

Proposed Amendments from the 219th General Assembly

by Bob Davis

The “item number” refers to the pc-biz designation; it is important to cross-reference because my summary is not a direct quote of the proposed language. Here’s what is relevant for the process:

- Pursuant to G-18.0201, **amendments to the Book of Confession** require four steps: a) recommendation by a special committee appointed to study the matter; b) the affirmative majority vote of the General Assembly to which the special committee reports; c) the affirmative vote of two thirds of the presbyteries; and, d) affirmative vote and enactment by the next ensuing General Assembly.
- Pursuant to G-18.0301, **amendments to the *Book of Order*** require two steps: a) approval by one General Assembly; and b) a majority affirmative vote of all the presbyteries.

No. Amendment 10-1, Part 1 of 3, amending the Form of Government as a Whole. Item 07-01: nFoG.

If you do not know what we currently have in the G-section of the *Book of Order* and are simply trusting that “it is too cumbersome,” you should be aware that approving the nFoG would open Pandora’s box to a whole new level of cumbersome. The more ambiguous and “flexible” nFoG will require enormous energy on the part of sessions, presbyteries and synods to create and adopt “rules,” “policies,” and “manuals” for all the things it took out. There will be a flood of remedial cases to figure out what is and is not allowable. It breaks down the connective bond.

You should not feel bad if you are confused about what would be the consequences of adopting the nFoG. The experts do not know, either. For example, not mentioned or included in the materials sent out with the Amendments is the action on Item 07-11, in which the 219th General Assembly,

empowers the Moderator to appoint a Special Committee on Existing Authoritative Interpretations of the Book of Order. The special committee shall be composed of six members recommended by the General Assembly Permanent Judicial Commission, the Advisory Committee on the Constitution, and the Office of the General Assembly, and charged to make recommendations to the 220th General Assembly concerning the status of specific existing authoritative interpretations of the Constitution based on the Status of Authoritative Interpretations as shown below:

“Status of Authoritative Interpretations

“While the status and applicability of any authoritative interpretation is subject to the judgment of the assembly, it is the considered judgment of the ACC that if this proposal to amend the Form of Government were to be approved, generally speaking the status of authoritative interpretations would vary according to the relationship of newly approved language to previous language.

“1. If language approved in the Constitution explicitly restates the content of existing authoritative interpretations, it is no longer an authoritative interpretation but is incorporated into the Constitution.

“2. If language is approved that is identical to, or essentially the same as the language of constitutional provisions that have already been interpreted, current authoritative interpretations would continue in force. The ACC believes this would apply, for example, to authoritative interpretations regarding current G-6.0106b, G-6.0108, G-8.0201, and G-9.0404d.

“3. If language is approved that is substantively different from currently interpreted constitutional language, clarification from the General Assembly would be required as to the status and applicability of existing authoritative interpretations through the provisions of G-13.0103r.

“4. If language is approved that contradicts the substance of an existing authoritative interpretation, the current interpretation would have no effect.

“5. If language is approved that totally removes a constitutional provision that has been authoritatively interpreted, the authoritative interpretations attached to that provision would be removed as well.”

Remember, this committee will not report until June, 2012. Essentially, this is an admission that we will not know what the nFoG would actually do until the next General Assembly receives this committee's report -- that is, after the voting takes place.

There is something in the nFoG for everyone to not like. The current Form of Government may not be perfect, but it represents a lot of discerning work over the course of time. Voting yes is like handing a 16-year-old the keys to a race car, telling him to stand on the gas and figure it out as he goes, then sending him down the track hoping he does not hit anything.

The vote on this item is a straight yes/no vote. There are no “yes, if...” or “yes, but...” votes allowed.
(No.)

No. Amendment 10-2. Part 2 of 3, Confession of Belhar. (Item 16-12): *Adding the Belhar Confession to the Book of Confessions*

This one does not lend itself to a quick summary. For me, inclusion in the *Book of Confessions* is not warranted. The Confession is important for its own historical context, but is problematic when the attempt is made to export it into different contexts. Specifically, one of the primary authors is urging that it be used as a justification to mandate the ordination of self-avowed, unrepentant practicing homosexual persons. If that is the effect and import into our circumstance, it is not a Confession that will unite us. It will further divide us and heighten tension regarding ordination standards, rather than resolve them. There are other reasons, but this one is sufficient to end the question for me.
(No.)

Amendments 10-A through 10-0; Part 3 of 3.

No. Amendment 10-A. (pc-biz Item 06-09): *Amending G-6.0106b.*

The amendment proposes changing the language of G-6.0106b. On its face, it is a good application of theoretical and desired Presbyterian principles. The problem is that it changes our understanding of the authority of Scripture and ignores the practical reality of how the ordination standard debate has played out within the Presbyterian Church (U.S.A.).

- If adopted, governing bodies would be “guided” by Scripture and not bound to live “in obedience to” Scripture (compare the current with the proposed new language).
- It is a statement of trust in an environment of distrust; it is local option. As demonstrated by the expanding “rights” of Certified Christian Educators in Item 06-01, the historical pattern in the Presbyterian Church is: what is permissive becomes mandatory; shortly after, what is mandatory becomes essential.
- It is not a compromise, it is a reversal of our historic and current standard. The language is aspirational, it is not constitutional. **(No.)**

Yes. Amendment 10-B. (pc-biz Item): Amending G-9.0203b, removing a Stated Clerk or Clerk of Session.

The *Book of Order* does not provide a mechanism for removing an elected officer from their office for non-performance. This amendment specifies the process. **(Yes.)**

Yes. Amendment 10-C. (pc-biz Item): On Amending G-9.0404 requiring sexual misconduct policy.

This one is simple enough to quote in its entirety: “All governing bodies shall adopt and implement a sexual misconduct policy.” **[Yes.]**

Yes. Amendment 10-D. (pc-biz Item 05-06): On Amending G-9.0801 regarding participation and representation.

This is mostly editorial changes – from percentages to “numbers nearly as equal as possible” – to allow a little more flexibility for presbytery and synod nominating committees in making nominations. This should not be controversial. **(Yes.)**

No. Amendment 10-E. (Item 05-04) Amend G-11.0407 regarding “registers.”

This would add the requirement for stated clerks of presbyteries to maintain “registers” (as contrasted with “rolls”) of Certified Christian Educators and Commissioned Lay Pastors who have been granted voice and vote rights. The substantive portion of this proposed amendment is the inclusion of the possibility of a Commissioned Lay Pastor being commissioned for a “validated” (non-congregation-specific) ministry. For me, the register question is non-consequential; but I am not in favor of expanding CLP’s to “validated” positions. **(No)**

Yes. Amendment 10-F. (Item 06-01): Amending G-11.0407 and 14.0730b regarding voice and voting rights for Certified Christian Educators.

Here, the issue is the limit – “during their term of service in an educational ministry under the jurisdiction of the presbytery” – for voting rights at presbytery for Certified Christian Educators who are also elders. This extends the voting pool at presbytery, but in a specific and limited way. It extends voice rights at presbytery to all Certified Christian Educators; an expansion from permissive granting of voice rights. **(Yes).**

Yes. Amendment 10-G. (Item 04-01): Amend G-12.0100 and D-5.0101 to modify synod functions to allow synods sharing common boundaries to share administration services and create a shared permanent judicial commission.

This is a cost-cutting reality of decline. It allows for the maintenance of a bare-bones synod structure. It makes sense. **(Yes)**

Yes. Amendment 10-H. (Item 05-05). On Amending G-13.0108 and G-13.0111a, and 13.0202b Regarding Nominations Process

This is a similar editorial change as Amendment 10-D, Item 05-06 above, applied to the General Assembly Nominating Committee. Again, this should not be controversial. **(Yes)**

Yes. Amendment 10-I. (Item 16-02) Amending W-4.400 to add “prayer.”

This would add language to ordination vows to include “prayer.” No one objects to prayer. That said, just to illustrate the point, this is the kind of amendment that makes the *Book of Order* more of a manual than a Constitutional statement – and, unless our behavior changes, will be why the nFoG cannot succeed in its stated goal to make us missional. Digression aside, **(Yes.)**

Yes. Amendment 10-J. (Item 05-26) Amending D-6.0103 regarding Stay of Enforcement

There’s a long story behind this one; the gist of which is that there was a loophole in the process that allowed a stated clerk to sit on documents for a period of time sufficient to exhaust the time for a stay of enforcement to be issued, thereby ending the case and impinging on the rights of an appealing party to be heard. This amendment remedies that loophole. **[Yes.]**

Yes. Amendment 10-K. (Item 05-25) Amending D-6.0306, D-8.0302, and D-13.0302 regarding preliminary questions.

Wow. This one is truly a “due process” amendment; it simply allows closure of a case where a decision is unchallenged that a party does not meet the “standing” questions for filing a disciplinary case (remedial or disciplinary) or appeal. **[Yes.]**

Yes. Amendment 10-L (Item 05-20) Amending D-10.0202 reviewing investigating committee work.

The amendment adds the responsibility for an investigating committee to determine that the accusations have previously been made and/or evaluated. **[Yes.]**

Yes. Amendment 10-M. (Item 05-25, rec. 2) Amending D-10.0401 regarding Time Limits.

Extend the “statue of limitations” for filing of charges on disciplinary offenses to 5 years from 3 years. There is nothing magic about a time limit for the initiation of discipline – particularly because the goal is redemption, reconciliation, and restoration; thus, a change from 3 years to 5 years is a matter of discretion. Enough people thought the change would be an improvement; I have no argument. **[Yes.]**

Yes. Amendment 10-N (Item 05-02): Amend D-13.0102 and D-13.0106 to reverse a previous amendment allowing the prosecution in a disciplinary case to appeal a not guilty verdict.

Although the prior change was a departure from American criminal law, it was a response to presbytery permanent judicial commissions’ refusing to apply constitutional standards to specific disciplinary cases – most notably those involving pastors performing “same-sex marriages” and G-6.0106b. Restoring the prior standard will function to encourage further departures from constitutional standards with no corrective recourse available. Even so, the “prosecution appeal” is not an answer to willful departures from constitutional integrity. **(Yes)**

Yes. 15. Amendment 10-O (Item) On Amending D-13.0404, decision of Permanent Judicial Commission.

If Amendment 10-N is not approved, this amendment provides that the successful appeal of a *not guilty* verdict by the prosecution will result in a new trial. **[Yes.]**