

**PRESBYTERY OF THE REDWOODS  
PERMANENT JUDICIAL COMMISSION  
OF THE PRESBYTERIAN CHURCH (U.S.A.)**

Presbyterian Church (U.S.A.)  
Through the Presbytery of the Redwoods  
Complainant

Case 2010

Trial Date: August 24, 2010

Vs.

The Rev. Dr. Jane Adams Spahr  
Accused

DECISION

The Permanent Judicial Commission of the Redwoods Presbytery, having conducted a trial in the above proceeding, and having deliberated and voted in accord with Section D-11.0403 of the Book of Order, reports its decision as follows:

Charges against Jane Adams Spahr, a minister of Word and Sacrament:

1. On or about June 20, 2008, you, JANE ADAMS SPAHR, did commit the offense of representing that a same sex ceremony was a marriage by performing a ceremony in which two women, namely Sara Marjorie Taylor and Sherrie Ann Holmes, were married under the laws of the State of California in effect at that time, and thereafter signing their Certificate of Marriage as the person solemnizing the marriage. This action is in direct violation of the *Constitution of the Presbyterian Church (U.S.A.) Book of Order*. As authoritatively interpreted by the Permanent Judicial Commission of the General Assembly of the Presbyterian Church (U.S.A.) (GAPJC) in its Decision and Order in Disciplinary Case 218-12, *Jane Adams Spahr v. Presbyterian Church (U.S.A.)*, "...officers of the PCUSA authorized to perform marriages shall not state, imply, or represent that a same sex ceremony is a marriage. Under W-4.9001, a same sex ceremony is not and cannot be a marriage."

This charge is sustained by a 4-2 vote.

2. You, JANE ADAMS SPAHR, persisted in a pattern or practice of disobedience concerning the aforementioned authoritative interpretation of the *Book of Order*, in that during the period between June 17, 2008 and November 3, 2008, when same sex marriages were valid and lawful under the laws of the State of California, you represented that no fewer than fifteen such additional ceremonies you performed were marriages of persons of the same sex.

This charge is sustained by a 4-2 vote

3. By intentionally and repeatedly acting in violation of the above-referenced authoritative interpretation of the *Book of Order* as set forth in Disciplinary Case 218-12, you, JANE ADAMS SPAHR, failed to be governed by the polity of the Presbyterian Church (U.S.A.), in violation of your ordination vows. (W-4.4003e)

This charge is sustained by a 4-2 vote

4. By publicly, intentionally and repeatedly acting in violation of the *Book of Order*, you, JANE ADAMS SPAHR, have failed to further the peace, unity and purity of the church. (W-4.4003g).

6-0 to NOT sustain this charge

The Permanent Judicial Commission, in sustaining the first three charges, recognizes that while the Rev. Dr. Jane Spahr has indeed performed these marriages, which *were and continue to be legal marriages*, she did so acting with faithful compassion in accord with W-7.3004. These marriages were legal in the State of California, being civil contracts (W-4.9001), and are different from same sex ceremonies. The testimonies of those at court clearly demonstrated this difference.

We commend Dr. Spahr and give thanks for her prophetic ministry that for 35 years has extended support to “people who seek the dignity, freedom and respect that they have been denied” (W-7.4002c), and has sought to redress “wrongs against individuals, groups, and peoples in the church, in this nation, and in the world” (W-7.4002h).

In addition, we call upon the church to re-examine our own fear and ignorance that continues to reject the inclusiveness of the Gospel of Jesus Christ.(G-3.0401c) We say this believing that we have in our own Book of Order conflicting and even contradictory rules and regulations that are against the Gospel. In this particular case, in W-4.9001 we have inclusive and broad descriptive language about marriage, “Marriage is a gift God has given to all humankind for the well-being of the entire human family.” This sentence is followed immediately by “Marriage is a civil contract between a woman and a man.” The language of the second statement draws on our cultural understanding today of marriage that is rooted in equality. But it is not faithful to the Biblical witness in which marriage was a case of property transfer because women were property. Nor does it specifically address same gender marriage.

Similarly, in the reality in which we live today, marriage can be between same gender as well as opposite gender persons, and we, as a church, need to be able to respond to this reality as Dr. Jane Spahr has done with faithfulness and compassion.

In regard to charge #3 that Dr. Spahr has “intentionally and repeatedly acted in violation of the *Book Of Order* in violation of her ordination vows, (W-4.4003e) we again recognize that while Dr. Spahr has done so, she has also followed the *Book of Order* by remembering that our confessions and church is subject to the authority of Jesus Christ, the Word of God, as the Scriptures bear witness to him. (G-2.0200.)

Notwithstanding the foregoing, we are constrained to accept that the following language in GAPJC Disciplinary Case 218-12 is authoritative and should be followed until and unless modified: “We further hold that the officers of the PCUSA authorized to perform marriages shall not state, imply or represent that a same sex ceremony is a marriage. Under W-4.9001, a same sex ceremony is not and cannot be a marriage.”

In regard to charge #4, that Dr. Jane Adams Spahr has failed to further the peace, unity and purity of the church (W-4.4003g), we commend Dr. Spahr for helping us realize that peace without justice is no peace.

As a commission, we give thanks for the courageous and heart-rending testimonies of the married couples who shared with us their great hurt through the policies of our church. We also thank them for the joy in marriage they shared with us that that has brought healing in their lives and in their families through the ministry of Dr. Spahr. On behalf of the church, we ask for their forgiveness for the harm that has been, and continues to be, done to them in the name of Jesus Christ.

We implore the Synod and General Assembly levels of our church to listen to these testimonies, which are now part of this record, to take them to heart, and to do what needs to be done to move us as a church forward on this journey of reconciliation.

REBUKE:

Wherefore: It is the express decision of this commission that you, Jane Adams Spahr, are guilty of the offenses as charged herein and recited above in this decision as charges 1, 2, and 3. We determine that you are hereby censured by rebuke as provided in D-12.0102, and we declare as follows:

Whereas you, Jane Adams Spahr, having been found guilty as stated, and by such offenses have acted contrary to the Constitution of the Presbyterian Church (U.S.A.); now therefore, the Presbytery of the Redwoods, in the name and authority of the Presbyterian Church (U.S.A.) rebukes you. You are enjoined to avoid such offenses in the future.

It is the further decision of this Commission that in the event of an appeal from this decision by either party, that this rebuke and injunction shall not be imposed until final determination of any such appeal.

Respectively submitted,  
Redwood Presbytery Judicial Commission August 27, 2010

Rev. Beverly White, Clerk

Elder James V. Jones, Moderator

Rev. Daniel Christian  
Elder Elizabeth Groelle

Elder Donald A. Brand  
Rev. Dr. Ted Crouch