

## RESTORATION OVERTURE

We the session of Indian River Presbyterian Church overtures the Tropical Florida Presbytery to overture the 219<sup>th</sup> General Assembly (2010) to approve the following authoritative interpretation:

**Interpretive statements concerning ordained service of homosexual church members by the 190<sup>th</sup> General Assembly (1978) of the United Presbyterian Church in the United States of America, and the 119<sup>th</sup> General Assembly (1979) of the Presbyterian Church in the United States and all subsequent affirmations thereof, are correct interpretations of church law and are restored to having full force and effect.**

### *Rationale*

The intent of this overture is to reverse the authoritative interpretation (AI) of the 218<sup>th</sup> General Assembly (2008) that declared these statements and their affirmations to have no further force and effect. The assembly erred and exceeded its authority when it nullified them while the current text of G-6.0106b is in the *Book of Order*.

The *Book of Order* requires that a General Assembly comply with *Robert's Rules of Order*, except where the Constitution provides otherwise (G-9.0302). *Robert's Rules of Order* asserts the following rule of interpretation:

***“Each society decides for itself the meaning of its bylaws. When the meaning is clear, however, the society, even by a unanimous vote, cannot change that meaning except by amending its bylaws. An ambiguity must exist before there is any occasion for an interpretation.”*** [Emphasis in the original] (RONR, 10<sup>th</sup> edition, p. 570, lines 16-20)

The Constitution does not provide otherwise. In fact, it affirms and applies this rule by empowering a General Assembly to provide authoritative interpretation on **“questions requiring an interpretation”** of the *Book of Order* (G-13.0103r, G-13.0112c).

The 218<sup>th</sup> General Assembly (2008) violated this rule when it nullified the set of clear, unambiguous, and, because of G-6.0106b, evidently correct interpretations of church law described below:

1. The 1978 interpretative statement was the definitive guidance: **“That unrepentant homosexual practice does not accord with the requirements for ordination set forth in Form of Government Chapter VII, Section 3 (37.03) ...”** (UPCUSA *Minutes*, 1978, p. 265)
2. The 1979 interpretative statement supported the one above and added: **“For the church to ordain a self-affirming practicing homosexual person to ministry would be to act in contradiction to its charter and calling in scripture.”** (PCUS *Minutes*, 1979, pp. 201, 207)
3. The GA PJC affirmed these statements several times. In the *Blasdell* case in 1985, it found that the statements were authoritative interpretations of the two constitutions as they were in 1978 and 1979 and of the PCUSA Constitution in 1985, and concluded: **“Therefore, it is unconstitutional for the Church to ordain any self-affirming, practicing, and unrepentant homosexual as elder, deacon, or minister of the Word.”** (PCUSA *Minutes*, 1985, p. 121)

4. The 205<sup>th</sup> General Assembly (1993) affirmed the statements with an AI that declared:  
(a) That the two statements have been considered by the judicial commissions of the Church and **“carry the weight of ‘authoritative interpretation.’”** and (b) **“Current constitutional law in the Presbyterian Church (U. S. A.) is that self-affirming, practicing homosexual persons may not be ordained as ministers of the Word and Sacrament, elders, or deacons.”** (PCUSA *Minutes*, 1993, pp. 76-77, 322)

These interpretive statements and their affirmations are evidentially clear and unambiguous interpretations of church law. Any question about their being correct was completely removed in 1997 by the addition to the *Book of Order* of G-6.0106b, which states: **“Those who are called to office in the church are to lead a life in obedience to Scripture and in conformity to the historic confessional standard of the church. Among these standards is the requirement to live either in fidelity within the covenant of marriage between a man and a woman (W-4.9001), or chastity in singleness.”** By nullifying them, the General Assembly exceeded its authority because there was no real ambiguity and no *bona fide* occasion for interpretation.

A General Assembly may propose changes in church polity by proposing amendments to the *Book of Order* (G-18.0301c). The assembly in 2008, by a small majority, properly exercised this power by proposing an amendment that would remove the fidelity and chastity requirement from G-6.0106b.

But the General Assembly’s power to interpret the *Book of Order* is of an entirely different nature (G-13.0103r, G-13.0112). When acting as interpreters, commissioners to a General Assembly, like members of the GA PJC and the Advisory Committee on the Constitution, are duty-bound to discern and act objectively on what the *Book of Order* says, not what they believe it should say. The power to interpret is not to be used to change clearly expressed church polity. Thus, it was an abuse of power to approve the AI without making it contingent on the presbyteries’ approval of the amendment.

In the same circumstances in 2001, the Advisory Committee on the Constitution advised that nullification of the interpretive statements should be contingent on the presbyteries’ approval of the amendment, and the assembly followed that advice (*Minutes*, 2001, pp. 51-52, 405).

When G-6.0106b, which contains the “fidelity and chastity” requirement, was added to the *Book of Order* in 1997 it became the clear, definitive provision of church law with respect to the ordination of self-acknowledged, practicing homosexual persons. It reinforced the 1978 and 79 interpretations. The 2006 PUP authoritative interpretation (AI) was believed by some to have permitted the ordination of persons who do not agree to comply with the requirement. That belief was dispelled when the GA PJC ruled in *Bush v. Presbytery of Pittsburgh* that such candidates can not be ordained.

Some may believe that the AI approved in 2008 in response to the John Knox overture has overturned the *Bush* ruling. That is by no means certain and there are strong arguments against it. That will not be determined until the GA PJC decides a relevant case.

In 2001 there was an overture to delete G-6.0106b and to nullify the 1978 and 79 interpretations. The Advisory Committee on the Constitution advised that both actions were necessary to

accomplish the purpose of the overture and that the nullifying action should be “held in abeyance and not take effect” until the presbyteries approved the amendment (*Minutes*, 2001, p.405). The assembly followed that advice; but the presbyteries rejected the amendment, so the nullification did not take effect. In 2008 the assembly should have followed the 2001 precedent and made the nullification of the interpretations contingent on the approval of the proposed amendment.