

**SYNOD OF SOUTH ATLANTIC
PRESBYTERIAN CHURCH (U.S.A.)
PERMANENT JUDICIAL COMMISSION**

NORMAN F. BLESSING, Elder,

Complainant/Appellee,

vs.

**Remedial Case # 02-01
APPELLANT'S BRIEF**

**SESSION OF FIRST PRESBYTERIAN
CHURCH OF SEBASTIAN (U.S.A.),**

Respondent/Appellant.

Issues Presented /Short Answers

- I1- Whether the Resolution passed by the Sebastian Session seeks to amend or modify the confessions contained within the *Book of Confessions*?
- A1- The Resolution does not seek to amend or modify the confessions contained within the *Book of Confessions*.
-
- I2- Whether the act of confessing is confined only to using the verbatim language contained in the *Book of Confessions*?
- A2- In confessing what we believe, we are not confined only to use of the verbatim language contained in the *Book of Confessions*.
-
- I3- Whether the CFPPJC may enjoin the Session of the First Presbyterian Church Of Sebastian from passing a Resolution consistent with the Constitution of the Presbyterian Church (U.S.A.)?
- A3- The CFPPJC may not enjoin the Session of the First Presbyterian Church Of Sebastian from passing a Resolution consistent with the Constitution of the Presbyterian Church (U.S.A.).
-

I4- Whether the decision of the CFPPJC restrains the Session of the First Presbyterian Church Of Sebastian from lawfully exercising its power within Constitutional bounds?

A4- The CFPPJC's order restrains the Session of the First Presbyterian Church Of Sebastian from lawfully exercising its power within Constitutional bounds.

I5- Whether the Session of the First Presbyterian Church Of Sebastian was unfairly prejudiced by the actions of the CFPPJC and should, at minimum, receive a new trial?

A5- The Session of the First Presbyterian Church Of Sebastian was unfairly prejudiced by the actions of the CFPPJC and should, at minimum, receive a new trial.

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I. INTRODUCTION

On May 22, 2001, the Session of the First Presbyterian Church of Sebastian (U.S.A.) (“Sebastian Session”) joined what are now more than 1,200 sister churches in adopting in form and substance what has come to be known as the Confessing Church Resolution (the “Resolution”). Far from seeking to undermine or add to the historic confessions of the Church, as Appellee alleges, the Sebastian Sessions seeks—as it must according to the *Book of Order*—to *affirm* the truths embodied in the historic confessional documents upon which, along with Scripture, the Church is built. The purpose of the Resolution is to call the church, both local and universal, to be faithful to the truths embodied in the historic confessional documents.

The action of the Sebastian Session is akin to a renewing of marriage vows. When a couple renews their vows of marriage, they are not becoming newly married. Instead, they are reaffirming their commitment to vows made long ago, whether or not they use the precise words of their original wedding vows. It is those who are faithful in marriage and who are seeking to deepen their relationship with their spouse who will willingly renew their vows. Further, one couple’s renewal of their wedding vows serves to encourage other couples to likewise reaffirm their vows to one another. This is what the Sebastian Session was seeking to do in passing the Resolution—affirm their own commitment to the historic confessions of the Church and urge others to do the same. Like a marriage ceremony, which only binds those taking the vows, the action of the Sebastian Session in resolving to call the Church to reaffirm its historic tenets does not affect anyone outside of the First Presbyterian Church of Sebastian.

Because the Sebastian Session’s adoption of its May 23, 2001, Resolution is in full accord with the Constitution, the Sebastian Session requests that the Permanent Judicial Commission of the Synod of South Atlantic (“Synod PJC”) overturn the flawed and erroneous decision of the Central Florida Presbytery Permanent Judicial Commission (“CFPPJC”) and

dismiss Mr. Blessing's Complaint. The CFPPJC committed various constitutional and procedural errors that require that its February 20, 2002, decision be reversed.

II. ARGUMENT

A. THE CFPPJC'S DECISION THAT THE MAY 23, 2001, RESOLUTION IS A NEW CONFESSION IS REVERSIBLE ERROR REQUIRING DISMISSAL OF MR. BLESSING'S COMPLAINT.

1. THE RESOLUTION OF THE SEBASTIAN SESSION IS AN ACT OF CONFESSING, NOT A NEW CONFESSION.

Every time a church says, "We Believe," it is making a confession, an affirmation of that which the church believes. Yet, not every act of confessing—affirming beliefs—becomes a new "Confession" in the sense that the eleven confessional documents contained in the *Book of Confessions* are considered by the church to be Confessions. For example, churches regularly confess—affirm—their belief in the need for, and commitment to, world missions.

Our Constitution does not contemplate that such confession—affirmation—must use the precise words of one of the historic confessional documents in order to be proper.¹ The *Book of Confessions* states "church sessions (in the case of elders and deacons) are free to decide for themselves what acceptable loyalty to the confessions means in their particular situation without being bound to any 'check list' prescribed by higher governing bodies of the church."²

The *Book of Confessions* discusses the distinction between a Confession as a Christian document and confession as an act of faith.

Many people are confused by talk of "confessing," "confessions," and "confessional" churches. [...] In Christian tradition, however, confession has an earlier, positive sense. To confess means openly to affirm, declare, acknowledge or take a stand for what one believes to be true. The truth that is confessed may include the admission of sin and guilt but is more than that. When Christians make a confession, they say, "This is what we most

¹ Mr. Blessing testified at trial that if the words of the Resolution were taken verbatim from the Confessions contained in our Constitution, then the Session still could not pass such a Resolution. TR 42-75. (Cites to the record before the Synod PJC will be cited as Trial Record (TR) xx-xx to yy-yy.)

² *Book of Confessions*, Preface, at xxvi.

assuredly believe, regardless of what others may believe and regardless of the opposition, rejection, or persecution that may come to us for taking this stand." A distinction must be made between confession as an act of Christian faith—and a confession as a document of Christian faith.³

Although the Sebastian Session's Resolution refers to and mirrors the historic confessional documents of the church, it in no way seeks to amend or modify the Church's Constitution.⁴ A part of Appellee's Complaint about the Resolution is that it sounded like a confession. This should come as no surprise. As a reflection of the Sebastian Session's commitment to the confessional documents, one would expect the Resolution to sound like a confession.⁵ Nonetheless, the Resolution is not intended or designed to amend or modify or be in contradiction of the historic confessional documents.⁶ It is simply an act of Christian faith, taken by the Sebastian Session in these times of unsettled Church polity, to serve as a rallying-point.⁷

³ *Book of Confessions*, Preface at xi-xii.

⁴ The CFPPJC must have decided, though there is no reasoning in its decision, that the statements of the Sebastian Resolution are new Confessions within the Constitutional sense, otherwise they could not have reached the result they did. However, this is an important threshold question, and, at a minimum, requires remand of the case to the CFPPJC for determination.

⁵ The words chosen by the Confessing Church movement, contained in the Resolution adopted by the Sebastian Session, are in meaning and spirit consistent with our Constitution. They are further rooted in Scripture. The foundation for this has been amply argued in Appellant's briefing at the trial level, and as the briefs are already a part of the record, will not be repeated herein. The reasons statements are consistent with our historic Confessions is explained fully in the record, TR 45-5 to 45-11 and TR 20-2 to 20-15.

⁶ TR 41-25-27, testimony of Mr. Burgess, Elder of Sebastian Session.

⁷ One of the purposes and functions of confessing is to serve as a rallying point in times of danger and persecution. Confessions have often prepared and strengthened Christians to stand together in faithfulness to the gospel when they have been tempted to surrender to powerful forces of political, racial, social, or economic injustice. *Book of Confessions*, Preface at xv. The faithful, desiring to confess as a corporate act, are in danger of losing such an exercise if the CFPPJC's decision is allowed to stand.

2. THE SEBASTIAN SESSION'S RESOLUTION IS CONSISTENT WITH THE *BOOK OF CONFESSIONS*.

Since the Resolution of the Sebastian Session is not a confession,⁸ the crucial question on appeal is whether the act of confessing is confined only to using the verbatim language contained in the *Book of Confessions* contained in the Constitution of the Presbyterian Church (USA). The answer must be that the act of confessing is not limited to the verbatim recitation of the words as they are contained in the *Book of Confessions*. As previously presented, the *Book of Confessions* states "church sessions (in the case of elders and deacons) are free to decide for themselves what acceptable loyalty to the confessions means in their particular situation without being bound to any "check list" prescribed by higher governing bodies of the church."⁹

The Sebastian Session agrees that no session can create a "constitutional confession." However, there is a crucial difference between a "confession" as an historical document and the act of "confessing," which is imperative for all Christians. As has been presented in Appellant's Amended Answer, the Sebastian Session has demonstrated that its Resolution is consistent with the Scripture and the historic, constitutional confessions of our church.¹⁰

The Resolution is the Sebastian Session's effort to call the Sebastian church to be faithful to the historic confessions and, by example, to encourage other Presbyterian churches to reaffirm their commitment to be faithful to the historic confessions. Hebrews 10:24 calls us to "spur one another toward love and good deeds." That is all the Sebastian Session intended to do.¹¹

The CFPPJC's mischaracterization of the Resolution as a new Confession is pivotal for understanding this appeal. If the Sebastian Session was attempting to modify or add to the

⁸ That the Sebastian Session Resolution is not a confession is highlighted by the fact that the Resolution calls for urging other churches and the General Assembly to be faithful to our historic convictions. This recognizes that the Resolution does not have the effect of a new confession.

⁹ See Footnote 2

¹⁰ TR 20-2 to 20-17.

confessional documents, then it clearly did not follow the procedures set forth in the *Book of Order*. But this is not what the Sebastian Session did. Simply, the Sebastian Session was confessing—affirming—its commitment to the historic confessional documents. Therefore, it was improper for the CFPPJC to judge the Sebastian Session’s actions by the standards articulated in G-18.0201¹², and the decision of the CFPPJC should be vacated and Appellee’s Complaint should be dismissed. Because the Resolution is not a modification or derogation of the confessions contained in our *Book of Confessions*, all of the relief ordered by the CFPPJC is improper, and the decision must be vacated and the Complaint dismissed.

B. THE RELIEF GRANTED BY THE CFPPJC PROHIBITS THE SEBASTIAN SESSION FROM CARRYING OUT ACTIVITIES REQUIRED BY THE CONSTITUTION AND MUST BE VACATED.

1. THE CFPPJC’S ORDER FOR THE SEBASTIAN SESSION TO RESCIND ITS RESOLUTION IS IMPROPER AND MUST BE VACATED.

As discussed in the preceding section, the Resolution passed by the Sebastian Session is not a Constitutional confession. As such, the Resolution is not contrary to our church’s Constitution and the CFPPJC has no jurisdiction that would allow it to order the Sebastian Session to rescind the Resolution. The *Book of Order* does not specify what procedural steps a session must take to pass a Resolution—that decision is left to the constitution and by-laws of the individual church. The Sebastian Session’s passage of the Resolution comported with the Sebastian church’s required procedures.¹³ The order of the CFPPJC is an unconstitutional intrusion into how an individual session can exercise its rights and privileges within the bounds

¹¹ TR 41-25 to 41-26, 41-28, 41-45, testimony of Elder Burgess. TR 41-43 to 41-44, testimony of Elder Brillhart.

¹² Amendments to Confessional Documents.

¹³ The Resolution was passed by the Sebastian Session a second time, at a meeting in which Appellee was present and given a full and fair opportunity to vote and be heard on the matter. TR 42-55 to 42-58. Appellee failed to mention this fact in any of the documents submitted to the CFPPJC.

of our Constitution. Thus, the CFPPJC has no authority or jurisdiction to order the Sebastian Session to rescind the Resolution.

2. THE CFPPJC’S DECISION TO ENJOIN THE SEBASTIAN SESSION FROM MAKING ANY INQUIRY OF THOSE BEING ORDAINED OR INSTALLED BEYOND THE NINE QUESTIONS SET FORTH IN G-14.0207 IS IMPROPER, CONTRARY TO THE BOOK OF ORDER, AND MUST BE VACATED.

The CFPPJC’s injunction prohibiting the Sebastian Session from making any inquiry of those seeking ordination or installation as officers beyond the nine questions set forth in G-14.0207 is improper, contrary to the *Book of Order*, and must be vacated.

An individual’s qualification for ordination or installation as an officer requires more than affirmative answers to the nine questions set forth in G-14.0207.¹⁴ In fact, G-14.0205 places an affirmative obligation on a church’s Session to examine candidates for the office of elder or deacon that reaches beyond the nine questions set forth in G-14.0207. Specifically, a Session is responsible to examine an individual who has been elected to the office of elder or deacon concerning that person’s “personal faith; knowledge of the doctrine, government, and discipline contained in the Constitution of the church; and the duties of the office.” G-14.0205.

Further, the Session’s responsibility includes ensuring that those who seek to be ordained or installed as officers are qualified consistent with other constitutional standards including: G-1.0303, Officers; G-1.0304, Truth and Goodness; G-2.0200, Confessional Statements as Subordinate Standards; G-4.0403, Full Participation; G-5.0202, Active Member; G-6.0105, Called to Ministry; G-6.0106, Gifts and Requirements; G-6.0108, Freedom of Conscience—Individual and Corporate and Within Certain Bounds; G-6.0303, Gifts and Requirements; G-

¹⁴ The CFPPJC seems to confuse the questions asked of candidates for elder and deacon at their installation ceremony for a non-exhaustive list of questions that can be asked of a candidate during examination as to the candidate’s fitness for serving. Using the logic and following the order of the CFPPJC, one could not even inquire as to whether a candidate was an active member of the Presbyterian Church, as required by G-5.0202.

6.0401, The Ministry and Gifts of Deacons. Although these areas include the topics addressed in the nine questions set forth in G-14.0207, it is clear that they also go beyond the nine questions.

The passage of the Resolution reflects the Sebastian Session's dedication to its duties and responsibilities as set forth in the various relevant portions of the *Book of Order*. As such, the Resolution is not inconsistent with the provisions of G-14.0207. Because the Sebastian Session's passage of the Resolution, and the Resolution itself, are consistent with a Session's responsibility to examine candidates for office, it is not improper. Thus, the CFPPJC's injunction is in conflict with the *Book of Order* to the extent that it would prevent the Sebastian Session from fulfilling its obligations to examine candidates for office as described in portions of the *Book of Order* other than G-14.0207. Because the CFPPJC's injunction prohibits the Sebastian Session from carrying out duties mandated by the *Book of Order*, the injunction must be vacated.

3. THE ACTION OF THE SEBASTIAN SESSION DOES NOT VIOLATE OUR CONSTITUTION AND THE DECISION OF THE CFPPJC MUST BE VACATED AND THE COMPLAINT DISMISSED.

In sum, the Resolution passed by the Sebastian Session does not seek to amend or derogate from the confessional documents of the church. Therefore, the CFPPJC was in error in stating that the Resolution adopted by the Sebastian Session is in conflict with G-18.0201. Neither does the Resolution seek to change the ordination/installing of officers in the Church as set forth in the *Book of Order*. Thus, the CFPPJC was in error in stating the Resolution is in conflict with G-14.0202b.

The Sebastian Session has broad authority to examine candidates for the office of elder and deacon.¹⁵ It is within the Session's purview to ask candidates whether they affirm the historic confessions contained in the Resolution, especially since the questions are within the spirit and scope of the *Book of Confessions* and call of Scripture.¹⁶ It is not the province of the CFPPJC to unconstitutionally limit the power of any individual session acting within the confines and strictures of our Constitution. Because the decision of the CFPPJC is not consistent with our Constitution, it must be vacated and the Complaint dismissed.

Even a broader order that the Sebastian Session must confine any inquiry to topics explicitly required by the *Book of Order* is too narrow, especially when applied to non-ordained employees in ministry positions. Unfortunately, in this day and age, there are additional questions that must be asked. Those who will be in positions to work with children must be asked about criminal history and/or any history of sexual abuse. Those who bear a responsibility for working with the finances of the church must also be asked about their criminal history, if any. The *Book of Order* does not explicitly authorize these areas of inquiry, but it cannot be disputed that they are relevant areas for discrete inquiry. The CFPPJC's injunction against the Sebastian Session would prevent the Sebastian Session from making relevant and necessary inquiry into areas that, if they do not examine candidates for office, who later turn out to be embezzlers or sexual predators, could subject the church and the presbytery to expensive and avoidable legal action.

¹⁵ G-10.0102l. The session has the responsibility and power to instruct, examine, ordain, install, and welcome into common ministry elders and deacons on their election by the congregation and to inquire into their faithfulness in fulfilling their responsibilities. The session also has broad authority to set standards for employment in non-ordained ministry positions. G-10.0102n.

¹⁶ TR 20-2 to 20-15 and 45-10 to 45-15.

4. THE CFPPJC'S DECISION IS IMPROPER BECAUSE IT RESTS ON A FLAWED PREMISE, NAMELY THAT SCRIPTURE IS FALLIBLE.

The CFPPJC's decision incorporated Appellee's Response Brief into its decision and order. Thus, the CFPPJC's decision must be reversed if there are errors in Appellee's Response that are so fundamentally flawed, that the Complaint cannot stand. One specific area of the Resolution that was the focus of Appellee's Complaint deals with the infallibility of Holy Scripture. Mr. Blessing disputes that our Constitution ascribes infallibility to the Holy Scriptures¹⁷ and the CFPPJC apparently agrees with him.¹⁸ However, that position is incorrect.

Section 6.052 of Part I of our Constitution provides in relevant part:

By Him the prophets were moved to speak the Word of God and all the writers of the Holy Scriptures inspired to record *infallibly* the mind and will of God.

Further, Section 6.184 of Part I of our Constitution provides in part:

He is the Lord and Giver of life, everywhere present and is the source of all good thoughts, pure desires, and holy counsels in men. By Him the prophets were moved to speak the Word of God, and all the writers of the Holy Scriptures inspired to record *infallibly* the mind and will of God.

The CFPPJC is not free to pick and choose which portions of our Constitution they will uphold and which they will set aside. Because our Constitution ascribes infallibility to the Holy Scriptures, the Sebastian Session's Resolution is consistent with the *Book of Confessions* and the

¹⁷ TR 24-11 to 24-14.

¹⁸ The *Book of Confessions* does recognize that any confession or collection of confessions is not an absolute, infallible statement of faith. Preface, at xviii. This is not the same as saying Scripture is fallible.

Book of Order when it affirms that ascription.¹⁹ Consequently, the CFPPJC's injunction preventing the Sebastian Session from affirming its commitment to the infallibility of Scripture, is improper and should be reversed.

C. THE CFPPJC COMMITTED PROCEDURAL ERRORS THAT REQUIRE REVERSAL.

The CFPPJC committed numerous procedural errors, which resulted in a proceeding that was unfairly prejudicial to Appellant. A number of the errors are so unfairly prejudicial to Appellant as to be stand-alone grounds for requiring a new trial.

1. THE FAILURE OF THE MODERATOR OF THE CFPPJC TO RECUSE HIMSELF IS ERROR.

Appellant asked to have the moderator of the CFPPJC, the Rev. Dale Heaton, excused from presiding over or taking any part in the trial because of extrajudicial statements made that evinced a clear bias towards Appellant's case.²⁰ Rev. Heaton's bias, calling the confessing church movement "illegal"²¹ and also advocating, during the pendency of this case, the passage of Amendment 01-A (subsequently rejected by the General Assembly), which is repugnant to the statements of the Sebastian Session's Resolution, make it clear that Rev. Heaton should not have taken any part in the trial. Allowing a biased member to preside over the trial is unfairly prejudicial to the Appellant's rights under our Constitution. Allowing the decision to stand when such bias taints the decision would send a strong message to the membership of the Presbyterian Church (U.S.A.) that there is no justice in our system of jurisprudence.

¹⁹ Another point of contention was the Appellee's objection to the use of "Triune God" as tantamount to removing the Holy Spirit from the meaning of the second statement in the Resolution. TR 42-70 to 42-71.

²⁰ TR 42-6 to 42-10.

²¹ Appellant has a motion pending to supplement the record on this point with Affidavits or testimony of persons who had witnessed the moderator making such statements, and expects such evidence to be received by the Synod PJC at the September 12, 2002, hearing.

2. PERMITTING APPELLEE TO FILE AN AMENDED COMPLAINT BETWEEN THE OCTOBER HEARING AND THE FEBRUARY TRIAL WAS UNFAIRLY PREJUDICIAL.

Appellee was allowed to file an Amended Complaint on January 30, 2002, less than 3 weeks before trial. The Amended Complaint raised new issues not in the original Complaint.²² The CFPPJC's action in allowing the Amended Complaint to be filed was highly irregular and in violation of D-7.0401d.²³ Furthermore, Appellant asked the CFPPJC for the time allowed by the *Book of Order* to file an Amended Answer to the Amended Complaint.²⁴ This request was refused, and the resulting trial that took place before any of the CFPPJC had time to read and consider Appellant's Answer to the new issues raised in Appellee's Amended Complaint.²⁵ This was unfairly prejudicial to Appellant and evidences the CFPPJC's single-minded interest in considering only Appellee's side of the case.

3. REFUSING THE SEBASTIAN SESSION ADEQUATE TIME TO RESPOND TO APPELLEE'S AMENDED COMPLAINT, FILED JUST DAYS BEFORE TRIAL, WAS UNFAIRLY PREJUDICIAL.

Appellant's received Appellee's Amended Complaint barely two weeks before trial. Appellant's asked for a continuance to allow them to respond to the Amended Complaint within the 45 days allotted by the *Book of Order*.²⁶ D-6.0303. The Amended Complaint changed the substance²⁷ of the original Complaint thereby unfairly prejudicing Appellant's by not allowing them the proper time, as allowed by the *Book of Order*, to respond.

²² Appellant's Brief in Opposition to the Amended Complaint explains the new issues added. TR 45-2 to 45-4.

²³ Complaint may be amended only "...provided that the amendment does not change the substance of the Complaint or prejudice the respondent." In this case, the Amended Complaint did both.

²⁴ TR 25-1, 28-1, to 28-2, 42-9 to 42-12.

²⁵ TR 42-115 to 42-117.

²⁶ See Footnote 24.

²⁷ TR 45-2 to 45-4.

4. FAILING TO CONSIDER APPELLANT'S RESPONSE TO APPELLEE'S UNTIMELY AMENDED COMPLAINT WAS UNFAIRLY PREJUDICIAL.

The *Book of Order* provides 45 days for an answer to a Complaint. D-6.0303. Even though the CFPPJC allowed the Amended Complaint raising new issues to be filed just 3 weeks before the trial, the CFPPJC denied Appellant's request for the requisite time to respond, as would have been proper pursuant to the *Book of Order*.

At trial, the members of the CFPPJC had not even reviewed Appellant's response to the new allegations and issues in the Amended Complaint.²⁸ The trial concluded at 2:45 P.M. on February 20, 2002.²⁹ The CFPPJC decision was issued by close of business the same day.³⁰

It is impossible that the CFPPJC read and understood Appellant's responsive arguments. The CFPPJC abandoned its duty to conduct a fair hearing of this case, not because it rejected Appellant's positions, but because it failed to inform itself of the Appellants positions in the first place³¹. The CFPPJC hastening to its decision is so fundamentally and unfairly prejudicial to Appellant that, at a minimum, a retrial is required.

5. THE WITNESSES WERE NOT SWORN BEFORE THEIR TESTIMONY WAS RECEIVED INTO EVIDENCE.

During the trial before the CFPPJC, none of the witnesses were sworn, as required by the *Book of Order*.³² This error alone was unfairly prejudicial to the appellant, militating a retrial.

²⁸ TR 42-115 to 42-117.

²⁹ TR 42-150.

³⁰ TR 29-1, dated February 20, 2002.

³¹ The CFPPJC's decision adopted the Amended Complaint of Appellant as its reasoning supporting its decision, making consideration of Appellant's response even more critical to a full understanding of the issues.

³² D-14.0302a. Prior to giving testimony, a witness **shall** make an oath by answering the following question in the affirmative:

"Do you solemnly swear that the evidence you will give in this matter shall be the truth, the whole truth, and nothing but the truth, so help you God?"

The Preface to the *Book of Order* states:

- (1) "Shall" and "is to be/are to be" signify practice that is **mandated**....

Also, it is further evidence that the CFPPJC acted in haste and did not observe the proper procedures to insure a full and fair hearing of the case on its merits, reinforcing that a decision had already been reached.

6. APPELLANT WAS UNFAIRLY PREJUDICED BY THE LITANY OF ERRORS OF THE CFPPJC.

The moderator of the CFPPJC had already made up its mind regarding the legality of the Confessing Church Resolution before the trial. The moderator boasted that he was going to do something about the “illegal” Confessing Church and its Resolution before presiding over an upcoming trial. The moderator advocated passage of Amendment 01-A at the General Assembly, which is repugnant to our Constitution and also to the third statement of the Sebastian Session Resolution. Yet when asked to remove himself from the CFPPJC at the trial for such clear bias, the moderator refused.

The moderator did not require the witnesses to be sworn at the trial. The moderator allowed Appellee to file an Amended Complaint, adding new substance to his original Complaint, just 3 weeks before the trial. The moderator did not allow Appellant time to respond to Appellee's Amended Complaint. In short, the moderator evinced a clear determination to decide the case before ever hearing it.³³ The result is that the actions, both individually and cumulatively, unfairly prejudiced Appellant and kept Appellant from receiving a fair hearing of the issues on the merits. At the very least, these actions taint the CFPPJC's decision to such a degree that it would offend all notions of fair play and justice if the decision were allowed to stand based on the trial. At a minimum, a new trial is required to preserve the integrity of our judicial process.

³³ As previously noted, *supra*, the CFPPJC's decision adopted Appellee's Amended Complaint. The Complaint ascribes fallibility to Scripture (TR 24-12) and as such, the remainder of Appellee's arguments must fall under the house built on a foundation of sand.

III. CONCLUSION

The Sebastian Session voted to adopt the Confessing Church Resolution, which has been affirmed by over 1200 churches to date. The Sebastian Session passed the Resolution affirming our historic convictions, an action taken lawfully and conducted in conformity with Scripture, the Constitution and the by-laws of the First Presbyterian Church of Sebastian. The Resolution does not seek to amend or modify the *Book of Confessions*. It is a fundamental act of corporate confession, which in this day and age is a refreshing showing of unity and harmony on the part of individual churches. The Resolution is consistent with our Constitution.

There are forces that conspire to make our faith one of personal conscience alone. Though the *Book of Order* upholds the exercise of personal conscience, that exercise is not absolutely unfettered. The proper exercise of personal conscience is bounded by the dictates of Scripture. The decision of the CFPPJC reinforces an "anything goes" individual-exalting mentality. The decision seeks to elevate form over substance, and in the end, form without real substance creates a vacuum in which expression of personal liberty trumps corporate responsibility to be faithful to Scriptures and the historic confessions of our Church.

By affirming the Resolution, the Sebastian Session seeks to add substance to this vacuum, and issue a call to sister churches and the General Assembly to take a look at and remember our historic roots: that we are a people of God, saved by Christ, guided in our lives by certainty that Scripture is infallible, seeking to live our lives as God commands us through His revealed Holy Word.

The CFPPJC's action in enjoining the Sebastian Session from acting lawfully is unwarranted and based on a several constitutional errors, and the CFPPJC manifested unfair prejudice towards the Sebastian Session both before and during the trial. Both actions require that the decision of the CFPPJC be vacated.

Date: _____

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