

**THE PERMANENT JUDICIAL COMMISSION
OF THE SYNOD OF LAKES AND PRAIRIES
OF THE PRESBYTERIAN CHURCH (U.S.A.)**

The Session, Caledonia Presbyterian Church,)
Paula Bremer, James Gunn, Alan Crandall,)
Jerry Indermark, James F Scaife, The Presbytery)
of Central Florida, The Presbytery of Prospect)
Hill, and Stockton Presbytery,)
Complainants,)
v.)
John Knox Presbytery,)
Respondent.)

DECISION AND ORDER

Remedial Case 2010-1

Arrival Statement

This remedial case came before this Commission on a complaint filed by the Complainants, The Session, Caledonia Presbyterian Church, Paula Bremer, James Gunn, Alan Crandall, Jerry Indermark, James F Scaife, The Presbytery of Central Florida, The Presbytery of Prospect Hill, and Stockton Presbytery against the John Knox Presbytery, Respondent, dated March 2, 2010.

Complaint

The Amended complaint, accepted by the SPJC on April 28, 2010, is as follows:

We, the Session of Caledonia Presbyterian Church, . . . complain to the Synod of Lakes and Prairies against John Knox Presbytery concerning certain irregularities in that at a stated meeting at Christ Presbyterian Church, in Madison, Wisconsin, on the 20th day of February, 2010, said Presbytery did commit the following irregularities:

1. Approved for ordination as a Minister of the Word and Sacrament an individual, Scott D. Anderson ("Anderson"), who is currently ineligible for ordination pursuant to Section G-6.0108(b) of the Constitution because of his expressed non-compliance with the standard set forth in Section G-6.0106(b) contained within his oral and written statements at his ordination exam; or in the alternative,
2. Approved Anderson for ordination as a Minister of the Word and Sacrament without his expressing the willingness and intent to comply with the behavioral requirements of G-6.0106(b); or in the alternative,
3. Exceeded its authority by permitting Anderson to declare a departure, or by granting Anderson an exception, from Section G-6.0106(b), a mandatory provision of the Constitution.

Request for Stay of Enforcement

The Complainants, at the time of filing the original complaint, requested a Stay of Enforcement, forbidding the Presbytery from ordaining Anderson until the complaint was settled. The SPJC issued a Stay of Enforcement on March 8, 2010 directing that no further action be taken by the Presbytery toward ordination of Anderson while the stay remains in effect.

Appearances

Caledonia Presbyterian Church, *et al.* were represented by Whitman Brisky. The Complainants Paula Bremer and Jerry Indermark were present in person. The John Knox Presbytery (the Presbytery) was represented by Douglas Nave. The entire Committee of Council was present in person.

Decision

As to complaint number 1, above, the SPJC voted 7-2 not to sustain the complaint.

As to complaint number 2, above, the SPJC voted 7-1 with one abstention not to sustain the complaint.

As to complaint number 3, above, the SPJC voted 7-2 not to sustain the complaint.

The John Knox Presbytery acted within its authority following G-13.0103(r) using the most recent Authoritative Interpretation (AI) (2008), “the requirements of G-6.0108 to apply equally to all ordination standards of the Presbyterian Church (U.S.A.). Section G-6.0108 requires examining bodies to give prayerful and careful consideration, of an individual, case-by-case basis, to any departure from an ordination standard in matters of belief or practice that a candidate may declare during examination. However, the examining body is not required to accept a departure from standards, and cannot excuse a candidate’s inability to perform the constitutional functions unique to his or her office (such as administration of the sacraments).”

As is stated in G-6.0108(b), “The decision as to whether a person has departed from essentials of Reformed faith and polity is made initially by the individual concerned but ultimately becomes the responsibility of the governing body in which he or she serves.” The SPJC finds that John Knox Presbytery properly took responsibility for that decision. Therefore, permitting Anderson to declare a departure or exception from Section G-6.0106(b) was within the authority of the Presbytery.

Order

IT IS THEREFORE ORDERED that the action of the Presbytery is affirmed; no relief is granted.

IT IS FURTHER ORDERED that the Stay of Enforcement issued by the SPJC shall remain in effect until the latter of the expiration of the time limit to file an appeal of this decision or a decision is rendered by the GAPJC if an appeal is accepted.

IT IS FURTHER ORDERED that the Stated Clerk of the John Knox Presbytery report this decision to the John Knox Presbytery at its first meeting after receipt, that the John Knox Presbytery enter the full decision upon its minutes, and that an excerpt from those minutes showing entry of the decision be sent to the Stated Clerk of the Synod of Lakes and Prairies.

Absences and Non-participants

Commissioner Jeanne Grosshans was absent, Commissioner Sam Buffat recused himself (member of a church in John Knox Presbytery), and Commissioner Carolyn Jamieson recused herself (member of a church in Prospect Hill Presbytery) and they did not participate in this decision.

Certificate

We certify that the foregoing is a true and correct copy of the decision of the Permanent Judicial Commission of the Synod of Lakes and Prairies of the Presbyterian Church (U.S.A.) in The Session, Caledonia Presbyterian Church, Paula Bremer, James Gunn, Alan Crandall, Jerry Indermark, James F Scaife, The Presbytery of Central Florida, The Presbytery of Prospect Hill, and Stockton Presbytery (Complainants) v. John Knox Presbytery (Respondent), on October 9, 2010.

Dated the 9th day of October, 2010.

Margaret Z. Morris, Moderator
Permanent Judicial Commission
Of the Synod of Lakes and Prairies

Charles E. Orr, Clerk
Permanent Judicial Commission
Of the Synod of Lakes and Prairies

I certify that I did transmit a certified copy of the foregoing to the following persons by Certified Mail and/or personal service, directing J Jay Wilkinson to deposit it in the mail at Eagan, Minnesota on October 12, 2010.

Whitman Briskey, Counsel for Complainants
David Nave, Counsel for Respondent (personal delivery)
Alyson Janke, Stated Clerk of the John Knox Presbytery
Synod Permanent Judicial Commission (personal delivery and regular mail)

I further certify that I did transmit a certified copy of the foregoing to the Stated Clerk of the Synod of Lakes and Prairies of the Presbyterian Church (U.S.A.) by personal delivery to J Jay Wilkinson on October 9, 2010.

Charles E. Orr, Clerk
Permanent Judicial Commission
Of the Synod of Lakes and Prairies

I certify that I received a certified copy of the foregoing, that it is a full and correct copy of the decision of the Permanent Judicial Commission of the Synod of Lakes and Prairies of the Presbyterian Church (U.S.A.), sitting during an interval between meetings of the Synod of Lakes and Prairies, Eagan, Minnesota, on October 9, 2010, in Remedial Case 2010-1, The Session, Caledonia Presbyterian Church, Paula Bremer, James Gunn, Alan Crandall, Jerry Indermark, James F Scaife, The Presbytery of Central Florida, The Presbytery of Prospect Hill, and Stockton Presbytery (Complainants) v. John Knox Presbytery (Respondent), and that is the final judgment of the Synod of Lakes and Prairies of the Presbyterian Church (U.S.A.) in the case.

Dated at Eagan, Minnesota, on October 9, 2010.

J. Jay Wilkinson
Stated Clerk/Treasurer

Dissenting Opinion

We must respectfully disagree with the decision of the majority of my brothers and sisters on the Commission.

The majority has determined not to sustain the irregularities as outlined in the amended complaint based upon a determination that the Knox AI permitted John Knox Presbytery to waive or grant an exception to Scott D. Anderson relative to the ordination standards as provided in Section G-6.0106(b). The majority finds that as the Presbytery followed the provisions of G - 6.0108 and the PUP and Knox AIs, it could vote to ordain Scott Anderson as he declared a scruple to the application at least some of the ordination standards as outlined in Section G-0106(b) to his own life.

This interpretation of the Knox AI, as it applies to Section G-0106(b), cannot be sustained under our polity. In this case, such an application has effectively allowed a Presbytery to invalidate or amend Section G-0106(b). We do not believe that any governing body, including the General Assembly, through the authoritative interpretation process as provided under G-13.0103(r) can, directly or indirectly, amend an express provision of the Book or Order.

The ordination standards as provided in Section G-0106(b) have engendered continuing conflict in our denomination and we acknowledge that Presbyterians in good faith have deep disagreement as to the wisdom of these standards. However, the only forum for a change to this Section is by and through our presbyteries, not through the use of authoritative interpretations.

Charles E. Orr

Reginald S. Kuhn