

RESTORATION OVERTURE
(Draft July 18, 2008)

The Presbytery of _____ overtures the 219th General Assembly (2010) to approve the following authoritative interpretation:

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

Rationale

The intent of this overture is to reverse the authoritative interpretation of the 218th General Assembly (2008) that declared these statements and their affirmations to have no further force and effect. That declaration is incorrect, *prima facie*, in view of the “fidelity and chastity” requirement of G-6.0106b.

One of the nullified affirmations is the 1993 authoritative interpretation, which adopted a report of the Advisory Committee on the Constitution. The principal finding in that report was:

“Current constitutional law in the Presbyterian Church (U. S. A.) is that self-affirming, practicing homosexual persons may not be ordained as ministers of the Word and Sacrament, elders, or deacons.” (*Minutes*, 1993, Part I, pp. 76-77, 322).

The only relevant change in church law since 1993 was the addition in 1997 of G-6.0106b, which clearly incorporated the 1993 interpretation into the *Book of Order*. Thus, it was error to declare in 2008 that the 1993 interpretation has no further force and effect.

The General Assembly may propose changes in church polity by proposing amendments to the *Book of Order* (G-18.0301c), and a small majority of the commissioners properly exercised this power by proposing an amendment that would remove G-6.0106b. But the General Assembly’s power to interpret the *Book of Order* is of an entirely different nature (G-13.0103r, G-13.0112). When acting as interpreters, General Assembly commissioners, like members of permanent judicial commissions and the Advisory Committee on the Constitution, have a solemn duty to discern and act objectively on what the *Book of Order* says, not what they believe it should say. The power to interpret is not to be used to change clearly expressed church polity. Thus, it was an abuse of power to approve the authoritative interpretation without making it contingent on the presbyteries’ approval of the amendment.

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