

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

DECISION

John S. SHELDON, et al.)	
Complainants/Appellants)	
)	
v.)	REMEDIAL CASE 212-12
)	
Presbytery of WEST JERSEY)	
Respondent/Appellee)	

This case has come before this Commission on appeal from a decision of the Permanent Judicial Commission of the Synod of the Northeast (SPJC).

Pursuant to Book of Order, D-8.0301, this Commission finds that it has jurisdiction, that the Complainants have standing to appeal, that the appeal was properly and timely filed, and that the appeal is in order.

HISTORY

On March 16, 1999, the Presbytery of West Jersey (Respondent) took action to receive an individual (Candidate) as a candidate for the ministry under care of Respondent. Prior to that date, in the course of examination by the Respondent, the Candidate, a gay man who the record reflects is celibate, stated to the Respondent, "I understand that I am called into a loving, same-sex monogamous relationship" and "I intend to participate in a fully sexual way in any future relationship."

This case arises from a complaint filed by the Complainants against the Respondent with the SPJC on April 23, 1999. In their complaint, the Complainants alleged that the Respondent's action to receive the Candidate was in contravention of the *Constitution* of the Presbyterian Church (U.S.A.) and/or was "erroneous," as that term is used in D-2.0202a. Specifically, Complainants argued that the Candidate should not have been advanced to candidacy because he does not meet or is not prepared to meet certain requirements to hold office, including G-6.0106 and G-6.0108.

The SPJC declined to sustain the complaint on the basis that, while a candidate must be able to meet the *Constitution's* standards for ordination as a condition of ordination, the Respondent may receive an "inquirer who may still move into compliance while being nurtured in the covenant relationship as a candidate."

SPECIFICATION OF ERROR

There was one specification of error:

The SPJC erred in its interpretation of the Constitution in not reversing the Respondent's decision to receive the Candidate as a candidate for the office of minister of the Word and Sacrament, because the Candidate's statement reveals that he is not prepared to meet the requirements of G-6.0106a, G-6.0106b and G-6.0108b, that he is determined to engage in and not repent of a practice in violation of G-6.0106b and that he cannot give an affirmation as required in G-14.0305g.

This specification is not sustained.

G-6.0106 applies to "those called to exercise special functions in the church--deacons, elders, and ministers of the Word and Sacrament." Because the Respondent has not yet conducted a final assessment of the Candidate's readiness to begin ministry, this provision is not applicable. [See *Le Tourneau v. Presbytery of the Twin Cities Area (Minutes, 1993, 163)*, wherein a candidate not currently eligible for ordination may remain a candidate under care of

presbytery until such time as the Committee on Preparation for Ministry is satisfied that the candidate can be properly certified as ready to receive a call.] Furthermore, the evidence supports a determination that the Candidate has not violated the standard of G-6.0106b.

G-6.0108b provides that in becoming a candidate one's "conscience is captive to the Word of God as interpreted in the standards of the church so long as he or she continues to seek or hold office in [the Presbyterian Church (U.S.A.)]. The decision as to whether a person has departed from essentials of Reformed faith and polity is made initially by the individual concerned but ultimately becomes the responsibility of the governing body in which he or she serves." The record reflects that there is sufficient evidence for the Respondent to determine that the Candidate is not in violation of G-6.0108b, including evidence that the Candidate acknowledges the effect of his current intent on his prospects for ordination.

G-14.0305 sets forth the candidacy process, whereby the Committee on Preparation for Ministry confers with the inquirer and reviews the evidence which indicates whether the inquirer is ready to proceed to candidacy. Following a definite recommendation from the committee, the presbytery acts on that recommendation. The advancement of an inquirer to candidacy is clearly an action delegated to the presbytery by the *Constitution*. In light of the Candidate's acknowledged celibacy and other evidence in the record reflecting his qualifications, we find that the Respondent's determination that the Candidate was ready to proceed to candidacy was reasonable. The Candidate was required to answer affirmatively the four questions specified in G-14.0305f. The record reflects that he so answered. Because, as discussed above, the SPJC has properly determined that the Candidate was not in violation of G-6.0106 or G-6.0108, there is no evidence indicating that the Candidate's affirmative answers to the questions were incorrect.

However, if the Respondent should determine the Candidate to be ineligible for candidacy at some point in the future, the Respondent should remove the Candidate's name from the roll of candidates, as provided by G-14.0312.

ORDER

IT IS THEREFORE ORDERED that the decision of the SPJC be affirmed.

IT IS FURTHER ORDERED that the Stated Clerk of the Synod of the Northeast 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 West Jersey 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.

Dated this 22nd day of May, 2000.