

**PERMANENT JUDICIAL COMMISSION
SYNOD OF THE PACIFIC**

Eric Parnell *et al.*

Complainant

v.

Presbytery of San Francisco

Respondent

Case No. 09-04

ANSWER

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In response to the Complaint filed in the above-captioned matter, the Presbytery of San Francisco (hereinafter the “Presbytery”) affirms that it acted entirely in accordance with the Constitution of the PC(USA) in voting to approve the ordination of Lisa Larges on November 10, 2009. More particularly, the Presbytery submits the following Answer to each numbered paragraph in the Complaint:

JURISDICTION AND STANDING

1. The Presbytery agrees that Complainants have standing to bring the present action.
2. The Presbytery agrees that this Commission has jurisdiction over the present dispute.

1 **ALLEGATIONS OF FACT**

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3 3. The Presbytery agrees with the allegations of fact stated in this numbered
4 paragraph, regarding Ms. Larges’ experience as a candidate, except insofar as they
5 characterize Ms. Larges as “unrepentant.” In this latter respect, there are insufficient
6 allegations or other matter in the Complaint to make a meaningful response. More
7 particularly, the Complaint fails to state of what sin Ms. Larges is supposed to have repented,
8 and how the bare assertion that Ms. Larges is “unrepentant” (merely because she disagrees
9 with a particular standard) coincides with our confessional understanding of repentance as a
10 God-given, inward conviction of the wrongfulness of one’s acts.

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12 4. The Presbytery agrees with the allegations of fact stated in this numbered
13 paragraph, regarding matters leading up to its meeting of January 15, 2008.

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15 5. The Presbytery agrees with the allegations of fact stated in this numbered
16 paragraph, regarding its meeting of January 15, 2008, except insofar as the Complaint asserts
17 that the action taken at that meeting limited the scope of subsequent examination by the
18 Presbytery. The Presbytery further avers that the debate at that meeting focused not on
19 CPM’s recommendation that Ms. Larges be certified ready for examination, but on a
20 substitute motion that her declared departure from standards required her immediate removal
21 from the roll of candidates (without any examination). In Rem. Case 08-01, *Naegeli v.*
22 *Presbytery of San Francisco* (March 20, 2009), this Commission received inconsistent
23 testimony, from various witnesses introduced by the parties, about the nature of the action
24 taken. Faced with such conflicting testimony, this Commission rescinded the Presbytery’s
25 certification of Ms. Larges as “ready for examination . . . with a departure” and ruled that
26 “examination for ordination is the proper time for Presbytery to determine whether or not a
27 Candidate’s departure constitutes a failure to adhere to the essentials of Reformed faith and
28 polity.” The Presbytery agreed with this Commission’s understanding of the constitutional
29 process, and therefore did not appeal, but Complainants appealed to the GAPJC in a further
30 effort to prevent the Presbytery from examining Ms. Larges. The GAPJC refused to stay the

1 examination, and subsequently affirmed this Commission's order, in Rem. Case 219-11,
2 *Naegeli v. Presbytery of San Francisco* (November 2, 2009).

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4 6. The Presbytery agrees with the allegations of fact stated in this numbered
5 paragraph, regarding its meeting of November 10, 2009.

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7 7. The Presbytery agrees with the allegations of fact stated in this numbered
8 paragraph, except insofar as the Complaint characterizes the vote on the motion to validate
9 Ms. Larges' call, which was adopted 157 to 147.

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11 8. The Presbytery agrees with the allegations of fact stated in this numbered
12 paragraph, regarding the examination of Ms. Larges.

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14 9. The Presbytery agrees with the allegations of fact stated in this numbered
15 paragraph, regarding Ms. Larges' statement of departure, but avers that the statement itself
16 (only a small extract of which is quoted in the Complaint) is the best evidence of its contents.

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18 10. The Presbytery agrees with the allegations of fact stated in this numbered
19 paragraph, regarding its vote to sustain the examination of Ms. Larges.

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21 11. The Presbytery agrees with the allegations of fact stated in this numbered
22 paragraph, regarding the filing of a protest (which was prepared in advance of the meeting)
23 and the execution of a Stay of Enforcement by 103 of the 320 ministers and elder-
24 commissioners registered for the meeting.

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26 12. Insofar as the allegations in this numbered paragraph characterize matters put at
27 issue in Rem. Case 08-01, *Naegeli v. Presbytery of San Francisco*, the Presbytery refers to its
28 Answer to paragraph 5, and notes further that Complainants (not the Presbytery) argued for
29 the concept of a "two-step process" that the PJC's rejected in that case.
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3 **COMPLAINT RATIONALE**

4 13. The Presbytery agrees that this numbered paragraph quotes part of an
5 Authoritative Interpretation of G-6.0108, but points out that, in addition to “arising from” a
6 denominational task force, that Authoritative Interpretation was adopted by the General
7 Assembly in plenary session. Complainants also have left out the concluding admonition:
8 “All parties should endeavor to outdo one another in honoring one another’s decisions,
9 according the presumption of wisdom to ordaining/installing bodies in examining candidates
10 and to the General Assembly, with presbyteries’ approval, in setting standards” (PCUSA
11 Minutes, Part 1, pp. 28-29, 514-519 (2006)).

12 14. The Presbytery disagrees with Complainants’ bare assertion that Ms. Larges
13 “departed from scriptural and constitutional standards” of fitness for office. Faithful
14 Presbyterians in good faith hold a variety of views about whether Scripture permits same-sex
15 relations. Likewise, it is misleading to characterize G-6.0106b as a “mandatory” standard
16 (although it establishes an important aspiration) because it sets “requirements” – namely, that
17 ordinands are to “lead a life in obedience to Scripture and in conformity to the historic
18 confessional standards” – which Scripture and the confessions teach us no one can meet
19 fully. The second sentence of G-6.0106b cites “fidelity and chastity” as an *example* of these
20 Scriptural and confessional standards (noting that it is “among these standards”), rather than
21 as a unique standard in its own right, and uses terms that require interpretation (like
22 “chastity,” which the confessions require even of married persons and which General
23 Assembly in 2003 refused to equate with celibacy outside marriage). Further, G-6.0106b
24 requires presbyteries to apply these terms in light of our confessional understanding of
25 repentance (i.e. G-6.0106b disqualifies only persons who are “refusing to repent”), and
26 therefore requires consideration of the candidate’s conscientious convictions (not simply the
27 mechanistic application of “a church-wide mandatory ordination standard”). The Presbytery
28 further disagrees with the allegation that Ms. Larges’ declared departure from a single,
29 questionable interpretation of G-6.0106b constituted a “serious departure” from standards
30 (that is, a departure from an “essential”) within the meaning of G-6.0108. Indeed, because

1 ordination requires that a candidate adopt essential tenets of “Reformed” faith, and affirm a
2 willingness to be governed by the church’s polity (W-4.4003), a willingness to show each
3 other mutual forbearance in non-essential matters of conscience is as much part of our
4 “scriptural and constitutional standards for fitness for office” (under G-1.0300 and G-6.0108)
5 as is the contested sexual ethic at issue in this case.
6

7 15. The Presbytery does not agree with the Complainants’ paraphrase of the “PUP-
8 AI” (by which the Presbytery understands Complainants mean General Assembly’s
9 Authoritative Interpretation of G-6.0108 in 2006). That Authoritative Interpretation does not
10 specify whether higher governing bodies review either the substance of an ordination
11 decision or the process by which it was reached. However, church law long has held that a
12 presbytery, which sees and hears the candidate personally, is best able to judge her fitness for
13 office, and that higher governing bodies may substitute their judgment only for “the most
14 extraordinary reasons” (Rem. Case 197-4, *Simmons v. Presbytery of Suwannee* (1985); Rem.
15 Case 193-10, *Rankin v. National Capital Union Presbytery* (1981)). Further, the Presbytery
16 believes that G-6.0108 vests in presbyteries and sessions the determination whether a
17 conscientious disagreement can be deemed “essential” in a particular case, and that mutual
18 forbearance does not constitute a simple “waiver” of standards (rather, it constitutes an
19 application of standards, in the collective discernment of the examining body, within the
20 bounds that the Constitution establishes for their application).
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22 16. The Presbytery avers that the *Bush* decision itself, read in its entirety, is the best
23 evidence of its contents. However, that decision is irrelevant to this case, because it is no
24 longer church law. General Assembly in 2008 adopted an Authoritative Interpretation which
25 – like *Bush* – addressed the question how G-6.0106 and G-6.0108 fit together in our
26 constitutional design. That Authoritative Interpretation clarified that no part of G-6.0106 can
27 be applied without regard to G-6.0108, and that “the requirements of G-6.0108 . . . apply
28 *equally to all* ordination standards of the Presbyterian Church (U.S.A.). Section G-6.0108
29 requires examining bodies to give prayerful and careful consideration, on an individual, case-
30 by-case basis, to *any* departure from an ordination standard in matters of *belief or practice*

1 that a candidate may declare during examination” (PCUSA Minutes, Part 1, pp. 42-43, 380
2 (2008) (emphases added)). Under G-13.0103r, where there is a conflict between
3 Authoritative Interpretations, the most recent of them governs. Accordingly, whatever the
4 *Bush* decision meant (and that is subject to some dispute), it has been overruled by the more
5 recent, unequivocal action of General Assembly.
6

7 17. The Presbytery believes that this numbered paragraph of the Complaint is an
8 inexact paraphrase of G-6.0108, and that that section of the Book of Order itself is the best
9 evidence of church law.
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11 18. The Presbytery does not agree with Complainants’ characterization of Ms.
12 Larges’ position and the consequences thereof, for reasons briefly summarized in its Answer
13 to paragraph 14. The Presbytery avers that Ms. Larges’ statement, read in its entirety, is the
14 best evidence of its contents, and that determining how that statement affects the candidate’s
15 fitness for office is constitutionally vested in the collective discernment of the examining
16 body (that is, the Presbytery).
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18 19. The Presbytery avers that the *Bush* decision itself, read in its entirety, is the best
19 evidence of its contents, but that that decision is irrelevant to this case, having been overruled
20 by General Assembly, under G-13.0103r, in 2008 (see the Answer to paragraph 16 above).
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22 20. The Presbytery avers that the *Bush* decision itself (a small part of which is quoted
23 in paragraph 20 of the Complaint) is the best evidence of its contents. However, that
24 decision is irrelevant to this case, having been overruled by General Assembly in 2008 (see
25 the Answer to paragraph 16 above). The Presbytery further affirms that its decision to
26 ordain Lisa Larges was fully in compliance with the Constitution (including the portions of
27 G-6.0108 quoted in paragraph 20 of the Complaint).
28

29 21. The Presbytery avers that the *Maxwell* decision itself is the best evidence of its
30 contents. However, that decision is irrelevant to this case, because it addressed a candidate’s

1 refusal to perform a constitutional function of office – namely, to ordain persons (women)
2 who were elected by a congregation and found fit by the session or presbytery. As noted by
3 General Assembly in 2008, despite the breadth of G-6.0108, a presbytery “cannot excuse a
4 candidate’s inability to perform the constitutional functions unique to his or her office”
5 (PCUSA Minutes, Part 1, pp. 42-43, 380 (2008)). There are no allegations or evidence in
6 this case that Ms. Larges has refused to perform any constitutional function unique to the
7 ministerial office.

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9 22. The Presbytery denies the allegations of this paragraph, regarding the effect of the
10 challenged action. In 1976, when the Presbyterian Church began to grapple seriously with
11 questions about homosexuality, the General Assembly of the PCUS identified three basic
12 strands of thought: that homosexuality is a sickness, that it is a sin, or that it is a legitimate
13 variety of human sexuality. After reviewing the empirical, scriptural, and theological
14 considerations for and against each position, the PCUS made the profoundly Reformed
15 observation that:

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17 Variations of each of the three basic positions we have outlined are chosen by
18 faithful Christians. . . . All serious Christians will be compelled to reject one or
19 another of these positions. But in view of the complexity of the issue, the
20 disagreement among Christians and the variety in the character and experience
21 of homosexual persons themselves, it seems unwise at this time to propose any
22 one position as the position of our Church.

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24 (PCUS Minutes, Part 1, pp. 174, 319 (1977)). The forbearance shown by the PCUS at
25 that time was consistent with our history and theology as Reformed Christians, and time
26 has proved its wisdom. Regrettably, the General Assembly of the UPCUSA declared the
27 next year that, under the church’s general “manner of life” standard (now G-6.0106a),
28 “unrepentant homosexual practice does not accord with the requirements for ordination”
29 (UPCUSA Minutes, Part 1, pp. 48, 264-265 (1978)). The PCUS then adopted that
30 statement in an effort to align the two denominations’ positions prior to reunion. These

1 ill-advised statements – which the GAPJC declared binding on the church in 1985, and
2 which became known after 1986-87 as “authoritative interpretations” – have led not to an
3 agreed orthodoxy, but to deep division and boundless rancor. In 2006 and 2008, the
4 PC(USA) finally discerned that its declarations regarding homosexuality had not clarified
5 matters or unified the church but, instead, had created a climate of estrangement and
6 hostility, and had wrought enormous damage on the denomination and its mission.
7 Accordingly, in 2006, the General Assembly returned to the Presbyterian Church’s
8 historic law and practice, and reaffirmed that our requirements for ordination are to be
9 applied with respect for individuals’ rights of conscience. In 2008, the General Assembly
10 further affirmed and clarified three points: that the duty to show mutual forbearance
11 under G-6.0108 applies equally to all standards; that examining bodies may accept
12 scruples relating to personal behavior as well as matters of belief; and that examining
13 bodies cannot accept a candidate’s refusal to perform the unique constitutional functions
14 of office. General Assembly further clarified its return to historic Presbyterian law and
15 practice with an Authoritative Interpretation of G-6.0106, which states that its prior
16 declarations about homosexuality do not bind the conscience of church members (i.e. are
17 of “no further force or effect”) (PCUSA Minutes, Part 1, pp. 42-43, 371-373 (2008)).

18 This case was brought against the Presbytery, when it acted in compliance with both the
19 Constitution and these General Assembly directives, because Complainants are unhappy with
20 this return to historic Presbyterian law and process. Instead of protecting rights of
21 conscience, Complainants seek to perpetuate the rigors of conflict. Such a return would be
22 neither constructive nor constitutional.

23
24 23. For reasons stated above, the Presbytery does not agree that the action challenged
25 in this case was irregular – rather, it believes that its action was entirely constitutional. Ms.
26 Larges’ declared departure from a single, questionable interpretation of G-6.0106b cannot be
27 deemed a “refusal to comply with mandatory ordination standards,” and the Presbytery
28 properly determined that she is qualified for ordination through processes of collective
29 discernment and mutual forbearance that are bedrocks of Presbyterian law and tradition.

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SPECIFICATIONS OF ERROR

1. The Presbytery denies this allegation in its entirety. Ms. Larges’ refusal to abide by a single, questionable interpretation of the second sentence of G-6.0106b was not a failure to be governed by the church’s polity or to abide by its discipline. In interpreting how various provisions of the Book of Order (G-6.0106 and G-6.0108) interact with each other, the General Assembly in 2006 and 2008 made clear that the Constitution requires a presbytery to apply *all* ordination standards in light of our constitutional commitment to mutual forbearance, where the presbytery determines that a candidate’s conscientious departure from a standard is not so important that it renders the presbytery and the candidate incapable of communion with each other (that is, “essential”). The Presbytery conducted a full examination – as conceded in paragraph 8 of the Complaint – and then, in light of its collective discernment, properly applied *all* of our constitutional standards and requirements.

2. The Presbytery denies this allegation in its entirety, and affirms its finding that Ms. Larges’ departure from one single, questionable interpretation of G-6.0106b was not so “serious” as to disqualify her from ordination under G-6.0108. G-6.0106b does not establish a single “requirement for ordination,” as alleged by Complainants, but establishes as “requirements” that church leaders are to “lead a life in obedience to Scripture and in conformity to the historic confessional standards of the church” – an important aspiration that Scripture and the confessions teach us no one can meet fully. The second sentence of G-6.0106b cites “fidelity and chastity” as an *example* of these Scriptural and confessional norms, not as a unique standard in its own right. Further, it uses terms (e.g. “chastity”) that cannot facily be equated with a requirement of celibacy outside heterosexual marriage. G-6.0106b also requires presbyteries to apply its terms in light of our confessional understanding of repentance and, therefore, requires consideration of the candidate’s conscientious convictions. Nor is G-6.0106b to be read in isolation from other parts of the Constitution. The Presbytery properly accorded Ms. Larges mutual forbearance, under G-

1 1.0300 and G-6.0108, on a point of disagreement that it determined, after full examination of
2 the candidate in person, was not “essential” in this case.
3

4 3. The Presbytery does not agree that its acceptance of Ms. Larges’ declared
5 departure obstructed the constitutional governance of the church. In fact, over 30 years of
6 conflict have shown that it is *an overreaching attempt to bind the conscience of all members*
7 *outside the processes of case-by-case examination, collective discernment, and mutual*
8 *forbearance* that seriously obstructs Presbyterian governance and fellowship. This
9 obstruction of the Presbyterian form of government was corrected by the General Assembly
10 in its Authoritative Interpretations of 2006 and 2008. The Presbytery acted fully in
11 accordance with the Constitution and those Authoritative Interpretations, in assessing Ms.
12 Larges’ fitness for office.
13

14 **REQUEST FOR RELIEF**

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16 For the reasons stated above, the Presbytery denies that any part of the requested remedy
17 is appropriate. The Presbytery requests a ruling from this Commission that it acted regularly
18 and constitutionally in all respects.
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21 Date _____
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23 By Counsel for Respondent:
24
25 _____

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CERTIFICATION OF SERVICE

I hereby certify that the enclosed Answer is submitted in answer to the Complaint in *Eric Parnell et al. v. Presbytery of San Francisco*, and that a copy has been furnished to the Complainants' Counsel by certified mail, return receipt requested, on this 26th day of January, 2010, at the following address:

Rev. Mary Holder Naegeli
535 Wimbledon Road
Walnut Creek, California 94598

1/26/10
Date

_____/Pamela Byers_____/sig/_____
Signature of Counsel of Respondents