

1 **PRESBYTERIAN CHURCH IN AMERICA**
2 **STANDING JUDICIAL COMMISSION**

3
4 **CASE 2019-03**

5
6 ***COMPLAINT OF DAN & ANGELIA CROUSE***
7 ***vs.***
8 ***NORTHWEST GEORGIA PRESBYTERY***

9
10 **DECISION ON COMPLAINT**

11
12 **October 18, 2019**

13
14 **I. SUMMARY OF THE FACTS**

- 15
16 06-07/18 The Session of Midway Presbyterian Church provided notice to the congregation
17 for 2018 an election of officers and took nominations from the congregation.
18
19 7/15/18 The Complainant, then serving as an elected Deacon, was nominated for the office
20 of ruling elder.
21
22 7/16/18 The Session determined that the Complainant’s nomination would not proceed and
23 that he would not be invited to training or be examined.
24
25 8/30/18 The Complainant filed a complaint with the Session against the timing of its
26 decision to set aside his nomination. The Complainant alleged that he was
27 qualified, that his prior divorce did not disqualify him from serving as a deacon,
28 and that the provisions of *BCO* 24-1 required instruction and an examination prior
29 to a determination by the Session regarding his nomination.
30
31 9/17/18 The Session heard and denied the Complaint.
32
33 10/11/18 The Complainant carried his Complaint to Northwest Georgia Presbytery (NWGP).
34
35 1/19/19 NWGP appointed a Judicial Commission to hear the Complaint.
36
37 3/6/19 After a hearing, the Judicial Commission recommended the Complaint be denied.
38
39 4/2/19 NWGP heard the report of its commission and adopted the judgment recommended
40 by the commission.
41
42 4/4/19 The Complainant carried his Complaint to the General Assembly
43
44 7/15/19 The parties amended and finalized the Record of the Case by agreement.
45

1 8/20/19 The SJC Panel heard oral argument via Go to Meeting. The Panel included RE
2 Jack Wilson (Chairman), TE Bryan Chapell, and TE Charles McGowan, with TE
3 Guy Waters and RE Steve Dowling attending as alternates.
4

5 **II. STATEMENT OF THE ISSUE**

6

7 Did Presbytery err, in violation of the Constitution, when it adopted the recommended
8 judgment of its judicial commission by ruling the Session had not erred in setting aside the
9 nomination of the Complainant to be a ruling elder prior to training and examination?
10

11 **III. JUDGMENT**

12

13 Yes.
14

15 **IV. REASONING AND OPINION**

16

17 The Complainant was previously elected to the office of Deacon and served in that office at
18 the time he was nominated by members of the congregation to be a Ruling Elder. The
19 Complainant contends that the Session erred when it determined, without any examination
20 or hearing, that his nomination would not be permitted to proceed. The Session reviewed
21 the nominations submitted by the congregation. Prior to training or examining nominees,
22 the Session, consistent with its standing practice, screened or “vetted” the congregation’s
23 nominees before proceeding through the instruction and examination process outlined in
24 *BCO* 24-1.
25

26 The *BCO* reserves the determination of the qualifications of candidates for office to the sound
27 discretion of the Session. *BCO* 24-1. Absent clear error or unconstitutional action, the
28 decision of a Session regarding an individual’s qualifications should not be disturbed. *BCO*
29 39-3(3) and (4).
30

31 This case presents questions regarding the application and timing of the process described in
32 *BCO* 24-1, which provides in relevant part:
33

34 Every church shall elect persons to the offices of ruling elder and deacon in
35 the following manner: At such times as determined by the Session,
36 communicant members of the congregation may submit names to the Session
37 keeping in mind that each prospective officer should be an active male member
38 who meets the qualifications set forth in 1 Timothy 3 and Titus 1. After the
39 close of the nomination period nominees for the office of ruling elder and/or
40 deacon shall receive instruction in the qualifications and work of the office.
41 Each nominee shall then be examined in:
42

- 43 a. his Christian experience, especially his personal character and family
44 management (based on the qualifications set out in 1 Timothy 3:1-7
45 and Titus 1:6-9),
- 46 b. his knowledge of Bible content,

- 1 c. his knowledge of the system of doctrine, government, discipline
- 2 contained in the Constitution of the Presbyterian Church in America
- 3 (*BCO* Preface III, *The Constitution Defined*),
- 4 d. the duties of the office to which he has been nominated, and
- 5 e. his willingness to give assent to the questions required for ordination.
- 6 (*BCO* 24-6)

7
8 If there are candidates eligible for the election, the Session shall report to the
9 congregation those eligible, giving at least thirty (30) days prior notice of the
10 time and place of a congregational meeting for elections.

11
12 This section establishes a sequence of events to occur through the nomination and election
13 process. That process begins with nominations from the congregation, and continues through
14 instruction, examination and election. This section outlines the various rights and
15 responsibilities of the congregation to submit the names of nominees; of the nominees to
16 participate in instruction and examination; and of the Session to instruct, train, examine, and
17 determine each nominee's eligibility to become a candidate for election. Nothing in this
18 section forecloses the Session's prerogative, at any time, to counsel or advise nominees
19 regarding their suitability or qualifications for office.

20
21 In this case, the Session's practice of "vetting" or "prescreening" the congregation's
22 nominees, by acting to eliminate one from the process of instruction and examination, is not
23 described in *BCO* 24-1. In adding a peremptory review process without providing the
24 Complainant, an elected Deacon, the benefit of any examination, the Session erred. The
25 Record does not show that Session made any affirmative finding that the Complainant was
26 not "an active male member who meets the qualifications set forth in 1 Timothy 3 and Titus
27 1" (*BCO* 24-1). By virtue of his election and continuing service a Deacon, it appears the
28 Complainant met these Biblical qualifications. In such circumstances, the ordinary course
29 of nominations and elections should follow the sequence outlined in *BCO* 24-1. The
30 language of *BCO* 24-1 is mandatory. ("Every church *shall* elect persons to the offices...in
31 the following manner...;" "nominees...*shall* receive instruction;" and "Each nominee *shall*
32 then be examined..."(emphasis supplied)). This imperative language controls our decision.
33 While the Session's determination of eligibility vests in its sound discretion (*BCO* 39-3(3)),
34 that discretion must be exercised in accordance with the provisions of the Constitution. In
35 adding a step at odds with the Constitution and "vetting," by mandating the removal of men
36 from the process before examination, the Session erred. The Presbytery erred in approving
37 this preliminary review process.

38
39 The examination described in *BCO* 24-1 serves several vital purposes. It affords the Session
40 the opportunity to ask questions of a nominee, to ensure his qualifications meet the Biblical
41 standards and the subject matters outlined in *BCO* 24-1. The examination also provides a
42 nominee an opportunity to be heard and to articulate his knowledge, sense of calling,
43 qualifications, understanding and views. In this case, the premature arrest of the nomination
44 of one duly elected and serving in office, without the benefit of an examination violates the
45 mandatory provisions of *BCO* 24-1. While the pastoral communication of concern to a

1 questionable candidate may be proper for a Session, a preemptive removal of a
2 congregational nominee is not.

3
4 At the hearing, neither party could identify any portion of the record in which the reason for
5 the setting aside of the Complainant's nomination were articulated. Further, the nominee
6 contended (and the Presbytery did not refute the claim) that the Session did not communicate
7 any rationale to the Complainant for setting aside his nomination at the time it did so. While
8 *BCO 24-1* does not specifically prescribe a process for such communication, fairness and
9 equity suggest a Session should communicate the rationale for its action to remove a man
10 from further consideration promptly and directly to the man.

11
12 This decision is limited to the narrow question of the application the process required by
13 *BCO 24-1* to the facts of this case. We do not address or express any opinion regarding the
14 Complainant's qualifications for the office of Ruling Elder or the right and duty of the
15 Session to exercise its discretion, at the proper time, to determine his qualifications for that
16 office and his eligibility to be a candidate. This decision also should not be construed to
17 address "frivolous" nominations or submission of names of those who are clearly disqualified.
18 Barring clearly or grievously disqualified nominees, the procedures for instruction and
19 examining nominees outlined in *BCO 24-1* should be followed. That process requires
20 instruction and examination to precede a session's determination of a nominee's
21 qualifications and eligibility. The case is remanded for adjudication consistent with this
22 decision.

23
24 The SJC reminds the church that according to *BCO 14-7*, General Assembly judicial
25 decisions "shall be *binding and conclusive on the parties who are directly involved in the*
26 *matter being adjudicated*, and may be appealed to in subsequent similar cases as to any
27 principle which may have been decided." (Emphasis added.) Should anyone suppose that
28 there should be greater flexibility in the process of *BCO 24-1*, proposed amendment to the
29 *BCO* would be in order.

30
31
32 The Panel's Proposed Decision was drafted by RE Wilson and revised and approved by the Panel
33 3-0. The Reasoning was further revised by the SJC, and then the SJC approved the Decision by a
34 vote of 18-3.

35
36 Bankson *Concur* Duncan, M. *Concur* Neikirk *Concur*
37 Bise *Concur* Duncan, S. *Concur* Nusbaum *Concur*
38 Cannata *Dissent* Ellis *Concur* Pickering *Concur*
39 Carrell *Concur* Greco *Concur* Ross *Concur*
40 Chapell *Absent* Kooistra *Absent* Terrell *Dissent*
41 Coffin *Concur* Lee *Concur* Waters *Concur*
42 Donahoe *Concur* Lucas *Dissent* White *Concur*
43 Dowling *Concur* McGowan *Concur* Wilson *Concur*