

PREFACE

I was an observer at the 1978 General Assembly in San Diego that adopted the document that eventually became known as *the* Authoritative Interpretation. It was my first GA, and I was enthusiastic about the work that was accomplished there. In particular, I was pleased with the “definitive guidance” given by the Assembly on the issue of homosexuality because it balanced moral and theological concerns with a strong emphasis on justice. I remember excitedly returning from the Assembly to help begin a two-pronged ministry in the Presbytery of Sacramento – both to and on behalf of homosexual persons.

In the intervening years, I have been a regular GA observer. I have also participated actively in every national effort to defend our current ordination standards. During those endeavors, two things have discouraged me. First, is what I would diagnose as a kind of historical and theological amnesia on the part of far too many Presbyterians. Many people on both sides of the issue remain blissfully unaware of the complex historical process that has brought us to where we are today.

But, even more troubling to me is my own growing inability to remember which Assembly did what, and what exactly it was that they did. The older I get, the more my mind tends to mix them all together into a kind of amorphous lump.

The document that follows was begun to meet my own personal need for historical clarity. It is an expansion of Polity Reflection Note 44 that was produced by The Office of the General Assembly. No claim is made to this being original research – but its production did require that I spend hundreds of hours with my head stuck in old, musty volumes of *General Assembly Minutes* in order to cross-check and ferret out the details.

It has been published in this format at the request of several colleagues who think that it is worth sharing.

Robert Dooling

**AN ANNOTATED LIST OF THE ACTIONS OF THE GENERAL ASSEMBLIES
OF THE PRESBYTERIAN CHURCH REGARDING HUMAN SEXUALITY
(from 1970 to 2004)**

1970 182nd General Assembly, United Presbyterian Church (USA):

The General Assembly adopted a paper entitled *Sexuality and the Human Community* (<http://www.pcusa.org/oga/publications/sexuality-and-human-community.pdf>). Among other things, this document had this to say about homosexuality: “There is a difference between homosexuality as a condition of personal existence and homosexualism as explicit homosexual behavior. The condemnation of homosexualism found in St. Paul's writings are given in the context of lists of antisocial and personally destructive forms of conduct which characterize "the unrighteous." It is not singled out as more heinous than other sins, but is discussed with other forms of behavior which betoken man's refusal to accept his creatureliness.”

1976 188th General Assembly, United Presbyterian Church (USA): Baltimore, Maryland

Overture 09-76 from the Presbytery of New York City asked the General Assembly to appoint a special committee to study and recommend definitive guidance to the 189th General Assembly on the ordination of an individual who is both well qualified and “an avowed homosexual.”

Overture 25-76 from the Presbytery of San Francisco asked the General Assembly to state that the presbytery is the “judicatory responsible to select and ordain candidates.

Overture 52-76 from the Presbytery of Seattle requested that the General Assembly “reaffirm the biblical position that the practice of homosexuality is a sin,” “to direct presbyteries and session not to ordain” as officers persons “who are avowed, practicing homosexuals, and “to commend to presbyteries and sessions the need to minister sympathetically to homosexuals sharing with them the love and grace of the gospel ... through which sin is forgiven and lives transformed ...”

Overture 55-76 from the Presbytery of Cincinnati asked the Assembly “to reaffirm God’s principles with respect to the sexual practices of its members and clergy, and to clearly declare homosexual practice as contrary to God’s order.”

Overture 58-76 from the Presbytery of Wabash Valley asked the Assembly “to condemn the practice of homosexuality” and to oppose their ordination.

Overture 62-76 from the Presbytery of the Palisades requested the appointment of

a special committee to recommend “definitive guidance on the acceptability of an avowed homosexual as a candidate for ordination to professional ministry.”

The 188th General Assembly answered Overtures 9, 25, 52, 55, 58, and 62, with the adoption of a report. Among other things, the report called for the establishment of a task force to study the issue of homosexuality “with special reference to the ordination of avowed practicing homosexuals.”¹ The task force was created, and instructed to report back to the 190th General Assembly in 1978.

1977 117th General Assembly of the Presbyterian Church, US:

The 117th General Assembly of the Presbyterian Church US adopted a paper entitled *Sexuality and the Human Community* that states, “homosexuality falls short of God’s plan.”²

1978 118th General Assembly of the Presbyterian Church, US:

The General Assembly reaffirmed the statement of the 117th GA.

1978 190th General Assembly, United Presbyterian Church (USA): San Diego, California

The task force reported its findings to a committee of the General Assembly. Included in their findings was the recommendation that self acknowledged, practicing homosexuals be ordained to church office.³ The committee adopted the findings of the task force as its majority report. A minority report written by Dr. Thomas Gillespie, *et. al.*, argued that homosexual love is not the moral equivalent of heterosexual love practiced within the covenant of marriage between a man and a woman. Additionally, the minority report made a careful

¹ The report made the following points. a) “Every person, without limitation, is the object of God’s gracious love in Jesus Christ. Only by approaching the subject of homosexuality with love, compassion, prayer and honesty, can our church continue in its great Reformed tradition.” b) Because God continues to reveal more of himself and his will in each succeeding age, we do not believe that a position taken in any one period sets forth the final understanding of his Word to the church.” c) We must declare our present understanding of God’s will relative to homosexuality. d) Although we affirm the right of the presbytery to take what action it deems best relative to the ordination of homosexuals [as long as it is consistent with the Book of Order], we believe that we are called to give guidance. e) Because the 1970 General Assembly stated that “the practice of homosexuality is sin...,” we believe that at the present time it would be injudicious, if not improper, for a presbytery to ordain “an avowed practicing homosexual.” f) Because the positions taken by General Assemblies change, it is proper to create a task force to study these issues. g) In this process let us remember the words of I John 4: 7-8, “Beloved, let us love one another.”

² The document was the result of a task force that was created in 1966. The 1970 GA received the report, directed that it be published, and recommended it to the churches for study and appropriate action. The GA noted that its action was not to be construed as an endorsement of the report. The report deplores the mistreatment of Homosexuals, and says, “Sexual expression with the goal of developing a caring relationship is an important aspect of personal existence and cannot be confined to the married and the about-to-be-married” (p.36).

³ The Report of the Task Force includes an in-depth study of the hermeneutical issues that lie behind our various understandings of homosexuality in the church.

distinction between homosexual orientation and homosexual practice. It argued that sexually abstinent persons with a homosexual orientation should be eligible for ordination, while persons who openly practice and advocate homosexual behavior should not.

During plenary, the General Assembly substituted the minority report for the majority report, and adopted it by an overwhelming vote (the text of report can be found at <http://www.presbyweb.com/Documents/DefinitiveGuidance1978.htm>) – with the proviso that the ordination of homosexual persons already ordained would be “grand fathered.”⁴

1979 119th General Assembly of the Presbyterian Church, US:

The GA adopted a paper entitled *The Church and Homosexuality* (the text of which can be found at <http://www.pcusa.org/oga/publications/church-and-homosexuality.pdf>). Among many other things, this document contained the following: “The General Assembly may offer an authoritative interpretation of what may correctly be deduced from the Constitution, stating that the Constitution's underlying biblical and theological presuppositions and informing principles definitely preclude the ordination of a self-affirming, practicing homosexual person. A minority of the task force favors such an action, believing that traditional biblical interpretation and Reformation theology clearly teach that homosexual behavior per se is sin and that to affirm one's homosexual behavior is to remain unrepentant of sin.”⁵

1979 191st General Assembly, United Presbyterian Church (USA): Kansas City, Missouri

Overture 79-37 from the Presbytery of Long Island asked the General Assembly to “affirm the right of each presbytery to determine its own members, following the guidance of the Holy Spirit in determining the faith and godliness of such individuals, being guided but not constitutionally bound by the ‘Policy Statement and Recommendations’ of the 190th General Assembly (1978) with regard to homosexual persons.” No action was taken.

⁴ This document, *The Church and Homosexuality*, is available through the Office of the General Assembly.

⁵ The majority of the Task Force did not think that the GA should do this. It stated its position on ordination in these words: “The majority of the task force believes that if the 190th General Assembly (1978) were to state definitively that homosexual behavior per se is “sin” or is “not sin” and that self-affirming, practicing homosexual Christians are “not ordainable” or are ordainable,” then the church's highest judicatory would be rejecting the deeply felt theological convictions and strongly held biblical interpretations of one significant group or another within the church. The church's highest judicatory would be requiring numerous United Presbyterians to deny what they believe and to believe what they deny. The peace and unity of the church would be undermined in the name of unessential purity.”

1980 120th General Assembly of the Presbyterian Church, US:

Adopted a paper entitled *The Nature and Purpose of Human Sexuality*

1980 192nd General Assembly, United Presbyterian Church (USA): Detroit, Michigan

In its report to the General Assembly, the GA Mission Council reminded the Assembly that the 1978 Definitive Guidance committed the church to certain actions relative to homophobia, justice issues, etc. The GA received the report of the GA Mission Council.

1981 193rd General Assembly, United Presbyterian Church (USA): Houston, Texas

Neither the ordination issue, nor the more general issue of homosexuality came before this General Assembly.

1982 194th General Assembly, United Presbyterian Church (USA): Hartford, Connecticut

Overture 82-70 from the Presbytery of New York City called on the Program Agency of the General Assembly to fulfill its mandate from the 192nd General Assembly to take specific actions to implement the provisions of the 1978 Definitive Guidance, and to make a specific and detailed report to the 1983 Assembly. The overture was approved.

1983 195th General Assembly, Presbyterian Church (USA): Atlanta, Georgia

The Report of the Program Agency contains no reference to the mandate of the 1983 General Assembly. No business came before the GA relative to homosexuality or the ordination issue.

1984 196th General Assembly, Presbyterian Church (U.S.A.): Phoenix, Arizona

Commissioners' Resolutions 14-84 and 37-84 asked the General Assembly to remove references to "Sexual Orientation" as a category of nondiscrimination for employment. Commissioners' Resolution 15-84 and 31-84 asked the General Assembly to reaffirm the actions of the 190th General Assembly (1978) regarding homosexual practice. The General Assembly answered these Resolutions by reaffirming the 1978 statement.

1985 197th General Assembly, Presbyterian Church (U.S.A.): Indianapolis, Indiana

The Permanent Judicial Commission of the General Assembly reported that, in the case of Union Presbyterian Church (a "More Light Congregation") v. The

Presbytery of Western New York, it held that the right of a particular congregation to elect and ordain its officers is not unrestricted, but is bounded by the Constitution.⁶ The minutes contain no other obvious reference to the homosexuality/ordination issue.

1986 198th General Assembly, Presbyterian Church (U.S.A.): Minneapolis, Minnesota

Overture 158-86 from the Presbytery of Tropical Florida asked the General Assembly to reprint the 1978 Definitive Guidance on Homosexuality, and to revoke the status of Presbyterians for Lesbian and Gay Concerns under Chapter IX. The General Assembly voted not to concur, but directed that the 1978 Definitive Guidance and the 1979 PCUS paper “Homosexuality and the Church” be reprinted in the minutes of the 198th General Assembly.⁷

1987 199th General Assembly, Presbyterian Church (U.S.A.): Biloxi, Mississippi

Communication 4-87 from the Session of the First Presbyterian Church of Ridgefield Park, NJ, asked for clarification of an apparent conflict between the Constitution and the “definitive guidance” of 1978.⁸ The GA answered the questions posed by C 4-87 by adopting the recommendation of the Advisory Council on the Constitution which provided: that the right of a member to hold office is not an absolute right.⁹

Communication 17-87 from the Presbytery of Chicago requested an interpretation of the 1978 policy statement relative to the exclusion from office of homosexual persons. C17-87 was answered with the same action as 4-87.

Overture 12-87 from the Presbytery of Cincinnati (with the concurrence of the Presbyteries of Harmony and Orange) asked the General Assembly to affirm the standards of fidelity in marriage and chastity in singleness. The GA took no action.

Overture 83-87 from the Presbytery of Atlanta asked the GA to reaffirm its strong belief in the Holy Scriptures and Reformed tradition as they address sexual

⁶ In making this finding, the PJC said, “‘the Definitive Guidance’ of the 190th General Assembly (1978) of the United Presbyterian Church in the United States of America and the “Definitive Guidance” of the 119th General Assembly of the Presbyterian Church in the United States on the issue of ordination of self-affirming, practicing homosexuals were, in fact and in substance, authoritative interpretations of the Constitutions as they were then as as the Constitution presently exists. Therefore, it is unconstitutional for the Church to ordain any self-affirming, practicing, and unrepentant homosexual as elder, deacon, or minister of the Word.”

⁷ The Assembly pointed out that inclusion as a Chapter IX organization does not approval or disapproval of the organization.

⁸ Specifically referenced were G-5.0103 and G-5.0202.

⁹ In becoming an officer one must choose to exercise his/her freedom of conscience within certain restrictions.

behavior. It also called for faithfulness within the covenant of marriage and chastity of all unmarried men and women. The GA took no action.

Overture 97-87 from the Presbytery of New York asked the General Assembly to call for the elimination in all states and the Federal Government of laws governing the private sexual behavior between consenting adults; to call for the passage of laws forbidding discrimination based on sexual orientation in employment, housing, and public accommodations; and to request the Stated Clerk to request each presbytery to inform and remain in communication with all federal and state legislators from its district on this action. The overture was approved.

Commissioners' Resolution 4-87 asked for a renewed study of the subject of homosexuality. The General Assembly approved a substitute resolution authorizing such a study.¹⁰

1988 200th General Assembly, Presbyterian Church (U.S.A.): Saint Louis, Missouri

The 200th General Assembly received two overtures on the general subject of homosexuality and the church – overture 20-88 (Hudson River),¹¹ and overture 73-88 (Alaska).¹² Relative to 20-88, the Advisory Committee on the Constitution said that definitive guidance is the “law of the church.” 20-88 was not adopted. Overture 73-88 was referred to the Task Force on Human Sexuality. The 1988 Assembly also adopted commissioners' Resolution 37-88, adding five new members to the Special Task Force on Human Sexuality.¹³

1989 201st General Assembly, Presbyterian Church (U.S.A.): Philadelphia, Pennsylvania

¹⁰ The Justice and Rights of Persons Committee recommended: the review and update of previous studies on human sexuality. To be included in the study are biblical and theological guidance; exploration of the church's prophetic role; understanding of the variety of expressions of human sexuality; current medical knowledge; implications for ministry in a pluralistic church and society; implications for counseling and supportive service; and resources. The Committee is to report back to the 1990 GA. The Moderator is to appoint a task force to conduct the study. Moderator Isabel Rogers appointed a committee that was viewed widely to be slanted.

¹¹ Overture 20-88, “On upholding the power of session and presbyteries to ordain according to their understanding of the Book of Order” asked the General Assembly to “recognize” that “the ‘definitive’ guidance voted by the 190th General Assembly (1978) is an interpretation of the Book of Order and not a part of it”

¹² Overture 73-88 asked the General Assembly to uphold “fidelity in marriage and chastity outside of marriage.”

¹³ CR 37-88 instructed the Moderator to add five new people to the Special Task Force on Human Sexuality. It encouraged the Task Force to hold open hearings and meetings, and instructed it to return its findings no later than the 202nd General Assembly in 1990 “so that the issue may be resolved in sufficient time to prevent any mass exodus from the PC(USA) via Article XIII. It also instructed the Task Force to return its report no later than 1990 “to prevent any mass exodus from the PC(U.S.A.).

A motion was brought to the floor by the immediate past Moderator, Kenneth Hall, asking that the General Assembly recognize that it is “bound by previous decisions until they are changed by constitutional means.” The motion was approved.

Overture 89-16 from the Presbytery of Hudson River asked the General Assembly to amend the constitution to provide Governing Bodies with discretionary power to ordain church officers without regard to sexual orientation. The overture was referred to the Special Task Force on Human Sexuality.

Overture 89-44 from the Presbytery of Palo Duro asked the General Assembly to direct its Youth and Young Adult Staff to revise its currently planned sexuality curriculum by including ‘obedience to God’s Word’ in its guiding principles. The overture was disapproved, but the content was referred to the Special Task Force on Human Sexuality to monitor and give input when the sexuality curriculum is revised.

1990 202nd General Assembly, Presbyterian Church (U.S.A.): Salt Lake City, Utah

Overture 89-102 on granting governing bodies discretionary power to ordain for the Presbytery of Twin Cities was referred to the Task Force on Human Sexuality.

Commissioners’ Resolution 90-20 asked the General Assembly to urge colleges and universities related to the PC(USA) that host ROTC programs to initiate conversations with ROTC regarding their continuing discrimination on the basis of sexual orientation. The CR was referred to the Committee on Higher Education.

Communication 90-9 from the Presbytery of Eastern Tennessee stating its own reaffirmation of the church’s policy on ordination issues, and Overture 90-78 from the Presbytery of West Virginia on reaffirming the church’s 1978 position were referred to the Task Force on Human Sexuality.

Presbyterians for Lesbian and Gay Concerns were the subject of more than a dozen overtures and communications asking that they be censured for distributing inappropriate literature. These were answered by directing the Office of the General Assembly’s Exhibit Committee to review its guidelines. Other administrative actions were approved, but no actions were taken against PLGC because their listing in Chapter IX gives them no special status.

1991 203rd General Assembly, Presbyterian Church (U.S.A.): Baltimore, Maryland

Keeping Body and Soul Together: Sexuality, Spirituality, and Social Justice – the

report of the special Task Force on Human Sexuality – was delivered to the General Assembly. The Assembly did not adopt the report, dismissed the Special Committee, and requested the Theology and Worship Unit to assist the church in exploring the significant biblical theological and ethical issues. The Assembly voted to allow their work to be informed by resources such as The St. Louis Statement on Human Sexuality and the Witness for Biblical Morality. Further, the GA voted to send a pastoral letter to the members of the PC(USA) .

Request 91-23 from the Presbytery of National Capital asked for an interpretation regarding the use of church facilities, and whether a minister is in violation of the *Book of Order* with regard to same sex unions. R 91-23 was answered as follows: “There is no mention in the *Book of Order* of same sex unions (ceremonies). If a same sex ceremony were considered to be the equivalent of a marriage ceremony between two persons of the same sex, it would not be sanctioned under the *Book of Order*.” “Inasmuch as the session is responsible and accountable for determination of the appropriate use of the church buildings and facilities, it should not allow the use of the church facilities for a same sex union ceremony that the session determines to be the same as a marriage ceremony.” “Likewise, since a Christian marriage performed in accordance with the Directory for Worship can only involve a covenant between a woman and a man, it would not be proper for a minister of the Word and Sacrament to perform a same sex union ceremony that the minister determines to be the same as a marriage ceremony.”

Commissioners’ Resolution 91-26 requiring seminaries not to discriminate on the basis of sexual orientation was referred to the Committee on Theological Education to report to the 1992 General Assembly.

1992 204th General Assembly, Presbyterian Church (U.S.A.): Milwaukee, Wisconsin

Commissioners’ Resolution 92-22 requested the General Assembly to urged “sessions to confer with any Boy Scout troops that make use of their facilities ... and... urge them to cease” discrimination against gay boys and men. The resolution was not approved.

CR 92-23 asked the GA to “declare its support for the New Jersey Law against discrimination, and to direct the Stated Clerk to explore possibilities for filing a ‘friend of the court’ brief in support of this law.” The resolution was approved

Overture 92-33 from the Presbytery of San Joaquin proposed that a sentence be added to G-6.0106 “to state that ‘Governing bodies shall not ordain to church office persons who are in an unrepentant state of homosexual practice.’” Upon the advice of the Advisory Committee on the Constitution, the overture was not approved.¹⁴

¹⁴ The ACC made its recommendation not to adopt on the basis of the fact that notwithstanding the fact that the issue is of continuing interest in the church, the GA “has consistently confirmed that ‘unrepentant

Overture 92-8 from the Presbytery of Western North Carolina requested that the GA uphold the right of the Boy Scouts of America to set its own criteria for membership, and that it support the purposes of the organization. The overture was not approved.

The Advisory Committee on Litigation reported that the Stated Clerk, James Andrews, filed an amicus brief in *Commonwealth of Kentucky v. Jeffrey Wasson*. This was a case in which the defendant was charged with solicitation of certain sexual activity with a person of the same sex. The brief cites the 1978 policy, and reaffirmed the need “to work for the decriminalization of private homosexual acts between consenting adults.”¹⁵

The 204th General Assembly received a recommendation from the General Assembly Council (upon the recommendation of the Theology and Worship Ministry Unit) relative to the referral from the 203rd GA (1991) concerning *Keeping Body and Soul Together: Sexuality, Spirituality, and Social Justice*. Among other things, the recommendation of the Theology and Worship Ministry Unit called for the dissemination of a topical bibliography of PC(USA) resources, and a listing of conferences and continuing education opportunities. It encouraged all ministry units to consider ways in which they can continue to “assist the church in exploring the significant biblical, theological and ethical issues raised in the church around human sexuality.” It also included the promise of a later report on its activities relative to the issue. The report was received.

The 204th General Assembly also heard a report from the Committee on Theological Education relative to Commissioners’ Resolution 91-26 that had been referred to it. On the basis of the referral, COTE took the following action: “COTE voted that COTE staff send a communication to each of its eleven theological institutions urging them to continue ‘applying the same standards to heterosexual and homosexual students’ [as requested by the 190th General Assembly (1978)], and that the response to the 1992 General Assembly be that COTE has sent this communication.”

homosexual practice does not accord with the requirements of ordination (*Minutes*, UPCUSA, 1978). However, we also note that the assembly has consistently resisted attempts to include in the *Book of Order* a list of specific sins that preclude ordination. If this overture, specifically mentioning one form of forbidden behavior, were adopted, it could be argued that it would then be necessary to list other forms of behavior that would disqualify a person from ordination. The advisory committee does not see the value in encumbering the Form of Government with such a list. The General Assembly, in stating that ‘unrepentant homosexual practice’ does not meet the requirements for ordination, has already accomplished the intent of this overture.”

¹⁵ The Report of the Advisory Committee on Litigation notes that all amicus briefs submitted in 1991 contain the words, “The General Assembly does not claim to speak for all Presbyterians, nor are its decisions binding on the membership of the Presbyterian church. The General Assembly is the highest legislative and interpretive body of the denomination, and the final point of decision in all disputes. As such, its statements are considered worthy of respect and prayerful consideration of all the denomination’s members.”

1993 205th General Assembly, Presbyterian Church (U.S.A.): Orlando, Florida

Overture 92-123 from the Presbytery of Shenango sought to amend W-4.9001 by adding the following sentence: “Therefore, it is inappropriate for ministers to participate in same-sex union ceremonies or for sessions to allow the use of church property for such ceremonies.” Upon the advice of the Advisory Committee on the Constitution, the overture was rejected.¹⁶

Overture 92-117 from the Presbytery of Northumberland sought to amend W-4.9001 by stipulating that ministers of the Word and Sacrament shall not participate in blessings of relationships outside of Christian marriage. Upon the advice of the ACC, the Assembly did not approve the overture.¹⁷

Overture 92-32 from the Presbytery of San Joaquin asked the General Assembly to amend W-4.9001 by adding the words: “In a service of Christian marriage a lifelong commitment is made by a woman and a man to each other, publicly witnessed and acknowledged by the community of faith.” Upon the advice of the ACC, the assembly did not adopt the overture, but did add a comment.¹⁸

Overture 93-20 from the Presbytery of Memphis called upon the 205th General Assembly to advise the presbyteries and sessions of the PC(U.S.A.), for a two year period, to do the following: “study the resources on human sexuality approved for study by the 204th GA;” ask the Theology and Worship Ministry Unit to compile a report to the 1996 General Assembly for its consideration; “exhibit in our churches a ministry of compassion and a spirit of inclusiveness...;” and, “Refrain from activities that will precipitate challenges to the *Constitution* and which will create an adversarial climate.” The Assembly answered this Overture by adopting an alternate resolution.¹⁹

Overture 92-117 from the Presbytery of Northumberland requested that the

¹⁶ The ACC reasoned that because the proposed language is not mandatory, the minister and session must still make these decisions. Further, it reasoned that the term ‘same sex union ceremonies’ is vague and imprecise.

¹⁷ The advice of the ACC included the observation that “this overture would prohibit any minister or church from being involved in the blessing of any relationship that might include Jews, Moslems, etc..” Further, it stated that “the language of the overture is ambiguous and does not address the concerns raised in the narrative, same-sex unions. To accomplish what the overture asks would severely limit the traditional discretionary activities of ministers of the Word and Sacrament.”

¹⁸ The representative committee on human sexuality to which Overture 92-32 was referred said that the overture “both in tone and in content, is not compatible with current church policy...” Further, “this overture stands in complete opposition to current church policy calling for hospitality toward homosexual persons. Homosexual persons are to be welcomed as members of all congregations of the PC(USA). In 1978, the UPCUSA assembly concluded that ‘there can be no place within the Christian faith for the response to the homosexual persons of mingled contempt, hatred, and fear that is called homophobia.’”

¹⁹ The resolution, among other things, stated that it adopts the report of the ACC as “authoritative interpretation” wherein it states that “the General Assembly statements of 1978, 1979, and subsequent years concerning the ordination of self-affirming, practicing homosexual persons and the related recommendations adopted by the General Assemblies have been considered by the judicial commissions of the church ... [and] currently carry the weight of ‘authoritative interpretations.’”

Assembly send an amendment to the *Book of Order* to the presbyteries forbidding ministers to participate in the blessing of any relationship outside of Christian marriage, and forbidding the use of Presbyterian Church (USA) buildings for the blessing of any relationship outside of marriage. The overture was not adopted.

Overture 93-77 from the Presbytery of Western Reserve asked the General Assembly to make a study of the resources on human sexuality recommended by the previous General Assembly. This overture was answered by the action on Overture 93-20.

Overture 93-100 from the Presbytery of New Brunswick asked the Assembly to “remove any impediment to ordination based on interpretation of the *Constitution*” based on the 1978-79 *Book of Order*. Concurrences from the Presbyteries of Baltimore, National Capital, New York City, Giddings-Lovejoy, Western Reserve, Redwoods, and Cascades}. This overture was answered by the action on Overture 93-20.

Overture 93-101 from the Presbytery of Twin Cities Area asked the Assembly to declare that the Definitive Guidance of 1978 and Subsequent PJC Decisions are not effective without Amendment to the Form of Government. This overture was answered by the action on Overture 93-20.

Overture 93-102 from the Presbytery of Milwaukee asked the Assembly to amend G-6.0106 to state that “the decision as to whether a person possesses the necessary gifts and abilities shall be reserved completely for the congregation or presbytery that has the power to call or ordain. This overture was answered by the action on Overture 93-20.

Overture 93-103 from the Presbytery of Milwaukee asked the Assembly to direct the ACC to rule on the constitutionality of the 1978 Definitive Guidance. This overture was answered by the action on Overture 93-20

Overture 93-104 from the Presbytery of Milwaukee asked the General assembly “to declare that all persons, regardless of sexual orientation, are able to fulfill G-6.0106. This overture was answered by the action on Overture 93-20

Overture 93-105 from the Presbytery of Milwaukee asked the Assembly to amend G-5.0103, G-4.0403, G-90104a, and G-14.0201 to list sexual orientation as a category not to be excluded. This overture was answered by the action on Overture 93-20

Overture 93-106 from the Presbytery of Genesee Valley asked the Assembly to “remove any impediment to ordination based on interpretation of the *Constitution* ... from the 1978 Form of Government. This overture was answered by the action on Overture 93-20

Overture 93-107 from the Presbytery of Geneva asked the General Assembly to remove impediments to ordination based on the interpretation of the Constitution of the PC(USA). This overture was answered by the action on Overture 93-20

Overture 93-108 from the Presbytery of Hudson River asked the GA to reaffirm the principle that presbyteries hold inherent powers of ordination, and to declare that the definitive guidance to be guidance for governing bodies. This overture was answered by the action on Overture 93-20

Overture 93-109 from the Presbytery of Chicago asked the Assembly to remove impediments placed by the 'Definitive Guidance,' and to remove impediments to full participation, active members and ordination. This overture was answered by the action on Overture 93-20

Overture 93-110 from the Presbytery of Boulder asked the General Assembly to sustain and affirm the Definitive Guidance of the 1978 General assembly. This overture was answered by the action on Overture 93-20

Overture 93-113 from the Presbytery of Seattle asked the Assembly to affirm the decisions of the GA Permanent Judicial Commission, and to call for acceptance of the decisions as necessary to the integrity and health of the church. This overture was answered by the action on Overture 93-20

Overture 93-118 from the Presbytery of San Joaquin requested the GA to sustain Definitive Guidance. This overture was answered by the action on Overture 93-20

Overture 93-119 from the Presbytery of San Joaquin asked the Assembly to reaffirm Presbyterian Connectionalism. This overture was answered by the action on Overture 93-20

Overture 93-121 from the Presbytery of Sheppards and Lapsley requested that the General Assembly continue to define and maintain the official standards for ordination. This overture was answered by the action on Overture 93-20

Overture 93-122 from the Presbytery of Savannah asked the Assembly to sustain and affirm the definitive guidance. This overture was answered by the action on Overture 93-20

Overture 93-123 from the Presbytery of New Hope asked the GA to continue to define and maintain the official standards for ordination. This overture was answered by the action on Overture 93-20

Overture 93-124 from the Presbytery of Western North Carolina asked the Assembly to maintain the official standards for the ordination of church officers. This overture was answered by the action on Overture 93-20

Overture 93-81 from the Presbytery of Denver asked the Assembly to adopt a statement condemning discriminatory legislation in Colorado. The Assembly answered this overture with a resolution stating that the 205th General Assembly unequivocally condemns all discriminatory legislation such as that exemplified by certain articles of the Colorado Constitution, and calls for the repeal of Colorado's Amendment 2. Further, it instructs the Stated Clerk to communicate with state or local officials informing them of the official position of the PC(USA).

Commissioners' Resolution 93-27 asked the Assembly to urge sessions that have chartered troops of the Boy Scouts of America to examine carefully the BSA policy that excludes gay youth as members. The resolution was not approved.

Commissioners' Resolution 93-31 requested that the GA "commend" the Stated Clerk for urging an end to discrimination on the basis of sexual orientation in the U.S. Military; that the GA direct the Stated Clerk "to urge" President Clinton and the Congress to move to end all such discrimination. The Resolution was approved as amended.

The Office of the General Assembly reported the findings of the Permanent Judicial Commission in Presbytery of *West Jersey v. Synod of the Northeast*. The PJC found that the expression of an opinion, without action, does not constitute the adoption of a policy contrary to the PC(USA).

The Office of the General Assembly reported the findings of the Permanent Judicial Commission in *LeTourneau v. Presbytery of The Twin Cities*. The PJC set aside the presbytery's certification of Lisa Larges as ready to receive a call. Further it held that "a presbytery, as part of certifying a candidate as ready to receive a call, must determine that a candidate is ready in all respects to receive a call. Readiness to receive a call requires application of the (1978) policy statement." It also held that "the presbytery was required by the policy statement to make inquiry once Ms. Larges disclosed her 'sexual identity as a lesbian woman.'"

The Office of the General Assembly reported the findings of the Permanent Judicial Commission in *Sallade v. The Presbytery of Genesee Valley*. It found that the action of the presbytery in calling Jane Adams Spahr as co-pastor of the Downtown United Presbyterian Church is irregular because it is contrary to the standards of the PC(USA).

The Advisory Committee on the Constitution reported its opinion relative to the Definitive Guidance of 1978. It argued that the General Assembly "definitive guidance" of 1978 and the follow-up statement of 1979 (and subsequent years) carry the weight of "authoritative interpretations." It also argued that current constitutional law in the PC(USA) is that self-affirming, practicing homosexual

persons may not be ordained as church officers. It further argued that any changes to or interpretations of the constitutional law of the PC(USA) under the present Book of Order must a) either amend the constitution, b) be the finding of the GAPJC; or c) be an interpretation of existing provisions to the *Book of Order* made by General Assembly that is clearly identified as an authoritative interpretation. The Assembly adopted these recommendations.

The Advisory Committee on Litigation reported relative to the Stated Clerk's amicus brief in *Kentucky v. Wasson* (cf. page 6) that in 1992 the Kentucky Supreme Court ruled in favor of Wasson, finding the criminal statute forbidding certain sexual activity to be unconstitutional under the Kentucky Constitution.

The Advisory Committee on Litigation reported that the Stated Clerk, in August 1992, filed an amicus brief in *Orthodox Presbyterian Church v. Florio*, a case in which the New Jersey law against discrimination was challenged by the OPC. This was in response to the action of the 1992 General Assembly in adopting Commissioners' Resolution 92-23 that supported the New Jersey law, and that directed the Stated Clerk to explore the possibilities of filing a brief.

The Advisory Committee on Litigation reported that the Stated Clerk, in December 1992, joined in an amicus brief in *Texas v. Morales*. In *Morales*, five individuals challenged the Texas statute criminalizing private sexual relations between consenting adults of the same gender.

The Theology and Worship Ministry Unit, in response to the 1992 referral 38.054, reported that it is "making available resources that will assist the church in exploring issues related to human sexuality. Furthermore, the unit is engaged in initiatives that will address issues of biblical authority and interpretation, faith and culture, and ethical decision making."

1994 206th General Assembly, Presbyterian Church (U.S.A.): Wichita, Kansas

The Office of the General Assembly reported to the 206th General Assembly, relative to the action taken by the 205th GA on Overture 93-81, that "the Stated Clerk has continued to support the denominational policy that 'there is no legal, social or moral justification for denying homosexual persons access to the basic requirements of social existence' [1978]," and has continued to call for "the elimination ... of laws governing the private sexual behavior between consenting adults [and the passage] of laws forbidding discrimination based on sexual orientation in employment, housing, and public accommodations ..."

Overture 93-99 from the Presbytery of Southern New England requested the Assembly to amend W-4.9001 to say that it is "not permitted for ministers to participate in the blessing of any same-sex unions." The overture was approved as amended, and sent to the presbyteries for their vote.

The Advisory Committee on Litigation reported that in *Texas v. Morales* (see above), the court held that the plaintiffs lacked standing to challenge the statute limiting private sexual relations between persons of the same gender.

The Advisory Committee on Litigation reported that the Stated Clerk did not join in an amicus brief in *Louisiana v. Baxley* because money had been offered for sex.

Overture 94-4 from the Presbytery of Heartland asked the Assembly to declare that paragraph 14²⁰ of the 1978 policy statement has the status of an authoritative interpretation, and to give constitutional guarantee to persons ordained prior to the 1978 GA action that no provision of that action “shall be used to affect negatively their right to accept a call or to be installed in an office requiring ordination, or any other right that may pertain to ordination. The Assembly disapproved Overture 94-4.

Overture 94-25 from the Presbytery of Charleston-Atlantic asked the Assembly to amend G-6.0106 to require fidelity within the covenant of marriage or celibacy as a condition of holding ordained office. In response to 94-25, the Assembly approved an alternate resolution: “Resolved that the 206th General Assembly (1994) direct the Stated Clerk to send the following proposed amendment to the presbyteries for their affirmative or negatives votes – Shall G-6.0106 be amended by striking the third sentence in G-60106 and inserting ‘*Their manner of life should be a demonstration to the church and the world of the Christian faith and life as defined by Scripture and the Confessions.*’”

Overture 94-3 from the Presbytery of Savannah asked the Assembly to amend G-6.0106 to require fidelity within the covenant of marriage or celibacy to hold ordained office. The GA answered 94-3 with the action taken in 94-25.

Overture 94-53 from the Presbytery of Central Florida asked the Assembly to send each congregation information that encourages a commitment to premarital chastity by our youth. In response, the Assembly approved an alternate resolution instructing “the Congregational Ministries Division to provide, in conjunction with the PC(USA)’s sexuality curriculum resources, additional materials that encourage a commitment to premarital chastity, and to encourage congregations to utilize these materials with their youth. The materials shall not include a contract or other document that attempts to bind the youth to a course of action, but shall include only educational material.

Overture 94-54 from the Presbytery of Central Florida asked the Assembly to “strongly encourage all Presbyterians to be devoted to the Bible as the authoritative resource for study and teaching of human behavioral precepts including sexual behavior; that upon completion of the ongoing human sexuality

²⁰ Paragraph 14 says that “these actions shall not be used to affect negatively the ordination rights of any United Presbyterian deacon, elder, or minister who has been ordained prior to this date.” Heartland argued that the church “is in violation of this promise as a consequence of *Sallade v. Presbytery of Genesee Valley*.”

studied ordered by the 205th General Assembly, the PC (USA) consider that the need for studies has been met for the foreseeable future; that the PC(USA) reaffirm its calling as expressed in G-3.0000 by welcoming to its fellowship all persons who commit themselves to live in fellowship under the rule of Jesus Christ our Lord and Savior; and that the principles of diversity and inclusiveness expressed in the *Book of Order* be strictly observed, but never interpreted to be a mandate for tolerance of sin.” The overture was disapproved.

Commissioners’ Resolution 94-5 requested that the General Assembly “support the United States Department of Health and Human Services and the surgeon general” in planning and implementing comprehensive school health education that includes age appropriate sexuality education in all grades; and call upon state legislatures to require that all schools provide comprehensive kindergarten through twelfth grade human growth and development education that is complete, factual, accurate, free of bias, and does not discriminate. The amendment was approved after a third section was added: and calls on the congregations of the Presbyterian Church (USA) to provide additional sexuality education that reflects the values of the Reformed theological tradition. The Overture was approved with an amendment.

The Office of the General Assembly reported the findings of the Permanent Judicial Commission in *Hope v. Central*. The PJC stated that there are two basic issues in this case (1) the regularity of the ordination of self-affirming, practicing homosexual persons as deacons; and (2) the power of a higher governing body to annul or set aside such an ordination. The PJC found that while a self-affirming, practicing, and unrepentant homosexual person may not be ordained, there is no precedent for the annulment of such an irregular act.

1995 207th General Assembly, Presbyterian Church (U.S.A.): Cincinnati, Ohio

The Office of the General Assembly reported that Amendment A (on amending G-6.0106 to require those in ordained office to live their lives so as to reflect Christian faith [c.f. 94-25]) failed on a vote of 80 affirmative, 80 negative and 3 no action.

The Office of the General Assembly reported that Amendment E (on amending W-4.9001 prohibiting ministers from participation in same sex unions) failed on a vote of 73 affirmative, 62 negative and 27 no action.²¹

In response to Commissioners’ Resolution 94-5 (c.f. page 12), The General Assembly Council reported that “it should be noted that a sexuality curriculum for youth is currently available. It is called *God’s Gift of Sexuality*.”

²¹ It should be noted that while Amendment E – prohibiting ministerial participation in same-sex unions – failed because it was not supported by a majority of the presbyteries, it did garner a large plurality of the votes cast.

Commissioners' Resolution 95-5 asked the General Assembly to state that sexual intercourse outside of marriage is sin. The Assembly declined to deal with this CR under Standing Rule B.5.e (the same issue was considered the previous year).

Commissioners' Resolution 95-10 requested that the Assembly "endorse the preliminary decision of the Hawaii Supreme Court that it is unconstitutional to deny the rights and responsibilities of the civil status of marriage on the basis of gender." CR 95-10 was referred to the 208th General Assembly (1996) under Standing Rule B.5.e.

The Stated Clerk reported that in response to Overture 93-81, he has taken the following actions. He filed an amicus brief with the Sixth Circuit Court in the case of *Equality Foundation of Greater Cincinnati v. The City of Cincinnati*. He filed an amicus brief in *Sawatzky v. City of Oklahoma City*. He wrote a letter to the Louisville Board of Aldermen in support of a non-discrimination ordinance. He continued to support the state of New Jersey's law against discrimination.

The Advisory Committee on Litigation reported that an amicus brief was filed in *Equality Foundation of Greater Cincinnati v. The City of Cincinnati* in opposition to discriminatory legislation against homosexuals.

The Stated Clerk reported that action on the referred resolutions on Human Sexuality from the 205th General Assembly will be reported to the 208th General Assembly.

The Office of the General Assembly reported the findings of the GA Permanent Judicial Commission in *Mt. Auburn v. the Presbytery of Cincinnati*. This is a remedial case in which the PJC affirmed the decision of the Synod of the Covenant in its holding that the action of the Presbytery of Cincinnati appointing an administrative commission for the purpose of inquiring into and resolving the alleged irregularity of the session of Mt. Auburn was not irregular.

The General Assembly Council reported its compliance with 94-53. It stated that "in addition to promoting abstinence in our *Bible Discovery* and *Celebrate* curriculum materials, two new resources are now available:" A poster about abstinence; a pamphlet entitled *Abstinence – It Really Is Our Choice*.²²

The Congregational Ministries Division (relative to Overture 94-53 on developing a sex education curriculum for use with elementary children) reported that it is making progress.

Overture 95-11 from the Presbytery of Heartland requested that the General

²² In addition, the GAC stated that "we decided to use the word 'abstinence' instead of 'chastity' because 'chastity' seemed to be an old fashioned word that would not connect with youth well. It is a word that is often only referenced to girls and women. In working with youth, we find that abstinence is a word youth understand and a word that would apply equally to both males and females."

Assembly commend congregations and governing bodies that have begun a process of dialogue relative to human sexuality; requested that those who have not done so heed the call of the 1993 General Assembly; remind the presbyteries of the guidelines to be followed in such dialogues; requested all presbyteries to ensure that commissioners to the 1996 GA have the opportunity to participate in such dialogues; and direct the OGA to communicate directly with the stated clerk of every presbytery reminding them of the request of the 205th GA. Concurrence from the Presbytery of Giddings-Lovejoy. The overture was approved as amended.

Overture 95-12 from the Presbytery of Heartland asking that paragraph 14 of the 1978 policy be declared to be authoritative interpretation. The overture was referred to the 208th General Assembly.

Overture 95-68 from the Presbytery of Western Reserve requested the establishment of a special committee to draft a code of professional ethics. The overture was approved.

1996 208th General Assembly, Presbyterian Church (U.S.A.): Albuquerque, New Mexico

The Office of the General Assembly reported on the dialogue on human sexuality that was requested in Overture 95-11 (for details see the 1996 Minutes, pp 156-160).

The report of the Assembly Committee on Ordination and Human Sexuality was heard. Included in it was a recommendation to send an amendment to the *constitution* to the presbyteries for their vote. The proposed amendment reads: 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 standards of the church. Among these standards is the requirement to live either in fidelity within the covenant of marriage of a man and a woman, or chastity in singleness. Persons refusing to repent of any self-acknowledged practice which the confessions call sin shall not be ordained and/or installed as deacons, elders, or ministers of the Word and Sacraments.”

Overture 96-13 from the Presbytery of San Gabriel on amending G-6.0106 to read: 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 standards of the church. Among these standards is the requirement to live either in fidelity within the covenant of marriage of a man and a woman, or chastity in singleness. Persons refusing to repent of any self-acknowledged practice which the confessions call sin shall not be ordained and/or installed as deacons, elders, or ministers of the Word and Sacraments.” The Overture was approved as amended, and became

Amendment B.

Overture 95-1 from the Synod of the Northeast on clarifying constitutional bounds of inclusiveness was answered by the action of the Assembly on Overture 96-13.

Overture 96-15 from the Presbytery of Heartland asking that the GA rescind the Definitive Guidance and Authoritative Interpretation regarding the ordination of homosexual persons was answered by the action of the Assembly on Overture 96-13.

Overture 96-20 from the Presbytery of National Capital asking GA to approve an Authoritative Interpretation stating that congregations, sessions and presbyteries are neither required nor prohibited from ordaining homosexual persons was answered by the action of the Assembly on Overture 96-13.

Overture 96-29 from the Presbytery of San Francisco withdrawing previous Definitive Guidance and Authoritative interpretations, and issuing a new Interpretation of G-6.0106 was answered by the action of the Assembly on Overture 96-13.

Overture 96-34 from the Presbytery of Mississippi on amending G-6.0106 and G-6.0188b to require fidelity or celibacy was answered by the action of the Assembly on Overture 96-13.

Overture 96-44 from the Presbytery of South Alabama on amending G-6.0106 and G-6.0108b regarding standards of ordination was answered by the action of the Assembly on Overture 96-13.

Overture 96-62 from the Presbytery of Cincinnati on asking whether a congregation, session, or presbytery is required to consider or prohibited from considering sexual orientation was answered by the action of the Assembly on Overture 96-13.

Overture 96-69 from the Presbytery of Santa Fe on ruling that the Definitive guidance of 1978 and 1979 and Authoritative interpretation are no longer binding was answered by the action of the Assembly on Overture 96-13.

Overture 96-76 from the Presbytery of Olympic on amending G-6.0106 and G-8.0108b to require fidelity or chastity of those called to church office was answered by the action of the Assembly on Overture 96-13.

Overture 96-83 from the Presbytery of Greater Atlanta on amending the constitution to require fidelity or chastity was answered by the action of the Assembly on Overture 96-13.

Overture 96-88 from the Presbytery of Detroit on approving an Authoritative interpretation stating that congregations, sessions and presbyteries are neither required nor prohibited from ordaining homosexual persons was answered by the action of the Assembly on Overture 96-13.

Overture 96-94 from the Presbytery of Central Washington on amending the standards for ordination was answered by the action of the Assembly on Overture 96-13.

Commissioners' Resolution 96-6 asked the GA to approve a statement affirming a basic Christian Sexual Ethic for Guidance in a time of honest diversity in Biblical Interpretation was answered by the action of the Assembly on Overture 96-13.

The Office of the General Assembly reported that in response to Overture 95-68, a twelve-person committee has been appointed, and that it will present its report to the 209th GA in 1997.

The GA directed the Stated Clerk to communicate with the stated clerks and overture advocated from the following four “concurring” presbyteries: San Francisco (Overture 96-30), Winnebago (Overture 96-11), Des Moines (Overture 96-11) and Twin Cities (Overture 96-2) to express the apologies of the Assembly Committee on Ordination and Human Sexuality for not having the time to adequately address the deep constitutional questions raised and to encourage these presbyteries to overture the 1997 General Assembly with any continuing concerns or constitutional interpretations.

Overture 96-98 from Mission Presbytery on delaying action on the ordination of homosexuals was disapproved.

Overture 96-105 from the Presbytery of Cascades urging humble prayer and silence as part of the decision making process was approved.

Overture 96-114 from the Presbytery of Alaska on working for ministries of compassion and healing was approved as amended.

Overture 96-121 from the Presbytery of Prospect Hill on transformational ministries to those in sexual brokenness was disapproved.

The Office of the General Assembly reported the findings of the Permanent Judicial Commission in *Central v. the Presbytery of Long Island*. The PJC found that the language of D-3.0200 grants discretion to governing bodies as to how, when and whether they will respond to alleged irregularities with administrative review.²³

²³ The Rules of Discipline were changed effective July 6, 1996. There is currently no D-3.0200 in the Rules of Discipline. Previous to the change, D-3.0200 read, “If a higher governing body learns at any time

The Advisory Committee on Litigation reported no action has been taken in *Equality Foundation v. Cincinnati* that was filed the previous year.

The Advisory Committee on Litigation reported that in March 1995 the Stated Clerk filed an amicus brief challenging the Oklahoma Court of Criminal Appeals to consider the religious freedom issues in *Sawatzki v. City of Oklahoma City*.

The Advisory Committee on Litigation reported that in June 1995 the Stated Clerk filed an amicus brief in *Romer v. Evans* opposing an amendment to the Colorado State Constitution prohibiting the enforcement of any statute that entitled any person to claim any minority status on the basis of sexual orientation.

1997 209th General Assembly, Presbyterian Church (U.S.A.): Syracuse, New York

The Office of the General Assembly reported that Amendment B (on amending G-6.0106b to require fidelity or chastity) was affirmed by the presbyteries with the following vote: 97 affirmative, 74 negative, 1 no action.

The annual “Human Rights Update” (§ 35.0878) reported that “under Title VII of the 1964 Civil Rights Act, there is no protection for gay and lesbian person for a claim of harassment based on their sexual orientation. Nor are they listed as a protected category under the 1990 Hate Crimes Statistics Act reauthorized in 1996. The Employment Non-Discrimination Act, which provides for civil rights protection to gay and lesbian persons in employment situations, was debated by the U.S. House of Representatives this year and defeated. By defeating this measure, the 104th Congress chose to deny gay and lesbian persons the same employment protections guaranteed to other American workers.” The report was received by the General Assembly, and the Stated Clerk was directed publish it with a study action guide and to distribute it to the middle governing bodies and sessions.

The Office of the General Assembly reported the decision of the Permanent Judicial Commission in *Anderson v. Presbytery of Scioto Valley*. The Commission ordered that the decision of the Synod PJC be remanded to that commission to determine whether the complaint states a claim upon which relief can be granted.

The Office of the General Assembly reported the Stated Clerk’s final response to Commissioners’ Resolution 95-10 on same sex partners. Response: “The 208th General Assembly (1996) approved a resolution ‘affirming the Presbyterian church’s historic definition of marriage as a civil contract between a man and a woman’ and at the same time recognizing that ‘committed same-sex partners seek

of any irregularity or delinquency by a lower governing body, it may require the governing body to produce any records and take appropriate action.” This exact same language is now found in G-9.0408.

equal civil liberties in a contractual relationship with all the civil rights of married couples.” The assembly urged the Stated Clerk to explore entering an amicus brief in the *Baehr V. Lewin* case in Hawaii or in the alternative support legislation that would grant civil rights to same sex couples. In response to the resolution, the Stated Clerk, in consultation with the Advisory Committee on Litigation, has explored the possibility of filing a brief in *Baehr v. Lewin*. However, to date the issues raised by the litigants in that case have not provided a forum in which to proclaim the unique Presbyterian position stated above.”

The Office of the General Assembly reported that the Stated Clerk responded to the direction of the General Assembly “to communicate with the Stated Clerks and overture Advocates from four Presbyteries expressing the Assembly committee on Ordination and Human Sexuality’s Apologies (c.f. page 17) by sending a letter in September 1996 to the appropriate parties.

Overture 97-9 from the Presbytery of Winnebago requested that the General Assembly find that binding authoritative interpretations of the Book of Order come only through the decisions of the Permanent Judicial Commission. The overture was disapproved.

Overture 97-10 from the Presbytery of Kiskiminetas asked the General Assembly to amend G-6.0106b should it be passed by a majority of the presbyteries. The overture was approved with amendment and comment.²⁴ As amended, the proposed change to the *Book of Order* would read: “Those who are called to office in the church are to lead a life in obedience to Jesus Christ, under the authority of Scripture and instructed by the historic confessional standards of the church. Among these standards is the requirement to demonstrate fidelity and integrity in marriage or singleness, and in all relationships of life. Candidates for ordained office shall acknowledge their own sinfulness, their need for repentance, and their reliance on the grace and mercy of God to fulfill the duties of their office.”

Overture 97-11 from the Presbytery of Kiskiminetas requested that G-6.0106 be amended in the event that the proposed amendment to this section not receive a majority vote of the presbyteries. This overture became moot as a result of the affirmative vote by the presbyteries on Amendment B.

Overture 97-18 from the Presbytery of National Capital asked the General Assembly to set aside the 1978 and 1993 interpretations of the *Constitution*. The overture was disapproved.

Overture 97-23 from the Presbytery of the Twin Cities asked that G-13.0103r on Authoritative Interpretations be amended by striking G-13.0112. The Overture was disapproved.

²⁴ The comment was Brian Wren’s hymn for the 209th General Assembly, “By Grace Reborn”

Overture 97-24 from the Presbytery of Chicago requested the General Assembly to interpret the Inclusiveness Requirements of the Book of Order to mean that it is a violation to exclude any persons on the basis of that person's membership in a class or category. The overture was referred to the 210th General Assembly (1998).

Overture 97-29 from the Presbytery of San Francisco asked the Assembly to reaffirm the historic responsibility of sessions and presbyteries to apply the constitutional standards for ordination by withdrawing the previous Authoritative Interpretations and issuing a new interpretation of G-6.0106. The overture was disapproved.

Overture 97-30 asked the Assembly to amend the *Book of Order* to clarify procedures for interpreting and amending the *Constitution*. The Overture asked that G-13.0103r be stricken, and that new language be added. The overture was disapproved.

Overture 97-34 from the Presbytery of Santa Fe asked the Assembly to declare that congregations and presbyteries are allowed to ordain and install officers according to their best judgment and within Constitutional standards. The overture was disapproved.

Overture 97-47 from the Presbytery of Albany requested that the General Assembly endorse the "concurring opinion" in Remedial Case 208-4 (1995 PJC decision in *Central v. Presbytery of Long Island*). The concurring opinion states, in part, "that the conclusion reached in the 1978 Statement can in no way be considered to be an 'essential' of the Reformed faith and polity, but, rather, consists of a detail on which reasonable people within the Reformed tradition may have honest differences of opinion. The 1978 Statement, if it constitutes 'authoritative interpretation' unconstitutionally hinders officers in legitimately exercising freedom of conscience in respect to the interpretation of Scripture." The General Assembly removed the overture from consideration since it was received after the 120-day deadline.

Overture 97-53 from the Presbytery of Grace asked the General Assembly to call upon the congressional and executive branches of the United States government to reexamine their moral and ethical standards of behavior. The overture was disapproved.

Overture 97-63 from the Presbytery of Winnebago requested that the General Assembly authorize a new translation of the Heidelberg Catechism. They based their request on the fact that criticism has been raised about the accuracy and adequacy of the current translation.²⁵ The overture was disapproved.

²⁵ Arguments during the debate on this matter focused on the fact that it was the current English translation of the Heidelberg Catechism that was adopted by the Presbyterian Church for inclusion in its *Book of Confessions*, not the original version.

Overture 97-77 from the Presbytery of Prospect Hill asked the Assembly to establish ministries of transformation to those in sexual brokenness. The overture was disapproved.

Commissioners Resolution 97-6 asked the Assembly to develop a plan to promote reconciliation, mutual respect, and unity in light of the passage of Amendment B. The resolution was disapproved.

Commissioners Resolution 97-19 requested that the Assembly state that no person ordained prior to June 21, 1997 may be charged with a violation of G-6.0106b. The resolution was referred to the Advisory Committee on the Constitution.

The Advisory Committee on Litigation reported that an amicus brief was filed in December 1994 in *Equality Foundation v. Cincinnati*. The court has not yet rendered an opinion.

The Advisory Committee on Litigation reported that an amicus brief was filed in the United States Supreme Court in *Romer v. Evans* in June 1995. In May 1996, the Supreme Court struck down the amendment.

1998 210th General Assembly, Presbyterian Church (U.S.A.): Charlotte, North Carolina

The Office of the General Assembly reported that Amendment A (on amending G-6.0106b to require fidelity and integrity) failed: affirmative 59, negative 114, no action 0.

The Office of the General Assembly reported the findings of the Permanent Judicial Commission in *National Capital v. Office of the General Assembly*. This was a case in which National Capital Presbytery asserted an irregularity in an April 4, 1997 “polity reflection” by the Stated Clerk. The complaint was dismissed for failure to state a claim upon which relief could be granted.

Overture 98-10 from the Presbytery of St. Andrews asked the General Assembly to begin the process of amending G-13.0103 to provide that Authoritative Interpretations shall be made by the Permanent Judicial Commission. The overture was disapproved with comment.²⁶

Overture 97-17 from the Presbytery of Winnebago asked the Assembly to begin the process of amending G-13 to make General Assembly’s Authoritative Interpretations non-binding while making those of the Permanent Judicial Commission binding. This overture was answered in the same way as 98-10

²⁶ The Advisory Committee on the Constitution reminded the Assembly that the 1993 Assembly adopted an Authoritative Interpretation of the *Constitution* that provided three ways in which church law may be formulated – one of which is through the written opinions and decisions of the GA PJC.

Overture 98-35 from the Presbytery of National Capital asked the Assembly to begin the process of amending G-13.0103r to stipulate that Authoritative Interpretations shall be guidance unless superseded by an amendment to the *Book of Order*. This overture was answered in the same way as 98-10

Overture 97-24 from the Presbytery of Chicago asked the Assembly to interpret the inclusiveness requirements in the *Constitution* to state that it is a violation to exclude any person on the basis of membership in a class or category. The Assembly answered 97-24 by adopting an alternate resolution. The alternate resolution reads: “Resolved, that the 210th General Assembly approve the following authoritative interpretation of G-6.0106 and G-4.0403 – “Standing in the tradition of breaking down the barriers erected to exclude people based on their condition, such as age, race, class, gender, and sexual orientation, the Presbyterian Church (USA) commits itself not to exclude anyone categorically in considering those called to ordained service in the church, but to consider the lives and behaviors of candidates as individuals.”

The Advisory Committee on the Constitution responded to Commissioners’ Resolution 97-19. The response reads in part: The text of the commissioners’ resolution seeks to limit the filing charges based on a violation of G-6.0106b to June 21, 1997, and to prevent any individual ordained before this date from facing charges. The ACC finds both purposes to be in conflict with the *Constitution*. The Assembly disapproved the CR.

Overture 98-34 from the Presbytery of Utah prayed the Assembly to authorize the preparation of a more truthful and accurate translation of the Heidelberg Catechism for inclusion in the *Book of Confessions*. The overture was disapproved.

Communication 98-20 from the Advocacy Committee on Women’s’ Concerns asked the Assembly to authorize the preparation of a more truthful and accurate translation of the Heidelberg Catechism. The Communication was disapproved.

Overture 98-37 from the Presbytery of Milwaukee asked the Assembly to begin the process of striking G-6.0107c from the *Constitution*. The ACC advised that the purpose of the overture was to advance the peace, unity and purity of the church, but that striking G-6.0106b would leave the 1978 Authoritative Interpretation unchanged. Thus, the overture will not change the current position of the church. The overture was disapproved with comment.²⁷

Overture 98-45 from the Presbytery of Holston asked the Assembly to guide the youth of our church into commitments to fidelity in marriage and chastity in singleness. The overture was approved.

Overture 98-54 from the Presbytery of Cincinnati asked the Assembly to guide

²⁷ The comment reads: “It is our hope that dialogue can, will, and must continue on this topic.”

the youth of our church into commitments to fidelity in marriage and chastity in singleness. The overture was answered with the action taken on Overture 98-45.

Communication 98-33 from the Advisory Committee on Social Witness Policy advised that Overtures 98-45 and 98-54 be referred to ACWC task force on Changing Families. The communication was answered with the action taken on Overture 98-45.

Overture 98-59 from the Presbytery of Baltimore requested the establishment of a committee to consider the issue of ecclesiastical disobedience relative to the issue of qualification for ordination. The overture was disapproved with comment.²⁸

Communication 98-12 from the Committee on the Office of the General Assembly re: overture 98-59 stated that it is concerned about the proliferation of special committees.

Overture 98-65 from the Presbytery of National Capital asked the General Assembly to convene a special conference on “The nature of the Unity We Seek in our Diversity.” The overture was approved with an amendment. The amendment stated that the findings of the conference will be advisory only, and that they should be published throughout the church.

Overture 98-72 from the Presbytery of New York City was substantially the same as 98-65, and was answered by the action taken on 98-65.

Overture 98-66 from the Presbytery of the Redwoods asked the Assembly to direct the National Ministries Division and the Congregational Mission Division to become advocates of people living with HIV and AIDS. The overture was adopted.

Overture 98-67 from the Presbytery of Utica asked the Assembly to postpone discussion of ordaining practicing homosexuals for five years. The overture was defeated.

Overture 98-76 from the Presbytery of Greater Atlanta asked the Assembly to direct the Congregational Ministries Division to advocate for persons who are living with HIV/AIDS. The overture was approved with an amendment. The amendment requires the Office of the Stated Clerk to communicate with the Social Security Administration, the Equal Opportunity Employment Commission and the Office of Civil Rights urging the implementation of policies and legislation to protect the benefits that allow access to certain medications.

Commissioners Resolution 98-11 asked the Assembly to provide interpretive materials for G-6.0106b to help nominating committees to determine if potential

²⁸ The comment reads: “We urge everyone to honor, respect, and abide by our *Constitution*. We also urge mutual forbearance.”

nominees meet its standards, and to ask the Office of Theology and Worship to produce interpretive materials that define the “practices that the confessions call sin.” The CR was disapproved.

The Office of the General Assembly reported the findings of the Permanent Judicial Commission in *Anderson v. the Presbytery of Scioto Valley*. This was a remedial case in which the appellant alleged an irregularity by the presbytery in which it extended the stated supply contract in a situation where it is difficult to minister under the provisions of the Authoritative Interpretation. The PJC upheld the Synod PJC in finding that the complaint did not present a claim upon which relief can be granted.

The Advisory Committee on Litigation reported no amicus briefs on issues of sexuality.

1999 211th General Assembly, Presbyterian Church (U.S.A.): Fort Worth, Texas

The Congregational Ministries Division reported re: Overture 98-45 (on guiding our youth to fidelity and chastity) that it held a gathering of pastors, teens and parents of teens to discuss how best to promote sexual abstinence outside of marriage among teens. The finding will serve as a foundation for the development of an abstinence study guide to accompany the abstinence poster that was created by youth at the 1994 Peacemaking Conference.

It was reported to the Assembly that relative to the referral of Overture 98-65, a conference was held on the “Nature of the Unity We Seek” in May 1999.

Overture 99-2 from the Presbytery of Milwaukee asked the Assembly to begin the process of striking G-6.0106b from the *Constitution*. In response the assembly approved an alternate resolution. The alternate instructed the Clerk to make resources available that assist in the development of conferences and discussions on “The nature of the Unity We Seek in our Diversity.” It also directs the Stated Clerk to recommend to the 2000 Assembly that all business related to G-6.0106b be referred to the 2001 Assembly so that the study and dialogue can be completed.

Overture 99-27 from the Presbytery of St. Andrew asked the Assembly to begin the process of amending G-6.0106b to clarify its wording. The overture was answered with the action taken on 99-2.

Overture 99-30 from the Presbytery of Philadelphia asked the Assembly to begin the process of amending G-6.0106b.²⁹ Overture 99-30 was answered with the

²⁹ The overture would change the sentence in G-6.0106b that reads “in obedience to Scripture ... standards of the church,” to read “in obedience to Jesus Christ under the authority of Scripture and continually guided by the historical confessional standards of the church.” It would have also added the following: “Candidates for ordained office shall acknowledge their own sinfulness, their need for repentance, and their

action taken on 99-2.

Overture 99-46 from the Presbytery of Donegal asked the Assembly to ensure that the sexuality curriculum is brought into conformance with Biblical and Constitutional Standards. The overture was answered with an alternative resolution. In the alternate resolution the General Assembly 1) “reaffirms to the churches of our denomination its commitment to biblical standards of sexuality and marriage; 2) instructs that the current sexuality material be used, and instructs CMD review and revise it in light of our concerns for biblical and constitutional standards; 3) directs that the revised materials should place emphasis on abstinence and sexual purity; 4) directs GAC to see that the appropriate Scriptures be printed in the curricula; and 5) directs that these changes be accomplished prior to any reprinting of the curriculum, and that the CMD report to the 2001 Assembly.

Overture 98-66 from the Presbytery of the Redwoods directing the Congregational Ministries Division and the National Ministries Division to become advocates for persons living with HIV and Aids was responded to with the following: The Presbyterian AIDS Network, in consultation with the Office of Health Ministries, has continued to meet with the appropriate program areas in the various Ministries Divisions of the church.

Overture 99-77 from the Presbytery of Giddings-Lovejoy on hate crimes legislation was answered with the approval of an alternate resolution. The alternate affirms the work of the Advisory Committee on Social Witness Policy “as it develops a resolution of terrorism and hate groups, and continues to support the ecumenical work, “When Hate Groups Come to Town.”

Overture 99-56 from the Presbytery of New York City called on the church to repent of the sin of homophobia. The assembly answered 99-56 with an alternate resolution that contained language suggested by ACSWP. It reads in part: The Assembly affirms that the existing policy of inclusiveness welcomes all into membership as we confess our sin and our need for repentance and God’s Grace. No church should insist that gay and lesbian people need therapy to change, nor should they inhibit or discourage individuals from seeking therapy.

Overture 99-34 from the Presbytery of Detroit asked the Assembly to call on the church to repent of the sin of homophobia – in particular of its advocacy of change therapies. The overture was answered with the action taken on 99-56.

Overture 99-73 from the Presbytery of Prospect Hill sought to defend conversion therapies. It was answered by the action taken on 99-56.

reliance on the grace and mercy of God to fulfill the duties of their office.” It would also have stricken “the confessions call sin,” and substituted “departs from the essentials of the Reformed faith and polity...”

Overture 99-64 from the Presbytery of the Western Reserve on the negative effects of stereotyping and hate crimes was amended and referred to the GAC.

Commissioners' Resolution 99-1 called on the church to adopt strategies for decreasing hate, harassment, and discrimination, to create a more welcoming community. Following the advice of the Advisory Committee on Social Witness Policy, the Assembly answered CR 99-1 with the action taken on Overture 99-64.

Overture 99-74 from the Presbytery of the Twin Cities Area asked the Assembly to direct the Board of Pensions to explore the feasibility of providing same-sex couples the same benefits accorded to married couples. The overture was disapproved.

Commissioners' Resolution 99-17 on affirming the Unity in Diversity Conversations was approved as amended. Instead of encouraging the Stated Clerk to include "The Historic Principles, Conscience and Church Government Policy" in the materials for these conversations, the onus was placed on presbyteries or groups of Presbyterians.

The Office of the General Assembly reported the findings of the Permanent Judicial Commission in *Wier v. Session*. This case upheld the findings of the PJC of Tropical Florida Presbytery that the ordination of a practicing homosexual to the office of elder was irregular, but that the PJC was without authority to declare it null and void.

The Office of the General Assembly reported the findings of the Permanent Judicial Commission in *Session, Govans PC v. General Assembly Council*. The Session asked that the GAC be directed to cease circulation of a particular document. The complaint was dismissed for failure to state a claim upon which relief could be granted.

The Advisory Committee on Litigation reported no amicus briefs on issues of sexuality.

2000 212th General Assembly, Presbyterian Church (U.S.A.): Long Beach, California

All business related to ordination standards was referred to the 213th General Assembly

- Overture 00-6 from the Presbytery of Beaver Butler asked the Assembly to appoint a special committee to explore amendments to the Book of Order to permit congregations that cannot comply with G-6.0106b to disaffiliate while retaining their real property.
- Overture 00-13 from the Presbytery of Northern New England asked that

the Assembly begin the process of striking G-6.0106b from the *Book of Order*.

- Overture 00-40 from the Presbytery of Milwaukee asked the Assembly to begin the process of amending G-4.0403 and G-14.0201 to list sexual orientation as a category not to be excluded.
- Overture 00-41 from the Presbytery of Milwaukee requested that General Assembly declare that all persons are able to fulfill the requirements of church office.
- Overture 00-42 from the Presbytery of Milwaukee requested the establishment of a special task force to move us beyond the current impasse.
- Overture 00-46 from the Presbytery of Santa Fe asked the General Assembly to begin the process of amending G-14.0202a to allow for an exemption/waver for governing bodies when, in good conscience, they cannot apply the requirements of G-60106b justly and equitably.
- Overture 00-48 from the Presbytery of Hudson River asked the Assembly to begin the process of amending G-14.0202 to add a waiver of requirement that are not essential to reformed faith and polity.
- Request 00-3 from the Moderator of the Presbytery of Hudson River asked for an interpretation of G-6.0106b. The ACC responded to Request 00-3 by noting that it asks a series of nine questions, each of which begins with, “Must a nominating committee.” The ACC’s opinion is that none of these questions is appropriate.

Overture 99-46 is a referral in progress to be reported in 2002.

Overture 99-64 is a referral in progress to be reported in 2002.

Overture 00-26 from the Presbytery of San Joaquin asked the Assembly to begin the process of amending the Directory for Worship by adding a new section W-4.9007 that would prohibit ministers from performing same-sex unions. The overture was approved and sent to the Presbyteries for their vote.

Overture 00-12 from the Presbytery of Tampa Bay asked the Assembly to begin the process of amending the Constitution by adding new sections that would prohibit ministers from performing or blessing same-sex unions or ceremonies. The ACC advised that current constitutional language is sufficient. The overture was answered by the action taken on 00-26.

Overture 00-38 from the Presbytery of San Francisco asked the Assembly to

direct the GAC to have the CMD (and NMD) solicit congregations for “stories” that identify ministries of outreach and evangelism to gay persons, and to develop resources. The overture was approved, and the GAC was directed to report to the 2002 Assembly.

Overture 00-43 from the Presbytery of Milwaukee asked the Assembly, given the decision of the 1999 Assembly to delay actions regarding G-6.0106b to the 213th GA, that is also delay any judicial actions related to G-6.0106b. This became known as a situation of “fair play.” The overture was disapproved on the advice of the ACC.

Overture 00-58 from the Presbytery of the Western Reserve asked for an Authoritative Interpretation of the Constitution clarifying the responsibility of Pastors and Sessions for worship and pastoral care – including services of worship that seek to celebrate and nurture relationships. Upon the advice of the ACC that existing constitutional language is clear, the overture was disapproved.

Overture 00-60 from the Presbytery of the Twin Cities Area asked the Assembly to begin the process of amending G-5.0103 to clarify the policy of the church in welcoming gay, lesbian, bisexual and transgendered people as members. The ACC advised that the addition of the proposed language is unnecessary since the current list is sufficiently broad. The overture was approved with amendment, and sent to the presbyteries for their vote.³⁰

A motion to reconsider the action on 00-60 failed.³¹

Overture 00-70 from the Presbytery of John Knox asked that the sexuality curriculum be reviewed and revised. The matter was referred to CMD.

Overture 00-75 from the Presbytery of Olympia requested that the Assembly add “biblical and confessional standards to the sexual misconduct policy for PC(USA) employees. The overture proposed adding to the definition of sexual misconduct the words, “any sexual conduct outside the bounds of marriage between a man and a woman.” The overture was disapproved.

Commissioners’ Resolution 00-13 asked the Assembly to support the state of Vermont’s action to establish and recognize civil unions for same-gender couples. The CR was disapproved.

It was reported without recommendation that the case of *Londonderry v. Presbytery of Northern New England* was carried forward.

³⁰ The amendment struck the proposed language that said no persons shall be denied membership “because of race, ethnic origin, sexual orientation, worldly condition, or any other,” and substituted the language “for any reason.”

³¹ 15 commissioners filed protests; 21 commissioners filed dissents.

The findings of the Permanent Judicial Commission in *Benton v. Presbytery of Hudson River Presbytery* were reported. This was a remedial case asserting that the Presbytery of Hudson River committed an irregularity by affirming the freedom of any session to allow its ministers to perform ceremonies of holy union between persons of the same gender. The Synod's PJC found that the presbytery's action did not constitute an irregularity.

The findings of the Permanent Judicial Commission in *Sheldon v. West Jersey Presbytery* were reported. This was an appeal from a decision of the Synod of the Northeast's PJC in which it found that the reception of an individual as a candidate who stated, "I understand that I am called into a loving, same-sex monogamous relationship" and "I intend to participate in a fully sexual way in any future relationship" was not irregular. The PJC distinguished between a statement of intent and action.

The Advisory Committee on Litigation reported no amicus briefs on issues of sexuality.

2001 213th General Assembly, Presbyterian Church (U.S.A.): Louisville, Kentucky

The Office of the General Assembly reported that Amendment 00-O (on amending the Directory for Worship by adding a new section W-4.9007 that would prohibit ministers from performing same-sex unions) failed on a vote of 73 affirmative, 99 negative and 1 abstention.

The Office of the General Assembly reported that Amendment 00-A (on amending G-5.0103 to clarify the policy of the church in welcoming gay, lesbian, bisexual and transgendered people as members) failed by a vote of 85 affirmative, 88 negative, and no abstentions.

Overture 00-06 to permit congregations to disaffiliate was disapproved with comment.³²

Request 00-03 regarding the interpretation of G-6.0106b was answered by the following response – "None of these questions is appropriate for inquiry by a nominating committee because only a session or a presbytery is authorized to examine candidates for church office."

Overture 01-08 from the Presbytery of New York City asked the General Assembly to begin the process of amending G-6.0106a and deleting G-6.0106b

³² The comment reads: "The power and responsibilities of the presbytery enumerated in G-11.0103i, and the provisions regarding church property in G-8.0401 and G-8.0601, clearly and forthrightly describe the current authority of a presbytery to make such determinations, should a particular church wish to withdraw."

from the *Constitution*. It also asked for a new Authoritative Interpretation re: ordination standards. The overture was approved with amendment, and sent to the presbyteries for their vote.³³

Overture 00-13 from the Presbytery of Northern New England asked the Assembly to strike G-6.0106b from the *Constitution*. Concurrences from the Presbytery of Albany, the Presbytery of Boston, the Presbytery of Detroit, the Presbytery of Monmouth, the Presbytery of National Capital, The Presbytery of New Castle, the Presbytery of Newark, the Presbytery of the Redwoods, The Presbytery of San Francisco, the Presbytery of Southern New England, The Presbytery of the Twin Cities, and the Presbytery of Utica. The overture was answered with the action taken on overture 01-08.

Overture 01-03 from the Presbytery of Memphis asked that the Constitution be amended by the addition of a new section G-60106c stating, “the provisions of G-6.0106b ... shall not be interpreted to permit the ordination of practicing, self-affirmed, non-repentant homosexuals.” The overture was answered with the action taken on overture 01-08.

Overture 01-19 from the Presbytery of Baltimore requesting an Authoritative Interpretation regarding the apparent conflict between G-6.0106b and certain other clauses of the *Book of Order* was answered by the action taken on overture 01-08.

Overture 01-22 from the Presbytery of Heartland asked that G-6.0106b be amended.
01-22 was answered by the action taken on 01-08.

Overture 01-27 from the Presbytery of Santa Fe asked the Assembly to add new sections G-6.0108d and e that would insert an exemption/waver to ensure balance between freedom of conscience and constitutional governance. The overture was answered by the action taken on 01-08.

Overture 01-28 from the Presbytery of Santa Fe asked the Assembly to amend the constitution to provide an exemption/waver for congregations that cannot apply G-6.0106b justly and equitably. The overture was answered by the action taken on 01-08.

Overture 01-29 from the Presbytery of Newton asked for G-6.0106b to be deleted. The overture was answered by the action taken on 01-08.

Overture 01-32 from the Presbytery of New York City asked that G-5.0103 be amended by adding more classes to the list of persons to be welcomed as church members. 01-03 was answered with the action taken on 01-08.

³³ The amendments were entirely procedural.

Overture 01-33 from the Presbytery of John Calvin asked the Assembly to appoint a theological commission to study the spiritual condition of our church and causes for unrest. This commission is to report to the 2005 Assembly. In response to 01-33, the Assembly approved an alternative action directing the moderators of the 213th, 214th and 215th General Assemblies to appoint a theological task force of 17 members.

Overture 00-42 was answered with the action taken on 01-33.

Commissioners' Resolution 00-28 was answered with the action taken on 01-33.

Overture 01-09 from the Presbytery of Southern Kansas asked the GA to begin a process of churchwide spiritual discernment concerning our current divisions. The overture was answered with the action taken on 01-33.

Overture 01-14 from the Presbytery of Denver requested the appointment of a special committee to propose amendments to reaffirm the role of governing bodies on ordination decisions. The overture was answered with the action taken on 01-33.

Overture 01-20 from the Presbytery of Western North Carolina called on all members and officers to be reconciled by uniting in a year of study and prayer. The overture was answered with the action taken on 01-33.

Overture 01-36 from the Midwest Hanmi Presbytery asked that the Assembly declare that resolution has been reached on the matter of human sexuality related to eligibility for ordination. The overture was answered with the action taken on 01-33.

Overture 01-41 from the Presbytery of San Joaquin asked the Assembly to direct the National Ministries Division to offer transformational resources to those who struggle with sexual purity. In response, the Assembly adopted the following statement: The 213th General Assembly approves the statement, "The Church, Sexual Healing and Transformation in Christ," and instructs the GAC to include it in the resources being prepared by them in response to Overture 00-38.³⁴

Commissioners' Resolution 01-11 encouraged support for Scouting. The CR was referred to the GAC.

Commissioners' Resolution 01-15 addressed the violation of PC(USA) standards by the Boy Scouts of America. The CR was referred to the GAC.

³⁴ Among other things, "The Church, Sexual Healing and Transformation in Christ" states: "We should not reject the possibility of ...change out of hand, but neither should we be blind to the dangers of offering false hopes. Given the complex realities surrounding the issue of sexual orientation, we join previous General Assemblies in declining to approve as policy a position that would place the General assembly on only one side of the ambiguities that remain."

Commissioners Resolution 01-19 requested that the Assembly establish an Advocacy Committee for the concerns of Sexual Minorities. The Assembly referred to the GAC.

Commissioners' Resolution 01-25 asked the GA to affirm civil rights and nondiscrimination for all persons, regardless of sexual orientation. The CR was amended and referred to the 2002 General Assembly.³⁵

The Office of the General Assembly reported the PJC's findings in *Londonderry v. Presbytery of Northern New England*. Decorous dissent is appropriate, but it does not include stating intent to violate a constitutional provision. No governing body has the authority to find a provision of the *Book of Order* invalid.

2002 214th General Assembly, Presbyterian Church (U.S.A.): Columbus, Ohio

The Clerk reported that Proposed Amendment 01-A on Amending G-6.0106b failed by a vote of 46 affirmative, 125 negative, 1 no action.

Overture 99-46 from the Presbytery of Donegal asked the Assembly to ensure that the sexuality curriculum is brought into conformance with Biblical and Constitutional Standards. The overture was answered with an alternative resolution. In the alternate resolution the General Assembly 1) "reaffirms to the churches of our denomination its commitment to biblical standards of sexuality and marriage; 2) instructs that the current sexuality material be used, and instructs CMD review and revise it in light of our concerns for biblical and constitutional standards; 3) directs that the revised materials should place emphasis on abstinence and sexual purity; 4) directs GAC to see that the appropriate Scriptures be printed in the curricula; and 5) directs that these changes be accomplished prior to any reprinting of the curriculum, and that the CMD report to the 2001 Assembly. The 214th General Assembly answered 99-46 by granting the Congregational Ministries Division a two year deferment to prepare and make available "a library of resources" rather than a new curriculum.

Overture 99-64 from the Presbytery of the Western Reserve on the negative effects of stereotyping and hate crimes was amended and referred to the GAC. GAC reported to the 214th General Assembly Council announced that it is working ecumenically to revise a manual titled *When Hate Groups Come to Town*. "The concern of 99-64 is addressed in that manual."

Overture 00-70 from John Knox Presbytery was answered by the answer given to 99-46

Overture 01-33 from the Presbytery of John Calvin asked the Assembly to appoint a theological commission to study the spiritual condition of our church and causes

³⁵ The amendments were procedural only.

for unrest. This commission is to report to the 2005 Assembly. In response to 01-33, the Assembly approved an alternative action directing the moderators of the 213th, 214th and 215th General Assemblies to appoint a theological task force of 17 members. The Task Force is now called the Theological Task Force on Peace, Purity, and Unity. The Task Force offered a progress Report.

Overture 02-04 from the Presbytery of New Castle requested that the General Assembly direct its program areas to give leadership in support of ameliorating the HIV/AIDS epidemic in Africa. The overture was approved with amendment. The amendment added the words: “use its influence to ensure that African nations are able to obtain HIV/AIDS medications at a reasonable price.”

Overture 02-06 from the Presbytery of Olympia asked the Assembly to amend the Book of Order and Book of Confessions to allow amendments only every fifth year. The overture was disapproved.

Overture 02-21 from the Presbytery of Foothills requested a moratorium on discussions regarding human sexuality and ordination standards. In response, the Assembly approved the following statement: “That the 214th General Assembly calls the church to prayer for a period of one year, with the focus of prayer to be on behalf of, and with those with whom we disagree. This call for prayer would not seek to prevent, or be a substitute for other discussions, dialogue, or actions.”

Overture 02-24 from the Presbytery of New Harmony sought to amend the *Constitution* to provide for greater consensus in the church before amending its *Constitution*. The overture was disapproved.

Overture 02-25 from the Presbytery of Northern New England requested a period of grace within the church in order to allow the Task Force on Spiritual Discernment (PUP) to carry out its work. During this time, the GA is to “implore” all to refrain from bringing judicial action against others in the church or from taking actions that could be a basis for judicial action. The Assembly answered this overture with its action on Overture 02-21.

Overture 02-31 from the Presbytery of Pittsburgh asked the General Assembly to approve an Authoritative Interpretation of the First Ordination Vow. Among other things, this AI would affirm that “all ordained officers and ministers ...vow to acknowledge and embrace the singular Lordship of Christ, affirming him as both Lord of all and as their personal savior.” The ACC advised the Assembly that while it is free to make theological statements, the effect of this interpretation would be to expand the *Constitution* without seeking the affirmative or negative votes of the presbyteries. The Assembly disapproved 02-31 with the following comment. “Our congregations are waiting expectantly for a word from the General Assembly on the most foundational questions of the Christian Faith, ‘Who is Jesus Christ.’ We declare that as the 214th General Assembly we lift up for the whole church these words from the document that we so strongly affirmed,

‘Hope in the Lord Jesus Christ.’ Jesus Christ is the only Savior and Lord, and all people everywhere are called to place their faith, hope, and love in Him... No one is saved apart from God’s gracious redemption in Jesus Christ.”

Overture 02-35 from the Presbytery of St. Andrew asked the General Assembly to cease considering overtures on the issues involving human sexuality until the Theological Task Force has submitted its report to the 2005 Assembly. The Assembly answered this overture with the action it took on Overture 02-21.

Overture 02-53 from the Presbytery of Shenango called for a Presbyterian Day of Prayer and Fasting in a time of crisis. The overture was disapproved.

Overture 02-59 from the Presbytery of Shenango asked the Assembly to find inadequate the report of the Stated Clerk to the GA regarding *Session of Londonderry Presbyterian Church v. Presbytery of Northern New England*. Further it asked the Assembly to issue certain orders to ensure compliance. The Assembly disapproved this overture.

Commissioners’ Resolution 00-28 was referred to the Theological Task Force. As part of this action, the ACC noted that Standing Rule G.2.g has never been implemented.

The CMD responded to Commissioners’ Resolution 01-11 which encouraged support for Scouting. CMD reported that it reaffirmed the covenant with the national Association of Presbyterian Scouters at its June 2001 meeting.

The General Assembly reported regarding Commissioners Resolution 01-19 (requesting that the Assembly establish an Advocacy Committee for the concerns of Sexual Minorities) that it had determined that this is not appropriate based on three factors: historical precedent for advocacy committees, lack of clarity about the definition of sexual minorities, and ongoing costs.

Commissioners’ Resolution 01-25 asked the GA to affirm civil rights and nondiscrimination for all persons, regardless of sexual orientation. The CR was referred to the 2002 General Assembly. The 2002 General Assembly approved the Commissioners’ Resolution with minor amendments.

Commissioners’ Resolution 02-14 asked the 214th GA to renew the promise made by the 1862 General Assembly in Columbus, Ohio, to adopt “a new covenant ... to cherish fraternal greetings, to cultivate Christian dialogue, to worship God, to promote the cause of Christ, and to avoid all needless controversies and competitions adapted to perpetuate division and strife.” The CR was approved.

Commissioners’ Resolution 02-18 sought to draw the Stated Clerk’s attention to the definition of chastity found in Part I of the *Constitution* so that he may carry out his duty to provide advisory opinions on the meaning of the provisions in the

Constitution. The CR was disapproved with the following comment: COGA's annual review of the Stated Clerk indicates a real working knowledge of the complexity of the issues surrounding G-6.0106b, its language, and is firmly grounded in the confessions of the church.

Commissioners' Resolution 02-20 asked the 214th General Assembly to respond to certain issues raised by church sexual misconduct with minors. The CR was approved as amended.

The Advisory Committee on Litigation reported no amicus briefs on the issue of human sexuality.

The Assembly approved the report of the Advocacy Committee for Women's Concerns entitled "Sisters of Mercy, Daughters of Grace: Presbyterians and Prostituted Women" with comment. The comment asked ACWC to consider adding additional resources provided by the national Coalition for the Protection of Children and Families and One-by-One.

The General Assembly Permanent Judicial Commission reported the findings in *Hair and McCallum v. Session, First Presbyterian Church Stamford, Ct.* Hair and McCallum alleged inadequacies in the examination of a candidate for the office of Elder. The PJC found that the election and installation of a full complement of elders effectively mooted the delinquency, and dismissed the case.

The General Assembly PJC reported its findings in *Wier v. Session, Second Presbyterian Church.* Weir filed a written request with the Session of Second Presbyterian Church of Ft. Lauderdale asking it to correct an irregularity relative to the nomination, examination, election and ordination of a practicing homosexual. The case was dismissed for failure to state a claim upon which relief can be granted.

2003 215th General Assembly, Presbyterian Church (U.S.A.): Denver, Colorado

The Office of the General Assembly reported in response to Overture 02-04 that the GAC has established a Task Team to work on the problem of AIDS in Africa.

Overture 03-06 from the Presbytery of Hudson River requested the Assembly to add a section D-10.0106 regarding administrative leave in cases alleging sexual misconduct toward a minor. The Assembly approved the overture and sent it to the presbyteries for their vote.

Overture 03-07 from the Presbytery of Des Moines asked the Assembly to Delete G-6.0106b. The Assembly answered the overture with a comment: "Since the issues raised in this overture are already before the Theological Task Force on Peace, Purity and Unity, the 215th General Assembly calls for the entire church to

pray for the Theological Task Force during this time of discernment.”

Overture 03-12 from the Presbytery of Donegal asked the Assembly to provide an authoritative Interpretation of G-6.0106b. The Assembly approved an alternative statement that says, in part: “The General Assembly, through constitutional amendment, General Assembly Permanent Judicial Commission decisions, and authoritative interpretation has made clear what actions or activities do not satisfy the requirements of G-6.0106b. No further authoritative interpretation is necessary on this point.”

Overture 03-23 from the Presbytery of Greater Atlanta requested that a “Pastoral Group” be appointed whose primary concern would be gay, lesbian, bisexual, and transgendered members and their families in our local churches. The Assembly approved an alternate recommendation. The alternate encourages presbyteries to equip pastors and sessions to provide pastoral care and nurture to gay, lesbian, bisexual and transgendered members and their families.

The Committee on the Office of the General Assembly reported that CR 01-11 is in progress.

Commissioners’ Resolution 02-20 asked the 214th General Assembly to respond to certain issues raised by church sexual misconduct with minors. The Office of the General Assembly reported that it sent a copy of the resolution to each presbytery.

Commissioners’ Resolution 03-26 asked the Assembly to instruct the Stated Clerk to do certain reporting before publishing an amicus brief. The Assembly disapproved the CR.

The Committee on the Office of the General Assembly reported compliance with PJC decision in *Londonderry v. Presbytery of Northern New England*. The Assembly approved the report with comment. The comment reads: “The 215th General Assembly advises the Committee on the Office of the General Assembly to clarify the process of administrative review on the General Assembly level, and suggest changes to the Standing Rules necessary to make the process more clear.”

The Advisory Committee on the Constitution reported a possible conflict between GA Standing Rule G.2.g and the Rules of Discipline. The Assembly declared G.2.g “null and void.”

The PJC reported in the matter of *Londonderry v. Presbytery of New England* that the pastoral committee had done its work successfully and was dismissed.

The PJC reported in *Presbytery of San Joaquin v. the PJC of the Synod of the Pacific* (Katie Morrison) that it dismissed the complaint of the Presbytery for failure to state a claim upon which relief can be granted.

The Task Force on Peace, Unity and Purity reported on the status of its work.

The Advisory Committee on Litigation reported no amicus briefs filed on the issue of human sexuality.

2004 216th General Assembly, Presbyterian church (U.S.A.): Richmond, Virginia

It should be noted that the Minutes of the 200th General Assembly are organized differently than those in prior years. Two notable differences – overtures and commissioners’ resolutions are numbered differently than before. Rather than being numbered by the order in which they are received in a given year, they each bear a written summary, and are indicated by the number of the committee to which they were referred, and by the order in which their business was taken up in committee. Example: Item 05-05 would be the fifth item taken up by the Church Orders and Ministry Committee (committee 05; Item 0605 would be the fifth item taken up by the Ecumenical and Interfaith Relations Committee (Committee 06). See the Minutes’ Table of Contents for a comprehensive list of committee numbers.

The Office of the General Assembly reported that it continued to provide staff support to the Theological Task Force on Peace, Unity, and Purity of the Church, and helped to produce task force resources, including the “Seeking Peace, Unity, and Purity” video series.

The Office of the General Assembly reported regarding Request 03-10 asking the Stated Clerk to urge all presbyteries to take immediate action to include in the terms of all for all ministers provisions for placing an accused minister on a leave of absence if the presbytery receives an allegation of sexual abuse. The OGA sent an email communication on September 9, 2003 to each presbytery.

The Office of the General Assembly reported regarding Commissioners’ Resolution 03-20 concerning allegations and transfers of ministers. The OGA suggests that the Rules of Discipline not be amended out of fear, but that the disciplinary process of fair inquiry and due process be affirmed.

The Advisory Committee on Litigation reported that the Stated Clerk joined an *amicus* brief in the Ninth Circuit Court of Appeals in *Elvig v. Calvin Presbyterian Church, et. al.* The brief argued that the complaint alleging a Title VII employment discrimination based upon sexual harassment was in violation of the First Amendment right of free exercise of religion. It said that the first amendment’s guarantee of church autonomy secures the exclusive jurisdiction of churches over matters of doctrine, polity, religious teaching, and governance.

The Permanent Judicial Commission found in *Presbyterian Church (U.S.A.) v. Disciplinary Case 216-3* that due process requires reasonable opportunity and latitude in cross-examination of witnesses.

The Permanent Judicial Commission found in *Presbyterian Church (U.S.A.) v. Stephen Van Kuiken* that Mr. Van Kuiken's renunciation of jurisdiction precludes his presbytery of membership censuring him because his renunciation removes the jurisdiction of the presbytery to conduct any further proceedings.

Overture 03-23 on appointing a pastoral group whose primary concern would be gay, lesbian, bi-sexual and transgendered members and their families was answered by the creation of a directory of web sites and representative on-line bibliographies

(Item 04-08) The Independent Committee of Inquiry Work Group engaged in a major study of child sexual abuse and sexual abuse and misconduct. It made several suggestions for amending the Book of Order. Among these it the requirement for Ministers of Word and Sacrament to report to civil legal authorities knowledge of harm or risk of harm of a child or of an adult who lacks mental capacity.

(Item 04-09) on adding a new section to G-6 regarding reporting requirements of child abuse. The assembly answered Item 04-09 with the action taken on Item 04-08.

(Item 04-10) Adding new sections to the Book of Order regarding reporting requirements of child abuse, from the Presbytery of Grace. The Assembly answered this with the action taken on Item 04-08

(Item 04-11) Adding a new section D-10.0106 regarding administrative leave in case of alleged child abuse by clergy from the Presbytery of Northern New York. The Assembly answered this item by the action taken on Item 04-10

(Item 05-05) on amending G-6.0106b from the Presbytery of Western New York. The amendment would strike "within the covenant of marriage between a man and a woman," and add "within a covenanted relationship between two persons where a lifetime commitment is intended." This was answered by the action taken on Item 05-07.

(Item 05-06) on striking G-6.0106b from the Constitution in order to welcome all persons into the life of the church from the presbytery of Baltimore. The Assembly answered this overture with the action taken on Item 05-07.

(Item 05-07) on issuing a new Authoritative Interpretation clarifying the standards for ordination from the Presbytery of the Western Reserve. It was answered with the following: "We, the 216th General Assembly, recognizing the church's

commitment to a churchwide process of discernment with the leadership of the Theological Task Force on Peace, Unity and Purity of the Church, call upon the church to pray for the task force and to engage faithfully in the processes of discernment as led by the task force.”

(Item 05-08) asking that the Definitive Guidance Statements of 1978 and 1979, and subsequent GA Statements be given no further force or effect from the Presbytery of Detroit. The Assembly answered 05-08 with the action taken on 05-07.

(Item 05-09) on striking G-6.0106 and, removing the 1978 Authoritative Interpretation from the Presbytery of the Twin Cities Area. 05-09 was answered by the action taken on item 05-07.

(Item 08-05) asking that the GA reorganize and improve the constitutional questions for ordination with particular concern for the essential tenets from the Presbytery of John Calvin. The GA answered this overture with a statement affirming the right and responsibility of presbyteries to determine whether candidates and ministers “sincerely receive and adopt the essential tenets of the Reformed faith as expressed in the confessions of our church,” together will all other matters express in ordination and installation vows.

(Item 08-10) report of the Theological Task Force on Peace, Unity and Purity of the church encourages every presbytery to create intentional gatherings of Presbyterians of varied theological views to covenant together to discuss the affirmations in the task force’s preliminary report. The Assembly approved Item 08-10

(Item 08-12) an overture from the Presbytery of Hudson River asking the GA, “out of concern for the peace, unity, purity, and progress of the church, and for the integrity of Christian conscience of its ministers, elders, and deacons” to do the following: affirm the primary role of the Book of Confessions as guide to interpreting Scripture; affirm the freedom of Christian conscience of candidates; recall that the words ‘essential and necessary’ tenets were used in the Adopting Act to point to basic elements of Christian faith; affirm the responsibility of presbyteries to safeguard the process of spiritual discernment; encourage committees on preparation for ministry to help candidates to resist any politicization of the call process that would enforce checklists of doctrinal particulars. The Assembly answered 08-12 with the action taken on 08-05

(Item 10-11) on endorsing the Christian Declaration of Marriage from the Presbytery of Santa Barbara. The General Assembly approved an alternative resolution: “The 216th General Assembly asks that all church members join in a year of prayer for marriage renewal and reconciliation, and urges synods, presbyteries, and local congregations to seek ways of working with other Christian bodies in their areas toward these same purposes.”

(Item 10-12) a resolution on allegations of Child Sexual Abuse against educators from ACSWP. Encourages churchwide study of the problem, and urge individual Presbyterians to become actively involved in their local school districts. Approved with amendment.

(Item 10-14) 2004 Commissioners' Resolution on appointing an action committee to identify media and advertising that has excessive sex, violence and other immoral content for the purpose of influencing producers and sponsors (Phyllis Spielmann, Presbytery of Los Ranchos; and Drew Smith, Presbytery of South Alabama). The Assembly disapproved Item 10-14 with the following comment: "Entities within the Presbyterian church (U.S.A.) sufficiently address the concern of Item 10-14.

(Item 10-15) 2004 Commissioners' Resolution asking that the Presbyterian Church urge the legislature and the people of Virginia to reconsider the recently passed law that will end all contractual rights between same sex partners (John Rhodes, Presbytery of New York City; and William Drummer, Presbytery of Milwaukee). The Assembly voted approval.

(Item 10-16) 2004 Commissioners' Resolution on supporting the Federal Marriage Amendment (William Teng, Presbytery of national Capital; and Patricia Mason, Presbytery of Pittsburgh). The GA answered with the following courageous statement: "Nothing that the 216th GA has said or acted upon is to be construed to state or imply a position for or against the Federal Marriage Amendment. General Assembly entities shall not advocate for or against the Federal Marriage Amendment."

(Item 10-17) 2004 Commissioners' Resolution asking that the GA affirm the right of Civil Marriage for same gender couples (Todd Freeman, Presbytery of Grace; and Gordon Webster, Presbytery of Genesee Valley). The GA answered this CR with an alternate resolution thanking god for the Scriptures informing us that all persons are created in the image of God; affirms the Presbyterian Church's historic definition of the meaning of marriages as a civil contract between a woman and a man; declares that all persons are entitled to equal treatment under the law; urges state legislators to change state laws to include the right of same gender persons to civil union; urges Congress to recognize state laws that allow same gender unions.

(A referral from 2003) asking that the GA request that international personnel be educated about the problem of sex trafficking. The worldwide Ministries Division has developed a staff position that will deal with this issue.

Commissioners' Resolution 03-13 (a referral) asking the GA to convene a major consultation to address critical issues relative to the preparation for ministry. This was answered with a statement saying that the National Ministries Division convened a national Entrance into Pastoral Ministry Constitution in June of 2004.

Commissioners' Resolution 04-08 (a referral) re: sexual abuse guidelines concerning leaves of absence of matters of sexual abuse by ministers. In response the GA directed the Stated Clerk to urge all presbyteries to include in the terms of all for all ministers provisions for placing an accused on a leave of absence under certain conditions. (CF Item 04-08 above).