Does not He who keeps watch over your soul know it, and will He not repay man according to his work?

(Additional Scriptures cited: Eph. 5:28-29; 1 Sam. 14:45; Jer. 38:7-13.)

Scripture is clear that preserving life includes defending victims of abuse. The first duty is to preserve our own lives. This speaks to the obligation victims have to protect themselves from an abuser. This may include removing herself and her children from an abusive home, resisting living with a spouse that a church court acknowledged has been abusive, and separating as a matter of protection, even as others urge reconciliation with the abuser. This is the duty to preserve life.

The second duty falls under preserving the life of others. This type of preservation removes the victim, and any other potential victims, from the immediate vicinity of the abuser. Any avenue that the abuser uses to further abuse must be removed. The sixth commandment duty also includes fulfilling the Romans 13 obligation to inform the civil authorities when the situation requires mandated reporting (See Section Five: Child Abuse).

“Patient bearing of the hand of God”

(Scriptures cited: James 5:7-11; Heb. 12:9.)

This duty speaks to the nature of repentance. Genuine repentance patiently bears with the consequences of one’s sin. A truly repentant abuser will recognize the gravity of his or her sin and not force the process of reconciliation. Rather, those truly repentant will wait patiently until the abused are ready for relational restoration.⁶⁵

Abusive church leaders should patiently bear under the hand of God and not rush to be restored to a position of leadership. Damage done by abuse can be severe and long lasting. Protecting survivors means continuous safeguarding throughout the recovery process.

⁶⁵ See Attachment 9: Forgiveness and Attachment 10: Repentance.

“Forbearance, readiness to be reconciled, patient bearing and forgiving of injuries, and requiting good for evil”

(Scriptures cited: Matt. 5:24; Eph. 4:2; Eph. 4:32; Rom. 12:17; Rom. 12:20; Rom. 12:21.)

Because preserving life implies patience with victims, impartiality requires a careful examination of this seemingly opposite clause. In order to understand how these duties work together, a biblical understanding of reconciliation and forbearance is needed. Forgiveness is not reconciliation, and forbearance is not antithetical to preservation.

Forgiveness

These passages show that believers must forgive one another. Forgiveness is required by the gospel. However, the duty to preserve life requires protecting victims from their abuser. It also requires protecting those who choose to remain with their abuser. Protection includes trying to persuade a victim to move to safety.

Forgiveness does not always involve relational restoration.⁶⁶ When it comes to reconciliation and forgiveness, this must be also measured against the duty to protect. The duty that follows below states, “comfort and succor the distressed.” If the abused person is distressed, leaders are called to continue protecting them while they seek healing.

The catechism answer requires, “requiting good for evil.” Insisting on accountability, justice, and rehabilitation may be the cause of an abuser truly repenting of his or her sins and receiving eternal reward. What greater good can be requited than salvation?

Forbearance

The duty of forbearance does not negate the duty to preserve one’s life from violence. The duty to preserve is primary and supersedes the duty of forbearance. The Scripture reference for forbearance is Ephesians 4:2, “bearing with one another in love,” and the Greek word is ἀνέχω. This word is defined as “endurance.” The context of Ephesians 4 is not intimate relationships but the unity of the church body. Paul is asking believers to be

⁶⁶ See Attachment 9: Forgiveness.

patient with one another's shortcomings in order to preserve unity and peace in the church. He is not asking abuse victims to endure further abuse. "One another" is plural, implying not an endurance between two persons but an endurance between one person and the larger community. Paul is clear in his writings that patient endurance does not mean allowing grave sins to persist, saying, "purge the evil person from among you,"⁶⁷ and, "I have handed [them] over to Satan."⁶⁸ Moreover, the citation for Romans 12 states "repay no one evil for evil." Moving victims out of abusive situations is not repaying evil for evil but protecting from further harm. Abuse is a grave sin against the image-bearer of God. Biblical forbearance does not include remaining in abusive situations.

Nevertheless, adults should not be moved into protective situations against their will unless there is a grave threat of the loss of life.

"Comforting and succoring the distressed, and protecting and defending the innocent."

- Matthew 25:35-36 – "For I was hungry and you gave Me food, I was thirsty and you gave Me drink, I was a stranger and you welcomed Me, I was naked and you clothed Me, I was sick and you visited Me, I was in prison and you came to Me."
- Proverbs 31:8-9 – Open your mouth for the mute, for the rights of all who are destitute. Open your mouth, judge righteously, defend the rights of the poor and needy.

(Additional Scriptures cited: 1 Thess. 5:14; Job 31:19-20; Isa. 58:7.)

To give comfort and succor to those distressed by abuse is to protect. This includes the provision of qualified medical care for both the wounds of the body and the wounds of the mind. According to our own Reformed distinctives, man consists of two parts: a body and a soul.⁶⁹ Though delineated into two, the inner and outer "designate the one spiritual substance of man . . . (Rom. 8:10; 1 Cor. 5:5; 7:34; 2 Cor. 7:1; Eph. 2:3; Col. 2:5)."⁷⁰ Both body and soul constitute the whole man, therefore when someone experiences abuse, the whole man is in need of care. The human mind is a mysterious example of this.

⁶⁷ 1 Corinthians 5:5.

⁶⁸ 1 Timothy 1:20.

⁶⁹ See WLC Q. 29 and Q. 37 and Matt. 6:25; 10:28; Eccl. 12:7; and 1 Cor 5:3, 5.

⁷⁰ L. Berkhof. *Manual of Christian Doctrine* (Grand Rapids, MI: WM. B. Eerdmans Publishing Company, 1933), 121-123.

What we call the mind can in some ways be attributed to the soul. However, we also know that the mind has a physical component.⁷¹

For many forms of abuse, including child abuse, sexual abuse, physical assault, sexual assault, and any other abuse that causes severe psychological distress, damage to the brain and central nervous system is significant.⁷² This damage can manifest itself as PTSD, OCD, depression, anxiety, and a variety of other disorders. Shepherds are called to care for the soul; however, wisdom directs church leaders to partner with trained individuals with experience working with these conditions for the purpose of comprehensive caregiving.⁷³

Financial provision for counseling and medical treatment is considered an appropriate restitution from the abuser to the abused (see Exodus 22). It can also be an act of mercy for the church to assist victims with the cost of their care. Due to privacy issues as it relates to medical and mental healthcare, consider hiring a third-party administrator to handle reimbursements. Due to the intimate nature of the care, the choice of a counselor belongs to the victim. Stipulations should not be placed on the usage of funds by those granting.

The Sins Forbidden in the Sixth Commandment

The sixth commandment contains overtly sinful behaviors that can be abusive.

Q. 136 What are the sins forbidden in the sixth commandment?

A. The sins forbidden in the sixth commandment are, all taking away the life of ourselves, or of others, except in case of publick justice, lawful war, or necessary defence; the neglecting or withdrawing the lawful and necessary means of preservation of life; sinful anger, hatred, envy, desire of revenge; all excessive passions, distracting cares; immoderate use of meat, drink, labour, and recreations; provoking words, oppression, quarrelling, striking, wounding, and whatsoever else tends to the destruction of the life of any.

⁷¹ See Matthew 22:37 where Jesus substitutes mind for might, “Love the Lord your God with all your heart and with your soul and with your mind.”

⁷² H. D. Gingrich and F. C. Gingrich. *Treating Trauma in Christian Counseling* (Downers Grove, IL: InterVarsity Press, 2017), 67.

⁷³ Does a psychologist need to be a Reformed Christian in order to partner in providing care for victims? While the issue is complex, the short answer is no. Certainly, treatment providers who are not antagonistic to Reformed beliefs, or seek to undermine them, can be engaged. A non-Christian provider can work with a patient’s religious beliefs and still care for them well. The key factor in identifying a treatment provider is that the person is qualified to treat disorders related to abuse trauma.

“All taking away the life of ourselves, or of others”

- Acts 16:28 – But Paul cried with a loud voice, “Do not harm yourself, for we are all here.”
- Genesis 9:6 – “Whoever sheds the blood of man, by man shall his blood be shed, for God made man in His own image.”

The foundational principle found in this commandment is that all abuse is a taking away of life. This is why abuse is so damaging. Genesis 9:6 states that the severity of the sin is due to the fact that great damage has been done to an image-bearer of God. Since all human beings are made in God’s image, any attempt to take away life is a grave sin with grave consequences.

“Withdrawing the lawful and necessary means of preservation of life”

- Matthew 25:42-43 – “For I was hungry and you gave Me no food, I was thirsty and you gave Me no drink, I was a stranger and you did not welcome Me, naked and you did not clothe Me, sick and in prison and you did not visit Me.”
- James 2:15-16 – If a brother or sister is poorly clothed and lacking in daily food, and one of you says to them, “Go in peace, be warmed and filled,” without giving them the things needed for the body, what good is that?

As seen in the duties of the fifth commandment, the sin of neglect is a form of abuse. Here, in the sixth commandment, the sin of neglect is the taking away of the necessary means for life. The sin of neglect applies to those in authority, but it also applies generally to all human beings. However, only those who have immediate responsibility for the one who is suffering are accountable.

Churches have the duty to care and provide for those who have need due to abuse. If such persons need food, clothing, and shelter because they have fled for their own safety, the church should attempt to provide. This seems to be the very least that the Scriptures cited above require.

“Sinful anger, hatred, envy, desire of revenge; all excessive passions”

- Matthew 5:22 – “But I say to you that everyone who is angry with his brother will be liable to judgment; whoever insults his brother will be liable to the council; and whoever says, ‘You fool!’ will be liable to the hell of fire.”

MINUTES OF THE GENERAL ASSEMBLY

- 1 John 3:15 – Everyone who hates his brother is a murderer, and you know that no murderer has eternal life abiding in him.
- Leviticus 19:17 – You shall not hate your brother in your heart, but you shall reason frankly with your neighbor, lest you incur sin because of him.
- Proverbs 14:30 – A tranquil heart gives life to the flesh, but envy makes the bones rot.
- Romans 12:19 – Beloved, never avenge yourselves, but leave it to the wrath of God, for it is written, “Vengeance is Mine, I will repay,” says the Lord.
- Ephesians 4:31 – Let all bitterness and wrath and anger and clamor and slander be put away from you, along with all malice.

The sins covered under the sixth commandment do not all lead to the literal loss of life. The catechism does not begin with the sin of physical wounding with an intent to kill and then move to sins of lesser severity. Instead, as in the Sermon on the Mount, the Divines begin with the sins of the heart and move outward. Special note is taken of the citation of Matthew 5:22 and 1 John 3:15. Matthew 5:22 moves from the sin of the heart to verbal abuse. Jesus says that the one who insults his brother should be subject to church discipline. Verbal abuse is evidence of the status of the heart. John writes that the one who hates his brother in his heart is a murderer and will not inherit eternal life. The sins of the tongue reveal the heart. Scripture considers verbal abuse a very serious sin. The church is called to respond to the same extent.

These sins, along with some of those that follow, serve as the confessional basis for the existence of non-physical forms of abuse. Many people struggle to define verbal, emotional, and/or psychological abuse because they are difficult to prove. Indeed, victims of these forms of abuse recognize the difficulty, often wishing their abusers would wound them physically so that there would be evidence. Yet, because of what is shown in this catechism answer, non-physical forms of abuse should be taken as seriously as if there were visible bruises. These sins are a form of the taking away of life. By them the life of an image-bearer is devalued, and great damage is done to the mind and the soul.

Proverbs 14:30, cited here for envy, states that these non-physical sins have an effect on the body, “rotting the bones.” This metaphorical language by Solomon seems to acknowledge that non-physical forms of abuse can be manifested physically in the nervous and immune systems. Our Reformed distinctives affirm that a human being is not in essence only a soul, but a soul-

body union, so it should not be surprising that scientists have discovered that damage to the soul affects the body.

Finally, the reference for “sinful passions” in Ephesians 4:31 demonstrates that passions are not only sexual in nature. They include bitterness, wrath, anger, clamor, slander, and malice. “Sinful passions,” biblically, include verbal, emotional, and psychological abuse.

“Distracting cares; immoderate use of meat, drink, labour, and recreations”

- Matthew 6:31, 34 – “Therefore do not be anxious, saying, ‘What shall we eat?’ or ‘What shall we drink?’ or ‘What shall we wear?’. . . Therefore do not be anxious about tomorrow, for tomorrow will be anxious for itself. Sufficient for the day is its own trouble.”
- Isaiah 5:12 – They have lyre and harp, tambourine and flute and wine at their feasts, but they do not regard the deeds of the LORD, or see the work of His hands.

(Additional Scriptures cited: Luke 21:34; Rom. 13:13; Eccl. 2:22-23; 12:12)

The primary relationship of the sins mentioned in these passages is of the sinner to himself. These sins can be classified as either contributing factors to abuse, or tools the abuser implements. Self-harm, or the threat of self-harm, is the ultimate form of controlling behavior. It is used to manipulate others to speak or act a certain way. This causes grave damage to those under their authority. Children in particular suffer severe trauma when a parent self-harms, having no categories for how to mediate what happened, how (if) they contributed, and/or what they could have done to prevent the circumstances.

The catechism begins with anxiety as a root cause. Anxiety is often a reason why an abuser does what he does. Many abusers were abused themselves. Abuse can lead to disordered desires which cause people to sin and subjugate others. Not all abusers are evil psychopaths. Many of them abuse others out of a need to regulate their own fears, anxieties, and other negative feelings. There may not even be a strong volitional intent to harm others, but they continue to do harm in pursuit of their own self regardless of the harm that this self-pursuit does to others. Addictive behaviors such as substance abuse, workaholicism, and an immoderate lifestyle, can be factors that compound the effects of abuse.

“Provoking words”

- Proverbs 15:1 – A soft answer turns away wrath, but a harsh word stirs up anger.
- Proverbs 12:18 – There is one whose rash words are like sword thrusts, but the tongue of the wise brings healing.

Another confessional basis for verbal abuse is causing a person to sin by using provoking words. In the first reference from Proverbs 15, harsh words stir up anger in the one sinned against, moving them to wrath. Under the fifth commandment, causing someone to sin is a sin. In *WLC* 151, the multiplication of sins makes a sin more heinous. Thus, when sinful speech causes another person to sin, the sin is compounded. Also in *WLC* 151, power differentials cause a sin to be even more heinous as when a superior uses provoking words with an inferior. In Proverbs 12, verbal abuse is likened to stabbing with a sword, a deadly weapon. Deadly weapons do grave damage. This is why Jesus warns repeatedly: woe to those who cause “little ones” to sin (Matt. 18:6; Mark 9:42; Luke 17:2).

“Oppression”

- Ezekiel 18:18 – “As for his father, because he practiced extortion, robbed his brother, and did what is not good among his people, behold, he shall die for his iniquity.”
- Exodus 1:14 – And made their lives bitter with hard service, in mortar and brick, and in all kinds of work in the field. In all their work they ruthlessly made them work as slaves.

Oppression is the biblical word for abuse, cited here by the Divines and appearing 116 times in the English Standard Version. The Divines cite Exodus 1:14, which states that the Egyptians made the lives of the Israelites bitter. Verse 12 tells us that this bitterness is due to the oppression of the Israelites by the Egyptians. The word used for oppression in verse 12 is אָנָה (*‘anah*), which means “affliction.”⁷⁴ When used in the Hebrew Piel, the word often means to afflict by mistreating, as it does here. Examples of this usage are when Sarah mistreats Hagar, Laban charges Jacob not to oppress his daughters, and the command in Exodus 22:21-23 not to oppress orphans and widows. In studying these usages of the verb, we can define oppression as it is used in the Bible as

⁷⁴ This is the standard Hebrew word used for oppression in the Old Testament, appearing some 57 times in the Piel. (Piel is a verbal form in Hebrew that indicates intensiveness.)

“to afflict by mistreatment.” *Anah* (אָנָה) literally means, “to humble.” To oppress is to cause someone to be humbled by ill-treatment. Humiliation in this sense speaks to lasting damage: a person is brought low by mistreatment.

“Quarrelling”

- Galatians 5:15 – But if you bite and devour one another, watch out that you are not consumed by one another.
- Proverbs 23:29 – Who has woe? Who has sorrow? Who has strife? Who has complaining? Who has wounds without cause? Who has redness of eyes?

Abusive relationships can be difficult to discern. Often, church leaders feel trapped between the “he said, she said” dilemma and are unsure whom to believe. This catechism question, along with the two verses cited, might even be used as confessional evidence for that claim. Although victims of abuse can be provoked to sinful responses to the oppressive behaviors against them, the greater responsibility rests with the abuser. In the vast majority of cases, one party has greater responsibility and has committed a more heinous sin. This is especially true when the abuser is in authority over the abused. For increased clarity regarding the nature of quarrels, Proverbs 23:29 suggests that asking questions regarding the environment of the home (church, institution) can be helpful.

“Striking, wounding, whatsoever else tends to the destruction of the life of any”

(Scriptures cited: Num. 35:16-18, 21; Ex. 21:18-36.)

The Divines demonstrate in these verses that striking, even when it does not result in death, is sin. Exodus 21:18-19, cited here, sheds light on this:

When men quarrel and one strikes the other with a stone or with his fist and the man *does not die* but takes to his bed, then if the man rises again and walks outdoors with his staff, he who struck him shall be clear; only he shall pay for the loss of his time, and shall have him thoroughly healed.

This passage describes physical assault that results in the incapacitation of the victim (he “takes to his bed”). The assault described also results in long-term damage (walks with a cane). This passage distinguishes between manslaughter and assault. However, the one who assaults remains liable for his sin even if he escapes the death penalty. Other penalties that remain include restitution.

The assailant is required to pay restitution to the victim for the loss of his time, as well as pay for whatever care required to make the man whole. Presumably, if the victim is permanently disabled, the assailant would be required to pay more restitution. Physical abuse and assault that causes lasting damage is a grievous sin necessitating disciplinary process. Protecting victims and requiring restitution are appropriate responses by the church to cases of physical assault. The same principle applies to nonphysical forms of abuse that cause lasting damage.

The Divines conclude this answer with a catchall phrase lest implying that the taking away of life is not limited to the examples provided. As biblical evidence they cite an extended passage from Exodus 21. In studying this passage, other forms of sin beyond physical abuse and assault require a weighty response to all abuse. The text says, “But if there is harm, then you shall pay life for life, eye for eye, tooth for tooth, hand for hand, foot for foot, burn for burn, wound for wound, stripe for stripe” (v. 24).

Consistent application of the principles gleaned from a study of the fifth and sixth commandments exemplifies nonphysical forms of abuse as an unjust taking away of life and is biblically and confessionally warranted.

The Seventh Commandment

You shall not commit adultery (Ex. 20:14).

The Divines’ exposition of the seventh commandment includes assault, abuse, and harassment of a sexual nature.

Q. 139 What are the sins forbidden in the seventh commandment?

A. The sins forbidden in the seventh commandment, besides the neglect of the duties required, are adultery, fornication, rape, incest, sodomy, and all unnatural lusts; all unclean imaginations, thoughts, purposes, and affections; all corrupt or filthy communications, or listening thereunto; wanton looks, impudent or light behaviour, immodest apparel; prohibiting of lawful, and dispensing with unlawful marriages; allowing, tolerating, keeping of stews, and resorting to them; entangling vows of single life, undue delay of marriage; having more wives or husbands than one at the same time; unjust divorce, or desertion; idleness, gluttony, drunkenness, unchaste company, lascivious songs, books, pictures, dancings, stage plays; and all other provocations to, or acts of uncleanness, either in ourselves or others.

“adultery, fornication, . . . lascivious songs, books, pictures, dancings, stage plays; and all other provocations to, or acts of uncleanness, either in ourselves or others”

(Scriptures cited: Heb. 13:4; Gal. 5:19; Eph. 5:4; Ezek. 23:14-16; Isa. 23:15-17; Isa. 3:16; Mark 6:22; Rom. 13:13; 1 Peter 4:3; 2 Kings 9:30; Jer. 4:30; Ezek. 23:40.)

The Westminster Standards clearly prohibit sexual activity outside of marriage and participating in and viewing pornography. Illicit sexual behavior is a tactic abusers use. When an abuser coerces a victim to participate in illicit activities, their shame is overwhelming. Shame is then a powerful weapon used to perpetuate abuse and discourage the victim from reporting to authorities. Coercion, or forcing victims to participate in sexual activities, can also fall under the category of sexual assault. These sins are not simply sexual immorality but may be considered forms of abuse.

“rape”

- 2 Samuel 13:14 – But he would not listen to her, and being stronger than she, he forced [oppressed] her and lay with her.

The goal of the biblical and theological introduction has been to ground an understanding of abuse in the teachings of the Westminster Standards, the adopted interpretation of Scripture by the Presbyterian Church in America.⁷⁵ The Westminster Standards do not have a separate category for sexual abuse outside the sin of rape.⁷⁶ Rape has a technical, legal definition that excludes many additional forms of sexual abuse. In addition, some victims of sexual abuse may not describe what happened to them as rape. However, in terms of our Confessional Standards and the judicial basis for prosecution of ecclesiastical cases of sexual abuse in the PCA, other forms of sexual abuse fall under the prohibition of rape. In other words, the Standards’ prohibition of rape is broader than what we would commonly call rape. Without the inclusion of sexual abuse under the confessional category for rape, there is no other clear prohibition of sexual abuse in our confessional standards. Therefore, it is necessary to include all forms of sexual assault and abuse under the confessional umbrella of rape.

⁷⁵ See Introduction: The Structure of the Ad Interim Committee Report on Domestic Abuse and Sexual Assault.

⁷⁶ There are some sins forbidden in *WLC* 139 that may contribute to sexual abuse, but they do not constitute an overarching category.

The Scripture reference for rape given by the Divines is the story of Amnon’s and his half-sister Tamar.⁷⁷ The story is very clear. Amnon propositioned his sister. She refused his proposition. Amnon forced Tamar to comply, and he raped her. The use of force and vaginal penetration make this story a clear instance of rape.

By analyzing the features of this story, we find that not only is rape described, but sexual abuse in general, since many aspects of sexual abuse are present. Amnon and Tamar were close acquaintances. He had a power dynamic over her. He stalked her, groomed her, sexually harassed her, propositioned her, and when she refused, he used force to initiate illicit sexual contact.⁷⁸ After the abuse occurred, he shunned her. The word used for rape here is the same Hebrew word mentioned above for “oppression,” which is the general biblical word for abuse. In fact, some older translations say that he “forced” her or “humbled” her. The point is, while this is rape, it is not only rape. If there was any other form of sexual contact in this story it would still be considered sexual abuse.

Consent is a major part of the story of Amnon and Tamar. In verse 12, Tamar pleads with her brother, “Do not oppress me, for such a thing is not done in

⁷⁷ While this biblical story contains many of the aspects of sexual abuse, there is one feature that may not occur in every instance: Tamar’s argument with and implied struggle against Amnon. It is not a requirement for abuse to be considered abuse that a victim must argue with and physically struggle against their abuser. Of note here is that the passage does not explicitly record her crying out. The Mosaic Law required betrothed virgins to cry out if they are being raped; however, Tamar was not betrothed, so the same stipulations did not strictly apply. Nevertheless, she was in the city and in a house where servants were located, so if she had cried out, someone may have come to her aid. Despite the fact that she did not cry out, the Scriptures do not place any blame on her, laying the fault solely on the evil actions of Amnon. Note also that the Scriptures do not explicitly say that she struggled against him. It implies a struggle when it says, “being stronger than she, he violated her and lay with her” (2 Sam. 13:14). The fact that it does not explicitly record a struggle, then makes it a feature of the story but not a factor in consideration of whether or not something is sexual abuse.

⁷⁸ The Hebrew word *chazaq* (“to be strong”) can be used in the Scriptures in a nonphysical way. In Exodus 12:33, the Egyptians “urge” the Israelites to leave in haste. In 2 Kings 4:8, the Shunammite “urges” Elisha to stay with her. This semantic range opens up our understanding of Deuteronomy 22:25 and 2 Samuel 13:14 to include forceful urging or coercion. See Katie McCoy, “God Is Not Silent: What the Bible Teaches about Sexual Assault,” *The Ethics & Religious Liberty Commission of the Southern Baptist Convention* (2017), <https://erlc.com/resource-library/articles/god-is-not-silent-what-the-bible-teaches-about-sexual-assault/>.

Israel.” The verb is in the Piel, thus a forceful affliction by mistreatment is signified. In both the 1611 King James Version and the 1599 Geneva Bible, the translations the Divines used, this verb is translated “to force.” In those translations Tamar says, “Do not *force* me” (v. 12). Consent is key. If she had consented to be a willing participant, it would have been the sin of incest, not rape.⁷⁹

Since consent is a key factor in the confessional definition of rape, it follows that any sexual activity where consent is not given, can’t be given, or consent is impaired, falls under the umbrella of the confessional prohibition of rape.⁸⁰ Impairment of consent exists in a differential of power (boss with subordinates, pastor with parishioners), age, or state of consciousness (including a person impaired by a substance). If two peers attend a party and one of them becomes intoxicated, it is considered sexual assault if the other takes advantage of the impaired person. The requirement for consent also extends to the marriage bed. If an intimate partner does not consent and the other persists and engages in sexual relations, it is considered sexual assault.

With regard to child sexual abuse, whenever an adult sexually abuses a minor, it falls under the confessional umbrella of rape because children are unable to consent to sexual activity with adults.

Often, abuse in the church involves young adults and/or teenagers. Young adult or youth leaders possess a power dynamic with younger teens that impairs the ability to consent. This raises the heinousness of the sin beyond sexual immorality to abuse.

The sins *WLC* 139 includes in rape are recognized as crimes in many legal jurisdictions. Presbyteries and Sessions must understand mandatory reporting laws applicable to their locale. When a crime has been committed, Romans 13 takes precedence over Matthew 18. Adult victims must be consulted before reporting their abuse to authorities. No report should be made against an adult victim’s consent.⁸¹ However, if the civil authorities decline to investigate or prosecute, the church is responsible to pursue the matter within the

⁷⁹ Note here that we use the phrase, “consenting to be a willing participant.” A person may be berated and coerced into giving in, but that may not be the same as willing consent. Wisdom is required in discerning the difference.

⁸⁰ This is not to say that all sexual abuse is the same in degree of severity. *WLC* 151 still applies here.

⁸¹ The exception to this is if the adult was a minor when the abuse occurred and there is reason to suspect that ongoing abuse may be occurring involving other minors.

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ecclesiastical court. The duties outlined for responding to abuse remain in effect. (See “Reporting” in each section of this report for further information on reporting different forms of abuse.)

“All corrupt or filthy communications, or listening thereunto; wanton looks”

(Scriptures cited: Eph. 5:3-4; Prov. 7:5, 21-22; Isa. 3:16; 2 Peter 2:14.)

Scripture forbids all crude or lascivious speech and behavior. This type of speech and/or behavior toward others sinfully diminishes image-bearers. If there is any form of power differential in the relationship, it is classified as sexual harassment. It is also considered harassment in the absence of a power differential if the comments are unwanted and are severe or repeated. If a pattern of such harassment persists over a prolonged period, it can be classified as abusive. All forms of sexual harassment are subject to the discipline of the church. (See considerations of WLC 151 above for further discussion on power differentials.)

“Impudent or light behaviour, immodest apparel . . . gluttony, drunkenness, unchaste company, lascivious songs, books, pictures, dancings, stage plays; and all other provocations to, or acts of uncleanness, either in ourselves or others”

(Scriptures cited: Prov. 7:10, 13; Ezek. 16:49; Prov. 23:30-33; Gen. 39:10; Eph. 5:4; Ezek. 23:14-16; Isa. 23:15-17; Isa. 3:16; Mark 6:22; Rom. 13:13; 1 Peter 4:3; 2 Kings 9:30; Jer. 4:30; Ezek. 23:40.)

Do these passages indicate victims contribute to their abuse?

First, no person is without sin. But does sin contribute or lead to abuse or assault? Abuse or assault is never stipulated as a form of punishment in the Scriptures, speaking to the fact that no one deserves abuse or assault. Attributing a victim’s sin, appearance, friends, and/or recreations to an assault minimizes the sin of the abuser. Scripture is clear: we cannot make someone sin; people choose to sin (James 1:14). Predators have been known to intentionally pursue these vulnerabilities because the target is easier prey and society will attribute at least part of the blame on them. In the church, we must judge justly with clear eyes. All sin is not equal. God deals with sin proportionate to the evil that has been committed and directly with the heart that commits it. A victim’s sin can be addressed outside of the abusive situation, giving adequate time and resources to heal from the effects of the

more heinous crime committed against them. However, care must be taken to express that the abuse is not their fault.

Second, these verses regarding the seductress, along with many similar passages, characterize the danger of idolatry in general, or of the people of Israel, the bride of Yahweh. This can be seen in many of the Proverbs, the Prophets (especially Ezekiel), and Revelation. Throughout the Prophets, enemy cities are also personified as women. The use of this analogy is not necessarily meant to emphasize the danger women pose to men. In reality, the majority of instances of sinful seduction recorded in the Bible are of men taking advantage of women (Gen. 19:4-5; Gen. 34, 38; Judg. 19:22-25; 2 Sam. 11; 2 Sam. 13).

Blaming the victim is one of the main reasons wounded people don't come forward. Shepherds help victims report by listening, hearing them, and reserving judgment.

“Unjust divorce, or desertion”

- Malachi 2:16 – “For the man who does not love his wife but divorces her,” says the LORD, the God of Israel, “covers his garment with violence,” says the LORD of hosts. So guard yourselves in your spirit, and do not be faithless.
- Matthew 5:32 – But I say to you that everyone who divorces his wife, except on the ground of sexual immorality, makes her commit adultery, and whoever marries a divorced woman commits adultery.
- 1 Corinthians 7:12-13 – To the rest I say (I, not the Lord) that if any brother has a wife who is an unbeliever, and she consents to live with him, he should not divorce her. If any woman has a husband who is an unbeliever, and he consents to live with her, she should not divorce him.

The 20th General Assembly of the PCA produced a study Report on Divorce and Remarriage.⁸² The committee concluded that grounds for divorce is *porneia*.⁸³ It also acknowledged the possibility of a believer divorcing an unbelieving spouse because of desertion.⁸⁴ The report states that in a case when

⁸² This report is found in the *Minutes of the 20th General Assembly* (1992), 513-636.

⁸³ *Minutes of the 20th General Assembly* (Atlanta: Stated Clerk of the General Assembly, 1992), 633-635.

⁸⁴ *Ibid*, 634-635.

“words and actions on the part of one spouse that threatens the life of the other spouse and/or children, that the one(s) threatened should be counseled by the Session, or representative thereof, to remove themselves from the threatening situation.”⁸⁵ After those threatened are protected and moved to safety, “the Session should investigate, whether these words and actions are in effect breaking the one-flesh relationship by ‘hating’ the abused spouse and not ‘nourishing and cherishing’ this one (Eph. 5:28-29). . . .When it is determined by the Session that the abuser does not appear to them to be Christian and the abuse continues,”⁸⁶ the church court should excommunicate the abuser. After this, the believing spouse may seek a divorce in the civil courts.⁸⁷ In response to this report, the 20th General Assembly adopted the following recommendations (see *Minutes of the 20th General Assembly*, pp. 59-60.):

- When an unbeliever separates from the marriage relationship with a believer, the believer is free from that marriage and free to remarry but only in the Lord (1 Cor. 7:15, 39) [Recommendation 2.f].
- The believer in the aforementioned case is free to make the biblical divorce legal in the eyes of the state [Recommendation 2.h].
- Under extreme circumstances, a Session following the *BCO* may properly judge that such desertion (separation) has occurred, even though the deserting spouse is still physically present in the home (“desertion” being viewed in the sense understood in the study report on divorce, Chapter 2, Section II.E.4.) [Recommendation 2.g].

Section II.E.4 of the report begins by saying:

“. . . We must be careful not to open the floodgate of excuses. On the other hand, we need to recognize the reality of the ‘separation.’ We should allow sessions the liberty to discern with much prayer what would be the proper response in particular circumstance.

Several considerations incline us to agree with those of our authorities who have maintained that desertion can occur as well by the imposition of intolerable conditions as by departure itself. We are struck by the fact that, taking

Matthew 19 and 1 Corinthians 7 together, it appears that the Lord concedes the necessity of the abolition of marriage in certain cases precisely so as to protect a blameless spouse from intolerable conditions. Further, taking into account

⁸⁵ Ibid.

⁸⁶ Ibid.

⁸⁷ Ibid.

both the general principles of biblical ethics and the Scripture's characteristic manner of ethical instruction, viz. the statement of commandments in a general form to which is added case law sufficient to indicate the manner of application, it seems to us that those Reformed authorities are correct who have argued that sins which are tantamount in extremity and consequence to actual desertion should be understood to produce similar eventualities (cf. *Larger Catechism*, Q. 99, A. 6).

What is more, a husband's violence, particularly to the degree that it endangers his wife's safety, if unremedied, seems to us, by any application of Biblical norms, to be as much a ruination of the marriage in fact as adultery or actual departure. This is so precisely because his violence separates them, either by her forced withdrawal from the home or by the profound cleavage between them which the violence produces, as surely as would his own departure, and is thus an expression of his unwillingness—to consent to live with her in marriage (1 Cor. 7:12-13; Eph. 5:28-29). Further, insofar as the “passivity” of the blameless spouse is an important prerequisite in Paul’s permission of the dissolution of marriage on account of desertion, it seems right to note that in the case of physical abuse, for example, the blameless spouse is similarly victimized.”⁸⁸

In Appendix 1 of the report, an ad hoc committee of Philadelphia Presbytery formed and was chaired by Rev. Dr. William S. Barker.⁸⁹ Dr. Barker is the former Dean of Westminster Seminary, Philadelphia, President of Covenant Seminary, St. Louis, and the Moderator of the 22nd General Assembly of the PCA. In the *ad hoc* committee analysis of the Westminster Divines’ allowance for divorce due to abuse, the report concluded:

. . . When physical abuse is occurring in a marriage, the church must deal with a situation which, as the Puritans saw, is contrary to God’s purpose for marriage. A temporary separation may be necessary for safety, which the church may need to facilitate, and the abusing partner should be disciplined,

⁸⁸ *Ibid.*, 562-563.

⁸⁹ *Ibid.*, 607-621. In this analysis the committee leaned heavily upon the work of Dr. David C. Jones, erstwhile professor of ethics at Covenant Seminary, and member of several PCA GA study committees. See also David C. Jones, “The Westminster Confession on Divorce and Remarriage,” *Presbyterion* XVI, 1 (Spring 1990), 17-40.

The complete report as well as other PCA documents on divorce and remarriage can be found in *What God Has Joined Together: The PCA Papers on Divorce and Remarriage* (Lawrenceville, GA: PCA Administrative Committee and Committee on Discipleship Ministries, 2021).

with helpful counsel but eventually to the point of excommunication if there is no repentance in deed as well as in word. The situation is complicated in our cultural setting when the marriage partner is not a member of a church, or is a member of some other church; nevertheless, discipline must be attempted. Only after a suitable length of time and a sufficient process of church discipline should a divorce be granted for such a desertion of one's marriage partner and the marriage covenant. (This is essentially the conclusion reached by David D. Prescott in *The Problem of Wife Abuse: Wife Abuse and Pastoral Counseling*, Westminster Theological Seminary D.Min. project, 1991; cf. pp. 212-221 on "Divorce: Is It a Possibility?")

In its understanding of the Bible's teaching on divorce as "nothing but adultery or such willful desertion as can no way be remedied by the Church or civil magistrate is cause sufficient of dissolving the bond of marriage,"⁹⁰ the Westminster Assembly was seeking to steer the Scriptural path between two demonstrable extremes⁹¹ and in the process uphold God's high ideal for marriage. On the one hand, this ruled out the Roman Catholic concept of no divorce, allowing divorce for adultery and under certain circumstances desertion. On the other hand, it ruled out divorce for incompatibility as some such as Milton were advocating. Physical abuse of a spouse was seen as contrary to the biblical purpose for marriage and would thus be grounds for church discipline and could, if it led to prolonged separation without remedy, become a cause for dissolution of a marriage. Such circumstantial details can be handled only by a body of elders cognizant of and close to the situation. Whereas proven adultery would be readily acknowledged as grounds for a divorce, desertion on the basis of physical abuse as a cause for dissolution of a marriage should be determined from the circumstances by the local session or in the case of a minister by the presbytery.⁹²

To summarize, the *Westminster Confession* (24:6) allows for divorce in the case of willful desertion, and the 20th General Assembly study committee report on divorce and remarriage allowed divorce in certain circumstances of abuse when a spouse is living under intolerable conditions. Intolerable conditions consist of more than physical violence on the part of the abuser. An abuser can create intolerable living conditions without ever laying a hand on

⁹⁰ *WCF* 24:6.

⁹¹ These extremes were the Roman Catholic position of no divorce and the Zwinglian position that had six allowable grounds for divorce, "adultery, impotence, willful desertion, grave incompatibility, sexually incapacitating illness, and deception," *M20GA*, 609-610.

⁹² *Ibid.*, 620-621. Emphasis added.

his spouse or children. The Domestic Abuse section of this report will cover nonphysical tactics the abuser might use to create intolerable living conditions.

Secondly, the Divines' citation of Malachi 2:16 included the phrase, "God hates divorce." While this was the former understanding, many scholars understand this to be a mistranslation. Thus, the ESV translates the verse, "When a man hates his wife and divorces . . ." This translation is supported by both the Septuagint and the Latin Vulgate.⁹³ Excommunication should be avoided as a penalty for a wife who has fled her abuser. Even if it is eventually determined she was erroneous for pursuing divorce, the primary duty of a shepherd is a careful and prayerful approach to best address the difficulty of a wife living in a situation that threatens her (and/or her children's) well-being.

This report will deal with the issue of divorce in more depth in Attachment 11: "Divorce and Abuse." The topic of divorce in cases of domestic abuse constitutes more study on desertion and how one should think and adjudicate covenant breaking behavior. It must be asked, at what point is nonphysical abuse intolerable and dangerous?

The Ninth Commandment

You shall not bear false witness against your neighbor (Ex. 20:16).

The sins of the ninth commandment that contribute to abuse have been covered above (under the sixth commandment). This section will address three additional items in the exposition of the ninth commandment that relate to the investigation of abuse allegations, the response of the church to abuse, proper repentance of an abuser, and the issue of false reports.

⁹³ Please see the following essay by Covenant Seminary Old Testament Professor C. John Collins. It is quite thorough: https://www.academia.edu/5304267/Malachi_2_16_again_. Collins argues that the translation, "God hates divorce," relies on changing the vowel "pointings" of the Masoretic Text. Collins further states that the LXX and Vulgate both testify against the KJV rendering and that Martin Luther, John Calvin, and the 1560 Geneva Bible agree with the Vulgate in their own translations. Therefore, the King James Version's translation of Micah 2:16 as "God hates divorce," was an innovation. The influence of the KJV is evident in many of our modern translations, including the NASB and NKJV, translations used by many PCA elders. Interestingly, as Collins points out, *The Westminster Annotations and Commentary on the Whole Bible* list both translations ("God hates divorce" and "if a man hates his wife and divorces") as potential options and favors neither one. See also the PCA GA AIC on Marriage and Divorce which agrees, in essence, with our exegesis: *M20GA*, 207.

Q. 144 What are the duties required in the ninth commandment?

A. The duties required in the ninth commandment are, the preserving and promoting of truth between man and man, and the good name of our neighbour, as well as our own; appearing and standing for the truth; and from the heart, sincerely, freely, clearly, and fully, speaking the truth, and only the truth, in matters of judgment and justice, and in all other things whatsoever; a charitable esteem of our neighbours; loving, desiring, and rejoicing in their good name; sorrowing for, and covering of their infirmities; freely acknowledging of their gifts and graces, defending their innocency; a ready receiving of a good report, and unwillingness to admit of an evil report, concerning them; discouraging tale-bearers, flatterers, and slanderers; love and care of our own good name, and defending it when need requireth; keeping of lawful promises; studying and practising of whatsoever things are true, honest, lovely, and of good report.

“preserving and promoting of truth . . . appearing and standing for the truth . . . in matters of judgment and justice”

- Zechariah 8:16 – These are the things that you shall do: Speak the truth to one another; render in your gates judgments that are true and make for peace;
- Proverbs 31:8-9 – Open your mouth for the mute, for the rights of all who are destitute. Open your mouth, judge righteously, defend the rights of the poor and needy.
- Joshua 7:19 – Then Joshua said to Achan, “My son, give glory to the LORD God of Israel and give praise to Him. And tell me now what you have done; do not hide it from me.”
- Leviticus 19:15 – “You shall do no injustice in court. You shall not be partial to the poor or defer to the great, but in righteousness shall you judge your neighbor.”
- Proverbs 14:5, 25 – A faithful witness does not lie, but a false witness breathes out lies. A truthful witness saves lives, but one who breathes out lies is deceitful.

The positive duty under the ninth commandment is to preserve and promote truth. Application of this principle results in the duty of church courts, to the best of their ability, to discover the truth in allegations of abuse. This translates to a duty to undertake a thorough, competent, and unbiased investigation as demonstrated in the Scriptures cited above. Zechariah 8:16 (NAS 1995) says, “Judge with truth.” Proverbs 31:9 (NAS 1995) instructs, “. . . judge

righteously, and defend the rights of the poor and afflicted.” Leviticus 19:15 (NAS 1995) implores, “do no injustice in judgment.” The key to judging righteously, as Scripture commands, is to discover the truth.

Joshua 7:19 depicts an investigation. Even after Achan was discovered by lot to be the source of God’s judgment in the defeat at Ai, Joshua calls Achan forward and questions him. Joshua follows up in order to fully discover the truth. It was not enough to know Achan was guilty; the truth needed to be discovered and disclosed.

The perniciousness of false reports is included in the discussion of *WLC* 145 below. While false reports are rare, the best way to protect against them is to undertake an investigation to discover the truth.⁹⁴ The question (Q. 145) below also warns against prejudicing the truth. The best way to avoid prejudging a matter is to engage a competent third party to perform an unbiased investigation. The question below further warns against passing unjust sentence. The best way to avoid passing unjust sentence is to perform a competent and thorough investigation.

The duty to investigate is codified in the *Book of Church Order* (emphasis added):

31-2. It is the duty of all church Sessions and Presbyteries to exercise care over those subject to their authority. They shall with due diligence and great discretion demand from such persons satisfactory explanations concerning reports affecting their Christian character. This duty is more imperative when those who deem themselves aggrieved by injurious reports shall ask an investigation.

If such investigation, however originating, should result in raising a strong presumption of the guilt of the party involved, the court shall institute process, and shall appoint a prosecutor to prepare the indictment and to conduct the case. This prosecutor shall be a member of the court, except that in a case before the Session, he may be any communing member of the same congregation with the accused.

The *BCO* clearly states the court’s duty when someone reports abuse: it is to perform a thorough investigation and demand explanations concerning the

⁹⁴ See Attachment 7: Myths about Abuse for information on the frequency of false reports.

report. If the investigation raises a strong presumption of guilt, the court must institute process by appointing a prosecutor and preparing an indictment. The BCO does not prohibit a Session from enlisting the help of a third party in performing an investigation.

Therefore, the duty of a church court is to perform thorough, competent, and unbiased investigations in order to preserve and promote the truth and to judge righteously. While a direct and explicit duty to engage a competent third party is not found here, it is advised by this committee in order to best fulfill the duties required and sins forbidden in the ninth commandment.

Q. 145 What are the sins forbidden in the ninth commandment?

A. The sins forbidden in the ninth commandment are, all prejudicing the truth, and the good name of our neighbours, as well as our own, especially in public judicature; giving false evidence, suborning false witnesses, wittingly appearing and pleading for an evil cause, out-facing and overbearing the truth; passing unjust sentence, calling evil good, and good evil; rewarding the wicked according to the work of the righteous, and the righteous according to the work of the wicked; forgery, concealing the truth, undue silence in a just cause, and holding our peace when iniquity calleth for either a reproof from ourselves, or complaint to others; speaking the truth unseasonably, or maliciously to a wrong end, or perverting it to a wrong meaning, or in doubtful and equivocal expressions, to the prejudice of truth or justice; speaking untruth, lying, slandering, backbiting, detracting, tale-bearing, whispering, scoffing, reviling, rash, harsh, and partial censuring; misconstruing intentions, words, and actions; flattering, vain-glorious boasting, thinking or speaking too highly or too meanly of ourselves or others; denying the gifts and graces of God; aggravating smaller faults; hiding, excusing, or extenuating of sins, when called to a free confession; unnecessary discovering of infirmities; raising false rumours, receiving and countenancing evil reports, and stopping our ears against just defence; evil suspicion; envying or grieving at the deserved credit of any, endeavouring or desiring to impair it, rejoicing in their disgrace and infamy; scornful contempt, fond admiration; breach of lawful promises; neglecting such things as are of good report, and practising, or not avoiding ourselves, or not hindering what we can in others, such things as procure an ill name. (WLC 1:145 WCS)

“Concealing the truth, undue silence in a just cause, and holding our peace when iniquity calleth for either a reproof from ourselves, or complaint to others”

- Leviticus 5:1 – “If anyone sins in that he hears a public adjuration to testify, and though he is a witness, whether he has seen or come to know the matter, yet does not speak, he shall bear his iniquity;”
- 1 Kings 1:6 – His father had never at any time displeased him by asking, “Why have you done thus and so?” He was also a very handsome man, and he was born next after Absalom.

(Additional Scriptures cited: Deut. 13:8; Acts 5:3, 8-9; 2 Tim. 4:6; Lev. 19:17; Isa. 59:4.)

This clause furthers the duties covered under the fifth commandment. Abusers thrive on silence. Evil loves darkness. Thus, leaders should speak generally about the issue of abuse and specifically when abuse occurs in the community. The church or institution’s reputation is secondary to reproving and discountenancing evil. When church leaders are not open about abuse, they discourage members who notice problematic patterns of behavior, as well as corroborating witnesses, from coming forward. Abuse dissipates when brought into the light.

“Hiding, excusing, or extenuating of sins, when called to a free confession”

- Proverbs 28:13 – Whoever conceals his transgressions will not prosper, but he who confesses and forsakes them will obtain mercy.
- Proverbs 30:20 – This is the way of an adulteress: she eats and wipes her mouth and says, “I have done no wrong.”
- Genesis 3:12-13 – The man said, “The woman whom you gave to be with me, she gave me fruit of the tree, and I ate.” Then the LORD God said to the woman, “What is this that you have done?” The woman said, “The serpent deceived me, and I ate.”
- Jeremiah 2:35 – You say, “I am innocent; surely His anger has turned from me.” Behold, I will bring you to judgment for saying, “I have not sinned.”
- 2 Kings 5:25 – He went in and stood before his master, and Elisha said to him, “Where have you been, Gehazi?” And he said, “Your servant went nowhere.”
- Genesis 4:9 – Then the LORD said to Cain, “Where is Abel your brother?” He said, “I do not know; am I my brother’s keeper?”

The Scripture passages above articulate unrepentant sin. One who is truly repentant will offer a free and full confession without hedging, hiding, or blaming others. They will confess fully, not simply confessing to those sins

for which they have been caught. The *WCF* 15.5 reads, “Men ought not to content themselves with a general repentance, but it is every man’s duty to endeavor to repent of his particular sins particularly” (Ps. 19:13; Luke 19:8; 1 Tim. 1:13, 15).

Struggling with lust, a lack of sex, or a problem with substance abuse is not the foundation nor rationale for abuse. These are excuses. Abuse is a grave sin, magnified by many factors seen in the analysis of *WLC* 151 above. Scripture tells us that leaders call sinners to account. They do not conceal the truth by excusing or lessening sin. Scriptures call shepherds to protect sheep, bring evil out from the dark, and hold offenders accountable.

“Raising false rumours, receiving and countenancing evil reports, and stopping our ears against just defence”

- Exodus 23:1 – “You shall not spread a false report. You shall not join hands with a wicked man to be a malicious witness.”

(Additional Scriptures cited: Prov. 29:12; Acts 7:56-57; Job 31:13-14.)

These passages affirm that false reports happen. False reporting is pernicious and evil, as the accompanying Scripture shows. Falsely reporting abuses, however, is rare.⁹⁵ Scripture narrates *one* instance of a woman falsely accusing a man of abuse (Gen. 39:14-15), yet multiple instances of men misusing women.⁹⁶ The Bible also tells us God will not be mocked (Gal. 6:7) and He will reveal this darkness (Job 12:13-25; Dan. 2:22; 1 Cor. 4:5).

“Believe victims” is a common slogan today because of #metoo. To believe those who report abuse does not negate exploration of the claims. For leaders in the church, “believe victims” means taking necessary actions to protect first. After physical safety is ensured, church courts can then discern the truth in the allegations.

Deuteronomy 22:25-27 states:

“But if in the open country a man meets a young woman who is betrothed, and the man seizes her and lies with her, then only the man who lay with her shall

⁹⁵ The frequency of false reports for cases of physical and sexual abuse is estimated to be between 2% and 10%. See Attachment 7: Myths about Abuse for information on the frequency of false reports.

⁹⁶ Genesis 19:4-5 34; 38; Judges 19:22-25; 2 Samuel 11; 13.

die. But you shall do nothing to the young woman; she has committed no offense punishable by death. For this case is like that of a man attacking and murdering his neighbor, because he met her in the open country, and though the betrothed young woman cried for help there was no one to rescue her.”

This passage articulates that a woman should be believed when there are no witnesses or evidence (“out in the country”). Abuse rarely happens in the presence of a witness. In this situation, the man is to die and “you shall do nothing to the young woman.” This passage implies false reports of abuse are rare. As mentioned above, the best way to fulfill the duty to defend against false reports is to engage a qualified third party to investigate.

Conclusion

The purpose of this biblical and confessional introduction has been twofold. First was to demonstrate that since PCA elders are bound by oath to the ethical teachings of the Westminster Standards, it follows that they are bound by oath to whatever the Standards teach concerning abuse. Second was to expound what the Westminster Standards teach concerning abuse.

The *Westminster Larger Catechism’s* exposition of the Ten Commandments is a valuable resource for guiding the ethics of the church. Specifically, the Divines’ thorough biblical study provides a powerful set of tools for understanding abuse from a biblical and confessional perspective. This study grounds our understanding of abuse in the Holy Scriptures and God’s heart for victims. His desire is that we discountenance evil by bringing it into the light of day.

Here are the key takeaways from this biblical and confessional study of abuse:

1. The existence of power differentials is demonstrated by the Standards, factoring in what is considered abuse and increasing the severity of the damage done;
2. The categories of abuse discussed in this report—physical, sexual, spiritual, and psychological—all have strong biblical support;
3. Church leaders have a duty to educate their people on the issues of abuse and to develop robust protection and prevention policies;
4. Church leaders have a duty to respond well to abuse by protecting victims, undertaking a competent, unbiased investigation, discountenancing evil, and providing patient care for those affected; and

MINUTES OF THE GENERAL ASSEMBLY

5. Though an explicit duty cannot be located in the Standards, an independent, third party investigation is advisable in order to discover the truth.

The goal of the Introduction was to present the confessional case for responding to abuse. The remainder of this report will describe what a practical response involves. Sections Two through Six may not read like a typical PCA study report. This is because they will begin with the assumption of the biblical and theological understanding of abuse presented in Section One and proceed to a practical development of the biblical and theological content in implementable ways. To put it another way, the introduction has attempted to establish the “why”; the remaining material will answer the “what” and the “how.”

SECTION TWO: DOMESTIC ABUSE

1. Summary Description of Domestic Abuse

Domestic abuse⁹⁷ can be defined as a form of oppression in which one spouse controls and dominates the other through a pattern of coercive, controlling, and punishing behaviors.⁹⁸ In domestic abuse,⁹⁹ power, authority, and strength are used selfishly against another rather than for their flourishing. Abuse comes from a deceitful and desperately wicked heart. Domestic abuse is a violation of the marital covenant that destroys the safety and stability of every member of the family and corrupts the body of Christ.

⁹⁷ “First, we must remember that none of our English words are biblical words. That is, none appear in the inspired, original Greek text. We use the words we use because of editorial decisions. "Oppression" is used, "abuse" is not. Why? Because that's what's been chosen. Second, we have to remember that being "biblical" is not restricted to word choice. In other words, we want to look on the conceptual level. The definitions of abuse offered by Langberg, Moles, Pierre, Wilson, and Strickland all describe evils mentioned within the Bible. Third, we are very comfortable with extra biblical language being used to describe specific biblical concepts. Trinity as opposed to saying "God the Father, God the Son, God the Spirit" each time. Or "covenant of redemption" or "evangelism" or "church membership." Fourth, extrabiblical words help us by being specific. Many of the actions and attitudes that comprise abuse can also be done in non-abusive ways. There's a difference between an argument that gets out of hand once and a pattern of marital violence. Using words like "abuse" gives us the ability to distinguish between systemic evil in a marriage or other relationship where there is the exploitation of a spouse versus just the common experience of two sinners living together. The label "biblical" is a powerful label. Biblical wording isn't just wording found in the Bible. It's wording that captures the teaching is [of] the Bible. And for that, extra biblical words are often tremendously helpful as we nuance the ways human beings sin against one another.” Dr. Nathanael Brooks, Assistant Professor of Christian Counseling, Reformed Theological Seminary, Charlotte, North Carolina. Co-Author, *Help! Our Sex Life Is Troubled by Past Abuse*. <https://twitter.com/natejbrooks/status/1438835573268041729> (Accessed September 2021).

⁹⁸ Darby A. Strickland, *Is It Abuse? A Biblical Guide to Identifying Domestic Abuse and Helping Victims* (Phillipsburg, NJ: P&R Publishing, 2020), 24.

⁹⁹ In this section, terms such as domestic abuse, violence, intimate partner violence, IVP, and oppression may be used interchangeably. Please refer to Attachment 1: Definitions for specific definitions.

At least ten million men and women suffer from domestic abuse each year.¹⁰⁰ As many as twenty people are assaulted by their partners every minute.¹⁰¹ Up to 85% of the victims of domestic abuse are women and/or young girls, while 2% are men.¹⁰² One hundred thirty-seven women are killed each day by acts of familial violence.¹⁰³ Statistically, there is no difference between the general and Christian populations.¹⁰⁴ Abusers exist in pulpits, pews, seminaries, and on the boards and committees of every denomination, including the Presbyterian Church in America.

Although men and women experience domestic abuse differently, every abuser misuses their power and control. Because most victims are women, this section will speak of abusers as men. [See Section Three of this report, “Women Who Abuse,” for characteristics of women who abuse.]

2. Expressing God’s Heart

The biblical category for understanding all types of abuse is oppression. The Hebrew word most often translated “oppress” (רָדַף) means to squeeze, press, or crush.¹⁰⁵ The English word “oppress” means “to crush or burden by the abuse of power or authority.”¹⁰⁶ This is the essence of abuse. An abuser uses superior size, strength, and/or authority to crush a victim. A power imbalance exists in all forms of oppression. One person or group dominates and controls the other. Ecclesiastes 4:1 captures this so well: “Again I saw all the oppressions that are done under the sun. And behold, the tears of the oppressed,

¹⁰⁰ “20 Alarming Domestic Violence Statistics for 2018,” Social Solutions, <https://www.socialsolutions.com/blog/domestic-violence-statistics-2018/>.

¹⁰¹ Rachel L. Snyder, *No Visible Bruises: What We Don’t Know About Domestic Violence Can Kill Us* (London, UK: Bloomsbury Publishing, 2019), 6.

¹⁰² Ibid, and Deanna Pan, “BC Suicide Case Puts Focus on Controversial Issue: Intimate Partner Abuse by Women,” *Boston Globe*, 21 November, 2019, <https://www.bostonglobe.com/metro/2019/11/21/suicide-case-puts-focus-on-controversial-issue-intimate-partner-abuse-women/MJG83GJOZCgWslHmn7xIYK/story.html>.

¹⁰³ This number does not include men or children. Ibid, 5.

¹⁰⁴ Diane Langberg, *Suffering and the Heart of God: How Trauma Destroys and Christ Restores*. 1st edition. (Greensboro, NC: New Growth Press, 2015), 254.

¹⁰⁵ Francis Brown, et al., *The Brown-Driver-Briggs Hebrew and English Lexicon* (Peabody, MA: Hendrickson Publishers, 2007), 267; Ignatius Swart, “רָדַף,” in *New International Dictionary of Old Testament Theology & Exegesis*, ed. Willem A. VanGemeren (Grand Rapids, MI: Zondervan, 1997), 2:792-793.

¹⁰⁶ “Oppress,” Merriam-Webster.com, <https://www.merriamwebster.com/dictionary/oppress>.

and they had no one to comfort them! On the side of their oppressors there was power, and there was no one to comfort them.”

In an oppressive marriage, the husband twists his authority as the head. Instead of serving his wife and promoting her well-being, he uses authority to crush and oppress. In Psalm 55:20, David writes, “My companion stretched out his hand against his friends; he violated his covenant.” Domestic abuse, like the relationship David speaks of, occurs in the context of a covenant—the marriage covenant. This type of abuse is particularly insidious because the victim is oppressed by a partner in life who is supposed to love, cherish, and protect. Psalm 55:12-13 captures this sense of betrayal: *For it is not an enemy who taunts me—then I could bear it; it is not an adversary who deals insolently with me—then I could hide from him. But it is you, a man, my equal, my companion, my familiar friend.*

God responds decisively to abuse, “The LORD is a refuge for the oppressed, a stronghold in times of trouble” (Ps. 9:9). He provides protection for victims and prioritizes their safety. In surveying the totality of God’s response to oppression, an important pattern emerges. In the Bible, God is always on the side of the oppressed.¹⁰⁷ He defends the weak against the strong. God hears the cries of the oppressed and acknowledges the terrible evil.

God’s response to oppression is seen most clearly in His two great acts of redemption: the exodus and the life and death of Jesus Christ. In the exodus, the Lord redeemed His people from oppression with a mighty hand and an outstretched arm (Deut. 26:6-8). In Christ’s condescension, He redeemed the entire created order from the effects of the Fall, including oppression. God entered into human suffering and sacrificed Himself to redeem it.

3. Recognition

Women in the church tend to consult other Christian women and/or their pastors when they experience difficulty in the home. Therefore, church members and leaders, especially teaching and ruling elders, are wise to educate themselves regarding the dynamics of domestic abuse, the damage it causes, and the necessary interventions.

¹⁰⁷ Brenda Branson and Paula J. Silva, *Violence Among Us: Ministry to Families in Crisis* (Valley Forge, PA, Judson Press, 2007), 106.

Abuse is primarily idolatry. Scripture teaches that all behavior flows from the desires of the heart. Jesus says in Mark 7:21-23, “For from within, out of the heart of man, come evil thoughts, sexual immorality, theft, murder, adultery, coveting, wickedness, deceit, sensuality, envy, slander, pride, foolishness. All these evil things come from within, and they defile a person.” To understand the actions of an abusive person we must understand the idolatry which fuels the abuse.

There are three idols which fuel domestic abuse.

1. The desire for power and control,
2. The abuser’s sense of entitlement, and
3. The desire to be God.

The Desire for Power and Control

To sinfully dominate another human being is antithetical to God’s original design. In Genesis 1, Adam and Eve are tasked with ruling and subduing the earth and its creatures. They are called to be His representatives on earth and to rule creation as His viceroys.¹⁰⁸ God did not direct them to rule and subdue each other.

God’s original design for marriage was for ruling and subduing to be accomplished by both the man and woman working together as a team. The power God gave Adam and Eve to carry out the creation mandate was designed to bless each other as they enjoyed the fruit of a subdued and nurtured earth. Adam and Eve ignored God and His governance and, instead, put themselves in the place of power. Marriages characterized by power, control, and domination are therefore a clear manifestation of disobedience to God and His ways.

An abuser views the family as a pyramid of power. At the top of the pyramid is the abuser. There is no room for anyone else. His sinful behaviors are intended to control the spouse and to maintain his position. An abusive episode occurs when the abuser perceives a threat to that position. Abuse is a form of conditioning. The abuser maintains power over the victim by punishing behaviors when the victim acts outside his control. Over time victims live in fear, and this is central to the abuser’s dominance.

¹⁰⁸ Gordon J. Wenham, *Genesis 1-15, Word Biblical Commentary* (Nashville, TN: Thomas Nelson, 1987), 31, 33.

The Abuser's Sense of Entitlement

Jesus prescribes the ideal mindset for a leader in Mark 10:43-45: “But whoever would be great among you must be your servant, and whoever would be first among you must be slave of all. For even the Son of Man came not to be served but to serve, and to give His life as a ransom for many.” God calls husbands to follow Jesus’s pattern of servant leadership by sacrificing their own desires for their wives (cf. Eph. 5:25). All husbands fall short of this standard, but an abuser does the exact opposite and leads from a posture of entitled superiority.

Entitlement can be described as “Selfishness at its most extreme. It is blind, self-focused, utterly wicked at its core, and horribly destructive.”¹⁰⁹ Abusers believe they have a special status which provides them with exclusive rights and privileges that do not apply to their wives.¹¹⁰ An abusive person feels entitled to be the center of his spouse’s universe. If the household was a solar system, the abuser would be the sun. Abusers expect the victim’s world to revolve around meeting their needs. If the spouse veers off orbit, the abuser feels entitled to exact punishing behaviors.

The Desire To Be God

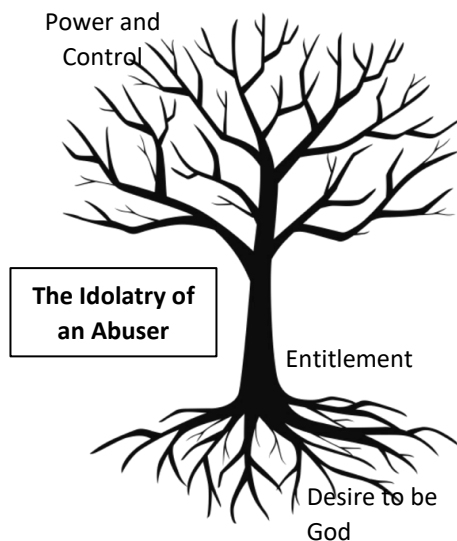
An abuser’s desire is to replace God as the Lord of his home. This root desire fuels both the idol of power and a sense of entitlement. Regarding power, an abuser desires sovereign control over their spouse, a level of control that is only appropriate for God. Concerning entitlement, an abuser feels entitled to be served in a manner that only befits God. Jesus Christ should be the center of our lives. Instead, the abuser tries to usurp Christ’s central position in the life of his victim.

A tree analogy helps our understanding of the idolatry that leads to domestic abuse.¹¹¹ The roots are a desire to be God, which fuels everything else. The trunk functions as the base of a tree, which is entitlement. The abuser behaves as one who is entitled to always get what he wants. Control forms the branches of the tree as control spreads out into multiple areas of the victim’s life.

¹⁰⁹ Strickland, *Is It Abuse?*, 66.

¹¹⁰ Lundy Bancroft, *Why Does He Do That? Inside the Minds of Angry and Controlling Men* (New York, NY: Penguin Books, 2002), 54.

¹¹¹ Adapted from Bancroft, *Why Does He Do That?*, 75.



Categories of Recognition

Spousal abuse occurs in concrete behavioral patterns that can be named and defined. Like a doctor who listens to a patient's symptoms can correctly diagnose disease, church leaders, counselors, and advocates who listen for abuse patterns (symptoms) can accurately diagnose the evil of abuse. There are five tactics employed in domestic abuse, each of which is comprised of several behavior patterns:

- Emotional,
- Spiritual,
- Economic,
- Sexual Abuse, and
- Physical.¹¹²

¹¹² Christiane Sanderson, *Counseling Survivors of Domestic Abuse* (Philadelphia, PA: Jessica Kingsley Publishers, 2008), 22-26.

A. Emotional Abuse: Any non-physical behavior designed to control someone through degradation, humiliation, and/or fear¹¹³

Emotional abuse includes more patterns than any other tactic. Powerful and pervasive, emotional abuse underlies every other form of abuse. It is comprised of, but not limited to, the following patterns of behavior:

Verbal abuse involves, but is not limited to, the use of words to manipulate, discourage, humiliate, deceive, frighten, and threaten. It includes constant and unrelenting criticism. This is the most well-known pattern of emotional abuse.

*Intimidation involves, but is not limited to, controlling another person through the threat of physical harm.*¹¹⁴ This includes raising the voice or using the body in a threatening manner. An abuser might block a victim from exiting the room or raise his hand as if intending to strike. One significant red flag for intimidation is when an abuser throws objects, punches holes in the wall, or damages personal property. The intended message is, “This could be you.” The most terrifying form of intimidation is brandishing a weapon, such as a firearm. During a marriage counseling session, if a pastor hears these behaviors, he should consider it an indication a spouse is emotionally abusive.

*Emotional blackmail involves, but is not limited to, attempts to control a person by playing on their guilt, fear, or compassion.*¹¹⁵ This includes exploiting the victim’s compassion by the abuser threatening to kill himself. Threatening suicide is a tactic which misuses a victim’s love to keep them under control. The most insidious form of emotional blackmail is when the abuser threatens to hurt the children. Abusers may threaten to hurt or kill the victim’s pets. Another tactic of emotional blackmail includes shifting the blame for the demise of the family to the victim if she acts decisively for her and the children’s safety.

Isolation involves, but is not limited to, when an abuser attempts to control his wife’s relationships, movements, and/or even goals in

¹¹³ Beverly Engel, *The Emotionally Abusive Relationship* (Hoboken, NJ: John Wiley & Sons, 2002), 10-11.

¹¹⁴ Lundy Bancroft, *When Dad Hurts Mom: Helping Your Children Heal the Wounds of Witnessing Abuse* (New York, NY: Penguin Books, 2004), 34.

¹¹⁵ Engel, *The Emotionally Abusive Relationship*, 31-32.

*life.*¹¹⁶ This includes preventing a spouse from working, involvement in church, or other activities. Many abusers strongly discourage outside relationships with family and/or friends. An abusive husband may monitor his wife’s phone calls, texts, and/or emails. Smartphones with tracking devices are a powerful tool used to isolate and/or monitor a victim’s time and activities away from the home. An abuser will often interrogate the victim when she returns.

*Gaslighting involves, but is not limited to, causing a victim to doubt their perception of reality.*¹¹⁷ The term, “gaslighting” originated in a 1940s film by the same name. It includes using many subtle but powerful tactics to communicate to the victim that she is crazy. This is accomplished as the abuser repeatedly claims the victim is misinterpreting events or constantly correcting their perception. The abuser generally insists on an alternate interpretation (or “narrative”). It may also involve insinuating the victim is exaggerating or lying. The power of gaslighting resides in its sustained use over time, and its use in concert with other tactics. The cumulative effect is that the victim doubts their mental health and perception of reality. This diminishes confidence in their own agency and creates a vulnerability to be more easily manipulated and/or controlled. The impact of gaslighting cannot be underestimated. It is terrifying to question your sanity.

*Using children as pawns involves but is not limited to the abuser’s misuse of their children to manipulate and control a victim.*¹¹⁸ This includes manipulating the children into taking the abuser’s side and/or triangulate them between the parents during a conflict. An abuser may force the children to watch arguments and then appeal to them for support. Some abusers require the children to monitor and report on the victim’s behavior in their absence. A particularly vicious tactic is psychological cruelty to or physical abuse of the children for the purpose of upsetting the spouse. Abusers may purposely upset the children and then prevent their spouse from comforting them when they cry. They may shift blame or gaslight and accuse the victim of upsetting the children. Abusers often threaten to take the children from the victim either through legal means or by kidnapping. Abusers can and do kidnap their children.

¹¹⁶ Branson and Silva, *Violence Among Us*, 22.

¹¹⁷ Engel, *The Emotionally Abusive Relationship*, 36-37.

¹¹⁸ Bancroft, *When Dad Hurts Mom*, 140.

A marriage is emotionally abusive when one spouse uses multiple behavior patterns on a consistent basis. Regular use of these tactics creates an oppressive environment in the home. The victim and family are trapped in bondage to the abuser's moods and emotions. Although emotional abuse leaves no visible bruises, it is difficult to understate the impact.

B. Spiritual Abuse: Using a person's faith as a tactic for manipulation and control¹¹⁹

Spiritual abuse occurs when Scripture is used to belittle, threaten, or justify unreasonable expectations. An abusive spouse may quote passages such as Proverbs 5:19 to justify sex on demand. First Corinthians 7:1-5 may be used to justify ungodly behavior such as physical or sexual assault or dehumanizing control. Ephesians 5:25-26 may be used to establish an entitled sense of superiority and/or weaponized into a tool of domination. In the hands of an abuser, the Word of God may be a tool to tear down a victim rather than build her up (Rom. 14:19). Abusers may take good and pure truths and twist them into a perverse shadow of what God intended.

Spiritual abuse occurs when an abuser demands submission. In an abusive relationship, there is very little that is open to discussion and compromise. Submission is frequently played as a trump card to get what the abuser wants. Abusers conflate their personal will with the will of God and use the doctrine of submission to maintain a position of control. For more discussion on submission, see the chapter on shepherding the abuser.

C. Economic Abuse: Behavior that dominates a person financially¹²⁰

There are two tactics in economic abuse:

1. The first, related to the abuser's desire for power, results in maintaining tight control over the finances.
 - An abuser may prohibit their spouse from working outside the home to maintain dominance over the victim through financial dependence.
 - A common tactic is to unilaterally impose a highly restrictive allowance on the victim.

¹¹⁹ Branson and Silva, *Violence Among Us*, 25-27.

¹²⁰ Sanderson, *Counseling Survivors of Domestic Abuse*, 26.

- At times, the victim's allowance includes the requirement of purchasing the household necessities.
 - An abuser may keep most of the family budget and/or spend as desired.
 - An abuser may demand an account of every cent spent and interrogate the victim regarding their purchases.
 - An abuser usually does not hold himself to the same careful standard as the victim.
 - An abuser may use guilt or accuse of irresponsibility even if the victim purchases only household necessities.
 - An abuser may hide information about finances or threaten to leave the family and withdraw financial support.
2. The second is related to an abuser's sense of entitlement, and it results in financial recklessness.
- An abuser may feel entitled to spend money without regard for how it impacts the victim or children.
 - An abuser will likely have irresponsible debts.
 - An abuser may force the victim to work and provide for him and/or the family.
 - An abuser may use the victim to finance dreams or pay debts.
 - An abuser may ruin his own credit.
 - An abuser may ruin his victim's credit.
 - An abuser may ruin his young adult children's credit.

D. Sexual Abuse: Any unwanted contact or interaction that occurs for the sexual stimulation of the abuser¹²¹

Sexual abuse is the most difficult category of abuse to discuss. Sexual assault in the home is well-hidden, and the related shame and confusion often prevents victims from disclosing.

It may take much time, carefulness, and wisdom for a counselor or helper to build the trust necessary for a victim to share the horrifying details. Victims may never feel comfortable enough to discuss such personal trauma with their male pastors and elders. This is not a personal insult. From the perspective of victims, sexual abuse is the most degrading and damaging form of abuse.

¹²¹ Dan Allender, *The Wounded Heart: Hope for Adult Victims of Childhood Sexual Abuse* (Colorado Springs, CO: NavPress, 2008), 47.

Sexual abuse encompasses multiple behaviors. The following is not meant to be an all-inclusive list.

- An abuser may manipulate or relentlessly pressure his spouse for sex.
- An abuser may make sexual advances in public that make the victim very uncomfortable.
- An abuser may force the victim to watch pornography.
- An abuser may force the victim to perform sexual acts that she finds unpleasant, painful, and/or humiliating.
- An abuser may force sodomy.
- An abuser may force the victim to take prescription sleep aids.
- An abuser may force the victim to drink too much alcohol.
- An abuser may violently rape the victim.
- An abuser may force their victims to perform sexual acts with other people under the threat of violence.

E. Physical Abuse: Any behavior that dominates a person through physical force or violence¹²²

Physical abuse encompasses multiple behaviors. The following is not meant to be an all-inclusive list.

- Hitting with hands or objects
- Kicking
- Punching
- Choking or placing hands around her neck
- Scratching
- Cutting
- Pinning to the ground or any other surface
- Biting
- Pinching
- Squeezing with intent to subdue
- Snapping with fingers or any other object
- Grabbing in anger
- Throwing objects at or in the direction of (despite whether the abuser is successful at hitting the intended target)
- Pushing

¹²² Branson and Silva, *Violence Among Us*, 24.

- Pulling hair
- Strangulation
- Slapping
- Spanking an adult
- Torture
- Sleep deprivation
- Sexual assault
- Rape
- Assault with a weapon
- Attempted or committed homicide
- Chasing for the purpose of any of the above (despite whether the abuser is successful at catching the intended target)

The impact of physical abuse is multiplied exponentially when combined with emotional abuse. The feeling of terror and helplessness engendered by a previous physical assault might be reproduced in the victim by “the look,” a clearing of the throat, or slamming shut a book for example, even if no future physical assault occurs. (See “Definitions – Trigger and/or PTSD.”)

The Spectrum of Abuse



The five forms of domestic abuse exist on a spectrum that builds in intensity. Emotional abuse may be the first tactic to appear in a relationship. As the abuse escalates, the abuser adds other tactics. It is very common for abusers to utilize three or four tactics. However, due to the consequences for visible injuries, many refrain from harming their wives physically.¹²³

Abuse escalates. The tactics of abuse between emotional and physical might be added in any order, which is signified by the double-sided arrows on the above diagram. Some tactics may never be utilized by an abuser. For example, a particular abuser may not care much about money, and therefore not control by the misuse of their finances. But the same abuser might engage in sexual abuse. The tactics and severity of abuse will differ from person to person.

¹²³ Not including instances of sexual assault, as this type of physical abuse is easily kept secretive.

Emotional abuse tends to be the starting point, moving toward the most serious form of physical.¹²⁴

As the abuse builds in intensity, the victim's experience is very confusing. The intensity tends to rise gradually. If the abuser is not abusing physically, the victim will often not detect the escalation. The physical abuse may be the unmistakable red flag that leads the victim to confide in a friend, family member, and/or pastor. In these situations, the physically abusive episode may appear to be an isolated incident. However, physical abuse was simply the latest tactic in the patterns of abuse building over time. If a man is abusing his wife physically, he is also abusing her emotionally. He is probably abusive in other ways as well. The victim may not be familiar with the definitions and patterns of abuse, and therefore unable to clearly articulate what is happening. But physical abuse is just the tip of the iceberg.

Difficulty in Disclosure

When someone discloses characteristics of abuse, it is important to listen and act in a way that supports the person and keeps them protected. God's desire is that we support those who have been abused (Matt. 19:13-15; Luke 17:2). In the moment of disclosure or discovery, the church must also provide care.

Disclosing domestic abuse is very difficult. Primarily, the victim's safety is the greatest concern. Only a victim has the information necessary to decide if, when, and how to report what is happening in the home. The victim lives with the consequences for reporting; therefore, it is wise to let her set the pace in the process. See *Shepherding the Victim to Safety* below.

The power differential in the abusive relationship also makes reporting abuse risky. Consider potential outcomes of disclosing when the abuser has employed tactics of . . .

- **Gaslighting.** The victim risks not being believed, as the abuser has often told her would be the case.
- **Spiritual abuse.** Unfortunately, many leaders misunderstand domestic abuse, so they might instruct a wife she should be more submissive and/or more sexual. Hearing this from a spiritual leader perpetuates the misuse of Scripture by an authoritative figure.

¹²⁴ Physical abuse is not limited to hitting and kicking. Suicide is also an ultimate form of physical abuse as the abuser "punishes" their victim. She will ask what she did wrong/could have done differently to prevent his demise for the rest of her life.

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- **Economic abuse.** An abuser who controls the family finances might hire an aggressive lawyer. Abusers are known to use the court system to perpetuate their power and control.
- **Emotional blackmail.** Threatening to take or hurt the children.
- **Children as pawns.** An abuser may continue to or begin threatening the children and/or mistreating and abusing them.
- **Isolation.** An abuser may increasingly isolate the victim from friends and family.
- **Verbal abuse.** After many years of verbal onslaught, the victim may believe the abuser's narrative. If he has repeatedly treated her harshly and called her stupid, worthless, ugly, fat, or told her no one would want her or that she couldn't make it without him, she may feel silenced. She may blame herself and even defend him because, as he said, she's "disobedient and stupid."

In the absence of disclosure, a clear sign of abuse is the presence of bruises, black eyes, and/or broken bones. Often this evidence is hidden behind sunglasses, high necklines, and long sleeves even during warm weather. The evidence can also be explained away by vague stories of clumsiness. When questioned, a victim will become obviously uncomfortable and brush it off or change the subject.

Evidence of abuse might be determined by a careful observation of a victim's demeanor. This is not to say these characteristics are determinative for abuse. The following descriptions of behavior are also not all-inclusive. However, these questions might be helpful for clarification.

- Is she especially timid and/or fearful?
- Is she overly self-effacing?
- Is she subdued, even fearful, around her husband?
- Does she scurry to do what he says?
- Is he arrogant, rigid, critical, controlling?
- Does he speak and act disrespectfully towards her or about her?
- Does he appear to control her, keep her under his thumb?
- Does he refuse to sacrificially support the use of her gifts in the Body?
- Does she have difficulty making eye contact with the pastor or elders?
- Is she "not allowed" to attend church meetings or Bible study unless accompanied by her husband?
- Is she anxious about getting home "on time"?

The imbalance of power in an abusive relationship causes a greater disadvantage when a victim reports the abuse. Research shows that the abuser's power within the relationship usually corresponds to a higher level of social and relational power in the community.¹²⁵ Abusers have fewer social restraints and more resources. The abuser's higher social standing tempts many to believe his narrative rather than hers. When domestic abuse is alleged, church leaders may dismiss accusations because they think they know the abuser and, "He wouldn't do anything like that." Such a response ignores Scriptures such as John 2:23-25 and Jeremiah 17:9, which teach that every human being is capable of deceitfulness and can hide private sins from the public eye. The abuser is often left unscathed during an investigation while the victim is told to be quiet and/or cease speaking about her experiences.

Conversely, victims experience great social restraint. They have been conditioned to keep their thoughts to themselves, yield to the emotions of the person with greater power, and be more cautious in their behavior. For a victim, the abuser seems more powerful than the systems meant to protect.¹²⁶ In disclosing, the victim may risk accusations of gossip, slander, and/or ruining the abuser's reputation. A victim may also be silenced for the sake of the church's reputation. Church leaders should not put the image of the church above the safety of its congregants. When we wear His name, we should also bear His likeness.

4. Responding

Disclosure of Domestic Abuse

Domestic abuse is an equal opportunity destroyer impacting generations of men, women, and children. Jesus calls us to proclaim the gospel through evangelism, but He also calls us to minister to those who are oppressed (Isa. 58:6-7). The church must have an unflinching commitment to be governed by what God says about justice, mercy, and defending the vulnerable. Silence does not protect the church or Christ's name.¹²⁷ When we stay silent, we tell the world, victims, and abusers we are okay with violence in the home. We tell children that violence is normal and the church does not care whether they or

¹²⁵ Gerben Van Kleef et al., "Power, Distress and Compassion," *Psychological Science* 19:12 (2008): 1315-1322, <https://doi.org/10.1111/j.1467-9280.2008.02241.x>.

¹²⁶ Snyder, *No Visible Bruises*, 71.

¹²⁷ Diane Langberg, "How To have a Culture of Child Protection," presentation, Grace Baptist Church, CA, 2016.

their family is hurting. Over against this posture, the God of refuge calls His church to be a safe haven for victims of abuse.

Intervention by godly response helps break the chain of perpetual abuse. Intervening is quite costly in terms of time and energy. It requires wisdom, patience, and courage to battle evil and deception. Responding well includes naming the evil of abuse for what it is. We must not ignore, minimize, or passively condone abuse or else the church becomes, “whitewashed tombs, which outwardly appear beautiful, but within are full of dead people’s bones and all uncleanness” (Matt. 23:27).

What To Do Regarding Disclosure of Domestic Abuse

A godly response to the disclosure or discovery of abusive behaviors in Christian homes includes, but is not limited to, the following.

- Prior to disclosure or discovery, church leadership sets the pace for the congregation in the treatment of women. Leaders honor their wives and speak to and about their wives with respect. Leaders encourage and facilitate the development and use of their spouses’ gifts as God directs. Leaders encourage staff and church members to do the same.
- Label abuse as such. To prescribe the appropriate response, abuse must be called by its rightful name. To label otherwise is to minimize sin and treat the things that God hates lightly. Minimizing abuse fails to keep the flock safe and fails to direct the abuser to a path of repentance, redemption, and perhaps reconciliation. If at first you are unsure what you are encountering rises to the level of abuse, start by using the words which describe the behavior that is uncovered: harsh, cruel, manipulative, deceptive, etc. Abuse is comprised of many sins, and a good start is to accurately label sin. Eventually a determination needs to be made if the constellations of sin that are uncovered rise to the level of abuse, but that may take time.
- Protect sheep. Resist sending the woman back into a dangerous situation with instructions to pray and/or submit more. Abuse occurs because there is an abuser, not because a victim has not prayed or submitted enough. Specific steps that a shepherd can take to ensure the safety of victims will be discussed in the next section.

- Provide at least one trained, respected, godly woman to accompany the victim to Session meetings, team meetings, court, and other situations when she may be frightened and/or overwhelmed.
- Form and train a team of men and women to function with knowledge and authority in situations involving domestic abuse, as they come alongside the victim, children, and abuser.
- Read widely from both pastoral and clinical sources to become familiar with the dynamics of domestic abuse, its typical effects on the victim and her children, and the characteristics and dynamics of the person who abuses. Mere “conventional wisdom” has been costly in many domestic abuse situations.
- Familiarize yourself with training and resources provided by local domestic abuse organizations. Consider training elders and/or church leaders so they are familiar with the dynamics and process in domestic abuse.
- Establish ongoing oversight of the educational and training measures addressed in “Prevention and Deterrence” (p. 1085 of this report).
- Familiarize yourself with state and local laws that might impact the situation and available, accessible resources.
- Familiarize yourself with the names and contact information of emergency departments, shelters, attorneys, advocates, employment-training facilities, food banks, etc.
- Establish connection with specific individuals in the public sector who assist with their skills and resources.
- Host seminars utilizing professionals to educate the staff and perhaps the congregation about domestic abuse and best practices.
- Provide other resources and books on domestic abuse in the church library.

What Not To Do Regarding Disclosure of Domestic Abuse

It is not wise to conduct marriage counseling with both spouses together in cases of alleged, suspected, or disclosed abuse. Marriage counseling can be dangerous in cases of domestic abuse and may even result in further harm to the victim. Marriage counseling should not occur until individual counseling with an informed counselor has resulted in long-term evidence of the abuser’s repentance, empathy, and genuine godly sorrow for their abusive behavior.

An unbalanced focus on “keeping the marriage together” at any cost may prevent confrontation of the private sin of abuse that happens behind the closed doors of a Christian home. Christian marriages are to reflect Christ and His church; therefore, leaders must “take no part in the unfruitful works of darkness, but instead expose them. For it is shameful even to speak of the things that they do in secret” (Eph. 5:11-12). Addressing abuse in the home is for the sake of the gospel as much as, or even more so, than preserving the marriage. An abusive marriage is a blemish on Christ’s body. The church must protect Christ’s reputation and eradicate the evil of abuse in Christian marriages.

5. Reporting

Be familiar with the reporting requirements in your state. Typically, these laws are less stringent for adult abuse than they are for child abuse. In the case of domestic abuse, reporting is *not* recommended unless mandated by state law. It violates the victim’s freedom, and it may unintentionally jeopardize her safety. It is important to allow the victim to direct adult abuse reporting unless mandated by state law.

It is recommended the following be appointed to respond to the survivor and accused:

1. Church Advocacy Group
2. Session Crisis Intervention Team

Church Advocacy Group

Those who have experienced any form of abuse and/or assault should have an easily accessible, empathetic, reliable, and formal means of reporting. Persons with like experience may help in decreasing the fear of reporting. Appointed and highly visible advocates in the local church might include a small group of well-trained members. The advocacy group should document the concern or complaint in sufficient detail to categorize it as reportable to public authorities (such as physical abuse, rape, sexual assault, physical assault, battery, kidnapping, etc.) or non-reportable (spiritual, verbal, emotional, financial abuse, doctrinal error, abusive leadership, sexual harassment, adultery, deceit, etc.).

Crisis Intervention Team¹²⁸

The Crisis Intervention Team should consist of effective, wise, and disciplined elders (other than those assigned to advocacy group) able to intervene promptly, efficiently, and effectively to the complaint.

Major tasks will be to . . .

1. Investigate the matter,
2. Relieve any allegedly abusive leaders from duty, and
3. Provide shepherding counsel and support to victims, abusers, and their families.

In the case that the accused is a pastor, the Crisis Intervention Team is also responsible as a liaison with the Presbytery and as communication to and with the congregation and general public regarding the matter. Truth, honesty, and accountability should be the hallmarks of the team's interactions with the accused, congregation, presbytery, and with the public.

If the alleged abuser is in leadership, the Crisis Intervention Team (or appointed elder) should inform the accused of the charge and initiate process to relieve him from duty immediately. They should conduct their investigation in such a way as to carefully shepherd the victim and preserve her safety (see "Redemptive Shepherding" below), anonymity, privacy, and welfare.

Reportable complaints should be given to police. The Advocacy Group and/or Crisis Intervention Team should inform the pastor and/or Session (the latter only if the pastor is implicated) immediately after submission to authorities and give them their written report. This is to avoid cover-up for serious crimes and offenses at the beginning, the most crucial phase of the process.

¹²⁸ In a PCA church, the pastor, who had read widely about domestic abuse, commissioned a ruling elder to form a team who could walk alongside a woman who had escaped from a heavily armed, abusive husband and was living in the home of a person outside the congregation for safety's sake. The team consisted of two elders, a trained woman, and a deacon who could address the financial concerns. The team met with the displaced woman every two to three weeks to encourage her, pray with her, provide for her needs, and serve as a go-between for the woman and her husband so she did not have to endure his abusive, threatening emails and phone calls. The team leader updated the pastor weekly. Additional care can come in the form of appropriate topical Bible studies and support with parenting issues. Youth leaders can come alongside the children to offer a listening ear and encouragement.

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Non-reportable complaints should be written in sufficient detail and presented to the Session. It is wise to shield a victim's identity unless given permission to disclose. If the complaint is warranted, the Session might plan a strategy to confront the accused. A complaint considered unwarranted should be documented and provided to the accuser with the reasons for the determination.

The Advocacy Group and Crisis Intervention Team or representative elder should meet with the accused after the complaint is lodged, as soon as possible if reported to authorities. Prior to this meeting, they should engage in prayer for wisdom, discernment, and the preservation of the honor of Christ and His church, as well as for grace in approach to both parties.

A written complaint should be presented to the accused. The accused's response will be documented verbatim by the advocates, including the responses to appropriate, further clarifying questions. Such questions should provide details of . . .

- Factual occurrence,
- Motives,
- Emotions,
- Prior events pertinent to the investigation as seen fit by the investigators and accused,
- Specific disagreement,
- Regret,
- Remorse, or
- Repentance expressed by the accused.

Each answer should be recorded in as much detail as possible, using direct quotes rather than paraphrases. These questions and statements should be recorded and documented until the meeting has reached a conclusion. Questions refused should also be so recorded.

The Advocacy Group and Crisis Intervention Team or representative elder should meet following a confrontation for prayer and to deliberate upon, analyze, and formulate their findings and conclusion of the preliminary investigation. They should document their findings and recommendations for further pursuit of the complaint in writing and submit them to the accused. At the presentation to the accused, the team should record any rebuttal, clarification, or other response of the accused.

The Advocacy Group and Crisis Intervention Team or representative elder should prayerfully deliberate on the written complaint, response, and rebuttal, and amend or sustain the original findings and recommendation in a final report. This report should be given to both accuser and accused. The following are possible courses of action that may be recommended to the Session:

1. **The issue be resolved with follow-up** by the Advocacy Group and Crisis Intervention Team or representative elder to both parties separately.
2. **The issue requires further investigation** by Session and/or outside investigators or counsel before actions can be recommended.
3. **The abuse report requires immediate action** such as contacting the police or Presbytery [if a pastor] if not already contacted, suspension from duty, or medical/psychiatric intervention.
4. **Action requires a formal program** of biblical counseling, spiritual discipline, mentoring, and accountability of progress in conformity to Christ by one or both parties.
5. **Formal charges or dissolution of pastoral relationship if warranted** [if a pastor].

When the Abuser Is a Teaching Elder

Besides prayer, confrontation, deliberation, and investigation, it is important that PCA churches avail themselves of the formal system for accountability if a teaching elder is exhibiting signs of abuse and refusing to repent.

The *PCA Book of Church Order (BCO)* Chapter 34 is titled “Special Rules Pertaining to Process Against a Minister.” A church minister (teaching elder) is a “member” of a Presbytery, not the local church. Therefore, when his sin is repetitive following the attempt of members to confront him, it is necessary to pursue accountability through members of the Presbytery (34-4).

There are three possible ways to proceed by the Session or church members:

1. Discuss the matter with another elder in the Presbytery, of which the teaching elder is a member, seeking their personal aid in further confrontation;
2. Bring clear, documented proof of unrepentant leadership failure to the committee that handles charges brought against member pastors for their consultation; or

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3. Bring charges against the minister before this committee. Two witnesses must bring testimony (*BCO 34-5*) or there must be clear “corroborative evidence.”

Although the first and second options may be less intimidating to church members, bringing an abusive leader to trial may be necessary to provide safety to the greater church. A teaching elder who has been found unrepentant will be publicly disallowed from ministry in the PCA as long as evidence of unrepentance remains.

However, it must be understood that pastoral failure which does not involve “heretical” teaching must clearly evidence damage to Christ’s church for judicial action to be taken against a pastor.

Heresy and schism may be of such a nature as to warrant deposition; but errors ought to be carefully considered, whether they strike at the vitals of religion and are industriously spread, or whether they arise from the weakness of the human understanding and are not likely to do much injury (BCO 34-5).

Should the congregation wish to remove a teaching elder due to his abuse, they are required to follow these steps:

1. “. . . there shall always be a meeting of the congregation called and conducted in the same manner as the call of the Pastor (*BCO 23-1*).”
2. The meeting must be presided over by a ruling or teaching elder of the PCA.
3. The will of the congregation (as voted upon) is presented to the Presbytery for approval for the “dissolution of the pastoral relation.”

Independent Assessments or Investigations

After the Session has received the preliminary investigation report of the Advocacy Group/elder, they may wish to investigate further or engage expert outside counsel. Outside independent counsel should be sought for potential felony or any complaint that was reported to police or public agencies. Examples of such outside counsel include legal, certified public accountants,

trained counselors, trained advocates, psychological and/or medical personnel, and/or seminary faculty with expertise in the field.

The safety of the victim(s), responsibility of the church, and accountability are foremost in the work of an independent counsel.

6. Redemptive Shepherding

Shepherding the Victim to Safety

*The priority is the victim's safety.*¹²⁹

- **Confrontation.** When a victim confides abusive behavior, it's tempting to confront the alleged abuser for his perspective of the allegations. If accusations are founded, and the spouse is abusive, he may exact punishing behavior on the victim for reporting. Confronting the accused puts the victim in jeopardy. Before any confrontation can take place, the victim's safety must be assured.
- **Separation.** Safety may include separating the victim and any children from the abuser. Caution is strongly encouraged. The most dangerous time in an abusive relationship happens when a victim tries to leave.¹³⁰ Abusers often escalate behaviors in order to strengthen control and force the victim to stay.
- **Team.** Most pastors do not have the bandwidth to shepherd a victim alone. It is recommended the pastor create a team of people to come alongside the victim and her children, as well as the abuser.
- **Agency.** Prioritize the victim's freedom.¹³¹ Throughout the process, the victim should set the pace. An abuser controls every facet of a victim's world. Her recovery will benefit from relearning how to make wise decisions. Provide the victim with the necessary options (see below) and resources and then come alongside to help her navigate solutions. Victims are conditioned to depend on their abuser's control, so they may look to others to make decisions. Resist this temptation. Some victims will make choices with which you disagree. For instance, they may not take

¹²⁹ Sanderson, *Counseling Survivors of Domestic Abuse*, 110.

¹³⁰ Brenda Branson and Paula J. Silva, "Options for Victims of Domestic Violence," Focus Ministries, <https://www.focusministries1.org/resources/domestic-violence-articles>.

¹³¹ Branson and Silva, *Violence Among Us*, 76.

steps necessary for protection or may stay in or return to the abusive situation. The victim must live with her decision, so resist taking control.

- **Network.** Enlist the help of other institutions that can help achieve safety. The church may not have the resources to meet all the victim's needs. Law enforcement, an attorney, a professional counselor, a victim's advocate, or a battered women's shelter will be very helpful.¹³² Have the victim be the primary liaison between these organizations. Victim ownership over their situation will promote responsibility, decisiveness, and self-sufficiency.
- **Evaluate.** All options have the potential for greater risk. Calling law enforcement is an excellent way to provide immediate protection, but afterwards the abuser may respond violently. An order of protection is somewhat helpful; however, it is only a piece of paper. Abusers often choose to violate restraining and protection orders. The wisest course of action will be to work slowly and patiently. The potential danger to the victim is another reason that she must set the pace for all decisions. She has the best knowledge of the abuser and situation. Err on the side of safety.

Options for Safety

The following are intended to be thorough, but not exhaustive. All situations are unique and may require more creative solutions.

Call the Police: If a victim feels unsafe, their first call is 911. This option can provide a victim with swift protection when threatened or when an abuser becomes violent. But abusers may be adept at manipulating the situation and casting doubt on the victim's story. If the police leave without making an arrest, the abuser may commit further offences as punishment.

Victim's Advocate: An advocate can provide professional assistance with safety planning, perform a lethality assessment that helps determine the threat level of an abuser, and guide victims in securing an order of protection. Network with the victim advocates in your area and have up to date contact information available to victims in need.

Order of Protection: An order of protection may be wise if the victim leaves the home. In many states, a protection order can also be written to force the

¹³² Ibid.

abuser to leave the home. A victim should plan ahead and secure the order without the abuser's knowledge. Contact a victim's advocate for assistance securing an order.

Find Alternate Housing: It may be necessary for the victim to leave the home, at least for a season. It is wise for the victim to leave without the abuser's knowledge. This takes careful planning.¹³³ Arrange to leave at a precise day and time when the husband will be out of the house. Preschedule an appointment with a victim advocate to procure a protection order within hours of departure from the home.

Any children should remain with the victim. Those advising or assisting victims who leave should be familiar with local law. In some states, if the victim takes her children for more than five days, she can be charged with kidnapping. Victims may also have legal trouble if they prohibit child visitation. In addition, the state may require that victims with children remain within a certain proximity to the home. Contact the local victim's advocate for the most up-to-date laws governing your specific area.

Keep living arrangements private when a victim leaves. Use discernment when placing a victim in a "known" location such as with family, friends, or church members. If no suitable options are available, contact a local women's shelter. Network with the victim advocates in your area and have up-to-date contact information available to victims in need. At times, victims are safer staying in the home. This enables them to monitor the abuser's moods and anger level and take the appropriate measures to keep safe. The living arrangement decision belongs to the victim.

Prepare To Live Independently: A victim will need to prepare before leaving the home by saving money in a private account or keeping funds in an undisclosed location. If this option is not possible, the victim might consider withdrawing funds from accounts immediately after leaving. Timing will be important; the transaction will need to be completed before the abuser is aware of her absence. It is also wise to open a new cell phone account and get a different number prior to or soon after leaving. Make sure to have the victim turn off tracking on their devices ("Find My Friends"). Advise that she create a new email address, change passwords on accounts, and apply for credit cards in her own name. Consult a victim advocate and create a safety plan to identify additional strategies.

¹³³ Sanderson, *Counseling Survivors of Domestic Abuse*, 121.

Provide for Basic Needs: If the victim does not have the means to support herself and the children, she may need to seek public assistance (e.g., Supplemental Nutrition Assistance Program (SNAP), Temporary Assistance for Needy Families (TANF), etc.). Familiarize yourself with the resources available in your community to refer to the proper organizations. The church may also be able to offer financial assistance from its deacon's fund.

Find Employment: For victims who do not work outside the home, assist in finding resources in the community for gaining employment. Potential sources to consider are social media referrals,¹³⁴ job fairs or platforms, staffing or recruitment agencies, searching in industry publications, browsing the internet, and subscribing to job search emails. Neighborhood apps may also list employment opportunities close to home. Church members with businesses may be willing to hire (perhaps even short term) or help network. Assist victims who require further education in finding scholarships and/or resources for returning to school. Connect with members in the congregation for childcare.

Secure Permanent Housing: Shelters and hospitable friends and family are options for the short term. However, if the victim is separated from her husband long term, she will need to find more permanent housing. Church members with real estate credentials and/or deacons may be helpful in securing a suitable location.

*Structured Separation:*¹³⁵ A structured separation is an alternative to divorce for victims of domestic abuse who want to save their marriages. To ensure the victim's safety and wellbeing, she lives apart from her partner for a specific period of time. A document is created that outlines living arrangements, creates boundaries, and lays out a process of change and healing for the couple. It is recommended that the abusive partner demonstrate changed behavior for six to twelve months before cohabitation resumes. It is not wise to create a structured agreement until the victim is safely located away from the abuser.

*Divorce:*¹³⁶ This is the most serious option for securing the victim's safety, but it may be necessary. In most cases of marriage conflict, we define success as the restoration of the marriage. But domestic abuse requires us to redefine what constitutes success. In an abuse case, success is defined as seeing God set the victim free from oppression. This could occur through the restoration of her

¹³⁴ If the victim needs anonymity, help by searching social media for her.

¹³⁵ Branson and Silva, *Violence Among Us*, 79-80.

¹³⁶ See The Seventh Commandment, Section One, p. 985, as well as the Attachment 11: Divorce and Domestic Abuse, p. 1232.

marriage or the ending of her marriage. The form freedom takes will depend on the abuser's repentance, the victim's decisions, and the providence of God.

Many victims who pursue a divorce do not have the financial means to hire an attorney. If this is the case, they can request that an attorney take their case for reduced fee or pro bono. Your community may also have a self-help law center that victims can utilize.

Sometimes attorneys will recommend that the couple pursue a mediation to resolve the divorce, instead of litigation. In mediation, a mediator facilitates the couple coming to a mutually agreed upon settlement regarding the division of assets, child custody, and other issues involved in a divorce. While the victim makes the final decision, mediation is not recommended. The vast majority of mediators are not trained to handle cases of domestic abuse. They do not understand the power imbalance inherent in an abusive marriage and how that power imbalance impacts the mediation process.

Shepherding the Victim Spiritually

Life with an abusive husband is incredibly stressful and confusing. The person a victim loves the most is hurting them, and they don't necessarily have categories for how to think about what's happening, how to respond, how to get help, and/or what the children may need. They juggle these questions, concerns, and emotions all while trying to navigate the moods and behaviors of the abuser. Often, a victim will say they walk on eggshells. Victims live in a state of hyper-vigilance, constantly on high alert. Even if, or when, a victim separates physically from an abuser, they may continue to live under the threat of harm.

Counseling and Support Groups

Practically, pastors help victims process anger, shame, and fear. The victim needs to hear God's Word validate that the abuse committed is heinous sin, and that He grieves with and for them. Pastors and the church family who empathize with victims minister God's comfort (2 Cor. 1:4). As the victim experiences the love of Jesus Christ and the power of the Holy Spirit through the ministry of the Word, they begin to find healing. Throughout this process, trust is built, and care expressed. This provides relational capital and an ability to speak into the difficulty effectively.

The result of abuse, whether it be acute or chronic, is often trauma. Trauma is an event that overwhelms and inspires helplessness and terror.¹³⁷ Most pastors are not equipped to counsel trauma, nor do they have the time. In addition to the trauma of the abusive marriage, the victim needs to explore how past trauma and family of origin feeds into the experience of domestic abuse. Nevertheless, the following are spiritual issues a pastor can help explore.

Shame and Honor:¹³⁸ Virtually all victims of abuse wrestle with shame, which can be defined as a sense of worthlessness and rejection. A more popular term is low self-esteem, but the biblical terminology of shame contains far more depth. Low self-esteem is one-dimensional, whereas the biblical concept of shame has three dimensions:

1. **The Personal Dimension:** An individual has a low view of their own self-worth. This dimension of shame overlaps with the secular concept of low self-esteem.
2. **The Social Dimension:** People in society reject the individual and ascribe them with little worth. The person wrestling with shame often feels like an outcast.
3. **The Spiritual Dimension:** Apart from the work of Christ, we are all contaminated by sin and therefore separated from God, who is perfectly holy and cannot be in the presence of sin.

These three dimensions describe *the victim's experience* of shame and the facets it contains. In addition, we may delineate three *sources* of shame:

1. **The sins we commit:** Our own sin defiles and renders us unholy and unacceptable in God's sight.
2. **Something that happens to us:** The sins that other people commit against us are especially shame inducing. While every human being's shame is caused by sin, victims experience a much higher degree than the average person because of the sins of their abusers. Victims have been told they are worthless through countless words and actions. After years of being criticized, belittled, demeaned, treated like an object—hearing questions about their sanity—victims eventually believe that narrative.

¹³⁷ Judith L. Herman, *Trauma and Recovery: The Aftermath of Violence – From Domestic Abuse to Political Terror* (New York, NY: Basic Books, 1997), 33-34.

¹³⁸ This entire section is indebted to Edward T. Welch, *Shame Interrupted: How God Lifts the Pain of Worthlessness & Rejection* (Greensboro, NC: New Growth Press, 2012). This book is an excellent resource for pastors and victims.

3. **The people we are associated with:** Like a disease, shame can spread from person to person, especially within a family.

Scripture provides pastors with tremendous resources for ministering to victims by counteracting shame. There are approximately ten times more references to shame than guilt in the Bible.¹³⁹ In Scripture, the opposite of shame is honor. Through His incarnation Jesus entered our fallen world. At His baptism, He identified with sinful humanity in need of cleansing from shame (Luke 3:21–4:13). On the cross, Christ took our shame upon Himself and received the condemnation that we deserve (Heb. 12:2). All of Christ’s righteousness has been imputed to us, and therefore we have a place of honor in God’s kingdom (2 Cor. 5:21). When Jesus returns, the curtain will be pulled back and our true identity will be revealed (Isa. 61).

Victims experience tremendous healing when they encounter the position of honor that God has provided in His kingdom. The following passages of Scripture can be ministered to victims because of the work Christ has done to make them part of His covenant people.

Zephaniah 3:14-20 speaks to all three dimensions of a victim’s shame.

1. **Personal Dimension:** The condemnation that survivors feel will be taken away (v. 15), and their shame will be changed into praise and renown in all the earth. Feelings of worthlessness will be drowned out by the voice of God as He rejoices over them with singing.
2. **Social Dimension:** God promises to gather survivors who feel like outcasts to experience the love and acceptance of His kingdom.
3. **Spiritual Dimension:** Victims learn God has bestowed the greatest honor imaginable: He has made them His children. Because they are sons and daughters of the King, victims have the status of royalty in the kingdom. Their value and dignity flows from their relationship to the King.

Isaiah 62:1-5 speaks to a core component of identity.

In this passage, God communicates identity as determined by what He thinks of His people. By giving victims a new name, He removes their previous identity as “forsaken” and replaces it with “delight.”

¹³⁹ Ibid, 11.

Therefore, the accusations and criticisms that ring in a victim's ears are lies replaced with the truth of what God says. In verses 1-2, God promises to proclaim this identity for all the world to hear. The shame that an abuser communicates will be drowned out by the voice of God. As God's crown and diadem, His people are truly priceless. Like the jewels on the crown of a king, we are a visible sign of God's glory. In many ways, Christ's treatment of victims is the exact opposite of what they have experienced. They will receive honor instead of shame, and praise instead of criticism. Whereas earthly husbands reject them, Jesus rejoices over them.

Mark 5:24-34 brings victims riddled with shame face to face with their beloved Redeemer.

The woman Mark describes here was unclean. She had suffered from a discharge of blood for over twelve years. Anyone who touched her, or even touched something she had come in contact with, would have been unclean. As a result, people avoided her. When they saw her walking toward them, they fled. Like shame, uncleanness spreads from person to person. Uncleanness significantly impacted her worship as well because she was unable to go to the temple to have her sins atoned. She was effectively separated from people and from God (Lev. 15:25-31).

When this woman encountered Jesus, all the shame she knew was reversed. Instead of her making Jesus unclean, He cleansed her. He removed her social shame and restored her to the Jewish community. Even more importantly, His cleansing reunited her with God. As in the language of Zephaniah 3, Jesus addressed her as "daughter." God incarnate accepted her unconditionally as a father accepts his child. His acceptance transformed her from an outcast into royalty. Victims of abuse will immediately resonate with these truths. They, too, experience shame caused by something that has happened outside their control.

On the cross, Jesus entered into suffering and shame; therefore, He is intimately aware of the human experience. Jesus, likewise, encountered oppression, abuse, and rejection. He was falsely accused, betrayed by companions, mocked, rejected, humiliated, spit on, beaten, and crucified. His perfect righteousness is imputed to us, which means all victims share in His

honor now and throughout eternity. There is incredible healing for victims as they meditate on the reality of this gospel truth.

Fear and Love: In domestic abuse, relationships are governed by the fear of man.¹⁴⁰ Natural fear is an appropriate response to the dynamics of an abusive marriage.¹⁴¹ The abuser uses intimidation and creates a fearful environment to dominate and control. For protection, the victim must pour all her energy into preventing abusive outbursts. Her attention is entirely focused on reading emotions, navigating anger, and giving in to an abuser's desires. In the context of an abusive relationship, self-protection is a must. As human beings made in the image of God, victims have value and dignity. Victims are worthy of protection.

For the victim, fear of man is not confined to marriage. The abusive relationship becomes the lens through which they see all other relationships. Fear of man becomes the dominant mode of relating to others. Victims tend to avoid tension in relationships by deferring to other people's desires. They avoid conflict at all costs, appear to be "people pleasers," and have difficulty saying "no." This was not God's good design for relationships. When victims relate to non-abusive people out of fear, they are robbing themselves and others of the blessings that come from relationships of love, trust, and mutuality.

To heal from the relational damage caused by domestic abuse, victims need a paradigm shift. The victim's relationship with God must become the new lens through which they see other relationships. Foundational for this paradigm shift is 1 John 4:18: *There is no fear in love, but perfect love casts out fear. For fear has to do with punishment, and whoever fears has not been perfected in love.*

Our relationship with God is governed by love. In love, God became a man and sacrificed Himself on the cross for our sins. The Redeemer loves us and casts out fear by taking our punishment on Himself. He took away our greatest fear, eternal punishment. The contrast between the victim's abuser and the

¹⁴⁰ Allender, *The Wounded Heart*, 157; Langberg, *On the Threshold of Hope*, 171.

¹⁴¹ John Flavel, in *Triumphing Over Sinful Fear*, articulates "Natural fear" as "the agitation of mind that arises when we perceive approaching evil or impeding danger" (8). "Sinful fear" arises from unbelief (a distrust of God), fearing disproportionately or excessively, fear that causes us to be unfit for duty, and/or fear that inclines escape or brings a snare. John Flavel, *Triumphing Over Sinful Fear*, Ed. J. Stephen Yuille (Grand Rapids, MI: Reformation Books, 2011), 8-20.

Redeemer could not be greater. Abusers control through the fear of punishment.

A new paradigm frees us to relate to others out of God's love. Interactions with others can be based on what is best for those involved, rather than seeking to avoid conflict or people please. The person driven by love will be willing to risk tension in the relationship or do something the other person finds unpleasant (such as giving a rebuke), if that is what is best for them. A loving person is willing to say no. Being loving is not simply to give people what they want. People can want wrong things. People may want what is beyond another's capacity to give. Rather than being ruled by the desires of others, victims shift the paradigm as they align with God's desires.

Additionally, 2 Timothy 1:7 says, "For God gave us a spirit not of fear but of power and love and self-control."

Abusers dominate and take away personal power. In contrast, . . .

- **God gives power.** In the context of 2 Timothy, this means that He gives boldness to do His will in difficult situations. When seen through the lens of relationships, such boldness is the antithesis of fear of man.
- **God gives love.** His sacrificial love liberates us from the fear of punishment. This frees us to love Him and love others.
- **God gives a spirit of self-control.** Some survivors attempt to stop relating to others out of fear which results in anger and ungodliness. But God empowers us to control our behavior and obey Him in how we relate to others, even if emotions tempt them to do otherwise.

Romans 8:15-16: "For you did not receive the spirit of slavery to fall back into fear, but you have received the Spirit of adoption as sons, by whom we cry, 'Abba! Father!' The Spirit Himself bears witness with our spirit that we are children of God."

Rebellion against God leads to fear of condemnation and wrath. But the Father removed this fear through the sacrifice of His Son. He adopted us as His children. A relationship with an abusive spouse is a stark contrast to this relationship with the Father. Abusers intentionally instill fear in their victims to control them. On the cross

God removed all reason to fear. Because of His work, we relate to Him as His children and call Him “Abba,” a term of great tenderness and intimacy. Our relationship with God is the paradigm for all other relationships, characterized by freedom rather than slavery. By ordering their world under this paradigm, victims have the freedom to say no, to make their own decisions, and the freedom to be fully human.

Forgiveness: [See also Attachment 9: Forgiveness] Scripture commands loving and forgiving enemies as God in Christ forgave us (Luke 6:27-28; Col. 3:13). Forgiveness is defined as a decision to release someone from suffering punishment or penalty for sin (Matt. 6:12; 18:21-35).¹⁴² Forgiveness is incredibly difficult for those who have been oppressed and traumatized by the person who was supposed to care, love, and protect. Forgiveness is both an event and a process.¹⁴³ In devastating circumstances, this will likely take much time, consistent reminders, and patience with the process (1 Thess. 5:14, “Be patient with them all”). The timing of forgiveness will vary from person to person. A wise pastor will recognize this difficulty and gently guide a victim beyond the damage done.

When forgiveness occurs, the abuser is released from suffering punishment for sin. However, there is a distinction between punishment and consequences. Punishment seeks to make the offender pay and even suffer for their actions. Consequence is the result of the offender’s actions, but it is not motivated by a desire to punish. For example, a lender may forgive a person’s debt, but wisdom dictates that he never lends to that person again. Similarly, a victim may genuinely forgive an abusive spouse, but that same wisdom may dictate particular consequences. This may include, but not be limited to the following,

- **A Loss of Trust:** Domestic abuse is an act of betrayal. A spouse who has broken the marriage covenant by an abuse of power, degradation of another image-bearer, and repeated questioning regarding their reality, loses trust. Lack of trust is not unforgiveness. Forgiveness is a gift; trust earned is a long and difficult process of rebuilding.
- **Legal Consequences:** Physical abuse is a crime. Any legal consequences the abuser experiences are a result of their actions.

¹⁴² Ken Sande, *The Peacemaker* (Grand Rapids, MI: Baker, 2004), 207.

¹⁴³ Tim Lane, “Pursuing and Granting Forgiveness,” *CCEF The Journal of Biblical Counseling*, Spring 2005.

Personal forgiveness does not include sheltering a criminal from the consequences of crimes committed. The experience of these consequences may even help lead to repentance.

- **Separation:** A victim may need to separate from the abuser to ensure safety and the safety of any children. Although it is counterintuitive, separation can be a useful tool for restoring an abusive marriage. It keeps the victim safe while giving the abuser an opportunity to receive help, demonstrate changed behavior, and rebuild trust.
- **Divorce:** Divorce and forgiveness may seem mutually exclusive, but they are not. Despite genuine forgiveness, it may not be safe for the victim or their children to remain with the abuser.
- **Restricted Time with Children:** Due to the atmosphere of an oppressive home, it will often be healthier for the children to spend less time with their abusive parent. Abusers will also use a separation and/or divorce as an opportunity to interrogate the children about the other parent. Often they will work toward encouraging the children to take sides. Restricted time lessens the children's exposure to this type of behavior.

Shepherding the Abuser

God designed the spiritual leadership of husbands to reflect the image of Christ. Therefore, Jesus's use of power should be the model husbands follow in their marriages. Jesus could have used His influence and status as God's Son to do whatever He wanted. But He did not. He laid aside His position and privilege, humbling Himself by becoming man, submitting to the Father's will and dying on the cross. He used His power to bless His people.

When thinking of the characteristics of a godly husband, who by virtue of his position has relational power in the home, Jesus is the model to be emulated. In those chosen of God, holy and beloved, natural tendencies must be put off diligently as part of the old nature, and a heart of compassion, kindness, humility, gentleness, patience, and love must be cultivated. The word of Christ must dwell richly within. A husband is to love his wife and not be harsh and resentful towards her. He needs to learn to use his power sacrificially, like Jesus did, on behalf of his wife (and family) and not diminish and control her. It will take quite some time for these new patterns of behavior to develop, and it will take the prayerful, encouraging support of other godly men to walk the journey with him.

The discussion below addresses how to approach many of the problems Sessions encounter when shepherding abusers. The assumption at this point of the process is that the victim is safe from harm. The following are intended to be thorough, but not exhaustive. All situations are unique and may require more specific solutions.

*Godly or Worldly Repentance:*¹⁴⁴ Primary to effective shepherding care of an abuser is to recognize the difficulty. Unfortunately, recidivism in cases of domestic abuse is very high. The type of change which often occurs is simply that the abuser modifies his tactics. Instead of using more overt types of abuse (physical abuse), he employs those tactics which are more difficult to observe (verbal or emotional abuse). A strong emotional outburst of sorrow and regret in the pastor's office does not always result in change in the home. Domestic Abuse is a particularly heinous besetting sin (*WCF* 150).¹⁴⁵ Shepherding care may be a long and slow journey of resistance without substantial change. Pray for these men on a regular and consistent basis. [See also Attachment 10: Repentance]

Church Discipline: Church discipline is meant to be restorative, reconciling the sinner to his heavenly Father. The process involved will help to hold the abuser accountable to the Session. Sessions should be trained in understanding patterns of abuse to navigate the inevitable, "he said, she said." When there are discrepancies between the accounts, look for the patterns. As a physician investigates the correct symptoms for achieving a diagnosis, Sessions must probe beyond what is said. Diagnosis is observable via patterns of behaviors. Years of abusive behavior severely impacts a victim's ability to effectively communicate. Abusers do not experience this disadvantage and may seem far

¹⁴⁴ See Attachment 10: Repentance for a discussion of godly and worldly repentance.

¹⁴⁵ *The Westminster Larger Catechism* lists four. Included here are the companion behaviors endemic in domestic abuse *italicized* (1) the persons offending; *a husband commanded to love his wife* (Eph. 5:28) (2) the parties offended; *the wife of his youth who he has covenanted to love, cherish, and protect* (Gen. 2:22-24) (3) the nature and quality of the offense; *deliberate and intentional negative behaviors with the goal to harm whether or not he succeeds* (1 Sam. 19:9-10) and (4) the circumstances of time and place; *the home, the place where all—men, women, and children—are to be nurtured, loved, and protected* (Jer. 29:7).

more believable and articulate. Additionally, experts recognize that deception is extremely hard to detect.¹⁴⁶

Female Advocacy: Sitting with a Session and speaking of abuse is a frightening and intimidating experience. The acts committed against victims are shameful and private. For women, revealing these acts to male pastors or elders, no matter how kind they are, is still a difficult and often traumatic event. Sessions might consider reducing the number of people present in a meeting. It would be beneficial to have female advocates as part of this process.

Community Resources: Research local community groups trained in working with perpetrators of domestic abuse. Secular organizations may use the Duluth Model, Emerge, or similar training. Many court-mandated programs, referred to as Batterer Intervention Programs (BIPs), follow these models. Most states require convicted offenders of partner abuse to attend a BIP course. These secular models may be helpful; however, they will be deficient in their biblical anthropology and their model for how people change. Churches can augment these classes with their own counseling oversight of the abuser. Group classes are typically more helpful than individual meetings. Other men in the group can help point out patterns as well as challenge beliefs and behaviors for one another.

**Christian Resources:* There are several Christian resources available. Chris Moles (chrismoles.org) offers an online class for abusive men (Men of Peace) along with other resources for domestic abuse prevention and intervention. Refuge Ministries, established by a PCA church, (refugeministries.com), offers material and some support group locations. “Turning Point” is their men’s program. Called to Peace (calledtopeace.org) provides a compassionate, comprehensive, and Christ-centered response to those impacted by domestic abuse. Their men’s intervention group is “g5.” Help[H]er is a nonprofit founded by a PCA member that offers training and resources for structuring a women-to-women in crisis advocacy ministry in the local church (helpherresources.com). An advocate can listen to a victim’s story, accompany her to associated ecclesiastical proceedings, meet, and pray with her.

***[Editor’s Note:** These resources were current at the time of publication.]

¹⁴⁶ See Gladwell’s extensive treatment of the research done by Psychologist Tim Levine in “Default to Truth,” Malcolm Gladwell, *Talking to Strangers* (New York: Little, Brown and Company, 2019), 57.

Involve the Victim: It is important to get feedback from the victim while shepherding the abuser. Overstating improvements while minimizing poor gains is common for an abuser. The victim can help inform the Session of persistent behaviors in the home and help direct counsel toward unrepentant and/or unchanged abusive patterns. Our proclivity to prefer good news necessitates consistent communication with the victim to monitor real change.

Separation: Often, the abuser must be separated from the family. He will need encouragement and accountability during this time. He must also recognize his need for help as he will not fully understand his own heart. He will want the process to go much faster. Enlist the care of the deacons for practical needs.

Minister to the Congregation: An abuser may be well-respected and have many good relationships with other members in the church. The accusations against him may be very confusing to these people. It is hard to fathom that a man who may also be a golfing or fishing buddy could be abusive in the home. We want to think well of one another. Be prepared to neutralize an abuser's PR campaign to undermine the church's process. Include any of these relationships when possible by enlisting their help to walk alongside the abuser for his encouragement and benefit.

*DARVO*¹⁴⁷: As an abuser begins to understand “the what” and “the why” of his abuse, it is very common for him to use this information against his spouse. Many victims are accused of abuse by their abusers. Abusers can take the phrases and concepts they learn and turn them onto the victim. Educate church leaders regarding the difference between patterns of abuse, or the inconsistent characteristics of a victim who is responding to the weighty injustices of abuse.

Question Very Specifically: Abusers minimize behaviors. Victims also minimize their abuser's behaviors. Follow up on responses to questions and ask for more detail. Become skilled in asking multiple questions from many angles to comprehend a fuller picture. An abuser may tell you that he got “a little angry” but not that he choked the victim until she passed out. The victim may also say “he got a little angry.” Good questions will help the victim provide a more accurate picture of what is happening in the home. Ask questions like, “Describe what happened when he got angry” rather than simple yes or no questions. It is unsafe for the victim's abuser to be present when asking these questions. It is also recommended to have a female advocate present.

¹⁴⁷ “Deny, Attack, Reverse Victim and Offender.”

Boundaries: Strictly adhere to any boundaries you set, including meeting times. Abusers push boundaries (just as they do when coercively controlling in the home) and they always have a good reason for why. “I’m so sorry I ran late, traffic was heavy.” “I know you said I wasn’t to text her, but her aunt really needed to contact her.” This is a continuation of the power play used by an abuser to gain a perceived loss of their control. Control is the issue in the relationship. Control will be the issue in shepherding as well. Limit when he can call those who are helping him. The shepherding team and Session are not at his disposal.

Put On (Duties): Create an action list for the abuser to complete in coordination with the victim. Deeds are far more important than words when shepherding an abuser. Actions might include . . .

- put off all abusive behaviors,
- attend a BIP,
- meet weekly with an elder for accountability,
- continue financial support of his family,
- adhere to communication restrictions.

Spiritual Abuse: Recognize that abusers will use Scripture as a means for justifying their abuse. Teach a biblical view of marriage and family. Help the abuser see how his sin has affected others. Encourage “particular” repentance for “particular” sins (*WCF XV. 5*) and for sinful thinking he has chosen to believe.

Genuine Forgiveness: Abusers may use their apology to block further conversation. “I said I was sorry. You have to forgive me and not bring it up again.” True repentance is seen in a willingness to accept the consequences and to change actions.

Beyond the Basics

- Encourage effort; however, abusers will want to be rewarded for good behavior. Remind them we do not deserve special privileges for simply doing the right thing (Luke 17:10).
- Clearly point out when the abuser has minimized, denied, or justified his actions.
- Clearly point out when the abuser shifts blame for his actions to the victim or others.

APPENDIX V

- Discourage self-pity. He may feel like the victim, especially if his feelings are hurt as a consequence of what he has done.
- Encourage the abuser to cease his sinful actions immediately and repent.
- Hold the abuser responsible. People choose to abuse; they are not compelled.
- Encourage the abuser to take responsibility for his sinful actions.

What Not To Do

- A classic mistake in shepherding of any kind is to focus on behavior alone, which only addresses the surface of the problem. To address the problem at its root, focus on the heart. This is no less true for abusers than for any other human being.
- Anger management courses are not very effective for domestic abuse. Anger is a tool the abuser uses, not an underlying cause. Anger is a means to get what he wants.
- Treating abuse as a marriage problem falsely assumes that one of the reasons he is abusive is because of her behavior.
- Marriage counseling is dangerous for the victim. The pastor or counselor does not know what happens once the couple leaves the office. The victim will be afraid to disclose what is happening behind closed doors in the home for fear of further abuse.
- Be very cautious in choosing to support the abuser in court.

Prevention and Deterrence

The most effective way to prevent and deter domestic abuse is to create a church culture that names the abuse from the Scriptures and condemns it as evil. Addressing the topic of domestic violence and oppression openly normalizes the discussion and abnormalizes the behavior.

The following are meant to be thorough, however, are not exhaustive.

Preach from the pulpit about domestic abuse and oppression.

- Galatians 5:20 – “outbursts of anger” in the marriage relationship
- Ephesians 4:29 – on verbal and emotional abuse
- The “one another” and “each other” passages (Acts 1:14; 2:44)
- The heart of abuse (Matt. 12:34-36; Luke 6:43-46)

MINUTES OF THE GENERAL ASSEMBLY

- The passages that articulate a culture of grace in relationships (Phil. 2:4-5; Eph. 4:1-16)
- A biblical perspective of power, sacrifice, and servant leadership (Matt. 26:53-54; Prov. 18:12; Eph. 4:1-3)

Periodically study the topic of domestic abuse in small groups:

- Descriptions of what it looks, sounds, and feels like;
- The emotional, physical, and spiritual impact on the spouse, children, and the abuse;
- Study books on marriage and on domestic abuse.

Other Ideas:

- Provide opportunities to hear the testimonies of men and women who have been involved in domestic abuse situations.
- Offer instruction on how to handle conflict and build relationship skills.
- Connect deacons and/or specific small groups with domestic violence organizations in the community for training and for resources for victims and their children.
- Beginning in middle school, teach respectful ways to treat others in relationship from a biblical framework.
- Train youth leaders to recognize red flags in high school dating relationships. Teach the youth biblical principles for marriage.
- Teach men and women in small groups, men's and women's ministries, and/or discipleship relationships biblical principles for parenting sons and daughters with the goal of respecting how God created them as individual image-bearers.
- Develop a diverse multi-voice church position paper on domestic abuse and oppression supported by the elders and distributed to the congregation, every successive membership class, and staff hires. Clearly state the definitions of the tactics of abuse, the dynamic of such abuse (power and control), and the steps the Session will take in the event of an occurrence of domestic abuse, no matter who the abuser is.

- Develop companion position papers on topics such as separation and divorce and the sanctity¹⁴⁸ of human life.

7. Case Study

Liz

Liz heard an alarm clock going off somewhere, “WA, WA, WA,” why didn’t anyone else hear it? The bride at the front of the church (her daughter) must not have heard it because she didn’t skip a beat in repeating her vows or exclaiming, “I do!” Her daughter’s obvious enthusiasm created a murmur of laughter throughout the sanctuary. The couple at the altar were obviously in love and in a hurry to be married. Every person in the church sensed their excitement. No one in the church heard the alarm.

Liz was so distracted. She felt her heart race, and her palms were wet. For the life of her she couldn’t figure out why no one else was bothered by the sound of the annoying alarm clock, “WA, WA, WA.” She strained her neck forward in order to hear where the sound was coming from. Suddenly, Liz found it difficult to swallow. She heard the pastor read, “Love is patient, love is kind . . .”

The last thing she remembers was the look on her daughter’s face as Liz bolted toward the nearest exit, crying hysterically.

The church Liz attends is a small PCA congregation in the southernmost tip of the Bible belt. She’s been there for over five years and is a member in good standing. Liz obviously struggles with depression; her physician also diagnosed PTSD. Liz flinches any time a man raises his voice or appears agitated. Her pastor, a compassionate man with a shepherd’s heart, tries to help, but he doesn’t know how. Liz’s “issues” are well-known by fellow church members. No one really knows how to help.

What the little body of believers doesn’t know is that one morning ten years ago, Liz’s husband threatened to kill her while yelling “GET OUT of *my* house before I hurt you!” He had shoved her out the front door into the cold in her nightgown and told her he was going to kill the pets. The congregation has no

¹⁴⁸ Consistency is needed in the church culture between defending the unborn against the hand of the abortionist and women and children against the hand of an abuser in the home.

clue it was the last day Liz endured her husband's assaults; they don't know she got a restraining order. They didn't know he moved his mistress into the house after kicking Liz to the curb. They didn't know Liz is actually who paid for the house.

Liz's brothers and sisters in Christ don't know that years of verbal, emotional, spiritual, and sexual abuse continue to flood her memories, or that she finds it difficult to forget her husband's accusation on their wedding night that she wasn't a virgin (she was). They don't know about the day he got in her face and bellowed allegations that she refused his sexual advances because she didn't want more children (she did), and then he "took what he wanted" anyway. They didn't hear the cruel words he said after they had sex.

They didn't know how frequently her husband lied about where he was or what he was doing. No one could have comprehended how Liz endured his tickling her mercilessly even when she begged him to stop, or that he regularly threatened suicide.

Her friends didn't know that, for years, Liz questioned reality. Her constant battle was to discern if she really was mistaken like her husband often told her. They didn't realize he called her "a witch, a [x]itch, and a harlot," and told her she was stubborn, rebellious, and disobedient. No one knew her husband engrained in Liz's mind that, "Marriage and slavery are analogous." Her friends didn't realize the translation of that statement meant that—no matter how her husband treated her or her body—her very life was in his hands. The proof was when he shoved her into the wall before she left for work one morning.

What no one would have been able to grasp is that Liz was willing to bear it all for the sake of the vow she made before God, and the idea she might one day save her husband. They couldn't have comprehended that, with that kind of marriage, Liz never wanted a divorce. They may have even asked why she didn't leave.

Brainstorming questions for help developing best practices:

1. How many of the marriages in your church may be struggling due to abuse rather than normal marital conflict?
2. How will you discern the difference?
3. What are you doing to proactively find women like Liz in your church?

4. What structures and/or procedures should your church or ministry already have in place for domestic abuse?
5. Do members know how to report abuse at your church and to whom?
6. Do victims feel like your church is a safe place to report what's happening privately in their home?
7. How can you help victims of abuse or trauma?
8. Who in your church is versed in abuse and trauma and compassionate to care for the victim and/or her family?

SECTION THREE: WOMEN WHO ABUSE

1. Introduction

A dominant person exerts power over those who are vulnerable to their care. Anyone can abuse power and control by subjecting those at risk to threatening circumstances. Both men and women may employ tactics for achieving this goal of personal gain; however, studies confirm that women are disproportionately affected.¹⁴⁹ One in three women either have been in, or are currently in, an abusive relationship.

The goal of the abuser is to use persons as objects for self-indulgence and/or personal gain. Both women and men who abuse share multiple common characteristics. Abusers, male and female, cross the line (self-centered sin to self-worship/me over you¹⁵⁰ sin), when they make another person pay for their entitlements. And while both men and women are victims of abuse—emotional and physical—and both men and women are perpetrators of abuse, it is rare to openly discuss women who abuse.¹⁵¹ Statistics concerning women

¹⁴⁹ National Intimate Partner and Sexual Violence Survey, *National Data on Intimate Partner Violence, Sexual Violence, and Stalking*, (Accessed November 2019),

<https://www.cdc.gov/violenceprevention/pdf/nisvs-fact-sheet-2014.pdf>.

¹⁵⁰ Jeremy Pierre, Greg Wilson. *When Home Hurts, A Guide for Responding Wisely to Domestic Abuse in Your Church* (Geanies House, Fearn, Ross-shire, Scotland: Christian Focus Publications, 2021), 70.

¹⁵¹ Kimberly C. Taylor, *Exposing the Abusive Female*. Kindle Edition, (Self-Published, 2014), 17.

who abuse are more likely related to the parent/child relationship rather than abuse between partners.¹⁵²

The difference between male and female domination includes a heightened demonstration of physical/verbal/emotional abuse leading to greater fear. As “complementarians” we acknowledge power differentiation between men and women.¹⁵³ We therefore must (simultaneously) acknowledge women are at a higher risk of harm than men. “Women can be abusive and violent to their male partners, but this is estimated to happen in less than five percent of cases of domestic abuse.”¹⁵⁴ One difficulty in identifying accurate statistics of women who abuse is that male victims tend to have more shame and do not come forward.

Regardless of gender, abuse is a human issue, but more importantly abuse is a spiritual issue. At the core of abuse is the fact that the abuser has lost sight of their love and faithfulness to God. It is from within this void that evil actions find life. In Hosea 7:6 we read, “For with hearts like an oven they approach their intrigue; all night their anger smolders; in the morning it blazes like a flaming fire.” This is “an image of the heat of anger which burns in their hearts, which, being craftily concealed, does not at first make itself manifest, but which grows only the more surely, and at last breaks out in deeds of violence.”¹⁵⁵ The heart of the problem is the heart disposition. It is a heart shaped by evil.

Brad Hambrick, in his book *The Self-Centered Spouse*,¹⁵⁶ writes there are two kinds of abusers: passive and/or aggressive. He gets this idea from Matthew 7:6, “Do not give dogs what is holy, and do not throw your pearls before pigs, lest they trample them underfoot and turn to attack you.” Hambrick writes,

¹⁵² Child Maltreatment, *Facts at a Glance*, (Accessed March 2022), <https://www.cdc.gov/violenceprevention/pdf/childmaltreatment-facts-at-a-glance.pdf>.

¹⁵³ See also page 959 in the discussion of *WLC 151 on Aggravations That Make Sins More Heinous*.

¹⁵⁴ Joanne Belknap and Heather Melton, *Are Heterosexual Men Also Victims of Intimate Partner Violence?* (Harrisburg, PA: National Resource Center on Domestic Violence, 2005), <https://vawnet.org/material/are-heterosexual-men-also-victims-intimate-partner-abuse>, as quoted in Darby Strickland, *Is it Abuse? A Biblical Guide to Identifying Domestic Abuse and Helping Victims* (Phillipsburg, NJ: P&R Publishing, 2020), 17.

¹⁵⁵ J. P. Lange, P. Schaff, O. Schmoller & J. F. McCurdy, *A Commentary on the Holy Scriptures: Hosea* (Bellingham, WA: Logos Bible Software, 2008), 68.

¹⁵⁶ Brad Hambrick, *The Self-Centered Spouse, Help for Chronically Broken Marriages* (Phillipsburg, PA: P&R Publishing, 2014), 10.

The distinction between levels of aggression can be seen in the animals chosen—wild dogs are aggressive animals and pigs are almost universally viewed as passive and lazy. Using the verb *trample* for pigs might not seem to have a connotation of passivity until one considers how trampling would be involved in the normal activity of pigs. Pigs trample many things, but not in the wild stampede of a heard of buffalo; rather, they do so by walking over things as part of their daily routine.¹⁵⁷

Aggression isn't the only type of abuse. In order to have a category for female abusers, it must be recognized and acknowledged that passive abuse is abusive. "One reason among many for the absence of consensus on the relative use of violence by men versus women is that measurement of violent acts alone does not adequately characterize violence in intimate partner relationships"¹⁵⁸ (emphasis provided).

Passive abuse as articulated by Hambrick includes but is not limited to . . .

- Avoids interaction until backed into a corner,
- Idiosyncratic (peculiar) interpretations of actions, emotions, or conflict,
- Complains that too much is asked of them,
- Labels spouse as too demanding,
- Makes every request a big deal,
- Sees their own area of neglect as normal,
- Enjoys being cared for,
- Resents feeling parented,
- Immature,
- Apathetic,
- Sense of entitlement,
- "I'm sorry I can't be who you want me to be,"
- Answers questions with questions (providing hope the target might be heard,)
- Returns questions, changes the subject, condemns, blame shifts ("but what about when you . . .?"),

¹⁵⁷ Ibid.

¹⁵⁸ Mary Ann Dutton and Lisa A. Goodman, "Coercion in Intimate Partner Violence: Toward a New Conceptualization, Sex Roles," *ResearchGate*, Vol. 52, Nos. 11/12, June 2005, 744.

- **Condescension (arrogance)** toward those with whom the abuser disagrees.

Both male and female abusers coercively control their targets by linking a demand (spoken and/or unspoken, a.k.a., “the look”) with a credible threat of negative consequences for non-compliance.¹⁵⁹

Women and men may differ in their ability to convey a credible threat, but they may differ less in their use of verbal insults or statements of humiliation.¹⁶⁰ This is important because, while women may not use physical tactics, they can easily employ power tactics of coercive control.

Abuse of power involves . . .

- **Coercive power** involves the abuser’s ability to impose on the abused things the abused does not desire or to remove or decrease desired things.
- **Reward power** involves the abuser’s ability to give to the abused things the abused desires or take away or decrease things.
 - EX: Give “permission” (to see friends, family members) or spend money.
 - EX: Take away freedom (isolate), or conversation (using silent treatment).
 - EX: Sex
- **Legitimate power** involves the abuser’s ability to impose on the abused feelings of obligation or responsibility.
 - EX: “You don’t love me if . . .” or “If you loved me, you would . . .”
- **Referent power** involves the abuser’s ability to provide feelings of personal acceptance or approval based on the victim’s identification with the agent/ability to influence because of the respect, admiration, and personal identification with the abuser.
 - EX: Wearing hair a certain way, dressing a certain way, socializing, spending free time (all in a way that is desirable to the abuser but not so much to the abused).
- **Expert power** involves the abuser’s ability to provide skill or expertise and arises from the victim’s belief that they have no such expertise.
 - EX: Financial prowess.

¹⁵⁹ Ibid., 747.

¹⁶⁰ Ibid., 746.

- **Informational power** involves the abuser’s ability to provide knowledge or information necessary for the victim’s well-being.
 - EX: Physical/illness/taking (the right) pills on time.¹⁶¹

The victim’s response to coercion does involve choice although not *free* choice. The abused has two basic choices:

1. Compliance – the abused can choose to comply and hope to avoid threatened negative consequences. For instance, coercive power is based on the victim’s belief that the victim can and will experience negative consequences for noncompliance.

or

2. Resistance – risk punishment.

Another power tactic is called “setting the stage.”¹⁶² It is a type of coercion that softens the abused by setting a stage where the abuser demonstrates to the abused that he or she has the means to exert coercion and is ready and willing to pay any associated costs.

Setting the stage is meant to . . .

- Create the expectancy of negative consequences,
- Create or exploit the partner’s vulnerabilities,
- Wear down the partner’s resistance, and/or
- Facilitate attachment.

Setting the stage creates the expectancy of negative consequences. It communicates the ability, willingness, and readiness to control one’s partner by punishing and withholding. This can be done by way of explicit statements like, “If you don’t, I will make sure . . .” or it can be done with implicit statements, as in “the look.” These tactics might be utilized in an instant or cumulatively over the course of the relationship. The impact is such, however, that one instance is enough to set the stage and control all future instances.

Creating vulnerability is very important especially for female-on-male abuse. It may include (but not be limited to) . . .

- The economic:
 - The woman makes more money and feels entitled to control the finances.

¹⁶¹ Ibid., 745.

¹⁶² Ibid., 745.

- The physical:
 - Controlling the spouse who has an illness
 - If the male spouse is unable to work
 - With an elderly spouse, the abuser withholds meds or neglects physical needs.
 - Wear down the partner's resistance
 - Deplete resources (economic or emotional support)
 - The most effective physical exploitation is sleep deprivation.¹⁶³
- Exploitation of mental health problems:
 - Same type of exploitation as physical illness
 - The victim may have existing vulnerabilities, such as a history of childhood abuse.

2. Biblical Examples

Delilah – Judges 16:5-22

“And the lords of the Philistines came up to her and said to her, ‘Seduce him, and see where his great strength lies, and by what means we may overpower him, that we may bind him to humble him. And we will each give you 1,100 pieces of silver’” (v. 5). In this story, the greed that benefits self (self-worship) is a characteristic of those who abuse. Scripture itself shows us the type of abuse Delilah employed:

- “Now she had men lying in ambush in an inner chamber. And she said to him, ‘**The Philistines are upon you, Samson!**’” (v. 9).
- “So Delilah took new ropes and bound him with them and said to him, ‘**The Philistines are upon you, Samson!**’” (v. 12).
- “Then Delilah said to Samson, ‘Until now you have mocked me and told me lies. Tell me how you might be bound.’” . . . “**The Philistines are upon you, Samson!**” (v. 14).
- “And she said to him, ‘How can you say, “I love you,” when your heart is not with me? You have mocked me these three times, and you have not told me where your great strength lies.’ And when **she pressed him hard with her words day after day, and urged him, his soul was vexed to death.** And he told her all his heart” (vv. 15-17).

¹⁶³ Malcolm Gladwell, *Talking with Strangers* (New York, NY: Little, Brown and Company, 2019), 259.

- “When Delilah saw that he had told her all his heart, she sent and called the lords of the Philistines, saying, ‘Come up again, for he has told me all his heart.’ Then the lords of the Philistines came up to her and brought the money in their hands. She made him sleep on her knees. And she called a man and had him shave off the seven locks of his head. Then she began to torment him, and his strength left him. And she said, ‘**The Philistines are upon you, Samson!**’” (vv. 18-20).
- “She made him sleep on her knees. And she called a man and had him shave off the seven locks of his head. Then she began to *torment* him, and his strength left him” (v. 19).

Scripture identifies Delilah abused Samson in verse 19: “torment.”

Michal – 1 Samuel 18:17-26; 25:44; 2 Samuel 3:12-16; 6:16-23

- “It pleased Saul to give David his daughter” (1 Sam. 18:17-26).
- Michal then given by Saul to Paltiel (1 Sam. 25:44).
- David sent for Michal, and Paltiel followed weeping after her (2 Sam. 3:12-16).
- Ark comes back to the city of David (2 Sam. 6:16-23).
 - Michal sees David leaping and dancing before the Lord and she despised him in her heart (v. 18).
 - And David returned to bless his household. But Michal the daughter of Saul came out to meet David and said, “How the king of Israel honored himself today, uncovering himself today before the eyes of his servants’ female servants, as one of the vulgar fellows shamelessly uncovers himself!” (v. 20).

Michal showed disgust, was mocking and belittling. Michal was a hurt woman (though, not an excuse). We can see in this story an example of hurting people hurt people. Often, both abusers and their victims are suffering from traumatic events. Yet, while Michal used abusive words and actions to taunt her husband, David’s power differential ultimately dictated Michal’s demise: “And Michal the daughter of Saul had no child to the day of her death” (2 Sam. 6:23).

Herodias – Matthew 14:1-12

“For Herod had seized John and bound him and put him in prison for the sake of Herodias, his brother Philip’s wife, because John had been saying to him, “It is not lawful for you to have her” (vv. 3-4).

This tells us something about characteristics of an abusive wife.

- Herodias had something she wanted (the king, royal life, all the perks).
- She wasn't willing to give up those things.
- She wasn't going to let anyone tell her what to do (i.e., John the Baptist).
- She diminished John as a person. She was the queen. What did she care about a man in the wilderness who "wore a garment of camel's hair and a leather belt around his waist, and his food was locusts and wild honey" (Matt. 3:4)?
- This shows how abusers have no categories for disagreement.

This story tells us something about a husband as well (albeit not justification for abuse).

- For the sake of Herodias (v. 3)
 - Vulnerability—he would do anything for the sake of his wife.
- And though he wanted to put him to death, he feared the people, because they held him to be a prophet (v. 5).
 - Vulnerability—the king feared "man."
- But when Herod's birthday came, the daughter of Herodias danced before the company and pleased Herod, so that he promised with an oath to give her whatever she might ask (vv. 6-7).
 - Vulnerability—the king had a weakness for women.
- And the king was sorry, but because of his oaths and his guests he commanded it to be given (v. 9).
 - Vulnerability—the king's fear of man.

Modern Examples/Characteristics

The following represent potential exacting behaviors that women may use to abuse. This is not an all-inclusive, comprehensive list, nor are all of the characteristics always indicative of abuse. In detecting whether or not the relationship is abusive, we look for patterns.

- Blame shifting
 - "But don't you see how your actions made me do this?"
 - "As a Christian, I would think that you would assume the best of me."

- “If you would just man up, I wouldn’t have to tell you what to do!”
- Self-pity
 - “I’m just so misunderstood.”
 - “You’re so mean for making me feel bad about myself.”
 - “You have it easy; you have no right to ask that of me.”
 - “Can’t you appreciate me?”
- Allows for no questioning; cries “abuse” when confronted with a question.
- Has double standards:
 - One standard for herself.
 - EX: Does not need to stay on a budget or keep clothes tidy
 - EX: Explodes when his laundry is not put away or he spends money on himself
 - One standard for everybody else
- Views any suggestion that maybe she is in the wrong as an attack on her person.
 - “You have some nerve telling me how to parent. All you ever do is indulge the kids!”
- Has punishing behaviors
 - Silent treatment prolonged
 - Withholding sex
 - Purposely embarrasses
 - Breaks his things
- Re-writes the narrative so that it features her as the victim, no matter what her actions actually were in the scenario
- Is fond of saying, “We’re ALL sinners” —but not in a sense of sorrow or humility, but more of, “Don’t you dare judge me.”
- Only assigns herself the very best motives, no matter the evidence to the contrary.
- Is truly shocked that others don’t also assign the very best motives to her actions.
- Apologizes in a way that actually finds fault with the other person;
 - “I’m sorry if you thought I was doing that; I wasn’t doing that, I was trying to do something nice for you because you are hard to please and I get anxious,”—however, not much evidence of real anxiety on her part.
- Very concerned about how people view her, less concerned about actual consequences of her actions

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- Inability to let go of things in the past for which she supposedly already granted forgiveness
- Brings up past sins committed against her, including those for which she offered forgiveness
- Uses past failures against him
- Shames him for his past
- Holds unforgiveness over someone's head and uses it as a bargaining chip for getting what she wants
- Very manipulative—tries to “sell” you on something she wants by attempting to convince you that it is what YOU want, and she's just doing it for you
- Gets angry or sullen when there is pushback
- Does kind things for others but gets very upset when similar things are not done in return
- Often communicates her lifelong disappointment that he isn't in the career she wants him to be in, with the level of financial security she wants
- Very unsupportive of his decisions
- A very discontented person in general
- Tendency toward jealousy
- Very controlling
- Micromanages the details of her children's and husband's plans
- Speaks to the husband in a condescending way as if he is a child
- Truly believes that she is being gracious toward her husband
- Says she wants her husband to lead in the home, but when he tries, unless it is to her specifications, she communicates her deep disappointment in his attempts through body language, indirect comments, etc.
- She places a burden of “make me happy or else” on her husband
- There is a strong undercurrent of unease in their home, centered around her

Many abusive men can make false claims that their wife is the abuser. One helpful way to discern victims from someone simply claiming they are is to consider the effect of their actions. True male victims present in the same way female victims do. They are afraid and feel the weight of wrongly placed guilt; they under-report, and they appear confused and/or uncertain. Abuse is as confusing for men as it is for women.

A second way to interact with claims of abuse is to seek out details of the relationship. This will help determine if this was a global accusation (but the details don't rise to the level of abuse), an incident of resistance (wife protecting herself from abuse), or part of a long-standing pattern of coercive control.

3. Abuse? Or a Response to Abuse?

Women who abuse may, like men, use aggression and or violence as a tactic to abuse. But often female victims use violence to get the abuse to stop. A woman's use of violence largely involves self-defense or fighting back.¹⁶⁴ Often, these women will use weapons in order to overcome the power differential. It is very difficult to discern between a woman who abuses and a woman responding to abuse. It is not uncommon for a male abuser to claim he is the victim in these situations. Enlisting help from those who have spent considerable time working with abuse victims and survivors—victim advocates and/or third party, trained investigators—will help rule out false reports.

Fighting back is a natural response to injustice. Spurgeon writes,

We do well when we are angry with sin, because of the wrong which it commits against our good and gracious God; or with ourselves because we remain so foolish after so much divine instruction; or with others when the sole cause of anger is the evil which they do. He who is not angry at transgression becomes a partaker in it. Sin is a loathsome and hateful thing, and no renewed heart can patiently endure it. God Himself is angry with the wicked every day, and it is written in His Word, "Ye that love the Lord, hate evil."¹⁶⁵

What are some symptoms an abused woman will exhibit that can bring a misdiagnosis of her as the abuser? The following list is not exhaustive, and not

¹⁶⁴ Mary Ann Dutton and Lisa A. Goodman, "Coercion in Intimate Partner Violence: Toward a New Conceptualization, Sex Roles," *ResearchGate*, Vol. 52, Nos. 11/12, June 2005.

https://www.researchgate.net/publication/227252624_Coercion_in_Intimate_Partner_Violence_Toward_a_New_Conceptualization

¹⁶⁵ C. H. Spurgeon. *Morning and Evening: Daily Readings* (London: Passmore & Alabaster, 1896) Morning, July 13.

all characteristics are indicative of abuse. Investigating abuse means looking for patterns.

- Socially isolated/withdrawn
- Poor impulse control (yells, screams, throws things)
- Low self-worth
- Readily takes ownership of her faults
- Depressed or even suicidal
- Angry and fearful at the same time
- Denies the seriousness of problems in marriage; realization may evolve over time.¹⁶⁶
- May be apathetic, low motivation
- May have nervous habits
- May have poor hygiene
- Talks negatively about self or life in general
- Embarrassed about her situation (shame) because it reflects on her worth as a woman/wife
- Overly apologetic
- Victims enter victim relationships. Previous abuse makes them good targets because vulnerability is built in—susceptible to grooming.
- Protects, defends, explains the abuser
- Denies abuse
- Refuses to admit or firmly believes abuse won't continue to happen
- Speaks in terms of “accidents” (“he didn't mean . . . he doesn't . . .”)
- Changes mind frequently
- Extreme privacy
- Effective liars (shaped by evil). They have to lie to protect (home, self, children) and keep peace
 - Withholds information
 - Rationalization

¹⁶⁶ “And Jesus took the blind man by the hand and led him out of the village, and when He had spit on his eyes and laid His hands on him, he asked him, ‘Do you see anything?’ And he looked up and said, ‘I see people, but they look like trees, walking.’ Then Jesus laid His hands on his eyes again; and he opened his eyes, his sight was restored, and he saw everything clearly” (Mark 8:23-25).

APPENDIX V

- Belligerent (especially to other authority figures, i.e., police, church leadership)
- Speaks poorly about, complains, or disrespects her abusive husband
- Or, conversely, submissive
- Considers herself responsible, “over owns”
- High expectations of self/maximizes responsibility
- Minimizes situations
- Guilt
- Untrusting of others
- Feels insane (Asks, “Is this normal?” looks for constant affirmation)
- Difficulty making decisions
- Difficulty articulating
 - Hyper vigilance creates an atmosphere which makes it difficult to concentrate on anything but the abuser and their well being
- Anorexic (or other controlling behaviors)
- Unbalanced (always questioning)
- Nervous/anxious
- May not readily converse with opposite sex
- Protective of home life (Do other kids come over?)
- Fear of “man” and/or fear of men
- Controlling (which makes identifying abuse difficult)
 - Grasping at straws, they feel out of control, so they seek any other way to control.
 - This is most often seen with mothers’ relationships to their children or any other authoritative relationship, i.e., younger siblings, employees for instance.

The traumatic responses of a victim to the effects of abuse are not responses to normal marital issues. Their marriage is not normal. It’s almost impossible to know a victim’s sin issues when her world revolves around protecting herself and her children.

4. Case Study

Natalie

Natalie backed the minivan out of the driveway . . . a little too fast. She had to swerve to miss the mailbox. Natalie and the kids were late for Sunday school, so she was driving erratically.

The kids flinched when the van jerked, but they didn't dare mention it or respond with any show of fear. They knew better. "I'm. SO. Grrrr . . ." the kids heard their mom spew more than speak.

Moments before they left the house, Natalie and Mike had been fighting. Again. Mike worked the late shift Friday and Saturday night after his day job. At 8:30 a.m., he was still asleep, so Natalie had to get the three kids (ages 2, 4, and 6) bathed, fed, and ready for church by herself. She was not happy. "I. DO. NOT. DESERVE. THIS," she murmured, and turned down the street toward the church.

The fighting began that morning like usual. It started with Natalie's silence. She wasn't silent because she didn't want to wake Mike—more so because she was seething inside. She had taken care of the kids by herself all weekend and she was *done!* She needed Mike to get up, act like a man, and participate in the family as a father should. But Mike was still sleeping. The kids were watching cartoons in their pajamas, eating bowls of dry Fruit Loops with marshmallows. Natalie had told the oldest to prepare his siblings' breakfast. The cereal and marshmallows were all he could find. Natalie contemplated her next steps.

When the silent period ended, the kids knew to go to their rooms. Even the two-year-old wanted to be out of hearing distance from the yelling. "YOU JERK!" they heard from the "safety" of their bedrooms. Natalie was standing over Mike as he lay in their bed. She had ripped the sheets and blankets off his body, jerked the shades off the windows to let in the sunlight, and screamed at the top of her lungs. "I CAN'T BELIEVE YOU'RE STILL IN BED WHEN THE KIDS NEED A BATH AND I NEED TO GET TO CHURCH." Natalie was on the nursery schedule; she had told Mike earlier in the week. She never reminded him, but she expected him to remember and be available when called on to help.

Mike had had a total of four hours of sleep between Thursday night and Sunday. He was definitely sleep deprived. He worked two jobs just to keep up with the bills. Mike had gone to seminary but never found a calling. He drove

a UPS truck during the day and cleaned the local middle school building on weekend nights. Natalie constantly complained to Mike she couldn't continue to live with his schedule. She blamed him for not getting the job when he applied for a pastoral position. She told Mike his "humility" (his word—Natalie called it weakness) came off pathetic. Who would hire a man like that for their pastor? She wouldn't forgive him for giving up and settling for random part-time jobs.

Sometimes Mike would fight back. He would tell Natalie he'd fully support her if she wanted to get a job. Natalie would just sneer and say, "Are you kidding? Are YOU going to take care of the kids and get them to school and appointments? I have enough on my plate with Bible study and Life Group and my discipleship relationships! Are you going to tell me that, just because YOU can't get a job in ministry, I have to ignore God's calling for ME? If you loved me, you'd find a better job that would allow you to be the husband and father you were meant to be!"

It didn't seem to matter to Natalie that Mike typically stopped at the grocery store on his way home from work, or that he was the one to start the crockpot with dinner before he left to pick up his UPS load in the morning. Natalie had fallen asleep watching a movie the night before this latest blow up, so she didn't see Mike read the kids a story and tuck them into bed. Nothing Mike did was good enough. The mood in the home was one of general discontent, and the center of that unhappiness evolved around Natalie.

Natalie's demeanor calmed as she pulled into the church parking lot. She put on her "Sunday face" and delivered each of the older kids to their Sunday school class. By the time she got to the nursery with her two-year-old in tow, she was late. "I'm *soooo* sorry," she told the children's director. "I just wanted to make sure my kids' classes didn't need any help because I know how you hate when they're short-handed. I was so anxious to make sure all was right according to your meticulous standards!" A toddler climbed up on the small plastic chair next to Natalie and started to teeter. The director called out to Natalie, "Catch him!" Natalie turned toward the child and stepped back. The boy hit the floor hard, headfirst. Natalie's version of rescue was to pick up the crying child by his ankle and deposit him into the lap of another worker. When confronted, Natalie smiled and said, "I'm sorry! I can't always be perfect! You know, you were right here too! I'm not as strong as you and besides, if that boy's mom had taught him better, it would never have happened."

Brainstorming questions for help developing best practices:

1. What are some of the differences between a woman who is abusive, and a woman responding to abuse?
2. How will you discern the difference?
3. Do your church volunteers know how to report “concerning” situations? Do they know what constitutes something “concerning?”
4. Are your children’s ministry workers trained to identify children at risk? How often does training take place?
5. If a man in your church had an abusive wife, who could he feel safe to talk about it with?
6. If a woman in your church reports another woman with exacting behaviors toward her, what would some action steps look like?

SECTION FOUR: ADULT SEXUAL ABUSE¹⁶⁷

1. Summary Description of Sexual Abuse

There are few more egregious acts of oppressive behavior than abusing another person sexually.

Sexual abuse includes harassment, assault, and/or rape. “Sexual harassment” is a form of sex discrimination prohibited by Title VII of the Civil Rights Act of 1964. It consists of inappropriate verbal or physical conduct of a sexual nature that has the purpose or effect of unreasonably interfering with an individual’s sense of well-being by creating an intimidating, hostile, or offensive environment from the viewpoint of the affected individual.¹⁶⁸ “Assault” is any type of sexual behavior or contact where consent is not freely given or obtained. It is accomplished through force, intimidation, violence,

¹⁶⁷ This section of the report will reference three works (quoted with permission by the publishers).

- Diane Mandt Langberg, *Counseling Survivors of Sexual Abuse* (Wheaton, IL: Tyndale House Publishers, 1997).
- Diane Mandt Langberg, *The Spiritual Impact of Sexual Abuse* (Greensboro, NC: New Growth Press, 2017).
- Andrew J. Schmutzer, ed., *The Long Journey Home: Understanding and Ministering to the Sexually Abused* (Eugene, OR: Wipf & Stock, 2011).

¹⁶⁸ Justin S. Holcomb, “Abuse and the Church: Types of Abuse” (PowerPoint presentation, Reformed Theological Seminary, 2020). Retrieved from RTS Instructure.

coercion, manipulation, threat, deception, or abuse of authority.¹⁶⁹ “Adult rape” is, “The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.”¹⁷⁰

According to the Rape, Abuse, and Incest National Network, one out of every six American women has been the victim of an attempted or completed rape in her lifetime (14.8% completed, 2.8% attempted). About 3% of American men—or 1 in 33—have experienced an attempted or completed rape in their lifetime.¹⁷¹

2. Expressing God’s Heart

Dr. Langberg writes that knowing and understanding God’s response to evil and suffering is necessary to “enter into” the survivor’s deep hurt. “The essence of working with trauma survivors is about bearing witness to their story and suffering, entering into their life, and demonstrating in the flesh the heart of our God toward them and the evil they experienced.”¹⁷²

In humility, as we recognize our own sinfulness and God’s extraordinary grace, we will be

more careful in encouraging those who have experienced the horrific destruction of sexual abuse. Hope is found for sufferers in God’s Word. The Lord desires that His people protect the vulnerable. We will also recognize the depth of depravity of the abuser, so we will form our response carefully to them as well.

Sexual immorality deeply impacts the whole person, spiritually *and* physically.¹⁷³ Sexual abuse destroys both the inner and outer man. Paul teaches in 1 Corinthians 6:18 that it is harmful to engage in consensual sexual immorality; sexual abuse is a violent physical and spiritual act against another person. It is what is described by God as oppression. In Genesis 34:2, we read

¹⁶⁹ Holcomb, “Abuse and the Church.” Retrieved from RTS Instructure.

¹⁷⁰ “An Updated Definition of Rape,” United States Department of Justice Archives, Office of Public Affairs, accessed September 2021, <https://www.justice.gov/archives/opa/blog/updated-definition-rape>.

¹⁷¹ “Statistics,” Rape, Abuse, and Incest National Network (RAINN), accessed September 16, 2021, <https://www.rainn.org/statistics>.

¹⁷² Langberg, *Spiritual Impact of Sexual Abuse*, 128.

¹⁷³ 1 Corinthians 6:18 (ESV) “Flee from sexual immorality. Every other sin a person commits is outside the body, but the sexually immoral person sins against his own body.”

Shechem raped Dinah. Moses writes, he “seized” (*הִלָּךְ*) Dinah and “humiliated” (*הִצְרָה*) her, otherwise interpreted as “oppressing” her.

The church must respond with God’s heart for those who suffered from sexual abuse. We are called to proclaim to victims that our Lord is the stronghold for the oppressed, and that He will continue to be a stronghold in times of trouble (Ps. 9:9).

3. Recognition and Impacts of Sexual Abuse

Sexual assault is an exceptionally common experience of women (and many men) in all societies. Victims silently populate the pews and sanctuaries of our churches. Suffering from sexual assault and/or abuse generally creates significant life-long behavioral, emotional, and medical problems, often unrecognized and untreated. Surveys in the United States indicate that up to one-fourth of women have been assaulted, some repeatedly, with 50 to 80% of those assaults committed by a person known by the survivor.¹⁷⁴

Sexual assault is stigmatizing, and only one-fourth of cases are reported to authorities. Secrecy and shame create self-loathing, often due to the “rape-myths” of the victims provoking the attack. Rape is the most common cause of PTSD in women, and nearly half of men and women exposed to sexual assault meet criteria for lifetime PTSD.¹⁷⁵

Victims of sexual assault have a high prevalence of serious emotional and physical issues including depression, anxiety, drug and/or alcohol abuse. Victims and survivors may also be diagnosed with bipolar or personality disorders because of impulsive and self-defeating behaviors. These more severe manifestations are related to the severity and frequency of the experience, use of weapons, the victim’s age at the time of the assault, and social and economic resources.¹⁷⁶

Unfortunately, when sexual abuse is disclosed to friends, family, or authorities, revelation of assault may result in negative social consequences such as blaming and/or shunning. Recovery and restoration depend upon prompt,

¹⁷⁴ Helen Luce et al., “Sexual Assault of Women,” *American Family Physician* 81, no. 4 (2010), 489-495.

¹⁷⁵ Emily R. Dworkin et al., “Sexual Assault Victimization and Psychopathology: A Review and Meta-analysis,” *Clinical Psychology Review* 56 (2017), 65-81.

¹⁷⁶ Langberg, *Counseling Survivors*, 61-74.

effective, empathetic, and sustained, multi-level care similar to the process for the other forms of abuse.

Relationship Spheres

According to the Rape, Abuse, and Incest National Network, an American is sexually assaulted every nine minutes.¹⁷⁷ The following are statistics gathered by the Network in 2021 unless otherwise noted.

Marital

“Statistics reveal that sexual assault or forced sex occurs in approximately 40 to 45 percent of marriage relationships that have involved verbal or physical violence. Marital rape occurs in 10 to 14 percent of all marriages. These numbers should alarm us. And they should also cause us to ask why, if marital sexual abuse is this prevalent, we do not hear more about it.”¹⁷⁸

Authority

In an older survey by the Center for Prevention of Domestic and Sexual Abuse, nearly thirteen percent of clergy said they had sex with a church member.¹⁷⁹ In another survey, approximately fourteen percent of ministers admitted to engagement in sexual behavior that was considered to be inappropriate for a minister.¹⁸⁰

Acquaintance

Eight out of ten sexual assaults are committed by someone known to the victim. Thirty-three percent of assaults are committed by a current or former spouse, boyfriend, or girlfriend.

Caregiver

“People with disabilities are three times as likely to be sexually assaulted as their peers without disabilities.”¹⁸¹

¹⁷⁷ “Statistics,” RAINN.

¹⁷⁸ Darby Strickland, *Is It Abuse?: A Biblical Guide to Identifying Domestic Abuse and Helping Victims* (Phillipsburg, NJ: P&R Publishing, 2020), 160.

¹⁷⁹ James Franklin, “Sex Abuse by Clergy Called Crisis for Church,” *Boston Globe*, July 17, 1991.

¹⁸⁰ Jeff T. Seat, James T. Trent, and Jwa K. Kim, “The Prevalence and Contributing Factors of Sexual Misconduct among Southern Baptist Pastors in Six Southern States,” *Journal of Pastoral Care and Counseling* 47, no. 4 (December 1993).

¹⁸¹ “Domestic Violence and People with Disabilities: What to Know, Why It Matters, and How to Help,” National Coalition Against Domestic Violence (NCADV

Stranger

Only nineteen percent of adult sexual assaults are committed by a complete stranger.

Recognizing the Impacts of Sexual Abuse

There are numerous impacts on God's image-bearers from sexual abuse. According to Dr. Langberg, these after-effects are not decisive; however, they may indicate sexual abuse has occurred.¹⁸²

Emotional After-Effects:

- Anxiety attacks
- Phobias
- Depression
- Suicidal ideation
- Despair and hopelessness
- Pervasive dissatisfaction with life
- Emotional paralysis or numbness
- Anger difficulties
- Deep grief
- Self-blame
- Self-loathing
- "They will often use words like worthless, trash, or garbage when referring to themselves."¹⁸³
- Distorted body image
- Though longing for closeness, they may have a deep fear of intimacy or commitment.
- Adult survivors may "find it very difficult to trust others."¹⁸⁴

Physical After-Effects:

- Self-destructive tendencies
- Addictions to alcohol, food, spending, drugs, and sex
- Suicide ideation

blog), March 13, 2018, <https://ncadv.org/blog/posts/domestic-violence-and-people-with-disabilities>.

¹⁸² Langberg, *Counseling Survivors*, 69-74.

¹⁸³ *Ibid.*, 70.

¹⁸⁴ *Ibid.*, 71.

- Self-mutilation: “burning, cutting, self-bruising, biting, sticking oneself with pins, scratching, and beating oneself about the head”¹⁸⁵
- Sexual dysfunctions
- Sexual orientation confusion

Spiritual After-Effects:

- Distorted image of God
- “God is often perceived to be punitive, an impossible taskmaster, capricious, impotent, indifferent, or dead.”¹⁸⁶
- A “death of hope”¹⁸⁷

Difficulty in Disclosure

When someone discloses sexual abuse, it is important to listen and act in a way that supports the person and keeps him or her protected. God’s desire is that we support those who have been abused (Matt. 19:13-15, Luke 17:2). While it is the responsibility of law enforcement to investigate, in the moment of disclosure or discovery the church must also provide care for the victim.

Why Victims of Sexual Abuse Do Not Disclose Abuse

- They may be instructed to keep the abuse a secret.
- They may be afraid to tell anyone.
- The abuser may have threatened them or their family.
- They may not know who is safe to tell.
- They might lack the language needed to capture what is happening to them or to share all the complexities involved.
- They may be made to feel responsible for the abuse.
- The person harming them may have established an emotional connection with them and/or the family to lower inhibitions (“grooming,” see definition in Attachment 1).
- The abuser may have convinced them that abuse is normal.
- They may be convinced no one will believe them.
- They may have dissociated from the events. A victim’s mind may have difficulty reconciling what happened. To survive, abuse victims can involuntarily disconnect from their thoughts, feelings,

¹⁸⁵ Ibid.

¹⁸⁶ Ibid., 73.

¹⁸⁷ Ibid., 74.

memories, and surroundings. This makes it even more challenging for victims to accurately remember events, and timelines, or possess an absolute certainty about what occurred.

- They may love their abuser and desire to protect him or her.
- Many victims fear they will not be believed.
- A woman who has been sexually abused by a man may resist speaking with male leadership.
- They may be shocked, frightened, and/or angry.
- They may not know how to approach the problem.
- They may wonder, “Am I right?” “Did that really happen?”
- They may be physically, emotionally, and/or financially dependent on the abuser.
- They may question whether it is the right thing to do or if the abuse is really that bad.
- They may fear for what they will have to go through once the abuse is reported.
- They may be concerned about the cost, particularly if the abuser is another family member or a prominent member of the church or community.

Often victims of abuse encounter doubt regarding their credibility. One of the reasons for this misunderstanding is the lack of a solid, biblical understanding of the nature of evil and suffering. It is common for Christians to believe that sexual abuse does not happen in the church. What we think we know about other people, victims, and their families is inadequate when it comes to identifying abuse.

Because of these multiple barriers, when someone discloses abuse, it might be a gradual revelation. Abuse has many complex layers and the information disclosed must be mediated without bias. It is essential for church leaders, workers, staff, and volunteers to be familiar with the clues that signal abuse.

4. Responding to an Adult Sexual Abuse Disclosure or Discovery

The following are recommended for a careful response to the survivor and accused:

1. Church Advocacy Group
2. Session Crisis Intervention Team

Church Advocacy Group

Those who have experienced any form of sexual abuse, assault, or harassment inside of or outside the church should have an easily accessible, empathetic, reliable, and formal means of reporting. Persons with like experience or situation help somewhat in decreasing fear of reporting. Appointed and highly visible advocates in the local church might include a small group of well-trained members such as:

- Mature youth,
- Women,
- Minorities,
- Aged,
- Persons who have survived various forms of abuse.

The advocacy group should document the concern or complaint in sufficient detail to categorize it as reportable to public authorities (such as physical abuse, rape, sexual assault, physical assault, battery, kidnapping, etc.) or non-reportable (spiritual abuse short of the above, sexual harassment, adultery, etc.).

Crisis Intervention Team

The Crisis Intervention Team consists of effective, wise, and disciplined elders (other than those assigned to advocacy group) able to intervene promptly, efficiently, and effectively to the complaint.

Major tasks will be to . . .

1. Investigate the matter with the accused in a timely manner,
2. Immediately relieve any allegedly abusive leaders from duty, and
3. Provide shepherding counsel and support to the families.

The Crisis Intervention Team is also responsible as a liaison with the Presbytery (if the accused is a TE) and communication to and with the congregation and public regarding the matter. Truth, honesty, and accountability should be the hallmarks of the team's interactions with the accused, congregation, Presbytery, and with the public.

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The Crisis Intervention Team (or appointed elder) should inform the accused of the charge and relieve him from duty (if a church leader) immediately. They should conduct their investigation in such a way as to carefully shepherd the victim and preserve their safety, anonymity, privacy, and welfare.

Reportable complaints should be given to police with the victim's permission. The Advocacy Group and/or Crisis Intervention Team should inform the pastor and/or Session (the latter only if the pastor is implicated) immediately after report submission to authorities. This is to avoid cover up for serious crimes and offenses at the beginning, the most crucial phase of the process.

Non-reportable complaints should be written in sufficient detail and presented to the Session. It is wise to shield a victim's identity unless given permission to disclose. If the complaint is warranted, the Session might plan a strategy to confront the accused. A complaint considered unwarranted should be documented and provided to the accuser with the reasons for the determination.

The Advocacy Group and Crisis Intervention Team or representative elder should meet with the accused after the complaint, or as soon as possible if reported to authorities. Prior to this meeting, they should engage in prayer for wisdom, discernment, and the preservation of the honor of Christ and His church, as well as for grace in approach to both parties.

The accuser should not be present, nor named to the accused to protect against reprisal and/or retribution. A written complaint should be presented to the accused. The accused's response will be documented verbatim by the advocates, including the responses to appropriate further clarifying questions. Such questions should provide details of

- Factual occurrence,
- Motives,
- Emotions,
- Prior events pertinent to the investigation as seen fit by the investigators and accused,
- Specific disagreement,
- Regret,
- Remorse, and/or
- Repentance expressed by the accused.

Each answer should be recorded in as much detail as possible, using direct quotes rather than paraphrases. These questions and statements should be recorded and documented until the meeting has reached a conclusion. Questions refused should also be so recorded.

The Advocacy Group and Crisis Intervention Team or representative elder should meet following a confrontation for prayer and to deliberate upon, analyze, and formulate their findings and conclusion of the preliminary investigation. They should document their findings and recommendations for further pursuit of the complaint in writing and submit them to the accused. At the presentation to the accused, the team should record any rebuttal, clarification, or other response of the accused.

The Advocacy Group and Crisis Intervention Team or representative elder should prayerfully deliberate on the written complaint, response, and rebuttal, and amend or sustain the original findings and recommendation in a final report. This report should be given to both accuser and accused. The following are possible courses of action that may be recommended to the Session:

1. **The issue be resolved with follow-up** by the Advocacy Group and Crisis Intervention Team or representative elder to both parties separately.
2. **The issue requires further investigation** by Session and/or outside investigators or counsel before actions can be recommended.
3. **The abuse report requires immediate action** such as contacting the police or Presbytery if not already reported, suspension from duty, or medical/psychiatric intervention.
4. **Action requires a formal program** of biblical counseling, spiritual discipline, mentoring, and accountability of progress in conformity to Christ by one or both parties.
5. **Formal charges or dissolution of pastoral relationship is warranted** if abuser is a teaching elder.

Bringing Charges against a Teaching Elder

Besides prayer, confrontation, deliberation, and investigation, it is important that PCA churches avail themselves of the formal system for accountability if a teaching elder is guilty of sexual abuse.

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The *PCA Book of Church Order (BCO)* Chapter 34 is titled “Special Rules Pertaining to Process Against a Minister.” A church minister (teaching elder) is a “member” of a Presbytery, not the local church. Therefore, it is necessary to pursue accountability through members of the Presbytery (34:4).

There are three possible ways to proceed by the Session or church members:

1. Discuss the matter with another elder in the Presbytery, of which the teaching elder is a member, seeking their personal aid in further confrontation.
2. Bring clear, documented proof of sexual abuse to the committee that handles charges brought against member pastors for their consultation.
3. Bring charges against the minister before this committee. Two witnesses must bring testimony (*BCO* 34-5) or there must be clear “corroborative evidence.”

Although the first and second options may be less intimidating to church members, bringing an abusive leader to trial is necessary to provide safety to the broader church. A teaching elder who is guilty of sexual abuse should be publicly disallowed from ministry in the PCA.

Should the congregation wish to remove a teaching elder due to his sexual sin, they are required to follow these steps:

1. “. . . there shall always be a meeting of the congregation called and conducted in the same manner as the call of the pastor (*BCO* 23-1).”
2. The meeting must be presided over by a ruling or teaching elder of the PCA.
3. The will of the congregation (as voted upon) is presented to the Presbytery for approval for the “dissolution of the pastoral relation.”

Independent Assessments or Investigations

In the *Westminster Confession of Faith*, in a discussion of the sufficiency of Scripture, the divines say,

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. [WCF 1:6]

In circumstances where Scripture does not provide clarity, a society, by common grace, may have come to understand truth that may be observed by the church. The divines carefully note that Scripture is the final authority, but truth may be found in the “common . . . actions and societies” due to God’s common grace and general revelation.

Regarding abuse in the church, there are times when outside counsel from experts in fields of study to which a particular church has limited access, should be sought for the good and care of church members. Agencies and organizations that are equipped to evaluate and make recommendations impartially (unhindered by church politics) can be effectively utilized by church courts.

Scripture is clear that judgments by church courts must be impartial (Lev. 19:15). The relational dynamics found within the church must not influence judgments. Seeking outside counsel may provide this objective assessment.

In addition, there may be an abusive culture in which the church is immersed. There are often blind spots making it difficult to see the abuse. Rather than considering outside counsel as a threat or liability, Scripture makes evident that a humble commitment to seeking truth, holiness, justice, and compassion is at the heart of wise leadership (Prov. 1:2-5, 23:23, Heb. 10:34). Finally, church courts are not bound by outside counsel. In the end, the recommendations of non-church agencies or organizations must be weighed in light of Scripture with wisdom to determine final judgments in each case.

There are three main situations when outside counsel might be invaluable.

1. *When a decision needs to be made*

Rationale: When a specific step¹⁸⁸ is necessary to move the case forward, and certainty is required, an outside expert evaluation of the evidence may provide clarity. Outside investigation also helps confirm initial perceptions in a situation which created any doubt regarding the alleged abuse.

¹⁸⁸ For example, supporting a victim who divorces an abusive spouse, bringing charges against an abuser, firing a staff member, or assisting in removing the ordination of an allegedly abusive pastor.

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2. *When the alleged abuser was a volunteer, staff member or pastor, on church grounds, or in the context of a church event*

Rationale: In any of these situations, outside help is critical for providing confidence to move forward with specific action related to an abuser. External, objective analysis is necessary in order to provide a genuine pursuit for truth. This will also provide a safe place for reports from other victims to come forward. Victims must have confidence in the investigation so that they will trust they will be heard and kept safe from further abuse.

3. *When there are allegations or reason to believe that warning signs were missed by leaders in the church, or disclosures mishandled*

Rationale: Establishing outside counsel is an important step for evaluating whether any warning signs were missed that could have prevented the abuse, or in identifying and correcting any weaknesses in church policies, practices, or culture. It is not uncommon for God's people to be "hardened by the deceitfulness of sin" and outside counsel can provide the exhortation necessary to see the organization's blind spots and make necessary corrections in the culture.

Abuse allegations may arise in a context when the abuser is no longer in the church or perhaps no longer living and new information indicates that former or current staff members were notified of the abuse or had reason to know the abuse was occurring. Even if the abuse or possible mishandling or failure to report occurred years or decades prior, outside counsel is vital for several reasons.

1. Survivors, deeply wounded by the abuse, deserve to know the truth.
2. When multiple errors occur, repentance is a biblical requirement.
3. A church or ministry that displays God's heart will desire truth and be zealous in righteousness. This includes ensuring any necessary changes to policies, practices, or culture. Often, when abuse is mishandled, there are entrenched beliefs and patterns that contributed. Unless this faulty worldview is clearly identified and corrected, even if it developed unintentionally, abuse will continue.

4. Even if the sin occurred earlier, there is biblical precedent for confessing those sins publicly (2 Chron. 29:3-11).

What To Look for in Seeking Outside Counsel

Individuals and/or firms should meet the following basic criteria.

1. Substantial training, skill, and experience with abuse, trauma, and related dynamics, as well as experience with investigative techniques, evidence handling, and investigative practices
2. A consistent and trusted reputation in the survivor and advocate community: Enlisting those with a positive standing will help a ministry build trust with abuse survivors.
3. Clearly identify and act as assessors, educators, or investigators, not legal representation, even if they are licensed legal professionals: Retaining someone as an attorney immediately creates an adversarial relationship between the ministry and the survivor, even if unintentional. This is because when an attorney/client relationship is formed it creates obligations and privileges between the hiring entity and the attorney.
4. Attorneys owe a fiduciary obligation to the ministry as a corporation or business, not to the church as God's people, and certainly not to the survivors and their families. The attorney/client relationship also creates confidentiality and legal privileges designed to protect and hide information. The creation of these privileges is commonly used to obscure information and protect assets against liability. It demonstrates a focused financial priority rather than that of transparency or seeking justice and truth.

5. Reporting

Churches are not qualified to conduct investigations of sexual abuse. Local authorities are specifically trained; therefore, if a victim desires the abuse be reported, it must be reported immediately. Delay can result in loss of evidence, victim tampering, tainting witness memory, or providing the perpetrator an opportunity to threaten or pressure their victims to remain silent or recant their testimony. Conducting an "in house" investigation prior to reporting not only jeopardizes the victim and the chain of evidence, it may also fail at detecting the actual abuser. Abusers often continue offending; therefore, a church that

conducts an incompetent investigation may be held responsible. The church has a moral and legal obligation to report suspected abuse.

When

Most states do not mandate reporting of adult sexual abuse. The decision to report should be made by the victim. Though reporting to law enforcement can provide the opportunity to provide protection for the victim, gather evidence, investigate, prosecute, and bring accountability to the perpetrator, the victim must also be prepared for the dangers involved (retaliation) and sometimes difficult investigation and prosecution.

Pressuring the victim to report may discourage them from reporting in the future. The victim should be encouraged to have the medical forensic exam conducted no matter her intention to report to law enforcement or not. The church should walk beside the victim along each step of the process to provide encouragement in Christ and safety.

Reason to Believe

Believing the alleged victim is a care-filled response. There will be time later to verify the details of the report. Professionals and the proper authorities are the entities who will determine the veracity of the claims. When a report is made, a victim needs a safe and empathetic ear. Deuteronomy 22:25-27 makes it clear that a victim of sexual assault, though no witnesses were present, should be trusted and action taken to bring accountability to the offending individual. False reports are rare.¹⁸⁹ Identifying a false report is best determined by a qualified investigator.

How

Reports of adult sexual assault and rape should be made to legal authorities only with victim permission. The victim's safety is foremost and a report to authorities may create further damage.

To Whom

¹⁸⁹ See also, Attachment 7: Myths About Abuse for further citations. David Lisak et al., "False Allegations of Sexual Assault: An Analysis of Ten Years of Reported Cases," *Violence Against Women* 16, no. 12 (December 2010), 1318-34, <https://journals.sagepub.com/doi/pdf/10.1177/1077801210387747>.

- *Law Enforcement*

Sexual assault and rape are crimes and are prosecutable in all fifty states. If the victim is willing, churches can report the abuse to the law enforcement officials who will investigate the assault.

- *Local Advocacy Center*

It can be very helpful to victims to make contact with a local advocacy center. These centers, some faith-based, often provide counseling, support groups, basic essential needs like food, clothing, shelter, and protective care.

- *Additional Agencies*

Child-protective services may help aid in providing safety to children who are impacted by witnessing adult sexual abuse.

- *Pastors, Sessions, or Presbyteries*

Leaders in the church should be apprised of the assault or rape *if the victim allows* and the abuser is a church member. When an allegation of abuse is made against someone in the church, recognize the likelihood there may be other victims. Additional people in the congregation may have other details important to the investigation. Leaders have a responsibility to protect the sheep under their care.

- *Congregations*

When an allegation of abuse is made against someone in the church, recognize the likelihood there may be other victims. Additional people in the congregation may have other details important to the investigation. Notification is not a determination of guilt; it is the necessary means for ensuring a proper investigation. Investigations are incomplete without this wide-ranging information. The intent is not to slander a person, rather it is to announce true statements about a report regarding an individual.

What

What if the victim or their family does not want to report? There are times when the abuse is compounded by the unsupportive response of others, whether church members, leaders, or those outside the church. Many victims

have endured unwarranted and aggressive questioning, creating an unsafe atmosphere for reporting. Depending on the length and severity of the abuse, it is common for a victim to lose their confidence in making decisions. They may be paralyzed with fear.

Statistically, 50 out of 310 sexual assaults reported to law enforcement result in criminal charges. Approximately 25 will result in conviction and jail time.¹⁹⁰ One study concluded that only “1.6% of all complaints ended in a trial.”¹⁹¹ Of the many studies, it is clear that statistically a sexual assault case is not likely to make it to trial.

6. Redemptive Shepherding

Working with abused victims presents an incredible opportunity to bring redemption and light to circumstances, and to display the gospel to those who hurt. God shows concern for the broken-hearted (Ps. 34:18). He is not silent in the face of evil (Ps. 34:15-16). His people must also lovingly and carefully shepherd those impacted from the evil of abuse. Protecting the weak and vulnerable is the responsibility of all God’s people (Ezek. 34:4, Acts 20:35).

All caregiving has potential for error. The possibility of causing additional harm exists. When considering a case, it is common for those involved to benefit the accused rather than the victim with “charitable judgment.” People are generally hesitant to violate the “innocent until proven guilty” standard.¹⁹² This is the standard that guides process in the legal system. The burden of proof is then placed on the victim. When caring for the abused, weigh the difficulty of this process carefully. Rarely does abuse happen in public with witnesses, and a “not guilty” verdict is not necessarily a declaration of innocence. It simply means the accuser failed to provide sufficient evidence of the assault.

¹⁹⁰ “The Criminal Justice System: Statistics,” RAINN, <https://www.rainn.org/statistics/criminal-justice-system>.

¹⁹¹ Melissa S. Morabito, Linda M. Williams, and April Pattavina, “Decision Making in Sexual Assault Cases: Replication Research on Sexual Violence Case Attrition in the U.S.,” National Institute of Justice, February 2019, 108, <https://www.ojp.gov/pdffiles1/nij/grants/252689.pdf>.

¹⁹² Brad Hambrick, “Why Is It So Hard to Have Constructive Conversations about Abuse?,” Ethics and Religious Liberty Commission of the Southern Baptist Convention, February 14, 2022, <https://erlc.com/resource-library/articles/why-is-it-so-hard-to-have-constructive-conversations-about-abuse/>.

Shepherding victims well requires God's people to love one another and "believe all things" (1 Cor. 13:7). Err on the side of safety when it comes to protecting the vulnerable. Take necessary steps to restrict the alleged abuser's access, report the allegations (if approved by the victim), and notify the church. Allow the magistrate to investigate and make any legal judgments.

Failure to take these steps of protection leaves people at risk and can potentially suppress evidence. For victims, the failure of those in authority to respond swiftly and concisely implies they are lying. Survivors who sense this resistance will quickly shut down and/or retract allegations out of fear.

Shepherding Adults Who Have Been Sexually Abused

If an adult who had been sexually abused as a child comes forward, see "Child Abuse: Shepherding the Victim and Family" for shepherding and "Child Abuse: Responding to a Child Abuse Disclosure or Discovery" for reporting. Pastoral Care for the Victim and Family

The church should be a sanctuary for victims, a training ground to prevent assault, and a facilitator of emotional, spiritual, and physical healing. All victims and potential victims of sexual assault need the following from the church:

- An empathetic, well-trained and effective person/persons who will confidentially guide the process of recovery and facilitate obtaining appropriate resources both in and outside the church. This includes, but is not limited to, emergency medical care (rape crisis intervention), counseling, primary medical care, psychiatric care, and spiritual counseling.
- A small group of survivors who are in the process of recovery and growth to come alongside the victim and demonstrate they are not alone nor at fault.
- Preaching from the word on the impact of assault, pornography, and other idolatry upon the *Imago Dei* of women, men, and children created by God, as well as His grace, mercy, and ever-present love for victims.

Practical Care for the Victim and Family

There are many practical needs which should be met; however, people involved in the situation are hurting deeply. Grieve with them, ask intelligent questions about how they are, pray with them, and provide a connection. Enlist other members in the church to do the same. While care should be taken not to overpromise, or offer false hope, remind the family that God sees and knows all things and has not left them. Listen to their lead as you follow up, but don't simply wait for them to reach out or identify what they need.

When people are abused, the ability to see and clearly comprehend the situation is dramatically hindered. It often requires substantial time and distance from an abusive situation to fully recognize and articulate what happened. If they experienced grooming and/or have been controlled or criticized for any length of time, it may make simple communication of details very difficult for the survivor.

In addition, an abuse victim will struggle to convey their own desires. Church members and leaders help victims by encouraging them to communicate their thoughts and make their own decisions. This may take time. Patient listening, wisdom, understanding, empathy, and compassion are required (1 Thess. 5:14), together with a commitment to walk alongside for however long as is necessary.

Prior to a crisis, leaders and staff should familiarize themselves with typical problems victims and their families encounter and how the church can help with support and/or practical involvement. It is challenging for families to discern what they need amid so much grief or even how to communicate these needs. They likely will not know what options are available. Church leaders who proactively pursue care and help provide practical guidance through the church or community resources can be an incredible gift.

Survivors of sexual abuse need the following from the church.¹⁹³

- **A significant sense of belonging.** Sexually abused men and women feel isolated and unwanted. Often, they have no sense of what it means to belong to a family group. Not only can the church provide a place where the survivor experiences the love and

¹⁹³ This section is an excerpt from Langberg, *Counseling Survivors*, 272-276.

affirmation of a family, it often is the only family some survivors have. Many survivors have either homes they cannot return to for safety reasons, or families who do not acknowledge the truth of their lives.

- **To be pursued.** God came to us. When others suffer, we often expect *them* to come to *us* and ask for what they need. Connection requires us to take the initiative to pursue suffering people. Lovingly pursue by calling, sending encouraging notes, and offering help with immediate needs.
- **To have physical and/or financial needs met.** Is the survivor safe from their abuser? Are they safe from their own destructive impulses? Are they suicidal? Do they abuse any substances? Do they need financial help? Are they physically able to care for themselves? Are they able to care for their family? Do they need someone to call in the middle of the night? Do they live alone? Are they safe doing so? Where do they spend the holidays?
- **Hope without condemnation.** In the darkest of times, we struggle to have hope and faith, . . . suffering people often need others to have faith and hope for them. Admonitions to hope or trust only result in despair; if the sufferers were able, they would do so. How much better to come alongside and tell survivors that where they are lacking and/or unable, we will stand in the gap and believe God for them.
- **A balance of ministry and fun.** Often when we do reach out to sufferers, we reduce our relationship to one of pure ministry . . . When we bring fun to sufferers' lives, we provide an oasis that will help them feel loved simply for who they are. It is also important for survivors to feel needed by those who care for them. Although an "I can't do . . ." needs to be honored, very few people want simply to be takers. Give them dignity by allowing them to contribute to your life, even if it means just letting them do the dishes after a meal.
- **Others' willingness to witness great pain and believe the "unbelievable."** Many men and women have lived in terrible isolation, thinking their secrets were too horrible to be told. Calling back memories about such things can cause great denial in the listener. Yet we who believe sin is so hideous as to require the death of God Himself should of all people find evil believable.
- **A listener, not a fixer or a blamer.** To attend to the struggle of another by listening is to bestow honor on that person. You cannot "fix" a history of . . . abuse. You can stand with someone while

they courageously face the truth of their life and love them while they struggle to learn to live with it. Learn how to sit and be quiet. When we don't know what to say, it is usually best to say nothing rather than allow our discomfort with silence and pain to drive us to rattle off an answer. One of the ways we cope with horror is by attempting to explain it or find out what made it happen. Searching for such explanations can easily lead to blaming the survivor. Never imply that the survivor is to blame for the abuse. Nothing [anyone] has ever done, no matter how provocative, is justification for abuse (Matt. 7:20-23). The abuser always carries responsibility for the abuse.

- **Resources.** If the survivor needs and wants professional help, assist in finding competent counseling. They may need you to help them know what questions to ask of the counselor. Is the counselor a licensed professional? Does the counselor accept third party payments? Does the counselor have training and experience in the treatment of sexual abuse? What kind of experience and from where? The survivor may need you to go with them to the first few appointments and simply wait in the waiting room.
- **Knowledgeable friends.** If you are going to walk alongside someone who is dealing with the issue of sexual abuse, then you need to be knowledgeable about the subject. It would be wise to read several books on the topic. [See the resources section in this report for help]. If you do not understand the problem, you will more than likely make hurtful mistakes.
- **To resolve spiritual issues.** Understand that the spiritual ramifications of [sexual abuse] are complex and powerful. When a "Christian" father, uncle, grandfather, camp counselor, or pastor sexually abuses a child, beliefs and feelings about who God is, His love, and His protection are all shattered and are not easily reassembled. A few verses will not put it all back together.
- **Time.** Healing from the devastating consequences of childhood sexual abuse takes a long time, usually years. Should you choose to walk alongside someone who is struggling in this area, it is important to recognize that you are facing a long process. Survivors will wrestle with powerful urges to resist facing the truth; they will fight hard and long to rid themselves of lies. They may endure months or years of terrifying nightmares that rob them of much needed sleep. A small network of trustworthy people will often work better than one person alone. If the survivor is married, their spouse will also need a support network who will walk with

them on the long road. . . . Although our God is a God of redemption, He usually works that redemption out through people and over time.

- **Intercession.** Jesus Himself is at the right hand of the Father interceding for us. The Spirit prays for us when words will not come. . . . Pain silences and isolates. We who come alongside need to pray for and with those who are silenced and isolated.

As you come alongside survivors of sexual abuse, be aware that several dynamics may prevent you from giving effective help.

- **Slow down.** Suffering slows people down, and if we are going to walk with others in their suffering, then we must slow down too.
- **Shoulder their burdens.** We become a hindrance rather than a help when we greet those who suffer with statements such as: "If you would only . . . attend church, read Scripture more, believe more, stop thinking about yourself, put the past behind you." Rather than say, "Here, let me help you carry that heavy load," we end up putting heavy burdens on already bowed backs. Remember that God our Savior did not greet us with, "If you would only . . ." Instead, He says, "Here, let Me show you how. Let Me shoulder the burden. Let Me be with you."
- **Keep confidences.** How often confidences are betrayed under the guise of sharing a prayer request! If we are to help those who struggle with things that frighten them, humiliate them, and shame them, then we must be trustworthy people. We must learn that there are things we can share with no one but the Father. To work with survivors is to minister to those who know betrayal well. We want them to learn to trust. . . . Unless a life is threatened, confidences should never be broken.
- **Think long-term.** Like managed care, the church seems to think that short-term [care] is right and should always work. The more spiritual among us get better quickly. We tend to believe that those who struggle long term clearly do not love God enough. And yet we say we believe this to be a dark world where sin is rampant and destructive. We believe that God is long-suffering and merciful. Where do we get our quick-fix model? How fortunate we are that God does not adhere to short-term sanctification!
- **Male leadership.** A woman who spent her childhood being sexually abused by a man will have all kinds of reactions to male leadership. One of those responses may be fear. It is possible that

this will prevent her from seeking the help she so desperately needs. Many churches are now training women to work alongside women in crisis so that when a woman is dealing with an issue like abuse, she has some recourse other than male leadership. We need to respond with tenderness and sensitivity to the fear and damage resulting from abuse.

- **Accommodate the suffering.** In many ways, the church seems to be structured to accommodate the whole and the healthy. Often activities are designed for intact couples and families. . . . On one hand there is nothing wrong with that. However, that perspective does not account for sickness, suffering, trauma, dying, terror, and torment. To experience these things is to fail to fit into the structure. When that results in responses of judgment, humiliation, impatience, and denial, we have failed to be the church God has called us to be. According to the apostle Paul, the church should bestow more abundant honor on those members who lack it rather than applaud those who have no need of it (1 Cor. 12:23-24).
- **Human hearts are deceitful.** [Sexual abuse] is kept secret because many fear they will not be believed. Attention to the problem is not a priority, because the problem is believed to be rare. . . . Again, knowing we live in a world ruled by the prince of the power of the air and knowing that human hearts are deceitful above all things, why are we surprised?
- **Venting.** One survivor said that fear of expressions of pain is a hindrance when others cannot distinguish between a “roar of pain” (venting rebellious-sounding verbiage about God)—like a lioness with a thorn in her paw versus genuine rebellion. The Psalms contain much venting (Ps. 22:1, Ps. 35:22-25). Even Jesus said, “My God, My God, why have You forsaken Me?” (Matt. 27:46).
- **The agony of redemption.** We often do not understand the nature of evil and suffering, the complexities of human development . . . the fact that [sexual abuse] is a criminal act, and that redemption in a life never comes easily. Yes, the God we worship is capable of redeeming the pain beyond words into something that gives life and brings glory to Him. However, the transfiguring of agony into redemption cost Jesus inestimably. Death . . . does not normally transform into life in this dark world. The beauty of redemption in a life never comes easily.
- **Be aware.** Be very aware of your vocabulary, your timing, and your body language. A survivor has been repeatedly abused by another's body and words. They will be afraid of yours. At the

same time, they may be starved for touch and affection. Do not touch without her permission. Never touch in a sexual way. Learn to read and acknowledge body cues. Often it is through body language, rather than words, that people communicate emotions such as fear or anger.

Shepherding the Guilty Party

Repentant

The responsibility of the church in the case of sexual abuse is to report to legal authorities whether there are signs of repentance or not. This is done only at the discretion of the victim.

The gospel of grace must be given to perpetrators of sexual violence as it is for all who have sinned and fall short of the glory of God. However, due to the egregious violence of sexual assault, a repentant perpetrator must be shepherded carefully within the church community.

The guilty party must be disciplined by a church leader or counselor who has been trained in sexual assault. The depth of the sinful psychology of sexual abuse must be carefully and boldly investigated and challenged by the counselor.

It is unwise to allow the guilty party any unsupervised access to those who are vulnerable to the perpetrator's behavior. Though an abusive individual may give a seemingly clear testimony to his repentance, it must be followed with extensive evidence that his words are expressive of a significantly sanctified heart. This may only be confirmed by a counselor trained in this particular sin.

Non-Repentant

If the guilty party does not show clear signs of repentance in words and actions, process should be taken by the Session to remove the offender from fellowship. [See the *PCA Book of Church Order*, Part II, beginning with Chapter 27.]

Church Members

As shepherds of the local body of Christ, church leaders have a responsibility to nurture and protect God's people under their care. It is likely that bystanders

in the congregation have also been affected by the sexual abuse of the guilty party. They will likewise need help in processing the painful experience.

Members of the congregation may feel guilt and shame for having missed warning signs of the abuse. They may carry anger and fear. These hurting members will need special care by church leaders and members. Their deep emotional hurt may create discomfort for leaders, but shepherding them well will mean laying aside the need for comfort to step into their struggles and encourage them with the gospel.

There may be additional victims of sex crimes in the congregation who will need a safe place to share their experience. Shepherds will need to continually, in word and action, make the church a safe place for sharing:

- In word, by expressing trust in those who willingly expose the violence,
- In action, by believing a report and acting quickly to make sure the victim is safe and cared for.

7. Prevention of Sexual Abuse

Shepherds are responsible to protect congregants to the best of their ability. A leader's failure of "protecting and providing for [members] all things necessary for soul and body" by the diligent watchfulness for wolves in the church is a heinous offense.¹⁹⁴ Reasonable measures should be in place for the prevention of abusive behaviors that cause catastrophic harm to those attending places of worship.

How the Church Can Help Prevent Abuse

- **Train staff, leaders, and volunteers to recognize and report abuse.**
If the means for training are unavailable in the church, consider bringing in an outside organization or program.
- **Insist on background checks for staff.**
- **Be known for reporting** suspected abuse or neglect.
- **Communicate to the congregation** which pastoral staff are trained and willing to intervene when abuse is suspected or reported.

¹⁹⁴ *Westminster Larger Catechism* (Lawrenceville, GA: CDM, 2007), Question 129.

- **Clearly articulate abuse as a sin.** Teach that God hates abuse and calls His people to protect the vulnerable.
- **Clarify that abuse is not a private issue.** The church should welcome the exposure of evil and be willing to work with the local government (Rom. 13).
- **Teach your church's theology of abuse.**
- **Require your leaders to model exemplary sexual lives.** Because of their high calling, high visibility, and high influence, pastors and other church leaders should be expected to live godly lives (Titus 1:5-9).¹⁹⁵
- **Address tangential issues** such as pornography and other media which eroticize violence.
- **Extend education to children and teenagers.** Teach how to recognize and report abuse. Children should understand, while the Bible instructs them to obey their parents, the biblical command for obedience to authority is conditional (Eph. 6:1). It is good, godly, and right to expose sin.

8. Case Study

Debby

Debby stared at the light fixture on the hallway ceiling. She remembered doing that same thing forty years prior, stare at a light fixture. “This shouldn’t be so disorienting,” Debby thought to herself. Now, at 58 years old, all the shame, disgust, and fear she had felt that night so long ago came rushing back. The letter she held in her hand prompted those awful feelings. And, although her heart raced, and she felt like it would beat right out of her chest, it was nothing compared to that other time she had stared at a light fixture so intently.

Debby was a senior in high school when her youth director and his wife presented her with the gospel. She was so excited! A Savior? Loved her? The idea of a love like that took her breath away. And the fact that some of the most loving people she’d ever known shared it with her made it even more significant. Debby felt their care and concern. As soon as she heard the gospel and understood, she prayed the sinner’s prayer. Debby was instantly on fire for the Lord. If the church doors were open, she was inside.

¹⁹⁵ Ibid.

Debby loved everything about youth group. She loved the fellowship with friends, adored the praise and worship time, and treasured her youth director's teachings. Everything he said made sense. He seemed to know the Lord, and his lessons reflected that understanding. She was growing spiritually in leaps and bounds.

While church was going well, school was not. One Wednesday evening the teenagers were all gathered in small groups for prayer, and Debby asked for prayer for her math homework. Everyone laughed aloud, so her youth director came over to find out what was going on. Debby told him about her request, and without hesitation the director offered his help. He bragged that math was his specialty and told Debby to bring her book the next week so they could stay after youth group for lessons.

Debby had no idea what "lessons" her youth director had in mind. She followed him up to the sound booth the following Wednesday after group, but before she knew it, he pinned her on a couch, and she couldn't move. The light fixture in the hallway completely captured Debby's attention. Through tears, she determined not to let it out of her sight. Such an inanimate object of course couldn't bring peace (or safety for that matter), but at least it gave Debby something—*anything*—to focus on rather than the heavy man gyrating on top of her. Her goal was to make it out to that hallway.

When it was over, Debby ran. She was too ashamed to tell anyone what had happened and felt no one would believe her anyway. Everyone loved the youth director. She did everything possible to avoid being in his presence. She quit going to youth group and eventually moved to a relative's home far away. She finished high school remotely and enrolled at a college in another state. A multitude of thoughts constantly tormented Debby. "Was it something I did? Could I have run? Screamed? Would anyone have heard me?"

Debby found another church, stuffed her memories and questions, and focused on getting a degree.

Several years later, Debby received an invitation to a wedding for the daughter of a childhood friend from youth group. She knew it would be difficult entering the old church building again, but she heard the youth director had moved long ago. So, she pulled it together for her friend and responded "yes," she would attend.

Debby entered the building and found her way to a pew near the front of the sanctuary. While she was waiting for the ceremony to begin, she glanced at the pew rack and saw the Sunday bulletin from the week before. Out of curiosity, she picked it up and began to read. To her horror, there was an announcement for the installation services of her old youth director. Upon the upcoming retirement of the church's pastor, her youth director would be ordained as the new Senior Pastor. Debby's insides shook throughout the entire wedding.

The Monday after she returned home, Debby called the retiring pastor. The last thing she wanted to do was reveal that the youth director had sexually abused her when she was a high school student. But she wouldn't have been able to live with herself had she said nothing. The years of grieving and counseling helped embolden her. Unfortunately, the call set her back almost to where she began.

"Mmmm . . . I see . . . thank you for telling me." And that was it. So went the phone call with her beloved childhood pastor. Debby was floored. She could tell he didn't believe her. He mumbled something about it being a "done deal" and "there was nothing he could do." Debby thought she had nowhere else to turn. Once again, she put the awful memories behind her. She went back into counseling and moved on with her life.

Debby looked at the letter again. Her mind went back to that phone call all those years prior. She finally forced herself to stop staring at the hallway light fixture with the burned-out light bulb. The letter she'd been holding fell to the floor. She picked it up and her eyes once again skimmed the contents. "Dear Mrs. . . . First Street Pres has begun an investigation into misconduct . . . Senior Pastor . . . multiple victims . . . if you're willing to participate . . ." Debby shook her head back and forth, as if she could make the memories dissipate like the snow in a snow globe.

She was unsuccessful.

Brainstorming questions for help developing best practices:

1. What structures and/or procedures should your church or ministry already have in place in case a situation like this occurs?
2. What questions would have been helpful for the retiring pastor to ask?

3. What should the retiring pastor have done upon receiving the call from Debby?
4. How does the “reason to believe” standard help with this situation?
5. Upon discovering the circumstances, what will you do first?
6. What will you do next?
7. Who can you call for help navigating all the details?
8. Who in your church is versed in sexual abuse and compassionate to care for a victim and/or family?
9. What action steps will you take against the alleged perpetrator?
10. What will you tell the congregation and how?
11. How will you determine if an outside agency will be helpful for this case?

SECTION FIVE: CHILD ABUSE

1. Summary Description – Child Abuse

Child abuse occurs when an authority figure, whether through action or failing to act, causes injury, death, emotional harm, sexual abuse, exploitation, or risk of serious harm to a child. There are many forms of child maltreatment, neglect, physical abuse, sexual abuse, spiritual, and emotional abuse. In this section we will help you recognize, respond to, report, and redemptively shepherd when there is a case of suspected child abuse.

2. Expressing God’s Heart

In Scripture, the care of children is very important. God equates “receiving” children with “receiving” Him (Matt. 18:5-6). God’s Word showcases He has a particular concern for the weak and vulnerable (Mic. 6:8; Isa. 61:1), and children are among the most vulnerable entrusted to our care. Further, Jesus loves the teachable souls of children, and He is not pleased with those who harm them (Prov. 22:6; Matt. 18:6; Luke 18:15-17; Mark 10:13-16, Eph. 6:4; Col. 3:21). In James 1:27, it tells us that caring for children in need pleases God. Safeguarding the physical, emotional, and spiritual well-being of young people and other vulnerable individuals is among the most important responsibilities of the local church (*WCF* Q. 138, Q. 139).

3. Recognition of Child Abuse and Neglect

Recognition of the abuse or neglect of a child is one important way to protect vulnerable children under the church's care. According to a study reported by *Christianity Today*, on average there are seventy allegations of child abuse in the United States in churches each week.¹⁹⁶ One in seven children experienced child abuse or neglect in the past year.¹⁹⁷

People tend to view the church as a safe place, especially for children and youth. It is difficult for church members to believe there are those working, volunteering, and attending our churches who abuse children. It is important to acknowledge this potentiality and to properly guard children from abuse in the local church.

Relational Spheres

There is often a false understanding that people who commit child abuse can be easily detected. Often there is also a mistaken belief that abuse is perpetrated by someone the child or community does not know. Statistics point to a different reality and even highlight that many children are abused by other children. Understanding who perpetrates abuse can help the church provide good education and implement wise protection policies.

Authority

Child abuse can be perpetrated by a person in a position of authority, such as the child's teacher, guardian, relative, sports coach, youth pastor, or other prominent figure. Because of the person's position over the child, they will experience intimidation. This is very confusing for the child. Children will fail to report, or delay in reporting, abuse by an authority figure.

- Acquaintance

Approximately 90% of children who are victims of sexual abuse know their abuser. Only 10% of sexually abused children are abused by a stranger. About

¹⁹⁶Ted Olsen. "70 Child Abuse Accusations Against Churches Each Week—and Most Are Protestants." *ChristianityToday.com*, April 1, 2002, <https://www.christianitytoday.com/ct/2002/aprilweb-only/4-1-51.0.html>.

¹⁹⁷Centers for Disease Control and Prevention, *Preventing Child Abuse* (Atlanta: U.S. Department Health and Human Services, 2020), <https://www.cdc.gov/violenceprevention/childabuseandneglect/fastfact.html>.

60% of children who are sexually abused are abused by people the family trusts.¹⁹⁸

- Child on child

Not all perpetrators are adults—an estimated 30-50% of reported cases of child sexual abuse are perpetrated by individuals under the age of 18.¹⁹⁹ As many as 40% of children sexually abused are abused by older or more powerful children.²⁰⁰ The younger the child victim, the more likely it is that the perpetrator is a juvenile. Juveniles are the offenders in 43% of assaults on children under age six. Of these offenders, 14% are under age 12. Juveniles who commit sex offenses against other children are more likely than adult sex offenders to offend in groups, offend at schools, and have more male and younger victims.²⁰¹ A small number of juvenile offenders—one out of eight—are younger than age 12. Females constitute 7% of juveniles who commit sex offenses.²⁰² Most adolescent sex offenders are not sexual predators and will not become adult offenders. They are more responsive to treatment than offending adults.²⁰³

This type of abuse will likely intensify the shepherding required by the church, especially if children are members of separate families. While the victim and their family will need to have care focused on protection and safety, the offending child's family will also require care as well as shepherding through the process. Because the needs of child-on-child abuse within your church are

¹⁹⁸ D. Finkelhor, "Characteristics of Crimes against Juveniles" (Durham, NH: Crimes against Children Research Center, 2012), 13. and J. Whealin, "Child Sexual Abuse" (Washington, DC: U.S. Department of Veterans Affairs, National Center for Post-Traumatic Stress Disorder, (2007-05-22)).

¹⁹⁹ United States Department of Justice National Sex Offender Public Website, "Questions and Answers About Sexual Assault and Sexual Offending." Accessed April 2022, <https://www.nsopw.gov/en/SafetyAndEducation/QuestionsAndAnswers>.

²⁰⁰ D. Finkelhor, "Characteristics of Crimes against Juveniles" (Durham, NH: Crimes against Children Research Center, 2012).

²⁰¹ L.A. Greenfeld, "Sex Offenses and Offenders: An Analysis of Data on Rape and Sexual Assault: (Washington DC: U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, NCJ-163392, 1997).

²⁰² D. Finkelhor, R. Ormrod, M. Chaffin, "Juveniles Who Commit Sex Offenses against Minors," *Juvenile Justice Bulletin* (Washington, DC: Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, 2009).

²⁰³ "Adolescents Who Have Engaged in Abusive Sexual Behavior: Effective Polices and Practices," (Oregon: Association for the Treatment of Sexual Abusers (ATSA). 2000). Accessed April 2022, www.atsa.com/ppjuvenile.html.

significant, after reporting seek outside counsel for how to care well for all parties involved. It is important that leaders be aware that statistically, a juvenile offender is likely to have been first sexually abused themselves. Therefore, the shepherd is likely to have two victims in his care, and quite possibly the predator of the offended is in the victim's home or possibly in their church.

- Parent/caregiver

Approximately 30% of children who are sexually abused are abused by family members. The younger the victim, the more likely it is that the abuser is a family member. Of those molesting a child under six, 50% were family members. Family members also accounted for 23% of those abusing children ages 12 to 17.²⁰⁴ Approximately 77% percent of perpetrators of child abuse and neglect are the parents of a victim.²⁰⁵ Family members²⁰⁶ make up one-third to one-half of the perpetrators against girls, and 10% to 20% of the perpetrators against boys.²⁰⁷ Men commit 90% of these cases.²⁰⁸

- Stranger

The abuse by a stranger is less common, but its prevalence is still concerning. Children often struggle to know who would be classified as a stranger. Once the stranger tells the child their name, they no longer think of the person as a stranger. Developmentally they do not assign motives to people and do not pick up on someone's evil intentions. This makes children particularly vulnerable to abuse by strangers.

²⁰⁴ D. Finkelhor, "Characteristics of Crimes against Juveniles" (Durham, NH: Crimes against Children Research Center, 2012), 13. and J. Whealin, "Child Sexual Abuse" (Washington, DC: U.S. Department of Veterans Affairs, National Center for Post-Traumatic Stress Disorder, (2007-05-22).

²⁰⁵ "Child Maltreatment 2016," (Washington, DC: U.S. Department of Health & Human Services, Administration for Children and Families, Administration on Children, Youth and Families, Children's Bureau, 2018). Child maltreatment 2016. <https://www.acf.hhs.gov/cb/report/child-maltreatment-2016>.

²⁰⁶ United States Department of Justice National Sex Offender Public Website, "Facts and Statistics." Accessed March 8, 2018, www.nsopw.gov/en-US/Education/FactsStatistics.

²⁰⁷ D. Finkelhor, "Current Information on the Scope and Nature of Child Sexual Abuse," *The Future of Children*, vol. 4, no. 2 (Los Altos, CA: The David and Lucile Packard Foundation, 1994), 31.

²⁰⁸ *Ibid.*

Categories of recognition:

- A child **directly discloses** they are being abused or neglected.

Examples:

"My dad touches my privates when mom's not around."

"Our youth pastor is asking me to send him nude pictures."

"My mom does not feed us dinner."

- A child **indirectly discloses** information that might suggest they are a victim of abuse or neglect. This is the most common disclosure of abuse. In these cases, it is likely that the child is hinting at current abuse and hoping you will understand.

Examples of a disguised disclosure: "I have a cousin who is being abused."

Example of a disclosure via hints or gestures: "My friend told me . . ."

- A child **accidentally discloses** abuse or neglect.

Examples:

The child records written details regarding abuse.

You walk in on abuse taking place.

You overhear a teenager talking about their abuse.

A child exhibits physical signs of abuse.

You notice that a child does not have a doctor listed on their form.

- A child's **behavior provides clues** they might be a victim of abuse or neglect. (A parent or caregiver's behavior might also make you alert to the fact that they are abusive.)

Examples:

A teenager consistently lingers after youth group meetings and delays going home.

A toddler flinches when touched.

A child displays sexualized behavior.

A grade schooler is overly physically aggressive with his peers.

A child steals food from others.

Example of parent or caregiver behavior: A parent overtly rejects their child, or another adult makes up excuses to be alone with a child.

- A child **shows physical signs** they may have been abused or neglected.

Examples:

A child has difficulty walking or sitting.

A child shows up in a grungy short-sleeved shirt without a jacket in winter.

A child has bodily injuries, and no plausible explanation is offered.

A child has burn marks or bruises that resemble objects such as a hand, fist, belt buckle, or rope.

To further familiarize with the behavioral and physical indicators of abuse, please see Attachment 4: Signs of Child Abuse. This attachment includes a list of general behavioral clues and physical warning signs of child abuse. It also includes specific details highlighting the unique indicators of physical abuse, sexual abuse, and neglect.

When behavioral and physical signs are present, it does not always indicate abuse. For example, a child who self-harms or has panic attacks is in distress but not necessarily abused. Nonetheless, any concerning childhood behaviors should heighten curiosity. It does not matter if it is abuse, these children still need attention and care. Ministry leaders and workers must diligently train staff and volunteers to recognize the signs of abuse; however, it is important to note that up to forty percent of abused children will not exhibit any signs.

Difficulty in Disclosing

Often, children are reluctant to disclose. Inherent to this difficulty is that an abuser may be in an intimate relationship with the child and/or someone the child wants to protect. It is likely that the child has a complex connection with the person perpetrating harm against them. Additionally, a child may remain silent because they are afraid of negative reactions from adults, or of “getting into trouble” with their abuser. This results in a variety of confusing circumstances for those involved, including the question of why someone did not report.

Why Children Do Not Disclose Abuse

- The child may be instructed to keep the abuse a secret.
- The child may be afraid to tell anyone.
- The perpetrator may have threatened the child.
- The child may not know who is safe to tell.

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- The child may not know how to tell. For instance, they might lack the language needed to capture what is happening to them or to share all the complexities involved.
- The child may be made to feel responsible for the abuse.
- The person harming the child may have established an emotional connection with them and/or the family to lower inhibitions (“grooming,” see Attachment 1: “Definitions”).
- The perpetrator may have convinced the child that abuse is normal.
- The child may be convinced no one will believe them.
- The child may have dissociated from the events. A victim’s mind may have difficulty reconciling what happened. To survive, abuse victims can involuntarily disconnect from their thoughts, feelings, memories, and surroundings. This makes it even more challenging for victims to accurately remember events, and timelines, or possess an absolute certainty about what occurred.
- The child may love their abuser and desire to protect him or her.
- The parents may categorize the abuse as “discipline” and have told the child it is God's command.
- The child may not recognize what they are experiencing is abnormal because it has always been their reality.

Why Parents or Other Adults Neglect to Report Abuse

Adults might be aware of the abuse but also fail to address and/or report. The following constitute common reasons.

- **Overwhelming feelings.** They may be shocked, frightened, and/or angry.
- **Uncertainty.** They may not know how to approach the problem.
- **Confusion.** They may wonder, “Am I right?” “Did I really see/hear that?”
- **Trust.** The abuser may seem trustworthy, so it is difficult to believe that this person they know (love, respect) is capable of child abuse.
- **Manipulation.** They may have confronted the abuser, and he/she offered an alternative logical explanation.
- **Dependency.** They may be physically, emotionally, and/or financially dependent on the child's abuser.
- **Self-doubt.** They may question whether it is the right thing to do or if the abuse is really that bad.
- **Fear.** They may fear for the child and what they will have to go through once the abuse is reported.

- **Cost.** They may be concerned about the cost, particularly if the abuser is another family member or a prominent member of the church or community.
- **Community Grooming.** The abuser skillfully presents a wholesome, godly outward persona and skillfully handles Scripture and theology, causing other adults to believe it is not possible that the person in question could be an abuser.

Because of these multiple barriers, when a child discloses abuse, it is typically a gradual revelation. Child abuse has many complex layers, and perpetrators are masterful at deceit and manipulation. What we think we know about other people, victims, and their families is inadequate when it comes to identifying the presence of child abuse. The information disclosed must be mediated without bias. It is essential for church leaders, workers, staff, and volunteers to have familiarity with the clues that signal child abuse and neglect. (See Attachment 4: Signs of Child Abuse.)

4. Responding to a Child Abuse Disclosure or Discovery

Complete confidence of abuse or neglect is not necessary for reporting. Nor is it necessary to indicate which type of abuse has been perpetrated against a child. Reasonable suspicion of child abuse is sufficient for engaging expert investigation. Child abuse is both a serious sin and a crime. Ministering to those harmed by sin is the responsibility of the church and exploration of crime is the duty of the magistrate.

Disclosure of Child Abuse

Churches are not qualified to conduct investigations of child abuse. Local authorities are specifically trained; therefore, all suspicion of abuse must be reported immediately. Delay can result in loss of evidence, victim tampering, tainting witness memory, or providing the perpetrator an opportunity to threaten or pressure their victims to remain silent or recant their testimony.²⁰⁹ Conducting an “in-house” investigation prior to reporting not only jeopardizes the child and the chain of evidence, it may also fail at detecting the actual abuser. Abusers often continue offending; therefore, a church that conducts an incompetent investigation may be held responsible. The church has a moral and legal obligation to report suspected abuse.

²⁰⁹ Victor Vieth, “Resist and Report: The Temptation to Investigate,” GRACE, accessed December 2020. <https://www.netgrace.org/resources/resisting-the-temptation-to-investigation>.

When a child discloses abuse, it is important to listen and act in a way that supports the child and keeps him or her protected. God's desire is to keep the child safe (Matt. 19:13-5, Luke 17:2). While it is the responsibility of the magistrate to investigate, in the moment of disclosure or discovery the church must also provide care for the victim.

What to do regarding disclosure of child abuse:

- **Compile a short list** of the appropriate local agencies and their phone numbers before an emergency occurs.
- **Listen to the child.** Let the child explain what happened in his or her own words.
- **Limit questioning** to the following:
 - What happened?
 - When did it happen?
 - Where did it happen?
 - Who did it?
 - How do you know them?
- **Take down as many direct quotes** as possible.
- **Be supportive, compassionate, and affirm the child's bravery.**
 - "You did the right thing. I'm glad you told me."
 - "You were very brave to tell me. I'm proud of you."
 - "This was not your fault. You did nothing wrong."
 - "I will help you."
- **Reassure the child by telling them what you are going to do next and what will happen.** The child will be afraid of the consequences of their disclosure, so let them know you will do your best to support and protect him or her. Explain to the child that, for their safety, you will need to report their experience to someone else and include those who will help. If the child is older, you can mention that you will be calling child protective services and/or the police.
- **Acknowledge limitations** as pastors and church leaders.
- **Expect complexity.** It is often difficult to see the situation clearly.
- **Acknowledge prejudice.** Objectivity regarding allegations may be hard when the accused is someone familiar.
- **Make a report.** Reporting is not an accusation, but rather a **request to investigate**. [See section 5: Reporting.]
- **Pray with and for the child. Pray Scripture.** Psalm 46:1 – God is our refuge and strength, a very present help in trouble. Zephaniah 3:17 – The LORD your God is in your midst, a mighty one who will save. 1 Peter 5:7 (NIV) – Cast all your anxiety on Him because He cares for

you. Isaiah 41:10-11 – Fear not, for I am with you; be not dismayed, for I am your God; I will strengthen you, I will help you, I will uphold you with My righteous right hand.

What not to do regarding disclosure of child abuse:

- **Refrain from making promises** you cannot keep. Do not tell the child you won't tell anyone.
- **Don't stop the child** in the middle of their story.
- **Don't examine the child with questions**, especially leading questions (any question in which you provide a possible answer). This is tampering with testimony, which will make investigation by authorities more difficult later in the process.
- **Don't ask the child for details.** A child might not be comfortable sharing all the details.
- **Don't fear the mess of reporting.** God promises to help with messes.

A survey of victims of abuse discovered that only 10% had a positive experience when they disclosed their experience. In positive experiences, three key features occurred during the disclosure:

1. The recipient of disclosure believed the young person.
2. The recipient of disclosure took some form of action in response.
3. The young person received some form of emotional support to help them through the process.²¹⁰

Beyond the Basics

The following are additional suggestions for providing comfort and care to a child's disclosure of abuse.

- Meet in a suitable environment free from distractions.
- Posture yourself at the child's eye level and remain in an open position.
- Remain calm and patient—allow for prolonged silence and give the child opportunity to be heard.

²¹⁰ Debbie Allnock and Pam Miller, *No one noticed, no one heard: a study of disclosures of childhood abuse*, 52, <https://www.norfolkscb.org/wp-content/uploads/2015/03/no-one-noticed-no-one-heard-report.pdf>, (accessed April 2022).

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- Listen supportively. Stay focused on listening to the child rather than on how you will respond.
- Respect that they may reveal only some of the details.
- Reassure them it is OK they have told you.
- Reassure them they are not at fault.
- Reassure them they are not the cause of your distress.
- Respond to urgent needs and notify appropriate authorities if you observe an injury.
- Do not ask to invite someone else into the conversation. They have chosen to trust you.
- Ask if you can pray for God's comfort and help for them. Don't assume they are comfortable with prayer. Keep it short and focused on praying for their immediate needs.
- Ask them how you can help.

In the case of an accidental disclosure of abuse, or the physical and behavioral signs are obvious, make a report based on your observations. If you are not able to follow up with the child, keep notes on what you heard or observed.

If you receive an accusation that child abuse has been committed by someone you know, work with, or is in an authoritative position, resist the temptation to think about your own well-being. Stay present with the child and tend to his or her needs. Focus on their disclosure. After tending to the needs of the victim, consider how you will respond personally to the disclosure.

Independent Assessments or Investigations

Outside perspective is critical because it is so difficult to see clearly when abuse is part of the culture in which we are immersed. Rather than viewing outside help as a threat or liability, seeking wise counsel models the wisdom of Proverbs 1:3, 5 and demonstrates a heart humbly committed to truth, holiness, justice, and compassion. Outside counsel should be welcomed (not feared) as sharpening the church's response.

There are three main situations when outside counsel might be invaluable.

1. *When a decision needs to be made*

Rationale:

When a specific step²¹¹ is necessary to move the case forward, and certainty is required, an outside expert evaluation of the evidence may provide clarity. Outside investigation also helps confirm initial perceptions in a situation which created any doubt regarding the alleged abuse.

2. *When the alleged abuser was a volunteer, staff member or pastor, on church grounds, or in the context of a church event*

Rationale:

In any of these situations, outside help is critical for providing confidence to move forward with specific action related to an abuser. The church needs outside help to guide what steps need to be taken with a volunteer, staff member or pastor. The church cannot keep them on staff, or on hold, waiting for a police investigation that takes two to five years and is not likely to result in charges.

If the abuser is no longer in the church, the disclosure may trigger the question of whether there are things that were missed (or possibly even other victims). See number three below.

3. *When there are allegations or reason to believe that warning signs were missed by leaders in the church, or disclosures mishandled*

Rationale:

Allegations may arise in a context that involve individuals who are no longer at the church, but where there is possibility that there was poor policy that allowed the abuse. Warning signs may have been missed by leaders in the church or allegations that disclosures were mishandled.

Even if the abuse, possible mishandling, or failure to report occurred years or decades prior, outside counsel is vital for several reasons:

²¹¹ For example: supporting a victim who divorces an abusive spouse, bringing charges against an abuser, firing a staff member, or assisting in removing the ordination of an allegedly abusive pastor.

- Survivors, deeply wounded by the abuse, deserve to know the truth.
- When multiple errors occur, repentance is a biblical requirement.
- A church or ministry that displays God's heart will desire truth and be zealous in righteousness. This includes ensuring any necessary changes to policies, practices, or culture. Often, when abuse is mishandled, there are entrenched beliefs and patterns that contribute. Unless this faulty worldview or breakdown in policies or practices is clearly identified and corrected, and even if it developed unintentionally, abuse will continue. Where the church has failed, even under past leadership, public confession and repentance is in order as exemplified by the nation of Israel (2 Chron. 29:3-11).

What To Look for in Seeking Outside Counsel

Individuals and/or firms should meet the following basic criteria:

- Substantial training, skill, and experience with abuse, trauma, and related dynamics, as well as experience with investigative techniques and handling evidence. A consistent and trusted reputation in the survivor and advocate community. Enlisting those with a positive standing will help a ministry build trust with abuse survivors.
- Clearly identify and act as assessors, educators, or investigators, not legal representation, even if they are licensed legal professionals. Retaining someone as an attorney immediately creates an adversarial relationship between the ministry and the survivor, even if unintentional. This is because when an attorney/client relationship is formed, it creates obligations and privileges between the hiring entity and the attorney. Attorneys owe a fiduciary obligation to the ministry as a corporation or business, not to the church as God's people, and certainly not to the survivors and their families. The attorney/client relationship also creates confidentiality and legal privileges designed to protect and hide information. The creation of these privileges is commonly used to obscure information and protect assets against liability. It demonstrates a focused financial priority rather than that of transparency or seeking justice and truth.

5. Reporting Child Abuse and Neglect

Knowing when and to whom to file a report, and what to include may be overwhelming during a crisis. This section will address these questions as well as what to do if victims and/or families hesitate to report.

When Does a Report Need To Be Filed?

Each state's laws vary and should be consulted prior to a crisis. In general, law and best practices indicate a policy of reporting whenever there is reason to suspect child abuse or neglect. Note the standard is not *knowledge* of abuse or neglect but rather reason to believe. This includes cases with warning signs, indirect disclosures, reason to believe, red flags, and common behaviors of trauma. (See Attachment 4: Signs of Child Abuse for a detailed list of possible warning signs.)

Disclosures are often incomplete or concealed. The likelihood that signs of abuse will be missed also happens. Likewise, misconceptions about abuse and neglect can lead to improperly categorizing behaviors and patterns into benign habits or "struggles." Pastoral counsel, handled inappropriately, can inadvertently become complicit. It is critical for church leaders, staff, and volunteers to be well-versed in the warning signs, indirect disclosures, reason to believe, red flags, and common behaviors of trauma.

While best policy is that a report be made "immediately," or within 24 hours of the events initiating the need to report, risk of danger may also be a concern. If there is any reason to fear the safety of the victims, it is unwise they be in close proximity to their abuser before or after a report is made. This is particularly true in cases where the alleged abuser is the parent of the victim. This danger frequently extends to the wife as well. Moving a wife and children to a secure location may be wise before or contemporaneously when filing a report with law enforcement and CPS. An emergency plan should be established in the church prior to the need. Leadership must be aware of locations where a family can be moved safely, how to make such a move, and what will be done to care for their basic needs during this transition.

Reason to Believe

The standard of "reason to believe" child abuse may be occurring is initiated when an adult reports childhood abuse and the alleged abuser continues to have access to children. An example would be when an adult reported abuse by a

previous Sunday school teacher who remains in close proximity to children. Statistics indicate an increased likelihood of ongoing abuse. This is particularly true in cases of sexual abuse. It is counter to research and evidence to assume an abuser ceased abusing, or only abuses in certain contexts.

This mistake is particularly common in situations when an adult survivor discloses childhood sexual abuse by a parent or sibling. The assumption is that abuse within a family will stay in the family and there is little risk if no children remain in the home. Statistically this is not the case. If the alleged abuser has access to children, there is “reason to believe” child abuse may be ongoing.

For example, “Jane” discloses that her father “John” sexually abused her as a child. All of John’s children are grown and no minors remain in the home. However, John volunteers at an after-school program. “Reason to believe” advises child abuse continues because John has access to children and an alleged history of sexually assaulting a child. Notice, even though John’s access to children isn’t within your ministry or church, the need to report remains. Having possession of this information establishes a reasonable belief.

Finally, it is critical to understand that the “reason to believe” standard does not require that organizational or personal investigation should be attempted to determine the merits of the allegations or warning signs before reporting. Rather, a report should be made immediately.

To Whom to Report

First, it is important to know your state law and ensure you follow all legal requirements for reporting suspected child abuse. Under most circumstances, you will be legally required to file a report either with Child Protective Services, or the police department, or both.

In the rare event you encounter a situation where you are not legally required to report, and the survivor, parent, or caregiver prefers to file the report themselves, agency should be given to make that choice. Note however, that if they are willing, it is always helpful for the person who received the disclosure or observed the potential evidence of abuse to also file a report and offer to make a statement to police and, if relevant, Child Protective Services. This helps ensure that all corroborating information is received by the correct authorities.

The following are agencies to whom you should report, or which may provide helpful assistance in reporting.

- *Law Enforcement Agency*

Reports of any potential criminal activity should be made first and foremost to law enforcement. Criminal activity can include (but not be limited to) neglect, threats, and other actions such as imprisonment, which do not involve physical contact.

- *Child Protective Services (CPS)*

Report to CPS in any context where an abuser may be harming a child under his or her care. CPS and police serve two very different functions in our legal system. A call to CPS alone is insufficient and will not likely result in a criminal investigation. CPS's jurisdiction is specifically related to protecting children in the custodial care of the abuser. They do not investigate or evaluate crimes, but rather focus specifically on whether an adult is fit to have custodial care of a child. Immediately report every suspected case of abuse to law enforcement and then immediately report to CPS in the case of minor children in the abuser's custody or care. This includes situations where the reporting victim is not a family member, but there are children in the care of the abuser. For example, a student may report abuse by her teacher, and the teacher is a parent of minor children.

- *Local Child Advocacy Center*

Child Advocacy Centers are often significantly helpful resources as well, and a call to them may provide insight and guidance for reporting as well. Child advocacy centers are staffed with trauma-trained investigators, medical personnel, and counselors, and are designed to feel as safe and non-threatening as possible for a child.²¹² Children's advocates provide guidance and support in the reporting process, investigative help to law enforcement, counseling services to victims and families, and advocacy support through the legal process. Advocates may only take referrals from police departments, but others initiate the investigative process and then refer to law enforcement. When the initial call is made to law enforcement, it is helpful to ask the department if they coordinate with a local children's advocate and, if so, request to connect

²¹² <https://www.nationalcac.org/find-a-cac/>.

the child's family. Work with law enforcement through the advocate as much as possible.

- *Guardian Ad Litem*

If a Guardian Ad Litem is already involved in the child's life, it is helpful to reach out to them, if possible, to also report any suspected abuse, as the Guardian is tasked with representing the child's interests in court.

- *Additional Agencies*

It may also be appropriate to contact licensing agencies, such as medical boards for doctors, Title IX investigators for schools, and human resource departments for businesses while a report is made. These reports should be made with the victim or family's consent and *not* made until after law enforcement has been notified *and* the police have notified the alleged perpetrator of the police report to ensure that any criminal investigation is not jeopardized.

- *Pastors, Sessions, and Presbyteries*

Church and ministry leaders should aid in filing the report. This helps give legal weight to the report, and the individual who heard the disclosure may need to serve as a witness in the proceeding as disclosures can become important pieces of evidence.

Relevant agencies such as the police and CPS (if a custodial relationship is involved) should be contacted with a clear statement that the call is being made to report suspected child abuse. All information that has been obtained should be given to the detectives, and any physical evidence turned over to investigators.

When contacting these agencies, it is wise to ask the following:

- If the department coordinates with a local Child Advocacy Center and, if so, how to connect the child and their family with that center;
- What the process is for bringing the child in to give a statement. (Ideally this will be done through the Child Advocacy Center, but that is not always available.)

This call should not be made in front of the young child, but it is wise to ask the guardian of the child if they would like someone to go with them when they go to file a statement or be interviewed.

Pastors should clearly document the report in writing, noting the date and time they called, who they spoke with, what they reported, and any instructions they received. Documentation of the report should be kept in church files, and any additional measures taken or interaction with law enforcement or CPS should be routinely documented and filed along with notation of the initial report

How and What to Report

Once the need to report has been triggered, a phone call should be made to the relevant police department (and CPS if the child is in the care of the abuser or the abuser has custodial care of minor children), to file a report of suspected child abuse. A preliminary call to the local Child Advocacy Center is also highly recommended as this often yields additional guidance or support when reporting to law enforcement. If the child is a victim of domestic violence or is in the custody of an abuser, a local domestic violence shelter may also provide helpful information on protecting an abused spouse or child, while reporting the abuse.

If you suspect the child or spouse may be in danger if you report, seek expert help from these sources as well as law enforcement by calling them and letting them know that a report of abuse or suspected abuse needs to be made and that there is reason to believe filing a report will put a child or spouse in danger. Law enforcement may provide some assistance, but you are more likely to receive concrete expert help on safety during reporting, from a domestic violence shelter and/or child advocacy center.

When reaching out to law enforcement and CPS (if needed), state that the call is to report child abuse or suspected child abuse. Describe the specific events that caused you to report. Report any questionable or concerning behaviors observed in the victim or with the alleged perpetrator and notify the investigators of any known witnesses. All physical evidence must also be turned over to the investigative team. Retain copies where possible. Provide any information which may help complete the picture for investigators without personally filling in the gaps or using conjecture. Reports should be clear, factual, and complete. Include names and contact information for additional witnesses. Maintain a record of to whom, when, and what was reported.

In the event that a spouse and minor children must be moved to a safe location prior to filing a report, church leadership should seek legal help from a domestic violence shelter or skilled family law attorney who can assist in obtaining the necessary protective orders. If the abused spouse has already retained skilled legal counsel, the church should notify the retained attorney and seek help obtaining protective orders. Emergency removal of an abused spouse and child for their safety can have legal implications in a custody dispute or separation/divorce proceeding. In some cases, the spouse who is protecting the child/children may not be legally allowed to shield them from court-ordered visitations with a parent, even if abuse is alleged and a report made. Violating a court order can result in the protecting parent being in contempt of court or facing criminal charges or allegations of parental alienation. Because these are legally complex issues with potentially significant ramifications, involve an attorney skilled in family law, custody issues, and abuse *prior* to a crisis. Attorneys help guide and advise the process of protecting a spouse and minor children in a way that best protects their legal rights.

Congregations and Others Needing Notification

Families with children outside the church context who may have been in contact with the alleged abuser should also be notified. Also consider the families with children in the alleged abuser's profession or any other voluntary capacity.

When an allegation of *sexual* abuse is made against someone in the church, recognize the likelihood there may be other victims. Additional people in the congregation may have other details important to the investigation. Notification is not a determination of guilt; it is the necessary means for ensuring a proper investigation. Investigations are incomplete without this wide-ranging information. The intent is not to slander a person, rather it is to give true statements about a report regarding an individual. A policy of reporting allegations for the purpose of ensuring a fair and just investigation, helps communicate clearly to your congregation that these routine processes are not determinations of guilt, but rather are standard protective and policy measures that are followed for all individuals.

All families with children who may have been in contact with the abuser must be notified quickly after reporting to law enforcement and CPS. This includes families with children in any church-associated community groups. Notification should occur as quickly as possible but should *not* occur before

the alleged abuser is aware that a report has been filed. Once the abuser is aware of the report, there is no benefit, and significant detriment, to failing to properly notify relevant communities and individuals.

If sexual abuse is alleged and the abuser was ever in leadership, a volunteer in the church, or has a circle of connection within the church that is difficult to very clearly identify or notify on an individual basis, the entire congregation must be notified using multiple formats. This includes, but is not limited to, the church email list and an announcement before services. This is also true for nonsexual criminal child abuse which took place in the alleged offender's role in the church: for example, a childcare worker who allegedly hit a child during Sunday school.

When the report is filed, inform police and CPS you will be notifying anyone whose children were in contact with the alleged abuser. Find out when the alleged abuser will be aware a report has been filed. In some cases, investigators may need to do preliminary work before the abuser is aware that he or she is under investigation. In these instances, investigators may ask you not to notify anyone so as not to compromise the investigation. However, once the alleged abuser is aware of the report, do not postpone or delay notification. There is no benefit from, and indeed great harm in, postponing or delaying notification.

Notifications should:

- Protect the identity of the victim and witnesses. For example, in a case when the victim is the child of the alleged abuser, identify the victim as “a child who has a close relationship with the family.”
- Identify the type(s) of abuse alleged without using minimizing language. For example, use terms such as physical sexual abuse, videotaping, photographing, exposure, showing the child pornography, engaging in sexually explicit conversations or communications, etc. Words do not need to be graphic, but they should identify the range of the alleged abuses. This may also help alert others with information or red flags they may not previously have recognized.
- Identify the general context of the abuse as much as possible while continuing to protect the victim. For example, “the allegations relate to events that took place with a minor where X teaches,” or “these allegations were brought by a family who attends our church, though the alleged abuse took place in a non-church context,” or “these

allegations relate to events that took place during our youth retreat,” etc.

- Provide clear instructions for anyone else with information. Provide contact information for a detective and CPS worker and/or direct those with relevant information to reach out immediately.
- Clearly identify the boundaries for the alleged abuser.

Notify law enforcement and CPS and describe the specific events that caused you to report. Report any questionable or concerning behaviors observed in the victim or with the alleged perpetrator and notify the investigators of any known witnesses. All physical evidence must also be turned over to the investigative team. Retain copies where possible. Provide any information which may help complete the picture for investigators without personally filling in the gaps or using conjecture. Reports should be clear, factual, and complete. Include names and contact information for additional witnesses. Maintain a record of to whom, when, and what was reported.

What If the Victim or Their Family Does Not Want To Report?

The following represent several difficulties in reporting.

- The marriage, close relationship, and/or family will be impacted significantly.
- The non-abusive spouse may fear for their safety.
- The non-abusive spouse may have a desire to protect the abusive spouse from harm.
- The non-abusive spouse may have guilt for “damaging” the abusive spouse.
- There is a risk to children who remain within the abuser’s care or reach.
- Multiple adult victims of childhood abuse come forward while other survivors prefer not to file.

The process of reporting abuse is traumatic. Help victims and their families understand from a positive perspective, carefully explaining why a report needs to be made. Note: *At times law enforcement or CPS will not investigate a report unless the victim is a willing participant. However, a report should nonetheless be made.*

- Assure those involved that reporting prevents further abuse of the child and potentially other children.

- Reassure the victim and their family of your help and support, including a concrete plan or action steps through the process.
- Whenever possible, give the victim and their family choices. Abuse robs a victim of their voice and autonomy. Therefore, provide input that helps them make wise decisions while retaining their agency. The goal is to unite and report quickly, while simultaneously maintaining support of the victims and their families.
- If unity is not possible, a report should still be filed. Notify the victim you will not disclose identifying information. Inform law enforcement and CPS that you remain in contact with the victim and are encouraging them to participate in the investigation. While involving the victim in the process is preferred, an anonymous report provides the authorities with crucial information for additional victims already reporting or who may report in the future.
- Assure those involved you understand their choice and are ready to support and assist if they do choose to speak with investigators.
- In a case when survivors above the age of majority do not wish to report, the report should be made on behalf of the minor children or adults willing to participate. Notify the authorities that there are additional survivors alleging abuse who are not yet prepared to come forward. Do not provide identifying information, simply make law enforcement aware that other survivors are known. Knowledge that the perpetrator has multiple victims may help the investigation be taken seriously and prioritized.
- Support survivors who do report without compromising the choice of an adult survivor who does not want to participate in the process.
- It may be helpful to accompany the survivor and/or parents, but it is not a substitute for actual participation in the reporting process.

6. Redemptive Shepherding

Working with victims and the dynamics of abuse presents an incredible opportunity to bring redemption and light, and to display the gospel to hurting members of the flock. God shows concern for the broken-hearted (Ps. 147:3) and He is not silent in the face of evil (Ps. 94:14-17; 97:10; Eph. 5:11-12). His people must also lovingly and carefully shepherd those impacted from the evil of abuse. Protecting the weak and vulnerable is the responsibility of all God's people (Ps. 82:3-4; Isa. 1:17; Prov. 31:8-9).

All caregiving has potential for error. There is even the possibility of causing additional harm.

One example for how this might happen in shepherding victims suffering from abuse is, when they come forward, it is common for those involved to consider the accused with “charitable judgment.” People are generally hesitant to violate the “innocent until proven guilty” standard. While God’s people are called to love one another and “believe all things” (1 Cor. 13:7), err on the side of safety when it comes to protecting the vulnerable. Research shows children rarely report false abuse, particularly sexual abuse. Therefore, take the steps necessary to restrict the alleged abuser’s access to children, report the allegations, and notify the church. Allow law enforcement to investigate and make any legal judgments.

Be aware however, that it is unlikely that law enforcement investigations will provide useful conclusions in any reasonable time frame. While the rate of false reports is incredibly low (only between 2-8% of alleged sexual abuse reports are false), only approximately five to seven out of every 300 rapes reported to police will result in criminal charges and conviction. Additionally, this process is likely to take two or more years on average. Helpful conclusions from CPS are even less likely to be clear and prompt.

It is likely that church leaders will need to take steps or make decisions long before any helpful results from a police report are obtained. For example,

- will the church assist a spouse in separating from an allegedly abusive spouse prior to conviction for abuse?
- will ecclesiastical charges be raised against an abusive elder absent criminal conviction?

Redemptive shepherding may at times require a level of care or support that entails reaching determinations about the parties involved before law enforcement concludes the investigation. Law enforcement should always be notified and supported in the investigative process, but shepherding is not dependent on the result. In these cases, seeking help from outside agencies (child advocacy centers, domestic violence shelters, independent investigative agencies where appropriate) may be helpful.

Failure to take these steps of protection leaves children at risk during the investigation and potentially suppresses evidence. The failure of those in authority to respond swiftly and concisely may suggest to the victim that the authority thinks the victim is lying. Survivors who sense this resistance will quickly shut down or may retract allegations out of fear.

Shepherding the Victim and Family

There are multiple practical needs which need to be met; however, people involved in the situation are hurting deeply and need connection. Grieve with them, ask intelligent questions about how they are, pray with them, or visit. Enlist other members in the church to do the same. While care should be taken not to overpromise or offer false hope, remind the family that God sees and knows all things and has not left them alone. Listen to their lead as you follow up, but don't simply wait for them to reach out or identify what they need.

When people are abused, the ability to see and clearly comprehend the situation is dramatically hindered. It often requires substantial time and distance from an abusive situation to fully recognize and articulate what happened. Understand that this means that information is likely to flow out in small increments as the survivor begins to feel safe in disclosing and is given enough time and space from the abuse to begin articulating what they have experienced as abnormal and wrong. This does not mean the survivor's story is "made-up" or "changing." This is a normal reality when coming out of trauma.

Practical Care for the Victim and Family

The families of victims are often overwhelmed simply trying to process the abuse, parent their wounded child, and care for their other children. Their life now consists of making police reports, attending multiple court hearings, and dealing with the interpersonal dynamics of the abuser's community. Added to these, they may be overwhelmed with managing life's normal demands.

Prior to a crisis, leaders and staff should familiarize with typical problems victims and their families encounter and how the church can help with support and/or practical involvement. It is difficult for families to discern what they need amid so much grief, or even how to communicate these needs. They likely will not know what options are available. Church leaders who proactively pursue care and help provide practical guidance through the church or community resources can be an incredible gift.

- In cases involving a custodial parent, determine that parent's financial situation.
- Have a plan for how your church will help those without financial resources and/or other necessities if there is an alleged abusive spouse who cannot or refuses to provide support.

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- Help with childcare responsibilities so that the children aren't forced into contact with the alleged abusive spouse during school pick-up or drop-off, or if they need transportation to an appointment.
- Care for other children in the home when the victim is required to appear in court, attend investigative meetings, and/or receive counseling.
- Care for the children while the parent/parents/caregivers take time away to regroup or grieve the circumstances.
- Help the children and/or custodial parent find professional counseling if needed.
- Provide a schedule for the delivery of meals.
- Provide emotional support and/or physical support when the victim and/or family is working through judicial process.
- If the abuse occurred on church property or during a church event, or was perpetrated by a staff member or volunteer, insurance funds may be available to help provide counseling for the victim. Assign someone with expertise in insurance dynamics to proactively work with the church insurance representative and obtain the maximum amount available to assist the family.
- Proactively pursue an insurance claim to help meet the need for trauma care. Trauma therapy is almost always needed for extended periods of time and is often out of reach for most families. Do not wait for the family to ask the church to take this step. The family should not be placed in the position of having to work with the insurance company themselves.
- Have a plan for communication and provide a spokesperson for the family to ensure their needs are met and care is provided.
- Determine how the rest of the pastoral staff and deacons will be notified of needs and kept updated.
- Keep very careful records of all communication.
- Communicate regularly.
- Have a prepared list of resources with which you are familiar in the community that can walk alongside the victim and their family. Children's Advocacy Centers, domestic violence shelters, legal aid clinics, and government resources such as Medicaid and SNAP can all be helpful in providing support on multiple practical levels.
- Have a prepared list of professionals in the community with whom you are familiar such as therapists, trauma counselors, family law attorneys, and intervention groups for abusers.

- Ensure that the alleged offender does not have continued access to children in the church environment. If the alleged offender is a church attendee or volunteer, immediately relieve the alleged offender from all church responsibilities and access to children. This includes all leadership roles, including volunteer leadership roles, until the conclusion of the investigation.

In the family context, this means doing what can be done to separate the alleged abusive parent from the rest of the family. It is usually easier and better to move the alleged abuser to a new location if they will agree to leave, and if the remaining spouse and children will be safe in that location. If the offending spouse is able to be moved, consider that this likely involves practical steps such as changing the door locks on the home. Otherwise, the non-offending spouse and child will need to be moved to an undisclosed and secure location.

Resist fear for how the circumstances will impact the reputation of your ministry or Christ. Christ does not need protection; He wants obedience. Protecting a ministry or institution instead of people fails to recognize that our identity is in Christ alone, and the ministry is His.

Failure to demonstrate God's heart for truth, justice, and the vulnerable ultimately destroys our witness and ministry. Jesus laid down His life, and we are called to similarly lay down our lives and reputation for the good of others.

7. Child Abuse Prevention

God's desire is that all children be protected. One of the ways He arranged for their care, nurture, and protection is the family. Parents are the primary caretakers, and they need good resources to help them steward their role well. Leaders should encourage parents who are the primary caretakers of their children in their teaching, protecting discipline, and training (Deut. 6:7; Eph. 6:4). Churches can assist parents by providing resources to teach children about abuse prevention from a Christian worldview.

Since most child abuse occurs inside the victim's home, the church can help parents who may struggle to parent wisely, discipline lovingly, recognize abuse, or provide for their children. The church can play a significant role in addressing potential weaknesses and prevent any abuse and neglect that might happen in the home as part of their Christian discipleship.

How the Church Can Assist Parents in Child Abuse Prevention

- **Teach parents to be present and caring parents.** Children need to know that they are loved and cared for in order to prevent abuse, but also to feel comfortable reporting to their parents.
- **Support the hard work of parenting.** Assist parents when they become overwhelmed. Consider teaching discipline methods and successful parenting strategies. Help parents raise children in a way that reflects Christ's love and care.
- **Help disadvantaged families** make connections with your benevolence and gain access to medical care or community resources. *This can help prevent issues related to neglect, especially when a family lacks resources.*
- **Host seminars for parents** who have not had the benefit of learning godly parenting. *Sanctifying their behaviors with their children bears witness to their faith.*
- **Talk to members about monitoring their child's phone, television, video, and internet viewing/usage.** Inform parents of the risk to their children as they interact online. Teach ways they can shepherd their children as they engage with technology.
- **Develop a recommended reading list** or supply the church library with books that help parents think biblically about parenting and difficult issues that might arise in a child's development.
- **Publish a recommended resource list for abuse prevention materials.** Many parents want to talk to their children about sex abuse prevention but do not know how. Abuse Prevention is most successful when children are taught about body safety and healthy boundaries and are encouraged to openly communicate about sexual matters. Resources are available for parents to read directly with their children. (See Annotated Bibliography.)

How the Church Can Prevent Child Abuse

The protection of children should be a multi-pronged approach that reflects that we cherish and love the children God has gifted us (Ps. 127:3). A church should seek to be a safe environment for children where they can learn about the Lord (Prov. 22:6; Mark 9:42). We want to model for children how Christians are called to love God and one another (Matt. 5:16; 1 Cor. 11:1) Further, we protect the reputation of Christ when we seek to protect children from abuse as it showcases our desire to live in a manner that is above reproach and in line with our faith (Matt. 18:6; Phil. 4:8-9).

- **Create and implement a child abuse policy.** See section on creating a comprehensive Child Protection Plan.
- **Train staff, leaders, and volunteers to recognize and report child abuse.** If you do not have the means for training, consider bringing in an outside organization or program.
- **Insist on background checks** for staff and members who work with children and teenagers.
- **Be known for reporting** suspected abuse or neglect.
- **Communicate to the congregation** that pastoral staff are trained and willing to intervene when abuse is suspected or reported.
- **Clearly articulate abuse as a sin.** Teach that God hates abuse and calls His people to protect the vulnerable.
- **Clarify that abuse is not a private issue.** The church should welcome the exposure of evil and be willing to work with the local government (Rom. 13).
- **Teach your church's theology of abuse.**
- **Require your leaders to model** exemplary sexual lives. Because of their high calling, high visibility, and high influence among us, pastors and other church leaders should be expected to live godly lives (Titus 1:5-9).
- **Address tangential issues** such as pornography and other media which eroticize violence.
- **Extend education to children and teenagers.** Teach them how to recognize and report abuse. Children should understand that, while the Bible tells children to obey their parents, the biblical command for obedience is conditional (Eph. 6:1) and it is good and godly to expose sin.

8. Case Studies

Amanda

At first, Amanda was flattered. Peter, the high school varsity soccer coach, made a point of cheering specifically for her at soccer games. Peter also volunteered in the youth ministry at her church, so he came to the underclassmen games to “support” the players who attended youth group. Though she was only a sophomore, Peter was interested in everything she did. He would even send her encouraging text messages during the day. Peter always shared solid biblical wisdom with her when she faced any challenges in school. Peter was good-looking, and his attention kind of felt nice.

In her junior year, Peter was one of Amanda's soccer coaches. He continued to text tips for how to improve her game and offered to help by setting up a practice session specifically for her before youth group. When Amanda declined because her mom worked during the day and wouldn't be able to drive that early, Peter offered to pick her up. He even said he would bring her home after youth group.

As time went on, Peter would share personal information with Amanda. During one of their car rides, he told her he was having problems in his marriage. He said his wife just didn't understand him. He told Amanda she was jealous of all his sports and "hobbies." She'd complain about the time he spent volunteering at church. Peter then shared his admiration of Amanda's sports knowledge, finesse, and agility. "You're going to make some guy an amazing wife one day," he encouraged.

Eventually the topic of their conversations turned to Amanda and her interest in boys. Amanda began confiding in Peter. One day, she was crying about some guy she liked and how he had treated her poorly. Peter offered a hug. To Amanda, his hug felt a little too long and way too tight, but she felt bad for being suspicious of Peter's intent. She was confused though; the relationship was beginning to make her uneasy.

Peter's attentiveness toward Amanda increased over time. Hugs became routine and lasted longer. Amanda wasn't sure what to do about it. One day, he asked Amanda if she could keep a secret. He confessed he had developed feelings for her and if he even saw her picture on social media, it would lift him from his depression. Amanda told him she was very uncomfortable with the conversation and did not want to hear any more. But Peter said she treated him like a boyfriend. All the time they spent together and all the secrets she shared made Peter want more. He told her it was only right for him to desire physical affection too. He said all he needed was for her to sit on his lap and give him a hug. A hug would help his depression, he said, and the closeness would help him feel so much better. Amanda timidly complied.

As their relationship grew, Peter assured Amanda she was in the driver's seat. He convinced her *she* had pursued the relationship with *him*. Yet each week, he advanced their contact physically. When Amanda hesitated, he threatened to expose her for manipulating him. He said he would tell everyone she was sexting him. Peter said he really didn't want to do that because he knew her feelings for him were genuine. But he insisted she must continue to keep the

relationship secret so that no one could accuse him of having a favorite player. If people were aware they were a “couple,” it would jeopardize her chances of getting a college soccer scholarship.

Amanda was both confused and frightened. She knew what she did was wrong, but she did not recognize Peter’s manipulation. Amanda didn’t know she was being abused. She believed Peter’s lies that she was responsible for the relationship and feared what would happen if anyone knew. In addition, she was afraid of hurting him since she genuinely cared. On top of it, Amanda knew Peter’s wife. She couldn’t imagine causing her to suffer. Amanda had nowhere to turn.

Brainstorming questions for help developing best practices:

1. What structures and/or procedures should your church or ministry already have in place in case a situation like this occurs?
2. Upon discovering the circumstances, what will you do first?
3. What will you do next?
4. Who can you call for help navigating all the details?
5. Who in your church is versed in abuse and compassionate to care for the victim and/or her family?
6. What action steps will you take against the perpetrator?
7. What will you tell the congregation and how?
8. How will you determine if an outside agency will be helpful for this case?

Jane

Jane is a young mother in your church with three small children. The oldest is 3 years old; there’s an 18-month-old, and the baby was born 6 months ago. Jane is disoriented about some of the things that are happening in her home. She doesn’t think her husband’s behavior is right, but she’s unclear how to explain or if she’s gossiping if she shares.

Mark, Jane’s husband, has always been controlling. Often, he isolates her from friends and family. Sometimes he monitors her whereabouts on “Find My Friends.” If she’s even the slightest bit late in coming home when she said, Jane knows there will be consequences. She’s learned to live with Mark’s unrealistic demands, but when it comes to the children, she’s a bit more concerned. The little ones just don’t quite understand why Daddy is always so frustrated and angry. One of the things that disturbs Jane is that Mark

disconnects the heat if he thinks they are spending too much money warming the house in the winter. Jane often carries the baby in the Ergo just to keep them both warm.

More disturbing, however, are the discipline practices Mark uses. Before they had kids, Jane didn't know what Mark believed was appropriate for disciplining children. For instance, Mark insisted it was about time the baby was sleep trained. So, if she cries at night, he goes into the nursery, picks her up, and squeezes her little body so tight she cannot cry or make a sound. Mark won't release the infant until she stops struggling or trying to cry. Mark says this teaches the baby Mark is in charge and that she ought not cry at night. When Jane becomes distressed at the scene and expresses concern, Mark demands she submit to his authority and leave the room.

Jane is equally concerned about Mark's behavior with the toddlers. The 18-month-old is "spanked" with a leather strap for even the smallest infraction—everything from not coming down a steep flight of stairs by herself when Mark wanted her to learn to climb down on her own, to spilling her sippy cup at dinner time. Sometimes the leather strap leaves visible welts on her small bottom that last for days. Once, Jane photographed the welts and documented fingerprint bruises on the arms of her three-year-old. Her son told Jane that Daddy grabbed him after he disobeyed. Mark has even been known to deprive the two older children of dinner or other meals as a punishment.

Jane is scared, but she doesn't know who to tell. So, she approaches one of the elders at your church and reveals only that there's "a problem" in her home. She doesn't share details but describes the problem as Mark being angry all the time. She asks for the elder's discretion in sharing anything with other church leaders. The elder suggests they begin marriage counseling. In their meetings, Jane ambiguously describes Mark's behaviors with the children, but she doesn't call it "abuse." Mark tells the elder he's training the children and leading the home like a godly husband and father. The elder warns Jane to be cautious with the words she uses, reminding her that parents need to discipline their children and won't always do it perfectly.

Jane doesn't know where to turn. She's afraid for her children's safety, but in their counseling sessions the elder continually minimizes what is happening. He seems to believe Mark's version of the circumstances and calls Jane "oversensitive," so she hesitates to reveal further information or to use strong language like "abuse." In private, Mark accuses her of not living in reality.

Three years pass, and Jane can no longer stomach how Mark disciplines the children. The “counseling” failed long ago, so Jane takes the children and leaves her husband and files a report against her husband for child abuse. The elder who was previously involved tells you and child protection services that Jane “never presented evidence of abuse.”

Brainstorming questions for help developing best practices:

1. What structures and/or procedures should your church or ministry already have in place in case a situation like this occurs?
2. What questions would have been helpful for discerning what was happening in the home?
3. What might have been some red flags?
4. How does the “reason to believe” standard help with this situation?
5. Upon discovering the circumstances, what will you do first?
6. What will you do next?
7. Whom can you call for help navigating all the details?
8. Who in your church is versed in child abuse and compassionate to care for the victim and/or family?
9. What action steps will you take against the father?
10. What will you tell the congregation and how?
11. How will you determine if an outside agency will be helpful for this case?

SECTION SIX: THE MISUSE OF SPIRITUAL AUTHORITY

1. Summary Description of Misuse of Spiritual Authority

The reports of abusive spiritual leadership and/or moral failure by called and ordained shepherds is increasing worldwide. Spiritual abuse and its effects are egregiously demonstrated in the stories of Jim Jones and David Koresh but are no less devastating to God’s name when performed by ministers of the PCA or any other religious body.

Spiritual abuse may be manifested by any or all the following:

- Emotional or psychological manipulation based on Scripture,
- Physical and sexual assault,
- Financial exploitation,

- Haughty, manipulative, demeaning, humiliating, accusatory, belittling, or shaming speech and/or behavior,
- Intimidation, coercion, and demand for conformity to non-biblical standards.

Spiritual abuse is an attempt to exert power and control over someone using religion, faith, or beliefs. The Salvation Army includes “when spiritual authority is misused to manipulate peoples’ emotional responses or loyalty for the benefit of the church, institution, or of another individual.”²¹³

Spiritual abuse aims to solidify the power, prestige, and gratification of the abuser. The means are a misuse of Scripture and of the victim’s desire to please God and their leader. Victims suffer shame, confusion, and spiritual doubt, which have a negative impact on the victim’s perception of God’s character. Congregations and the Body of Christ suffer morally and existentially beyond the purely secular and legal definitions of abuse.

2. Expressing God’s Heart

In his first letter to Timothy (3:1-7) the apostle Paul provides a list of qualifications for leaders in Christ’s church. Paul calls leadership a “noble task.” Each character trait proceeds from a heart transformed by the gospel through the power of the Holy Spirit. The picture Paul paints for Timothy is of a leader motivated by the servanthood of Jesus Christ. Leaders are temperate, self-controlled, respectable, gentle, and self-aware of their own failing. They humbly struggle to pursue holiness and are motivated by love for Jesus Christ and their neighbor. Leaders “preserve that authority which God had put upon them.”²¹⁴ They are not dominating, harsh, or uncaring. Leaders must express the heart of God and bless those under their God-given authority. Their leadership must truly seek the good of each member of the congregation and community.

God is the perfect model of leadership; “I am the good shepherd. The good shepherd lays down His life for the sheep” (John 10:11-18). Jesus’s washing

²¹³ “Spiritual Abuse,” Salvation Army New Zealand, Fiji, Tonga, and Samoa Territory, approved December 2005, <https://www.salvationarmy.org.nz/research-policy/positional-statements/spiritual-abuse>.

²¹⁴ *The Westminster Confession of Faith* as adopted by the Presbyterian Church in America (Lawrenceville, GA: PCA CDM, 2007), Q. 129.

of the disciples' feet, even those of His betrayer, teaches us that to lead is to bend down and serve those under our care. The disciples called Jesus "Teacher" and "Lord," and He confirmed those titles. Jesus had enormous, yet restrained strength at His disposal. He laid down His heavenly privilege and, instead, performed the duty of the lowest class in society. Jesus intentionally served those He ruled. He is the opposite of an oppressive leader. The type of leadership Christ intended for His kingdom involves abandoning all self-serving motives and authoritarianism (described as "lording it over" in Matthew 20) for the sake of God's people.

Historically, however, many leaders have been self-serving, motivated by power, authority, and material gain. When confronted, they shift blame. Oppressive leaders wield power and are averse to sacrifice. They are unwilling to relinquish the control that power brings and instead use it to build their own kingdom. God casts the most severe judgment on this abusive type of shepherd. When the Israelite leaders ruled harshly and brutally, Ezekiel told them, "Woe to the shepherds of Israel who only take care of themselves!" (Ezek. 34:2-10). He then asks the rhetorical question, "Should not shepherds take care of the flock?" The prophet then says the Lord is against them, and they will be held accountable.

3. Recognition of the Misuse of Spiritual Authority

Scripture provides many examples of abusive leadership. Abusive leaders fail to apply the gospel to how they lead. In 1 Kings 12, we read of the foolishness of Solomon's son, Rehoboam.

And the king answered the people harshly and forsaking the counsel that the old men had given him, he spoke to them according to the counsel of the young men, saying, "My father made your yoke heavy, but I will add to your yoke. My father disciplined you with whips, but I will discipline you with scorpions" (1 Kings 12:13-14).

Rehoboam was authoritarian in his leadership and Israel paid greatly. In Rehoboam's foolishness, God's people suffered a "split" in the kingdom. Jeroboam led ten of the Israelite tribes away from the center of worship in Jerusalem.

Micah condemns those ". . . who have authority, who abhor justice and make crooked all that is right . . . who build with bloodshed and unrighteousness . .

. your leaders work for money . . . yet they say, ‘Is not the Lord among us?’” (Mic. 3:9-11).

In addition,

- Eli was taken to task by the Lord for honoring his sons, who were false shepherds of God’s people, over Jehovah (1 Sam. 2:27-29).
- King Ahab was an idolater and “did more to provoke the Lord, the God of Israel, to anger than all the kings of Israel who were before him” (1 Kings 16:33).
- King Jehoram murdered his brothers when he ascended to the throne of Judah (2 Chron. 21:4-6).
- The Scribes and Pharisees bound “heavy burdens . . . on people’s shoulders but they themselves [were] not willing to move them with their finger. They [did] all their deeds to be seen by others” (Matt. 23:4-5).

The Lord repeatedly calls those who oppress to repentance (Judg. 6:9; 10:12; 1 Sam. 12:8; 2 Kings 13:4; Ps. 9:9; 10:18; 103:6; 146:7). At times, He even consumes them in His wrath (Ezek. 22:29-31). Those who stand against oppressive behavior and on the side of the oppressed reflect the Lord’s heart for His people.

The Westminster Divines provided a fitting exhortation to those who would seek their own selfish ends over the needs of their subordinates:

Q.130. What are the sins of superiors?

A. The sins of superiors are, besides the neglect of the duties required of them, and inordinate seeking of themselves, their own glory, ease, profit, or pleasure; commanding things unlawful, or not in the power of inferiors to perform; counseling, encouraging, or favoring them in that which is evil; dissuading, discouraging, or discountenancing them in that which is good; correcting them unduly; careless exposing, or leaving them to wrong, temptation, and danger; provoking them to wrath; or anyway dishonoring themselves, or lessening their authority, by an unjust, indiscreet, rigorous, or remiss behavior.²¹⁵

²¹⁵ *The Westminster Larger and Shorter Catechism*, Q. 130.

There is a difference between lording over and serving the flock. “Driven people think they own everything . . . called people, on the other hand, think everything in life is on loan.”²¹⁶ Godly leaders see authority as God-given for His glory. Just as a father is commanded to care for his children and not provoke them to wrath (Eph. 6:4), so a leader in the church must not dishonor himself by provoking those under his care. Harsh, authoritarian, and abusive leadership is roundly denounced by God and the Westminster Divines. It must likewise be denounced by the modern church.

The Misuse of Spiritual Authority by an Organization

In April of 2018, the *New York Times* reported, “Bishops and other leaders of the Roman Catholic Church in Pennsylvania covered up child sexual abuse by more than 300 priests over a period of 70 years, persuading victims not to report the abuse and law enforcement not to investigate it, according to a searing report issued by a grand jury on Tuesday.”²¹⁷

In February of 2019, the *Houston Chronicle* and the *San Antonio Express-News* reported that, over the last twenty years, 380 Southern Baptist church leaders were either convicted of sexual abuse, credibly accused and successfully sued for abuse, or had confessed and resigned due to abuse. *Christianity Today* noted that these church leaders left behind “more than 700 victims.”²¹⁸

Baylor University completed a national “clergy sexual abuse” survey in 2015.²¹⁹ While only evaluating the effectiveness of the church’s response to predatory sexual sins of clergy, it is helpful to us in understanding the need for better ministry regarding the misuse of spiritual authority. Both the impact of

²¹⁶ James M. Kouzes and Barry Z. Posner, eds., *Christian Reflections on the Leadership Challenge* (San Francisco, CA: Jossey-Bass, 2006), 104.

²¹⁷ Laurie Goodstein and Sharon Otterman, “Catholic Priests Abused 1,000 Children in Pennsylvania,” *New York Times*, August 8, 2018, <https://www.nytimes.com/2018/08/14/us/catholic-church-sex-abuse-pennsylvania.html>.

²¹⁸ David Roach, “SBC Recalls ‘Year of Waking Up’ Since Abuse Investigation,” News & Reporting, *Christianity Today*, February 10, 2020, <https://www.christianitytoday.com/news/2020/february/sbc-waking-up-houston-chronicle-abuse-investigation.html>.

²¹⁹ “Clergy Sexual Abuse Research,” Diana R. Garland School of Social Work, Baylor University, accessed August 31, 2021, <https://socialwork.web.baylor.edu/research-impact/ongoing-research/clergy-sexual-abuse-research>.

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the abuse and mishandling of reports by the church are a grave concern. The results of the survey concluded:

- Only 4% of the perpetrators were prosecuted;
- Only 8% Agreed or Strongly Agreed that their church supported them after the abuse occurred;
- Only 8% Agreed or Strongly Agreed that the perpetrator apologized to them;
- 50% Agreed or Strongly Agreed that their experience with the church after the abuse negatively affected their relationship with God;
- 80% Agreed or Strongly Agreed that their experience with the church after the abuse negatively affected their spiritual life;
- Only 9% Agreed or Strongly Agreed the church was helpful when they reported the abuse;
- Only 15% Agreed or Strongly Agreed that their church/denomination thoroughly investigated the report;
- Only 11% Agreed or Strongly Agreed that their church openly communicated with them during the investigation.

Abuse occurs in a favorable environment. This is sometimes referred to as “institutional,” “organizational,” or “systemic”²²⁰ abuse, and can be defined as “A system, such as a family, a government entity, a school, a church or religious organization, a political group, or a social service organization, [which] enables the abuse of the people it purports to protect.”²²¹

The primary leader of an abusive organization may be charismatic, charming, and/or particularly gifted at preaching. This type of leader draws others in and drives the system. People are attracted by magnetic personalities and may voluntarily or even involuntarily become participants in authoritarian and/or abusive leadership. Followers may be driven by the vision of the leader and will protect his position for the church and/or organization and for their own sense of power in the system.

²²⁰ “System” comes from Greek words meaning “to stand” and “together.” When standing together to oppress those under their care, church leaders are systemic in their abuse.

²²¹ Diane Langberg, *Redeeming Power: Understanding Authority and Abuse in the Church* (Grand Rapids, MI: Brazos, 2020), 75.

Non-abusive leaders and/or members may also become complicit in the misuse of spiritual authority if they turn away claims or ignore the occurrence. They may protect the leader because they have not themselves experienced the abuse others have. Complicity likewise occurs when people believe that truthfulness damages Christ’s name or the reputation of his church. When leaders practice oppressive behaviors, those who experience the abuse or receive a report have a responsibility to seek healing and justice. Christ’s name and reputation are glorified when the church stands against those who damage others.

Signs of the Misuse of Spiritual Authority

Mary Demuth lists ten signs of a spiritual abuser in ministry.²²² These include but are not limited to the following.

- **Distorted view of respect:** A spiritually abusive leader forgets respect is earned, not granted, and demands it without humble servanthood.
- **Demands personal allegiance as proof of allegiance to Christ:** For a spiritually abusive leader, the only acceptable path for followers is obedience. Absolute submission to the leader gives evidence that the follower is “Christ-like.”
- **“Exclusivity” language:** A spiritually abusive leader’s way is the right and true way; everyone else is wrong or misguided.
- **A culture of fear and shame:** The culture a spiritually abusive leader creates silences critics, searches out failure in others, and humiliates people into compliance.
- **Personality cult:** A spiritually abusive leader encourages a cult of personality consisting of “yes people” isolated from the needs of others in the congregation. Often, a charismatic leader will slip into arrogance, defensiveness, and pride.
- **Dependence:** A spiritually abusive leader will promote himself or a small group of devoted followers for spiritual information. Personal and independent discipleship in this atmosphere is discouraged.

²²² Mary DeMuth, “10 Ways to Spot Spiritual Abuse,” *Mary DeMuth* (blog), September 6, 2016, <https://www.marydemuth.com/spiritual-abuse-10-ways-to-spot-it/>.

- **Demand blind servitude of followers but live privileged lives:** A spiritually abusive leader takes the first seat and justifies his material extravagance as God’s favor and blessing on his ministry.
- **Buffered from criticism:** A spiritually abusive leader does this surrounding himself with only those who commit to absolute allegiance. Those with legitimate concerns are considered enemies, banished, or battered into submission, and/or crushed.
- **Outward performance over authentic spirituality:** A spiritually abusive leader often demands strict behavior and adherence to rules from congregants, but practices licentiousness, greed, and uncontrolled addictions behind closed doors.
- **Unswerving allegiance from the inner circle:** Fear of a spiritually abusive leader prevents anyone from confronting with their concerns.

These are additional characteristics of systemic misuse of spiritual authority.

- **Pharisaical teaching:** The church tends to be “pharisaical” in their application of biblical teaching. More emphasis is placed on personal piety than on the gospel of Christ’s saving work.
- **Public prestige and undue influence:** The leadership of the church has significant public prestige and has undue influence on their membership. Members have great difficulty disagreeing with their leaders due to the power of spiritual authority they exhibit.
- **Pious image:** Much is made in the church of keeping up an image of piety among members and the church as an organization. The leadership may hide behind passages such as Matthew 18 when members complain openly about the leadership. The leadership may demand Non-Disclosure Agreements (NDAs) from those who leave the employ of the church. Each may be an attempt to maintain a pious image.
- **Denial and damage control:** When responding to criticism, they emphasize denial and damage control. Their first response to criticism is that leadership in the church would “never do such a thing.” The leadership tends to first look for ways to lessen the impact on attendance, giving, and reputation. They may look for “scapegoats” to shift the responsibility of leadership failure.
- **Willfully unresponsive:** Humility is lacking. There appears to be little willingness to hear criticism. Therefore, the church fails to change.

An organizational misuse of spiritual authority is particularly difficult for victims to identify and seek to rectify. Abuse typically involves more than one leader, so there may be little support to confront the abusive leadership. Because the organization (group) has exhibited the above abusive attitudes and actions, and any disagreement is seen as disloyal or rebellious, it is problematic for the victim to find others who can confirm abuse is taking place.

4. Responding to Reports of the Misuse of Spiritual Authority

The unfortunate response of many institutions and churches has been to ignore or cover up abuse. For a victim, this feels as if they have been betrayed twice. Often the second betrayal is worse than the first. It results in shame and ostracism, with further emotional, spiritual, and physical harm. Those who suffer under abusive leadership may struggle in their relationship with both the church and with God. Many “deconstruct.” When abuse occurs, churches and institutions must have established processes for comforting and restoring victims.

Victims

Abuse by a “man of God” is confusing, which creates significant difficulty for reporting. Spiritual abuse causes one to doubt their own perceptions. Victims may be paralyzed as they struggle with how to respond. The problem is further exacerbated as details might not materialize all at once. The consistent questioning of reality by a victim may result in convincing oneself the abuse did not occur. Also, it’s not uncommon for a victim to rationalize the abuser’s behavior. Victims will say they gave the abuser the “full benefit of doubt” and chose to respond to the circumstances with “charitable judgment.” In the most twisted scenario, victims may even question whether God ordained the leader’s behavior.

At times, seemingly small blemishes are the first sign of a much deeper problem. These flaws in the fabric of an institution become toxic over time. Therefore, both egregious failings and mundane concerns must be reported.

Lack of a recognizable, trustworthy source for reporting leads to inertia, and further compounds damage to the flock. Delayed reporting impedes the following:

- Confrontation of the abusive leader,
- Cessation of abuse,

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- Repair, and/or
- Reconciliation.

In the absence of a means for reporting, the victim and/or family may make the mistake of questioning the abuser directly without adequate preparation and/or protection. Because of the power and status of the abuser relative to the victim, it is rare that a “brother to brother” appeal (as described in Matthew 18:15-19) will result in resolution or repentance. There is also significant risk of causing further consternation and damage to the victim. (See Matthew 7 discussion below under “Shepherding the Abusive Leader.”)

The high incidence of abuse of all forms requires a clearly identified, empathetic, formally established, well-trained, and user-friendly means of reporting. When a report is made, the following should be kept in mind.

- **Confidentiality:** Assure the victim their story is safe, and you will only share what they allow. Encourage them to share as much as they are comfortable sharing, keeping in mind the victim may not want to say everything.
- **Put the victim at ease:** The victim may not trust you completely. If you are a leader in the institution, the victim may naturally question if you may be abusive or complicit. Affirm you will care for them above the institution.
- **Listen attentively:** Try not to interrupt, carefully discern when to ask for more detail.
- **Resist critiquing.** Often those who hear stories of abuse criticize how the story is told. This confuses victims. Allow them to share however they choose.
- **Believe the story:** There will be time to sort out the veracity of the victims’ claims. In the beginning it is important to give them a trusted place to share. It is important to sit with the ambiguities and resist asking questions about the victim’s credibility and motivations.
- **Be patient:** If the abuse has been sexual in nature, the victim may be particularly hesitant to share the full story.
- **Write down as many direct quotes as possible:** It is important to have an accurate account of the report in order to pass along information to those who will bring accountability to the accused.
- **Be supportive, compassionate, and affirm the victim’s bravery in reporting:** Assure the victim this was not their fault. The

responsibility of abusive behavior is always the abuser's. Ensure you will do what you can to help.

- **Give the victim as much information as you can about next steps:** Give the victim options. Let them know that you will do your best to support and protect them and that you are going to talk to people who can help.
- **Follow up.** Let the victim know what steps have been taken or will be taken. This is a very vulnerable time and position, so it is important that they are fully informed.
- **Know your limits.** If you have limited training in abuse, humbly seek expertise. Though you may be well-meaning, be careful to only do what is legal and what provides safety to the victim.

Abuser

Some of the most charming and likeable leaders are also the most adept at hiding evil behavior. Lawyer and psychologist, Dr. Wendy L. Patrick, wrote, “Having spent over two decades prosecuting cases of domestic abuse, I've seen that perpetrators can fly under the radar for years because they are able to disarm with charm—clothing themselves with (misplaced) trustworthiness and credibility.”²²³

Abusive leaders deny accusations, especially in response to people perceived as weak. This is particularly prevalent in any private conversations with the victim. Solo confrontation of the abuser by the victim is likely to result in one or more of the following:

- Gaslighting,
- Verbal attack,
- Threat, and/or
- Blaming the victim.

An abuser will typically try to silence the victim by . . .

- Appealing to the cause of Christ,

²²³ Wendy L. Patrick, “Behind the Façade: The Socially Charming Domestic Abuser” Why Bad Looks Good (blog), *Psychology Today*, April 12, 2018, <https://www.psychologytoday.com/us/blog/why-bad-looks-good/201804/behind-the-fa-ade-the-socially-charming-domestic-abuser>.

- Appealing to the sanctity and harmony of the church,
- Appealing to the abuser's authority,
- Appealing to biblical exegesis,
- The deployment of friends or other means at his disposal, and/or
- Evoking a non-disclosure agreement and threaten attached penalties.

Without confrontation, abuse continues and escalates. Ending abuse requires challenge by a greater or independent authority. Evidence of this is found in 2 Samuel 12 as Nathan confronts King David. David would not have repented without Nathan's confrontation. Confrontation must be biblical and loving, however powerful enough to produce true repentance. Such greater power comes only from the Holy Spirit.

5. Reporting

Reporting the misuse of spiritual authority depends on the type of abuse committed by a leader in the church.

Be familiar with the reporting requirements in your state. Typically, these laws are less stringent for adult abuse than they are for child abuse. It is recommended the following be appointed to respond to the survivor and accused:

1. Church Advocacy Group and
2. Session Crisis Intervention Team

Church Advocacy Group

Those who have experienced any form of abuse and/or assault should have an easily accessible, empathetic, reliable, and formal means of reporting. Persons with like experience or situation help somewhat in decreasing fear of reporting. Appointed and highly visible advocates in the local church might include a small group of well-trained members.

The advocacy group should document the concern or complaint in sufficient detail to categorize it as reportable to public authorities (such as physical abuse, rape, sexual assault, physical assault, battery, kidnapping, etc.) or non-reportable (spiritual, verbal, emotional, financial abuse short of the above, doctrinal error, abusive leadership, sexual harassment, adultery, deceit, etc.).

Crisis Intervention Team

The Crisis Intervention Team should consist of effective, wise, and disciplined elders (other than those assigned to advocacy group) able to intervene promptly, efficiently, and effectively to the complaint.

Major tasks will be to . . .

1. Investigate the matter,
2. Relieve any allegedly abusive leaders from duty (after confirmed disclosure, family safety, and abused must set the pace), and
3. Provide shepherding counsel and support to victims, abusers, and their families.

The Crisis Intervention Team is also responsible as a liaison with Presbytery and communication to and with the congregation and general public regarding the matter. Truth, honesty, and accountability should be the hallmarks of the team's interactions with the accused, congregation, Presbytery, and with the public.

The Crisis Intervention Team (or appointed elder) should inform the accused leader of the charge and relieve him from duty immediately (after confirmed disclosure, family safety, and the abused must set the pace). They should conduct their investigation in such a way as to carefully shepherd the victim and preserve their safety (see "Redemptive Shepherding" below), anonymity, privacy, and welfare.

Reportable complaints should be given to police. The Advocacy Group and/or Crisis Intervention Team should inform the pastor and/or Session (the latter only if the pastor is implicated) immediately after submission to authorities and give them their written report. This is to avoid cover up for serious crimes and offenses at the beginning, the most crucial phase of the process.

Non-reportable complaints should be written in sufficient detail and presented to the Session. It is wise to shield a victim's identity unless given permission to disclose. If the complaint is warranted, the Session might plan a strategy to confront the accused. A complaint considered unwarranted should be documented and provided to the accuser with the reasons for the determination.

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The Advocacy Group and Crisis Intervention Team or representative elder should meet with the accused after the complaint is lodged, as soon as possible if reported to authorities. Prior to this meeting, they should engage in prayer for wisdom, discernment, and the preservation of the honor of Christ and His church, as well as for grace in approach to both parties.

A written complaint should be presented to the accused leader. The accused's response will be documented verbatim by the advocates, including the responses to appropriate further clarifying questions. Such questions should provide details of . . .

- Factual occurrence,
- Motives,
- Emotions,
- Prior events pertinent to the investigation as seen fit by the investigators and accused,
- Specific disagreement,
- Regret,
- Remorse, or
- Repentance expressed by the accused.

Each answer should be recorded in as much detail as possible, using direct quotes rather than paraphrases. These questions and statements should be recorded and documented until the meeting has reached a conclusion. Questions refused should also be so recorded.

The Advocacy Group and Crisis Intervention Team or representative elder should meet following a confrontation for prayer and to deliberate upon, analyze, and formulate their findings and conclusion of the preliminary investigation. They should document their findings and recommendations for further pursuit of the complaint in writing and submit them to the accused. At the presentation to the accused, the team should record any rebuttal, clarification, or other response of the accused.

The Advocacy Group and Crisis Intervention Team or representative elder should prayerfully deliberate on the written complaint, response, and rebuttal, and amend or sustain the original findings and recommendation in a final report. This report should be given to both accuser and accused. The following are possible courses of action that may be recommended to the Session.

1. **The issue is to be resolved with follow-up** by the Advocacy Group and Crisis Intervention Team or representative elder to both parties separately.
2. **The issue requires further investigation** by Session and/or outside investigators or counsel before actions can be recommended.
3. **The abuse report requires immediate action** such as contacting the police or Presbytery if not already reported, suspension from duty, or medical/psychiatric intervention.
4. **Action requires a formal program** of biblical counseling, spiritual discipline, mentoring, and accountability of progress in conformity to Christ by one or both parties.
5. **Formal charges or dissolution of pastoral relationship is warranted.**

Bringing Charges Against a Teaching Elder

Besides prayer, confrontation, deliberation, and investigation, it is important that PCA churches avail themselves of the formal system for accountability if a teaching elder is exhibiting signs of abuse and refusing to repent.

The *PCA Book of Church Order (BCO)* Chapter 34 is titled “Special Rules Pertaining to Process Against a Minister.” A church minister (teaching elder) is a “member” of a Presbytery, not the local church. Therefore, when his sin is repetitive following the attempt of members to confront him, it is necessary to pursue accountability through members of the Presbytery (34-4).

There are three possible ways to proceed by the Session or church members:

1. Discuss the matter with another elder in the Presbytery, of which the teaching elder is a member, seeking their personal aid in further confrontation;
2. Bring clear, documented proof of unrepentant leadership failure to the committee that handles charges brought against member pastors for their consultation;
3. Bring charges against the minister before this committee. Two witnesses must bring testimony (*BCO* 34-5) or there must be clear “corroborative evidence.”

Although the first and second options may be less intimidating to church members, bringing an abusive leader to trial may be necessary to provide

safety to the greater church. A teaching elder who has been found unrepentant will be publicly disallowed from ministry in the PCA as long as evidence of unrepentance remains.

However, it must be understood that leadership failure that does not involve “heretical” teaching must clearly evidence damage to Christ’s church.

Heresy and schism may be of such a nature as to warrant deposition; but errors ought to be carefully considered, whether they strike at the vitals of religion and are industriously spread, or whether they arise from the weakness of the human understanding and are not likely to do much injury (BCO 34-5).

Should the congregation wish to remove a teaching elder due to his spiritual abuse, they are required to follow these steps.

1. “. . . there shall always be a meeting of the congregation called and conducted in the same manner as the call of the Pastor” (BCO 23-1).
2. The meeting must be presided over by a ruling or teaching elder of the PCA.
3. The will of the congregation (as voted upon) is presented to the Presbytery for approval for the “dissolution of the pastoral relation.”

Independent Investigation and Outside Counsel

After the Session has received the preliminary investigation report of the Advocacy Group/elder, they may wish to investigate further or engage expert outside counsel. Outside independent counsel should be sought for potential felony, sexual harassment complaints, serious breach of biblical doctrine, evidence of toxic leadership, or any complaint that was reported to police or public agencies. Examples of such outside counsel include legal, certified public accountants, trained counselors, trained advocates, psychological and/or medical personnel, and/or seminary faculty with expertise in the field.

Urgency of outside assistance is warranted if the victim exhibits these signs:

- Agitation,

- Depression, and
- Suicidality.

Or if the following are true:

- Victim has insufficient resources available;
- There is complexity to the complaint;
- The complaint is extensive;
- There is great potential for harm if mishandled.

The safety of the victim(s), responsibility of the church, and the accountability of a guilty leader are foremost in the work of an independent counsel. *The church's image does not take precedence over truthfulness and repentance.*

6. Redemptive Shepherding

Shepherding the Victim

The consequences of abusive leadership are significant for a congregation and will require intensive grace and repair by the Holy Spirit. Sessions are called to shepherd the flock by lovingly and effectively bringing God's comfort and restoration to redeem the horrendous sin of the misuse of spiritual authority. Ministering to the victim of abusive leadership is intended to provide opportunity for healing physically, emotionally, and spiritually.

Ministry to the victim involves the following:

- A safe place and person (people) with whom to share their story,
- Counseling with a counselor trained in spiritual abuse and trauma,
- Any medical care necessary (physical or mental),
- Spiritual counsel that affirms the victim's experience and patient and gracious teaching on Jesus's steadfast love for His child,
- Help in bringing accountability to those who have misused their spiritual authority.

This shepherding care should be assigned to well-trained elders and counselors. These caregivers should be capable of demonstrating God's grace in order to improve and heal the traumas specific to the victim(s). Victims have different needs, and to effectively minister, elders and counselors must understand these complexities.

Redemptive shepherding will be costly in time, effort, and tears. Shepherding care must be sustained until significant healing has been accomplished. Shepherding should occur as quickly as possible and be assigned to skilled counselors.

Shepherding the Abusive Leader

Matthew 18 speaks of brother-to-brother exhortation, implying confrontation of leaders from a similar position of rank. A church must make every attempt to obtain the sinful leader's repentance through direct and individual confrontation (BCO 34-3). Jesus teaches this process in Matthew 18:15-20. It is a step-by-step means of graciously turning a sinner from his sin. Each step in Jesus's instructions provides a "raising of the stakes" as more people, including those with greater authority, are consulted and involved in the confrontation.

Scripture also provides direction in cases where a subordinate confronting one in authority may be treacherous. "Do not give dogs what is holy, and do not throw your pearls before pigs, lest they trample them underfoot and turn to attack you (Matt. 7:6)." Throwing the pearls of the truth before abusers may result in further harm to the victim (Prov. 23:9; 26:4). In a case where the oppressor is in authority over the victim and has a history of unrepentance when confronted, he may be considered dangerous. Confrontation can negatively impact the life of the victim(s) causing further emotional or spiritual trauma. Jesus provides freedom for an accuser to liberate themselves from greater harm by confronting their abuser. Those who have God-given leadership authority must take responsibility for bringing Christ's authority to bear on an errant leader. This provides safety for the victim(s), vindication for those who support them, and accountability for the offender.

Jesus calls those who have been sinned against to confront an offending brother with an attitude of humility. The one who challenges a brother in his sin should humbly prepare himself first by recognizing his own sin. He must take care to remember Jesus suffered on behalf of both his sin and that of the offender's.

The following are difficulties in bringing accountability to leaders who perpetrate abuse.

- **Hesitancy to Report.** Victims are aware they may not be believed, even though an overwhelming number of reports are

accurate and true. Reporting is often a great risk for the victim; therefore, many do not come forward.

- **Aggressive Defensiveness:** The abuser, typically a superior in a better, socially integrated position in the institution or organization, becomes aggressively defensive. DARVO articulates three known tactics of this type of defense,
 - **Deny** the abuse ever took place,
 - **Attack** the victim for attempting to hold the abuser accountable, and
 - **Claim** they are the real victim, thus **Reverse Victim and Offender**.

This is considered a specific form of gaslighting and is usually accompanied by emotional, physical, and/or legal threats against the victim. It creates a very difficult situation for victim- to-abuser confrontation.

Those who are accused of misusing their spiritual authority should be immediately removed from positions of authority while an investigation takes place in order to protect the congregation from possible further harm.

Finally, those who are found after investigation to have misused their spiritual authority should be encouraged to seek skilled counseling in abuse. Every effort should be made to bring the offender to repentance and healing.

Mishandling Reports

Mishandling of spiritual abuse by a church and/or Presbytery produces very serious repercussions for the victims, for the congregation, and for the honor of God's name. The emotional, physical, and spiritual harm done to victims of abusive authority is further compounded when those charged with caring for God's people fail to respond adequately to their cries for help.

Mishandling may occur through failure at multiple levels.

- **Friends:** When sharing their experiences, a victim may seek counsel from friends. These friends may not believe the victim and fail to provide empathetic care. In addition, they may gossip and cause greater shame. Friends may also pass information on to others, including the abusive leader, who will then cause further harm to the victim. Abusive leaders will do anything to protect themselves from unwanted scrutiny.

- **Leaders:** Much like friends, leaders may fail to listen well and take steps to rectify the abuse. If the goal is to protect leadership or a church's image, leaders may fail to both provide a safe place for the reporting of the abuse and accountability for the one misusing their spiritual authority. They may try to cover up the abuse. Other leaders may also pressure the victim to forgive and forget. Finally, they may also pass the information on to the abusive leader creating greater danger for the victim.

Unfortunately, it is more common for a church to create further damage to the victim's spiritual and emotional health through the mishandling of reporting than it is to be a safe place to find justice and healing. Church split or splinters are more likely to occur when church leaders fail to hold abusers accountable.

7. Prevention of the Misuse of Spiritual Authority

Institutions have ethical and legal obligations to lessen the risk of abuse and safeguard members by implementing . . .

- Appropriate policies,
- Reoccurring education,
- Careful hiring practices,
- Safe methods for reporting concerns,
- Prompt unbiased preliminary investigations,
- Referral to expert forensic investigator practices,
- Pastoral and psychological support,
- Procedure for submission to legal authorities, and
- Procedure for removal of suspected perpetrators from the possibility of further harm.

As a denomination, the PCA is committed to scriptural authority and trained, godly leadership. What do we look for in church leaders? Whereas every leader bears the sin of Adam, the shepherding of God's people requires maturity in the progression of sanctification (Titus 1:5-9, *BCO* 8-2). God has revealed in Scripture the standards for leadership as well as instruction in what it means to be a leader of God's people.

In the *Book of Church Order* (21-5) a candidate for ordination is asked eight questions, two of which are:

6. Do you promise to be zealous and faithful in maintaining the truths of the gospel and the purity and peace and unity of the Church, whatever persecution or opposition may arise unto you on that account?
7. Do you engage to be faithful and diligent in the exercise of all your duties as a Christian and a minister of the gospel, whether personal or relational, private or public; and to endeavor by the grace of God to adorn the profession of the gospel in your manner of life, and to walk with exemplary piety before the flock of which God shall make you overseer?

A minister of the gospel in the PCA is expected to strive for purity of doctrine and the unity and peace of his congregation. He is to “adorn the profession of the gospel” in his relationships and teaching. Timothy Witmer writes, “In leading the flock, shepherds must be motivated by love for the Lord and for the well-being of the sheep. It must be evident to the congregation that the leadership of the elders is exercised for the good of the people and not for the benefit of the leaders.”²²⁴

Leaders who practice domestic and sexual violence believe they are “entitled.” Leaders who abuse their place of leadership likewise believe they are entitled to their position of authority and control of the congregation. Leaders who neglect to recognize that their authority is *from* Jesus Christ and *under* His ultimate authority fail to lead in Christ-honoring ways.

The Ordination Process

Candidates for the gospel ministry and others employed for spiritual oversight (Sunday school teachers, youth leaders, etc.) should be examined carefully to determine their godly character. Presbyteries and Sessions are encouraged to carefully investigate a candidate for leadership roles including, but not limited to, the candidate’s knowledge of theology. Background checks, social media checks, and careful reference checks should be used to screen for abusive leadership.

As men apply to come under care by Presbyteries, it is imperative these steps be taken to confirm the calling of a man to the gospel ministry.

²²⁴ Timothy Z. Witmer, *Shepherd Leader* (Phillipsburg, NJ: P&R Publishing, 2010), 156, Kindle.

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1. The recommending Session must carefully evaluate the applicant's family, finances, and leadership philosophy and skills before recommending him to come under care of the Presbytery.
2. The Presbytery committee responsible for taking a man "under care" should confirm, through interviews of the applicant and his wife (if applicable), application, and recommendation forms, that the man satisfies the requirements found in Titus 1:5-9 and 1 Timothy 3:1-7.

Careful attention should be given to how the applicant performed in past and present positions of leadership in the workplace and home. Questions should be asked to determine the following:

- Candidate's interactions with his wife,
- Candidate's interactions with and discipline of his children,
- The candidate's work in team settings,
- The candidate's leadership philosophy in the workplace or other settings where he has authority over others,
- The candidate's willingness to acknowledge wrongdoing and repent,
- The candidate's childhood and spiritual development: Persons with significant childhood adversity, including abuse or neglect, or excessively privileged upbringing have much higher risk of being abusive.

Pastoral Ministry

Once employed, many in spiritual leadership lack consistent mentorship, accountability, and external discipleship. In the rush of daily ministry and stress of crisis intervention, it is easy to neglect prayer, Bible meditation, and re-creation in the Lord and His people. A formal accountability program and mentor should be established at the Presbytery level for each leader in ministry. This mentor will assist in recognizing early deviations from God's instructions for His leaders in the church.

Finally, success and power, especially in the world's eyes, can easily corrupt. These were the temptations offered to Christ in the desert by Satan. Should success and power be given, it must be used judiciously only for God's glory, not one's own.

8. Case Studies

Jacob

Jacob was still in college when he and his wife joined a new PCA church plant in their town. It was in an affluent area with many wealthy families. These families were the backbone of this small, dedicated congregation. The pastor was an excellent speaker, effective in ministering to the members from the pulpit. He was the founding pastor of the church plant that was administered by elders. Within six short months, Jacob and the pastor formed a close bond. His pastor asked Jacob to join the staff in an administrative position and to serve as a ruling elder on the Session.

In time, Jacob began to observe that his pastor was overly focused on gathering people to hear him preach. Jacob said it felt like his pastor had an unhealthy infatuation with the praise and applause of his followers. Jacob believed the purpose of church leadership was to model Christlikeness and train the “saints” for the works of ministry, not simply to gather them to hear one uniquely gifted teacher. Jacob brought the issue to his pastor in the most non-judgmental way he could. Because of his childhood abuse experience, Jacob was also particularly sensitive to “being wrong.” This insecurity made him make sure to take the log out of his own eye before confronting anyone in their sin.

Jacob was unprepared for the response. The pastor immediately shifted the blame to Jacob. He walked away from that confrontation with the nagging feeling his pastor was sinfully proud. He noticed that when a young, recently married couple began to have serious marital conflict and asked for an appointment with the pastor, the pastor scheduled them two weeks out. However, when a wealthy, attractive woman, the good friend of an influential pastor in the PCA, asked for an appointment to discuss the pastor’s teaching, she was immediately given a hearing at her home.

The pastor’s self-centeredness also became apparent in his handling of the church’s money. He hired a personal assistant, gave himself a significant raise, and signed himself up for a medical plan without Session approval. When the church purchased office space, the pastor spent a large sum on the remodeling—again, without Session approval.

Jim

Jim, a former college ministry leader, was a dynamic individual who most folks thought of as a people-magnet. Daniel was recruited by Jim, his former college leader, to work for him as an assistant with his church-planting work. Jim, as the church planting pastor, gave Daniel extensive duties, all which Daniel considered helpful for his growth as a young pastor. However, as Jim laid task after task at Daniel's feet, he would not help him prioritize. So, Daniel carefully considered the needs and prioritized the duties himself.

One Sunday morning, Daniel and Jim had a disagreement over the observance of the Lord's Supper, and Jim put Daniel on suspension. The intent was to have the Session discuss his case a week later. Daniel's church had mostly borrowed elders, friends of Jim, who did not live locally but out of state. As Jim's friends, the Session did his bidding and did not provide the type of oversight a Session is called to perform.

Jim did not seek to understand Daniel, nor did he provide an opportunity to discuss any options that might help them both move forward. Daniel said Jim displayed a shocking change of attitude that took him by surprise. Although Daniel was reinstated the next week, he and his wife felt they were walking on eggshells.

Some months later Daniel was told he needed to maintain a chart of 30-minute increments and record all he did both personally and at work. He was also instructed to report with whom he met during the day. The men in charge of Daniel's oversight were tasked with discussing the reports with Jim.

Eventually, the elders voted to dissolve Daniel's call to the church and ask for his resignation. It was explained to Daniel that if he chose to go to the Presbytery to challenge the decision, he would give up his severance package as a conditional response to a previously signed non-disclosure agreement.

During several months of transition Daniel was given strict instructions not to meet with certain individuals at the church, and he was required to tell Jim what was said if he did meet with anyone. Daniel said, "If I did talk with people at all, my narrative was to be that 'I fired myself' by my actions . . . that I was the only party that acted wrongly. One of Jim's friends on the Session continued to call and threaten Daniel.

Since Daniel's departure, the church has particularized. The Session continues to witness conflicts between Jim, his assistants, and members of the congregation.

Mark

Mark, a church planter in the PCA, lived and ministered in a major U.S. city and, over the course of several years, successfully established a thriving church. Mark and his wife were hospitable, regularly welcomed a variety of people into their home, and eagerly shared the love of Christ. Mark had a charismatic personality and extensive business experience. As the church grew and organized, a group of men surrounded him, becoming part of the early leadership structure. These men were fiercely loyal to their pastor and valued his insight and direction.

Mark's marriage, however, was deeply broken. This came to the attention of those closest to him, so they enfolded the couple in an effort to help. What became obvious to these men throughout the process, however, was Mark's severe ill-treatment of his wife and patterns of abusive behavior. The team graciously entered into the situation and provided a safe place for Mark and his wife to get counsel and pursue restoration. But what should have been a path toward repentance, forgiveness, and healing instead became a battle for control.

Mark responded to his leaders' efforts by discrediting each one of them, questioning their motives and actions. Mark's unrelenting accusations and criticisms wore them down. In the end, two of the four leaders moved on to other churches. One particularly discouraged leader left the PCA altogether.

The pastor's abusive behavior continued to wreak havoc on his marriage and in the church. When they particularized, the Session of the church, similar to the early leadership team, witnessed the brokenness of Mark's marriage. Like the leadership team, they pursued him in order to encourage his marriage relationship.

Again, Mark rejected his fellow leaders. This time, the Presbytery was asked by the Session to step in and help. After countless hours of counsel and investigation with little response from Mark, the Presbytery Committee recommended his removal. Rather than respond humbly, receiving the loving

counsel of his brothers, Mark wrote a scathing letter to the Presbytery and asked that they remove his name from the rolls.

As one of the original leadership team members confessed, it was difficult to pursue what appeared to be the censure of a leader when that leader was manipulative and had great relational capital in the church. However, Mark's response to their confrontation should have raised red flags immediately, and accountability should have been achieved by the Presbytery.

Ethan

Ethan was hired as an assistant pastor in a medium-sized PCA church. He and his wife, Amelia, enjoyed and were challenged by the grace-filled messages the pastor preached. Having left his former pastorate under a cloud of suspicion, Pastor Fredrick told the search committee and his new congregation when he was interviewed that he was the "victim" of the elders of the church he had served prior to coming. They "felt bad for the guy." The pastor mentioned Ethan as a reason he wanted to serve in that particular church. Ethan was encouraged by the ego-gratifying comments.

Soon after moving into his new office at the church, Fredrick put black paper over his office window. A few staff members thought it odd, but no action was recommended. Despite the nagging feeling Ethan had about Fredrick's strange behaviors, he worked hard to get along with his pastor. He remembered Fredrick saying that the assistant pastor in his previous church "hacked" him. Ethan did not want to be like Fredrick's former assistant: suspicious or distrusting. He believed Christians are called to grace, so he was determined to show Fredrick the grace the pastor did not receive in his previous church situation.

It was within a year of being installed that pornographic videos from Netflix showed up in the church mail. A couple years later, several of Fredrick's hidden moral failures also became apparent. It turned out he was plagiarizing his sermons and Bible studies. However, in response, Fredrick preached that love gives the benefit of the doubt. So, the congregation chose to overlook the offenses.

It is difficult for Christians to accept that a leader in the church can be so evil as to lie and manipulate with little or no sign of remorse. It is common for a congregation to stand behind the leader. During his years of ministry, it became clear that Fredrick's leadership was deeply flawed. The way he led the

church did not reflect a servant and sacrificial leadership that God’s shepherds are called to. The elders became convinced that it was important for the witness of Christ to stand at the center of their church leadership and that they, as the gatekeepers, must hold their leader accountable. The Session asked for Fredrick’s resignation and the Presbytery voted to depose him from ministry.

There were many attempts by the congregation and Presbytery to shepherd and help Fredrick. Rather than submit to their oversight and authority, he resigned. He went on to start another church in a different denomination. Looking back, Ethan said there were several red flags he should have seen. To this day, he lives with the guilt that he failed his congregation by not identifying the abusive leadership sooner and taking the steps necessary to bring him to accountability.

Brainstorming questions for help developing best practices:

1. What are some “red flags” in each of these stories that warrant further investigation?
2. What structures might have helped eliminate any of these mistreatments?
3. How would you respond to a report of a leader who misuses his power or authority?
4. What systems do you have in place to identify oppressive leadership?
5. What is the process for reporting in your church?
6. How have you helped your staff and/or congregation identify unhealthy types of leadership?

ATTACHMENTS

Attachment 1: Definitions

The following terminology is often used by those who work with abusers and victims. The inclusion of this list is neither an endorsement nor rejection of the terms or authors. The viewpoints included do not necessarily reflect the beliefs or official position of the PCA. This list is included for information and further study.

Abuse

Abuse is the treatment of any person that is callous, often cruel, for selfish reasons, and that has deeply detrimental effects on the person physically and/or sexually, emotionally, and spiritually. The image of God in the victim of such treatment is completely denied.

Accommodation Syndrome

Lacking insight to recognize, describe, and solve the problem of abuse, the victim establishes a habitual pattern of adjustment to the perpetrator characterized by loyalty and support of the perpetrator. The *Stockholm, Battered Women's*, and *Patty Hearst Syndromes* are similar.

Antisocial Personality Disorder

A pattern of disregard for, and violation of, the rights of others.²²⁵

Authoritarianism

The enforcement or advocacy of strict adherence to authority at the expense of personal freedom.

Battered Women's Syndrome

Behaviors and emotions of a woman who has been abused, similar to PTSD.²²⁶

Bullying

Targeted intimidation or humiliation by a person of greater physical or social power against a person of perceived lesser status.

²²⁵ American Psychiatric Association, *Diagnostic and Statistical Manual of Mental Disorders*, 5th ed. (Washington, DC: APA Publishing, 2013), 645.

²²⁶ Lenore Walker, *The Battered Woman* (New York: William Morrow Paperbacks, 1980).

Child Advocacy Centers

One of 800 centers worldwide providing standardized, comprehensive, and coordinated multi-disciplinary management for victims and families.

Child (and Adult) Protective Services

Local government service bureau charged with responsibility of protecting those reported to be at risk or suspected of abuse victimization.

Childhood Sexual Abuse

Involves the traumatic use of a minor child for sexual gratification by a person in a position of power or authority and expected trustworthiness. The sexual abuse has components of emotional, verbal, and spiritual abuse. The status difference between the child and the abuser makes it impossible for the child to give free, informed consent or to say “no” meaningfully.

Clergy Abuse

Clergy abuse is when a pastor uses his position of spiritual trust to harm. Clergy abuse is always a form of spiritual abuse, but it often also takes the form of emotional, financial, or sexual abuse. The impact of abuse by a pastor who is ministering in the name of Jesus the Good Shepherd is devastating. Clergy sexual abuse is not an “affair” or a “relationship” but a predatory sin against a vulnerable sheep. When a pastor crosses any sexual boundary with a congregant, whether a child or an adult, it is clergy sexual abuse.²²⁷

Clergy-Perpetuated Sexual Abuse

Sexual abuse occurring within the context of activities, setting, or relationships endorsed or fostered by official or unofficial policies and procedures of a religious institution. Such abuse typically employs spiritually persuasive power exerted by the abuser and produces an enhanced sense of emotional and existential betrayal in the victim.

Coercive Control

An attempt by one individual in a relationship to dominate the other for the purpose of controlling their autonomy, freedom, and individuality as a person. This includes both violent and nonviolent tactics. “Coercive control is used to

²²⁷ J. Holcomb, (2020) *Abuse and the Church: Types of Abuse* [PowerPoint presentation]. Retrieved from RTS Instructure. See also the Biblical and Theological section of this report for a fuller discussion.

instill fear and compliance in a partner. This type of mistreatment follows regular patterns of behavior.”²²⁸

Cognitive

Refers to intellectual function, such as memory, reasoning, and implementing prudent decisions.

Cognitive Behavioral Therapy

Psychotherapy that seeks to address harmful distortions in thinking, emotions, past experiences, habits, and their effects on current behavior.

Complex PTSD

Unofficial designation of the body of effects of severe or early life trauma affecting development and manifested by combinations of flashbacks, dissociation, emotional dysregulation, personality disorder, and self-defeating or harmful behaviors.

Complex Trauma

Involves stressors that are repetitive and chronic, direct harm or neglect by those who should have been caregivers, and interpersonal violence that is usually repeated and chronic over time. Thus, the individual is shaped over time by the trauma.²²⁹

DARVO

An aggressive defense used by abusers consisting of **D**enial that the abuse took place, **A**ttacking the accuser by claiming they are the real victim, thereby **R**eversing the **V**ictim and the **O**ffender.

Domestic Violence or Abuse

Domestic violence (also called intimate partner violence [IPV], domestic abuse or relationship abuse) is a pattern of behaviors used by one partner to maintain power and control over another partner in an intimate relationship.²³⁰

The term “domestic violence” includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the

²²⁸ Lauren Paige Kennedy, “What Is Coercive Control in a Relationship?,” WebMD, <https://www.webmd.com/women/features/what-is-coercive-control#1>.

²²⁹ Diane Langberg, *Suffering and the Heart of God: How Trauma Destroys and Christ Restores* (Greensboro, NC: New Growth Press, 2015), 38.

²³⁰ “Understand Relationship Abuse,” National Domestic Violence Hotline, <https://www.thehotline.org/is-this-abuse/abuse-defined/>.

victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.²³¹

Domination²³²

Exerting power over others. This includes both violent and nonviolent tactics.

DSM-5

The current official psychiatric classification and definitions of mental illness.

Elder Abuse

There are several common types of elder abuse:

- **Physical:** Any injury or physical condition that impairs health or welfare. Some signs of physical abuse may include bruises, cuts, wounds, sudden change in behavior, or caregiver's refusal to allow visitors alone with a senior.
- **Emotional:** A pattern of ridiculing or using demeaning remarks or making threats to inflict physical or emotional harm. Some signs of emotional abuse may include intimidating, threatening, humiliating, and the silent treatment.
- **Sexual:** Any type of non-consensual sexual contact with an elderly person. Some signs of sexual abuse may include unexplained depression, fear or paranoia, discomfort or anxiety around certain people, or unexplained injuries.
- **Financial:** The illegal or improper use of a vulnerable adult or his/her financial resources for another's profit or advantage. Some examples of financial abuse may include the taking of money or property; forging a signature; getting a senior to sign a deed, will or power of attorney through deception; coercion or undue influence; or illegally or improperly adding names to bank accounts or safety deposit boxes.
- **Neglect:** Deprivation of food, water, medication, medical services, shelter, cooling, heating or other services necessary to maintain

²³¹ “What Is Domestic Violence,” United States Department of Justice <https://www.justice.gov/ovw/domestic-violence#dv>.

²³² See also Section Two: Domestic Abuse in this report.

minimum physical or mental health. Some signs of neglect may include unclean living spaces, lack of hygiene, or no food or water in the house.²³³

Emotional Abuse [See “Psychological Abuse”]

Entitlement

A sense of privilege, an insistence on being served, a patronizing mentality, autonomy in decision making, and defining the roles for each person in the relationship (the king of the castle).

Forgiveness

See Attachment 9: Forgiveness.

Gaslighting

A psychological ploy used by an abuser to confuse and paralyze his victim by refusing to listen to pleas to change, countering the memory of the victim, blocking the discussion of the subject, trivializing the victim’s emotions and needs, denying events and prior promises. The goal, as in the Hitchcock movie of the name, is to cause the victim to question her sanity.

- **Withholding:** the abusive partner pretends not to understand or refuses to listen.
- **Countering:** the abusive partner questions the victim’s memory of events, even when the victim remembers them accurately.
- **Blocking/Diverting:** the abusive partner changes the subject and/or questions the victim’s thoughts.
- **Trivializing:** the abusive partner makes the victim’s needs or feelings seem unimportant.
- **Forgetting/Denial:** the abusive partner pretends to have forgotten what actually occurred or denies things like promises made to the victim.²³⁴

Grooming

“Manipulative behaviors that the abuser uses to gain access to a potential victim, coerce them to agree to the abuse, and reduce the risk of being caught.

²³³ Holcomb, “Abuse and the Church.” Retrieved from RTS Instructure.

²³⁴ “What Is Gaslighting?” National Domestic Violence Hotline, <https://www.thehotline.org/what-is-gaslighting/>.

While these tactics are used most often against younger kids, teens and vulnerable adults are also at risk.

“Grooming can take place online or in-person. It’s usually employed by a family member or someone else in the victim’s circle of trust, such as a coach, teacher, youth group leader or others who naturally have some interaction with the victim.”²³⁵

Idolatry of Abuse

Worshipful thoughts and actions characterized by 1) desire to achieve power or control; 2) strong sense of entitlement, and 3) desire to be as God.

Imago Dei

Recognition that all human beings are created by God in His Image, sharing some of His attributes in lesser amount, always marred by sin, but fully worthy of dignity and human rights because of that Image.

Institutional Abuse (Betrayal)

Wrongdoings perpetuated by an organization upon individuals dependent upon that organization. Includes failure to protect or respond to abuse, neglect, and harassment.

Intimate Partner Violence [see Domestic Abuse]

Intimidate

To make timid or fearful; frighten, especially. To compel or deter by threats.²³⁶

Justice

Distributive, retributive, and restorative activities which promote, preserve, or restore moral health of persons and reconcile relationships.

Male privilege

An attitude of entitlement often based on notions of male hierarchy, manifested by insistence upon complete or unquestioned authority, narrowly defined roles, and insistence upon being served by inferiors.

²³⁵ “Grooming: Know the Warning Signs | RAINN,”
<https://www.rainn.org/news/grooming-know-warning-signs>

²³⁶ *Merriam Webster*, s.v. “frighten (v.),” <https://www.merriam-webster.com/dictionary/frighten>.

Mandatory Reporting

Laws of most states and countries requiring immediate reporting of known or suspected abuse or neglect of children under 18 or elderly and the mentally or physically infirm by teachers, health care personnel, clergy, and other categories of occupations under good faith amnesty. Failure to report is a felony. Reporting is typically to police, protective services, or child advocacy.

Narcissistic Personality Disorder

A pattern of grandiosity, need for admiration, and lack of empathy.²³⁷

Neglect

An act that deprives a dependent person of basic, physical or psychological needs.²³⁸

Oppression

A biblical category that describes a pattern of coercive, controlling, and punishing behaviors. It occurs in marriage when one spouse seeks to control and dominate the other (Gen. 16:1; Ex. 3:7-9; 1 Sam. 25; Ps. 9:9; 72:4; 103:6; 146:7-9; Isa. 1:17; 14:3-4; 20:12-13; 54:14; Jer. 50:33-34; Zech. 7:10; 9:8; Luke 4:18-19).²³⁹

Pedophilia

A DSM-5 diagnosis affecting up to 5% of males and 50% of child sexual abusers, characterized by sexual urges and fantasies regarding children. It is thought, like homosexuality, to be due in strong measure to biological mechanisms.

Personality Disorder

DSM-5 diagnoses wherein patients exhibit core impairments of self and interpersonal functioning that persist over long periods of time. Specifically, defects are exhibited in self-identity, self-appraisal, self-control, goal implementation, empathy, and intimacy.

²³⁷ APA, *Diagnostic and Statistical Manual of Mental Disorders (DSM)*, 645.

²³⁸ Jess Hill, “‘It’s Like You Go To Abuse School’: How Domestic Violence Always Follows the Same Script,” *The Guardian*, June 23, 2019, <https://www.theguardian.com/society/2019/jun/24/its-like-you-go-to-abuse-school-how-domestic-violence-always-follows-the-same-script>.

²³⁹ Darby Strickland, *Domestic Abuse: Recognize, Respond, Rescue* (Phillipsburg, NJ: P&R Publishing, 2018), 3.

Physical Abuse

Physical, spouse or partner violence are “non-accidental acts of physical force that result . . . in physical harm.”²⁴⁰ This includes all acts that invoke significant fear, such as (however, not limited to) shoving, pushing, and/or restraining.²⁴¹

Power

Having control over one’s own and other’s resources; having the capacity to influence someone else and stay uninfluenced by others.

Power Dynamics

The deleterious exercise of authority of one or more persons in an organization over others to the benefit of the former and the detriment of the latter, typically by limiting the voice or recourse of the latter.

Psychological Abuse

Non-accidental verbal or symbolic act that will result in harm to the well-being of another person’s mental or emotional state.²⁴²

Psychopathic Traits

A non-DSM-5 construct characterized by emotions and behaviors that include lack of empathy, shallow emotions, lack of remorse, grandiosity, glibness, and conning, deceptive behaviors.

PTSD

Post-Traumatic Stress Disorder [PTSD] is an anxiety problem that develops in some people after extremely traumatic [shocking, emotionally distressing] events, such as combat, crime [sexual assault, domestic violence, captivity] an accident, or natural disaster [or observing a traumatic event happening to another person]. People with PTSD may relive the event via intrusive memories, flashbacks, and nightmares; avoid anything that reminds them of the trauma; and have anxious feelings they didn't have before that are so intense their lives are disrupted.²⁴³

²⁴⁰ APA, *DSM*, 720.

²⁴¹ Ann Maree Goudzwaard, “Domestic Abuse,” in *Encyclopedia of Biblical Counseling*, ed. Greg Gifford, accessed July 6, 2020, <https://encyclopediaabc.com/2019/12/23/domestic-abuse/>.

²⁴² APA, *DSM*, 720.

²⁴³ “Posttraumatic Stress Disorder,” <https://www.apa.org>, accessed December 9, 2021, <https://www.apa.org/topics/ptsd>.

Redemption

Salvation from sin and reconciliation from its effects.

Re-victimization

Repeated and higher frequency of new episodes of trauma and abuse experienced by victims of previous abuse due to psychological and social effects of the initial trauma and failure to heal, learn, and grow from the initial trauma.

Self-Control

A gift of the Holy Spirit given through special and common grace in various measure to overcome temptation, practice the virtue of temperance, delay superficial gratification, and operationalize higher and often longer-term rewards.

Sexual Assault

Sexual assault is any type of sexual behavior or contact where consent is not freely given or obtained. It is accomplished through force, intimidation, violence, coercion, manipulation, threat, deception, or abuse of authority.²⁴⁴

Sexual Harassment

Sexual harassment is a form of sex discrimination prohibited by Title VII of the Civil Rights Act of 1964. It consists of inappropriate verbal or physical conduct of a sexual nature that has the purpose or effect of unreasonably interfering with an individual's sense of well-being by creating an intimidating, hostile, or offensive environment from the viewpoint of the affected individual.²⁴⁵

Shepherding

To protect selflessly, courageously, and lovingly, lead, mentor, feed, and heal those providentially and authoritatively brought under care, using the Model of Jesus.

Sin

A violation of God and God's laws.

²⁴⁴ Holcomb, *Abuse and the Church*. Retrieved from RTS Instructure.

²⁴⁵ Holcomb, *Abuse and the Church*. Retrieved from RTS Instructure.

Spiritual Abuse

Spiritual abuse is an attempt to exert power and control over someone using religion, faith, or beliefs. The Salvation Army includes “when spiritual authority is misused to manipulate people’s emotional responses or loyalty for the benefit of the church, institution, or of another individual.”²⁴⁶

Stalking

The act or crime of willfully and repeatedly following or harassing another person in circumstances that would cause a reasonable person to fear injury or death especially because of express or implied threats.

Broadly: a crime of engaging in a course of conduct directed at a person that serves no legitimate purpose and seriously alarms, annoys, or intimidates that person.

NOTE: Stalking is often considered to be aggravated when the conduct involved also violates a restraining order protecting the victim.²⁴⁷

Trauma

Trauma occurs when suffering overwhelms normal human coping capacities and causes feelings of extreme shock, fear, and powerlessness. "Recurrent, tormenting memories of atrocities witnessed or borne."²⁴⁸

Trauma Triggers

Experiencing, without warning or desire, thoughts and memories associated with trauma. These intrusive thoughts and memories can easily trigger strong emotional and behavioral reactions, as if the trauma was recurring in the present. The intrusive thoughts and memories can come rapidly, referred to as flooding, and can be disruptive at the time of their occurrence.

If an individual experiences a trigger, he or she may have an increase in intrusive thoughts and memories for a while. For instance, individuals . . . may

²⁴⁶ “Spiritual Abuse,” Salvation Army New Zealand, Fiji, Tonga, and Samoa Territory, approved December 2005, <https://www.salvationarmy.org.nz/research-policy/positional-statements/spiritual-abuse>.

²⁴⁷ *Merriam Webster*, s.v. “stalking (n.),” <https://www.merriam-webster.com/legal/stalking>.

²⁴⁸ Langberg, *Suffering*, 5.

have a surge of intrusive thoughts of past trauma, thus making it difficult for them to discern what is happening now versus what happened then.²⁴⁹

Verbal Abuse

Extremely critical, threatening, or insulting words delivered in oral or written form and intended to demean, belittle, or frighten the recipient²⁵⁰

²⁴⁹ National Center for Biotechnology Information, *Trauma-Informed Care in Behavioral Health Services. Treatment Improvement Protocol (TIP) Series, No. 57.* (Center for Substance Abuse Treatment (US) Rockville, MD, 2014), CH. 3. Substance Abuse and Mental Health Services Administration (US); <https://www.ncbi.nlm.nih.gov/books/NBK207191/>

²⁵⁰ *APA Dictionary of Psychology*, s.v. “verbal abuse,” accessed December 9, 2021, <https://dictionary.apa.org/verbal-abuse>.

Attachment 2: DSM* Definitions

**Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition*

1. DSM-5 on Child Neglect

Child neglect is defined as any confirmed or suspected egregious act of omission by a child's parent or other caregiver that deprives the child of basic age-appropriate needs and thereby results, or has reasonable potential to result, in physical or psychological harm to the child. Child neglect encompasses abandonment, lack of appropriate supervision, failure to attend to necessary emotional or psychological needs, and failure to provide necessary education, medical care, nourishment, shelter, and/or clothing.

2. DSM-5 on Child Physical Abuse

Child physical abuse is nonaccidental physical injury to a child—ranging from minor bruises to severe fractures or death—occurring as a result of punching, beating, kicking, biting, shaking, throwing, stabbing, choking, hitting (with a hand, stick, strap, or other object), burning, or another method that is inflicted by a parent, caregiver, or any other individual who has responsibility for the child. Such injury is considered abuse regardless of whether the caregiver intended to hurt the child. Physical discipline, such as spanking or paddling, is not considered abuse as long as it is reasonable and causes no bodily injury to the child.²⁵¹

3. DSM-5 on Childhood Psychological Abuse

Child psychological abuse is nonaccidental verbal or symbolic acts by a child's parent or caregiver that result, or have reasonable potential to result, in significant psychological harm to the child. (Physical and sexual abusive acts are not included in this category.) Examples of psychological abuse of a child include berating, disparaging, humiliating the child, threatening the child, harming/abandoning—or indicating that the alleged offender will harm/abandon—people or things that the child cares about, confining the child (as by tying a child's arms or legs together or binding a child to furniture or another object, or confining a child to a small enclosed area [e.g., a closet]), egregious scapegoating of the child, coercing the child to inflict pain on himself or herself, and disciplining the child excessively (i.e., at an extremely high frequency or duration, even if not at a level of physical abuse) through physical or nonphysical means.²⁵²

²⁵¹ APA, *DSM*, 717.

²⁵² APA, *DSM*, 719.

4. DSM-5 on Child Sexual Abuse

Child sexual abuse encompasses any sexual act involving a child that is intended to provide sexual gratification to a parent, caregiver, or other individual who has responsibility for the child. Sexual abuse includes activities such as fondling a child's genitals, penetration, incest, rape, sodomy, and indecent exposure. Sexual abuse also includes noncontact exploitation of a child by a parent or caregiver—for example, forcing, tricking, enticing, threatening, or pressuring a child to participate in acts for the sexual gratification of others, without direct physical contact between child and abuser.²⁵³

5. DSM-5 on Domestic Abuse

The DSM-5 categorizes adult maltreatment into four different manifestations.

Physical, spouse or partner violence are “non-accidental acts of physical force that result . . . in physical harm.”²⁵⁴ This includes any act that invokes significant fear, such as shoving.

Sexual abuse includes any forced or coerced sexual act against a person's will.

Neglect is an act that deprives a dependent person of basic, physical, or psychological needs.

Psychological abuse is non-accidental verbal or symbolic act that will result in harm to the well-being of another person's mental or emotional state.

All of these categories describe abuse between spouses, partners, non-spousal, or non-partner adults (such as the elderly).²⁵⁵

²⁵³ APA, *DSM*, 718.

²⁵⁴ APA, *DSM*, 720.

²⁵⁵ APA, *DSM*, 720.

Attachment 3

Child Abuse Definitions

While the same dynamics of power and control are present when children are the victims of the abuse, the expression can look different—becoming familiar with the specific nature of child abuse is vital as we seek to safeguard children. Child abuse can happen anywhere, and child abusers come from all walks of life.

“Abuse” means to use wrongly; using in a way that violates the original design or intention; using power that comes from size, strength, status, age, development, knowledge, or mobility in such a way that we hurt the vulnerable and exploit their trust.

Children are particularly vulnerable. They are often dependent on others, so we also must consider acts of omission when harm is brought to a child by failure to care or provide for their basic needs. Below you will see definitions and examples of what child abuse looks like.

Emotional abuse is a pattern of behavior that promotes a destructive sense of fear, obligation, shame, or guilt. It may take the form of neglecting, frightening, isolating, belittling, exploiting, blaming, shaming, or threatening a victim, as well as playing mind games or lying. Emotional abuse can also be referred to as verbal and mental abuse.²⁵⁶

Manifestations with children: Emotional abuse is the most common form of child abuse. Emotional abuse occurs when a child is repeatedly made to feel worthless, unloved, alone or scared.

Financial abuse is a way of controlling a person by making them economically dependent or exploiting their resources. Financial abuse may be subtle or overt, and its different forms include concealing financial information, limiting a victim’s access to assets, controlling their ability to acquire money, exploiting their resources, or dictating how funds are spent.²⁵⁷

Manifestations with children: Children can be victims of identity and financial fraud. This type of abuse occurs when someone intentionally uses the child’s Social Security Number to benefit themselves

²⁵⁶ Darby Strickland, *Is it Abuse?: A Biblical Guide to Identifying Domestic Abuse and Helping Victims* (Phillipsburg, NJ: P&R Publishing, 2020), 289.

²⁵⁷ *Ibid.*

financially. Minors who are working can also be exploited or have their earnings stolen.

Physical abuse is the intentional or reckless use of physical force that may result in bodily injury or physical pain. Physical abuse does not need to cause pain or leave a bruise; it also includes actions that lead to harm such as preventing a victim from sleeping or refusing them medical care. Physically abusive actions range from throwing things all the way to choking or beating.²⁵⁸

Manifestations with children: any non-accidental physical injury to the child and can include striking, kicking, burning, or biting the child, or any action that results in a physical impairment of the child. It can also include acts or circumstances that threaten the child with harm or create a substantial risk of harm to the child's health or welfare. In fifteen States, the crime of human trafficking, including labor trafficking, involuntary servitude, or trafficking of minors, is included in the definition of child abuse.

Spiritual abuse occurs when an oppressor establishes control and domination by using Scripture, doctrine, or their “leadership role” as weapons. Spiritual abuse may mask itself as religious practice and may be used to shame or punish. For example, using Bible verses to shame or control, demanding unconditional obedience, or using biblical texts or beliefs to minimize or rationalize abusive behaviors.²⁵⁹

Manifestations with children: Spiritual abuse in childhood may be tricky to recognize, as the line between abuse and influence can at times be blurry. However, a child should not be shamed. Children are particularly vulnerable when Scripture is used abusively to control them.

Sexual abuse is any sexual activity when consent is not obtained, is coerced, or not freely given. Verbal sexual abuse includes sexual remarks about a person's body or sexual comments. Visual abuse can include being forced to watch pornography, exhibitionism, voyeurism, intrusion on one's privacy, and unwanted photography or sexting. Physical sexual abuse includes touching sexual parts of the body, being forced to touch another, putting objects or body parts in another's orifices. There are also many new ways that the digital medium provides opportunities for sexual abuse. Sexual abuse is exploitive.

²⁵⁸ Ibid.

²⁵⁹ Ibid.

Sometimes the actual act of abuse may seem inconsequential (rubbing of feet), but when a perpetrator's behavior is purposeful and he or she is aroused, the action becomes abusive and predatory in nature.

Manifestations with children: Sexual abuse can be defined by any form of sexual contact between a child and an adult, a child and an older youth, or between two minors when one forces it on the other. This could include showing or talking about sexually explicit material, sexual touching, and non-touching acts like exhibitionism, voyeurism, exposure to pornography, possession of child pornography, photography of a child for sexual gratification, or the solicitation of a child for prostitution.

Neglect, while equally harmful to an individual, differs from abuse in that it is typically caused by a lack of action. Neglect is the failure of a parent or caregiver to provide proper care for a child or dependent (elderly or disabled person). Proper care includes providing adequate shelter, clothing, food, medical care, supervision, and education. Neglect is often a result of ongoing mistreatment but can also occur from one unattended instance. Neglect that is caused by poverty can be remediated by providing concrete services for families to protect and provide for their children.

Manifestations with children: Inadequate supervision—leaving children who are unable to care for themselves home alone, failing to protect children from safety hazards, or leaving them with inadequate caregivers. Emotional neglect—exposing a child to domestic abuse or substance abuse, failing to provide affection or parental care. Educational neglect—failing to provide a child with an education, allowing a child to repeatedly skip school, or ignoring a child's special education needs.²⁶⁰

²⁶⁰ For more information see <https://www.childwelfare.gov/pubs/focus/acts/>

Attachment 4

Signs of Child Abuse

Children who have been abused *may* display a range of behavioral cues and physical manifestations. These signs do not mean that abuse has occurred, but they give reason to inquire what is happening with the child. Whether or not it is abuse, these distress signals are important to tend to.

The following are examples from six categories: General Behavioral Clues, General Physical Symptoms, Behavioral Cues of Parent or Caregiver, Specific Symptoms for Physical Abuse, Specific Symptoms for Sexual Abuse, and the Signs of Neglect.

1. General behavioral clues that might signal abuse

- Infants excessive crying or developmental delay
- Fear, anxiety, clinging
- Phobias
- Nightmares, sleeping problems (regressive)
- Bedwetting (regressive) or defecating in one's pants
- Social withdrawal
- Hyperactivity
- Poor concentration/distractibility
- Decreased school performance
- Speech disorders
- Regressive behavior for age
- Fear of parent
- Exhibits extremes in behavior, such as being overly compliant or demanding, extremely passive, or aggressive
- Is either inappropriately adult (e.g., parenting other children) or inappropriately infantile (e.g., frequently rocking or head-banging)
- An inability to develop emotional bonds with others
- Constant worry about doing something wrong
- Showing little interest in friends and activities
- Eating issues
- Doesn't get medical, dental, or mental health care
- Missing school often
- Poor weight gain and growth
- Depression, passivity

- Increased verbal abuse or physically aggressive behavior with others
- Being the target of bullying
- Destroys or injures objects or pets
- Substance abuse
- Self-harm such as cutting
- Angry outbursts
- Anxiety
- Depression
- Not wanting to be left alone or return to a particular individual(s)
- Fear of going home
- Always on high alert
- Avoiding a certain person for no clear reason
- Symptoms of PTSD
- OCD-like behaviors
- Avoidance of undressing
- Withdrawal to touch
- Overly compliant

2. General physical symptoms that might signal abuse

- Headaches
- Abdominal pain, chronic
- Abdominal pain, acute—blunt trauma may not show external marks—look for distention, tenderness, absent bowel sounds
- Vague somatic complaints, often chronic
- Worsening medical problems, such as asthma
- Frequent, unexplained sore throat
- Abnormal weight gain or loss
- Reluctance to use an extremity
- Difficulty walking or sitting
- Genital discomfort or painful urination or defecation
- Unexplained symptoms—vomiting, irritability, or abnormal respiration may represent head trauma²⁶¹

²⁶¹ This list was compiled from multiple sources:

M. B. Rizvi, (2022, January 19). *Pennsylvania Child Abuse Recognition and Reporting*. StatPearls [Internet]. Retrieved March 20, 2022, from <https://www.ncbi.nlm.nih.gov/books/NBK565852/>

“Signs and Symptoms of Abuse/Neglect,” Child Abuse, Stanford Medicine (website), <http://childabuse.stanford.edu/screening/signs.html>.

3. Behavioral clues of a parent or caregiver who might be perpetrating abuse

- Offers conflicting, unconvincing, or no explanation for the child's injury or provides an explanation that is not consistent with the injury
- Shows little concern for the child or appears indifferent towards them
- Sees the child as entirely bad, burdensome, or worthless
- Behaves irrationally or in a bizarre manner
- Abuses alcohol or other drugs*
- Uses harsh physical discipline with the child
- Tries to be the child's friend rather than assume an adult role
- Makes up excuses to be alone with a child who is not their own
- Talks with the child about the adult's personal problems or relationships
- Constantly blames, belittles, or berates the child
- Describes the child negatively
- Overtly rejects the child
- Demands a level of physical or academic performance the child cannot achieve
- Looks primarily to the child for care, attention, and satisfaction of the parent's emotional needs
- Denies the existence of—or blames the child for—the child's problems in school or at home
- Asks other caregivers to use harsh physical discipline if the child misbehaves

***Substance abuse by parents:** Keep in mind parental substance use is included in the definition of child abuse or neglect in many states.

- Exposing a child to harm prenatally due to the parent's use of legal or illegal drugs or other substances
- Manufacturing methamphetamine in the presence of a child
- Selling, distributing, or giving illegal drugs or serving alcohol illegally to a child

“What Is Child Abuse and Neglect?: Recognizing the Signs and Symptoms,”
Child Welfare Information Gateway,
<https://www.childwelfare.gov/pubPDFs/whatiscan.pdf>.

- Using a controlled substance that impairs the caregiver’s ability to adequately care for the child

4. Signs of Physical Abuse

If symptoms and/or signs of physical injury require immediate medical care, call 911 or take the child to a hospital. Doctors will investigate for signs of abuse and provide necessary care. This is a very important first step. Some states have laws mandating reporting when there is a reasonable suspicion of child abuse. It is important to know your state laws.

Some of the signs of physical abuse are as follows:

- Has unexplained injuries, such as burns, bites, bruises, broken bones, dislocations, or black eyes
- Has fading bruises or other noticeable marks after an absence from school or church
 - Bite marks – human bites are more superficial than animal, and show up better 2-3 days later
 - Burn marks – cigarette, rope, immersion, or shape of hot object; stun gun burns in pairs and immersion burns with sharp line of demarcation
 - Marks left from restraints on axilla or extremities
- Defensive injuries on forearms
- Trauma to ear
- Lacerations
- Hair loss
- Facial injuries without reasonable explanation
- Oral/dental injuries, such as torn or bruised frenulum, lips, teeth, palate, tongue, or oral mucosa
- Head injury, retinal hemorrhage, hematoma
- Vomiting, irritability, or abnormal respiration may represent head trauma²⁶²

²⁶² This list was compiled from multiple sources:

M. B. Rizvi, (2022, January 19). *Pennsylvania Child Abuse Recognition and Reporting*. StatPearls [Internet]. Retrieved March 20, 2022, from <https://www.ncbi.nlm.nih.gov/books/NBK565852/>

“Signs and Symptoms of Abuse/Neglect,” Child Abuse, Stanford Medicine (website), <http://childabuse.stanford.edu/screening/signs.html>.

“What Is Child Abuse and Neglect?: Recognizing the Signs and Symptoms,” Child Welfare Information Gateway, <https://www.childwelfare.gov/pubPDFs/whatiscan.pdf>.

- Intra-abdominal trauma
- Seems scared, anxious, depressed, withdrawn, or aggressive
- Seems frightened of his or her parents and protests or cries when it is time to go home
- Shrinks at the approach of adults
 - Assumes protective posture (hands/arms up over face and head, turning away, curling up in a ball) with any aggressive approach
 - Shows changes in eating and sleeping habits
- Directly discloses injury by a parent or another adult caregiver
- The child abuses animals or pets
- The child directly reports the abuse

5. Signs of Sexual Abuse

- Has difficulty walking or sitting
- Experiences bleeding, bruising, or swelling in their private parts
- Suddenly refuses to go to school, activity, or church
- Reports nightmares or bedwetting
- Experiences a sudden change in appetite
- Attaches very quickly to strangers or new adults in their environment
- Demonstrates bizarre, sophisticated, or unusual sexual knowledge or behavior
- Pregnancy or STDs, especially for boys and girls under 14 years old
- Runs away
- Reports sexual abuse by a parent or another adult caregiver
- Sexual knowledge, language, and/or behaviors that are inappropriate for the child's age
- Bloody, torn, or stained underwear
- Bruising, tearing, bleeding, discharge from genital or rectal area
- Avoidance of undressing
- Withdrawal to touch
- Overly compliant

6. Signs of Neglect

- Is frequently absent from school
-

APPENDIX V

- Beggars or steals food or money
- Lacks needed medical care (including immunizations), dental care, glasses, wound care, or medication
- Is consistently dirty and has severe body odor
- Lacks sufficient clothing for the weather
- Living in an unsuitable home environment, such as having no heat
- Left alone for extended periods of time
- Taking on the role of caregiver for other family members
- Poor language or social skills
- Regular illness or infections
- Repeated accidental injuries, often caused by lack of supervision
- Skin issues, such as sores, rashes, flea bites, scabies, or ringworm
- Thin or swollen tummy
- Tiredness
- Abuses alcohol or other drugs
- Reports there is no one at home to provide care
- Fails to thrive, poor weight gain, malnutrition

Attachment 5

Consequences of Child Abuse

Since the 1990s, the U.S. Centers for Disease Control and Prevention has conducted studies of Adverse Childhood Experiences which include physical, emotional, sexual abuse, and witnessing trauma or experiencing neglect in the home. The conclusions of these studies are startling in their demonstration of the prevalence of childhood abuse and its powerful impact on the lives of children and adults.

Consequences of child abuse of any type are serious, pervasive, and multi-dimensional. Types of abuse and particulars of the age of victim and relationship to the perpetrator(s) do affect the health, social, and spiritual outcomes, but there are more similarities than differences.

In general, abuse of children between ages of four and twelve is particularly serious because they lack the intellectual and developmental tools not only to defend themselves, but also process the experience in a way that avoids severe disruption of brain/mind emotional, reward, pain, and cognitive pathways. Abused and neglected children of any age have emotional scars that affect current and future perceptions of self, God, the world, and their bodies. These scars are displayed often through maladaptive behaviors, chronic pain, “acting out” with emotional, physical, or sexual control problems. These often lead to academic, interpersonal, social, and occupational stress and failure. Childhood abuse often occurs to the children who are most vulnerable:

- Those with physical or mental challenges,
- Those with atypical interests or behaviors,
- Those in families undergoing stress or whose caregivers have suffered abuse themselves,
- Families with rigid and authoritarian fathers and/or overwhelmed mothers,
- Where there is alcohol or drug abuse, and
- When and where there is social, economic, and/or moral breakdown.

Unrecognized and untreated, childhood abuse causes demonstrable changes in brain architecture and function associated with the frontal lobes (executive and self-representative thinking), amygdala (emotions of fear and anxiety), hippocampus (memory processing), and various networks dealing with

emotional regulation, self-control, theory of mind (knowledge of self and others), and especially reward and pain.

Victims often try to treat their emotional distress with food, alcohol, drugs, sex, and other addictive behaviors, or may be attracted to or fall prey to groups of individuals who have had similar experiences. Unfortunately, many childhood victims become repeatedly victimized as adults by placing themselves in risky situations with risky people.

Abuse very frequently has a multi-generational legacy. Abused children become parents more likely to abuse their children and raise them in challenging environments and circumstances, perpetuating suffering.

Abused children are much more likely to be unhealthy and obese as adults, have HIV and other sexually transmitted diseases, misuse tobacco, alcohol, and drugs, have severe anxiety, depression, cut themselves, and attempt suicide, have academic and work performance problems, and have chronic stress-related diseases involving the cardiac, gastrointestinal, endocrine, and nervous systems.

Maladaptive behaviors not only produce poor health and physical suffering, but also frequently isolate victims from family, social, and spiritual nourishment needed for an abundant life. They are often “difficult” and spiritually injured, held in the shackles of victimhood, self-defeating, ethically and morally challenged, and “hard to love.”

Nothing is impossible, however, for victims to retain the image of God. Through the body of Christ, the Holy Spirit can redeem anyone, and the church is called to come alongside to offer the hope of the gospel and the love of Jesus Christ.

Attachment 6

Comprehensive Child Protection Policy

Every church should have a Comprehensive Child Protection Policy. This policy should foster the safety of children and youth and be suited specifically to the church's context. It should also cover prevention and how to respond. While the church's primary concern is spiritual, it must not neglect legal responsibilities (Rom. 13). A good policy will also help when allegations of child abuse are unclear, however a violation of the policy has occurred.

1. A child protection policy should include (but not be limited to) . . .

- Definitions of abuse that align with your state (<https://www.childwelfare.gov/topics/can/defining/>).
- Who the church will train and how often the church will repeat the training
- The content of the church's training (recognition, response, reporting)
- The church's standards for a staff hire (background check, references, compliance with church's policy, abuse training)
- Protocols established prior to engaging volunteers (length of attendance prior to volunteering with children and youth, written application, background check, compliance with church's policy, interview, abuse training)
- How children and youth will be supervised
 - Consider all contexts including but not limited to nursery, Sunday school, youth group (including all overnight activity), VBS, children's church, other sponsored events.
 - Protocols required: for example, glass doors, two adult systems, bathroom usage, guidelines for appropriate touch
- Guidelines for staff and volunteers engaging with youth on social media, texting/messaging, and other communications
- Transportation to and from events and how the church will inform parents of arrangements
- Commitment to make the church buildings safe
 - Consider general safety issues and first aid needs as well as how the church might better monitor the building and those who use it.
- Determination of before the need arises how to respond to an allegation of abuse

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- Determination of how, when, and where the church will make a report
 - Inclusion of your state's requirements for mandatory reporting and your church's desire to cooperate with the law
- Creation of a plan to notify the parents of a victim (assuming they are not the offender)
- Plan for how and when to notify the congregation of the allegation.
 - Determination of how to prevent future harm
 - Investigation into the legal risks involved in publicly disclosing a situation
 - Investigation into the legal risks of not disclosing
 - Determination of who might be harmed if the information is or is not shared
 - Determination of confidentiality for a victim if the victim is a minor
 - Consideration of creating a prepared statement²⁶³
 - Creation of a response team or identify persons who can field questions and facilitate other potential victims who come forward
- Determination of how the leaders will engage accused members who attend your church and what will be required of the alleged offender during the investigation
- Instruction to alleged offenders to have no contact with victims or witnesses
 - Determination of how to implement the above
- Determination of how the church will interact with the insurance carrier
 - Consideration as to if the church will initiate and oversee the victim care, shepherding, and protection, or will the church's carrier set the pace? Keep in mind, insurance companies tend toward focusing on the institution's protection. These two approaches are often at odds. Be aware and plan before a crisis.
- Determination of how a victim will receive pastoral care

²⁶³ A carefully prepared statement is often best, one that affirms that the church is aware of the situation and is cooperating fully with any investigation. It is much easier to navigate difficult questions when a response team is already in place and is accustomed to working together.

- Determination of which trained staff member will take the lead in coordination of care²⁶⁴
- Creation of a shepherding plan

2. If a known offender seeks to be involved with your congregation, consider the following:

- Church leadership should understand the consequences of having an offender in the congregation.
 - Resource: Victor Vieth, “Ministering to Adult Sex Offenders: Ten Lessons from Henry Gerecke,” *Wisconsin Lutheran Quarterly*, Vol. 112, No. 3 (Summer 2015). <https://static1.squarespace.com/static/5b0a335c45776ee022efd309/t/5bb46d2453450a1e7e6ff954/1538551076662/Ministering%2Bto%2Bsex%2BOffenders%2B%28Vieth%29.pdf>.
- If you are willing to receive known offenders into your congregation:
 - Develop a comprehensive plan to protect church members.
 - Determine how to monitor the individual.
 - Obtain a detailed history of the individual and the accusations.
 - Determine the type of treatment needed for the offender’s ongoing care.
 - Determine the type of ongoing care for the vulnerable in your church.
 - Set boundaries and terms for the offender.
 - Require the offender’s cooperation.
 - Determine if the offender will be monitored.
 - Require they sign an agreement.

²⁶⁴ Examples:

Child Protection Policy, Capitol Hill Baptist Church, revised April 2019, https://c52d388b85e6c47bef5d-9ff91644b80b1213b3e9d43ad0f0e963.ssl.cf2.rackcdn.com/uploaded/c/0e4009729_1583507111_chbc-cpp.pdf.

and

Child Protection Policy, Lititz Church of the Brethren, updated May 2017, <https://lititzcob.org/wp-content/uploads/2017/10/Child-Protection-Policy.update.2017-1.pdf>.

APPENDIX V

- Communicate to the congregation that a known offender is in their presence and the church's plan.
- Determine support for the other victims in your community as they navigate engaging an offender in their congregation.
- Determine the offender's access to children.
- Determine how to support a known offender's spiritual growth.
- Provide additional options for them such as attending an adult-only small group.
- Determine if an outside agency will . . .
 - help,
 - create a plan,
 - train,
 - commit to reviewing the policy with your church, and
 - screen employees and volunteers.
- Determine when any policy will be adopted and enforced.
- Determine how any policy will be shared or posted and how often it needs to be reviewed.

Attachment 7

Myths About Abuse

Child and adult abuse, rape, and assault, being clandestine and typically unspeakable or unstudied by most, are subject among both lay people and professionals to incorrect beliefs, biases, and stereotypical assumptions. The “myths” of abuse significantly traumatize victims, subvert justice, and impede prevention. Myths of abuse are not congruent to the reality of a fallen, sinful world and thus provide a psychological defense as well as endorsement of status quo.²⁶⁵ While some myths are specific to various types of abuse, they generally fall into four categories:²⁶⁶

1. Minimization of the prevalence of the problem,
2. Minimization of the extent of the harm,
3. Diffusion of offender responsibility and blaming the victim, and
4. Stereotyping offenders.

1. *Abuse is rare.*

Abuse is not rare. Over half of murdered women were killed by a current or former partner. Approximately one in four women and one in seven men have been victims of intimate partner abuse.²⁶⁷ In 2019, the Department for Health and Human Services reported that 656,000 children were confirmed by state agencies as victims of abuse, a national rate of 8.9 per 1,000 children.²⁶⁸ Another study estimates that 37% of children will have a visit from local child protective services by the time they turn 18.²⁶⁹ By extrapolating these data, we

²⁶⁵ Jay Peters, “Measuring Myths about Domestic Violence: Development and Initial Validation of the Domestic Violence Myth Acceptance Scale,” *Journal of Aggression, Maltreatment & Trauma* 16, no. 1 (2008), 1-23.

²⁶⁶ Lisa DeMarni Cromer, Rachel E. Goldsmith, “Child Sexual Abuse Myths: Attitudes, Beliefs, and Individual Differences,” *Journal of Child Sexual Abuse* 19, no. 6 (2010), 618-47.

²⁶⁷ “National Statistics,” NCADV (National Coalition Against Domestic Violence), accessed December 24, 2021, <https://ncadv.org/STATISTICS>.

²⁶⁸ U.S. Department of Health & Human Services, Administration for Children and Families, Administration on Children, Youth, and Families, Children’s Bureau, *Child Maltreatment 2019* (January 14, 2021), 20, <https://www.acf.hhs.gov/cb/research-data-technology/statistics-research/child-maltreatment>.

²⁶⁹ Hyunil Kim et al., “Lifetime Prevalence of Investigating Child Maltreatment Among US Children,” *American Journal of Public Health* 107, no. 2 (February 1, 2017), 274-280.

estimate that between 6% and 10% of children will be state-confirmed victims of child abuse by the time they turn 18. Since many instances of abuse go unreported, the actual rate of child abuse is likely far higher.²⁷⁰

2. *Domestic violence is only physical abuse.*

Abuse is the maltreatment of another person that is callous, cruel, for selfish reasons, and that has deeply detrimental effects on the person physically and/or sexually, emotionally, and spiritually. Physical violence is only one tactic of abuse. Domestic violence may also include emotional, sexual, spiritual, and economic abuse. Each of these deeply wound the victim's inner and outer person in ways which are not always clearly evident to others.

3. *Abuse is a private matter and has little social effect.*

The harms of abuse are immediate, pervasive, longstanding, and multigenerational. Abuse destroys a person's personality, joy, physical, mental, and spiritual health. In so doing, it corrupts the expression of the image of God in the victim. Abuse is not simply a private, personal matter, rather it is a public health disaster.

4. *The victim is somehow responsible for the abuse.*

The sin of sexual assault is not primarily sexual in nature. What a woman wears or does will not cause sexual assault. Scripture categorizes sexual abuse as an act of violence, not sexual immorality. In Deuteronomy 22:26, the assault is likened to murder, an act of violence. In addition, the passage shows that the victim has no responsibility for the attack and the perpetrator alone must be held accountable (Deut. 22:25). Also, "Abusive behavior is intentional—it is not about anger management and is never the victim's fault. Nothing anyone says or does gives anyone the right to hurt someone."²⁷¹

²⁷⁰ One study noted that prevalence of childhood sexual abuse alone may be as high as 7%, which is about seven times that of instances substantiated by state authorities. Another noted that the percentage of victims who did not report their abuse in a study survey was approximately 50%. Both these figures suggest that actual instances of abuse far exceed official numbers. See Glen A. Kercher and Marilyn McShane, "The Prevalence of Child Sexual Abuse Victimization in an Adult Sample of Texas Residents," *Child Abuse & Neglect* 8, no. 4 (1984), 495-501; and David M. Fergusson, L. J. Horwood, and L. J. Woodward, "The Stability of Child Abuse Reports: A Longitudinal Study of the Reporting Behaviour of Young Adults," *Psychological Medicine* 30, no. 3 (May 2000), 529-44.

²⁷¹ "Myths About Abuse - Hope's Door New Beginning Center," n.d., <https://hdnbc.org/get-educated/learn-about-abuse/myths>.

5. *Victims have a type of personality that seeks and encourages abuse.*

The abuser is responsible for the abuse. There is no research that conclusively suggests there are people with specific personalities that are abused more than others.

6. *It's his word against hers.*

False reports of abuse are rare.²⁷² Most abuse happens in secret. Witnesses are also rare. It is not unreasonable to believe one party over the other. In Deuteronomy 22:25-27, the case law explains that a victim of rape (where there are no witnesses) should be believed and the accused held accountable. Educating leaders and congregations, training people to recognize abuse, and utilizing advocates is the solution for avoiding false reports.²⁷³

²⁷² “In contrast, when more methodologically rigorous research has been conducted, estimates for the percentage of false reports begin to converge around 2-8%.” Kimberly A. Lonsway, Joanne Archambault, and David Lisak, “False Reports: Moving Beyond the Issue to Successfully Investigate and Prosecute Non-Stranger Sexual Assault,” *National Sexual Violence Resource Center*, 2009, accessed March 2022, <https://www.nsvrc.org/publications/articles/false-reports-moving-beyond-issue-successfully-investigate-and-prosecute-non-s>.

“The prevalence of false allegations is between 2% and 10%.” David Lisak et al., “False Allegations of Sexual Assault: An Analysis of Ten Years of Reported Cases,” *Violence Against Women* 16, no. 12 (December 2010): 1318-34, <https://journals.sagepub.com/doi/pdf/10.1177/1077801210387747>.

“Reputable studies on this indicate that only between 2-7% of abuse claims are false.” Brad Hambrick, “Why Is It So Hard to Have Constructive Conversations about Abuse?,” Ethics and Religious Liberty Commission of the Southern Baptist Convention, February 14, 2022, <https://erlc.com/resource-library/articles/why-is-it-so-hard-to-have-constructive-conversations-about-abuse/>.

We must also distinguish between the report of a victim and the report of another person who may suspect abuse. Approximately 80% of reports of child abuse to child protective services end up being unsubstantiated. But this is because many states require mandated reporting based on a reasonable suspicion that abuse is or may occur. False reporting of physical or sexual abuse by victims is rare. One study of college women reporting sexual assault found that the incidence of false reporting was between 2% and 10%; see David Lisak et al., “False Allegations.”

²⁷³ Christine Herrman, “Decreasing the Number of Incorrectly ‘Unfounded’ Sexual Assault Reports” (PowerPoint presentation), April 2012, *Battered Women’s Justice Project* (website), <https://www.bwjp.org/resource-center/resource-results/decreasing-the-number-of-incorrectly-unfounded-sexual-assault-reports.html>.

7. *I know him, and he couldn't be an abuser!*

Even specially trained individuals suggest it can be very difficult to identify an abuser in public settings. Image management is “used every day by abusers throughout the world.”²⁷⁴ Abusive people are very manipulative in their relationships. Deception is how they maintain power;²⁷⁵ therefore, they are well-versed at how to convince others of their innocence.

8. *In fact, she seems crazy!*

On the other hand, a victim of abuse will have suffered emotional trauma, have difficulty telling her story, downplay and/or rationalize the abuse, and be overwhelmed in talking about it. Power dynamics foster exculpable explanations for the abuser and negative perspectives of the victim's character and behavior. This reinforces inertia for just and remedial action, stigmatizes victims, and perpetuates recurrence of sin in an atmosphere of silence.

9. *Abusers have an anger problem.*

Abusers decide to abuse. Their self-idolatry is deeply ingrained. Anger is only one tool the abuser uses to enforce control through fear.

10. *If the abuse is infrequent, it is not that serious.*

To maintain control of the victim, an abuser will use various threats. These threats may be physical, verbal, economic, or spiritual in nature. Threats need not be ongoing; one instance of expressing the potential for harm is enough to control victims from risking future harm. For example, hurting a beloved pet is an example of what an abuser can and may do to the victim. Though there is no physical violence to the victim, they are made aware of what *might* happen if they step out of line. Once that control is established, the victim will remain constantly vigilant to future threats and bow to the abuser's unbiblical domination.

11. *Abusers are from a particular economic class, religion, ethnicity, etc.*

Abusers are from every socio-economic class, religion, nationality, profession, age, political affiliation, and culture. Recent history demonstrates that well-educated, wealthy, and charismatic abusers are often “respected” members of society and the church.

Though some societies (or environments) provide an environment for the flourishing of abuse, all groups of people experience abuse due to the ravages of sin in the world.

²⁷⁴ Wade Mullen, *Something's Not Right: Decoding the Hidden Tactics of Abuse and Freeing Yourself from Its Power* (Carol Stream, IL: Tyndale, 2020), 3.

²⁷⁵ Mullen, *Something's Not Right*, 15.

12. Substance abuse creates abusers.

Abuse is caused by a person's desire for control and power over another person. *Alcohol or drug addictions do not create abusers.* However, "when someone is inebriated from drugs or alcohol, they are likely to lose control of their inhibitions. Being under the influence of any substance greatly increases the chances of abusive behavior."²⁷⁶

13. Reporting abuse is a way to get attention.

Reporting abuse comes with great cost. The rarity of reporting is evidence that there is significant difficulty in bringing an abusive person's behavior into the light. Victims must take into consideration the likely disbelief of their story, unfounded shame, and the unlikelihood of restitution from authorities both in the church or government. Prosecution of abuse is rare. If a victim reports abuse, they are likely desperate to stop the oppressor from further harming them and/or other victims.

14. The victim can always get out of the relationship.

Often, victims do not believe they have a safe place to go. In addition, there may be financial difficulty in leaving the relationship. In order to leave the abuser, most victims will need an advocate or advocacy group to navigate the procurement of safe lodging, meals, a job, childcare, and the court system.

15. The persistence of abuse myths.

Why do myths persist? Because abuser peer groups foster them, buffering shame.²⁷⁷ Victims explain they suffer because of a perceived need to keep quiet²⁷⁸ and because those to whom they might report are insufficiently educated to adequately believe and act on the truth.²⁷⁹ Building a church more likely to be free of abuse is to dispel these myths that perpetuate the evil.

²⁷⁶ "Addiction and Domestic Violence," Addiction Center, edited February 1, 2022, <https://www.addictioncenter.com/addiction/domestic-violence/>.

²⁷⁷ Charlene Collibee et al. "The Influence of Peer Support and Peer Acceptance of Rape Myths on Multiple Forms of Interpersonal Violence among Youth," *Journal of Interpersonal Violence* 36, no. 15-16 (August 2021): 7185-7201.

²⁷⁸ Eric M. Cooke et al., "Examining the Relationship between Victimization, Psychopathy, and the Acceptance of Rape Myths," *Journal of Interpersonal Violence* (October 18, 2020), <https://journals.sagepub.com/doi/10.1177/0886260520966669>.

²⁷⁹ Marta Ferragut et al., "What Do We Know about Child Sexual Abuse?: Myths and Truths in Spain," *Journal of Interpersonal Violence* 37, no. 1-2 (May 12, 2020), <https://journals.sagepub.com/doi/abs/10.1177/0886260520918579>.

Attachment 8

Shepherding the Whistleblower

Unfortunately, organizations in need of a whistleblower are those most likely to suppress, reject, banish, or destroy messengers. Loyalty to an organization tends to supersede truth. Whistleblowers, like prophets, call their audience to recognize evil and purge it. Reliable, confidential, and anonymous reporting systems capable of instituting intervention are critical.

The recognition of the need for safe reporting prompted the Sarbanes-Oxley Act of 2002. This provides legal protection to whistleblowers in any organization, including churches. According to the ECFA,²⁸⁰ punishing a whistleblower in any way is a criminal offense. Even if claims are unfounded, the informant cannot be reprimanded. A reasonable belief or suspicion that a violation of federal law exists is sufficient to report.

The ECFA suggests the following for leaders in order to protect and appropriately respond to whistleblowers:

- Provide confidential and anonymous, well-known, and easy means of reporting,
- Facilitate reporting of all types of suspected wrongdoing, not just the most serious,
- Focus on getting the full set of facts from the informant,
- Have a systematic process of tracking information and follow up to the informant,
- Put the information into the hands of those who can act,
- Have external and independent options for investigation, and
- Protect the whistleblower by maintaining confidentiality and preventing retaliation of any kind.

Whistleblowers may ultimately be identified either by friends of the accused, or through mismanagement of the investigatory process. Leadership must anticipate this possibility and arrange for and ensure appropriate spiritual and emotional encouragement. Protecting the informant and their family will be necessary. Public statements of endorsement help support the informant.

²⁸⁰ “Fraud and Whistleblower Protection for Churches,” Evangelical Council for Financial Accountability, accessed August 22, 2021, <https://www.ecfa.church/Content/Fraud-and-Whistleblower-Protection-CHURCH>.

Attachment 9

Forgiveness

1. Introduction

“Forgiveness is one of the foundational acts of Christian practice and theology.”²⁸¹ Jesus taught that those unwilling to forgive would face the same fate as the “unforgiving servant” (Matt. 18:21-35). Jesus repeated the same idea when He taught the disciples to pray, “For if you forgive others their trespasses, your heavenly Father will also forgive you, but if you do not forgive others their trespasses, neither will your Father forgive your trespasses” (Matt. 6:14-15). John Calvin wrote, “Those who refuse to forget the injuries which have been done to them, devote themselves willingly and deliberately to destruction, and knowingly prevent God from forgiving them.”²⁸²

Forgiveness is clearly important to God. However, forgiveness is not necessarily easily offered. Whether due to a misunderstanding of the Bible’s teaching, or sinful rebellion, forgiveness can be elusive. In addition, when the offense is particularly destructive to a person’s physical, emotional, and spiritual health, the wickedness compounds this difficulty.

Abuse may have traumatic consequences, resulting in a long and difficult process of healing. The abuser may be responsible for injuries that continue to plague the survivor. The emotional trauma caused by verbal abuse may have long-term physical effects. Those who suffer from spiritual abuse may struggle to disassociate the emotional and physical abuse from their understanding of the nature of God.

These effects of abuse must not be minimized. The survivor need not be held responsible, nor rushed to simply forgive and “get over it.” The effects are normal, emotional, physical, and spiritual consequences of abuse. When counseling victims and survivors, an accurate understanding of the meaning, means, and goal of forgiveness is necessary to prevent further harm to the hurting member of the flock. Helping guide victims of evil atrocities committed against their soul and body (inner and outer man) toward biblical forgiveness is a necessary, yet sensitive, *process*.

²⁸¹ Bridget Illian, “Church Discipline and Forgiveness in Matthew 18:15-35,” *Currents in Theology and Mission* 37, no. 6 (December 2010): 444–50.

²⁸² John Calvin, *Commentary on Matthew, Mark, Luke*, vol. 1, Christian Classics Ethereal Library (website), <https://www.ccel.org/ccel/calvin/calcom31.ix.lv.html>.

2. What Does It Mean To Forgive?

A definition of forgiveness is, “A decision to release someone from suffering punishment or penalty for his sin.”²⁸³ Diane Langberg says forgiveness is, “to lay aside, let go, put away, yield up, pardon.” She writes the reason there is a need to forgive is that “something awful has been done” to one of God’s image-bearers.²⁸⁴ The abusive actions are sin, and sin isolates man from God and from his neighbor. Sin is punishable by death in the heavenly courts (Rom. 6:23). Sin is not something to be minimized or denied, rather brought into the light and confessed before God and the offended party.

Dr. Robert Burns discusses forgiveness in two ways, legal and relational.²⁸⁵ Regarding the legal aspect, Burns explains that law breaking deserves a penalty. Jesus, the only holy and righteous Son of God, willingly paid that penalty by His death on the cross. His sacrifice made forgiveness possible (Luke 24:47). The process of forgiving includes the lawbreaker confessing, repenting, and receiving God’s forgiveness.

Forgiveness precedes reconciliation and/or restoration (Acts 2:22-41); however, *forgiveness does not always indicate reconciliation and/or restoration*. By forgiving an abuser, a survivor lays aside bitterness, anger, and malice and they depend on the Lord for justice according to His righteousness (Eph. 4:31-32; Ps. 72:2). Yet the consequences of an abuser’s sin remain. When a survivor forgives their oppressor, they do not release the abuser from accountability in the courts of God or man.

3. How Can a Survivor Forgive Their Abuser?

Burns explains, “We cannot be ready to deal with the ‘relational’ side of forgiveness until we have come before God and worked through the legal side.”²⁸⁶ Survivors may struggle to forgive. A great evil has been perpetrated, and the counselor must acknowledge the horrendous damage. Langberg writes, “When you push others to ‘just forgive,’ as if somehow it was something that

²⁸³ Ken Sande, *The Peacemaker: A Biblical Guide to Resolving Personal Conflict*, 3rd ed. (Grand Rapids, MI: Baker Books, 2004), 207.

²⁸⁴ Diane M. Langberg, *Counseling Survivors of Sexual Abuse* (Wheaton, IL: Tyndale House Publishers, 1997) 173.

²⁸⁵ Bob Burns and Michael J. Brissett, Jr., *The Adult Child of Divorce* (Nashville, TN: Oliver-Nelson Books, 1991) 139-140.

²⁸⁶ Burns and Brissett, *The Adult Child of Divorce*, 139-144.

could be done quickly or easily, without a consideration of the consequences of that sin, we have adopted a superficial view of sin.”²⁸⁷ The fact that forgiveness is necessary is due to the great wickedness that took place. Recognition of the difficulty is required.

The cross is where survivors taste and see God’s goodness and kindness in His forgiving work. In the *Westminster Larger Catechism* discussion of the Lord’s Prayer, Question 194 asks, “What do we pray for in the fifth petition?” In answer, the *WLC* says,

In the fifth petition, (which is, forgive us our debts, as we forgive our debtors,) acknowledging, that we and all others are guilty both of original and actual sin, and thereby become debtors to the justice of God; and that neither we, nor any other creature, can make the least satisfaction for that debt: we pray for ourselves and others, that God of his free grace would, through the obedience and satisfaction of Christ, apprehended and applied by faith, acquit us both from the guilt and punishment of sin, accept us in his Beloved; continue his favor and grace to us; pardon our daily failings, and fill us with peace and joy, in giving us daily more and more assurance of forgiveness; which we are the rather emboldened to ask, and encouraged to expect, when we have this testimony in ourselves, that we from the heart forgive others their offenses.

The Holy Spirit works in the heart of a survivor to apply God’s forgiving work in their own life. As the *WLC* emphasizes, the ability to forgive others grows out of an appreciation of God pardoning personal sin. The parable of the “unforgiving servant” (Matt. 18:32) teaches, in part, that recognizing God’s forgiveness is an important first step toward forgiving. When a survivor accepts God’s forgiveness, they position themselves to begin the process of forgiving.

4. What Is the Goal of Forgiveness?

In a non-abusive relationship, it is right to “rebuke” the offender. Luke 17:3 says, “Pay attention to yourselves! If your brother sins, rebuke him, and if he repents, forgive him.” Confrontation is meant to bring the offender to

²⁸⁷ Langberg, *Counseling Survivors*, 172.

repentance and to restore a damaged relationship with both the Lord and those offended. Matthew 18:15-20 provides the steps for this process. Greater pastoral care is required for helping survivors forgive those who have abused them. Confrontation of an abuser must be understood in the context of Jesus's teaching in other passages.²⁸⁸

If genuine repentance has not occurred, it may be unwise to encourage a survivor to go to their abuser. It may also be unwise to ever encourage a victim to go to an abuser one-on-one. In Matthew, Jesus teaches that confronting the unrepentant is like throwing pearls before swine.

“Do not give dogs what is holy, and do not throw your pearls before pigs, lest they trample them underfoot and turn to attack you” (Matt. 7:6).

Confronting the unrepentant is worthless and may even be dangerous (they will “trample them underfoot”). Jesus also says the offender may “turn to attack you,” so the survivor may suffer further trauma at the hands of the abuser.

Beach writes, “It is sometimes argued that forgiveness coupled with repentance clears the way for all or most of the debris caused by the sin or sins in question and full reconciliation (most of the time) is the requisite step to follow. . . .”²⁸⁹ Forgiveness and reconciliation are not the same. This simplistic view of the destruction caused by abuse will often result in further abuse and manipulation.

Scripture is clear: the offending party, *not* the offended, is responsible for repentance (Luke 17:3). The abuser is responsible to turn from their abuse. Repentance and a renewed relationship with the Lord are the goal. Scripture is also clear regarding reconciliation; it is “conditional” on true repentance (Luke 17:3, Col. 1:21-23). Repentance that is obvious, genuine, and demonstrable over time is necessary for restoration.

²⁸⁸ See also Section Six: The Misuse of Spiritual Authority in this report.

²⁸⁹ J. Mark Beach, “Forgiving like God?: Some Reflections on the Idea of Conditional Forgiveness,” *Mid-America Journal of Theology* 26 (2015): 151-96.

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When counseling a survivor of abuse, the process of forgiveness must be handled pastorally. Recognizing the extensive damage done to the target of abuse will encourage the counselor to patiently prepare the survivor to forgive.

Because of the damage the abuser caused in the relationship, repentance must be evident and long-lasting for trust to be re-established. Counselors should allow survivors to set the pace for reconciliation, having multiple witnesses to significant evidence of a changed heart that has not only put off sinful behavior, but has also been renewed in the mind and put on the opposite, God-glorifying behaviors (Eph. 4:28).

Attachment 10

Repentance

For restored trust and/or the possibility of reconciliation in any broken relationship, an abuser must clearly exhibit genuine repentance over an extended period of time. The following is a summary list of the signs of repentance. This list is not guaranteed. Abusers, by their very nature, manipulate and control in order to manage their image. Abusers are skillful and adept at what they do. Discernment is advised.

1. Ownership of sin without minimization

The victim is not responsible for the abuse [see Myths of Abuse in Attachment 7]. The abuser must fully own their sinful actions and choices.

2. Willingness to fully accept the consequences for sin

Many abusers will be quick to confess sin (minimally) in order to appear repentant. If more is required of them, they tend to protest. Worldly repentance is resistant to accepting consequences. A changed heart will exhibit a willingness to take full responsibility.

3. Patient endurance with the victim's healing

Genuinely repentant persons allow their victims the necessary time to process what happened and heal.

4. Godly repentance recognizes the difference between being forgiven, being trusted, and/or being restored.

The repentant person will not expect to be rewarded with a victim's forgiveness, trust, or reconciliation for doing as God commands. Godly behavior is expected and not necessarily rewarded. (See Attachment 9: Forgiveness for further discussion on trust and reconciliation.)

5. Commitment to stop the abuse and recognize the damage it has caused for the family

A full confession of sin, including specificity regarding the abuse, along with accountability is required. A third party is recommended.

*Exegesis of 2 Corinthians 7 on the nature of repentance*²⁹⁰

For the sorrow that is according to the will of God produces a repentance without regret, leading to salvation, but the sorrow of the world produces death. For behold what earnestness this very thing, this godly sorrow, has produced in you: what vindication of yourselves, what indignation, what fear, what longing, what zeal, what avenging of wrong! In everything you demonstrated yourselves to be innocent in the matter (2 Cor. 7:10-11).

For the sorrow that is according to the will of God produces a repentance . . .

1. *Without regret, leading to salvation,*
 - a. Does the abuser regret losing control?
 - b. Does the abuser regret the consequences he faces for his sin?
 - c. Does the abuser regret the loss of prestige, respect, influence, etc.?

2. *For behold what earnestness this very thing,*
 - a. Is the abuser working diligently to see a change?
 - b. Does he faithfully complete all homework?
 - c. Is his attitude serious toward changing his life?

3. *This godly sorrow,*
 - a. Does he consistently express sadness for the harm he has done to others?
 - b. When reminded of his sin, does the abuser apologize or complain about his sin being “brought up” again?
 - c. Is his sorrow focused on the harm his actions did to others or on the hardship they brought to him?

4. *What vindication of yourselves,*
 - a. Does the abuser so repent as to promote restitution for his actions?
 - b. Does the abuser now oppose control within himself and others with zeal and passion?

²⁹⁰ Rev. Vincent Wood, Providence Presbyterian Church (PCA), York, Pennsylvania.

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- c. Are the actions of the abuser establishing a new life pattern in which an accusation of abuse would seem impossible? (For restoration of a minister, *BCO* 34-8 requires that it only be done when the sentiment of the church “demands it.”)
5. *What indignation,*
 - a. Does the abuser hate what they have done?
 - b. Is the abuser “beating himself up” for the sins he committed? This indignation will fuel earnest repentance.
6. *What fear,*
 - a. Is the abuser terrified that they will abuse again? An alcoholic once told me, “I know that I have another drunk in me. I am terrified that I might not have another sober.” This “fear” kept him sober.
7. *What longing,*
 - a. Does the abuser look to the future with hope?
 - b. Does the abuser imagine what it will be like to be trustworthy and safe?
8. *What zeal,*
 - a. Is repentance the driving factor in the abuser’s life?
 - b. Is the abuser ever aware of his propensity to control and is he committed to “take every thought captive to the obedience of Christ?”
9. *What avenging of wrong!*
 - a. Is the abuser willing to make up for his wrongs to the very people he hurt?
 - b. Does the abuser recognize why his victims do not want to be around him? Does he willingly honor this desire?

Attachment 11

Divorce and Domestic Abuse

1. Introduction

For Christians, perhaps the most controversial topic involving domestic abuse is the subject of divorce. *The Westminster Confession of Faith* states that adultery and desertion are the only biblical grounds for the dissolution of a marriage.²⁹¹ Yet some argue that desertion functions as an umbrella category encompassing several ways that a person can abandon his/her spouse. Carl Trueman succinctly summarizes this position when he says that the essence of desertion is a dereliction of duty, rather than an abandonment of space.²⁹² In other words, desertion is about more than geography. This view is shared by the Report of the Ad-Interim Committee on Divorce and Remarriage from the 20th General Assembly of the PCA. It argues that domestic abuse is a form of desertion because the abuser's violence creates a forced separation between spouses that is equivalent to abandonment.²⁹³ Our report affirms this position and defends it with biblical and practical arguments.

2. The Biblical Argument

As we examine Scripture, it is important to also examine our own assumptions. In theological inquiry, the answer we produce can be greatly influenced by the way we frame the question. Therefore, this section not only studies Scripture, but also identifies and challenges one of the key assumptions we bring to the interpretive task, especially concerning biblical grounds for divorce.

That assumption has to do with what we expect the Bible to say. Some pastors limit the grounds for divorce to the specific situations mentioned in Scripture, which are sexual immorality and an unbeliever deserting a believer. Doubtless this position is motivated by sincere desires to protect the covenant of marriage and faithfully obey God's Word. But it contains an assumption that usually

²⁹¹ *Westminster Confession of Faith* (Suwanee, GA: Great Commission Publications, 1978–2005), 24.6.

²⁹² Carl Trueman and Todd Pruitt, "What Is the Church to Do?" Mortification of Sin Podcast, <https://www.reformation21.org/mos/podcast/21100>.

²⁹³ *Minutes 20th General Assembly*, 519-520, 562-563. Also see the section on "unjust divorce, or desertion" in the Biblical and Confessional Foundations for Understanding Abuse section in our report.

goes unidentified and unchallenged: why would we expect the Bible to list all of the situations in which divorce is permissible? The answer is because we are interpreting Scripture through the lens of modern law, instead of ancient law.

In determining biblical grounds for divorce, we are operating in the theological category of the law of God. That is, we are asking what the law of God allows and does not allow in regard to ending a marriage. But if we interpret Scripture through the lens of modern law, we will most likely arrive at a very different answer than if we read it as law from the Ancient Near East.²⁹⁴ Most modern societies use exhaustive law codes. Every practice a society wishes to regulate must be listed in a separate law. As a result, when we investigate the issue of divorce, we assume the Bible will explicitly mention every situation in which the practice is allowed. But ancient law did not work this way. The Ancient Near East used case law, which gives rules that govern a specific situation. From that specific case, we are expected to deduce a general principle that we can apply to other situations. In keeping with its Ancient Near Eastern context, the Pentateuch is filled with case law. Old Testament scholar Douglas Stuart writes, “. . . the Israelites had to learn to see the underlying principles in any law and not let the specifics of the individual [situation] mislead them into applying the law too narrowly.”²⁹⁵ This is why it is best to view desertion as an umbrella category that encompasses multiple ways that a person can abandon their spouse. The Report of the Ad-Interim Committee on Divorce and Remarriage states:

Further, taking into account both the general principles of Biblical ethics and the Scripture’s characteristic manner of ethical instruction, viz. the statement of commandments in a general form to which is added case law sufficient to indicate the manner of application, it seems to us that those Reformed authorities are correct who have argued that sins which are tantamount in extremity and consequence to actual desertion should be understood to produce similar eventualities.²⁹⁶

With the proper understanding of how biblical law functions, it is important to apply this framework to the apostle Paul’s teaching on desertion and divorce in 1 Corinthians 7:15. Paul writes, “But if the unbelieving partner separates,

²⁹⁴ The difference is explained in Douglas K. Stuart, *Exodus*, vol. 2, *New American Commentary* (Nashville, TN: Broadman & Holman, 2006), 442-445.

²⁹⁵ *Ibid.*, 443.

²⁹⁶ *M20GA*, 562-563.

let it be so. In such cases the brother or sister is not enslaved. God has called you to peace.” In this verse, Paul permits a believer to divorce his/her unbelieving spouse if the unbeliever abandons the marriage. An accurate interpretation of 1 Corinthians 7:15 depends on its literary context and the entire chapter’s flow of thought. In v. 1 Paul writes, “Now concerning the matters about which you wrote . . .” Everything Paul says about marriage, divorce, and remarriage in 1 Corinthians 7 is in response to specific questions posed by the Corinthians in a previous letter. He spends the entire chapter answering questions about marriage regarding different groups of people within the Corinthian church. The following is a brief outline of the questions Paul addresses:

- vv. 1-7 – To those considering a renunciation of marriage: remain married with full conjugal rights.
- vv. 8-9 – To the unmarried and widows: it is good to remain unmarried, but those who cannot exercise self-control should marry.
- vv. 10-11 – To the married (both partners are believers): remain married, but if you divorce you must remain single or be reconciled to your spouse.
- vv. 12-16 – To the married (one partner is an unbeliever): remain married unless the unbelieving partner separates.
- vv. 17-24 – The general principle: remain as you are.
- vv. 25-38 – To the betrothed: it is good to remain unmarried, but if you marry you have not sinned.
- vv. 39-40 – General precepts for the married and widowed.²⁹⁷

In a New Testament epistle, the subjects an author addresses are largely determined by the situation in the receiving church. This means that Paul did not write a treatise on divorce and list all of the biblical grounds. Rather, Paul received a letter from the Corinthians asking about several situations in their church. He answers those questions in 1 Corinthians 7. The reason Paul addresses an unbeliever deserting a believer is because the Corinthians had asked him about mixed marriages. Therefore, it is entirely appropriate to ask, “Why did Paul allow divorce in this specific situation? And using that same reasoning, might there be other situations in which divorce is permitted?”

²⁹⁷ Adapted from Gordon D. Fee, *The First Epistle to the Corinthians* (Grand Rapids, MI: Eerdmans, 1987), 268.

Another reason we should ask these questions is because of the nature of ancient case law. As a former Pharisee, Paul was steeped in the Pentateuch. When he thought of ethical issues, case law was in the front of his mind. This means that when Paul gives a command governing a specific situation, such as a Christian being deserted by an unbelieving spouse, we should try to discern the universal principle behind his command.

The principle behind 1 Corinthians 7:15 is that believers are not allowed to actively seek a divorce from their spouses, but if one spouse effectively deserts his/her marriage responsibilities, the other spouse is not obligated to remain married. Based on the Greek grammar, the key element in Paul's line of reasoning is the passivity of the believing spouse in the action that instigates divorce. In this verse Paul makes a pronounced switch from the active voice to the passive. In the original Greek, verse 15a literally reads, "But if the unbeliever separates, be separated."²⁹⁸ Paul uses a middle indicative form of χωρίζω (separates), immediately followed by a passive imperative form of the same verb (be separated). He uses the same verb twice in a row, but the second time the verb is passive. Paul's point is that a believer is not allowed to actively instigate divorce. But when one spouse effectively abandons the marriage, the other spouse can let the separation take place.

This interpretation of 1 Corinthians 7:15 is strengthened by research from Wayne Grudem, who recently changed his position on this issue. Grudem focuses on the phrase "in such cases" (Greek: ἐν τοῖς τοιοῦτοις). This phrase is not used anywhere else in the New Testament or the Septuagint. But Grudem studies the use of this phrase in extra-biblical Greek literature, including Philo, Lysias, and Euripedes. He concludes that the phrase "in such cases" refers to a broader category of situations other than the example given. According to Grudem, the use of the phrase in 1 Corinthians 7:15 means, "*in this and other similarly destructive situations* (that is, situations that destroy a marriage as much as adultery or desertion)."²⁹⁹ Such a definition fits perfectly within the framework of case law discussed above.

Some pastors and elders maintain that desertion is only grounds for divorce if the deserting spouse is an unbeliever. However, while a mixed marriage is a

²⁹⁸ To avoid redundancy, the ESV translates v. 15a, "But if the unbelieving partner separates, let it be so."

²⁹⁹ Wayne Grudem, "Grounds for Divorce: Why I Now Believe There Are More Than Two," The Council on Biblical Manhood and Womanhood, <https://cbmw.org/2020/06/10/grounds-for-divorce-why-i-now-believe-there-are-more-than-two/>.

circumstance of the case, it is not the determining factor in Paul's permission to dissolve the marriage. The determining factor is the act of abandonment. In the above discussion of case law, Douglas Stuart warned against allowing the specifics of the individual case to lead us into applying the law too narrowly. We fall into this trap if we require an abandoned person to be married to an unbeliever in order to qualify for divorce.

In view of these considerations, domestic abuse clearly qualifies as an act of desertion. It creates an oppressive environment in the home that often forces the victim to leave for her own safety and well-being. A man who abuses his wife or children has abandoned his role as a husband and father and has therefore broken the marriage covenant. The Report of the Ad-Interim Committee on Divorce and Remarriage shares this position:

This is so precisely because his violence separates them, either by her forced withdrawal from the home or by the profound cleavage between them which the violence produces, as surely as would his own departure, and is thus an expression of his unwillingness "to consent" to live with her in marriage (1 Cor. 7:12-13; Eph. 5:28-29).³⁰⁰

When a victim of abuse must leave her home to protect herself and her children, it is the perpetrator's abusive actions that have caused the separation, not the victim's decision to leave. The same can be said of a victim's choice to file for divorce. Taking such a step does not violate Paul's prohibition against actively instigating the dissolution of a marriage. Her spouse is the one who has broken the marriage covenant through his abuse, and she is merely seeking the formal recognition of a state of brokenness that already exists. A victim's decision to divorce does not kill the marriage. Abuse kills the marriage, and divorce is merely seeking the death certificate.

3. The Practical Argument

The purpose of this section is to build on the biblical argument that abuse breaks the marriage covenant. By bringing to light the oppressive effects of abuse on the victim and her children, this section will strengthen the case that domestic abuse creates a forced separation in the marriage that is tantamount to desertion. An abusive marriage damages the physical and psychological health of the victim and forces her to leave the abuser to pursue healing and

³⁰⁰ *M20GA*, 563.

safety. The following are just some of the ways that domestic abuse can impact the victim:

- Severe anxiety
- Panic attacks
- Questioning her own sanity
- Intense nightmares
- Insomnia
- Digestion problems
- Depression
- PTSD
- Suicidal ideation
- Physical injuries
- Life threatened (in the most severe cases).³⁰¹

It is common to think that only physical abuse would be an adequate reason to leave. It is possible to infer this from the above quote from the Report of the Ad-Interim Committee on Divorce and Remarriage, due to its repeated use of the word “violence.” Yet such a position severely underestimates the effects of all types of abuse on the victim. All abuse results in the physical symptoms listed above. Emotional, verbal, and spiritual abuse often cause the victim to experience panic attacks, depression, PTSD, and suicidal thoughts, all concurrently. Even in physically abusive relationships, the greatest damage the victim suffers is almost always psychological. Physical damage can heal in a matter of days or weeks, but psychological wounds take years to overcome. In fact, it is common for victims who have experienced both psychological and physical abuse to say that psychological abuse is worse. All types of abuse are absolutely devastating to a victim’s health and well-being. All types of abuse create a forced separation in the marriage, just like physical abuse. And therefore, all types of abuse qualify as a form of desertion.

It is also important to consider the sexual dimension of marriage. In many cases, abuse does not stop when the couple enters the bedroom. There are many abusive men who have never hit their wives but have sexually violated them in ways that are degrading and inhumane. Examples include:

- Forcing her to watch pornography under the threat of violence
- Rape

³⁰¹ For a more complete list see Christiane Sanderson, *Counseling Survivors of Domestic Abuse* (Philadelphia, PA: Jessica Kingsley Publishers, 2008), 54-55.

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- Forced sodomy
- Requiring her to engage in sexual acts with other men, also under the threat of violence.

Victims of sexual abuse are on high alert the moment their husbands climb into bed and suffer from intense nightmares and insomnia as a result. Yet the sexual dimension of an abusive marriage is so humiliating that many victims will not disclose it even if they are asked, especially to male pastors and elders. Limiting biblical grounds for divorce to physical abuse fails to account for this destructive yet secretive aspect of the marriage.

Another factor is the impact of domestic abuse on children. Living in an abusive home scars children, even if the abuse is not perpetrated directly against them. Children who grow up in a family where dad abuses mom experience many of the following effects:

- Failure to thrive in infants
- Fear
- Anxiety
- Insecurity
- Self-blame
- Defiance
- Poor grades
- Bed-wetting in children over four
- Intense nightmares
- Eating disorders
- Substance abuse
- Teen pregnancy
- Cutting
- Suicidal thoughts
- Boys are more likely to become abusive
- Girls are more likely to marry abusive men.³⁰²

It is common for pastors and elders to pressure victims of abuse to remain in their marriages, and one of the primary motives is the impact of divorce on children. This is a mistake. While divorce is always unfortunate, and the effect

³⁰² For a more complete list see Lundy Bancroft, *When Dad Hurts Mom: Helping Your Children Heal the Wounds of Witnessing Abuse* (New York, NY: Penguin, 2004), 72-74.

on children is undeniable, the impact of domestic abuse on children is worse than the impact of divorce.³⁰³

Another reality we have to grapple with is that abusers rarely change.³⁰⁴ Unless you are a victim of domestic abuse or an expert in the field, you do not fully appreciate the depth of blindness and self-deception that plagues abusive men. It is something you have to experience to fully grasp. This blindness and self-deception make the change process much more challenging than other types of sanctification. We can trust in the power of the Holy Spirit to transform the human heart, but that should not cause us to ignore the fact that counseling programs for abusive men have low success rates. One rigorous study of batterer intervention programs found only a five percent improvement rate in

³⁰³ Brenda Branson and Paula J. Silva, *Violence Among Us: Ministering to Families in Crisis* (Valley Forge, PA: Judson Press, 2007), 44.

³⁰⁴ “Keep on hearing, but do not understand; keep on seeing, but do not perceive.’ Make the heart of this people dull, and their ears heavy, and blind their eyes; lest they see with their eyes, and hear with their ears, and understand with their hearts, and turn and be healed” (Isaiah 6:9–10). G.K. Beale writes, “Whenever the organs of spiritual perception were seen to be not functioning, a certain kind of language was used. We might call this sensory-organ-malfunction language. When this language is used in the Old Testament, almost without exception, it refers not just to sinners in general but to only one particular kind of sin—the sin of idol worship” (G.K. Beale, *We Become What We Worship, A Biblical Theology of Idolatry* (Downers Grove, IL: IVP Academic, 2008), 41). Isaiah is speaking to this specific type of sin. He later tells us God Himself “smearing over their eyes so that they cannot see and their hearts so that they cannot comprehend” (Isa. 44:8, emphasis mine). At its root, abuse in marriage is the sin of self-worship. “An abusive person uses his God-like faculties to overpower those same faculties in someone else to get what he wants. Instead of using his powers to arrange the world to God’s glory, he uses his powers to arrange the world for his own” (Jeremy Pierre, Greg Wilson, *When Home Hurts, A Guide for Responding Wisely to Domestic Abuse in Your Church* (Geanies House, Fearn, Ross-shire, Scotland: Christian Focus Publications, 2021), 24). God does not share His glory with another, and the judgment for such sin, for those who worship any other, is to be “made spiritually insensitive like the idols they worship.” Beale, *Worship*, 47. Beale continues, “the reversal of spiritual blindness and deafness into spiritual ‘seeing and hearing’ is the gift of God and cannot occur by any independent human determination” (Ibid, 270). Only God can reverse this condition. While those contributing to this report believe God can and will change anyone, these passages emphasize both the difficulty and the utter dependence on God that pastors, leaders, and counselors must acknowledge when shepherding those who abuse.

perpetrators ceasing physical abuse.³⁰⁵ Couples counseling and anger management fared even worse.³⁰⁶ Therefore, asking a victim to remain married could be tantamount to asking her to endure a lifetime of abuse. If Scripture permits victims of abuse to divorce, as this report argues, then pastors and sessions should not deny what Scripture allows. They should humbly and compassionately shepherd a victim towards an abuse-free life, be it through the abuser's repentance and the restoration of her marriage or the ending of her marriage.

Protecting the marriage covenant is a biblical desire, but so is protecting a human being. As people created in the image of God, victims of abuse and their children have inherent value and dignity that should be protected. Pastors and elders who pressure victims to remain in abusive marriages usually do not fully comprehend the damage abuse inflicts on a human being. When ministering to families impacted by domestic abuse, the physical and psychological safety of the victim and her children should take priority over keeping the marriage together.

4. The Question of Remarriage

If a victim of domestic abuse divorces her husband, is she allowed to remarry? Deuteronomy 24:1-4 assumes that divorced people can remarry, and Jesus permits remarriage if the divorce was for sexual immorality (Matt. 19:9). Some strengthen the case for remarriage after desertion by appealing to the second half of 1 Corinthians 7:15, which reads, "But if the unbelieving partner separates, let it be so. In such cases the brother or sister is not enslaved. God has called you to peace." When Paul writes that "the brother or sister is not enslaved," many understand him to be saying that the believer is not enslaved to the previous marriage and is therefore free to remarry.³⁰⁷ This interpretation is often referred to as the "Pauline privilege." We agree that Paul is saying that a deserted spouse is not enslaved to the previous marriage, but it is doubtful that Paul addresses remarriage. He goes on to write, "God has called you to peace. For how do you know, wife, whether you will save your husband? Or how do you know, husband, whether you will save your wife?" Paul's point is that the deserting spouse's lack of salvation does not obligate the believer to

³⁰⁵ National Institute of Justice, *Practical Implications of Current Domestic Violence Research: For Law Enforcement, Prosecutors and Judges* (Washington DC: U.S. Department of Justice, 2009), 65.

³⁰⁶ *Ibid.*, 66.

³⁰⁷ For example, see *M20GA*, 561-562, and John Murray, *Divorce* (Philadelphia, PA: P&R, 1961), 74-75.

stay in the marriage for the sake of evangelism. Doing so produces a state of perpetual marital conflict, which is the antithesis of the peace and reconciliation that characterizes the gospel. The believing spouse is not enslaved in that they are free to divorce. However, the freedom to remarry is simply not addressed.³⁰⁸

Nevertheless, the language of not being “enslaved” should hold special significance for victims of abuse. As unfortunate as divorce is, the Lord does not require them to remain in the oppression that they have suffered. The God who led His people out of slavery in Egypt (Ex. 20:2), and the Savior who came to liberate the oppressed (Luke 4:18), now tells victims of abuse that they are no longer enslaved (1 Cor. 7:15). Throughout Scripture, the Redeemer of the oppressed bids His people to run free.

Although 1 Corinthians 7:15 does not speak to remarriage, there is another passage in the same chapter that does address the issue. We read in vv. 10-11, “To the married I give this charge (not I, but the Lord): the wife should not separate from her husband (but if she does, she should remain unmarried or else be reconciled to her husband), and the husband should not divorce his wife.” Some theologians think these verses prohibit remarriage after divorce in all circumstances.³⁰⁹ They argue that Paul is issuing a strict, over-arching command which applies to all Christians in all situations. There are two factors which make this interpretation unlikely.

First, we must understand the cultural context of first century Corinth, which had a view of marriage and divorce that fell far short of the biblical standard. Anthony Thiselton writes, “In the Roman world of the first century divorce was undertaken both frequently and often for selfish, trivial reasons.”³¹⁰ We face a similar situation in our culture today. The difference is that in ancient Corinth, the Christian view of marriage would not have been seen as traditionalist dogma, but as a strange and unrealistic novelty. In light of the audience Paul is addressing, it is best to view vv. 10-11 as a general statement against the prevailing cultural attitude toward divorce. In general, Christians may not divorce their spouses at will. Those who do so are not allowed to remarry.

³⁰⁸ Fee, *The First Epistle to the Corinthians*, 303.

³⁰⁹ Gordon J. Wenham and William E. Heth, *Jesus and Divorce*, Updated Edition (Carlisle, CA: Paternoster Press, 1984), 144 and Fee, *The First Epistle to the Corinthians*, 296.

³¹⁰ Anthony C. Thiselton, *The First Epistle to the Corinthians, New International Greek Testament Commentary* (Grand Rapids, MI: Eerdmans, 2000), 540.

Second, the Greek construction ἐὰν δὲ καὶ (translated “but if”) introduces a general condition that qualifies the preceding prohibition.³¹¹ Despite the fact that Paul has prohibited divorce, he acknowledges the practice will nevertheless continue, and so he regulates it. Paul has given a general command not to divorce your spouse. If someone disobeys this command, that person is not allowed to remarry. But if the divorce is for biblical grounds, that person has not disobeyed God, as v. 15 clearly shows. In other words, Paul only prohibits remarriage for people who have divorced their spouses on unbiblical grounds. In light of the fact that remarriage is assumed in Deuteronomy 24:1-4 and allowed in Matthew 19:9, it is safe to conclude that people who divorce on biblical grounds are free to remarry. This includes victims of abuse.

Some pastors and Sessions are in the practice of advising victims to remain permanently separated from the abuser, but to refrain from divorce. Such an option may seem like the best of both worlds: the marriage covenant is preserved, and the victim is safe. However, this course of action is not recommended. If the victim has no intention of ever living with the abuser as husband and wife, one should question if they are truly married. They may be married on paper, but they are functionally divorced. This is certainly how the apostle Paul would view such a situation, as there was no category of legal separation in the first century. A couple was either married or divorced; there was no middle ground. Furthermore, without a divorce the victim is not able to remarry. Many victims are in their 20s or 30s when they leave their abusive spouses. It is tragic to rob them of the freedom to remarry when Scripture allows it, especially at such a young age.

Those who argue against remarriage usually believe that the marriage bond is indissoluble, except by death. As appealing as such a view may be, it is hard to square with Deuteronomy 24:1-4 and Matthew 19:9. Scripture teaches that marriage is a covenant (Prov. 2:17; Mal. 2:14). This means that it is a binding relationship that should ideally never be broken. But despite this ideal, it *can* be broken. Geerhardus Vos illustrates:

We may have on our parlor table a beautiful and costly vase. It ought to be handled carefully. It ought not to be broken. It was not made to be smashed; it was made to exist as a thing of beauty and grace. But it

³¹¹ Walter Bauer, et al., *A Greek-English Lexicon of the New Testament and other Early Christian Literature*, Third Edition (Chicago, IL: University of Chicago Press, 2000), 267 and Fee, *The First Epistle to the Corinthians*, 295.

is not impossible to break it. And if a member of the family breaks it through carelessness, or in a fit of temper smashes it deliberately, there is nothing to do but sweep up the broken fragments and dispose of them. We will not say, “This vase was not intended to be broken; therefore it is impossible to break it; the vase is unbreakable; therefore in spite of the fact that it lies in shattered fragments on the floor, we will not throw it away; we will keep it forever.” No one would say that about a broken vase; yet that is substantially the argument of those who say that the marriage bond is “indissoluble” and “unbreakable.”³¹²

5. Conclusion

In the experience of the authors of this report, most Christian victims of abuse are deeply committed to their marriages. In fact, it would be difficult to find a group of people who have paid a higher price for their commitment to the marriage covenant. Many victims have courageously stayed with their spouses for years and continued exposing themselves to abuse in hopes that their marriages would be saved. They do not want to smash the beautiful and costly vase that Geerhardus Vos describes. Rather, they are sitting on the floor surrounded by shattered fragments, desperately trying to put the pieces back together, hopeless and confused as to why nothing they try seems to work. Sometimes God will perform a miracle and bring healing and restoration to the marriage. But many times, He does not, and in such cases, victims should not be forced to endure a lifetime of abuse. God has declared that they are no longer enslaved. He declares this because of who He is: the God of the exodus; the God of redemption. If we in the PCA want to respond to oppression the way God does, we will support victims of domestic abuse on their difficult journey to freedom.

³¹² Quoted in Loraine Boettner, *Divorce* (Nutley, NJ: P&R, 1960), 13.

Attachment 12

Committee Bios

Committee Members

REV. DR. TIMOTHY R. LECROY [Chairman] is a teaching elder in Missouri Presbytery. He is a visiting instructor of historical theology at Covenant Theological Seminary and has served the General Assembly on various committees. Dr. LeCroy brings the perspective of an abuse survivor to the committee.

DR. KELLY DEHNERT [Secretary] is a ruling elder in Rocky Mountain Presbytery and Assistant to the Pastor at Covenant Presbyterian Church in Lander, WY. He researches and teaches on abusive leadership in Christian organizations and is on the national board of Refuge Ministries.

REV. CAL BOROUGHS is a retired teaching elder in Tennessee Valley Presbytery, formerly pastor of St. Elmo Presbyterian Church in Chattanooga, TN. He has served as moderator for his Presbytery and was part of the working group that brought to the Assembly the overture for a study committee on domestic abuse and sexual assault.

MR. BOB GOUDZWAARD is a ruling elder in Central Carolina Presbytery and helped develop a domestic abuse online training video for the Institute for Biblical Counseling and Discipleship. He serves as director of Care Ministries at Christ Covenant Church in Charlotte, NC.

DR. DAVID HABURCHAK is a ruling elder in Metro Atlanta Presbytery and a doctor of internal medicine with extensive experience in the effects of childhood abuse on adults. Dr. Haburchak is Emeritus Professor of Medicine at the Medical College of Georgia at Augusta University. He recently authored “Kingdom Work: Redeeming Child Sexual Abuse.”

REV. DR. LLOYD PIERSON is a teaching elder in Rocky Mountain Presbytery and works with abuse survivors and perpetrators through Refuge Ministries, a national domestic abuse ministry founded in Kalispell, MT. He is the senior pastor of Faith Covenant PCA in Kalispell.

REV. SHANE WALDRON is a teaching elder in Rocky Mountain Presbytery and the lead pastor of Rocky Mountain PCA in Westminster, CO. He founded and serves on the national board of Refuge Ministries. He also developed the curriculum the ministry uses.

Advisory Members

RACHAEL DENHOLLANDER became known internationally in 2016 as the first woman to pursue criminal charges and speak publicly against USA Gymnastics' team doctor Larry Nassar, one of the most prolific sexual abusers in recorded history. She is an attorney, author, advocate, and educator. Rachael is a member of the Reformed Baptist Church of Louisville, KY.

ANN MAREE GOUDZWAARD is a member of Christ Covenant PCA in Matthews, NC and the Executive Director of Help[H]er. In addition, she trains counselors at RTS Charlotte, Eternity Bible College, and PeaceWorks University. Ann Maree is a biblical counselor with an M.Div. with a counseling emphasis and a D.Min. candidate.

DR. DIANE LANGBERG is a member of Calvary PCA in Willow Grove, PA and is a psychologist with over 50 years of experience helping abuse victims. She is a well-known speaker and author of multiple books about abuse and trauma.

DR. BARBARA SHAFFER is a member of Faith PCA in Wilmington, DE and a psychologist with nearly 40 years of experience, much of which involved working with survivors of sexual and domestic abuse.

DARBY STRICKLAND is a member of Cornerstone PCA in Center Valley, PA and on the faculty of Christian Counseling Educational Foundation. She teaches "Counseling Abusive Marriages" at Westminster Theological Seminary in Philadelphia. She is the author of the book, *Is It Abuse?*, and two booklets for churches and survivors of abuse.

ANNOTATED BIBLIOGRAPHY

(Editor's Note: These resources were current at the time of publication.)

This bibliography is not intended as an exhaustive list but representative of quality resources from both Christian and non-Christian experts on abuse recommended by the committee. The following are the reference categories.

1. Adult Sexual Assault / Abuse
2. Batterers / Abusers
3. Childhood Sexual Abuse
4. Childhood Adversity
5. Domestic Violence
6. Healing and Recovery: General
7. Healing and Recovery: Sexual Abuse / Assault
8. Spiritual Abuse / Misuse of Spiritual Authority
9. Websites

1. ADULT SEXUAL ASSAULT / ABUSE

Courtright, John and Sid Rogers. *What To Do When You Find Out Your Wife Was Sexually Abused*. Grand Rapids, MI: Zondervan, 1994.

Written for husbands whose wives are going through therapy for sexual abuse. Also helpful for couples to read in that situation. Explains emotional reactions and offers suggestions about how to talk to each other constructively.

Hundley, Shelley. *A Cry for Justice: Overcome Anger, Reject Bitterness, and Trust in Jesus Who Will Fight for You*. Lake Mary, FL: Charisma House, 2011.

Hundley was sexually molested (by pastors) as a child of missionaries in Columbia. This is a wonderful book, though some will struggle with her Charismatic doctrine. Her understanding of justice and forgiveness is very helpful to those who seek healing from sexual abuse.

Langberg, Diane. *Counseling Survivors of Sexual Abuse*. Camarillo, CA: Xulon Press; 1st Edition, 2003.

A pioneering and timeless guide to counseling survivors of sexual abuse based on the premise that such therapy must be both incarnational and redemptive. Essential reading for anyone who wants to know how to counsel a survivor in healing ways that reflect the person of Christ.

2. *BATTERERS / ABUSERS*

Arbinger Institute. *Leadership and Self-Deception, Getting Out of the Box*. Oakland, CA: Berrett-Koehler Publishers, 2000, 2010, 2018.

Leadership and Self-Deception is not a Christian book, nor even a conventional secular book. It is written as a hypothetical narrative, a pretend story about a leader in an imaginary organization. What makes this book helpful in shepherding abusers is how it accurately, and often biblically, describes the mind of someone who feels entitled.

Throughout the descriptions of living inside “the box,” the reader will hear echoes of Paul’s challenge in Philippians 2:3-8:

Do nothing from selfish ambition or conceit, but in humility count others more significant than yourselves. Let each of you look not only to his own interests, but also to the interests of others. Have this mind among yourselves, which is yours in Christ Jesus, who, though He was in the form of God, did not count equality with God a thing to be grasped, but emptied himself, by taking the form of a servant, being born in the likeness of men. And being found in human form, He humbled himself by becoming obedient to the point of death, even death on a cross.

Leadership and Self-Deception shows us that, when we act contrary to what we are called to do for others, we betray our true self. Living in that self-betrayal, our view of the world is distorted. Self-betrayal is how we get ourselves into the box.

Inside the box, we are self-deceived. We inflate others’ faults while justifying our own. In the box, other people do not have the same privilege of thinking, feeling, acting, or wanting as we do. Our thoughts, feelings, desires, and actions take primacy.

The authors suggest that to get out of the box, our perspective must change. Inside the box, the problem is that others need to change. Outside the box, we cease self-justification, honor other people as people (fellow image-bearers), and see them as those who have valid thoughts, feelings, and actions.

Interestingly, the authors also stumble across another biblical principle as seen below in Chalmers’s resource. That is, simply changing behavior is not how to get out of the box. Changing behavior while inside the box is simply a means for more sophisticated ways to blame. “Since the box itself is deeper than behavior, the way out of the box has to be deeper than behavior too” (142).

When we experience others as people rather than objects for our own satisfaction we live outside the box.

Chalmers, Thomas, D.D. *The Expulsive Power of a New Affection*. Minneapolis, MN: Curiosmith, 2012.

Puritan Thomas Chalmers's little, but powerful sermon challenges both the counselor and the believer to understand that "pulling up our bootstraps," determining to be better, or even regulating behavior will not succeed in the Christian life. "It is almost never done by the mere force of mental determination" (11). The only possible remedy for love (and therefore obedience) of God is that He replace what is in the seat of our affections. In abuse, the abuser's affection is self. Only by "substituting another desire, and another line of habit of exertion in its place . . ." (11) can the love of "the world" (a.k.a., "self") be expunged and "supplanted by the love of that which is more worthy than itself" (17).

Counselors and Christians will find Chalmers's wisdom a helpful perspective for how to approach caregiving when working with an abuser. See also Packer, J. I. *Knowing God*. Downers Grove, IL: IVP, 2021.

Owen, John. *Spiritual-Mindedness*. Edited by R.J.K. Law. Edinburgh, UK: The Banner of Truth Trust, 2009, 2016.

Owen wants believers to be drawn to the awe-inspiring, life-giving, eternally blessed Father. In fact, in *Spiritual-Mindedness*, Owens wants our minds drawn to our Savior and spiritual things every moment. Romans 8:6-8 says, "For to set the mind on the flesh is death, but to set the mind on the Spirit is life and peace. For the mind that is set on the flesh is hostile to God, for it does not submit to God's law; indeed, it cannot. Those who are in the flesh cannot please God." Owens writes, "All actions, good or bad, come from our thoughts" (7) and "That which you set your heart on is that which you will think about most (238). Owen devotes his entire book to walking us through how to purposely and helpfully focus—daily and regularly—our thoughts upon God.

Similar to Chalmers's claim in *The Expulsive Power*, Owen suggests to think God's thoughts is to grow to know and love Him more. To think God's thoughts, therefore, is to eradicate the sin of self-worship. Counselors and pastors can help abusive individuals redirect their thoughts toward the only Source worthy of our praise.

Paymar, Michael, and Anne Ganley. *Violent No More: Helping Men End Domestic Abuse*, 3rd Ed. Nashville, TN: Hunter House, 2015.

This book is very helpful for counseling batterers. Despite the lack of hopefulness for batterers to change, this book challenges the reader to trust that God can indeed change anyone. It provides many helpful stories of success. Though not a Christian text, it seeks to get to the heart of the abuser for real change to happen.

Tozer, A.W. *The Knowledge of the Holy*. New York, NY: HarperCollins, 1961.

If knowing who God is and thinking His thoughts after Him is one way to replace thoughts of self and entitlement, the attributes of God are the place to begin. Tozer's classic, *The Knowledge of the Holy* is a grace that introduces us (or reminds us) who God is and why who He is matters in our everyday world. In keeping with spiritual-mindedness, thinking about who God is on a daily basis is refreshment for the soul: the type of deep soul-refreshment that shapes our affections. "What comes into our minds when we think about God is the most important thing about us" (1). Rather than our wants, our needs, our desires, our passions defining who and what we are (abusive or not), thoughts about God make us who He intended us to be.

Welch, Edward T. *When People Are Big and God Is Small: Overcoming Peer Pressure, Codependency, and the Fear of Man*. Phillipsburg, NJ: P&R Publishing, 1997.

"Fear of man is such a part of our human fabric that we should check for a pulse if someone denies it" (17). Everyone, it seems, struggles to fear God more than we fear fellow man. Fear of man keeps a victim of abuse paralyzed; everything they do revolves around pleasing their abuser. Fear of man keeps abusers relentlessly pursuing, obtaining, and keeping the image they've created intact.

Fear of man is a significant characteristic of abuse, both of the victims and the abusers. At the heart of this fear is unbelief of a good God. Fear of man fills the vacuum when a holy fear of God is lacking. Only God provides all things necessary for life and godliness. Only God's love is the answer to the human struggle. All attempts to find satisfaction, or approval, or recognition outside of pursuing God's love, forgiveness and acceptance will fail. Only a radical fear of God will replace the fear of man. See also Flavel, John. *Triumphing over Sinful Fear*. Grand Rapids, MI: Reformation Heritage Books, 2011 and Fox, Christina. *A Holy Fear, Trading Lesser Fears for the Fear of the Lord*. Grand Rapids, MI: Reformation Heritage Books, 2020.

3. *CHILDHOOD SEXUAL ABUSE*

Allender, Dan. *The Wounded Heart: Hope for Adult Victims of Childhood Sexual Abuse.* Colorado Springs, CO: Navpress, 2008.

For those who have experienced childhood sexual abuse and those who love and care for them, *The Wounded Heart* offers a tender, compassionate window into the psychological effects of abuse and the theological foundations for healing.

Denhollander, Rachel. *What Is a Girl Worth?* Carol Stream, IL: Tyndale Momentum, 2019.

A compelling personal account of sexual abuse at the hands of a trusted physician and the courageous path the author took to expose a powerful figure and a powerful organization in the face of disbelief and efforts to silence her. Saturated with deep faith, biblical support, forgiveness, and a relentless desire to protect other children.

Haburchak, MD, David R. *Kingdom Work: Redeeming Childhood Sexual Abuse.* Research Triangle, NC: Lulu Publishing, 2019.

Intended as a comprehensive primer on all aspects of the subject from both theological and medical points of view, it is specifically designed for churches to use in small group study with prayer, discussion points, and applications. Recommendation for a child safety policy is in Attachment 6, and it outlines current self-help as well as church-based treatment programs by Mary Demuth and the BECOMERS ministry to both victims and perpetrators by Lynn Heitritter and Jeanette Vought. Haburchak is a Ruling Elder in the PCA.

Langberg, Diane. *Counseling Survivors of Sexual Abuse.* Camarillo, CA: Xulon Press; 1st Edition, 2003.

A pioneering and timeless guide to counseling survivors of sexual abuse based on the premise that such therapy must be both incarnational and redemptive. Essential reading for anyone who wants to know how to counsel a survivor in healing ways that reflect the person of Christ.

Langberg, Diane. *On the Threshold of Hope: Opening the Door to Healing for Survivors of Sexual Abuse.* Carol Stream, IL: Tyndale House, 1999.

A companion to *Counseling Survivors of Sexual Abuse* that will lead survivors along the path of understanding and healing.

McConnell, Mez. *The Creaking on the Stairs*. Fearn, Ross-shire. UK: Christian Focus Publications Ltd., 2019.

This book was written for those who have suffered from childhood sexual abuse; however, Mez McConnell maps the truths and promises of God over all the circumstances of horrific pain and suffering. This book is a helpful perspective for someone who has endured any kind of abuse. The story in the book is raw. Please recommend reading with caution.

4. CHILDHOOD ADVERSITY

Jung, J.H. “Childhood Adversity, Religion, and Change in Mental Health.” *Research on Aging* no. 40 (2018): 155-79.

Author contends that “religious practice and spirituality buffer the noxious effects of abuse on positive affect (“calm, peaceful, cheerful, happy, satisfied, good spirits”) but do not help the downward spiral of negative affect, especially in later times of stress (“hopeless, nervous, restless, sadness, worthlessness, nothing could cheer you up”).” He seems to suggest that church and spirituality provide existential hope to maintain some degree of optimism, but reluctance to talk to others, especially in the congregation about their experiences leads to the persistence of strong negative cognition, especially under times of stress. This would fit with the BECOMERS group’s strategy noted above and has implications for how churches handle the past trauma of members.

5. DOMESTIC VIOLENCE

Bancroft, Lundy. *When Dad Hurts Mom: Helping Your Children Heal the Wounds of Witnessing Abuse*. New York, NY: Hudson, 2004.

Written for mothers who are struggling with how to protect their children from the emotional trauma they experience after witnessing physical and/or emotional abuse in their homes and from the manipulation of the abusive parent. Contains many helpful and practical suggestions.

Bancroft, Lundy. *Why Does He Do That?: Inside the Minds of Angry and Controlling Men*. New York, NY: Berkley Books, 2002.

Bancroft is extremely helpful in understanding the minds of abusers. He was an early batterers’ intervention support group leader. His current focus is on helping the justice system work together to battle domestic violence and give targets safety. This book has helped countless women over the years. He provides a thorough approach to increasing understanding why some men

abuse women, including early warning signs, ten abusive personality types, the process of change, and more.

For a comprehensive understanding of an abusive man, Bancroft's book is essential. While insight from his sociology is important, the reader should know he has no biblical understanding of anthropology or sin, nor does he recommend any biblical solutions. Caution is advised due to foul language and utter lack of hope found throughout the book.

Branson, Brenda and Paula Silva. *Violence Among Us: Ministry to Families in Crisis*. Valley Forge, PA: Judson Press, 2007.

This book offers practical help in identifying abusive situations. It has strategic counseling tips, case studies and models of effective ministry to both the victim and the perpetrator. There are resource lists which include domestic violence hotlines and shelters, faith-based organizations, abuser treatment programs, and information on legal and safety issues.

Evans, Patricia. *The Verbally Abusive Relationship: How to Recognize It and How to Respond*, 3rd ed. Avon, MA: Adams Media, 2010.

Very helpful in identifying verbal abuse and emphasizes specific themes that are helpful for those in abusive relationships. Excellent advice on how to respond to verbal abuse. Not written by a Christian.

Hambrick, Brad. *Church Cares / Becoming a Church That Cares Well for the Abused*. <https://churchcares.com/>.

This is an exceptional resource for churches who desire to care "Well for the Abused." Hambrick has put together notable experts in the Christian community to speak from various disciplines. From counseling to law enforcement to advocacy, *Becoming a Church That Cares Well* provides video training and a free e-book from the website for use by Sessions for the instruction of their congregations.

Herman, Judith. *Trauma and Recovery: The Aftermath of Violence – from Domestic Abuse to Political Terror*. New York, NY: Basic Books, 1997.

An insightful, groundbreaking book for those who want to understand the impact of trauma and the prerequisites for recovery.

Holcomb, Lindsey A., Justin S. Holcomb, and Elyse M. Fitzpatrick. *Is It My Fault?: Hope and Healing for Those Suffering Domestic Violence*, New edition. Chicago: Moody Publishers, 2014.

Written tenderly to victims, this book speaks the gospel of grace into their hearts and situations while helping them to consider steps they can take towards healing.

Miles, Al. *Domestic Violence: What Every Pastor Needs to Know*. 2nd ed. Minneapolis, MN: Fortress Press, 2011.

Miles provides many helpful insights to caring for survivors of domestic violence within the church. Written to church leaders. (Some pastors will struggle with his quoting of women church leaders.)

Millage, Sydney. *Sanctuary: Hope and Help for Victims of Domestic Abuse*. Bemidji, MN: Focus Publishing, 2018.

Sydney Millage suggests that the way to effectively minister to abuse victims is an understanding of domestic abuse and how to apply the good news of Jesus, His Word, and character to what has remained unseen, unknown, and misunderstood. The author “provides comprehensive hope and help for victims of domestic abuse, counselors and friends who come alongside them, and churches striving to shepherd members righteously and compassionately.”

Moles, Chris. *The Heart of Domestic Abuse: Gospel Solutions for Men Who Use Control and Violence in the Home*. Bemidji, MN: Focus Publishing, 2015.

A brilliant book by a pastor, biblical counselor, and batterer intervention specialist on how to bring oppressors in the church to repentance.

Pierre, Jeremy and Greg Wilson. *When Home Hurts, A Guide for Responding Wisely to Domestic Abuse in Your Church*. Fearn, Ross-shire, Scotland: Christian Focus Publications, 2021.

Pierre, the Professor of the Biblical Counseling & Department Chair at the Southern Baptist Theological Seminary, and Wilson, a licensed professional counselor, have written *the* manual for pastors and church leaders who want to carefully, wisely, and theologically shepherd victims and domestic abusers well. The first part of the book addresses the biblical, theological framework for thinking about this issue, while the second part proposes the wisest practices for helping those involved.

The authors acknowledge that the Bible was not written to be a textbook for abuse. However, Scripture does provide a framework for thinking through this kind of oppression. The doctrines of Image of God, Sin, Love, Oppression, Marriage, and the Church all provide an interpretive grid for helping us understand and respond well in cases of domestic abuse. The

authors also helpfully articulate what constitutes normal sin in the marital relationship versus what constitutes abuse (“me before you” rather than “me OVER you” p. 70). Every church leader would benefit from this book.

Simon, PhD, George K. *Character Disturbance: The Phenomenon of Our Age*, 1st Edition. Little Rock, AR: Parkhurst Brothers Publishers Inc., 2011.

Dr. George Simon, a Christian psychologist, describes individuals with “disturbed characters” as shameless and guiltless. His analysis of abusive individuals involves various DSM defined disorders but concludes that abuse is different from suffering from a personality disorder.

Snyder, Rachel Louise. *No Visible Bruises: What We Don’t Know About Domestic Violence Can Kill Us*. Bloomsbury Publishing; 1st Edition, 2019.

A comprehensive, well-researched report on domestic abuse in America. Snyder’s book has been called a “tour de force” for understanding domestic violence in American culture. One of the things she helps the reader understand is that we need to be asking better questions. It’s not enough to ask, “Why doesn’t she just leave?” At the same time, we must examine why men feel they have permission to resort to violence as a solution to their (perceived) problems. “The Danger Assessment” is a particularly helpful tool.

Strickland, Darby A. *Domestic Abuse: For the Sufferer*. Phillipsburg, NJ: P&R Publishing, 2018.

This mini-book, written to the survivor of abuse, provides clarity and encouragement. It aims to help victims see that God speaks into their situation, and it offers them steps they can take to begin to get help.

Strickland, Darby A. *Domestic Abuse: Recognize, Respond, Rescue*. Phillipsburg, NJ: P&R Publishing, 2018.

This mini-book summarizes how to detect abuse, explains the heart of an oppressor, and describes first steps to take to help oppressors and the oppressed. It is a short read and is written with church leadership in mind.

Strickland, Darby A. *Is it Abuse? A Biblical Guide to Identifying Domestic Abuse and Helping Victims*. Phillipsburg, NJ: P&R Publishing, 2020.

From beginning to end, a treasure chest of information about the dynamics and kinds of abuse, their effects on women and children, and practical steps to take to offer apt help. Strickland teaches how to identify the toxic entitlement that drives abusive behavior and to better understand its impact on victims—including children who are raised in a home with domestic

abuse. Scripture references and appendices about safety plans, red flags during dating, pre-marital abuse inventory, ten ways to educate the church, and more.

It will equip you to provide wise and Christ-centered counsel, empower, and advocate for victims while navigating the complex dynamics of oppression in a marriage. The book has detailed inventory questions to screen for different kinds of abuse—physical, sexual, emotional, spiritual, and financial—as well as case studies, exercises, and comprehensive worksheets. Included is a safety action plan that can be used to train helpers and assist victims.

Tucker, Ruth. *Black and White Bible, Black and Blue Wife: My Story of Finding Hope After Domestic Abuse.* Grand Rapids, MI: Zondervan, 2016.

A story of abuse from her pastor-husband, as well as other women's experiences, and, refreshingly, accounts of husbands who loved their wives as Christ loved the church. Suggests a biblical approach for challenging abuse and presses the church to consider thoughtfully the potential danger in doctrinaire male headship.

Vernick, Leslie. *The Emotionally Destructive Marriage: How to Find Your Voice and Reclaim Your Hope,* 2013 Edition. Colorado Springs, CO: WaterBrook, 2013.

Based on decades of counseling experience, Vernick's intensely practical, biblical advice helps show victims of abuse how to establish boundaries and break free from emotional abuse. Distinguishes between a disappointing marriage and a destructive marriage and shines a bright light on subtle and blatant emotional abuses and their damage. Biblically-based throughout. Outlines a process that begins within the victim to develop inner spiritual and relational strengths, moves to trying to initiate change in the situation, and then moves to dealing constructively when there is no change. Vernick has helpful online resources and support groups for survivors as well.

6. HEALING / RECOVERY: GENERAL

Card, Michael. *A Sacred Sorrow: Reaching Out to God in the Lost Language of Lament (Quiet Times for the Heart).* Colorado Springs, CO: NavPress, 2005.

Not written specifically for abuse survivors but helpful for recovery. God desires for us to pour out our hearts to Him, whether in joy or pain. But many of us don't feel right expressing our anger, frustration, and sadness in prayer. From Job to David to Christ, men and women of the Bible understood the importance of pouring one's heart out to the Father. Examine their stories

and expand your definition of worship. See also Vroegop, Mark, and Joni Eareckson Tada. *Dark Clouds, Deep Mercy: Discovering the Grace of Lament*. Wheaton, Illinois: Crossway, 2019.

Chalmers, DD, Thomas. *The Expulsive Power of a New Affection*. Minneapolis, MN: Curiosmith, 2012.

Puritan Thomas Chalmers's little but powerful sermon challenges both the counselor and the believer to understand that simply "pulling up our bootstraps," determining to be better, or even regulating behavior will not succeed in the Christian life. "It is almost never done by the mere force of mental determination" (11). The only possible remedy is love (and therefore obedience) of God in that He replaces what is in the seat of our affections. In abuse, the abuser's affection is self. Only by "substituting another desire, and another line of habit of exertion in its place . . ." (11) can the love of "the world" (a.k.a., "self") be expunged and "supplanted by the love of that which is more worthy than itself" (17).

The power of this new affection is a "mighty instrument of obedience" (19). The man (or woman) who has been told to "shut out the world from his heart," (26) will find it an impossible task unless they find God as his or her "sure and satisfying portion" (26).

Counselors and Christians will find Chalmers's wisdom a helpful perspective for how to approach caregiving when working with an abuser. See also, Ortlund, Dane C. *Gentle and Lowly: The Heart of Christ for Sinners and Sufferers*. Wheaton, Illinois: Crossway, 2020 and Packer, J. I. *Knowing God*. Downers Grove, IL: IVP, 2021.

Currid, John. *Why Do I Suffer?: Suffering & the Sovereignty of God*. Fearn, Ross-shire, UK: Christian Focus, 2014.

Why does God allow suffering? John Currid helpfully explains how God works in suffering, not as "a worried observer unwilling or unable to intervene," but rather with a purpose.

Fitzpatrick, Elyse M. *Because He Loves Me: How Christ Transforms Our Daily Life*. Wheaton, IL: Crossway, 2010.

Abuse diminishes the image of God in the victim. Abuse muddies the waters of identity, and instead of living as children of God, victims forget who they are as individuals, hyper focus on their weaknesses, and lose who they are in relationship to their heavenly Father.

Fitzpatrick expands on these thoughts, calling what many of us experience as "spiritual amnesia." For a victim, to restore a God-given identity, similar to what is mentioned by Chalmers in his resource above, is to turn their

eyes fully onto the gift and grace of God’s love. Gospel-shaped living means the truth of God’s love informs everyday life; it means the believer is *transformed* by applying that truth to all the circumstances of life. For a victim of abuse, this kind of love is foreign. Elyse’s book challenges the reader to be who they are. If a victim heard (frequently) the love of their Father, how might that change their everyday world?

Fitzpatrick, Elyse and Eric Schumacher. *Worthy: Celebrating the Value of Women*. Bloomington, MN: Bethany House Publishers, 2020.

Women who have suffered from abuse may not recognize that women were always very important to God. Women have always been important as God works out His redemptive goals. Fitzpatrick and Schumacher take the reader on a walk through the Bible and demonstrate the many ways God used women in His plans, encouraged them, and promoted them as valuable human image-bearers.

For those who have been diminished simply because of their gender, *Worthy* encourages them to see through God’s eyes, to know God’s acceptance, and to hear God’s call for their life. One of the most important characteristics of hope a victim can rely on is that God will use *everything for good*. The Christian hope in suffering is that God never wastes the difficult circumstances of our lives. Schumacher and Fitzpatrick illustrate this beautifully from the Scriptures, encouraging women to persevere, encouraging them to believe that their story *will be redeemed*.

Forrest, Joy. *Called to Peace: A Survivor’s Guide to Finding Peace and Healing After Domestic Abuse*. Raleigh, NC: Blue Ink Press, LLC, 2018.

This book is both an autobiography and also a guide for victims of domestic abuse. With knowledge and compassion, Joy points her readers to Christ—the ultimate source of true wholeness and healing. Her story is one of physical abuse and will resonate with victims.

See also, Forrest, Joy. *Called to Peace: Companion Workbook*. Raleigh, NC: Blue Ink Press, LLC, 2019.

Gingrich, H.D. and F.C. Gingrich. *Treating Trauma in Christian Counseling*. Downers Grove, IL: IVP Academic, 2017.

Heather Gingrich, one of the authors, teaches a course on trauma at RTS Jackson. The third chapter, “The Neurobiology of Stress and Trauma,” is worth the price of the book. The authors meticulously walk the reader through the central nervous system as it relates to the devastating impacts of trauma. On a positive note, the authors tell us that the brain *can* change. It isn’t easy,

but God has designed it perfectly and it is possible to improve what has been devastated by trauma.

Herman, Judith. *Trauma and Recovery: The Aftermath of Violence—from Domestic Abuse to Political Terror*, New York: Basic Books, 1997.

An insightful, groundbreaking book for those who want to understand the impact of trauma and the prerequisites for recovery.

Holcomb, Lindsey. *Rid of My Disgrace: Hope and Healing for Victims of Sexual Assault*. Wheaton, IL: Crossway, 2011.

Scripturally- and theologically-based view of sexual assault and restoration by a counselor of sexual assault survivors. Discusses the psychological, emotional, and spiritual impact of sexual assault. Clearly offers the hope found in Christ and His redemptive suffering.

Kellemen, Bob. *God's Healing for Life's Losses, How to Find Hope When You're Hurting*. Winona Lake, IN: BMH Books, 2010.

One of the most helpful things pastors and counselors can do to help victims heal is to encourage them to grieve their losses. All suffering is loss. "Suffering is so dreadful because suffering is death. All suffering is the dying, separating, and severing of relationships" (11). Naming those losses, feeling the pain of losing relationship, identity, and position due to trauma and/or abuse, is a step toward wholeness. Those who suffer great loss do not necessarily stop grieving with the passage of time, rather they remember what's been lost—feel the feels of the loss—and use those emotions to lead them to God. Kellemen's process (albeit not a formula) is so much more helpful than the five steps developed by Elisabeth Kübler-Ross.

Langberg, Diane. *Suffering and the Heart of God: How Trauma Destroys and Christ Restores*. 1st edition. Greensboro, NC: New Growth Press, 2015.

Langberg says the church's greatest mission field in the 21st century is trauma. Trauma is extraordinary, she says, "not because it rarely happens, but because it swallows up and destroys normal human ways of living." We, the church, Langberg says, must become representatives of God to suffering people.

Chapters on the psychology of suffering, shame and trauma, domestic violence, sexual abuse and more call the church to view these evils as part of the sufferings of Christ and to face them in fellowship with Him, bringing His restorative power to those who suffer.

Owen, John. *Spiritual-Mindedness*. Edited by R.J.K. Law. Edinburgh, UK: The Banner of Truth Trust, 2009, 2016.

Owen, similar to Chalmers, wants believers to be drawn to the awe-inspiring, life-giving, eternally blessed Father. In fact, in *Spiritual-Mindedness*, Owens wants our minds drawn to our Savior and spiritual things every moment. Romans 8:6-8 says, “For to set the mind on the flesh is death, but to set the mind on the Spirit is life and peace. For the mind that is set on the flesh is hostile to God, for it does not submit to God’s law; indeed, it cannot. Those who are in the flesh cannot please God.” Owens writes, “All actions, good or bad, come from our thoughts” (7) and “That which you set your heart on is that which you will think about most (238). Owen’s devotes his entire book to walking us through how to purposely and helpfully focus—daily and regularly—our thoughts upon God.

Like Chalmers’s claim in *The Explosive Power*, to think God’s thoughts is to grow to know and love Him more. To think God’s thoughts, therefore, is to eradicate the sin of self-worship. Counselors and pastors can help abusive individuals redirect their thoughts toward the only Source worthy of our praise.

Schmutzer, Andrew. *Naming Our Abuse: God’s Pathway to Healing for Male Sexual Abuse Survivors*. Grand Rapids, MI: Kregel Publications, 2016.

Extraordinary among books related to childhood sexual abuse (CSA), this book is written by three men who are survivors of CSA. Using the analogy of an auto accident and its after-effects, the author unfolds a 4-stage process of moving carefully towards healing.

Tozer, A.W. *The Knowledge of the Holy*. New York, NY: HarperCollins, 1961.

If knowing who God is and thinking His thoughts after Him is one way to replace thoughts of self and entitlement, the attributes of God are the place to begin. Tozer’s classic, *The Knowledge of the Holy* is a grace that introduces us (or reminds us) who God is and why who He is matters in our everyday world. In keeping with spiritual-mindedness, thinking about who God is on a daily basis is refreshment for the soul; the type of deep soul refreshment that shapes our affections. “What comes into our minds when we think about God is the most important thing about us” (1). Rather than our wants, our needs, our desires, our passions defining who and what we are (abusive or not), thoughts about God make us who He intended us to be.

Van der Kolk, MD, Bessel. *The Body Keeps the Score: Brain, Mind, and Body in the Healing of Trauma*. 1st ed. New York: Penguin Books, 2014.

Dr. Bessel van der Kolk, one of the world's foremost experts on trauma, has spent over three decades working with survivors. In *The Body Keeps the Score*, he explains how trauma reshapes the body and brain. Many abuse survivors have found this text very helpful though it is somewhat technically written. Van der Kolk gives a variety of treatment possibilities for trauma in the final chapters. Not a Christian text.

Welch, Edward T. *When People Are Big and God Is Small, Overcoming Peer Pressure, Codependency, and the Fear of Man*. Phillipsburg, NJ: P&R Publishing, 1997.

“Fear of man is such a part of our human fabric that we should check for a pulse if someone denies it” (17). Everyone, it seems, struggles to fear God more than we fear fellow man. Fear of man keeps a victim of abuse paralyzed; everything they do revolves around pleasing their abuser. Fear of man keeps abusers relentlessly pursuing, obtaining, and keeping the image they've created intact. Fear of man is a significant characteristic of abuse: both of the victims and the abusers.

At the heart of this fear is unbelief of a good God. Fear of man fills the vacuum when a holy fear of God is lacking. Only God provides all things necessary for life and godliness. Only God's love is the answer to the human struggle. All attempts to find satisfaction, or approval, or recognition outside of pursuing God's love, forgiveness and acceptance will fail. Only a radical fear of God will replace the fear of man. See also Flavel, John. *Triumphing over Sinful Fear*. Grand Rapids, MI: Reformation Heritage Books, 2011 and Fox, Christina. *A Holy Fear: Trading Lesser Fears for the Fear of the Lord*. Grand Rapids, MI: Reformation Heritage Books, 2020.

7. HEALING AND RECOVERY: SEXUAL ASSAULT / ABUSE

Langberg, Diane. *Counseling Survivors of Sexual Abuse*. First Edition. Camarillo, CA: Xulon Press, 2003.

A pioneering and timeless guide to counseling survivors of sexual abuse based on the premise that such therapy must be both incarnational and redemptive. Essential reading for anyone who wants to know how to counsel a survivor in healing ways that reflect the person of Christ.

Schmutzer, Andrew. *The Long Journey Home: Understanding and Ministering to the Sexually Abused.* Eugene, OR: Wipf and Stock Publishers, 2011.

The Long Journey Home is a rich resource for pastors, therapists, educators, survivors. Over 24 psychologists, theologians, and pastoral care professionals (including Dr. Mark Yarhouse and Dr. Diane Langberg) write from a Christian perspective to cover topics like the nature and dynamics of sexual abuse, its pervasive impact, approaches to growth and healing. Pertinent research and resources are noted.

Van der Kolk, MD, Bessel. *The Body Keeps the Score: Brain, Mind, and Body in the Healing of Trauma.* 1st ed. New York: Penguin Books, 2014.

Dr. Bessel van der Kolk, one of the world's foremost experts on trauma, has spent over three decades working with survivors. In *The Body Keeps the Score*, he explains how trauma reshapes the body and brain. Many abuse survivors have found this text very helpful though it is somewhat technically written. Van der Kolk gives a variety of treatment possibilities for trauma in the final chapters. Not a Christian text.

8. SPIRITUAL ABUSE / MISUSE OF SPIRITUAL AUTHORITY

Chapman, Gary, Paul E. White, and Harold Myra. *Rising Above a Toxic Workplace: Taking Care of Yourself in an Unhealthy Environment.* Chicago: Northfield Publishing, 2014.

White's book is very readable and practical for those suffering under an abusive leader. From identifying a toxic boss to leaving the organization and seeking healing, White is helpful in providing specific examples and biblical responses to these abusers.

Chrnalogar, Mary Alice. *Twisted Scriptures: Breaking Free from Churches That Abuse, Revised.* Grand Rapids, MI: Zondervan, 2010.

Chrnalogar analyzes the various ways spiritual abusers twist the Scriptures to control and manipulate others. Her handling of the nuances of scriptural guidance on authority and submission is enlightening.

DeGroat, Chuck. *When Narcissism Comes to Church, Healing Your Community from Emotional and Spiritual Abuse.* Downers Grove, IL: IVP Publishing, 2020.

Since the prevalence of narcissism (think back to Christopher Lasch's 1979 book *The Culture of Narcissism*) would suggest that narcissism is easily acquired but not so easily remedied, pastors who lead and who speak with authority and who wield power in the church should take special note of this

book by Chuck DeGroat. This is a cautionary tale from a professional counselor who has experience with many narcissists in the church. It is a needed warning since narcissists are capable of inflicting great pain in the pulpit and in the congregation.

Enroth, Ronald M. *Churches That Abuse*. Grand Rapids, MI: Zondervan, 1993.

Ronald M. Enroth is a leading scholar and national resource on cults and cultism. Enroth provides helpful guidance in determining the nuances of Christian teaching that is manipulative and autocratic.

Johnson, David and Jeff VanVonderen, “The Subtle Power of Spiritual Abuse: Recognizing and Escaping Spiritual Authority within the Church.” *African Ecclesial Review* 35, no. 5, 1993.

Johnson and VanVonderen say, "Victims of spiritual abuse struggle with a distorted image of God, relating to spiritual authority, having a hard time with grace, personal boundaries, personal responsibility, lack of living skills, hard time admitting the abuse, trust." The authors give clear guidance in identifying spiritual abuse and determining whether to stay or leave.

Langberg, Diane. *Redeeming Power: Understanding Authority and Abuse in the Church*. Grand Rapids, Michigan: Brazos Press, 2020.

“Power can be a source of blessing, but when it is abused, untold damage to the body and name of Christ, often in the name of Christ, is done.” (3) Langberg is helpful in biblically explaining the dynamics of the use of power both for good and evil. Dr. Langberg speaks with passion and authority, having over 50 years of experience as a psychologist working with trauma victims both in the United States and abroad in war-torn countries.

McKnight, Scot, Laura Barringer, and Tish Harrison Warren. *A Church Called Tov: Forming a Goodness Culture That Resists Abuses of Power and Promotes Healing*. Carol Stream, Illinois: Tyndale Momentum, 2020.

Laura Barringer attended Willow Creek Church under the pastorate of Bill Hybels. She heard of his sexual misconduct from the Chicago Tribune and did not believe it at first until she found out one of her friends was one of Hybel’s victims. *A Church Called Tov* can help pastors and elders understand how a toxic culture can develop and live on in the life of a church community. Barringer joined her father, Scot McKnight, a seminary professor, to write this book to help our churches be safe from becoming harbors of abuse.

Mullen, Wade. *Something's Not Right: Decoding the Hidden Tactics of Abuse and Freeing Yourself from Its Power*. Carol Stream, IL: Tyndale, 2020.

“God is not a God of confusion but of peace,” and God’s people are called to peace. (1 Cor. 14:33; Col. 3:15). The opposite of godly peace is confusion, disorientation, disillusionment, and paralyzing fear. Author, researcher, and advocate Wade Mullen sums up these feelings as something that doesn’t feel right. God describes the cause of those feelings as “abuse” (2 Tim. 3:1). As with any abusive system, there are patterns. In an institution, the patterns emerge as the organization defaults to image management rather than care-filled shepherding.

Mullen helpfully identifies the patterns of secrecy and a tribal environment, flattery that distracts, isolation, intimidation, denial, excuses, justification, comparison, concessions to lesser sins, minimization, and false demonstrations of repentance. In learning how to recognize abuse tactics, the potential victim is equipped to effectively respond in God-glorifying ways and have nothing to do with the abuser (2 Tim. 3:4; 1 Tim. 6:20; Titus 1:14). In his debut book, Mullen helpfully provides the language necessary for identifying and describing sinful behaviors abusers use as a means to harm.

Oakley, Dr. Lisa and Justin Humphreys. *Escaping the Maze of Spiritual Abuse, Creating Healthy Christian Cultures*. London, UK: Society for Promoting Christian Knowledge, 2019.

The term “spiritual abuse” is widely used across the Christian community. Oakley and Humphreys seek to define the term and help churches guard against it. The authors help elders and congregant members recognize spiritual abuse—to lead in ways that are not controlling and manipulative but rather vulnerable and humble to and create safe church cultures where God’s people may be edified.

Simon, George K. *In Sheep’s Clothing: Understanding and Dealing with Manipulative People*. 2nd ed.. Little Rock, AR: Parkhurst Brothers Publishers Inc, 2010.

Simon writes, “Manipulative people have two goals: to win and to look good doing it. Often those they abuse are only vaguely aware of what is happening to them.” Simon’s book is helpful to empower those who have or may be controlled by abusive people.

9. WEBSITES

(Editor's Note: These websites were correct and current at the time of publication.)

Called to Peace

<https://www.calledtopeace.org/>

Called to Peace Ministries (CTPM) is a nondenominational, nonprofit, 501 (c)(3) ministry dedicated to offering hope and healing to victims of domestic violence, emotionally destructive relationships, and sexual assault. Our twofold mission is: 1) to provide practical assistance and counsel to individuals affected by domestic abuse and 2) to educate organizations and helpers to better respond to these crises through education and mentoring.

Disclaimer: The primary purpose of CTPM is to provide education and resources to survivors of domestic abuse and to educate people who desire to help them.

Called to Peace is a parachurch organization, and in no way seeks to be a substitute for the local church. Rather, its stated goal is to come alongside churches to support them as they seek to support victims of abuse. Although it is an Evangelical Christian ministry, from time to time they call on people from many theological backgrounds and professional disciplines to share their knowledge and experience in working with survivors of domestic abuse, particularly when they offer specific expertise and solutions for survivors.

Clergy Sexual Misconduct Information and Resources

<https://clergysexualmisconduct.com/home>

Adult clergy sexual misconduct (CSM), also known as clergy sexual abuse (CSA), is any sexualized behavior by a church leader/spiritual leader toward someone under his/her spiritual care, who by nature is in a position of less power and authority. CSM is an abuse of power and authority, not an "affair," as it cannot be considered mutual consent due to the unequal power dynamics. When the leader forgoes his ethical obligation to maintain healthy boundaries between himself and those he is ministering to, the leader is misusing his power to violate the sacred trust and safety of the victim, committing a breach of fiduciary duty, and violating professional ethics, often resulting in a traumatic experience for the victim.

This website exists to help adult victims (aged 18+) of CSM/CSA identify the abuse they are experiencing and find appropriate help.

Besides providing help for clergy abuse victims, this website is designed to provide information to church leaders and members to help them better understand CSM/CSA, prevent it from occurring, and deal with it

appropriately by directing them to relevant resources, organizations, and ministries.

Although this website approaches the subject of CSM/CSA from a Christian perspective, the information provided is useful and applicable to individuals of any religion and spiritual practice.

Additionally, leaders and victims can be either men or women. Information contained in this website applies regardless of gender. Since studies show that most victims are women and most clergy are men, this website is written with language reflecting that reality.

Document the Abuse

<https://documenttheabuse.com/>

In October of 2007, Stacey Peterson disappeared. Her body has never been found. Shortly before her disappearance, Stacey told her pastor (Neil Schori) she provided a false alibi for her husband (Drew Peterson) the night his first wife disappeared. Stacey told Neil she was afraid Drew's ex-wife was dead. As a result of this tragedy, Neil—together with nationally known DA advocate Susan Murphy-Milano—developed an Evidentiary Abuse Affidavit which would allow women to document any abuse, orders of protection, and details of abusive circumstances in their homes. Today, Drew Peterson's sister Norma is the Executive Director of documenttheabuse.com. Working together with Neil, they help victims officially document their abuse and bring awareness to the devastation of domestic violence.

GRACE

www.netgrace.org

Empowering Christian communities to recognize, prevent, and respond to abuse.

Help[H]er

<https://www.helpherresources.com/>

The story of Help[H]er began when they asked the question, "How can we help pastors and church leaders shepherd women well?" The answer was to help the local church build a team of competent, seasoned women who would come alongside their pastors to help women in crisis.

At the core of our mission is the desire to assist the local church as they navigate how to carefully shepherd women.

The idea of men and women caregiving partnerships in the local church grew our Help[H]er vision. Not every church has the resources to develop a Help[H]er ministry. At the same time, leaders find themselves swimming in complicated issues.

Help[H]er is a 501C3 that offers training, resources, and a directory of caregivers. Whether the church's goals include structuring their own Help[H]er ministry, providing rich materials tailored to supplement one-another care, or meeting more immediate caregiving needs, our resources help pastors and leaders further their shepherding ministry to women experiencing crisis.

Peaceworks

<http://www.chrismoles.org/>

Chris Moles is a pastor and biblical counselor who helps churches and families confront the evil of domestic violence and promote healthy, God-honoring, relationships. PeaceWorks' primary focus is to educate the Church in domestic abuse prevention and intervention through PeaceWorks University and EQUIP (in cooperation with Leslie Vernick) and to provide periodic coaching and/or educational resources to abusive men through our Men of Peace program.

The Refuge

<https://refugeministries.com/about/>

Helping survivors of domestic abuse find redemption from oppression, Refuge Ministries began in 2013 when Pastor Shane Waldron (PCA) realized that common approaches to marriage conflict were ineffective in cases of domestic abuse. It all started with a support group for survivors of domestic abuse called The Refuge with four women in attendance. Within a year, it expanded into a thriving ministry that now offers a batterer's intervention program called Turning Point, and a structured program for children called Refuge Kids.

Refuge Ministries is one of the only comprehensive programs in the nation that offers ministry to abusers, survivors, and their children. There are chapters in the Rocky Mountain region and the East coast, and it is a 501c3.

APPENDIX W

OVERTURES TO THE FORTY-NINTH GENERAL ASSEMBLY OF THE PRESBYTERIAN CHURCH IN AMERICA June 21-24, 2022

OVERTURES REFERRED BY THE 48th GENERAL ASSEMBLY TO THE OVERTURES COMMITTEE OF THE 49th GENERAL ASSEMBLY

OVERTURE 2021-19 (48th GA) from Pacific Northwest Presbytery
(to 49th OC)

"Amend *BCO* 38-1 & 42-2 to Allow Appealing a
Censure in a Case without Process"

**[Editorial Note: This overture was originally submitted to the
48th General Assembly (2021), which referred it to the 49th
GA Overtures Committee.]**

Be it resolved that *BCO* 38-1 be amended as follows, affording a person
the right to appeal a censure after a confession in a case without
process, instead of just filing a complaint.

Be it also resolved that *BCO* 42-2 also be amended to correspond with
the revision of *BCO* 38-1, and to also include a reference to the
right of appeal provided in *BCO* 34-10 regarding divestiture.
(Strike-through for deletions, underlining for new wording.)

***BCO* 38-1.**

When any person shall come forward and make his offense
known to the court, a full statement of the facts shall be
recorded, and judgment rendered without process. In
handling a confession of guilt, it is essential that the person
intends to confess and permit the court to render judgment
without process. Statements made by him in the presence
of the court must not be taken as a basis of a judgment
without process except by his consent. In the event a
confession is intended, a full statement of the facts should
be approved by the accused and by the court, before the
court proceeds to a judgment. ~~The accused has the right of
complaint against the judgment.~~ A censured person has the
right to appeal (*BCO* 42).

BCO 42-2.

Only The only parties entitled to an appeal are those who have submitted to a regular trial ~~are entitled to an appeal,~~ those appealing a censure in a *BCO 38-1* case without process, and those appealing a *BCO 34-10* divestiture without censure

Rationale:

This past year, the SJC received complaints alleging three presbyteries violated *BCO 38-1*. Thus, some clarification is warranted.¹ These Cases have resulted in the expenditure of hundreds of manhours.

In addition to this Overture, our Presbytery has filed three others pertaining to *BCO 38-1*, which seek to:

- clarify procedures for the confession document on which censure is based;
 - clarify when a confession can be handled as a case without process; and
 - explicitly allow the right to counsel in a case without process.
- Each of these four revisions is needed and *BCO 38-1* will be much improved if all four are adopted. They're filed separately so each can be considered individually because (a) each is important in and of itself and (2) none of them affect, or rest on, the adoption of any of the others.

Now, to the explicit rationale for why appeals should be allowed in *BCO 38-1* matters.

1. The *BCO* allows a person convicted at trial to appeal his censure, so it's fair to give the same right to a person who confessed his offense, but seeks higher court review of the censure. An appeal results in much quicker adjudication by the higher court(s) because a complaint must first be filed with the original court. (Ten of our presbyteries only meet twice a year.) And if the complaint is assigned to a

¹ Case 2019-10 *TE Evans v. Arizona*. SJC sustained the Complaint on 7/20/20 by a vote of 18-3.

Case 2019-04 *TE Williams v. Chesapeake*. SJC sustained the Complaint on 8/24/20 by a vote of 13-5.

Cases 2020-07 *TE Wilbourne v. Pacific*; combined with Case 2020-08 *TEs Gendall, Hightower, & Lien v. Pacific*, and Case 2020-09 REs *Ozbolt & Barr v. Pacific*. (Pending)

presbytery commission, it would delay even further the date on which the SJC could render a final decision.

2. There's also an important difference between the remedies available to the higher court when it sustains a complaint vs. when it sustains an appeal. This alone is a compelling reason why *BCO* 38-1 should be revised to allow an appeal in a case without process.

Complaint: *BCO* 43-10. The higher court has power, in its discretion, to annul the whole or any part of the action of a lower court against which complaint has been made, or to send the matter back to the lower court with instructions for a new hearing. ... (Emphasis added here and below.)

Appeal: *BCO* 42-9. The decision of the higher court may be to affirm in whole or in part; to reverse in whole or in part; to render the decision that should have been rendered; or to remand the case to the lower court for a new trial. In every case a written opinion shall be prepared, and a copy of the opinion and judgment entered will be delivered personally or mailed to the lower court and the appellant, with a written receipt required.

It would be wiser to allow the higher court to render the decision that should have been rendered (as in an appeal) rather than limiting its power to annulling or remanding for new hearing. Here is an example. This year, three cases came to the SJC from different presbyteries, each which essentially alleged that inadmissible evidence or statements were presented when the presbyteries were considering censure (in addition to the agreed-upon “full statement of the facts”). The SJC sustained two, and the third is pending. In such cases, it would be wiser and fairer to allow an appeal, so the higher court could “render the decision that should have been rendered.”

It doesn't seem prudent to “annul” a censure when the person has confessed to an offense warranting censure. And it doesn't seem prudent to “send the matter back” when the lower court has probably jeopardized the fairness of any future hearing by already having received inadmissible evidence. It would be wiser in many instances to allow the higher court to “render the decision that should have been rendered” by having it consider only the confession document, as it was mutually approved by the confessor and the lower court.

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3. Some of the grounds for appeal listed in *BCO* 42-3 (below) could also occur in a *BCO* 38-1 case.

BCO 42-3. The grounds of appeal are such as the following: *any irregularity in the proceedings of the lower court*; refusal of reasonable indulgence to a party on trial; receiving improper or declining to receive

proper evidence; hurrying to a decision before all the testimony is taken; manifestation of prejudice in the case; and mistake or injustice in the judgment and censure. (Emphasis added.)

4. Problems with Multiple Complaints - Unless *BCO* 38-1 is revised to allow an appeal, we could continue to have multiple, simultaneous complaints filed against the same censure. It happened twice this year.² This complicates higher court review in several ways. For example, the *BCO* doesn't stipulate whose complaint takes precedence. If this amendment is adopted, a censured person could appeal a *BCO* 38-1 censure and his appeal would ordinarily be considered before any complaint against the same action, per the principle in the final clause of *BCO* 43-1.

BCO 43-1. ...It is the right of any communing member of the Church in good standing to make complaint against any action of a court to whose jurisdiction he is subject, except that *no complaint is allowable in a judicial case in which an appeal is pending*. (Emphasis added.)

5. Suspension of Censure - In appeals, the censure is suspended until the higher courts have rendered a decision. But censure isn't suspended in a complaint. For example, if a person is disciplined after improper procedures in a *BCO* 38-1 case, or if the censure is clearly unjust, he can presently only file a *BCO* 43 complaint. And if it is a minister, that improper or unjust censure would remain in effect throughout the course of presbytery and SJC review of his complaint, which could easily take more than a year for a final decision. And even if the SJC eventually

² Cases 2019-10 *Evans* and 2019-12 *Pitts, et al. v. Arizona*, and Cases 2020-07 *Wilbourne*, 2020-8 *Gendall, Hightower, & Lien*, and 2020-9 *Ozbolt & Barr v. Pacific*.

sustained his complaint, the minister would have been disciplinarily suspended from office for the entire time, and if so, he would probably have lost his job, and his church would probably have needed to call another pastor (or at least an interim).³

Even if the Overture is adopted and an appeal becomes allowable, the original court still has the option of enacting the *non-disciplinary* suspension provided in *BCO* 42-6:

BCO 42-6. Notice of appeal shall have the effect of suspending the judgment of the lower court until the case has been finally decided in the higher court. However, the court of original jurisdiction may, for sufficient reasons duly recorded, prevent the appellant from approaching the Lord's Table, and if an officer, prevent him from exercising some or all his official functions, until the case is finally decided (cf. *BCO* 31-10; 33-4). This shall never be done in the way of censure.

6. History - The first sentence of our *BCO* 38-1 dates back 140 years to the PCUS Book of 1879. The other four sentences were added in 2000 after being proposed the year prior in Overture 11 from Pittsburgh Presbytery. That Overture originally proposed the right of "appeal" but the 30-member Bills & Overtures Committee amended to "complaint." No grounds were offered in the B&O report, or in the *Minutes of the 27th GA*. (*M27GA*, Louisville 1999, p. 163 and *M28GA*, Tampa 2000, p. 59)⁴
7. Regardless of whether *BCO* 38-1 is amended to allow appeals, an additional clause needs to be added to *BCO* 42-2 because it doesn't currently reference *BCO* 34-10, but it should. The second paragraph of *BCO* 34-10 references the right to *appeal* a divestiture, but *BCO* 42-2 unexplainably omits reference to that appeal situation.

BCO 34-10. Whenever a minister of the Gospel shall habitually fail to be engaged in the regular discharge of his official functions, ... In such a case, the clerk shall

³ In SJC Case 2019-04 *Williams v. Chesapeake*, over 17 months elapsed between when the minister filed his complaint to Presbytery against his *BCO* 38-1 censure, and when the SJC finally sustained his Complaint. And he was under suspended from office the entire time.

⁴ It might be significant to note that no SJC members were on the 1999 B&O Committee. (*M27GA*, p. 181)

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under the order of the Presbytery forthwith deliver to the minister concerned a written note that, at the next stated meeting, the question of his being so dealt with is to be considered. This notice shall distinctly state the grounds for this proceeding. The party thus notified shall be heard in his own defense; and if the decision pass against him he may appeal, as if he had been tried after the usual forms. This principle may apply, with any necessary changes, to ruling elders and deacons. (Emphasis added.)

8. If *BCO* 38-1 is not revised to allow appeal, anyone considering a confession — especially a minister — should know that unless he is confident of what censure will be imposed (or at least what censure will be recommended by the investigative committee, prosecutor, or commission), waiving his rights provided in *BCO* 35-1, 35-3, and 42-2 by making a confession could result in a censure that will take effect immediately, and remain in effect throughout a very lengthy complaint process, because he cannot appeal.

Additionally, even if he prevails in a complaint before the SJC, the SJC can presently only afford him the complaint remedies of *BCO* 43-10, which might include “sending the matter back to the court with instructions for a new hearing” – i.e., back to the court which may have already presented or heard inadmissible evidence.⁵

First version adopted and filed by a Commission of Presbytery on April 8, 2020

Revision adopted and refiled by a Commission of Presbytery on March 26, 2021

Attested by TE Nathan Chambers, interim stated clerk

⁵ In Case 2019-10, *Evans v. Arizona*, the SJC ruled: "The Complaints are sustained, the action of AZP is annulled, and the matter is *remanded to AZP for further action* consistent with this Decision. ... Nothing in this Decision, however, affects the underlying matter before AZP with respect to [the minister]. AZP could adjudicate the underlying matter *as a case without process*, a case of process, or a case to be dismissed entirely." (Emphasis added.) In Case 2019-04, *Williams v. Chesapeake*, the SJC ruled: “The Complaint is sustained and the action of Presbytery approving the [Presbytery Judicial Commission] report is annulled, thereby *returning the matter* to the PJC. The PJC is free to dismiss the case, or to *adjudicate the case with process* according to the principles set forth herein.” (Emphasis added.)

OVERTURE 2021-20 (48th GA) from Pacific Northwest Presbytery
(to 49th OC)

“Amend *BCO* 31-10 and 33-4 on Pre-trial Non-Disciplinary Suspensions”

[Editorial Note: This overture was originally submitted to the 48th General Assembly (2021), which referred it to the 49th GA Overtures Committee.]

Be it resolved that *BCO* 31-10 and *BCO* 33-4 be amended by addition, as follows (underlining for additional wording):

BCO 31-10. When a member of a church court is under process, all his official functions may be suspended at the court’s discretion; but this shall never be done in the way of censure, and this requires a three-fourths (3/4) majority.

BCO 33-4. When it is impracticable immediately to commence process against an accused church member, the Session may, if it thinks the edification of the Church requires it, prevent the accused from approaching the Lord’s Table until the charges against him can be examined, but this requires a three-fourths (3/4) majority.

Rationale:

1. Indictment only requires a simple majority, but the bar should be higher for a court to "administratively" suspend someone from office or from the Lord's Table *prior* to the accused even presenting a defense. Granted, the court should retain this option when it is clearly warranted, but when it is warranted it should be clear to a three-fourths majority. To help ensure that a non-disciplinary suspension from office is "*never* done in the way of censure," it should require a three-fourths (3/4) majority.
2. This is particularly important because the *BCO* does not stipulate a deadline for the court to conduct the trial.
3. Furthermore, because it is not possible for a higher/appellate court to promptly review whether such a non-censure suspension is actually "not done in the way of censure," or whether "the edification of the Church requires it," the 3/4 majority will help ensure that a non-disciplinary suspension is clearly warranted.

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4. Ministers – While a Presbytery cannot impose a pre-trial suspension from office "in the way of censure," it would certainly *feel* like a censure to a defendant who is a minister, and likely have a similar effect. And unless his church can afford to pay him *and* his temporary replacement, the non-disciplinary suspension would almost certainly impact his salary and his family's finances (unlike church members or elders under similar non-disciplinary suspensions).
5. Below are a few other things for which the *BCO* requires a three-fourths (3/4) Presbytery majority. A pre-trial suspension should also be placed in this super-majority category.
 - 19-16. Where circumstances warrant, a Presbytery may approve previous experience which is equivalent to internship. This equivalency shall be decided by a three-fourths (3/4) vote of Presbytery at any of its regular meetings.
 - 21-4. No Presbytery shall omit any of these parts of trial for ordination except in extraordinary cases, and then only with three-fourths (3/4) approval of Presbytery.
 - 21-4.a. No Presbytery shall omit any of these [ordination] educational requirements except in extraordinary cases, and then only with a three-fourths (3/4) approval of the Presbytery.
 - 21-4.c. [An ordination candidate] shall further be required to preach a sermon before the Presbytery or committee thereof, upon three-fourths (3/4) vote.
 - 34-8. ...The removal of deposition requires a three-fourths (3/4) vote of the court inflicting the censure, or a three-fourths (3/4) vote of the court to which the majority of the original court delegates that authority.

Proposed to the Pacific Northwest Presbytery at its stated meeting on January 24, 2020

Final version adopted by an Administrative Commission of Presbytery on April 8, 2020

Attested by /s/ TE Nathan Chambers, interim stated clerk

OVERTURE 2021-21 (48th GA) from Pacific Northwest Presbytery
(to 49th OC)

“Amend *BCO* 42-6 on Vote Required for Maintaining
Censure during an Appeal”

**[Editorial Note: This overture was originally submitted to the
48th General Assembly (2021), which referred it to the 49th
GA Overtures Committee.]**

Be it resolved that *BCO* 42-6 be amended by addition, as follows
(underlining for addition):

BCO 42-6. Notice of appeal shall have the effect of
suspending the judgment of the lower court until the case has
been finally decided in the higher court. However, the court
of original jurisdiction may, for sufficient reasons duly
recorded, prevent the appellant from approaching the Lord’s
Table, and if an officer, prevent him from exercising some or
all his official functions, until the case is finally decided (cf.
BCO 31-10; 33-4). This shall never be done in the way of
censure, and shall require a two-thirds (2/3) majority.

Rationale:

1. To ensure that "this shall *never* be done in the way of censure," it
should require a two-thirds majority.
2. If, for example, a minister's disciplinary suspension is maintained during
his Appeal of a Presbytery conviction or censure, the process would
likely take six to nine months to adjudicate through the SJC. And if a
church member was suspended from the Lord's Supper, his Appeal
could take a year to be adjudicated by the Presbytery and the SJC.

*Proposed to the Pacific Northwest Presbytery at its stated meeting on
January 24, 2020*

*Final version adopted by an Administrative Commission of Presbytery on
April 8, 2020*

Attested by /s/ TE Nathan Chambers, interim stated clerk

OVERTURE 2021-34 (48th GA] from Pacific Northwest Presbytery
(to 49th OC)
“Amend *BCO* 38-1 re Confession Timing for Case Without
Process”

**[Editorial Note: This overture was originally submitted to the
48th General Assembly (2021), which referred it to the 49th
GA Overtures Committee.]**

Be it resolved that *BCO* 38-1 be amended by adding a second paragraph and moving the last sentence of the first paragraph to a third paragraph, as follows. (Addition underlined. Moved sentence indicated by strike-through and underlining.)

***BCO* 38-1**

When any person shall come forward and make his offense known to the court, a full statement of the facts shall be recorded and judgment rendered without process. In handling a confession of guilt, it is essential that the person intends to confess and permit the court to render judgment without process. Statements made by him in the presence of the court must not be taken as a basis of a judgment without process except by his consent. In the event a confession is intended, a full statement of the facts should be approved by the accused, and by the court, before the court proceeds to a judgment. ~~The accused has the right of complaint against the judgment.~~

A person may proffer a confession, and request the matter be handled as a case without process, prior to an investigation, during an investigation, or after process has commenced. If a confession is proffered after the court has instituted process (*BCO* 31-2, second paragraph), the prosecutor shall ascertain whether the accused is pleading guilty to the charge (*BCO* 32-3) or is seeking to proceed via *BCO* 38-1. If the latter, and if the prosecutor accepts the Confession, he shall suspend process and recommend the court approve the Confession. He may also recommend a censure. However, if no agreement is reached on the Confession, and the matter proceeds as a case of process, confession discussions between the prosecutor and the accused are not admissible as evidence.

The accused person has the right of complaint against the judgment.

Rationale:

The revision makes it clearer that the court can accept a confession, and handle it as a case without process, at different stages – pre-investigation, during investigation, or even post-indictment. But the court is never required to handle a confession as a case without process. It always remains entirely the court’s discretion.

*Adopted and filed by a Commission of Presbytery on March 20, 2021
Attested by TE Nathan Chambers, Presbytery Interim Stated Clerk*

OVERTURE 2021-35 (48th GA) from Pacific Northwest Presbytery
(to 49th OC)
“Amend *BCO* 38-1 re Counsel for Case Without Process”

[Editorial Note: This overture was originally submitted to the 48th General Assembly (2021), which referred it to the 49th GA Overtures Committee.]

Be it resolved that *BCO* 38-1 be amended by the addition of a final sentence. (Addition underlined.)

***BCO* 38-1.**

When any person shall come forward and make his offense known to the court, a full statement of the facts shall be recorded and judgment rendered without process. In handling a confession of guilt, it is essential that the person intends to confess and permit the court to render judgment without process. Statements made by him in the presence of the court must not be taken as a basis of a judgment without process except by his consent. In the event a confession is intended, a full statement of the facts should be approved by the accused, and by the court, before the court proceeds to a judgment. The accused person has the right of-complaint against the judgment. The person has the right to be represented by counsel at any point, in accord with the stipulations of *BCO* 32-19.

Rationale: In one of the *BCO* 38-1 Cases this year, a presbytery commission refused to allow the accused to be accompanied by anyone during the investigation phase or during the *BCO* 38-1 discussions. The presbytery commission contended that the *BCO* only allows post-indictment representation (i.e., their interpretation of *BCO* 32-19).

This revision makes it clear that persons in cases without process also have that right.

32-19. No professional counsel shall be permitted as such to appear and plead in cases of process in any court; but an accused person may, if he desires it, be represented before the Session by any communing member of the same particular church, or before any other court, by any member of that court. ...”⁶

Furthermore, proper requests and objections from competent counsel can sometimes help the court avoid mistakes that would otherwise result in an appeal or complaint being sustained by the higher court.

General Note:

If the four separate Overtures on *BCO* 38-1 from Pacific Northwest are adopted (Overtures 19, 33, 34, 35), the *BCO* 38-1 would be revised as follows (Underlining for additions, Strike-through for deletions):

38-1. When any person shall come forward and make his offense known to the court, a full statement of the facts shall be recorded and judgment rendered without process. In handling a confession of guilt, it is essential that the person intends to confess and permit the court to render judgment without process. Statements made by him in the presence of the court must not be taken as a basis of a judgment without process except by his consent. In the event a confession is intended, a full statement of the facts should a written Confession (i.e., a sufficient summary of the facts, the person’s specific confession, and any expression or evidence of repentance) must be approved by the accused, and by the court, before the court proceeds to a judgment, and the co-signed document shall be appended

⁶ Case 2020-07 *TE Wilbourne v. Pacific*

to the minutes (regular or executive session). No other information may be presented without written consent from the accused and the court, and this prohibition includes individuals, prosecutors, committees, and commissions. The accused person has the right of complaint against the judgment.

A person may proffer a confession, and request the matter be handled as a case without process, prior to an investigation, during an investigation, or after process has commenced. If a confession is proffered after the court has instituted process (BCO 31-2, second paragraph), the prosecutor shall ascertain whether the accused is pleading guilty to the charge (BCO 32-3) or is seeking to proceed via BCO 38-1. If the latter, and if the prosecutor accepts the Confession, he shall suspend process and recommend the court approve the Confession. He may also recommend a censure. However, if no agreement is reached on the Confession, and the matter proceeds as a case of process, confession discussions between the prosecutor and the accused are not admissible as evidence.

The person has the right to be represented by counsel at any point, in accord with the stipulations of BCO 32-19. A censured person has the right to appeal (BCO 42).

So that the revised BCO 38-1 would read:

When any person shall come forward and make his offense known to the court, a full statement of the facts shall be recorded and judgment rendered without process. In handling a confession of guilt, it is essential that the person intends to confess and permit the court to render judgment without process. Statements made by him in the presence of the court must not be taken as a basis of a judgment without process except by his consent.

In the event a confession is intended, a written Confession (i.e., a sufficient summary of the facts, the person's specific confession, and any expression or evidence of repentance) must be approved by the accused, and by the court, before the court proceeds to a judgment, and the co-signed document shall be recorded in the minutes. No other information may be presented without written consent from the accused and the court, and this prohibition includes individuals, prosecutors, committees, and commissions.

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A person may proffer a confession, and request the matter be handled as a case without process, prior to any investigation, during an investigation, or after process has commenced. If a confession is offered after the court has instituted process (*BCO* 31-2, second paragraph), the prosecutor shall ascertain whether the accused is pleading guilty to the charge (*BCO* 32-3) or is seeking to proceed via *BCO* 38-1. If the latter, and if the prosecutor approves the Confession, he shall suspend process and recommend the court approve the Confession. He may also recommend a censure. However, if no agreement is reached on the Confession, and the matter proceeds as a case of process, confession discussions between the prosecutor and the accused are not admissible as evidence.

The person has the right to be represented by counsel at any point, in accord with the stipulations of *BCO* 32-19. A censured person has the right to appeal (*BCO* 42).

Conclusion: We believe this Overture’s revision to *BCO* 38-1, and the other three proposed by Pacific Northwest Presbytery, will actually *encourage* confessions by providing clearer procedures related to them. And confession is a good thing.⁷ In addition, better procedures can help avoid time-consuming, complicated, and often unnecessary judicial process, along with avoiding many complaints and appeals.^{8 9}

*Adopted and filed by a Commission of Presbytery on March 20, 2021.
Attested by TE Nathan Chambers, Presbytery Interim Stated Clerk*

⁷ e.g., *WCF* 15:6; 1 John 1:9; James 5:16; Proverbs 28:13

⁸ For a discussion of the different timings of confessions (i.e., pre-investigation, during investigation, and post-indictment) – and processes for handling them, consider one of the Concurring Opinions in Case 2019-10: *Evans v. Arizona* in the SJC’s 2021 Report, and at the link below.

https://drive.google.com/file/d/10Vi_D1HVNmtvMty-t6HMYK-bHfZiD4Qr/view?usp=sharing

⁹ For brief summaries of how criminal courts address confessions, see: *Admissibility of Confessions* - www.law.cornell.edu/uscode/text/18/3501
Charge v. Sentence Negotiations - www.nolo.com/legal-encyclopedia/how-plea-bargains-get-made.html
Plea Bargains - www.nolo.com/legal-encyclopedia/plea-bargains?utm_source=nolo-content&utm_medium=nolo&utm_campaign=nolo-related-products

OVERTURE 2021-40 (48th GA) from Tennessee Valley Presbytery
(to 49th OC)
“Amend *BCO* 32-13 and 35-5 to Allow Victim Protection Provisions”

[Editorial Note: This overture was originally submitted to the 48th General Assembly (2021), which “committed” it “to the 49th GA OC in Birmingham, and in the interim” referred it “to the Ad Interim Committee on Abuse...for them to give advice to the 49th GA OC.”]

Whereas, when this Overture was filed, it was our understanding these proposals were endorsed by the Ad Interim Committee on Domestic Abuse and Sexual Assault. See the AIC Report for any comments.

Whereas, these changes are needed to protect victims of abuse during judicial process. As the *BCO* sections now stand, a victim of abuse is given the right to be cross-examined by the accused. That means any of the following examples are possible.

- A teenage girl who was raped by a church staff member is cross-examined by the man who raped her.
- Someone who was emotionally and/or physically abused is cross-examined by the abuser.
- A young child who was sexually abused is cross-examined by the predator.

The current provision of cross-examination by the accused in these sorts of cases greatly increases the risk of an abused person being unwilling to participate in a case of process, and also opens the door to further trauma. There is no scriptural mandate for such a right of confrontation. The only situation in which such a right was invoked was the example of Paul asserting that right as a Roman citizen (Acts 25:16).

Whereas, the right afforded the accused to cross-examine his accuser has a long history in the Presbyterian Church, dating back to at least 1858. This right of confrontation reflects civil law embedded in the 6th amendment to the U.S. Constitution, ratified in 1791. The 6th amendment grants the accused the right “to be confronted with the witnesses against him.” In 1808, Chief Justice John Marshall famously stated of the Confrontation Clause: “I know of no principle in the preservation of which all are more concerned. I know none, by

undermining which, life, liberty and property, might be more endangered. It is therefore incumbent on courts to be watchful of every inroad on a principle so truly important.” This opinion notwithstanding, it is of note that the Supreme Court has wrestled with the right of confrontation and has been willing to recognize the need for some protection of some accusers, particularly in cases involving minors.

For example, in *Maryland v. Craig* (1990), the Court allowed a state to utilize a one-way closed circuit television procedure for the receipt of testimony by a six-year-old victim in an abuse case.¹⁰

Whereas, our *BCO* has not wrestled with the possibility of reasonable limits to the right of confrontation. Our ecclesiastic law should incorporate reasonable protections for minors and abuse victims, while at the same time protecting the rights of the accused to know

¹⁰ In *Maryland v. Craig*, in a 5-4 decision written by O’Connor, the Court held as follows: “The Confrontation Clause does not guarantee criminal defendants an *absolute* right to a face-to-face meeting with the witnesses against them at trial. The Clause’s central purpose, to ensure the reliability of the evidence against a defendant by subjecting it to rigorous testing in an adversary proceeding before the trier of fact, is served by the combined effects of the elements of confrontation: physical presence, oath, cross-examination, and observation of demeanor by the trier of fact. Although face-to-face confrontation forms the core of the Clause’s values, it is not an indispensable element of the confrontation right. If it were, the Clause would abrogate virtually every hearsay exception, a result long rejected as unintended and too extreme, *Ohio v. Roberts*, 448 U.S. 56, 63. Accordingly, the Clause must be interpreted in a manner sensitive to its purpose and to the necessities of trial and the adversary process. See, e.g., *Kirby v. United States*, 174 U.S. 470. Nonetheless, the right to confront accusatory witnesses may be satisfied absent a physical, face-to-face confrontation at trial only where denial of such confrontation is necessary to further an important public policy and only where the testimony’s reliability is otherwise assured. *Coy, supra*, at 1021. Pp. 5-11.” <https://www.law.cornell.edu/supct/html/89-478.ZS.html>

See also Scalia’s Dissenting Opinion, joined by Brennan, Marshall and Stevens. In sum, Scalia contended the 6th Amendment to the Constitution would need to be amended in order for Maryland to do what it did, because the 6th Amendment clearly says, “In all criminal prosecutions, the accused shall enjoy the right ... to be confronted with the witnesses against him ...” <https://www.law.cornell.edu/supct/html/89-478.ZD.html> Scalia’s objection wasn’t to the fairness issue, but rather, he was sticking to the letter of the law. This Overture seeks to change the law, so, Scalia’s argument would not apply to the proposed revision.

and “confront” his accuser. In fact, we believe that the Church should be more protective of those entrusted to its care than the state.

Whereas, as the *BCO* currently stands, if a church court allowed an alleged child-abuse victim to testify by Zoom, the accused might have grounds for appeal, alleging the court violated his *BCO* 32-13 right to “examine” all witnesses “in his presence” even if defense counsel cross-examined the witness over Zoom.

Whereas, we urge that some accommodation be made for victim testimony in cases alleging child abuse, domestic abuse, sexual abuse, or sexual assault, to allow the court to make reasonable accommodations to shield accusers from face-to-face contact with the accused.

Therefore, be it resolved that *BCO* 32-13, 35-1 and 35-5 be amended by adding, to each, the four-sentence paragraphs underlined below.

***BCO* 32-13.** In order that the trial may be fair and impartial, the witnesses shall be examined in the presence of the accused, or at least after he shall have received due citation to attend. Witnesses may be cross-examined by both parties, and any questions asked must be pertinent to the issue.

However, throughout the trial in cases involving alleged child abuse, domestic abuse, sexual abuse, or sexual assault, a court may make reasonable accommodations to shield accusers from face-to-face contact with the accused. This can be done upon request by the accuser or when the court determines that such accommodation is necessary. Such accommodations might include procedures such as written testimony or videoconferencing testimony, in which a reasonable path for cross-examination is provided. The court shall include in the record its reasons for any accommodations and any objection from the accused to such accommodation, and the objection and the court’s response shall be included in the record.

***BCO* 35-1.** All persons of proper age and intelligence are competent witnesses, except such as do not believe in the existence of God, or a future state of rewards

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and punishments. The accused party may be allowed, but shall not be compelled to testify; but the accuser shall be required to testify, on the demand of the accused. Either party has the right to challenge a witness whom he believes to be incompetent, and the court shall examine and decide upon his competency. It belongs to the court to judge the degree of credibility to be attached to all evidence.

Throughout the trial in cases involving alleged child abuse, domestic abuse, sexual abuse, or sexual assault, a court may make reasonable accommodations to shield accusers from face-to-face contact with the accused. This can be done upon request by the accuser or when the court determines that such accommodation is necessary. Such accommodations might include procedures such as written testimony or video-conferencing testimony, in which a reasonable path for cross-examination is provided. The court shall include in the record its reasons for any accommodations and any objection from the accused to such accommodation, and the objection and the court's response shall be included in the record.

BCO 35-5. Witnesses shall be examined first by the party introducing them; then cross-examined by the opposite party; after which any member of the court, or either party, may put additional interrogatories. No question shall be put or answered except by permission of the moderator, subject to an appeal to the court. The court shall not permit questions frivolous or irrelevant to the charge at issue.

Throughout the trial in cases involving alleged child abuse, domestic abuse, sexual abuse, or sexual assault, a court may make reasonable accommodations to shield accusers from face-to-face contact with the accused. This can be done upon request by the accuser or when the court determines that such accommodation is necessary. Such accommodations might include procedures such as written testimony or video-conferencing testimony, in which a reasonable path for cross-examination is provided.
The court shall include in the record its reasons for any

accommodations and any objection from the accused to such accommodation, and the objection and the court's response shall be included in the record.

*Adopted by Tennessee Valley Presbytery at its stated meeting, April 17, 2021
Attested by /s/ TE Jacob A. Bennett, stated clerk*

OVERTURE 2021-41 from Tennessee Valley Presbytery (to 49th OC)
"Amend *BCO* 35-1 to Expand Potential Witness Eligibility"

[Editorial Note: This overture was originally submitted to the 48th General Assembly (2021), which "committed" it "to the 49th GA OC in Birmingham, and in the interim" referred it "to the Ad Interim Committee on Abuse...for them to give advice to the 49th GA OC."]

Whereas, the prosecutor and the accused should have the right to seek to call anyone as a witness. Either party may object to any proposed witness and the court would rule on the objection. Even if an objection is overruled, the court would still need to judge the credibility of the witness and his testimony; and

Whereas, to exclude those who do not believe in the existence of God or in a future state of rewards and punishments may, in certain cases, hamper the prosecutor or the accused in presenting necessary evidence, or hamper the interest of justice;

Therefore, be it resolved to strike the first sentence of *BCO* 35-1 to read as follows:

~~All persons of proper age and intelligence are competent witnesses, except such as do not believe in the existence of God, or in a future state of rewards and punishments.~~ The accused party may be allowed, but shall not be compelled to testify; but the accuser shall be required to testify, on the demand of the accused. Either party has the right to challenge a witness who he believes to be incompetent, and the court shall decide upon his competency. It belongs to the court to judge the credibility to be attached to all evidence.

*Adopted by Tennessee Valley Presbytery at its stated meeting, April 17, 2021
Attested by /s/ TE Jacob A. Bennett, stated clerk*

OVERTURES SUBMITTED TO THE 49th GENERAL ASSEMBLY

OVERTURE 1 from Palmetto Presbytery (to AC)
“Docket Overtures Committee Report as a GA Order of the Day”

Whereas, the work of the Overtures Committee of the PCA General Assembly is acknowledged by all to be one of the most important works of the entire General Assembly; and

Whereas, because many churches send their TEs and REs primarily, though not exclusively, to vote on overtures brought before the General Assembly by the Overtures Committee; and

Whereas, the schedule of the PCA General Assembly is inefficient and confusing, leaving the most important work of the Assembly until the very end of the Assembly, when commissioners are often tired and worn down; and

Whereas, leaving the most important work of the Assembly until the end of the schedule causes robust debate on both overtures and minority reports to be muted, limited, hampered, and abruptly halted; and

Whereas, the Overtures Committee needs the opportunity to reconvene during the Assembly to reconsider what will be presented to the entire Assembly, and thus should not be too early in the General Assembly schedule;

Therefore, be it resolved that Palmetto Presbytery (PCA) overture the 49th General Assembly to make the report of the Overtures Committee regularly the order of the day at 9:00 a.m. on the Thursday of each General Assembly.

*Adopted by Palmetto Presbytery at its stated meeting, November 11, 2021
Attested by TE Louis Igou Hodges, stated clerk*

OVERTURE 2 from the Tennessee Valley Presbytery (to CCB, OC)
“Amend *BCO* 22-3 to allow Assistant Pastors to file Complaints against Sessions”
[Added sentence underlined.]

Whereas, assistant pastors are called by a Session and serve as ordained elders per *BCO* 22-3; and

Whereas, as ordained elders, assistant pastors are examined and credentialed in the same manner as senior and associate pastors,

and in special circumstances can actively serve a Session by moderating per *BCO* 12-4; and

Whereas, complaints are written representations made against some act or decision of a court of the Church and assistant pastors are theologically trained and credentialed to help Sessions consider errors; and

Whereas, there is no clear recourse for assistant pastors to make known an error or misjudgment by a Session that they serve, except for that Session to be charged by the Presbytery under *BCO* 40-6;

Therefore, be it resolved to amend *BCO* 22-3 to read as follows:

An assistant pastor is called by the Session, by permission and approval of Presbytery, under the provisions of *BCO* 20-1 and 13-2, with Presbytery membership being governed by the same provisions that apply to pastors. He is not a member of the Session, but may be appointed on special occasion to moderate the Session under the provision of *BCO* 12-4. An assistant pastor, being called by a Session, has the right to file a complaint against an act or decision of that Session in accordance with *BCO* 43.

Adopted by Tennessee Valley Presbytery at its stated meeting on October 19, 2021

Attested by TE Jake Bennett, stated clerk

OVERTURE 3 from Pee Dee Presbytery (to IRC)
“Withdraw from the National Association of Evangelicals”

Whereas the Presbyterian Church in America (PCA) is a member of the National Association of Evangelicals (NAE); and

Whereas Chapter 31 of the *Westminster Confession of Faith* states that “Synods and councils are to handle, or conclude nothing, but that which is ecclesiastical; and are not to intermeddle with civil affairs which concern the commonwealth, unless by way of humble petition in cases extraordinary; or, by the way of advice, for satisfaction of conscience, if they be thereunto required by the civil magistrate;” and

Whereas PCA *BCO* 3-3 states that, “The sole functions of the Church, as a kingdom and government distinct from the civil commonwealth,

are to proclaim, to administer, and to enforce the law of Christ revealed in the Scriptures:” and

Whereas the Scriptures clearly teach that Christians should be stewards of God’s creation, care for sojourners and aliens, and promote matters of civil justice, and members of the PCA may have legitimate differences of opinion on the most effective political policies to address these matters; and

Whereas the NAE has stated that it intends not only to advocate for biblical values and ethics in general, but that “we must advocate for political policies:”¹¹ and

Whereas the NAE has frequently intermeddled in civil affairs, by publicly pushing for action on the environment,¹² immigration,¹³ and has changed its original stance on the death penalty;¹⁴ and

Whereas the NAE, in 2018, passed a motion entitled “Fairness for All”¹⁵ which, in advocating for a political compromise regarding sexual orientation, gender identity, and religious freedom, goes beyond Chapter 31 of the *Westminster Confession of Faith*; and

Whereas many prominent conservative and evangelical thinkers and leaders have denounced this compromise as not leading to “fairness” for all who uphold biblical teaching on sexuality and marriage, but rather attempts to guarantee religious freedom for some organizations and institutions while potentially undermining

¹¹ National Association of Evangelicals. “For the Health of a Nation: An Evangelical Call to Civic Responsibility.” NAE.net (https://www.nae.net/wp-content/uploads/2018/09/For-the-Health-of-theNation_spreads.pdf)

¹² NAE Releases Poverty, Creation Care Document” (<https://www.nae.net/nae-releases-poverty-creation-caredocument/>)

¹³ “Evangelicals Push For Immigration Reform At Capitol Hill” (https://www.huffingtonpost.com/2014/04/29/evangelicals-immigration-reform_n_5235516.html)

¹⁴ “The National Association of Evangelicals has changed its position on the death penalty” (<https://www.washingtonpost.com/news/acts-of-faith/wp/2015/10/19/the-national-association-of-evangelicalshas-changed-its-position-on-the-death-penalty/>)

¹⁵ “Boards back SOGI compromise”

(https://world.wng.org/2018/12/boards_back_sogi_compromise/) “Fairness for All Motion” (https://world.wng.org/sites/default/files/assets/NAEBoardResolution_0.pdf)

the pre-political religious freedoms of all Americans codified in the 1st Amendment of the U.S. Constitution¹⁶, and

Whereas the NAE claims to speak for the entirety of its membership and to be their voice in Washington; and

Whereas these are only a few of many examples of the NAE’s continuing practice of intermeddling in civil affairs; and

Whereas our sister denomination, the RPCNA, withdrew from the NAE in 2009, citing a particular document “Loving God and Neighbor Together” that was written and signed by Christians and Muslims with the implied premise that our historic faith and Islam worship the same God, but in different ways;¹⁷

Whereas no other NAPARC denominations are members of the NAE; and

Whereas any individual, local congregation, or presbytery, who feels strongly about remaining in the NAE may join at those appropriate levels; and

Whereas the Presbyterian Church in America, as a denomination, has no need of the benefits of membership in the NAE, especially of having a voice in Washington championing political concerns that would not even be permitted as a subject of discussion before its councils, let alone be adopted as positions;

Therefore, Pee Dee Presbytery requests that the 49th General Assembly take action to withdraw the membership of the PCA from the National Association of Evangelicals (NAE) at the soonest possible date.

Adopted by Pee Dee Presbytery at its stated meeting, October 28, 2021

Attested by TE Michael S. Brown, stated clerk

OVERTURE 4 – VACATED

OVERTURE 5 – VACATED

¹⁶ See, for example, <https://www.theaquilareport.com/misguided-proposal-from-christian-leaders-and-lgbt-activists-is-anything-but-fairness-for-all/>, <https://albertmohler.com/2017/01/16/01-16-17/> (“Religious liberty in the balance: Why the Fairness for All campaign is a threat to religious liberty”

¹⁷RPCNA IRC NAE Withdrawal Statement (permission granted to cite by the RPCNA Interchurch Committee)

OVERTURE 6 from Nashville Presbytery (to CCB, OC)
“Amend *BCO* 31-10 and 33-4 Regarding Suspensions during Process or Delay”

Whereas, it was proposed in Overture 20 to the 48th General Assembly (and referred to the 49th General Assembly) that *BCO* 31-10 and 33-4 be amended by requiring a three-fourths (3/4) vote for a court to suspend an officer from his official functions when under process (*BCO* 31-10) and for a Session to suspend a member from approaching the Lord’s Table when it is impracticable immediately to commence process (*BCO* 33-4); and

Whereas, the vote count for passing a motion by a supermajority of three-fourths (3/4) is, for example, 4 votes in the affirmative on a Session with 5 members voting and 23 presbyters voting in the affirmative in a court with 30 members voting; and

Whereas, The *BCO* requires a three-fourths (3/4) supermajority for five types of *exceptional and extraordinary circumstances dissimilar to BCO 31-10 and 33-4*.

- The first two include receiving or joining with other churches (*BCO* 14.6.h; 26-5) and changes to the Westminster Standards (*BCO* 26-3).
- The next two are related to extraordinary exceptions to the internship and ordination requirements (*BCO* 19-6, 21-4) and extraordinary exceptions to the prohibition on assistant or associate pastors succeeding the Pastor (*BCO* 23-1).
- The last instance is the removal of the censure of deposition from a minister or elder (*BCO* 34-8; 37-6).

These situations in our *BCO* all require a supermajority *to protect the church*, and the proposal in Overture 20 would instead serve *to protect an individual*; and

Whereas, the current meaning and effects of *BCO* 31-10 and 33-4 have been present within the historical stream of our *Book of Church Order* for 200 years and were included in the 1822 PCUSA *Book of Discipline* and the 1879 PCUS *Rules of Discipline*; and

Whereas, for those under judicial process, the court would have already found “a strong presumption of guilt” (*BCO* 31-2), defined by F. P. Ramsay, as “a belief by the members of the court that evidence as then known to them would indicate that guilt probably exists” (*Exposition of the Book of Church Order*, 1898, p. 187); and

Whereas, the church Session—in the case of a Pastor under process and not suspended from his official functions by the Presbytery—would not be able to restrict the Pastor from preaching and teaching (*BCO* 20-1) or moderating the church Session (*BCO* 10-3; 12-2) except through pastoral dissolution by the congregation (*BCO* 23-1). See Committee of Commissioners on Judicial Business, *M17GA* (1989), 17-82.III, item 34, p. 167; and Report of the Committee on Constitutional Business, *M18GA* (1990), Appendix A, Attachment 1, III.B.4, p. 204; and

Whereas, requiring a three-quarters (3/4) supermajority vote for an intermediary step in the judicial process while requiring only a majority vote for the judgement is incongruous with the relative significance of these decisions; and

Whereas, ensuring proper adherence to Presbyterian polity is best achieved by godly presbyters carefully applying church law in its courts; and

Whereas, adding instructive information in our *BCO* to the end that church courts should show “prudence and wisdom” when making decisions under *BCO* 31-10 and 33-4, and adding language to 33-4 that “this shall never be done in the way of censure” are better methods of applying historic Presbyterian judicatory principles than constructing requirements of a supermajority vote for situations in which the requirement of a majority vote has stood the test of time in our church courts for 200 years. The terms “prudence” and “wisdom” used in the proposed revisions come from the use of the words concerning decisions of church courts, presbyters, pastors, and elders in the *Preliminary Principles*, *BCO* 11-2, *BCO* 56-4, and *BCO* 57-2.

Therefore, be it resolved that *Book of Church Order* 31-10 and *BCO* 33-4 be amended as follows (underlining for additions, ~~strike through~~ for deletions):

31-10. When a member of a church court is under process, all his official functions may be suspended at the court’s discretion; The court should show prudence and wisdom in taking this action, and ~~but~~—this shall never be done in the way of censure.

33-4. When it is impracticable immediately to commence process against an accused church member, the Session may, if it thinks the edification of the Church requires it, prevent

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the accused from approaching the Lord's Table until the charges against him can be examined. The Session should show prudence and wisdom in taking this action, and this shall never be done in the way of censure.

So that *BCO* 31-10 and *BCO* 33-4 as amended would read:

31-10. When a member of a church court is under process, all his official functions may be suspended at the court's discretion. The court should show prudence and wisdom in taking this action, and this shall never be done in the way of censure.

33-4. When it is impracticable immediately to commence process against an accused church member, the Session may, if it thinks the edification of the Church requires it, prevent the accused from approaching the Lord's Table until the charges against him can be examined. The Session should show prudence and wisdom in taking this action, and this shall never be done in the way of censure.

Adopted by the Nashville Presbytery at its 109th meeting on February 8, 2022
Attested by R. Neil Spence, Stated Clerk

OVERTURE 7 from Nashville Presbytery (to CCB and OC)
"Amend *BCO* 42-6 Regarding Suspending Judgment during Appeal"

Whereas, it was proposed in Overture 21 to the 48th General Assembly (and referred to the 49th General Assembly) that *BCO* 42-6 be amended by requiring a two-thirds (2/3) vote by the court of original jurisdiction to prevent an appellant from approaching the Lord's Table and, if an officer, to prevent him from exercising some or all of his official functions until the case is decided by the higher court; and

Whereas, the vote count for passing a motion by a supermajority of two-thirds (2/3) is, for example, 4 votes in the affirmative on a Session with 5 members voting and 20 presbyters voting in the affirmative in a court with 30 members voting; and

Whereas, requiring a supermajority two-thirds (2/3) vote would increase

the power of the higher court in the appeals process and downgrade the authority of the lower court which is not in keeping with grass roots Presbyterianism; and

Whereas, the constitutional documents within the historical stream of our denominational polity starting with the 1822 PCUSA *Book of Discipline* required that the judicial sentence of suspension, excommunication, or deposition from office “shall be considered as in force until the appeal shall be issued” or decided; and similarly, the 1879 PCUS *Rules of Discipline* required that the judicial sentence of suspension, excommunication, or deposition “shall nevertheless be considered as in force until the appeal shall be issued” or decided; and

Whereas, the 19th century minister and *BCO* scholar, F. P. Ramsay wrote in his *Exposition of the Book of Church Order* (1898, pp. 251-252) about appeals in the case of suspension, excommunication, or deposition and how the judgment was considered in force during appeal:

“That is, one on whom such sentence has been passed, and who has arrested the pronouncing of it by his appeal, is bound to abstain from the sacraments or from the exercise of his office until the superior court passes upon his appeal; and not to submit himself by thus abstaining would itself be an offence worthy of the highest censure, if wittingly committed. *If one could arrest the force of a judgment, as well as the pronouncing of sentence, by appeal, the grossest offender could not be reached until after most hurtful delay*” [emphasis added]; and

Whereas, it was not until the 1925 PCUS *BCO* that constitutional language was introduced giving the court the option to suspend the force of the judicial sentence of suspension, excommunication, or deposition from office until the case was finally decided; and

Whereas, the 24th General Assembly changed *BCO* 42-6 significantly by removing the language identifying the censures of suspension, excommunication, and deposition as the more serious censures under which the judicial sentence may be kept in force during appeal while adding the explanation that keeping the judgment in force “shall never be done by way of censure;” and

Whereas, F. P. Ramsay wrote, “the Rules of Discipline assume that, while a court may err, it will more probably be right than the party that objects to its action” (*Exposition of the Book of Church Order*, 1898, p. 247); and

Whereas, the church Session—in the case of a Pastor inflicted with the censure of suspension, excommunication, or deposition who appealed the censure, if not prevented by their Presbytery—would not be able to restrict the Pastor from preaching and teaching (*BCO* 20-1) or moderating the church Session (*BCO* 10-3; 12-2) except by pastoral dissolution (*BCO* 23-1). See Committee of Commissioners on Judicial Business, *M17GA* (1989), 17-82.III, item 34, p. 167; and Report of the Committee on Constitutional Business, *M18GA* (1990), Appendix A, Attachment 1, III.B.4, p. 204; and

Whereas, requiring a two-thirds (2/3) supermajority vote for an intermediary step in the judicial process while requiring only a majority vote for the judgement is incongruous with the relative significance of these decisions; and

Whereas, ensuring proper adherence to Presbyterian polity is best achieved by godly presbyters carefully applying church law in its courts; and

Whereas, when a court considers preventing an appellant from approaching the Lord’s Table and/or from exercising his official functions it may be most appropriate when the censure inflicted was suspension from the sacraments and/or office, excommunication, or deposition from office; and

Whereas, adding instructive information in our *BCO* to the end that church courts should show “prudence and wisdom” when making decisions under *BCO* 42-6 is a better method of applying historic Presbyterian judicatory principles than constructing requirements of a supermajority vote for situations in which the requirement of a majority vote has stood the test of time in our church courts for 200 years. The terms “prudence” and “wisdom” used in the proposed revisions come from the use of the words concerning decisions of church courts, presbyters, pastors, and elders in the *Preliminary Principles*, *BCO* 11-2, *BCO* 56-4, and *BCO* 57-2.

Therefore, be it resolved that *Book of Church Order* 42-6 be amended as follows (underlining for additions, ~~strike through~~ for deletions):

42-6. Notice of appeal shall have the effect of suspending the judgment of the lower court until the case has been

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finally decided in the higher court. However, the court of original jurisdiction may, for sufficient reasons duly recorded, prevent the appellant from approaching the Lord's Table, and if an officer, prevent him from exercising some or all his official functions, until the case is finally decided (cf. *BCO* 31-10; 33-4). Preventing the appellant from approaching the Lord's Table and/or from exercising his official functions may be most appropriate when the censure is suspension from the sacraments and/or office, excommunication, or deposition from office. The court of original jurisdiction should show prudence and wisdom in taking this action, and this shall never be done in the way of censure.

So that *BCO* 42-6 as amended would read:

42-6. Notice of appeal shall have the effect of suspending the judgment of the lower court until the case has been finally decided in the higher court. However, the court of original jurisdiction may, for sufficient reasons duly recorded, prevent the appellant from approaching the Lord's Table, and if an officer, prevent him from exercising some or all his official functions, until the case is finally decided (cf. *BCO* 31-10; 33-4). Preventing the appellant from approaching the Lord's Table and/or from exercising his official functions may be most appropriate when the censure is suspension from the sacraments and/or office, excommunication, or deposition from office. The court of original jurisdiction should show prudence and wisdom in taking this action, and this shall never be done in the way of censure.

*Adopted by the Nashville Presbytery at its 109th meeting on February 8, 2022
Attested by R. Neil Spence, stated clerk*

OVERTURE 8 from Houston Metro Presbytery (to CCB, OC)
“Amend *BCO* 33-1 and *BCO* 34-1 Establishing Percentage
Threshold for Original Jurisdiction Requests”

Be it resolved that *BCO* 33-1 and 34-1 be amended as follows (~~strike-through~~ for deletions, underlining for new wording):

33-1. Process against ~~all a~~ church members, ~~other than ministers of the Gospel,~~ shall be entered before the Session of the church to which such members belongs, ~~except in cases of appeal.~~ However, if the ~~Session refuses to act in doctrinal cases or instances of public scandal and two other~~ Sessions of at least ten percent (10%) of churches in the same Presbytery request the Presbytery of which the church is a member to ~~initiate proper or appropriate action in a case of process and thus~~ assume original jurisdiction for a case of process (to first receive and initially hear and determine) and authority, the Presbytery shall do so.

34-1. Process against a minister shall be entered before the Presbytery of which he is a member. However, if ~~the Presbytery refuses to act in doctrinal cases or cases of public scandal and two other~~ at least ten percent (10%) of Presbyteries request the General Assembly to assume original jurisdiction for a case of process (to first receive and initially hear and determine), the General Assembly shall do so.

So that *BCO* 33-1 and 34-1, as amended, would read:

33-1. Process against a church member shall be entered before the Session of the church to which such member belongs. However, if the Sessions of at least ten percent (10%) of churches in the same Presbytery request the Presbytery of which the church is a member to assume original jurisdiction for a case of process, the Presbytery shall do so.

34-1. Process against a minister shall be entered before the Presbytery of which he is a member. However, if at least ten percent (10%) of Presbyteries request the General Assembly to assume original jurisdiction for a case of process, the General Assembly shall do so.

RATIONALE:

BCO 34-1 is a provision that first appears in the PCA *BCO* and has no exact precedent in historical Presbyterian Books of Order. In the few instances in which it has been invoked, there has been great confusion concerning how to apply it. There is no clear standard for “refuses to act” nor is there a clear definition of “doctrinal cases or cases of public scandal,” leading to uncertainty and conflict in applying the provision. The amendment removes these provisions to bring about greater clarity and more precise application.

In our denomination of 88 Presbyteries, a case that requires the assumption of original jurisdiction by the General Assembly should require greater threshold than the current standard of only two Presbyteries (2% of all Presbyteries). The amendment also allows for a flexible standard as the number of Presbyteries increases in the future.

BCO 33-1 is essentially the same provision as 34-1 at the lower court level, with Sessions requesting a Presbytery to assume original jurisdiction. It has been an anomaly that the language of 33-1 has been different from that of 34-1. The amendment makes changes to bring them into conformity with each other.

Adopted by Houston Metro Presbytery at its stated meeting, January 21, 2022
Attested by /s/ TE Luis Veiga, stated clerk

OVERTURE 9 from Calvary Presbytery (to CCB, OC)
 “Amend *BCO* 34-1 Establishing Percentage Threshold for
 Original Jurisdiction Requests”

Be it resolved that *BCO* 34-1 be amended as follows (~~strike-through~~ for deletions, underlining for new wording):

BCO 34 - *Special Rules Pertaining to Process Against a Minister (Teaching Elder)*

34-1. Process against a minister shall be entered before the Presbytery of which he is a member. However, ~~if the Presbytery refuses to act in doctrinal cases or cases of public scandal, if two other~~ 10% of Presbyteries request the General Assembly to assume original jurisdiction (to first receive and initially hear and determine), the General Assembly shall do so.

So that *BCO* 34-1 reads:

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34-1. Process against a minister shall be entered before the Presbytery of which he is a member. However, in doctrinal cases or cases of public scandal, if 10% of Presbyteries request the General Assembly to assume original jurisdiction (to first receive and initially hear and determine), the General Assembly shall do so.

Rationale:

BCO 34-1 as currently written has long existed within the PCA as a constitutional variant. The meaning of the phrase “if the Presbytery refuses to act” has no clear definition and has made application of its usage ineffective.

This overture seeks to do two things simultaneously: first it clearly defines the terms of General Assembly original jurisdiction of a presbytery while secondly making it the process more difficult to do so than the current threshold of 2 presbyteries. The standard of request will increase from 2 presbyteries to 10% of presbyteries.

Adopted by Calvary Presbytery at its stated meeting, October 28, 2021
Attested by /s/ Melton L. Duncan, stated clerk

OVERTURE 10 from Southwest Florida Presbytery (to MNA)
“Restructure Boundary of the Presbytery of Southwest Florida”

Whereas, a presbytery confined to a smaller geographic region can lead to more efficient oversight, cooperation, and connection between particular congregations in the presbytery; and

Whereas, fostering a sense of connectionalism and cooperation of churches, teaching elders, and ruling elders beyond the local congregation is a hallmark of historic Presbyterianism; and

Whereas, a presbytery that has greater concentration within a specific geographic region may and should lead to a greater emphasis on church planting within that region; and

Whereas, a presbytery that encompasses a smaller geographic region should permit shorter meetings and shorter driving distances for presbyters to such meetings; and

Whereas, shorter distances should lead to greater participation in presbytery by ruling elders, thus allowing ruling elders to better fulfill their established calling to “govern the church well;” and

Whereas, the Guidelines for Dividing Presbyteries, as adopted by the 26th General Assembly of the Presbyterian Church in America, include “regional cohesiveness,” “member churches hav[ing] a potential for shared ministries,” and “member churches hav[ing] a common commitment to the region;” and

Whereas the boundaries of the Presbytery of Southwest Florida currently divide the Tampa Bay metropolitan area unnecessarily; and

Whereas, the Presbytery of Southwest Florida has interest in planting churches in the northern suburbs of Tampa, specifically Pasco County; and

Whereas, the Presbytery of Southwest Florida and Central Florida Presbytery are in accord to move Pasco County into the bounds of the Presbytery of Southwest Florida from Central Florida Presbytery;

Now therefore be it resolved, that the Presbytery of Southwest Florida overtures the 49th General Assembly to restructure the boundary of the Presbytery of Southwest Florida so that Pasco County will be included in its bounds, effective July 1, 2022, and that all existing PCA churches and church plants in Pasco County will come into the Presbytery of Southwest Florida, and that all teaching elders and churches be received following a successful examination, effective July 1, 2022.

Approved by the Presbytery of Southwest Florida at its stated meeting, February 12, 2022

Attested by /s/ TE Freddy Fritz, stated clerk

OVERTURE 11 from Korean Capital Presbytery (to CCB, OC)
“Amend *BCO* 25-2.e and Add a New Item *BCO* 25-2.f, New Percentage Threshold for Calling Large Church Congregational Meetings”

Whereas, based on the 2018 GA report, there are 1,912 churches comprising of 374,736 members, i.e. the average member for each church is 196; and

Whereas, the current threshold of communing members requesting the Session to call congregational meeting seems adequate for most of churches in the PCA especially for the church having less than 700 communing member wherein the range of variance of

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percentage proportion is from 14% to 25% of the whole congregation; and

Whereas, to the contrary, if a church has more than 5,000 communing members as an example, requiring mere 100 communing members according to the current threshold standard would be very disproportionate and unreasonable to the rest of the 4,900 congregation members since 100 members out of 5,000 members represents only 2% of the whole congregation; and

Whereas, the opinions of 2% of the minority group of the whole congregation is not to be belittled, but not up to the point where a congregational meeting has to be called, it would create unhealthy church culture where a church would be swayed by a very small fraction of the congregation; and

Whereas, it is also noted that coming to a consensus by 100 members out of 5,000 members could be easily feasible, which may lead to frequent and often unnecessary congregational meeting calls, and

Whereas, the frequent congregational meetings would undermine a harmonious and cooperative governing body of church by disrupting the regular worship services, and also it may endanger the stability and peace of a church by disparaging opinions and wills of majority congregation, and

Whereas, the proposed amendment would provide a fair, appropriate and reasonable representation of minority church members for a congregation having more than 700 communing members; and

Therefore, Korean Capital Presbytery overtures to amend *BCO 25-2* (e) and to add an additional clause (f) as follows (underlining for new wording):

BCO 25-2

e. by one hundred (100) of the communing members of a church of more than seven hundred (700) such members-
but not more than one thousand (1,000) such members.

f. by one-tenth (1/10) of the communing members of a church of more than one thousand (1,000) such members.

Adopted by Korean Capital Presbytery at its stated meeting, April 8, 2019
Attested by /s/ TE Dong Woo Kim, stated clerk

OVERTURE 12 from Hills and Plains Presbytery (to CCB, OC)
“Amend *BCO* 16 by Adding a New Paragraph *BCO* 16-4 with
Wording from the Report of the Ad Interim Committee on
Human Sexuality”

Whereas, the Sacred Scriptures instruct us how to walk and to please God, abstaining from sexual immorality and controlling our bodies with holiness and honor (1 Thess. 4:1–5); and

Whereas, the Apostle Paul exhorts Timothy to fight the good fight of faith and to pursue righteousness, godliness, faith, love, steadfastness, gentleness (1 Tim. 6:11–12); and

Whereas, overseers must be above reproach (1 Tim. 3:2; Titus 1:6, 7) and holy (Titus 1:8), and well thought of by outsiders (1 Tim. 3:7); and

Whereas, deacons must be dignified (1 Tim. 3:8) and serve if they prove themselves blameless (1 Tim. 3:10); and

Whereas, the *Book of Church Order* declares that everyone “whom God calls to bear office in His Church . . . should be sound in the faith, and his life be according to godliness” (*BCO* 16-3); and

Whereas the Ad Interim Committee on Human Sexuality of TE Dr. Bryan Chapell, TE Dr. Kevin DeYoung, TE Dr. Tim Keller, TE Dr. Jim Weidenaar, RE Dr. Derek Halvorson, RE Mr. Kyle Keating, and RE Mr. Jim Pocta, studied issues assigned to it by the 47th General Assembly in 2019; and

Whereas, the Ad Interim Committee on Human Sexuality released the Report of the Ad Interim Committee on Human Sexuality in 2020; and

Whereas, Overture 38 [to the 48th General Assembly] to “Commend the Human Sexuality Report,” unanimously adopted by Calvary Presbytery, was answered in the affirmative by a show of hands at the 48th General Assembly in 2021; and

Whereas, the AIC Report says, “Christians are well-served when they can be honest about both their present fallen realities and their hope for sanctification” (p. 28); and

Whereas, the AIC Report says, “The goal is not just consistent fleeing from, and regular resistance to, temptation, but the diminishment and even the end of the occurrences of sinful desires through the reordering of the loves of one’s heart toward Christ” (p. 10); and

Whereas, the AIC Report says, “Desires that are inconsistent with God’s design are to be resisted and mortified, not celebrated or accommodated” (p. 28); and

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Whereas, the AIC Report says, “To juxtapose identities rooted in sinful desires alongside the term ‘Christian’ is inconsistent with Biblical language and undermines the spiritual reality that we are new creations in Christ (2 Cor. 5:17)” (p. 11); and

Whereas, the AIC Report says, “Sometimes there are disagreements about language even when the underlying doctrinal commitments seem to be the same. . . . For these reasons, how persons express themselves is not finally determinative of their identity” (p. 29);

Therefore, be it resolved that Hills and Plains Presbytery (PCA) overture the 49th General Assembly to amend the *Book of Church Order* chapter 16 by the addition of the following paragraph:

BCO 16-4. Officers in the Presbyterian Church in America, though sound in the faith and living lives according to godliness, “are well served when they can be honest about both their present fallen realities and their hope for sanctification.” Their “goal is not just consistent fleeing from, and regular resistance to, temptation, but the diminishment and even the end of the occurrences of sinful desires.” “Desires that are inconsistent with God’s design are to be resisted and mortified, not celebrated or accommodated.” “To juxtapose identities rooted in sinful desires alongside the term ‘Christian’ is inconsistent with biblical language and undermines the spiritual reality that we are new creations in Christ.” “Sometimes there are disagreements about language even when the underlying doctrinal commitments seem to be the same,” and “how persons express themselves is not finally determinative of their identity.”

Approved by Hills and Plains Presbytery at a Called Meeting on March 5, 2022

Attested by /s/ TE Wesley D. Martin, stated clerk

OVERTURE 13 from Ascension Presbytery (to OC)
“Petition United States Government to End Abortion”

Whereas, the Scriptures forbid murder of human life, as confessed in the Standards of the Presbyterian Church in America under the Sixth Commandment in Larger Catechism 134-136 and Shorter Catechism 67-69, and;

Whereas, The Holy Scriptures recognize human life before birth in the womb (Exodus 21:22-25, Psalm 17:14, Jeremiah 1:5, Isaiah 44:24, Luke 1:41, etc.), and;

Whereas, Christians as far back as the writing of the Didache in the First or Second Century recognized that “you shall not abort a child or commit infanticide.”¹⁸ and;

Whereas, the Reformed tradition has recognized the evil of abortion from the days of the Reformation, with pastors such as John Calvin noting: “...*the unborn, though enclosed in the womb of his mother, is already a human being, and it is an almost monstrous crime to rob it of life which it has not yet begun to enjoy. If it seems more horrible to kill a man in his own house than in a field, because a man's house is his most secure place of refuge, it ought surely to be deemed more atrocious to destroy the unborn in the womb before it has come to light.*”¹⁹ and;

Whereas, abortion ends human life in the womb and is legal in the United States of America, and;

Whereas, *Westminster Confession of Faith* 31.4. confesses: “Synods and councils are to handle, or conclude nothing, but that which is ecclesiastical: and are not to intermeddle with civil affairs which concern the commonwealth, unless by way of *humble petition in cases extraordinary*; or, by way of advice, for satisfaction of conscience, if they be thereunto required by the civil magistrate.”²⁰ and;

Whereas, in 1978 the PCA studied the issue of abortion and communicated the following statement to the civil authorities: “God declares in Sacred Scripture that civil government, no less than the Church, is a divine institution and owes its authority to God. The Bible is the supreme revelation of God's will and teaches that the unborn child is a human person deserving the full protection of the Sixth Commandment, “You shall not murder”. We who love our nation, in the name of God who alone is sovereign, call upon you to renounce the sin of abortion, to repent of the complicity in the mass slaughter of innocent unborn children, who are persons in the sight of God, and to reverse the

¹⁸ Didache. 2.2 – as translated by Michael Holmes in *The Apostolic Fathers*, 3rd edition.

¹⁹ See: John Calvin. Commentary on Exodus 21:22 in *Harmony of Exodus, Leviticus, Numbers, Deuteronomy*. Vol 3, page 41-42.

²⁰ *Emphasis added.*

ruinous direction of both law and practice in this area. The obedience to God which places us in subjection to your rightful authority, requires of us to proclaim the counsel of God as it bears upon the same God-given authority.”²¹

Whereas, in 1986 the PCA again communicated its position on abortion to the civil authorities,²² and:

Whereas, since 1986, we have not petitioned the vast majority of the current federal government, as 97 out of the current 100 Senators were not serving, 430 out of the current 435 Representatives were not serving, and 9 out of the current 9 Supreme Court Justices were not serving, and;

Whereas, the legal murder of around 60 million babies since 1973,²³ many disproportionately coming from minority communities, poses a civil rights and biblical justice abomination, and therefore constitutes such an extraordinary case, and;

Whereas, since the PCA’s last formal petition in 1986, tens of millions more innocent human lives have been destroyed through abortion, constituting an ongoing and extraordinary violation of justice,

Therefore Be it Resolved, Presbytery of the Ascension overtures the General Assembly to humbly petition the United States Government as below, to be sent by the Stated Clerk of the PCA:²⁴

Humble Petition to the Honorable President, Members of Congress, and Justices of the Supreme Court

The 49th General Assembly of the Presbyterian Church in America humbly petitions the President of the United States of America, Members of Congress, and Justices of the Supreme Court to take any and all legal measures to protect the lives of unborn and newly-born babies from the brutality of abortion and infanticide. We support this petition with the following considerations.

²¹ “Report of the Ad Interim Committee on Abortion,” [6th General Assembly (1978), Appendix O, pp. 270 - 281.], <https://www.pcahistory.org/pca/digest/studies/2-015.html>

²² Actions of the 14th General Assembly (1986), p. 187, 14-85, III, 2. https://pcahistory.org/pca/ga/14th_pcaga_1986.pdf

²³ https://www.grrtl.org/wp-content/uploads/2020/05/Abortion_US.pdf

²⁴ Format and Wording follows the format of a OPC Humble petition of 1993 found here: <https://opc.org/GA/homosexuality.html>

Based on the Word of God and His Law evident in nature, terminating the life of an unborn or newly-born baby without just cause violates God's moral standard and therefore is sin and a great evil. According to the Scriptures of the Old and New Testaments, murder and the unjust taking of another's life is forbidden, as all humans are made in the Image of God (Gen 1:26-27) and therefore taking innocent life is a great sin against God (Genesis 9:6). The particular sin of sacrificing of children, as was done to the false god Molech, is called an abomination and worthy of judgment (Leviticus 20:2-5, 1 Kings 11:7, etc). By the light of nature, moreover, we know that the unborn is human, feels pain from an early stage, has a beating heart from an early stage, and is not some other species but a fellow human. Thus our God-given conscience testifies that inflicting pain, stopping a beating heart, and thereby killing another defenseless, fellow human being is a great evil.

While we are reluctant to address the civil magistrate except in “cases extraordinary,” the legalization of the murder of a helpless class, that disproportionately targets the poor and minorities, has resulted in the loss of around 60 million lives since 1973, and thus the tragedy and evil of the legal extermination of the unborn rises to just such a status, as few events have in the history of our nation. The Scriptures declare that a failure to discharge faithfully our duties to these, our helpless neighbors, would incur the judgment of God, just as it did of the watchmen and shepherds of Israel (Isaiah 56:9-12; Ezekiel 33:1-9; 34:1-10).

The duties of the civil government include the enforcement of laws, as a duty from God, to be a “terror to bad conduct” as you are called to be God's servants (Romans 13:1-7). We implore you to fulfill your divinely granted duty before God and eliminate from our land, by any and all available means, the legal murder known as abortion, and to call our nation to, “Let everyone turn from his evil way and from the violence that is in his hands. Who knows? God may turn and relent and turn from his fierce anger, so that we may not perish” (Jonah 3:8-9).

Therefore, for the honor of Christ and his Church, and the welfare of our nation, we exhort you to remember the words of the wisest magistrate, “Righteousness exalts a nation; but sin is a reproach to any people” (Proverbs 14:34) and “Rescue those who are being taken away to death; hold back those who are stumbling to the slaughter” (Proverbs 24:11). We pray for you, your families, and your vocations, and we commend to you the salvation that comes only through Jesus Christ our Lord. We urge all

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faithful believers to pray for you, as we have been instructed from God's Word: "I urge, then, first of all, that requests, prayers, intercession and thanksgiving be made for everyone—for kings and all those in authority, that we may live peaceful and quiet lives in all godliness and holiness" (1 Timothy 2:1-2).

Very respectfully submitted,
The General Assembly of the Presbyterian Church in America

Adopted by the Presbytery of the Ascension at its stated meeting, January 29, 2022

Attested by /s/ RE Frederick Neikirk, stated clerk

OVERTURE 14 from Westminster Presbytery (to CCB, OC; to SJC
for *OMSJC* only)

“Change the Composition of the SJC by Amending *BCO* 15-4 and *RAO* 17-1; Amend *OMSJC* 5.1 and 6.1”

Whereas, Presbyterian government is a representative form of church government arising from local congregations; and

Whereas, judicial appeals from presbyteries to the broader church should be appeals to a court representing the entire denomination; and

Whereas, the Standing Judicial Commission is currently composed of 24 members representing about ¼ of the presbyteries in the PCA; and

Whereas, judicial decisions of the highest court in the PCA should accurately represent the denomination as a whole;

Therefore, be it resolved that Westminster Presbytery overtures the 49th General Assembly of the Presbyterian Church in America to amend the Book of Church Order, Rules of Assembly Operations, and the SJC manual as follows:

BCO 15-4. The General Assembly shall appoint ~~elect~~ a Standing Judicial Commission to which it shall commit all matters governed by the Rules of Discipline, except for the annual review of Presbytery records, which may come before the Assembly. This commission shall be comprised of one representative from each presbytery elected by the presbytery in the following manner. Each Presbytery shall be assigned to a class by the stated clerk based on its date of formation. The elders shall serve in

classes of four-year terms, alternating between ruling and teaching elders. When necessary, unexpired terms shall be filled by an elder of the same class. ~~consist of twenty four (24) members divided into four classes of three teaching elders and three ruling elders in each class. Each class shall serve a four year term and each subsequent Assembly shall declare the Standing Judicial Commission as a whole to be its commission. Nominations and vacancies shall be filled according to BCO 14-1(11), with nominations allowed from the floor. No person may be elected if there is already a member of the commission from the same Presbytery; but if a person is elected and changes Presbytery, he may continue to serve his full term. No person may serve concurrently on the General Assembly's Standing Judicial Commission and any of the General Assembly's permanent committees.~~

Rules of Assembly Operations Article 17: Standing Judicial Commission

RAO 17-1. There shall be a Standing Judicial Commission composed of one ruling or teaching elder from each presbytery in the Presbyterian Church in America ~~twenty four members~~ in accordance with BCO 15-4. Upon election, each new member of the Standing Judicial Commission, before entering upon the duties of this office, shall sign a printed copy of the following vows; further, if the newly elected member is present, he shall affirm these vows in the presence of the Assembly ~~electing~~ appointing him:

“I do solemnly vow, by the assistance of the grace of God, in my service as a judge in this branch of the church of our lord Jesus Christ, that

1. I will act as before God, my Judge and the Searcher of hearts;
2. I will judge without respect to persons, and if so tempted, will recuse myself from judgment;
3. I will judge not according to appearances, but judge righteous judgment;

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4. I will judge according to the Constitution of the Presbyterian Church in America, through my best efforts applied to nothing other than the record of the case and other documents properly before me; and
5. If in a given case I find my view on a particular issue to be in conflict with the Constitution of the Presbyterian Church in America, I will recuse myself from such case, if I cannot conscientiously apply the Constitution.”

The Standing Judicial Commission shall have oversight of appeals, complaints and judicial references from lower courts. The Standing Judicial Commission will report directly to the General Assembly.

The Standing Judicial Commission shall not be separately funded but administratively will operate as a subcommittee of the Administrative Committee of General Assembly.

RAO 17-3. The Standing Judicial Commission may appoint a judicial panel of not less than three of its members to hear the case in accordance with the provisions of the Rules of Discipline in the BCO and these Rules of Assembly Operations. Such panels shall be chosen as follows:

- a. A pool with the names of teaching elder members shall be established, and another pool with the names of ruling elder members shall be established. The chairman of the Standing Judicial Commission shall draw by lot names of panel members and alternates from each pool and notify the Stated Clerk of the General Assembly, who shall notify, immediately, those so chosen.
- b. If a panel member so selected shall be disqualified under Section 2 of the Operating Manual for Standing Judicial Commission, he shall be replaced by the alternate drawn from the pool.

- c. The names of those panel members selected and qualified shall not be returned to the pool until all names therein have been exhausted. The name of an alternate, who does not serve as a panel member, shall be returned to the pool. The names of those members whose terms expire at the next General Assembly shall be withdrawn from the pool on March 1 of that year. Immediately after each General Assembly the name of each new member ~~appointed~~ ~~selected~~ at such General Assembly shall be added to his respective pool.

Operating Manual of the SJC (OMSJC)

5. EXPENSES

5.1 It is recommended that the expenses incurred by members serving on the Commission, ~~its panels, and its members shall be borne~~ be underwritten by the presbytery sending the commissioner. The administrative costs of the Chairman, Vice-Chairman, Secretary, and Assistant Secretary shall be borne by the Administrative Committee of General Assembly. All expenses (including travel expenses) incurred by a party or by the witnesses called by that party shall be borne by that party.

6. QUORUM

6.1 A quorum for the transaction of business at any meeting of the Commission shall be 25 ~~13~~ qualified members, composed of at least 10 ~~5~~ teaching elders and at least 10 ~~5~~ ruling elders.

So that BCO 15-4, RAO 17-1, 17-3 and SJC Manual 5.1 and 6.1, as amended, would read:

BCO 15-4. The General Assembly shall appoint a Standing Judicial Commission to which it shall commit all matters governed by the Rules of Discipline, except for the annual review of Presbytery records, which may come before the Assembly. This commission shall be

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comprised of one representative from each presbytery elected by the presbytery in the following manner. Each Presbytery shall be assigned to a class by the stated clerk based on its date of formation. The elders shall serve in classes of four-year terms, alternating between ruling and teaching elders. When necessary, unexpired terms shall be filled by an elder of the same class. No person may serve concurrently on the General Assembly's Standing Judicial Commission and any of the General Assembly's permanent committees.

Rules of Assembly Operations Article 17: Standing Judicial Commission

RAO 17-1. There shall be a Standing Judicial Commission composed of one ruling or teaching elder from each presbytery in the Presbyterian Church in America in accordance with BCO 15-4. Upon election, each new member of the Standing Judicial Commission, before entering upon the duties of this office, shall sign a printed copy of the following vows; further, if the newly elected member is present, he shall affirm these vows in the presence of the Assembly appointing him:

"I do solemnly vow, by the assistance of the grace of God, in my service as a judge in this branch of the church of our lord Jesus Christ, that

1. I will act as before God, my Judge and the Searcher of hearts;
2. I will judge without respect to persons, and if so tempted, will recuse myself from judgment;
3. I will judge not according to appearances, but judge righteous judgment;
4. I will judge according to the Constitution of the Presbyterian Church in America, through my best efforts applied to nothing other than the record of the case and other documents properly before me; and
5. If in a given case I find my view on a particular issue to be in conflict with the Constitution of the Presbyterian Church in America, I will

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recuse myself from such case, if I cannot conscientiously apply the Constitution.”

The Standing Judicial Commission shall have oversight of appeals, complaints and judicial references from lower courts. The Standing Judicial Commission will report directly to the General Assembly.

RAO 17-3. The Standing Judicial Commission may appoint a judicial panel of not less than three of its members to hear the case in accordance with the provisions of the Rules of Discipline in the BCO and these Rules of Assembly Operations. Such panels shall be chosen as follows:

- a. A pool with the names of teaching elder members shall be established, and another pool with the names of ruling elder members shall be established. The chairman of the Standing Judicial Commission shall draw by lot names of panel members and alternates from each pool and notify the Stated Clerk of the General Assembly, who shall notify, immediately, those so chosen.
- b. If a panel member so selected shall be disqualified under Section 2 of the Operating Manual for Standing Judicial Commission, he shall be replaced by the alternate drawn from the pool.
- c. The names of those panel members selected and qualified shall not be returned to the pool until all names therein have been exhausted. The name of an alternate, who does not serve as a panel member, shall be returned to the pool. The names of those members whose terms expire at the next General Assembly shall be withdrawn from the pool on March 1 of that year. Immediately after each General Assembly the name of each new member appointed at such General Assembly shall be added to his respective pool.

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OMSJC

5. EXPENSES

5.1 It is recommended that the expenses incurred by members serving on the Commission be underwritten by the presbytery sending the commissioner. The administrative costs of the Chairman, Vice-Chairman, Secretary, and Assistant Secretary shall be borne by the Administrative Committee of General Assembly. All expenses (including travel expenses) incurred by a party or by the witnesses called by that party shall be borne by that party.

6. QUORUM

6.1 A quorum for the transaction of business at any meeting of the Commission shall be 25 qualified members, composed of at least 10 teaching elders and at least 10 ruling elders.

Adopted by Westminster Presbytery at its stated meeting, March 12, 2022

Attested by /s/ TE Thomas Rickard, stated clerk

OVERTURE 15 from Westminster Presbytery (to CCB, OC)
“Amend *BCO 7* to Disqualify from Office Men Identifying as Homosexual”

Whereas, God created Adam and Eve and ordained the first marriage and family consisting of one man and one woman in sexual union, establishing the context for the biblical sexual ethic (Gen. 1:27-28; 2:24; 4:1); and

Whereas, God has established the one flesh sexual union between a husband and wife, as a great mystery in reference to Christ and his Church (Eph. 5:25; 31-32); and

Whereas, the Holy Scriptures declare that the sexual union and desire between one man and one woman, in the covenant of marriage, is righteous and holy, and all other sexual activity is unrighteous and sinful, including homosexuality, which the Holy Scriptures describe as “degrading passions” (Rom. 5:18-19; Rom. 1:26-27; 1 Cor. 6 9-11; Eph. 5:3-5; Heb. 13:4, *WCF* 24:1 & 2; *WLC* 138,139); and

Whereas, the application of the 7th Commandment forbids the sins of homosexuality, unnatural lusts, and unclean affections, affirming that homosexual acts and the desires to commit those acts are both sinful (Matt. 5:27-28; *WLC* 139); and

Whereas, the Biblical qualifications for a church officer require him to be “above reproach” and the “husband of one wife,” officers and candidates for office must conform their lives to Biblical sexual ethics, which include denying and mortifying all sexual passions and desires toward anyone to whom they are not married (1 Tim. 3:2); and

Whereas, identification as a “homosexual,” is sinful and against nature itself, is something God detests, and is not fitting for an officer of the Church of Christ (Lev. 18:22; 1 Tim. 3:2; Titus 1:5-6); and

Whereas, the Christian’s identity is rooted in Christ so that he is a “new creation” in Him, his identity cannot be defined by sexual and/any other desires or lifestyles that are contrary to the Holy Scriptures; for the Christian there is a clear distinction between self-conception (“this is who I am”) and their remaining indwelling sin (“this is what I must daily mortify”) (Rom 6:1-14; 1 Cor. 6:9-11; 2 Cor. 5:17; Col. 3:1-5); and

Whereas, the sexual revolution and LGBTQ+ movement are infiltrating many quarters of the Church and causing no small amount of confusion; and

Whereas, the Council on Biblical Manhood and Womanhood’s Nashville Statement on biblical sexuality, affirmed by the 47th General Assembly of the PCA as a biblically faithful declaration, states in Article VII, “We deny that adopting a homosexual or transgender self-conception is consistent with God’s holy purposes in creation and redemption:”

Therefore, be it resolved that Westminster Presbytery overtures the 49th General Assembly of the Presbyterian Church in America to amend *The Book of Church Order* Chapter 7 such that a new clause, *BCO* 7-4, be added, which reads as follows (new words underlined):

7-4. Men who identify as homosexual, even those who identify as homosexual and claim to practice celibacy in that self-identification, are disqualified from holding office in the Presbyterian Church in America.

Adopted by Westminster Presbytery at its stated meeting, March 12, 2022
Attested by /s/ TE Thomas Rickard, stated clerk

OVERTURE 16 from TE Ted Lester (to CCB, OC)
“Amend *BCO* 25-2 to Require Annual Congregational Meeting
and Reporting Standards”

[This Overture was submitted to Northwest Georgia Presbytery for its stated meeting, August 21, 2021, by TE Ted Lester, commissioner to NW GA Presbytery, and was rejected by the Presbytery at its stated meeting, January 15, 2022 (see *RAO* 11-10).]

Whereas, The Lord Jesus, as King and Head of His Church, has established a church government to be administered by Church officers (*WCF* 30.1); and

Whereas, Church officers are called to govern the holy institution of the Church well, promote the purity and peace within the congregations they shepherd, administer the sacraments, and provide for the spiritual well-being of the church; and

Whereas, a Presbyterian system of government prescribes that the men set apart for the sacred charge of Church office are selected and elected by members of a particular church (*BCO* 24); and

Whereas, inherent to a Presbyterian system of government is that the Word of God is to be preached only by such as are sufficiently gifted, and also duly approved and called to that office (*WLC* 158) and that from time to time as need arises by members who “shall, after consultation and deliberation recommend to the congregation” a pastoral candidate who in their “judgment, fulfills the Constitutional requirements of that office and is most suited to be profitable to the spiritual interests of the congregation...” (*BCO* 20-2); and

Whereas, the congregation consists of all the communing members of a particular church, and they only are entitled to vote (*BCO* 25-1); and

Whereas, the aforementioned vote is how a congregation’s voice is expressed and its will exercised within a particular church; and

Whereas, all members of a particular church have vowed to “support the Church in its worship and work” to the best of their ability, and “study its purity and peace” (*BCO* 57-5);

Therefore, be it resolved that in order to preserve the congregational voice of particular churches in the PCA, and assist members in upholding their membership vows, the *Book of Church Order* 25-2 be amended by adding the underlined text below:

25-2. Whenever it may seem for the best interests of the church that a congregational meeting should be held, the Session shall call such meeting and give public notice of at least one week. No business shall be transacted at such meeting except what is stated in the notice. A stated meeting shall be held at least once annually to consider the affairs of the congregation, which shall include a report on the state of a church's ministry, a disclosure of the financial state of the church, a presentation of the terms of call for teaching elders, and a disclosure of the status or outcome of any judicial actions involving the Session or its members. The Session shall always call a congregational meeting when requested in writing to do so:

- a. by one-fourth (1/4) of the communing members of a church of not more than one hundred (100) such members,
- b. by one-fifth (1/5) of the communing members of a church of more than one hundred (100) and not more than three hundred (300) such members,
- c. by one-sixth (1/6) of the communing members of a church of more than three hundred (300) and not more than five hundred (500) such members,
- d. by one-seventh (1/7) of the communing members of a church of more than five hundred (500) members but not more than seven hundred (700) such members,
- e. by one hundred (100) of the communing members of a church of more than seven hundred (700) such members.

Upon such a proper request, if the Session cannot act, fails to act or refuses to act, to call such a congregational meeting within thirty (30) days from the receipt of such a request, then any member or members in good standing may file a complaint in accordance with the provisions of *BCO* 43.

So that *BCO* 25-2 as amended would read:

25-2. Whenever it may seem for the best interests of the church that a congregational meeting should be held, the Session shall call such meeting and give public notice of at

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least one week. No business shall be transacted at such meeting except what is stated in the notice. A stated meeting shall be held at least once annually to consider the affairs of the congregation, which shall include a report on the state of a church's ministry, a disclosure of the financial state of the church, a presentation of the terms of call for teaching elders, and a disclosure of the status or outcome of any judicial actions involving the Session or its members. The Session shall always call a congregational meeting when requested in writing to do so:

- a. by one-fourth (1/4) of the communing members of a church of not more than one hundred (100) such members,
- b. by one-fifth (1/5) of the communing members of a church of more than one hundred (100) and not more than three hundred (300) such members,
- c. by one-sixth (1/6) of the communing members of a church of more than three hundred (300) and not more than five hundred (500) such members,
- d. by one-seventh (1/7) of the communing members of a church of more than five hundred (500) members but not more than seven hundred (700) such members,
- e. by one hundred (100) of the communing members of a church of more than seven hundred (700) such members.

Upon such a proper request, if the Session cannot act, fails to act or refuses to act, to call such a congregational meeting within thirty (30) days from the receipt of such a request, then any member or members in good standing may file a complaint in accordance with the provisions of *BCO* 43.

Submitted by /s/ TE Ted Lester to Northwest Georgia Presbytery for its stated meeting, August 21, 2021

Rejected by Northwest Georgia Presbytery at its stated meeting, January 15, 2022 (Attested by /s/ TE David Gilbert, stated clerk)

Submitted by /s/ TE Ted Lester to the 49th General Assembly of the PCA, March 25, 2022

OVERTURE 17 from TE Ted Lester (to CCB, OC)
“Amend *BCO* 32-3 to Require Open-Proceedings for Trials”

[This Overture was submitted to Northwest Georgia Presbytery for its stated meeting, August 21, 2021, by TE Ted Lester, commissioner to NW GA Presbytery, and was rejected by the Presbytery at its stated meeting, January 15, 2022 (see *RAO* 11-10).]

Whereas, the Lord Jesus Christ turns darkness into light (Is. 42:16; Jn. 8:12); and

Whereas, the Bible, as the written Word of God, is a lamp unto our feet (Ps. 119:105); and

Whereas, to be imitators of Christ, we should also speak openly to the world and speak nothing, especially the rendering of justice by application of God’s Word, in secret (Jn. 18:20); and

Whereas, the Bible commands that we “render in your gates judgments that are true and make for peace” (Zech. 8:16); and

Whereas, Biblical authority supersedes that of *Robert’s Rules of Order*, so that the Biblical prescription for open courts overrides the prescription of *Robert’s Rules* or any other subordinate and contradictory source on how to hold and conduct a trial; and

Whereas, the authors of the U.S. Constitution incorporated the Biblical principles of open trials into the nation’s founding documents, ensuring that the accused in civil courts are afforded “the right to a speedy and public trial, by an impartial jury” (Amendment VI U.S. Constitution); and

Whereas, church courts seemingly mirror the rights afforded to the accused in civil courts save for the right to a public trial (*BCO* 32); and

Whereas, for church courts to operate in a manner that deprives the accused of this Biblical right is to operate on a lower moral plane than ordered by the Holy Scriptures and afforded by the world at large; and

Whereas, transparency promotes accountability; and

Whereas, open church courts encourage prosecutors to “speak the truth in love” (Eph. 4:15); and

Whereas, open church courts encourage the accused to act “with all humility and gentleness, with patience” bearing with others in love (Eph. 4:2); and

Whereas, exercising church discipline is highly important and necessary, and in proper usage maintains the glory of God, the purity of His

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Church, and the reclamation of disobedient sinners (*BCO 27-3*);
and

Whereas, open church court proceedings assist teaching elders in their charge to instruct the officers and the congregation in discipline (*BCO 27-4*);

Therefore, be it resolved that in order that discipline may be exercised with mercy openly, the *Book of Church Order 32-3* be amended by adding the underlined text below:

32-3. It is appropriate that with each citation the moderator or clerk call the attention of the parties to the Rules of Discipline (*BCO 27* through *46*) and assist the parties to obtain access to them. When a charge is laid before the Session or Presbytery, it shall be reduced to writing, and nothing shall be done at the first meeting of the court, unless by consent of parties, except:

1. to appoint a prosecutor,
2. to order the indictment drawn and a copy, along with names of witnesses then known to support it, served on the accused, and
3. to cite the accused to appear and be heard at another meeting which shall not be sooner than ten days after such citation.

At the second meeting of the court the charges shall be read to the accused, if present, and he shall be called upon to say whether he be guilty or not.

If the accused confesses, the court may deal with him according to its discretion; if he plead and take issue, the trial shall be scheduled and all parties and their witnesses cited to appear. The trial shall not be sooner than fourteen (14) days after such citation. Courts of the church shall ordinarily sit with open doors. In every case, the court shall be without power to sit with closed doors if the accused insists on an open trial. No court may subject the accused to a closed trial against their will.

Accused parties may plead in writing when they cannot be personally present. Parties necessarily absent should have counsel assigned to them.

So that *BCO 32-3* as amended would read:

32-3. It is appropriate that with each citation the moderator or clerk call the attention of the parties to the Rules of Discipline (BCO 27 through 46) and assist the parties to obtain access to them. When a charge is laid before the Session or Presbytery, it shall be reduced to writing, and nothing shall be done at the first meeting of the court, unless by consent of parties, except:

1. to appoint a prosecutor,
2. to order the indictment drawn and a copy, along with names of witnesses then known to support it, served on the accused, and
3. to cite the accused to appear and be heard at another meeting which shall not be sooner than ten days after such citation.

At the second meeting of the court the charges shall be read to the accused, if present, and he shall be called upon to say whether he be guilty or not.

If the accused confesses, the court may deal with him according to its discretion; if he plead and take issue, the trial shall be scheduled and all parties and their witnesses cited to appear. The trial shall not be sooner than fourteen (14) days after such citation. Courts of the church shall ordinarily sit with open doors. In every case, the court shall be without power to sit with closed doors if the accused insists on an open trial. No court may subject the accused to a closed trial against their will.

Accused parties may plead in writing when they cannot be personally present. Parties necessarily absent should have counsel assigned to them.

Submitted by /s/ TE Ted Lester to Northwest Georgia Presbytery for its stated meeting, August 21, 2021

Rejected by Northwest Georgia Presbytery at its stated meeting, January 15, 2022 (Attested by /s/ TE David Gilbert, stated clerk)

Submitted by /s/ TE Ted Lester to the 49th General Assembly of the PCA, March 25, 2022

OVERTURE 18 from Pacific Northwest Presbytery (to CCB, AC)
“Amend *RAO 3-2* by Adding an Administrative Responsibility
for the Stated Clerk’s Office Regarding the Processing of
Allegations.”

Be it resolved that *RAO 3-2* be amended as follows. Underlined wording is to be added.

RAO 3-2. The Stated Clerk shall have the following responsibilities to the General Assembly ...

- s. He shall be the correspondent with the lower courts of the church.
- t. He shall forward all allegations, or suggestions of need for disciplinary attention, to the appropriate court, or shall instruct individuals how they may do so. Ordinarily, the person who is the subject of the allegation or suggestion will also be copied. This responsibility is an administrative one, not a judicial one and the Stated Clerk’s Office should ordinarily avoid expressing any opinion on the merits.
- u. He shall be authorized to make public statements for and on behalf of the denomination only insofar as such statements are warranted on the basis of specific actions of the General Assembly.

Rationale: While this new responsibility would not be limited to specific areas, much of our concern arises from things related to public speech. So, the rationale below focuses on that subject as an example.

1. The Bible requires we portray the message and manner of Christ in our communication. (Ex. 20:16, Matt. 5:22, 1 Cor 6:9-10, Eph. 4:31-32, Tit. 3:1-2, 1 Pet. 2:1)
Note: All Scriptures cited in this Overture are printed later below.
2. The Bible forbids publishing false reports or spreading rumors and suspicions without foundation or confirming the facts with the individuals cited. (Ex. 23:1, Matt. 12:36-37; Matt. 18:15-17, 1 Tim. 5:19)
3. The Bible forbids giving attention to gossip, slander, or malicious speech. (Prov. 17:4, 20:19, 26:20)
4. Our Confessional Standards call us to high standards of truth and charity in reporting the actions and words of others, and in protecting

their reputations against falsehood, unwarranted damage, and suspicion, saying:

The sins forbidden in the ninth commandment are, all prejudicing the truth, and the good name of our neighbors,...concealing the truth...; speaking the truth unseasonably, or maliciously to a wrong end, or perverting it to a wrong meaning,...speaking untruth, lying, slandering, backbiting, detracting, talebearing, whispering, scoffing, reviling,...misconstructing intentions, words, and actions...; aggravating smaller faults;...unnecessary discovering of infirmities; raising false rumors, receiving and countenancing evil reports;...evil suspicion;...rejoicing in [others'] disgrace and infamy; scornful contempt...; neglecting such things as are of good report, and practicing, or not avoiding ourselves, or not hindering what we can in others, such things as procure an ill name. (WLC #145)

5. The speech and publication practices of secular culture can make believers unaware of, or callous to, these biblical standards.
6. There is a temptation for church leaders to disregard these biblical standards in social media, internet discussions, and news sites that deal with church matters.

Approved by Presbytery's BCO 15-1 Overtures Commission on April 4, 2022

Overtures Commission appointed by Pacific NW Presbytery on February 4, 2022

Attested by /s/ TE Nathan Chambers, stated clerk

Scriptures Cited Above (ESV)

You shall not bear false witness against your neighbor. (Ex. 20:16)

But I say to you that everyone who is angry with his brother will be liable to judgment; whoever insults his brother will be liable to the council; and whoever says, 'You fool!' will be liable to the hell of fire. (Matt. 5:22)

Or do you not know that the unrighteous will not inherit the kingdom of God? Do not be deceived: neither the sexually immoral, nor idolaters, nor adulterers, nor men who practice homosexuality, nor thieves, nor the

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greedy, nor drunkards, nor revilers, nor swindlers will inherit the kingdom of God (1 Cor. 6:9, 10)

Let all bitterness and wrath and anger and clamor and slander be put away from you, along with all malice. Be kind to one another, tenderhearted, forgiving one another, as God in Christ forgave you. (Eph. 4:31-32)

Remind ... to speak evil of no one, to avoid quarreling, to be gentle, and to show perfect courtesy toward all people. (Tit. 3:1-2)

So put away all malice and all deceit and hypocrisy and envy and all slander. (1Pet. 2:1)

You shall not spread a false report. You shall not join hands with a wicked man to be a malicious witness. (Ex. 23:1)

I tell you, on the day of judgment people will give account for every careless word they speak, for by your words you will be justified, and by your words you will be condemned. (Matt. 12:36-37)

If your brother sins against you, go and tell him his fault, between you and him alone. If he listens to you, you have gained your brother. But if he does not listen, take one or two others along with you, that every charge may be established by the evidence of two or three witnesses. If he refuses to listen to them, tell it to the church. (Matt. 18:15-17)

Do not admit a charge against an elder except on the evidence of two or three witnesses. (1 Tim. 5:19)

An evildoer listens to wicked lips, and a liar gives ear to a mischievous tongue. (Prov. 17:4)

Whoever goes about slandering reveals secrets; therefore do not associate with a simple babblers (Prov. 20:19)

For lack of wood the fire goes out, and where there is no whisperer, quarreling ceases. (Prov. 26:20)

OVERTURE 19 from Northwest Georgia Presbytery (to CCB, OC)
“Amend *BCO* 15-2 Regarding Presbytery Commission
Membership and Quorum”

Whereas, *BCO* 15 deals with Ecclesiastical Commissions in the courts of the Church; and

Whereas, the wording in 15-2 paragraph 2, sentence 1 differs from the wording of 15-3, sentence 2; and

Whereas, the difference in wording may lead to misunderstanding about the makeup of a Presbytery Commission;

Therefore, be it resolved that in order to clarify, to insure consistency, and to avoid any future confusion, *BCO* 15-2, paragraph 2, sentence 1, be amended by adding the underlined text below (strike-through for deletions).

15-2. Paragraph 2:

Every commission appointed by Presbytery shall consist of at least two teaching elders and two ruling elders from its members, and the Presbytery at the time of the appointment of the commission shall determine what the quorum shall be., ~~and the quorum shall be one more than half its membership unless otherwise determined by the Presbytery.~~ However, should a Presbytery clothe a commission with judicial powers and authority to conduct judicial process, or with power to ordain or install a teaching elder of the Gospel, the quorum of such commission shall not be less than two teaching elders and two ruling elders. The quorum for a commission appointed as an interim session need not conform to the requirements of a judicial commission, but only to those of a session (*BCO* 12-1). When the ordination of a minister is committed to a commission, the Presbytery itself shall conduct the previous examination.

All other wording of 15-2 shall remain unchanged.

Adopted by Northwest Georgia Presbytery at its stated meeting, April 5, 2022

Attested by /s/ TE David E. Gilbert, stated clerk

OVERTURE 20 from Northwest Georgia Presbytery (to CCB, OC)
“Amend *BCO* 16 by Adding Paragraph 16-4 on Qualifications
for Ordination”

Whereas, the Westminster Standards make a categorical distinction between the “state of sin” and the “state of grace” (*WCF* 9.3-4); and

Whereas, ever since the Fall, man is naturally in the “state of sin” in which he has lost all ability to will and to do any spiritual good and is a slave to the penalty, guilt, and power of sin (*WCF* 9.3); and

Whereas, in the state of sin, his sin defines who he is, and he must rightly conceive of himself and label himself as a fornicator, idolater, adulterer, effeminate, homosexual, thief, drunkard, reviler, and swindler (1 Cor. 6:9-10); in this state of sin, that is how he is to consider himself and identify himself because he is a slave to sin; and

Whereas, when the Holy Spirit works faith in man, uniting him to Christ in his effectual calling, he is translated into the “state of grace” (*WCF* 9.4; *WSC* 30) and partakes of the benefits of justification, adoption, and sanctification (*WSC* 30-32); and

Whereas, in this state, while he does not perfectly or only will that which is good but also that which is evil (due to his remaining corruption), he is freed from bondage to sin and by grace is enabled freely to will and to do that which is spiritually good (*WCF* 9.4); and

Whereas, the conversion from the state of sin to the state of grace is so dramatic and the distinction between the two so vast that the Christian is no longer to conceive of himself and label himself as a fornicator, idolater, adulterer, effeminate, homosexual, thief, drunkard, reviler, and swindler; Scripture says such will not inherit the kingdom of God, “and such *were* some of you” (1 Cor. 6:9-11); in the state of grace, the believer is no longer to identify that way (e.g. as a fornicator, idolater, adulterer, etc.) for “you were washed, you were sanctified, you were justified in the name of the Lord Jesus Christ and by the Spirit of our God” (1 Cor. 6:9-11); because of his union with Christ, his specific sins no longer define who he is; and

Whereas, due to remaining corruption, the Christian can still speak of himself as a sinner in the present tense (1 Tim. 1:12-16) as one who continues to experience and battle with the presence and pollution of sin (Gal. 5:17; Rom. 7:14-25) and even at times feel

as though he is enslaved to sin (Rom. 7:14); however, the truth is that the believer is no longer a slave to sin, having been freed from slavery to its guilt (Rom. 3:24; Eph. 1:7), its penalty (Gal. 3:13), and its power (1 Pet. 1:18-19; Rom. 6:6); and

Whereas, while of course the Christian is (and can *say* he is) a sinner (1 Tim. 1:12-16), he is no longer to identify himself with his specific sins; as Paul says, “Such *were* some of you” (1Cor. 6:9-11), and “Though *formerly* I was a blasphemer, persecutor, and insolent opponent...I received mercy...in Christ Jesus” (1 Tim. 1:13-14); and

Whereas, instead of considering himself as a drunkard or an adulterer or a homosexual, the Christian is commanded to have a different self-conception: “You must consider yourselves dead to sin and alive to God in Christ Jesus” (Rom. 6:11); and

Whereas, the Christian may continue to struggle with the same sins all his life long; such a believer should not *consider* himself a drunkard or an adulterer or a homosexual but rather a Christian who struggles with the temptation to drunkenness, adultery, or homosexuality; and who is repentant if or when he succumbs to such temptations; and

Whereas, *BCO* 16-1 reads, “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;” and

Whereas, *BCO* 16-2 reads, “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;” and

Whereas, *BCO* 16-3 reads, “Upon those whom God calls to bear office in His Church He bestows suitable gifts for the discharge of their various duties. And it is indispensable that, besides possessing the necessary gifts and abilities, natural and acquired, every one admitted to an office should be sound in the faith, and his life be according to godliness. Wherefore every candidate for office is to be approved by the court by which he is to be ordained;” and

Therefore, be it resolved that *BCO* 16 be amended by adding 16-4 as a new paragraph with the following wording (underlining for new wording):

16-4. Those whom God calls to bear office in His Church shall demonstrate maturity of faith and growing conformity to Jesus Christ. While these office bearers will see spiritual perfection only in glory, they will continue in this life doing battle with and confessing remaining sins. Thus, those who identify or describe themselves according to their specific sins, or who teach that it is acceptable for Christians to identify or describe in such a manner, shall not be approved for service by any court of Christ's Church.

Adopted by Northwest Georgia Presbytery at its stated meeting, April 5, 2022

Attested by /s/ TE David E. Gilbert, stated clerk

OVERTURE 21 from Northwest Georgia Presbytery (to CCB, OC)
“Amend *BCO* 43-2 and 43-3 Regarding Timing for
Considering a Complaint”

Whereas, some may seek to apply the *BCO* without fair exception in the timing of finalizing a decision on a complaint, which possibility this overture believes could disadvantage Sessions; and

Whereas, matters of judicial complaint are normally complex and require deliberation (James 1:19); and

Whereas, in fairness both to complainants and lower courts, requiring an immediate decision at the same meeting after a first hearing (Prov. 18:17), if little or no time for consideration or prayer is permitted, may create a burden on Sessions or an unhelpful precedent; and

Whereas, the Clerk's *Handbook* regularly permits presbytery commissions time to deliberate, without requiring an immediate answer to a complaint at the same time as the hearing, as long as it is found in order and heard in a timely manner (Clerk's *Handbook*, Appendix H 11 allows a presbytery commission to “adjourn and reconvene within the next 10 days, as often as necessary”); and

Whereas, this analogy continues with the Standing Judicial Commission (SJC), routinely allowing SJC panels to deliberate for up to 20 days (*OMSJC* 10.10) after oral arguments before finalizing a decision; and

Whereas, the proposed amendment below only affects the timing of the final decision on a complaint, allowing the court not to be pressured to surrender its due deliberation if a complaint were tendered as little as hours before a stated meeting; and

Whereas, this amendment would clarify that Sessions have the same, analogous opportunities for due deliberation as the higher courts for the good of the peace and purity of the church;

Therefore, be it resolved that both *BCO* 43-2 and 43-3 be amended to include the common-sensical provision by adding the words “provided that the complaint has been filed with the clerk at least seven (7) days in advance,” such that the *BCO* reads (proposed addition in bold):

43-2. A complaint shall first be made to the court whose act or decision is alleged to be in error. Written notice of complaint, with supporting reasons, shall be filed with the clerk of the court within sixty (60) days following the meeting of the court. The court shall consider the complaint at its next stated meeting, or at a called meeting prior to its next stated meeting, provided that the complaint has been filed with the clerk at least seven (7) days in advance. No attempt should be made to circularize the court to which complaint is being made by either party.

43-3. If, after considering a complaint, the court alleged to be delinquent or in error is of the opinion that it has not erred, and denies the complaint, the complainant may take that complaint to the next higher court. If the lower court fails to consider the complaint against it by or at its next stated meeting, provided that the complaint has been filed with the clerk at least seven (7) days in advance, the complainant may take that complaint to the next higher court. Written notice thereof shall be filed with both the clerk of the lower court and the clerk of the higher court within thirty (30) days of notification of the last court’s decision.

Notification of the last court’s decision shall be deemed to have occurred on the day of mailing (if certified, registered or express mail of a national postal service or any private service where verifying receipt is

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utilized), the day of hand delivery, or the day of confirmed receipt in the case of e-mail or facsimile. Furthermore, compliance with such requirements shall be deemed to have been fulfilled if a party cannot be located after diligent inquiry or if a party refuses to accept delivery.

*Adopted by Northwest Georgia Presbytery at its stated meeting, April 5, 2022
Attested by /s/ TE David E. Gilbert, stated clerk*

OVERTURE 22 from Northwest Georgia Presbytery (CCB, AC)
“Amend *RAO* 3-2.h, Making Statistical Data Digitally Accessible”

Whereas, the Lord Jesus Christ charged Peter with the keys of the kingdom (Matt 16:19) and our confessional standards further outline this important responsibility as being held by Church officers (*WCF*, Ch XXX); and

Whereas, elsewhere in Scripture elders are exhorted to “shepherd the flock of God” (1 Pet 5:2) by exercising “oversight”; and

Whereas, in the past this necessitated close proximity between Church officers and congregants. However, our present time is marked by an increasing transience among all members of society, including those in our denomination; and

Whereas, advancements in digital communications now enable oversight across vast distances; and

Whereas, the number of congregations within the PCA has increased to nearly a thousand throughout North America; and

Whereas, each congregation submits statistical data to the Administrative Committee on a yearly basis for the annual PCA Yearbook; and

Whereas, the Stated Clerk’s office already provides the minutes of the General Assembly in digital format; and

Whereas, the production of minutes and statistics in electronic format will reduce the cost of, and time necessary for their production; and

Whereas, the cost of producing the PCA Yearbook is already accounted for and, therefore, access for fee of a digital version will likely offset, and possibly generate profit;

Therefore, be it resolved that the Presbytery of Northwest Georgia hereby overtures the 49th General Assembly to amend *RAO* 3-2.h by adding the following guidance (additions underlined):

RAO 3-2.h

- h. He shall be responsible for publishing the minutes and statistical reports of the Presbyterian Church in America and periodically updating the digest of the minutes. Likewise, these minutes and statistical reports (i.e. ‘The PCA Yearbook’) shall be made available in digital format (i.e. .pdf, .xlxs, etc.).

Adopted by Northwest Georgia Presbytery at its stated meeting, April 5, 2022

Attested by /s/ TE David E. Gilbert, stated clerk

OVERTURE 23 from Southeast Alabama Presbytery (to CCB, OC)
“Amend *BCO* 16 by Adding Paragraph 16-4 on Qualifications for Ordination”

[Note: Only the wording of the second sentence of this overture’s proposed *BCO* paragraph differs from the proposed wording in Overture 20.]

Whereas, the Westminster Standards make a categorical distinction between the “state of sin” and the “state of grace” (*WCF* 9.3-4); and

Whereas, ever since the Fall, man is naturally in the “state of sin” in which he has lost all ability to will and to do any spiritual good and is a slave to the penalty, guilt, and power of sin (*WCF* 9.3); and

Whereas, in the state of sin, his sin defines who he is, and he must rightly conceive of himself and label himself as a fornicator, idolater, adulterer, homosexual, thief, drunkard, reviler, and swindler (1 Cor. 6:9-10); in this state of sin, that is how he is to consider himself and identify himself because he is a slave to sin; and

Whereas, when the Holy Spirit works faith in man, uniting him to Christ in his effectual calling, he is translated into the “state of grace” (*WCF* 9.4; *WSC* 30) and partakes of the benefits of justification, adoption, and sanctification (*WSC* 30-32); and

Whereas, in this state, while he does not perfectly or only will that which is good but also that which is evil (due to his remaining corruption), he is freed from bondage to sin and by grace is enabled freely to will and to do that which is spiritually good (*WCF* 9.4); and

Whereas, the conversion from the state of sin to the state of grace is so dramatic and the distinction between the two so vast that the Christian is no longer to conceive of himself and label himself as a fornicator, idolater, adulterer, homosexual, thief, drunkard, reviler, and swindler; Scripture says such will not inherit the kingdom of God, “and such *were* some of you” (1 Cor. 6:9-11); in the state of grace, the believer is no longer to identify that way (e.g. as a fornicator, idolater, adulterer, etc.) for “you were washed, you were sanctified, you were justified in the name of the Lord Jesus Christ and by the Spirit of our God” (1 Cor. 6:9-11); because of his union with Christ, his specific sins no longer define who he is; and

Whereas, due to remaining corruption, the Christian can still speak of himself as a sinner in the present tense (1 Tim. 1:12-16) as one who continues to experience and battle with the presence and pollution of sin (Gal. 5:17; Rom. 7:14-25) and even at times feel as though he is enslaved to sin (Rom. 7:14); however, the truth is that the believer is no longer a slave to sin, having been freed from slavery to its guilt (Rom. 3:24; Eph. 1:7), its penalty (Gal. 3:13), and its power (1 Pet. 1:18-19; Rom. 6:6); and

Whereas, while of course the Christian is (and can *say* he is) a sinner (1 Tim. 1:12-16), he is no longer to identify himself with his specific sins; as Paul says, “Such *were* some of you” (1 Cor. 6:9-11), and “Though *formerly* I was a blasphemer, persecutor, and insolent opponent... I received mercy... in Christ Jesus” (1 Tim. 1:13-14); and

Whereas, instead of considering himself as a drunkard or an adulterer or a homosexual, the Christian is commanded to have a different self-conception: “You must consider yourselves dead to sin and alive to God in Christ Jesus” (Rom. 6:11); and

Whereas, the Christian may continue to struggle with the same sins all his life long; such a believer should not *consider* himself a drunkard or an adulterer or a homosexual but rather a Christian who struggles with the temptation to drunkenness, adultery, or homosexuality; and who is repentant if or when he succumbs to such temptations; and

Whereas, BCO 16-1 reads, “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;” and

Whereas, *BCO* 16-2 reads, “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;” and

Whereas, *BCO* 16-3 reads, “Upon those whom God calls to bear office in His Church He bestows suitable gifts for the discharge of their various duties. And it is indispensable that, besides possessing the necessary gifts and abilities, natural and acquired, every one admitted to an office should be sound in the faith, and his life be according to godliness. Wherefore every candidate for office is to be approved by the court by which he is to be ordained;” and

Therefore, be it resolved that *BCO* 16 be amended by adding 16-4 as a new paragraph with the following wording (underlining for new wording):

16-4. Those whom God calls to bear office in His Church shall demonstrate maturity of faith and growing conformity to Jesus Christ. While these office bearers will see spiritual perfection only in glory, they will continue in this life to confess and to mortify remaining sins. Thus, those who identify or describe themselves according to their specific sins, or who teach that it is acceptable for Christians to identify or describe themselves in such a manner, shall not be approved for service by any court of Christ’s Church.

Adopted by Southeast Alabama Presbytery at its called meeting on March 31, 2022

Attested by /s/ TE Kevin Corley, stated clerk

OVERTURE 24 from Houston Metro Presbytery (to CCB, OC)
“Amend *RAO* 11-2 and 11-10 to Clarify Who May Submit an Overture”

Be it resolved that *RAO* 11-2 and 11-10 be amended as follows (strike-through for deletions, underlining for new wording):

11-2. Communications from individuals shall not be received by the General Assembly, unless they originate with persons

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who have no other access to the Assembly. If the Assembly desires to receive and consider any such communications, other than as information, the Stated Clerk shall recommend reference to the proper Assembly committee. Letters, telegrams, emails, or telephone calls from communicants or congregations of the Presbyterian Church in America are not proper communications, and are not to be received by the Assembly.

11-10. No overture will be considered by the General Assembly until it first has been presented to a presbytery. If approved by the presbytery, it will come before the Assembly as the overture of that court. An overture requested by ~~an individual communicant~~ a ruling elder commissioner to presbytery, a teaching elder, or a session, but rejected by the presbytery, may be presented to the Assembly, provided ~~the fact that it was rejected by the presbytery is clearly stated with the overture.~~ the overture includes as an attachment a copy of the relevant extract from the minutes of the meeting at which presbytery rejected the overture or correspondence from presbytery's Stated Clerk confirming presbytery's rejection of the overture. Such an overture must be the same overture as that presented to and rejected by the presbytery.

So that *RAO* 11-2 and 11-10 as amended, would read:

11-2. Communications from individuals shall not be received by the General Assembly, unless they originate with persons who have no other access to the Assembly. If the Assembly desires to receive and consider any such communications, other than as information, the Stated Clerk shall recommend reference to the proper Assembly committee. Letters, telegrams, emails, or telephone calls from communicants or congregations of the Presbyterian Church in America are not proper communications, and are not to be received by the Assembly.

11-10. No overture will be considered by the General Assembly until it first has been presented to a presbytery. If approved by the presbytery, it will come before the

Assembly as the overture of that court. An overture requested by a ruling elder commissioner to presbytery, a teaching elder, or a session, but rejected by the presbytery, may be presented to the Assembly, provided the overture includes as an attachment a copy of the relevant extract from the minutes of the meeting at which presbytery rejected the overture or correspondence from presbytery's Stated Clerk confirming presbytery's rejection of the overture. Such an overture must be the same overture as that presented to and rejected by the presbytery.

RATIONALE:

The current provision in *RAO* 11-10 is confusing in that it implies that an individual communicant member of a church may send an overture to the General Assembly. Communications from individuals outside the PCA are to be dealt with in accordance with *RAO* 11-2. Individual PCA members have access to the General Assembly indirectly through their Sessions and Presbyteries. Overtures ordinarily are the request of a Presbytery for action by the General Assembly (*RAO* 11-4, emphasis added).

An individual member does not have the ability to move an overture for consideration by a Presbytery, because unless that individual is a ruling elder commissioner to a Presbytery meeting, he is not a member of the body and therefore does not have the privilege of making motions. Such a member could have another who is a member or a Session make such a motion, but if the motion for an overture is rejected by Presbytery, that other member or Session would need to present the rejected overture to the General Assembly.

The revised language clarifies what is permissible in accordance with the *RAO* and *Robert's Rules*.

Adopted by Houston Metro Presbytery at its stated meeting, April 11, 2022
Attested by /s/ TE Lou Veiga, stated clerk

OVERTURE 25 from Houston Metro Presbytery (to CCB, OC)
“Amend *BCO* 15-1 and 15-3 to Clarify Role of Presbytery
Commission”

Be it resolved that *BCO* 15-1 and 15-3 be amended as follows (strike-through for deletions, underlining for new wording):

15-1. A commission differs from an ordinary committee in that while a committee is appointed to examine, consider and report, a commission is authorized to deliberate upon and conclude the business referred to it, ~~except in the case of judicial commissions of a Presbytery appointed under *BCO* 15-3.~~ A commission shall keep a full record of its proceedings, which shall be submitted to the court appointing it. Upon such submission this record shall be entered on the minutes of the court appointing, the date of the submission being the date of “the meeting of the court” for the filing requirements of a complaint under *BCO* 43-2., ~~except in the case of a presbytery commission serving as a session or a judicial commission as set forth in *BCO* 15-3.~~ The effective date of dismissal of a commission of session or presbytery shall be not before the time allowed for the filing of a complaint or appeal against that commission’s decision has expired. Any complaint or appeal so timely filed, shall be adjudicated by that commission until the matter is settled by the highest court. When a commission is appointed to serve as an interim Session, its actions are the actions of a Session, not a Presbytery. Every commission of a Presbytery or Session must submit complete minutes and a report of its activities at least once annually to the court which commissioned it.

15-3. ~~Presbytery as a whole may try a judicial case within its jurisdiction (including the right to refer any strictly constitutional issue to a study committee with options listed below),~~ hear a case, with or without process (*BCO* 31-38), a reference (*BCO* 41), an appeal (*BCO* 42), a complaint (*BCO* 43), a *BCO* 40-5 proceeding, or a request to assume original jurisdiction (*BCO* 33-1) properly before it, or it may of its own motion commit ~~any judicial~~ such a case to a commission. Such a commission shall be appointed by the

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Presbytery from its members other than members of the Session of the church from which the case comes up. The commission shall try the case in the manner presented by the Rules of Discipline and shall submit to the Presbytery a full statement of the case and the judgment rendered. ~~The Presbytery without debate shall approve or disapprove of the judgment, or may refer, (a debatable motion), any strictly constitutional issue(s) to a study committee. In case of referral, the Presbytery shall either dismiss some or all of the specific charges raised in the case or decide the case only after the report of the study committee has been heard and discussed. If Presbytery approves, the~~ The judgment of the commission shall be final and shall be entered on the minutes of Presbytery as the action the decision of the Presbytery, and the statement of the case and judgment printed in its minutes. ~~If Presbytery disapproves, it shall hear the case as a whole, or appoint a new commission to hear the case again.~~

So that *BCO* 15-1 and 15-3, as amended, would read:

15-1. A commission differs from an ordinary committee in that while a committee is appointed to examine, consider and report, a commission is authorized to deliberate upon and conclude the business referred to it. A commission shall keep a full record of its proceedings, which shall be submitted to the court appointing it. Upon such submission this record shall be entered on the minutes of the court appointing, the date of the submission being the date of “the meeting of the court” for the filing requirements of a complaint under *BCO* 43-2. The effective date of dismissal of a commission of session or presbytery shall be not before the time allowed for the filing of a complaint or appeal against that commission’s decision has expired. Any complaint or appeal so timely filed, shall be adjudicated by that commission until the matter is settled by the highest court. When a commission is appointed to serve as an interim Session, its actions are the actions of a Session, not a Presbytery. Every commission of a Presbytery or Session must submit complete minutes and a report of its activities at least once annually to the court which commissioned it.

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15-3. Presbytery as a whole may hear a case, with or without process (*BCO* 31-38), a reference (*BCO* 41), an appeal (*BCO* 42), a complaint (*BCO* 43), a *BCO* 40-5 proceeding, or a request to assume original jurisdiction (*BCO* 33-1) properly before it, or it may of its own motion commit such a case to a commission. Such a commission shall be appointed by the Presbytery from its members other than members of the Session of the church from which the case comes up. The commission shall try the case in the manner presented by the Rules of Discipline and shall submit to the Presbytery a full statement of the case and the judgment rendered. The judgment of the commission shall be the decision of the Presbytery, and the statement of the case and judgment printed in its minutes.

RATIONALE:

The current provision in *BCO* 15 that requires a Presbytery to ratify the decision of a judicial commission formed under *BCO* 15-3 is an anomaly that has been a source of confusion and misapplication by Presbyteries. Presbyteries have not infrequently violated the *BCO* 15-3 mandate to approve or disapprove of the commission's judgment "without debate."

BCO 15-3 creates an ecclesiastical commission that is unlike any other commission. The actions of such a commission are not final and require ratification. This runs counter to the entire purpose of a commission, which is to "deliberate upon and conclude the business referred to it" (*BCO* 15-1). The amendment standardizes the work of all commissions, regardless of the appointing court.

If a Presbytery wishes to have final approval in a judicial matter, it may still do so, by appointing a judicial *committee* to conduct a trial and report back to the Presbytery.

Because there can be confusion as to which entity should hear a complaint against the action of a commission (whether judicial or otherwise), the amendment makes clear that an ecclesiastical commission should not be dismissed before the time for a complaint has run (*BCO* 43-1 and 43-2).

Adopted by Houston Metro Presbytery at its stated meeting, April 11, 2022
Attested by /s/ TE Lou Veiga, stated clerk

OVERTURE 26 from Potomac Presbytery (to OC)
 “Statement On Political Violence”

Whereas, the Presbyterian Church in America has not hesitated to speak to pressing moral issues, such as condemning violence against the unborn (1978) and abused children (2014), as well as providing guidelines for non-violent protest (1988); and

Whereas, God has ordained civil governments to be his “servants” and “ministers,” and armed them with the power of the sword to enforce justice and maintain order in a fallen world; and that Christians are to be subject to the governing authorities, at all levels of government (Romans 13:1-7; 1 Peter 2:13; *WCF* 23.1); and

Whereas, the Lord Jesus declared, “blessed are the peacemakers, for they shall be called sons of God” (Matthew 5:9); and

Whereas, our Lord commanded his followers to, “love your enemies, do good to those who hate you” (Luke 6:27); and

Whereas on the night of his betrayal, Jesus commanded Peter to put away his sword, “for all who take the sword will perish by the sword” (Matthew 26:52), thus establishing for his Kingdom a spiritual means of conquest; and

Whereas, the Apostle Paul exhorted Christians facing opposition in the capital of the Roman empire, “if possible, so far as it depends on you, live peaceably with all” (Romans 12:18); and

Whereas, the Apostle Paul directed believers, in their speech to those outside the church, to speak with wisdom and grace, with words thoughtfully adapted to the needs of those who hear (Col. 4:5-6); and

Whereas, the *Westminster Larger Catechism* states the duties required in the sixth commandment include “peaceable, mild and courteous speeches and behavior, forbearance, readiness to be reconciled, patient bearing and forgiving of injuries, and requiting good for evil” (*WLC* 135); and

Whereas, the *Westminster Larger Catechism* states the sins forbidden in the sixth commandment include “all taking away the life of ourselves, or of others, except in case of public justice, lawful war, or necessary defense; the neglecting or withdrawing the lawful and necessary means of preservation of life; sinful anger, hatred, envy, desire of revenge; all excessive passions” (*WLC* 136); and

Whereas, the spiritual nature of Christ's kingdom is clearly affirmed in the *Westminster Confession of Faith* (WCF 25.2; 31.4) and the *Book of Church Order* (Preliminary Principles 2.7; 11-2); and

Whereas, the United States has seen an increase in political violence and intimidation in recent years, from across the political spectrum, including arson, assaults on government buildings, and a growing number of personal threats to public officials; and

Whereas, at some of these violent events, Christian symbols have figured prominently, causing confusion to a watching world by an unhelpful conflation of the Kingdom of Christ with unlawful and violent actions; and

Whereas, Christians may be tempted to ignore, excuse, or minimize violence that aids their preferred political views; and

Whereas, the Department of Homeland Security, the Federal Bureau of Investigation, and other national and state agencies report they are anticipating more acts of political violence; and

Whereas, many members of the Presbyterian Church in America have served and continue to serve sacrificially in law enforcement and the U.S. military, lawfully bearing arms in order to secure the blessings of liberty, law, and order in our cities, and the peaceful transfer of power, all within the moral obligations of law enforcement and just war as declared by lawful authorities (cf. WCF 21.2); and

Whereas, the Church should seek the peace of the place God has sent us (Jeremiah 29:7) by leading our divided country towards healthy civic discourse; and

Whereas, Scripture teaches that servants of the living and reigning God must disobey any subordinate authority that directs them to do what God has forbidden, or to fail to do what God has required (Exodus 1:15-22; Joshua 2; 1 Kings 18.1-15; Daniel 3 and 6; Acts 5:17-42), and yet Scripture does not warrant private violent resistance in such cases;

Therefore, be it resolved, that the 49th General Assembly of the Presbyterian Church in America remind our members and neighbors of our allegiance to the Prince of Peace, the Lord Jesus Christ, as "the sole Head of the Church and Law-giver in Zion" (Message to All Churches, 1973); and

Be it further resolved, that the 49th General Assembly of the Presbyterian Church in America condemn political violence and intimidation in unlawful expressions, especially that which is illicitly done in the name of Christ; and

Be it further resolved, that the Moderator of the 49th General Assembly of the Presbyterian Church in America appoint a commissioner to pray for peace in our nation and that the Church of Jesus Christ would be instruments of that peace; and

Be it finally resolved, that the 49th General Assembly of the Presbyterian Church in America encourage her members to “seek peace and pursue it” in the public square (Psalm 34:14); to “be subject to the governing authorities” (Romans 13:1); and to pray for peace and for “all who are in high positions, that we may lead a peaceful and quiet life, godly and dignified in every way.” (I Timothy 2:2).

Adopted by Potomac Presbytery at its stated meeting, March 19, 2022

Attested by /s/s RE Charles D. Robinson stated clerk

OVERTURE 27 from Potomac Presbytery (to CCB, OC)
“Amend *BCO* 15-1 and 15-3 To Clarify Role of Presbytery Commission”

[Note: This overture is identical to Overture 25.]

Be it resolved that *BCO* 15-1 and 15-3 be amended as follows (strike-through for deletions, underlining for new wording):

15-1. A commission differs from an ordinary committee in that while a committee is appointed to examine, consider and report, a commission is authorized to deliberate upon and conclude the business referred to it, ~~except in the case of judicial commissions of a Presbytery appointed under *BCO* 15-3.~~ A commission shall keep a full record of its proceedings, which shall be submitted to the court appointing it. Upon such submission this record shall be entered on the minutes of the court appointing, the date of the submission being the date of “the meeting of the court” for the filing requirements of a complaint under *BCO* 43-2. ~~except in the case of a presbytery commission serving as a session or a judicial commission as set forth in *BCO* 15-3.~~ The effective date of dismissal of a commission of session or presbytery shall be not before the time allowed for the filing of a complaint or appeal against that commission’s decision has expired. Any complaint or appeal so timely filed, shall be

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adjudicated by that commission until the matter is settled by the highest court. When a commission is appointed to serve as an interim Session, its actions are the actions of a Session, not a Presbytery. Every commission of a Presbytery or Session must submit complete minutes and a report of its activities at least once annually to the court which commissioned it.

15-3. ~~Presbytery as a whole may try a judicial case within its jurisdiction (including the right to refer any strictly constitutional issue to a study committee with options listed below), hear a case, with or without process (BCO 31-38), a reference (BCO 41), an appeal (BCO 42), a complaint (BCO 43), a BCO 40-5 proceeding, or a request to assume original jurisdiction (BCO 33-1) properly before it, or it may of its own motion commit any judicial such a case to a commission. Such a commission shall be appointed by the Presbytery from its members other than members of the Session of the church from which the case comes up. The commission shall try the case in the manner presented by the Rules of Discipline and shall submit to the Presbytery a full statement of the case and the judgment rendered. The Presbytery without debate shall approve or disapprove of the judgment, or may refer, (a debatable motion), any strictly constitutional issue(s) to a study committee. In case of referral, the Presbytery shall either dismiss some or all of the specific charges raised in the case or decide the case only after the report of the study committee has been heard and discussed. If Presbytery approves, the The judgment of the commission shall be final and shall be entered on the minutes of Presbytery as the action the decision of the Presbytery, and the statement of the case and judgment printed in its minutes. If Presbytery disapproves, it shall hear the case as a whole, or appoint a new commission to hear the case again.~~

So that BCO 15-1 and 15-3, as amended, would read:

15-1. A commission differs from an ordinary committee in that while a committee is appointed to examine, consider and report, a commission is authorized to deliberate upon and conclude the business referred to it. A commission shall

keep a full record of its proceedings, which shall be submitted to the court appointing it. Upon such submission this record shall be entered on the minutes of the court appointing, the date of the submission being the date of “the meeting of the court” for the filing requirements of a complaint under *BCO* 43-2. The effective date of dismissal of a commission of session or presbytery shall be not before the time allowed for the filing of a complaint or appeal against that commission’s decision has expired. Any complaint or appeal so timely filed, shall be adjudicated by that commission until the matter is settled by the highest court. When a commission is appointed to serve as an interim Session, its actions are the actions of a Session, not a Presbytery. Every commission of a Presbytery or Session must submit complete minutes and a report of its activities at least once annually to the court which commissioned it.

15-3. Presbytery as a whole may hear a case, with or without process (*BCO* 31-38), a reference (*BCO* 41), an appeal (*BCO* 42), a complaint (*BCO* 43), a *BCO* 40-5 proceeding, or a request to assume original jurisdiction (*BCO* 33-1) properly before it, or it may of its own motion commit such a case to a commission. Such a commission shall be appointed by the Presbytery from its members other than members of the Session of the church from which the case comes up. The commission shall try the case in the manner presented by the Rules of Discipline and shall submit to the Presbytery a full statement of the case and the judgment rendered. The judgment of the commission shall be the decision of the Presbytery, and the statement of the case and judgment printed in its minutes.

RATIONALE:

The current provision in *BCO* 15 that requires a Presbytery to ratify the decision of a judicial commission formed under *BCO* 15-3 is an anomaly that has been a source of confusion and misapplication by Presbyteries. Presbyteries have not infrequently violated the *BCO* 15-3 mandate to approve or disapprove of the commission’s judgment “without debate.”

BCO 15-3 creates an ecclesiastical commission that is unlike any other commission. The actions of such a commission are not final and require

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ratification. This runs counter to the entire purpose of a commission, which is to “deliberate upon and conclude the business referred to it” (*BCO* 15-1). The amendment standardizes the work of all commissions, regardless of the appointing court.

If a Presbytery wishes to have final approval in a judicial matter, it may still do so, by appointing a judicial *committee* to conduct a trial and report back to the Presbytery.

Because there can be confusion as to which entity should hear a complaint against the action of a commission (whether judicial or otherwise), the amendment makes clear that an ecclesiastical commission should not be dismissed before the time for a complaint has run (*BCO* 43-1 and 43-2).

Approved by Potomac Presbytery at its stated meeting, March 19, 2022
Attested by /s/ RE Charles D. Robinson, stated clerk

OVERTURE 28 from Pittsburgh Presbytery (to CCB, OC, and to
MNA for advice)

“Amend *BCO* 8-7 by Adding Chaplain Endorsement
Requirements and Recommendations”

Whereas, the presbytery has under its care teaching elders and candidates for the ministry (examine, license, receive, dismiss, ordain, install, remove, and judge) (*BCO* 13.9); and

Whereas, the Sixth General Assembly of the PCA (1978) approved the establishment of the Presbyterian and Reformed Commission on Chaplains and Military Personnel (PRCCMP or PRCC) and assigned the duties of examination, endorsement, and oversight of chaplains through the PRCCMP to Mission to North America; and

Whereas, endorsement verifies a denomination has at a minimum utilized a process to address the following core standards with each endorsee: ministerial and theological competence, good standing and accountability within the denomination, ability to minister within diverse and pluralistic settings, and willingness of the endorsee to maintain communication and theological accountability to the denomination and the endorsing agent; and

Whereas, endorsement is a credential requirement that establishes the legal and ecclesiastical oversight of those chaplains hired for all federal government chaplain positions and many other organizations who educate, certify, or hire chaplains; and

Whereas, the role of MNA Chaplain Ministries and the PRCC is not well known in all presbyteries, and PCA military chaplains have sought endorsement through other agencies not authorized by the General Assembly for such purpose; and

Whereas, the only Department of Defense approved Ecclesiastical Endorser that can insure PCA Presbyteries that their Chaplains have the freedom to preach and teach the Word and can assure that they will have full freedom to maintain and teach the doctrine of our Church is the only one authorized by and under the authority of the PCA General Assembly (see proposed *BCO* 8-7 addition below); and

Whereas, the PRCC may be seen in the same light as the work of MTW's (Mission to the World's) role with denomination missionaries (serving under other organizations), this is not the same as religious liberty issues for chaplains at the Federal, State, and local level. Those issues fall outside the church within the sphere of secular society that require timely and accurate information and action the PRCC has garnered and applied for over forty-years; and

Whereas, many of the organizations a teaching elder may serve with as a chaplain (military or civilian, paid or volunteer) fall outside the jurisdiction of a Presbytery, let it be known that MNA Chaplain Ministries through the PRCC is the Reformed subject matter expert on Chaplaincy, and is, therefore, best able to assist Presbyteries in extending ecclesiastical care over its ministers who are chaplains;

Therefore, be it resolved that *BCO* 8-7 be amended by adding the underlined paragraph below:

BCO 8-7

A teaching elder requiring an ecclesiastical endorsement to serve as a chaplain (e.g., military chaplains) after the presbytery's approval shall be endorsed through the denomination's endorsing agency authorized by the General Assembly for such purpose. Teaching elders ministering as paid or volunteer chaplains not requiring ecclesiastical endorsement are highly encouraged to seek and obtain the same endorsement.

So that *BCO* 8-7 as amended would read:

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8-7. A Presbytery may, at its discretion, approve the call of a teaching elder to work with an organization outside the jurisdiction of the Presbyterian Church in America, provided that he be engaged in preaching and teaching the Word, that the Presbytery be assured he will have full freedom to maintain and teach the doctrine of our Church, and that he report at least annually on his work. As far as possible, such a teaching elder shall be a member of the Presbytery within whose bounds he labors. (See *BCO* 20-1.)

A teaching elder requiring an ecclesiastical endorsement to serve as a chaplain (e.g., military chaplains) after the presbytery's approval shall be endorsed through the denomination's endorsing agency authorized by the General Assembly for such purpose. Teaching elders ministering as paid or volunteer chaplains not requiring ecclesiastical endorsement are highly encouraged to seek and obtain the same endorsement.

Adopted by Pittsburgh Presbytery at its stated Meeting April 2, 2022
Attested by /s/ TE LeRoy Capper, Stated Clerk

OVERTURE 29 from Pittsburgh Presbytery (to CCB, OC)
“Amend *BCO* 16 by Adding 16-4 Regarding Qualifications
for Church Office”

Whereas, our churches are under continual pressure to conform to the standards of the world on sexuality, and Christians in our churches often use the language of the world in minimizing or maximizing certain sin patterns, and

Whereas, the documents of the PCA should, as much as possible, have a timeless character that transcends the specific issues in one particular day, and

Whereas, a previous overture on this topic was passed at General Assembly, and there is wide support for the spirit of that overture, but substantial disagreement on the precision of the language, as well as concern that it is overly connected to current terminology of our society, and

Whereas, there is widespread agreement on the language of the Report by the Ad Interim Committee on Human Sexuality, and

Whereas, the spirit of our Standards (e.g., *WCF XV:4*) is not to single out any category of sin as especially separate from all other types of sin (such as homosexuality or racism, in different eras) but to enjoin us to ongoing repentance of all types of sin, and

Whereas, there is substantial debate as to whether some officers in the PCA use identification with certain categories of sin as a way of downplaying the need for a complete and full sanctification in those areas, which must include repentance not just from the outward practice of sins but also from the inward desire for those sins;

Therefore be it resolved that a new paragraph 16-4 be added to *BCO* 16, which shall read as follows:

16-4 Officers in the Presbyterian Church in America must be above reproach in their walk and Christlike in their character. Those who deny the sinfulness of fallen desires, or who deny the reality and hope of progressive sanctification, or who fail to pursue Spirit-empowered victory over their sinful temptations, inclinations, and actions are not qualified for ordained office. Our standard of conduct is always the Word of God, which transcends any culture; whether a sin is especially hated or excused in a particular society shall neither excuse those who are unrepentant nor bar those who are clearly repentant.

Adopted by Pittsburgh Presbytery at its stated meeting, April 2, 2022

Attested by /s/ TE LeRoy S. Capper, stated clerk

OVERTURE 30 from Pittsburgh Presbytery (to CCB, OC)
“Amend *BCO* 6-5, 20-3, 25-1, and 24-3, Allowing
Congregations to Establish Voting Age Restrictions”

Whereas, there is vagueness in the *BCO* that can lead to a discrepancy in practice within the PCA on when and how children should be welcomed into communicant membership of the covenant community of God’s people; and

Whereas, covenant children should be encouraged to profess faith in Christ and their need for him from an early age, and

Whereas, it is the duty of the church, the people of God, to assist in the nurture and admonition of our covenant children, and

Whereas, the Lord’s Supper is a means of grace given by our Lord Jesus Christ for “spiritual nourishment and growth in grace; have their union and communion with him confirmed; testify and renew their

thankfulness, and engagement to God, and their mutual love and fellowship each with other, as members of the same mystical body” (WLC 168), and

Whereas, Jesus said “Let the little children come to me, do not hinder them...” (Matt. 19:14), and

Whereas, our covenant children who have professed a faith of their own should not be hindered in coming to the table of our Lord Jesus, and

Whereas, the Church has historically equated physical, emotional, and mental development with spiritual development, and

Whereas, our Lord Jesus Christ, the second person of the Trinity, fully God and fully man, sinless in all his ways, spiritually mature from birth, had to “increase in wisdom and in stature and in favor with God and man” (Luke 2:52), and

Whereas, the practice of allowing all communicant members to vote in congregational matters has not been shown by past General Assemblies to be rooted in either scripture or in our confessional language; and

Whereas, it is our denomination’s stated goal to root our faith and practice in the Scripture; and

Whereas, there is strong Reformed tradition limiting voting to those “with authority,” i.e. heads of households; and

Whereas, a similar overture was approved by the 24th General Assembly, approved by more than 2/3 of the Presbyteries, yet failed to be adopted by the 25th General Assembly, and

Whereas, congregational voting on corporate matters requires a legal age of 18 or higher in some states; and

Whereas, the *BCO* allows all communicant members to vote on non-corporation issues even if they are younger than the legal age; and

Whereas, the *BCO* states that “It is expressly recognized that each local congregation or local church shall be competent to function and to take actions covering the matters set forth herein as long as such action is in compliance with the civil laws with which said local congregation or local church must comply, and this right shall never be taken from said local congregation or local church without the express consent of and affirmative action of such local church or congregation” (*BCO* 25-11);

Therefore be it resolved that the 49th General Assembly of the Presbyterian Church in America allow individual congregations the freedom to establish minimum voting ages for ecclesiastical and corporate votes by making the following changes to the *BCO*:

1. Add a new paragraph 5 to *BCO* 6 as follows:
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.
2. Amend the last sentence in *BCO* 20-3 as follows (~~strike-through~~ for deletion, underlining for new wording):
20-3. When a congregation is convened for the election of a pastor it is important that they should elect a minister of the Presbyterian Church in America to preside, but if this be impracticable, they may elect any male member of that church. The Session shall appoint one of their number to call the meeting to order and to preside until the congregation shall elect their presiding officer. ~~All communing members in good and regular standing,~~ Communing members in good and regular standing who have the right to vote (*BCO* 6-5), but no others, are entitled to vote in the churches to which they are respectively attached.

so that *BCO* 20-3 reads as follows:

20-3. When a congregation is convened for the election of a pastor it is important that they should elect a minister of the Presbyterian Church in America to preside, but if this be impracticable, they may elect any male member of that church. The Session shall appoint one of their number to call the meeting to order and to preside until the congregation shall elect their presiding officer. Communing members in good and regular standing who have the right to vote (*BCO* 6-5), but no others, are entitled to vote in the churches to which they are respectively attached.

3. Modify by deletion and addition *BCO* 25-1 as follows:
25-1. The congregation consists of all the communing members of a particular church, ~~and they~~ but only those given the right to vote (*BCO* 6-5) are entitled to vote.

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So that the new *BCO* 25-1 reads as follows:

25-1. The congregation consists of all the communing members of a particular church, but only those given the right to vote (*BCO* 6-5) are entitled to vote.

4. Modify by deletion and addition *BCO* 24-3 as follows:
24-3. ~~All e~~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. However, the congregation may, at its discretion, set the minimum voting age for its members (*BCO* 6-5). A majority vote of those present is required for election. (See also *BCO* 20-3.)

So that the new *BCO* 24-3 reads as follows:

24-3. 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. However, the congregation may, at its discretion, set the minimum voting age for its members (*BCO* 6-5). A majority vote of those present is required for election. (See also *BCO* 20-3.)

Adopted by Pittsburgh Presbytery at its stated meeting of April 2, 2022

Attested by /s/ TE LeRoy S. Capper, stated clerk

OVERTURE 31 from Pittsburgh Presbytery (to CCB, OC)
“Amend *BCO* 21-4 and 24-1 by Adding Paragraphs Regarding Requirements for Ordination”

Whereas, the moral character of an officer is of highest importance in Scripture, and not merely theological orthodoxy, and

Whereas, there is great danger to the church if officers of the church practice sins in secret which are scandalous, and

Whereas, in our society there is an epidemic of sexual temptation in particular, which affects all people, and

Whereas, leadership in the church may bring increased temptation as the Devil seeks to destroy those who preach the Word, and

Whereas, some churches have brought shame on the Body of Christ by appearing to hide and tolerate certain types of sin in their leadership, and

Whereas, a uniform standard of examination should be the practice of our denomination, and

Whereas, a previous overture on this topic was passed at General Assembly, and there is wide support for the spirit of that overture, but substantial disagreement on the precision of the language, which could be taken as discouraging men from confessing their sins, and

Whereas, there is substantial concern that some officers of our denomination by confessing their sins and sin temptations publicly may do more harm than good, giving the impression that certain types of sins or sin temptation are not really so bad,

Therefore be it resolved that

1. *BCO* 21-4 be amended by addition of a new sub-paragraph 21-4.e (with subsequent sub-paragraphs 21-4.e-h being relettered to be 21-4.f-i), which shall read as follows:

21-4. Ordination Requirements and Procedures

- e. In the examination of the candidate's personal character, the presbytery shall give specific attention to potential notorious concerns. Careful attention must be given to his practical struggle against sinful actions, as well as to persistent sinful desires. The candidate must give clear testimony of reliance upon his union with Christ and the benefits thereof by the Holy Spirit, depending on this work of grace to make progress over sin (Psalm 103:2-5, Romans 8:29) and to bear fruit (Psalm 1:3, Gal. 5:22-23). While imperfection will remain, when confessing sins and sinful temptations publicly, officers of the church must exercise great care to not normalize those sins in the eyes of the congregation, as though they were matters of little consequence, but rather should testify to the work of the Holy Spirit in Christ Jesus in changing our sin nature (1 Cor. 6:9-11). In order to maintain discretion and protect the honor of the pastoral office, presbyteries are encouraged to empower a committee to

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conduct detailed examinations of these matters and to give prayerful support to candidates.

2. *BCO* 24-1 be amended by the addition of a new second paragraph which shall read as follows:

24-1 (following 24-1.a-e)

In the examination of each nominee's personal character, the Session shall give specific attention to potential notorious concerns. Careful attention must be given to his practical struggle against sinful actions, as well as to persistent sinful desires. The candidate must give clear testimony of reliance upon his union with Christ and the benefits thereof by the Holy Spirit, depending on this work of grace to make progress over sin (Psalm 103:2-5, Romans 8:29) and to bear fruit (Psalm 1:3, Gal. 5:22-23). While imperfection will remain, when confessing sins and sinful temptations publicly, officers of the church must exercise great care to not normalize those sins in the eyes of the congregation, as though they were matters of little consequence, but rather should testify to the work of the Holy Spirit in Christ Jesus in changing our sin nature (1 Cor. 6:9-11). In order to maintain discretion and protect the honor of church office, Sessions may empower a committee to conduct detailed examinations of these matters and to give prayerful support to nominees.

The amended *BCO* 24-1 shall thus read as follows:

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

ruling elder and/or deacon shall receive instruction in the qualifications and work of the office. Each nominee shall then be examined in:

- a. his Christian experience, especially his personal character and family management (based on the qualifications set out in 1 Timothy 3:1-7 and Titus 1:6-9),
- b. his knowledge of Bible content,
- c. his knowledge of the system of doctrine, government, discipline contained in the Constitution of the Presbyterian Church in America (*BCO* Preface III, The Constitution Defined),
- d. the duties of the office to which he has been nominated, and
- e. his willingness to give assent to the questions required for ordination. (*BCO* 24-6)

In the examination of each nominee's personal character, the Session shall give specific attention to potential notorious concerns. Careful attention must be given to his practical struggle against sinful actions, as well as to persistent sinful desires. The candidate must give clear testimony of reliance upon his union with Christ and the benefits thereof by the Holy Spirit, depending on this work of grace to make progress over sin (Psalm 103:2-5, Romans 8:29) and to bear fruit (Psalm 1:3, Gal. 5:22-23). While imperfection will remain, when confessing sins and sinful temptations publicly, officers of the church must exercise great care to not normalize those sins in the eyes of the congregation, as though they were matters of little consequence, but rather should testify to the work of the Holy Spirit in Christ Jesus in changing our sin nature (1 Cor. 6:9-11). In order to maintain discretion and protect the honor of church office, Sessions may empower a committee to conduct detailed examinations of these matters and to give prayerful support to nominees.

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If there are candidates eligible for the election, the Session shall report to the congregation those eligible, giving at least thirty (30) days prior notice of the time and place of a congregational meeting for elections.

If one-fourth (1/4) of the persons entitled to vote shall at any time request the Session to call a congregational meeting for the purpose of electing additional officers, it shall be the duty of the Session to call such a meeting on the above procedure. The number of officers to be elected shall be determined by the congregation after hearing the Session's recommendation.

*Adopted by Pittsburgh Presbytery at its stated meeting, April 2, 2022
Attested by /s/ TE LeRoy S. Capper, stated clerk*

OVERTURE 32 from Tennessee Valley Presbytery (to CCB, OC)
“Amend RAO 8.4 to Add an Item to the Annual Report of the GA Nominating Committee”

Whereas Article VI of the PCA Corporate Bylaws stipulates that the five denominational agency Boards may ask presbyteries to nominate specific men for their Boards, and then, if so nominated, the Boards may recommend and endorse these men to the GA Nominating Committee (“NC”). Below is the pertinent excerpt from the PCA Bylaws, which is essentially the same sentence for each of the five Boards:

The Board may make requests to the Presbyteries to nominate specific men to the Board and may submit to the Assembly Nominating Committee letters of recommendation concerning particular nominees from the presbyteries.

and

Whereas the five Boards oversee separate corporations:

Bylaw Article V.G. Boards of Agencies - When it is necessary for the handling of civil matters, the General Assembly may authorize one of its committees or

agencies to incorporate and to form a board. The relationship of the board to the Assembly remains as a committee, and the provisions of the corporation charter and bylaws shall be in conformity with the constitution of the Church.

and

Whereas the NC is not obligated to nominate the presbytery nominees recommended by these five Boards, but it would be helpful for the GA to know who those men are. The letters sent by these Boards to the NC are not confidential. In keeping with the NC Operations Manual, these letters are included in the “Rainbow Book” given to NC members, which includes all the nomination forms submitted by the presbyteries; and

Whereas the NC Operations Manual, Part 1 Section 2.a, stipulates three criteria the NC should consider in making its nominations:

- (a) The qualifications of each candidate recommended by the Presbyteries,
- (b) The needs of the individual committees, agencies, and commissions,
- (c) A proportionate representation of all Presbyteries, wherever possible (*BCO* 14-1.9)

It is reasonable to understand this as a *priority* sequence, i.e., qualification is paramount, followed by the needs of the committees or agencies, and lastly, proportional presbytery representation. And ordinarily, it is reasonable to assume the Committees and Boards are the best judges of their needs. For example, here is the first paragraph from the College Board’s February 1 letter to the NC this year:

The Board of Trustees of Covenant College is once again appreciative of the privilege we are afforded as an agency to propose to you a slate of nominees for election as Trustees. The Governance Committee of the Board of Trustees works throughout the year to identify and vet teaching and ruling elders who are well qualified to serve in this role. In addition to screening potential candidates by considering their commitment to the Westminster Standards and to Christian higher education, the Governance Committee also considers the candidates’ capacity to govern wisely, the individual gifts and experiences they might bring to College, and the makeup of the Board as a whole. Therefore, the Committee takes into

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consideration matters such as presbytery representation, geographical representation, teaching and ruling elder mix, board experience, ethnic diversity, and unique gifts and expertise that candidates might bring.

and

Whereas the PCA Bylaw provisions for these five Boards include some unique features compared to the nine GA Permanent & Special Committees for which NC also presents nominees. For example:

- These five Boards are not subject to any requirement for mathematically equal representation of Teaching and Ruling Elders (i.e., not subject to the requirement of *BCO* 14-1.10). The College Board currently has 11 TEs & 17 REs, the Seminary has 7+17, the Foundation has 3+7, RBI has 3+9, and Ridge Haven has 4+6.
- The RBI and Foundation Boards can include PCA deacons.
- The College Board has 28 members and the Seminary Board and can have between 12 and 32 members. There is no required formula for dividing the members of a class between teaching and ruling elders. Both Boards can include up to four men from denominations with which the PCA is in ecclesiastical fellowship (one in each class) and can have an additional two members from a NAPARC member denomination.
- NC members might not be familiar, for example, with PCA deacons recommended by the Boards of RBI and the Foundation, or with any non-PCA teaching and ruling elders recommended by the Boards of the College and Seminary.

and

Whereas it would be a simple task to add to the annual NC Report the list of presbytery nominees recommended by the five Boards. It might only require an additional half-page; and

Whereas it might also help for the NC to identify, on the preliminary results currently used by NC internally, which of the presbytery nominees have also been recommended and endorsed by the five Boards. While the Rainbow Book ordinarily contains the Board

letters, this annotation would put this important information in an appropriately prominent place, given the prerogative granted to the agency Boards to make these recommendations.

Therefore, be it resolved to amend *RAO* 8-4 by adding the sentence underlined below:

8-4. Nominating Committee: The Assembly's Nominating Committee shall operate under the following guidelines:..

- h. The committee shall present its nominations to the Assembly through the *Commissioner Handbook* or *Supplement*. This presentation shall include a brief statement regarding each nominee. The Report shall also include a list of the presbytery nominees who were recommended by the Boards of Covenant College, Covenant Seminary, PCA Foundation, RBI and Ridge Haven. (See PCA Corporate Bylaws, Article VI.)

Approved by Tennessee Valley Presbytery on April 9, 2022

Attested by /s/ TE Jacob A. Bennett, stated clerk

OVERTURE 33 from Nashville Presbytery (to OC)
"Use Human Sexuality Report for Study, Examination,
and Conciliation"

Whereas: In this time of confusion in the culture, and among Christians, about issues related to human sexuality, the Presbyterian Church in America has been encouraged to make a clear statement about qualifications for ordained office; and

Whereas: The Westminster Standards clearly state in Larger Catechism Question 139 that both same-sex sexual activity and same-sex desire are violations of God's law; and

Whereas: The 47th General Assembly of the Presbyterian Church in America approved the constitutionality of *BCO* 59-3, which states, "Marriage is only to be between one man and one woman (Gen. 2:24,25; Matt. 19:4-6, 1 Cor. 7:2), in accordance with the Word of God. Therefore, ministers in the Presbyterian Church in America who solemnize marriages shall only solemnize marriages between one man and one woman;" and

Whereas: *BCO* 21-4.c states that trials for the ordination of ministers, “shall consist of: (1) A careful examination as to: (a) his acquaintance with experiential religion, *especially his personal character* and family management (based on the qualifications set out in 1 Timothy 3:1-7, and Titus 1:6-9),” and *BCO* 24-1 states that each elder or deacon nominee “shall then be examined in: a. his Christian experience, *especially his personal character* and family management (based on the qualifications set out in 1 Timothy 3:1-7 and Titus 1:6-9);” and

Whereas: The 48th General Assembly of the PCA declared the *Report of the Ad interim Committee on Human Sexuality* (AIC) as “a biblically faithful declaration.” And, the grounds Calvary Presbytery unanimously adopted in sending up the overture stated, “The PCA ‘Report of the Ad Interim Committee on Human Sexuality,’ is a biblically faithful work by gifted churchmen within the PCA. It is a most useful resource concerning the apologetic and pastoral task surrounding gender and sexuality confusion within the PCA and the broader culture.” and;

Whereas: The grounds adopted by the Committee of Commissioners on the Committee on Discipleship Ministries stated, “The report of the ad interim on Human Sexuality is an excellent resource for members and churches who seek to understand the biblical, confessional, and pastoral issues involved with addressing the topics of homosexuality, same-sex attraction, and transgenderism;” and

Whereas: The AIC clearly articulates the confessional doctrine of *sin and temptation* in relation to Same-Sex Attraction (SSA) in Statements 3-6 (p. 7-10) and in its section on “Confessional Foundations” (pp. 14-23), stating, “‘actual’ sin refers not to the reality or non-reality of sin, but to its being an act of the soul as opposed to a *disposition* or *inclination* only. While it is significant that a distinction is made between original and actual sin, the emphasis at this point in the Confession is that original sin, as a disposition or inclination, is truly sin,” (p. 14, line 39-p. 15, line 3), and “when the temptation arises from within, it is our own act and is rightly called sin,” (p. 9, lines 18-19); and the AIC clearly articulates the confessional view of sin and temptation, clarifying that, “There are some temptations God gives us in the form of morally neutral trials, and other temptations God never gives us because they arise from within as morally illicit desires (James 1:2, 13-14). When temptations come from without, the temptation itself is not sin,

unless we enter into the temptation. But when the temptation arises from within, it is our own act and is rightly called sin. Nevertheless, there is an important degree of moral difference between temptation to sin and giving in to sin, even when the temptation is itself an expressing of indwelling sin.” (AIC p. 9, lines 14-22); and

Whereas: The AIC clearly articulates the confessional doctrine of *sanctification* in relation to SSA in Statement 7 (p. 10) and in its sections on “Real Change” (p. 22), “Celebrating Sincere Efforts” (p. 23), and “Discipleship for Believers Experiencing Same-Sex Attraction” (p. 24-25), stating, “to teach that our sinful corruption must be entirely removed from any part of us in order to be considered truly repentant is a spiritually treacherous perversion of the doctrine of repentance,” (p. 22, lines 24-26), and “Someone with homosexual attraction ought not close himself or herself off to the pursuit of, and hope of, real change in those attractions, even if that change is incomplete and mixed,” (p. 22, lines 38-40); and

Whereas: The AIC clearly articulates the confessional doctrine of *repentance* in relation to SSA in Statement 12 (p. 12-13) and in its section on “Confessional Foundations” (pp. 14-23), stating, “Where we have mistreated those who struggle with same-sex attraction, or with any other sinful desires, we call ourselves to repentance. Where we have nurtured or made peace with sinful thoughts, desires, words, or deeds, we call ourselves to repentance,” (p. 12 lines 37-40), and, “We give thanks for penitent believers who, though they continue to struggle with same-sex attraction, are living lives of chastity and obedience. These brothers and sisters can serve as courageous examples of faith and faithfulness, as they pursue Christ with a long obedience in gospel dependence,” (p. 13, lines 2-5); and

Whereas: The AIC clearly articulates a confessional approach to terminology with regard to *sexual identity and orientation* in relation to SSA in Statements 9-10 (p. 11-12) and in its section on “The Christian’s Identity” (pp. 26-31), stating, “Insofar as the term orientation is used descriptively to articulate a particular set of experiences, namely the persistent and predominant sexual attractions of an individual, it can remain useful as a way of classifying those experiences in contrast to the experiences of the majority of other people. However, insofar as the term orientation carries with it a set of assumptions about the nature of that experience that is unbiblical (e.g., overemphasized rigidity, its

normativity, etc.), then the terminology may require qualification or even rejection in some circumstances,” (p. 30, line 42-p. 31, line 4); and

Whereas: The AIC further addresses the issue of *terminology* on pages 29-30, stating, “We should choose our language carefully with the goal that it expresses the truth and communicates clearly and winsomely in our particular context... language itself is a secondary issue relative to the doctrine it expresses. Sometimes there are disagreements about language even when the underlying doctrinal commitments seem to be the same. Thus, while doctrinal truth is rightly understood as obligating our affirmation, *issues around terminology are more properly understood as issues of wisdom*, necessitating careful Scriptural and pastoral guidance,” (p. 29, lines 11-17). While the AIC does not forbid use of the term “gay,” it still issues caution stating, “the word gay is not a neutral word in our cultural discourse, and Christians should be mindful of these dynamics when considering use of the term,” (p. 30, lines 7-8). Of the term “Gay Christian,” the AIC states, “we believe it is generally unwise to use the language of gay Christian,” (p. 30, lines 28-29). On both terms “gay” and “gay Christian” the report concludes, “we would do well to *seek understanding before imparting advice*. In practical and plain terms, the issue of terminology is more likely *a matter for shepherding in wisdom, and not in and of itself grounds for discipline;*” (p. 30, lines 36-39); and

Whereas: The AIC sets clear boundaries for ordained office in the PCA, stating, “Insofar as such persons display the requisite Christian maturity, we do not consider this sin struggle automatically to disqualify someone for leadership in the church (1 Cor. 6:9-11, 1 Tim. 3:1-7, Titus 1:6-9; 2 Pet. 1:3-11), (p. 31, lines 29-31)”;

Whereas: All those in leadership in our churches should remember that the Westminster Standards clearly state in Larger Catechism Question 144 that “The duties required in the Ninth Commandment are, the preserving and promoting of truth between man and man, and the good name of our neighbor, as well as our own; appearing and standing for the truth;...a charitable esteem of our neighbors; loving, desiring, and rejoicing in their good name; sorrowing for, and covering of their infirmities; freely acknowledging of their gifts and graces, defending their innocency; a ready receiving of a good report, and unwillingness to admit of an evil report, concerning them; discouraging

talebearers, flatterers, and slanderers;” and Larger Catechism Question 145 states that “The sins forbidden in the Ninth Commandment are, all prejudicing the truth, and the good name of our neighbors, as well as our own, especially in public judicature...speaking the truth unseasonably, or maliciously to a wrong end, or perverting it to a wrong meaning, or in doubtful and equivocal expressions, to the prejudice of truth or justice; speaking untruth, lying, slandering, backbiting, detracting, tale bearing, whispering, scoffing, reviling, rash, harsh, and partial censuring; misconstruing intentions, words, and actions;...raising false rumors, receiving and countenancing evil reports, and stopping our ears against just defense; evil suspicion;” and

Whereas: CDM has already published the AIC report in book form for easy distribution (<https://www.pcabookstore.com/p-6275893-a-body-for-the-lordpca-papers-on-human-sexuality.aspx>), and the PCA History website has all PCA studies available for easy download: (https://www.pcahistory.org/pca/digest/studies/2021_human_sexuality_report.pdf).

Therefore, be it resolved:

- A. That the 49th General Assembly of the Presbyterian Church in America advises all presbyteries and sessions to:
 1. Fulfill the duty to “give due and serious consideration” (*BCO* 14-7) by making careful study of the 2021 *Ad interim Report on Human Sexuality*,
 2. Consider requiring all candidates for ordained office to do the same, and
 3. Utilize said report as a guide in examining the personal character of candidates for ordained office (*BCO* 21-4, 24-1); and
- B. **Be it further resolved:** that the 49th General Assembly of the Presbyterian Church in America advises the courts of the church not to use certain terms as mere ‘litmus tests’ for biblical faithfulness or grounds for discipline but to seek understanding before imparting advice, in keeping with the 2021 *Ad interim Report on Human Sexuality*'s statements on terminology (p. 29-30), and the Biblical teaching (e.g. Rom 6-8; Col 3, 2 Cor 5:17) on how believers are to understand, define, and describe themselves in union with Christ as it relates to Christian identity (AIC Statement 9, p. 11); and
- C. **Be it further resolved:** that the 49th General Assembly of the Presbyterian Church in America, in keeping with Westminster Larger Catechism 144 and 145, urges pastors and elders to de-

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escalate the contentious nature of discourse surrounding issues of human sexuality and identity, particularly online, by extending Christian charity to all members of Christ’s church in their public and private discourse and exercising caution and restraint when interacting with the views of another; and

- D. Be it further resolved:** that the 49th General Assembly of the Presbyterian Church in America exhorts pastors and elders to instruct their congregations on the historic teaching of the Bible and the Christian church on human sexuality, especially as stated in Gen. 2:24,25, Rom. 1:24-32, 1 Cor. 6:9-11, 1 Cor. 7:1-28, Westminster Larger Catechism 139, and *BCO* 59-3; and
- E. Be it finally resolved:** that the 49th General Assembly of the Presbyterian Church in America encourages presbyteries, sessions, and congregations to seek the Lord in prayer for wisdom to navigate changing cultural contexts faithfully as a church committed to the scriptures, and to earnestly ask “the Lord of the harvest to send out laborers into his harvest fields,” (Luke 10:2).

Adopted by Nashville Presbytery at a called meeting on May 3, 2022

Attested by /s/ TE R. Neil Spence, stated clerk

OVERTURE 34 from Metro Atlanta Presbytery (to OC)
“Use Human Sexuality Report for Study, Examination,
and Conciliation”

[Note: This overture is similar to but not identical to Overture 33.]

Whereas: In this time of sexual confusion the Presbyterian Church in America needs to make a clear statement about qualifications for ordained office; and

Whereas: The Westminster Standards clearly state in Larger Catechism Question 139 that both same-sex sexual activity and same-sex lust are violations of God’s law; and

Whereas: The 47th General Assembly of the Presbyterian Church in America approved the constitutionality of *BCO* 59-3, which states, “Marriage is only to be between one man and one woman (Gen. 2:24,25; Matt. 19:4-6, 1 Cor. 7:2), in accordance with the Word of God. Therefore, ministers in the Presbyterian Church in America who solemnize marriages shall only solemnize marriages between one man and one woman;” and

Whereas: *BCO* 21-4.c states that trials for the ordination of ministers, “shall consist of: (1) A careful examination as to: (a) his acquaintance with experiential religion, *especially his personal character* and family management (based on the qualifications set out in 1 Timothy 3:1-7, and Titus 1:6-9),” and *BCO* 24-1 states that each elder or deacon nominee “shall then be examined in: a. his Christian experience, *especially his personal character* and family management (based on the qualifications set out in 1 Timothy 3:1-7 and Titus 1:6-9);” and

Whereas: The 48th General Assembly of the PCA declared the *Report of the Ad interim Committee on Human Sexuality* (AIC) as “a biblically faithful declaration.” Further, the grounds Calvary Presbytery unanimously adopted in sending up the overture stated, “The PCA ‘Report of the Ad Interim Committee on Human Sexuality,’ is a biblically faithful work by gifted churchmen within the PCA. It is a most useful resource concerning the apologetic and pastoral task surrounding gender and sexuality confusion within the PCA and the broader culture.” Further, the grounds adopted by the Committee of Commissioners on the Committee on Discipleship Ministries stated, “The report of the ad interim on Human Sexuality is an excellent resource for members and churches who seek to understand the biblical, confessional, and pastoral issues involved with addressing the topics of homosexuality, same-sex attraction, and transgenderism;” and

Whereas: The AIC clearly articulates the confessional doctrine of *sin and temptation* in relation to Same-Sex Attraction (SSA) in Statements 3-6 (p. 7-10) and in its section on “Confessional Foundations” (pp. 14-24), stating, “‘actual’ sin refers not to the reality or non-reality of sin, but to its being an act of the soul as opposed to a *disposition* or *inclination* only. While it is significant that a distinction is made between original and actual sin, the emphasis at this point in the Confession is that original sin, as a disposition or inclination, is truly sin,” (p. 14, line 39-p. 15, line 3), and “when the temptation arises from within, it is our own act and is rightly called sin,” (p. 9, lines 18-19); and

Whereas: The AIC clearly articulates the confessional doctrine of *sanctification* in relation to SSA in Statement 7 (p. 10) and in its sections on “Real Change” (p. 22), “Celebrating Sincere Efforts” (p. 23), and “Discipleship for Believers Experiencing Same-Sex Attraction” (p. 24-25), stating, “to teach that our sinful corruption

must be entirely removed from any part of us in order to be considered truly repentant is a spiritually treacherous perversion of the doctrine of repentance,” (p. 24, lines 24-26), and “Someone with homosexual attraction ought not close himself or herself off to the pursuit of, and hope of, real change in those attractions, even if that change is incomplete and mixed,” (p. 24, lines 38-40); and

Whereas: The AIC clearly articulates the confessional doctrine of *repentance* in relation to SSA in Statement 12 (p. 12-13) and in its section on “Confessional Foundations” (pp. 14-24), stating, “Where we have mistreated those who struggle with same-sex attraction, or with any other sinful desires, we call ourselves to repentance. Where we have nurtured or made peace with sinful thoughts, desires, words, or deeds, we call ourselves to repentance,” (p. 14 lines 37-40), and, “We give thanks for penitent believers who, though they continue to struggle with same-sex attraction, are living lives of chastity and obedience. These brothers and sisters can serve as courageous examples of faith and faithfulness, as they pursue Christ with a long obedience in gospel dependence,” (p. 15, lines 2-5); and

Whereas: The AIC clearly articulates the confessional approach to *sexual identity and orientation* in relation to SSA in Statements 9-10 (p. 11-12) and in its section on “The Christian’s Identity” (pp. 26-31), stating, “Insofar as the term orientation is used descriptively to articulate a particular set of experiences, namely the persistent and predominant sexual attractions of an individual, it can remain useful as a way of classifying those experiences in contrast to the experiences of the majority of other people. However, insofar as the term orientation carries with it a set of assumptions about the nature of that experience that is unbiblical (e.g., overemphasized rigidity, its normativity, etc.), then the terminology may require qualification or even rejection in some circumstances,” (p. 30, line 42-p. 31, line 4); and

Whereas: The AIC addresses the issue of *terminology* on pages 29-30, stating, “We should choose our language carefully with the goal that it expresses the truth and communicates clearly and winsomely in our particular context... language itself is a secondary issue relative to the doctrine it expresses. Sometimes there are disagreements about language even when the underlying doctrinal commitments seem to be the same. Thus, while doctrinal truth is rightly understood as obligating our affirmation, *issues around terminology are more properly understood as issues of*

wisdom, necessitating careful Scriptural and pastoral guidance,” (p. 29, lines 11-17). While the AIC does not forbid use of the term “gay,” it still issues caution stating, “the word gay is not a neutral word in our cultural discourse, and Christians should be mindful of these dynamics when considering use of the term,” (p. 30, lines 7-8). Of the term “Gay Christian,” the AIC states, “we believe it is generally unwise to use the language of gay Christian,” (p. 30, lines 28-19). On both terms “gay” and “gay christian” the report concludes, “we would do well to *seek understanding before imparting advice*. In practical and plain terms, the issue of terminology is more likely *a matter for shepherding in wisdom, and not in and of itself grounds for discipline;*” and

Whereas: The AIC sets clear boundaries for ordained office in the PCA, stating, “Insofar as such persons display the requisite Christian maturity, we do not consider this sin struggle automatically to disqualify someone for leadership in the church (1 Cor. 6:9-11, 1 Tim. 3:1-7, Titus 1:6-9; 2 Pet. 1:3-11), (p. 31, lines 30-31);” and

Whereas: The AIC articulated its interpretation of 1 Cor. 6:9 as follows: “*Paul coined the term arsenokoitai (1 Cor. 6:9; 1 Tim. 1:10) from the use of two related terms in the Septuagint version of Leviticus 18 and 20. The basic meaning is “man-bedders” or men who have sex with other men.... The combination of arsenokoitai and malakoi, uniquely used in the New Testament in 1 Corinthians 6:9, likely refers most directly—as per the ESV footnote—to the active and passive partners in consensual homosexual activity.* For more extended discussion, see Chapter 5 in Kevin DeYoung, *What Does the Bible Really Say About Homosexuality?* (Wheaton, IL: Crossway, 2015),” (p. 6, note 4); and

Whereas: In a recent decision on a complaint about a minister in Missouri Presbytery, the SJC stated, “If the Complainant had demonstrated, for example, that the minister was *involved in homosexual behavior, cultivated unrepentant lustings, taught that either of those were not sinful, or was not continually seeking to mortify those temptations,* it would have been proper to sustain the Complaint,” (SJC 2020-12, p. 23, lines 27-30) affirming the AIC report and laying out clear boundaries for ordained leadership in the PCA; and

Whereas: The Westminster Standards clearly state in Larger Catechism Question 144 that “The duties required in the Ninth Commandment are, the preserving and promoting of truth between man and man, and the good name of our neighbor, as well as our own; appearing and standing for the truth;...a charitable

esteem of our neighbors; loving, desiring, and rejoicing in their good name; sorrowing for, and covering of their infirmities; freely acknowledging of their gifts and graces, defending their innocency; a ready receiving of a good report, and unwillingness to admit of an evil report, concerning them; discouraging talebearers, flatterers, and slanderers;” and Larger Catechism Question 145 states that “The sins forbidden in the Ninth Commandment are, all prejudicing the truth, and the good name of our neighbors, as well as our own, especially in public judicature...speaking the truth unseasonably, or maliciously to a wrong end, or perverting it to a wrong meaning, or in doubtful and equivocal expressions, to the prejudice of truth or justice; speaking untruth, lying, slandering, backbiting, detracting, tale bearing, whispering, scoffing, reviling, rash, harsh, and partial censuring; misconstruing intentions, words, and actions;...raising false rumors, receiving and countenancing evil reports, and stopping our ears against just defense; evil suspicion;” and

Whereas: CDM has already published the AIC report in book form for easy distribution (<https://www.pcabookstore.com/p-6275893-a-body-for-the-lordpca-papers-on-human-sexuality.aspx>), and the PCA History website has all PCA studies available for easy download (https://www.pcahistory.org/pca/digest/studies/2021_human_sexuality_report.pdf).

Therefore be it resolved

- A. that the 49th General Assembly of the Presbyterian Church in America advises all presbyteries and sessions to:
 1. Fulfill the duty to “give due and serious consideration” (BCO 14-7) by making careful study of the 2021 *Ad interim Report on Human Sexuality*,
 2. Consider requiring all candidates for ordained office to do the same, and
 3. Utilize said report in examining the personal character of candidates for ordained office (BCO 21-4, 24-1); and
- B. **Be it further resolved** that the 49th General Assembly of the Presbyterian Church in America advises the courts of the church not to use certain terms as litmus tests for biblical faithfulness or grounds for discipline but to seek understanding before imparting advice, in keeping with the 2021 *Ad interim Report on Human Sexuality*'s statements on terminology (p. 29-30); and

- C. Be it further resolved** that the 49th General Assembly of the Presbyterian Church in America exhorts pastors and elders to instruct their congregations on the historic teaching of the Bible and the Christian church on human sexuality, especially as stated in Gen. 2:24,25, Rom. 1:24-32, 1 Cor. 6:9-11, 1 Cor. 7:1-28, Westminster Larger Catechism 139, and *BCO* 59-3; and
- D. Be it finally resolved** that the 49th General Assembly of the Presbyterian Church in America encourages presbyteries and congregations to seek the Lord in prayer for wisdom to navigate changing cultural contexts faithfully as a church committed to the scriptures, and to earnestly ask “the Lord of the harvest to send out laborers into his harvest fields,” (Luke 10:2).

Adopted by Metro Atlanta Presbytery at its stated meeting, May 3, 2022
Attested by /s/ TE Randy Schlichting, stated clerk

OVERTURE 35 from North Florida Presbytery (to OC)
“Use Human Sexuality Report for Study, Assessment,
and Conciliation”

[Note: This overture is similar to Overtures 33 and 34, but differs in a number of details.]

Whereas, the peace and purity of the Presbyterian Church in America has been disturbed by the sexual confusion prevalent in our culture; and

Whereas, the lower courts of the Presbyterian Church in America would benefit from clear guidance about qualifications for ordained office with reference to complex and culturally contested matters concerning human sexuality; and

Whereas, the Westminster Standards clearly teach that original sin, as a disposition or inclination, is truly and properly sin (*Westminster Confession of Faith* 6.5) and that same-sex sexual lust and same-sex sexual activity are violations of God’s righteous law (*Westminster Larger Catechism* 138 and 139); and

Whereas, *BCO* 21-4.a states that trials for the ordination of ministers require careful examination of a candidate’s “acquaintance with experiential religion, especially his personal character and family management (based on the qualifications set out in

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1 Timothy 3:1-7, and Titus 1:6-9),” and *BCO* 24-1 requires the same standards for the examination of ruling elder and deacon nominees; and

Whereas, Calvary Presbytery unanimously adopted an overture commending the report of the Ad Interim Committee on Human Sexuality (AIC) to the 48th General Assembly on the following grounds: “The PCA ‘Report of the Ad Interim Committee on Human Sexuality,’ is a biblically faithful work by gifted churchmen within the PCA. It is a most useful resource concerning the apologetic and pastoral task surrounding gender and sexuality confusion within the PCA and the broader culture;” and

Whereas, the 48th General Assembly of the PCA declared the AIC report to be “a biblically faithful declaration;” and

Whereas, the AIC report articulates the confessional doctrine of sanctification in relation to same-sex attraction, stating, “to teach that our sinful corruption must be entirely removed from any part of us in order to be considered truly repentant is a spiritually treacherous perversion of the doctrine of repentance” (p. 24). Additionally, the report teaches that “someone with homosexual attraction ought not to close himself or herself off to the pursuit of, and hope of, real change in those attractions, even if that change is incomplete and mixed” (p. 24); and

Whereas, the AIC report articulates the confessional approach to terminology in relation to same-sex identity, stating, “Christians ought to understand themselves, define themselves, and describe themselves in light of their union with Christ and their identity as regenerate, justified, holy children of God (Rom. 6:5-11; 1 Cor. 6:15-20; Eph. 2:1-10). To juxtapose identities rooted in sinful desires alongside the term “Christian” is inconsistent with Biblical language and undermines the spiritual reality that we are new creations in Christ (2 Cor. 5:17)” (pp. 11-12); and

Whereas, the AIC report articulates that “it is generally unwise to use the language of gay Christian” due to the dynamic and diverse uses of the term “gay” in our cultural discourse (p. 30); and

Whereas, the AIC report also recognizes “a difference between speaking about a phenomenological facet of a person’s sin-stained reality and employing the language of sinful desires as a personal identity marker” (p. 11) and that some faithful believers employ the terminology of “gay” merely to describe their sexual attractions

without any “intention to make a definitive statement about identity” (p. 30); and

Whereas, the AIC report concludes that on the use of the terms “gay” and “gay Christian” that “we would do well to seek understanding before imparting advice. In practical and plain terms, the issue of terminology is more likely a matter for shepherding in wisdom, and not in itself grounds for discipline” (p. 30); and

Whereas, the AIC report articulates the confessional approach to sexual orientation in relation to same-sex attraction, stating, “Insofar as the term orientation is used descriptively to articulate a particular set of experiences, namely the persistent and predominant sexual attractions of an individual, it can remain useful as a way of classifying those experiences in contrast to the experiences of the majority of other people. However, insofar as the term orientation carries with it a set of assumptions about the nature of that experience that is unbiblical (e.g., overemphasized rigidity, its normativity, etc.), then the terminology may require qualification or even rejection in some circumstances” (pp. 30-31); and

Whereas, the AIC sets clear boundaries for ordained office in the PCA, stating, “Insofar as such persons display the requisite Christian maturity, we do not consider this sin struggle automatically to disqualify someone for leadership in the church (1 Cor. 6:9-11; 1 Tim. 3:1-7; Titus 1:6-9; 2 Pet. 1:3-11)” (p. 31); and

Whereas, Westminster Larger Catechism 144 explicitly states: “The duties required in the ninth commandment are, the preserving and promoting of truth between man and man, and the good name of our neighbor, as well as our own; appearing and standing for the truth; and from the heart, sincerely, freely, clearly, and fully, speaking the truth, and only the truth, in matters of judgment and justice, and in all other things whatsoever; a charitable esteem of our neighbors; loving, desiring, and rejoicing in their good name; sorrowing for, and covering of their infirmities; freely acknowledging of their gifts and graces, defending their innocency; a ready receiving of a good report, and unwillingness to admit of an evil report, concerning them; discouraging tale-bearers, flatterers, and slanderers;” and Westminster Larger Catechism 145 states: “The sins forbidden in the ninth commandment are, all prejudicing the truth, and the good name of our neighbors, as well as our own, especially in public judicature; giving false evidence, suborning false witnesses, wittingly appearing and pleading for an evil cause, out-facing and over-

bearing the truth; passing unjust sentence, calling evil good, and good evil ... speaking the truth unseasonably, or maliciously to a wrong end, or perverting it to a wrong meaning, or in doubtful or equivocal expressions, to the prejudice of truth or justice; speaking untruth, lying, slandering, backbiting, detracting, talebearing, whispering, scoffing, reviling, rash, harsh, and partial censuring; mis-constructing intentions, words and actions ... raising false rumors, receiving and countenancing evil reports, and stopping our ears against just defense; evil suspicion.”

Therefore, be it resolved

- A. That the 49th General Assembly of the Presbyterian Church in America advises all lower courts to:
 - 1. Fulfill the duty to “give due and serious consideration” (BCO 14-7) to the approval of the 2021 Ad Interim Report on Human Sexuality by the 48th General Assembly by making a careful study of its contents,
 - 2. Consider requiring all candidates for ordained office to do the same, and
 - 3. Utilize the AIC report as a guide to examine the personal character of candidates for ordained office (BCO 21-4; 24-1) and to assess doctrinal or ethical charges brought against any ordained officer on relevant subject matters; and
- B. **Be it further resolved**, that the 49th General Assembly of the Presbyterian Church in America advises the courts of the church to exercise wisdom in weighing matters with regard to the complex issues addressed in the AIC report, especially avoiding hasty judgments based on terminology surrounding same-sex identity and orientation; and
- C. **Be it further resolved**, that the 49th General Assembly of the Presbyterian Church in America, in obedience to the ninth commandment, urges pastors and elders to exercise caution, fair judgment, charity, and restraint when interacting with the views of another, especially online, in order to ensure that we honor our fellow elders and the courts that protect the sanctity of our denomination; and
- D. **Be it further resolved**, that the 49th General Assembly of the Presbyterian Church in America exhorts pastors and elders to instruct their congregations on the historic teaching of the Bible and the Christian church regarding human sexuality, especially as stated in Genesis 2:24-25; Romans 1:24-32; 1

Corinthians 6:9-11; 1 Corinthians 7:1-28, Westminster Larger Catechism 138 and 139, and BCO 59-3; and

- E. Be it finally resolved**, that the 49th General Assembly of the Presbyterian Church in America encourages presbyteries and congregations to seek the Lord in prayer for wisdom to navigate changing cultural contexts faithfully as a church committed to the Scriptures and to the Great Commission.

Adopted by North Florida Presbytery at its stated meeting on May 12, 2022

Attested by TE David Burke, stated clerk

OVERTURE 36 from Southeast Alabama Presbytery (to SJC)
"BCO 34-1 Request to Assume Original Jurisdiction
over TE Greg Johnson"

Whereas in his responses to Missouri Presbytery's July 21, 2020, BCO 31-2 investigation of allegations against him, TE Greg Johnson affirmed in some matters he was either unclear, imprecise, or his perspectives have matured over time (SJC Judicial Case 2020-12, pg. 10, lines 40-45), and

Whereas in his responses to the Standing Judicial Commission's additional questions, TE Greg Johnson affirmed his belief in the Bible's teaching on human sexuality with regard to same-sex attraction (homosexual orientation, inter alia) and qualifications for ordained ministerial office, as summarized in the Westminster Standards (e.g., SJC Judicial Case 2020-12, pg. 14; lines 25-30; lines 42-45, pg. 15; lines 1-20, etc.), and

Whereas in his responses to the Standing Judicial Commission's additional questions, TE Greg Johnson specifically denied identifying as a "gay Christian," including using this couplet of words (SJC Judicial Case 2020-12, pg. 17; lines 42-46, pg. 16; lines 1-11), and

Whereas in his responses to the Standing Judicial Commission's additional questions, TE Greg Johnson affirmed the necessity of a man ordained to ministerial office to be above reproach (SJC Judicial Case 2020-12, pg. 24; lines 38-46, pg. 25; lines 1-46, pg. 26; lines 1-30), and

Whereas in his responses to the Standing Judicial Commission's additional questions, TE Greg Johnson affirmed that some of his public comments had upset the peace of the PCA, and offered a

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commitment to repair such harm and work to commit no further harm (SJC Judicial Case 2020-12, pg. 27; lines 25-34), and

Whereas since the record of the case of the original Missouri Presbytery investigation of him (July 21, 2020), and even subsequent to the Standing Judicial Commission judicial case 2020-12 (October 21, 2021), TE Greg Johnson has made numerous public comments that appear to either contradict or at least offer confusion to his previous affirmations in these matters (see examples in the attached addendum), and

Whereas the Standing Judicial Commission found Missouri Presbytery did err by failing to “do what it needed to do to protect the peace and purity of the broader Church, particularly in light of the responsibilities set forth in *BCO* 11-3, 4” pertaining to Revoice 18 (SJC Judicial Case 2020-05 (March 3, 2022); pg. 11; lines 26-35), and

Whereas TE Greg Johnson uses the same confusing and misleading terminology as Revoice 18 throughout his book, *Still Time to Care: What We Can Learn from the Church’s Failed Attempt to Cure Homosexuality* (Zondervan, 12/7/21) [“homosexual Christian” p. 25, “gay believer” pp. 8, 14, “homosexual believers” pp. 9, 116, “sexual minorities” pp. 33, 221, 230],

Therefore be it resolved that Southeast Alabama Presbytery requests that the General Assembly assume original jurisdiction in the case of the doctrinal error of Teaching Elder Greg Johnson per *BCO* 34-1.

Commission of Southeast Alabama approved to draft and submit this request by Presbytery at its stated meeting, October 22, 2019.

Commission of Southeast Alabama Presbytery voted to submit this request, April 14, 2022.

Attested by /s/ TE Kevin Corley, stated clerk.

Attachment: Addendum, examples of public comments from TE Greg Johnson either contradicting or offering confusion to his affirmations to Missouri Presbytery’s *BCO* 31-2 investigation (July 21, 2020), and the Standing Judicial Commission judicial case 2020-12 (October 21, 2021)

Attachment
(Overture 36 to 49th General Assembly)

Examples of public comments from TE Greg Johnson either contradicting or offering confusion to his affirmations to Missouri Presbytery’s BCO 31-2 investigation (July 21, 2020), and the Standing Judicial Commission judicial case 2020-12 (October 21, 2021)

- 11/05/21 Comments in an article, published in the *Washington Post*, “Traditional ‘Side B’ LGBTQ Christians experience a renaissance,” by Kathryn Post (originally published by Religion News Service, <https://religionnews.com/2021/11/05/traditional-side-b-lgbtq-christians-experience-a-renaissance/>).
- 11/18/21 Comments in a blog post, published on *The Center For Faith, Sexuality & Gender* blog site, “Equivocation and the Ex-Gay Script” (<https://www.centerforfaith.com/blog/equivocation-and-the-ex-gay-script>)
- 12/03/21 Comments in a podcast interview, published on *The Hole in My Heart Podcast*, “Episode 189: The Church Wasn’t Always So Bad at the LGBTQ Conversation with Greg Johnson” (<https://lauriekrieg.com/podcast/the-church-wasnt-always-so-terrible-at-the-lgbtq-conversation-with-greg-johnson/>)
- 12/07/21 Comments in his book, *Still Time to Care: What We Can Learn from the Church’s Failed Attempt to Cure Homosexuality* (Zondervan, 12/7/21).
- 12/22/21 Comments in an article, published in *USA Today*, “I’m a gay, celibate pastor of a conservative church. Here’s a trick for de-escalation.” (<https://www.usatoday.com/story/opinion/voices/2021/12/22/family-holidays-god-patience-compassion/6496994001/?gnt-cfr=1.>)
- 12/29/21 Comment on Facebook page, “As you consider final year end giving, please support Revoice. No movement has done more to shift conservative Christian thinking from the false hope of ex-gay cures to the great tradition of care for non-straight people committed to living out the biblical sexual ethic within the church. This ministry has meant a great deal to me, and your consideration will be deeply appreciated.”
- 01/02/22 Comments in a podcast interview, published on *The Hopper Podcast*, “41 Greg Johnson, Still Time to Care / Linus in the Resurrection” (<https://podcasts.captivate.>

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- fm/media/4b17fc7d-79da-4c3a-8ab0-74ebf4a0cb92/02-greg-johnson.mp3).
- 01/04/22 Comments in a podcast interview, published on *Conversations About Life*, “Being Gay and Christian w/ Pastor Greg Johnson” (<https://willjackson.com/being-gay-and-christian-w-pastor-greg-johnson/>).
- 01/25/22 Comments in a podcast interview, published on *The Learner's Corner with Caleb Mason*, “Episode 269: Greg Johnson On What We Can Learn From the Church's Failed Attempt to Cure Homosexuality” (<https://podcast.app/greg-johnson-on-what-we-can-learn-from-the-churchs-failed-attempt-to-cure-homosexuality-e202358953/>).
- 02/12/22 Comments in a booklet, *On Mission with the LGBTQ+ Community* (Zondervan, supplement to *Still Time to Care*). ([https://www.facebook.com/permalink.php?story_fbid=3140676279584649&id=100009269249854&__cft__\[0\]=AZXHombYoEDWNCvkRpzWIYG8mCooDtS2qQk_KzE6Lcn8KadXolEgezT3elg4dvGvKFRISxCyDHC6LcfCIunLwthjBCwcxaJKRSz2aABvF0_GC-5IvMsxxmlCyTGwR41H7x0&__tn__=%2CO%2CP-R,https://drive.google.com/file/d/1gu0ZH6igfWes0vypOUUnEtnTEMigw9fVu/view](https://www.facebook.com/permalink.php?story_fbid=3140676279584649&id=100009269249854&__cft__[0]=AZXHombYoEDWNCvkRpzWIYG8mCooDtS2qQk_KzE6Lcn8KadXolEgezT3elg4dvGvKFRISxCyDHC6LcfCIunLwthjBCwcxaJKRSz2aABvF0_GC-5IvMsxxmlCyTGwR41H7x0&__tn__=%2CO%2CP-R,https://drive.google.com/file/d/1gu0ZH6igfWes0vypOUUnEtnTEMigw9fVu/view)).

OVERTURE 37 from Grace Presbytery (to SJC)
"BCO 34-1 Request to Assume Original Jurisdiction over
TE Greg Johnson"

[Note: This overture is almost identical to Overture 36.]

Whereas in his responses to Missouri Presbytery’s July 21, 2020, BCO 31-2 investigation of allegations against him, TE Greg Johnson affirmed in some matters he was either unclear, imprecise, or his perspectives have matured over time (SJC Judicial Case 2020-12, pg. 10, lines 40-45), and

Whereas in his responses to the Standing Judicial Commission’s additional questions, TE Greg Johnson affirmed his belief in the Bible’s teaching on human sexuality regarding same-sex attraction (homosexual orientation, inter alia) and qualifications for ordained ministerial office, as summarized in the Westminster

Standards (e.g., SJC Judicial Case 2020-12, pg. 14; lines 25-30; lines 42-45, pg. 15; lines 1-20, etc.), and

Whereas in his responses to the Standing Judicial Commission’s additional questions, TE Greg Johnson specifically denied identifying as a “gay Christian,” including using this couplet of words (SJC Judicial Case 2020-12, pg. 17; lines 42-46, pg. 16; lines 1-11), and

Whereas in his responses to the Standing Judicial Commission’s additional questions, TE Greg Johnson affirmed the necessity of a man ordained to ministerial office to be above reproach (SJC Judicial Case 2020-12, pg. 24; lines 38-46, pg. 25; lines 1-46, pg. 26; lines 1-30),

Whereas in his responses to the Standing Judicial Commission’s additional questions, TE Greg Johnson affirmed that some of his public comments had upset the peace of the PCA, and offered a commitment to repair such harm and work to commit no further harm (SJC Judicial Case 2020-12, pg. 27; lines 25-34), and

Whereas since the record of the case of the original Missouri Presbytery investigation of him (July 21, 2020), and even after the Standing Judicial Commission judicial case 2020-12 (October 21, 2021), TE Greg Johnson has made numerous public comments that appear to either contradict or at least offer confusion to his previous affirmations in these matters (see examples in the attached addendum), and

Whereas the Standing Judicial Commission found Missouri Presbytery did err by “failing to do what it needed to do to protect the peace and purity of the broader Church, particularly in light of the responsibilities set forth in *BCO* 11-3, 4” pertaining to Revoice 18 (SJC Judicial Case 2020-05; lines 26-35), and

Whereas TE Greg Johnson uses the same confusing and misleading terminology as Revoice 18, throughout his book, *Still Time to Care: What We Can Learn from the Church’s Failed Attempt to Cure Homosexuality* (Zondervan, 12/7/21),

Therefore, be it resolved that Grace Presbytery requests that the General Assembly assume original jurisdiction in the case of the doctrinal error of Teaching Elder Greg Johnson, per *BCO* 34-1.

Approved by Grace Presbytery at its stated meeting, May 10, 2022

Attested by /s/ RE Samuel J. Duncan, stated clerk

Attachment: Addendum, examples of public comments from TE Greg Johnson either contradicting or offering confusion to his affirmations to Missouri Presbytery’s *BCO* 31-2 investigation (July 21, 2020), and the Standing Judicial Commission judicial case 2020-12 (October 21, 2021)

**Attachment
(Overture 37 to 49th General Assembly)**

Examples of public comments from TE Greg Johnson either contradicting or offering confusion to his affirmations to Missouri Presbytery’s *BCO* 31-2 investigation (July 21, 2020), and the Standing Judicial Commission judicial case 2020-12 (October 21, 2021)

- 11/05/21 Comments in an article, published in the *Washington Post*, “Traditional ‘Side B’ LGBTQ Christians experience a renaissance,” by Kathryn Post (originally published by Religion News Service, <https://religionnews.com/2021/11/05/traditional-side-b-lgbtq-christians-experience-a-renaissance/>).
- 11/18/21 Comments in a blog post, published on *The Center For Faith, Sexuality & Gender* blog site, “Equivocation and the Ex-Gay Script” (<https://www.centerforfaith.com/blog/equivocation-and-the-ex-gay-script>)
- 12/03/21 Comments in a podcast interview, published on *The Hole in My Heart Podcast*, “Episode 189: The Church Wasn’t Always So Bad at the LGBTQ Conversation with Greg Johnson” (<https://lauriekrieg.com/podcast/the-church-wasnt-always-so-terrible-at-the-lgbtq-conversation-with-greg-johnson/>)
- 12/07/21 Comments in his book, *Still Time to Care: What We Can Learn from the Church’s Failed Attempt to Cure Homosexuality* (Zondervan, 12/7/21).
- 12/22/21 Comments in an article, published in *USA Today*, “I’m a gay, celibate pastor of a conservative church. Here’s a trick for de-escalation.” (<https://www.usatoday.com/story/opinion/voices/2021/12/22/family-holidays-god-patience-compassion/6496994001/?gnt-cfr=1.>)

APPENDIX W

- 12/29/21 Comment on Facebook page, “As you consider final year end giving, please support Revoice. No movement has done more to shift conservative Christian thinking from the false hope of ex-gay cures to the great tradition of care for non-straight people committed to living out the biblical sexual ethic within the church. This ministry has meant a great deal to me, and your consideration will be deeply appreciated.”
- 01/02/22 Comments in a podcast interview, published on *The Hopper Podcast*, “41 Greg Johnson, Still Time to Care / Linus in the Resurrection” (<https://podcasts.captivate.fm/media/4b17fc7d-79da-4c3a-8ab0-74ebf4a0cb92/02-greg-johnson.mp3>).
- 01/04/22 Comments in a podcast interview, published on *Conversations About Life*, “Being Gay and Christian w/ Pastor Greg Johnson” (<https://willjackson.com/being-gay-and-christian-w-pastor-greg-johnson/>).
- 01/25/22 Comments in a podcast interview, published on *The Learner's Corner with Caleb Mason*, “Episode 269: Greg Johnson On What We Can Learn From the Church's Failed Attempt to Cure Homosexuality” (<https://podcast.app/greg-johnson-on-what-we-can-learn-from-the-churchs-failed-attempt-to-cure-homosexuality-e202358953/>).
- 02/12/22 Comments in a booklet, *On Mission with the LGBTQ+ Community* (Zondervan, supplement to *Still Time to Care*). ([https://www.facebook.com/permalink.php?story_fbid=3140676279584649&id=100009269249854&__cft__\[0\]=AZXHombYoEDWNCvkRpzWIYG8mCooDtS2qQk_KzE6Lcn8KadXolEgezT3elg4dvGvKFRISxCyDHC6LcfCIunLwthjBCwexaJKRSz2aABvF0_GC-5IvMsxxmlCyTGwR41H7x0&__tn__=%2CO%2CP-R,https://drive.google.com/file/d/1gu0ZH6igfWes0vypOUUnEtnTEMigw9fVu/view](https://www.facebook.com/permalink.php?story_fbid=3140676279584649&id=100009269249854&__cft__[0]=AZXHombYoEDWNCvkRpzWIYG8mCooDtS2qQk_KzE6Lcn8KadXolEgezT3elg4dvGvKFRISxCyDHC6LcfCIunLwthjBCwexaJKRSz2aABvF0_GC-5IvMsxxmlCyTGwR41H7x0&__tn__=%2CO%2CP-R,https://drive.google.com/file/d/1gu0ZH6igfWes0vypOUUnEtnTEMigw9fVu/view)).

OVERTURE 38 from Chesapeake Presbytery (to SJC)
“Request for SJC to Assume Original Jurisdiction in
CIP matters re Dan Herron”

Whereas, the Word of God in I Corinthians 6:1-8 is clear in its injunction against Christians suing one another in civil court where there exists an ecclesial court with jurisdiction, and

Whereas, TE Daniel Herron has been credibly accused of impropriety by several members and/or regular attenders of Hope Presbyterian Church (Bloomington, IN), where he served as pastor, and

Whereas, the Central Indiana Presbytery instituted process against TE Herron on the basis of those accusations and the Presbytery’s finding of a “strong presumption of guilt,” and

Whereas, after the Central Indiana Presbytery found a “strong presumption of guilt” and had instituted process, TE Herron filed suit in the Monroe County (Indiana) Circuit Court against certain of his accusers, claiming that their accusations caused him harm, and

Whereas, TE Herron specifically referenced the likelihood that his accusers’ statements have been and will be “used in Ecclesial Committee Hearings of the Central Indiana Presbytery and/or the Presbyterian Church in America,” as part of the substance of the damages caused, and

Whereas, this constitutes clear evidence of TE Herron’s intention to employ the civil magistrate to prevent his accusers’ testimony against him, and thus preclude or undermine the proceedings of the ecclesial court, and

Whereas, the Central Indiana Presbytery ruled TE Herron contumacious for his refusal to withdraw the civil suit, suspending him from office and the sacraments, and

Whereas, this action of the Central Indiana Presbytery demonstrates that it recognized the seriousness of TE Herron’s sin in filing suit against his accusers in the first place, and

Whereas, the Central Indiana Presbytery later removed the ruling of contumacy despite TE Herron’s lack of repentance, after he removed certain documents from the suit’s evidence chain but continued to refuse to withdraw the suit, and

Whereas, this later action of the Central Indiana Presbytery, removing the finding of contumacy without TE Herron repenting of the sin of filing suit, not only demonstrates a refusal to act against a sin previously recognized, but could also be construed as a choice to participate in it with TE Herron, and

Whereas, the Central Indiana Presbytery, by removing the finding of contumacy absent repentance, has chosen to allow the suit to continue in flagrant violation of I Corinthians 6, refusing to act to discipline TE Herron's sin, bringing disrepute on the name of Christ and undermining both their own authority and the authority of all courts of the PCA generally with respect to the civil magistrate, and

Whereas, public letters written by concerned members of the Central Indiana Presbytery indicate deep division and weariness within the presbytery, considerable concern for the harm that this division has caused the accusers, as well as a resultant lack of belief in the ability of the CIP to conduct an impartial trial, and

Whereas, BCO 34-1 provides mechanism for the General Assembly to assume original jurisdiction when "the Presbytery refuses to act in doctrinal cases or cases of public scandal," and

Whereas, allegations concerning the alleged sinful conduct of TE Daniel Herron and Central Indiana Presbytery's handling of the case have been widely reported in public media, resulting in public scandal involving not only the accused, but also the CIP and the Presbyterian Church in America,

Therefore, be it resolved that the Chesapeake Presbytery petitions the 49th General Assembly to assume original jurisdiction of the case against TE Daniel Herron immediately, so as to investigate the accusations thoroughly and to try the matter impartially, for the express purpose of defending the honor of Christ, clearing the public scandal, restoring the peace and purity of Christ's Church, and providing the care of the true Shepherd to TE Daniel Herron and to his accusers.

Adopted by Chesapeake Presbytery at its 91st stated meeting, May 10, 2022

Attested by /s/ RE Timothy M. Persons, stated clerk

OVERTURE 39 from Northern California Presbytery (to SJC)
“Request for SJC to Assume Original Jurisdiction in CIP matters
re Dan Herron”

[Note: This overture is similar to but not identical to Overture 38 from
Chesapeake Presbytery.]

Whereas, the Word of God in I Corinthians 6:1-8 is clear in its injunction
against Christians suing one another in civil court where there
exists an ecclesial court with jurisdiction, and

Whereas, TE Daniel Herron has been credibly accused of impropriety by
several members and/or regular attenders of Hope Presbyterian
Church (Bloomington, IN) where he served as pastor, and

Whereas, the Central Indiana Presbytery instituted process against TE
Herron on the basis of those accusations and the Presbytery’s
finding of a “strong presumption of guilt,” and

Whereas, after the Central Indiana Presbytery found a “strong
presumption of guilt” and had instituted process, TE Herron filed
suit in the Monroe County (Indiana) Circuit Court against certain
of his accusers,²⁵ claiming that their accusations caused him harm,
and

Whereas, TE Herron specifically referenced the likelihood that his
accusers’ statements have been and will be “used in Ecclesial
Committee Hearings of the Central Indiana Presbytery and/or the
Presbyterian Church in America,”²⁶ as part of the substance of the
damages caused and cause for the civil magistrate to rule in his
favor, and

Whereas, this constitutes clear evidence of TE Herron’s intention to
employ the civil magistrate to prevent his accusers’ testimony
against him, and thus preclude or undermine the proceedings of
the ecclesial court, and

Whereas, the Central Indiana Presbytery ruled TE Herron contumacious
for his refusal to withdraw the civil suit, suspending him from
office and the sacraments, and

Whereas, this action of the Central Indiana Presbytery demonstrates that
it recognized the seriousness of TE Herron’s sin in filing suit
against his accusers in the first place, and

²⁵ Case #53C01-2106-CT-001359, “Dan Herron v. Kara Million, Abigail
Gschwend-Harris” (accessed at <http://mycase.in.gov>)

²⁶ Case #53C01-2106-CT-001359, “Complaint for Damages and Jury Demand”
(filed 25 June 2021), §§37, 45; “Amended Complaint” (filed 6 December 2021),
§35.

Whereas, the Central Indiana Presbytery later removed the ruling of contumacy despite TE Herron’s lack of repentance, after he removed certain documents from the suit’s evidence chain²⁷ but continued to refuse to withdraw the suit, and

Whereas, this later action of the Central Indiana Presbytery, removing the finding of contumacy without TE Herron repenting of the sin of filing suit, demonstrates not only a refusal to act against a sin previously recognized, but could also be construed as a choice to participate in that sin with TE Herron, and

Whereas, the Central Indiana Presbytery, by removing the finding of contumacy absent repentance, has chosen to allow the suit to continue in flagrant violation of I Corinthians 6, refusing to act to discipline TE Herron’s sin, bringing disrepute on the name of Christ and undermining both their own authority and the authority of all courts of the PCA generally with respect to the civil magistrate, and

Whereas, allegations concerning the alleged sinful conduct of TE Daniel Herron together with the Central Indiana Presbytery’s handling of the case have been widely reported in public media, resulting in public scandal involving not only the accused, but also the Central Indiana Presbytery and the Presbyterian Church in America, and

Whereas, BCO 34-1 provides mechanism for the General Assembly to assume original jurisdiction when “the Presbytery refuses to act in doctrinal cases or cases of public scandal”,

Therefore, be it resolved that the Northern California Presbytery petitions the 49th General Assembly to assume original jurisdiction of the case against TE Daniel Herron immediately, so as to investigate the accusations thoroughly and to try the matter impartially, for the express purpose of defending the honor of Christ, clearing the public scandal, restoring the peace and purity of Christ’s Church, and providing the care of a true shepherd to TE Daniel Herron and to his accusers.

Adopted by the Northern California Presbytery at its stated meeting, May 6, 2022

Attested by /s/ RE Marcel Weiland, Stated Clerk.

²⁷ Case #53C01-2106-CT-001359, “Amended Complaint” (filed 6 December 2021).

OVERTURE 40 from the Northern New England Presbytery (to SJC)
“Request for SJC to Assume Original Jurisdiction in
CIP matters re Dan Herron”

[Note: This overture deals with the same matters as Overtures 38 and 39.]

Whereas, the Word of God in I Corinthians 6:1-8 is clear in its injunction against Christians suing one another in civil court where there exists an ecclesial court with jurisdiction, and

Whereas, TE Daniel Herron has been credibly accused of impropriety by several members and/or regular attenders of Hope Presbyterian Church (Bloomington, IN), where he served as pastor, and

Whereas, the Central Indiana Presbytery instituted process against TE Herron on the basis of those accusations and the Presbytery’s finding of a “strong presumption of guilt,” and

Whereas, after the Central Indiana Presbytery found a “strong presumption of guilt” and had instituted process, TE Herron filed suit in the Monroe County (Indiana) Circuit Court against certain of his accusers,²⁸ claiming that their accusations caused him harm, and

Whereas, allegations concerning the alleged sinful conduct of TE Daniel Herron together with the Central Indiana Presbytery’s handling of the case have been widely reported in public media, resulting in public scandal involving not only the accused, but also the Central Indiana Presbytery and the Presbyterian Church in America, and

Whereas, TE Herron is not under censure for his continued pursuit of civil litigation in the above matter, and

Whereas, *BCO* 34-1 provides mechanism for the General Assembly to assume original jurisdiction when “the Presbytery refuses to act in doctrinal cases or cases of public scandal”,

Therefore, be it resolved that Northern New England Presbytery petitions the 49th General Assembly to assume original jurisdiction of the case against TE Daniel Herron immediately, so as to investigate the accusations thoroughly and to try the matter impartially, for the express purpose of defending the honor of Christ, clearing the

²⁸ Case #53C01-2106-CT-001359, “Dan Herron v. Kara Million, Abigail Gschwend-Harris” (accessed at <http://mycase.in.gov>)

public scandal, restoring the peace and purity of Christ's Church, and providing the care of a true shepherd to TE Daniel Herron and to his accusers.

Adopted by N. New England Presbytery at its stated meeting, May 21, 2022

Attested by /s/ TE C.S. Per Almquist, stated clerk

OVERTURE 41 from the Session of Bethel Christian Church-Chicago
(to OC)

“Declare Critical Race Theory Flawed”

Whereas, in recent years, there has been increased engagement in the discipline known as Critical Race Theory, and

Whereas, Critical Race Theory, though difficult to define, can be roughly understood through the following tenets:

[Tenet 1:] **Racism is a normal part of American life**, often lacking the ability to be distinctively recognized... A CRT lens unveils the various forms in which racism continually manifests itself, despite espoused institutional values regarding equity and social justice.

[Tenet 2:] [Ideas like] liberalism, neutrality, objectivity, colorblindness, and meritocracy... camouflage [how] **racial advantage propels the self-interests, power, and privileges of the dominant group.**

[Tenet 3:] CRT gives voice to the unique perspectives and **lived experiences of people of color**... CRT uses counternarratives as a way to highlight discrimination, offer racially different interpretations of policy, and challenge the universality of assumptions made about people of color.

[Tenet 4:] CRT recognizes **interest-convergence**, the process whereby the white power structure ‘will tolerate or encourage racial advances for Blacks only when they also promote white self-interests’.

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[Tenet 5:] **Revisionist History** is another tenet of CRT [which] suggests that American history be closely scrutinized and reinterpreted as opposed to being accepted at face value and truth.

[Tenet 6:] CRT also relies on Racial Realists, or individuals who not only recognize race as a social construct, but also realize that **‘racism is a means by which society allocates privilege and status.’**

[Tenet 7:] CRT critiques [claims that]: (a) **[colorblindness]** will eliminate racism; (b) racism is a matter of individuals, not **systems**; and (c) one can fight racism without paying attention to **sexism, homophobia, economic exploitation**, and other forms of oppression or injustice²⁹

Whereas, this discipline has been far more prevalent at a popular level, being weaponized in many social, political, and even religious contexts, and

Whereas, many in the church are wondering how they are to think of and respond to Critical Race Theory, and

Whereas, it would be helpful to speak clearly and decisively on this, and other issues to help disciple our people, and

Whereas, Critical Race Theory is seriously flawed in many respects, and leads to distorted views of race, reconciliation, and sin, and

Whereas, what may be viewed as positive in Critical Theory is able to be found or derived outside of Critical Race Theory, without the need for engaging such a problematic discipline, and

Whereas, the Holy Scriptures, and the Gospel of Jesus Christ offers a better, more beautiful, and sufficient way for addressing the issues of racial tension and human flourishing,

Therefore, be it resolved that the 49th General Assembly declare Critical Race Theory to be a seriously flawed, and an overall unhelpful way for addressing the issues surrounding race within the church, and rather point believers to the greater, truly sufficient answer

²⁹ <https://shenviapologetics.com/what-is-critical-race-theory/>. Directly quoting from **“Access and Equity for African American Students in Higher Education: A Critical Race Historical Analysis of Policy Efforts,”** *The Journal of Higher Education*, 80(4), 2009, p. 389-414.

centered on the reconciliation which has been accomplished through the blood of Christ (Galatians 2:11-22).

Submitted by the Session of Bethel Christian Church-Chicago to Chicago Metro Presbytery for its stated meeting, on May 4th, 2022

Rejected by Chicago Metro Presbytery at its stated meeting, May 18th, 2022 (RAO 11-10). (Attested by /s/ TE Michael Kyle Edwards, stated clerk, Chicago Metro Presbytery)

Submitted by the Session of Bethel Christian Church-Chicago to the 49th General Assembly of the PCA, May 19, 2022

OVERTURE 42 from Session of Bethel Christian Church-Chicago
(to OC)

“Forbid TE and RE Participation in ‘Political Groups’”

Whereas, our denomination, the Presbyterian Church in America (PCA), has been facing increasing amount of tension within its courts due to several factors, and

Whereas, tensions are only increased when our trust in one another is damaged, and

Whereas, trust has been damaged in previous years due to the revelation of secretive and exclusive political factions working amidst the courts to further their particular agenda, and

Whereas, many are concerned that these efforts have included the manipulation of church courts, and

Whereas, all the Elders of the PCA have taken vows to strive “for the purity, peace, and unity of the church,” and

Whereas, the peace and unity of the church has been disturbed by the actions of secretive and exclusive political groups, which have manipulated church courts to further their agenda, and

Whereas, this disturbance has further increased the tension felt in the PCA, and

Whereas, the purity, peace, and unity of the church is dependent upon a mutual trust and respect of Teaching and Ruling Elders, and

Whereas, it is difficult to have that mutual trust and respect, when it is unclear whether fellow members of presbyteries are acting in good faith in engagement with their brothers, or in accordance with a political agenda established outside of the court by members of a secretive and exclusive political faction, and

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Whereas, it will only hinder the effectiveness of the PCA to have such trust and respect be further disturbed, and

Whereas, the PCA ought to be fully focused on its task to be faithful to the Scriptures, true to the Reformed faith, and obedient to the Great Commission.

Therefore, be it resolved that the 49th General Assembly call all Teaching Elders and Ruling Elders to not participate in secretive and exclusive political groups for the purpose of influencing or manipulating the church courts according to a particular agenda, but rather to engage in good faith with the brothers in their own sessions and presbyteries, for the purity, peace, and unity of the church.

Submitted by the Session of Bethel Christian Church-Chicago to Chicago Metro Presbytery for its stated meeting, on May 4th, 2022

Rejected by Chicago Metro Presbytery at its stated meeting, May 18th, 2022 (RAO 11-10). (Attested by /s/ TE Michael Kyle Edwards, stated clerk, Chicago Metro Presbytery)

Submitted by the Session of Bethel Christian Church-Chicago to the 49th General Assembly of the PCA, May 19, 2022

APPENDIX X

TUESDAY EVENING WORSHIP

June 21, 2022,| 6:30 p.m.

- Choral Prelude:** “Who Shall Ascend the Mountain...”..... John Haines
.....Choir and Orchestra
- * **Call to Worship:** Psalm 100..... Rev. Dr. Harry L. Reeder
- * **Hymn of Adoration:** “Holy, Holy, Holy”
- * **Prayer of Adoration:** Rev. Dr. Harry L. Reeder
- * **Hymn of Praise:** “A Mighty Fortress is Our God”
- Scripture Reading:** Galatians 2:11-21..... Rev. Dr. Murray Lee
- * **Hymn of Praise:** “Hail! Thou Once Despised Jesus”
- Prayer of Intercession** Rev. Dr. Murray Lee
- Offering** Rev. Dr. Murray Lee
- Choral Offertory** “Breath and Clay (Only Jesus)” John Haines
Concert Choir, and Orchestra
- Scripture Reading:** Matthew 16:5-12.....Rev. Dr. L. Roy Taylor
- Sermon:** “Christ’s Warning Against Extremes”Rev. Dr. L. Roy Taylor
- Liturgy of the Lord’s Table**..... Rev. Brad Allison
- **Prayer of Confession** (congregation)
 - **Declaration of Forgiveness** (Rev. Brad Allison)
 - **Confession of Faith** (congregation)
 - **Invitation to the Lord’s Table** (Rev. Brad Allison)
 - **Prayer of Humble Access** (congregation)
 - **Prayer of Consecration/Lord’s Prayer** (Rev. Brad Allison and congregation)
 - **Words of Institution** (Rev. Brad Allison)
- Serving of the Bread**..... Rev. Brad Allison
- Hymn of Response:** “How Deep the Father’s Love”J. Haines, Ensemble
- Serving of the Cup**..... Rev. Brad Allison
- Song of Response:** “The Power of the Cross”J. Haines, Ensemble
- * **Hymn of Thanksgiving:** “Let Us Love and Sing...”
- * **Benediction**.....Rev. Dr. L. Roy Taylor
- * Congregation standing.

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PART IV

CORRECTIONS TO PREVIOUS MINUTES OF THE GENERAL ASSEMBLY

Corrections to Minutes of the 48th General Assembly

Correction to p. 135, **Churches Lost to the Denomination in 2019**

Delete 2 churches included in error:

Wisconsin Presbytery

Faith Reformed, Cedar Grove, WI

Gibbsville Reformed, Sheboygan Falls, WI

Note: These two churches were Added in 2019 (p. 135)

Editorial Note regarding Attendance Report, pp. 819ff

Due to printing issues, names of some TEs and REs may have appeared in the wrong column. The final count is correct:

TEs 1499

REs 615

Total 2114

MINUTES OF THE GENERAL ASSEMBLY

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PART V

REFERENCES AND INDEX

FORTY-NINTH GENERAL ASSEMBLY OF THE PRESBYTERIAN CHURCH IN AMERICA PRE-ASSEMBLY SCHEDULE AND GENERAL ASSEMBLY DOCKET

Presbyterian Church in America
Birmingham Jefferson Convention Center
Birmingham, AL • June 20-24, 2022
(THIRD DRAFT)

PRE-ASSEMBLY SCHEDULE

Monday, June 20, 2022

- 8:00 a.m.** Commissioner Registration Open
- 10:00 a.m.** Briefing for:
Overtures Committee (Overtures Committee begins immediately after briefing)
- 11:00 a.m.** Briefing for:
Committee of Commissioners
- 12:00 noon** Lunch on your own
- 1:00 p.m.** Meetings of the Committees of Commissioners begin:
Administrative Committee
Retirement and Benefits
Covenant Theological Seminary
Reformed University Fellowship
- 5:00 p.m.** Commissioner Registration Closed
- 7:00 a.m.** Commissioner Registration Opens
- 8:00 a.m.** Briefing for Committees of Commissioners
- 9:00 a.m.** Meetings of the Committees of Commissioners begin:
Committee on Discipleship Ministries
Covenant College
Interchurch Relations

MINUTES OF THE GENERAL ASSEMBLY

Tuesday, June 21, 2022, Pre-Assembly Schedule, continued

Mission to North America
Mission to the World
PCA Foundation
Ridge Haven

- 10:00 a.m.** Meeting of AC/Board of Directors as needed
- Noon** Briefing of Floor Clerks
- 1:30 – 2:30 p.m.** Commissioner Welcome Reception in the Exhibit Hall
- 2:00 p.m.** Committee on Constitutional Business (if necessary)
- 2:30 – 4:25 p.m.** Seminars
2:30 - 3:20 p.m. First Session
3:35 - 4:25 p.m. Second Session
- 4:30 - 5:15 p.m.** Pre-Assembly Prayer Meeting
- 6:30 p.m.** Commissioner Registration Closed
Commissioner Registration will reopen for 15 minutes at the close of worship.

**FORTY-NINTH GENERAL ASSEMBLY
PROPOSED DOCKET**

Only the orders of the day and special orders are fixed times in the docket. Other items may be taken up earlier or later in the docket, depending upon the rate at which actions on reports are completed. *Therefore, those who present reports should be prepared to report earlier or later than the docketed times.*

Fraternal Greetings will be made by video at the open and close of sessions of the General Assembly.

- 6:00 p.m.** Musical Prelude
- 6:30 p.m.** Opening Session of the General Assembly
Call to Order by the outgoing Moderator: TE L. Roy Taylor (RAO 1-1)
Worship Service and Observance of the Lord's Supper

DOCKET

Tuesday, June 21, 2022, Assembly Docket continued

8:10 p.m. Assembly Reconvenes

Report on enrollment and determining of quorum
(*RAO* 1-2)

Election of Moderator (*RAO* 1-3, 1-4, 1-5)

Presentation to Retiring Moderator

Presentation and Adoption of Docket (*RAO* 3-2, m.)

Election of Recording and Assistant Clerks

Appointment of Assistant Parliamentarians (*RAO* 3-2, i.)

Appointment by Moderator of a Committee of Thanks

Report of the Stated Clerk of the General Assembly,
including:

New Churches Added, Statistics, Overtures (*RAO*
11-4 to 11-11)

Communications (*RAO* 11-1, 11-2, 11-3, 11-11)

Presbytery Votes on Proposed Amendments to *BCO*

Vote on *BCO* proposed Amendments approved by
Presbyteries

Partial Report of the Administrative Committee of
Commissioners on proposed *RAO* Amendments (if
needed)

Partial Report of the Overtures Committee on proposed *RAO*

Partial Report of the Standing Judicial Commission

Cooperative Ministries Committee Report

Committee on Constitutional Business Report

Theological Examining Committee Report

10:00 pm Business recess

Wednesday, June 22, 2022

7:45 am Commissioner Registration Open

8:00 a.m. Assembly-wide Seminar – The Future Glory of the Church: The
PCA We Envision for Christ’s Purposes (Ruling Elder
Perspectives)

MINUTES OF THE GENERAL ASSEMBLY

Wednesday, June 22, 2022, continued

- 9:30 a.m.** Assembly Reconvenes
Report of the AIC on Domestic Abuse and Sexual Assault
- 10:15 am** Review of Presbytery Records Committee Report
The RPR report may be amended on the floor. Standard rules of debate apply. Minority reports are allowed (RAO 16-7 h.; 19).
- 12 noon** Lunch (on your own)
- 1:30 p.m.** Assembly Reconvenes
Informational and Committee of Commissioners Reports
Committee of Commissioners' Reports are not subject to floor amendments. No minority reports are allowed. But alternative proposals passed by a majority of the CoC may be presented. The Assembly votes on the recommendations to approve, disapprove or refer back without instructions (RAO 14-9).
- Interchurch Relations Committee of Commissioners
Report (Fraternal Greetings will be made by video at the open and close of sessions of the General Assembly)
- PCA Retirement & Benefits
Covenant Theological Seminary
Reformed University Fellowship
Ridge Haven Conference Center
PCA Foundation
- 3:30 p.m.** Standing Judicial Commission Report
- 4:30 p.m.** **Deadline for Nominations from the floor to the Nominating Committee at recess (RAO 8-4 i.).**
Meeting of the Nominating Committee
- 4:45 p.m.** Worship Service
Commissioner Registration Closed
- 5:45 p.m.** Recess for Dinner and Fellowship Time
Meeting of Theological Examining Committee (if necessary)

DOCKET

Note on Presentation of New Business:

All personal resolutions are new business (RAO 13-1, 13-2, 11-9) and are to be presented no later than the recess of the afternoon session. A two-thirds majority vote is required. If the Assembly receives the resolution, it will be referred by the Stated Clerk to the proper committee of commissioners.

Thursday, June 23, 2022

7:45 am Commissioner Registration Open

8:00 a.m. Assembly Reconvenes

Minutes of Wednesday Sessions

8:00 a.m. Informational and Committee of Commissioners Reports

Committee of Commissioners' Reports are not subject to floor amendments. No minority reports are allowed. But alternative proposals passed by a majority of the CoC may be presented with responses from the permanent Committee or Agency. The Assembly votes on the recommendations to approve, disapprove or refer back without instructions (RAO 14-9).

Covenant College

Committee on Discipleship Ministries

Mission to the World

Mission to North America

9:30 a.m. **Special Order:** Nominating Committee Report

Administration of vows to SJC members (RAO 17-1)

Declaration of SJC as Assembly's Commission (BCO 15-4)

10:30 a.m. Informational and Committee of Commissioners Reports

Administrative Committee

10:45 a.m. Overtures Committee Report

The Report of the Overtures Committee may not be amended on the floor. The Assembly either approves, disapproves or recommits without instructions the recommendations (RAO 15-8 c.). An OC member may not participate in floor debate

MINUTES OF THE GENERAL ASSEMBLY

Thursday, June, 23, 2022 (continued)

unless he is the designee of the chairman on a specific recommendation (RAO 15-8 f.). A minority report is permitted (RAO 15-6 s.; 15-8 g) if brought by at least three (3) Teaching Elders and three (3) Ruling Elders.

- 12 noon** Lunch Recess
- 1:30 p.m.** Assembly Reconvenes
Overtures Committee Report continued
- 5:30 p.m.** Recess for Dinner
- 7:00 p.m.** Musical Prelude
- 7:30 p.m.** Assembly Reconvenes for Worship Service
- 9:10 p.m.** Reconvene for business if necessary
Minutes of Thursday Session
- 9:15 p.m.** Overtures Committee Report continued
- 10:00 p.m.** Committee on Thanks Report
Appointment of Commission to review and approve final version of minutes
Adjournment (*BCO* 14-8)
Sing Psalm 133
- 10:15 p.m.** Apostolic Benediction (II Corinthians 13:14)

Friday, June 24, 2022

- 8:00 a.m.** Assembly Reconvenes for Business (Optional)
Facilities are available until noon if agenda requires

Only commissioners with badges will be admitted to the floor of the Assembly.

**QUICK REFERENCE:
GENERAL ASSEMBLY SESSIONS AND ITEM NUMBERS
DAILY JOURNAL
FORTY-NINTH GENERAL ASSEMBLY**

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