

**SESSION OF HARVESTWOOD PCA
VS.
NEW RIVER PRESBYTERY**

CASE 97-13

I. Summary of the Facts

1. This case has a pre-history. In 1988, the Session of Grace Covenant PCA (GCPCA) approved a non-ordained member as a teacher. Another member of the congregation filed a complaint against the Session's approval, based on the teacher holding views out of accord with the WCF.
2. On July 29, 1989, the complaint was sustained by New River Presbytery (NRP), and the complaint was ultimately appealed to the SJC.
3. On March 21, 1990, in judicial case 90-3, it was found that the teacher in question should not be granted the authority to teach while he holds exceptions to such doctrines as "the doctrine of inerrancy, the doctrine of creation (in that he holds to the doctrine of theistic evolution), the doctrine of the fall of man, the doctrine of original sin, and the role of confessional standards." The panel made the point that the teacher held to a number of exceptions, "and that when all these exceptions are taken together it does appear reasonable for Presbytery to have taken the view that these exceptions would necessarily result in the teacher teaching views which were out of accord with the fundamentals of our standards." The Panel also noted that the Presbytery was especially concerned about his view of theistic evolution.
4. On May 9, 1995, that same teacher was re-examined by the Session of GCPCA. (During the intervening five years, the teacher was mentored by Session members.) They verified that the teacher retracted all of his errors, except for his view on creation. The Session then approved him to teach, but noted that his view on creation was not yet satisfactory, and insisted that he not teach that subject except under Session supervision, which the teacher in question was willing to do.
5. On July 10, 1995, the Session notified NRP of their action. At their July 15 meeting, NRP received the letter as information and appended it to their minutes.
6. On September 19, 1995, an overture was filed from Harvestwood Covenant PCA (HCPCA) asking NRP to advise GCPCA against approving the teacher "unless [he] has abandoned his evolutionary view of origins."
7. On November 11, 1995, the overture was denied by NRP. HCPCA then filed a complaint against that action. At the next meeting of NRP (3/9/96), a statement was made that "the teacher in question still would not affirm the historicity of Adam," following which NRP sustained the complaint. Furthermore, NRP advised GCPCA that the teacher in question should not teach "unless [he] has abandoned his evolutionary view of origins."
8. On June 15, 1996, GCPCA sent a "letter of inquiry" stating their confusion over NRP's conflicting decisions, and asking at what point the teacher in question would be acceptable to NRP.

9. Meanwhile, on June 20, 1996, the General Assembly listed exceptions to NRP's 1995 minutes, noting their denial of the HCPCA overture on Nov. 11, 1995, saying that "it appears [NRP] allowed a court under its oversight to act contrary to a GA decision."
10. On July 13, 1996, NRP acted to receive the June 15 letter from GCPCA as a letter of "reference seeking advice (BCO 41)", and referred both the June 15 letter and the 1996 GA exception to the CE Committee of NRP for drafting a response to both courts.
11. On March 15, 1997, NRP approved the following response to be sent to both courts: "The Committee finds that since both New River Presbytery and the Standing Judicial Commission declared the man ineligible to teach based on a number of exceptions, and that examination by the Session of Grace Covenant Presbyterian Church has determined that this number of exceptions no longer exists, but rather there is only the exception in the matter of origins, and he has agreed to not teach on this subject, that he is eligible to teach." (16 for, 10 against)
12. On April 2, 1997, HCPCA complained against this action. The complaint was denied by NRP at its July 12, 1997 meeting (10-7-1), and the complaint was then appealed to the SJC on July 30, 1997.
13. Meanwhile, on June 13, 1997, the General Assembly found the response of NRP to the exception of the Nov. 11, 1995 action "satisfactory."

II. Statement of the Issues

1. Did Presbytery err in making final disposition of a matter when it had come to Presbytery only as a reference seeking advice?

III. Judgment in the Case

1. Yes.

IV. Reasoning and Opinion

New River Presbytery received a communication from Grace Covenant PCA which raised the question, "At what point would the teacher in question be acceptable to Presbytery?" (ROC, 12). NRP properly understood this request as a reference asking for advice (BCO 41-3) (ROC, 14). But instead of responding with advice, NRP responded with a decision saying that the person in question was eligible to teach (ROC, 16). They did this without having original jurisdiction of the matter, and without having a clear record as to precisely what the person in question believed.

The responsibility for determining the acceptability of the personal views of a Sunday School teacher in a local church rests with the local Session (BCO 12-5). For Presbytery to assume original jurisdiction of a matter, it must come to Presbytery by way of review, appeal or complaint. It may also come *via* reference for final disposition (BCO 41-3), IN WHICH CASE THE Presbytery itself could have interviewed the teacher in question and determined the acceptability of his teaching. But as a matter of fact, it was not a reference for final disposition, but a reference seeking advice.

Moreover, if NRP wished to give advice concerning the matter of the acceptability of the teacher's views, it needed to have adequate information as to what the person actually believes. According to the *BCO*:

"A reference may be presented to the higher court ... It should be accompanied with so much of the record as shall be necessary for proper understanding and consideration of the matter referred." (41-4)

"When a court makes a reference, it ought to have all the testimony and other documents duly prepared, produced and in perfect readiness, so that the higher court may be able to fully consider and handle the case with as little difficulty of delay as possible." (41-6)

The Panel does not find the record adequate for NRP to make a judgment about the beliefs of this person.

It was appropriate for the Session of GCPCA to notify NRP of their action of approving the person to teach, in light of the previous judicial case 90-3 involving the same person. The present case could possibly have been precluded if NRP had initially, or following the original overture of HCPCA, responded by asking for clarification of the teacher's views. The ROC is especially important when the possibility exists for an appeal or complaint to be made. Had the presbyters known precisely whether this teacher did or did not hold with respect to theistic evolution and the historicity of Adam, the complaint might have been precluded. But the jury is still out on what the teacher believes.

The complaint argued that no one should be allowed to teach who holds to an evolutionary view of origins. It said that giving such advice to GCPCA by NRP was unbiblical and had the potential of great harm. It insisted that such a person not be allowed to teach until he has abandoned his evolutionary view of origins. It also argued that the 1990 ruling of the SJC focused on the teacher's evolutionary view, and therefore that view had to be abandoned before he could be allowed to teach.

Presbytery argued that the 1990 ruling focused on the "number of exceptions," not simply the view of origins (though important), and that the intent of the 1990 ruling was followed in that the teacher in question was mentored and grew in his understanding of scriptural doctrines until he became eligible for a teaching ministry. By noting the exception and not allowing the teacher to teach in that area, the Session was following legitimate policy.

All of this is well and good on both sides of the issue. But the panel holds that the ROC is unclear as to exactly what the teacher believes concerning origins. The complainants assume that he still holds to "an evolutionary view of origins." This was apparently his original view. But it may be only "hear-say evidence," and we find conflicting statements in the ROC. While the panel was denied the opportunity to delve deeper into his exact views (since it could not consider what was not in the ROC), it was apparent that the respondents did not believe that he held to theistic evolution.

At one point (ROC, p. 17), the CE committee of NRP invited the teacher in question into their meeting, and concluded that he was not a 'Darwinian evolutionist', even though at the same

time, they insist that they did not examine the person, since that is the prerogative of the Session. On the other hand, NRP recorded in its minutes that a RE had noted that the teacher "still would not affirm the historicity of Adam" (ROC, p. 10). The ROC also notes that "he has further agreed not to teach on controversial subjects (particularly creation) in such a way as to cause disunity" (p.2). What does that mean? At no point in the ROC do we have good and clear statements of what he believes. For justice to be served, and to assure that the teacher in question is treated fairly, his views need to be heard.

The issue of biblical creation, while raised in the ROC, is not one which must be reached, and consequently, in view of the inadequate ROC, the Panel declines to use the case as a vehicle for making a pronouncement on such an important issue.

The Panel concludes then that the constitutional issue is this: NRP should not have ruled on the matter in question without having the matter referred to them for final disposition, or by way of review, appeal or complaint. Moreover, it was incumbent upon NRP to make sure that the ROC was clear about what the person in question believed. This could have helped to solve the issue.

The Panel recommends that the proper procedure for NRP to follow is to rescind its action on its minutes of March 15, 1997, and to seek through appropriate means (in keeping with the *BCO*) to clarify the views of the person in question. Either the Session of GCPA could produce a clearer statement for NRP and ask advice as to the acceptability of those views, or the Session of GCPA could refer the matter to NRP for final disposition, and NRP could clarify the person's beliefs and make a ruling.

This preliminary judgment was written by TE Paul B. Fowler with amendments and concurrence of TE Paul D. Kooistra and RE John Van Voorhis.

/s/ Paul B. Fowler
/s/ Paul D. Kooistra
/s/ John Van Voorhis