

**PRESBYTERY OF GRAND CANYON JUNE 9, 2007 STATED MEETING
ADVICE FROM THE STATED CLERK OF GRAND CANYON PRESBYTERY
Dick Coffelt**

**On the Matter of the Adoption by the 217th General Assembly (2006) of Amended Recommendation #5
of the Report of the Theological Task Force on the Peace, Unity and Purity of the Church**

This advice paper is being provided to the presbytery in response to a request made by the Presbytery Council at its Meeting of May 3, 2007 that the Stated Clerk provide information to clarify AMENDED Recommendation #5 of the Theological Task Force which recommended to the Assembly approval of a new authoritative interpretation ("AI") of G-6.0108 of the *Book of Order*. This advice paper is advisory only and does not carry constitutional authority. It represents the best advice and constitutional understanding of the Stated Clerk of Grand Canyon Presbytery.

The provisions of G-13.0103r related to Authoritative Interpretations are:

G-13.0103r. to provide authoritative interpretation of the *Book of Order* which shall be binding on the governing bodies of the church when rendered in accord with G-13.0112 or through a decision of the Permanent Judicial Commission in a remedial or disciplinary case. The most recent interpretation of a provision of the *Book of Order* shall be binding;

The relevant sections of G-13.0112 are:

G-13.0112 Advisory Committee on the Constitution

G-13.0112a. The General Assembly shall establish an Advisory Committee on the Constitution composed of nine persons, ministers and elders in numbers as nearly equal as possible.No person who has served on the Advisory Committee on the Constitution for a full term of six years shall be eligible for reelection until four years have elapsed after the expired six-year term.

Questions 120 Days Prior to General Assembly

G-13.0112c. All questions requiring an interpretation by the General Assembly of the *Book of Order* arising from governing bodies of the church or from individuals shall be communicated in writing to the Stated Clerk of the General Assembly no later than 120 days prior to the convening of the next session of the General Assembly.

Pending Before Judicial Commissions

G-13.0112d. The Stated Clerk shall refer all such questions of interpretation to the Advisory Committee on the Constitution, except those pertaining to matters pending before a judicial commission. The Advisory Committee shall report its findings to the General Assembly along with its recommendations. Such recommendations may include proposals for constitutional change. The General Assembly shall vote on the recommendations, and may amend or decline to approve them.

Therefore under the provisions of G-13.0103r, authoritative interpretations may not amend the Constitution and do not require approval of the presbyteries. They may be amended, replaced or reversed by a majority of a subsequent Assembly, or by action of the General Assembly Permanent Judicial Commission in a decision in a remedial or disciplinary case. The most recent interpretation of a provision of the Constitution shall be binding on the governing bodies of the church.

The provisions of G-6.0108 are:

G-6.0108 Freedom of Conscience--Individual and Corporate

G-6.0108a. It is necessary to the integrity and health of the church that the persons who serve in it as officers shall adhere to the essentials of the Reformed faith and polity as expressed in The Book of Confessions and the Form of Government. So far as may be possible without serious departure from these standards, without infringing on the rights and views of others, and without obstructing the constitutional governance of the church, freedom of conscience with respect to the interpretation of Scripture is to be maintained.

Within Certain Bounds

G-6.0108b. It is to be recognized, however, that in becoming a candidate or officer of the Presbyterian Church (U.S.A.) one chooses to exercise freedom of conscience within certain bounds. His or her conscience is captive to the Word of God as interpreted in the standards of the church so long as he or she continues to seek or hold office in that body. 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. (G-1.0301; G-1.0302)

Candidates for Ministry

G-6.0108c. Persons seeking to be received as candidates for ministry in the Presbyterian Church (U.S.A.) shall have their attention drawn to the constitutional documents of the church including its statement on freedom of conscience. (G-14.0304)

What did the 217th General Assembly (2006) do with Recommendation #5 in the Theological Task Force Report?

According to the minutes of the General Assembly,

The Assembly rejected the minority report (by a vote of 287/234/0), then defeated a motion to refer recommendations 5 & 6 (by a vote of 281/234) and then voted to approve the following by a vote of (298/221/1):

5. The Task Force on Peace, Unity, and Purity of the Church recommends that the 217th General Assembly (2006) approve the following authoritative interpretation of section G-6.0108 of the *Book of Order*:

- a. *The Book of Confessions* and the Form of Government of the *Book of Order* set forth the scriptural and constitutional standards for ordination and installation.**
- b. These standards are determined by the whole church, after the careful study of Scripture and theology, solely by the constitutional process of approval by the General Assembly with the approval of the presbyteries. These standards may be interpreted by the General Assembly and its Permanent Judicial Commission.**
- c. Ordaining and installing bodies, acting as corporate expressions of the church, have the responsibility to determine their membership by applying these standards to those elected to office. These determinations include:
 - (1) Whether a candidate being examined for ordination and/or installation as elder, deacon, or minister of Word and Sacrament has departed from scriptural and constitutional standards for fitness for office,**
 - (2) Whether any departure constitutes a failure to adhere to the essentials of Reformed faith and polity under G-6.0108 of the *Book of Order*, thus barring the candidate from ordination and/or installation.****
- d. Whether the examination [assembly amendment: and ordination and installation decision] comply with the Constitution of the PCUSA, and whether the ordaining/installing body has conducted its examination reasonably, responsibly, prayerfully, and deliberately in deciding to ordain a candidate for church office is subject to review by higher governing bodies.**
- e. All parties should endeavor to outdo one another in honoring one another's decisions, according the presumption of wisdom to ordaining/installing bodies in examining candidates and to the General Assembly, with presbyteries' approval, in setting standards.**

(The underlined section refers to amendments made by the Assembly Committee on Ecclesiology and the Assembly itself.)

After attempts by Grand Canyon Presbytery in the Stated Clerk's verbal and written Report to the Presbytery at its September 15-16, 2006 Stated Meeting, other Presbyteries and the Office of the General Assembly to clarify the meaning and significance of the AMENDMENT to the above language there continues to this day, many months after the assembly, misunderstanding and misquoting of what the 217th General Assembly actually did with the Task Force Report.

As indicated in my September 15-16, 2006 report to the Presbytery, the 217th General Assembly was the 18th assembly of the Presbyterian Church (U.S.A.) that I have attended. Attendance in 1988 and 1989 was as an observer. Beginning in 1990 attendance was either as an Interim Executive Presbyter or in my current position as Stated Clerk. In addition, for eleven of the past twelve years I have also served the assembly in an appointed position of either Committee Assistant or Parliamentarian/Recorder/Floor Parliamentary Assistant. Thus I have assisted commissioner assembly committees in dealing with issues related to the Board of Pensions; *Book of Order*; Polity; Church Orders; Mission Coordination and Budgets; Christology; Peace, Unity and Purity, as well as having been present on the assembly floor during all plenary sessions. It is through this lens of involvement that I offer further advice on AMENDED Recommendation #5 adopted by the 217th General Assembly.

G-6.0106b of the *Book of Order*, adopted by the General Assembly and a majority of the presbyteries in 1997 says:

Those who are called to this office in the church are to lead a life in obedience to Scripture and in conformity to the historic confessional standards of the church. Among these standards is the requirement to live either in fidelity within the covenant of marriage of a man and a woman (W-4.9001), or chastity in singleness. Persons refusing to repent of any self-acknowledged practice which the Confessions call sin shall not be ordained and/or installed as deacons, elders, or ministers of the Word and Sacrament.

G-6.0106b makes clear a rule against ordaining practicing homosexuals that went back to the "definitive guidance" statements adopted in the late 1970s by the old northern and southern Presbyterian Churches, the UPCUSA and the PCUS. Both denominations proclaimed that the Bible clearly condemned homosexual practice as a sin, and therefore could not ordain church officers – ministers or elders. At the same time, both denominations proclaimed that hate or discrimination against homosexuals, in the church and in civil society, was also a sin. When the two denominations united in 1983 to create the current PC(USA), the church reaffirmed the old standard. Practicing homosexuals could not be ordained in the church.

The chastity and fidelity rule, G-6.0106b, does not mention sexual orientation at all. It applies equally to people of all sexual orientations. There have been many more cases of heterosexual officers violating the fidelity and chastity rules than of homosexuals attempting to challenge them. The church does not normally pry into just how chaste its officers are, unless the violations are flagrant and hurtful. It is likely that some ministers and elders will be engaged in sexual sin at any given time. The church does not condone this sin, but rather works pastorally to try to help violators to repent and sin no more.

Did the Peace, Unity and Purity report change the church's ordination standards? No

The report had two recommendations that touch on this question. One was Recommendation Six, which asked the General Assembly

... to approve no additional authoritative interpretations, to remove no existing authoritative interpretations, and to send to the presbyteries no proposed constitutional amendments that would have the effect of changing denominational policy on any of the major issues in the task force's report, including Christology, biblical interpretation, essential tenets, and sexuality and ordination.

This recommendation was adopted by the Assembly. The current Constitution remains in effect unchanged.

The second recommendation was Recommendation Five. The Assembly did not change the Constitution, but adopted an Authoritative Interpretation (AI) of it. The critical provision of the AI says that the bodies that ordain and install church officers – the session for elders, and the presbytery for ministers – must apply the constitutional standards to potential officers. They must determine two things:

- (1) Whether a candidate being examined for ordination and/or installation as elder, deacon, or minister of Word and Sacrament has departed from scriptural and constitutional standards for fitness for office,
- (2) Whether any departure constitutes a failure to adhere to the essentials of Reformed faith and polity under G-6.0108 of the *Book of Order*, thus barring the candidate from ordination and/or installation.

Some say that nothing has changed. The constitutional standards are the same, and those standards clearly bar practicing homosexuals from being ordained in the Presbyterian Church (USA).

Others read Recommendation Five as allowing a “local option” for ordaining bodies. Some hope, and others fear, that this part of the AI lets sessions and presbyteries hear the “scruples” of potential officers about any and all parts of the Constitution. If the local body decides that the scruple does not concern an essential of Reformed faith and polity, then the elder or minister could be ordained or installed.

What is a Scruple?

“Scruple” is a term used in one of the Presbyterian Church (USA)’s oldest standards, the Adopting Act of 1729. The Adopting Act standard assumes that all officers agree with the entire Constitution of the church – the *Book of Confessions* and the *Book of Order*. If potential elders or ministers thought that, in good conscience, they were not sure their understanding of the Constitution was the same as the church’s they would explain their conscientious scruple. The ordaining body would then look at the Constitution, consider the scruple, and decide whether there was any conflict.

A bit of history on this matter: The Westminster Confession, one of the core elements of the *Book of Confessions*, seemed to say that if an infant died and it was not predestined to be among the elect, the infant’s soul would be damned. As the Presbyterian consciences grew more tender about the souls of infants in the Victorian era, some potential officers had scruples about adopting the church’s confession if it really contained this dire implication. The Adopting Act let ordaining bodies decide whether this scruple really did conflict with the Constitution at all, or in any respect essential to the Reformed faith. This particular problem grew so serious that in the early 20th century the church amended the Westminster Confession itself with a Declaratory Statement that there were no dead infants whose souls were damned.

So, can you scruple the ban on homosexual practice and still be ordained? No

The ban on ordaining practicing homosexuals is one of the clearest and most tested sections of the church’s Constitution. Several attempts have been made to amend the Constitution to delete G-6.0106b, most recently at the 2006 General Assembly. All such attempts failed, and by increasing margins.

It is important to keep in mind, though, that the chastity and fidelity provision sets a rule about behavior, not about belief. An officer of the church might well have a scruple about the *idea* of whether “the requirement to live either in fidelity within the covenant of marriage of a man and a woman, or chastity in singleness” is really an essential tenet of Reformed faith. As long as that officer agreed to abide by the rule in practice, the presbytery or session might well accept the scruple and ordain or install him or her.

We know by repeated votes of the presbyteries, and by survey data on members, elders, and ministers, that most Presbyterians and most churches and presbyteries support the Constitution as it is. However, a few congregations, and even a handful of presbyteries, have gone on record as opposing the church’s ban on ordaining practicing homosexuals – and the related ban on performing same-sex marriages.

It may well be inevitable that some governing body will publicly ordain a practicing homosexual elder in deliberate defiance of the ban in order to produce a test case for the church courts.

So, suppose a minister or elder does get ordained, who publicly proclaimed that he or she did not think homosexual practice was a sin, intended to engage in such practice, and contended that the chastity and fidelity rule was not essential to Reformed faith and policy. Does that end the matter? Does PUP mean local option?

No, because of another important part of Recommendation Five. Each of the bodies above the local congregation’s session has a Permanent Judicial Commission. If a governing body or church officer is charged with wrongdoing under church law, these PJs can hear the case. The decisions of the lower PJs can be

appealed to the higher ones, and usually are. So if an officer were ordained or installed in apparent violation of G-6.0106b, a case could be brought against the ordaining and installing body. The presbytery PJC would likely hear the case first, though their decision might well be appealed.

The original PUP recommendation included this protection of judicial review in its Authoritative Interpretation of the Constitution.

Whether the ordaining/installing body has conducted its examination reasonably, responsibly, prayerfully, and deliberately in deciding to ordain a candidate for church office is subject to review by higher governing bodies.

There was a debate at the General Assembly about whether this provision meant that judicial review only covered the process of a lower body's actions, or whether the higher court could review the substance of the decision, too. To make clear that ordaining and installing bodies had to follow the substance of the Constitution, the General Assembly added a clause, so that the AI as finally adopted reads (new section in **bold**):

Whether the examination and ordination and installation decision comply with the Constitution of the PC(USA), and whether the ordaining/installing body has conducted its examination reasonably, responsibly, prayerfully, and deliberately in deciding to ordain a candidate for church office is subject to review by higher governing bodies.

In other words, the church courts can review whether an ordination or installation complies with the substance of the Constitution – including the chastity and fidelity rule.

[Acknowledgement – The information beginning on page 3 about G-6.0106b and ending on this page above is an adaptation by Grand Canyon's Stated Clerk of a pre-publication version of a more extensive article to be published (and copyrighted accordingly by The Presbyterian Outlook) written by William J. "Beau" Weston, N.E.H. Associate Professor of Sociology at Centre College, entitled "Can Practicing Homosexuals Now Be Ordained in the Presbyterian Church (U.S.A.)?". Permission for this adaptation was granted by Beau Weston.]

What has the Office of the General Assembly said about Amended Recommendation #5 and the Authoritative Interpretation? Here are some of excerpts from "Constitution Musings #11" issued by the Office of the General Assembly:

5. Must every candidate affirm the question "Do you sincerely receive and adopt the essential tenets of the Reformed faith as expressed in the confessions of our church as authentic and reliable expositions of what Scripture leads us to believe and do ..."¹

Yes

6. May a candidate declare a scruple on a mandatory provision?

An individual may declare a scruple concerning the appropriateness of a mandatory provision. But a governing body cannot excuse a mandatory provision, for it lacks the power to set aside a provision of the Constitution. However, a candidate may still be ordained or installed so long as she/he is still willing to comply with the mandatory provisions. This was confirmed by the GA PJC in the *Hambrick* decision²:

The Commission recognizes the right of individuals to hold views contrary to the Constitution of the PCUS but, for the sake of order, actions contrary to the Constitution are not sanctioned. The record of Mr. Mark's examination by Presbytery is rather ambiguous on the point of whether in fact he would or would not participate in the ordination of duly-elected church officers who are female. This question should be put to the candidate in a straightforward manner and should be answered in the same fashion. If the answer is in the affirmative, Presbytery would be justified in receiving the candidate even though he retains scruples in his views on these matters.

¹ G-14.0207c for elders and deacons, and G-14.0405b(3) for ministers of the Word and Sacrament

² PCUS, 1983, 43, *Hambrick v. PJC, Synod of NC*

7. Does the new Authoritative Interpretation overturn any previous authoritative interpretations?

No, it simply clarifies the ordination process. It reminds the church that ordaining bodies are responsible for applying nationally approved standards to the manner of life and beliefs of individual candidates. Further, it reminds the church that the process utilized and the standards applied are subject to review. This in no way overturns any current authoritative interpretations concerning ordination.

9. Can both a delinquency (failure to adequately examine) and an irregularity (applying the wrong Constitutional standard) be reviewed?

Yes. This is clear from the text of section “d” of the new AI and the text of G-9.0408 in the *Book of Order*:

d. Whether the examination and the ordination and installation decision comply with the Constitution of the PCUSA, and whether the ordaining/installing body has conducted its examination reasonably, responsibly, prayerfully, and deliberately in deciding to ordain a candidate for church office is subject to review by higher governing bodies.

G-9.0408 Special Administrative Review

If a higher governing body learns at any time of any irregularity or delinquency by a lower governing body, it may require the governing body to produce any records and take appropriate action (G-12.0102n, G-12.0304, G-13.0103k, G-13.0103n)

Summary

Amended (Emphasis Added) Recommendation #5 containing the authoritative interpretation of section G-6.0108 of the *Book of Order* approved by the 217th General Assembly (2006) makes clear:

1. that both “belief” and “practice” are subject to Judicial Review;
2. that the action of the assembly does not give “more leeway” or “wobble room” to governing bodies to ordain practicing homosexuals; and
3. that the Assembly did not take action that makes any change to Ordination Standards.

On the Matter of Whether Adoption of the Wording of the Overture From The Session of Kingman Presbyterian Church Would Be In Accord with the *Constitution of the Presbyterian Church (U.S.A.)*

The Stated Clerk was also requested by the Presbytery Council at its May 3, 2007 meeting to address the issue of whether or not adoption of the wording of the Overture from the Session of Kingman Presbyterian Church would be a constitutionally permissible action.

The Kingman PC Session’s overture is essentially the same wording that is under judicial consideration in four synods. It is reported that at least two of them have stayed any actions on adoption of the overture while the cases are pending. One case was decided by the Synod of Alaska-Northwest, upholding the constitutionality of the overture. If that information is accurate, the decision applies only within the Synod of AL-NW, and there is no word on whether that will be appealed to GAPJC. Given these cases, I am not in a position to give advice on whether the Kingman overture is constitutional or not. Technically, the overture is unnecessary, since the “shalls” are already required, whether we call them essentials, standards, or something else. If the Constitution says you shall ordain women and a session says no, we won’t ordain women, then they open themselves to remedial action whether that is an essential of the Reformed faith or not.

My advice is that the presbytery continues in its discernment process.

Dick Coffelt
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