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STATEMENT OF THE STATED CLERK (November 21, 2002)

In the last week or so a number of articles have appeared in the press regarding the report of the designated members of the Permanent Judicial Committee which appears in the Clerk's report. This reporting has contained factual errors which have gone uncorrected, even though the media involved have been advised of the errors and asked to correct them. The first of these errors is the report that this Presbytery improperly instructed the Investigating Committee and the PJC to ignore the Constitution. Members of this Presbytery are certainly aware that no such instruction was given. The action of the Presbytery that is being interpreted as instructing the Investigating Committee and PJC is the motion adopted in June to "direct the Council, in considering 'possible next steps,' to include consideration of the following actions." There followed a list of possible actions, one of which included not pursuing the enforcement of G-6.0106b. This was neither a motion to adopt, nor to recommend, but that is the way it has been characterized in some of the media.

Another misrepresentation appearing widely in the media cannot be so easily refuted because the facts of the situation are within the confidentiality restrictions of the judicial process. Members of the Investigating Committee and the designated members of the PJC met this morning to discuss whether they could respond to the misinformation being circulated about their process. They noted that both of the parties have waived confidentiality—Rev. Stroud by public statement to the Presbytery, and Mr. Jensen through the extensive statements that he has made to the media. Specifically I was asked if, in my opinion, they could publically refute the misinformation being circulated about the work of the Investigating Committee. I advised them, and now so advise the Presbytery, that the confidentiality requirements of the Constitution are more implied than specific. Therefore, the power of the Presbytery in this matter would seem to be governed by G-9.0103, which states, "The jurisdiction of each governing body is limited by the express provisions of the Constitution, with powers not mentioned being reserved to the presbyteries." I advised the individuals gathered that if they wished to publically refute the statements being made about their process it would be best if it were a corporate act, and they should seek the direction of the Presbytery.

Moderator, my statement was made at the request of the members of the Investigating Committee and the designated members of the PJC. They now have a motion to present to the Presbytery. Tom Eastman, Elder at Brown Memorial Woodbrook, and Secretary of the PJC, would like to be recognized to make a motion.

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MOTION

THAT the Presbytery direct the Stated Clerk, acting on behalf of the Investigating Committee appointed September 27, 2001, to release copies of those documents which refute and clarify the misrepresentations being published in the media about the conduct of the Committee.