

1 **OVERTURE 39** from Northern California Presbytery (to SJC)
2 “Request for SJC to Assume Original Jurisdiction in CIP matters re Dan Herron”
3 [Revised title]
4

5 [Note: This overture is similar to but not identical to Overture 38 from Chesapeake Presbytery.]
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7 **Whereas**, the Word of God in I Corinthians 6:1-8 is clear in its injunction against Christians
8 suing one another in civil court where there exists an ecclesial court with jurisdiction,
9 and
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11 **Whereas**, TE Daniel Herron has been credibly accused of impropriety by several members
12 and/or regular attenders of Hope Presbyterian Church (Bloomington, IN) where he
13 served as pastor, and
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15 **Whereas**, the Central Indiana Presbytery instituted process against TE Herron on the basis of
16 those accusations and the Presbytery’s finding of a “strong presumption of guilt,” and
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18 **Whereas**, after the Central Indiana Presbytery found a “strong presumption of guilt” and had
19 instituted process, TE Herron filed suit in the Monroe County (Indiana) Circuit Court
20 against certain of his accusers,¹ claiming that their accusations caused him harm, and
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22 **Whereas**, TE Herron specifically referenced the likelihood that his accusers’ statements have
23 been and will be “used in Ecclesial Committee Hearings of the Central Indiana
24 Presbytery and/or the Presbyterian Church in America,”² as part of the substance of
25 the damages caused and cause for the civil magistrate to rule in his favor, and
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27 **Whereas**, this constitutes clear evidence of TE Herron’s intention to employ the civil
28 magistrate to prevent his accusers’ testimony against him, and thus preclude or
29 undermine the proceedings of the ecclesial court, and
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31 **Whereas**, the Central Indiana Presbytery ruled TE Herron contumacious for his refusal to
32 withdraw the civil suit, suspending him from office and the sacraments, and
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34 **Whereas**, this action of the Central Indiana Presbytery demonstrates that it recognized the
35 seriousness of TE Herron’s sin in filing suit against his accusers in the first place, and
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37 **Whereas**, the Central Indiana Presbytery later removed the ruling of contumacy despite
38 TE Herron’s lack of repentance, after he removed certain documents from the suit’s
39 evidence chain³ but continued to refuse to withdraw the suit, and
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41 **Whereas**, this later action of the Central Indiana Presbytery, removing the finding of
42 contumacy without TE Herron repenting of the sin of filing suit, demonstrates not only
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¹ Case #53C01-2106-CT-001359, “Dan Herron v. Kara Million, Abigail Gschwend-Harris” (accessed at <http://mycase.in.gov>)

² Case #53C01-2106-CT-001359, “Complaint for Damages and Jury Demand” (filed 25 June 2021), §§37, 45; “Amended Complaint” (filed 6 December 2021), §35.

³ Case #53C01-2106-CT-001359, “Amended Complaint” (filed 6 December 2021).

1 a refusal to act against a sin previously recognized, but could also be construed as a
2 choice to participate in that sin with TE Herron, and
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4 **Whereas**, the Central Indiana Presbytery, by removing the finding of contumacy absent
5 repentance, has chosen to allow the suit to continue in flagrant violation of
6 I Corinthians 6, refusing to act to discipline TE Herron’s sin, bringing disrepute on the
7 name of Christ and undermining both their own authority and the authority of all courts
8 of the PCA generally with respect to the civil magistrate, and
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10 **Whereas**, allegations concerning the alleged sinful conduct of TE Daniel Herron together
11 with the Central Indiana Presbytery’s handling of the case have been widely reported
12 in public media, resulting in public scandal involving not only the accused, but also
13 the Central Indiana Presbytery and the Presbyterian Church in America, and
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15 **Whereas**, *BCO* 34-1 provides mechanism for the General Assembly to assume original
16 jurisdiction when “the Presbytery refuses to act in doctrinal cases or cases of public
17 scandal”,
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19 **Therefore**, be it resolved that the Northern California Presbytery petitions the 49th General
20 Assembly to assume original jurisdiction of the case against TE Daniel Herron
21 immediately, so as to investigate the accusations thoroughly and to try the matter
22 impartially, for the express purpose of defending the honor of Christ, clearing the
23 public scandal, restoring the peace and purity of Christ’s Church, and providing the
24 care of a true shepherd to TE Daniel Herron and to his accusers.
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26 *Adopted by the Northern California Presbytery at its stated meeting, May 6, 2022*

27 *Attested by /s/ RE Marcel Weiland, Stated Clerk.*