

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

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Ronald L. Wier )  
 )  
 v. )  
 )  
 Session, Second Presbyterian Church )  
 of Ft. Lauderdale, Florida )

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**HEADNOTES**

**Remedial Case 214-5**

**Specificity of Pleading:** When a complaint alleges violation of a constitutional standard that may have extreme consequences to a person's reputation, career, or friendships, a greater degree of pleading specificity is required. A complaint making such allegations must assert factual allegations of how, when, where, and under what circumstances the person was self-acknowledging a practice which the Confessions call a sin.

**Self-acknowledgment:** The plain language of the *Constitution* clearly states that disqualified persons must have self-acknowledged the proscribed sin. Self-acknowledgment may come in many forms. In whatever form it may take, self-acknowledgment must be plain, palpable, and obvious and details of this must be alleged in the complaint.

**Examination of Candidates for Ordination and/or Installation:** The ordaining and installing governing body is in the best position to determine whether self-acknowledgment is plain, palpable, and obvious, based on its knowledge of the life and character of the candidate. If the governing body has reasonable cause for inquiry based on its knowledge of the life and character of the candidate, it has the positive obligation to make due inquiry and uphold all the standards for ordination and installation.

**THE PERMANENT JUDICIAL COMMISSION  
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Ronald L. Wier, )  
Complainant/Appellant, )  
 )  
v. )  
 )  
Session, Second Presbyterian Church of )  
Ft. Lauderdale, Florida, )  
Respondent/Appellee. )

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**DECISION and ORDER**

**Remedial Case 214-5**

The General Assembly Permanent Judicial Commission (GAPJC) finds that it has jurisdiction, that the Appellant has standing to appeal, that the appeal was properly and timely filed, and that the Appellant states one or more grounds for appeal found in D-8.0105.

**History**

This remedial case comes before the GAPJC on appeal from a decision of the Permanent Judicial Commission of the Synod of South Atlantic (SPJC).

On February 15, 1998, Elder Ronald L. Wier (Wier) filed a written request with the Session of Second Presbyterian Church of Fort. Lauderdale, Florida, to correct an 'irregularity/delinquency' relative to the nomination, examination, election and ordination of a practicing homosexual. . . ."

On May 19, 1998, Wier filed a complaint with the Presbytery of Tropical Florida. This complaint was followed by an amended complaint which was received by the Stated Clerk of the Presbytery on June 18, 1998. The PPJC held a hearing on August 17, 1999. A trial date was set for October 12, 1999, but was not held. Following correspondence between the parties and the PPJC, the Moderator of the PPJC dismissed the case.

The case was appealed to the SPJC. Wier asserted that the Moderator of the PPJC had no authority to dismiss the case. The SPJC concluded that the Moderator and the Clerk of a PPJC do have authority to dismiss a case on the basis of the preliminary questions of D-6.0307, subject to challenge by the party in the case or by a member of the PPJC. This authority does not extend beyond the decision on the preliminary questions. Thus, the Moderator of the PPJC erred in dismissing the complaint. The SPJC further concluded, however, that the record of the case indicates that the PPJC should have dismissed the case at the beginning, on the ground that the

complaint failed to state a claim upon which relief can be granted. The SPJC thus dismissed the complaint.

The case was appealed to the GAPJC. The Executive Committee of the GAPJC held that the SPJC was correct in holding that the case should have been dismissed for failure to state a claim upon which relief can be granted. A hearing on the Order of Dismissal issued by the Executive Committee of the GAPJC was held on April 12, 2002, at Dallas, Texas.

### **Specifications of Error**

Appellant's Notice of Appeal of the Order of Dismissal states seven grounds for appeal, each of which is listed verbatim in D-8.0105.

1. D-8.0105a. *irregularity in the proceedings;*

This Specification of Error is not sustained.

2. D-8.0105b. *refusing a party opportunity to be heard or to obtain or present evidence;*

The Specification of Error is not sustained.

3. D-8.0105c. *receiving improper, or declining to receive proper, evidence or testimony;*

The Specification of Error is not sustained.

4. D-8.0105d. *hastening to a decision before the evidence or testimony is fully received;*

The Specification of Error is not sustained.

5. D-8.0105e. *manifestation of prejudice in the conduct of the case;*

The Specification of Error is not sustained.

6. D-8.0105f. *injustice in the process or decision; and*

The Specification of Error is not sustained.

7. D-8.0105g. *error in constitutional interpretation.*

The Specification of Error is not sustained.

First, the Complaint does not state a claim upon which relief can be granted. As a remedial complaint, it seeks to prosecute a disciplinary case (*Wier v. Session of Second Presbyterian Church of Fort Lauderdale, FL, Remedial Case 211-2, 1999*).

Second, the complaint did not allege that the accused is a self-acknowledged, practicing homosexual. Instead, the Complaint simply alleged that the accused was a “practicing homosexual.” When, as here, a complaint alleges a violation of constitutional standard that may have extreme consequences to a person’s reputation, career, or friendships, a greater degree of pleading specificity is required. A complaint making such an allegation must assert factual allegations of how, when, where, and under what circumstances the individual was self-acknowledging a practice which the confessions call a sin.

In the instant case, even if one assumes the allegation of “practicing homosexual” were true, the complaint fails to meet the specificity that G-6.0106b compels in that it did not allege any such specific details. The plain language of the *Constitution* clearly states that disqualified persons must self-acknowledge the proscribed sin. Self-acknowledgment may come in many forms. In whatever form it may take, self-acknowledgment must be plain, palpable, and obvious, and details of this must be alleged in the complaint.

Since the standard for self-acknowledgment is that it be plain, palpable, and obvious, the ordaining and installing governing body is in the best position to make any such determination based on its knowledge of the life and character of the candidate. In the instant case, when the accused, along with all the other candidates, responded affirmatively to the Session’s inquiry regarding their ability to be compliant with the *Constitution of the Presbyterian Church (U.S.A.)*, specifically, G-6.0106b; and because the Session had no reasonable cause to believe otherwise, based on its knowledge of their lives and characters, including that of the accused, no additional inquiry was warranted.

To single out a category of persons above and beyond other persons as more likely to sin violates the doctrine of total depravity. All fall short of the glory of God (Romans 3:23) and are prone to sin (Psalm 14:1-3; Romans 3:9-12; Ephesians 2:1-3; The Scots Confession, C-3.03; The Heidelberg Catechism, 4.007, 4.008; The Westminster Confession, C-6.031-.036). Therefore, while homosexual practice is proscribed by the General Assembly, all persons, being sinners, are equally likely and prone to violate the standard set forth in G-6.0106b, which applies to both homosexual and heterosexual persons. Since the ordaining and installing governing body best knows the life and character of the candidate, initial and further inquiry as to compliance with all

the standards for ordination and installation belongs to that governing body. If that governing body has reasonable cause for inquiry based on its knowledge of the life and character of the candidate, it has the positive obligation to make due inquiry and uphold all the standards for ordination and installation. Consideration for inquiry is to be made solely on an individual basis (GA *Minutes*, 68, 166, 1998). Therefore, if notwithstanding the requirement of individualized inquiry based on reasonable cause, a governing body makes a line of inquiry to a candidate without reasonable cause, all candidates currently before that governing body must undergo the same inquiry.

For the foregoing reasons, this case is dismissed for failure to state a claim upon which relief can be granted.

### **Order**

The Order of the Executive Committee of the GA PJC dismissing this case is affirmed.

The following members of the Commission were not present and took no part in the deliberations or decision: Jesse Butler, Mildred Morales, and Daniel Saperstein.

Dated this 14<sup>th</sup> day of April, 2002.