

PRESBYTERY OF THE REDWOODS
PERMANENT JUDICIAL COMMISSION

Presbyterian Church (USA))	
Through the Presbytery of the Redwoods)	Case 2004 Concerning "Minister B"
Complainant,)	
Vs.)	Trial date: March 2, 2006
)	
The Rev. Dr. Jane Adams Spahr)	DECISION
Accused)	
)	

The Permanent Judicial Commission of the Redwoods Presbytery, having conducted a trial in the above proceeding, and having deliberated and voted in accord with Section D-11.0403 of the Book of Order, reports its decision as follows:

The issue before this commission is: How does the constitution – specifically the Book of Order (Sec. G-6.0108 and Sec. W-4.9001), the Authoritative Interpretation of 1991/1993 (hereafter AI), and the Benton Case – apply to the charges against the the Rev. Dr. Jane Adams Spahr, (hereafter Spahr)?

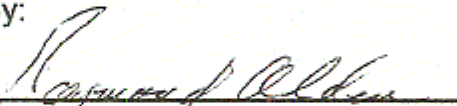
Findings

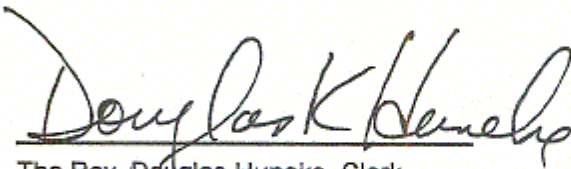
1. Section W-4.9001 is a definition, not a directive. We note that its application to the performance of marriage ceremonies for couples of the same sex has been disputed, at the highest levels of polity, for 15 years – i.e. at least since the request for an interpretation made in 1991 to the Advisory Committee on the Constitution. The issue remains unsettled because the authors of the AI, having available a lexicon in the preface to the Book of Order, chose to say that such marriages "would not be proper" rather than use mandatory language. The AI establishes the performance of same sex marriages as a matter of propriety. We find that neither the AI or the Benton case prohibit the performance of such marriages by ministers of the Word and Sacrament. Therefore we find that no offense has been committed within the meaning of Sec. D-2.0203(b).
2. Section G-6.0108 describes the scope of freedom of conscience within boundaries. The subject of same sex marriage has not been shown to be outside of, or contrary to, the essentials of the Reformed faith as understood by Presbytery of the Redwoods. Conscience is subordinate to constitutional mandates and to essentials of the Reformed faith, but conscience takes precedence over propriety. We find that Spahr was acting within her right of conscience in performing marriage ceremonies for same sex couples. We also find that the accused acted within the normative standards of Redwoods Presbytery, faithfully reporting to it her activities at reasonable intervals.

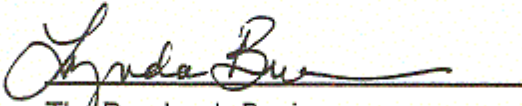
Concluding affirmation

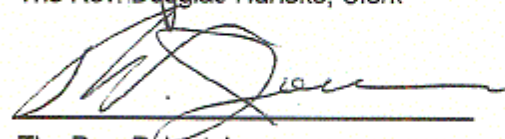
We affirm that the fundamental message of the Scriptures and Confessions is the proclamation of the Good News of God's love for all people. It is a message of inclusiveness, reconciliation, and the breaking down of barriers that separate humans from each other, and that this proclamation has primacy in the conduct of the Church.

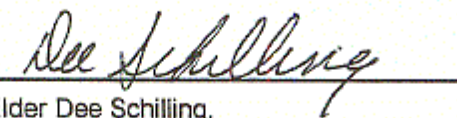
By:

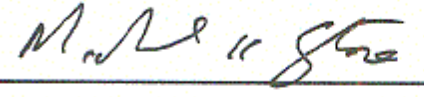

Elder Ray Alden, Moderator


The Rev. Douglas Huneke, Clerk


The Rev. Lynda Burris,


The Rev. Robert Jones,


Elder Dee Schilling,


Elder Michael Stone.

Minority Report:

The issue before this commission is, How does the constitution – specifically the Book of Order Sec W4.9001 and G6.0108b and the Benton Case – apply to this case?

The language in W 4.9001 states in part, "For Christian's, marriage is a covenant through which a man and a woman are called to live out together before God their lives of discipleship".

It follows that a minister "having pledged in ordination vows to be governed by our church's polity and abide by its discipline" is prohibited from performing a marriage between two persons of the same sex.

The accused has stated that she has performed marriages of same sex couples since 1972. I agree with the prosecution that the beliefs of the accused are to be respected but that the actions of the accused must still be constrained by what is prohibited by the constitution.

Janet Moor
March 3, 2006