

Dissenting Opinion in *Case 2019-11: Crouse v. Northwest Georgia Presbytery*  
RE Dan Carrell and RE E. J. Nusbaum  
August 24, 2020

We respectfully disagree with the ruling made by the Standing Judicial Commission in this case and submit the following dissent to explain our disagreement.

We believe that the SJC erred when it failed to apply the proper standard of review to this case. In its reasoning and opinion, the SJC decided this matter required great deference to the lower court because the SJC viewed the issue as limited to a matter concerning an exercise of discretion and judgment by the lower court. (BCO 39-3.3) Unfortunately, the SJC overlooked the erroneous interpretation of the Constitution of the Church that was made by the lower court. The proper standard of review for this case was BCO 39-3.4, which states in part:

*Therefore, a higher court should not consider itself obliged to exhibit the same deference to a lower court when the issues being reviewed involve the interpretation of the Constitution of the Church. Regarding such issues, the higher court has the duty and authority to interpret and apply the Constitution of the Church according to its best abilities and understanding, regardless of the opinion of the lower court.*

In this case, the Session of Midway Presbyterian Church had a Constitutional duty to report candidates that were eligible for election to the congregation. (BCO 24-1). While there is no one place in the Constitution of the Church that defines “eligible for election” to the office of Deacon, there are a number of places where standards are delineated. Those include the Scriptural requirements in I Timothy and Titus 3, the satisfactory completion of the five requirements in BCO 24-1 a. thru e., and the characteristics of a Deacon described in BCO 9-3. In the reasoning and opinion of the SJC, there is no mention that any member of the Midway Session judged Mr. Crouse to be deficient in any of the Biblical or Constitutional standards. Rather, the reasons given for Mr. Crouse’s ineligibility for election were “questions regarding attendance at Sunday School, questions regarding attendance at evening worship services and questions related to performing Diaconal duties during worship services instead of attending.” These attendance issues and the arbitrary standard applied by the Midway Session are extra-Biblical and extra-Constitutional. Therefore, making the determination that this man was not eligible based on the standards applied by the Session was a misinterpretation of the Constitution of the Church.

This misapplication had a significant effect. We agree with the SJC that the action was not a *de facto* deposition from office in violation of BCO 24-7. However, upon closer examination, the effect of the action is that an ordained Deacon was barred from being elected to the Diaconate and is therefore unable to fulfill the duties of a Deacon at his church. His status is the functional equivalent of one who has been suspended from office. And suspension, like other censures, can only be inflicted at the end of a judicial process. We agree with the SJC that a Session is required to exercise discretion and judgment in determining the eligibility of candidates for office. However, in the exercise of that discretion and judgment, which can have the effect that is functionally the same as a censure, courts should make decisions about eligibility based only on the Biblical and Constitutional character and competence of the individual.

1           Moreover, despite the SJC’s reference to an “abbreviated examination,” Mr. Crouse was  
2 never actually examined in the manner contemplated by BCO 24-1. The context here is  
3 important and is well summarized in the following excerpt from the Complaint:

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5           Whereas, Deacon Crouse was originally examined and approved for the office of Deacon in November of 2012. He  
6 was elected by the congregation to the office of Deacon in December 2012 and subsequently ordained later that  
7 month; and

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9           Whereas, during his tenure, Deacon Crouse served faithfully as chairman of the building and grounds committee in  
10 2013-15, chairman of the finance committee from 2014 thru present, and secretary/treasurer of the Midway  
11 Covenant Christian School from 2014 thru present. Deacon Crouse also served on the mercy, facilities use, security,  
12 risk management, and gym expansion committees for the church as well as the finance, administration, financial  
13 aid, teacher evaluation, and booster committees for the school; and

14  
15           Whereas, on November 12, 2018, Deacon Crouse was invited to the November 19th Session meeting to reaffirm his  
16 beliefs; however, knowing he would be out of the country during the meeting, submitted in writing that none of his  
17 views relating to Scripture, the Westminster Standards, or the BCO had changed since his examination in 2012. The  
18 practice of submitting in writing having been accepted as recently as 2017 (See Exhibit A). No additional  
19 examination was made, or attempted to be made, of Deacon Crouse beyond his written response; and

20  
21           Whereas, during the November 19, 2018 Session meeting, the sitting elders and other sitting deacons that were up  
22 for re-election were asked the following questions (See Exhibit B):

- 23  
24           1. Is there anything in the Westminster Standards that you disagree with?  
25           2. Have any of you views changed since you were last examined?  
26           3. Are you willing to serve and affirm your officer vows if elected by the congregation?; and

27  
28           Whereas, no additional examination was made of the sitting elders or other sitting deacons up for re-election; and

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30           Whereas, the Session, during the November 19th meeting, removed Deacon Crouse from being considered for re-  
31 election by the congregation to the office of Deacon; . . .

32  
33           As the SJC opined in the first Crouse case (2019-03), the examination described in BCO  
34 24-1 “serves several vital purposes.” In that case, the SJC sustained the Complaint in view of the  
35 Session’s conclusion, without training or examination, that Mr. Crouse would not be declared  
36 eligible for election. In other words, it acted prematurely. Those “vital purposes” included  
37 affording “the Session the opportunity to ask questions of a nominee, to ensure his qualifications  
38 meet the Biblical standards and the subject matters outlined in BCO24-1. The examination also  
39 provides a nominee an opportunity to be heard and to articulate his knowledge, sense of calling,  
40 qualifications, understanding and views.”

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42           In light of these purposes, responding to three questions that fall far short of the scope of  
43 the examination required by the BCO can hardly serve as a meaningful examination. In that Mr.  
44 Crouse was being considered for re-election, it was unnecessary to repeat what presumably was  
45 the scope of his original examination six years before. Nevertheless, to the extent certain men on  
46 the Session had some character-related concerns, which the record suggests may have been the  
47 case despite Deacon Crouse’s years of service, it was incumbent upon the Session to raise these  
48 concerns candidly, in person, with a Christian brother and at least give him the courtesy of an  
49 opportunity to reply.

1 Without such a meaningful forum, the process is open to abuse. A Session could reject a  
2 candidate merely because of personality conflicts or other reasons contrary to the standards of  
3 the BCO. Although privacy concerns may dictate avoiding written explanations for rejecting  
4 candidates, legitimate concerns should be expressed in examination dialogue with a candidate,  
5 for his response may well satisfy the elder with such concerns that they are not well-founded.  
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7 Because Mr. Crouse was afforded no opportunity to defend himself in a meaningful  
8 examination, and because the few specifically articulated concerns did not reflect Biblical or  
9 Constitutional deficiencies, Mr. Crouse's second Complaint should have been sustained, as was  
10 his first.  
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