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SYNOD OF THE PACIFIC
PERMANENT JUDICIAL COMMISSION

Eric Parnell, Bruce McIntosh, Cordelia Shieh, Margaret Gelini, Greg Roth, Marsha Roth, Randy Young, and the Session of Walnut Creek Presbyterian Church

Appellants (Complainants)

v.

The Presbytery of San Francisco,

Appellee (Respondent)

CASE No:

COMPLAINT, REMEDIAL CASE
(D-6.0000)

STATEMENT OF COMPLAINT

We, Elders Eric Parnell, Bruce McIntosh, and Cordelia Shieh; and the Revs. Margaret Gelini, Greg Roth, Marsha Roth, and Randy Young; and the Session of Walnut Creek Presbyterian Church complain to the Synod of the Pacific Permanent Judicial Commission against The Presbytery of San Francisco (the “Presbytery”) concerning an irregular vote at its meeting of November 10, 2009, at First Presbyterian Church of Berkeley. On this occasion, the Presbytery approved the ordination of Lisa Larges, a ministerial candidate (the “Candidate”) who publicly declared her refusal to abide by *Book of Order* G-6.0106b that requires all ministers to “live either in fidelity within the covenant of marriage between a man and a woman, or in chastity in singleness.”

JURISDICTION AND STANDING

1. As enrolled members of the Presbytery at the time of the meeting, the individual Complainants have the right to complain. See *Book of Order* D-6.0202a(1). The Session of Walnut Creek Presbyterian Church is entitled to bring this complaint, pursuant to D-6.0202a(3).
2. The Synod of the Pacific has jurisdiction to hear this matter since it is a claim of an irregularity by a presbytery within its region.

1 **ALLEGATIONS OF FACT**

2 3. Ms. Lisa Larges, a self-avowed and unrepentant lesbian woman, has been in the
3 candidacy process for more than 23 years. Prior to coming to San Francisco Presbytery, she was
4 a candidate for ordination in the Twin Cities Area Presbytery, but her ordination in Twin Cities
5 was stopped by a ruling of the GAPJC. See *LeTourneau, et. al. v. Presbytery of Twin Cities Area*,
6 Remedial Case 205-4, *Minutes*, 1993, para. 11.044.

7
8 4. She transferred her candidacy to San Francisco Presbytery in 1997. During her care
9 process the Committee on Preparation for Ministry was aware that she had entered into a same-
10 sex partnership (which dissolved in late 2007). Further, upon this dissolution, she was asked in
11 CPM on December 5, 2007, if the parting reflected her repentance from sexual relations outside
12 of marriage between a man and a woman, and she said no, the parting was against her will, that is,
13 she would still be in that relationship if possible. She sought consideration by the CPM of her
14 “Departure from G-6.0106b” and approval for her ordination. On December 5, 2007, the CPM
15 affirmed her readiness for ordination in the context of this final assessment, taking the departure
16 into account during its deliberations (G-14.0450).

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18 5. At the next stated meeting of the Presbytery of San Francisco, January 15, 2008, the
19 situation of Ms. Larges’ departure was brought forward in accordance with the policy the
20 Presbytery had adopted in May of 2007. After a lengthy discussion of Ms. Larges’ departure, a
21 vote was taken and sustained to proceed to the rest of her examination for ordination, concluding
22 that the departure did not disqualify her. Believing this action was irregular, a Stay of
23 Enforcement was secured and three minister members filed a complaint with the Synod of the
24 Pacific PJC. A trial was held on March 20, 2009, and an appeal was heard by the GA-PJC on
25 October 30, 2009. The ruling held that a departure shall be considered only within the context of
26 the full examination for ordination (G-14.0482) and not in a two-step process.
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1 6. A week later, then, on November 10, 2009, Presbytery of San Francisco held its stated
2 meeting to consider the ministry call and ordination of ministerial candidate, Lisa Larges, and
3 included in that examination a consideration of her Statement of Departure, which was essentially
4 the same departure she had declared in January 2008 (and, indeed, in 1997).

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6 7. The first motion before the Body was “to certify the call to Lisa Larges, as Minister
7 Coordinator of That All May Freely Serve (TAMFS), as a validated ministry, pending her
8 ordination as a minister of Word and Sacrament.” After questioning the chair of Committee on
9 Ministry, which brought the recommendation, a vote was taken by written ballot. This motion
10 passed by a slim margin.

11 8. The Candidate then appeared before the presbyters to present her statement of faith and
12 her statement of departure, both of which had been provided to the presbyters in writing
13 (available online) prior to the meeting. Members of the Presbytery were given the opportunity to
14 question the candidate’s faith, views on theology, the Bible, the Sacraments, and the government
15 of the church (G-14.0482). In this context, her departure was questioned and discussed, and she
16 confirmed verbally that what she had written in her statement of departure fully and accurately
17 represented her views and intentions.

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19 9. In her *Statement of Departure from G-6.0106b* (the “Statement of Departure”), a true and
20 correct copy of which is attached hereto as “Exhibit A,” the candidate explained her G-6.0108
21 “Freedom of Conscience” departure as follows:
22

23 ... I am compelled by my conscience and charged by my faith to
24 firmly, clearly, and in every way declare that the provisions at
25 G-6.0106b are a mar upon the church and a stumbling block to its
26 mission. As a matter of faith, conscience and integrity I can neither
27 actively concur nor passively submit to this provision

28 10. After her examination for ordination, during which the Presbytery considered the
Candidate’s departure, a vote was taken by written ballot on the motion “to sustain the

1 examination for ordination, and, pending ordination, to enroll Ms. Larges as a member of San
2 Francisco Presbytery.” This motion passed, 156 to 138.

3 11. Immediately thereafter, before the meeting was adjourned, a protest was filed and 103
4 commissioners (more than the required one-third of those attending) signed a Stay of
5 Enforcement request, which is attached to this Complaint.

6
7 12. Believing that the Presbytery of San Francisco has addressed and corrected the
8 procedural error brought to light by *Naegeli et al v San Francisco Presbytery*, the complainants
9 bring the matter before this commission again for an answer to the substantive question, “Can a
10 presbytery be permitted to waive the fidelity and chastity requirement of G-6.0106b?”

11 12 **COMPLAINT RATIONALE**

13 Complainants believe that the Candidate’s refusal to abide by G-6.0106b rendered her
14 ineligible for ordained office in the church, based on the following authorities:

15
16 13. The Authoritative Interpretation of G-6.0108, arising from the Theological Task Force
17 on Peace, Unity, and Purity in the Church (PUP-AI), specified that ordaining bodies:

18 c. . . . acting as corporate expressions of the church, have the responsibility to determine
19 their membership by applying these standards to those elected to office. These
determinations include:

20 (1) **Whether a candidate** being examined for ordination and/or installation as elder,
21 deacon, or minister of Word and Sacrament **has departed** from scriptural and
constitutional standards for fitness for office,

22 (2) **Whether any departure constitutes a failure to adhere** to the essentials of
23 Reformed faith and polity under G-6.0108 of the *Book of Order*, **thus barring the**
candidate from ordination and/or installation.

24 d. **Whether the examination and ordination** and installation **decision comply with the**
25 **Constitution** of the PC(USA), and whether the ordaining/installing body has conducted
its examination reasonably, responsibly, prayerfully, and deliberately in deciding to
ordain a candidate for church office is subject to review by higher governing bodies.

26 14. By her own statement, this Candidate departed from scriptural and constitutional
27 standards for fitness for office, and because this was a serious departure (unequivocally stated,
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1 long-standing, complete rejection) from a church-wide mandatory ordination standard, it revealed
2 a failure to adhere to the essentials of Reformed faith and polity, thus barring the Candidate from
3 ordination.

4 15. Further, the PUP-AI states that the constitutionality of an ordination decision, not just
5 the quality of the decision-making process, is reviewable by higher governing bodies. Since the
6 Presbytery has addressed and corrected the procedural issues that prevented a ruling on the
7 constitutionality of the Presbytery's previous decision regarding the Candidate's "Statement of
8 Departure," the Complainants expect that this Commission will now be free to rule on the
9 substantive question, "Can a presbytery be permitted to waive the fidelity and chastity
10 requirement of G-6.0106b?"

11 16. The *Bush v. Pittsburgh Presbytery* ruling (GAPJC 218-10) held that to be qualified for
12 ordination a candidate's actions must be in conformity with G-6.0106b.

13 "…[T]he church has required those who aspire to ordained office to conform
14 their actions, though not necessarily their beliefs or opinions, to certain standards
15 in those contexts in which the church has deemed conformity to be necessary or
16 essential. G-6.0106b contains a provision where conformity is required by
17 church officers…"

18 17. The responsibility for determination of failure to repent of any "practice which the
19 confessions call sin" is first placed on the candidate and then on the examining governing body to
20 determine whether a departure is a failure to adhere to the essentials of Reformed faith and polity.

21 18. In her "Statement of Departure," the Candidate described her manner of life in a way
22 that directly contradicts both Scripture and the Confessions, as well as the provisions of
23 G-6.0106b. The Candidate made clear her opinion that "the provisions at G-6.0106b are a mar
24 upon the church and a stumbling block to its mission . . . [and that she could] neither actively
25 concur nor passively submit to this provision" It is on this point that the Candidate, by her
26 own words and statement of intent, rendered herself ineligible for ordination in the PCUSA.

27 19. The *Bush* commission specifically held that an ordaining body "may not permit
28 departure from the 'fidelity and chastity' requirement found in G-6.0106b."

1 20. An examining governing body may allow a candidate to exercise her freedom of
2 conscience with respect to interpretation of Scripture under G-6.0108, but only “to the extent that
3 it is not a serious departure from the essential standards of Reformed faith and polity, does not
4 infringe on the rights and views of others, and does not obstruct the constitutional governance of
5 the church.” An examining governing body may not allow a candidate to exercise her freedom of
6 conscience if doing so “ignore[s] or waive[s] a specific standard of behavior that has been
7 adopted by the whole church such as the ‘fidelity and chastity’ portion of G-6.0106b or any other
8 similarly specific provision.”

10 21. A statement of unwillingness to comply with a mandatory church-wide standard is
11 itself non-compliance, according to *Maxwell v. Pittsburgh Presbytery* (UPCUSA, Minutes, 1975,
12 p. 254), because it obstructs the constitutional governance of the church. As the GAPJC has held:

14 Nevertheless, to permit ordination of a candidate who has
15 announced that he cannot subscribe to the cited constitutional
16 provisions has implications for the Church far beyond that one
17 instance. The precedent, if applied generally, would affect every
18 session, presbytery, synod, and the General Assembly, The
19 challenged decision of Presbytery was not unique or of but minimal
20 significance. *Maxwell v. Pittsburgh Presbytery* (UPCUSA,
21 Minutes, 1975, p. 254).

22 22. An action that has this negative impact on the church cannot be allowed under the
23 freedom of conscience policy of G-6.0108a.

24 23. The vote of the Presbytery was irregular because it resulted in an unconstitutional
25 result; to wit, approving the ordination of a candidate who, by her refusal to comply with
26 mandatory ordination standards established by the whole church for the whole church, is
27 ineligible for ordination as set forth in the *Book of Order*.

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SPECIFICATIONS OF ERROR

1. The Presbytery erred when it voted to approve the ordination of candidate Lisa Larges, because her refusal to abide by the constitutional requirement of G-6.0106b was equivalent to answering “No” to the fifth constitutional question for ordination, “Will you be governed by our church’s polity, and will you abide by its discipline?” (W-4.4003e), thus rendering her ineligible.

2. The Presbytery erred when it found that the Candidate’s departure from G-6.0106b, a church-wide requirement for ordination, was not a serious departure from Reformed faith or polity.

3. The Presbytery erred when it granted to the candidate a departure from G-6.0106b, a mandatory church-wide ordination standard, because such an act obstructs the constitutional governance of the church.

REQUEST FOR RELIEF

Complainants request that the Synod of the Pacific Permanent Judicial Commission order the Presbytery of San Francisco to (1) rescind the Presbytery’s approval of the Candidate’s ordination; (2) instruct the Presbytery to find that the Candidate’s departure constitutes a failure to adhere to the essentials of Reformed faith and polity under G-6.0108 of the *Book of Order*, thus barring the Candidate from ordination; (3) admonish the Presbytery to faithfully execute its constitutional obligations to the entire church to enforce mandatory church-wide ordination standards including G-6.0106b; (4) instruct the Presbytery of San Francisco to remove the name of Lisa Larges from its roll of candidates; and (5) provide all other such relief as the Commission shall find appropriate.

Dated: December ____, 2009

Eric Parnell

Dated: December ____, 2009

Bruce McIntosh

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Dated: December ____, 2009

Cordelia Shieh

Dated: December ____, 2009

Margaret Gelini

Dated: December ____, 2009

Greg Roth

Dated: December ____, 2009

Marsha Roth

Dated: December ____, 2009

Randy Young

Dated: December ____, 2009

Betty Kirkpatrick, Clerk of Session
Walnut Creek Presbyterian Church

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CERTIFICATION OF SERVICE OF COMPLAINT, D-6.0301f

I hereby certify that a copy of the above complaint was served upon the Presbytery of San Francisco by certified mail to the Stated Clerk of the Presbytery of San Francisco on the _____ day of December, 2009.

A copy of the above complaint was simultaneously sent to the Petaluma office of the Stated Clerk of the Synod of the Pacific by certified mail on the _____ day of December, 2009.

Date: _____

Counsel for Complainants