

SR Change to Restrict Overture Advocates

Item: 03-12 (Shenandoah) On amending Standing Rule E.2.e.-g. Regarding Privilege of Floor

GA Committee Assignment: 03 General Assembly Procedures

Summary of the business and what it asks the Assembly to do:

This overture asks the Assembly to implement a list of changes to the Standing Rules that would severely restrict the ability of a presbytery's equivalent of a resource person—the "Overture Advocate"—to effectively represent the presbytery's concerns to the Assembly Committee considering the overture sent by that presbytery. The proposed changes would not impose *any* restrictions on other "resource persons" desiring to speak against a presbytery's overture.

The effect of this proposal is to **unfairly restrict** the overture advocate's ability to effectively represent the presbytery in the following ways:

- a. The changes would remove the Overture Advocate's **current explicit right** under the Standing Rules to speak "immediately after any motion that might logically be expected to affect the overture or resolution is moved and seconded." (current E.2.f.)
- b. The changes would remove the Overture Advocate's **current explicit right** under the Standing Rules to speak "during debate of such motions to correct misunderstandings or to clarify." (current E.2.f.)
- c. The changes would remove the Overture Advocate's **current explicit right** under the Standing Rules of having "the same privilege of the floor as other persons with special expertise" listed in Standing Rule E.2.e.(3) above. [That Standing Rule lists "Persons with special expertise, including elected members or staff members of General Assembly entities;"].
- d. Although the rationale purports to uphold "fair and equitable treatment of those who are permitted to speak to Assembly Committees," **all of the proposed changes are in the direction of restricting *only* the rights of the presbytery's Overture Advocate and do not place *any* restrictions on the General Assembly resource people**, who are often elected members or staff of General Assembly entities who oppose presbytery overtures. **This overture is a completely one-sided proposal that works *against* a presbytery's current protections and right to be heard.** The current Standing Rules ensure that the Assembly Committee can fully understand a presbytery's concerns in bringing an overture and ensure that the Assembly Committee has the opportunity to understand the implications of how the overture is handled.

Background

Overtures are the only way presbyteries can exercise their responsibility and power for "proposing to the synod or the General Assembly such measures as may be of common concern to the mission of the whole church" (G-11.0103t(3)).

The Standing Rules of the General Assembly, **as they are currently written**, provide **fair access** for a representative **chosen by the presbytery** (the "Overture Advocate") to speak for the presbytery in appropriate circumstances in the process of the General Assembly Committee's consideration of the overture. **The Overture Advocate has the same opportunities to speak to the matter as do the resource persons appointed by General Assembly entities.** The overture advocate is explicitly entitled to speak to correct misunderstandings about the presbytery's proposal and to clarify. **The current Standing Rules protect the ability of the presbytery to have its proposal properly understood.** No one else in the room understands the presbytery's action and intent as well as the presbytery's Overture Advocate does. Any business brought to the General Assembly becomes the Assembly Committee's and ultimately the whole General Assembly's business to deal with. Nevertheless, when the item is placed before the General Assembly by a presbytery, it is only fair that the presbytery's request and the ramifications of various actions the General Assembly could take in response to the presbytery's request, are properly and fully understood. The current Standing Rules protect the rights of the Overture Advocate to do exactly that.

Analysis of the business and how it would affect the church:

The interests of the church are best served when Assembly Committees are able to hear presentations of the pros and cons of each proposal articulated by the persons most capable of expressing those positions. The participation of the presbytery's Overture Advocate, as specified in the current Standing Rules, gives the Assembly Committee the background and understanding it needs to wisely decide about the overture placed before it. When someone

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From the Joint Renewal Team

places a motion before a deliberative body, that person is entitled to explain the merits of that motion. When a presbytery goes to all the work of bringing a concern to the General Assembly and sending an Overture Advocate to the Assembly to represent that overture, it is only appropriate that the presbytery bringing that item of business to the Assembly should have the right to present and clarify any misunderstandings about the presbytery's overture. The current Standing Rules afford the presbytery's Overture Advocate the rights to do that. **The changes to the Standing Rules proposed in this overture are one-sided.** They unfairly restrict the ability of the presbytery Overture Advocate to represent the presbytery's overture while **placing no restrictions on the rights of Resource Persons ("persons with special expertise," usually staff or elected members of General Assembly entities) to speak in opposition to the presbytery's overture.** Basic fairness requires that the Standing Rules remain as they are now, so that the rights of the Overture Advocate are preserved. This proposal seeks to "fix something that isn't broken"—that, in fact, works well. Furthermore, this proposal actually **works strongly against the interests of the presbyteries.** The proposal would make it harder for the "grass roots" level of the church to be effectively heard.

Pertinent Resources

This overture is described as intending to make the wording in the Standing Rules conform more closely to wording used in *Robert's Rules of Order*. Sometimes raising technicalities from *Robert's Rules* has the effect of being intimidating for those not well-versed in parliamentary procedure. **There is absolutely no problem with the way Assembly Committees are currently understanding and applying the Standing Rules in regard to persons speaking in Assembly Committees.** Although the Rationale for the overture states "obtaining the floor begins with being recognized by the moderator. . ." the process actually begins with the person desiring to speak "claiming the floor" by *seeking to be recognized* by the moderator. The moderator then must recognize anyone who seeks the floor while entitled to it. The section to which the Rationale for the proposal refers is quoted below. **There is nothing in this section of Robert's Rules that requires amendment of the Standing Rules by the General Assembly.** If the General Assembly wishes to amend the Standing Rules, it is unfair to restrict only the presbytery's Overture Advocate and not to restrict the rights of General Assembly "resource persons."

Robert's Rules of Order, Newly Revised, (10th ed.), p 28. 10-27:

Obtaining and Assigning the Floor

Before a member in an assembly can make a motion or speak in *debate*—the parliamentary name given to any form of discussion of the merits of a motion—he must obtain the floor; that is he must be *recognized* by the chair as having the exclusive right to be heard at that time. . . . The chair must recognize any member who seeks the floor while entitled to it.

To claim the floor, a member rises at his place when no one else has the floor (or goes to a microphone in a large hall), faces the chair, and says, "Mr. President," or "Mr. Chairman," or "Madam Chairman" or whatever is the chair's proper title. If the member is entitled to the floor at the time, the chair recognizes him—normally by announcing as applicable, the person's name or title, or the place or unit that he represents. This member then has the floor** and can remain standing and speak in debate. . . .

**The expression "privileges of the floor," sometimes used in legislative bodies or conventions, has nothing to do with *having the floor*, but means merely that a person is permitted to enter the hall. It carries no right to speak or any other right of membership except as may be determined by rules or action of the body.

(RONR (10th ed.), p 28. 10-27)

While describing the request in terms of tightening the conformity of the wording in the Standing Rules to the wording used in *Robert's Rules of Order*, the clear effect of the proposed changes to the Standing Rules is to severely restrict the rights of the presbytery's Overture Advocate while placing no restrictions whatsoever on the rights of General Assembly "resource persons" to oppose the presbytery's overture. As a matter of basic fairness, the Standing Rules should remain unchanged.

Action by GA that will help the Church:

Disapprove