

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

Session of First Presbyterian Church of Washington, 1793,)	
Session of First Presbyterian Church of Charleroi, Jeffrey A.)	
Kisner, Frances Lane-Lawrence, D. Jay Losher, Robert)	
Miller, Kenneth E. Nolin, Charles Puff, John Rankin, Susan)	
Vande Kappelle, Robert Vande Kappelle, Betty Voigt,)	
Robert Randolph, and Linda Mankey,)	DECISION AND ORDER
Complainant-Appellee,)	
)	Remedial Case 218-15
v.)	
)	
Presbytery of Washington,)	
Respondent-Appellant.)	

Headnotes

1. **Obligation of Permanent Judicial Commissions:** Permanent judicial commissions are not required by the *Book of Order* to instruct parties to engage in non-judicial dispute resolution.

2. **The Adopting Act of 1729:** This act provides significant guidance for the application and interpretation of G-6.0108a & b as to essentials.

Arrival Statement

This remedial case comes to the General Assembly Permanent Judicial Commission (GAPJC or this Commission) on appeal filed by the Respondent-Appellant, Presbytery of Washington (Presbytery), from a Decision of the Permanent Judicial Commission of the Synod of the Trinity (SPJC) dated August 14, 2007.

Jurisdictional Statement

This Commission finds that it has jurisdiction, that the Presbytery has standing to file the appeal, that the appeal was properly and timely filed, and that the appeal states one or more of the grounds for appeal under D-8.0105.

Appearances

The Session of First Presbyterian Church of Washington, 1793, *et al.* (Washington, *et al.*), Complainant-Appellee, was represented by Thomas O. Vreeland and David A. Leslie. The Presbytery, Respondent-Appellant, was represented by Rebecca A. Bowman, Craig Kephart, and Barry Sweet.

History

This case arises from actions taken by the Presbytery at its stated meeting of March 13, 2007, in adopting two documents. The first one, Biblical Standards for Christian Leaders in Washington Presbytery (BSCL), deals with standards for personal conduct for church leaders and was derived from certain New Testament passages. The second document, Resolution A, deals with a declaration of “essentials of Reformed polity,” which the Presbytery intended as a guide to evaluate candidates for ordination and/or installation to any ordained office.

The following is the text of Resolution A as adopted by the Presbytery:

WHEREAS the 217th General Assembly of the Presbyterian Church (USA) adopted an Authoritative Interpretation of section G-6.0108 of the Book of Order, declaring that ordaining and installing bodies of the Church have the responsibility to examine candidates for ordination as ministers, elders and deacons to determine:

"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"; and,

"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"; and,

WHEREAS the Presbytery of Washington is such an ordaining and installing body; and,

WHEREAS the aforementioned Authoritative Interpretation has caused considerable confusion within and without the church regarding what, precisely, constitutes the "essentials of Reformed faith and polity";

THEREFORE, for the sake of the peace, unity, and purity of the church, the Presbytery of Washington adopts and shall function according to the following resolution: *It is an essential of Reformed polity that the Presbytery of Washington comply with and adhere to the standards for ordination adopted by the whole church and expressed in the Book of Order. Therefore, any departure from ordination standards mandated* in the Book of Order, unless repented of, shall bar a candidate from ordination and/or installation by the Presbytery of Washington.* (Italics in original text)

[*ordination standards mandated in the Book of Order include those instructions designated by the terms "shall", "is/are to be", "requirement" or "equivalent expression".]

These two resolutions reflect “uneasiness” among some congregations and members of the Presbytery because of the action of the 217th General Assembly (2006) (GA) in adopting the Report of the Theological Task Force on Peace, Unity, and Purity of the Church.

The Committee on Ministry (COM) received the BSCL document at its meeting on November 29, 2006, and approved the presentation of BSCL to the Presbytery for a first reading at the January 20, 2007, Presbytery meeting. At that Presbytery meeting, COM presented BSCL for first reading, noting that it was “intended to clarify our expectations, as a presbytery, for those who lead among us,” and invited the Presbytery to discuss and vote on the document at its next meeting in March. At this same Presbytery meeting, Resolution A was received from Bentleyville Presbyterian Church and was referred by the Presbytery Moderator to the COM. The text of Resolution A was included in the minutes of the Presbytery meeting.

COM received and discussed Resolution A at its meeting on February 28, 2007. The motion to recommend its adoption to the Presbytery failed by a vote of four (4) in favor and seven (7) opposed.

The subsequent procedural history of Resolution A is somewhat murky. According to trial testimony, a summary of the March Presbytery meeting minutes was distributed with the docket for the May 2007 meeting; this summary did not refer to action on Resolution A.

A set of minutes of the March 13, 2007, meeting made available to participants at the pre-trial conference on July 6, 2007, did not refer to the passage of Resolution A. This set of minutes notes that Resolution A was read, but there is no record of discussion or action taken.

By July 9, 2007, a verified set of minutes of the March meeting was distributed. These minutes stated, “At the ruling of the Moderator, the Bentleyville Resolution A was brought back to the floor after no recommendation from the referral to COM. It was **Moved, Seconded and Passed** to approve the resolution” (emphasis in the original minutes). Witnesses noted that the resolution was adopted after vigorous debate; there is no record of yeas and nays.

The procedural confusion is compounded by the manner in which Resolution A got to the floor of the March Presbytery meeting. Resolution A was not on the meeting docket. The record is not clear as to whether it was presented to the Presbytery as part of the COM report or as New Business. There is conflicting testimony as to whether a request was made that Resolution A be presented as New Business or whether it would even be brought to the floor.

In either case, Resolution A was presented late in the meeting after a significant number of presbyters had left the meeting. As noted above, the Presbytery approved Resolution A after debate.

At that same Presbytery meeting, BSCL was passed on second reading by a standing vote of sixty-four (64) yea and twenty-five (25) nay. The BSCL document as adopted concluded in this way: “Washington Presbytery has established these standards, encouraging our Churches to [be] led by them as they call, commission, and train their own leadership.” At the end of the

document is a sentence which reads, “I have read, understand, and subscribe to the ‘Biblical Standards for Christian Leaders’ as described above,” with lines for date and signature.

Further confusion exists as to the status of BSCL and Resolution A in the Presbytery. They were not designated as changes in policy or additions to the bylaws, nor did they follow the procedures normally taken for policy and bylaw changes. At the Synod trial the Stated Clerk testified that they are Standing Rules. The record is not clear as to how, when, and by whom these adopted items would have been applied.

Washington, *et al.*, filed a complaint and request for stay of enforcement of both Resolution A and BSCL on April 24, 2007. They claimed that Resolution A was unconstitutional under the *Book of Order* and the Authoritative Interpretation of G-6.0108 adopted by the 217th GA and that BSCL was also unconstitutional by reintroducing subscriptionism to ordination and installation decisions. The stay was granted on April 30, 2007, without Presbytery objection. SPJC accepted the complaint and ordered a pre-trial conference for July 6, 2007. The trial was held on August 13-14, 2007.

The case record for the trial and subsequent oral arguments on appeal revealed a dispute between parties as to the extent of conciliation efforts. The record does not indicate what action if any was taken.

The SPJC’s decision on August 14, 2007, set aside both Resolution A and BSCL as unconstitutional. In setting aside BSCL, the SPJC stated that presbyteries do not have the authority to set standards for elders and deacons.

The Presbytery filed a notice of appeal to this Commission on September 25, 2007. The Presbytery’s appeal was limited to the procedural and ancillary matters surrounding the adoption of Resolution A and did not deal with BSCL. The hearing was held on February 8, 2007.

Specifications of Error¹

Specification of Error No. 1. The SPJC erred by “its failure to address Appellees’ complete absence of Biblically-faithful actions to resolve issues before bringing them to the larger, higher jurisdictional body for resolution. Despite repeated written and oral requests throughout the course of the proceeding, the SPJC declined to require or even encourage the Appellees to participate in pre-filing and/or during-pendency intra-presbytery conversation, discussion or negotiation as instructed by Matthew 18:15-17.”

This specification of error is not sustained.

¹ The Presbytery’s specifications of error are limited to procedural and ancillary matters only. For a review of substantive considerations concerning the Authoritative Interpretation of G-6.0108 issued by the 217th GA (in the report of the Task Force on Peace, Unity, and Purity of the Church) see this Commission’s decisions in *Bush, et al., v. Presbytery of Pittsburgh* (218-10, February 11, 2008) and *Buescher, et al., v. Presbytery of Olympia* (218-09, February 11, 2008).

This Commission finds nothing in the record to sustain this specification of error; nor does it find any mandates in the *Book of Order* to support the claim that there is any requirement that a permanent judicial commission “require or even encourage [parties] to participate in pre-filing and/or during-pendency intra-presbytery conversation, discussion or negotiation as instructed by Matthew 18:15-17.”

Matthew 18:15-17 applies in the situations where one party sins against another. While the text does suggest a process for conciliation between persons or parties, this Commission is reluctant to label the actions or failure to act by either party with respect to the settlement of their dispute as sin. An interpretation of this passage suggests that permanent judicial commissions embody the spirit of the “one or two others” that are taken along, “so that every word may be confirmed by the evidence of two or three witnesses.” (Matthew 18:16, NRSV) The purpose of the “one or two others” is to “function as witnesses to the confrontation between the accuser and the accused... [to] protect the accused if the accusation is too harsh or based on a misperception or inadequate information; [to] protect the accuser and observe how the accused responds to the charge.”² It is exactly these functions that a permanent judicial commission accepts when it sits to hear and decide a dispute that is before it.

The *Book of Order* at D-1.0103 calls the Church to the Matthew 5:25 Biblical obligation to adjust differences without strife. However, this Commission recognizes the inadequacies in the *Book of Order* with respect to non-judicial dispute resolution processes. The GAPJC’s Self Study Report as submitted to the 218th General Assembly (2008) states, “There is little guidance in Rules of Discipline about how the conciliation and mediation should take place... . The experience of this Commission leads us to urge the General Assembly to consider adopting revisions to the Rules of Discipline that would promote alternative forms of dispute resolution and consensus building in lieu of adversarial judicial process. The Church should strive to resolve disputes in a manner that minimizes divisiveness and expense and promotes consensus, leaving this Commission to resolve disputes by judicial process as a last resort.” (GAPJC Self Study Report, Chapter VI, Section 5, p. 25)

Specification of Error No. 2. The SPJC erred by substituting its judgment for that of the Presbytery in the matter of the “discernment process.” “Despite hearing extensive testimony regarding the process of discernment used by...Presbytery in responding to the PUP Report, SPJC [improperly] held that...Presbytery failed to comply with the invitation to ‘explore the use of alternative forms of discernment.’”

This specification of error is not sustained.

This Commission rejects the Appellant’s claim that the SPJC substituted its judgment for that of the Presbytery. The SPJC’s factual finding was, “that the Presbytery of Washington complied with this invitation only minimally, if at all.” This finding of fact notes compliance, however minimal. This Commission accepts this factual finding based on *Hardwick v. PJC Synod of North Carolina*, “Judgments of a lower court on factual issues are favored with a

² Douglas R. A. Hare, “Matthew” in *Interpretation: A Bible Commentary for Teaching and Preaching*; Louisville: John Knox Press, 1993, p.214.

presumption of correctness and are not to be disturbed unless plainly or palpably wrong, without supporting evidence, or manifestly unjust.” (*Minutes*, PCUS, 1983, Part I, p.45)

The SPJC then went on to “recommend that the Presbytery provide appropriate opportunities for dialogue and discernment in the hope that additional litigation will not be necessary.” This is SPJC’s recommendation, not a factual finding which substitutes its judgment for that of the Presbytery.

Specification of Error No. 3. The SPJC erred in its determinations regarding G-6.0106b, the Confessions and the Adopting Act of 1729 in the following manner:

- A. *SPJC exceeded its authority when it “held that the requirement of G-6.0106b is ‘broad and ephemeral’” and that compliance with the requirement “was an unenforceable standard.”*
- B. *SPJC also exceeded its authority when it indicated that “it is impossible to read the Confessions without encountering allegations of sin for thoughts or actions which may no longer be considered sin.”*
- C. *SPJC incorrectly asserted “that the Adopting Act of 1729 established ‘essential’ as having a specific meaning”; the Act “does not... [mention] the word ‘essential’ or any variant of it.”*

This specification of error is not sustained in any part.

A. The Presbytery’s characterization of the SPJC decision regarding G-6.0106b and Resolution A is incorrect. The SPJC decision, in part, stated:

It is also noted that "any self-acknowledged practice which the confessions call sin," if unrepented, will preclude ordination and/or installation pursuant to Book of Order G-6.0106b. This broad and ephemeral requirement is stated in "mandatory" terms as defined in Resolution A. Accordingly, Resolution A would provide an unqualified bar to ordination or installation in Washington Presbytery of anyone who is unrepentant of any act or thought that the Confessions call sin.

The Presbytery interprets the statement as a holding by the SPJC that compliance with G-6.0106b is “an unenforceable standard.” Based on this interpretation, the Presbytery concludes that the SPJC has no authority to set aside or ameliorate a valid constitutional requirement.

When this passage is read within the context of the whole decision, it is clear that the SPJC’s holding applies to Resolution A rather than to G-6.0106b. This construction is supported by SPJC’s inclusion of “Resolution A” in the sentence that uses the “broad and ephemeral” statement as well as the inclusion of the term “Resolution A” in the very next sentence. This Commission, therefore, finds no error in the SPJC’s statement.

B. This Commission does not affirm the Presbytery’s characterization of the SPJC statement:

Since it is impossible to read the Confessions without encountering allegations of sin for thoughts or actions which may no longer be considered sin, or at least no longer be considered the "serious" departure referred to in the Book of Order, G-6.0108a (such as provisions pertaining to Sabbath observance and interest on loans), Resolution A is in conflict with G-6.0108a and the long-established policy that what is essential must be determined by case-by-case consideration rather than by blanket and unviable prohibitions.

The Presbytery characterizes this statement as a holding by the SPJC that the Confessions are no longer valid, that it does not have the authority to set aside or ameliorate an element of the Confessions, and that it exceeded its authority in doing so.

The SPJC's determination clearly pertains to Resolution A. When the statement is read in context, there is nothing to suggest that it represents a holding that the Confessions are no longer valid. This Commission, therefore, finds no error in the SPJC's statement.

C. Contrary to the Presbytery's assertions, the Adopting Act of the nineteenth of September, 1729³ (Adopting Act), incorporates the term "necessary and essential" four times.

³ The text of the act (The Adopting Act) which adopted the Westminster Confession of Faith and the Larger and Shorter Catechisms states in its entirety:

Altho' the Synod do not claim or pretend to any Authority of imposing our faith upon other men's Consciences, but do profess our just Dissatisfaction with and Abhorrence of such Impositions, and do utterly disclaim all Legislative Power and Authority in the Church, being willing to receive one another, as Christ has received us to the Glory of God, and admit to fellowship in sacred ordinances all such as we have Grounds to believe Christ will at last admit to the Kingdom of Heaven; yet we are undoubtedly obliged to take Care that the faith once delivered to the Saints be kept pure and uncorrupt among Us, and so handed down to our Posterity. And do therefore agree, yt [that] all the Ministers of this Synod, or that shall hereafter be admitted into this Synod, shall declare their agreement in and approbation of the Confession of Faith with the larger and shorter Catechisms of the assembly of Divines at Westminster, as being in all the *essential and necessary* Articles, good Forms of sound words and systems of Christian Doctrine; and do also adopt the said Confession and Catechisms as the Confession of our Faith. And we do also agree, yt [that] all the Presbyteries within our Bounds shall always take Care not to admit any Candidate of the Ministry into the Exercise of the sacred Function, but what declares his Agreement in opinion with all the *Essential and Necessary* Articles of said Confession, either by subscribing the said Confession of Faith and Catechisms, or by a verbal Declaration of their assent thereto, as such Minister or Candidate shall think best. And in Case any Minister of this Synod or any Candidate for the Ministry shall have any Scruple with respect to any Article or Articles of sd.[said] Confession or Catechisms, he shall at the Time of his making sd.[said] Declaration declare his Sentiments to the Presbytery or Synod, who shall notwithstanding admit him to ye[the] Exercise of the Ministry within our Bounds and to Ministerial Communion if the Synod or Presbytery shall judge his scruple or mistake to be only about articles *not Essential and necessary* in Doctrine, Worship or Government. But if the Synod or Presbytery shall judge such Ministers or Candidates erroneous in *Essential and necessary* Articles of Faith, the Synod or Presbytery shall declare them uncapable of Communion with them. And the Synod do solemnly agree, that none of us will traduce or use any opprobrious Terms of those yt [that] differ from us in these *extra-essential and not-necessary* points of Doctrine, but treat them with the same friendship, kindness and brotherly Love, as if they had not differed from us in such Sentiments." (italics added) (*Minutes of the Presbyterian Church in America, 1706-1788*; Guy S. Klett, ed., Philadelphia: Presbyterian Historical Society, 1979, Pp. 103-104)

Moreover, it provides instructive historical guidance for the application and interpretation of G-6.0108a and b (as to essentials). This Commission does note that later re-affirmations of the Adopting Act do not include the term “necessary and essential.” The Church is therefore urged to use original sources of this and other historic church documents and not to rely upon re-statements or paraphrases.

Decision

It is for these reasons that none of the specifications of error are sustained.

Order

IT IS THEREFORE ORDERED that the Decision of the Permanent Judicial Commission of the Synod of the Trinity is hereby affirmed.

IT IS FURTHER ORDERED that the Stated Clerk of the Presbytery of Washington report this Decision and Order to the Presbytery at its first meeting after receipt, that the Presbytery enter the full Decision and Order upon its minutes, and that an excerpt from those minutes showing entry of the Decision and Order be sent to the Stated Clerk of the General Assembly.

IT IS FURTHER ORDERED that the Stated Clerk of the Synod of the Trinity report this Decision and Order to the Synod at its first meeting after receipt, that the Synod enter the full Decision and Order upon its minutes, and that an excerpt from those minutes showing entry of the Decision and Order be sent to the Stated Clerk of the General Assembly.

Concurring Opinion of Commissioners Catherine Glennan Borchert and Ernest Cutting

Essentials and Subscription

We concur with the decision of the majority in case 218-15 wholeheartedly. However, we think it would be helpful to the church to have clarity concerning concepts mentioned in the decision of the Synod of the Trinity.

The term, “essential,” did not begin with the Adopting Act of 1729, although it was used several times within that action, as recorded in the minutes of the Synod. For Presbyterians, the concept of essential and necessary with respect to doctrine can be found in John Calvin’s *Institutes of the Christian Religion*, Book IV, Chapter I, Sections 9-16, (1559), in which Calvin discusses the marks of the Church and “the sin of schism.” Calvin identifies the marks of the church as:

“Wherever we see the Word of God purely preached and heard, and the sacraments administered according to Christ’s institution, there, it is not to be doubted, a church of God exists [cf. Eph. 2:20].” (Section 9)

Having defined the church, Calvin then says, "...it follows that separation from the church is the denial of God and Christ." (Section 10)

If separation is the denial of God and Christ, how should the church and its members behave if there is some fault within the church or its members? Calvin's words acknowledge that difficulty:

"What is more, some fault may creep into the administration of either doctrine or sacraments, but this ought not to estrange us from communion with the church. For not all the articles of true doctrine are of the same sort. Some are so necessary to know that they should be certain and unquestioned by all men as the proper principles of religion. Such are: God is one; Christ is God and the Son of God; our salvation rests in God's mercy; and the like. Among the churches there are other articles of doctrine disputed which still do not break the unity of faith...Does this not sufficiently indicate that a difference of opinion over these nonessential matters should in no wise be the basis of schism among Christians?" (Section 12)

In the sections which follow, Calvin indicates that every church will include those who sin, and he speaks to those who wish to leave because of the sinfulness of others:

"Indeed, because they think no church exists where there are not perfect purity and integrity of life, they depart out of hatred of wickedness from the lawful church, while they fancy themselves turning aside from the faction of the wicked." (Section 13)

Quite bluntly, Calvin states that, "...the church is at the same time mingled of good men and bad...", using Matthew 13:47-58 as Christ's comparison of the many kinds fish caught in the net with the people to be found in the Body of Christ. Having said this, however, Calvin does not excuse any from recognizing the range of belief and behavior, or of even working to assist others in recognizing and repenting of "misdeeds." Rather, he expects that remaining together for mutual support is important, so long as "public edification" is performed "decently and in order." (Section 12) Calvin said that some things might be essential, but causing schism because of them was not desirable or necessary.

Concerning subscription, this practice has been handled differently in different times in the American Presbyterian Church. The earliest Presbyterian settlers on this continent brought with them disagreements from their time in Europe. Rigid subscriptionism had caused problems in England, Ireland, and Scotland, with some Presbyterians coming to the American shores to protect subscription to the Westminster Confession, and some to escape from this requirement. These struggles continued among the Presbyterians who formed the first presbyteries and the Synod, culminating in the Adopting Act of 1729. Presbyters were asked to declare their approbation of the Westminster Confession of Faith and the Larger and Shorter Catechisms, the act requiring each man to: "declare his Agreement in opinion with all the Essential and Necessary Articles of said Confession, either by subscribing the said Confession of Faith and Catechisms, or by a verbal

Declaration of their assent thereto, as such Minister or Candidate shall think best.” By compromise, the subscription did not have to be in writing, but could be a spoken affirmation.

The record in case 218-15 reflects that subscription is now forbidden in the church. That is not entirely true. The outcome of the Fundamentalist-Modernist controversy, as embodied in the 1926 and 1927 reports from the Special Commission of 1925 (the “Swearingen Commission Report”), stated once again that the General Assembly did not have the power or authority to declare certain doctrines “essential.” The report noted that this action thus revised “our terms of subscription,” which had required subscription to five statements of doctrine that the General Assemblies in 1910, 1916, and 1923 had declared to be essential. (Minutes, 1926, p. 70) However, the adoption of these reports did not mean that subscription was removed from the church. Subscription continued in the Presbyterian Church in the United States of America, often taking the form of the verbal assent affirming the vows taken at the time of ordination by elders, deacons and ministers of the Word and Sacrament, rather than written subscription.

Today, the “Form of Government” (2007/2009) retains the reference to subscription at the time of ordination or installation of a minister of the Word and Sacrament in saying in G-14.0485: “The presbytery shall record the ordination and installation as a part of its official records along with the acceptance and subscription of the new minister to the obligations undertaken in the ordination vows.”

**Concurring Opinion by Commissioners
Catherine Glennan Borchert, Ernest Cutting, and Wendy Warner**

Concerning the Handling of Presbytery Minutes

Case 218-15, involving the Presbytery of Washington, exposed a practice which is of concern. According to both the record and in oral argument, the custom in the Presbytery of Washington is to circulate to the presbytery a summary of the minutes of the previous presbytery meeting. The full minutes are given to “readers,” a minister and an elder, who review the minutes and suggest any modifications. The full minutes are then filed at the presbytery office at some future time.

In this case, the record showed that the full minutes of the meeting of March 13, 2007, reflecting the action on the Resolutions that were at issue in this case were not available even at the pre-trial conference held July 6, 2007. The minutes that were given to the parties that day did not reflect the action of the presbytery in passing Resolution A. It was a matter of verbal testimony at the original trial that the full and corrected minutes were not available until at least July 9, 2007, nearly four months after the meeting had occurred.

Two full meeting packets, with all materials to be circulated to presbytery commissioners and members in preparation for the meeting, were appended to the record, packets for the

meetings of January 20, 2007 and March 13, 2007. In those packets, the Consent Items include the following:

1. That the minutes of the Stated Meeting of January 20, 2007 as read by Rev. Joe Rychcik and Elder Gretchen McBride (McMurray), and as summarized in this packet be approved; (March 13, 2007 packet)
2. That the minutes of the Stated Meeting of November 14, 2006 as read by Rev. Robert VandeKappelle[sic] and Elder Kevin Young (Laboratory), CLP and as summarized in this packet be approved; (January 20, 2007 packet).

The only conclusion that can be drawn is that the presbytery does not see nor approve the full minutes in any form. Because the handling of the minutes was not a part of the appeal, this Commission quite rightly has not considered this issue in its decision and order. The taking of minutes and dissemination of them to all members of the body is seen as a thankless task, often not valued by those asked to read them. Yet, as in this case, when minutes are not forthcoming and also not accurate, the actions of the presbytery may be questioned and the trust of presbyters can be seriously undermined.

At this point in time, *Robert's Rules of Order, Newly Revised*, Section 48, page 456-57, permits the reading of minutes by a committee under certain specific circumstances. The ordinary procedure is stated as follows: "The minutes of the meeting are normally read and approved at the beginning of the next regular meeting..." For those presbyteries that fall into the excepted categories, where the minutes are read by a committee, the full minutes should be available either in hard copy or electronically to the entire membership by the next meeting. Caution should be used in the handling of minutes in order to assure easy accessibility, which is vital to the health of the body.

It is the opinion of the undersigned members of this Commission, present and former stated clerks of presbyteries, that the Synod of the Trinity should be providing advice, counsel and oversight to the Presbytery of Washington concerning its handling of the minutes of presbytery meetings through its responsibility designated in G-12.0102n "to review the records of its presbyteries and to take care that they observe the Constitution of the church." Providing full and accurate minutes is the responsibility of the stated clerk of the presbytery. Reviewing minutes for completeness and accuracy is the duty and privilege of every presbyter.

Certificate

We certify that the foregoing is a true and correct copy of the decision of the Permanent Judicial Commission of the General Assembly of the Presbyterian Church (U.S.A.) in Remedial Case 218-15, Session of First Presbyterian Church of Washington, 1793, Session of First Presbyterian Church of Charleroi, Jeffrey A. Kisner, Frances Lane-Lawrence, D. Jay Losher, Robert Miller, Kenneth E. Nolin, Charles Puff, John Rankin, Susan Vande Kappelle, Robert Vande Kappelle, Betty Voigt, Robert Randolph, and Linda Mankey, Complainant-Appellee, v. Presbytery of Washington, Respondent-Appellant, made and announced at Louisville, Kentucky, on February 11, 2008.

Dated this 11th day of February, 2008.

Wendy G. Warner, Moderator
Permanent Judicial Commission of the General Assembly

Ernest E. Cutting, Clerk
Permanent Judicial Commission of the General Assembly

I certify that I did transmit a certified copy of the foregoing to the following persons by UPS Next Day Air, directing C. Laurie Griffith to deposit it in the mail at Louisville, Kentucky, on February 11, 2008.

Rebecca A. Bowman, Counsel for Appellant
Thomas O. Vreeland, Counsel for Appellee
David A. Leslie, Counsel for Appellee
David Stammerjohn, Stated Clerk, Presbytery of Washington
Lesley Shoup, Stated Clerk, Synod of the Trinity
General Assembly Permanent Judicial Commission (regular mail)

I further certify that I did transmit a certified copy of the foregoing to the Stated Clerk of the General Assembly of the Presbyterian Church (U.S.A.) by delivering it in person to C. Laurie Griffith, on February 11, 2008.

Ernest E. Cutting, Clerk
Permanent Judicial Commission of the General Assembly

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 General Assembly of the Presbyterian Church (U.S.A.), sitting during an interval between meetings of the General Assembly at Louisville, Kentucky, on February 11, 2008, in Remedial Case 218-15, Session of First Presbyterian Church of Washington, 1793, Session of First Presbyterian Church of Charleroi, Jeffrey A. Kisner, Frances Lane-Lawrence, D. Jay Losher, Robert Miller, Kenneth E. Nolin, Charles Puff, John Rankin, Susan Vande Kappelle, Robert Vande Kappelle, Betty Voigt, Robert Randolph, and Linda Mankey, Complainant-Appellee, v. Presbytery of Washington, Respondent-Appellant., and that it is the final judgment of the General Assembly of the Presbyterian Church (U.S.A.) in the case.

Dated at Louisville, Kentucky, on February 11, 2008.

Laurie Griffith, Manager of Judicial Process and Social Witness

