

**THE PERMANENT JUDICIAL COMMISSION
OF THE GENERAL ASSEMBLY
OF THE PRESBYTERIAN CHURCH (U.S.A.)**

DECISION

John F. Leslie)	
Complainant/Appellant)	
)	
v.)	Remedial Case 214-2
)	
Session, First Presbyterian Church)	
Manhattan, Kansas)	
Respondent/Appellee)	

This remedial case comes to the General Assembly Permanent Judicial Commission (Commission) on appeal from a decision of the Permanent Judicial Commission of the Synod of Mid-America (SPJC). The Commission finds that it has jurisdiction, that the Appellant has standing to appeal, that the appeal was properly and timely filed, and that the Appellant states one or more grounds for appeal under D-8.0105.

History

This remedial case grows out of a complaint by John Leslie (Leslie), a member of First Presbyterian Church of Manhattan, Kansas (Church), to the policy and practice of the Session of the Church (Session) regarding the reception of new members. Leslie=s challenge focuses on the nature of the preparation a session must provide for adults being received into membership. Leslie=s initial complaint, challenging a January 27, 1998,

policy that permitted Aon-the-spot@ membership, was declared moot when the Permanent Judicial Commission of the Presbytery of Northern Kansas (PPJC) learned that this policy had been revoked. In October 1998, Leslie filed a new complaint, this time challenging a revised policy on receiving new members adopted on August 10, 1998.

The PPJC concluded that the Session=s action on May 31, 1998, to receive into membership an adult woman who had not been baptized, was irregular under G-5.0101d, and that the policies and procedures in place on May 31, 1998 for the receipt of new members were inadequate. The PPJC further concluded that the updated policy adopted by the church=s Membership and Church Growth Committee on August 10, 1998, and March 8, 1999 conformed to the express requirements of the *Book of Order*. This updated policy required one hour of instruction for adults joining by certificate of transfer or reaffirmation of faith and four one-hour sessions of instruction for adults joining by profession of faith. The PPJC also concluded that G-5.0402b does not require that the amount of time for instruction of adults joining by profession of faith be the same as that for the instruction of children.

On appeal to the SPJC, Leslie specified the following categories of error: (1) irregularity in the proceedings, (2) refusing a reasonable opportunity to be heard and to present evidence, and (3) errors in constitutional interpretation. The SPJC did conclude that the Session=s response to the complaint was untimely, that the Session failed to submit for evidence certain curricular materials as promised in the pretrial order, and that certain cross-examination questions should have been permitted. The SPJC further

concluded, however, that each of these errors was harmless, neither prejudicing Leslie nor being material to the disposition of the complaint.

The SPJC also rejected Leslie's argument that the PPJC erred in concluding (1) that the instruction for adults being received by certificate of transfer or reaffirmation of faith was appropriate and (2) that the instruction for adults being received by profession of faith was adequate and similar to that required of children. The SPJC concluded that the means, scope, and duration of preparation of new members lie within the discretion of a session and its committees. For those adults received by profession of faith, G-5.0402b requires that the instruction be *similar* to that given to children and permits such instruction either before or after the adult's public profession. The SPJC noted that it is not appropriate for judicial bodies to substitute their judgment for that of a session so long as the session acts within the broad requirements of the *Book of Order*.

Decision on the Specifications of Error

I. Alleged Errors in Constitutional Interpretation and Related Evidentiary Matters.

The SPJC erred in affirming the PPJC's decision that the present and proposed instruction of new members was constitutionally sufficient. (Specifications 1A, 1B, 1C, 1D)

Having ruled that information and testimony relevant to the case should have been allowed at trial, the SPJC erred in deciding the substance of the appeal without hearing said information and testimony. (Specifications 3A, 3C, 3D, 4C)

The SPJC erred in affirming the PPJC's decision that it lacked authority to order certain remedies. (Specification 1E)

These specifications of error are not sustained.

The Proposed Instruction of Adults Joining by Profession of Faith

Leslie=s contention that the proposed instruction for adults being received into membership by profession of faith was constitutionally insufficient turns on the interpretation of G-5.0402. Contrary to Leslie=s argument (Specification 1.A.), the SPJC did not purport to equate profession of faith and membership. Nor did it improperly treat the *Book of Order* as a "guide" (Specification 1.D.). The SPJC accurately summarized the substance of G-5.0402b, and then undertook to assess whether the Session=s action fell within the general *requirements* of the *Book of Order*. @ (Emphasis supplied.)

G-5.0402 provides as follows:

G-5.0402a Profession by Children

While the preparation is a part of the continuing nature of the congregation, particular care shall be taken to prepare children of members for public profession of faith in Jesus Christ. *Instruction shall be given in the meaning of this profession, the responsibilities of membership, and the faith and order of the Presbyterian Church (U.S.A.).* (Emphasis supplied)

G-5.0402b Profession by Adults

Similar instruction shall be given to others who make a profession of faith. The session shall determine whether this instruction shall be given before or after the public profession. (Emphasis supplied)

In context, it is clear that the adjective `similar` in G-5.0402b refers to the type of instruction required for youth in G-5.0402a. This latter provision mandates that youth be

given instruction in the meaning of this profession, the responsibilities of membership, and the faith and order of the Presbyterian Church (U.S.A.).⁶ Therefore, the required similarity in instruction of adults being received by profession of faith is similarity in content. Furthermore, should a session, at its discretion, add to the instruction of said children, those additions need not be made to the adult instruction for the threshold of similarity to be met.

Contrary to Leslie's argument, the record did include sufficient evidence from which the PPJC could assess such similarity. The record included an outline of the proposed instruction, and the Church's pastor testified concerning the content of this proposed instruction. The four one-hour sessions with these adults would cover the basic beliefs of Christianity, basic beliefs of Presbyterianism, an orientation to the local church's program and mission, and the actual profession of faith. An additional session on the meaning of the sacrament of baptism would occur for adults not previously baptized. In light of this evidence, the SPJC did not err in affirming the PPJC's conclusion that this proposed instruction was similar to that required for youth. Leslie's proposed cross-examination of the church's pastor about the reasons someone should become a member or about the instruction given to elders on the meaning of membership and their role in the membership process was not necessary to permit the PPJC to assess the similarity of the proposed instruction of adults joining by profession of faith. Likewise, the PPJC's refusal to allow Leslie to call the Stated Clerk/Executive Presbyter as an expert witness on membership practices was not necessary to a

determination of the constitutional sufficiency of the proposed instruction. Although Leslie contends that similarity must include similarity in depth as well as content, the SPJC properly refused to substitute its judgment for that of the Session on this matter. Under G-5.0401, the Session bears responsibility for preparing new members, and under G-5.0101c A[i]t is left to the prudence of the session to judge, after careful examination, the readiness of those who apply for active membership. The SPJC therefore properly concluded that a session must exercise its discretion in determining the means, scope, and duration of the instruction, provided the content of the proposed instruction includes a discussion of the meaning of a profession of faith, the responsibilities of membership, and the faith and order of our denomination. In the absence of evidence of an abuse of this discretion, judicial bodies should not substitute their judgment for that of a session.

The Instruction of Adults Joining by Transfer or Reaffirmation of Faith

The SPJC did not err in affirming the PPJC's conclusion that the Session's instruction of adults joining by certificate of transfer or reaffirmation of faith was adequate. G-5.0403 requires a session to offer appropriate instruction to these adults. Again, the record contains sufficient evidence from which the PPJC could assess the instruction given to these adults. As the pastor testified, these adults receive one and one-half hours of instruction on the programs, opportunities, and mission of the local church, the basics of the Christian faith, and the basics of Presbyterian church governance. For the reasons discussed above, the PPJC's refusal to permit further

testimony or require the submission of curriculum materials was not necessary to its disposition, and the SPJC properly refused to overturn the PPJC=s factual finding regarding the Appropriateness@ of this instruction.

Finally, Leslie=s contention that the PPJC incorrectly concluded that it lacked authority to grant certain requested remedies does not accurately characterize the PPJC=s decision. The PPJC ruled on each of his requests for remediation, and, for the reasons discussed above, properly interpreted the *Book of Order* in so doing.

II. Alleged Irregularities in the Proceedings

1. The SPJC erred in allowing unequal and irregular timeliness and format criteria to be applied. (Specifications 2A, 2C, 4A, 4B)

B. The PPJC erred in failing to provide an opportunity for a preliminary hearing prior to the appeal. (

C. *The SPJC erred in affirming the PPJC=s failure to issue citations to witnesses.* (Specification 3B)

These specifications are not sustained.

The alleged untimeliness of the Session=s answer (Specifications 2A, 4A) does not affect the Session=s standing. Leslie received proper notice of the appeal, but simply did not have as much time to prepare as he might have desired (Specifications 2C, 4B). Under D-8.0307, the PPJC Amay,@ but was not required to, conduct a preliminary hearing. Finally, with respect to the alleged failure to issue citations, under D-7.0201 it is the responsibility of the party desiring the appearance of a witness to request that citations for appearance be issued.

D. *The SPJC erred in concluding that the Stated Clerk/Executive Presbyter*

acted properly. (Specification 2B)

This specification is sustained.

With respect to the alleged improper presence of the Stated Clerk/Executive Presbyter during the deliberations of the PPJC, this Commission strongly disapproves of this practice, but concludes that it did not affect the outcome of the proceedings.

Order

IT IS THEREFORE ORDERED that the order issued by the SPJC is affirmed.

IT IS FURTHER ORDERED that the Stated Clerk of the Synod of Mid-America report this decision to the Synod at its first meeting after receipt, that the Synod 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.

IT IS FURTHER ORDERED that the Stated Clerk of the Presbytery of Northern Kansas report this decision to the Presbytery at its first meeting after receipt, that the 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 General Assembly.

IT IS FURTHER ORDERED that the Clerk of the Session of the First Presbyterian Church of Manhattan, KS, report this decision at its first meeting after receipt, that they 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.

Leon Fanniel and Mildred Morales, members of this Commission, were not present for the hearing and took no part in the deliberation or decision.

Dated this 2nd day of December, 2001.