

REMEDIAL CASE 205-9

Joy GADDIE
Margaret GRANGER
Landrum E. SHIELDS v.
Presbytery of WHITEWATER VALLEY

This is a remedial case which has come before this commission on appeal from a decision of the Permanent Judicial Commission of the Synod of Lincoln Trails.

Pursuant to *Book of Order*, D-13.1200a, this 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 21, 1989, the Presbytery of Whitewater Valley established an administrative commission (Administration Commission I) with the following charge:

... to act for the presbytery to inquire into and settle alleged differences or irregularities within the Witherspoon Presbyterian Church of Indianapolis. . .

On February 6, 1991, the Presbytery of Whitewater Valley established a second Witherspoon administrative commission (Administrative Commission II).

On February 21, 1992, the Witherspoon Administrative Commission II convened a hearing; and on February 22, 1992, the hearing was recessed and Administrative Commission II requested clarification of the powers and respective roles of Administrative Commission I and Administrative Commission II from the Presbytery of Whitewater Valley.

On March 13, 1992, with the concurrence of Administrative Commission II, the Presbytery of Whitewater Valley established a new administrative commission (Administrative Commission III) with clearly defined powers. Administrative Commission II then asked to be dismissed, and the Presbytery of Whitewater Valley granted the request.

On April 7, 1992, Joy Gaddie, Margaret Granger, and Landrum E. Shields filed a complaint against the Presbytery of Whitewater Valley. On May 21, 1992, complainants filed a supplemental memorandum.

On June 16, 1992, a hearing was held before the Permanent Judicial Commission of the Synod of Lincoln Trails.

On August 14, 1992, the Permanent Judicial Commission of the Synod of Lincoln Trails issued an order dismissing the complaint because it did not state a claim upon which relief could be granted.

On August 19, 1992, complainants filed a Notice of Appeal from the order of the Permanent Judicial Commission of the Synod of Lincoln Trails.

Speciations of Error

(1) The commission and presbytery erred when they failed to give the due process provisions in the *Book of Order* the same interpretation as that of the U.S. Constitution due process clause.

This specification is not sustained.

There is no error in the synod decision. There is no requirement to give due process provisions of the *Book of Order* the same interpretation as that of the 14th Amendment of the U.S. Constitution.

(2) The presbytery erred when it disbanded Administrative Commission II in the middle of a due process hearing.

This specification is not sustained.

There is no error in the synod decision.

(3) The Permanent Judicial Commission of the Synod of Lincoln Trails Presbyterian Church (U.S.A.) erred when it issued an amended order that dismissed the complaint for failure to state a claim upon which relief can be granted.

This specification is not sustained.

There is no error in the synod decision.

Order

It is therefore ordered that the decision of the Permanent Judicial Commission of the Synod of Lincoln Trails is affirmed.

It is further ordered that the stated clerk of the Presbytery of Whitewater Valley, the appellee governing body, report this decision to the governing body at its first meeting after receipt, that the governing body 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 General Assembly. (D-8.1900)

Harold Densmore and David Prager, members of the commission, were not present and took no part in the proceedings.