

**The Presbytery of Southern California of the Orthodox Presbyterian Church
The second meeting as a trial judicatory in the case of
The Presbytery of Southern California v. the Rev. C. Lee Irons.
December 13-14, 2002 at Westminster OPC, 10101 Cunningham, Westminster, CA**

Presbytery was called to order at 9:09 a.m. The Moderator read Isaiah 40:1-11 and led Presbytery in prayer.

ROLL CALL: The Clerk called the roll and determined the following:

ROLL CALL

___ Balderas, J.I.(E)	p_ Baldwin, W.J.	p_ Baugh, S.M.
p_ Brawdy, B.M.	p_ Buchanan	___ Buchtel, W.A.
p_ Carter J. A	p_ Crum, D.A.	___ Curto, L.A.
p_ Findley, G.F.	p_ Ganas, N.T.S.	@_ Garrisi, J.W
p_ Harley, D.P.	___ Herrmann, R.	p_ Irons, C.L.
___ Jarvis, B.P.	p_ Keller, R.P.	p_ Kim, Y. H.
p_ Larson, S.A	___ Lee, C.Y.	___ Matossian, M.J.
p_ Miladin, G.C.	p_ Mueller, M.C.	p_ Okken, D. A.
p_ Overduin, D.H.	___ Parker, S.L.	p_ Perkins, C.P.
p_ Pontier, A.R.	p_ Poundstone, D.M.	___ Poundstone, D.H. (E)
___ Power, T.J.	p_ Salinas, G.	p_ Schroeder, M.A.
p_ Scipione, G.	___ Serven, M.	___ Stingley, M.D. (E)
___ Strimple, R.B. (E)	p_ Wagner, R.	___ Warren, W.E.
___ Wikholm, A.E. (E)	p_ Wikner, B.K	

SESSIONS

CHURCH	COMMISSIONER	ALTERNATE
Bonita		
Carson, Grace	Byer, N.A.	Lee, R.E. *
Chula Vista, Bayview	McManus	
Costa Mesa, Grace Presbyterian	Andruss,	
Diamond Bar	Patel, S.	
Goleta, El Camino	deYong	
La Mesa, New Life	Reinheimer	
La Mirada, Calvary	Gault, T.	Dilworth
Long Beach, Faith	Vincent	
Los Angeles, Beverly	Zuelch	
Oxnard, Covenant of Grace	Fields, K.	
Phoenix, Calvin		
Prescott, OPC		
Ramona, Sovereign Grace Presb.	Bulthuis	
Redeemer, Santa Maria		
Santee, Valley	Postma	
Vista, Harvest	de Ru	
Westminster, Westminster	Coie	

KEY: P = Present @ = partial attendance (no vote) ___ = Absent

* Alternate ineligible to vote because of absence from one or more of the sessions of the second meeting.

SEATING OF NON-COMMISSIONED ELDERS

Winslow (Westminster), Thibault (Costa Mesa), Laurie (Goleta), _@ Nakhla (La Mirada)

On motion it was determined to enroll as corresponding members all ruling elders of the regional church who enroll with the clerk.

On motion the Rev. Dr. T. David Gordon of Ascension Presbytery of the PCA, was seated as a corresponding member.

By motion orders of the day were established as follows:

- 10:15-10:30 – recess
- 12:15-1:15 – lunch
- 3:15-3:30 – recess
- 5:00-6:00 – dinner
- 9:00 – evening recess

- 8:30 – reconvene
- 10:15 – recess
- 12:15 – lunch
- 4:30 – adjournment

The Presbytery proceeded to the trial of Mr. Irons on Charge #2 and Charge #3.

The Moderator exhorted Presbytery using the words of the Book of Discipline (IV, A, 1, a).

“This body is about to sit in a judicial capacity and I exhort you, the members, to bear in mind your solemn duty faithfully to minister and declare the Word of God, the only infallible rule of faith and practice, and to subordinate all human judgments to that infallible rule.”

Mr. Wagner reported for the Judicial Committee. (Trial Document 1)

Recommendation of the Judicial Committee

The recommendation of the Judicial Committee, establishing procedure (Trial Document 1, Item 2), was moved as follows:

2. **Recommendation:** The committee recommends that the charge be tried according to the following procedure. (NOTE: The Judicial Committee is making no recommendations regarding time limitations for the presentation of evidence during the trial.)

- a. *Convening the trial:* The Moderator shall make the announcement of (BD, IV:A-1-a, p.111) and open the trial with prayer.
- b. *Objections:* The accused interpose objections concerning (1) the regularity of the proceedings up to this point and (2) the form of the charge, the form and relevancy of the specifications, the competency of the witnesses named in the specifications, and the authenticity, admissibility, and relevancy of any documents, records, and recordings submitted in support of the charge and specifications.

The trial judicatory shall determine the validity of any such objections. (BD, IV:C-2-a, p. 117, cf. B-2, p. 1 IS)

- c. *Entry of plea:* The accused shall be called on to plead "guilty" or "not guilty" and his plea shall be entered upon the record. If the accused pleads "guilty", the trial judicatory shall determine the censure. If the accused pleads "not guilty", or refuses to plead, the trial shall proceed. (BD, IV:C-2-a, p. 117)

d. *The trial (NOTE: Not every element of the following "boilerplate " may be relevant to this trial):*

1. The prosecution will present its case:
 - a. Opening argument (optional)
 - b. Introduction of evidence and testimony:
 - (1) Examination of witnesses by the prosecution (BD, IV:B-5, p. 115: "...other members [of the judicatory] shall also have the right to take part in the examination")

BD, IV:A-4-b, p. 113: "The moderator shall require each witness before he testifies to make the following affirmation: 'I solemnly swear, that by the grace of God, I will speak the truth, the whole truth, and nothing but the truth concerning the matters on which I am called to testify.'"
 - (2) Cross-examination of each witnesses in turn by the defense (BD, IV:B-5, p. 115: "Leading questions shall be permitted only under cross-examination.")
2. Motion for dismissal (BD, IV:C-2-c, p. 118): "When all the evidence against the accused has been presented and he has had an opportunity to cross-examine the witnesses testifying against him, the accused shall have the right to move for the dismissal of the charges. If this motion is denied by the trial judicatory, the accused may then present the evidence in support of his defense."
3. The defense will present its case:
 - a. Opening argument (optional)
 - b. Introduction of evidence and testimony:
 - (1) Examination of witnesses by the defense.
 - (2) Cross-examination of each witness in turn by the prosecution (and/or members of the judicatory)
 - (3) Redirect or recross-examination by the defense
4. Closing arguments:
 - a. **For the prosecution (NOTE: Though not specifically provided for in the BD, it would seem, by parity of reasoning, that the prosecution has the right to summarize and argue its case before the judicatory.)**
 - b. For the defense (BD, IV:C-3-a, p. 118: "After all the evidence has been presented, the accused may make his final argument with respect to the evidence and the law of the church.").
5. Deliberation and voting by the judicatory (BD, IV:C-3-a, p. 118: "The trial judicatory, after deliberation, shall vote on each charge and each specification separately. If the trial judicatory decides that the accused is guilty, it shall proceed to determine the censure.").
6. "When the trial judicatory has concluded its deliberations, the moderator shall announce its decision on each charge and each specification. If the accused has been found guilty, the trial judicatory shall state what censure it proposes to pronounce against the accused. The censure shall not be pronounced before the expiration of the time in which the accused may file notice of appeal ... etc." (BD, IV:C-3-b, p. 118)

Procedure amended

On motion the procedure was amended by deleting d.4.a of the proposed procedure (Trial Document 1).

Recess

Presbytery recessed at the order of the day, 10:15.

Reconvene

Presbytery reconvened at 10:35.

Mr. Poundstone to moderate entire trial

General consent was granted for Mr. Poundstone to remain Moderator for the duration of the trial.

General consent was granted for Mr. Laurie, a corresponding member of Presbytery, to be able to make motions during the trial.

The recommendation of the Judicial Committee carried.

Objections

Mr. Laurie presented objections for the defense as follows:

OBJECTIONS to the Regularity of the Proceedings to This Point and to the Form and Relevancy of the Specifications

The Second Meeting of the Trial Judiciary
December 13-14, 2002

In accordance with BD IV:C.2.a, the accused (Mr. Irons) wishes to interpose the following objections. The first four objections deal with the regularity of the proceedings up this point; the last three are objections to the form and relevancy of the specifications of Charge Two.

1. At the preliminary investigation on June 1, 2002, the presbytery permitted a charge (that was later dropped) to go forward after Mr. Irons' multiple expressions of repentance, and even after the presbytery granted the forgiveness Mr. Irons requested. This unforgiving spirit against Mr. Irons compromised the objectivity of the preliminary investigation with respect to the remaining charges. (Note: This was the charge that accused Mr. Irons of "violating the ninth commandment, by distributing a letter in which he slandered the Orthodox Presbyterian Church as well as several individuals in the church.")
2. On June 1, 2002, the presbytery included the article by Mr. Irons' wife in the list of documents offered in evidence in support of Charge Two. Although the reference to this article was deleted on October 18, 2002, its inclusion prejudiced the truth and the good name of Mr. Irons. The objectivity of the preliminary investigation of Mr. Irons' teaching concerning the Decalogue was negatively influenced by the controversy over Mrs. Irons' article and her website. (Note: The article was cited as being located on Mrs. Irons' Website, www.musingson.com.)
3. On July 20, 2002, the presbytery included the article by Mr. Irons' wife in the list of documents offered in evidence in support of Charge Three as finally adopted. The reference to this article prejudiced and continues to prejudice the truth and the good name of Mr. Irons. The objectivity of the consideration of Mr. Irons' teaching concerning civil government is negatively influenced by the controversy over Mrs. Irons' article and her website. (Note: The

article is cited as being located on Mrs. Irons' website, www.musingson.com.) This error is aggravated by the fact that the presbytery defeated a motion to delete the article from the list of documents: "An amendment was moved to delete document #3 (article by Mrs. Irons) from the list envisioned in the main motion. The motion lost. Mr. Irons requested that his affirmative vote be recorded" (Minutes of PSC, July 20, 2002).

4. On July 20, 2002, the presbytery permitted remarks to be made on the floor of presbytery against Mr. and Mrs. Irons, thus prejudicing the truth and the good name of Mr. Irons. After the conclusion of the first meeting of the trial judicatory, a motion (which ultimately failed) was made, that under the provisions of BD IV:A.1.d Mr. Irons be restricted from performing the functions of his office until the case is concluded. The presbytery should not have allowed the mover to bring accusations against Mr. and Mrs. Irons on the floor of presbytery during the course of his speech in favor of this motion. Furthermore, after the motion failed, the presbytery permitted the mover of the lost motion, in a point of personal privilege, to repeat the substance of his accusations against Mr. Irons.
5. With regard to Charge Two, the accused objects to *the form* of Specifications 1 and 2, specifically the prejudicial manner in which selections from Mr. Irons' sermon and writings are quoted in evidence. The presbytery left out many important qualifying statements made by Mr. Irons in the immediate context of the original quotations, and, in several cases, the presbytery's selective quotations convey a serious misrepresentation of Mr. Irons' teaching.
6. With regard to Charge Two, the accused objects to the *relevancy* of Specification 1 ("That you have, on numerous occasions, publicly called into question the teaching of the Westminster Standards regarding the moral law"). It is possible for an ordained officer studying the purity, the peace, and the unity of the church to call into question aspects of the Standards' teaching, without being guilty of violating his ordination vows.
7. With regard to Charge Two, the accused objects to the *relevancy* of Specification 2 ("That you have denied that the Decalogue, as a summary of the moral law, continues to have binding authority over the Christian"). The *charge* alleges that Mr. Irons has violated his ordination vows by teaching, contrary to the Scriptures and the Westminster Standards, "that the Decalogue is no longer binding on believers as the standard of holy living." But Specification 2 introduces a new issue not contained in the charge, namely, the relationship between the Decalogue and the moral law. The BD makes clear that the purpose of a specification is to support the charge (BD III:7.b (5)). Therefore, the relevancy of Specification 2 is called into question.

The seven objections were considered seriatim.

Objection #1 was not sustained.

Objection #2 was not sustained.

Objection #3 was not sustained.

Objection #4 was not sustained.

Objection #5 was not sustained.

Objection #6 was not sustained.

Objection #7 was not sustained.

Mr. Laurie requested the trial judicatory to determine whether the proof of Charge #2 and specifications would show the commission of an offense serious enough to warrant a trial.

By general consent the lunch hour was increased 15 minutes.

Recess

The order of the day arrived and Presbytery recessed at 12:15 p.m. with prayer by Mr. Okken.

Reconvene

Presbytery reconvened at 1:32 p.m. with the singing of hymn #646, "Jesus, Thou Joy of Loving Hearts" and prayer by Mr. Carter.

The Clerk called the roll and determined that all the original enrollees were still present.

The Moderator again exhorted Presbytery with the words of the Book of Discipline (IV, A, 1, a).

The motion on the floor (to determine the seriousness of the offense) was carried.

Mr. Irons' Plea

The Moderator called upon Mr. Irons to enter a plea. Mr. Irons pled "not guilty."

Prosecution Case

Mr. Wagner presented the case of the prosecution (See Trial Document 2).

Presbytery recessed at 3:15 p.m.

Presbytery reconvened at 3:33 p.m.

Mr. Wagner continued his presentation for the prosecution.

Recess

Presbytery recessed at 5:00 p.m. with prayer by Mr. Pontier.

Reconvene

Presbytery reconvened at 6:00 p.m. with the singing of hymn #226, "As With Gladness Men of Old." Mr. Crum led in prayer.

The Clerk again called the roll and determined those eligible for decision in this case. Mr. Carter was absent. Elder Robert Lee was absent. Both were disqualified from voting on Charge 2.

The Moderator repeated his exhortation from the Book of Discipline (IV, A, 1, a).

Mr. Wagner concluded his presentation of the case of the prosecution.

Questions were entertained from the floor.

Mr. Laurie did not move to dismiss the charge.

Defense Case

Mr. Laurie began the case for the defense.

Mr. Irons was called as a witness. He took the oath required by the Book of Discipline (IV, A, 4, b).

He was mainly questioned as to the forthrightness of his presentation of his position with the Presbytery and with the overseeing Session of Redeemer Chapel.

He referred to papers written to elucidate his positions on various points, and made particular use of his "Response to Charge Two," which was previously circulated to members of the Presbytery on September 4, 2002. (See Trial Document 5, Defense Evidence 2-2.)

Summary of the Testimony of Mr. Irons

Mr. Irons sought to establish his forthrightness in dealing with his session and the Presbytery. He asserted that he takes his ordination vows most seriously. He feels accountable first to God and then to the Presbytery. He has admitted a number of difficulties with the Westminster Standards. At his licensure he submitted to the Presbytery a document explaining his "scruples," which then amounted to 12 in number, some of which he characterized as "major" and others as "minor." Since then he has withdrawn some and added others, so that the number now amounts to 11. Thus, he has done his utmost to be forthright in setting forth his positions with respect to the Standards.

His most recent scruple is with respect to the Standards' position that the Sabbath is a part of the moral law. He denies equivalency between the Decalogue and the moral law, which he views as encompassing more than the Decalogue. Certain features of the Decalogue must be limited to Israel alone, and therefore cannot be considered moral.

Mr. Irons believes that his view is allowable and is but one of a number of legitimate views held in the Reformed community. He acknowledges that other views are acceptable and only asks for the allowance of his opinion as well.

Cross-Examination

Cross-examination questions from the floor were admitted. Mr. Irons continued to assert his desire to be forthright in his views.

Mr. Laurie entered into evidence a document titled, "Lee Irons: Exceptions to the Westminster Standards" and asked it to be marked "Defense Evidence 2-1". (See Trial Document 3)

Summary of the Testimony of Mr. Mueller

The Rev. Mark Mueller was called as a witness for the defense. After being sworn as a witness, he testified to the forthright willingness of Mr. Irons to discuss his views with the Ministerial Oversight Committee, and to the fact that this committee's report was received by the Presbytery without further action.

Summary of the Testimony of Mr. Keller

The Rev. Rollin Keller was called as a witness for the defense. Mr. Keller, after being sworn as a witness, testified to the forthright willingness of Mr. Irons to discuss his views with the overseeing session of Redeemer Chapel. On cross examination he explained his concern about Mr. Irons' commitment to the Westminster Standards was renewed because of the posting on her private website of Mrs. Irons' article, and Mr. Irons' reference to this article as a legitimate application of his view of the Law in footnote 51 of the original form of his paper, "Reformed Theocrats: A Biblical Theological Response."

Mr. Irons continues

Mr. Irons continued his defense by reading and commenting upon his paper, "Response to Charge Two," material previously circulated to members of the Presbytery. The defense offered into evidence the paper, "Response to Charge Two," which was sent to members of the Presbytery on September 4, 2002. (Defense Exhibit 2-2, Trial Document 5). Mr. Irons' testimony at this point consisted largely of drawing together salient points from the aforementioned paper and adding pertinent explanations.

Recess

The order of the day arrived and Presbytery recessed at 9:00 p.m. with prayer by Mr. de Jong.

Saturday, December 14, 2002

Presbytery reconvened at 8:33 a.m. The Moderator read Psalm 16. Presbytery sang the hymn #26, "Tell Out, My Soul, the Greatness of the Lord" and was led in prayer by the Moderator.

The clerk called the roll, determining all eligible voters present with the exception of Mr. Ganas, who arrived shortly thereafter and was allowed to continue participation.

The Moderator exhorted the judicatory with the constitutional statement (BD IV, A, 1, a).

Mr. Irons resumed his presentation of defense.

Summary of the Testimony of Dr. T. David Gordon

Dr. Gordon was sworn in as an expert witness.

Dr. Gordon is Professor of Religion, Greek and Humanities at Grove City College, Grove City, PA. He holds several graduate degrees. He is an ordained minister in the Presbyterian Church in America and has taught at several colleges and seminaries. He has been published on a number of subjects.

Dr. Gordon testified that Mr. Irons' views are consistent with those he has encountered in his research, Bible study and experience with Reformed scholars. While not calling his and Mr. Irons' views identical, he deems them nearly so. He affirmed Mr. Irons' views on the Decalogue and Paul's use of the term *nomos*. He does not consider these positions inconsistent with ordination vows and testified that Mr. Irons' scruples over WCF XIX.2 and XXI.7 are along the lines of those taken by others, including himself. In his opinion, Mr. Irons' views are not "novel." They are common, but not necessarily the majority view.

He cited a number of writers whose views in his opinion are similar to those of Mr. Irons. He indicated his belief that there is, as Mr. Irons asserts, a tension within the Westminster Standards over the binding nature of the Decalogue. He agrees that the Standards purposely allow for a variety of views.

Dr. Gordon asserted that Prof. John Murray is out of the mainstream of the consensus of Covenantal theology. There was tolerance for the "Marrow" view in the seventeenth century and there still is tolerance in much of the Reformed community. But the Murray view has led to more intolerance of the kind of position Mr. Irons holds.

The order of the day arrived and Presbytery recessed at 10:15 a.m.

Presbytery reconvened at 10:32 a.m.

Dr. Gordon continues to testify

Dr. Gordon continued his testimony along the lines stated above.

Cross-examination (including questions from the floor)

On cross-examination Dr. Gordon admitted that he sees theologians Murray and Ridderbos in agreement on some of the points raised by Mr. Irons in his papers. He feels the moral law could be arrived at through other biblical statements than the Decalogue, especially in the New Testament. The Westminster Divines through their use of language "permitted" other views than

those of the majority. The use of *nomos* usually refers to the Sinaitic covenant in Paul's writings, and thus often means some abrogation of the Decalogue.

Dr. Gordon responded to questions about hermeneutics and expressed his opinion that Mr. Irons' hermeneutic achieved valid conclusions with respect to the moral law. In his view Mr. Irons would not seek to drive out of the Church those who disagree with his hermeneutic or the conclusions thereof.

The stipulations of the covenant oblige only the parties of the covenant. Thus, for example, the Sabbath as given to the Israelites, was an obligation only to them. This does not preclude the same obligation being set forth in another manner to different parties.

He would see Mr. Irons as inclined to say that items of the Decalogue not reiterated in the New Testament are not binding. An example would be observance of the seventh day as the Sabbath. Dr. Gordon prefers the idea of "covenantal integrity" rather than "covenantal continuity."

Dr. Gordon concluded his presentation.

Recess

By general consent the Moderator declared the order of the day at 12:13 p.m. Mr. Postma led in prayer.

Reconvene

Presbytery reconvened at 1:20 p.m. with the singing of hymn #125, "Let All Things Now Living" and prayer by Mr. Ganas.

The clerk called the roll to determine eligible voters. All eligible were present.

The Moderator exhorted the judicatory with the words of the Book of Discipline (IV.A.1.a).

Mr. Irons presented himself for cross-examination.

Summary of further cross-examination of Mr. Irons

Mr. Irons stated that unbelievers are obligated to keep the moral law, but not necessarily as stated in the Decalogue.

There is an actual application of the Law and a typological application. Much that is presented under the Old Covenant is applicable only there, but has a typological application that is taken up as a matter of grace and seen most clearly in the New Testament. That which is typological is to teach us the significance of the work of Christ.

Mr. Irons is critical of the so-called three-fold division of the Law and while appreciative of the "stab" at trying to make sense of the mix of ceremonial, judicial and moral commands, he feels this approach is inadequate. He opts for a discernible "moral will of God" that is derived from all the commands found in the Mosaic system.

He agrees the Decalogue is preeminent in the Mosaic Covenant as over against the ceremonial law. But he continues to believe the Decalogue as presented is confined to the Mosaic era, while the moral will of God, which it represents, is what is binding on believers. The New Covenant is not on tablets of stone.

References to the Law in the New Testament are explainable in terms other than the Decalogue, but may draw upon "the moral will of God" that overshadows the Decalogue.

Mr. Irons admits to having taught that with which he is charged, but denies the charge is valid. He admits to a modicum of circular reasoning but suggests that cannot be avoided in any theological argument.

The Westminster Standards do apply O.T. proof texts directly to New Testament believers but in an historic-redemptive way.

WCF teaches the "third use of the Law." He doesn't think the WCF leads to "soft legalism," which is the teaching that keeping the law brings sanctification. Some in the Reformed tradition do tend in the direction of "soft legalism."

The Westminster Assembly made some allowance for different views of the Law.

Mr. Irons would be happy if the Confession were "clearer."

What is the difference between a major scruple and a minor scruple? Major is disagreement with the major thrust of a statement. Minor deals just with a word or phrase.

The Decalogue is not binding on the Christian believer, but the moral law is binding.

Why obey the 7th commandment? It reflects an eternal principle and because we are in Christ.

Is the Decalogue all encompassing of God's moral will? It was only a certain form and not the ultimate expression.

"Summarily comprehended" (WCF) means the seeds are there to be brought to full-flower in Christ.

Is the unbeliever to keep the Ten Commandments? Answer: No, if one means the Decalogue. Does WCF require the believer to keep the 10 Commandments? Sometimes it might be interpreted that way. The Standards take the Decalogue and then perform a hermeneutical operation so as to be left with 10 moral items that are something different from the Sinaitic Covenant.

Mr. Irons insists that no presbyter here in practice believes the Decalogue is binding on New Testament believers in that none will insist on keeping the seventh day (Saturday) holy, nor will any apply promise of the fifth commandment solely to the land of Palestine (Canaan).

The Fourth Commandment is unique in its being a "positive" command, but has a moral substance. It is a sign of the covenant. It is not an expression of God's unchanging moral will.

Adjournment

The order of the day arrived, and the second meeting of the trial judicatory was adjourned at 4:30 p.m. The next meeting of the trial judicatory will be January 10 - 11, 2003 beginning at 9 a.m.

Mr. Perkins led in prayer.

Respectfully submitted,

Donald G. Buchanan, Jr.
Stated Clerk

**The Presbytery of Southern California of the Orthodox Presbyterian Church
The third meeting as a trial judicatory in the case of
The Presbytery of Southern California v. the Rev. C. Lee Irons.
January 10-11, 2003, at Westminster OPC, 10101 Cunningham Ave., Westminster, CA**

The Moderator called Presbytery to order at 9:10 a.m., and read Psalm 91. He led presbytery in the singing of hymn 56, "When All Your Mercies, O My God," and opened the session with prayer.

ROLL CALL: The Clerk called the roll and determined the following:

ROLL CALL

__ Balderas, J.I.(E)	p_ Baldwin, W.J.	p_ Baugh, S.M.
p_ Brawdy, B.M.	p_ Buchanan	__ Buchtel, W.A.
__ Carter J. A	p_ Crum, D.A.	__ Curto, L.A.
p_ Findley, G.F.	__ Ganas, N.T.S.	*_ Garrisi, J.W
p_ Harley, D.P.	__ Herrmann, R.	p_ Irons, C.L.
__ Jarvis, B.P.	p_ Keller, R.P.	p_ Kim, Y. H.
p_ Larson, S.A	__ Lee, C.Y.	__ Matossian, M.J.
p_ Miladin, G.C.	p_ Mueller, M.C.	__ Okken, D. A.
p_ Overduin, D.H.	__ Parker, S.L.	p_ Perkins, C.P.
p_ Pontier, A.R.	p_ Poundstone, D.M.	__ Poundstone, D.H. (E)
__ Power, T.J.	p_ Salinas, G.	p_ Schroeder, M.A.
p_ Scipione, G.	__ Serven, M.	__ Stingley, M.D. (E)
__ Strimple, R.B. (E)	p_ Wagner, R.	__ Warren, W.E.
__ Wikholm, A.E. (E)	__ Wikner, B.K	

SESSIONS

CHURCH	COMMISSIONER	ALTERNATE
Bonita		
Carson, Grace	Byer, N.A.	
Chula Vista, Bayview	McManus	
Costa Mesa, Grace Presbyterian	Andruss,	
Diamond Bar	Patel, S.	
Goleta, El Camino	De Jong	
La Mesa, New Life	Reinheimer	
La Mirada, Calvary	Gault, T.	Dilworth*
Long Beach, Faith	Vincent*	
Los Angeles, Beverly	Zuelch	
Oxnard, Covenant of Grace	Fields, K.	
Phoenix, Calvin		
Prescott, OPC		
Ramona, Sovereign Grace Presb.		
Redeemer, Santa Maria		
Santee, Valley	Postma	
Vista, Harvest	de Ru	
Westminster, Westminster	Coie	

Key: * Saturday only; p Present; _ Absent; > Excused

Disqualifications

Messrs. Ganas, Okken, Vincent, Bulthuis and Dilworth (alternate) were absent and thus disqualified from voting on Charge 2.

SEATING OF NON-COMMISSIONED ELDERS

On motion it was determined to seat as corresponding members, non-commissioned elders of the regional church. Messrs. Novinger, Thibault and Nakhla were so recognized.

By general consent, Dr. T. David Gordon of Ascension Presbytery (PCA), was again seated as a corresponding member.

The Moderator, whose regular term of office expired December 31, 2002, received general consent to continue to moderate during the trial judicatory.

The Moderator exhorted the Presbytery with the constitutional charge for judicial procedure.

“This body is about to sit in a judicial capacity and I exhort you, the members, to bear in mind your solemn duty faithfully to minister and declare the Word of God, the only infallible rule of faith and practice, and to subordinate all human judgments to that infallible rule.” (BD, IV,A,1,a)

Mr. Irons continues his testimony

Mr. Irons presented himself to continue answering questions concerning his views. His answers were essentially in line with the summary given above. His difference with many presbyters continues to be over whether the Decalogue and the moral will of God are the same thing. Some effort was made to tie Mr. Irons' views to the issues found in Charge #3. The defense objected to this effort as premature. Mr. Irons was questioned as to whether his views had a dispensational quality and divided the on-going Covenant between God and His people. Mr. Irons, in contrast to John Murray et al, believes there is a restatement of the Covenant of Works in the Decalogue that is inappropriate for believers to follow upon.

The Moderator announced his intention of using the same orders of the day adopted at the last meeting.

Recess

Presbytery recessed at 10:15 a.m.

Reconvene

Presbytery reconvened at 10:34 a.m.

The Moderator declared the orders of the day

Lunch	12:15 – 1:30 p.m.
Recess	3:15 – 3:30 p.m.
Dinner	6:00 – 7:15 p.m.
<u>Saturday</u>	
Reconvene	8:30 a.m.
Recess	10:15 – 10:30 a.m.
Lunch	12:15 – 1:30 p.m.

Objection

The accused objected to the officers of the Presbytery making available tape recordings of a portion of this trial to one member of the trial judicatory without also providing those recordings to the defense and the Judicial Committee of Presbytery or at least advising them that the recordings had been so provided.

The Clerk responded that since there was no rule against providing tapes to anyone asking for them, he had done so and would have done so for the defense and/or the Judicial Committee had they made a request. All parties were aware of the taping of the sessions.

No action was taken on the objection.

There being no further questions from the floor, the Moderator declared the period of questions completed.

Redirect

Mr. Laurie conducted a redirect examination of the witness, Mr. Irons.

The defense counsel referred to a concern that there could be a lack of application of the text in Mr. Irons' preaching in view of his belief that the Decalogue per se is no longer binding on believers as the standard of holy living. He asked the following question: "How do you apply the text in view of your position regarding the Decalogue."

Mr. Irons indicated that he has been concerned about the matter of application in his preaching and has begun to make adjustments to provide more application. He has preached through the Decalogue using the Shorter Catechism. He wants his congregation to know their responsibilities. But he would not tell them they are under the Mosaic Covenant. Rather he would show them the "moral requirement" contained in a particular commandment and show them how this is brought over into the New Covenant in Christ. He would do this for passages outside the Decalogue as well.

Mr. Laurie called Mr. Frank Blaney, a member of Redeemer Chapel (Regional Church), as a witness.

The Moderator administered the oath to the witness.

Summary of Mr. Frank Blaney's Testimony

Mr. Blaney had been previously asked to respond to questions from the counsel for the defense. However, he was not coached in the answers provided. He repeated his answers in his testimony, giving a recitation of New Testament verses he had found that support the moral demands of the 10 Commandments. He was concerned to establish that his appreciation of the 10 Commandments had been enhanced, not harmed, by Mr. Irons' teaching.

Recess

The order of the day arrived and presbytery recessed at 12:15 p.m. as Mr. Gault led in prayer.

Reconvene

Presbytery reconvened at 1:33 p.m. with the singing of hymn 549, "By The Sea of Crystal". Dr. Baugh led in prayer.

The Clerk called the roll. All presbyters present at the beginning of the day were still present.

The Moderator again exhorted the judicatory with the constitutional words. (BD, IV,A,1,a)

Follow-up questions were asked of Mr. Blaney, who reiterated his appreciation for Mr. Irons. He did not recall Mr. Irons specifically taking issue with the Standards.

Closing arguments for the defense

Mr. Irons presented his summary for the defense. (See Trial Document 4)

Mr. Laurie took the podium to conclude the summary for the defense.

Verdict Deliberation

The Moderator announced that the judicatory has arrived at the point of deliberation (BD, IV.C.3.a)

On motion it was determined that we deliberate the two specifications and the charge together, at the end of which time we vote on the specifications and the charge individually.

On motion it was determined that we adopt the procedure for informal consideration (cf. *Roberts Rules of Order*, § 51, "Informal Consideration") during the period of deliberation.

Recess

The order of the day arrived and presbytery recessed at 3:13 p.m.

Reconvene

Presbytery reconvened at 3:31 p.m. and continued deliberations.

Recess

The order of the day arrived, and Presbytery recessed at 5:00 p.m. with prayer by Mr. Coie.

Reconvene

Presbytery reconvened with the singing of hymn 524 "Thy Works Not Mine O Christ". Mr. Patel led in prayer at 6:05 p.m.

The Clerk called the roll and determined that all the eligible Presbyters who were present at the beginning of the meeting were still present.

The Moderator again exhorted the judicatory with the words of the Book of Discipline (BD, IV,A,1,a).

The deliberation continued.

Specification One

It was moved that Specification One be sustained. Following a voice vote, division was called, and the vote, based on a visual count, was announced to be 16 to 16.

On motion it was determined to reexamine the tally by roll call vote.

The roll call as shown below yielded a tally of 17 yes and 16 no.

N_ Baldwin, W.J.

N_ Baugh, S.M.

Y_ Brawdy, B.M.

Y_ Buchanan, D.G.

N_ Crum, D.A.

N_ Findley, G.F.

N_ Harley, D.P.

Y_ Byer

Y_ McManus

Y_ Andruss

Y_ Keller, R.P.

N_ Kim, Y.H.

Y_ Larson, S.A.

N_ Miladin, G.C.

N_ Mueller, M.C.

N_ Overduin, D.H.

Y_ Perkins, C.P.

N_Patel

N_De Jong

N_Reinheimer

Y_ Pontier, A.R.

N_ Poundstone, D.M.

Y_ Salinas, G.

N_ Schroeder, M.A.

Y_ Scipione, G.C.

Y_ Wagner, R.

N_ Wikner, B.K.

Y_Gault

Y_Zuelch

N_Fields

Y_Postma

Y_de Ru

Y_Coie

The specification was sustained.

Specification Two

It was moved that Specification Two be sustained. By general consent a roll call vote was taken. The specification was sustained as shown below by a vote of 19 yes and 14 no.

N_Baldwin, W.J.

N_Baugh, S.M.

Y_Brawdy, B.M.

Y_Buchanan, D.G.

Y_Crum, D.A.

N_Findley, G.F.

N_Harley, D.P.

Y_Keller, R.P.

N_Kim, Y.H.

Y_Larson, S.A.

N_Miladin, G.C.

N_Mueller, M.C.

N_Overduin, D.H.

N_Perkins, C.P.

Y_Pontier, A.R.

N_Poundstone, D.M.

Y_Salinas, G.

Y_Schroeder, M.A.

Y_Scipione, G.C.

Y_Wagner, R.

Y_Wikner, B.K.

Y_Byer

Y_McManus

Y_Andruss

N_Patel

N_De Jong

N_Reinheimer

Y_Gault

Y_Zuelch

N_Fields

Y_Postma

Y_de Ru

Y_Coie

Vote on the Charge

Charge #2 was presented for Presbytery's vote.

On motion it was determined that the order of the day be extended until the vote be taken and the results announced.

On motion it was determined to take the vote by secret ballot.

The charge was sustained by a vote of 17 to 16.

Each of the following requested that his negative vote be recorded: Messrs. Mueller, Kim, Miladin, Harley, Baldwin, Perkins, Findley, de Jong, Reinheimer, Patel, Overduin, Wikner, Fields, Crum, Poundstone, D.M.).

Recess

The order of the day arrived, and Presbytery recessed at 9:12 p.m. with prayer by the Moderator, Mr. Poundstone.

Saturday, January 11, 2003

Presbytery reconvened at 8:37 a.m. with the singing of hymn 45, "Now Unto Jehovah, Ye Sons of the Mighty" and prayer by Mr. McManus.

The Clerk called the roll to determine those eligible to vote as a trial judicatory. Mr. Wikner was absent. Mr. Garrisi arrived later and was judged eligible to vote on Charge #3.

Mr. Vincent (Long Beach) and Mr. Dilworth (La Mirada, alt.) were present and deemed eligible for Charge 3.

The Moderator exhorted the Presbytery with the constitutional charge for judicial procedure.

"This body is about to sit in a judicial capacity and I exhort you, the members, to bear in mind your solemn duty faithfully to minister and declare the Word of God, the only infallible rule of faith and practice, and to subordinate all human judgments to that infallible rule." BD, IV.A..1.a)

Charge #3 (see file) was before the body.

The Judicial Committee distributed its presentation of Charge #3 against the Rev. C. Lee Irons.

Determination of the warrant for a trial on Charge #3

The accused requested Presbytery to determine whether the proof of the charge and specifications would show the commission of an offense serious enough to warrant a trial.

Procedural motion

It was moved that Presbytery arrest the prosecution of Mr. Irons in mid-course and petition the General Assembly to review both charges and their related material in order to advise Presbytery so that we may make wise and godly decisions in regard to Mr. Irons' view of the law.

Recess

On motion Presbytery recessed at 9:20 a.m. to reconvene at the call of the Moderator.

Reconvene

Presbytery reconvened at 9:51 a.m. and sang hymn 660, "O God Beyond All Praising".

Recess

Order of the day having arrived, Presbytery recessed at 10:15 a.m.

Reconvene

Presbytery reconvened at 10:30 a.m.

The pending procedural motion lost.

The question on the floor remained whether the proof of the charge and specifications would show the commission of an offense serious enough to warrant a trial.

Charge #3 eliminated

On voice vote the Moderator judged that a majority voted in the negative. Division was called. The standing vote was 17 to 17. The tie vote reaffirmed that the issue had failed.

Censure

Since Charge #3 had been disposed of, the order of the day became consideration of the censure for the guilty verdict for charge #2.

Recess

On motion it was determined to recess to the call of the Moderator in order to allow the Judicial Committee to bring a recommendation of censure.

Presbytery recessed at 11:30 a.m.

Reconvene

Presbytery reconvened at 11:49 a.m.

The Moderator declared that this judicatory has found Mr. Irons guilty, and now is to determine the censure.

Mr. Wagner reported for the Judicial Committee with a recommendation that the proposed censure be suspension from office for an indefinite period of time. (BD, VI.B.3.a)

Recess

Presbytery recessed at 12:02 with prayer by Mr. Overduin.

Reconvene

Presbytery reconvened at 1:04 p.m. with the singing of hymn #510 "Thou Hidden Source of Calm Repose" and prayer by Mr. Findley.

The Clerk called the roll to determine eligible voters. All members present at the beginning of the day were present.

The Moderator exhorted the Presbytery with the constitutional charge for judicial procedure.

"This body is about to sit in a judicial capacity and I exhort you, the members, to bear in mind your solemn duty faithfully to minister and declare the Word of God, the only infallible rule of faith and practice, and to subordinate all human judgments to that infallible rule." BD, IV.A.1.a)

Proposed censure against Mr. Irons

The motion before the body, that the proposed censure be suspension from office for an indefinite period of time. (BD, VI.B.3.a), carried.

Mr. Laurie gave informal notice to Presbytery of the accused's intention to appeal the verdict on Charge #2 to the General Assembly.

Protest

The following Protest was filed with the Clerk who read it to the Presbytery at this time:

A Protest

We the undersigned, do respectfully yet solemnly protest to the judgment of the Presbytery of Southern California, in sustaining charge #2 against the Rev. Lee Irons, adjudicated on December 13, 14, 2002 and January 10, 2003 on the following grounds:

1. The Judicial Committee never presented any evidence or reasoning that was pertinent to the charge. They merely demonstrated that Mr. Irons' views were contrary to the opinion of respected Reformed theologians which Mr. Irons himself has repeatedly affirmed. However, the committee presented no evidence or reasoning to demonstrate that Mr. Irons' views were deemed to be out of accord with the constitutional standards. Despite this absence, Presbytery found Mr. Irons guilty of violating his ordination vows.
2. A member of the Judicial Committee and other speakers favorable to prosecution stated that they desired to know the mind of the higher court and voted to prosecute ostensibly to discover whether Mr. Irons' views were out of accord with the mind of

the church. We humbly believe that, to find a man guilty in order to discover whether he is guilty is contrary to the purposes of justice or Christian charity.

Signed by

Kenneth Fields

Gary Findley

Yong Kim

Sanjay Patel

Bill Baldwin

Mark Mueller

On motion presbytery adjourned at 1:45 p.m. with prayer by Mr. Garrisi.

Respectfully submitted,

Donald G. Buchanan, Jr.

Stated Clerk