

REMEDIAL CASE 205-4

Gary J. LeTOURNEAU
Robert T. BRANTLEY
David R. BRUNEAU
David A. BUNCH
Thomas COTHRAN
John F. CROSBY
Richard A. DAVIS
James A. DeCAMP
Robert W. DICKSON
Philip HANSEN
Timothy W. HELD
David C. HERUM
Paul F. JEFFRIES
Betty JENSEN
Russell JOHNSON
Kenneth KLEIDON
Betty KREMER
Paul E. MARTIN
Stephen McDOUGALL
Donald McNAIR
Thomas H. MESSINGER
Eddie NELSEN
Dave PETERSON
Kenneth J. RIBE
James F. SANDERS
Ted C. SHIRLEY
Charles STANLEY
H. Allan TALLEY
Gerald UDSTUEN
Craig T. WAHLUND
Robert N. WALKER
Robert D. WRAY v.
Presbytery of the TWIN CITIES AREA

This is a remedial case which has come before this commission on appeal by the Presbytery of the Twin Cities Area, from a decision by the Permanent Judicial Commission of the Synod of Lakes and Prairies.

The Permanent Judicial Commission finds that it has jurisdiction, that the appellant has standing to appeal, that the appeal was properly and timely filed, and that the appeal is in order.

History

On June 24, 1986, the Presbytery of the Twin Cities Area acted to take Ms. Lisa Larges under care as a candidate for ordination to the office of minister of Word and Sacrament. Throughout the candidacy process, she submitted all reports required of candidates and in all

respects complied with her obligations as a candidate under care.

During the course of her candidacy, she successfully passed all of the examinations for ordination promulgated by the Presbyteries' Cooperative Committee on Examinations for Candidates, except the examination for polity. This examination was waived by presbytery, and this waiver was duly approved by the Synod of Lakes and Prairies.

On February 28, 1991, in anticipation of her final interview with the presbytery's committee on preparation for ministry (COPM), she advised the COPM that she is a "lesbian woman". On April 22, 1991, COPM voted to continue her as a candidate. This action was reported to presbytery at its May, 1991, meeting. COPM's report did not disclose her. On October 28, 1991, COPM voted to recommend that Lisa Larges be certified as ready to receive a call. On November 12, 1991, COPM reported to presbytery that it had conducted the final assessment for Lisa Larges and that it recommended she be certified as ready to receive a call to the office of Ministry of the Word and Sacrament. The report also disclosed to presbytery that Ms. Larges had informed COPM, prior to its April, 1991, meeting, that she is a lesbian. Presbytery voted to certify Ms. Larges as ready to receive a call.

Complainants filed timely complaints alleging that the action of the presbytery in certifying Lisa Larges as ready to receive a call was an irregularity and requested that the Synod of Lakes and Prairies order the presbytery to rescind its action. After trial on June 24, 1992, the synod permanent judicial commission held that the "definitive guidance" issued by the General Assembly in 1978 applies to candidates for the ordained ministry (*Minutes*, UPCUSA, 1978, Part I, pp. 261-66). It ordered the presbytery to rescind its certification

Note: In 1976 the General Assembly of the United Presbyterian Church in the United States of America responded to overtures asking the Assembly to give "definitive guidance" relative to the eligibility for ordination to the professional ministry of persons who openly acknowledge homosexual orientation any practice." A similar request was made to the General Assembly of the Presbyterian Church in the United States. In 1978 the UPCUSA received a report "The Church and Homosexuality" and adopted the "Policy Statement and Recommendations" which it contained. In 1979 the PCUS adopted "Homosexuality and the Church: A Position Paper." The two documents are essentially identical in content.

These documents, commonly referred to as "Definitive Guidance," are cited by the General Assembly PJC as Policy Statement and Position Paper.

Specifications of Error

Appellant presents the following specifications of error:

(1) The synod PJC erred in declaring ". . . [t]hat the Definitive Guidance of 1978 applies to candidates."

This specification is not sustained.

Although the policy statement does not specifically refer to its application to candidates and the candidacy process, the candidacy process is intended to prepare and evaluate a candidate's qualifications for ordained ministry. Under church law, "unrepentant homosexual practice does not accord with the requirements for ordination . . ." (*Minutes*, UPCUSA, 1978, Part I, p. 265). Sexual orientation and practice is relevant to a candidate's qualifications for

ordination and must be investigated by a presbytery's COPM when, as here, the candidate has taken the initiative in declaring his or her sexual orientation.

(2) The synod PJC erred to the extent that it implied ". . . [t]hat a certifying presbytery is required to determine fitness for ordination rather than a calling presbytery."

This specification is not sustained.

The synod PJC did not rule that a certifying presbytery is required to determine fitness for ordination. However, a presbytery, as part of certifying a candidate as ready to receive a call, must determine that a candidate is ready in all respects to receive a call (G-14.0309(c)(4)). Readiness to receive a call requires application of the policy statement.

(3) The synod PJC erred in holding ". . . [t]hat there was sufficient evidence in the record to determine that the candidate was a practicing homosexual."

This specification is sustained.

We hold that the evidence presented in the record of this case is insufficient to establish that Ms. Larges is now a practicing homosexual. The presbytery did not inquire into this issue because of its view of its responsibilities under the policy statement. As we have already noted, the presbytery was required by the policy statement to make inquiry once Ms. Larges disclosed her "sexual identity as a lesbian woman".

At the same time, we affirm the position of the policy statement that "a repentant homosexual person who finds the power of Christ redirecting his or her sexual [orientation], . . . or [who] finds God's power to control his or her desires and to adopt a celibate lifestyle can certainly be ordained . . ." (*Minutes*, UPCUSA, 1978, Part I, p. 264).

(4) The synod PJC erred in determining ". . . [t]hat the failures of the complainants to comply with the procedural requirements of the *Book of Order* were not material and that the decision failed to state which parties had standing to participate in the proceeding."

This specification is not sustained.

Appellant does not claim surprise or prejudice. Appellant appeared in the case and vigorously argued its side. The matter was fully adjudicated on its merits, and this appeal should be considered on its merits.

Other Concerns

This commission wishes to clarify two additional matters raised by this case:

1) Status of Ms. Larges

The synod PJC's decision ordered the presbytery to "...rescind its certification of Lisa Larges as ready to receive a call." Although sustaining one specification of error, this

commission is, itself, setting aside that certification. In so doing, we want to assert clearly that Ms. Larges remains a candidate under care of the Presbytery of the Twin Cities Area. As such, the presbytery is responsible for counseling with her and for guiding her in light of the policy statement and this decision. At such time as the presbytery is satisfied that she can properly be certified as ready to receive a call, it may proceed according to its own procedures.

2) *Guidance to the presbytery*

This commission is concerned that, in the process of counseling and guidance of any candidate, the church does not lose sight of the special relationship that exists between candidate, COPM, and presbytery. It is a relationship that is built on mutual trust and accountability among those parties and with the wider church.

COPM is accountable to the candidate for guidance through the candidacy process. The candidate must rely on COPM for this guidance. COPM is likewise accountable to presbytery for making sure that candidates brought through the process are indeed qualified for ordained office. In turn, the presbytery is accountable to the candidate to deal fairly and honestly. How can a candidate trust a presbytery which votes to certify and yet, as in this case, indicates it would not ordain? Finally, the presbytery is accountable to the wider Church to insure that persons presented for ordained ministry are qualified according to standards of the whole Church.

In this case, the process has lacked this sense of accountability and shredded the trusting relationship in our connectional Church. The person most likely to suffer unnecessarily is the candidate herself.

As a further matter of guidance to the Presbytery of the Twin Cities Area and to the church at large, it is essential to consider the church's overall position on homosexuality and ordination, as expressed in the policy statement.

The church must always take into consideration the following provisions of the policy statement. This list is intended to give examples and not be exhaustive of the church's position.

- a) Persons who manifest homosexual behavior must be treated with the profound respect and pastoral tenderness due all people of God. There can be no place within the Christian faith for the response to homosexual persons of mingled contempt, hatred, and fear that is called homophobia. (*Minutes*, UPCUSA, 1978, Part I, p. 263)
- b) Homosexual persons are encompassed by the searching love of Christ. The church must turn from its fear and hatred to move toward the homosexual community in love and to welcome homosexual inquirers to its congregations. (*Minutes*, UPCUSA, 1978, Part I, p. 263)
- c) The repentant homosexual person who finds the power of Christ redirecting his or her sexual desires toward a married heterosexual commitment, or finds God's power to control his or her desires and to adopt a celibate lifestyle, can certainly be ordained, all other qualifications being met. (*Minutes*, UPCUSA, 1978, Part I, p. 264)
- d) Therefore our present understanding of God's will precludes the ordination of persons who do not repent of homosexual practice. (*Minutes*, UPCUSA, 1978, Part I, p. 264)
- e) That unrepentant homosexual practice does not accord with the requirements for ordination set forth in Form of Government. (*Minutes*, UPCUSA, 1978, Part I, p. 265)
- f) In relation to candidates for the ordained ministry, committees should be informed by the above guidance. (*Minutes*, UPCUSA, 1978, Part I, p. 265)
- g) ... [C]andidates committees ...[are urged] to conduct their examinations of candidates for ordained office with discretion and sensitivity, recognizing that it would be a hindrance to God's grace to make a specific inquiry into the sexual orientation or practice of candidates for ordained office or ordained officers where the person involved has not taken the initiative in declaring his or her sexual orientation. (*Minutes*, UPCUSA, 1978, Part I, p. 266)

Order

It is therefore ordered that the certification by the Presbytery of the Twin Cities Area of Lisa Larges as ready to receive a call is hereby set aside.

Milton S. Carothers and Marcos Feliciano were not present and took no part in the proceedings. Judith Rehak resides within the geographical bounds of the Presbytery of the Twin Cities Area and took no part in the proceedings. (*Book of Order*, D-4.0400b.)

Concurring Opinion of Nancy Harper, Robert Hotchkiss, and C. Montee Kennedy

We concur specially in the Order of the majority.

There is much in our brother's dissent which we support and embrace whole-heartedly. We believe that there are multiple and severe flaws in the policy statement, which weaken its status as "definitive guidance" or "authoritative interpretation" of the *Constitution*. We believe that in several respects the policy statement detrimentally and perhaps unconstitutionally, limits or restricts other provisions of the *Constitution*, including but not limited to qualifications for membership and the church's commitment to openness and inclusiveness. Many of these issues were raised and determined otherwise by the commission and by the General Assembly. We empathize with those who feel the pain of having their God-given call to ministry thwarted by the processes of the church. Nevertheless, we conclude that while the "law" is destructive of the peace, unity and purity of the church, it is the law. As commissioners of the General Assembly Permanent Judicial Commission, we believe we are obligated to apply it.

Dissenting Opinion of W. Clark Chamberlain

I dissent.

Attributes with which we are born are gifts from God. Jesus indicates that birth traits can be occasions for proclaiming the glory of God (answering the question of the disciples concerning the cause of the man being born blind, in the Gospel according to John, chapter nine.)

God, as creator, surely delights in the variety displayed by human beings, a variety which includes shapes and colors and sexual orientations.

The church should rejoice, as does God, in this natural diversity of people. A few verses seem to some persons to prevent such an attitude, but we must be careful to avoid taking as God's Word admonitions which are time-bound or which belong to culture rather than to the Gospel. For instance, examples of Biblical support for both slavery and polygamy are numerous and uncontradicted. The developed moral understanding of the church condemns both, however, without abandoning our scriptural standard. God's own time has similarly come to express a developed moral understanding on the matter of sexual orientation.

A homosexual orientation is not morally worse than any other birth trait.

Human choice is the origin of moral wrong (sin). However, it is not credible to suppose that a homosexual orientation is chosen. The opprobrium, the hatred, the threat of physical harm, the social difficulties, the possible blackmail, and the potential legal peril faced by persons so oriented are sufficient arguments against any supposition that homosexual orientation is freely chosen. Every person this commissioner has known who is oriented to their own sex experiences sorrow and repentance regarding the effects of that orientation.

Research in the physiology of the brain ties homosexual orientation to development of

the hypothalamus, that is, to a natural, wholly involuntary variation in human physical development. The worldview expressed in Scripture is no more a bar to our acceptance of such knowledge than it has been to us in geography, biology, or physics.

One word of caution: every gift of God can potentially be mis-used. Reformed theology has continually warned against idolatry--worship of things created good in themselves, rather than worship of the Creator of those things. Just so the providential (and therefore good) orientation to those of the same sex may become idolatrous. Appropriate sexual expression must be directed, as must ALL human activity, toward the faithfulness required by God of the elect.