

Presbyterian Church in America

Office of the Stated Clerk-
Administrative Committee
1700 North Brown Road, Suite 105
Lawrenceville, GA 30043-8143
Phone 678-825-1000
Fax 678-825-1001
Email ac@pcanet.org

Stated Clerk of the General Assembly
Dr. L. Roy Taylor
Business Administrator
The Reverend John W. Robertson
Assistant to the Stated Clerk
The Reverend J. Robert Fiol

CERTIFIED/RETURN RECEIPT REQUESTED

TE Robert S. Rayburn
620 South Shirley Street
Tacoma, WA 98465-2531

Rev. Jim Bordwine
700 NE 70th St.
Vancouver, WA 98661

DATE: March 11, 2010

FROM: L. Roy Taylor
Stated Clerk, PCA

SUBJECT: DECISION IN JUDICIAL CASE 2009-6
COMPLAINT OF TE JAMES BORDWINE, ET AL.
VS.
PACIFIC NORTHWEST PRESBYTERY

Pursuant to *SJC Manual* 19.8(j), we are mailing the decision of the SJC in the above captioned case. The motion was:

II. STATEMENT OF THE ISSUE

Did PNW err in its handling of the Reports from the PNW Study Committee appointed to examine Leithart's fitness to continue as a PCA Teaching Elder?

III. JUDGMENT

Yes. The Complaint is sustained, and the case is sent back to PNW with instructions to proceed according to the Reasoning and Opinion of this Decision.

BCO 15-5. a. states:

"The decision of the Standing Judicial Commission shall be the final decision of the General Assembly except as set forth below, to which there may be no complaint or appeal."

A roll call vote was taken. The vote was as follows:

17 Concur, 2 Dissent, 0 Disqualified, 0 Recused, 0 Abstain, 3 Absent

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SJC 2009-6

BCO 15-5 c. (1) states:

If, within twenty-four (24) hours of the time of adjournment of a Standing Judicial Commission meeting at which a final decision was rendered in a case, at least one-third (1/3) of the voting members of the Standing Judicial Commission file written notice of their intention to file a minority decision with the Stated Clerk of the General Assembly, and within twenty (20) days from the adjournment do file such a minority decision, such minority decision shall be considered a minority report and shall be referred, with the report of the Standing Judicial Commission, to the General Assembly. In each instance "file" shall be understood as defined by the Operating Manual for Standing Judicial Commission.

There were 2 dissenting votes. The dissenting members all signed a *dissenting opinion* within twenty (20) days of the SJC meeting ("Manual of the SJC" 15.7, 20.12). The dissenting members did not, however, file written notice of their intention to file a *minority decision* with the Stated Clerk of the General Assembly within twenty-four (24) hours from the adjournment of the SJC meeting and did not file such a *minority decision* within twenty (20) days, in fact, not at all (BCO 15-5 c. (1)). Therefore, the majority decision is the final and binding decision and there will be no *minority report* presented to the upcoming General Assembly, though the *dissenting opinion* will be printed in the minutes of the General Assembly.

Sincerely yours in Christ,



L. Roy Taylor
Stated Clerk, PCA
Pr1

Enclosure: SJC Decision in Case 2009-6

Cc: Mr. John White, Chairman SJC
Rev. Bill Lyle, Vice Chairman SJC
Mr. Samuel J. Duncan, Secretary SJC
Rev. Dewey Roberts, Assistant Secretary SJC

1 church, is contrary to the Westminster Standards.

2
3 3) The view that Christ does not stand as a representative head whose
4 perfect obedience and satisfaction is imputed to individuals who believe in him is
5 contrary to the Westminster Standards.

6
7 4) The view that strikes the language of "merit" from our theological
8 vocabulary so that the claim is made that Christ's merits are not imputed to his people is
9 contrary to the Westminster Standards.

10
11 5) The view that "union with Christ" renders imputation redundant
12 because it subsumes all of Christ's benefits (including justification) under this doctrinal
13 heading is contrary to the Westminster Standards.

14
15 6) The view that water baptism effects a "covenantal union" with
16 Christ through which each baptized person receives the saving benefits of Christ's
17 mediation, including regeneration, justification, and sanctification, thus creating a parallel
18 soteriological system to the decretal system of the Westminster Standards, is contrary to
19 the Westminster Standards.

20
21 7) The view that one can be "united to Christ" and not receive *all* the
22 benefits of Christ's mediation, including perseverance, in that effectual union is contrary
23 to the Westminster Standards.

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25 8) The view that some can receive saving benefits of Christ's
26 mediation, such as regeneration and justification, and yet not persevere in those benefits
27 is contrary to the Westminster Standards.

28
29 9) The view that justification is in any way based on our works, or
30 that the so-called "final verdict of justification" is based on anything other than the
31 perfect obedience and satisfaction of Christ received through faith alone, is contrary to
32 the Westminster Standards.

33
34 06-14-07 TE Peter Leithart ("Leithart") writes to the Stated Clerk of the Pacific
35 Northwest Presbytery ("PNW") in order to lay out his views on specific subjects
36 contained in the 9 Declarations.

37
38 10-04/05-07 In response to a request from Leithart and one of the Complainants herein,
39 PNW appointed a Study Committee (the "PNW Study Committee") charged with
40 examining Leithart's fitness to continue as a PCA Teaching Elder in light of the June
41 2007 General Assembly's receptions of the Ad Interim Committee's Report on the
42 theology of the Federal Vision.

43 01-10/11-08 PNW received a status report from the PNW Study Committee.

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45 04-24/25-08 PNW received a status report from the PNW Study Committee.

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2 10-02/03-08 PNW received a Report from the PNW Study Committee (the "Committee
3 Report") and a Minority Report (the "Minority Report"). Leithart's Response to both
4 reports was included. The Committee Report recommended that the views of Leithart be
5 judged to be not out of accord with the fundamentals of our system of doctrine. The
6 Minority Report recommended that the views of Leithart be found out of accord with the
7 fundamentals of the system of doctrine taught in the Westminster Confession of Faith and
8 Catechisms (the "Standards"). PNW adopted the Committee Report.

9
10 10-21-08 Complainants herein filed a Complaint with PNW regarding the action of
11 PNW in connection with the adoption of the Committee Report. Complainants
12 contended that: a) PNW erred by not finding that Leithart's views were out of accord
13 with the Standards (Count 1); b) PNW erred by finding that Leithart's views were not out
14 of accord with the Standards (Count 2); c) PNW erred by not correctly applying a
15 principle set forth in the Louisiana Presbytery/Steve Wilkins case(s), i.e. the fact that
16 Leithart's does not explicitly deny certain teachings of the Standards does not exonerate
17 him (Count 3); and d) Members of PNW misunderstood the Minority Report (Count 4).

18
19 01-08/09-09 PNW consideration of the Complaint was postponed, due to weather
20 conditions and assigned the Complaint to a Judicial Commission ("PNW Judicial
21 Commission").

22
23 11-20-08 The PNW Judicial Commission denied the Complaint for the following
24 reasons, to wit:

- 25
26 a) Counts 1 and 2 were treated as a motion to reconsider and
27 denied because, under Robert's Rules of Order, such a motion has to be made by one who
28 voted for it.
29 b) Count 3 was denied because discussion on floor was
30 attributed to PNW.
31 c) Count 4 was denied because one cannot complain about
32 misunderstandings of presbyters.

33
34 04-23/24-09 PNW adopted the Report of the PNW Judicial Commission that PNW did
35 not err in finding Leithart's views to not be out of accord with the fundamentals of our
36 system of doctrine.

37
38 05-18-09 Complainants filed a Complaint with the PCA Stated Clerk alleging PNW
39 erred in rejecting the Minority Report, which contained ample evidence that the
40 differences between Leithart's views and the Standards are fundamental, and in affirming
41 that Leithart's differences are not out of accord with the Standards. Complainants
42 contend the Complaint should be sustained for the following reasons: a) PNW ruled that
43 the "only recourse" was to make a motion reconsider; b) PNW applied the principles
44 found in the Louisiana Presbytery case(s) incorrectly in holding that one could make
45 statements contravening the Standards without explicitly denying the Standards; and c) a

1 complaint to the SJC may only be lodged if charges are actually filed against Leithart or
2 PNW.

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4 **II. STATEMENT OF THE ISSUE**

5
6 Did PNW err in its handling of the Reports from the PNW Study Committee
7 appointed to examine Leithart's fitness to continue as a PCA Teaching Elder?
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9 **III. JUDGMENT**

10
11 Yes. The Complaint is sustained, and the case is sent back to PNW with
12 instructions to proceed according to the Reasoning and Opinion of this Decision.
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14 **IV. REASONING AND OPINION**

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16 The Record in this matter suggests that there are aspects of the teachings of TE
17 Leithart that are in conflict with our standards. These teachings could reasonably be
18 deemed to be injurious to the peace and purity of the church (BCO 13-9(f)). Further, the
19 Record shows that Complainant and Respondent acknowledge the same. However,
20 without formal judicial process, PNW does not have the authority to render a definitive
21 judgment as to whether those teachings strike at the vitals of religion or were
22 industriously spread. (BCO 34-5 & 6) Therefore, Complainants are not entitled to a
23 declaration that these teachings are out of accord with our system of doctrine. Similarly,
24 without the completion of judicial process, PNW could not declare that these teachings
25 are not out of accord with our system of doctrine.
26

27 PNW erred by declaring that TE Leithart's views were not out of accord with our
28 standards. Further, PNW may not, at this point, (as Complainants have asked) declare
29 that his views are out of accord with our standards. Nevertheless, the views of TE
30 Leithart touching fundamentals of the system of doctrine (for example on baptism, the bi-
31 covenantal nature of Scripture, and imputation) set out in the Record (in PNW's own
32 Reports) suggest a strong presumption of guilt that these views represent offenses that
33 could properly be the subject of judicial process. (BCO 31-2, BCO 29-1 & 2)
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35 In light of these findings, PNW is directed to proceed, as follows:
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- 37 (1) Pursuant to BCO 31-7, PNW may counsel TE Leithart that the
38 views set forth above constitute error that is injurious to peace and
39 purity of the church and offer him pastoral advice on how he might
40 recant and make reparations for those views or, if he is unwilling
41 or unable in conscience to do so, that he is free to take timely steps
42 toward affiliation with some other branch of the visible church that
43 is consistent with his views;
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45 (2) If said pastoral advice is not pursued or fails to result in TE

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Leithart's recanting or affiliating with some other branch of the visible church before the Fall Stated Meeting of PNW, then PNW shall take steps to comply with its obligations under BCO 31-2.

Beyond these directions, we call attention to the responsibility of members of PNW, as those called to rebuke any who contradict sound doctrine, to bring charges in this case, should they find the views in question to be in violation of our Doctrinal Standards.

This matter is remanded to PNW for further actions consistent with this opinion.

This Decision was amended by the full Standing Judicial Commission.