Arrival Statement

This remedial case comes before the General Assembly Permanent Judicial Commission (GAPJC or this Commission) as a matter of original jurisdiction from a Challenge filed by Complainant, Session, First Presbyterian Church of Palmdale, California (Complainant or Palmdale), to the Preliminary Order for Dismissal issued by the Moderator and Clerk of the GAPJC on July 21, 2014.

Jurisdictional Statement

Under the provisions of D-6.0306, this Commission finds that Complainant’s Challenge to the Preliminary Order for Dismissal was properly and timely filed and that this Commission has jurisdiction to hear this Challenge.

Appearances

Complainant, Session of First Presbyterian Church of Palmdale, appeared through its counsel, Jorg R. Largent. Respondents, the 221st General Assembly of the Presbyterian Church (U.S.A.) and the Committee on Civil Union and Marriage Issues of the 221st General Assembly of the Presbyterian Church (U.S.A.), appeared through their counsel, James A. Wilson.

History

This case arises from the Complainant’s allegation of irregularity in the approval of the Committee on Civil Union and Marriage Issues (Committee) Item 10-03, Authoritative
Interpretation of the Book of Order, Section W-4.9000 (AI) of the 221st General Assembly (June 14-21, 2014) (GA). The GA created the Committee, as an assembly committee, for the purpose of reviewing and rendering advice about civil union and marriage matters coming before that Assembly.

On July 17, 2014, the Complainant filed a Complaint and Request for Stay of Enforcement with the Office of the Stated Clerk of the General Assembly. The Complaint alleged irregularities by the Committee and the GA in the GA’s acceptance during plenary session of the Committee’s recommendation and approval of the AI to affirm pastoral discretion in the performance of marriage ceremonies.

The GAPJC Moderator and Clerk reviewed the Complaint and Request for Stay of Enforcement and issued a Preliminary Order for Dismissal on July 21, 2014. The Order concluded that the GAPJC does not have jurisdiction over the GA; that the Complainant does not have standing to file the Complaint; that the Complaint does not state a claim upon which relief can be granted; and that as an assembly committee of the GA, the Committee had no power other than to make recommendations to the GA and that, therefore, neither the Committee nor its members are a party to this Complaint.

On July 21, 2014, the GAPJC Commissioners were informed of the Complainant’s Request for Remedial Action and Stay of Enforcement, the Preliminary Order of Dismissal and the requirements for a Stay pursuant to D-6.0103. The Office of the Stated Clerk of the General Assembly did not receive the required signatures to stay the AI; therefore, the Complainant’s Request for Stay of Enforcement was not granted.

The Office of the Stated Clerk of the General Assembly received the Complainant’s Challenge to the Preliminary Order for Dismissal on August 18, 2014. Under the provisions of D-6.0305, the GAPJC Moderator and Clerk reviewed the Challenge and determined that it was properly and timely filed. An Order Accepting Challenge was issued on August 20, 2014, and a hearing was scheduled on the Challenge for February 13, 2015.

Basis for Complainant’s Challenge

Complainant challenged the Preliminary Order of Dismissal of the Moderator and Clerk of the GAPJC asserting that the GAPJC did have jurisdiction to hear the Complaint, that the Complainant did have standing to bring the Complaint, and that the Complaint did state a claim upon which relief could be granted.
Decision

This Commission finds that it lacks jurisdiction over the GA and the Committee and, therefore, affirms the Preliminary Order for Dismissal.

*Book of Order* D-6.0202b(2) states that a complaint may be filed by a session against the Presbyterian Mission Agency or an entity of the General Assembly. There is no provision in the *Book of Order* permitting a complaint to be filed against the General Assembly itself. The Committee was an assembly committee and not an entity of the GA. The Committee did not have the power to act other than to make recommendations to the GA (*See*, G-3.0109). Upon adjournment of the GA, the Committee ceased to exist. Therefore, this Commission has no jurisdiction over the GA or the Committee.

D-6.0306(c) states, “If the permanent judicial commission determines that any point listed in D-6.0305 has been answered in the negative, the permanent judicial commission shall dismiss the case.” Since this Commission finds that it has no jurisdiction, it does not need to decide whether the Complainant had standing to bring this Complaint or whether the Complaint stated a claim upon which relief could be granted.

Order

IT IS THEREFORE ORDERED that this case is dismissed.

IT IS FURTHER ORDERED that the Clerk of Session of the First Presbyterian Church of Palmdale, California, report this Decision to the Session at the first meeting after receipt, that the Session enter the full Decision upon its minutes and an excerpt from those minutes showing entry of the Decision be sent to the Stated Clerk of the General Assembly.

Absences and Non-Aparpearances

Commissioners Mary McClure and Flor Velez-Diaz did not participate in the hearing or deliberations.

Certificate

We certify that the foregoing is a true and correct copy of the decision of the Permanent Judicial Commission of the General Assembly of the Presbyterian Church (U.S.A.) in Remedial Case 222-02, Session, First Presbyterian Church of Palmdale, California (DBA Horizon Community Church), Complainant, v. The 221st General Assembly of the Presbyterian Church (U.S.A.) and the Civil Union and Marriage Issues Committee of the 221st General Assembly of
the Presbyterian Church (U.S.A.), Respondent, made and announced at Nashville, TN this 14th day of February, 2015.

Dated this 14th day of February, 2015.

______________________________________________
Jeana Lungwitz, Moderator
Permanent Judicial Commission of the General Assembly

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Jay Lewis, Clerk
Permanent Judicial Commission of the General Assembly

I certify that I did transmit the foregoing to C. Laurie Griffith, requesting her to transmit it by Federal Express Next Day Air, to the following persons:

Jorg Largent, Counsel for Appellant
James A. Wilson, Counsel for Appellee
General Assembly Permanent Judicial Commission

I further certify that I did transmit a certified copy of the foregoing to the Stated Clerk of the General Assembly of the Presbyterian Church (U.S.A.) by delivering it in person to C. Laurie Griffith, on February 14, 2015.

______________________________________________
Jay Lewis, Clerk
Permanent Judicial Commission of the General Assembly

I certify that I received a certified copy of the foregoing, that it is a full and correct copy of the decision of the Permanent Judicial Commission of the General Assembly of the Presbyterian Church (U.S.A.), sitting during an interval between meetings of the General Assembly, in Nashville, TN on February 14, 2015, in Remedial Case 222-02, Session, First Presbyterian Church of Palmdale, California (DBA Horizon Community Church), Complainant, v. The 221st General Assembly of the Presbyterian Church (U.S.A.) and the Civil Union and Marriage Issues Committee of the 221st General Assembly of the Presbyterian Church (U.S.A.), Respondent, made and announced at Nashville, TN this 14th day of February, 2015, and that it is the final judgment of the General Assembly of the Presbyterian Church (U.S.A.) in the case.

Dated at Nashville, TN on February 14, 2015.

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C. Laurie Griffith
Manager of Judicial Process and Social Witness