

**IN THE PERMANENT JUDICIAL COMMISSION
OF THE GENERAL ASSEMBLY
OF THE PRESBYTERIAN CHURCH (U.S.A.)**

Cherokee Presbytery;
The Session, First Presbyterian Church, Port Huron, Michigan;
The Session, First Presbyterian Church, Ellsworth, Wisconsin;
The Session, Calvary Presbyterian Church, Ann Arbor, Michigan; and
The Session, St. Timothy Presbyterian Church, Livonia, Michigan;

Complainants,

v.

The Advisory Committee on the Constitution
of the General Assembly
of the Presbyterian Church (U.S.A.),

Respondent.

**STATEMENT OF COMPLAINT
REMEDIAL CASE**

We, **Cherokee Presbytery, the Session of First Presbyterian Church, Port Huron, Michigan; the Session of First Presbyterian Church, Ellsworth, Wisconsin; the Session of Calvary Presbyterian Church, Ann Arbor, Michigan; and the Session of St. Timothy Presbyterian Church, Livonia, Michigan,** complain to the Permanent Judicial Commission of the General Assembly of the Presbyterian Church (U.S.A.), against The Advisory Committee on the Constitution of the General Assembly of the Presbyterian Church (U.S.A.)(hereinafter “Respondent” and/or “**the ACC**”), concerning at least one irregularity, in that during the convening of the 221st General Assembly (2014) at Detroit, Michigan on the 16 - 19th day of June, 2014, the ACC did, as detailed more fully *infra*, act to provide advice to an assembly committee and plenary of the 221st General Assembly on item 10-03 (and related items) that constituted one or more irregularities.

As detailed more fully *infra*, we complain of at least following actions of the ACC: That the ACC acted to instruct Assembly Committee 10 and then the plenary of the 221st General Assembly (2014) that the General Assembly had the authority to make an authoritative interpretation that effectively changed the plain and ordinary meaning the Directory of Worship and took other irregular actions after having previously instructed the General Assembly in writing that changes of that type cannot be done. The outcome of the advice given by the ACC was that Assembly Committee 10 and General Assembly approved an authoritative interpretation that was and is in conflict with the provision of the Constitution being interpreted.

Complainants are of varying opinions regarding the Biblical appropriateness of Church sanctioned marriage between same sex couples. Moreover, proposed amendment(s) transmitted to the Presbyteries would, if approved, permit the marriage by the Church of same sex couples. However, even if Complainants were of one mind AND the proposed amendments were approved, it would not moot this complaint for at least the reason that the ACC should not act (as alleged herein or in the future) to instruct the General Assembly that that Council has the authority to make an authoritative interpretation that changed the plain and ordinary meaning of the Constitution. The issues raised by this Statement of Complaint impact the entire *Constitution*, not just the definition of marriage. Complainants' have been harmed/injured by the actions alleged herein for at least the reason that, as a result of the ACC's actions, an authoritative interpretation is now in effect that is not and was never *Constitutional*.

Reasons for Complaint ***Preamble***

1. The only way by which the General Assembly can bring about a change in our Form of Government, Book of Discipline or Directory for Worship is by proposing the change to the Presbyteries, and having it approved by a majority of all the Presbyteries. *See PCUSA, 1926, pp. 62-87, [Progress] Report of the Special Commission of 1925 Report of Special Commission of 1925 at Section IV(1).*

2. IT WOULD BE INTOLERABLE IF THE GENERAL ASSEMBLY, WHOSE POWERS ARE LIMITED BY THE CONSTITUTION, COULD, EVEN WHEN SITTING AS A JUDICIAL COURT, AMEND BY INDIRECTION, THE ORGANIC LAW OF THE CHURCH, WHICH CONTAINS WITHIN ITSELF PROVISIONS FOR EFFECTING ORDERLY CHANGE. *See PCUSA, 1926, pp. 62-87, [Progress] Report of the Special Commission of 1925 Report of Special Commission of 1925 (emphasis added); Minutes, PC(USA), 1926, Part I, p. 83.*

3. A true copy of PCUSA, 1926, pp. 62-87, [Progress] Report of the Special Commission of 1925 Report of Special Commission of 1925 is attached as **Exhibit A**.

4. The ACC has characterized the text written in capitals in paragraph 2, *supra* as "... a sound and important principle of our polity." See *ACC Advice on Item 06-01 - Report of the Theological Task Force on Peace, Unity, and Purity*, a true copy of which is attached as **Exhibit B**.

Summary of Grounds for Jurisdiction and Basis for Relief Interest of Complainants

5. The decision(s) and/or action(s) of the ACC was irregular for at least all the reasons set forth in general below, and also in particular at paragraphs 80 - 91.

6. Complainants have a right to complain because:

a) this Permanent Judicial Commission has jurisdiction over remedial complaints filed against entities of the General Assembly, and the ACC is an entity of the General Assembly. See **Exhibit C1** - PJC 2008, 303, 218-03, *Session of Palos Park v. ACC* (Decision on Motion to Dismiss)("Therefore, the ACC is an "entity" of the General Assembly and a session may bring a complaint against it.");

b) this Complaint was filed within ninety (90) days of June 16-19, 2014, the date of the alleged irregularity (D-6.0202(b)(2));

c) Complainants' have standing because the ACC is an entity of the General Assembly and Complainants are each a Session of a particular church within the Presbyterian Church (U.S.A.)((see D-6.0202(b)(2)); See also PJC 2008, 303, 218-03, *Session of Palos Park v. ACC* (Decision on Motion to Dismiss)("Therefore, the ACC is an "entity" of the General Assembly and a session may bring a complaint against it."); and

d) this Complaint states one or more claims on which relief may be granted, which claims are more fully set forth *infra*.

***ACC Advice to the Assembly on the Authoritative Interpretation
(Item 10-03)***

7. The ACC is governed by the *Constitution* as well as by the *Manual of the General Assembly* (2014) ("the MANUAL") and by its own internal policies and procedures. A copy of the MANUAL is attached as **Exhibit D**. See also Exhibit C1.

8. The MANUAL includes at least the Standing Rules of the General Assembly, Guidelines and Policies of the General Assembly, and Organization for Mission. See Exhibit D.

9. Section G-6.02 of the *Constitution* states, in part, that:

All questions requiring an interpretation by the General Assembly of the *Book of Order* arising from councils of the church shall be communicated in writing to the Stated Clerk of the General Assembly no later than 120 days prior to the convening of the next session of the General Assembly. The Stated Clerk shall refer all such questions of interpretation to the Advisory Committee on the Constitution, except those pertaining to matters pending before a judicial commission. The Advisory Committee on the Constitution shall communicate its report and recommendations to the next session of the General Assembly, ***no less than sixty days prior to the General Assembly.*** (*emphasis added*)

10. The *Constitution* states at G-3.0105 that:

“Meetings shall be conducted in accordance with the most recent edition of Robert’s Rules of Order Newly Revised, except when it is in contradiction to this Constitution.”

11. Robert’s Rules of Order (“RONR”) states in relevant part that:

“Motions that conflict with the corporate charter, constitution, or bylaws of a society, or with procedural rules prescribed by national, state, or local laws, are out of order, and if any motion of this kind is adopted, it is null and void.”

See **Exhibit E** - RONR (11th ed.), p. 343, ll. 14 - 17.

12. Prior to the meeting of the 221st General Assembly (2014) in Detroit, Michigan, The Presbytery of Heartland timely transmitted to the General Assembly the following overture seeking an authoritative interpretation of the Book of Order, W-4.9000:

“Worship is a central element of the pastoral care of the people of God (W-6.3001, W-6.3010) in which a teaching elder’s discernment of the leading of the Holy Spirit is indispensable. The necessity of ensuring the exercise of freedom of conscience in the interpretation of Scripture (G-2.0105) in the planning and leadership of worship has deep roots in our Reformed tradition and theology. Because a service of marriage is one form of such worship, when a couple requests the involvement of the church in solemnizing their marriage as permitted by the laws of the place where the couple seek to be married, teaching elders* have the pastoral responsibility to assess the capabilities, intentions, and readiness of the couple to be married (W-4.9002), and the freedom of conscience in the interpretation of Scripture (G-2.0105) to participate in any such marriage they believe the Holy Spirit calls them to perform. Exercising such discretion and freedom of conscience under the prayerful guidance of Scripture, teaching elders may conduct a marriage service for any such couple in the place

where the community gathers for worship, if approved by the session; or in such other place as may be suitable for a service of Christian worship. In no case shall any teaching elder's conscience be bound to conduct any marriage service for any couple except by his or her understanding of the Word, and the leading of the Holy Spirit. The authoritative interpretation of this section by the 203rd General Assembly (1991) (Minutes, 1991, Part I, p. 395, paragraphs 21.124–128), and the subsequent authoritative interpretations of the General Assembly Permanent Judicial Commission relying upon it, are withdrawn and replaced with this authoritative interpretation.”

*As in other places in the Directory for Worship, the use of “teaching elders” in this paragraph should be understood to include ruling elders commissioned to pastoral service.

13. The overture identified in paragraph 12, *supra*, was subsequently identified by the 221st General Assembly (2014) as **item 10-03**.

14. A copy of the PC-Biz record for item 10-03 is attached as **Exhibit F**.

15. The 221st General Assembly (2014) referred item 10-03 to the Assembly Committee for Civil Union and Marriage Issues (“Assembly Committee” or “Committee 10”). See Exhibit F.

16. The ACC timely provided written advice concerning item 10-03 to the 221st General Assembly (2014) pursuant to Section G-6.02 of the Book of Order. See Exhibit F.

17. The ACC’s written advice on item 10-03 included a recommendation that the 221st General Assembly (2014) disapprove item 10-03. See Exhibit F.

18. The ACC's written advice to the 221st General Assembly (2014) concerning item 10-03 was as follows:

The Advisory Committee on the Constitution advises that the 221st General Assembly (2014) disapprove Item 10-03

This overture proposes an authoritative interpretation which would allow the exercise of pastoral discretion and freedom of conscience in conducting a marriage service for any couple as permitted by the "laws of the place where the couple seeks to be married." It suggests an interpretation contrary to the clear statement of W-4.9000.

Section W-4.9001 and related citations (W-4.9002a, W-4.9004, W-4.9006) limit marriage to couples who are "a woman and a man." **Because these statements are clear and unambiguous, they can not be interpreted in a manner that is inconsistent with their plain and ordinary meaning.**

The Book of Order is not based upon state and civil law, but the church's understanding of Scripture and Reformed theology. As noted in Southard v Presbytery of Boston (GAPJC 2012, 220-02), "While the PCUSA is free to amend its definition of marriage, a change in state law does not amend the Book of Order."

Freedom of conscience is a foundational principle of the PC(USA) (G-2.0105) but must be exercised within certain bounds. The exercise of freedom of conscience in and of itself is not necessarily a violation of polity or an obstruction of constitutional governance. Such freedom of conscience, however, is not freedom of action. All persons in ordered ministry have a duty to fulfill constitutionally mandated responsibilities.

If it is the will of the assembly to change the definition of marriage, such a change is better accomplished by amendment of W-4.9000 rather than by authoritative interpretation.

See Exhibit F (*emphasis added*).

19. The ACC advised the 221st General Assembly (2014) in writing that “Section W-4.9001 and related citations (W-4.9002a, W-4.9004, W-4.9006) of the Book of Order limit marriage to couples who are ‘a woman and a man.’” See Exhibit F.

20. The ACC advised the 221st General Assembly (2014) in writing that statements in Section W-4.9001 and related citations (W-4.9002a, W-4.9004, W-4.9006) of the Book of Order that limit marriage to couples who are ‘a woman and a man’ are clear and unambiguous. See Exhibit F.

21. The ACC advised the 221st General Assembly (2014) in writing that statements in Section W-4.9001 and related citations (W-4.9002a, W-4.9004, W-4.9006) of the Book of Order that limit marriage to couples who are ‘a woman and a man’ cannot be interpreted in a manner that is inconsistent with their plain and ordinary meaning. See Exhibit F.

22. The Book of Order is not based upon state and civil law, but the church’s understanding of Scripture and Reformed theology. See Exhibit F.

23. A change in state law does not amend the Book of Order. See Exhibit F.

24. The ACC advised the 221st General Assembly (2014) in writing that a change in state law does not amend the Section W-4.9001 and related citations (W-4.9002a, W-4.9004, W-4.9006) of the Book of Order, which Sections limit marriage to couples who are “a woman and a man.” See Exhibit F.

25. The 221st General Assembly Committee for Civil Union and Marriage Issues approved the following amended text for item 10-03 for consideration by the Plenary:

"The Presbytery of Heartland overtures the 221st General Assembly (2014) to issue the following authoritative interpretation of the Book of Order, W-4.9000:

"Worship is a central element of the pastoral care of the people of God (W-6.3001, W-6.3010) in which a teaching elder's discernment of the leading of the Holy Spirit is indispensable. The necessity of ensuring the exercise of freedom of conscience in the interpretation of Scripture (G-2.0105) in the planning and leadership of worship has deep roots in our Reformed tradition and theology. Because a service of marriage is one form of such worship, when a couple requests the involvement of the church in solemnizing their marriage as permitted by the laws [of the civil jurisdiction in which the marriage is to take place] [~~of the place where the couple seek to be married~~], teaching elders* have the pastoral responsibility to assess the capabilities, intentions, and readiness of the couple to be married (W-4.9002), and the freedom of conscience in the interpretation of Scripture (G-2.0105) to participate in any such marriage they believe the Holy Spirit calls them to perform.

"Exercising such discretion and freedom of conscience under the prayerful guidance of Scripture, teaching elders may conduct a marriage service for any such couple in the place where the community gathers for worship, [~~if~~] [so long as it is] approved by the session; or in such other place as may be suitable for a service of Christian worship. In no case shall any teaching elder's conscience be bound to conduct any marriage service for any couple except by his or her understanding of the Word, and the leading of the Holy Spirit. The authoritative interpretation of this section by the 203rd General Assembly (1991) (Minutes, 1991, Part I, p. 395, paragraphs 21.124–128), and the subsequent authoritative interpretations of the General Assembly Permanent Judicial Commission relying upon it, are

withdrawn and replaced with this authoritative interpretation.'

"*As in other places in the Directory for Worship, the use of "teaching elders" in this paragraph should be understood to include ruling elders commissioned to pastoral service."

See Exhibit F.

26. The 221st General Assembly (2014) approved the following text for item 10-03:

"The Presbytery of Heartland overtures the 221st General Assembly (2014) to issue the following authoritative interpretation of the Book of Order, W-4.9000:

"Worship is a central element of the pastoral care of the people of God (W-6.3001, W-6.3010) in which a teaching elder's discernment of the leading of the Holy Spirit is indispensable. The necessity of ensuring the exercise of freedom of conscience in the interpretation of Scripture (G-2.0105) in the planning and leadership of worship has deep roots in our Reformed tradition and theology. Because a service of marriage is one form of such worship, when a couple requests the involvement of the church in solemnizing their marriage as permitted by the laws [of the civil jurisdiction in which the marriage is to take place] [~~of the place where the couple seek to be married~~], teaching elders* have the pastoral responsibility to assess the capabilities, intentions, and readiness of the couple to be married (W-4.9002), and the freedom of conscience in the interpretation of Scripture (G-2.0105) to participate in any such marriage they believe the Holy Spirit calls them to perform.

"Exercising such discretion and freedom of conscience under the prayerful guidance of Scripture, teaching elders may conduct a marriage service for any such couple in the place where the community gathers for worship, [~~if~~] [so long as it is] approved by the session; or in such other place as may be suitable for a service of Christian worship. In no case shall any

teaching elder's conscience be bound to conduct any marriage service for any couple except by his or her understanding of the Word, and the leading of the Holy Spirit. The authoritative interpretation of this section by the 203rd General Assembly (1991) (Minutes, 1991, Part I, p. 395, paragraphs 21.124–128), and the subsequent authoritative interpretations of the General Assembly Permanent Judicial Commission relying upon it, are withdrawn and replaced with this authoritative interpretation.'

"*As in other places in the Directory for Worship, the use of "teaching elders" in this paragraph should be understood to include ruling elders commissioned to pastoral service."

See Exhibit F.

27. On or about June 19th, 2014, in the City of Detroit, Michigan, and during deliberations by the plenary of the 221st General Assembly (2014) on item 10-03, item 10-03 was moved for approval. In response, a commissioner rose to a point of order that the proposed AI set forth in item 10-03 was unconstitutional because Robert's Rules of Order ("RONR") (11th ed.) declares that no motion is in order that violates the constitution of the body, and is void if approved. This was referred to the Stated Clerk, who asked the advice of the Advisory Committee on the Constitution. A series of questions relating to this subject were thereafter referred to the ACC. See **EXHIBIT 1 – copy of** <http://vimeo.com/99068158>; See Exhibit 1 - <http://vimeo.com/99068158> beginning at 1:12:58.

28. During deliberations by the plenary of the 221st General Assembly on item 10-03, at least four (4) questions were referred to the ACC. See Exhibit 1.

29. Standing Rule F(5)(d) of the General Assembly states:

When the General Assembly is in plenary session, questions that touch upon constitutional matters, including rulings on questions of order involving constitutional matters requested by the Moderator, shall be handled by the Advisory Committee on the Constitution. These questions shall be referred in writing by the Moderator to the Advisory Committee on the Constitution, which shall consider each matter referred and make recommendations directly to the General Assembly through the Moderator.

See Exhibit D at 27.

30. None of the questions that were referred to the ACC during deliberations by the plenary of the 221st General Assembly (2014) on item 10-3 were referred to the ACC in writing by the Moderator. See Exhibit 1.

31. None of the questions that were referred to the ACC during deliberations by the plenary of the 221st General Assembly (2014) on item 10-3 were referred in compliance with Standing Rule F(5)(d). See Exhibit 1.

32. The Commissioner's point of order (see paragraph 27, *supra*) was referred to the ACC. See Exhibit 1.

33. The ACC answered the question on the point of order that was referred to it on item 10-03 as follows:

"Mr. Moderator, the Advisory Committee on the Constitution, ah, believes that it is in order to bring an amendment that is in conflict, because it is up, up to the Council, the General Assembly, to resolve this tension. And I believe the Stated Clerk could speak to the Standing Rules which allow amendments to be brought to the Assembly."

See Exhibit 1 - <http://vimeo.com/99068158> beginning at 1:13:13.

34. Item 10-03 concerned an Authoritative Interpretation of the Constitution. Item 10-03 did not propose an amendment to the *Constitution*. See Exhibit F. The written advice from the ACC to the General Assembly on item 10-03 does not use the term “tension”. *Id.*

35. In response to the answer of the ACC referenced *supra* at paragraph 33, the Stated Clerk stated:

“ah, Mr. Moderator, the Advisory Committee on the Constitution has advised us that they consider this particular action to be Constitutional. It is my role at this Assembly to be your parliamentarian. And I would advise you based on their advice that this motion is in order. Though the Commissioner may challenge your ruling and the body can either sustain it or not sustain it.”

See Exhibit 1 - <http://vimeo.com/99068158> being at 1:13:48.

36. Following the ACC’s answer (see paragraph 33, *supra*), another Commissioner asked why the ACC’s oral advice (see paragraph 33, *supra*) was different from the ACC’s written advice to on item 10-03 (see paragraph 18, *supra*).

37. The ACC answered this second question (see paragraph 36, *supra*) that was referred to it as follows:

“Mr. Moderator, Julie Wells of the ACC. The advice that was given to the Committee was that, in fact, this is a Const.. this is a order to vote on a Constitutional amendment that ah an AI or an amendment to the Constitution could be in conflict it is the responsibility then of this Council to resolve that conflict.”

See Exhibit 1 - <http://vimeo.com/99068158> beginning at 1:16:48.

38. The written advice of the ACC to the Assembly Committee on item 10-03 (see paragraph 18, *supra*) does not mention that an Authoritative Interpretation could be in conflict with the Constitution. See Exhibit F.

39. The written advice of the ACC to the Assembly Committee on item 10-03 does not mention that it would be the responsibility of the Council to resolve any conflict between the Authoritative Interpretation proposed by item 10-03 and the *Constitution*. On information and belief, individual members of the ACC are not authorized to speak for the ACC when serving as resource persons for Assembly committees and thus are expected to show restraint in responding to any request for constitutional interpretation. A true copy of the MANUAL OF PROCEDURES FOR THE ADVISORY COMMITTEE ON THE CONSTITUTION ON THE CONSTITUTION OF THE GENERAL ASSEMBLY OF THE PRESBYTERIAN CHURCH (U.S.A.) is attached as **Exhibit G**. A true copy of the ACC Agency Summary - Assembly Committee 14, Review of GA Permanent Committees and ACC self study (Minutes, 2006, Part I, (Item 14-Info, Section B), p. 1173) is attached as **Exhibit H**.

40. The ACC advised the Assembly Committee in writing on item 10-03 that the text in W-4.9001 and related citations (W-4.9002a, W-4.9004, W-4.9006) that limits marriage to couples who are “a woman and a man” is clear and unambiguous and cannot be interpreted in a manner that is inconsistent with their plain and ordinary meaning. See Exhibit F. The ACC also orally advised the Assembly Committee that 10-03 could be approved by the General Assembly even though the text of the proposed AI would be inconsistent with the plain and ordinary meaning of the provision of the Constitution being interpreted and result in the creation of tension between the approved AI and the *Constitution*. See Exhibit 1.

41. Following the ACC’s answer (see paragraph 37, *supra*), another Commissioner questioned whether an Authoritative Interpretation could directly contradict the established *Constitution*. See Exhibit 1.

42. The ACC answered this third question that was referred to it (see paragraph 41, *supra*) as follows:

“An Authoritative, excuse me Julie Wells of the ACC. An Authoritative Interpretation is an action of the General Assembly which is binding on all Councils. Ah, this would mean that if we had an AI that seemed to be in contradiction to the Constitution the AI, it would be this committee, this Council’s, obligation to resolve that tension.”

See Exhibit 1 - <http://vimeo.com/99068158> beginning at 1:19:52.

43. Following the ACC's answer (see paragraph 42, *supra*), the Commissioner that posed the original point of order (see paragraph 27, *supra*) questioned whether an Authoritative Interpretation has ever been used other than to clarify the Constitution.

44. The ACC answered this fourth question that was referred to it (see paragraph 43, *supra*) as follows:

“Thank you Mr. Stated Clerk, we really appreciate that. Julie Wells, again, of the ACC. It is our opinion that is within the rights of this Council to consider taking this action. If there is tension created by taking this action it is the responsibility of this Council to resolve that tension.”

See Exhibit 1 - <http://vimeo.com/99068158> beginning at 1:21:59.

45. A copy of the 2010 authoritative interpretation GA (2010, 61, 341, Item 05-21) is attached as **Exhibit I**.

46. A copy of the 2003 authoritative interpretation GA (2003, 64-65, 320, Item 04-04, Req 03-9) is attached as **Exhibit J**.

47. Authoritative Interpretations are binding on the ACC.

48. The General Assembly and the GAPJC may not add new language to the text of the *Constitution* by means of authoritative interpretation. See Exhibit I.

49. The ACC may not advise the General Assembly that it can add new language to the text of the *Constitution* by means of authoritative interpretation. See Exhibit I.

50. The General Assembly and the GAPJC must interpret the existing language of the *Constitution*, rather than replacing that language with antecedent language. See Exhibit I.

51. When giving advice to the General Assembly concerning the *Constitution*, the ACC must interpret the existing language of the *Constitution*, rather than replacing that language with antecedent language. See Exhibit I.

52. The General Assembly and the GAPJC must resolve tensions and ambiguities between **provisions of the *Constitution*** in such a way as to give effect to all provisions. See Exhibit I (*emphasis added*).

53. The process of authoritative interpretation should be used sparingly, and for the purpose of defining potentially ambiguous words or phrases in the *Book of Order*, rather than for setting forth detailed procedures or advice as to how the provisions of our *Constitution* should be administered. See Exhibit J

54. The General Assembly and the GAPJC **must exercise great care** to ensure that any interpretation remains true to the plain meaning and context of the provision interpreted. See Exhibit I (*emphasis added*).

55. The text of the proposed authoritative interpretation of Item 10-03 was not true to the plain meaning and context of the provision of the *Constitution* that was being interpreted by that Item.

56. The text of the proposed authoritative interpretation of item 10-03 was inconsistent with the plain and ordinary meaning of Section W-4.9001 and related citations (W-4.9002a, W-4.9004, W-4.9006) of the Book of Order.

57. W-4.9001 defines marriage as only between a man and woman. See **Exhibit K** - PJC 2008, 314, 218-12, *Spahr v. Pby of Redwoods*. By the definition in W-4.9001, a same sex ceremony can never be a marriage. *Id.* It is the responsibility of the church, following the processes provided in the Constitution for amendment, to define what the PCUSA recognizes as a “Christian marriage.” See **Exhibit L** - PJC 2012, 220-02, *Jean Southard v. Presbytery of Boston*.

58. Separate provisions of the *Constitution* may be in tension. An Authoritative Interpretation cannot be adopted if it would be tension with the plain meaning and context of the provision of the *Constitution* sought to be interpreted by that Authoritative Interpretation.

***The ACC Advice to the Assembly on the Proposed
Constitutional Amendment
(Item 10-02)***

59. Prior to the meeting of the 221st General Assembly (2014) in Detroit, Michigan, The Presbytery of the Cascades timely transmitted to the General Assembly the following overture seeking an to amend W-4.9000 of the Book of Order:

“The Presbytery of the Cascades respectfully overtures the 221st General Assembly (2014) to direct the Stated Clerk to send the following proposed amendment to the presbyteries for their affirmative or negative votes:

Amend W-4.9000 by striking the current text and replacing it with the following:

“Marriage is a gift God has given to all humankind for the well-being of the entire human family. Marriage involves a unique commitment between two people to love and support each other for the rest of their lives. The sacrificial love that unites the couple sustains them as faithful and responsible members of the church and the wider community.

“In civil law, marriage is a contract that recognizes the rights and obligations of the married couple in society. In the Reformed tradition, marriage is also a covenant in which God has an active part, and which the community of faith publicly witnesses and acknowledges.

“If they meet the requirements of the civil jurisdiction in which they intend to marry, a couple may request that a service of Christian marriage be conducted by a teaching elder in the Presbyterian Church (U.S.A.), who is authorized, though not required, to act as an agent of the civil jurisdiction in recording the marriage contract. A couple requesting a service of Christian marriage shall receive instruction from the teaching elder, who shall agree to the couple’s request only if, in the judgment of the teaching elder, the couple demonstrate

sufficient understanding of the nature of the marriage covenant and commitment to living their lives together according to its values. In making this decision, the teaching elder may seek the counsel of the session, which has authority to permit or deny the use of church property for a marriage service.

“The marriage service shall be conducted in a manner appropriate to this covenant and to the forms of Reformed worship, under the direction of the teaching elder and the supervision of the session (W-1.4004–.4006). In a service of marriage, the couple marry each other by exchanging mutual promises. The teaching elder witnesses the couple’s promises and pronounces God’s blessing upon their union. The community of faith pledges to support the couple in upholding their promises; prayers may be offered for the couple, for the communities that support them, and for all who seek to live in faithfulness.

“A service of worship recognizing a civil marriage and confirming it in the community of faith may be appropriate when requested by the couple. The service will be similar to the marriage service except that the statements made shall reflect the fact that the couple is already married to one another according to the laws of the civil jurisdiction.”

60. The overture identified in paragraph 59, *supra*, was subsequently identified by the 221st General Assembly (2014) as **item 10-02**.

61. A copy of the PC-Biz record for item 10-02 is attached as **Exhibit M**.

62. The 221st General Assembly (2014) referred item 10-02 to the Assembly Committee. See Exhibit M.

63. The ACC timely provided written advice concerning item 10-02 to the 221st General Assembly (2014) pursuant to Section G-6.02 of the Book of Order. See Exhibit M.

64. The ACC's written advice on item 10-02 included a recommendation that the 221st General Assembly (2014) disapprove item 10-02. See Exhibit M.

65. The ACC's written advice concerning item 10-02 to the 221st General Assembly (2014) provided pursuant to Section G-6.02 of the Book of Order uses the word "tension". See Exhibit M.

66. The ACC's written advice to the 221st General Assembly (2014) concerning item 10-03 was as follows:

The Advisory Committee on the Constitution advises the 221st General Assembly (2014) to disapprove Item 10-02.

This overture proposes to strike W-4.9000 in its entirety and replace it with new section W-4.9000. This includes revising the definition of marriage to "two people" and allowing teaching elders to perform marriage ceremonies between same-gender couples.

Similar overtures have been considered by previous General Assemblies. The 220th General Assembly (2012) voted to answer those overtures by a call for "a season of serious study and discernment" concerning its [the PC(USA)] meaning of Christian marriage using material prepared by the Office of Theology and Worship.

The Advisory Committee on the Constitution's advice on this overture is the same as its advice to the General Assembly Committee on Civil Unions and Marriage in 2012 (Minutes, 2012, Part I, pp. 1164ff) and is not intended to be advice on the theological, ethical, and legal merits of the overture. The overture does not propose to change the basic premise that "marriage is a gift God has given to all humankind," rather the overture seeks to amend the definition of marriage from "a man and a woman" to "two people." Amending the definition of marriage to two people would alter the foundation on which previous AIs of this section have rested. **A possible consequence of the proposed language is perceived**

***tension* between Scripture, the Confessions, and the Book of Order. The assembly will need to articulate the reasons for changing the current definition of Christian marriage.**

If the assembly approves this overture, a constitutional issue that should be considered is the use of the word “shall” in the third paragraph (“who shall agree to the couple’s request only if ...”). This could be interpreted to limit the teaching elder’s ability to deny performing a service of Christian marriage for any reason other than that given in the overture.

See Exhibit M (*emphasis added*).

Open Meeting

67. The ACC is an entity subject to the provisions of the General Assembly Open Meeting Policy. See Exhibit C2 - *PJC 2008, 303, 218-03, Session of Palos Park v. ACC (Consent Order)* (“The ACC acknowledges that it is an entity subject to the provisions of the General Assembly Open Meeting Policy.”)

68. Whenever the ACC considers or acts upon subjects not enumerated in section 3(a) of the Open Meeting Policy, such as a request for reconsideration of prior advice, the Policy obliges the consideration or action to be done in open session. The Consent Order entered in *Session of Palos Park* is binding on the ACC. See Exhibit C2 - *PJC 2008, 303, 218-03, Session of Palos Park v. ACC (Consent Order)*.

69. On information and belief, the ACC met in open session in Louisville between the dates of March 14 and March 18, 2014 to consider at least items 10-01 to item 10-06. *Complainants request that Complainants be provide with copies of all records, documents and things, including emails, and notes relating to the ACC’s consideration of items least items 10-01 to item 10-06.*

70. On information and belief, after the ACC submitted its written advice to the General Assembly on items 10-01 to 10-06 at least some members of ACC continued to consider the *Constitutionality* of at least some of those items. The continued considerations occurred outside of a regular or open meeting of the ACC. Complainants do not know, and in fact could not know, that such considerations occurred until at least the time the ACC orally instructed the Assembly Committee. *Complainants request that Complainants be provide with copies of all records, documents, notes, and things, including emails, relating, to the ACC's considerations.*

71. On information and belief, after the ACC submitted its written advice on item 10-03 to the Assembly at least some members of ACC engaged in an email exchange(s) or other communication(s) concerning at least item 10-03. The emails and/or other communications occurred outside of a regular or open meeting of the ACC. Complainants do not know, and in fact could not know, that such communications occurred until at least the time the ACC orally instructed Assembly Committee 10. *Complainants request that Complainants be provide with copies of all records, documents, notes, and things, including emails, relating, to the email exchange among the ACC members.*

72. On information and belief, the email exchange and/or other communication mentioned in paragraph 70 and 71, *supra*, involving at least some members of ACC was not open to all interested persons.

73. On information and belief, when the ACC prepared the written advice of the Assembly on item 10-03 the ACC did not also consider the oral advice that it gave to the Assembly Committee and/or the plenary on item 10-03 (see paragraphs 37, 42, 44).

74. On information and belief, the oral advice that the ACC gave to the Assembly Committee and plenary (see paragraphs 37, 42, 44) concerning item 10-03 was derived from the written advice that the ACC gave to the Assembly Committee and plenary on item 10-02.

75. On information and belief, the ACC first considered the oral advice that it gave to the plenary (see paragraphs 37, 42, 44) at some time after the ACC's submission of the written advice to the Assembly on item 10-03.

76. On information and belief, the ACC never provided public notice of any meeting during which the ACC considered the oral advice (see paragraphs 37, 42, 44) that it gave to the Assembly Committee and plenary on item 10-03.

77. On information and belief, the ACC never invited the public to any meeting during which the ACC considered the oral advice (see paragraphs 37, 42, 44) that it gave to the Assembly Committee and plenary on item 10-03.

78. On information and belief, the conditions and/or manner by which the ACC considered the oral advice (see paragraphs 37, 42, 44) that was given to the Assembly Committee and plenary on item 10-03 was not open to all interested persons.

79. On information and belief, the oral advice (see paragraphs 37, 42, 44) that was given by the ACC to the Assembly Committee and plenary concerning 10-03 was provided to the Assembly Committee and plenary by at least one member of the ACC who had engaged in considerations concerning item 10-03, which considerations were made after the submission of the ACC's written advice to the General Assembly on item 10-03.

Alleged Irregularities

First Irregularity

80. The actions of the ACC, that included and/or resulted in, the giving certain oral advice mentioned *supra* to the Assembly Committee and/or plenary of the 221st General Assembly (2014) on item 10-03 constituted an irregularity. Actions of the ACC that are alleged to be erroneous are proper subjects for judicial review – See Exhibit C1 - *PJC 2008, 303, 218-03, Session of Palos Park v. ACC* (“the propriety of the ACC’s actions. ... if alleged to be erroneous, are subject to judicial review by this Commission.”) Alleged irregularities in Constitutionally mandated process are also proper subjects for judicial review. *Id.*

Second Irregularity

81. The ACC committed irregularit(ies) when it acted to provide advice to the Assembly Committee and/or plenary of the 221st General Assembly (2014) on item 10-03 (and related items) that was contrary to existing Authoritative Interpretations and/or the sound and important principles of Church polity recited by the Report(s) of the Swearingen Commission (Exhibit A). The ACC, for example, determined that the text of statements in the Constitution were “clear and unambiguous”. The ACC was also required by an existing AI to “exercise great care to ensure that any interpretation remains true to the plain meaning and context of the provision interpreted.” See Exhibit I. And, the ACC advised the Assembly Committee and plenary of the General Assembly that the Assembly may adopt an AI contrary to the “clear and unambiguous” meaning of the text. Under such circumstances, the ACC’s advice is a proper subject for judicial review. To permit the ACC to act otherwise is tantamount to allowing the ACC to advocate for an amendment by indirection of the organic law of the Church. Actions of the ACC that are alleged to be erroneous are proper subjects for judicial review - See *PJC 2008, 303, 218-03, Session of Palos Park v. ACC* (“the propriety of the ACC’s actions. ... if alleged to be erroneous, are subject to judicial review by this Commission.”) Alleged irregularities in Constitutionally mandated process are also proper subjects for judicial review. *Id.*

Third Irregularity

82. The ACC committed irregularit(ies) when it acted to provide oral advice to the Assembly Committee and plenary of the 221st General Assembly (2014) on item 10-03 (and related items) that the ACC derived from the ACC's written advice on item 10-02, even though the two items dealt with different subjects (i.e., an authoritative interpretation v. constitutional amendments). Actions of the ACC that are alleged to be erroneous are proper subjects for judicial review – See Exhibit C1 – *PJC 2008, 303, 218-03, Session of Palos Park v. ACC* (“the propriety of the ACC’s actions. ... if alleged to be erroneous, are subject to judicial review by this Commission.”) Alleged irregularities in Constitutionally mandated process are also proper subjects for judicial review. *Id.*

Fourth Irregularity

83. The ACC committed an irregularity when it acted to instruct the Assembly Committee and plenary of the 221st General Assembly (2014) that item 10-03 was Constitutionally in order. The ACC advised the 221st General Assembly in writing that statements in Section W-4.9001 and related citations (W-4.9002a, W-4.9004, W-4.9006) of the Book of Order **cannot** be interpreted by the General Assembly in a manner that is inconsistent with their plain and ordinary meaning. The ACC was also required to ensure that any authoritative interpretation remains true to the plain meaning and context of the provision interpreted. See Exhibit. Therefore, it was an irregularity for the ACC to act to advise the Assembly Committee and plenary of the 221st General Assembly – contrary to its own written advice – that item 10-03 (which created “tension” and so was clearly not consistent with the plain and ordinary meaning of the text) was Constitutionally in order. Actions of the ACC that are alleged to be erroneous are proper subjects for judicial review - See *PJC 2008, 303, 218-03, Session of Palos Park v. ACC* (“the propriety of the ACC’s actions. ... if alleged to be erroneous, are subject to judicial review by this Commission.”) Alleged irregularities in Constitutionally mandated process are also proper subjects for judicial review. *Id.*

Fifth Irregularity

84. The ACC committed an irregularit(ies) when it acted to provide advice to the Assembly Committee and plenary of the 221st General Assembly (2014) on item 10-03 (and related items) that the General Assembly may authorize an Authoritative Interpretation that created “tension” with the “clear and unambiguous” text of the provision of the Constitution being interpreted. While the General Assembly and the GAPJC must resolve tensions and ambiguities between ***provisions*** of the *Constitution*, where no tension exists the ACC must not advise the plenary and committees thereof that the Assembly can create tension by approving an Authoritative Interpretation. To permit the ACC to act otherwise is tantamount to allowing the ACC to advocate for an amendment by indirection of the organic law of the Church. For example, if otherwise permitted, the ACC could act to render advice that the General Assembly may approve an Authoritative Interpretation that Christ is NOT our Lord and Savior, or that the Trust Provision only applies to certain churches, or that particular churches are required to pay Per Capita. That is not to say the ACC would do that, but it could. And that is wrong. Period. The General Assembly may, of course, work to create tension by sending proposed *Constitutional* amendments out for ratification. Such tensions between provisions of the *Constitution* that were approved the Presbyteries have happened before and are accepted (at least from a polity perspective) - but that is not what happened here. HERE WE HAVE A BRAND NEW AI CREATING TENSION WITH THE *CONSTITUTION* WHERE NO TENSION PREVIOUSLY EXISTED, ALL WITHOUT ANY ACTION BY THE PRESBYTERIES. This issue is not moot for at least the reason that this same type irregularity is likely to occur at further meetings of the plenary of the General Assembly. Actions of the ACC that are alleged to be erroneous are proper subjects for judicial review – See Exhibit C1 - *PJC 2008, 303, 218-03, Session of Palos Park v. ACC* (“the propriety of the ACC’s actions. ... if alleged to be erroneous, are subject to judicial review by this Commission.”) Alleged irregularities in Constitutionally mandated process are also proper subjects for judicial review. *Id.*

Sixth Irregularity

85. The ACC committed an irregularity when it acted to provide oral advice to the Assembly Committee and plenary of the 221st General Assembly on item 10-03 that was contrary to and/or outside the scope of the ACC's written recommendation / advice to a General Assembly Committee on that same item, which written advice that was provided pursuant to Section G-6.02. The ACC must be held to the scope of the written advice that it timely provided to the Assembly sixty days prior to the start of a General Assembly. Otherwise, the sixty-day requirement in the *Constitution* is pointless because the ACC could radically alter change its advice – as it is alleged to have done here – when giving oral advice to the Assembly. Whether, during meetings of the Assembly, the ACC may deviate from the written advice the ACC provided to the General Assembly in accordance with Section G-6.02 is a clear question of Constitutional process and a proper subject for judicial review. Moreover, this issue is not moot for at least the reason that this same type irregularity is likely to occur at further meetings of the General Assembly. Actions of the ACC that are alleged to be erroneous are proper subjects for judicial review – See Exhibit C1 - *PJC 2008, 303, 218-03, Session of Palos Park v. ACC* (“the propriety of the ACC’s actions. ... if alleged to be erroneous, are subject to judicial review by this Commission.”) Alleged irregularities in Constitutionally mandated process are also proper subjects for judicial review. *Id.*

Seventh Irregularity

86. Since the ACC is governed in part by the MANUAL, the ACC committed an irregularity when it accepted questions from and/or provided advice to the plenary of the 221st General Assembly on item 10-03 in a manner contrary to the MANUAL (e.g., the Standing Rules). Questions touching on Constitutional matters and/or rulings on questions of order involving constitutional matters were not referred to the ACC in writing from the Moderator. “The ACC is governed by the *Constitution* as well as by the *Manual of the General Assembly* (2014) (“the MANUAL”) and by its own internal policies and procedures.” See Exhibit C1 - PJC 2008, 303, 218-03, *Session of Palos Park v. ACC*. “[I]t is within the purview of a permanent judicial commission (in this case, the GAPJC) to ascertain whether an “entity” complies with the policies of its governing body (in this case, the General Assembly).” *Id.* This issue is not now moot for at least the reason that this same type of irregularity is likely to occur at further meetings of the plenary of the General Assembly. Actions of the ACC that are alleged to be erroneous are proper subjects for judicial review – See Exhibit C1 - PJC 2008, 303, 218-03, *Session of Palos Park v. ACC*. Alleged irregularities in Constitutionally mandated process are also proper subjects for judicial review. *Id.*

Eighth Irregularity

87. On information and belief, the ACC considered the oral advice that it provided to the Assembly Committee and plenary outside of a properly called open meeting. Some time after submission of the written advice on item 10-03 and before Assembly deliberations on item 10-03, the ACC considered the advice the ACC would give to the Assembly concerning the *Constitutionally* of item 10-03, and during those considerations the ACC decided on the oral advice identified, *supra*, in paragraphs 37, 42 and 44. On information and belief, these further considerations and communications of the ACC to consider the *Constitutionally* of item 10-03 violated the Open Meetings Policy of the General Assembly and/or the outstanding **Consent Order** previously entered against the ACC by this Commission.

More specifically, prior to the convening of the 221st General Assembly the ACC provided written advice on item 10-03 that the *Constitution* cannot be interpreted by the General Assembly in a manner inconsistent the *Constitution's* plain and ordinary meaning. But then, after the Assembly convened, the ACC provided oral advice (see paragraphs 37, 42 and 44, *supra*) that it would be permissible to create “tension” between an Authoritative Interpretation and the *Constitution*. This was not a minor change. It was a wholesale departure from the written ACC advice on item 10-03 and the historical Church polity going back to at least the Swearingen Commission (Exhibit A). Certainly if this “tension” argument had been considered by the ACC at the time of the written advice it would have been included with that advice – and the fact that it was not included suggests that it was considered later. When was it considered? And by whom? Complainants submit that this “tension” theory could only have been considered by the ACC during communications (formal or informal) that occurred at some unknown time between the time the written advice was prepared and the meeting of the Assembly Committee. Further, Complainants’ submit that any such communications were not part of a properly called open meeting. “It is within the purview of a permanent judicial commission (in this case, the GAPJC) to ascertain whether an “entity” complies with the policies of its governing body (in this case, the General Assembly).” See *PJC 2008, 303, 218-03, Session of Palos Park v. ACC*. Moreover, this Commission **unquestionably has jurisdiction to**

review whether the ACC violated the CONSENT ORDER entered by this Commission against the ACC in *Session of Palos Park* which stated that: “[w]henever the ACC **considers** or acts upon subjects not enumerated in section 3(a) of the Open Meeting Policy, such as a request for reconsideration of prior advice, the Policy obliges the consideration or action to be done in open session.” See Exhibit C2 - *PJC 2008, 303, 218-03, Session of Palos Park v. ACC (Consent Order)*(emphasis added). Here, the ACC considered the “tension” question prior to the meeting of the Assembly Committee on 10-03, and the ACC’s failure to undertake that consideration in a properly called open session was a violation of the Open Meeting Policy and/or the Consent Order.

Ninth Irregularity

88. On information and belief, because the ACC acted to provide oral advice to the Assembly Committee and plenary, but did not also provide that advice so that a reasonable person would have sufficient basis to understand how the findings and recommendations address the question posed, the act of giving of the oral advice constituted an irregularity and a violation of the Consent Order previously entered against the ACC by this Commission.

The Consent Order indicated that, when acting in the role of advising the General Assembly, the ACC “...must provide a reasonable person with sufficient basis to understand how the findings and recommendations in its collective response address every question posed.” But that did not happen in this case. What happen here was that ACC departed from the written advice on item 10-03 and orally adopted new advice (apparently adopted from item 10-02) the origins, findings and basis for which of which were complete unknown to a reasonable person. This Commission **unquestionably has jurisdiction to review whether the ACC violated the CONSENT ORDER** entered by this Commission against the ACC in *Session of Palos Park* which stated that: “[w]henever the ACC **considers** or acts upon subjects not enumerated in section 3(a) of the Open Meeting Policy, such as a request for reconsideration of prior advice, the Policy obliges the consideration or action to be done in open session.” See Exhibit C2 - *PJC 2008, 303, 218-03, Session of Palos Park v. ACC (Consent Order)*(emphasis added).

Tenth Irregularity

89. Since the ACC is governed in part by its own internal policies and procedures, the ACC committed an irregularity when it did not follow those policies and procedures. Specifically, on information and belief, when a question arose in the Assembly Committee as to whether item 10-03 was in order, the member of the ACC serving as the Assembly Committee's resource person orally advised the Assembly Committee that an authoritative interpretation could be approved even if that authoritative interpretation created tension with the *Constitution*. This oral advice was, however, contrary to the written advice of the ACC on item 10-03 - which made no mention of the term "tension". Therefore, the oral advice materially departed from the ACC's written advice. Moreover, on information and belief, the oral advice was derived from the ACC's written advice on item 10-02, a wholly different matter dealing with an amendment to the *Constitution*. The ACC's written advice on item 10-02 did use the term "tension" – but not in the context of an authoritative interpretation. On information and belief, the internal policies and procedures of the ACC make clear that 1) members of the ACC do not speak for the ACC and 2) members are expected to show restraint in responding to a request for constitutional interpretation. See Exhibit G. Restraint was not shown in the giving of the oral advice to the Assembly Committee since that advice materially departed from the ACC's written advice. Moreover, in departing from the ACC's written advice, the ACC member was speaking for the ACC. But, to be clear, this irregularity is not directed at the ACC member (all members of the ACC are respected and greatly appreciated for the work they do, their service to the Church, and the many hours they devote to working the GA). No, it is directed at the ACC as an entity. The ACC/Respondent committed the irregularity when the ACC reiterate the oral advice to plenary. In reiterating the advice to plenary, the ACC perpetuated it and necessarily adopted/affirmed the manner by which the oral advice was "created". "The ACC is governed by the *Constitution* as well as by the *Manual of the General Assembly* (2014) ("the MANUAL") and by its own internal policies and procedures." See Exhibit C1 - PJC 2008, 303, 218-03, *Session of Palos Park v. ACC*. "[I]t is within the purview of a permanent judicial commission (in this case, the GAPJC) to ascertain whether an "entity" complies with the policies of its governing body (in this case, the General Assembly)." *Id.* This issue

is not now moot for at least the reason that this same type of irregularity is likely to occur at further meetings of the plenary of the General Assembly. Actions of the ACC that are alleged to be erroneous are proper subjects for judicial review. *Id.* Alleged irregularities in Constitutionally mandated process are also proper subjects for judicial review. *Id.*

Eleventh Irregularity

90. In spite of the fact that the oral advice given by the ACC to the Assembly Committee and plenary concerning item 10-03 was contrary to the *Constitution* and thus not in order when proposed and void if approved as declared in RONR (11th ed.), the ACC advised the Assembly Committee and plenary that those bodies had the authority to approve item 10-03.

Twelfth Irregularity

91. The irregularities committed by the ACC set forth in paragraphs 80 - 90 also extend to any item before the 221st General Assembly (2014) that the Assembly answered with its action on item 10-03, which items are at least item 10-04 and item 10-06.

***Relief Requested
Including Declaratory Relief***

Attached as **Exhibits P1 and P2** are to Advisory Opinions on the issue of marriage. These opinions demonstrate the change in the definition of marriage that occurred as a result of the adoption of the AI and absent the affirmative vote of the Presbyteries.

“...if we had an AI that seem to be in contradiction to the Constitution the AI, it would be this committee, this Council’s obligation to resolve that tension.” - quote of the ACC to the plenary of the 221st General Assembly (2014).

Consistent with the advice of the ACC, Complainants’ now ask for this Commission’s help in ***working toward resolving the “tension”*** created by approval of item 10-03 and related General Assembly actions. Complainants more specifically request that the Council through this Permanent Judicial Commission **ORDER**:

A. That actions of the ACC before the Assembly Committee and Plenary of the 221st General Assembly on item 10-03 and related GA actions, including the oral advice given to each body, constituted one or more irregularities;

B. That the ACC shall not act to advise the plenary of the General Assembly and committees thereof that the Assembly has the authority to adopt an Authoritative Interpretation that is contrary to the “clear and unambiguous” meaning of the statement(s) in the provision of the *Constitution* sought to be interpreted;

C. That the ACC shall not act to advise the plenary of the General Assembly and committees thereof that the Assembly has the authority to adopt an Authoritative Interpretation that creates “tension” with the clear and unambiguous text of the provision of the *Constitution* sought to be interpreted;

D. That the ACC shall not act to provide advice (be it oral or written) to the plenary of the General Assembly and committees thereof on any item that is in conflict with, or is otherwise beyond the scope of, the written advice/recommendations timely provided to the General Assembly on that item pursuant to Section G-6.02;

E. That the ACC must receive and address questions that touch upon *Constitutional* matters, including rulings on questions of order involving *Constitutional* matters, in accordance with Section G-6.02, the MANUAL and including specifically Standing Rule F(5)(d);

F. That the ACC committed an irregularity when it acted to advise the Assembly Committee and Plenary of the 221st General Assembly (2014) that item 10-03 was in order;

G. That the ACC shall advise, when appropriate, the plenary of the General Assembly and committees thereof that the Assembly does not have the authority to adopt an Authoritative Interpretation that is contrary to the “clear and unambiguous” meaning of the statement(s) in the provision of the *Constitution* sought to be interpreted;

H. That the ACC shall advise, when appropriate, the plenary of the General Assembly and committees thereof that the Assembly does not the authority to adopt an Authoritative Interpretation that creates “tension” with the clear and unambiguous text of the provision of the *Constitution* sought to be interpreted;

Complainants also request:

11. That this Commission declare (see request J below) the Authoritative Interpretation of W-4.9000 approved by the General Assembly as item 10-03 (and items answered by the Assembly's action on 10-03) to be void and without effect.

(Indeed, there are at least four good reasons to void the AI. First, the AI is already void by operation of RONR via *Constitution* (see G-3.0105; RONR (11th ed.), p. 343, ll. 14 - 17). Second, declaring the AI void would uphold this Commission's decision in *Spahr*, which found that "[b]y the definition in W-4.9001, a same sex ceremony can never be a marriage." Third, declaring the AI void would uphold this Commission's decision in *Southard*, which found that "[i]t is the responsibility of the church, **following the processes provided in the Constitution for amendment**, to define what the PCUSA recognizes as a "Christian marriage." And fourth, the ACC itself has advocated that an AI "...**should be eliminated**..." where as here the AI added to, rather than interpreted, the *Constitution*);

Or, in the alternative,

12 That this Commission **issue a new authoritative interpretation and/or modify the authoritative interpretation of the Book of Order, W-4.900**, by interpreting the relevant statements thereof consistent with the original written advice of the ACC and restoring the *status quo ante*, forbidding a teaching elder or a commissioned ruling elder from conducting marriages between same sex couples until such time as the Constitution is amended by action of the presbyteries. See GA (2010, 61, 341, Item 05-21)("Authoritative interpretations are in effect until changed or revoked by a subsequent General Assembly or modified by the GAPJC.") The Complainants are of varying opinions regarding the Biblical appropriateness of Church sanctioned marriage between same sex couples, but all Complainants believe that if a change is to be made, it must be made by action of the presbyteries, using the appropriate processes, open meetings, and not by a simple majority vote of the plenary of the General Assembly;

Complainants also request:

J. **Declaratory Relief** – This Commission has declaratory power even if it decides that it does not have the power to remedy the irregular act. Therefore, if this Commission determines that this Complaint makes one or more requests for relief that the Commission does not have the power to grant, Complainants request that the Commission still hear the case for purposes of granting declaratory relief as to those requests. *Source – Exhibit N - Constitutional Musing # 22 Standard of Pleading in a Remedial Complaint (issued August 2009); See also Exhibit O - Daniel J. McKittrick v. The Session of West End Presbyterian Church of Albany, New York, Minutes, 2003, Part I, p. 273;*

K. That each member of the ACC be provided with a written reminder of any relief granted herein and the *Palos* consent order at the commencement of each open session of the ACC; and

L. Such other relief as the Commission deems appropriate to grant or is supported by this Statement of Complaint.

Respectfully Submitted,

/s/Mark Schneider
Ruling Elder Mark Schneider
*for and on behalf of all Complainants
Counsel for Complainants*

Date: **September 8, 2014**

CERTIFICATION OF SERVICE OF COMPLAINT

I hereby certify that a copy of the above complaint was served upon The Advisory Committee on the Constitution of the General Assembly of the Presbyterian Church (U.S.A.), by mailing it to the Stated Clerk of the General Assembly and The Advisory Committee on the Constitution of the General Assembly of the Presbyterian Church (U.S.A.) certified mail, return receipt requested on the **8th day of September, 2014**.

Date: **September 8, 2014**

/s/Rev. Edward Koster
Rev. Edward Koster
Complainant Coordinator
3772 Bridle Pass Court
Ann Arbor MI 48108
(c) 734-358-5403
Ehkoster@aol.com

TABLE OF EXHIBITS
Incorporated by reference into this Complaint

Exhibit 1	Digital copy (on data stick) of GA221 Thur 06/19/14 - Business7 - part 2 (<i>see also</i> http://vimeo.com/99068158 - incorporated herein by reference).
Exhibit A	Copy of PCUSA, 1926, pp. 62-87, [Progress] Report of the Special Commission of 1925 Report of Special Commission of 1925.
Exhibit B	ACC Advice on Item 06-01 - Report of the Theological Task Force on Peace, Unity, and Purity. (GA Minutes > 2006 > SECTION TWO - Assembly Committee Reports > 06 - Assembly Committee on Ecclesiology > Item 06-01. Report of the Theological Task Force on Peace, Unity, and Purity. > ACC Advice on Item 06-01 > C. The Proposed Authoritative Interpretation)
Exhibit C1	PJC 2008, 303, 218-03, <i>Session of Palos Park v. ACC</i> (Decision on Motion to Dismiss)
Exhibit C2	PJC 2008, 303, 218-03, <i>Session of Palos Park v. ACC</i> (Consent Order)
Exhibit D	Manual of the General Assembly (2014).
Exhibit E	Excerpt of RONR (11th ed.), p. 343, ll. 14 – 17.
Exhibit F	Copy of the PC-Biz record for item 10-03.
Exhibit G	Manual of Procedures for the Advisory Committee on the Constitution on the Constitution of the General Assembly of the Presbyterian Church (U.S.A.)

Exhibit H	ACC Agency Summary - See Assembly Committee 14, Review of GA Permanent Committees (Minutes, 2006, Part I, (Item 14-Info, Section B), p. 1173) (Constitution of PCUSA > The Annotated Book of Order 2012-2013 > Supplementary Materials > Advisory Committee on the Constitution > 2006 ACC Agency Summary, Recommendations and Advice on Recommendations and Referrals in Reports > K. (14) Review of General Assembly Permanent Committees)
Exhibit I	Copy of authoritative interpretation GA (2010, 61, 341, Item 05-21).
Exhibit J	Copy of authoritative interpretation GA (2003, 64-65, 320, Item 04-04, Req 03-9).
Exhibit K	PJC 2008, 314, 218-12, <i>Spahr v. Pby of Redwoods</i> .
Exhibit L	PJC 2012, 220-02, <i>Jean Southard v. Presbytery of Boston</i> .
Exhibit M	Copy of the PC-Biz record for item 10-02.
Exhibit N	Constitutional Musing # 22 Standard of Pleading in a Remedial Complaint (issued August 2009).
Exhibit O	<i>Daniel J. McKittrick v. The Session of West End Presbyterian Church of Albany, New York</i> , Minutes, 2003, Part I, p. 273
Exhibit P1	Advisory Opinion: Marriage and Same-Gender Ceremonies (2012)
Exhibit P2	Advisory Opinion: Actions of the 221st General Assembly (2014) on Marriage

TABLE OF OTHER REFERENCES
Incorporated by reference into this Complaint

	Complainants request copies of all records, minutes, documents and things, including emails, relating, and notes relating to the ACC's consideration of items least items 10-01 to item 10-06, including any communications (including emails) involving members of the ACC that occurred after the submission of the ACC's written advice on item 10-03.
	The Constitution of the Presbyterian Church (U.S.A.), including Robert's Rules of Order (11 th ed.)

PCUSA, 1926, pp. 62-87, [Progress] Report of the Special Commission of 1925

Report of Special Commission of 1925

The order of the day having arrived, the Assembly took up the consideration of the Report of the Special Commission of 1925. After considerable discussion, the report was adopted and is as follows:

Authority for the existence and the work of the Special Commission, and for the presentation of this report is contained in the following resolution adopted by the General Assembly of 1925:

"That a Commission of Fifteen members be appointed to study the present spiritual condition of our church and the causes making for unrest, and to report to the next General Assembly, to the end that the purity, peace unity and progress of the Church may be assured."

In accordance with an accompanying action of the same General Assembly, the Moderator appointed the following members of the Special Commission of 1925:

Ministers: Rev. Henry C. Swearingen, D.D., LL.D., St. Paul, Minn., Chairman; Rev. Prof. Alfred H. Barr, D.D., Chicago, Ill.; Rev. Hugh T. Kerr, D.D., LL.D., Pittsburgh, Pa.; Rev. Mark A. Matthews, D.D., LL.D., Seattle, Wash.; Rev. Lapsley A. McAfee, D.D., Berkeley, Cal.; Rev. Harry C. Rogers, D.D., Kansas City, Mo.; Rev. William O. Thompson, D.D., LL.D., Columbus, Ohio; Rev. Edgar W. Work, D.D., New York, N.Y.

Ruling Elders: John M. T. Finney, M.D., Baltimore, Md., Vice-Chairman; Judge John H. DeWitt, LL.D., Nashville, Tenn.; Hon. Edward D. Duffield, LL.B., Newark, N.J.; Pres. Cheesman A. Herrick, PhD, LL.D., Philadelphia, Pa.; Hon. Nelson H. Loomis, LL.D., Omaha, Nebr.; Hon. Nathan G. Moore, LL.D., Oak Park, Ill.; Robert E. Speer, D.D., New York, N.Y.

The Special Commission has held four meetings as follows: Atlantic City, N.J., September 22-24, 1925, the Commission convening at the call of the Moderator of the General Assembly, and completing its organization by the election of the Rev. Lewis S. Mudge, D.D., LL.D., Stated Clerk of the General Assembly, as Secretary; Atlantic City, N.J., December 1-3, 1925; Chicago, Ill., March 11-12, 1926; Philadelphia, Pa., May 24-25, 1926.

The Commission appointed a number of Committees, and has pursued its inquiry in a spirit of harmony and unity. It is now privileged to present the following unanimous report.

The report comprises five main sections:

I--Preliminary Statements.

II--Spiritual Condition of the Church and Causes of Unrest.

III--Constitutional Principle of Unity With Its Historical Background.

IV--Power of the General Assembly and Effect of Its Action.

V--Conclusions and Recommendations.

I. PRELIMINARY STATEMENTS

The Commission feels that the General Assembly has given to it a mandate to promote purity and peace within the Church. If there be any possible way of stilling unrest and of adjusting differences, the Commission believes itself obligated to find that way. By the terms of its appointment, it is not permitted to consider any alternative; it has no business except this. With impressive unanimity, the Assembly voted to erect such a Commission. Doubtless it spoke for the whole Church. The Church desires that an end be made

Exhibit A

of the present unrest. The Church is praying and longing for such a result and, we believe, expects it to be attained.

Accordingly, the Commission began its work with a determination to face the facts, whatever they might prove to be. It consulted with representatives of those who were believed to be well advised as to the causes of unrest, and tried to get their ideas at first hand. It sought to understand their fears, whether these be fears for the purity of the faith, or fears for the rights of individual liberty. The Commission is not willing to deceive itself as to the gravity of the situation confronting the Church, nor does it desire to see others misled. Nevertheless, there are conditions which are encouraging. The Commission does not permit itself to assume the role of alarmist nor to magnify problems unduly.

Certain facts seem to stand out clearly:

1. It is not within the province of the Commission to review any judicial case decided by the General Assembly. Indeed it is a serious question whether the Assembly itself possesses any such power, although it has exercised it in a few instances and has claimed authority to do so where manifest injustice has been done, or where new facts have come to light. But the limitation upon the authority of a special commission in this respect seems to be clear. Accordingly, this Commission will not discuss any case already adjudicated.

2. There is practically no demand for change in the Constitution of the Church. Such suggestions to this effect as have been made, have not met with appreciable response throughout the Church. All parties appear to be willing to rest upon the Constitution of the Church as it stands. They are agreed that the remedies for our troubles are within the Constitution itself. This is an immense advantage. It leaves to be decided the question of interpretation only. If there were insistence upon alterations in the substance of our organic law, if it were proposed to add new articles, or to amend old ones, our difficulties would be multiplied greatly. So long as the Church is satisfied with the Constitution as it is, we have not broken the continuity of our history, and are in position to be guided by courses adopted in the past when the fathers faced conditions similar to those existing to-day.

II. PRESENT SPIRITUAL CONDITION AND CAUSES OF UNREST.

1. In accordance with the instructions which the Assembly gave the Commission, we have studied the present spiritual condition of our Church. Measured by the standard of the perfect Church of Christ, "glorious and without spot or wrinkle or any such thing, but holy and without blemish," our Church falls far short, and can only bow in penitence before its Head. But judged as an institution of men and women, seeking to serve their Saviour, we believe that with all its imperfections, it is a true and sincere Christian Church, loyal in faith and truly devoted in service.

Throughout its history it has grown steadily. It has increased faster in proportion to the total population of our country than our sister Protestant denominations. In the matter of church attendance, the conditions are better than they have been within the memory of this generation. The number of accessions on confession of faith during the Church year 1924-25 was the third largest ever reported. The gifts of our churches for their missionary and educational work, and for their own support have grown with steady increment from decade to decade.

The question must be asked, however, as to the quality of all this. There are more Presbyterians than ever, but are they as good and true Christians as were the Presbyterians of the past? Is prayer a living reality? Is the Bible studied and read as much as in the past? Are our people as well instructed in the truth? Is our faith Scriptural and practical and fruitful? Without attempting any comparative statement, there is ground for an answer which declared that there have been both gains and losses, which holds to a hopeful view and which,

nevertheless, realizes the need for a far richer and truer faith and life among us. We believe that Christian character and faith have not deteriorated.

It is our deep conviction that the great body of the Church is sound in faith, even when that faith is tested by the strictest standards. It holds fast to its historic faith in God's relation to this universe as its Creator and as the vital and unifying and governing Personality who imparts to the system order, stability and moral purpose; in the true deity of our Lord Jesus Christ and His true incarnation and His Virgin Birth and His resurrection from the dead; in His sinless holiness, the atoning sacrifice of His Cross, and His power to forgive sins. It stands fast in its faith that He is the only Saviour and that He is able to save to the uttermost them that come unto God by Him; that the new life from above which is essential to entrance into the Kingdom of God is created in the soul by the power of His Holy Spirit; that His Kingdom covers all human relationships and actions and that it includes the exercise of all power in heaven and on earth. It holds fast to its historic conception of the nature of the Church and to the Constitution which we have inherited from the fathers. It stands upon the divine authority of the Holy Scriptures, whatever divergences there may be in their interpretation. It is the unshakeable assurance of the Church that once the true content of the Scriptures is ascertained, their authority is supreme and final.

That God by His Holy Spirit has made a revelation of His grace in Christ, and of His righteous will, that we have this revelation in the Scriptures, "the only infallible rule of faith and practice," that they are sufficient to give knowledge of salvation, and of the way of Christian living, and that "the Supreme Judge by whom all controversies of religion are to be determined . . . can be no other but the Holy Spirit speaking in the Scripture," is a position upon which the Presbyterian Church stands firmly and for which it is ready earnestly to contend.

In these weighty Christian verities as held by the Presbyterian Church throughout its entire history, and only briefly catalogued here, we have a body of doctrine and a system of polity which bind us into a close and abiding unity, and priceless and common inheritance from the past which vests the title of heirship in every one of us without distinction. This is a tremendous fact that must not be forgotten when we are reflecting upon differences. In spite of wide geographical distances separating our churches and ministers, in spite of varying racial roots which reach back into the centuries and which are fed on sentiments that provoked national wars and reddened the earth with the blood of historic conflicts, in spite of every extreme of difference in residence and education, in social contacts and life-long customs, here we stand, a Church, with one heart beating at the center of its corporate life, bound together by the firm ties of a shining record that embraces the sacrifices and triumphs of the past, of a faith engaging the rich loyalties and abundant labors of the present, and of a hope, yearning, but sure, and drawing into its stimulating experience the holy promise of a fairer future—bound into a unity which, we believe, our generation will not break.

There are valuable moral and spiritual resources in the life of our Church which must not be overlooked even in so brief a survey. Some of these are the deposit and tradition of life and character which we have inherited from the past, the product of home life and training, of Biblical preaching, of a faithful, educated and evangelical ministry, of a loyal and living faith in Christ as the complete and absolute revelation of God, our only and sufficient Saviour. This great deposit and all that lies back of it and produces and sustains it, we all desire to keep and to pass on to the generations following.

At the same time, we believe that the Church, while grateful for its inheritance, realizes how far short we come of the ideal of the New Testament. We believe that worship expressed in service is good, but we believe also that the service which is needed to-day must be fed from still deeper springs of devotion and faith. We believe that the influences and interest of the Church in the work of moral and social progress is right, but we believe also that if this progress is to be true and lasting, there is greater need than ever of deep personal spiritual character and of definite evangelical faith and teaching. We believe that our Church,

fundamentally loyal and true, in spite of all its shortcomings and deficiencies, wants to find the way of largest obedience and service, the way, to use the language of the last General Assembly, "of purity, peace, unity and progress."

2. It is with the conviction that this is the earnest and united longing of the whole body of the Church that we turn now to consider, as we have been charged to do, "causes making for unrest in our Church." These causes we would venture to analyze as follows:

(1) We feel in our Church *those general movements and tendencies* which make for unrest not only in the churches but in all the thought and life of the nation and of the world. The war brought with it a general unsettling of men's minds, but previous to this the pressure of modern inquiry had pervaded every department of thought, political, economic, social and religious, and everything old and established was called in question. In one sense there was nothing new in this. Again and again humanity has faced just such great times of upheaval and unsettlement. But in another sense the unrest of our day is new. It touches all things and it reaches everywhere, and it is raising the most fundamental questions about God and the world, and man and human society. We and the Church to which we belong are a part of human life and it is inevitable that we should feel the effects of these deep movements of our day. The modern world is feeling its way. The Church is living in this modern world. There is a vast opportunity as well as a vast danger. Perhaps in five respects, especially, these general tendencies have contributed to unrest in our denomination as in all others.

(a) The so-called conflict of science and religion, due to the false ideas either of science or of religion or of both, has disturbed all churches. The only end of this disturbance is to be found in the truth. All truth is God's truth, and all truth is one, as God is one. In His own time and way, God will make it known according to the Scriptural promise, so clearly that all earnest seekers will recognize and grasp it. We can afford to wait patiently until men see this come, seeking ourselves meanwhile to be led on from any error we may hold, to the full truth of God.

(b) Naturalistic or materialistic views of the world which threaten and would destroy the Scriptural view of God and Christ and of the Gospel, have inevitably affected religious thought in all the churches.

(c) Part, but not all, of this conflict between science and religion and between different religious views, would seem to be due to the divergent interpretations of religion and of the unseen in terms of the immanence or the transcendence of God. Back of much of the general unrest would seem to be this failure to coordinate, as men sometimes will be enabled to coordinate, these two different and yet true and mutually essential thoughts about God.

(d) The lack of religious teaching or the presence of teaching subversive of religious faith and character in some institutions of learning, the dearth of religious instruction and influence in homes, discontent with old and established ideas and practices, the temper of youth, profound changes affecting all departments of human thought, have inevitably had their strong effect upon conditions within the churches.

(e) Changes in the meaning and use of language and diverse understandings and interpretations of the same words, have led to much confusion and uncertainty. Some are disturbed because they believe that others are departing from the faith while making use of its forms of speech, and some are disturbed because they believe that they are accused of such departure, though they declare that in their own consciences they are confident of full loyalty to all essential truth.

These are five of many causes of unrest which, perhaps, can be dealt with ultimately only through the general tendencies from which they originate. It is well to discern what these general causes are so that we

may see them and other causes, and the whole problem of our Christian life and work, in right perspective.

(2) Perhaps to these causes coming in from outside, we should add the *causes coming down from our past*. There are some who hold that there have always been two types or schools of Presbyterianism, merging together at the center, and in the main body of the Church, but more or less discernibly different at the extremes. There are some who hold that the Westminster Confession shows traces of two types of thought and that the Old and New Schools are self-perpetuating forms of Presbyterianism. The present so-called conservative and liberal elements in the Church, it is held by some, represent in a sense these old divisions. Neither element is willing to accept the reproach of departure from the historic position of the Church. Both are convinced of their loyal evangelical character. But one cause of unrest is found in the fear, on one hand, that the liberal element embraces some who have been too much influenced by the naturalistic tendencies of to-day, and the fear, on the other hand, that the conservative element embraces some who would abridge the just liberties guaranteed by the Constitution of the Church. There is distrust between those who believe that they stand for proper freedom and flexibility, and those who believe that they stand for the true authority of the Church and the integrity of its faith. Some feel that the differences here are not too great to be comprehended in our Church. Others feel that they represent irreconcilable divergences.

(3) Causes arising in the realm of *constitutional and administrative questions*.

(a) There are misunderstanding and diversity of views as to the authority of the General Assembly in the matter of interpretations and deliverances affecting doctrine. The Assembly has made such interpretations and deliverances and has declared its competency so to do, but there are some who hold that in all such actions the Assembly has exceeded its constitutional power, or that it has done so in some of the particular actions which it has taken. Others deny this and believe that in these matters the Assembly has been wholly within its powers. Still others hold that the Assembly is competent to make interpretations of doctrine, but not to issue doctrinal deliverances.

(b) There is a difference of view also as to the authority of the General Assembly over the Presbyteries in the matter of licensure of candidates. The Assembly has held that it had constitutional power of review and control, and that it was both competent and obligated to determine under this power the essential conditions of licensure. There are Presbyteries and ministers and laymen who hold that, either in whole or in a measure which recent actions of the Assembly have invaded, the rights of determining the conditions and requirements of licensure belong under our government to the Presbyteries. On the other hand, there is unrest because of the claim of some Presbyteries of the right to license candidates in contravention of the admonition of the Assembly.

(c) There has been and is divergence of view with regard to the so-called "Five Points" of the General Assembly's deliverances of 1910, 1916 and 1923. Some have held that it was altogether competent and right for the Assembly to single out these doctrines and to declare them "essential." Others have held that such a discriminatory selection was not warranted, that some of the doctrines are not stated in terms either of the Scriptures or of the Standards, and that the word "essential" is itself indefinite and open to misconception. For whom and to what are these doctrines "essential?"

(d) There are differences of opinion, too, in connection with the question of the true principle of tolerance, the just bounds of confessional freedom of interpretation of the Standards, and the nature of our terms of subscription. There are some who hold that no real issue exists here, that there is full recognition of the right of diverse interpretation of what is in the Standards, but that the real issue is over the denial of plain and essential statements of the Standards and even of plain statements of fact in the Scriptural account of the life of our Lord. Among those who take a different view of this matter, are some who think that there is need for revision of our terms of subscription or for some clearer declaration of the rights of those who subscribe

to the Standards, and of their obligation only to the system of doctrine which the Standards contain; but others think that the present terms and declarations and guarantees are adequate and that all that is necessary is a spirit of trust among us and a recognition of divergences of view which are within our just liberties and do not affect our essential evangelical faith.

(e) Involved in these causes of unrest is the general issue already stated, namely, on one hand, fear that the integrity of the doctrines of the Church and the constitutional powers of the General Assembly were in peril, and, on the other hand, fear that just liberties of thought and conscience in the Church and the constitutional power of the Presbyteries were threatened.

(f) The process of Board consolidation and reorganization has not been a smooth and easy one, and there are problems still to be worked out in connection with the new system. Whether justly or unjustly, the Boards have been criticized for their constitution, their administration and their expenditures. Further questions have been raised also in connection with new plans of administration, budget, and finance, which have brought discussion and unsettlement.

(g) And lastly, there are many women in the Church who are not satisfied with present administrative conditions. Some of them fear the loss of the organizations through which they have worked so long. Some regard as unjust the lack of representation of women in the Church.

4. [*sic* - (4.)] *Doctrinal and theological causes.* Is our unrest due to radical theological differences affecting our fundamental evangelical convictions, which cannot be met by our constitutional provisions, and which make our continued unity impossible? There are some who declare that this is the fact. We have given careful consideration to all the evidence which has been available.

(a) It has been declared by some that there has been a general and fundamental departure from evangelical faith. A statement has been brought to the attention of the Commission setting forth the view which some hold of general religious conditions at the present day as follows: "This controversy centers about two great questions; the divine character and authority of the Bible and the deity and work of Christ. One party to the controversy believes and stoutly affirms and maintains that the Bible is the inspired, inerrant, infallible Word of God, the only rule of faith and practice; that Jesus Christ is truly God as well as truly man, and as such, an object of worship; that by His life upon earth, and, above all, by His death on the Cross—in which event He offered up himself as a sacrifice to satisfy divine justice and to reconcile us to God—He did that apart from which there could have been no forgiveness for the sons of men; that after having made atonement for our sins, He arose from the dead and sat down at the right hand of the Father, where He reigns as King, and by the operation of His kingly power, through the instrumentality of the Holy Spirit, regenerates and sanctifies His people; that He will return to the earth, according to His promise, and create a new heaven and a new earth, wherein dwelleth righteousness. The other party, with great violence and ridicule, denies all this, and declares that the Bible is only traditional literature, that Christ was nothing more than a man filled with the Spirit of God, and of service to us chiefly as an example. His death is nothing more or less than that of any good man. He never rose from the dead, and He will never return to the earth."

This statement was not specifically declared to apply to the Presbyterian Church, but there are some who express fear of such condition in our own body. As far, however, as the Commission has been able to learn, there is in the Presbyterian Church no second party such as is described in this quotation. And we believe that the action of the last General Assembly in appointing this Commission to study causes of unrest and to make a report to the next General Assembly "to the end that the purity, peace, unity and progress of the Church might be assured," is evidence that the Assembly believed in its own evangelical unity and in the evangelical unity of our Church at large.

(b) But even though our Church as a whole is evangelically united, it is held by some that ultra liberal views have crept in and that there are ministers from whose preaching and faith the supernatural note of the Gospel has faded out. On the other hand, it is held by some that there are men of ultra exclusive views who deny the true liberty of Christ and who misrepresent the Gospel to men. To the extent that these things are true, they constitute grave causes of unrest which should be dealt with first by brotherly counsel and then, if need be, by suitable Presbyterian action. Indeed, we are persuaded that one chief ground of dissatisfaction is the failure of Presbyteries to exercise their proper functions in connection with the life and faith of the Church, and in accordance with the clear provisions of the Form of Government, (Chapter X, Section VII,) and of the Book of Discipline.

Many ministers and elders are without knowledge of the Constitution and history of our Church. During the past fifteen years, of 3,186 new names on our roll of ministers, 1,883 came from other denominations. They now represent some of our most useful and devoted ministers, but they and all of us, both ministers and elders, need to study diligently the Confession and polity of our Church, to the end that Presbyteries may fulfil their indispensable duties toward maintaining "the peace, purity, unity and progress of the Church."

(c) It is believed by some that there are certain differences of doctrinal view that have developed, which lie beyond the bounds of any questions of interpretation or meaning of terms of subscription such as the doctrine of Scripture and the fact of the Virgin Birth, and that these represent a fundamental and unavoidable ground of division of opinion.

5. [*sic - (5)*] There is a *further group of causes* of unrest to be considered. We refer to the misunderstandings and misinformation of which we have learned, but far more to the misjudgments and unfair and untrue statements which have been made in speech and in printed publications. Whether or not these be actionable under the laws against slander and libel, they are in clear violation of the injunction of the Church. No one can realize how grave and extensive the moral, and possibly the legal offense in this matter has been unless he goes over, as we have had to do under the instructions of the Assembly, the statements which have been made. If we are to have peace and purity in the Church, all slander and misrepresentation must be brought to an end. The Spirit of Christ must be allowed to bring forth His fruits among us and all evil speaking must be put away, to the end that "speaking truth in love, we may grow up in all things into Him, who is the head, even Christ; from whom all the body fitly framed and knit together through that which every joint supplieth, according to the working in due measure of each several part, maketh the increase of the body unto the building up of itself in love."

III. CONSTITUTIONAL PRINCIPLE OF UNITY WITH ITS HISTORICAL BACKGROUND

Foremost among the forces making for unity is a common faith expressed in our confessional symbols, but intimately related to this, and defining the way in which the faith is to be held among brethren in the Presbyterian Church, is the constitutional principle of toleration. This principle has been obscured in the recent controversies which have agitated the Church, and this obscurity underlies many of the causes of unrest set forth in the preceding section.

Thus far the Commission has put emphasis upon the opinions of others and has attempted to present fairly the differences of view which are unsettling the thought of the Church and impairing its spiritual life. The Commission desires now to submit some of its own considerations with special reference to the best method of approach to the problem before us.

A spiritual revival and a reconsecration of every life to Christ are imperative if harmony is to prevail and our Church is to render full service. Doubtless everyone will assent to this statement. In all our discussions its truth should be assumed as a prime condition of accord. We must begin on our knees, with confession of

our sins and sincere repentance, and must move forward in the spirit of renewed allegiance to the Master and of closer fellowship with Him which will conquer our selfishness, pride and hardness, and will insure in us humility of mind and the purity of heart which yields a vision of God.

Following this, our only safe and successful method will be found in the field of constitutional processes. Our Church, under the guidance of the Holy Spirit, has been bound together by its Constitution, and the Constitution must keep it together.

Some brethren in the Church hold that the provisions and statements of the Constitution are specific and definite, that the very language itself makes an end of controversy, and that this language has been confirmed by official deliverances of a number of General Assemblies.

On the other hand, there are those who claim that such reading of the Constitution is unwarranted, that it cannot fairly carry the restricted and limited construction often put upon it, and that some official deliverances of the Assembly have had the effect of adding to the Constitution, and so virtually amending it by extra-constitutional processes. In support of their position, they quote the words of the Constitution itself, which say, "that all church power, whether exercised by the body in general, or in the way of representation by delegated authority, is only ministerial and declarative; that is to say, that the Holy Scriptures are the only rule of faith and manners; that no church judicatory ought to pretend to make laws, to bind the conscience in virtue of their own authority; and that all their decisions should be founded upon the revealed will of God." (Form of Government, Chap. I, Section VII.)

These differences, we are convinced, do not exclude the elements of a basic unity. Ardently devoted to the Presbyterian Church, the supporters of both views wish to promote its welfare, both desire to see it become a mightier agency in the hand of God for extending His kingdom. Surely they are not hopelessly apart if both are moved by a deep loyalty not only to our Lord, and also to that branch of the Church in which both are now privileged to serve.

The Commission ventures to remind the General Assembly that while the Constitution does contain affirmations of doctrine and provisions for order that are both specific and definite, there is also built into its fabric the Christian principle of toleration. The language of some of the central doctrines of the Confession of Faith is so broad as to give an impression that these were cast in such terms with a studied purpose of covering differences already in existence when the document was framed; and it is a significant fact that whenever, in its entire history, divisions and separations have vexed the Presbyterian Church and weakened its work, these breaches have been healed, if healed at all, by a return to the simple and hospitable statements of the Confession. What stronger witness can there be that, if the principles woven into the Confession of Faith and the phraseology in which they are expressed tend to effect reunions, cordial acceptance of the same principles and a correct reading of the language defining them will tend to prevent disunion?

A brief review of the discussions which have troubled our Church in the past throws a revealing light upon the path which we are now treading. Controversy within the Presbyterian Church is not a new thing. We have passed this way before.

1. The first of these controversies within the American Presbyterian Church ended with the acceptance of the [Adopting Act in](#) 1729. The first Presbytery, formed in 1706, and the first Synod, organized in 1716, fell heir to the discussions over subscription to the Confession of Faith which distressed the churches in the motherland and divided the Irish Church. Before 1729 the American Presbyterian Church was divided in its sentiment regarding subscription to the Confession of Faith. Jonathan Dickinson, the first President of Princeton, and one of the ablest men in the Church, opposed it. He said, "I have a higher opinion of the Assembly's Confession than of any other book of the kind existent in the world, yet I don't think its perfect. I

know it to be the dictates of fallible men, and I know of no law, either of religion or reason, that obliges me to subscribe to it." The matter was keenly debated and in the end a compromise was effected. The Adopting Act was worded so as to be acceptable to everyone, and laid the basis of a creedal church. The Adopting Act reads:

"Although the Synod do not claim or pretend to any authority of imposing our faith upon other men's consciences, but do profess our just dissatisfaction with an abhorrence of such impositions, and do utterly disclaim all legislative power and authority in the Church, being willing to receive one another as Christ has received us to the glory of God, and admit to fellowship in sacred ordinances all such as we have grounds to believe Christ will at last admit to the Kingdom of heaven, yet we are undoubtedly obliged to take care that the faith once delivered to the saints be kept pure and uncorrupt among us, and so handed down to our posterity. And do therefore agree that all the ministers of this Synod, or that shall hereafter be admitted into this Synod, shall declare their agreement in and approbation of the Confession of Faith, with the Larger, and Shorter Catechisms of the Assembly of Divines at Westminster, as being, in all the essential and necessary articles, good forms of sound words and systems of Christian doctrine, and do also adopt the said Confession and Catechisms as the confession of our faith. And we do also agree, that all the Presbyteries within our bounds shall always take care not to admit any candidate for the ministry into the exercise of the sacred function unless he declares his agreement in opinion with all the essential and necessary articles of said Confession, either by subscribing the said Confession of Faith and Catechisms, or by a verbal declaration of their assent thereto, as such minister or candidate shall think best. And in case any minister of this Synod, or any candidate for the ministry, shall have any scruple with respect to any article or articles of said Confession or Catechisms, he shall at the time of his making said declaration declare his sentiments to the Presbytery or Synod, who shall, notwithstanding, admit him to the exercise of the ministry within our bounds, and to ministerial communion, if the Synod or Presbytery shall judge his scruple or mistake to be only about articles not essential and necessary in doctrine, worship or government. But if the Synod or Presbytery shall judge such ministers or candidates erroneous in essential and necessary articles of faith, the Synod or Presbytery shall declare them incapable of communion with them. And the Synod do solemnly agree that none of us will traduce or use any opprobrious term of those that differ from us in these extra-essential and not necessary points of doctrine, but treat them with the same friendship, kindness and brotherly love, as if they had not differed from us in such sentiments."

The phrase "essential and necessary articles," thrice repeated, contains the germ of differences that still vex the Church. When the Adopting Act was enacted the particular doctrine objected to was the submission of the Church to the State; those submitting to the Act objected to including this doctrine as one of the essential and necessary articles. The principle incorporated in the Act, however, has a wider application.

2. The second controversy resulted not in union but in separation. It is not necessary here to discuss the issues which led to the division of the Church into the Synod of Philadelphia and the Synod of New York. The separation took place in 1741. Differences developing out of the revival with which Jonathan Edwards was identified led, in time, to misrepresentation, suspicion and distrust. Men in the ministry were openly charged with insincerity and heresy. The immediate cause of the disruption, however, was the contention on the part of the Presbytery of New Brunswick that, as a Presbytery, it had exclusive right to ordain men to the Christian ministry in opposition to the expressed will of the Synod. The Synod divided on a vote of 12 to 10, and Dr. Charles Hodge calls it "a disorderly rupture." The breach existed until 1758, a union was effected on the basis of mutual confidence and the Standards of the Church. The question of the right of Presbytery to the final decision in the matter of ordination of candidates for the Gospel ministry was left undecided.

3. The third controversy led, in 1810, to the formation of the Cumberland Presbyterian Church. The General Assembly had been instituted in 1789, its powers defined and restricted by a written constitution, and the present form of subscription to the Standards of the Church adopted. A wide-spread revival, having its

origin in Kentucky, stirred the Church into renewed activity. It was attended, doubtless, by some fanaticism, but was a genuine work of grace and the Church was brought face to face with new problems and new needs. Candidates for the ministry were ordained who made a qualifying subscription to the Standards of the Church, and the crisis came when the Presbytery of Cumberland, standing upon what it claimed to be its rights, and in opposition to the expressed will of the General Assembly, ordained men who were not able to subscribe to all the doctrines of the Confession of Faith, and in 1810 the Cumberland Presbyterian Church was formed.

This breach lasted for almost a century and was healed after the Revision of the Confession of Faith, and the adoption of the Declaratory Act in 1903. In the deliverances of the General Assembly of 1906, preparatory to the union with the Cumberland Presbyterian Church, the General Assembly made the following pronouncement: "That ministers, ruling elders, and deacons, in expressing approval of the Westminster Confession of Faith as revised in 1903, are required to assent only to the system of doctrine contained therein, and not to every particular statement in it; and inasmuch as the two Assemblies meeting in 1904 did declare that there was then a sufficient agreement between the systems of doctrine contained in the Confession of the two Churches to warrant the Union of the Churches, therefore, the change of doctrinal Standards resulting from the Union involves no change of belief on the part of any who were ministers, ruling elders, or deacons in the Cumberland Presbyterian Church."

The reunion of the Cumberland Presbyterian Church and the Presbyterian Church in the United States of America, was effected in 1906 by constitutional processes on the basis of mutual confidence and the Standards of the Church as amended in 1903, no action being taken upon the right of the Presbytery to have absolute jurisdiction over the ordination of candidates to the Gospel ministry.

4. The fourth crisis in the Church issued in the division known as the Old School and the New School. The history which led up to this separation in 1837 is complex and involved. There were several contributing causes. The Act of Union adopted in 1801, by means of which Congregational ministers had voting power in the General Assembly and Presbyterian ministers the right to vote in Congregational Associations, was the chief contributing cause, but doctrinal differences also created suspicion and mistrust. It was declared in the so-called "Act of Testimony," that "Presbyteries were convulsed by collusions and Synods and Assemblies made theatres for the open display of humiliating scenes of human passion and weakness." The issue ebbed and flowed with successive Assemblies and in 1837 the disruption took place. The separation lasted until 1870, a period of thirty-three years, and was finally healed on the basis of mutual confidence, the spirit of toleration and the Standards of the Church which had been accepted and subscribed by each of the uniting Churches.

From this brief review one conclusion is inescapable; divisions and schisms have not cured theological controversy in the Presbyterian Church. If the question be raised as to whether the issues under consideration to-day are more important than those which occasioned unrest and division in the past, the answer is that those engaged in debating them believed that the questions then at stake were vital to the Gospel of redemption. Prior to the division of 1741 it was stated before the Synod that certain views held by Presbyterian ministers "do entirely upset all supernatural religion, render regeneration a vain and needless thing, and involve a crimson blasphemy against the blessed God." In the circular letter sent out by the General Assembly of 1837, this Assembly set forth the doctrines of the New School as being "in fact another Gospel; and it is impossible for those who faithfully adhere to their public standards to walk with those who adopt such opinions with either comfort or confidence."

The experience of the past teaches us many valuable lessons. Certain of our State constitutions set forth the principle in these terms: "A frequent recurrence to the principles of self government is essential to maintain the blessings of liberty." From the events of our own history we cull the remedy for many of our

present ills. Two controlling facts emerge. One is, that the Presbyterian system admits of diversity of view where the core of truth is identical. Another is, that the Church has flourished best and showed most clearly the good hand of God upon it, when it laid aside its tendencies to stress these differences, and put the emphasis on its unity of spirit.

Our constitution, like the tables of the law, has two aspects. It deals not only with our duties to God, but also with our relations to each other, and these are equally imperative. Our Lord Himself condensed all the commandments into two, which are specific on the divine and human relationships, and said "On these two commandments hang all the law and the prophets." The Church at large should illustrate, as well as demonstrate, the power of the Gospel to bind up wounds and to soften animosities; and such, we are convinced, was the purpose of incorporating in the Presbyterian Constitution, the obligation for brethren to maintain a patient, considerate and brotherly attitude toward each other. The various groups in the present discussion declare their approval of and adherence to our Constitution. These declarations must be accepted as sincere. All assert that the Constitution is the only adequate test of Presbyterianism. The Church has many times solved its difficulties by this criterion alone.

The principle of toleration when rightly conceived and frankly and fairly applied is as truly a part of our constitution as are any of the doctrines stated in that instrument. Not only is the principle expressed in definite terms, but its place and authority as a part of our organic law is further indicated in a number of articles by clear and necessary implication. Furthermore, it is recognized through unbroken practice in the administration of our form of government and our discipline.

Toleration as a principle applicable within the Presbyterian Church refers to an attitude and a practice according to which the status of a minister or other ordained officer, is acknowledged and fellowship is extended to him, even though he may hold some views that are individual on points not regarded as essential to the system of faith which the Church professes. Presbyterianism is a great body of belief, but it is more than a belief; it is also a tradition, a controlling sentiment. The ties which bind us to it are not of the mind only; they are ties of the heart as well. There are people who, despite variant opinions, can never be at home in any other communion. They were born into the Presbyterian Church. They love its name, its order and its great distinctive teachings. In its fellowship they have a previous inheritance from their forbears. Their hearts bow at its altars and cherish a just pride in its noble history. Attitudes and sentiments like these are treasures which should not be undervalued hastily nor cast aside lightly. A sound policy of constitutional toleration is designed to conserve such assets whenever it is possible to do so without endangering the basic positions of the Church.

The liberty which toleration allows is not to be judged finally by individuals. It is freedom with boundaries, and these boundaries are fixed by constitutional authority. Perhaps we are prone to forget that toleration begins with the mass. It is the self-imposed restraint which an organized body lays upon its own action. Either by a written constitution or by prevailing practice an organization draws lines beyond which it pledges itself not to pass. It delimits areas which it will not invade, and within these areas the individual member of the organization has freedom. The entire body exercises its own liberty first, in voluntarily circumscribing the field of its action, and this, in turn, guarantees the liberty of the individual outside of such limits.

It follows, therefore, that whenever a question arises as to where these limits are, the issue must be decided by the organization and not by the individual member of it. As applied within the Presbyterian Church, this means that such issues will be determined either *generally*, by amendment of the Constitution, or *particularly*, by Presbyterial authority, subject to the constitutional right of appeal.

Toleration does not involve any lowering of the Standards. It does not weaken the testimony of the

Church as to its assured convictions. It does not imply that support is offered to what may be regarded as a brother's error. But it does mean that in the spirit of Christ, patience is exercised by the body of the Church toward those deemed to be at fault in some of their beliefs, remembering our own proneness to err, in order that by the manifestation of such graces, and by prayer, together with fidelity in our own witnessing, all finally, may be brought to see eye to eye in a fuller apprehension of the truth, and led into a convincing compliance with the Master's new commandment that His disciples should love one another. The principle here set forth can not be better stated than is done in the Form of Government, Chap. I, Section V:

"That while under the conviction of the above principle, they think it necessary to make effectual provision, that all who are admitted as teachers, be sound in the faith; they also believe that there are truths and forms, with respect to which men of good characters and principles may differ. And in all these they think it the duty both of private Christians and societies, to exercise mutual forbearance towards each other."

IV. POWER OF THE GENERAL ASSEMBLY AND EFFECT OF ITS ACTIONS

Another constitutional principle which must be recognized and applied, relates to the power of the General Assembly and the effect of Assembly actions. There appears to have been much confusion in the thinking of the Church regarding this general subject.

Until recently our Church has labored under the disadvantage of having no continuing body of judicial officers whose duty it was to study and define the principles, and to analyze and to analyze and classify the precedents and deliverances which express our conceptions of applied ecclesiastical authority. Even now the tenure of membership in the Permanent Judicial Commission is so brief that one scarcely becomes settled in the performance of his duties, before his term of office expires. Previous to the institution of the Permanent Judicial Commission, these matters were handled usually by bodies appointed by the General Assembly as need for them might arise. The result has been that until a comparatively late date, no person or group of persons has been designated officially to keep these matters under continuing investigation. Only as individual minds, and temperamental interest may have inclined in that direction, and this without authority, has there been any orderly and sustained canvass of the problems involved. As a consequence, inconsistencies, and even some contradictions appear in this field along the path of our Church's history. Nevertheless, there are some principles which, in the opinion of the Commission, appear to be sound in logic and well established in practice.

1. The General Assembly is not heir to all the powers of The (General) Synod. This is a distinction often ignored by those who quote the actions of The (General) Synod, as though its authority passed over unchanged to the General Assembly. The (General) Synod was composed of all the ministers in the denomination, and of a representative from the session of every particular church. The (General) Synod was the whole Church. Supreme authority inhered in it. The (General) Synod had no constitution except that which belonged to its own nature and to the nature of the Presbyterian system, besides such statements and decisions as, in the exercise of its supreme power, it chose to make. By the same power, it could rescind or alter any of these actions without reference to any superior authority. The Adopting Act is a case in point. This measure was not referred to the Church through any other channel, because the Church was deemed to be fully present in The (General) Synod itself. The same is true of the reunion in 1758, of the two divisions of the body which had separated in 1741. It is true also of the adoption of our present Constitution. This organic law in its original form was never remitted to the Presbyteries for ratification. Even in so vital a matter, the power of The (General) Synod was complete and final.

There was some similarity between The (General) Synod and the British Parliament in respect to the freedom of both bodies from restraint, except as those restraints inhered in the character of the institutions themselves, and in the will of their members, guided, but not controlled, by precedents. There was no formal,

defined or written constitution. Precedent and history and the experience of similar bodies throughout the world had their effect, but the force of all of these could be set aside. To quote actions of The (General) Synod therefore, as though they constituted controlling precedents as to the methods by which similar actions may be taken by the General Assembly, is clearly inadmissible.

A fact supporting this last statement is that the General Assembly has limited, defined, and delegated powers. It has another authority above it, namely, the Constitution of the Church. The General Assembly did not make the Constitution [although The (General) Synod did make it], but the Constitution made the General Assembly. Herein is the difference between the two bodies.

The only way by which the General Assembly can bring about a change in our Form of Government, Book of Discipline or Directory for Worship is by proposing the change to the Presbyteries, and having it approved by a majority of all the Presbyteries. Before any amendments or alterations in our Confession of Faith or the Larger and Shorter Catechisms can be brought about by the General Assembly, they must be favorably acted upon by a committee of ministers and ruling elders, in number not less than fifteen, appointed by the General Assembly and its action adopted by the Assembly, and they must thereafter be approved by two-thirds of all the Presbyteries.

If the (General) Synod, as respects its powers, may be compared with the British Parliament, the General Assembly may be likened to the three departments of the United States Government combined in one, the executive, the legislative and the judicial. The General Assembly exercises all of these functions, though without confusing them. In our system of national government, each of these departments exercise limited and delegated authority. No one of them is a law unto itself—not even the Supreme Court. The powers and jurisdiction of the Supreme Court are conferred by the Federal Constitution. The Supreme Court cannot transcend these powers against the will of the people expressed in the Constitution, without introducing anarchy into the people's government. The General Assembly sits sometimes in an executive and administrative capacity; again it may act as a legislative body; and yet again as a judicial tribunal; but always with restricted powers.

In the performance of each of these functions, the General Assembly possesses a somewhat different character. The failure to distinguish among these functions performed by the Assembly, as they have been distinguished in our American civil government, is the cause of some of the confusion which has crept into our minds regarding this matter.

2. From the above statement of principles it follows that at least three differing methods of setting precedents and enacting laws within the Presbyterian Church must be separated in our thinking.

(1) There will be no question, perhaps, regarding the legislative and administrative acts of the General Assembly. Every one recognizes the scope and effect of these powers when exercised. It is necessary to remember, however, that deliverances of the General Assembly, when it is sitting either in its legislative or administrative capacity, should be clearly distinguished from decisions in judicial cases when the Assembly exercises the powers of a judicial court; and these in turn are not to be confounded with the ordainment of organic law by the processes provided in the Constitution and referred to above. When the General Assembly as a non-judicial body makes deliverances, they are entitled to great respect and deference, but they are subject to modification or repeal at any time by a majority vote of the General Assembly.

(2) When, however, the General Assembly acts in its judicial character, the effect is different, that is, if we are to follow the practices established in the civil sphere, now become a part of the thought of our people, and we know of no other course so safe. A judicial case is heard upon issues clearly presented, upon notice to and full argument by the parties, and it is decided after mature deliberation. No rule is laid down in such a

case that is not applicable to the facts and determinative of the issues.

When a judicial case which comes to the General Assembly by constitutional procedure, a case which is issued by the General Assembly and judgment entered, the matter is disposed of, and the judgment in that particular case is final. The reason is that the Constitution of the Church does not provide for any higher judicial tribunal than the General Assembly, and an end of litigation must be reached somewhere. The decision in such a case stands as a powerful and persuasive precedent until altered or reversed.

The General Assembly has the power in its judicial capacity to record a contrary judgment in another case, resting upon a state of facts similar to, or precisely the same as, those of the former case. The General Assembly has power to do this at the same sitting of the court (though it is highly improbable that it would do so), and any succeeding Assembly also can create such new precedents, by the same means of a judicial decision in a specific case.

(3) It will be seen that this is something entirely different from the adoption of an amendment to the Constitution. It would be intolerable if the General Assembly, whose powers are limited by the Constitution, could, even when sitting as a judicial court, amend by indirection, the organic law of the Church, which contains within itself provisions for effecting orderly change. No one contends that the Supreme Court of the United States has the power to amend the Federal Constitution by adding to or taking from it, its function being limited to interpretation of the Constitution in cases of ambiguity. The Constitution of the Presbyterian Church can be amended only by the General Assembly and the Presbyteries acting concurrently, according to methods defined in the Constitution and already referred to.

3. It is important in this connection to make a clear distinction between the judgment which is rendered in any particular case, and the reasoning on which that judgment rests. The reasoning may be faulty, and may be open to attack in another action, but so far as that original case is concerned, the judgment stands. It is not unheard of that a court may accept the contentions of a litigant, but for entirely different reasons than those adduced in the briefs. It has also been known that a court may arrive at a correct conclusion, but may support it by reasoning which is not correct. Thus it is that a principle enunciated in the decision of a court of last resort is always subject to challenge when it is sought to apply that principle in later cases, either because the principle itself is deemed to be faulty, or because the reasons presented in support of it are thought to be not sound.

At this point the utmost caution is necessary. It is to be presumed that the challenging of a principle laid down in a decision of any supreme judicial tribunal will be undertaken with great reluctance and under a sense of the heavy responsibility one assumes in doing so. As a matter of practice in the civil courts, there has been strong disposition, which has hardened almost into a fixed rule, to let such principles stand. However, the fact is plain and unquestioned that courts of supreme authority have been known, on sufficient occasion, to reverse their own conclusions and not infrequently they modify them appreciably. And anyone in the Presbyterian Church who believes the issue at stake to be vital and imperative has the right, in a new case, to plead for relief in later decisions and should have the privilege of doing so, if he show sincerity and conscientiousness, without subjecting himself to any reflection upon his loyalty to the Church and to its institutions.

The above principles, if rightly applied in a spirit that seeks accommodation and concord, should be capable of meeting, in so far as legal procedure can meet them, some phases of the situation which we are now facing.

V. CONCLUSIONS AND RECOMMENDATIONS

The principles which we have discussed in the preceding sections, by no means exhaust the questions at issue. One of the most important of those remaining to be considered is the relative powers of the General Assembly and of the Presbytery as regards matters over which the Presbytery has original jurisdiction. The rights of the Presbyteries and the limits of their independency is a question that has been involved in at least two of the historic divisions of the Presbyterian Church, that of 1741 and that of 1810, but it never has been fully and definitely settled. Divisions in which it played a part have been healed by passing it over. The responsibility of the Presbyteries in licensing and ordaining candidates for the ministry runs down and roots itself in this broader principle of the relation between Presbytery and Assembly, and of the full discharge by each body of its constitutional functions.

Another aspect of the same general problem is the meaning of the phrase "review and control" as used in our Constitution. There are a number of questions which can be asked on this point, and they are being asked, as already indicated in the paragraphs of this report dealing with causes of unrest. They demand an answer.

It is desirable also to secure a more exact definition of the phrase "essential and necessary articles of faith" and of the authority to determine such articles. This phrase has long been prominent in our terminology, and has proved to be a cause of uneasiness and confusion.

It has not been possible to deal adequately with these subjects. The Commission believes that the work which it was appointed to do will not be complete until a study of them has been made and conclusions reported.

It is evident to the Commission that these matters cannot be dealt with successfully off-hand. A hasty settlement may prove to be no settlement at all. Interests are too sacred and feeling too strong to admit of a treatment of the subject which does not take account of the healing effects of time. There must be time for conference and fellowship, for the modification of opposing attitudes, the harmonizing of divergent opinions, and for bringing together positions that seem to be apart.

There must be occasion and opportunity for those not in accord to try to work together upon the basis of principles acknowledged by all, but freshly defined and commonly understood. The Church seeking peace must wait for the spirit of peace to spread and for a full maturing of the purpose to attain peace.

The Commission is profoundly convinced that above all issues in importance and before every other proposal designed to unite our thinking and our spiritual interest, is the imperative necessity of a quickened loyalty to our Church, to its historic standards, and to our living Lord. Any settlement which promises to hold together the great masses of our ministers and members must be one which guarantees that through their unbroken ranks shall ring the note of undying allegiance to the Son of God as He is presented to us in the Scriptures.

It is Recommended—

1. That the General Assembly approve the foregoing report and commend it to the Church for study as a statement of facts and a definition of certain general principles which tend to clarify the issues involved in the recent discussions, and as furnishing a common ground upon which all members of the Church may stand, and from which, by the blessing of God and the leading of His Spirit, all may move forward to more complete harmony of opinion and to full brotherly accord in spirit.

2. That in furtherance of these purposes, the Commission be continued for another year and be charged with the duty of considering further the questions referred to in this report as not yet having been brought

under full investigation, and all other remaining questions relating to the general subject, and that it report on these to the next General Assembly.

3. That the General Assembly while welcoming the discussion of great theological and practical issues lays upon the consciences of ministers and members, the duty of exercising patience and forbearance, and of refraining from public expression of hasty or harsh judgments of the motives of brethren whose hearts are fully known only to God; especially from bringing against individuals "in a calumniating manner." and not in the legally prescribed way, charges which assail their loyalty as Presbyterian ministers or ruling elders, and even their Christian belief, and which otherwise tend to weaken their influence as servants of Christ in His Church; so that discussion of the serious problems affecting the welfare of our Church, in so far as discussion may seem wise or necessary, may proceed in a way that will persuade the minds and win the hearts of men, stimulate the Church to greater activity in carrying forward its task and encourage all to provoke one another to love and good works.

4. That this Assembly records its unshaken loyalty to the whole body of evangelical truth, and more specifically, that it declares its purpose to uphold the Constitution of our Church and to maintain the integrity of its historic and corporate witness to our Lord Jesus Christ as He is represented to us in the Scriptures, and to the system of doctrines set forth in the Westminster Confession of Faith.

Respectfully submitted,

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MINUTES

217th GENERAL ASSEMBLY

**2006
PART I
JOURNAL**

**Published by the Office of the General Assembly
100 Witherspoon Street
Louisville, KY 40202-1396**

Exhibit B

Although the task force has affirmed commonly held convictions of Presbyterians on the issues the General Assembly named in the task force's mandate, it has not taken positions on disputed issues whose resolution might necessitate constitutional change. Nor has it debated various measures that have been or may be sent to the General Assembly at which this report will be received. We believe it would create confusion and further conflict to attempt to make major constitutional changes to section G-6.0106 or on other controversial issues before the church has reacquainted itself with the time-tested principles of the proposed authoritative interpretation. In the same period, additional measures are required to create a climate for discernment. Whenever possible, personal engagement, mediation, and conciliation should be used before either administrative or judicial action is considered.

7. The Task Force on Peace, Unity, and Purity of the Church recommends to the 217th General Assembly (2006) that this report answer the following: *Overture 01-33, Commissioners' Resolutions 00-28, 01-23, and Item 02-10.*

Rationale

These items referred to the task force by previous General Assemblies are answered by this report.

Comment: The success of this proposal is dependent upon all governing bodies taking all standards of the church seriously and applying them rigorously in the examination process. All governing bodies are encouraged to develop resources to ensure that this happens.

Endnote

1. "G-6.0106 Gifts and Requirements

"a. To those called to exercise special functions in the church—deacons, elders, and ministers of Word and Sacrament—God gives suitable gifts for their various duties. In addition to possessing the necessary gifts and abilities, natural and acquired, those who undertake particular ministries should be persons of strong faith, dedicated discipleship, and love of Jesus Christ as Savior and Lord. Their manner of life should be a demonstration of the Christian gospel in the church and in the world. They must have the approval of God's people and the concurring judgment of a governing body of the church.

"b. 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 between a man and a woman (W-4.9001), 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 Sacrament."

ACC ADVICE ON ITEM 06-01

Advice on Item 06-01—From the Advisory Committee on the Constitution (ACC).

The Advisory Committee on the Constitution advises the 217th General Assembly (2006) with respect to Item 06-01 with the following comments:

Recommendation 5 of the Report of the Task Force on Peace, Unity and Purity (Item 06-08) asks the General Assembly to approve an authoritative interpretation of G-6.0108 as it pertains to the responsibilities of governing bodies with respect to the ordination or installation of ministers of Word and Sacrament, elders, and deacons. The recommended authoritative interpretation is clear and within the power of the General Assembly to approve if it chooses.

A. *Current Constitutional Standards Regarding Ordination*

The Advisory Committee on the Constitution (ACC) believes that clarity as to the current constitutional standards regarding ordination is important to understanding and assessing the proposed authoritative interpretation.

Presbyterians, in the midst of our most serious conflicts, have found themselves being reformed according to the Word of God (*Book of Order*, G-2.0200). One example is found in the Adopting Act of 1729, which anchored the ordination standards in the essentials of the Reformed faith and allowed candidates to declare differing opinions on matters not deemed "essential and necessary." Another example is the deep division in the 1920s in the fundamentalist/modernist controversy that led to the report of the Special Commission of 1925. The report said in 1926, "The Church at large should illustrate as well as demonstrate, the power of the Gospel to bind up wounds and to soften animosities; and such, we are convinced, was the purpose of incorporating in the Presbyterian Constitution, the obligation for [Presbyterians] to maintain a patient, considerate and [caring] attitude toward each other" (*Minutes*, PCUSA, 1926, Part I, p. 78). If we desire to resolve our present conflict, we must use the many and varied gifts God has provided. For several years, the Advisory Committee on the Constitution (ACC) has sought to make the following salient points:

06 ASSEMBLY COMMITTEE ON ECCLESIOLOGY

1. There are three sources of constitutional authority for the PC(USA):
 - a. The language of the *Constitution* itself (and amendments made to it),
 - b. General Assembly Permanent Judicial Commission decisions interpreting the *Constitution*,
 - c. Deliberate General Assembly interpretations together are referred to as “authoritative interpretations” made pursuant to G-13.0103r.
2. The most recent interpretation of a provision of the *Book of Order* shall be binding.
3. The process of constitutional amendment is carefully defined in the *Book of Order* (Chapter XVIII).
4. The constitutional structure of the church is not modeled on the United States federal system with the General Assembly Permanent Judicial Commission as a supreme court that has final authority in constitutional matters because the General Assembly itself also has power to provide authoritative interpretations of the *Constitution* in accordance with G-13.0103r.

The Advisory Committee on the Constitution has in the past advised that the standards of the church on ordination cannot be changed by a General Assembly authoritative interpretation alone.¹

In 1978, the former UPCUSA adopted a policy statement that came to be called “definitive guidance.” The next year, 1979, the former PCUS adopted a similar statement. Both sought to prohibit the ordination of “self affirming practicing homosexual persons.” The General Assembly of the church determined in a Permanent Judicial Commission (PJC) decision (*Union Presbyterian Church of Blasdell v. The Presbytery of Western New York, Minutes*, 1985, Part I, p. 118 *et seq.*) that those earlier statements carried the authority of the present *Constitution*. Thus, the earlier “definitive guidance” became an “authoritative interpretation.”

In 1996, the General Assembly proposed, and in 1997 the presbyteries adopted, an amendment to the Form of Government found at G-6.0106b. The provisions of G-6.0106b have been interpreted by the General Assembly PJC on several occasions.

In *Wier v. Second Presbyterian Church* (*Minutes*, 1999, Part I, p. 831) [*Weir I*], the General Assembly PJC held that G-6.0106b does not authorize the nullification of an ordination that has been completed, even if the ordination might have been contrary to G-6.0106b’s provisions.

In *Benton, et al v. Presbytery of Hudson River* (*Minutes*, 2000, Part I, p. 586), the General Assembly PJC limited the application of G-6.0106b, finding: “The Appellants argue that since G-6.0106b is a foundational standard derived from the Confessions, it should be applied to standards for worship as well. This is unpersuasive. The plain language of G-6.0106b speaks only to ordination. The adoption of G-6.0106b did nothing to change the constitutional interpretation concerning worship practices set out in the 1991 Authoritative Interpretation” (Ibid, 587).

In *Londonderry, et al v. Presbytery of Northern New England* (*Minutes*, 2001, Part I, p. 577), the General Assembly PJC held that a higher governing body had an obligation to exercise pastoral oversight when an ordaining body (a session) adopted the position that “we vow to continue welcoming persons living singly or in committed relationships, regardless of sexual orientation, into the life, membership and leadership of this congregation on an equal basis, including eligibility for election and ordination as a ruling elder or deacon” (Ibid, pp. 577–78). In reaching this conclusion, the PJC noted: “G-6.0106b presents the qualifications established by the corporate judgment of the whole church for ordination to service as minister of the Word and Sacrament, elder, and deacon. The Historic Principles of Church Order are explicit as to the right of the church to make and to enforce these standards” (Ibid, p. 579).

In *Wier v. Second Presbyterian Church of Ft. Lauderdale* (*Minutes*, 2002, Part I, p. 339) [*Weir II*], the General Assembly PJC held that an allegation that the accused was a “practicing homosexual” was an insufficient allegation of an irregularity against the respondent, and that the complaint must allege that the person purportedly disqualified from ordination or installation must have self-acknowledged the proscribed sin. The PJC further explained: “Self-acknowledgment may come in many forms. In whatever form it may take, self-acknowledgment must be plain, palpable, and obvious, and details of this must be alleged in the complaint” (Ibid, p. 341). Finally, the PJC went on to hold that “[s]ince the standard for self-acknowledgment is that it be plain, palpable, and obvious, the ordaining and installing governing body is in the best position to make any such determination based on its knowledge of the life and character of the candidate” (Ibid).

In *Presbytery of San Joaquin v. Presbytery of the Redwoods* (*Minutes*, 2003, Part I, p. 277), the General Assembly PJC held that “sexual orientation alone would be no more sufficient or reasonable grounds for further questioning than would singleness, obesity or any other categorization. In other words, stereotypical profiling is not a reasonable or valid ground for singling out a candidate for additional questioning. Therefore, if a person does not self-acknowledge a practice that the confessions call sin, then a governing body has a positive obligation to make further inquiry only if it has direct and specific knowledge that said person is in violation of the ordination and installation standards of the Constitution” (Ibid, p. 280).

In *McKittrick v. Session, West End Presbyterian Church of Albany, New York* (*Minutes*, 2003, Part I, p. 272), the General Assembly PJC held that where an “elder had admitted during his examination that he was a gay man in a fifteen-year relationship, and that this information had previously been shared with his pastors and the nominating committee of the church” (Ibid, p. 272), a remedial case could seek a declaration that the installation was irregular. Further, the PJC held that a remedial case could challenge the procedures followed by the installing body, as opposed to the conduct of the individual installed. Finally, the PJC noted that “when, as in this case, an installation occurs immediately following the examination process, there may be no practical opportunity for a protesting or dissenting party to seek a stay of enforcement of the decision to install. The Presbyterian custom of conducting business ‘decently and in order’ should not be converted into a race in which the swift prevail. We undermine our system of mutual accountability when the proceedings such as ordination or installation are rushed with the consequence (whether intended or otherwise) that certain remedies become unavailable. Therefore, we encourage governing bodies to permit sufficient time between the examination and installation or ordination of a candidate so that there can be no intimation that any governing body intended to shield its action from scrutiny” (Ibid, 274).

In summary, cases before the General Assembly PJC have established at least the following authoritative interpretations of G-6.0106b:

1. Governing bodies are not free to declare that they will disobey the constitutional standards for ordination and installation established by the whole church, and when faced with such a declaration higher governing bodies must exercise oversight, whether pastoral or administrative over the disobedient governing body.

2. *Book of Order*, G-6.0106b, applies to ordination and installation, and does not otherwise set constitutional limitations for governing bodies.

3. *Book of Order*, G-6.0106b, requires that the conduct complained of be self-acknowledged for it to constitute a basis for challenging a governing body’s decision to ordain or install, as opposed to its process for making such a decision. Self-acknowledged means that by words or actions, the person seeking ordination or installation has made it plain, palpable, and obvious that he or she is engaged in conduct “the confessions call sin.” Alleged sexual sin (lack of chastity in singleness or fidelity in marriage) is subject to the same high standard of self-acknowledgment as any sinful behavior in precluding ordination or installation.

4. With respect to a challenge based on an alleged lack of chastity or fidelity, sexual orientation alone is not sufficient ground to require a governing body to make further inquiry into a person’s fitness for office.

5. A challenge made to the process by which a governing body makes a decision to ordain or install is subject to review, and presumably to correction of the process by which such decisions are made.

The recommendations of the task force offer answers to two other significant questions raised by G-6.0106b that the General Assembly PJC has not addressed:

- how an ordaining or installing body should determine which practices the confessions call sin; and
- what is the standard of review by higher governing bodies over such determinations.

B. *G-6.0108 and Freedom of Conscience within Certain Bounds*

Section G-6.0108 reflects an important principle of Presbyterian polity—the balance between the individual right of conscience recognized in the Westminster Confession and the necessity of uniformity within our denomination in those things our community has found to be essential. While the principle originated at the time of the Adopting Act in 1729 based on certain ministers’ objections to portions of the Westminster Confession relating to the relationship between the church and civil government, over the history of the denomination the view of what is essential and nonessential broadened to other issues. The discussions of the history of this issue in the 1926 Report of the Special Commission of 1925 (*Minutes*, PCUSA, 1926, Part I, pp. 62–87), the 1972 Report on Doctrinal Loyalty (*Minutes*, PCUS, 1972, Part I, pp. 195–200), and in the 1983 Report of the Special Committee on Historic Principles, Conscience, and Church Government (*Minutes*, UPCUSA, 1983, Part I, pp. 141ff) are valuable background in the consideration of the current recommendation.

The Report of the Special Committee on Historic Principles, Conscience, and Church Government (*Minutes*, UPCUSA, 1983, pp. 141ff), sets forth well the basis for this principle:

Reasonable people may differ about many matters. The church should encourage diverse points of view. Diversity may be a sign of health of the church. Uniformity may be the result of the tyranny of those in control, the failure to acknowledge differences, or the fear of ostracism.

Those beliefs and practices about which the church tolerates or encourages diversity are nonessential. The distinction between essential and nonessential articles entered our church with the Adopting Act of 1729. Nonessential issues are not unimportant but are those subjects about which diversity is understood to be desirable or acceptable. A nonessential issue is judged by a governing body of the church to be one about which agreement or compliance is not required. The General Assembly makes, for example, a particular pronouncement about an issue in the world. The issue is important and the debate of the General Assembly is intense and weighty because the consequences are important. But agreement with the position of the General Assembly is not required. People may even be encouraged by the Assembly to continue to voice contrary viewpoints.

Essential matters are those regarding which the church does require uniformity of either belief or practice. There are some issues which are so clearly understood to be essential that the church does not vote on them until a challenge is made. For example, the doctrine of the two natures of Christ was assumed to be essential until the question was raised about its essential character. Then the church is required to make a decision through its carefully defined procedures. Essential or necessary matters of faith and practice are determined by the appropriate governing body only in response to a challenge in a particular instance.

The consequent decision by an individual to withdraw is a last resort after the dissenter has exercised all the options mentioned earlier in the discussion of Principle Two. The person needs to be willing to participate in honest debate and be open to the possibility of being persuaded by the view of the majority. When the governing body has acted and has determined that the issue is essential and that compliance is therefore required, then the conscience of a dissenter may be abused if that person remains within the denomination. The freedom to withdraw from a voluntary association preserves the right of private judgment.

The individual does not make the decision about the essential character of a particular decision of a governing body. The governing body, itself, arrives at such a determination after being careful to allow sufficient time for thoughtful debate and the full consideration of differing points of view. The action of the governing body may be to determine that the issue in question is not essential. In that case, the individual is still free to speak and act from a conflicting point of view. If, however, the governing body determines that the particular question is essential and that compliance is necessary, then the individual holding a minority opinion must exercise judgment about the possible violation of conscience.

Mutual forbearance is to be exercised by individuals within the church toward one another. Forbearance is willingness to accept other people in the church who do not share our own ideas. To exercise forbearance is to accept diversity with gratitude for those who differ and willingness to remain in conversation with people whose perspective may disturb us.

Ultimately, the tolerance of the exercise of individual conscience within the bounds determined by the appropriate governing body is intended to build up the church:

It follows, therefore, that whenever a question arises as to where these limits are, the issue must be decided by the organization and not by the individual member of it. As applied within the Presbyterian Church, this means that such issues will be determined either *generally*, by amendment of the Constitution, or *particularly*, by Presbyterial authority, subject to the constitutional right of appeal.

Toleration does not involve any lowering of the Standards. It does not weaken the testimony of the Church as to its assured convictions. It does not imply that support is offered to what may be regarded as a brother's error. But it does mean that in the spirit of Christ, patience is exercised by the body of the Church toward those deemed to be at fault in some of their beliefs, remembering our own proneness to err, in order that by the manifestation of such graces, and by prayer, together with fidelity in our own witnessing, all finally, may be brought to see eye to eye in a fuller apprehension of the truth, and led into a convincing compliance with the Master's new commandment that His disciples should love one another. 1926 Report of the Special Commission of 1925 (*Minutes*, PCUSA, 1926, Part I, pp. 79–80); see also 1972 Report on Doctrinal Loyalty (*Minutes*, PCUS, 1972, Part I, pp. 195–200).

C. *The Proposed Authoritative Interpretation*

The Advisory Committee on the Constitution offers the following observations concerning the authoritative interpretation of G-6.0108 proposed, and in particular on the intersection between that authoritative interpretation and the application of G-6.0106b:

1. *Recommendation 5.a.*: This paragraph restates a well-established principle of our polity. It provides the context for the remaining paragraphs of the proposed authoritative interpretation, but standing alone is indisputable.

2. *Recommendation 5.b.*: The paragraph first amplifies the first paragraph by restating the principle that ordination and installation standards are determined by the whole church solely by the constitutional process of approval by the General Assembly with the concurrence of the presbyteries.² In this respect, the recommendation echoes the words of the Special Commission of 1925 in its 1926 report: "It would be intolerable if the General Assembly, whose powers are limited by the Constitution, could, even when sitting as a judicial court, amend by indirection, the organic law of the Church, which contains within itself provisions for effecting orderly change." (*Minutes*, PC(USA), 1926, Part I, p. 83). This is a sound and important principle of our polity.

The second sentence of paragraph 5b reiterates a principle frequently identified by the Advisory Committee on the Constitution—that interpretation of the provisions of the *Constitution* can occur through either a decision of the General Assembly Permanent Judicial Commission on the facts of a particular case before it or by a General Assembly through the

process for adoption of an authoritative interpretation found in G-13.0103r. Taken with the first sentence, this paragraph reaffirms that neither a permanent judicial commission nor a General Assembly adopting an authoritative interpretation can change the standards for ordination or installation. All either can do is interpret the standards that are part of the *Constitution*. While this principle borders on the axiomatic, its restatement may lend weight to arguments that the authoritative interpretation of the *Constitution* in place prior to the adoption of G-6.0106b should be eliminated because that authoritative interpretation added to rather than interpreted the then existing constitutional standards. Whether such a position is adopted depends on whether the argument prevails that the definitive guidance that became authoritative interpretation in 1993 actually legislated new constitutional standards rather than interpreted existing ones. That determination is not called for by this proposed authoritative interpretation, and thus would have to be determined separately by this or a future assembly, or by the General Assembly PJC in a judicial case.

3. *Recommendation 5.c.*: The first sentence of this paragraph restates another longstanding principle of Presbyterian polity, namely that while the whole church determines the constitutional standards for ordination and installation, application of those standards in the first instance lies with the body that knows and examines the candidate (e.g., the presbytery or session).

Subpart 1 of Recommendation 5.c. is descriptive of the determination sessions and presbyteries must first make after examining a candidate for office as required by Chapter 14 of the Form of Government. If a candidate has not departed from scriptural and constitutional standards for fitness for office, the ordaining or installing body need go no further in its inquiry. In this regard, at least insofar as application of G-6.0106b to this examination process is concerned, the duty to examine extends only to self-acknowledged (e.g., plain, palpable, and obvious) conduct “the confessions call sin.” The proposed authoritative interpretation does not change this limitation on the examination process.

Subpart 2 of Recommendation 5.c. addresses the unresolved issue of how ordaining and installing bodies address the fitness of a particular candidate who self-acknowledges particular conduct that the confession call sin but refuses to repent of that conduct. This subsection treats such a situation as raising an issue of faith and polity by applying the “essentials” standard of G-6.0108 to the determination of whether such self-acknowledgement disqualifies the candidate from ordination or installation. Neither the General Assembly PJC nor previous assemblies have addressed the particular question of whether or not G-6.0106b’s broad prohibition on ordination or installation of a person engaged in a self-acknowledged conduct the confessions call sin is limited by G-6.0108’s authorization of ordaining or installing bodies to determine whether a candidate’s departure constitutes a failure to adhere to the essentials of Reformed faith and polity.

This portion of the recommendation is consistent, however, with the usual breadth of discretion given ordaining or installing bodies in General Assembly Permanent Judicial Commission (GAPJC) decisions addressing the role of such bodies outside the constraints of G-6.0106b in *Simmons, et al. v. Presbytery of Suwannee* (Remedial Case No. 197-4), and *Rankin v. National Capital Union Presbytery* (Remedial Case 193-10, UPCUSA). As the *Rankin* decision pointed out:

Whereas, formerly, the candidates’ examination sought to determine if the candidate could subscribe to the system of doctrine and the propositional statements that were a part of the Westminster Confession and Catechisms; now the focus of the examination is on the candidate’s ability to use a number of confessional formulations to learn from, be guided by, and lead the people of God. Formerly the Constitution prescribed empirical standards, as set out in the vows, the Westminster Confession, and the Larger and Shorter Catechisms, by which the candidate’s theology was judged. Now the Constitution places the primary focus of the candidate’s examination not on his or her conformity with theological prescriptions but rather on the candidate’s willingness and commitment to be instructed by the Confessions of our Church and continually guided by them in leading the people of God. The necessary implication of this current focus is that the presbytery has been assigned greater responsibility in determining the sufficiency of the candidate’s commitment to be instructed by the Confessions of our Church and his or her willingness to use them in leading and guiding the people of God. The presbytery, therefore, must be vested with sufficient authority to carry out these many constitutional obligations. This determination is a judgment for which higher judicatories should substitute their judgment only for the most extraordinary reasons. As noted in the report of the Special Commission of 1925: “The Presbytery is the only body whose members see the candidate and hear him officially. It is the body qualified and constitutionally appointed to judge, at first hand, concerning his spirit and bearing, and his general attitude toward the service of Christ.” (*Minutes of the General Assembly, 1927, p. 65*)

The Advisory Committee on the Constitution believes that the assembly has the authority to interpret the interplay of these sections. Specifically, the assembly has the authority to interpret whether G-6.0106b is likewise limited by an ordaining or installing body’s authority to decide whether a particular deviation from confessional standards is a deviation from that which is essential to our faith and polity.

In this regard, the Advisory Committee on the Constitution reminds the assembly that while the focus of the interpretation and application of G-6.0106b has largely been on the ordination or installation of those who are or are believed to be in gay or lesbian sexual relationships, the language of G-6.0106b, which governing bodies must apply in their examinations, is much broader, proscribing the ordination or installation of any person who self-acknowledges engaging in any “practice which the confessions call sin” and refuses to repent of that practice. This portion of the proposed authoritative interpretation offers a means, consistent with historic polity, for principled distinctions to be made by governing bodies in determining which practice the confessions call sin, in particular circumstances, disqualify a person from ordination or installation.

06 ASSEMBLY COMMITTEE ON ECCLESIOLOGY

4. *Recommendation 5.d.*: This paragraph reaffirms the historic and constitutional principle of the review of lower governing bodies by higher governing bodies. It focuses the review on the questions of whether the lower governing body conducted its examination and determined that any departure does or does not constitute a failure to adhere to the essentials of Reformed faith and polity on the standard of whether the lower governing body acted “reasonably, responsibly, prayerfully, and deliberately.” These are not specific phrases from either the constitutional description of the review of lower governing bodies by higher governing bodies or from GAPJC decisions. However, the manner in which such review would occur under this paragraph is consistent with the standards set forth by the GAPJC in *Simmons, et al. v. Presbytery of Suwannee (Remedial Case No. 197-4)*, and *Rankin v. National Capital Union Presbytery (Remedial Case 193-10, UPCUSA)*.

5. *Recommendation 5e.*: This paragraph, consistent with its predecessors, reaffirms the primary role of the General Assembly (with the concurrence of the presbyteries) in setting the constitutional standards for ordination and installation, and then in interpreting those standards. Likewise, it acknowledges the historically recognized, unique role of sessions and presbyteries in making decisions to (or not to) ordain or install the candidates they have examined. In this context, to “outdo one another in honoring one another’s decisions” for ordaining or installing bodies means to treat the standards of the *Constitution* with the deepest respect, and to engage in a probing and rigorous process in determining whether particular views as to what the confessions call sin are consistent with what is essential to our faith and polity. Likewise, in the exercise of oversight over ordination or installation decisions, higher governing bodies or judicial commissions would “outdo one another in honoring one another’s decisions” by focusing review on whether the ordaining or installing body engaged in a probing and rigorous process, and not on whether it agreed with the lower governing bodies determination as to what is essential to our faith and polity. This statement is consistent with historic principles regarding the interrelationship of higher and lower governing bodies, and provides useful clarity in describing how those bodies interact for our polity to work.

Endnotes for ACC Advice

1. In 2001, the Advisory Committee on the Constitution advised: “The position of the church on ordination cannot be changed by a General Assembly authoritative interpretation alone” (*Minutes*, 2001, Part I, p. 656). With hindsight, and in the context of the task force recommendations, it is clear that this statement was not as precise as it should have been. The word “position” in the context of the 2001 advice referred to the constitutional standards for ordination. Debate over the task force proposal has shown that “position” can also have a broader, less precise meaning, and could be understood to refer to the manner in which the church interprets the *Book of Order*, and as opposed to the standards therein.

2. The Advisory Committee on the Constitution understands the phrase “after the careful study of Scripture and theology” as descriptive of the process that should surround any amendment of our constitutional documents, rather than as suggesting that an amendment enacted by the presbyteries could be invalidated because it was not somehow adopted “after the careful study of Scripture and theology.”

ACSWP ADVICE AND COUNSEL ON ITEM 06-01

Advice and Counsel on Item 06-01—From the Advisory Committee on Social Witness Policy.

The Advisory Committee on Social Witness Policy (ACSWP) advises approval of Item 06-01, “A Season of Discernment: The Final Report of the Theological Task Force on Peace, Unity, and Purity of the Church,” with the following comment:

The PC(USA) remains divided on issues of Christology, biblical interpretation, essential tenets, and sexuality and ordination. Nevertheless, the Theological Task Force on Peace, Unity, and Purity of the Church (TTFPUP) grew into an authentic Christian community by the grace of God and with the Spirit’s help. The hope inherent in their experience offers a living vision of peace, unity, and purity for the whole church that is both faithful and possible.

While acknowledging the suffering and frustration that permeate the church, and while recognizing that a “season of discernment” is only a beginning, not an end, the report calls us to engage one another diligently, honestly, and lovingly, as Christ first loved us.

The essence of the issue before the church is how best to hear and heed the voice of the Spirit. The TTFPUP appeals for at least two more years for the Holy Spirit to work through a “season of discernment” based in a new but historically based authoritative interpretation. Traditionally, we Presbyterians believe the Holy Spirit moves through the process of prayerful debate and voting. In this sense, the whole period since 1978 has been a time of discernment. Others would delay the vote on the Peace, Unity and Purity report itself to allow more influence for the Spirit. The ACSWP supports the TTFPUP’s request that the assembly propose no changes to the Form of Government while the impact of the proposed authoritative interpretation is assessed, but underlines the time-limited nature of this agreement.

**THE PERMANENT JUDICIAL COMMISSION
OF THE GENERAL ASSEMBLY
OF THE PRESBYTERIAN CHURCH (U.S.A.)**

The Session of the Palos Park Presbyterian Community Church,)	
)	
Complainant,	)	DECISION ON MOTION
	)	TO DISMISS; DECISION ON
v.	)	REQUEST TO AMEND COMPLAINT;
	)	AND ORDER
The Advisory Committee on the Constitution of the General Assembly of the Presbyterian Church (U.S.A.),)	
	)	Remedial Case 218-03
Respondent.)	

Arrival Statement

This remedial case comes before the General Assembly Permanent Judicial Commission (GAPJC or this Commission) as a matter of original jurisdiction to adjudicate a Complaint filed with the Stated Clerk of the General Assembly of the Presbyterian Church (U.S.A.) on July 7, 2006.

Jurisdictional Statement

This Commission is the appropriate body before which a complaint against an entity of the General Assembly of the Presbyterian Church (U.S.A.) is heard. The Complainant is a session of the Presbyterian Church (U.S.A.) and has standing to file the Complaint. The Respondent, the Advisory Committee on the Constitution (ACC), appeared by an Answer and a Motion to Dismiss dated July 28, 2006.

Appearances

Gordon Fish and James R. Tony, minister, (Tony) appeared on behalf of the Complainant. Stephen S. Grace and Justin M. Johnson appeared on behalf of the Respondent.

Background

This case involves the responsibilities of the ACC when questions of constitutional interpretation arising from governing bodies or individuals are delivered to the ACC by the Stated Clerk pursuant to G-13.0112. On February 14, 2006, Winfield R. Jones, minister (Jones) and M. Douglas Harper, Jr., minister (Harper), submitted certain questions (Jones/Harper Questions) to the Stated Clerk of the General Assembly (Stated Clerk). On February 14, 2006, Tony also submitted certain questions (Tony Questions) to the Stated Clerk. The Jones/Harper Questions and the Tony Questions posed issues of constitutional interpretation for the 217th General Assembly (2006). The Jones/Harper Questions and the Tony Questions were timely filed with the Stated Clerk, and they were referred to the ACC, pursuant to G-13.0112d.

On or about March 13, 2006, the ACC formulated its advice concerning the Tony Questions. On March 29, 2006, Mark Tammen, the Associate Stated Clerk assigned to staff the ACC, advised Tony, and possibly Jones and/or Harper, of the ACC action. It is not clear from the record what advice was formulated by the ACC with respect to the Jones/Harper Questions. On April 3, 2006, Jones and Tony requested the ACC to reconsider its advice (Jones/Tony Letter). On April 5, 2006, Harper wrote the ACC (Harper Letter), noting that the ACC had not given advice on the Jones/Harper Questions and urged that the ACC was required to do so.

On April 10, 2006, the ACC went into executive session during a conference call meeting¹ and had before it the Jones/Tony Letter and the Harper Letter. On April 11, 2006, the Office of the Stated Clerk advised Tony, and perhaps Jones and Harper, that in the executive session portion of the April 10, 2006, meeting, the ACC had reviewed its original advice, as requested by the Jones/Tony Letter and the Harper Letter, and had declined to change or reconsider its original actions. The ACC subsequently reported to the General Assembly, but the date(s) of such report(s) is/are unclear from the record.

On July 7, 2006, the Session of Palos Park Presbyterian Community Church (Session) filed a remedial complaint with this Commission against the ACC. On July 28, 2006, the ACC filed its Answer and a Motion to Dismiss the Complaint. The grounds upon which the Motion is based are:

1. Failure to State A Claim. The actions of the ACC were not “actions” or “decisions” that can form the basis for a constitutional “irregularity” under D-2.0202a, and hence the Complaint does not state a claim upon which relief can be granted.
2. Timeliness. The Complaint was not timely filed because the action of the ACC was taken at its meeting on March 13, 2006, and Tony, Jones and/or Harper were informed of such action at least by March 29, 2006. The Complaint was filed on July 7, 2006, which was after the expiration of the required filing period.
3. Open Meeting Policy. The allegation that the ACC executive session which occurred during the conference call on April 10, 2006, violated the General Assembly’s Open Meeting Policy, as approved by the 209th General Assembly (1997), does not state a claim upon which relief can be granted because concerns about the Open Meeting Policy are to be directed to the Office of the Stated Clerk.
4. Mootness. The issues raised by the Complaint are moot because the 217th General Assembly (2006) received the advice of the ACC and acted upon it prior to the filing of the Complaint.

¹ During oral argument, Complainant indicated that Jones and Tony attended the conference call meeting as observers until the ACC went into executive session.

On July 31, 2006, the GAPJC set a hearing on the Motion to Dismiss for October 13, 2006, and directed the parties to file briefs on the issues of timeliness and whether the Complaint failed to state a claim upon which relief can be granted.

On or about August 29, 2006, Complainant filed its Hearing Brief together with a Request for Leave to Amend Complaint (Request). The Request sought to amend the Complaint by adding the following “Specification of Error:”

- f. The ACC erred in its constitutional obligation pursuant to D-6.0307a, by failing to timely provide to the Complainant a listing of all the papers and materials pertinent to the instant matter, as required by [sic] to be provided to [sic] the parties in writing within forty-five (45) days after receipt of a remedial complaint.

Respondent filed its Brief in support of its Motion on September 28, 2006. Respondent did not respond in writing to the Request. The hearing was held on October 13, 2006.

Decision on Motion to Dismiss

Respondent’s Motion to Dismiss is denied. In support of the Motion, Respondent has argued that the Complaint failed to state a claim upon which relief can be granted, that it was not timely filed, that the issues were moot because the ACC’s advice was acted upon by the 217th General Assembly (2006), and that the General Assembly’s Open Meeting Policy was not subject to judicial review.

As to the failure to state a claim, Respondent’s Motion relied on the case, *Session of the Concord Liberty Presbyterian Church v. Office of the General Assembly of the Presbyterian Church (U.S.A.), et al, Minutes*, 2006, p. _____. The *Concord Liberty* case is not applicable. It is factually distinguishable because it concerned a report of a non-constitutional task force of the General Assembly. The ACC is a constitutional committee with a constitutional mandate (G-13.0112). As a permanent committee of the General Assembly, the ACC is governed by the Constitution as well as by the Manual of the General Assembly (2006) (Manual) and by its own internal policies and procedures. Further, the Complaint herein alleges that the ACC failed to act, whereas the *Concord Liberty* case dealt with a review of recommendations of a non-constitutional task force. In summary, the *Concord Liberty* case dealt with content; this case deals with a constitutionally mandated process.

This Commission notes that Section A.5.a. of the Manual provides, “The Advisory Committee on the Constitution shall report its findings along with its recommendations on all questions requiring an interpretation by the General Assembly of the Book of Order... .” The Complaint alleges that the ACC did not report findings and recommendations on all questions requiring constitutional interpretation. There is a factual dispute concerning this point, since Respondent has denied this allegation in its Answer. Notwithstanding this factual dispute, this Commission is duty-bound to assume the truth of the facts alleged in the Complaint in determining the preliminary jurisdictional question of whether the Complaint states a claim upon which relief can be granted. Thus, at this stage of the proceeding, this Commission is compelled to accept as true the allegation that the ACC did not report findings and recommendations on all

questions requiring constitutional interpretation (McKittrick v. Session, West End Presbyterian Church of Albany, New York, *Minutes*, 2003, pp.272-274). However, Complainant has the burden of proving the truth of this allegation at trial.

As to timeliness, the ACC conceded at the hearing that its report was not finalized until an unspecified date after April 10, 2006. The Complaint was filed on July 7, 2006, which was within 90 days after April 10, 2006.

As to the General Assembly's Open Meeting Policy, both parties agreed at the hearing that the policy applies to the ACC, but they differed as to remedies for alleged violations of the Policy. This Commission reserves for trial the determination of both the application of the policy to the ACC and appropriate remedies, if any, for non-compliance. This is a matter of original jurisdiction, and as in any trial situation, it is within the purview of a permanent judicial commission (in this case, the GAPJC) to ascertain whether an "entity" complies with the policies of its governing body (in this case, the General Assembly).

At oral argument, both parties referred to Hope, *et al v.* Presbytery of San Francisco, *Minutes*, 2006, pp.____, a remedial case on appeal. The *Hope* case does not apply because it concerned a higher governing body being asked to enforce the policies of a lower governing body. Policies of a governing body, such as the General Assembly, adopted by itself and governing its entities and committees, are appropriately considered when that same governing body is functioning judicially in a trial concerning its own entities or committees.

As to the issue of mootness, the *recommendations* of the ACC to the General Assembly may be moot, but not the propriety of the ACC's *actions*. Such actions, if alleged to be erroneous, are subject to judicial review by this Commission.

This Commission notes that in the Respondent's Answer to the Complaint, the Respondent "neither admits nor denies" that the ACC is an "entity" of the General Assembly. The Authoritative Interpretation adopted by the 216th General Assembly (2004), held that "the word 'entity' in D-2.0202 and D-6.0202b denotes an organized body, such as a committee, board, council, division, etc." Therefore, the ACC is an "entity" of the General Assembly and a session may bring a complaint against it.

Decision on Request to Amend Complaint

Complainant's Request for Leave to Amend Complaint is denied. Since this Commission has accepted jurisdiction of this case, it has full authority and power to control all trial-related proceedings. This includes the authority and power to insure that the parties comply with the requirements of the Rules of Discipline as well as with directives and orders of this Commission pertaining to pretrial and trial matters. In view of the jurisdiction that this Commission has over this matter, the requested amendment to the Complaint is unnecessary. While this Commission has denied the Request, the Respondent nonetheless was required by D-6.0307a to provide the list referenced therein, even though there were other concurrent pretrial proceedings. This Commission has ordered below appropriate relief with respect to this obligation.

Summary of Decisions

Respondent's Motion to Dismiss is denied.

The Complainant is a session of a church in the Presbytery of Chicago, and has standing to file the Complaint.

This Commission is the appropriate body before which a complaint against an entity of the General Assembly is heard. This Commission has jurisdiction in this case.

The Complaint states a claim upon which relief can be granted.

The Complaint was timely filed.

The issues related to the General Assembly's Open Meeting Policy are reserved for trial.

The alleged irregularities of the ACC are not moot.

Complainant's Request for Leave to Amend the Complaint is denied.

Order

IT IS THEREFORE ORDERED that this Complaint proceed to trial before this Commission on February 9, 2007.

IT IS FURTHER ORDERED that the ACC and the Stated Clerk of the General Assembly comply with the requirements of D-6.0307a by November 30, 2006.

IT IS FURTHER ORDERED that the Executive Committee of the General Assembly Permanent Judicial Commission (or its designee) conduct a pretrial conference and establish pretrial and trial procedures. The Executive Committee of the General Assembly Permanent Judicial Commission is authorized to act on behalf of the full Commission on any matters as may be necessary to prepare for and expedite all matters related to the conduct of the trial.

IT IS FURTHER ORDERED that the Clerk of Session of the Palos Park Presbyterian Community Church report this decision to the Session at its first meeting after receipt, that the Session enter the full decision upon its minutes, and that an excerpt from those minutes showing entry of the decision be sent to the Stated Clerk of the General Assembly.

Absences and Non-participants

Judy Woods was not present and took no part in this case.

Certificate

We certify that the foregoing is a true and correct copy of the Decision on Motion to Dismiss and Order of the Permanent Judicial Commission of the General Assembly of the Presbyterian Church (U.S.A.) in Remedial Case 218-03, The Session of the Palos Park Presbyterian Community Church v. The Advisory Commission on the Constitution of the General Assembly of the Presbyterian Church (U.S.A.), made and announced at Louisville, Kentucky, on October 16, 2006.

Dated the 16th day of October, 2006.

**THE PERMANENT JUDICIAL COMMISSION
OF THE GENERAL ASSEMBLY
OF THE PRESBYTERIAN CHURCH (U.S.A.)**

The Session of the Palos Park Presbyterian Community Church,)	
)	
Complainant,	)	CONSENT ORDER
)	
v.	)	Remedial Case 218-03
)	
The Advisory Committee on the Constitution of the General Assembly of the Presbyterian Church (U.S.A.),)	
)	
Respondent.)	

Arrival Statement

This remedial case comes before the General Assembly Permanent Judicial Commission (GAPJC or this Commission) as a matter of original jurisdiction to adjudicate a Complaint filed with the Stated Clerk of the General Assembly of the Presbyterian Church (U.S.A.) on July 7, 2006.

Jurisdictional Statement

This Commission is the appropriate body before which a complaint against an entity of the General Assembly of the Presbyterian Church (U.S.A.) is heard. The Complainant is a session of the Presbyterian Church (U.S.A.) and has standing to file the Complaint. The Respondent, the Advisory Committee on the Constitution (ACC), appeared by an Answer and a Motion to Dismiss dated July 28, 2006.

Appearances

Gordon Fish, Amy McCracken, and James R. Tony, minister, (Tony) were Committee of Counsel for the Complainant. Stephen S. Grace and Justin M. Johnson were Committee of Counsel for the Respondent.

Background

This case involves the responsibilities of the ACC when questions of constitutional interpretation arising from governing bodies or individuals are delivered to the ACC by the Stated Clerk pursuant to G-13.0112. On February 14, 2006, Winfield R. Jones, minister (Jones) and M. Douglas Harper, Jr., minister (Harper), submitted certain questions (Jones/Harper Questions) to the Stated Clerk of the General Assembly (Stated Clerk). On February 14, 2006, Tony also submitted certain questions (Tony Questions) to the Stated Clerk. The Jones/Harper Questions and the Tony Questions posed issues of constitutional interpretation for the 217th

General Assembly (2006). The Jones/Harper Questions and the Tony Questions were timely filed with the Stated Clerk, and they were referred to the ACC, pursuant to G-13.0112d.

On or about March 13, 2006, the ACC formulated its advice concerning the Tony Questions. On March 29, 2006, Mark Tammen, the Associate Stated Clerk assigned to staff the ACC, advised Tony, and possibly Jones and/or Harper, of the ACC action. It is not clear from the record what advice was formulated by the ACC with respect to the Jones/Harper Questions. On April 3, 2006, Jones and Tony requested the ACC to reconsider its advice (Jones/Tony Letter). On April 5, 2006, Harper wrote the ACC (Harper Letter), noting that the ACC had not given advice on the Jones/Harper Questions and urged that the ACC was required to do so.

On April 10, 2006, the ACC went into executive session during a conference call meeting¹ and had before it the Jones/Tony Letter and the Harper Letter. On April 11, 2006, the Office of the Stated Clerk advised Tony, and perhaps Jones and Harper, that in the executive session portion of the April 10, 2006, meeting, the ACC had reviewed its original advice, as requested by the Jones/Tony Letter and the Harper Letter, and had declined to change or reconsider its original actions. The ACC subsequently reported to the General Assembly, but the date(s) of such report(s) is/are unclear from the record.

On July 7, 2006, the Session of Palos Park Presbyterian Community Church (Session) filed a remedial complaint with this Commission against the ACC. On July 28, 2006, the ACC filed its Answer and a Motion to Dismiss the Complaint. A hearing on the Motion to Dismiss was held on October 13, 2006, after which the GAPJC entered a Decision denying the Motion to Dismiss and setting the case for trial.

During the pre-trial conference, the case was submitted to mediation by consent of the parties. The matter was subsequently settled as a result of the mediation. The settlement agreement included a provision that the agreement be entered as “a final decision and order in this matter.” In accordance with this provision, the General Assembly Permanent Judicial Commission has adopted the order set forth below. The Commission thanks the mediator, Jane Fahey, minister, former moderator of the GAPJC, and the parties, for their diligent and tireless work in the mediation.

Consent Order

IT IS THEREFORE ORDERED that the following agreement of the parties is made the Consent Order of the GAPJC concerning the parties’ dispute:

The parties have agreed to conclude this case by agreement on the following issues and to the entry of their agreement as a final decision and order in this matter.

¹ During oral argument, Complainant indicated that Jones and Tony attended the conference call meeting as observers until the ACC went into executive session.

The Role of the Advisory Committee on the Constitution in
Advising the General Assembly

With respect to all questions requiring an interpretation by the General Assembly of the Book of Order that have been referred to the Advisory Committee on the Constitution (ACC) by the Stated Clerk (G-13.0112c), the parties agree that the ACC may include in its advice (*i.e.*, findings and recommendations under G-13.0112d) to the General Assembly, given no later than sixty days prior to the convening of the next session of the General Assembly (G-13.0112b), a single response that collectively addresses plural questions, along with other responses directed to individual questions. The parties further agree that where the ACC chooses to issue a collective response, such a collective response must provide a reasonable person with sufficient basis to understand how the findings and recommendations in its collective response address every question posed. The ACC acknowledges that the Constitution obligates it to provide advice to the General Assembly that a reasonable person would recognize is responsive to every question requiring a constitutional interpretation (G-13.0112d), and the ACC will comply with this responsibility. See *Manual of the General Assembly Standing Rule A.5.a.*

The General Assembly's Open Meeting Policy

The ACC acknowledges that it is an entity subject to the provisions of the General Assembly Open Meeting Policy. The ACC agrees that it will secure advice from the Office of the Stated Clerk about whether the Open Meeting Policy permits it to close its meeting to discuss a particular subject and, that prior to closing its meeting to discuss that subject, it will announce the advice it has received and record in its official record the advice it received and the reason it is going into executive session. Whenever the ACC considers or acts upon subjects not enumerated in section 3(a) of the Open Meeting Policy, such as a request for reconsideration of prior advice, the Policy obliges the consideration or action to be done in open session.

IT IS FURTHER ORDERED that the Stated Clerk of the General Assembly report this Consent Order to the General Assembly at its first meeting after receipt, that the General Assembly enter the full Consent Order upon its minutes.

IT IS FURTHER ORDERED that the Clerk of Session of Palos Park Community Presbyterian Church report this Consent Order to the Session at its next meeting, that the Session enter the full Consent Order upon its minutes, and that an excerpt from those minutes showing entry of the Consent Order be sent to the Stated Clerk of the General Assembly.

Certificate

We certify that the foregoing is a true and correct copy of this Consent Order of the Permanent Judicial Commission of the General Assembly of the Presbyterian Church (U.S.A.) in Remedial Case 218-03, *The Session of the Palos Park Presbyterian Community Church v. The Advisory Commission on the Constitution of the General Assembly of the Presbyterian Church (U.S.A.)*, made and announced at Kansas City, Missouri, on May 7, 2007.

Dated the 7th day of May 2007.

MANUAL OF THE GENERAL ASSEMBLY



2014

including

- **Standing Rules**
- **Guidelines and Policies**
- **Organization for Mission**

Exhibit D

MODERATOR
220th General Assembly (2012)
THE REVEREND NEAL D. PRESA

VICE-MODERATOR
220th General Assembly (2012)
THE REVEREND TOM M. TRINIDAD

STATED CLERK
THE REVEREND GRADYE PARSONS (2008–)

ASSOCIATE STATED CLERKS
RULING ELDER LOYDA PUIG AJA
THE REVEREND TOM HAY
THE REVEREND JILL HUDSON
THE REVEREND ROBINA WINBUSH

ASSISTANT STATED CLERKS
THE REVEREND SANDAWNA G. ASHLEY
THE REVEREND TIMOTHY CARGAL
THE REVEREND MOLLY CASTEEL
DEBORAH DAVIES
THE REVEREND MELISSA G. DAVIS
RULING ELDER C. LAURIE GRIFFITH
THE REVEREND JOYCE LIEBERMAN
RULING ELDER MARTHA MILLER
KAY MOORE
RULING ELDER CHRIS NICHOLAS
RULING ELDER KERRY RICE
TOYA RICHARDS
RULING ELDER VALERIE SMALL
KRIS VALERIUS
TERESA WAGGENER

MANUAL
OF THE
GENERAL ASSEMBLY

2014

INCLUDING
STANDING RULES OF THE GENERAL ASSEMBLY
GUIDELINES AND POLICIES OF THE GENERAL ASSEMBLY
AND
ORGANIZATION FOR MISSION

Edited by the Stated Clerk
Published by the Office of the General Assembly

Exhibit D

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Presbyterian Church (U.S.A.)

Exhibit D

Contents

Standing Rules of the General Assembly

A. Source of Business for the Meeting	
1. Papers in General	3
2. Reports of Entities, Commissions, and Committees.....	4
3. Overtures.....	4
4. Communications and Resource Material	5
5. Advisory Committee on the Constitution Report	6
6. Entity and Synod Minutes.....	6
7. Presbytery Reports	6
8. Commissioners' Resolutions	7
B. Commissioners, Delegates, and Other Participants at the Meeting	
1. Commissioners.....	9
2. Advisory Delegates.....	10
3. Corresponding Members.....	11
4. Advisory Committee on the Constitution	12
5. Other Participants	12
6. List of Participants.....	12
C. Formation of Committees and Referral of Business	
1. Assembly Committee Structure	13
2. Assigning Commissioners to Assembly Committees	14
3. Referring Business.....	15
4. Tentative Docket.....	16
D. Beginning of the General Assembly Meeting	
1. Registration and Seating	17
2. Quorum	18
3. Committee Moderators and Overture Advocates Meeting	18
E. Committee Meetings	
1. Committee Leadership and Support.....	19
2. Procedures for Assembly Committees.....	20
3. New Business.....	21
4. Organizational Meeting	21
5. Public Hearings.....	22
6. Assembly Committee on Bills and Overtures.....	22
7. Reports of Assembly Committees	22
F. General Assembly Plenary Meeting	
1. Assembly Committee on Bills and Overtures Reports	25
2. Reports of Assembly Committees	26
3. Minority Reports.....	26
4. Committee Reports on the Budget.....	27
5. Plenary Meeting Procedures	27
6. General Assembly Nominating Committee	28
7. Docket Time for Special Greetings.....	28
8. Announcements and Nonofficial Printed Materials.....	29
9. Distributing Study Documents.....	29

10. Forming Social Policy	29
11. Peaceful Demonstrations	29
G. General Assembly Meeting Worship	
Services of Worship	31
H. Persons in Ordered Ministry and Elections	
1. Moderator of the General Assembly	33
2. Stated Clerk of the General Assembly	36
I. General Assembly Arrangements	
1. Date and Place of Meeting	41
2. Meeting Arrangements	42
3. Reimbursing Commissioner Expenses	42
4. Assembly Meeting Work Group	42
J. Special Meetings of the General Assembly	
1. Method of Calling	45
2. Signatures	46
3. Date and Location	46
K. Commissions, Special Committees, and Special Administrative Review	
1. Commissions and Special Committees	47
2. Special Administrative Review of Synods	48
L. Amendment or Suspension of the Standing Rules	
1. Recommending Amendments to the Standing Rules	51
2. Amending the Standing Rules	51
3. Suspending the Standing Rules	51
Guidelines and Policies of the General Assembly	
Open Meeting Policy	55
Guidelines for Preparation of Minutes of Agencies	57
Guidelines for Reviewing Synod Records	59
Guidelines for Presbyterians During Times of Disagreement	63
Forming Social Policy	65
Historical Note	69
Standards for Review of General Assembly Permanent, Advocacy, and Advisory Committees and Commissions	71
Standards for Review of General Assembly Agencies	73
Index	75
Organization for Mission	81

THE
STANDING RULES
OF THE
GENERAL ASSEMBLY

Standing Rules of the General Assembly

[AS AMENDED BY THE 220TH GENERAL ASSEMBLY (2012).]

STANDING RULES FOR MEETINGS OF THE GENERAL ASSEMBLY



Sources of Business for the Meeting

1. **Papers in General**
 - a. Papers to Be Considered
 - b. Received Less Than 60 Days Prior to General Assembly
2. **Reports of Entities, Commissions, and Committees**
 - a. Reports Deadline
 - b. Budget Consultation
 - c. Appropriate Background Information
 - d. Report Length
3. **Overtures**
 - a. Definition
 - b. Writing Overtures
 - c. Submitting Overtures
 - d. Distributing Overtures
 - e. Overture Advocate
4. **Communications and Resource Material**
 - a. Provide Comment or Advice
 - b. Forty-five Day Deadline
 - c. Resource Materials
 - d. Advice and Counsel Memoranda
5. **Advisory Committee on the Constitution Report**
 - a. Report
 - b. Presented Directly to General Assembly
6. **Entity and Synod Minutes**
 - a. Submit for Review
 - b. Review Process
7. **Presbytery Reports**
8. **Commissioners' Resolutions**
 - a. Who May Propose
 - b. Deadline
 - c. Existing General Assembly Policy
 - d. May Not Amend *Book of Order*
 - e. Already Before Assembly
 - f. Same Issues as Previous Assembly
 - g. Referral
 - h. Referral Declined

1. Papers in General

Papers to Be Considered

a. The General Assembly shall consider only those papers delivered to the Stated Clerk in compliance with Standing Rule A and any other papers whatsoever that have been delivered to the Stated Clerk. Ordinarily, such papers shall have been forwarded to the Stated Clerk postmarked no later than sixty days prior to the convening of the General Assembly.

Received Less Than 60 Days Prior to General Assembly

b. All papers intended for consideration by the General Assembly that are forwarded to the Stated Clerk and postmarked less than sixty days, but no later than forty-five days prior to the convening of the General Assembly, shall be reviewed by the Stated Clerk, who shall determine whether or not to refer them to the Assembly Committee on Business Referral. The Stated Clerk shall report to the committee regarding those papers not referred.

2. Reports of Entities, Commissions, and Committees

Reports Deadline

a. All reports from entities, commissions, and committees of the General Assembly shall be delivered to the Stated Clerk on or before 120 days prior to the convening of the General Assembly. The Stated Clerk shall publish these reports (print or electronic) and distribute them so that they shall reach the commissioners thirty days before the convening of the General Assembly.

Budget Consultation

b. An entity, commission, or committee submitting a report with a recommendation that affects the work or budget of another entity(ies) shall submit evidence that a consultation has been held with the affected entity(ies).

Appropriate Background Information

c. Committees, agencies, or corporations presenting reports shall provide the appropriate background information necessary to interpret or understand the recommendations or responses to referrals to the members of the General Assembly committees to which the business is referred. Any and all documents or publications referred to in these reports that require approval by the assembly for publication and distribution to the church, including but not limited to curriculum, study papers/guides, position papers, and program resources, shall be made available to commissioners at the time the reports are published.

Report Length

d. All reports shall be limited to ten thousand words except the report of the Presbyterian Mission Agency, the length of which shall be determined by the Stated Clerk and the Executive Director of the Presbyterian Mission Agency. A request for an exception to the length of a report shall be submitted to the Stated Clerk no later than forty-five days prior to the deadline for the submission of the report and shall include the anticipated length of the report. The Stated Clerk may assess a fee of the entity or committee whose report exceeds ten thousand words for the costs incurred in printing and distributing the excess pages. Payment of the fee shall be submitted to the treasurer of the Presbyterian Church (U.S.A.), A Corporation. If the Stated Clerk and the representatives of any body are unable to agree, the Committee on the Office of the General Assembly shall determine the length of the report.

3. Overtures

Definition

a. Overtures are items of business that must have been approved by a presbytery or a synod and shall request the General Assembly to take a particular action, or approve or endorse a particular statement or resolution. (See *Book of Order*, G-3.0302d.)

Writing Overtures

b. The stated clerk of a presbytery or synod considering an overture to the General Assembly shall:

(1) Examine the most recently published *Minutes of the General Assembly* to determine if a similar overture has already been passed.

(2) Consult with the Office of the General Assembly to determine whether the desired action has been voted by any previous General Assembly.

(3) Consult with the Office of the General Assembly to determine whether a similar overture has already been proposed in order that the presbytery or synod may concur with the existing overture.

(4) Draft the overture in the following form:

“The Presbytery of _____ overtures the [# of the assembly] General Assembly [(year)] of the PC(USA) to [state the specific action the General Assembly is asked to take].”

To this shall be appended a rationale, stating the reasons for submitting the overture.

**Submitting
Overtures**

c. Submitting Overtures

(1) Overtures proposing an amendment to the Constitution or requiring an interpretation by the General Assembly of the *Book of Order* (see *Book of Order*, G-6.04a and G-6.02) must be delivered in writing to the Stated Clerk postmarked no later than 120 days prior to the convening of the General Assembly, and shall be promptly referred to the Advisory Committee on the Constitution (see *Book of Order*, G-6.02 and G-6.04).

(2) All overtures that have financial implications for current or future years' budgets must be delivered in writing to the Stated Clerk postmarked no later than sixty days prior to the convening of the General Assembly. Overtures with financial implications not received within the designated time limit shall not be considered, but shall be returned to the originating council.

(3) All other overtures intended for consideration by the General Assembly shall be forwarded to the Stated Clerk, postmarked no later than forty-five days before the convening of the General Assembly.

(4) Overtures not received within the designated time limits shall not be considered, but shall be returned to the originating council for reconsideration.

(5) Presbyteries or synods submitting overtures with a recommendation(s) that affects the work or budget of a General Assembly entity(ies) shall submit evidence that the affected entity(ies) has (have) been consulted. If such evidence is not submitted, the Stated Clerk shall recommend that the overture be received and referred to a future session of the General Assembly so that consultation may take place.

(6) In the event that the Stated Clerk of the General Assembly receives an overture similar to one already proposed (excluding the rationale), she or he shall inquire of the presbytery or synod in question whether it would be willing to concur with that existing overture or desires to withdraw the overture. A presbytery or synod concurring with an overture may submit additional rationale for its action, provided that it does not duplicate the rationale provided by the overturing body. The concurrence and any additional rationale will be printed with the original overture in the Reports to the General Assembly. Concurrences to any overture shall be received up to 45 days prior to the convening of the next session of the General Assembly. Concurrences to any overture with constitutional implications shall be received up to 120 days prior to the convening of the next session of the General Assembly.

**Distributing
Overtures**

d. Overtures that do not propose constitutional amendment or interpretation, and that are postmarked at least sixty days prior to the convening of the General Assembly, shall be published (print or electronic) in the reports distributed by the Stated Clerk. Overtures received in the same manner, postmarked no later than forty-five days prior to the convening of the General Assembly, shall be distributed to the commissioners before the convening of the General Assembly.

**Overture
Advocate**

e. Overture Advocate

(1) Each presbytery or synod that submits an overture shall notify the Stated Clerk of the name of a commissioner or some other person in attendance at the General Assembly who has been designated as the advocate for the overture. The overture advocate shall be available to provide information on the background and intent of the overture to any assembly committee to which the overture may be referred. (See Standing Rule E.2.)

(2) In the event that the assembly refers an overture to a General Assembly entity for further consideration (and not simply for implementation), the presbytery or synod submitting the overture shall be invited by the Stated Clerk to designate an overture advocate for the assembly meeting at which the entity's response to the overture is presented. The overture advocate shall be available to provide information on the background and intent of the overture to any assembly committee to which the overture may be referred. (See Standing Rule E.2.)

4. Communications and Resource Material**Provide
Comment or
Advice**

a. Communications and resource material provide comment or advice on business already under consideration by the assembly and shall neither contain nor constitute business to be considered by the assembly. Communications may be directed to the General Assembly

(1) by entities of the General Assembly that desire to comment on a single item of business coming before the General Assembly from any source other than their own entity, but which do not introduce new business,

(2) by organizations in which the Presbyterian Church (U.S.A.) holds membership, and

(3) by other denominations in correspondence with the General Assembly.

**Forty-five Day
Deadline**

b. All communications intended for consideration by the General Assembly shall be forwarded to the Stated Clerk, postmarked no later than forty-five days before the convening of the General Assembly.

**Resource
Materials**

c. Resource material (except for previously published books), including advice and counsel memoranda from advocacy and advisory committees, shall be prepared as necessary by entities of the General Assembly and shall not exceed 1,000 words on each item of business referred. This material shall be submitted to the Stated Clerk, postmarked no later than forty-five days before the convening of the assembly meeting, who shall then publish (print or electronic) and distribute the material to all commissioners prior to the assembly.

**Advice and
Counsel
Memoranda**

d. Advice and counsel memoranda are resources prepared by the Advisory Committee on Social Witness Policy, Advocacy Committee for Racial Ethnic Concerns, and the Advocacy Committee for Women’s Concerns for the purpose of providing information about existing policy, current work on specific topics, recent developments, and other factors useful to commissioners as they consider issues before the assembly.

5. Advisory Committee on the Constitution Report

Report

a. The Advisory Committee on the Constitution shall report to the General Assembly its findings along with its recommendations on all questions requiring an interpretation by the General Assembly of the *Book of Order*, including proposals for constitutional change. The General Assembly shall vote on the recommendations, and may amend or decline to approve them (*Book of Order*, G-6.02). The Advisory Committee on the Constitution shall report any editorial changes made to the *Book of Order* since its last report to the General Assembly.

**Presented
Directly to
General
Assembly**

b. The report of the committee shall be presented directly to the General Assembly. The General Assembly may take action on the recommendations immediately, or it may refer them to an assembly committee for consideration by that committee and report to the General Assembly for action later during the same session of the General Assembly.

6. Entity and Synod Minutes

**Submit for
Review**

a. Entities and synods required to submit minutes for review by the General Assembly shall submit such minutes on a calendar year basis so as to present minutes of all meetings for the calendar year (from January 1 through December 31) preceding the year in which is held the session of the General Assembly to which such minutes are submitted. The minutes shall contain the attestation that they have been approved by the entity or synod submitting them in the manner regularly in use within that body.

Review Process

b. Minutes of General Assembly entities will be reviewed in accordance with the “Guidelines for Preparation of Minutes of Agencies” as printed in the *Manual of the General Assembly*. Minutes of the synods will be reviewed in accordance with “Guidelines for Reviewing Synod Records” as printed in the *Manual of the General Assembly*.

7. Presbytery Reports

Each presbytery shall act upon all papers sent to the presbytery to be voted upon in ample time to permit the stated clerk of the presbytery to mail the results to the Stated Clerk so that they are received no later than two weeks before the convening of the General Assembly. The response of the presbytery shall be mailed to the Stated Clerk by certified mail.

8. Commissioners' Resolutions

- Who May Propose** a. An item of new business, in the form of a commissioners' resolution, must be signed by commissioners representing at least one other presbytery. Such resolutions must be delivered in writing to the Stated Clerk or the Stated Clerk's designee. No commissioner may sign more than two such resolutions.
- Deadline** b. The Stated Clerk shall determine and announce at the first meeting at which business is conducted the deadline for receipt of commissioners' resolutions. The deadline shall not be earlier than twenty-four hours after the assembly has convened.
- Existing GA Policies** c. In the preparation of a resolution, commissioners are urged to be aware of existing General Assembly policies relevant to their proposal and, where appropriate, to make reference to these policies.
- May Not Amend *Book of Order* Already Before Assembly** d. Commissioners' resolutions shall not contain business that requires an amendment to or interpretation of the Constitution (see *Book of Order*, G-6.04a).
- e. The Stated Clerk shall not transmit as new business any resolution that deals with matters of business already before the General Assembly, nor transmit any resolution whose purpose can be achieved by the regular process of amendment and debate.
- Same Issues as Previous Assembly** f. Should the commissioners' resolution deal with substantially the same issue considered by one of the two previous sessions of the General Assembly, the Stated Clerk shall recommend that the Assembly Committee on Bills and Overtures take one of the following actions on the commissioners' resolution: "refer to a subsequent assembly," "decline for consideration," or "take no action."
- Referral** g. If the proposed resolution does deal with new business, the Stated Clerk shall transmit it to the Assembly Committee on Bills and Overtures with a recommendation for its referral.
- Referral Declined** h. The Assembly Committee on Bills and Overtures may decline to refer proposed items of new business if it decides that the matters proposed are already before the assembly or that the purpose of the proposals can be reached by the process of amendment and debate. Proposed items of business not referred, whether declined by the Stated Clerk or the Assembly Committee on Bills and Overtures, shall be identified in the first report of the Assembly Committee on Bills and Overtures distributed to commissioners after the period docketed for committee meetings, with a brief description of the content and a statement of the reasons for declining the proposed business. Twenty-five percent of commissioners present and voting is required to overturn action of the Assembly Committee on Bills and Overtures to decline, take no action, or refer a commissioners' resolution to a subsequent assembly. If a commissioners' resolution affects a substantial change in an existing social witness policy, the Stated Clerk should recommend to the Assembly Committee on Bills and Overtures that it be referred to the next General Assembly.



Commissioners, Delegates, and Other Participants at the Meeting

- 1. **Commissioners**
 - a. Election
 - b. List Delivered by 120 Day Deadline
 - c. Able to Attend
 - d. Entitlements, Expenses
 - e. Newly Created Presbytery's Commissioners
 - f. Missionary Advisory Delegate
 - g. Ecumenical Advisory Delegate
- 2. **Advisory Delegates**
 - a. Definition
 - b. Categories
 - c. Voting Privileges
 - d. Young Adult Advisory Delegates
 - e. Theological Student Advisory Delegates
 - f. Missionary Advisory Delegates
 - g. Ecumenical Advisory Delegates
- 3. **Corresponding Members**
 - a. Definition
 - b. Entitled to Speak, Not Vote
- 4. **Advisory Committee on the Constitution**
- 5. **Other Participants**
 - a. Special Guests
 - b. Ecumenical Representatives
 - c. Resource Persons
 - d. Presbytery Staff
 - e. Ecumenical Visitors
 - f. Interfaith Representatives
- 6. **List of Participants**

1. Commissioners

Election

a. Each presbytery shall elect commissioners to the General Assembly in accordance with *Book of Order*, G-3.0501. The number of commissioners attending General Assembly will be based on the number of active members, including resident clergy members of presbytery. The figures for active members will be taken from the information recorded in *Minutes of the General Assembly*, Part II, *Statistics* of the year in which per capita apportionment is assessed for the year in which General Assembly meets.

List Delivered by 120 Day Deadline

b. Presbyteries shall elect commissioners in sufficient time to permit the list of commissioners to be delivered to the Stated Clerk of the General Assembly 120 days prior to the convening of the session of the General Assembly to which they are commissioned.

Able to Attend

c. Teaching elders and ruling elders considered for election as commissioners must be able to be in attendance for the duration of the General Assembly.

Entitlements, Expenses

d. Commissioners shall be entitled to speak under the rules, and to vote and present motions in meetings of the General Assembly and of assembly committees to which they are assigned. Commissioners shall be reimbursed for approved expenses.

Newly Created Presbytery's Commissioners

e. In the case of a newly created presbytery, the presbytery shall be entitled to elect commissioners to the General Assembly if the qualifying enrollment of teaching elders and congregations in that presbytery shall have been completed by December 31 of the year preceding the assembly meeting (see *Book of Order*, G-3.0501).

Alternates f. Presbyteries may elect alternates in number up to, but not exceeding, the number of commissioners to which the presbytery may be entitled. Such alternates shall be seated with other visitors to the assembly.

2. Advisory Delegates

Definition a. Advisory delegates are persons who are active members in one of the constituent churches or councils of the General Assembly (or, in the case of ecumenical advisory delegates, of a denomination of Christians designated by the General Assembly) who are selected to attend the meeting of the General Assembly in an advisory role so that the assembly may be assured of hearing and taking cognizance of their special viewpoints.

Categories b. There shall be four categories of advisory delegates: youth, theological student; missionary, and ecumenical. The expenses of each advisory delegate shall be paid by the General Assembly (see Standing Rule I.3.) on the same basis as the expenses of commissioners (see Standing Rule B.2.f.(2) below for exception).

Voting Privileges c. Advisory delegates shall be assigned to assembly committees as voting members and shall have the privilege of the floor of the General Assembly without vote. Only voting members shall have the privilege of proposing or seconding a motion. When certain issues come before a plenary session of the General Assembly, the advisory delegates may be polled prior to the vote of commissioners to determine their advice.

Young Adult Advisory Delegates d. Young Adult Advisory Delegates
(1) Each presbytery shall appoint an active member of the Presbyterian Church (U.S.A.), who shall be between the ages of seventeen and twenty-three years on the date the General Assembly convenes, to be a young adult advisory delegate.

(2) Each presbytery will request each candidate for young adult advisory delegate to submit an application/questionnaire and be interviewed by an appropriate presbytery committee in order to ensure the selection of the best qualified person to serve as young adult advisory delegate. The youth ministries staff shall prepare and distribute to each presbytery a sample/suggested questionnaire for use in reviewing candidates for election as young adult advisory delegates.

(3) Presbyteries shall elect young adult advisory delegates in sufficient time to permit the list of advisory delegates to be delivered to the Stated Clerk of the General Assembly 120 days prior to the convening of the session of the General Assembly to which they are elected.

Theological Student Advisory Delegate e. Theological Student Advisory Delegates

There shall be a delegation of theological student advisory delegates each year: two from each of the theological institutions of the Presbyterian Church (U.S.A.); one from each of the theological institutions in a covenant relationship with the Presbyterian Church (U.S.A.); and one each from three selected other theological seminaries. The selection process for these delegates is as follows:

(1) Each theological institution of the Presbyterian Church (U.S.A.) shall nominate three students who, at the time of the General Assembly, will have at least one year of study remaining in their degree program. Two of these students shall be designated by the institution as delegates and the other student shall be designated as the alternate. Such a student must be either an inquirer or a candidate in preparation for ministry under care of a presbytery, or a student nominated by the Presbyterian School of Christian Education. These nominations shall be forwarded to the Stated Clerk of the General Assembly 120 days prior to the convening of the session of the General Assembly to which they are elected, who shall transmit the names of the two students to be delegates to the presbytery of jurisdiction for election. The presbyteries shall then certify the election to the Stated Clerk when completed.

(2) Each theological institution in covenant relationship with the Presbyterian Church (U.S.A.) shall nominate two students who, at the time of the General Assembly, will have at least one year of study remaining in their degree program. One of these students shall be designated by the institution as the delegate and the other student as the alternate. Such a student

must be either an inquirer or a candidate in preparation for ministry under care of a presbytery. These nominations shall be forwarded to the Stated Clerk of the General Assembly 120 days prior to the convening of the session of the General Assembly to which they are elected, who shall transmit the name of the delegate to the presbytery of jurisdiction for election. The presbyteries shall then certify the election to the Stated Clerk when completed.

(3) All non-Presbyterian theological schools represented by corresponding members on the Committee on Theological Education and one additional non-Presbyterian theological seminary shall be asked to nominate one theological student advisory delegate and one alternate. The additional non-Presbyterian seminary shall be chosen on a rotating basis, descending alphabetically, from those that have at least twelve Presbyterian enrollees (either inquirers or candidates under the care of a presbytery) as of October 1 in the year preceding the assembly. These nominations shall be forwarded to the Stated Clerk of the General Assembly 120 days prior to the convening of the session of the General Assembly to which they are elected, who shall transmit the name of the delegate to the presbytery of jurisdiction for election. The presbyteries shall then certify the election to the Stated Clerk when completed.

(4) Nominated students shall have at least one more year of study following the assembly remaining in their degree program. The Stated Clerk shall forward the name of the nominated students to the presbyteries of jurisdiction for election and confirmation.

**Missionary
Advisory
Delegates**

f. Missionary Advisory Delegates

(1) There shall be eight missionary advisory delegates who shall be chosen by the Worldwide Ministries Division from persons who are members of the Presbyterian Church (U.S.A.) and mission personnel assigned by the Presbyterian Church (U.S.A.) in another country in which this church is engaged in mission. To the degree possible, the selection shall provide a global geographical representation with no two delegates representing the same country or geographical area and rotating the geographical representation. The Worldwide Ministries Division shall notify the Stated Clerk at the time these persons are named.

(2) The expenses to the General Assembly of each missionary advisory delegate shall include transportation only from the point of entry or domicile of the delegate in the United States and return.

**Ecumenical
Advisory
Delegates**

g. Ecumenical Advisory Delegates

There shall be up to fifteen ecumenical advisory delegates. Ten of these delegates shall be from churches outside of the United States. No more than five shall be from member churches of the World Alliance of Reformed Churches. Ecumenical advisory delegates shall be selected by the highest ecclesiastical authorities of their churches, in response to the invitation of a previous General Assembly. The assembly shall extend such invitations at the recommendation of the Presbyterian Mission Agency upon nomination by the General Assembly Committee on Ecumenical Relations.

3. Corresponding Members

Definition

a. The following persons shall be corresponding members: Moderators of earlier General Assemblies; the Stated Clerk, Associate and Assistant Stated Clerks, and other members of the staff of the Office of the General Assembly as designated by the Stated Clerk; the members of the Committee on the Office of the General Assembly; the members of the GAMC Executive Committee and staff of the Presbyterian Mission Agency, and of the divisions and related entities designated by the council; all members of the Advisory Committee on the Constitution; the executives of synods; one person designated by each entity reporting directly to the General Assembly, including permanent, special, and advisory committees (additional persons may be designated by such bodies if authorized by the Moderator of the preceding General Assembly in consultation with the Committee on the Office of the General Assembly); and the presidents (or their designee) of the theological institutions of the Presbyterian Church (U.S.A.), and seminaries related by covenant agreement.

**Entitled to
Speak, Not Vote**

b. Corresponding members shall be entitled to speak, under the rules, in meetings of the General Assembly and of assembly committees on matters related to the work of the body represented, but they may neither vote nor present motions.

4. Advisory Committee on the Constitution

During the General Assembly, three or more members of the Advisory Committee on the Constitution [this committee] shall be present at the session of the General Assembly to advise the General Assembly and its Moderator on constitutional matters.

5. Other Participants

Special Guests

a. The assembly, out of honor, courtesy, recognition, and the need for information and resource material, may recognize other persons as guests or observers. As such, they may be invited by the General Assembly to speak to the assembly for the purpose of conveying greetings or messages, or bringing enlightenment or information germane to the decision-making process. An assembly committee may extend a similar invitation at its own meeting.

**Ecumenical
Representatives**

b. Ecumenical representatives are individuals sent at the initiative of another church to be the official representative of that church. The Stated Clerk shall announce to member churches of the World Alliance of Reformed Churches the date and place of the next meeting of the General Assembly. When officially certified through appropriate ecclesiastical channels at least forty-five days prior to the convening of the General Assembly, these persons shall be welcomed as guests of the General Assembly and introduced to the council through the report of the assembly committee addressing ecumenism. The assembly shall assume the expense and housing of such guests on the same basis as the expense of commissioners, but shall not reimburse any travel expenses to the assembly site.

**Resource
Persons**

c. The assembly may welcome persons invited by the Presbyterian Mission Agency or another entity of the General Assembly for the purpose of establishing or affirming particular ecumenical, mission, or program relationships, or assisting the entity in the presentation of particular items of business. Any expense reimbursement shall be the responsibility of the inviting entity.

Presbytery Staff

d. The presbytery's executive staff person (or designee) and the presbytery's stated clerk shall be supplied with all reports and materials related to the General Assembly, but shall not be entitled to speak in plenary meetings or in meetings of assembly committees unless called upon by a moderator to provide information.

**Ecumenical
Visitors**

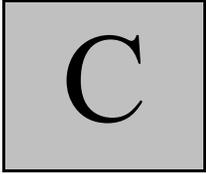
e. Ecumenical visitors are individuals attending a session of the General Assembly at their own initiative. These persons are welcomed to the assembly as unofficial visitors. The assembly shall assume no expenses for these ecumenical visitors.

**Interfaith
Representatives**

f. Interfaith Representatives—Three observers of other faiths or religious traditions, who shall be representatives chosen by recognized religious bodies of non-Christian religious traditions and/or faith communities shall be present at the assembly at the invitation of the General Assembly Committee on Ecumenical Relations. The interfaith representatives shall be present with the church in its deliberations, and to speak to the assembly for the purpose of conveying greetings or messages, or bringing information germane to the decision-making process. The assembly shall assume the expense of housing and on the same basis as the expense of commissioners, but shall not reimburse any travel expenses to the assembly site.

6. List of Participants

Upon request, the Stated Clerk shall make available the list of participants registered for a session of the General Assembly to entities of the General Assembly, councils of the denomination, educational institutions, teaching elders, ruling elders, and independent organizations composed primarily of members of the Presbyterian Church (U.S.A.). A fee will be charged for lists or mailing labels to cover the costs incurred for printing, postage, and handling.



Formation of Committees and Referral of Business

1. **Assembly Committee Structure**
 - a. Number and Designation of Assembly
 - b. Committee Assistants
 - c. Assembly Committee Moderator and Vice Moderator
 - d. Assembly Committee on Business Referral
 - e. Orientation
2. **Assigning Commissioners to Assembly Committees**
 - a. Committee Assignments
 - b. Notification of Assignment
 - c. Assignment List Provided
 - d. Random Selection Process
3. **Referring Business**
 - a. Recommendation for Referral of Business
 - b. General Assembly Action on Referrals
 - c. How Referred
 - d. Referral Considered by One Committee
 - e. Referring Overtures to Committees
4. **Tentative Docket**

Number and Designation of Assembly Committees

Committee Assistants

Assembly Committee Moderator and Vice Moderator

Assembly Committee on Business Referral

1. Assembly Committee Structure

a. The Stated Clerk shall propose the number and designation of assembly committees to the General Assembly. The Stated Clerk shall present the proposed committee structure to the General Assembly for consideration and ratification at the first assembly meeting at which business is transacted. In making these proposals, the Stated Clerk shall consult with the appropriate General Assembly entity or entities, and may consult with other persons.

b. The Stated Clerk shall propose to the General Assembly for appointment the names of persons to serve as committee assistants for the duration of the General Assembly. The Stated Clerk shall consult with the Committee on the Office of the General Assembly before recommending persons to serve as committee assistants. Persons proposed shall not be commissioners to the General Assembly or staff members of entities of the General Assembly or any person who is a member of the Presbyterian Mission Agency or any person who is a member of any other entity of the General Assembly. A committee assistant shall be appointed to provide staff services to each assembly committee. The appointments shall be made in accordance with *Book of Order*, F-1.0401.

c. The Moderator of the preceding General Assembly shall appoint a commissioner to be moderator and a second to be vice moderator of each committee. Final appointment shall be made only after consultation with the Committee on the Office of the General Assembly, and then also with representatives of the General Assembly Committee on Representation regarding the inclusivity mandated in the *Book of Order*, F-1.0403 and G-3.0103. The moderators of at least one-half of the assembly committees, including any committees dealing with finance and budgets, shall be ruling elders. The moderators of at least one-half of the assembly committees should be women. No more than one person from any one presbytery may be appointed to serve as a moderator or vice moderator. All synods shall be equitably represented.

d. The moderators and vice moderators of the assembly committees, as a group, shall function as the Assembly Committee on Business Referral. The moderator and vice moderator of the Assembly Committee on Bills and Overtures shall function as the moderator and vice moderator of this committee as well. This committee shall report to the assembly for its action at the first meeting of the General Assembly for the transaction of business.

Orientation

e. The Stated Clerk shall conduct an orientation for moderators, vice moderators, and committee assistants of assembly committees no less than three weeks prior to the convening of the General Assembly. The orientation shall include information regarding business likely to be referred to each committee; suggested procedures for dealing with business referred to committees, especially the use of *Robert's Rules of Order, Newly Revised*; utilization of available resources, both persons and materials; and preparation and presentation of assembly committee reports. The Stated Clerk, following consultation with the Presbyterian Mission Agency, may invite persons designated by the council as General Assembly resource coordinators to participate in the orientation. During this orientation, the Assembly Committee on Business Referral shall meet and carry out the duties given it by these rules. The Assembly Committee on Business Referral shall also meet, if necessary, just prior to the convening of the assembly and its function shall end at the convening of the assembly.

2. Assigning Commissioners to Assembly Committees

Committee Assignments

a. Forty-five days before the convening of the General Assembly, the Stated Clerk shall assign each commissioner and advisory delegate to one of the assembly committees by the random selection process described in this standing rule.

Notification of Assignment

b. No later than thirty days before the convening of the assembly, commissioners shall receive the number and designation of committees. At the same time that the number and designation of committees is communicated, the Stated Clerk shall notify each person of the assignment, the time of their first meeting, and the necessity to confirm appropriate housing and travel arrangements.

Assignment List Provided

c. The Stated Clerk shall provide a list of the assignments to those who need it to facilitate the work of the General Assembly.

Random Selection Process

d. Commissioners and advisory delegates shall be assigned to assembly committees by random selection as follows:

(1) The Stated Clerk shall divide the presbyteries into six regional districts. Each district shall be composed of one or more presbyteries so arranged that, insofar as possible, the presbyteries in the district have contiguous boundaries and the numbers of commissioners in the several districts are approximately equal. Within each district the presbyteries shall be arranged alphabetically. The commissioners from each presbytery shall be listed alphabetically in two parallel lists: the first containing the names of the teaching elders; the second, the ruling elders. In those cases where the presbytery has not designated commissioners, the position shall be listed as vacant so that the name may be inserted later when the Stated Clerk is notified. The names of moderators and vice moderators of assembly committees shall be removed from the list and the names below them shall be moved up to fill the vacated positions. The teaching elder commissioners and vacant positions for teaching elder commissioners shall be numbered in sequence. The list of ruling elder commissioners in each district shall be rotated downward so that no ruling elder commissioner is opposite a teaching elder commissioner from the same presbytery. Separate lists of groups identified in *Book of Order*, F-1.0403, shall be prepared, insofar as it may be practical, to assure the most equitable distribution of such commissioners to the various committees in accordance with *Book of Order*, F-1.0403.

(2) The Stated Clerk shall list the young adult advisory delegates in one list arranged in the alphabetical order of the presbyteries that designated the delegates. In any case where the presbytery has not designated a young adult advisory delegate, the position shall be listed as vacant so that the name may be inserted later when the Stated Clerk is notified.

(3) The Moderator shall pick by lot a number from one to ten. This number shall identify the number of the name in the first column of names in each district in which the assignment will begin. It will also identify the number of the young adult advisory delegates in which assignment will begin.

(4) The Moderator shall then pick by lot a second number equal from one to the number equaling the total number of committees. This number shall identify the assembly committee in the order in which the committees are arranged in the standing rules to which the first assignment of members shall be made.

(5) The assignment of members of the assembly committees shall then proceed in sequence. When initial assignments have been made to all committees in sequence so that the committees with the fewest number of commissioners are full, additional assignment shall be made to the other committees in the same manner, until all commissioners and young adult advisory delegates have been assigned to committees.

(6) The Stated Clerk shall assign missionary advisory delegates and ecumenical advisory delegates to assembly committees in consultation with those delegates. Ordinarily not more than two persons in each of these categories shall be assigned to any one assembly committee.

(7) Theological student advisory delegates will be assigned to committees at the same time and in the same way as are commissioners to ensure their full participation and attendance.

(8) Names of commissioners and advisory delegates received after these assignments have been made shall be inserted in the appropriate position in the original list and assigned to the committee to which that position was assigned.

3. Referring Business

Recommendation for Referral of Business

a. The Stated Clerk shall submit to the Committee on the Office of the General Assembly a recommendation for the referral of all items of business coming before the General Assembly.

General Assembly Action on Referrals

b. After making any necessary changes, this committee shall present the prepared referrals to the Assembly Committee on Business Referral so that it may recommend referrals to the first meeting of the General Assembly for the transaction of business. Ordinarily, this committee shall recommend referrals to the General Assembly for its action. When the General Assembly is not scheduled to meet in time to act on its recommendation, the committee may refer business. Such referrals shall be reported to the General Assembly at its next business meeting.

How Referred

c. Items of business to be considered by the General Assembly shall be referred in one of the following ways:

(1) for consideration by an assembly committee and recommendation for action by the General Assembly;

(2) for consideration and action by an assembly committee with a report of the action to the General Assembly;

(3) for consideration by the General Assembly through its inclusion in a consent agenda;

(4) for consideration by the General Assembly in a plenary business session.

Referral Considered by One Committee

d. Each item of business referred to a committee shall ordinarily be considered by only one assembly committee, but in no case should there be more than one committee making a recommendation on an item of business. Business of a related nature shall be assigned to a single committee insofar as possible.

Referring Overtures to Committees

e. The Stated Clerk shall present such items of business to the Assembly Committee on Business Referral, along with a recommendation for their referral. In the event that the presbytery or synod disagrees with the referral recommendation, this procedure shall be followed: The presbytery or synod shall be entitled to submit a written statement regarding

the background and intent of the overture at the time the overture is initially being considered for referral by the Assembly Committee on Business Referral. If, after that committee makes its recommendation, the presbytery or synod still disagrees with the referral recommendation, the presbytery or synod shall notify the Stated Clerk, in writing, of its disagreement. The overture advocate will then be entitled to speak to the background and intent of the overture at a special meeting of the Assembly Committee on Business Referral that shall be held no more than twenty-four (24) hours prior to the convening of the assembly.

4. Tentative Docket

a. The Stated Clerk shall submit to the Committee on the Office of the General Assembly a tentative docket. After making any necessary adjustments, this committee shall present a proposed docket to the Assembly Committee on Business Referral so that it may recommend the docket to the first meeting of the General Assembly for the transaction of business.

b. The reports and recommendations of the Committee on the Office of the General Assembly regarding the initial docket of the General Assembly and referrals of business shall be referred to the Assembly Committee on Business Referral, along with any items of business not included in them (see Standing Rules I.4.b.(3) and I.4.b.(4)). Review of the minutes of the synods pursuant to G-3.0502c and of statement(s) of compliance with decisions of the General Assembly Permanent Judicial Commission by councils, reported by the Stated Clerk pursuant to IV.B.2.d. of the *Organization for Mission*, shall be assigned to the same assembly committee. Following the convening of the assembly, such matters shall be directed to the Assembly Committee on Bills and Overtures.



Beginning of the General Assembly Meeting

1. Registration and Seating

- a. Registration of Commissioners and Delegates
- b. Commissioners with Disabilities
- c. Assigned Seats
- d. Alternates
- e. Ecumenical Representatives
- f. Presbytery Staff Seating
- g. Access to Commissioner and Advisory Delegate Seating

2. Quorum

3. Committee Moderators and Overture Advocates Meeting

1. Registration and Seating

Registration of Commissioners and Delegates

a. The Stated Clerk shall enroll commissioners and delegates on the opening day of the General Assembly and at such other times as may be necessary. The Stated Clerk shall determine any question that may arise regarding registration of commissioners and delegates. Any complaints regarding such decision shall be received by the Assembly Committee on General Assembly Procedures.

Commissioners with Disabilities

b. A commissioner certified by his or her presbytery as having a disability warranting assistance shall be entitled to designate a person to function as an assistant without vote during all proceedings of the General Assembly, including executive sessions and committee meetings, in order that the commissioner may fully participate in those proceedings. The expenses of the assistant shall be paid for by the General Assembly on the same basis as expenses of commissioners. The Stated Clerk shall also enroll assistants to commissioners who have been certified by his or her presbytery as having a disability warranting assistance.

Assigned Seats

c. The Stated Clerk shall assign each commissioner, advisory delegate, and corresponding member to a seat in advance of the meeting. They shall occupy the assigned seats during each meeting of the General Assembly at which business may be transacted. An assistant to commissioner who has been certified by his or her presbytery as having a disability warranting assistance shall be assigned a seat adjacent to the commissioner. The Stated Clerk shall assign seats to commissioners and delegates in a manner that shall assure that the most favorable seats, with regard to the platform, will be assigned to delegations from the various presbyteries in turn through an annual rotation of space assignments.

Alternates

d. When a principal commissioner is replaced by an alternate prior to or during the course of an assembly session, whether for the remainder of the session or for a period of time during the session, the alternate shall assume that assembly committee position and seat assignment.

Ecumenical Representatives

e. Ecumenical representatives shall be seated on the floor of the assembly in a section clearly designated for such guests.

Presbytery Staff Seating

f. The presbytery's executive staff person (or designee) and the presbytery's stated clerk shall be provided assigned seating in proximity to the area that corresponding members are seated.

**Access to
Commissioner
and Advisory
Delegate Seating**

g. The only persons who shall be permitted access to the commissioner and advisory delegate seating area during plenary sessions are commissioners, advisory delegates, assistants enrolled by the Stated Clerk to assist commissioners having a disability warranting assistance, the Stated Clerk, Associate and Assistant Stated Clerks, and other staff and assembly assistants who are assigned responsibilities that require access to this area, including assisting at the floor microphones, delivery of official messages to commissioner and advisory delegates, and locating commissioners who are needed on the platform. The Stated Clerk will provide special credentials for the particular staff and assembly assistants who are authorized to enter the commissioner/advisory delegate seating area. Registered presbytery staff may have access to the seating area to contact their commissioners and advisory delegates during breaks in business.

2. Quorum

At the first meeting of the General Assembly for the transaction of business, the Stated Clerk shall recommend to the General Assembly that the roll call of commissioners be established by registration. Alternately, the Stated Clerk may call the roll of commissioners and advisory delegates by calling the names of absentees as they appear on the roll. After any needed corrections have been made, the Stated Clerk shall announce whether or not a quorum is present (see *Book of Order*, G-3.0503). When commissioners and advisory delegates subsequently register, they shall be seated by the General Assembly. A commissioner who has not registered may not be seated and may not vote.

3. Committee Moderators and Overture Advocates Meeting

The Office of the General Assembly shall, on the first business day of the assembly, before committees meet to consider business, organize a forum where assembly committee moderators shall meet with overture advocates to discuss procedures for participation in committee discussion of business related to the overture that they are advocating.

E

Committee Meetings

- 1. Committee Leadership and Support**
 - a. Moderator and Vice Moderator
 - b. Recorder
 - c. Committee Assistant
- 2. Procedures for Assembly Committees**
 - a. Open Meeting
 - b. Parliamentary Procedures
 - c. Use of Resources
 - d. Preparation of Resource Material
 - e. Privilege of Floor
 - f. Overture Advocates/ Signer of Commissioners' Resolution
 - g. Responsibilities of Overture Advocate
- 3. New Business**
 - a. Consider Only Matters Referred
 - b. Proposing Amendment to Constitution
 - c. Constitutional Matters
 - d. Approval Requirement
 - e. Presentation of
 - f. Referral to Advisory Committee
- 4. Organizational Meeting**
- 5. Public Hearings**
 - a. Schedule
 - b. Time Limits for Presentations
 - c. Hearing Form
- 6. Assembly Committee on Bills and Overtures**
 - a. Responsible for Referral of Business
 - b. Coordination Between Committees
 - c. Distribution of Materials
 - d. Requests to Schedule Event
- 7. Reports of Assembly Committees**
 - a. Writing the Report
 - b. Content
 - c. Fiscal Implications
 - d. Identify Entity
 - e. GAMC to Determine Entity
 - f. Votes Recorded
 - g. Confer with Entity Affected by Action
 - h. Minority Report

1. Committee Leadership and Support

Moderator and Vice Moderator

a. The moderator shall preside over the committee's deliberations. The moderator may request the vice moderator to preside and to assist in the work of the committee.

Recorder

b. Each committee shall have available to assist in its work a recorder appointed by the Stated Clerk. The recorder shall be appointed from a pool of individuals who will already be attending the General Assembly, including staff members, local volunteers, and others. The recorder shall keep an accurate record of the actions of the committee with the votes on each indicating the number of committee members voting in the affirmative, or negative, or those abstaining; and shall assist in drafting the committee report.

Committee Assistant

c. Each committee shall have available to assist in its work a committee assistant. The committee assistant may address the committee offering suggestions regarding procedure, but shall not participate in its deliberations on any issue before the committee as an advocate of one position or view regarding its action. The committee assistant shall assist the committee in securing desired resources.

2. Procedures for Assembly Committee Meetings

- Open Meetings** a. Meetings of assembly committees shall be open to the public (as space permits) provided, however, that the committee may go into executive session at any time in accordance with the Open Meeting Policy, printed in the *Manual of the General Assembly*. Ordinarily, the committee assistant will be expected to remain with the committee in executive session.
- Parliamentary Procedure** b. The deliberations of the committee shall be conducted in accordance with *Robert's Rules of Order, Newly Revised*.
- Use of Resources** c. Each committee shall determine the use to be made of the resource material or resource persons available to assembly committees. Each assembly committee shall determine whether or not to permit the distribution of particular materials to the committee members.
- Preparation of Resource Material** d. Resource material (except for previously published books or interpretive brochures), including advice and counsel memoranda, that provides background or advice on items of new business, including commissioners' resolutions, shall be prepared as necessary by entities of the General Assembly and shall not exceed 1,000 words on each item of business referred. This material shall be submitted to the assembly committee leadership team prior to presentation to the assembly committee to which the business has been referred. A hard copy of this resource material, accompanied by a disk copy, shall be submitted to the Stated Clerk. The Assembly Committee on Bills and Overtures shall consider any request that is made to distribute this resource material to the full assembly.
- Privilege to Speak** e. During the deliberations of the committee, in contrast to public hearings, only the following persons, having been recognized by the moderator, may speak:
- (1) Members of the committee;
 - (2) Committee assistant;
 - (3) Persons with special expertise, including elected members or staff members of General Assembly entities;
 - (4) Overture advocates and signers of commissioners' resolutions;
 - (5) Persons invited by the committee through a majority vote of the committee; and
 - (6) Representatives of the Advisory Committee on the Constitution, who may speak to overtures, commissioners' resolutions, or other business on which the Advisory Committee on the Constitution has presented advice or recommendations, or matters that propose amendments to the Constitution, or that affect compatibility with other provisions of the Constitution.
 - (7) In the event that business being considered by an assembly committee has been referred to the Advisory Committee on the Constitution for advice, representatives of the Advisory Committee on the Constitution shall be entitled to speak.
 - (8) The committee moderator shall provide that the total time allotted to persons, other than members of the committee, who speak for or against a recommendation be equal so far as possible.
- Overture Advocates/Signer of Commissioners' Resolution** f. Overture advocates and one signer of each commissioners' resolution shall be responsible for being available at the time selected by any assembly committee considering the matter. The overture advocate or one of the signers of a commissioners' resolution shall be entitled to speak, as an individual (or in cooperation with other overture advocates in a pre-arranged presentation), to the background and intent of the overture or resolution immediately after the motion is made and seconded, placing the overture or resolution on the floor of the committee or subcommittee.

Responsibilities of Overture Advocate g. Overture advocates who have been designated by their presbytery or synod to speak to the response from a General Assembly entity to a referral of an overture shall be responsible for being available at the time selected by the assembly committee considering the response. The overture advocate shall be entitled to speak to the background and intent of the overture” or as asked for clarification by the committee concerning the original intent of the overture.

3. New Business

Consider Only Matters Referred a. Each assembly committee shall consider only matters referred to it by the General Assembly. No assembly committee may initiate new business except as it relates to the business of the particular assembly committee.

Proposing Amendment to Constitution b. New business initiated in an assembly committee proposing an amendment to the Constitution or requiring an interpretation of the Constitution by the General Assembly (*Book of Order*, G-6.04b and G-6.02) shall be referred to the Advisory Committee on the Constitution, which shall report its findings and recommendations to the General Assembly.

Constitutional Matters c. Any other new business initiated in an assembly committee that touches upon constitutional matters shall be communicated in writing to the Advisory Committee on the Constitution and the Stated Clerk. The Advisory Committee on the Constitution shall consider each matter so referred and report its findings and recommendations, which may include proposals for constitutional change, to the assembly committee and the Stated Clerk. The assembly committee shall vote on the recommendations and may amend or decline to approve them. The advice of the Advisory Committee on the Constitution on these matters shall be transmitted to the General Assembly with the report of the assembly committee.

Approval Requirement d. Recommendations and reports to the assembly regarding such new business must be approved in assembly committees by three-fourths of the committee members voting on the matter.

Presentation of e. New business, other than that described in this standing rule, must be presented in accordance with Standing Rule A.8.

Referral to Advisory Committee on the Constitution f. New business initiated in an assembly committee proposing an amendment to the Constitution (*Book of Order*, G-6.04) or requiring an interpretation of the Constitution by the General Assembly (*Book of Order*, G-6.02) shall be referred to the Advisory Committee on the Constitution, which shall report its findings and recommendations to the General Assembly. Any other new business initiated in an assembly committee that touches upon constitutional matters shall be communicated in writing to the Advisory Committee on the Constitution and the Stated Clerk. The Advisory Committee on the Constitution shall consider each matter referred and report its findings and recommendations (which may include proposals for constitutional change) to the assembly committee and the Stated Clerk. The advice of the Advisory Committee on the Constitution on these matters shall be transmitted to the General Assembly with the report of the assembly committee.

4. Organizational Meeting

a. Ordinarily, the initial meeting of each assembly committee shall be an organizational meeting in private session for up to one hour for the purpose of developing intergroup dynamics and determining procedural matters, such as approval of the committee’s agenda and consideration of the style in which the committee plans to operate.

b. During this executive session, business items before the committee shall not be discussed or acted upon.

5. Public Hearings

Schedule

a. Each committee, with the exception of the Assembly Committee on Bills and Overtures, shall schedule at its convenience one or more public hearings on matters before it.

Time Limits for Presentations

b. The committee may limit the time for the presentation by any person during a public hearing, including an elected member or staff member of an entity of the General Assembly. If the time allotted for the public hearing is not sufficient to accommodate all the persons wishing to speak, a method shall be approved by the assembly committee that ensures that an equal number of persons on each side of an issue have an opportunity to speak. Any person denied the right to speak at the hearing may appeal to the Assembly Committee on Bills and Overtures on the basis that the method employed in selecting speakers was not fair.

Hearing Form

c. Any person who wishes to be heard in a public hearing shall sign up on a hearing form, posted in a public place in the building in which the assembly is being held, no later than the close of business on the second day of the General Assembly or one hour after the subsequent referral of business to the committee by the General Assembly. The location of hearing forms shall be announced during the first session of the assembly. In the event that an issue is expected to be controversial, those wishing to speak shall be asked to indicate whether they wish to speak for or against the recommendation.

6. Assembly Committee on Bills and Overtures

Responsible for Referral of Business

a. This committee shall neither retain any items of business for its own consideration, nor suppress any matter that comes before it. However, business that substantially duplicates matters already before the assembly may be declined by this committee and reported to the assembly with a statement of the committee's action.

Coordination Between Committees

b. This committee shall keep itself informed of the subjects being considered by the other assembly committees, and, when any subject is taken up by more than one committee, this committee shall advise the moderators of those committees regarding ways to avoid redundant or inconsistent recommendations.

Distribution of Materials

c. This committee shall determine whether or not particular materials may be distributed to the commissioners and delegates to the General Assembly, and specify the time and manner of distribution of any authorized by it. Particular materials distributed in assembly committees shall not be distributed to the full assembly without the approval of the Assembly Committee on Bills and Overtures, including the time and manner of distribution.

Requests to Schedule Event

d. The committee shall review requests from entities of the General Assembly, councils, other entities related to the Presbyterian Church (U.S.A.) in any way, or coalitions in which this denomination or any of its entities participate, to schedule meetings, briefings, hearings, or other events of any kind during those hours when the General Assembly or its committees are in session.

7. Reports of Assembly Committees

Writing the Report

a. The moderator, vice moderator, committee assistant, and recorder, together with such other persons as the moderator may designate, shall draft the report of the committee following the sample form provided by the Stated Clerk.

Content

b. The reports of assembly committees shall contain only (1) the recommendations to be submitted to the General Assembly, and, where necessary, a brief statement of the committee's reasons for such recommendations, and (2) the actions taken by the committee on items referred to the committee for action. Material necessary to identify the item of

business and brief explanations may be included in the report. Extensive background information and detail contained in other documents in the hands of the commissioners shall not be included.

Fiscal Implications

c. Each assembly committee shall include with each recommendation or action in its report statements advising the General Assembly whether or not the recommendation or action has fiscal implications affecting any budget under consideration by the assembly.

Identify Entity

d. Recommendation for assembly action, or action taken by the committee, shall identify the entity that is directed to carry out and report back to the General Assembly regarding the matter dealt with by the recommendation or action.

GAMC to Determine Entity

e. When the entity to which an assembly action is directed is a part of the Presbyterian Mission Agency, such as a division or related entity, the Stated Clerk shall automatically amend the language so that the action is directed to the Presbyterian Mission Agency. The council shall determine which entity shall carry out the responsibility and report to the assembly on the matter.

Votes Recorded

f. The votes recorded in the assembly committee on each recommendation or action shall be included in the report for the information of the commissioners, but shall be omitted from the *Journal* of the General Assembly.

Confer with Entity Affected by Action

g. If the report of an assembly committee proposes or records an action affecting the interests of an entity of the General Assembly or of a council other than the General Assembly, it shall be the responsibility of that assembly committee to confer with the representative(s) designated by the entity or council concerned before proposing such action to the General Assembly or taking such an action.

Minority Report

h. Minority Report

(1) A minority of the members of an assembly committee, or an individual member of an assembly committee, may submit in writing views that differ from those in the committee report. If the moderator of the committee shall affirm in writing that the positions expressed as recommendations for action by the assembly in a written minority report were presented to the whole committee during its consideration of the matter, the Stated Clerk shall reproduce the minority report and distribute it with the report of the committee.

(2) A minority report must be appropriate for consideration as a substitute motion (see *Robert's Rules of Order, Newly Revised*, 2011, p. 527).

F

General Assembly Plenary Meeting

- 1. Assembly Committee on Bills and Overtures Reports**
 - a. Report at Beginning of Each Meeting
 - b. Limits on Debate/Changes in Docket
 - c. Review Minutes
 - d. Requests for Communicating with Assembly
 - e. Referral of Protests
- 2. Reports of Assembly Committees**
 - a. Distribution
 - b. Adequate Docket Time
 - c. Committee Moderators
 - d. Financial Implication
- 3. Minority Reports**
 - a. Must Stand as Full and Complete Substitute
 - b. Reasons Supporting Committee's Recommendation
- 4. Committee Reports on the Budget**
 - a. Per Capita Budget
 - b. Amended Per Capita Budget
- 5. Plenary Meeting Procedures**
 - a. Debate
 - b. Voting Methods
 - c. Mindful of Effort Required to Fulfill Recommendations
 - d. Constitutional Questions
 - e. Cellular Telephones
 - f. Emergency Messages
 - g. Confidentiality
- 6. General Assembly Nominating Committee**
 - a. Presentation of Nominations
 - b. May Decline to Submit Nomination
 - c. Nominating from the Floor
- 7. Docket Time for Special Greetings**
 - a. Head of Communion
 - b. Assignment of Docket Time
- 8. Announcements and Nonofficial Printed Materials**
 - a. Approval for Announcements
 - b. Nonofficial Printed Material
- 9. Distributing Study Documents**
 - a. Distribution
 - b. Responsible Entity Identified
- 10. Forming Social Policy**
- 11. Peaceful Demonstrations**
 - a. Where Allowed
 - b. Prohibited in Building

1. Assembly Committee on Bills and Overtures Reports

Report at Beginning of Each Meeting

a. The Assembly Committee on Bills and Overtures shall report at the beginning of each meeting, recommending any necessary changes in order of business and any referrals it may have considered since its last report.

Limits on Debate/Changes in Docket

b. The Assembly Committee on Bills and Overtures may, at any time, recommend limits on debates or changes in the docket to facilitate the handling of business. The reports of the committee shall take precedence over any other business, including orders of the day.

Review Minutes

c. This committee shall review the minutes of the General Assembly daily, report to the General Assembly any suggested corrections, and recommend approval of the minutes. The minutes shall be posted on the church’s website and two printed copies of the minutes shall be posted in different places during the following day for examination by commissioners. The minutes of the meetings of the General Assembly during the last two days of its session shall be submitted for review and approval within ten days after the adjournment of the General Assembly to a subcommittee of the Assembly Committee on Bills and Overtures.

Requests for Communicating with Assembly

d. Requests for the privilege of communicating with the General Assembly shall be referred to this committee, which shall confer with persons making such requests about the time and the manner in which their concerns may be brought to the attention of the General Assembly. The Assembly Committee on Bills and Overtures shall recommend to the General Assembly a response regarding any possible presentation to the assembly. At the time any such recommendation is acted upon, any commissioner may request that an opposing view be heard, and the assembly shall consider and act upon the matter.

Referral of Protests

e. Protests expressing disagreement with an action or failure to act on the part of the General Assembly shall be referred to the Assembly Committee on Bills and Overtures, which shall decide whether or not the protest is decorous and respectful. Should the committee decide the protest is decorous and respectful, the protest shall be entered in the Minutes. The committee may prepare an answer to be printed with any protest so entered (see *Book of Order*, G-3.0105b).

2. Reports of Assembly Committees

Distribution

a. Copies of the reports of assembly committees (print or electronic) shall ordinarily be distributed to commissioners no later than the close of the meeting prior to the one at which they are to be considered. The Stated Clerk shall arrange for the reproduction and distribution of reports.

Adequate Docket Time

b. The Committee on the Office of the General Assembly, in consultation with the Stated Clerk, shall docket adequate time for the reports of committees, including ample time for debate and action. If a report requires more time than docketed, the Assembly Committee on Bills and Overtures shall consult with the committee for additional time to complete consideration of the report.

Committee Moderators

c. Committee moderators should move the approval of recommendations with minimum comment, and material in the commissioners’ printed resources shall not be read.

Financial Implication

d. The financial effect of each recommendation on budgets previously approved or under consideration shall be clearly presented at the time that the recommendation is considered by the assembly.

3. Minority Reports

Must Stand as Full and Complete Substitute

a. In order to be considered by the assembly, a minority report shall not only set aside the majority report but also be able to stand as a full and complete substitution for the majority report recommendations. A minority report shall be moved as a substitute only after the majority report has first been moved. When this happens, the assembly shall first consider (and may amend) the majority report. When consideration of the majority report is completed, the assembly may then consider (and may amend) the minority report. Further efforts to perfect each report shall be held to a minimum in order that the assembly can concentrate instead on the issue of whether to make the proposed substitution.

Reasons Supporting Committee’s Recommendation

b. The moderator of the committee, or another member of the committee, shall present reasons supporting the committee’s recommendation. They may be presented before any minority report is moved or presented during the narrative report of the committee, or presented during debate on the question of whether or not the substitution shall become the main motion. (See also Standing Rule E.7.h.)

4. Committee Reports on the Budget

Per Capita Budget

a. At the first meeting of the General Assembly for the transaction of business following the meetings of assembly committees, the assembly shall hear a report on the per capita budget from the committee that has reviewed that budget.

Amended Per Capita Budget

b. On the final day of the assembly, an amended per capita budget that incorporates the financial implications of actions taken by the assembly shall be presented to the assembly for approval.

5. Plenary Meeting Procedures

Debate

a. In debate on any pending matter, no commissioner or delegate shall be allowed to speak more than three minutes until all other commissioners or delegates who desire to speak on the pending matter have been heard.

Voting Methods

b.(1) The General Assembly shall ordinarily decide questions by electronic voting. The Moderator may also call for unanimous consent by voice vote or show of hands. All decisions made by assembly standing committees by a three-quarters (supermajority) vote shall be placed on the assembly plenary consent agenda to be considered as the first order of plenary business following committee meetings. Any actions requesting constitutional change must be considered in plenary.

(2) In addition to all consent items from assembly committees, the following items shall be placed on the assembly plenary consent agenda:

(a) All unchallenged nominations from the General Assembly Nominating Committee.

(b) Unanimous recommendations from assembly agencies and entities for confirmations of those offices that, according to the Manual of the General Assembly, require General Assembly confirmation.

(3) In all cases, the right of any commissioner to remove any item from the plenary consent agenda or to call for one of the other forms of voting shall be preserved.”

Mindful of Effort Required to Fulfill Recommendations

c. In view of the relative ease in which studies and programs may be approved, commissioners and other assembly committee members are cautioned to be mindful of the effort required of staff and elected members to carry out the General Assembly’s instructions.

Constitutional Questions

d. When the General Assembly is in plenary session, questions that touch upon constitutional matters, including rulings on questions of order involving constitutional matters requested by the Moderator, shall be handled by the Advisory Committee on the Constitution. These questions shall be referred in writing by the Moderator to the Advisory Committee on the Constitution, which shall consider each matter referred and make recommendations directly to the General Assembly through the Moderator.

Cellular Telephones

e. Use of cellular telephones is prohibited during meetings of the General Assembly and meetings of the assembly committees. During these meetings, pagers may be used only in the silent mode.

Emergency Messages

f. Emergency messages will be relayed to a commissioner or advisory delegate during plenary meetings by way of a written message delivered by one of the Stated Clerk’s designated staff or assembly assistants.

Confidentiality

g. Any person permitted to remain during any executive session is expected to agree to be bound by the confidentiality required of commissioners.

6. General Assembly Nominating Committee

Presentation of Nominations

a. Unless the General Assembly shall have made some other provision, the nominating committee shall present to each session of the General Assembly a nominee for election to each vacancy on the entities of the General Assembly that shall exist because of a scheduled end of term, resignation, death, incapacity to act, change of residence, or any other reason.

May Decline to Submit Nomination

b. The General Assembly Nominating Committee may decline to submit a nomination(s) to a particular vacancy(s) when requested to do so by the affected entity because of an expected merger of entity or a transfer of duties between entities in order to reduce the number of persons serving on a particular entity(s).

Nominating from the Floor

c. Nominating from the Floor

(1) Nominations by commissioners shall be in order unless the vacancy is required to be filled upon nomination from some other source.

(2) When any nomination for service on a General Assembly committee, council, or board comes from the floor of the assembly, the commissioner making the nomination will provide the General Assembly Nominating Committee, no later than 48 hours after the convening of the General Assembly, with pertinent information about the person whose name is being presented, as well as the name of the particular person nominated by the nominating committee whose nomination is being challenged. Such information shall be provided on the “Nomination by Commissioner Form” provided for use at the assembly and available from the Stated Clerk. The availability of the pertinent information provided by the person challenging the nominating committee’s nominee shall be announced to the assembly at least twenty-four hours in advance of the nomination being made from the floor.

(3) In the event that there are nominations from the floor, the election shall proceed as follows:

(a) The General Assembly will deal with one challenged position at a time.

(b) The name of the General Assembly Nominating Committee’s nominee shall be placed in nomination by its moderator. The Moderator of the General Assembly shall call upon the commissioner who is placing a nomination from the floor to put that name in nomination.

(c) Once the names are placed in nomination, the order of speaking shall be first, the commissioner or a designee speaking on behalf of the floor nominee and second, the General Assembly Nominating Committee member or a designee speaking to its nominee. Both the commissioner (or designee) and the General Assembly Nominating Committee member (or designee) shall speak from the platform. Such speech shall not exceed three minutes in length. There shall be no other speeches seconding the nomination of any nominee.

(d) Without further discussion or debate, the General Assembly will move to vote.

7. Docket Time for Special Greetings

Head of Communion

a. When the Head of Communion of a member church of the World Alliance of Reformed Churches, the World Council of Churches, or the National Council of Churches is in attendance at a session of the General Assembly as an ecumenical advisory delegate or as an ecumenical representative, and proper notice is provided, the assembly shall provide up to five minutes of docket time to each such Head of Communion to present a greeting to the assembly.

Assignment of Docket Time

b. The placing of this greeting on the docket will be assigned by the Stated Clerk.

8. Announcements and Nonofficial Printed Materials

Approval for Announcements

a. Only announcements connected directly with the business of the General Assembly shall be read from the platform and all notices shall be submitted either to the Moderator or the Stated Clerk for approval. Telegrams and special letters shall be reported to the General Assembly only at times to be designated by the Moderator.

Nonofficial Printed Material

b. Printed materials that are not official business before the General Assembly may be distributed at authorized booths in the General Assembly Exhibit Hall. Other distribution is permitted in the mailboxes provided for commissioners and advisory delegates, and also can be handed out twenty-five feet or more from entrances to the building in which the General Assembly meets.

9. Distributing Study Documents

Distribution

a. Whenever the General Assembly itself shall require the distribution of a document for study (whether the proposal originates through the recommendation of an entity, the presentation of an overture or resolution, or arises during the conduct of the assembly's business) with a request for a response (whether the response is sought from individuals, congregations, councils, organizations of any kind, or any combination of these), the study document shall be accompanied by resource materials, bibliography, and aids as set forth in the document "Forming Social Policy," Section 5, printed in the *Manual of the General Assembly*. Along with a response instrument and the resource materials, bibliography, and aids, the document shall be distributed on a schedule that provides for the study guide and all accompanying material to be in the possession of the proposed respondents for a minimum of twelve months before the due date of the response.

Responsible Entity Identified

b. The entity to be responsible for receiving the responses and reporting to the General Assembly the summary of the responses shall be identified in the material. The report on the responses to the study may be presented no earlier than to the General Assembly that convenes in the second year after the session of the General Assembly that approves the study.

10. Forming Social Policy

The entities of the General Assembly, including its committees, commissions, and special committees, shall be governed by the document, "Forming Social Policy" printed in the *Manual of the General Assembly*, when that entity is considering making a social witness policy.

11. Peaceful Demonstrations

Where Allowed

a. Peaceful demonstrations shall be allowed twenty-five or more feet outside of the entrances to the building in which General Assembly meets.

Prohibited in Building

b. Spontaneous or planned demonstrations by individuals or groups are prohibited inside the building where the General Assembly meets. The Moderator of the General Assembly shall declare all demonstrations that occur in plenary session out of order and, if demonstrators fail to immediately disband and desist, may recess the General Assembly to a fixed time and place. This rule does not prohibit the spontaneous or planned celebration of an action of the General Assembly or of any event in the life of the church.



General Assembly Meeting Worship

Services of Worship

- a. Moderator of Preceding General Assembly Responsible for Planning
- b. Ecumenical Worship
- c. In Conformity with Directory for Worship

Services of Worship

Moderator of Preceding General Assembly Responsible for Planning

a. The Moderator of the preceding General Assembly shall plan daily worship at the General Assembly, and a worship service including the celebration of the Lord's Supper; and shall provide, in advance, suitable leadership for these periods of worship. The Lord's Supper shall be celebrated at the first service of worship of the General Assembly session, and the Moderator shall preside on this occasion and preach a sermon or deliver an address. The Moderator shall seek advice to ensure inclusivity in the planning of appropriate daily worship periods. The Moderator shall assure adequate transmittal of information about the planning of worship periods to the Committee on the Office of the General Assembly.

Ecumenical Worship

b. The Stated Clerk shall plan an ecumenical period of worship and provide, in advance, suitable leadership for this period of worship.

In Conformity with Directory for Worship

c. The various acts of worship planned for the session of the General Assembly shall be in conformity with the requirements of the Directory for Worship, and shall be developed and led according to the guidance of the document, "Presbyterians at Worship in Mass Assemblies." In the preparation and conduct of all worship services, care shall be taken that all language, sight, hearing, accessibility, and other barriers be eliminated so that there can be full participation of all attendees. [Example: That printed orders of service also be printed in braille and that signing be available.]



Persons in Ordered Ministry and Elections

1. **Moderator of the General Assembly**
 - a. Title/Functions
 - b. Election
 - c. Vice Moderator
 - d. Vacancy

2. **Stated Clerk of the General Assembly**
 - a. Title/Functions
 - b. Election
 - c. Acting Stated Clerk
 - d. Associate Stated Clerks

1. Moderator of the General Assembly

Title/Functions

- a. Title and Functions of the Moderator at the General Assembly

(1) The Moderator of the General Assembly is an ecclesiastical person in ordered ministry, along with the Stated Clerk, of the Presbyterian Church (U.S.A.). The ministry of the Moderator is grounded in the ministry of baptized persons and in the particular ordained ministry of ruling elders and teaching elders.

(2) The title of the Moderator is “The Moderator of the [number] General Assembly [(year)] of the Presbyterian Church (U.S.A.).”

(3) The Moderator of the General Assembly is a commissioner of the General Assembly.

(4) When the Moderator presides at the assembly, it is to be a sign of the bond of unity, community, and mission in the life of the church. During the period between assemblies, the Moderator serves as an ambassador of the unity of the Spirit in the bonds of peace, telling the story of the church’s life and upholding the people of God through prayer.

(5) The Moderator shall preside over the General Assembly that elects him or her, and over the meetings of the next General Assembly until a successor is elected. The Moderator possesses the authority necessary for preserving order and for conducting efficiently the business of the council (*Book of Order*, G-3.0104).

(6) The Moderator and the Vice Moderator shall submit a written report of their work to the session of the General Assembly at which their successors are installed.

Election

- b. Election of the Moderator

(1) Each person nominated to serve as Moderator of the General Assembly must be a commissioner to the General Assembly. Action by presbyteries to endorse candidates for Moderator of the General Assembly shall not take place until after the adjournment of the immediately preceding assembly. The Office of the General Assembly shall provide resourcing and orientation for Moderatorial candidates.

(2) Ordinarily, no later than forty-five days prior to the convening of the assembly, the Moderatorial candidates will announce the name of a commissioner each has selected to offer to the assembly to confirm as Vice Moderator.

(3) The following campaign procedures shall be observed:

(a) Candidates should budget campaign spending of no more than \$1,500, excluding travel and meeting expenses related to their candidacy. Each candidate shall submit

to the Stated Clerk an itemized statement of expenses, including travel and meeting expenses related to his/her candidacy and in kind contributions. This statement shall be submitted to the Committee on the Office of the General Assembly prior to the convening of the General Assembly. This information shall be distributed to commissioners and advisory delegates prior to the election of the Moderator. The statement of expenses of all candidates shall be kept on file in the Office of the General Assembly following the meeting of the General Assembly. The Office of the General Assembly shall not reimburse a candidate for campaign expenses, but shall assume expenses involved in printing and distributing material submitted for information packets as outlined in Standing Rule H.1.b.(3)(e).

(b) In order to encourage reliance on the leading of the Holy Spirit in the selection of the Moderator, no candidate shall send a mailing of any campaign materials, print or electronic, to commissioners and/or advisory delegates or permit such a mailing to be sent, nor shall candidates or their advocates contact commissioners and/or advisory delegates by telephone.

(c) Distribution of written campaign materials at General Assembly shall be limited to the public distribution area.

(d) Candidates are encouraged to meet and make themselves available for conversation with commissioners and advisory delegates within the scope of these procedures.

(e) Not less than fifteen days before the convening of the General Assembly, the Stated Clerk shall publish for commissioners and advisory delegates an electronic information packet containing the following material regarding each candidate for Moderator who is known to the Stated Clerk and who wishes to be included:

(i) A photograph, a biographical sketch, a personal statement by the candidate that includes a statement regarding the candidate's sense of call to the ordered ministry,

(ii) A written presentation by the presbytery having jurisdiction over the candidate, if that council has endorsed the candidate,

(iii) An announcement of the commissioner each candidate has selected to be presented to the assembly for confirmation as Vice Moderator if the candidate is elected,

(iv) The responses of the candidate to a questionnaire developed by the Stated Clerk.

The layouts for the presentation under this standing rule (as outlined above) may be chosen by the candidates, but all material including photographs submitted for each presentation shall be provided in electronic format as well as print. The material shall be submitted to the Stated Clerk no less than forty-five days before the convening of the General Assembly for reproduction and distribution, and shall be accompanied by a statement indicating the willingness of the candidate to serve as Moderator, if elected.

Each proposed Vice-Moderator candidate who wishes to be included may send biographical information and a photograph in electronic format.

(4) The Moderator of the General Assembly shall be elected in the following manner:

(a) When the General Assembly is ready to elect its Moderator, each candidate shall be nominated by a commissioner to the assembly in the following manner: the commissioners making nominations shall be recognized at microphones on the assembly floor. Upon recognition by the assembly Moderator, the nominator shall say, "Moderator, I place in nomination for the office of Moderator of the ___ General Assembly Ruling/Teaching Elder _____ from the Presbytery of _____." The nominator shall then return to his/her seat on the plenary floor. No seconds to nominations are required.

(b) After nominations are closed, each nominee shall be afforded an opportunity to address the General Assembly for a time not to exceed five minutes, expressing the concerns that nominee feels to be the most important for the church. The order of speaking

shall be determined by lot, the drawing conducted by the most recent Moderator attending the General Assembly

(c) At the conclusion of all the presentations by the nominees, they shall respond to questions from the floor. The first question shall be addressed to the nominee who spoke first in the original presentation, and the same question shall then be put to the other nominees in the same order in which they spoke earlier. The second question shall be directed to the second nominee in this order and then to each of the other nominees in sequence. Each nominee shall be afforded an opportunity to answer each question. This process shall continue for a period not to exceed the number of nominees times fifteen minutes, or for one hour, whichever is shorter, unless terminated earlier by vote of the General Assembly.

(d) Where there is only one nominee for Moderator, the election may be by acclamation. Where there is more than one, the election may be by secret ballot in one of the following ways:

(i) Each commissioner shall vote by means of an electronic voting system. The Stated Clerk shall advise the Moderator of the totals. The Moderator shall announce the result of the vote as tabulated. If no nominee has received a majority of the whole vote, another vote shall be taken in the same manner. When one nominee shall have received a majority, the Moderator shall announce the result and declare the nominee to be elected.

(ii) If the assembly votes to use paper ballots, the Stated Clerk shall provide ballots and assign no fewer than ten commissioners to act as tellers, collecting and counting the ballots. The results shall be given to the Stated Clerk who shall report the totals to the Moderator who shall announce them to the assembly.

(5) The Stated Clerk shall provide a service of installation for the newly elected Moderator as the last item of business at the session in which the Moderator is elected. The family of the newly elected Moderator and all present previous Moderators shall be invited to the platform. The service shall use the order of service for “Installation of Governing Body Officers and Staff” from the *Book of Occasional Services*. The processional banner of the Moderator shall precede the newly elected Moderator into the assembly. The Moderator’s cross and stole shall be presented by the most recent serving Moderator. A representative of the presbytery of the Moderator’s membership shall ask the questions of installation. The newly elected Moderator invites a person to lead the prayer of installation. The most recent serving Moderator gives the charge, a hymn is sung by the assembly, and the newly elected Moderator gives the benediction.

Vice Moderator

c. Vice Moderator

(1) Ordinarily, no later than forty-five days before the convening of the assembly, a Moderatorial candidate shall announce the selection of a commissioner who will be proposed to serve as Vice Moderator. At the next business session of the assembly following the election of the Moderator, the Moderator shall propose to the assembly the name of the commissioner for Vice Moderator. After a brief speech by the person selected, the assembly shall immediately proceed to vote on his or her confirmation. Should there be no confirmation, the Moderator shall bring another commissioner’s name for confirmation to the next business session of the assembly. The Stated Clerk shall provide a service of installation for the newly elected Vice Moderator.

(2) The Vice Moderator represents the assembly at the request of the Moderator. When the Vice Moderator serves in this capacity, all those duties incumbent on the Moderator shall be expected of him/her.

(3) The Moderator may request the Vice Moderator to preside and to assist in the performance of other functions of the Moderator during and following the General Assembly.

Vacancy

d. Vacancy in the Office of the Moderator or Vice Moderator

(1) Should the office of the Moderator of the General Assembly become vacant, the Vice Moderator shall fulfill the functions of the Moderator. In such circumstance, all constitutional obligations and functions as prescribed by the Standing Rules of the General

Assembly and the *Book of Order* shall be incumbent upon the Vice Moderator of the General Assembly.

(2) Should the office of the Vice Moderator of the General Assembly also become vacant, the most recent living Moderator shall fulfill the functions of the Moderator as specified in the Constitution of the church.

2. Stated Clerk of the General Assembly

Title/Functions

a. Title and Functions of the Stated Clerk at the General Assembly

(1) The title of the Stated Clerk is “The Stated Clerk of the General Assembly of the Presbyterian Church (U.S.A.)” and may be used by the incumbent until a successor is elected and takes office.

(2) The Stated Clerk is accountable, through the Committee on the Office of the General Assembly, to the General Assembly for the performance of the duties of the office, and shall present to each meeting of the General Assembly a report on the state of the church.

(3) The Stated Clerk is responsible for all matters related to the sessions of the General Assembly and all other matters relative to and arising from the General Assembly for which no other assignment has been made.

(4) The Stated Clerk shall also be responsible for guidance of the procedures for candidates seeking the office of Moderator, and for supervision of the election of each Moderator.

(5) In accordance with directives from previous General Assemblies and in consultations with the Committee on the Office of the General Assembly, the Presbyterian Mission Agency, and other General Assembly agencies, the Stated Clerk is authorized to decide on matters pertaining to facilities and special events that must be established before the first meeting of the Assembly Committee on Bills and Overtures.

(6) The Stated Clerk shall receive all reports, communications, overtures, and any other materials appropriate for General Assembly consideration. The Stated Clerk shall recommend to the Committee on the Office of the General Assembly, for presentation to the Assembly Committee on Business Referral, a referral of such items of business coming before the General Assembly (Standing Rule C.3.e.).

(7) The Stated Clerk shall prepare for consideration of the Committee on the Office of the General Assembly a proposed docket for the General Assembly’s consideration of its business (Standing Rule C.4.a.). The Committee on the Office of the General Assembly shall present the proposed docket to the first meeting of the Assembly Committee on Bills and Overtures so that it may recommend a docket to the commissioners at the first business session. The docket presented to the Assembly Committee on Bills and Overtures shall provide a time early in the General Assembly for a report by the Stated Clerk on the state of the church, and for a report by the Committee on the Office of the General Assembly.

(8) The Stated Clerk shall propose to the General Assembly the number of assembly committees and a name for each committee after consultation with the Committee on the Office of the General Assembly and the appropriate General Assembly entity or entities (Standing Rule C.1.). The Stated Clerk shall present the committee structure to the General Assembly for ratification at the first business session. Each commissioner and advisory delegate shall be assigned by random selection to one assembly committee at least forty-five days before the opening date of the General Assembly (Standing Rule C.2.).

(9) The Stated Clerk shall provide opportunity for orienting the commissioners, advisory delegates, and others taking part in the session of the General Assembly. The use of *Robert’s Rules of Order*, sources of parliamentary advice, and the availability of resource persons and materials to facilitate their work should be part of the orientation.

(10) The Stated Clerk shall be the parliamentarian for the meetings of the General Assembly, or arrange for the service of a professional parliamentarian.

(11) The Stated Clerk shall transmit to the councils and agencies of the assembly, persons who presented business to the assembly, and others affected by the assembly's actions, a report on actions of the General Assembly on matters pertaining to their concerns. The Stated Clerk shall transmit to the presbyteries all assembly actions on which the presbyteries are requested to take action.

(12) As soon as practicable after the adjournment of the General Assembly, the Stated Clerk shall publish the assembly's proceedings and other documents as the assembly may direct in an appropriate format (i.e. print or electronic) to be determined by the Stated Clerk.

Election

b. Election of the Stated Clerk

(1) The Constitution of the Presbyterian Church (U.S.A.) requires the election of a Stated Clerk and the standing rules describe the procedures for the election. The Stated Clerk of the General Assembly shall be elected for a term of four years and is eligible for reelection to additional four-year terms. The Stated Clerk is accountable to the General Assembly for the performance of the assigned functions.

(2) The Stated Clerk of the General Assembly shall be elected in the manner described in this standing rule. No member of the Committee on the Office of the General Assembly or other persons involved in this procedure as a member of the search committee or as a person providing staff services to the committee may be considered for nomination as Stated Clerk. The incumbent Stated Clerk may not participate in any way in the election process described in this standing rule. In the year there is an election of a Stated Clerk, the Moderator shall appoint a temporary Stated Clerk during the period of the election at the General Assembly.

(3) The General Assembly that meets prior to the end of the term of a Stated Clerk shall elect a Stated Clerk Nomination Committee.

(a) The slate of nominees for the nomination committee shall consist of the following: three members of the Committee on the Office of the General Assembly (nominated by the Committee on the Office of the General Assembly, one of whom shall serve as moderator of the committee), one member of the Presbyterian Mission Agency Board (nominated by the Presbyterian Mission Agency Board), and five at-large members nominated by the General Assembly Nominating Committee in the following categories: one mid council stated clerk and four persons (two ruling elders and two teaching elders) from among commissioners who have attended an assembly in the past six years. The General Assembly Nominating Committee shall present to the assembly for election the slate of nominees for the Stated Clerk Nomination Committee. The slate presented shall reflect the denomination's commitment to inclusiveness.

(b) Nominations from the floor for the nomination committee shall be in order following the distribution of the printed list of proposed nominees by the General Assembly Nominating Committee and a declaration by the Moderator that the names are in nomination. Names placed in nomination from the floor shall be in opposition to a particular name of an at-large member placed in nomination by the General Assembly Nominating Committee, and must be in the same category (H.2.b.(3)(a)). More than one person may be placed in nomination from the floor in opposition to an at-large nominee.

(c) The Committee on the Office of the General Assembly shall be responsible for providing the nomination committee with an up-to-date position description.

(d) The Committee on the Office of the General Assembly will ensure that an adequate budget for the nomination process is provided in the Office of the General Assembly and shall designate staff services for the Stated Clerk Nomination Committee.

(e) The nomination committee shall begin its work no later than 300 days before the start of the assembly that will elect the Stated Clerk.

(f) The Committee on the Office of the General Assembly shall be responsible for conducting the end-of-term evaluation of the Stated Clerk.

(g) The nominating committee shall announce that persons seeking the position of Stated Clerk shall file a completed application form and a resume or personal information form (PIF) with the committee 180 days before the opening of the General Assembly.

If the incumbent wants to be considered, he or she will notify the committee in writing and submit a current resume or PIF 180 days before the opening of the General Assembly. The Committee on the Office of the General Assembly shall provide a copy of the end-of-term evaluation to the Stated Clerk Nominating Committee.

(h) Additional written material may be requested by the committee. No one may be nominated to serve as Stated Clerk who has not provided an application to the committee.

(i) The committee shall review and evaluate all applications to determine the constitutional eligibility of the candidates. Any candidate who is determined to not be eligible will be notified in writing within forty-five days of receipt of their resume or PIF.

(j) The committee shall interview all eligible candidates using the same methodology and select one as the committee's recommendation. All members of the committee shall ordinarily participate in the interview. The committee shall declare its nominee no later than sixty days before the opening of the General Assembly.

(k) Any of the applicants for the position of Stated Clerk, including the incumbent Stated Clerk if not the nominee of the committee, who wish to be placed in nomination against the nominee of the committee shall declare their intention to the committee to do so no later than forty-five days before the opening of the General Assembly.

(l) At the convening of the General Assembly, the Office of the General Assembly shall distribute to commissioners and advisory delegates an information packet containing the following material regarding each candidate for Stated Clerk who wishes to be included:

(i) A photograph, a biographical sketch, a personal statement by the candidate, including a statement regarding the candidate's sense of call to the ordered ministry,

(ii) The responses of the candidate to a questionnaire developed by the committee based upon issues that will be before the church as presented in business to be considered by the General Assembly.

(iii) The material submitted shall be typewritten on paper 8-1/2 x 11 inches in size. The layouts for the presentation under this standing rule (as outlined above) may be chosen by the candidates, but the copy submitted for each presentation shall be provided in one color on one side of one sheet. The material shall be submitted to the Office of the General Assembly no less than thirty days before the convening of the General Assembly for reproduction and distribution and shall be accompanied by a statement indicating the willingness of the candidate to serve as Stated Clerk, if elected.

(m) The candidates may not distribute any other materials, print or electronic, including flyers, buttons, tokens or other objects that would denote a campaign for the office of Stated Clerk.

(n) Other organizations supporting the candidacy of a particular candidate may not distribute materials electronically, through the mail, or at the General Assembly with the knowledge, support, or permission of that candidate. Should a candidate discover that an organization is advocating or campaigning for him or her, it is expected that the candidate will request that organization to cease its activities. The same expectation will be true of organizations that are critical of a particular candidate for Stated Clerk.

(o) Each candidate will be provided a place to meet and talk with commissioners and advisory delegates two days before the election. Only information provided by the Office of the General Assembly may be distributed in those rooms. Other materials, apart from that packet, are not permitted. Each candidate for Stated Clerk will be allowed to post the times when he/she will be available for conversation in that room.

(p) Any questions concerning interpretation of the election process outlined in H.2.b. shall be determined by the Stated Clerk Nomination Committee.

(4) The General Assembly, by majority vote, shall elect the Stated Clerk in the following manner:

(a) Within forty-eight hours of the convening of the assembly, the Stated Clerk Review/Nomination Committee shall place in nomination a single nominee.

(b) The Moderator shall then invite other nominations from those who have completed the nomination process. Only one speech, made by a commissioner or a member of the Stated Clerk Nomination Committee not to exceed five minutes in length, shall be made to nominate each nominee. There shall be no speech seconding any nomination. Each person nominated from the floor shall reaffirm a willingness to serve as Stated Clerk, if elected.

(c) In the event there are no other nominations, the election shall proceed immediately as follows:

(i) The nominee for Stated Clerk shall be given an opportunity to address the assembly for a time not to exceed five minutes, expressing the nominee's views regarding the functions and work of the Stated Clerk of the General Assembly.

(ii) The Moderator shall inquire of commissioners whether there are questions to be asked of the Stated Clerk Nomination Committee. Time allocated shall not exceed fifteen minutes. The Moderator shall inquire of commissioners whether there are questions to be asked of the nominee for Stated Clerk. The time allocated should not exceed fifteen minutes, after which the voting shall take place.

(d) In the event there are other nominations, the election shall proceed as follows:

(i) The election of the Stated Clerk shall take place as the first order of business on the next to last day of the assembly's session.

(ii) Each nominee shall be given an opportunity to address the assembly for a time not to exceed five minutes, expressing the nominee's views regarding the functions and work of the Stated Clerk of the General Assembly. The nominees shall speak in the same order as the presentation of nominating speeches.

(iii) The Moderator shall inquire of commissioners whether there are questions to be asked of the nominees for Stated Clerk. The first question shall be addressed to the nominee who was nominated first and the same question shall then be put to the other nominees in the same order in which they were nominated. The second question shall be directed to the second nominee in this order and then to each of the other nominees in sequence. Each nominee shall be afforded an opportunity to answer each question. This process shall continue for a period not to exceed the number of nominees times fifteen minutes, or for one hour, whichever is shorter, unless terminated earlier by vote of the General Assembly, after which the voting shall take place.

(5) Should there be a vacancy in the office of the Stated Clerk, the General Assembly Nominating Committee shall propose to the assembly, if the assembly is in session, members for the Stated Clerk Nomination Committee, or shall propose to the Moderator for appointment, if the assembly is not in session, to a Stated Clerk Nomination Committee. This committee shall be composed of members as outlined in Standing Rule H.2.b. and begin the process of a search for a candidate for Stated Clerk. The Committee on the Office of the General Assembly shall designate an acting Stated Clerk until such time as a Stated Clerk is elected.

(6) The Stated Clerk Nomination Committee shall be dismissed at the adjournment of the session of the General Assembly at which the committee presents a nominee for Stated Clerk.

(7) A new Stated Clerk shall normally assume office thirty days after the adjournment of the assembly. A longer period of transition between Stated Clerks may be negotiated by the Committee on the Office of the General Assembly, but shall not exceed ninety days.

Acting Stated Clerk

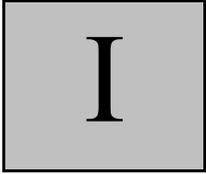
c. Acting Stated Clerk

In case of the incapacity, resignation, or death of the Stated Clerk, the Committee on the Office of the General Assembly shall designate an Acting Stated Clerk until such time as the Stated Clerk is able to resume the duties or the General Assembly elects a new Stated Clerk. The person so designated may be one of the Associate Stated Clerks or another person eligible for election as Stated Clerk.

Associate Stated Clerks

d. Associate Stated Clerks

The General Assembly may elect one or more Associate Stated Clerks as the General Assembly shall determine. The Stated Clerk shall nominate persons to fill each such office after consultation with the Committee on the Office of the General Assembly. The term of office shall be four years, subject to reelection at the pleasure of the General Assembly.



General Assembly Arrangements

1. **Date and Place of Meeting**
 - a. Determining Date and Place
 - b. Presbytery Invitations
 - c. Criteria
 - d. Rotating the Place of the Meeting
 2. **Meeting Arrangements**
 - a. Arrangements and Housing
 - b. Assembly Assistants
 - c. Simultaneous Interpretation
 - d. Sponsorship of Events
 3. **Reimbursing Commissioner Expenses**
 - a. Reimbursement/Per Diem
 - b. Reimbursement for Alternate Commissioner
 4. **Assembly Meeting Work Group**
 - a. Membership
 - b. Responsibilities
-

1. Date and Place of Meeting

Determining Date and Place

a. The General Assembly of the Presbyterian Church (U.S.A.) shall meet on the date and at the place fixed by the preceding General Assembly for a period, which shall be known as a session of the General Assembly, preferably between May 15 and July 31, subject to the possibility of change (see Standing Rule I.4.b.(10) and *Book of Order*, G-3.0503, for exceptions). The Committee on the Office of the General Assembly shall recommend to the General Assembly for its action the date and place of meeting six years hence and any necessary changes in dates and places of meetings previously set. Should action regarding date or place of meeting become necessary at a time when the General Assembly is not in session, this committee is empowered to fix a new date or place of meeting.

Presbytery Invitations

b. The host body for any session of the General Assembly shall be a presbytery(s) of the Presbyterian Church (U.S.A.). Any presbytery that desires to invite the General Assembly to meet within its bounds shall forward an invitation to the Stated Clerk no later than May 1 of the year that is seven years prior to the earliest effective date of the invitation.

Criteria

c. The Committee on the Office of the General Assembly shall determine the criteria that render a place an eligible site for a meeting of the General Assembly, including the requirement that all meeting arrangements shall be made to facilitate full participation by persons with disabilities. These criteria may be obtained from the Office of the General Assembly.

Rotating the Place of the Meeting

d. In order to distribute the benefits experienced from hosting a General Assembly meeting throughout the church, the place of meeting shall be rotated among the following four areas (unless prevented by financial or other practical considerations):

- Area A: Synod of Alaska/Northwest, Synod of the Pacific, Synod of Southern California and Hawaii, Synod of the Rocky Mountains, Synod of the Southwest;
- Area B: Synod of the Sun, Synod of Lakes and Prairies, Synod of Mid-America;
- Area C: Synod of Living Waters, Synod of Lincoln Trails, Synod of the Covenant;
- Area D: Synod of South Atlantic, Synod of Puerto Rico, Synod of the Northeast, Synod of the Trinity, Synod of the Mid-Atlantic.

2. Meeting Arrangements

Arrangements and Housing

a. The Stated Clerk shall oversee all arrangements for the meeting and housing of the General Assembly, including: the assignment of time and place for all special events and public meetings connected with or scheduled at the time of the General Assembly; the assignment of time and place for exhibits at the General Assembly; and the assignment of commissioners, advisory delegates, and others to hotels and other accommodations.

Assembly Assistants

b. The Stated Clerk shall appoint persons to serve as assembly assistants for the duration of the General Assembly. Persons appointed shall not be commissioners to the General Assembly or staff members of entities of the General Assembly. Assembly assistants shall be assigned to particular tasks to facilitate the work of the General Assembly. The appointments shall be made in accordance with *Book of Order*, F-1.0403.

Simultaneous Interpretation

c. The Stated Clerk shall arrange for the simultaneous interpretation of proceedings into Spanish and Korean languages for any participant during plenary meetings of the General Assembly. This service shall also be provided during assembly committee meetings, services of worship, and other events during the assembly for commissioners, advisory delegates, ecumenical guests, and, when possible, for other participants.

Sponsorship of Event

d. An event scheduled before, during, or immediately following a session of the General Assembly and extending an invitation to any or all participants of the assembly shall clearly identify the sponsor or sponsoring organization(s) in any invitations, announcements, or other publicity about the event.

3. Reimbursing Commissioner Expenses

Reimbursement/ Per Diem

a. The approved reimbursement for the travel expenses, food, lodging, and other approved expenses of commissioners at the sessions of the General Assembly shall be paid by the treasurer or the treasurer's designee. The treasurer shall have the authority to deposit funds for such purposes in a bank or trust company where the General Assembly is to be in session. Commissioners shall be reimbursed by means of individual checks upon receipt of a voucher on a form provided by the treasurer. The Stated Clerk shall recommend to the Committee on the Office of the General Assembly the amount of any per diem. The Committee on the Office of the General Assembly shall set the per diem, and the Stated Clerk shall publish such per diem in the materials (print or electronic) provided to the commissioners. The treasurer shall determine the manner in which such checks shall be distributed and shall announce the place or places where such checks may be cashed.

Reimbursement for Alternate Commissioner

b. The Office of the General Assembly shall reimburse an alternate commissioner for cost of meals (as specified in the per diem expenses for the particular session of the assembly to which the person is commissioned) during the period in which the alternate is actually seated as a commissioner. The total of the payments to the two persons shall not be larger than payment to a single commissioner attending the full assembly. The Office of the General Assembly shall reimburse either the original commissioner or the alternate who replaced the original commissioner for the costs of transportation and other approved expenses, but not both. It shall be the responsibility of the two individuals, with the assistance of the presbytery that elected them, to determine an appropriate division of the costs, whether reimbursement was in cash or a prepaid ticket was provided. Both persons shall be listed in the *Journal* as commissioners, with an indication of the period during which they served.

4. Assembly Meeting Work Group

Membership

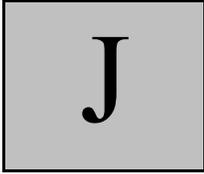
a. The Committee on the Office of the General Assembly shall establish a work group on assembly arrangements to be composed of designated members from the Committee on the Office of the General Assembly, the Stated Clerk, the Moderator of the General Assembly, and the Executive Director of the Presbyterian Mission Agency. The moderator of

the Committee on Local Arrangements, and the moderator and vice moderator of the Assembly Committee on Bills and Overtures (when selected) shall be nonvoting members of the committee at all meetings in which matters will be considered that affect their particular work. This work group shall be assigned responsibilities (1) through (10) in this Standing Rule I.4.b.

Responsibilities

b. Responsibilities

- (1) Review the evaluation of each General Assembly session secured by the Stated Clerk.
- (2) Outline the programs for future General Assemblies sufficiently in advance to ensure an orderly progression of themes and emphases and to ensure the appointment of significant speakers and other program participants.
- (3) Review and present to the Assembly Committee on Business Referral a recommendation regarding the Stated Clerk's proposed docket for the next session of the General Assembly.
- (4) Review and present to the Assembly Committee on Business Referral a recommendation regarding the Stated Clerk's proposed referral of each item of business to an appropriate assembly committee.
- (5) Assist the Moderator regarding the appointment of a commissioner to be the moderator of each assembly committee and a commissioner to serve as vice moderator of each assembly committee.
- (6) Consult with the Moderator regarding the planning of all worship at the General Assembly.
- (7) Coordinate the programmatic aspects of each General Assembly session, ensuring that adequate time is provided for the business that must be transacted.
- (8) Review requests from entities of the General Assembly, councils, other entities related to the Presbyterian Church (U.S.A.) in any way, or coalitions in which this denomination or any of its entities participate to schedule meetings, briefings, hearings, or other events of any kind during those hours when the General Assembly or its committees are in session.
- (9) Prepare a report, including recommendations on the docket and the referral of assembly business, to be printed and distributed with other materials provided to commissioners.
- (10) Review and present to the General Assembly for its action the date and place of meeting six years hence and any changes in dates and places of meetings previously set.



Special Meetings of the General Assembly

1. Method of Calling

- a. Petition's Subject Matter
- b. Resolution Form
- c. Not Called for Discussion Only
- d. Resolved 1 or 2 Days
- e. Full Text on Each Page of Petition
- f. Consult with Assembly Committee on Bills and Overtures
- g. 120-day Requirement

2. Signatures

- a. Verification of PC(USA) Membership
- b. Verification of Signature
- c. Removal Request
- d. Failure to Reply
- e. Verification Process Report

3. Date and Location

- a. Report of Decision to Call Meeting
- b. COGA Sets Date and Place
- c. Expense Plan
- d. Letter of Notification

1. Method of Calling

The *Book of Order* permits the calling of special meetings of the General Assembly (G-3.0503). The method of calling a special meeting is the required number of commissioners submitting a petition with the full text of the resolution to the Moderator of the General Assembly.

Petition's Subject Matter

a. A special meeting may be called providing the petition's subject matter falls within the General Assembly's responsibilities. (G-3.0501).

Resolution Form

b. The urgent matter shall be brought in the form of a resolution or resolutions, stating the specific action proposed to be taken by the commissioners at the special meeting and shall include the reasons for proposing the decision to be made.

Not Called for Discussion Only

c. A special meeting may not be called for the purpose of discussion only.

Resolved in 1 or 2 Days

d. The matters should be able to be resolved in a session of one or two days.

Full Text on Each Page of Petition

e. The full text of the resolution shall appear on each page of the signed petitions.

Consult with Assembly Committee on Bills & Overtures

f. The Moderator may consult with the Assembly Committee on Bills and Overtures to determine any questions concerning whether the resolution meets the criteria for a called meeting or concerning the specific actions in the proposed resolution. This may take place by conference call.

120-day Requirement

g. Resolutions requiring or proposing constitutional interpretation are subject to the 120-day requirement in G-6.02. The 120-day requirement begins upon receipt of the petition by the Moderator. The Moderator may consult with the Advisory Committee on the Constitution (ACC) to determine any questions concerning whether the resolution requires a constitutional interpretation.

2. Signatures

The *Book of Order* establishes the minimum number of signatures to require a called meeting. The Moderator, upon receipt of the petition, shall ask the Stated Clerk to complete the following within thirty days:

Verification of PC(USA) Membership Verification of Signature

a. Send each presbytery stated clerk or clerk of session a letter verifying the current Presbyterian Church (U.S.A.) membership of the individual signatory to the petition.

b. Send each signatory to the petition a letter of verification asking the commissioner to verify the signature on the petition and if the commissioner concurs with the purpose of the request as stated in the resolution.

Removal Request

c. During the verification process, a commissioner may request removal of his or her name from the petition by notifying the Stated Clerk.

Failure to Reply

d. After all reasonable efforts to establish contact have been made, the name of a commissioner failing to reply to the letter of verification shall be removed from the petition.

Verification Process Report

e. The Stated Clerk shall report to the Moderator the results of the verification process.

3. Date and Location

The Committee on the Office of the General Assembly has the responsibility to fix the date and place of a meeting of the General Assembly when the General Assembly is not in session.

Report of Decision to Call Meeting

a. Upon receiving certification from the Stated Clerk that the petition has met the requirements of the *Book of Order* and the Standing Rules of the General Assembly, the Moderator shall report to the Committee on the Office of the General Assembly (COGA) the decision to call the meeting.

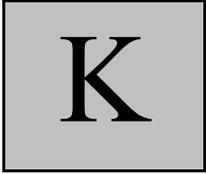
COGA Sets Date and Place Expense Plan

b. The COGA shall set the date and place of a called meeting.

c. The COGA shall submit to the called meeting a plan to pay for its expenses. This plan shall be considered to be part of the business of the special meeting.

Letter of Notification

d. The letter of notification of the called meeting will be mailed to the commissioners no later than sixty days before the start of the meeting.



Commissions, Special Committees, and Special Administrative Review

- | | |
|---|---|
| <ol style="list-style-type: none"> 1. Commissions and Special Committees <ol style="list-style-type: none"> a. Purpose b. Considerations for Creating c. Appointed by Moderator d. Length of Existence and Reports e. Review f. Representation at General Assembly and Funding g. Coordination h. Staff Services | <ol style="list-style-type: none"> 2. Special Administrative Review of Synods <ol style="list-style-type: none"> a. Three Ways to Review b. Written Request for Review |
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1. Commissions and Special Committees

Purpose

a. Unless otherwise specified in the assembly’s action, any body or group established by the General Assembly to carry out decisions of the assembly, or instructed to report to the assembly, or make recommendations to the assembly, or both, shall be known as a commission or special committee (see *Book of Order*, G-3.0109). The purposes of a special committee must be ones that cannot be undertaken by the work of an existing corporation or entity under its assigned responsibilities. Due to the financial and staffing implications, before authorizing the establishment of a special committee, the assembly shall hear a report from the Assembly Committee on Bills and Overtures, which shall have consulted with the most closely related entity and a member designated from the Committee on the Office of the General Assembly, as to whether the work to be assigned to the special committee could more effectively and economically be assigned to that entity.

Considerations for Creating

b. The Assembly Committee on Bills and Overtures shall be notified by any assembly committee whenever there is discussion about the creation of a special committee. In discussing the possible creation of a special committee, the Assembly Committee on Bills and Overtures shall hear from related corporation or entity representatives as well as representatives from the assembly committee considering the proposal. Financial implications of special committees should accompany any recommendation for action by the assembly. The written comment of the Assembly Committee on Bills and Overtures must be incorporated as background in the report of the assembly committee containing a recommendation to create a special committee.

Appointed by Moderator

c. Any commission or special committee authorized by the General Assembly, unless otherwise designated, shall be appointed by the Moderator in collaboration with the General Assembly Nominating Committee and the General Assembly Committee on Representation. The Moderator is also authorized to fill by appointment any vacancies that may occur in any of such commissions or committees. No teaching elder, ruling elder, or other person shall be appointed to serve on more than one such commission or committee except by consent of the General Assembly.

Length of Existence and Reports

d. Special committees shall complete their work within two years unless the General Assembly that authorized its establishment specifies a different period. Special committees shall submit a written report to the General Assembly that shall include a recommendation to extend its existence (if beyond the period authorized), or, at the conclusion of its work, a

recommendation for dismissal. Special committees shall also publish interim reports, no less than annually, by electronic or print means. Such interim reports shall indicate the progress made by the special committee on its assigned tasks and offer a timeline and process for completing its work. When a special committee requests an extension of its existence, the request shall be referred to the Committee on the Office of the General Assembly. After consultation with the most closely related assembly entity, the Committee on the Office of the General Assembly will recommend to the assembly whether the project shall be reassigned to the entity, remain with the special committee, or be terminated. Any extension to its existence shall require a two-thirds vote of the commissioners.

Review

e. The Committee on the Office of the General Assembly shall review the work of each special committee and include in its report to each session of the General Assembly a summary of the work being carried out by each special committee, including any recommendation to transfer the work assigned to a special committee elsewhere, or to dismiss the committee. A special committee shall not consider matters currently referred to another special committee or entity.

Representation at General Assembly and Funding

f. The expenses of one member of a special committee or commission to attend the General Assembly session to make any oral presentation of the report of the committee or commission that may be docketed, and to respond to questions concerning that report shall be paid by the General Assembly through the regular budget of the committee or commission. This member shall be designated as the corresponding member. The exceptions to this rule are as follows:

(1) At the General Assembly meeting in which the final report of the committee or commission is presented, the moderator, who shall serve as the corresponding member of the committee or commission, and one other designated member of the committee or commission shall attend to present the report and serve as resource to the committee considering the report. Unless otherwise approved in advance by the Moderator of the preceding General Assembly in consultation with the Committee on the Office of the General Assembly (due to special circumstances), only the expenses of these two authorized representatives shall be reimbursed by the General Assembly through the regular budget of the committee or commission.

(2) In the event of a minority report, a designated member of the committee's or commission's minority shall also be invited to attend. The expenses of this member shall be reimbursed by the General Assembly through the regular budget of the committee or commission.

(3) Other members of special committees or commissions, not otherwise referred to in this standing rule, shall be reimbursed for attendance at a General Assembly session only if they are individually involved in hearings or other official purposes.

Coordination

g. Any such commission or committee shall consult with and advise the Presbyterian Mission Agency on the progress of its work in order to assist the council in its responsibility for coordinating the work of the entities of the General Assembly and the work of presbyteries and synods.

Staff Services

h. The Stated Clerk shall provide staff services and other assistance to such commissions and committees in order to facilitate and coordinate their work. The work of commissions and special committees shall be funded through the per capita budget of the Office of the General Assembly.

2. Special Administrative Review of Synods

Three Ways to Review

a. The General Assembly has authority to undertake special administrative review of synods (*Book of Order*, G-3.0502c). There are three ways the General Assembly could be requested to consider such review:

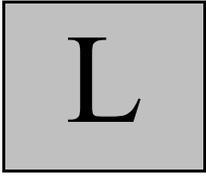
(1) by an overture from a presbytery or synod (G-3.0302d; G-3.0402; Standing Rule A.3.);

(2) by request from one of the General Assembly entities (Standing Rule A.2.); or

(3) By a commissioners' resolution (Standing Rule A.8.). If such overture, request, or resolution is acted on favorably by the General Assembly, the General Assembly could undertake Special Administrative Review (G-3.0108b) through commission or special committee as provided for in Standing Rule K.1. and G-3.0109.

**Written Request
for Review**

b. Special administrative review of an alleged synod irregularity or delinquency may occur when a written request for such review is received by the Stated Clerk of the General Assembly from another synod or a presbytery within the synod of the alleged irregularity or delinquency. If the request relates to an alleged delinquency, the request can only be filed with the Stated Clerk after the failure or refusal of the synod to cure the alleged delinquency at its next meeting, having been requested to do so in writing prior to the meeting. When the request for special administrative review is received, the Stated Clerk shall convene a meeting of the Moderator of the General Assembly, the moderator of the Presbyterian Mission Agency, and the moderator of the Committee on the Office of the General Assembly. If the request is in order and all the moderators agree that for the good of the church the special administrative review needs to be undertaken before the next meeting of the General Assembly (when the request could be considered by the whole General Assembly), the Moderator of the General Assembly shall appoint a special committee (Standing Rule K.5.) to conduct a special administrative review in accordance with G-3.0108b and report its findings and recommendations to the next General Assembly.



Amendment or Suspension of the Standing Rules

1. **Recommending Amendments to the Standing Rules**
 2. **Amending the Standing Rules**
 3. **Suspending the Standing Rules**
-

Recommending Amendments to the Standing Rules

1. In consultation with the Committee on the Office of the General Assembly, the Stated Clerk shall recommend to the next session of the General Assembly any changes in the Standing Rules of the General Assembly deemed necessary. The Stated Clerk shall consult with the Committee on the Office of the General Assembly before proposing to the General Assembly any amendment to the standing rules.

Amending the Standing Rules

2. The Standing Rules of the General Assembly may be amended by a majority vote of the commissioners present and voting. A motion to amend the rules is debatable.

Suspending the Standing Rules

3. A motion to suspend the standing rules is not debatable and shall require a two-thirds vote of the total enrollment of the commissioners.

GUIDELINES AND POLICIES
OF THE
GENERAL ASSEMBLY

OPEN MEETING POLICY*

Approved by the 209th General Assembly (1997)¹
Amended by the 218th General Assembly (2008)²

1. The work of the church is strengthened when it is done in a spirit of openness and trust. Church members have a basic right to know about the work done and the decisions made by entities within the church. Church leaders have a basic responsibility to honor that right by conducting their business with a spirit of openness and vulnerability to public scrutiny. Therefore, open meetings shall be the norm for all such entities.

2. It is the policy of the General Assembly; the Presbyterian Mission Agency Board and the entities and work groups related to them, that their meetings shall be open to all interested persons. A separate policy exists governing non-business gatherings. Documents being considered at such meetings shall be available to interested persons at the meeting.

3. In certain circumstances, when the confidentiality of the subject matter is impeding the open work of the group, meetings of these entities may be closed. The following requirements apply:

a. Subjects dealt with must be limited to property negotiation, personnel, civil and criminal litigation, including cases under the Rules of Discipline, or security.

b. Closed meetings may be authorized only after serious consideration and by a majority vote of the members present. Such closure must be limited in time and scope to matters in 3(a) above.

c. In closed meetings, only voting members and other persons invited by the group to serve it are to be present.

d. The reason(s) for closing must be announced before closure and also must be recorded in the minutes.

e. The decisions reached shall be recorded in the minutes, and shall be made public as soon as possible following the end of the closed meeting.

4. Since staff groups have neither authority nor responsibility for establishing policy, their meetings are not subject to these provisions. This does not preclude them from opening their meetings.

5. The provisions of this policy shall apply to visitors and to representatives of both church and public media, including print, electronic, and photographic journalists.

6. All the provisions of this policy are to be applied equitably to all persons and groups.

7. The Office of the Stated Clerk of the General Assembly is responsible for resolving questions relating to the application and interpretation of the open meeting policy.

*The 215th General Assembly (2003) approved the following statement in regards to the Open Meeting Policy:

The General Assembly Theological Task Force on Peace, Unity, and Purity of the PC(USA) shall be exempt from this open meeting policy in order to go into closed session solely for the purpose of exchanging views on sensitive theological issues in cases where it is determined by two-third's vote of the members of the task force present in a duly called and constituted meeting. (*Minutes*, 2003, Part I, p. 23)

*The 218th General Assembly (2008) approved the following statement in regards to the Open Meeting Policy:

Direct the entities subject to the PC(USA) Open Meeting Policy to post the dates, times, and locations of their open meetings on the PC(USA) calendar Web page within a reasonable time of making such plans.

¹*Minutes*, 1997, Part I, pp. 212–13.

²*Minutes*, 2008, Part I, pp. 34, 35, 162.

GUIDELINES FOR PREPARATION OF MINUTES OF AGENCIES

Adopted by the 197th General Assembly (1985)²

Amended by the 215th General Assembly (2003)³

General

1. Minutes must be submitted to the General Assembly on a calendar-year basis.
2. The original signed copy of the minutes shall be submitted to the Office of the General Assembly on the first day of the meeting of the General Assembly.
3. All minutes to be reviewed by the assembly shall reflect an accurate record of all substantive decisions, whether determined by negative or positive vote. Where subsequent action is required, it shall be recorded in later minutes.
4. All minutes shall be approved by the respective body before submission to the General Assembly for review and approval.
5. Minutes of all meetings shall be submitted together with those of the executive committee if the committee is empowered to act independently.
6. The minutes shall show whether or not each meeting was opened and closed with prayer.
7. A record of the attendance of members shall be included, along with a list of visitors and staff present.
8. Minutes shall be on 8-1/2 x 11-inch permalife acid-free paper that shall be supplied on request by the Department of History.
9. Minutes shall be placed in secure binding, such as a post or clamp binder.
10. Pages shall be sequentially numbered with material on both sides of the paper.
11. A slash should be inserted from the final sentence to the bottom of a partially filled page to preclude further additions, except where signatures indicate end of report.
12. One year following approval, the original minutes shall be placed on deposit at the Department of History for permanent safekeeping.

Style

1. Acronyms or initials should either be defined in a single place at the end of the minutes or be written out the first time they are used in each set of minutes.
2. Extensive typographical errors corrected through erasures and correction fluid should be initialed.
3. Marginal topic headings should be used to facilitate referencing and reading of minutes.

²*Minutes*, 1985, Part I, pp. 735–36

³*Minutes*, 2003, Part I, pp. 34, 119

GUIDELINES FOR REVIEWING SYNOD RECORDS

Compiled by the Department of Constitutional Services
and the OGA/GAMC Mid Council Relations Office

Content of the Minutes

The following matters shall be included in the minutes, as applicable:

1. The minutes shall contain an index.
2. The date, time, and place of the council meeting; the name of the moderator presiding; and whether it is a “stated,” “adjourned,” or “special” council meeting (*Robert’s Rules*, Chapter XV, Section 48).
3. The call of the special meeting and the name of requester(s) and/or the caller in accordance with Synod’s own rules (see *Book of Order*, G-3.0405 and *Robert’s Rules*, Chapter IV, Section 9)
4. The opening of each meeting with prayer (see *Book of Order*, G-3.0105).
5. The closing of each meeting with prayer (see *Book of Order*, G-3.0105).
6. The roll of commissioners and attendance and their presbyteries (*See Book of Order* G-3.0104).
7. The names of absentees and their presbyteries.
8. A statement that a quorum was present, including an indication of the number specified as a quorum in the synod bylaws or standing rules (see *Book of Order*, G-3.0405).
9. A record of the celebration of the Lord’s Supper (see *Book of Order*, G-3.0401b).
10. The report of the Committee on Representation (see *Book of Order*, G-3.0103 and G-3.0401) showing implementation of the principles of participation and inclusiveness in order to assure fair representation in decision making (see *Book of Order*, G-3.0401).
11. The names of members of commissions, committees, and similar groups, including those groups that exist only during a synod meeting.
12. Action taken on reports and recommendations and all reports with clear indication of amendments.
13. The decisions of the Permanent Judicial Commission and other commissions should be reported. A report should be made that lawful injunctions to the presbyteries have been obeyed.
14. Actions concerning the organization of new presbyteries or the division, uniting, or otherwise combining of presbyteries or portions of presbyteries previously existing, subject to the approval of the General Assembly (see *Book of Order*, G-3.0403c).
15. The review of the records of presbyteries, including any exceptions taken (see *Book of Order*, G-3.0403 and G-3.0108a).
16. The report of the synod entities, if any, and action on its recommendations (see *Book of Order*, G-3.0108a).
17. The approved synod budget (see *Book of Order*, G-3.0113).
18. The complete report of the full financial review from a public accountant or a public accounting firm. (G-3.0113).

19. A record of the consultations with presbyteries and with the Presbyterian Mission Agency (see *Book of Order*, G-3.0402, G-3.0403).
20. Report of its ecumenical relationship, if any (see *Book of Order*, G-5.01 and 5.04).
21. Indication that the minutes have been read and approved by the synod or by its authorized committee prior to presentation of the peer review.
22. A record of the synod having considered “programmatic” matters referred to it by the General Assembly.
23. An alphabetical roster of former members for the last six years of the Permanent Judicial Commission who may be called upon when necessary to constitute a quorum (see *Book of Order*, D-5.0206b).
24. Actions on exceptions from the preceding General Assembly.
25. A report of property and liability insurance carried by the Synod. (G-3.0112).
26. Actions taken by synod entities/commissions held between synod meetings.

General Provisions

1. Each synod shall deliver to the Stated Clerk of the General Assembly, during the spring meeting to peer review minutes, one copy of the minutes of all sessions of the synod that have occurred since the last review by the General Assembly, provided that such minutes have been approved by the synod or its authorized committee, and have been printed or duplicated for distribution.
2. The minutes shall be bound in a manner that is consistent with the needs of both protection and accessibility.
3. The title page shall show attestation that the minutes of meetings of the most recent previous session or sessions have been reviewed by the General Assembly and shall give page references to action on exceptions, if there be such.
4. Minutes shall be signed and attested by either the moderator or stated clerk of the synod; such signature should appear at the end of the journal before any appendix or supplement.
5. The bylaws and standing rules of the synod shall be either bound in the volume of the minutes or submitted for review with the minutes.
6. The review of the minutes of each synod shall ordinarily occur as peer reviews by a gathering of all synod stated clerks. Their written review of each synod minutes shall be submitted to the General Assembly Committee assigned the review of the minutes, who shall attest that the minutes of each synod have been reviewed. If peer review is not completed, the synod shall submit its minutes for review by the General Assembly Committee charged with overseeing this review.
7. The Stated Clerk shall deposit with the Presbyterian Historical Society a certified copy of the synod minutes after they have been approved by the General Assembly.

Report of the Assembly Committee

1. The assembly committee reviewing synod minutes shall report to the General Assembly whether the
 - a. proceedings have been correctly recorded;
 - b. proceedings have been regular and in concurrence with the Constitution;
 - c. proceedings have been prudent and equitable;

d. proceedings have been faithful to the mission of the whole church, and

e. lawful injunctions of the General Assembly have been obeyed.

2. The assembly committee shall recommend appropriate action to the General Assembly, and if it believed the General Assembly should take exception to something in a synod's minutes, that exception shall be listed in the committee's report.

**SEEKING TO BE FAITHFUL TOGETHER:
Guidelines for Presbyterians During Times of Disagreement**

Adopted by the 204th General Assembly (1992) of the Presbyterian Church (U.S.A.)

In a spirit of trust and love, we promise we will:

**Give them a hearing
. . . listen before we
answer**

John 7:51 and
Proverbs 18:13

**Speak the
truth in love**

Ephesians 4:15

**Maintain the unity
of the spirit in the
bond of peace**

Ephesians 4:3

1. Treat each other respectfully so as to build trust, believing that we all desire to be faithful to Jesus Christ:
 - we will keep our conversations and communications open for candid and forthright exchange;
 - we will not ask questions or make statements in a way that will intimidate or judge others.
2. Learn about various positions on the topic of disagreement.
3. State what we think we heard and ask for clarification before responding, in an effort to be sure we understand each other.
4. Share our concerns directly with individuals or groups with whom we have disagreements in a spirit of love and respect in keeping with Jesus's teachings.
5. Focus on ideas and suggestions instead of questioning people's motives, intelligence, or integrity; we will not engage in name-calling or labeling of others prior to, during, or following the discussion.
6. Share our personal experiences about the subject of disagreement so that others may more fully understand our concerns.
7. Indicate where we agree with those of other viewpoints as well as where we disagree.
8. Seek to stay in community with each other though the discussion may be vigorous and full of tension; we will be ready to forgive and be forgiven.
9. Follow these additional guidelines when we meet in decision-making bodies:
 - urge persons of various points of view to speak and promise to listen to these positions seriously;
 - seek conclusions informed by our points of agreement;
 - be sensitive to the feelings and concerns of those who do not agree with the majority and respect their rights of conscience;
 - abide by the decision of the majority, and if we disagree with it and wish to change it, work for that change in ways that are consistent with these guidelines.
10. Include our disagreements in our prayers, not praying for the triumph of our viewpoints, but seeking God's grace to listen attentively, to speak clearly, and to remain open to the vision God holds for us all.

As Presbyterians, we are called to work for “the peace, unity, and purity of the church” (*Book of Order* , G-14.0207g [now W-4.4003]) as we seek to be faithful to God’s work in the world. However, disagreements and conflicts are inevitable in the life of the Presbyterian Church (U.S.A.) As we try to be faithful. They exist within committees, congregations, presbyteries, synods, at General Assemblies, and in the national life of the denomination.

Conflicts are inevitable in all of life and certainly in the church. The history of the church is filled with conflicts and disagreements. Several of Paul’s letters address the conflicts that were [common] in the early church. There have been and are going to be disagreements as Christians attempt to discern God’s work in the world and as we interpret Scriptures.

Conflicts can be harmful and even destructive. They can cause individuals a great deal of pain and the community of faith immeasurable damage. Congregations have been divided; denominations have experienced schisms.

At the same time, conflicts can be an opportunity for new insights, learning, and individual and corporate growth. Disagreements can illuminate a topic in helpful ways and can present solutions to problems that previously had not been seen. The successful resolution of conflict can also bind people together in a powerful way.

The Bible contains many stories of conflict and disagreement and much advice about how they can be addressed. As those stories indicate, God is already present whenever there is brokenness, granting wholeness and peace. God promises to be with us in times of disagreement and calls us to reconciliation, trust, love and forgiveness.

We realize that our perspectives are limited, so to help us affirm each other, enhance our community, stay open to the viewpoints of others and be sensitive to cultural diversity, we commit ourselves to the guidelines in a spirit of prayer, trust, and love, seeking the guidance of the Holy Spirit.

FORMING SOCIAL POLICY

1. Definitions

Entities of the General Assembly use the following documents to make a social witness policy:

- a. A “policy statement” establishes the fundamental principles that guide the denomination’s social witness. From this policy base a strategy is developed, a program is defined, and personal social witness is empowered. The most current policy document produced in conformance to the requirements of 2.a.–g. of this document and adopted by a General Assembly shall be the policy in force. Any previous policies and statements, having been examined and considered by the group producing the new policy, shall be superseded by the adoption of the most current policy. When requests for policy statements are made, the most recent policy statement shall be given; however, past statements shall be included in full response to requests for information.
- b. A “resolution” applies existing policy statements to new circumstances.
- c. A “study paper” is designed to stimulate churchwide study of a social concern, social witness policy, or social witness. It does not need to be an elaboration of existing policy statements.
- d. A “social involvement report” evaluates Presbyterian social witness in light of particular social concerns and existing policy statements.

2. Requirements

All social witness policy documents developed by General Assembly entities, including special committees of the General Assembly (see section 1. above) must meet the following requirements:

- a. The Advisory Committee on Social Witness Policy will be responsible for the process of developing and recommending social witness policy to the General Assembly. If any other entity is involved in processes of developing and recommending social witness policy, then appropriate consultation and linkage with the Advisory Committee on Social Witness Policy shall be undertaken.
- b. The body writing a document (i.e. task force, study group, or subcommittee of the Advisory Committee on Social Witness Policy) shall be selected in such a manner that persons of diverse viewpoints, expertise, and social experience are participants.
- c. A social witness policy document may include a section of recommendations that guide the work of divisions and related entities of the church. If approved by an assembly, recommendations shall be referred to the Presbyterian Mission Agency for implementation in accordance with the practices defined in the Presbyterian Mission Agency Operations Manual. These recommendations may suggest the ways in which the document is to be distributed.
- d. The narrative reports of the Advisory Committee on Social Witness Policy and other entities shall not propose policy nor recommend witness. Moreover, narrative reports are not considered social witness policy documents and are exempt, therefore, from the requirements of these guidelines.
- e. A document shall clearly identify its type of social witness (i.e., policy statement, resolution, study document, or social engagement report).
- f. No social witness policy documents shall use language that implies the conscience of individual members of the Presbyterian Church (U.S.A.) is bound by General Assembly statements or recommendations.
- g. All social witness policy documents, listed in section 1. above, shall have an initial distribution by the Stated Clerk and be sent with an official cover letter that indicates the nature of the document, specific recommendations approved by the assembly, and an affirmation of the freedom of a believer’s conscience.

3. Policy Statements Requirements

In addition to section 2. on p. 65, “policy statements” must meet the following requirements:

- a. A prospectus defining the social issue(s) to be addressed by a policy statement shall be developed, adopted, and published by the Advisory Committee on Social Witness Policy or other entity. This prospectus shall be distributed to the Presbyterian News Office, *Monday Morning*, and other appropriate media. A brief (one-page) summary of the prospectus describing the problem to be addressed, information on where to obtain a full prospectus, and an invitation to respond with comments and suggestions, shall be sent to all synods and presbyteries. This prospectus shall be distributed to all presbyteries with sufficient copies for all congregations, encouraging input from the presbytery and the congregations and indicating how input can be made.
- b. A task force called to develop a policy statement shall be appointed from nominees submitted from the church.
- c. The task force shall develop and make known to the whole church a plan indicating the manner in which the whole church can participate (advise, offer input, etc.) in its deliberations.
- d. The task force shall listen to the
 - (1) voices of the biblical text;
 - (2) wisdom of theological discourse;
 - (3) guidance of the Reformed confessions;
 - (4) insights of sociopolitical disciplines;
 - (5) tradition of past policy statements;
 - (6) advice of members and all governing bodies of the church;
 - (7) insights of people who are poor, victims of existing policies, and those who have not had a voice in the councils of the church; and
 - (8) counsel of ecumenical partners.
- e. The task force shall cause a policy statement to be written that
 - (1) explicates its recommended social witness policy based on biblical scholarship;
 - (2) defines its recommended social witness policy in light of theological reflection;
 - (3) is consistent with the confessions of the Presbyterian Church (U.S.A.);
 - (4) reports relevant policy statements adopted by prior General Assemblies and the manner in which church and society have participated in the development of its policy statement;
 - (5) details the contextual situation that prompted its witness;
 - (6) states the ethical norms upon which its guidance is premised;
 - (7) describes the social witness the church, its governing bodies, and members are called to make; and
 - (8) describes the manner in which society should change.
- f. The task force shall provide a summary (one-page maximum) of its policy statement that
 - (1) explains what caused the document to be written;
 - (2) outlines the document’s conclusions; and
 - (3) suggests how the document might be used, what impact it ought to have on the church, and what consequences it ought to have in the public order.

- g. The task force may cause a series of recommendations to be written for consideration by the General Assembly. The recommendations may include a strategy for distribution of the policy statement.
- h. The Advisory Committee on Social Witness Policy shall submit a penultimate draft of the policy statement for consultation as described in section 3.a on p. 66.
 - (1) The Advisory Committee on Social Witness Policy may augment the number of participants gathered in consultation for purposes of inclusivity and expertise.
 - (2) The consultation may create a report, including suggested changes to the proposed policy statement, which shall be received by the Advisory Committee on Social Witness Policy.
 - (3) The Advisory Committee on Social Witness Policy may amend the proposed policy statement, refer the proposed policy statement back to the task force, or reaffirm the original policy statement.
- i. The policy statement shall be distributed with an official cover letter from the Stated Clerk that says, in part:

In exercise of its responsibility to witness to the Lordship of Jesus Christ in every dimension of life, the (number) General Assembly (year) of the Presbyterian Church (U.S.A.) has approved this policy statement. It is presented for the guidance and edification of the whole Christian Church and the society to which it ministers. It will determine procedures and program for the units and staff of the General Assembly. It is recommended for consideration and study by other governing bodies (sessions, presbyteries, and synods). It is commended to the free Christian conscience of all congregations and the members of the Presbyterian Church (U.S.A.) for prayerful study, dialogue, and action.

4. Resolution Requirements

In addition to section 2. on p. 65, “resolutions” must meet the following requirements:

- a. A resolution shall clearly identify the policy statement(s) upon which it is based.
- b. A resolution shall be distributed with an official cover letter from the Stated Clerk that says, in part:

In exercise of its responsibility to witness to the Lordship of Jesus Christ in every dimension of life, the (number) General Assembly (year) of the Presbyterian Church (U.S.A.) has approved this resolution. It is presented for the guidance and edification of the whole Christian Church and the society to which it ministers. It will determine procedures and program for the entities and staff of the General Assembly. It is recommended for consideration and study by other governing bodies (sessions, presbyteries, and synods). It is commended to the free Christian conscience of all congregations and the members of the Presbyterian Church (U.S.A.) for prayerful study, dialogue, and action.

5. Study Document Requirements

In addition to section 2. on p. 65, “study documents” must meet the following requirements:

- a. A study document may not contain recommendations for consideration by a General Assembly.
- b. A study document shall provide bibliographic and interpretive resources. This material shall reflect and represent various ethical stances found within the Christian Church.
- c. A study document may make a coherent, thoroughgoing argument for a particular ethical stance. In addition, however, a study document shall include a fair presentation of alternative ethical stances in either the main body of text or its appendixes.
- d. A study document shall be distributed with a cover letter that states who is invited to respond, a study guide, a “user-friendly” response form, the address and phone number of the body responsible for receiving responses, and a schedule that allows at least twelve months for completion.

- e. A study document shall include an official cover letter that says:

A study document of the General Assembly seeks to stimulate study and discussion within the church on particular social issues. It is not to be construed as a social witness policy of the Presbyterian Church (U.S.A.). Therefore, nothing in this document can be used to direct the mission program of the church.

- f. A study document shall state the intended outcome of a study process by adding to the above paragraph one of the following:

- (1) This study document is distributed to stimulate study and discussion as an end in itself; or
- (2) This study document is distributed to inform and help prepare a policy statement; or
- (3) This study document is distributed to inform and help revise the policy statement, [name], passed by the [number] General Assembly [year].

- g. The report, based on responses to the study document, shall not be presented to the General Assembly until at least eighteen months have elapsed since the study's initial distribution.

6. Distributing a Social Involvement Report

In addition to section 2. on p. 65, "social involvement" reports shall be distributed with an official cover letter that says, in part:

A social involvement report of the General Assembly seeks to stimulate discussion on particular social issues and the church's response to these issues. It is not to be construed as a social witness policy of the Presbyterian Church (U.S.A.). Therefore, nothing in this document can be used to direct the mission program of the church.

7. Guidelines

The church's social witness is multidirectional and multilateral. To guide entities preparing the General Assembly's social policy, the following statements encourage appropriate attitudes and behaviors.

- a. No social witness policy may purport to bind the conscience of individual members of the Presbyterian Church (U.S.A.).
- b. A social witness policy document is a minute of a council meeting. It may be extracted from the minutes for publication. If it is extracted, it shall be treated in the same manner as any other minute. (The nature of debate and the final vote are irrelevant.)
- c. A social policy document shall include instructions for its distribution (i.e., to all governing bodies, the president of the United States of America, the president of the World Alliance of Reformed Churches, or the secretary general of the United Nations).
- d. The Stated Clerk and directors of divisions or related entities shall respond to emerging mission needs that require an "official" Presbyterian social witness by explicating the most current General Assembly social witness policy.
- e. The Presbyterian Mission Agency is prepared to respond to invitations to consult on regional social policy development in the manner defined by *Book of Order*, G-3.0106. The Advisory Committee on Social Witness Policy shall participate and represent the council in these consultations.
- f. All governing bodies are communities of correspondence and may direct social witness material to the assembly. The Presbyterian Mission Agency Board refers correspondence concerning social witness policy development and supporting documents to the Advisory Committee on Social Witness Policy for response.

HISTORICAL NOTE

The General Assembly of the Presbyterian Church (U.S.A.) was organized on May 21, 1789, in the Second Presbyterian Church of Philadelphia as, “The General Assembly of the Presbyterian Church in the United States of America.” The Reverend John Witherspoon, the only active member to sign the Declaration of Independence, was the first presiding officer and preached the sermon at the opening service of worship. While the General Assembly was meeting in Philadelphia, the first United States Congress to convene under the new Constitution was also in session in the same city.

Organized Presbyterianism in America had its beginnings with the establishment of “The Presbytery” about 1706. “The Presbytery” remained the most inclusive governing body until 1717. While records of that period are incomplete, there is a record of the presbytery meeting of December 26, 1706. In 1717, with seventeen ministers on its roll, the presbytery transformed itself into a synod, divided into the four presbyteries of Long Island, Philadelphia, New Castle, and Snow Hill.

The Presbyterian church was one of a number of denominations that organized on a national basis following the American Revolution. In 1788, the synod organized a General Assembly with four synods: New York and New Jersey, Philadelphia, Virginia, and the Carolinas. The young denomination contained 16 presbyteries, 177 ministers, and 419 congregations. Since its first session in 1789, the General Assembly has met every year.

Twenty-three ministers and eleven elders served as commissioners to the first General Assembly. Today the assembly enrolls approximately 280 elders, 280 ministers, and 140 advisory delegates. The intervening decades have seen both divisions and unions in the life of the Presbyterian family in North America. In 1810, the Cumberland Presbyterian Church was formed as a separate denomination. The year 1837 saw the division of the church into Old School and New School factions. The tragedy of the United States’ Civil War had an impact on both groups. In 1861, the Old School presbyteries in the South separated to form the Presbyterian Church in the Confederate States of America, renamed the Presbyterian Church in the U.S. (PCUS) four years later. The southern presbyteries affiliated with the New School had already split off in 1857, and formed the United Synod of the South in 1858.

The forces leading to unity began to grow even before the end of the war, with the United Synod of the South joining with the Presbyterian Church in the Confederate States in 1864. Soon after the end of the fighting, the New School presbyteries in the North were reunited. In 1906, a major part of the Cumberland Presbyterian Church returned to the Presbyterian Church in the U.S.A. Another part of the family was also moving toward a greater expression of unity. In 1858, the Associate Reformed Presbyterian Church and the Associate Synod of North America united to form the United Presbyterian Church of North America. That body united with the Presbyterian Church in the U.S.A. in 1958 to form the United Presbyterian Church in the U.S.A. (UPCUSA).

In 1983, after several efforts to heal the major split that began in 1861, the Presbyterian Church in the U.S. and the United Presbyterian Church in the U.S.A. reunited to form the Presbyterian Church (U.S.A.), the largest and most diverse member of the reformed family of churches on the continent. It incorporated not only the ancestors described above, but also the Welsh Calvinistic Methodist Church that united with the Presbyterian Church in the U.S.A. in 1920. The reunited church maintains close relationships with the continuing Cumberland Presbyterian Church that shares common roots with churches taking part in the unions listed above, and also with churches established by Christians from different cultural groups in the immigrant population of the nation—the Reformed Church in America, the United Church of Christ, Hungarian Reformed Church, and several others. It continues to seek closer relations with other Reformed churches (including several composed of congregations that have left its fellowship to form separate denominations) and with even more diverse denominations that are part of the modern ecumenical movement.

During the two hundred years of the Presbyterian church history, clergy have most often served as Moderators, with thirty-two elders having been elected to the office since 1900. Women and racial ethnic persons have been elected Moderator nine times in the past twenty-one years. Edler G. Hawkins, an African American, was elected Moderator of the UPCUSA General Assembly in 1964, and the PCUS General Assembly elected an African American Moderator in 1974 when Lawrence Bottoms was chosen. The first women to hold office were

Lois H. Stair, elected Moderator by the 1971 UPCUSA General Assembly, and Sara Bernice Moseley, 1978 Moderator of the PCUS General Assembly. The UPCUSA General Assembly in 1976 chose as its Moderator, an African American, Thelma C.D. Adair. Of the forty-five Stated Clerks who have served the churches that reunited in 1983, all were ministers except two. John Frizzell was elected Stated Clerk of the General Assembly of the Cumberland Presbyterian Church in 1872, and William P. Thompson was elected Stated Clerk of the UPCUSA General Assembly in 1966. James E. Andrews was elected Stated Clerk in 1984, following the Reunion that formed the Presbyterian Church (U.S.A.).

Standards for Review of General Assembly Permanent, Advocacy, and Advisory Committees and Commissions

[As Approved by the 216th General Assembly (2004)]

A. Process

The responsibilities of the committee or commission that are being reviewed

1. A self-study of its work based on the review standards covering the previous six years.
2. The self-study will have to be available by the 120-day deadline before the General Assembly at which it is to be reviewed.
3. Representatives of the committee or commission will need to be available at the assembly to serve as resources for the assembly committee.
4. The committee or commission may include responses in the self-study and additional questions that explore the standards that apply to its particular work.
5. The committee or commission may utilize former members to help develop the self-study.

B. The Responsibilities of the Office of the General Assembly in the Review

1. The Office of the General Assembly (OGA), in consultation with the leadership of the committee or commission, will supervise the development of a survey instrument by the Office of Research Services.
2. Specific training of assembly committee leadership and members as needed to accomplish the evaluation process.
3. Budget for development of self-studies.
4. The Committee on the Office of the General Assembly (COGA) and the GAC will evaluate the review process after each assembly.

C. The Work of the Assembly Committee for Review

1. The review assignment will be given to a designated assembly committee.
2. The assembly committee's review will be limited to certain questions:

Is the committee or commission fulfilling its mandate (based on self-study, surveys, consultations with committee or commission leadership)?

3. Are there items that need to be referred for further study?
4. The assembly committee will hold hearings, etc.
5. The assembly committee will be in dialogue with representatives of the General Assembly permanent, advocacy, and advisory committees or commissions being reviewed.
6. The assembly committee may break into subgroups to cover each committee or commission being reviewed.
7. The review committee will respect the distinction between a committee and a commission.
8. The assembly committee will make a final report, possibly with recommendations.

Standards

A. *Fidelity to Mission and Partnership*

1. Each committee or commission was created by the church and exists to serve and support the church's mission in a particular area. Each committee or commission is expected to exhibit a constant faithfulness to and in fulfillment of its servant role in the life of the PC(USA).

2. The basic process of the committee or commission should demonstrate fidelity to the mission and accountability procedures set forth in its establishing deliverance, charter, or mandate from the assembly. The committee or commission should exhibit leadership in guiding the church in engagement with the work and resources in which the committee or commission acts.

3. The committee or commission should exhibit practical cooperation with the other agencies or committees of the church in areas of overlapping responsibility and opportunity.

4. The committee or commission should provide timely responses to directives and requests from the General Assembly.

B. *Effectiveness of Services*

The services of the committee or commission are consistent with its assembly or constitutional mandate.

1. The committee or commission has a defined and consistent process for completing its work.

2. The committee or commission has a regular process of self-evaluation of its services.

3. The committee or commission employs a strategy for effective communication with the church-at-large.

4. The committee or commission utilizes current and emerging technologies to enable it to fulfill its mission.

5. The committee or commission has developed a vision and plans for its work in light of its historic mandate and the emerging issues before and context of the PC(USA).

STANDARDS FOR REVIEW OF GENERAL ASSEMBLY AGENCIES

PURPOSE

The Presbyterian Church (U.S.A.) is committed to the understanding that ‘the unity of the Church is a gift of its Lord and finds expression in its faithfulness to the mission to which Christ calls it’ (G-4.0201). The basic principles of Presbyterian polity include the responsibility of a higher governing body to review those ministries for which it is accountable (G.-4.0301f). The purpose of the review process is to provide an equitable evaluation of the ministry of the agencies of the General Assembly. The review will focus on the quality of the relationship of the agencies’ ministry with the mission of the whole Presbyterian Church (U.S.A.), the agencies’ collaborative efforts with other agencies, and the quality of the agencies’ program based on the standards for review.

THE ROLE OF THE COMMITTEE

The General Assembly Nominating Committee will nominate to each meeting of the General Assembly for election two committees and moderators for each committee to review the work of one of the agencies of the General Assembly based on a six-year schedule. The agency review committee’s responsibility is to provide an objective report to the General Assembly as to the agency’s compliance to the standards of review. The agency review committee may provide advice on areas of program improvement. The agency review committee’s role will be to examine the agency’s church relations, its policies and practice, history of collaboration with other agencies, and its program effectiveness. The agency review committee will review the agency’s self-study report and other documents. It will visit the agency and talk personally with leadership staff and the governing board or committee. The agency review committee is to conduct its work within the context of the General Assembly’s concern for the strong vital connections within the agencies of the General Assembly and the whole church. The governing board of the agency is responsible for the internal management of the agency and its operational details. The agency review committee’s role is to strengthen the bonds of the agencies to the General Assembly, the essential mission of the church, and the basic accountability of the governing board and executive leadership of the agency to the PC(USA). The agency review committee should celebrate with the whole church the successful ministries of the agency it is reviewing, and to consult with the General Assembly Committee on Representation regarding representation of employees. The agency review committee will report to the General Assembly through the General Assembly committee to which the agency reports.

STAFFING AND FUNDING

The Office of the General Assembly will provide adequate staffing for the agency review committee to complete its task. Staffing will be provided by the Presbyterian Mission Agency in the year the Office of the General Assembly is reviewed. The funding for the review process will be paid from per capita income.

MANUAL

A manual will be maintained to provide guidance in the review process to the agency review committee and the agencies. The manual will contain information on the process for self-study by the agency, the visit with the agency, and the report format for the agency review committee. The format will outline the opportunities for dialogue between the agency review committee and the agency in preparation of the final report. The manual will provide guidance for the whole agency review committee on its organization and the role of individual members in the review process.

STANDARDS

A. *Church Relatedness*

1. Each agency was created by the church, and exists to serve and support the church’s mission in a particular area. The agency is expected to have the expertise necessary to accomplish the work it has been assigned, and is also expected to exhibit a constant awareness of its servant role in the life of the PC(USA).

2. The basic work, programs, and services of the agency demonstrate fidelity to the mission and accountability procedures set forth in its establishing deliverance, charter, or mandate from the assembly. The agency should exhibit leadership in guiding the church in its engagement with the work and resources in which the agency acts as the church’s expert.

3. When appropriate, printed materials of the agency clearly identify the agency as a part of the PC(USA).
4. The agency honors the policy statements of the General Assembly of the PC(USA) and the Constitution.
5. The agency includes in its administrative officers, and in its governing board in consultation with the General Assembly Nominating Committee, persons who understand and respect the relationship with the PC(USA).
6. The agency provides responses to directives and requests from the General Assembly.

B. Policies and Program Effectiveness

1. The agency understands that its responsibility is to manage its assets for the good of the whole of the PC(USA).
2. The governing board is properly constituted, clearly identified, and fully conversant with (a) the mission of the agency, (b) the current overall condition of the agency, (c) its specific responsibilities as directors, (d) the legal relationship of the agency to the church, and (e) its relationship to the president or chief officer.
3. The agency exhibits full compliance with all appropriate external regulatory and accrediting agencies, including consultation and review with the General Assembly Committee on Representation regarding principles of participation and representation in the employment of personnel, and conformity with 'A Churchwide Plan for Equal Employment Opportunity and Affirmative Action' or subsequent guidelines.
4. An annual audit of the financial affairs of the agency is conducted by qualified and disinterested parties.
5. The governing board of the agency has a process for the selection and review of its chief officer or president.
6. The president or chief officer and the governing board have policies and procedures by which they assure that the agency staff hold the necessary and appropriate skills, licenses, and experience to make it reasonable to anticipate that they can perform their work satisfactorily and a functioning policy with expectations of staff development.
7. The agency has in place and operating a long-range and short-range planning process and a process for measuring its delivery of services and of monitoring the effectiveness of those services with its constituencies.
8. The agency exhibits an effective strategy for producing high-quality communication with its constituencies.
9. The agency is currently structured to face effectively the challenges of the future and demonstrates appropriate attention to current and emerging technologies to enable it to fulfill its mission.

C. Collaboration

1. The agency presses beyond communication and consultation to genuine collaboration and, where appropriate and/or directed by General Assembly, shares agendas and work with other agencies toward fulfillment of shared goals.
2. The agency maintains open and regular communication with, and provides timely and appropriate access to information to, other agencies and PC(USA) constituencies, including mid council bodies.
3. The agency has conducted an evaluation of the potential gains and risks associated with collaborative endeavours with other agencies whenever new programs are initiated.
4. The agency seeks pragmatic solutions to operational challenges by relying on the assets, resources, and strengths of other agencies.

INDEX

INDEX

A

Access to Commissioner and Advisory Delegate Seating.....	18
Acting Stated Clerk	40
Advice & Counsel Memoranda	6
Advisory Committee on the Constitution.....	5, 6, 11, 12, 20, 21, 27, 45
Advisory Delegates	10
Assignments.....	14
Categories	10
Definition.....	10
Enrollment and seating	18
Ecumenical.....	11
Expenses	10
Missionary	11, 15
Random selection process.....	14
Registration and seating.....	17
Theological student.....	10
Voting privileges.....	10
Young Adults.....	10
Advocates, Commissioners' Resolution and Overture.....	20
Agency Minutes, Guidelines for Preparation of.....	57
Alternate Commissioners	10, 17, 42
Amending the Constitution.....	21
Amending the Standing Rules	51
Announcements & Nonofficial Printed Material.....	28
Arrangements for the General Assembly.....	14, 41–42, 45
Assembly Assistants.....	42
Assembly Committee	
Assignment to	14
Business referral.....	13
Hearings	22
Leadership.....	13–14, 18, 19
Minority report.....	23
Organizational meeting.....	21
Procedures.....	20
Public hearings.....	22
Reports	22–23, 26, 60
Resources	20
Structure.....	13
Votes recorded	23
Assembly Entities, Minutes of	6
Assigned Seats.....	17
Assistant Stated Clerk.....	11, 56
Associate Stated Clerk.....	11, 39, 56

B

Bills and Overtures, Assembly Committee on	16, 22, 25
Budget Consultation	4
Budget, Per Capita.....	27
Business Referral.....	15, 25
Business Referral, Assembly Committee on	13
Business to Be Considered	3–7

C

Cellular Telephones	27
Commissioners	
Alternate.....	10, 17, 42
Committee assignment.....	14, 15
Election of.....	9
Expenses of.....	9, 42
List of.....	12
Notification of assignment	14
Participation in debate.....	27
Random selection process	14
Registration and seating	17
With disabilities	17
Commissioners' Resolutions	7, 20
Commissions or Special Committees	
Appointment of.....	47
Funding and staffing	48
Representation at General Assembly	48
Reports of.....	47
Time limit.....	47
Committee (See Assembly Committee or name of specific committee)	
Committee Assistants	13, 19
Committee Meetings.....	19
Committee on the Office of the General Assembly	42
Communications and Resource Material.....	5
Confidentiality	27
Consent Agenda.....	15, 27
Constitutional Amendments	
Proposals Requiring	5, 6, 7, 21
Constitutional Questions.....	27
Corresponding Members	11
Expenses of.....	48

D

Daily Worship Service at	
General Assembly	31
Date and Place of Meeting	41
Invitation	41
Rotation	41
Selection	41
Deadline for Receipt	
Commissioners' resolutions	7
Communications & resource material	6
Overtures	4
Reports of entities	4
Debate Limits	25, 27
Demonstrations	29
Disabilities, Commissioners with	17
Disagreements, Guidelines for	63
Distribution of Materials	22, 26
Distribution of Study Documents	29
Docket	7, 16, 25, 28

E

Ecumenical Advisory Delegates	11, 15, 28
Ecumenical Representatives	12, 17, 28
Ecumenical Service of Worship	31
Ecumenical Visitors	12
Election Procedures	
Moderator	33–35
Stated Clerk	37–39
Electronic Voting	27
Emergency Messages	27
Entity and Synod Minutes	6, 59
Entity Reports	4
Executive Session	17, 20, 22, 27
Expenses	
For special meetings of General Assembly	45
Of advisory delegates	10
Of alternate commissioners	42
Of assistants for commissioners	
with disabilities	17
Of commissioners	9, 42
Of corresponding members	48
Of ecumenical representatives	12
Of interfaith representatives	12
Of members of special	
committees/commissions	48
Of moderatorial candidates	32, 33, 34

F

Financial/Fiscal Implications	4, 23, 27, 47
Floor Privileges	20
Formation of Committees and	
Referral of Business	13
Forming Social Policy	29, 65

G

General Assembly Meeting	17, 41
Arrangements	41, 42
Assigned seating	17
Criteria	41
Determining date and place of	41
Floor privilege	20
Meeting arrangements	41
Minutes, review of	26
Open meeting	20
Plenary	25
Presbytery invitation	41
Quorum	18
Registration and seating	17
Rotation	41
Special meetings of	45
Worship	31
General Assembly Nominating Committee	27
Guidelines	
Agency minutes	57
Entity minutes	6
Presbyterians in Times of Disagreement	63
Synod minutes	6, 59

H

Hearings, Committee	22
Historical Note	69
Housing at the General Assembly	42

I

Index for Restructure of Standing Rules	77
Interfaith Representatives	12
Interpretation, Simultaneous, at GA	42

L

Leadership, Assembly Committee	13–14, 19
Lists of Participants	12

M

Meeting Arrangements	42
Methods of Voting	27
Minority Reports	23, 26
Minutes	
Agency	57
Synod	6, 59
Entity	6
General Assembly	26
Miscellaneous Papers	5, 6, 20, 28
Missionary Advisory Delegates	11, 15
Moderator of Assembly Committees	13–14, 19
Meeting	18
Orientation	14
Selection	13
Moderator of the General Assembly	33
Appointment of Vice-Moderator	35
Election of	33
Expenses of candidates	33
Functions	33
Responsible for worship at GA	31
Vacancy	35

N

New Business	21
Nominating Committee, General Assembly	27
Nonofficial Printed Materials	28
Nominating from the Floor	28

O

Officers and Elections	33
Open Meeting Policy	55
Open Meetings of Assembly Committees	20
Organization Meeting of Assembly Committees	21
Orientation of Moderators & Vice-Moderators of Assembly Committees	14
Overtures	4
Advocates	5, 18, 20
Deadline for receipt	5
Definition of	4
Distributing	5
Information on intent of	5
Referral of	15
Requiring constitutional amendment	5
Submitting	5
Writing overtures	4

P

Papers to Be Considered	3
Parliamentary Procedure	20
Participants, List of	12
Peaceful Demonstrations	29
Per Capita	27
Per Diem	42
Place of Meeting	41
Plenary Floor, Access	18
Presbytery Reports	7
Presbytery Staff	12
Receipt of papers	12
Seating	17
Presentations	
To the General Assembly, requests	26
Report of assembly committee	25–27
Protests	26
Public Hearings	22
Publication of Assembly Proceedings & Other Documents	36

Q

Quorum	18
--------------	----

R

Recorder	19
Referral Business to Assembly Committees	13, 15, 16, 22, 25, 26
Registration	17
Reports	
Budget consideration	4
Deadline	4
Length of	4
Of presbytery	7
Reports of Assembly Committees	22–23, 26
Content	23
Distribution	26
Fiscal implications	23
Procedures	26
Minority reports	23, 26
Writing of	22
Reports of Entities, Commissions, and Committees	4
Requests to Communicate with Assembly	26
Requests to Schedule an Event	22
Resource Persons	12
Resources	20

Responses of Presbyteries	7
Review of Synods, Special Administrative.....	48
Roll Call	18
Rotation of Place of Meeting.....	41

S

Scheduling Events During General Assembly.....	22, 43
Seating.....	17
Seeking to Be Faithful Together: Guidelines for Presbyterians During Times of Disagreement	63
Selection Process for Assembly Committees	14
Simultaneous Interpretation.....	42
Social Witness Policy	29, 65
Advisory Committee on Social Witness Policy.....	65
Definition	65
Distribution	68
Guidelines	68
Policy statement requirements	66
Resolution requirements	67
Study document requirements.....	67
Source of Business for Meeting	3
Special Administrative Review of Synods.....	48
Special Guests at General Assembly	12
Special Meetings of General Assembly.....	45
Date and location	46
Method of calling.....	45
Signatures.....	46
Special Committees (See Commission or Special Committees)	
Special Greetings, Docket Time.....	28
Special Meetings of General Assembly.....	45
Standards for Review of General Assembly Agencies.....	73
Standards for Review of General Assembly Permanent, Advocacy, and Advisory Committees and Commissions	71

Standing Rules	
Amendment of.....	51
Suspension of.....	51
Stated Clerk of the General Assembly.....	36–39
Acting Stated Clerk	39
Assistant Stated Clerk	56
Associate Stated Clerk	39
Election of	37–39
Functions of.....	36–37
Study Documents, Distribution of.....	29
Synod Minutes	6, 59
Guidelines	59
Synods, Special Administrative Review of	48

T

Tentative Docket.....	16
Theological Student Advisory Delegates	10
Transmittal of Business	36

V

Vice-Moderator of General Assembly Appointment by Moderator	33, 55
Vice Moderators of Assembly Committees.....	13, 14, 18, 19
Voting, Methods of.....	27
Voting Privileges of Advisory Delegates	10

W

Word Limit, Reports to the General Assembly	4
Work Group, Assembly Meeting.....	42
Worship, General Assembly.....	31
Daily.....	31
Ecumenical.....	31
Guidelines	31
Lord’s Supper.....	31

Y

Young Adult Advisory Delegates.....	10
-------------------------------------	----

**ORGANIZATION FOR MISSION
OF THE
PRESBYTERIAN CHURCH (U.S.A.)**



This document supersedes all previous descriptions of mission program and organization, and became operative upon the action of the 220th General Assembly (2012).

Exhibit D

ORGANIZATION
FOR
MISSION

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Proposed amendments to the *Organization for Mission* that are submitted by overture shall be submitted to the Stated Clerk of the General Assembly.

Proposed amendments to the *Organization for Mission* from related bodies or from within the Presbyterian Mission Agency shall be submitted to the Presbyterian Mission Agency Board. The Presbyterian Mission Agency Board shall review these proposed changes and forward those it approves as part of its report to the General Assembly.

Exhibit D

Contents

Introduction	1
I. History of the Structure for Mission of the Presbyterian Church (U.S.A.).....	1
A. The Unity of the Church.....	2
B. Commitment to Mission.....	3
C. Diversity and Inclusiveness.....	3
D. Tradition and Flexibility.....	3
E. Partnership.....	4
F. Personnel and Compensation	4
G. Additional Factors	4
II. Statement of Vision and Priority Goals for Mission.....	5
A. Statement of Vision	5
B. Goals.....	5
C. How Our Vision Unfolds	5
III. Mission of the General Assembly.....	5
IV. General Assembly Officers and Committees and the Office of the General Assembly	6
A. Moderator of the General Assembly	6
B. Stated Clerk of the General Assembly	8
C. Committees of the General Assembly.....	10
D. Review of Agencies and Committees.....	17
E. Proposed Amendments to Section IV.....	17
V. The Presbyterian Mission Agency	17
A. Policy Responsibility.....	18
B. Planning and Priority Setting.....	18
C. General Assembly Budget.....	18
D. Personnel Responsibilities.....	18
E. Reporting.....	19
F. Elected Leadership	19
1. Organization of the Presbyterian Mission Agency	19
2. Membership of the Presbyterian Mission Agency	19
G. Staff Leadership	19
1. Executive Director	19
2. Deputy Executive Directors.....	20
3. Staff.....	20

VI. Presbyterian Mission Agency Relationships.....	20
1. Advocacy and Advisory Committees	21
2. Committee on Theological Education.....	21
VII. Presbyterian Church (U.S.A.), A Corporation.....	21
VIII. Other General Assembly Related Corporations	22
A. Board of Pensions.....	22
B. Presbyterian Church (U.S.A.) Foundation	22
C. Presbyterian Publishing Corporation.....	23
D. Presbyterian Church (U.S.A.) Investment and Loan Program, Inc.	23
IX. Amendments	24
Appendixes	
A. Financial Issues	25
B. List of Documents Related to Various Organizational Structures (Formerly Appendixes B–J).....	36

Introduction

The gifts he gave were that some would be apostles, some prophets, some evangelists, some pastors and teachers, to equip the saints for the work of ministry, for building up the body of Christ, until all of us come to the unity of the faith and of the knowledge of the Son of God, to maturity, to the measure of the full stature of Christ. We must no longer be children, tossed to and fro and blown about by every wind of doctrine, by people's trickery, by their craftiness in deceitful scheming. But speaking the truth in love, we must grow up in every way into him who is the head, into Christ, from whom the whole body, joined and knit together by every ligament with which it is equipped, as each part is working properly, promotes the body's growth in building itself up in love. (Eph. 4:11–16¹)

These presbyters shall come together in councils in regular gradation. These councils are sessions, presbyteries, synods, and the General Assembly. All councils of the church are united by the nature of the church and share with one another responsibilities, rights, and powers as provided in this Constitution. The councils are distinct, but have such mutual relations that the act of one of them is the act of the whole church performed by it through the appropriate council. The larger part of the church, or a representation thereof, shall govern the smaller. (*Book of Order*, F-3.0203)

I. History of the Structure for Mission of the Presbyterian Church (U.S.A.)

The two denominations that came together in 1983 had similar ecclesiastical polity and theological beliefs. They were leaders in the ecumenical movement and in commitment to the unity of the church. Each had been faithful in ministering in Christ's name. Each had been intentional in revising mission policy and program in response to the leading of the Holy Spirit and a changing world context. Within the previous two decades, each had a major reorganization of General Assembly agencies as it attempted to be more effective in mission.

These two denominations also had developed some differences in their styles, structures, and expectations of the various mid councils. Though they were engaged in similar mission programs, the agency structures they formed did not easily fit together.

The uniting General Assembly in 1983 directed that consultations be held to discern the church's understanding of mission before preparing a mission design. "Today Into Tomorrow: A Year of Consultations" was the process followed, and it challenged all parts of the church to examine their understanding of what God required of the church. The result of this process was the "Life and Mission Statement," which was adopted by the 197th General Assembly (1985).

The biblical image of the church as the body of Christ was a major theme in the "Life and Mission Statement" and provided the pattern for the church's life and work. This pattern was marked by interdependence and sensitivity to the needs, experiences, and gifts others brought; by honest communication and courage to risk, and by a global vision of both the church and the world. It called for working in partnerships characterized by enduring commitment, equality, humility, openness, sensitivity, flexibility, and love.

A number of basic principles were significant in the drafting of the *Structural Design for Mission*, which was approved by the 198th General Assembly (1986), and prescribed the organization for mission from 1986–93. These principles are based on the Reformed interpretation of Scripture represented in *The Book of Confessions*.

The year 1992–93 was devoted to the theme: "Discerning the Spirit, Envisioning Our Future." A convocation on this theme manifested a deep sense of the Spirit's stirring among us, creating an excitement and passion for the future ministry of the church. One theme was the resounding emphasis on the importance of the ministries of congregations as they are resources for mission. Another was the yearning for church wide organizational forms that are flexible and innovative, with the ability to let agreed-upon priorities lead our work and so restore confidence in our connectedness. The convocation contributed to a continuing process of discernment and envisioning that reflected a sense of the future mission direction of the denomination.

A new organizational structure for mission was approved by the 205th General Assembly (1993). Several of the specific elements of the new structure derive from the Report of the General Assembly Committee on Review,

¹All Scripture references in this document are from the *New Revised Standard Version*.

which reported to the 204th General Assembly (1992). A simpler design called for fewer ministry units and related bodies, fewer priority goals, and a balanced budget that reflects the mission priorities.

Beginning in the year 2002, the General Assembly Council [now the Presbyterian Mission Agency] engaged in a Strategic Planning process including a comprehensive self-assessment. The self-assessment used instruments developed by BoardSource, Incorporated and a BoardSource consultant guided GAC in the process completed in January 2003.

The self-assessment revealed the need for GAC to be closer to congregations, presbyteries and synods and to find ways to better communicate with them. The self-assessment also indicated the large size of GAC was a concern and that GAC needed to look at its size and the relationship between GAC-elected and GAC-staff roles and relationships.

As a result of the learnings from the self-assessment, the GAC appointed a 2005–2006 Mission Work Plan Task Force. The 2005–2006 Mission Work Plan was approved by GAC in February 2004 and by the 216th General Assembly (2004). Following the 216th General Assembly (2004), the GAC turned its attention to a specific objective under the 2005–2006 Mission Work Plan’s GAC Role/Identify Goal which was: “Evaluate, develop and propose a structure of the GAC (elected and national staff) that will strengthen connectedness with presbyteries and synods.” (Refer to 2004 General Assembly *Minutes*, Item 07-03, General Assembly Council 2005–2006 Mission Work Plan, B.5.c.; p. 479.)

In the summer of 2004 the GAC appointed a Governance Task Force to carry out the objective above involving the structure of GAC. The Governance Task Force submitted a proposal for a new GAC-Elected Structure to the 2006 spring meeting of the GAC. The GAC elected structure was approved by the GAC and subsequently by the 217th General Assembly (2006). Following the 217th General Assembly (2006), the GAC appointed an Implementation Work Group to work with the GAC Executive Director to smoothly and efficiently transition the GAC into the new structure.

The new structure is reflected in the *Presbyterian Mission Agency Manual of Operations* and throughout this document.

The Presbyterian Church (U.S.A.) is committed to working in partnership with other churches in this nation and around the world. Such a mutual ministry is consistent with the denomination’s self-image as one part of the body of Christ, as a servant community willing to be poured out on behalf of all people.

The church’s mission finds its center in the gospel of Jesus Christ and in witnessing to that gospel. Beneath the variety and complexity of its forms of witness, the church’s mission is one—from the congregation to the General Assembly. To share fully in that mission is the task of every Presbyterian and every council. As the most inclusive council, the General Assembly represents the unity of the synods, presbyteries, sessions, and congregations of the Presbyterian Church (U.S.A.). Among its other responsibilities, the General Assembly has the power to set policies, objectives, and priorities for mission, to provide the agencies appropriate for that mission, and to superintend their work (*Book of Order*, G-3.0501).

The Presbyterian Mission Agency, as agent of the General Assembly, implements policies established by the General Assembly; works in partnership with synods and presbyteries; and develops and proposes a comprehensive budget to the General Assembly. Members of the Presbyterian Mission Agency Board are elected by the General Assembly and are representative of synods, presbyteries, and the church at large.

The General Assembly, the Presbyterian Mission Agency, the synods, the presbyteries, and the sessions work together in partnership on behalf of the mission of the church. The *Organization for Mission* places emphasis on the congregation as an instrument of mission and on the mid councils working together to provide resources and services to the congregations.

A. *The Unity of the Church*

The unity of the church, with Christ as the Head of the body, is a fundamental principle that affirms the church is called to demonstrate unity, both within a given denomination as well as ecumenically and

internationally. Perhaps the strongest image of this unity is the apostolic vision of the body of Christ, in which the many members, though different, work together for mutual health and upbuilding. Recognition of the unity of the whole church carries with it a series of implications for the internal structure of the Presbyterian Church (U.S.A.) and for the denomination's ecumenical commitment.

Clear communication is needed among the General Assembly, the Presbyterian Mission Agency, and the Committee on the Office of the General Assembly. These relationships and coordination of program, policy implementation, and support functions give visible expression to unity within the denomination.

While the Presbyterian Church (U.S.A.) is called to be the church in and of itself, there is an important sense in which this denomination recognizes that it is one part of the church of Christ. The Presbyterian Church (U.S.A.) undertakes its ministry with a full awareness of the global and ecumenical dimensions of Christ's call, and provides a means to share mutual mission, decision making, and resources with partner churches in this nation and around the world.

B. *Commitment to Mission*

The church, as the body of Christ, exists to share the love of Christ with the world. The *Book of Order* states the great ends of the church in terms of the call to mission through proclamation, nurture, worship, preservation of truth, promotion of social righteousness, and exhibition of the Kingdom of Heaven to the world (*Book of Order*, F-1.0304). The vitality of the life and mission of the congregation is central to the calling of the church as a whole. As has been noted, the Presbyterian Church (U.S.A.) is called to be the church, yet is itself a member of the worldwide body of Christ. Each congregation, too, is called to be the church of Jesus Christ in its own time and place. Furthermore, the responsibilities of the session include: "to [govern] the congregation and [guide] its witness to the sovereign activity of God in the world" (*Book of Order*, G-3.0201).

C. *Diversity and Inclusiveness*

Within the denomination, the Presbyterian Church (U.S.A.) has affirmed the strength of a unity characterized by mutual interdependence in which diversity contributes to wholeness. Various members of this body enrich the whole through the particular qualities they bring

- as racial ethnic people of multicultural constituencies that make visible our rich diversity and offer varied histories and traditions;
- as persons with a variety of physical and mental abilities and disabilities;
- from diverse geographical areas and socio-economic backgrounds;
- as male and female of all ages;
- with a variety of theological perspectives within our Reformed tradition;
- with many differing gifts;
- with a long history and tradition within the Reformed family of churches.

Patterns are established to ensure that elected bodies represent the wealth of diverse gifts found in the church and to provide a means to share power and decision making. Similarly, churchwide personnel procedures promote equal employment opportunity.

D. *Tradition and Flexibility*

The Presbyterian Church (U.S.A.) professes a Reformed theology that is solidly grounded in Scripture as the rule of faith and practice. The *Book of Order* affirms: "The Protestant watchwords—grace alone, faith alone, Scripture alone—embody principles of understanding that continue to guide and motivate the people of God in the life of faith" (*Book of Order*, G-2.04). The church has also inherited and continues to affirm a Reformed polity that is representative in nature.

Openness to renewal by God entails a flexibility of structure and openness to growth and change. The Presbyterian Church (U.S.A.) recognizes the need for growth and is open to it under the power of the Holy Spirit.

The Reformed tradition's awareness of the fallen nature of humanity and human institutions has led to the development of church government made up of a system of checks and balances. In recent years, these checks have included limited terms and rotation for elected officers, and plans to ensure fair representation of the diverse elements of the church on mid councils.

The Presbyterian Church (U.S.A.) shares with all Reformed churches a belief in the priesthood of all believers. For this reason, persons called to leadership positions in the denomination are envisioned by this organizational plan as enabling the whole church to do the work of mission.

E. *Partnership*

The Presbyterian Church (U.S.A.) seeks to develop a system of relationships among mid councils functioning through collaboration rather than competition. Partnership is characterized by enduring commitment, equality, humility, openness, sensitivity, flexibility, and love. More than an end to be attained, partnership is a process or journey that can be undertaken only under the guidance of the Holy Spirit. Consultation is highly valued as part of the process of decision making.

Each council is a primary agent in mission and has two foci:

- its appropriate role in assisting congregations and other mid councils in the mission of the whole church; and
- the performance of its own mission as a council in consultation with other mid councils.

F. *Personnel and Compensation*

The General Assembly has approved a personnel, equal employment opportunity and affirmative action, and compensation system that is used by the Presbyterian Mission Agency. This system provides guidance regarding overseas personnel, and for General Assembly level entities, synods, presbyteries, sessions, congregations, and church-related institutions in their employment practices. In order to develop consistency and equity across the whole church, these mid councils and institutions are urged to approve and implement these policies with such adaptations as may be necessary.

G. *Additional Factors*

Additional factors to guide the structure and style of mission are:

- the need to affirm the centrality of the mission of congregations, and their need and desire for resources from General Assembly entities, as well as from presbyteries and synods;
- the need to recognize demographic realities that bear on the life of the Presbyterian Church (U.S.A.);
- the need to be responsive to persons who identify themselves as Presbyterian without actually taking part in a particular congregation's life and ministry;
- the need for styles that support and enable the momentum of movements rather than styles that create or lead to institutional inertia;
- the need to reverse the trend toward reducing the church's function and style to that of a regulatory agency, creating instead a more responsive, less bureaucratic reality;
- the need to be more simple yet holistic;
- the need to build hope and trust within the denomination, while maintaining commitments to and safeguards for those historically ignored, excluded, or silenced; and

- the need for an evolutionary design that can be responsive to unfolding changes in the structure and work of the General Assembly, synods and presbyteries.

II. Statement of Vision and Priority Goals for Mission

A statement of vision and goals that articulate the mission emphasis for the next phase of our life are identified.

A. *Statement of Vision*

At the heart of our vision for the Presbyterian Church (U.S.A.) is its congregations, dedicated to Jesus Christ and scattered

- from rural Alabama to Sitka, Alaska;
- from suburban Pittsburgh to South-Central Los Angeles;
- from the bustling city of San Juan, Puerto Rico, to the small towns of the upper peninsula of Michigan;
- from congregations with a handful of members and those where thousands gather.

Called by God and empowered by the Holy Spirit the Presbyterian Mission Agency of the Presbyterian Church (U.S.A.) offers the world a viable witness to the Gospel of Jesus Christ. With congregations, mid councils, and other mission partners, we serve the church in mission.

B. *Goals*

Goals give shape and direction to our mission as a denomination and are reflected in the *GAC Manual of Operations* and can be found in the current Mission Work Plan (<http://www.pcusa.org/resource/gamc-manual-operations/>)

C. *How Our Vision Unfolds*

Embedded in our understanding of what it means to be Presbyterian is the conviction that the church is always being reformed under the judgment of God's reign. Our vision includes congregations and mid councils so aware of belonging to God in Jesus Christ that each day and each challenge are received as gifts from our Lord, who is the same yesterday and today and forever. In life and in death, we belong to God. Therefore, we look to the future with hope and confidence.

III. Mission of the General Assembly (*Book of Order*, G-3.0501)

G-3.0501 Composition and Responsibilities

The General Assembly is the council of the whole church and it is representative of the unity of the synods, presbyteries, sessions, and congregations of the Presbyterian Church (U.S.A.). It shall consist of equal numbers of ruling elders and teaching elders elected by the presbyteries and reflective of the diversity within their bounds (F-1.0403 and G-3.0103), to serve as commissioners according to the following proportions:

- 8,000 members or less: 1 ruling elder and 1 teaching elder
- 8,001–16,000: 2 ruling elders and 2 teaching elders
- 16,001–24,000: 3 ruling elders and 3 teaching elders
- 24,001–32,000: 4 ruling elders and 4 teaching elders
- 32,001–40,000: 5 ruling elders and 5 teaching elders
- 40,001–48,000: 6 ruling elders and 6 teaching elders
- 48,001 or more: 7 ruling elders and 7 teaching elders

Each person elected Moderator shall be enrolled as a member of the General Assembly until a successor is elected and installed.

The General Assembly constitutes the bond of union, community, and mission among all its congregations and councils, to the end that the whole church becomes a community of faith, hope, love, and witness. As it leads and guides the witness of the whole church, it shall keep before it the marks of the Church (F-1.0302), the notes by which Presbyterian and Reformed communities have identified themselves through history (F-1.0303) and the six Great Ends of the Church (F-1.0304).

In light of this charge, the General Assembly has responsibility and power to:

a. *provide that the Word of God may be truly preached and heard.* This responsibility shall include establishing a comprehensive mission strategy and priorities for the church; establishing and maintaining ecumenical relationships and correspondence with other ecclesiastical bodies; uniting with or receiving under its jurisdiction other ecclesiastical bodies consistent with the faith and order of this church, subject to the provisions of G-5.02 and G-5.03; and commissioning, sending, and support of such mission personnel as will spread the good news of the grace of Jesus Christ to the world and foster the growth and development of God's people.

b. *provide that the Sacraments may be rightly administered and received.* This responsibility shall include authorizing the celebration of the Lord's Supper at meetings of the General Assembly and other events and gatherings under its jurisdiction; authorizing the participation in the celebration of the Lord's Supper in ecumenical gatherings attended by authorized representatives of the General Assembly; and exercising pastoral care throughout the whole church in order that the Sacraments may be received as a means of grace, and the church may live in the unity represented in the Sacraments.

c. *nurture the covenant community of disciples.* This responsibility shall include providing those services, resources, and programs performed most effectively at a national level; communicating with the whole church on matters of common concern; warning and bearing witness against errors in doctrine or immorality in the church and in the world; providing such services of education and nurture as its presbyteries may require; providing encouragement, guidance, and resources to presbyteries in the areas of mission, prophetic witness, leadership development, worship, evangelism, and responsible administration; discerning and presenting with the guidance of the Holy Spirit, matters of truth and vision that may inspire, challenge, and educate both church and world; serving in judicial matters in accordance with the Rules of Discipline; deciding controversies brought before it and advising and instructing in cases submitted to it, in conformity with this Constitution; authoritatively interpreting the most recent edition of the *Book of Order* in a manner binding on the whole church, in accordance with the provisions of G-6.02 or through a decision of the General Assembly Permanent Judicial Commission in a remedial or disciplinary case, with the most recent interpretation of the *Book of Order* being binding; and establishing and maintaining an office of the Stated Clerk.

IV. General Assembly Officers and Committees and the Office of the General Assembly

A. Moderator of the General Assembly

The Moderator of the General Assembly is an ecclesiastical officer, along with the Stated Clerk, of the Presbyterian Church (U.S.A). The ministry of the Moderator is grounded in the ministry of baptized persons and in the particular ordained ministry of ruling elders and teaching elders.

1. The title of the Moderator is "The Moderator of the (number) General Assembly (year) of the Presbyterian Church (U.S.A.)."

2. The Moderator of the General Assembly is a commissioner of the General Assembly. When the Moderator presides at the assembly, it is to be a sign of the bond of unity, community, and mission in the life of

the church. During the period between assemblies, the Moderator serves as an ambassador of the unity of the Spirit in the bonds of peace, telling the story of the church's life and upholding the people of God through prayer.

When the Moderator travels throughout the church, it is for the purpose of strengthening the mission of congregations and mid councils, encouraging officers and members, and their work. The Moderator listens for the joys and concerns of the church and ascertains the needs of the world and the gifts of the church's mission program.

When the Moderator serves as an ecumenical representative, s/he expresses the concern of Reformed churches for the visible unity of Christ's body and fuller communion among churches.

When the Moderator visits national and international mission sites, s/he encourages mission personnel, brings the prayerful concern of Presbyterian Church (U.S.A.) to sister churches, and helps to proclaim the gospel of Christ to the world.

When the Moderator addresses the church and the society, s/he speaks pastorally and prophetically from within the standards of the Presbyterian Church (U.S.A.), preserving the rights and responsibilities outlined in G-2.0105.

a. The Moderator shall preside over the General Assembly that elects him or her, and over the meetings of the next General Assembly until a successor is elected. "The Moderator possesses the authority necessary for preserving order and for conducting efficiently the business of the body" (*Book of Order*, G-3.0104).

b. The Moderator of the General Assembly is a voting member of the Presbyterian Mission Agency and the Committee on the Office of the General Assembly. The Moderator of the General Assembly may attend and participate without vote in the meetings of all other entities of the General Assembly.

c. The Moderator shall be the official representative of the church at gatherings and functions, both civic and ecclesiastical, at which the Presbyterian Church (U.S.A.) is invited or expected to be represented, unless otherwise provided by the General Assembly. In the event that the Moderator is unable to attend, the Vice Moderator, or some other person designated by the Moderator in consultation with the Stated Clerk, may represent the church.

d. The Moderator and the Vice Moderator shall submit a written report of their work to the session of the General Assembly at which their successors are installed.

3. *Enabling the Moderator and Vice Moderator to Serve*

a. It is incumbent upon the church to understand, respect, and remain accountable for the balance of the stewardship of time between the ministry of the Moderator and Vice Moderator and the larger vocation of the ones serving in these roles. That balance includes a commitment to respect the need for Sabbath by the Moderator and Vice Moderator of the General Assembly.

The church should expect the Moderator to ordinarily spend no more than half of her/his work time responding to invitations in attending meetings of General Assembly entities, in participating in other opportunities, and attending to constitutional functions. In assisting the Moderator in these activities, the church should expect the Vice Moderator to ordinarily spend no more than a third of her/his work time.

b. The Moderator, the Vice Moderator, and the Office of the General Assembly shall jointly develop a comprehensive plan for their travel based upon the mission of the church and the needs of agencies, mid councils, institutions, ecumenical partners, and other constituencies.

Each synod, in consultation with its presbyteries, will be invited to develop a plan for itineration of the Moderator or Vice Moderator. Ordinarily, a single invitation for a visit within a presbytery will be accepted during each term.

c. The Stated Clerk shall request the congregation or employer of the Moderator and Vice Moderator to grant a leave of absence for time appropriate to their commitments to permit the Moderator and Vice Moderator to fulfill the functions of their offices.

No later than three months following the election, the Stated Clerk, in consultation with the Moderator and Vice Moderator and representatives of the congregation or employer they serve, shall conduct an appropriate service of dedication and covenant between these leaders and their faith and/or vocational community, recognizing the unique demands and responsibilities placed upon these officers.

d. To prevent financial sacrifice to these leaders personally, or undue adverse effect upon the work in which they are engaged, the Stated Clerk, in consultation with the Moderator and Vice Moderator, shall propose appropriate financial arrangements to the Committee on the Office of the General Assembly.

e. The Committee on the Office of the General Assembly shall budget for the official travel of the Moderator and Vice Moderator and their spouses, and other expenses incurred in the performance of official duties.

f. An office for the use of the Moderator and Vice Moderator shall be provided within the office suite of the Office of the General Assembly.

4. *Vice Moderator*

a. The Vice Moderator represents the assembly at the request of the Moderator. When the Vice Moderator serves in this capacity, all those duties incumbent on the Moderator shall be expected of him/her.

b. The Vice Moderator shall serve as a corresponding member without vote on the Committee on the Office of the General Assembly and the Presbyterian Mission Agency.

c. Should there be a Moderator's Conference, the Vice Moderator participates with the Moderator in planning the Moderator's Conference.

d. The Vice Moderator is expected to itinerate at the request of the Moderator.

e. The Vice Moderator shall consult with the Moderator and the Office of the General Assembly about the special emphasis for the Vice Moderator's itineration.

f. The Moderator may request the Vice Moderator to preside and to assist in the performance of other functions of the Moderator during and following the General Assembly.

5. *Regular Reporting: Accountability of the Moderator and Vice Moderator*

The Committee on the Office of the General Assembly (COGA) shall assist the General Assembly in ensuring the accountability of the Moderator and Vice Moderator of the General Assembly by receiving and reviewing, at each of their stated meetings, a written report from the Moderator and Vice Moderator. The Moderator of the General Assembly shall also report at each stated meeting of the Presbyterian Mission Agency Board.

B. *Stated Clerk of the General Assembly*

1. The title of the Stated Clerk is "The Stated Clerk of the General Assembly of the Presbyterian Church (U.S.A.);" and may be used by the incumbent until a successor is elected and takes office.

2. *Functions of the Stated Clerk* [For functions related to General Assembly meetings, see Standing Rule H.2.)

a. The Stated Clerk shall conduct the general correspondence of the Presbyterian Church (U.S.A.). In this connection, all items of correspondence directed to the Presbyterian Church (U.S.A.), or to the General Assembly, shall be routed to the Stated Clerk.

b. As an officer of the General Assembly, the Stated Clerk shall preserve and defend the Constitution of the Presbyterian Church (U.S.A.), and support the decisions, actions, and programs of the General Assembly. The

Stated Clerk shall give advisory opinions concerning the meaning of the provisions of the Constitution of the Presbyterian Church (U.S.A.), and shall give advisory opinions on the meaning of the actions of the General Assembly. When the Stated Clerk deems it necessary, after consulting with appropriate persons or bodies, the Stated Clerk may retain legal counsel and institute or participate in legal proceedings in civil and criminal courts.

c. The Stated Clerk shall publish the Constitution of the Presbyterian Church (U.S.A.), and other materials as may be necessary to help the church understand and be guided by the Constitution. The Stated Clerk shall prepare editorial changes in the *Book of Order*, which should be reviewed by the Advisory Committee on the Constitution, provided the changes do not alter the substance of the text approved by vote of the presbyteries. The Stated Clerk shall be a member ex officio of the Advisory Committee on the Constitution, without vote.

d. On receipt of the certified record and final decision in a case of judicial process from the clerk of the Permanent Judicial Commission of the General Assembly, the Stated Clerk shall report the decision to the General Assembly if it is in session, or to its first session thereafter if it is not. When a decision of the Permanent Judicial Commission contains an order directed to another council, the Stated Clerk shall obtain from the council a statement of its compliance and make a full report to the next General Assembly.

e. The Stated Clerk shall provide staff services to the Advisory Committee on the Constitution and any other committees established to draft, consider, or amend *The Book of Confessions* or any of the documents it includes.

f. As the continuing ecclesial officer of the General Assembly, the Stated Clerk shall be a member of each committee that may be established to undertake discussion regarding organic union with another church or churches.

g. The Stated Clerk is the permanent ecumenical representative of the General Assembly and shall be a member of each delegation representing the Presbyterian Church (U.S.A.) in ecumenical or interchurch bodies or Presbyterian Mission Agency Boards, and in faith and order bodies, including bilateral conversations and dialogues.

h. The Stated Clerk shall be a corresponding member of the Presbyterian Mission Agency Board. He or she shall be a member of any other body responsible for coordinating, formulating, or implementing the ecumenical and interfaith policies and programs of the General Assembly.

i. The Stated Clerk is the chief executive officer of the Office of the General Assembly. The Stated Clerk shall have available personnel to assist in performing the assigned functions.

j. The Stated Clerk, with the concurrence of the Committee on the Office of the General Assembly, may nominate to the General Assembly one or more persons to serve as Associate Stated Clerks of the assembly (Standing Rule H.2.d.).

k. The Stated Clerk, after consultation with the Committee on the Office of the General Assembly, may appoint one or more Assistant Stated Clerks. The term of the appointment shall be four years, subject to reappointment by the Stated Clerk, after consultation with the Committee on the Office of the General Assembly.

l. The Stated Clerk shall submit to the Committee on the Office of the General Assembly, for its action and recommendation to the General Assembly, a proposed budget. This budget shall provide for the funding of the sessions of the General Assembly, the Office of the General Assembly and all bodies related to it, the funding of the participation of the Presbyterian Church (U.S.A.) in ecumenical bodies, and other expenses deemed necessary.

m. The Stated Clerk is responsible for maintaining the archives and records management facilities of the Presbyterian Church (U.S.A.), for the supervision of an agency for the preservation of the history of American Presbyterianism, and for the promotion of the study of Presbyterian history. The Stated Clerk shall assure the implementation of a records management program.

n. The Stated Clerk shall promote the harmony and efficiency of the General Assembly and its agencies in cooperation with the Presbyterian Mission Agency and its Executive Director, with special attention to relationships between General Assembly entities, and with synods, presbyteries, and sessions. The Stated Clerk shall have membership on or relationship to appropriate committees, commissions, and agencies of the General Assembly as it shall determine from time to time.

o. The Stated Clerk shall receive all resignations from service on General Assembly entities and shall declare the positions vacant in accordance with Paragraph IV.C.1. below entitled "Serving on Assembly Entities."

p. Serve as primary spokesperson for General Assembly actions, unless the General Assembly has directed otherwise”

3. *The Office of the General Assembly*

a. The Stated Clerk shall employ and supervise the personnel necessary to do the work of the Office of the General Assembly, and provide oversight of the personnel of all bodies related to the Office of the General Assembly who shall be accountable to the Stated Clerk unless other provisions have been made. Staff vacancies within the Office of the General Assembly (other than the appointment of Assistant Stated Clerks) may be filled by the appropriate supervisor (with the concurrence of the Stated Clerk).

b. All equal employment opportunity and other uniform policies relating to employment and compensation of the personnel of General Assembly agencies shall apply also to personnel of the Office of the General Assembly and all bodies related thereto. All personnel appointments shall be in accordance with the personnel policies of the Presbyterian Church (U.S.A.) and the requirements of *Book of Order*, G-3.0103.

c. The Stated Clerk may designate a member of the staff of the Stated Clerk to be the budget officer of the Office of the General Assembly.

The following will be related to the Office of the General Assembly for staffing and budgeting purposes: Committee on the Office of the General Assembly, Permanent Judicial Commission, Board of Directors of the Presbyterian Historical Society, Committee on Representation, Advisory Committee on the Constitution, Advisory Committee on Litigation, General Assembly Nominating Committee, Presbyteries' Cooperative Committee on Examinations for Candidates, and commissions and special committees of the General Assembly (see Standing Rule K.I.).

d. All income received by the Office of the General Assembly from sales, bequests, gifts, or from any other source, shall be transmitted to the treasurer of the Presbyterian Church (U.S.A.), A Corporation. These funds shall be separately accounted for by the treasurer. All payments related to the Office of the General Assembly shall be made by the treasurer upon the receipt of regular vouchered requests, or other adequate documentation, bearing the authorization of the Stated Clerk or a person designated by the Stated Clerk.

e. The Department of History in the Office of the General Assembly shall be under the direction of a person appointed by the Stated Clerk. The general administration of the Department of History shall be carried out from Philadelphia, which will be the location of the office of the director of the department. The director, with the concurrence of the Stated Clerk, shall determine which functions shall be carried out in Philadelphia and in the department's study center in Montreat, North Carolina. All restricted and other funds contributed to the endowment of the former Department of History of the United Presbyterian Church in the U.S.A. or the former Historical Foundations of the Presbyterian Church in the United States are held by the Presbyterian Church (U.S.A.), Foundation, and the Presbyterian Church (U.S.A.), A Corporation. Funds secured after 1983 resulting from development efforts are also placed in accounts with the Presbyterian Church (U.S.A.), Foundation, and the Presbyterian Church (U.S.A.), A Corporation. Funds originally designated for the maintenance of the archival facility at Montreat and the records and memorabilia contained therein will continue to be used for that facility alone. Should that archival function cease at the Montreat facility, all restricted and other funds contributed for that purpose will be held by the Presbyterian Church (U.S.A.), Foundation, and the Presbyterian Church (U.S.A.), A Corporation, and used for the support of the archival facility and program of the Office of the General Assembly by the Department of History.

C. *Committees of the General Assembly*

1. *Serving on Assembly Entities*

a. Each person nominated shall be an active member of a congregation, or a continuing member of a presbytery, of the Presbyterian Church (U.S.A.) with the exception of nominees for election to the Presbyterian Committee on the Self-Development of People.

b. A person may serve as a member-at-large of only one General Assembly entity at a time. Ordinarily, no more than one member-at-large from any one presbytery may serve on the same General Assembly entity at the same time. Members serving by virtue of office, or elected to membership on a second entity to fulfill the requirements of the *Organization for Mission* or other General Assembly actions, are not affected by this provision.

c. Persons nominated for election by the General Assembly shall ordinarily be eligible to serve a four-year term, and be eligible for election to one additional term. No person may serve more than two consecutive terms, full or partial. At the conclusion of their term of service, a person shall not be eligible for nomination to a General Assembly entity until two years have elapsed.

d. Consideration shall be given to the full requirements of full participation expressed in *Book of Order*, G-1.0401, and shall ensure that nominations are made by an entity broadly representative of the constituency of the council, and in conformity with the church's commitment to unity in diversity (F-1.0403) (see *Book of Order*, G-3.0111).

e. A member of a General Assembly entity who finds it necessary to resign shall send his or her resignation to the Stated Clerk of the General Assembly, who shall notify the entity and the nominating committee or other body that originated the person's nomination or election. When any member of an entity of the General Assembly (council, commission, unit, division, committee, task force, or any other body) shall resign, or becomes unable to serve because of chronic or permanent physical or mental illness or disability, the Stated Clerk of the General Assembly shall declare the position vacant.

f. When any member of the board of an entity of the General Assembly, a council, commission, unit, division, committee, task force, or any other body authorized by the General Assembly does not attend two successive sessions of that body and such absence is unexcused, the membership of that person shall be automatically vacated, and that person shall be notified by the Stated Clerk. The Stated Clerk of the General Assembly shall be notified of the vacancy by the chairperson of the entity, and the Stated Clerk shall announce the vacancy and shall notify the General Assembly Nominating Committee or other body that originated the nomination or election of the person who has been absent without excuse, in order that the vacancy may be filled in the manner by which the same position had been filled originally.

g. If a teaching elder serving as a member of a General Assembly entity representing a synod or presbytery shall transfer his or her presbytery membership and thereby cease to be under the jurisdiction of the presbytery or synod that nominated her or him to serve on the assembly entity, the position shall be declared vacant by the Stated Clerk. If a member of a particular church serving as a member of a General Assembly entity representing a presbytery or synod shall transfer her or his membership to a particular church that is not under jurisdiction of the presbytery or synod that nominated him or her, the position shall be declared vacant by the Stated Clerk.

h. The Stated Clerk shall also notify appropriate entities and mid councils upon being advised of the death of any person holding membership on an assembly entity or who is unable to serve for any other reason. The Stated Clerk shall also declare vacant a position on any such entity held by a teaching elder who ceases to be a teaching elder member of a presbytery of this denomination, or a position held by a member of a particular church who ceases to be a member of a congregation of this denomination.

All such vacancies shall be filled by the same process under which the former incumbent was elected. If a vacancy shall occur during the first term of service of an incumbent, then the original source of the nomination shall propose a nominee for election to complete the unexpired term, and such nominee shall be eligible for renomination and election to an additional full term. If a vacancy shall occur during the second term of service of an incumbent, and the position vacated is one designated for a representative of a presbytery or synod, then the privilege of proposing a nominee for the unexpired term shall pass to the next appropriate presbytery or synod under any rotation system that may be in use, and the nominee so proposed shall be eligible for nomination and reelection to an additional full term. Any vacancy in a position for which the General Assembly Nominating Committee makes nominations may be filled until the next succeeding General Assembly by appointment of the Moderator of the General Assembly upon advice by the nominating committee that the committee has decided to present the name of the appointee to the next session of the General Assembly as its nominee for the position.

2. *Committee on the Office of the General Assembly*

a. The General Assembly shall elect a Committee on the Office of the General Assembly composed of fifteen persons. This committee shall be empowered to carry out the assembly's oversight of the Stated Clerk and

the Office of the General Assembly; to assure the accountability of the Stated Clerk to the General Assembly during the interim between sessions of the assembly; and to provide linkage with the Presbyterian Mission Agency. The members of the committee shall serve a four-year term, and be eligible for election to one additional term. No member may serve more than two terms, full or partial.

The Moderator of the General Assembly will serve as a member of the committee with vote during his or her moderatorial service. The Stated Clerk of the General Assembly, the Executive Director of the Presbyterian Mission Agency, and the vice chair of the Presbyterian Mission Agency will serve as corresponding members of the committee without vote.

b. The Committee on the Office of the General Assembly shall elect its own officers and determine its structure, including any subcommittees (see Standing Rule I.4.a. for exception).

c. The committee shall be funded from the per capita apportionment and its financial activity shall be reported through a separate line in the General Assembly Commission and Committee Schedule. The proposed budgets of the Committee on the Office of the General Assembly shall be submitted to the General Assembly.

d. The Committee on the Office of the General Assembly shall have the responsibility to do the following:

(1) Assist the General Assembly in assuring the accountability of the Stated Clerk of the General Assembly and of the Office of the General Assembly by reporting to each session of the General Assembly, including a report or summary of any evaluation of the work of the Stated Clerk and of the Office of the General Assembly that has been completed since the last session of the assembly.

(2) Review annually the work of the Stated Clerk and be responsible for an end-of-term evaluation (see Standing Rule H.2.b.(3)(f)) or exit interview.

(3) Review the budget requests submitted by the Stated Clerk for that portion of the per capita budget administered by the Stated Clerk, and to forward the requests to Mission Support Services with the comments of the Committee on the Office of the General Assembly. The Committee on the Office of the General Assembly will also be responsible for approving proposed changes in the staffing design of the Office of the General Assembly presented by the Stated Clerk.

(4) Consult with the Stated Clerk of the General Assembly regarding any proposals to the General Assembly concerning persons being recommended for election to the office of Associate Stated Clerk of the General Assembly, and any proposals concerning the appointment of persons to the office of Assistant Stated Clerk (see Standing Rule H.2.d.).

(5) Meet annually with the Executive Committee of the Presbyterian Mission Agency Board to discuss items of concern and common interest.

(6) Be available to the Stated Clerk for consultation on all proposed amendments to the Standing Rules of the General Assembly and that such consultation shall occur prior to the Stated Clerk proposing any amendments to the Standing Rules of the General Assembly (see Standing Rule L.1.).

(7) Review the work of special committees and report to each session of the General Assembly a summary of the work being carried out by special committees, including recommendations to transfer the work assigned to a special committee elsewhere or to dismiss the committee (see Standing Rule K.1.e.).

(8) Review the evaluation of each General Assembly session secured by the Stated Clerk.

(9) Outline the programs for future General Assemblies sufficiently in advance to ensure an orderly progression of themes and emphases and to ensure the appointment of significant speakers and other program participants.

(10) Review and present to the Assembly Committee on Business Referral a recommendation regarding the Stated Clerk's proposed docket for the next session of the General Assembly (see Standing Rule C.4.a.).

(11) Review and present to the Assembly Committee on Business Referral a recommendation regarding the Stated Clerk's proposed referral of each item of business to an appropriate assembly committee (see Standing Rule C.3.).

(12) Assist the Moderator regarding the appointment of a commissioner to be the moderator of each assembly committee and a commissioner to serve as vice moderator of each assembly committee (see Standing Rule C.1.c.).

(13) Consult with the Moderator regarding the planning of all worship at the General Assembly (see Standing Rule G.a.).

(14) Coordinate the programmatic aspects of each General Assembly session, ensuring that adequate time is provided for the business that must be transacted.

(15) Review requests from entities of the General Assembly, mid councils, other entities related to the Presbyterian Church (U.S.A.) in any way, or coalitions in which this denomination or any of its entities participate to schedule meetings, briefings, hearings, or other events of any kind during those hours when the General Assembly or its committees are in session.

(16) Prepare a report, including recommendations on the docket and the referral of assembly business, to be printed and distributed with other materials provided to commissioners.

(17) Review and present to the General Assembly for its action the date and place of meeting six years hence and any changes in dates and places of meetings previously set (see Standing Rule I.1.a.).

(18) Review the recommendation of the Stated Clerk and set the amount of per diem for sessions of the General Assembly (see Standing Rule I.3.).

(19) On behalf of the General Assembly, bring forward according to G-6.02 any such questions requiring an interpretation of the Constitution that may arise from the work of the General Assembly.

3. *Advisory Committee on the Constitution*

a. The *Book of Order*, G-6.02, provides for the establishment of an Advisory Committee on the Constitution. The committee is composed of nine (9) voting members who shall be stated clerks or former stated clerks of synods or presbyteries, former members of the Permanent Judicial Commission of the General Assembly, polity professors, or other qualified persons with knowledge of and experience with the Constitution and polity of the church.

b. Except as otherwise specified in the *Book of Order*, the committee shall be funded through the per capita budget of the Office of the General Assembly and receive staff services as provided by the Stated Clerk.

4. *Advisory Committee on Litigation*

a. The Advisory Committee on Litigation shall advise the Stated Clerk of the General Assembly in connection with instituting or participating in legal proceedings (see Functions of the Stated Clerk earlier in this section).

b. The members of the committee shall ordinarily be attorneys, and the members shall be experienced in fields related to issues that may be the subject of legal proceedings in which the church is, or may become, interested. The committee shall be composed of six persons, elected by the General Assembly upon nomination by the General Assembly Nominating Committee. The advisory committee may invite other persons with special competency related to particular cases or situations to participate in the consideration of particular cases or issues. The members shall be evenly divided into three classes, shall serve six-year terms, and shall be eligible for election to one additional term. No member may serve more than two terms, full or partial. Members of this committee are exempted from the prohibition against service on more than one entity of the assembly set forth in Section IV.C.1.c. above.

c. The committee shall elect its own moderator and ordinarily shall meet at the call of the Stated Clerk. The committee may carry on its work by correspondence, telephone consultation (including conference telephone calls), or meetings.

d. The committee shall advise the Stated Clerk regarding participation in litigation related to matters of civil and religious liberty, relations between church and state, and any other matters related to the mission and interest of the church. The Advisory Committee on Litigation shall advise the Stated Clerk regarding the establishment and maintenance of a resource file of legal documents as a means of assisting the mid councils and agencies of the church in initiating or participating in litigation in the areas within the concerns of the committee.

e. The committee shall be funded through the per capita budget of the Office of the General Assembly, receive staff services as provided by the Stated Clerk, and designate a representative to the annual session of the General Assembly (see Standing Rule B.3.).

f. The committee shall report to each session of the General Assembly.

5. *General Assembly Committee on Representation*

a. As provided for in the *Book of Order*, G-3.0103, council above the session shall establish committees on representation to fulfill the following function: to advise the council regarding the implementation of principles of unity and diversity, to advocate for diversity in leadership, and to consult with the council on the employment of personnel, in accordance with the principles of unity and diversity in F-1.0403.

b. The committee shall

(1) Advise the assembly and all entities created by and accountable to the General Assembly with regard to diversity and inclusiveness in its elected and employed leadership.

(2) Reflect in its membership the principles of unity and diversity in F-1.0403.

(3) Assist the Moderator regarding the appointment of a commissioner to be the moderator of each assembly committee and a commissioner to serve as vice moderator of each assembly committee (see Standing Rule C.1.c).

(4) Evaluate each General Assembly session and share that evaluation with the Stated Clerk of the General Assembly.

(5) Participate in any review and/or revision of the Churchwide Plan for Equal Employment Opportunity and Affirmative Action.

(6) Make recommendations to the assembly regarding inclusion of leaders for emerging communities and concerns as well as methods of decision-making that increase participation and representation, in accordance with the principles of unity and diversity in F-1.0403.

(7) Review the work and impact of committees on representation at councils below the General Assembly in accordance with the functions and commitments assigned in the *Book of Order*, G-3.0103.

(8) Assist the church to build an ethos of inclusion and involvement of all persons in the decision-making, sharing power across differences.

6. *General Assembly Nominating Committee*

There shall be a General Assembly Nominating Committee responsible for nominating persons to serve in positions requiring election by the General Assembly. The Moderator of the General Assembly, in collaboration with the General Assembly Nominating Committee, shall appoint persons to serve on special commissions and special committees. These nominations and/or appointments shall be made in accordance with the *Book of Order*, G-3.0111 and F-1.0403.

7. *Board of Directors for the Presbyterian Historical Society*

a. The board of directors exists to assure that the mission of the Presbyterian Historical Society—to collect, preserve, and share our history—is achieved in the most effective and efficient manner, in faithfulness to God’s call and in support of the mission of the Presbyterian Church (U.S.A.).

b. The board of directors shall be composed of a minimum of eight and a maximum of twenty-four persons. The Committee on the Office of the General Assembly shall elect and the General Assembly shall confirm the board. The members of the board of directors shall serve a four-year term and shall be eligible to serve one additional full or partial term.

c. The budget for the Presbyterian Historical Society shall be submitted as part of the Office of the General Assembly’s regular budget process.

d. The responsibilities of the board of directors shall include:

(1) Establishing the strategic direction for the Presbyterian Historical Society with the concurrence of the Stated Clerk.

(2) Providing oversight of and accountability for the Presbyterian Historical Society to the church at large.

(3) Ensuring the financial stability of the Presbyterian Historical Society.

(4) Advocating for and promoting the work of the Presbyterian Historical Society.

8. *Committee on Ecumenical and Interreligious Relations*

a. The Committee on Ecumenical and Interreligious Relations shall function to give a high profile to the vision of the ecumenical and interreligious involvement and work as central to the gospel and key to the life of the church; plan and coordinate, in consultation with the agencies and councils of the church, the involvement of the Presbyterian Church (U.S.A.) in ecumenical and interreligious relations and work; connect the ecumenical and interreligious efforts of all council levels of the church; provide a common point for all ecumenical and interreligious efforts connecting us with those outside our church; keep a unity of vision that includes the ecclesiastical, programmatic, ecumenical, and denominational (organizational) parts of our ministries and commitments; articulate the Reformed and Presbyterian identity in the midst of our ecumenical commitments; and promote awareness of the role of the unity of all humankind in the search for the unity of the church; and promote the unity of the church as an exhibition of the kingdom to the world.

b. The Committee on Ecumenical and Interreligious Relations shall be composed of twenty members. Twelve shall be members of the Presbyterian Church (U.S.A.) nominated for at-large positions by the General Assembly Nominating Committee (GANC) and elected by the General Assembly in as nearly equal classes as possible. Four shall be members of four churches invited by the Stated Clerk to appoint one member each from their communion to serve as voting members of the committee. One of the four churches shall be one of our ecumenical church partners. The other three shall be our full communion partners. One member shall be appointed by the Committee on the Office of the General Assembly. One member shall be appointed by the Presbyterian Mission Agency Board. The other members of the committee shall be the Stated Clerk or the Associate Stated Clerk for Ecumenical Relations and the Executive Director of the Presbyterian Mission Agency or designee.

In addition, the following PMA persons may be corresponding members: the Deputy Executive Director for Mission and up to three ministry directors appointed by the Deputy Executive Director for Mission.

c. Elected members of the committee shall be elected to a four-year term, and be eligible for election to one additional term. No member may serve more than two terms, full or partial. Appointed members from ecumenical church partners shall serve for four years and be eligible for appointment to one additional term.

d. The Committee on Ecumenical and Interreligious Relations will meet twice annually and shall have the responsibility to do the following:

- (1) Envision, under the guidance of the Holy Spirit, how the Presbyterian Church (U.S.A.) leads and participates in the search for the unity of Christ's Church within this nation and worldwide, and propose appropriate strategies to the General Assembly, its agencies, and other mid councils;
- (2) Provide oversight to the implementation of the responsibilities given to the General Assembly in *Book of Order*, Form of Government, Chapter XV. Relationships, G-5.02; G-5.03; G-5.05;
- (3) Act on and process recommendations and proposals addressing ecclesiastical ecumenical work of the Presbyterian Church (U.S.A.);
- (4) Propose to the General Assembly, for election, Presbyterian Church (U.S.A.) members to serve on ecumenical delegations to the National Council of Churches of Christ (USA), the World Council of Churches, the World Alliance of Reformed Churches, and the Caribbean and North American Area Council assemblies;
- (5) Represent the Presbyterian Church (U.S.A.) in negotiation and coordination of the search for Christian unity with other communions as authorized by the General Assembly;
- (6) Select Presbyterian Church (U.S.A.) representatives to serve on ecumenical dialogues, ecumenical negotiations on church unions, multilateral and bilateral dialogues, and representatives from the PC(USA) serving as PC(USA) ecumenical representatives to other church assemblies;
- (7) Oversee the implementation of "A Formula of Agreement" (Full Communion) with the Evangelical Lutheran Church of America, the Reformed Church in America, and the United Churches of Christ, and represent the Presbyterian Church (U.S.A.) in planning and coordinating structures to carry this out;
- (8) Give guidance to the nurturing of unity among Presbyterian and Reformed churches in the U.S.A., with one another and with the Presbyterian Church (U.S.A.);
- (9) Empower all agencies of the General Assembly and mid councils to carry out their mission program with an ecumenical consciousness and in close coordination with one another and to model this consciousness in their own work;
- (10) Propose and advocate to appropriate bodies of the Presbyterian Church (U.S.A.) that they share in funding ecumenical and conciliar ministry;
- (11) Propose to the General Assembly names of churches to be invited to send ecumenical advisory delegates to the General Assembly meeting (see Standing Rule B.2.g.);
- (12) Select three religious traditions to be invited to send representatives to the General Assembly as interfaith observers (see Standing Rule B.2.f.);
- (13) Give guidance to the Stated Clerk and General Assembly agencies on ecclesial (church-to-church) ecumenical relations, helping to carry out the General Assembly's G-3.0501c responsibilities;
- (14) Give guidance to General Assembly agencies on new opportunities to strengthen the relationships with other faith communities and on strategies for fulfilling the General Assembly mandates on interreligious relationships;
- (15) Give guidance to the Mission Agency on ecumenical mission opportunities in partnership with churches in the United States and around the world; and
- (16) Give guidance to program entities on ecumenical formation of Presbyterians, both teaching elders and lay members.

e. The committee shall be funded through the per capita budget of the Office of the General Assembly. The co-chairs of the Ecumenical Staff Team will have primary staffing responsibilities. The Ecumenical Staff Team shall be a staff resource to the committee.

D. *Review of Agencies and Committees*

1. Based on a six-year schedule, the agencies of the General Assembly will be reviewed to evaluate the relationship of their individual ministry with the mission of the whole Presbyterian Church (U.S.A.). On nomination of the General Assembly Nominating Committee, the General Assembly will elect two committees, each to review the work of one of the agencies of the General Assembly. Each committee will be composed of twelve members: four commissioners from the previous three General Assemblies, four who have served on the board of a General Assembly entity other than the one being reviewed, and four at large. The at-large members may include ecumenical partners. The committee will use the Standards for Review of General Assembly Agencies in the Guidelines and Policies of the General Assembly. The committee will report to the next General Assembly following its election the results of the review and make recommendations based on its findings.

2. The permanent, advocacy, and advisory committees and commissions of the General Assembly will be reviewed to evaluate their processes to fulfill the mandates given to them by the Presbyterian Church (U.S.A.). The General Assembly will review the work of the permanent, advocacy, and advisory committees and commissions based on a six-year schedule. A committee at the General Assembly will be assigned the review. The assembly committee will use the Standards for Review of General Assembly Permanent, Advocacy, and Advisory Committees and Commissions in the Guidelines and Policies of the General Assembly. The assembly committee will report to the General Assembly the results of the review and make recommendations based on its findings.

E. Proposed amendments to this Section IV of the Organization for Mission from related bodies or from within the Office of the General Assembly, shall be submitted to the Committee on the General Assembly (COGA). The COGA shall review these proposed changes and forward those it approves as part of its report to the General Assembly.

V. **The Presbyterian Mission Agency**

The Presbyterian Mission Agency is the body of the General Assembly in which are lodged the following responsibilities:

- a. to cultivate and promote the spiritual welfare of the whole church;
- b. to provide resources to support equal employment opportunity and affirmative action for members of racial ethnic groups, for women, for various age groups, for persons regardless of marital condition (married, single, widowed, or divorced), and for persons with disabilities;
- c. to develop and propose, for General Assembly approval, the mission directions, goals, objectives, and priorities of the Presbyterian Mission Agency; doing so by taking into account the mission work being done by sessions, presbyteries, and synods, and to propose for General Assembly approval an accompanying budget that will implement the mission work plan of the Presbyterian Mission Agency;
- d. to act in those specific matters assigned to the Presbyterian Mission Agency by the General Assembly or this Constitution, acting always according to previously enacted General Assembly policies, reporting fully to each subsequent General Assembly its actions;
- e. to perform such additional responsibilities and duties as may be assigned by the General Assembly.

The Presbyterian Mission Agency Board shall advise and respond to the General Assembly on priorities, programs, and strategies for addressing matters of concern for the mission of our church. The primary purpose of the Presbyterian Mission Agency Board is to lead and coordinate the total mission program. It will cultivate a style of work that emphasizes

- coordination among ministries;
- flexible deployment of resources to match changing needs;
- allocation of funding to reflect stated goals;
- attention to the needs and gifts of congregations;
- effective relationships with all mid councils; and
- holding the vision described without reverting to old patterns.

A. *Policy Responsibility*

The Presbyterian Mission Agency Board may recommend churchwide policies to the General Assembly and is responsible for implementing policies established by the General Assembly and for establishing overall procedures for the Presbyterian Mission Agency.

B. *Planning and Priority Setting*

“The Presbyterian Mission Agency Board is responsible for carrying out planning and priority-setting processes. The Presbyterian Mission Agency Board is responsible for instituting ongoing review processes.

C. *General Assembly Budget*

It is the responsibility of the Presbyterian Mission Agency Board to recommend to the General Assembly a Presbyterian Mission Agency Budget and Program and a Per Capita Budget. The Presbyterian Mission Agency Board develops the Mission Budget. The Presbyterian Mission Agency Board and the Committee on the Office of the General Assembly jointly have responsibility for developing a per capita budget and apportionment.

All restricted and unrestricted funds (principal or income) that support the programs or functions for which the Presbyterian Mission Agency is responsible are allocated by the Presbyterian Mission Agency and distributed in accordance with procedures approved by the Presbyterian Mission Agency Board. In every case the instructions of the donors are carefully followed. Such resources presently include contributions from individuals, congregations, and related organizations; proceeds from wills and bequests; and sales of property and other assets. All funds administered by the Board of Pensions, including dues and earnings on investments, are specifically excluded.¹

D. *Personnel Responsibilities*

Regarding the Presbyterian Mission Agency staff, the Presbyterian Mission Agency Board is responsible for the following:

1. Approval of personnel procedures.
2. Approval, annually, of a staff rationale that determines staff commitments for the year. Any staff deployed regionally must be approved as part of the annual staff rationale.
3. Election of the Executive Director subject to confirmation by the General Assembly.
4. Annual performance reviews of the Executive Director as specified in the *Presbyterian Mission Agency Manual of Operations* (Appendix 8), and in concurrence with the Presbyterian Mission Agency personnel policies.
5. Approval and monitoring of the “Churchwide Plan for Equal Employment Opportunity and Affirmative Action.”
6. Approval of compensation guidelines within which salaries are administered.

Members of the Presbyterian Mission Agency Board are not eligible for election or selection as staff during the period of their term of service.

E. *Reporting*

The Presbyterian Mission Agency Board is responsible for submitting a report to the General Assembly. The Presbyterian Mission Agency will report regularly to the Presbyterian Mission Agency Board, keeping the Board fully informed about its work. Matters that involve an exception or a proposed change in Presbyterian Mission Agency procedures, a major shift in program emphasis, or a major budget adjustment, require action by the Presbyterian Mission Agency Board. Issues of social witness policy, advocacy for racial ethnic and women’s concerns, and those related to Presbyterian theological institutions are reported to the Presbyterian Mission Agency Board and General Assembly.

F. *Elected Leadership*

1. *Organization of the Presbyterian Mission Agency Board*

Direction and oversight of Presbyterian Mission Agency entities deploys a majority of Presbyterian Mission Agency Board members as members of Mission Committees and Audit Committee. The work of the Presbyterian Mission Agency is a direct expression of the planning and mission understanding of the Presbyterian Mission Agency Board, which is accountable to the General Assembly in this regard. The number and makeup of the committees and assignments are adjustable to accomplish the work of the Presbyterian Mission Agency in its mission and to allow flexibility to meet changing emphases in Presbyterian Church (U.S.A.) mission. The Mission Committees are to be policy, strategy, and planning committees.

The Presbyterian Mission Agency Board determines the need for area program committees, how many are to be established (specifying the expertise and/or experience needed), the terms of service for members, and the duration of the committees' existence.

The Presbyterian Mission Agency Board ensures advocacy functions for women and racial ethnic persons, and advisory functions for social witness policy by providing direct access to the Presbyterian Mission Agency Board and General Assembly. The Presbyterian Mission Agency Board also provides for the development of social witness policy.

The Presbyterian Mission Agency Board ensures the continuation of a committee that includes representatives of each Presbyterian theological institution, and that will review the effectiveness and stewardship of the schools on behalf of the church, will exercise the governance responsibilities of the church to the schools, and will encourage and enhance cooperation among the church's theological schools. The committee will be provided direct access to the Presbyterian Mission Agency Board and the General Assembly.

The principal legal corporation is the Presbyterian Church (U.S.A.), A Corporation, which receives, holds, and transfers property, and facilitates the management of the church's corporate affairs. All voting members of the Presbyterian Mission Agency Board serve as members of the board of directors of this corporation.

2. *Membership of the Presbyterian Mission Agency Board*

The membership, terms of office, and officers of the Presbyterian Mission Agency Board shall be approved by the General Assembly as provided for in the *Manual of Operations* of the Presbyterian Mission Agency.

G. *Staff Leadership*

1. *Executive Director*

Election and Review—The Executive Director of the Presbyterian Mission Agency is elected by the Presbyterian Mission Agency Board, subject to confirmation by the General Assembly. The Executive Director is accountable to the Presbyterian Mission Agency Board. Upon election, the Executive Director serves with the full authority of the office until confirmed by the next General Assembly following election. Should the General Assembly refuse to confirm any Executive Director, the position becomes vacant immediately. Periodic in-depth reviews of the Executive Director are the responsibility of the Presbyterian Mission Agency Board. The Executive Director is elected for a term of four years and may be reelected for additional terms. Initial four-year terms start on the date that work commences following election. Subsequent four-year terms commence on the day following expiration of the prior term. The Executive Director may be dismissed by the Presbyterian Mission Agency Board in conformity with current personnel policies and procedures.

Responsibilities—The responsibilities of the Executive Director include:

a. enabling the Presbyterian Mission Agency Board, in response to mission directions and policies set by the General Assembly, to lead the whole church in the implementation of directions for the life and mission of the church;

- b. supporting the organizational health of the Presbyterian Mission Agency, and the Presbyterian Church (U.S.A.);
- c. enabling the Presbyterian Mission Agency Board to fulfill its constitutional responsibilities;
- d. providing oversight of the work of the Presbyterian Mission Agency as a whole and the linkages among the various parts that carry out its work;
- e. providing leadership and administrative oversight to the staff and to the staffing and personnel decision process of the Presbyterian Mission Agency;
- f. leading and supervising the staff lodged in the office of the Executive Director including a staff rationale, position description, selection of staff, annual performance reviews and staff development;
- g. bearing direct responsibility for the coordination of planning and budgeting for the Presbyterian Mission Agency;
- h. leading the Presbyterian Mission Agency in implementing policies and procedures related to inclusiveness, affirmative action, and equal employment opportunity; and
- i. presiding as president of the Presbyterian Church (U.S.A.), A Corporation.
- j. Serve as primary spokesperson for Presbyterian Mission Agency policies and programs.

2. *Deputy Executive Directors*

Deputy Executive Directors are hired by the Presbyterian Mission Agency Executive Director subject to confirmation by the Presbyterian Mission Agency Board.

Responsibilities—The Deputy Executive Directors are responsible for the healthy functioning of their areas, as well as for the support of the wider organizational health of the Presbyterian Mission Agency and the Presbyterian Church (U.S.A.).

3. *Staff*

All staff are staff of the Presbyterian Mission Agency and are accountable to the Executive Director. Mission personnel have shared accountability both to the overseas partner church to which they are assigned and to the Presbyterian Mission Agency through the Deputy Executive Director for Mission.

VI. Presbyterian Mission Agency Relationships

The Presbyterian Mission Agency works in partnership with synods, presbyteries, and sessions to enable the various councils to join together in churchwide expression of the life and mission of the Presbyterian Church (U.S.A.).

The Presbyterian Mission Agency shares responsibility with the Office of the General Assembly for the joint office of Mid Council Relations. In addition, the Presbyterian Mission Agency Board and the Committee on the Office of the General Assembly will cooperate in the preparation and presentation of the Per Capita Budget and other opportunities for joint endeavors.

The Presbyterian Mission Agency is responsible for carrying out the mission program for the General Assembly. The ministries of the Presbyterian Mission Agency are linked together and with the church on behalf of that part of the mission entrusted by God to the Presbyterian Church (U.S.A.).

The Presbyterian Mission Agency is responsible for financial and corporate services supporting the Presbyterian Church (U.S.A.).

Other relationships include the following committees:

1. *Advocacy and Advisory Committees*

The Executive Director has the responsibility for the advocacy and advisory committees. All three groups have direct access to the General Assembly and the Presbyterian Mission Agency Board.

The Advocacy Committee for Racial Ethnic Concerns shall assist the Presbyterian Church (U.S.A.) to give full expression of the rich diversity of its membership as specified in the *Book of Order*, F-1.0403. The Committee shall be a prophetic voice for involving racial ethnic people in the formation of public policy, particularly where race is a factor that negatively impacts the quality of life of people of color. The committee will also monitor the implementation of policies adopted by the church that impact the quality of life of racial ethnic people in the church and in the world.

The Advocacy Committee for Women's Concerns shall assist the Presbyterian Church (U.S.A.) to give full expression of the rich diversity of its membership as specified in the *Book of Order*, F-1.0403. The committee shall monitor and evaluate policies, procedures, programs, and resources regarding the way in which they impact the status and position of women in the church and the world; and shall advocate for full inclusiveness and equity in all areas of the life and work of the church in society as a whole.

The Advisory Committee on Social Witness Policy, in consultation with the Presbyterian Mission Agency Board, is responsible for the process of developing and recommending social witness policy to the General Assembly. The term "social witness policy" refers to the positions adopted by the General Assembly to express its stance on and guide response to issues in the public order, including their relation to the church's own life and mission. These positions may take the form of policy statements, resolutions, study papers, or social involvement reports, as defined in the *Manual of the General Assembly*, p. 65, *Forming Social Policy*, 2.a.

2. *Committee on Theological Education*

The Committee on Theological Education has direct access to the General Assembly and the Presbyterian Mission Agency Board, and their work is coordinated through the Theology, Worship, and Education Ministry with staff accountability to the director of the Theology, Worship, and Education Ministry. The purpose of the Committee on Theological Education is to provide an effective linkage between the General Assembly and the theological seminaries of the PC(USA) by: providing a forum through which the church-at-large can express its concerns to the seminaries; interpreting the mission of the denomination's theological seminaries to the whole church; overseeing the interpretation and administration of the Theological Education Fund (1% Plan); serving as a means for cooperation among the church's theological seminaries; implementing suggestions made by the Special Committee to Study Theological Institutions as approved by the 205th General Assembly (1993); serving as an agency of the denomination for relating to theological seminaries other than those of the PC(USA); and working in partnership with mid councils and agencies of the General Assembly to provide for leadership in local congregations, the denomination, and the world.

VII. Presbyterian Church (U.S.A.), A Corporation

The Presbyterian Church (U.S.A.), A Corporation, (previously the Central Treasury Corporation—CTC) is a corporate entity of the General Assembly and, as the principal church corporation, will hold title to property in accordance with the 1986 Deliverance, and provide accounting, reporting, and financial services for the General Assembly and its entities. All voting members of the Presbyterian Mission Agency Board (previously the General Assembly Mission Council—GAMC) are members of the board of directors.

The officers of the corporation include a president, an executive vice-president and a chief financial officer ("treasurer"), one or more vice-presidents, a secretary, a controller, and an associate treasurer. The president shall be elected by the board of directors for a term of four years subject to confirmation by the General Assembly. Ordinarily, the offices of the president and the treasurer are held by the Executive Director of the Presbyterian Mission Agency and the Deputy Executive Director for Shared Services, respectively.

Responsibility for managing the activities of this corporation is assigned to the Deputy Executive Director for Shared Services and other Shared Services staff who have been elected officers of the corporation under the direction of the president.

The treasurer shall prepare an annual report, audited by a certified public accountant, of the financial position and operations of the General Assembly activities for the General Assembly.

VIII. Other General Assembly Related Corporations

A. *Board of Pensions*

The Board of Pensions is the legally responsible corporate body established under a civil charter for the purpose of administering the pension and benefits program of the Presbyterian Church (U.S.A.). It is required by law to administer these programs for the sole and exclusive benefit of its participants and members.

The relationship between the Board of Pensions and the Presbyterian Mission Agency of the Presbyterian Church (U.S.A.) is set forth in an official “Memorandum of Understanding” to provide the necessary and desirable cooperation between these bodies, while respecting and reflecting the special needs of the Board of Pensions as it carries out its ministry to the Presbyterian Church (U.S.A.) within an ecclesiastical structure.

In view of the close relationship between compensation, benefits, pensions, and financial assistance, there is need for a close continuing relationship between the Presbyterian Mission Agency and the Board of Pensions. Consistent with the “Memorandum of Understanding” between the Presbyterian Mission Agency and the Board of Pensions, the chairperson of the Presbyterian Mission Agency Board (or designee) serves as a corresponding member of the Board of Pensions, while the chairperson of the Board of Pensions or designee serves as corresponding member of the Presbyterian Mission Agency Board. The Presbyterian Mission Agency Board proposes to the General Assembly Nominating Committee one of its members to be elected to the Board of Pensions. This person also represents the Presbyterian Mission Agency Board in regard to churchwide personnel and compensation policies. At the staff level, the Board of Pensions’ president has the privilege of the floor at the Presbyterian Mission Agency Board meetings but without vote and is included as part of the Expanded Staff Leadership Team through the Office of the Executive Director. The Board of Pensions reports directly to the General Assembly.

B. *Presbyterian Church (U.S.A.) Foundation*

Presbyterian Church (U.S.A.) Foundation (the Foundation) is a corporate entity that acts as a “fiduciary” for the General Assembly, providing investment services, holding title on behalf of the church to the investment assets of the church, providing a deferred giving and wills emphasis program, and otherwise assuring that there is strict adherence to the wishes and restrictions of donors and others who have entrusted funds to its care. The Foundation holds title to property in accordance with the 1986 Deliverance. In addition to its work on behalf of the General Assembly, the Foundation offers similar services to churches and church organizations as well as to individuals who wish to use such programs as an expression of their Christian faith and stewardship. The board of the Foundation is elected by the General Assembly through the normal nominating processes. It reports to the General Assembly with a definitive copy to the Presbyterian Mission Agency Board, which may comment on the report. The Foundation provides information about its work to the Presbyterian Mission Agency Board on a regular basis. The total budget of the Foundation is made available for review by the Presbyterian Mission Agency Board. The Foundation reports directly to the General Assembly.

In view of the close relationship between stewardship, mission funding, and deferred giving, there is need for a close continuing relationship between the Presbyterian Mission Agency and the Foundation. A future appendix will define such a relationship. The joint report of the Presbyterian Mission Agency and the Foundation, as reported to the 208th General Assembly (1996), provides agreements and understandings regarding restricted funds. The chairperson of the Presbyterian Mission Agency Board (or designee) sits with the trustees of the Foundation with voice and without vote, for purposes of coordination. This person also represents the Presbyterian Mission Agency Board in regard to churchwide personnel and compensation policies. The board of the Foundation appoints one member to serve on the Presbyterian Mission Agency Board as a corresponding member.

At the staff level, the Executive Director of the Presbyterian Mission Agency is a trustee of the Foundation; the Foundation’s president has the privilege of the floor at Presbyterian Mission Agency Board meetings, but without vote. In addition, the Foundation’s president is included as part of the Expanded Staff Leadership Team through the Office of the Executive Director.

C. *Presbyterian Publishing Corporation*

The Presbyterian Publishing Corporation is a legally independent, self-supporting corporation dedicated to the mission of the Presbyterian Church (U.S.A.). It is responsible for publishing books and educational materials for

the Presbyterian Church (U.S.A.) and for a broad ecumenical audience around the world. The publishing program strives to extend the mission of the church to the widest possible audience, representing a wide range of religious, social, and cultural points of view.

In view of the dynamic interrelationship between the printed word and the mission of our church, there is need for a close continuing relationship between the Presbyterian Mission Agency and the Presbyterian Publishing Corporation. The corporation is governed by its board of directors, one of whom is the corporation's president and publisher, and one of whom is the Executive Director. The remaining directors are nominated by the General Assembly Nominating Committee and elected by the General Assembly for four-year terms and shall be eligible for reelection to one additional term. No member may serve more than two terms, full or partial. The board of directors elects officers of the corporation in accordance with its corporate bylaws.

The chairperson (or designee) of the Presbyterian Publishing Corporation is a corresponding member of the Presbyterian Mission Agency Board with voice and without vote. At the staff level, the president and publisher of the Presbyterian Publishing Corporation has the privilege of the floor at the Presbyterian Mission Agency Board meetings but without vote, and is included as part of the Expanded Staff Leadership Team through the Office of the Executive Director. The Presbyterian Publishing Corporation reports directly to the General Assembly.

D. Presbyterian Church (U.S.A.) Investment and Loan Program, Inc.

The Presbyterian Church (U.S.A.) is a great commission community. It tells and retells the story of salvation in Jesus Christ to successive generations. It does so in buildings that are shaped to meet the needs of worshipping, witnessing, serving congregations. Generating capital to build and rebuild church buildings is the work of the Presbyterian Church (U.S.A.) Investment and Loan Program, Inc.

The Presbyterian Church (U.S.A.) Investment and Loan Program, Inc., (the Program) is incorporated in the Commonwealth of Pennsylvania. The Program offers unsecured, interest bearing investments in various states, Puerto Rico and the District of Columbia. In general, any individual and any organization related to the Presbyterian Church (U.S.A.) may invest. The funds generated by investments become mortgage loans that are used by congregations, mid councils, and related entities for building church buildings and rebuilding existing facilities.

Close relationships of cooperation exist among the Program, Foundation, and Presbyterian Mission Agency. Both the Foundation and Presbyterian Mission Agency have significant investments commitments with the Program.

The Board of Directors consist of fifteen (15) members. All members are elected by the Presbyterian Mission Agency Board, subject to confirmation by the General Assembly. The Presbyterian Mission Agency Board elects two members from among its membership. The General Assembly Nominating Committee nominates six at-large members, one member from among the synods, and one member from among the presbyteries. The Presbyterian Church (U.S.A.) Foundation nominates two members and the Corporation's Personnel/Nominating Committee nominates three at-large members. The Program reports to the General Assembly through the Presbyterian Mission Agency Board.

The Chair of the Program's Board of Directors and its President and Chief Executive Officer have privilege of the floor without vote at Presbyterian Mission Agency Board meetings. They are corresponding members of the Presbyterian Mission Agency Board. In addition, the President participates in the Expanded Staff Leadership Team plus Synod Executives Forum.

Endnote

1. See Appendix A of this document for additional procedures related to budgets and funding.

IX. Amendments

Proposed amendments to the *Organization for Mission* that are submitted by overture shall be submitted to the Stated Clerk of the General Assembly.

Except as provided in Section IV.E., proposed amendments to the *Organization for Mission* from related bodies or from the Presbyterian Mission Agency shall be submitted to the Presbyterian Mission Agency Board. The Presbyterian Mission Agency Board shall review these proposed changes and forward those it approves as part of its report to the General Assembly.

APPENDIX A Financial Issues

[Approved by the 218th General Assembly (2008)]

OUTLINE OF APPENDIX A

Outline of Appendix A

Glossary of Terms Related to Financial Issues

Values Statement

Churchwide Mission Support

- A. Forms of Giving in Churchwide Mission Support
- B. Roles and Responsibilities of Mid Councils
- C. Special Offerings and Other Specific Appeals
- D. Validation of Mission
- E. Accounting Definitions and Standards: Designated, Restricted, and Unrestricted
- F. Collection, Reporting, and Audits

General Assembly Budget Development

- A. Mission Budget Cycle
- B. Basic Mission Direction
- C. The Proposed Budget
- D. The Detailed Budget
- E. Budget Monitoring
- F. Roles and Responsibilities in Developing Budgets
- G. Per Capita Budget

Shared Services

GLOSSARY OF TERMS RELATED TO FINANCIAL ISSUES

Adopted Budget—The formally approved budget of a session, presbytery, synod, or General Assembly.

Consultations—Ordinarily, face-to-face experiences between duly selected representatives of mid councils to exchange information, perspectives, opinions, and advice regarding mission planning, funding, and personnel staffing for the health of the whole church.

Contributor—An individual, agency, or council that transfers control of a gift to another tax-exempt agency or council. *See Donor.*

Designations—Budget categories as described or determined by a council. Only mid councils may make designations. *See Restricted Giving.*

Division of Committed Dollars—Agreements among mid councils giving concrete expression to the sharing of Mission Support Commitments for the church's mission.

Donor—An individual or other taxable entity (e.g., an estate or trust) making a gift for charitable purposes eligible for favorable tax treatment. When mid councils are nontaxable entities, they cannot be donors. *See Contributor.*

Emergency Appeals—Properly authorized and approved calls for an immediate response to emergency needs through an Emergency Relief Alert.

Equalization—The use of unrestricted funds to fulfill the commitments and/or agreements that have been made by a council.

Funding for General Mission—Gifts and contributions received with no restrictions for the overall support of the adopted budgets of mid councils

Funding for Specific Mission—A form of restricted giving for designated budget categories or projects within adopted budgets.

Ministry Areas—The primary areas of work within the Presbyterian Mission Agency staff structure.

Mission—For the purposes of Appendix A, ‘mission’ is understood in its broadest sense: proclaiming the Gospel in word and deed, locally, regionally, nationally, and internationally.

Mission Support Commitment—A specific dollar figure or a percentage of total dollars adopted by a council to be given in a specified year to support the mission and ministry of other councils.

Mission Support Consultation—A face-to-face event among duly selected representatives of mid councils to (1) establish shared ownership of the church’s total mission, (2) advocate recommendations of Mission Support Goals, and (3) agree upon means for the division of committed mission dollars.

Mission Support Goals—Specific dollar figures for mission support projected as goals for some subsequent year or years.

Other Specific Appeals—Requests for support of specific validated mission projects or programs, which may not be included in adopted budgets.

Per Capita Apportionment—A means for all members to share in the costs of coordinating and evaluating mission, and performing the ecclesiastical, legislative, and judicial functions of the Presbyterian Church (U.S.A.).

Projects Beyond the Budget—Approved projects not included in the adopted budgets.

Restricted Giving—Gifts that are restricted by a contributor or donor for use in support of a validated project, budget category, or appeal. The processing of restricted gifts will comply with the standards established by the Financial Accounting Standards Board (FASB).

Special Offerings—Planned, organized, and approved supplemental offerings for specified causes that may or may not be included in approved budgets.

Taxable Entity—For the purposes of Appendix A, individuals, partnerships, estates and trusts, or corporations who may be taxpayers under the federal income tax law.

Unrestricted Giving—Unrestricted gifts received for the overall support of the adopted budget of a presbytery, a synod, or the General Assembly.

Validated Mission—Any project or program within the bounds of and approved by formal action of a session, presbytery, synod, or the General Assembly, whether or not it is funded from the adopted budget of the council.

VALUES STATEMENT

The funding of the mission and ministry of the Presbyterian Church (U.S.A.) rests on the following principles:

Faithfulness to Jesus Christ—because God loves the world and Christ gave his life, we are called, as individuals and groups, to respond with our lives and resources.

Flexibility—because we believe that the Holy Spirit informs the missional instincts of all God’s people honoring the promises of the past and preparing the promise of the future, we will accommodate regional differences, historical practices, and changing realities.

Respect—because we seek to have the same mind in us that was in Christ Jesus, who looked not to his own interests but to the interest of others (Phil. 2:4–5), we will acknowledge the passion of donors through accountable systems and transparently open, informed and inclusive decision-making, acknowledging the many views of mission designed and enacted in every part of the church. We recognize the tension that exists between respecting the passions of donors and encouraging support of our connectional nature, but confess that “the earth is the Lord’s and all that is in it” (Ps. 24:1–2).

Communication—because we are servants of Christ and stewards of the mysteries of God (1 Cor. 4:1); we will commit ourselves to frequent interaction with mid councils and individuals, for the purpose of mutual clarification and unity of experience and hope across diverse boundaries.

Therefore, a design for funding Christ’s work throughout the Presbyterian Church (U.S.A.) will be consistent with the following core values:

1. A design for funding Christ's work will recognize stewardship as integral to Christian discipleship:
 - promoting the biblical concept of tithing,
 - encouraging stewardship education that is understood as the faithful response of discipleship to God's gifts in all of life,
 - requiring the development of stewardship education materials that are creative, attractive, clear, and affordable.
2. A design for funding Christ's work will appeal to the passions and values of members, pastors, mid councils, and benefactors:
 - communicating to the head and heart of the people of God
 - engaging the donor in the mission of the church
 - recognizing that everyone is a beneficiary of God's grace, and everyone benefits from joyful stewardship.
3. A design for funding Christ's work will be transparent and accountable:
 - honoring donor intent,
 - offering easily understood opportunities for giving,
 - meeting clear standards of accountability for pastors, sessions, and potential donors.
4. A design for funding Christ's work will utilize our connectionalism, recognize our interdependence, and demonstrate our partnership in mission:
 - emphasizing the value of interpersonal relationships,
 - encouraging the more inclusive council to facilitate the mission of its constituent members,
 - encouraging the less inclusive council to participate in the mission of the church beyond its bounds,
 - encouraging mutual investment of time and resources among mid councils and constituent members recognizing that Presbyterians are the primary base of support for Presbyterian missions, and affirming the importance and priority of funding Presbyterian validated mission.
5. A design for funding Christ's work will emphasize information sharing between mid councils leading to a dynamic mission and vision:
 - placing mid councils in structural and interactive relationships,
 - valuing the wisdom of other mid councils,
 - recognizing the need for consultation prior to engaging in ministries beyond one's bounds.
6. A design for funding Christ's work will encourage two-way communications:
 - welcoming and encouraging a flow of information and feedback,
 - recognizing that information sharing benefits the whole church,
 - encouraging face-to-face communication when possible.
7. A design for funding Christ's work will honor historic relationships:
 - recognizing that previous funding systems had value and may continue to inform the development of new funding systems,
 - requiring careful investigation of current funding partnerships before altering or eliminating those partnerships.

CHURCHWIDE MISSION SUPPORT

A. *Forms of Giving in Churchwide Mission Support*

Churchwide Mission Support is the funding system used by all mid councils to plan and implement the mission of the whole church. Churchwide Mission Support has three overall forms of giving.

1. Basic Mission Support—There are two components of mission support:

a. Funding for General Mission—gifts, with no restrictions, for the overall support of the adopted budgets of a session, presbytery, synod, or the General Assembly.

b. Funding for Specific Mission—gifts, with restrictions, for use within the adopted budgets of a session, presbytery, synod, or the General Assembly.

2. Churchwide Special Offerings—gifts, with restrictions, for General Assembly planned, organized, and approved offerings for specified purposes that may be included in approved budgets.

3. Other Specific Appeals—gifts, with restrictions, for specific use in support of validated mission that ordinarily are not included in the budget of a session, presbytery, synod, or the General Assembly. Such appeals may be ongoing, time-limited, or responsive to emergency needs.

There are additional forms of giving that are distinct from Churchwide Mission Support. These include giving through Presbyterian Women, the Presbyterian Church (U.S.A.) Foundation, Validated Mission Support Groups, and other organizations. Some of these gifts may be applied to adopted budgets. These gifts are and may be increasingly important to support the work of the church.

B. *Roles and Responsibilities of Councils*

To encourage openness and accountability in all financial matters, the following roles and responsibilities will be observed.

1. *Roles Held in Common by All Councils*

a. Select representatives who will participate in inter-council consultations on mission support goals and the division of Mission Support Commitments.

b. Share mission priorities, budget projections, funding needs, and mission support goals.

c. Provide information for, support of, and participation in an annual season of interpretation

d. Consider other councils' mission priorities and funding needs.

e. Adopt mission support commitments and honor these commitments in budgets for which the council is directly responsible.

f. When changes in mission support commitment are contemplated, promptly communicate with other affected councils.

g. Thank leaders and donors.

h. Hold receiving sites accountable to accepted churchwide standards.

i. Provide full financial reports annually to other councils and congregations on the receipt and expenditure of funds and of a council's assets, and liabilities.

j. Collect and transmit mission support from donors, congregations, and organizations within 60 calendar days from the date of receipt.

k. Provide General Assembly, and as appropriate, synods and constituent presbyteries, a regular accounting of church-by-church giving and any relevant data requested by a council, while maintaining the right to privacy by individual donors.

2. *Role of the General Assembly*

- a. Assist the development of mission support goals at every council level.
- b. Adopt a mission budget and a per capita budget.
- c. Annually provide full financial reports and program assessments to sessions, presbyteries, and synods.
- d. Disseminate industry standards in accordance with Generally Accepted Accounting Principles (GAAP), and in compliance with applicable accounting pronouncements and regulations specific to the not-for-profit industry as best practices for council treasurers and financial officers.
- e. Approve the purposes and beneficiaries of the four churchwide special offerings, upon recommendation of the Presbyterian Mission Agency Board.

C. *Special Offerings and Other Specific Appeals*

1. *Churchwide Special Offerings*

a. *Criteria for Receiving Special Offerings Funds*

The Special Offerings provide important bonds for the connectional church, and are a critical resource for the long-term mission of the whole church. The following criteria outline ways of discerning whether a particular ministry is eligible for funding by one of these special offerings.

- (1) Special Offerings ministries will provide valuable mission interpretation opportunities within the overall funds development and communications strategy of the whole church.
- (2) Special Offerings ministries will enable the church to meet historical and ongoing needs in relationship to the total mission priorities of the church, always proclaiming the name of Jesus.
- (3) Special Offerings ministries will have potential for churchwide donor support.
- (4) Special Offerings ministries will specify the needs to be met, provide plans for ministry implementation, set measurable goals, and demonstrate impact, effectiveness, and accountability to the Presbyterian Mission Agency.

b. *Operating Guidelines for Special Offerings*

The following principles and practices will guide the churchwide special offerings of the PC(USA):

(1) *Review*

(a) On an annual basis, the Presbyterian Mission Agency Executive Director, or designee, will review Special Offerings ministries' impact, effectiveness, and accountability against stated goals. The review will also include the appropriateness of Special Offerings ministries' reserves. Funds development expense and staffing will also be reviewed annually with respect to goals, effectiveness, and strategies. All review findings will be forwarded to the Presbyterian Mission Agency.

(b) On a four-year cycle, the Presbyterian Mission Agency will provide a task force for the review and evaluation of the Special Offerings and the recipient ministries and the consideration of new Special Offerings purposes in light of established criteria, for recommendation to the General Assembly.

(2) When allocating funds, the Presbyterian Mission Agency will align Special Offerings ministries with its strategic vision and mission.

(3) Each Presbyterian Mission Agency Special Offerings ministry will maintain financial reserves of not more than two years of that ministry's annual budget. Understanding the particularity of Presbyterian disaster response ministries, with commitment to long-term recovery, it is understood that disaster response funds are exempt from this requirement, provided that the Presbyterian Mission Agency has approved and annually reviews a plan for disbursement.

(4) Churchwide Special Offerings promotions will occur in the Presbyterian Mission Agency Funds Development ministry area rather than within programmatic entities.

(5) Costs of promoting and receiving each churchwide Special Offerings will be paid from receipts of the offering. After deducting each offering's costs from total receipts, restricted and unrestricted, of that offering, all receipts will then be considered permanently restricted to the purpose of the Offering. Each Offering's costs will be determined by the Presbyterian Mission Agency through its regular budget process.

(6) Start-up costs for new or significantly revised Special Offerings will be expensed as incurred.

(7) Promotion materials for a Special Offerings will relate to the liturgical season in which the Offering is received.

(8) Any change in the pattern of distribution of a churchwide Special Offerings will allow for an eighteen-month time period before becoming effective to allow adequate time for development and distribution of interpretive and promotional materials.

(9) There will be no more than four churchwide Special Offerings in any given calendar year. The General Assembly will identify times for the promotion and receipt of Offerings.

(10) The ministries receiving churchwide Special Offerings funds will prepare an annual report concerning the receipt and distribution of those Special Offerings funds for review by the Presbyterian Mission Agency Board. This report will be made available to churches and other councils.

(11) All ministries receiving funds from churchwide Special Offerings will work with Communications staff and Funds Development staff to identify and develop networks of interpreters throughout the church.

(12) All churchwide Special Offerings will develop interpretive materials that are well-grounded in Reformed theology and appropriate to the Offering's recommended liturgical season.

(13) To advance mission and acknowledge generosity, congregations are asked to submit Special Offerings receipts directly to the Presbyterian Mission Agency and presbytery as designated by each Offering. The Presbyterian Mission Agency will record and notify presbyteries of congregational donations and thank congregations in a timely manner.

2. *Other Specific Appeals*

a. Other specific appeals include the Theological Education Fund, special campaigns or gifts (national, regional, or local), Emergency Relief Alerts (national, regional, or local), and additional giving opportunities.

(1) The Theological Education Fund is a unique type of an annual specific appeal to sessions through the 1% Plan as approved by the 198th General Assembly (1986).

(2) Special time-limited campaigns approved by one or more councils are essential for meeting capital needs and achieving other mission purposes. These require council approval and may include needs across council lines with advance concurrence of other appropriate councils. In the case of the General Assembly, the Presbyterian Mission Agency Board may approve time-limited campaigns between sessions of the General Assembly.

(3) Emergency Relief Alerts enable persons to respond compassionately to emergency needs, such as natural disasters of large proportion or other crises. The Presbyterian Mission Agency will authorize a process for issuing national Emergency Relief Alerts, providing timely information indicating how church funds are being used to meet the emergency and how individuals and sessions may contribute additional funds to meet such needs. There may be occasions when sessions, presbyteries, or synods will issue Emergency Relief Alerts in response to more localized emergencies.

(4) Additional giving opportunities provide a way for contributors or donors to support mission not funded by adopted budgets.

(a) A validation process that maintains the integrity of the church's mission will be used to identify such opportunities. Whenever possible, such opportunities will be promoted jointly by mid councils beyond the session through a program of additional giving opportunities.

(b) Contributors or donors desiring to support validated mission beyond established budgets may do so through additional giving opportunities up to whatever limits have been set by a more inclusive council. Concurrence in the purpose of the gift by the receiving council or agency is required.

(c) An effective additional giving program depends on significant sharing of information about adopted budgets and additional giving opportunities.

b. All campaigns for other specific appeals shall identify in advance the anticipated administrative costs that may be charged to receipts. A council that designates an other specific appeal may apply a charge, not to exceed an agreed upon

percentage, against other specific appeals receipts to cover actual costs of promoting, receiving, and disbursing funds. Contributors and donors will be informed of the actual percentage. The Presbyterian Mission Agency shall determine the cost of communicating national Emergency Relief Alerts and may authorize a charge against receipts with this charge being reported for each specific appeal.

c. Acknowledgment of receipt of gifts to all validated projects or agencies will be made to the contributor or donor by the receiving council or validating agency in a timely manner, including concurrence in the purpose of the gift (see further at Appendix A, Churchwide Mission Support, Item E.2.).

d. All recipients of validated mission funds are responsible for reporting all gifts received directly from Presbyterian contributors or donors to the validating council.

D. *Validation of Mission*

1. Validated mission is any project or program within the bounds of and approved by formal action of a session, presbytery, synod, or General Assembly that is consistent with the responsibilities assigned by the Form of Government, whether or not it is funded from the adopted budget of the council. Validated mission should cohere with the great ends of the Church (*Book of Order*, F-1.0304) and is determined in accord with the following provisions of the *Book of Order*:

- a. F-1.00 The Mission of the Church
- b. G-3.0106 Administration of Mission
- c. G-3.0201 Composition and Responsibilities
- d. G-3.0113 Finances
- e. G-3.0401 Synod Responsibilities
- f. G-3.0501 General Assembly Responsibilities.

2. Each and all councils serve the mission of the whole church and thereby appropriately validate mission. Such validated mission may be commended to others but does not require their concurrence or support.

3. Validated mission may be within or beyond council budgets.

a. Validated Within Budget—projects or programs included in the adopted budget of a session, presbytery, synod, or the General Assembly, including projects that will be funded with Funding for General Mission and Funding for Specific Mission.

b. Validated Beyond Budget—projects or programs not included in adopted budgets, but validated by action of a session, presbytery, synod, or the General Assembly. The validating council may specify dollar and/or time limitations.

E. *Accounting Definitions and Standards: Designated, Restricted, and Unrestricted Giving*

1. For accounting purposes, the following definitions of designators, contributors, and donors are observed.

a. Designations may be made only by councils. A designator has received funds from a contributor or donor and applies such funds to designated categories or items. A designator must be a council.

b. Contributors can be donors, councils, or other sources of income. Contributors may make unrestricted or restricted gifts.

c. The term donor applies to persons or entities whose gifts are eligible for a tax deduction. Donors may make restricted gifts consistent with IRS regulations and acceptable to the receiving entity. Restrictions must be agreed to prior to the completion of the gift.

2. For accounting purposes, unrestricted giving and restricted giving are defined as follows:

Restricted giving refers to gifts with restrictions by a contributor or donor for use in support of a particular project, budget category, or appeal. The processing of restricted gifts will comply with the standards established by the Generally Accepted Accounting Principles (GAAP) and Internal Revenue Service regulations. Unrestricted giving refers to gifts made without restriction and subject to the use and discretion of the receipting council.

a. Unrestricted giving remains foundational in the System of Giving. Through unrestricted giving, individuals and councils share in support of the whole mission and ministry in which the church engages.

b. Restricted giving, such as churchwide special offerings and other specific appeals, is a valuable and important method of adding to unrestricted giving. Contributors wishing to use restricted giving are encouraged first to choose projects or categories within adopted budgets. Special offerings and other specific appeals are always restricted by their stated purpose.

(1) Each council must handle funds according to the donor's intention in giving the gift. If the intent cannot be honored, the gift must be returned.

(2) Clarity in this regard may on occasion require conversation and/or negotiation with donors even beyond the council where the gift is first received.

c. Restrictions on the use of gifts may come from a donor or a council making the gift but always require concurrence by the council or validated not-for-profit agency receiving the gift.

(1) A donor must relinquish control of a gift or it does not qualify for tax preference treatment and the receiving organization jeopardizes its tax-exempt status.

(2) When restricted gifts are accepted, they will always be used for the restricted purpose within designations approved by the council.

The obligations of designators are to:

a. honor restrictions that have been accepted or to consider permitting additional support of a project beyond its approved budget;

b. ensure conformity with all applicable civil law;

c. report back to all donors and contributors;

d. contact all donors or contributors if restricted giving cannot be used according to its restrictions—if restrictions cannot be met and the donors or contributors do not agree to the use of funds for other purposes, the gifts are to be returned to the donor.

4. *Budgeting and Equalization*

a. Funding of approved budgets is accomplished as follows:

(1) First, restricted funds are applied to the appropriate budget items.

(2) Then, unrestricted funds are applied toward fulfilment of all budget items.

(3) This use of unrestricted funds provides for equalization within a council's budget. This process supports the orderly planning and budgeting decisions of councils while honoring appropriate restrictions and designations.

b. Sessions are encouraged to follow the division of mission support commitments adopted by their presbyteries. If a session does not follow these division agreements, a presbytery may seek to fulfill agreements through use of unrestricted funds—provided that such a policy is communicated to its sessions. This use of unrestricted funds provides for equalization among councils. Churchwide special offerings and other specific appeals shall not be used to fulfill mission support commitments and are not subject to equalization.

F. *Collection, Reporting, and Audits*

1. *Collection and Transmittal of Funds*

a. The General Assembly will maintain financial records in accordance with Generally Accepted Accounting Principles (GAAP), and in compliance with all applicable accounting pronouncements and regulations specific to the not-for-profit industry. Software and systems will be appropriate to support compliance with the requirements stated above.

b. The General Assembly will observe the following minimum standards for its operations. It is expected that presbyteries and synods will also adopt and adhere to these same standards:

(1) Provide a detailed receipt to a contributor or congregation for all money received.

- (2) Close monthly.
- (3) Utilize the Federal Reserve system to expedite the transfer of funds whenever and wherever possible.
- (4) Use a standardized, detailed transmittal format for transmitting data and funds electronically between presbyteries, synods, and the General Assembly.
- (5) Establish and follow cash management policies and procedures that are designed to maximize cash management earnings.”

2. *Reporting*

The General Assembly will provide financial information quarterly for receipt of funds from all sources, and this information will be posted to the PC(USA) Web site on the financial page.

- a. Each presbytery and synod will be responsible for obtaining with remittances the detailed information required for disbursement.
- b. Each presbytery and synod will report all giving on an approved information transmittal form to the General Assembly site no later than sixty days after receipt of funds.
- c. The General Assembly will furnish to every presbytery and synod an annual information report on a church-by-church basis. This annual report will provide information for churches within a synod or presbytery bounds on all funds received by it for presbytery, synod, and General Assembly.
- d. The General Assembly will furnish, in cooperation with the presbyteries, at least quarterly and not more often than monthly, an information report to every presbytery showing the agreed upon distribution of dollars (including the presbytery’s mission support commitments) between the presbytery, synod, and the General Assembly as compared to the actual funds received. Should discrepancies exist, the General Assembly site will work with the reporting site to clarify and to effect the necessary changes and/or corrections.

3. *Internal Audit*

The Presbyterian Mission Agency will establish an internal audit function involving a broad variety of audit services. Included among these are:

- a. reviewing the reliability and integrity of financial information and how that information is identified, measured, classified, and reported;
- b. reviewing the effectiveness and efficiency of particular financial management functions;
- c. reviewing established internal control systems for efficiency and compliance;
- d. reviewing compliance with internal policies and procedures;
- e. reviewing financial statements contained in the annual report with management and the independent auditors to determine that the independent auditors are satisfied with the disclosure and content of the financial statements;
- f. reviewing and recommending to the Presbyterian Mission Agency Board Audit Committee, the independent auditors to be selected to audit the financial statements of the corporation; and
- g. reporting directly to the Presbyterian Mission Agency Board Audit Committee.

GENERAL ASSEMBLY BUDGET DEVELOPMENT

A. *Mission Budget Cycle*

The Mission Budget will be developed in budget cycles. Each budget cycle will consist of two consecutive calendar years, where the first year is the year following a biennial General Assembly meeting (e.g., 2008 General Assembly, 2009/2010 budget cycle). A separate budget will be developed for each year within the cycle.

B. *Basic Mission Direction*

1. The Mission Work Plan is adopted by the Presbyterian Mission Agency Board and provides the framework for the two-year budget cycle.
2. The Presbyterian Mission Agency will develop proposals that will advance the Mission Work Plan.
3. The Presbyterian Mission Agency Board will recommend a budget to the General Assembly that will provide the funding to fulfill the goals in the Mission Work Plan for the budget cycle.

C. *The Proposed Budget*

1. At the second Presbyterian Mission Agency Board meeting of the year prior to the budget cycle, (e.g., May of 2008 for the 2009/2010 budget cycle), the Presbyterian Mission Agency Board will review the budget presented by the Deputy Executive Director for Shared Services and recommend to the General Assembly a proposed budget for the budget cycle that embodies the Mission Work Plan and describing the work to be added or deleted as part of the recommendation. The Executive Committee will recommend a budget if, for any reason, the Presbyterian Mission Agency Board does not make a recommendation.
2. At the General Assembly during the year before the budget cycle (e.g., 2008 General Assembly for the 2009/2010 budget cycle), the appropriate assembly committee of the General Assembly will receive the report of the Mission Work Plan and the proposed budget for approval and recommendation to the full assembly.
3. The appropriate assembly committee of the General Assembly will recommend a balanced budget for each year in the budget cycle, incorporating work from the proposed budget and overtures, commissioners' resolutions, and other actions of the General Assembly, for approval as the outline of work for the budget cycle. The General Assembly may make decisions to add or subtract any element to or from proposed budgets. The Presbyterian Mission Agency Board will then make appropriate adjustments.

D. *The Detailed Budget*

1. *Detailed Budget Development*

- a. Following the General Assembly and under the leadership of the Executive Committee, detailed implementation of the Mission Work Plan as approved by the General Assembly will be outlined, and work responsibility assigned.
- b. Under the management of Shared Services and with specific involvement by the ministry areas, a detailed budget proposal that encompasses the work approved by the General Assembly will be developed for each year in the budget cycle.

2. *Approval of the Detailed Budget*

At its third meeting of the year prior to each budget cycle (e.g., September 2008 for the 2009/2010 budget cycle), the Presbyterian Mission Agency Board will review both the detailed budget for the following year and the most up-to-date financial information. The Presbyterian Mission Agency Board will review the adequacy of the Executive Committee's response to the General Assembly directives in the adopted budget and, after any necessary changes, approve the detailed budget for the following year with particular expenditures by organizational entity displaying both budget offices and relatedness to the basic Mission Work Plan.

E. *Budget Monitoring*

1. The Presbyterian Mission Agency Board will monitor the accomplishment of the Mission Work Plan and the appropriate expenditure of funds throughout the budget cycle.
2. The Presbyterian Mission Agency Board will report to each biennial General Assembly on the results of the work undertaken during the previous two budget years (e.g., 2008 General Assembly for budget years 2006 and 2007), including full disclosure of the financial results of each year and other information related to the financial condition of the church. These two budget years will not be within the same budget cycle.

F. *Roles and Responsibilities in Developing Budgets*

1. The General Assembly does the following:
 - a. Determines churchwide mission goals upon which budget development will be based.

- b. Has the authority to institute and terminate programmatic emphases and activity.
 - c. Upon recommendation from the Presbyterian Mission Agency Board, approves both the General Assembly Mission Budget and Program and the Per Capita Budget.
2. The Presbyterian Mission Agency Board does the following:
 - a. Implements General Assembly decisions regarding (1) Mission Work Plan goals and objectives and (2) programmatic activity.
 - b. Recommends a Mission Work Plan for each budget year to the General Assembly, after appropriate consultation.
 - c. Presents the budget to the General Assembly.
 - d. Approves detailed budgets based upon General Assembly action.
 - e. Oversees programmatic activity funded through the General Assembly Mission Budget and Program and Presbyterian Mission Agency Board related work from the Per Capita Budget.
 3. The Deputy Executive Director for Shared Services is responsible for the following:
 - a. Manages the process for budget development.
 - b. Prepares budget presentations for both the Presbyterian Mission Agency Board and the General Assembly.
 4. The Deputy Executive Director for Mission is responsible for the following:
 - a. Prepare descriptions of programmatic activities in appropriate form for budget consideration, reflecting the adopted Mission Work Plan goals.
 - b. Develop detailed budgets based on budget allocations made by the General Assembly and as instructed by the Presbyterian Mission Agency Board.

G. Per Capita Budget

The Presbyterian Mission Agency Board and the Committee on the Office of the General Assembly (COGA) jointly have responsibility for developing a per capita budget and apportionment for recommendation to the General Assembly. The per capita budget will be prepared using timelines similar to those for the General Assembly mission budget.

SHARED SERVICES

Shared Services is accountable to the Executive Director and carries out the following responsibilities.

- A. To provide accounting and reporting services for
 1. the Presbyterian Mission Agency, its ministry areas, and certain related bodies and committees;
 2. the Office of the General Assembly;
 3. other entities as requested on a fee-for-service basis; and
 4. synod, presbytery, and session finance officers, as appropriate.
- B. To perform and establish policies and procedures for the following functions of
 1. controller/financial accounting controls, general ledger maintenance, general accounting, financial reporting, accounts payable, accounts receivable, church and student loans, payroll, budgeting, fixed asset management, overseas accounting, inventory control, and project accounting;
 2. treasury/central receiving service, bank relations and services, overseas treasury service (as appropriate), foreign exchange, short-term investments, working capital/cash management, and endowment and revenue accounting;
 3. financial planning, capital planning and economic forecasting, and financial modeling;
 4. property maintenance and management including acquisitions, gifts, leases, and dispositions, purchasing and print services, and mail services;
 5. establishing standards for receiving sites throughout the church in consultation with other parts of the church;

6. distribution management services, including order processing, customer services, warehousing, and shipping.

C. To ensure that no payment of any expenditure is made in excess of the total budget approved by the Presbyterian Mission Agency Board. Ultimately, it is the responsibility of each Deputy Executive Director to ensure that expenditures for their respective areas are within the approved budget before commitments are made.

D. To maintain all financial records and prepare quarterly reports to the Presbyterian Mission Agency Board and monthly reports to the executive staff leadership of the Presbyterian Mission Agency.

E. To prepare and present the annual report of the Statement of Financial Position, Statement of Activities and Changes in Net Assets, and Statement of Cash Flows of the General Assembly that will be audited by a certified public accountant and presented to the General Assembly.

APPENDIX B

The following documents related to various organizational structures can be viewed at (<http://www.presbyterianmission.org/>). These were formerly appendixes B–J.

B. 198th General Assembly (1986) of the Presbyterian Church (U.S.A.), Deliverance Implementing a Design for the Corporate Structure of Certain Agencies of the General Assembly [Adopted June 17, 1986, modified by the 199th General Assembly (1987)* and the 214th General Assembly (2002)]

C. Deliverance Concerning Corporate Structure of Certain Agencies of the Presbyterian Mission Agency

- Presbyterian Church (U.S.A.), A Corporation
- The Publishing Corporation - Amended by 217th General Assembly (2006)

D. Memorandum Defining the Relationship Between the Board of Pensions and the Presbyterian Mission Agency

E. Presbyterian Church (U.S.A.) Investment and Loan Program, Inc. Establishment of a Corporation and Related Matters [*Approved by the 207th General Assembly (1995) and amended by the 209th General Assembly (1997)*]

F. Joint Report—Presbyterian Mission Agency and Presbyterian Church (U.S.A.) Foundation (*Minutes*, 1996, Part I, pp. 617–18)

G. Ratification of Establishment of New Covenant Trust Company, N.A. A Subsidiary of The Presbyterian Church (U.S.A.) Foundation and Related Matters [Approved by the 211th General Assembly (1999), amended by the 212th General Assembly (2000) and the 214th General Assembly (2002).] [*Minutes*, 1999, Part I, pp. 492–94; *Minutes*, 2001, Part I, p. 339]

H. Establishment of New Covenant Annuity Insurance Company and Related Matters [Approved by the 211th General Assembly (1999).] [*Minutes*, 1999, Part I, pp. 500–502]

I. Ratification of Foundation Participation in Formation of New Covenant Funds [Approved by the 211th General Assembly (1999).] [*Minutes*, 1999, Part I, p. 505]

J. Presbyterian Church (U.S.A.) Mortgage Corporation [Approved by the 213th General Assembly (2001).] [*Minutes*, 2001, Part I, pp. 173–75]

*[From *Structural Design for Mission*]

1 immediately above. By deciding to consider the question, the
 assembly has already begun its involvement, and it is too late
 to make an objection. But if an original main motion is finally
 disposed of at one session without being adopted and is re-
 5 newed at a later session, it is then a new motion and its con-
 sideration can be objected to, subject to the usual rules.

§39. DILATORY AND IMPROPER MOTIONS

10 Dilatory Motions

A motion is *dilatory* if it seeks to obstruct or thwart the
 will of the assembly as clearly indicated by the existing parlia-
 mentary situation.

15 Parliamentary forms are designed to assist in the transac-
 tion of business. Even without adopting a rule on the subject,
 every deliberative assembly has the right to protect itself from
 the dilatory use of these forms.

20 Any main or other motion that is frivolous or absurd or
 that contains no rational proposition is dilatory and cannot
 be introduced. As further examples, it is dilatory to obstruct
 business by appealing from a ruling of the chair on a question
 about which there cannot possibly be two reasonable opin-
 ions, by demanding a division (29) on a vote even when there
 has been a full vote and the result is clear, by moving to lay
 on the table the matter for which a special meeting has been
 called, by constantly raising points of order and appealing
 from the chair's decision on them, or by moving to adjourn
 again and again when nothing has happened to justify renewal
 of such a motion. By use of such tactics, a minority of two or
 three members could bring business to a standstill.

30 It is the duty of the presiding officer to prevent members
 from misusing the legitimate forms of motions, or abusing the
 privilege of renewing certain motions, merely to obstruct busi-
 ness. Whenever the chair becomes convinced that one or more

members are repeatedly using parliamentary forms for dilatory
 purposes, he should either not recognize these members or
 he should rule that such motions are out of order—but he
 should never adopt such a course merely to *speed up* business,
 and he should never permit his personal feelings to affect his
 5 judgment in such cases. If the chair only *suspects* that a motion
 is not made in good faith, he should give the maker of the
 motion the benefit of the doubt. The chair should always be
 courteous and fair, but at the same time he should be firm in
 protecting the assembly from imposition.

Improper Motions

Motions that conflict with the corporate charter, consti-
 tution, or bylaws of a society, or with procedural rules pre-
 scribed by national, state, or local laws, are out of order, and
 if any motion of this kind is adopted, it is null and void. Like-
 wise, motions are out of order if they conflict with a motion
 that has been adopted by the society and has been neither re-
 scinded, nor reconsidered and rejected after adoption. Such
 20 conflicting motions, if adopted, are null and void unless
 adopted by the vote required to rescind or amend the motion
 previously adopted.

Motions are also improper when they present practically
 the same question as a motion previously decided at the same
 session. In addition, motions are improper that conflict with,
 or present practically the same question as, one still within
 the control of the society because not finally disposed of (see
 pp. 90-91, 340-41). If a conflicting motion were allowed in
 such cases, it would interfere with the freedom of the assem-
 30 bly in acting on the earlier motion when its consideration is
 resumed.

No motion can be introduced that is outside the object
 of the society or assembly as defined in the bylaws (see
 p. 571), unless by a two-thirds vote the body agrees to its

10-03 On Issuing an Authoritative Interpretation of W-4.9000 to Affirm Pastoral Discretion in Performing Marriage Ceremonies—From the Presbytery of Heartland.

Source: Presbytery **Event:** 221st General Assembly (2014)
Committee: [10-03] Civil Union and Marriage Issues **Sponsor:** Heartland Presbytery
Topic: Unassigned **Type:** General Assembly Full Consideration

<http://pc-biz.org/Explorer.aspx?id=4599>

Assembly Action

On this Item, the General Assembly, acted as follows:

Approve as Amended

Electronic Vote - Plenary
Affirmative: 371
Negative: 238
Abstaining: 0

Final Text:

Amend the recommendation as follows: [Text to be deleted is shown with brackets and with a strike-through; text to be added or inserted is shown with brackets and with an underline.]

"The Presbytery of Heartland overtures the 221st General Assembly (2014) to issue the following authoritative interpretation of the *Book of Order*, W-4.9000:

"Worship is a central element of the pastoral care of the people of God (W-6.3001, W-6.3010) in which a teaching elder's discernment of the leading of the Holy Spirit is indispensable. The necessity of ensuring the exercise of freedom of conscience in the interpretation of Scripture (G-2.0105) in the planning and leadership of worship has deep roots in our Reformed tradition and theology. Because a service of marriage is one form of such worship, when a couple requests the involvement of the church in solemnizing their marriage as permitted by the laws [of the civil jurisdiction in which the marriage is to take place] [~~of the place where the couple seek to be married~~], teaching elders* have the pastoral responsibility to assess the capabilities, intentions, and readiness of the couple to be married (W-4.9002), and the freedom of conscience in the interpretation of Scripture (G-2.0105) to participate in any such marriage they believe the Holy Spirit calls them to perform.

"Exercising such discretion and freedom of conscience under the prayerful guidance of Scripture, teaching elders may conduct a marriage service for any such couple in the place where the community gathers for worship, [if] [~~so long as it is~~] approved by the session; or in such other place as may be suitable for a service of Christian worship. In no case shall any teaching elder's conscience be bound to conduct any marriage service for any couple except by his or her understanding of the Word, and the leading of the Holy Spirit. The authoritative interpretation of this section by the 203rd General Assembly (1991) (*Minutes*, 1991, Part I, p. 395, paragraphs 21.124–128), and the subsequent authoritative interpretations of the General Assembly Permanent Judicial Commission relying upon it, are withdrawn and replaced with this authoritative interpretation.'

"*As in other places in the Directory for Worship, the use of "teaching elders" in this paragraph should be understood to include ruling elders commissioned to pastoral service."

10-03

Assembly Action
 Committee Recommendation

- Recommendation
 - Rationale
- Comment
 - Advice from the ACC
 - Other Comments
 - ACSWP Advice and Counsel
 - ACWC Advice and Counsel
- Concurrence
 - Presbytery of Albany (with A...
 - Presbytery of Baltimore
 - Presbytery of Boston
 - Presbytery of Cayuga-Syracus...
 - Presbytery of Chicago (with ...
 - Presbytery of Genesee Valley...
 - Presbytery of Long Island (w...
 - Presbytery of Maumee Valley ...
 - Presbytery of National Capit...
 - Presbytery of New York City ...
 - Presbytery of Northern New E...
 - Presbytery of Salem (with Ad...
 - Presbytery of San Francisco ...
 - Presbytery of Santa Fe (with...
 - Presbytery of Southern New E...
 - Presbytery of the Redwoods (...
 - Presbytery of the Twin Citi...
 - Presbytery of the Western Re...
 - Presbytery of Transylvania
- Additional Resources (2)

Committee Recommendation

On this Item, the Civil Union and Marriage Issues Committee, acted as follows:

Approve as Amended

[Counted Vote - Committee]

Affirmative: 51

Negative: 18

Abstaining: 0

Final Text:

Amend the recommendation as follows: [Text to be deleted is shown with brackets and with a strike-through; text to be added or inserted is shown with brackets and with an underline.]

"The Presbytery of Heartland overtures the 221st General Assembly (2014) to issue the following authoritative interpretation of the *Book of Order*, W-4.9000:

"Worship is a central element of the pastoral care of the people of God (W-6.3001, W-6.3010) in which a teaching elder's discernment of the leading of the Holy Spirit is indispensable. The necessity of ensuring the exercise of freedom of conscience in the interpretation of Scripture (G-2.0105) in the planning and leadership of worship has deep roots in our Reformed tradition and theology. Because a service of marriage is one form of such worship, when a couple requests the involvement of the church in solemnizing their marriage as permitted by the laws [of the civil jurisdiction in which the marriage is to take place] [~~of the place where the couple seek to be married~~], teaching elders* have the pastoral responsibility to assess the capabilities, intentions, and readiness of the couple to be married (W-4.9002), and the freedom of conscience in the interpretation of Scripture (G-2.0105) to participate in any such marriage they believe the Holy Spirit calls them to perform.

"Exercising such discretion and freedom of conscience under the prayerful guidance of Scripture, teaching elders may conduct a marriage service for any such couple in the place where the community gathers for worship, [~~if~~] [so long as it is] approved by the session; or in such other place as may be suitable for a service of Christian worship. In no case shall any teaching elder's conscience be bound to conduct any marriage service for any couple except by his or her understanding of the Word, and the leading of the Holy Spirit. The authoritative interpretation of this section by the 203rd General Assembly (1991) (*Minutes*, 1991, Part I, p. 395, paragraphs 21.124–128), and the subsequent authoritative interpretations of the General Assembly Permanent Judicial Commission relying upon it, are withdrawn and replaced with this authoritative interpretation.'

"*As in other places in the Directory for Worship, the use of "teaching elders" in this paragraph should be understood to include ruling elders commissioned to pastoral service."

Recommendation

The Presbytery of Heartland overtures the 221st General Assembly (2014) to issue the following authoritative interpretation of the *Book of Order*, W-4.9000:

"Worship is a central element of the pastoral care of the people of God (W-6.3001, W-6.3010) in which a teaching elder's discernment of the leading of the Holy Spirit is indispensable. The necessity of ensuring the exercise of freedom of conscience in the interpretation of Scripture (G-2.0105) in the planning and leadership of worship has deep roots in our Reformed tradition and theology. Because a service of marriage is one form of such worship, when a couple requests the involvement of the church in solemnizing their marriage as permitted by the laws of the place where the couple seek to be married, teaching elders* have the pastoral responsibility to assess the capabilities, intentions, and readiness of the couple to be married (W-4.9002), and the freedom of conscience in the interpretation of Scripture (G-2.0105) to participate in any such marriage they believe the Holy Spirit calls them to perform. Exercising such discretion and freedom of conscience under the prayerful guidance of Scripture, teaching elders may conduct a marriage service for any such couple in the place where the community gathers for worship, if approved by the session; or in such other place as may be suitable for a service of Christian worship. In no case shall any teaching elder's conscience be bound to conduct any marriage service for any couple except by his or her understanding of the Word, and the leading of the Holy Spirit. The authoritative interpretation of this section by the 203rd General Assembly (1991) (*Minutes*, 1991, Part I, p. 395, paragraphs 21.124–128), and the subsequent authoritative interpretations of the General Assembly Permanent Judicial Commission relying upon it, are withdrawn and replaced with this authoritative interpretation."

*As in other places in the Directory for Worship, the use of "teaching elders" in this paragraph should be understood to include ruling elders commissioned to pastoral service.

Rationale

The civil legal framework of marriage has changed since the constitutional provisions and other rulings that govern marriage in the PC(USA) were put into place.

The constitution protects a minister's obligation and right to exercise pastoral discretion in matters such as whether or not to officiate at the marriage service of any particular couple.

Clarifying the constitution in this way will contribute to the peace and unity of the church.

Comment

Advice From The ACC

The Advisory Committee on the Constitution advises that the 221st General Assembly (2014) **disapprove Item 10-03**

This overture proposes an authoritative interpretation which would allow the exercise of pastoral discretion and freedom of conscience in conducting a marriage service for any couple as permitted by the "laws of the place where the couple seeks to be married." It suggests an interpretation contrary to the clear statement of W-4.9000.

Section W-4.9001 and related citations (W-4.9002a, W-4.9004, W-4.9006) limit marriage to couples who are "a woman and a man." Because these statements are clear and unambiguous, they can not be interpreted in a manner that is inconsistent with their plain and ordinary meaning.

The *Book of Order* is not based upon state and civil law, but the church's understanding of Scripture and Reformed theology. As noted in *Southard v Presbytery of Boston* (GAPJC 2012, 220-02), "While the PCUSA is free to amend its definition of marriage, a change in state law does not amend the *Book of Order*."

Freedom of conscience is a foundational principle of the PC(USA) (G-2.0105) but must be exercised within certain bounds. The exercise of freedom of conscience in and of itself is not necessarily a violation of polity or an obstruction of constitutional governance. Such freedom of conscience, however, is not freedom of action. All persons in ordered ministry have a duty to fulfill constitutionally mandated responsibilities.

If it is the will of the assembly to change the definition of marriage, such a change is better accomplished by amendment of W-4.9000 rather than by authoritative interpretation.

Other Comments

ACSWP Advice and Counsel

The Advisory Committee on Social Witness Policy (ACSWP) advises approval of Item 10-03.

A. *Introduction*

In our Advice and Counsel (A&C) memorandum on Item 10-02, the Advisory Committee on Social Witness Policy provides a five-part affirmation of the constitutional change in the description of marriage proposed in that item. This A&C provides a complementary affirmation of the authoritative interpretation proposed by this overture. The authoritative interpretation (AI) proposed would not change the constitutional definition of marriage and hence would not "short circuit" consideration of the constitutional change Item 10-02 recommends.

The Advisory Committee on Social Witness Policy (ACSWP) is the body elected by the General Assembly to provide analysis and recommendations for action of matters Christian conscience affecting the church's engagement with the world. The ACSWP and its predecessors in both denominations have addressed matters of marriage, family, and human sexuality on a regular basis starting in 1970. As the committee's mandate directs, it considers the biblical, theological, and empirical dimensions of social challenges in light of previous General Assembly policy (See Item 11-Info for more on ACSWP). At the same time, because the matters before Assembly Committee 10 are also polity matters, we also quote below from the Advisory Committee on the Constitution.

The ACSWP approaches the matter of the authoritative interpretation as a justice concern as well as a theological and pastoral matter. As in the case of a constitutional change that would support marriage equality, the committee does not believe that the extension of the benefits of marriage to additional categories of people causes a loss to those already enjoying legal marriage, and in fact believes that the biblical core reflecting God's incarnational love points toward greater inclusion.

B. *Polity Considerations*

In 2012, both ACSWP and the Advisory Committee on the Constitution (ACC) did not endorse specific overtures. The ACSWP at that time advised further study while noting that civil or "holy" unions, permitted by the General Assembly, were not providing full equality and legal standing for same-gender couples. Further, the distinction between marriage, which was to create a new status for the couple, and the blessing of a civil union that existed prior to that blessing, was fast eroding. In fact, as many pastors know, many Presbyterians and Americans generally believe that marriage is a sacrament, despite Calvin's teaching that it is an ordinance designed primarily for companionship within the framework of covenant fidelity. The need for equal inclusion has only increased since that time in our view.

The advice of the ACC in 2012 was contained in a comprehensive memorandum that covered both constitutional changes and authoritative interpretation. By not taking a position, but evaluating the various options, the ACC made it clear that it preferred the constitutional change route but acknowledged that AI's had been used and in fact, by distinguishing sharply between blessing of civil unions and marriages, had added elements to the interpretation of the Directory of Worship section W-4.900 that were not there previously. Authoritative interpretations, in fact, complement the constitutional process and, in the case of instant Item 10-03, are designed to reduce conflict and costly judicial process while forcing no pastor to violate his or her conscience.

The ACSWP quotes here from the 2012 ACC memorandum:

The church has defined marriage, first, as "a civil contract between a woman and a man." In 1991, the General Assembly adopted an authoritative interpretation which said, "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-gender union ceremony that the minister determines to be the same as a marriage ceremony."

At the same time, the social witness policies of the church have urged an end to discrimination against same-sex couples. Thus, the Advisory Committee on the Constitution noted in 2008:

The social witness policies of the Presbyterian Church (U.S.A.) have consistently advocated for the end to discrimination in the civil arena on the basis of sexual orientation. This commitment to equality under the law has prompted our support of civil unions for homosexual couples that would afford them protections and rights by the state equal to those afforded heterosexual couples under marriage. The church has permitted the blessing of same-sex unions as an act of pastoral care to its members and as acts of prophetic and compassionate witness against civil definitions it deemed too narrow. (*Minutes*, 2008, Part I, p. 253)

The Advisory Committee on the Constitution noted in 2008, "Changing civil understandings of marriage raise new questions of how pastors are to lead the church in exercising pastoral care to its members and compassionate witness and outreach to its neighbors" (*Minutes*, 2008, Part I, p. 254). There is no question that the church is called to provide pastoral care to all individuals.

The enactment of laws allowing the marriage of same-gender couples sets in relief whether the defining variable for the Presbyterian Church (U.S.A.)'s definition of marriage is the civil contract or the gender of the parties. The traditional assumption that marriage is a civil contract between a man and a woman can no longer be taken for granted.

(... section not quoted)

Each of the overtures seeking authoritative interpretation has some inconsistency with previous authoritative interpretations. All are premised on a rationale based on the Preface of the Directory for Worship that "... this directory also uses language about worship that is simply descriptive." Item 13-10 posits that since there is no mandatory language ("shall," "is to be," "are to be") in sentences describing a couple as a man and a woman, it is not mandated that the couple be a man and a woman. Previous authoritative interpretations (e.g. *Spahr*) appear to be based on the language of the Preface that the language "between a man and a woman" "... set standards and presents norms for the conduct of worship in the life of congregations and ... councils. ..."

If the General Assembly desires to make clear that teaching elders and commissioned ruling elders who are authorized to conduct services of Christian marriage may conduct such services for same-gender couples who have obtained a civil marriage license; and that sessions may permit the use of church property for such services, the Advisory Committee on the Constitution finds that this would be most effectively accomplished by an amendment to W-4.9000.

The Advisory Committee on the Constitution continues to advise that unless and until W-4.9000 itself is amended, any attempt to amend the definition of marriage by an authoritative interpretation of this section will be problematic and constitutionally insufficient. "Where there are tensions and ambiguities between provisions, it is the task of the councils and judicial commissions to resolve them in such a way as to give effect to all provisions" (*Book of Order*, F-3.03).

It is the view of ACSWP that any AI would be appropriately "insufficient," though not necessarily problematic, and that the concurrences to Item 10-03, particularly those from the Presbyteries of Chicago and Western Reserve, provide constructive ways forward.

C. *Theological and Ethical Considerations:*

The overtures under consideration here support the church's commitment to civil equality and nondiscrimination. They emphasize the new importance of expressing and extending that equality into the church's worship and pastoral care in those states that have legislated marital equality. In doing so, they recognize the complementarity that has long existed in the Reformed Tradition between the role of the state in legalizing marriage and the role of the clergy who pronounce a couple married and sign their state license. None of these items would compel pastors to officiate at same-gender marriages in violation of their conscience. None of these items would apply to states that have not legalized same-gender marriage, and none presumes to restrict a theology of marriage for the church, although the General Assembly has in the past focused on such theology through the recommended forms of marriage services.

The ACSWP points to its' A&C on Item 10-02 for a fuller presentation of past church policies, particularly that on Changing Families (2004), which addressed factors affecting family life. We would only note that additional recommendations to support families were adopted by the General Assembly in the 2012 report, World of Hurt, Word of Life, which called for economic reconstruction based on communion values.

In light of the range of theological views in the church and the continuing movement toward marriage equality in the culture, ACSWP encourages commissioners to adopt an Authoritative Interpretation that may permit the household of faith to grow, particularly among younger adults. The alternatives, including protracted litigation, are less desirable. Perhaps it would even be fair to transpose the statement quoted from Gamaliel in Acts 5:39 about the early church's growth: "But if it is of God, you will not be able to overthrow them. You might even be found opposing God!" Certainly not every current in the culture is "of God," but in this area of life even the empirical data seem to suggest that the church extend the benefits of marriage.

ACWC Advice and Counsel

The Advocacy Committee for Women's Concerns advises the 221st General Assembly (2014) to approve Item 10-03.

This overture asks the General Assembly to approve an authoritative interpretation of W-4.9000 describing the rights and responsibilities of pastors in states in which civil unions or marriages of same-sex couples are permitted by law. The overture cites *Book of Order* statements noting that a marriage ceremony is a type of worship service that a pastor has freedom of conscience to conduct. Pastors, after examination of the couple, guided by scripture and with agreement of session (if the ceremony were to be held in the church), have the discretion and freedom to conduct any service of marriage.

The Advocacy Committee for Women's Concerns is committed to eliminating the patriarchy that persists today within the church and society. God's justice, as we have come to understand it through the teachings of Jesus Christ, recognizes the equality of all God's children, each of whom is made in God's image. Patriarchal views define those not conforming to certain gender roles as somehow less than human and therefore not worthy of the pastoral care that Christian marriage provides to heterosexual committed and loving couples.

Providing this authoritative interpretation will effectively grant pastors and sessions the freedom of conscience to care for couples of like gender who desire the affirmation of the church and commitments required of Christian marriage, treating them as the equals they are in God's eyes.

Concurrence

Presbytery of Albany (with Additional Rationale)

Recent changes in civil law permitting couples of the same gender to marry have created a pastoral crisis in a significant number of jurisdictions where many Presbyterians reside. Within the United States, as of August 2013, thirteen states (Connecticut, Iowa, Massachusetts, New Hampshire, New York, California, Washington, Maine, Maryland, Rhode Island, Delaware, Minnesota, and Vermont), Washington D.C., and two Native American tribal jurisdictions (Coquille, Suquamish) legally permit marriage between two people of the same gender as well as two people of different gender. Within these jurisdictions, faithful members of PC(USA) congregations are approaching teaching elders expecting the same pastoral care to be extended to couples of the same gender that is regularly extended to couples of different gender. They are requesting a service of Christian marriage, an occasion for the worship of God, and therefore based on the foundation for the ministry of pastoral care (*Book of Order*, W-6.4000; see also W-6.3002 and W-6.3011).

A pastoral crisis arises from the fact that the PC(USA) Constitution no longer offers clear guidance concerning qualifications for marriage. The statement in the Directory for Worship, "Marriage is a civil contract between a woman and a man" (W-4.9001), is factually inaccurate. Until the Directory of Worship is revised to recognize changes in civil law and to clarify the implications of those changes for marriage in the PC(USA), the General Assembly needs to affirm what has not changed: namely, the responsibility of the individual teaching elder to determine the couple's fitness to marry based on their "commitment, responsibility, maturity, or Christian understanding" (W-4.9002b). The proposed authoritative interpretation provides such affirmation.

While the process of constitutional change takes its course, the proposed authoritative interpretation invites all members of the PC(USA) to experience God's grace through gracious regard for each other. Under the proposed authoritative interpretation, not only may pastoral care be extended to same-gender couples, but teaching elders and sessions who agree to extend such care may face less threat of judicial action. By contrast, existing authoritative interpretations, which would be withdrawn by the present proposal, not only arise from judicial action but open the prospect of further litigation as the courts of the church struggle for clarity in an unclear constitutional context. The proper means to achieve such clarity is the constitutional process involving the church as a whole. We will be better prepared to engage in that process if we use the means now available to practice gracious interactions with each other.

Presbytery of Baltimore

Presbytery of Boston

Presbytery of Cayuga-Syracuse (with Additional Rationale)

As the Presbyterian Church U.S.A. wrestles with its understanding of the nature of Christian marriage, pastors and sessions strive to be faithful in providing appropriate pastoral care to church members who seek to be married. As of October 28, 2013, fourteen states have legalized civil marriage for same-gender couples among their 100 million citizens. Teaching elders in

those states must risk disciplinary action if they seek to give to same-gender members of their churches the same pastoral care that they offer to other members, officiating at their marriages. For leaders in many Presbyterian churches in these states, this constitutes a crisis of conscience. Until the Presbyterian Church (U.S.A.) determines how to resolve the conflicting definitions of marriage in the Directory for Worship and civil law, teaching elders in those states that authorize same-gender marriage need to be protected from judicial action for carrying out their responsibility to provide pastoral care to church members.

Here in the State of New York, same-gender couples have been able to be married since June 2011. Since then, hundreds of same-gender couples have approached their pastors, requesting to be married in the church where they are members. Some pastors have consented and conducted same-gender wedding ceremonies, either in the church or in another location; a few of these pastors have been charged and convicted, at considerable expense to themselves and their presbyteries. Some pastors have declined out of scruples of conscience. Others have declined out of respect for the denomination's policy or because they were intimidated by the prospect of disciplinary action. These pastors generally tried to make other arrangements, either having a minister of another denomination conduct the wedding or conducting a service of blessing after the couple had a civil marriage. When their pastor declined to conduct their wedding, most same-gender couples felt a sense of rejection from their own faith community, and many then joined a different church where they could be married or left church altogether.

One pastor in the Presbytery of Cayuga-Syracuse was approached by a same-gender couple who had been together for seventeen years, requesting to be married. The pastor consulted with the session, which disapproved of having a marriage that would expose the pastor and the church to disciplinary action. The pastor then regretfully arranged for a minister colleague to conduct the couple's marriage, but the pastor conducted a service of blessing for the couple afterward.

In the Presbytery of Cayuga-Syracuse, one third of our churches are united or federated churches, usually with a church of a denomination that allows same-gender marriage. In at least one case, a same-gender couple sought to be married by the Presbyterian pastor of their united church. The pastor arranged for a minister of another denomination to conduct the wedding in the couple's church building, an awkward arrangement at best! A similar situation arose when a Presbyterian pastor serving a church of one of our Formula of Agreement partners had to invite another minister to officiate at the marriage of one of their same-gender member couples. Another couple, both active leaders of the church, requested that they be married in the church sanctuary by their pastor (a Presbyterian serving under the Formula of Agreement). The couple had been together for nearly forty years and to refuse to extend pastoral care in this situation was unthinkable.

The above overture would give relief to teaching elders and sessions in our presbytery, so that they could discharge their responsibility to provide pastoral care to their church members, including to the same-gender couples in their congregations who seek to be married in their church, without risking disciplinary action or having to resort to tortuous and generally unsatisfactory alternatives.

Presbytery of Chicago (with Additional Rationale)

Same-gender couples seek to be married in the church for the same reasons as heterosexual couples—and they will continue to marry. The question is whether the Presbyterian Church (U.S.A.) will welcome them, or drive them away; celebrate and witness their mutual commitments, or leave them without the support of the faith community for the solemn covenant they are entering.

Current interpretations of the *Book of Order*, W-4.9000, give the impression that those authorized by their ordination in the Presbyterian Church (U.S.A.) to solemnize marriages are not permitted to perform that service for same-gender couples, as they routinely do for heterosexual couples. As legal marriage for same-gender couples becomes a reality in a growing number of countries, U. S. states, and other civil jurisdictions—18 nations, 13 U.S. states, the District of Columbia, and several counties and Native American tribes, as of September 2013—this supposed prohibition requires more and more teaching elders and commissioned ruling elders either to discriminate against some couples, contrary to their conscience, or to risk involving themselves and their congregations in judicial process. Pastors are facing the impossible dilemma of choosing between their ordination promises to “pray for and seek to serve the people with energy, intelligence, imagination, and love” (W-4.4003h), “love your neighbors and work for the reconciliation of the world” (W-4.4003f), and “try to show the love and justice of Jesus Christ (W-4.4003i), or the promise to “be governed by our church’s polity” (W-4.4003e). The current interpretation unacceptably interferes with pastors’ ability to exercise their discretion in providing pastoral care.

The Directory for Worship repeatedly stresses the importance of worship in the exercise of pastoral care: “The worship of God in the Christian community is the foundation and context for the ministry of pastoral care as well as for the ministry of nurture in the faith” (W-6.4000). See also, for example, W-6.3010, W-6.3002.

The Preface to the Directory for Worship explicitly states that “this directory also uses language about worship which is simply descriptive.” There are numerous descriptions of usual practice in the Directory for Worship that are not followed to the letter by pastors and congregations.

The requested authoritative interpretation (AI) does not seek to amend W-4.9000; it simply clarifies that conducting a service of worship that does not follow W-4.9000 to the letter is not an offense that should subject a minister to the threat of discipline. The requested authoritative interpretation removes a prior AI, issued by the 203rd General Assembly (1991) at a time when there was no possibility of conducting a legal marriage service for a same-gender couple, and subsequent AIs by the General Assembly Permanent Judicial Commission (GAPJC) that rely upon it.

The GAPJC has itself acknowledged that the current language of the *Book of Order* is silent as to same-gender marriage, and that it was a split decision of the GAPJC that created an offense where none previously existed:

We understand the Decision to be an authoritative interpretation of W-4.9001, to mean that officers of the PC(USA) who are authorized to perform marriages shall not hereafter perform a same sex union ceremony in which or with respect to which such officer states, implies or represents to be a marriage or the equivalent thereof. While the Commission did not find Spahr guilty as charged herein, in part because her conduct occurred under prior authoritative interpretations, we understand that future noncompliance with the authoritative interpretation of the Decision will be considered to be a disciplinable offense [emphasis added] *Disciplinary Case 218-12* Concurring Opinion (*Spahr 1*, (<http://oga.pcusa.org/media/uploads/oga/pdf/pjc21812withconcurrences.pdf>).

The GAPJC reaffirmed that the supposed offense was its own creation, when it determined that Jean Southard did not commit an offense in performing a marriage for two women; if the supposed offense were inherent in the *Book of Order*, Rev. Southard would have been guilty:

This Commission concluded in Spahr that prior authoritative interpretations lacked mandatory language. Southard conducted this ceremony two months prior to Spahr. Sensitive to the authoritative interpretation in Spahr, this Commission agrees with the SPJC that Spahr cannot be applied retroactively to the facts of this case. Therefore, Southard did not violate the Book of Order or her ordination vows by erring in her constitutional interpretation. She did not commit an offense because the applicable authoritative interpretation (Spahr) had not yet been promulgated. [emphasis added] *Disciplinary Case 220-02* (*Southard*, <http://oga.pcusa.org/media/uploads/oga/pdf/pjc22002.pdf>)

If the GAPJC has the authority to create an offense by authoritative interpretation, the General Assembly—a much larger and more representative body—has the authority to correct that action (G-6.02).

Ministers whose study of Scripture, with the guidance of the Holy Spirit, has led them to affirm same-gender marriage, are following their understanding of Jesus Christ, who placed himself on the margins with people others considered unclean, unworthy, and immoral, and lifted up love and compassion. They note that the Bible reflects many patterns and forms of legal, religiously approved marital relationships. They appeal to Presbyterian principles of biblical interpretation, including reading in context, the use of knowledge and experience, the centrality of Jesus Christ, interpretation of Scripture by Scripture, the rule of love, and the rule of faith (*Presbyterian Understanding and Use of Holy Scripture*, http://www.pcusa.org/media/uploads/_resolutions/scripture-use.pdf). They believe that turning away same-gender couples harms gay and lesbian persons and their families, creates injustice, hinders evangelism, and violates their understanding of the Gospel of Jesus Christ.

These ministers are seeking the freedom of conscience to act on their convictions that is safeguarded in our Historic Principles of Church Order, and the mutual forbearance required for maintaining the unity of the body (F-3.01). The same principles protect those whose study of Scripture leads them to a different conclusion. No minister can ever be required to participate in a marriage service against his or her conscience.

The 220th General Assembly (2012) acknowledges that faithful Presbyterians earnestly seeking to follow Jesus Christ hold different views about what the Scriptures teach concerning the morality of committed, same-gender relationships. Therefore, while holding persons in ordered ministry to high standards of covenant fidelity in the exercise of their sexuality, as in all aspects of life, we acknowledge that the Presbyterian Church (U.S.A.) does not have one interpretation of Scripture in this matter. We commit ourselves to continue respectful dialogue with those who hold differing convictions, to welcome one another for God's glory, and not to vilify those whose convictions we believe to be in error. We call on all Presbyterians to join us in this commitment. (action of the 220th General Assembly (2012), [http://www.pc-biz.org/MeetingPapers/\(S\(zucvhg5dsx1dkgphysjeok0\)\)/IOBView.aspx?m=ro&id=4063](http://www.pc-biz.org/MeetingPapers/(S(zucvhg5dsx1dkgphysjeok0))/IOBView.aspx?m=ro&id=4063))

The requested authoritative interpretation follows the reasoning of the members of the GAPJC who dissented in the *Spahr 2* decision (*Disciplinary Case 220-08*, February 2012, <http://oga.pcusa.org/media/uploads/oga/pdf/pjc22008.pdf>).

We respectfully dissent from this Decision [that declared that Janie Spahr had violated the *Book of Order* by conducting services that were and are legal marriages].

The majority judges this case primarily in relation to the decisions in *Spahr* (2008) and *Southard* (2011) in a conviction that, behind its judicial interpretation, there is in the Constitution an explicit basis against officiating in a same-sex marriage. In fact, this conviction rests upon an assumption rather than explicit constitutional rule. It is grounded principally upon one section, even one sentence, in the Directory of Worship, that is claimed to have clear and obvious legal status. The Commission assumes here and in earlier cases that W-4.9001 presents a legal basis for denying the permissibility and validity of same-sex marriage because it presents a "definition" of marriage as exclusively between a man and a woman. This assumption is flawed. This provision in the Directory of Worship cannot serve effectively as a judicial criterion.

There are several reasons why W-4.9001 is incapable of bearing the legal significance and weight that the Commission has placed upon it. First, this paragraph emerged decades ago, in a very different time and context. In its language and descriptions, it reflects conventions of a time when same-sex unions presented little, if any, cultural concern or attention. ... Secondly, W-4.9001 is an introductory narrative for a distinctive, introductory section on marriage, outlining its biblical and theological characteristics as background to provisions of pastoral practice and nurture. ... To claim that this paragraph is primarily and intentionally legal in nature forces an artificial warp upon its evident narrative purpose. As a fourfold theological outline of Christian marriage in narrative form, in no way is it clear or obvious that it proposes regulatory imperative or legal intention. Certainly, it does not have the kind of language or format that the church has come to expect in definitive juridical statements, the kind of "shall" language that is common to our order in providing regulatory lines for boundaries of action or proscribed behavior.

This is all to say that, in cases such as this one, a determination of offense requires clear demonstration of a violation against

Scripture or the Constitution, in which the terms of a mandate are unambiguous and expressly stated. In this case and in the other recent cases, it is strikingly significant to note the absence of arguments upon perceived biblical warrants or directly applicable mandates in our Constitution and the presence of mere definitional bases.

In this case and the other recent decisions, my principal concern is that this Commission has forged a standard upon an extremely fragile provision, employing a strained interpretation that does not provide the necessary legal foundation for resolution of our dilemma or foster pastoral guidance in the life of the church. By relying so heavily on W-4.9001, the Commission has ruled upon convention rather than law. The definitive clarity that the church deserves and expects in this continuing and vexatious dispute awaits deeper foundational judgment as well as more precise legislation.

As of the time this overture is proposed (October 8, 2013), both the legal and ecclesial landscapes have continued to evolve, constantly increasing the number of clergy and congregations placed in the untenable conflict between current interpretations of this provision and their sense of pastoral call and obligation. Marriage equality is nationally recognized with the invalidation of the Defense of Marriage Act by the United States Supreme Court in 2013 and (as of September 2013) thirteen state governments (those of Massachusetts, California, Connecticut, Iowa, Vermont, New Hampshire, New York, Maine, Maryland, Washington, Delaware, Rhode Island, and Minnesota), along with the District of Columbia, the Coquille Indian Tribe, the Suquamish tribe, the Little Traverse Bay Bands of Odawa Indians, the Pokagon Band of Potawatomi Indians, the Iipay Nation of Santa Ysabel, and the Confederated Tribes of the Colville Reservation issue same-sex marriage licenses. Further, court rulings mandating marriage equality are on appeal in New Mexico and New Jersey. Rulings and legislative action are pending in a number of other states, including Illinois. If Illinois adopts marriage equality this year, a proposal supported by a majority of Illinoisans, more than 40 percent of the United States' citizenry will live in jurisdictions recognizing marriage equality.

In addition, a teaching elder is primarily a servant of God and not primarily an agent of the state. When performing legal marriages, a teaching elder is both an agent of the state and a servant of the church. However, some teaching elders, being led by God and their consciences, and with the permission of their sessions, may feel called to choose to exercise their call as servants of the church in performing marriages that are not legal according to the state. Historically this has happened when teaching elders have refused to participate in state-led discrimination. Teaching elders have performed marriages for elderly couples who wanted the blessing of God and their church community without losing their pensions, on which they were dependent. Likewise, teaching elders have performed marriages for church members who do not have "legal" status according to the state for a variety of reasons but who seek God's blessing and the support of their church community in their life partnerships. Decades ago, teaching elders who were exercising their freedom of conscience were performing marriages for interracial couples before the state considered them legal. Teaching elders are answerable to God and not to the state as long as they do not misrepresent the state.

Further, to continue to interpret these provisions as a definitive statement and assertion that "Christian marriage" can exist only between a man and a woman puts the PC(USA) in a position of great arrogance with regard to our sister denominations, particularly among our fellow mainline churches. Christian marriages between same-gendered couples are celebrated in Episcopal, UCC, American Baptist, and Lutheran churches (among others) every week in this country. To retain an interpretation that purports to say otherwise constitutes a denial of the faithfulness of our sisters and brothers in the faith that is simply not Presbyterian, and a violation of the spirit, if not the letter, of our status of full communion with our brothers and sisters in the Evangelical Lutheran Church and the United Church of Christ by denying the "Christian" character of the marriages they are celebrating.

Presbytery of Genesee Valley (with additional rationale)

On July 24, 2011, the State of New York extended the right to marry to couples of the same gender, joining Massachusetts, Connecticut, Iowa, Vermont, New Hampshire, and the District of Columbia. Since that date, California, Delaware, Maine, Maryland, Minnesota, Rhode Island, Washington, and New Jersey have also extended the right to marry to same-gender couples. Many Presbyterian teaching elders, including several in our presbytery, are receiving requests from their lesbian and gay congregants to celebrate their marriages in the Christian community. They assume they would be afforded the same pastoral care provided to other members.

The Directory for Worship acknowledges that marriage is a "civil contract" and therefore regulated by the state (203rd General Assembly [1991] in Baltimore). It was written before the possibility of civil marriage between persons of the same sex was contemplated. Likewise, the 1991 General Assembly's authoritative interpretation that distinguished between a "same-sex ceremony" and a marriage, the 2000 *Benton* decision of the GAPJC, and the 2008 *Spahr* decision were all addressing ceremonies that were not legal civil marriages. In this interim, when the definition of civil marriage is changing, the *Book of Order* requires interpretation to be applied to a variety of circumstances. One of the most pressing is the pastoral crisis that results when same-sex couples ask the teaching and ruling elders of their congregation to permit and participate in their marriage services under Presbyterian Church (U.S.A.) auspices, and those elders must hesitate for fear of challenge in church courts.

Worship is the central context of pastoral care for Christians:

"The worship of God in the Christian community is the foundation and context for the ministry of pastoral care as well as for the ministry of nurture in the faith" (*Book of Order*, W-6.4000; see also W-6.3002 and W-6.3010).

Lesbian and gay Presbyterians seeking the care of their church do not wish to provoke controversy, endanger their pastors, or embroil their congregations in judicial proceedings. Like heterosexual couples, they simply want the support of their faith community as they undertake the commitments and responsibilities of marriage. When the possibility of prosecution looms over pastors who are endeavoring to fulfill their promise to "... pray for and seek to serve the people with energy, intelligence,

imagination, and love" (W-4.4003h), anguish extends to the couple, the pastor, the congregation, and eventually the whole church.

Therefore, we propose an authoritative interpretation of W-4.9000 to clarify the ambiguities it contains. Much of the section is written in permissive or advisory language. The Preface to the *Book of Order* states that "SHALL and IS TO BE/ARE TO BE signify practice that is mandated" while "SHOULD signifies practice that is strongly recommended" and "MAY signifies practice that is permissible but not required." The Preface to the Directory for Worship (section b) states: "In addition to the [above] terms defined in the Preface to the *Book of Order*, this [Worship] directory also uses language about worship which is simply descriptive." For example there is a logical conflict between the description of "Christian marriage" as an expression of "Christian commitment" and the allowance that one of the partners might not even be "a professing Christian" (W-4.9002a(1)). The descriptions of Christian marriage, if prohibitive of ceremonies in which every detail does not conform to the descriptions, would forbid teaching elders from officiating at interfaith marriages because they might, among other things, "Diminish the Christian understanding of marriage." If W-4.9000 was intended to set normative, mandatory, exclusive standards for what the PC(USA) considers marriage, then those who conduct marriages would also be at risk for allowing music that fails to "[direct] attention to God and express the faith of the church" (W-4.9005) or for allowing "flowers, decorations, and other appointments" (Ibid) that do not "reflect the integrity and simplicity of Christian life" (Ibid). There is nothing in the text of W-4.9000 that makes the "man and woman" description mandatory and the other details not mandatory. If officiating at the marriage of a same-gender couple is an offense, then any ceremony not conforming to every detail of W-4.9000, even a heterosexual marriage, is likewise an offense.

The comments of the Advisory Committee on the Constitution noted in 2001: "Changing civil understandings of marriage raise new questions of how pastors are to lead the church in exercising pastoral care to its members and compassionate witness and outreach to its neighbors" (*Minutes*, 2008, Part I, p. 254). There is no question that the church is called to provide pastoral care to all individuals.

The enactment of laws that make it possible for same-sex couples to enter into a civil contract raises the question then of whether the key to performing marriage ceremonies to be held in a church and conducted by teaching elders or commissioned ruling elders is the civil contract or the gender of the parties. The traditional distinctions held by the PC(USA) are no longer as clear.

Pastors and sessions need the General Assembly's assurance of their freedom and discretion to provide the pastoral care that their members require. This freedom is based on the same principle as W-4.9002b, which provides that pastors are free, as their judgment dictates, *not* to officiate at marriages that their members and others are contracting.

In the absence of mandatory language in the *Book of Order* that would prohibit a service of Christian marriage for any couple that is legally permitted to marry, the assembly should give such assurance of freedom and discretion in the form of this proposed authoritative interpretation. It will prevent deep grief for church members who might otherwise be denied the pastoral care of the church and it will protect pastors and sessions from judicial challenge for exercising their pastoral responsibilities.

Presbytery of Long Island (with additional rationale)

The Session of the Setauket Presbyterian Church takes seriously its vows to "pray for and seek to serve the people with energy, intelligence, imagination, and love" (W-4.4003h), to "love [our] neighbors and work for the reconciliation of the world" (W-4.4003f), to "try to show the love and justice of Jesus Christ (W- 4.4003i3), and to "be governed by our church's polity" (W-4.4003e). We also take seriously our pastoral and leadership role as elected by a congregation that is socio-politically and theologically diverse.

The Setauket Presbyterian Church is the fifth oldest congregation in the denomination (1660), with a history of putting faith and principles into action dating at least from organized resistance to British occupation during the American Revolution. We are a More Light church and a member church of the Covenant Network of Presbyterians. From our history and our public stance, it is logical that same-sex couples would come to us, as indeed they have, trusting that we will welcome them and their families, and that we would provide the same pastoral care and congregational support in the name of Christ that a church is called to offer to all people.

The civil laws of the State of New York allow same-sex marriage, but the present interpretations of the Constitution of the Presbyterian Church (U.S.A.) do not. This created personal conflict for each of us, and, as we grappled with it together, distress and sadness in the session as a whole. We saw that the language in W-4.9001 describing civil marriage was no longer adequate or accurate, at least when applied to a growing number of states (including our own) and other nations worldwide. As we studied, prayed, and reflected over two months and three session meetings, the following issues rose to the surface:

Suppose, we reasoned, one of the same-sex couples in our church family adopted a baby, presented her for baptism, and also asked to get married now that that was possible. We realized that we could baptize the baby, but not marry the couple. We could even approve their reception on our property, but not their wedding. That seemed illogical and unfair to us, no matter how kindly we broke the news to them. We saw that no matter which way we turned, we would be breaking one or another of our ordination vows.

We learned that in the Reformed tradition, teaching elders have always had pastoral responsibility to assess the appropriateness of any marriage, and that sessions had similar responsibility in assessing the impact on "proclamation of the Gospel" and "demonstration of the Kingdom of God to the world" in their approval of the use of church buildings. We understood those parallel responsibilities to be part of the checks and balances built into our polity. We grieved that the current interpretation of the descriptive language in our Directory for Worship interferes with this trust and these

responsibilities.

We observed that, as a church, we bless heterosexual marriages contracted under civil law because for century's marriage partners have testified that their bond is a means of grace. We felt that when same-gender partners testify that their committed relationships have the same benefit, it was right to give them the same blessing. We acknowledged that as the world changes, same-gender couples are actually doing something profoundly conservative by asking to be held, through public covenant, to the same standards of faithfulness and mutual love that the church expects of heterosexual couples.

We were concerned for the Gospel of Jesus Christ. We remembered that our Lord Jesus spent very little time in the Temple, and most of his time among the people. On many occasions we see him following the spirit of the law, when he found it in conflict with the letter. The spirit of marriage is alive and well in two people who express a heartfelt desire to unite their spirits and their lives with each other and with God. It would be against that very spirit to deny them that right.

Out of our established commitment to peace and justice, we reflected that as Jesus taught us to fight for the oppressed, in our time there is perhaps no better example of what Jesus meant than the one before us now. It seemed to us unimaginable to think that Jesus would deny two people who seek to live their lives in union, with him and with each other, the ability to do so. Recognizing our duty as Christians to fight for justice for all of God's people, we realized that in this case, if we do not make a change in the church, we are not only refusing to fight for the oppressed, we are in fact the oppressors.

Moreover, we were deeply concerned for the faith of our children. We were startled to read the statistics published by the conservative evangelical Barna Foundation: that 85 percent of unchurched young people under age 29 believe the church is hypocritical; 87 percent believe that it is judgmental, and 91 percent believe it is anti-homosexual. Digging further, we discovered that conservatives and liberals alike are alarmed at the growing rate at which young people are falling away from the churches. Although there are undoubtedly many contributing factors to this, we could not dismiss the Barna statistics as irrelevant.

Our denomination as a whole has for decades maintained a consistent civil rights stance on behalf of LGBTQ people in matters of civil law, no matter how we are still working out the details of polity. This is something of which the young people in our congregation are proud. We wanted to contribute to an environment of pastoral concern rather than ecclesiastical litigiousness as our denomination works through the huge transitions now shaping society.

For all these reasons, we wanted to be part of the solution, and through due denominational process, to return our polity to its historical position: an expectation of prayerful discernment on the part of teaching elders and sessions, where marriage in the church intersects with marriage in the still-evolving law of the land.

Presbytery of Maumee Valley (with additional rationale)

When a couple seeks to be married in the church, rather than in a civil setting, they want the support of the people of God for their pledge of lifelong commitment. Will we continue to withhold this support, or will we welcome them fully and give a blessing to the gift of love that God has placed in their hearts? Will we encourage them to fully participate in the life of the church and to raise children in the body of Christ? There is no stated "biblical definition" of marriage. Indeed, much of what the Bible describes as marriage or intimate relationships—bigamy, polygamy, concubinage, socioeconomic bridal negotiations, levirate marriage—is no longer part of Christian matrimony. Where do we go from here, then?

There is debate over what the *Book of Order* intends to say in W-4.9000. Is it descriptive of one particular marriage scenario, or is it prescriptive of the only marriage scenario? The Directory for Worship repeatedly stresses the importance of worship in the exercise of pastoral care: "The worship of God in the Christian community is the foundation and context for the ministry of pastoral care as well as for the ministry of nurture in the faith" (W-6.4000). The Preface to the Directory for Worship explicitly states that "this directory ... uses language about worship which is simply descriptive" (Preface, b). There are numerous descriptions of usual practice in the directory that are not followed to the letter by pastors and congregations. This is within the Reformed tradition of "ecclesia reformata, semper reformanda," blessing neither preservation for preservation's sake nor change for change's sake. The church is not the agent of its own reformation; God is the agent of reformation, and the church is the object of God's reforming work. This is what Pastor John Robinson had in mind in 1620, when in his final sermon to the Pilgrims departing for the New World, he reminded them that God does not reveal God's whole truth to any one person at any one point in history: "... I am verily persuaded the Lord hath more truth [and light] yet to break forth from His Holy Word" (http://www.newtestamentpattern.net/christian-articles/sundry-thoughts/the-words-of-john-robinson_mayflower/).

We must continually be open to hearing the new things God is saying to us through the Word. It was this ever-renewed, ever-revealing light that led us away from the scriptural interpretations once used to keep slavery in place, to justify anti-Semitism, to limit the role of women in society and in our denomination, to justify the despoilment of the environment, to authorize physical punishment of children at home and school, and to rationalize homophobia, for example. In fact, the *Book of Order* is designed to be very fluid, constantly open to amendment, change, and reform. Procedures for modifications are understood as a means to faithfulness as God leads us in discernment. For example, it was this openness to new paths revealed to us by God that led to the 2011 *Book of Order* amendment (10-A) that removed the issue of sexual orientation from the ordination process for deacons, elders, and ministers.

The authoritative interpretation being sought will confirm the long-standing role of teaching elders and ruling elders in exercising non-judgmental inquiry, as they seek to understand and live out the Scriptures and their ordination vows. The polity maneuvers of recent years have impinged on the fulfillment of those vows taken by our congregational officers and most especially by our clergy. Current interpretations of the *Book of Order*, W-4.9000, give the impression that those authorized by their ordination in the PC(USA) to solemnize marriages are not permitted to perform that service for same-gender couples, as they routinely do for heterosexual couples. As legal marriage for same-gender couples becomes a reality in a growing number

of venues*, this supposed prohibition requires more and more teaching elders and commissioned ruling elders either to discriminate against some couples, contrary to their conscience, or to risk involving themselves and their congregations in judicial process. Pastors are facing the impossible dilemma of choosing between, on the one hand, their ordination promises to “pray for and seek to serve the people with energy, intelligence, imagination, and love” (W-4.4003h), to “love your neighbors and work for the reconciliation of the world” (W-4.4003f), and to “try to show the love and justice of Jesus Christ (W4.4003i(3)), all up against, on the other hand, the promise to “be governed by our church’s polity” (W-4.4003e). The current interpretation painfully interferes with pastors’ ability to exercise their discretion in providing pastoral care. Resolution of this conflictual situation need not remain impossible for a denomination that has traditionally drawn strength from its capacity for mutual forbearance. A pastor in the PC(USA) is not under any compulsion to perform a marriage that s/he deems inappropriate. It is also the long-standing practice of Reformed faith to allow freedom of conscience in all nonessential matters, and homosexuality was not considered an essential in the past. Same-gender marriage was scarcely on the radar as recently as a generation ago.

What happened in the relatively recent Presbyterian past has been at times a convoluted journey through our polity. The requested authoritative interpretation (AI) does not seek to amend W-4.9000; rather, it clarifies that conducting a service of worship that does not follow W-4.9000 to the letter is not an offense that should subject a minister to the threat of discipline. The requested authoritative interpretation removes a prior AI, issued by the 203rd General Assembly (1991) at a time when there was no possibility in this country of conducting a legal marriage service, civil or religious, for a same-gender couple. The requested AI also removes the subsequent AIs by the General Assembly Permanent Judicial Commission (GAPJC) that rely upon that 1991 AI.

The GAPJC has itself acknowledged that the current language of the *Book of Order* is silent as to same-gender marriage and that it was a split decision of the GAPJC that created an offense where none previously existed:

We understand the Decision to be an authoritative interpretation of W-4.9001, to mean that officers of the PC(USA) who are authorized to perform marriages shall not hereafter perform a same sex union ceremony in which or with respect to which such officer states, implies or represents to be a marriage or the equivalent thereof. While the Commission did not find Spahr guilty as charged herein, in part because her conduct occurred under prior authoritative interpretations, we understand that **future noncompliance with the authoritative interpretation of the Decision** will be considered to be a disciplinable offense. ([emphasis added] *Disciplinary Case 218-12*, Concurring Opinion [Spahr 1, [http://oga.pcusa.org/media/uploads/oga/pdf/pjc21812withcon currences.pdf](http://oga.pcusa.org/media/uploads/oga/pdf/pjc21812withcon%20currences.pdf)]).

The GAPJC reaffirmed that the supposed offense was its own creation, when it determined that Jean Southard did not commit an offense in performing a marriage for two women; if the supposed offense were inherent in the *Book of Order*, Rev. Southard would have been guilty:

“This Commission concluded in Spahr that prior authoritative interpretations lacked mandatory language. Southard conducted this ceremony two months prior to Spahr. Sensitive to the authoritative interpretation in Spahr, this Commission agrees with the SPJC that Spahr cannot be applied retroactively to the facts of this case. Therefore, Southard did not violate the *Book of Order* or her ordination vows by erring in her constitutional interpretation. **She did not commit an offense because the applicable authoritative interpretation (Spahr) had not yet been promulgated.**” ([emphasis added] *Disciplinary Case 220-02* [Southard, [http://oga.pcusa.org/media/uploads/oga/pdf/pjc 22002.pdf](http://oga.pcusa.org/media/uploads/oga/pdf/pjc%2022002.pdf)])

If the GAPJC has the authority to create an offense by authoritative interpretation, the General Assembly—a much larger and more representative body—has the same authority as the GAPJC to correct that action (G-6.02). The *Book of Order* does not address same-gender marriage. The Directory for Worship was written before same-gender marriage seemed like a possibility. To pass an AI that allows sessions and pastors discretion to do, or not to do, same-gender marriages merely addresses a situation that is not explicitly covered in the *Book of Order*. If the current section on marriage were intentional in its exclusion, it would explicitly say, “Marriage is to be (or ‘shall be’) between a man and a woman.” Section W-4.9001 does not say that, and previous attempts to make it say that have failed. Notwithstanding, no PC(USA) minister can ever be required to participate in a marriage service against his or her conscience. In cases such as this one, a determination of offense requires clear demonstration of a violation against Scripture or the Constitution, in which the terms of a mandate are unambiguous and expressly stated. In this case and in the other recent cases related to it, it is strikingly significant to note the absence of arguments upon perceived biblical warrants or directly applicable mandates in our Constitution and the presence of simple descriptive, not prescriptive, bases. The authoritative interpretation of these sections (W-4.9000–4.9006) by the 203rd General Assembly (1991) is no longer factually correct and does not adequately prioritize the discretion granted to teaching elders and sessions in both providing pastoral care and overseeing services of worship.

In this case and the other recent decisions, the principal concern is that the GAPJC has forged a standard upon an extremely fragile provision, employing a strained interpretation that does not provide the necessary legal foundation for resolution of our dilemma and does not foster pastoral guidance in the life of the church. It does not take into account the changes in the understanding of marriage, especially by persons of faith in Jesus Christ. Will we welcome all couples to participate fully in the life of the church? Will we encourage all families to raise children as members of the body of Christ? By relying so heavily on W-4.9001, the GAPJC has ruled upon convention rather than church law. The definitive clarity that the church deserves and expects in this continuing and vexatious dispute awaits deeper foundational judgment as well as more precise legislation.

***COUNTRIES:** Argentina, Australia (by end of 2013), Belgium, Brazil, Canada, Denmark, France, Iceland, Mexico (Mexico City, Quintana Roo), Netherlands, New Zealand, Norway, Portugal, South Africa, Spain, Sweden, United Kingdom (England, Wales), Uruguay.

U.S. STATES: California, Connecticut, Washington D.C., Delaware, Hawaii, Iowa, Maine, Maryland, Massachusetts, Minnesota,

New Hampshire, New Jersey, New Mexico (6 counties), New York, Rhode Island, Vermont, Washington (state), six Native American tribes.

U.S. RELIGIOUS GROUPS: Episcopal Church, United Church of Christ, Unitarian Universalist Association, Universal Fellowship of Metropolitan Community Churches, Judaism (Conservative, Reconstructionist, Reform).

Presbytery of National Capital (with Additional Rationale)

In long-standing Christian tradition, civil authority has played a primary role in the regulation of marriage. Christians in the Reformed Tradition view marriage not as a sacrament mediated by the church but as a blessing that two people seek on a contract they are entering under auspices of the state. This blessing is a moment of great joy in the church and in the lives of those on whom it is conferred, but Christian marriage does not change the status of those two people. Marriages that are not blessed by the church are nevertheless recognized in Presbyterian churches.

Because of the integral connection between civil and Christian marriage, the church must contend with the fact that states have passed legislation or are operating under judicial rulings that make legal marriage equality an option for two people of the same gender. Since March 2010, the District of Columbia, and since January 2013, the State of Maryland, have been allowing two people of the same gender to marry. Thirteen states, the District of Columbia, several counties in New Mexico, and five Native American tribes allow same-gender marriage. This complicates pastoral care options. The issue comes to a head in the decision about whether teaching elders and commissioned ruling elders will officiate at marriage ceremonies of two people who have legally obtained a marriage license and whether the session will permit the use of church property for such ceremonies. Although some pastors in the Presbyterian Church (U.S.A.) have declined to perform such marriages in keeping with their conscience, many others are caught in an untenable position: their conscience tells them to exercise their pastoral responsibility and perform the marriage but the church tells them to fear prosecution. Such prosecutions have already placed tremendous financial burden on presbyteries, diminishing the church's ability to effectively evangelize and perform necessary mission work.

The issue is critical because worship is the central context of pastoral care for Christians. In our order for worship, we listen to the Word, proclaim the Word, and respond to the Word. Responding to the Word is a demonstration of the love of God for God's people.

"The response to the proclamation of the Word is expressed in an affirmation of faith and commitment. ... Response to the Word also involves acts of commitment and recognition. ... acts of commitment which may appropriately be included as response to the Word are (a) Christian marriage ...," (W-3.3501, W-3.3502, W-3.3503).

The church has defined marriage, first, as "... a gift God has given to all humankind ..." (W-4.9001) and at the same time said, "Marriage is a civil contract between a woman and a man" (W-4.9001). In thirteen states, the District of Columbia, several counties in New Mexico, and five Native American tribes, this civil definition is no longer true. The 219th General Assembly (2012) Advisory Committee on the Constitution stated,

At the same time, the social witness policies of the church have urged an end to discrimination against same-sex couples. Thus, the Advisory Committee on the Constitution noted in 2008,

The social witness policies of the Presbyterian Church (U.S.A.) have consistently advocated for the end to discrimination in the civil arena on the basis of sexual orientation. This commitment to equality under the law has prompted our support of civil unions for homosexual couples that would afford them protections and rights by the state equal to those afforded heterosexual couples under marriage. The church has permitted the blessing of same-sex unions as an act of pastoral care to its members and as an act of witness, justice, and compassion to the wider community ... (*Minutes*, 2012, Part I, p. 1169)

Teaching elders and sessions need the General Assembly's assurance of their pastoral discretion to provide the care that their members require. This is based on the same principle as W-4.9002b, which provides that pastors are free, as their judgment dictates, *not* to officiate at marriages their members and others are contracting. In the absence of mandatory language in the *Book of Order* that would prohibit a service of Christian marriage for any two people who are legally permitted to marry, the assembly should give such assurance in the form of the proposed authoritative interpretation. The authoritative interpretation will prevent deep grief to church members who might otherwise be denied the pastoral care of the church; it will protect pastors and sessions from judicial challenge for exercising their pastoral responsibilities; in the spirit of mutual forbearance widely urged in recent years by General Assemblies and their task forces, it will promote the peace, unity, and purity of the Presbyterian Church (U.S.A.).

Presbytery of New York City (with additional rationale)

Recent changes in civil law permitting couples of the same gender to marry have created a pastoral crisis in a significant number of jurisdictions where many Presbyterians reside. Within the United States, as of August 2013, thirteen states (Connecticut, Iowa, Massachusetts, New Hampshire, New York, California, Washington, Maine, Maryland, Rhode Island, Delaware, Minnesota and Vermont), Washington, D.C., and two Native American tribal jurisdictions (Coquille, Suquamish) legally permit marriage between two people of the same gender as well as two people of different gender. Within these jurisdictions, faithful members of PC(USA) congregations are approaching teaching elders expecting the same pastoral care to be extended to couples of the same gender that is regularly extended to couples of different gender. They are requesting a service of Christian marriage, an occasion for the worship of God, and therefore based on the foundation for the ministry of

pastoral care (*Book of Order*, W-6.4000; see also W-6.3002 and W-6.3011).

A pastoral crisis arises from the fact that the PC(USA) Constitution no longer offers clear guidance concerning qualifications for marriage. The statement in the Directory for Worship, "Marriage is a civil contract between a woman and a man" (W-4.9001), is factually inaccurate. Until the Directory of Worship is revised to recognize changes in civil law and to clarify the implications of those changes for marriage in the PC(USA), the General Assembly needs to affirm what has not changed: namely, the responsibility of the individual teaching elder to determine the couple's fitness to marry based on their "commitment, responsibility, maturity, or Christian understanding" (W-4.9002b). The proposed authoritative interpretation provides such affirmation.

While the process of constitutional change takes its course, the proposed authoritative interpretation invites all members of the PC(USA) to experience God's grace through gracious regard for each other. Under the proposed authoritative interpretation, not only may pastoral care be extended to same-gender couples, but teaching elders and sessions who agree to extend such care may face less threat of judicial action. By contrast, existing authoritative interpretations, which would be withdrawn by the present proposal, not only arise from judicial action but open the prospect of further litigation as the courts of the church struggle for clarity in an unclear constitutional context. The proper means to achieve such clarity is the constitutional process involving the church as a whole. We will be better prepared to engage in that process if we use the means now available to practice gracious interactions with each other.

Presbytery of Northern New England
Presbytery of Salem (with Additional Rationale)

The 220th General Assembly (2012) acknowledges that faithful Presbyterians earnestly seeking to follow Jesus Christ hold different views about what the Scriptures teach concerning the morality of committed, same-gender relationships." Many PC(USA) pastors arrive at a faithful interpretation of Scripture that leads them to understand committed same-gender relationships not as sinful, but as loving, faithful, human relationships. Therefore, in states where marriage is legal for such couples, these pastors would want to honor those relationships before God and in the faith community without fear of prosecution.

The threat of prosecution effectively binds the conscience of these welcoming pastors. This authoritative interpretation does not change in the fact that no minister can be forced to participate; it allows for freedom of conscience (G-2.0105) whatever one's interpretation.

Denying same gender couples, in states with marriage equality, the right to celebrate their commitment in the context of their faith community communicates that they are not entitled to the same rights and privileges as other members of the congregation.

Presbytery of San Francisco (with additional rationale)

A Christian understanding of marriage, as a covenant in which people pledge to share their lives and encourage one another's growth and deepening discipleship, is one of the most distinctive offerings of the church to a culture in which people and relationships often seem disposable. It is a blessing not only for the couple but also for the gathered faith community, where other couples find their own marriages strengthened by witnessing the promises made by the new couple. Marriage services are also a significant evangelism opportunity for congregations, as they invite the new couple, their families, and their friends, to consider a distinctive view of covenantal life, and to witness the church's welcome.

Under current Presbyterian polity as enunciated by authoritative interpretations, teaching elders may bless same-gender relationships, and they may also receive authority directly from the state to perform civil same-gender marriage ceremonies. However, many teaching elders hesitate to perform such marriages for fear of facing ecclesiastical charges. And since same-gender marriages are currently not recognized by the church, teaching elders must take care not to misrepresent such ceremonies as conferring church recognition of a same-gender marriage.

Uncertainty regarding the PC(USA)'s present position on celebration of same-gender marriages may hinder congregations' outreach and evangelism, particularly in states that now permit same-gender marriage. In the fourteen states where same-gender marriage is legal, thousands of teaching elders and sessions may be reticent to offer the welcome and pastoral care their biblically informed consciences lead them to do. Indeed, pastors and congregations may even be dissuaded from celebrating the covenantal commitments of their own parishioners, if those church members or officers are lesbian, gay, or transgender.

We in the San Francisco Bay area live in an area where nearly a sixth of our neighbors identify as GLBT (gay, lesbian, bisexual, transgender), while only a comparatively few worship in any worshiping community on any weekend. Our congregations, sessions, and teaching elders want to exhibit the "love and justice of Jesus Christ" to our community (W-4.4003i). Our teaching elders want to spend their "energy, intelligence, imagination, and love" (W-4.4003h) caring for their parishioners, not wasting resources on ecclesial litigation. Of course, pastors and sessions whose own consciences cannot allow them to support these unions have complete pastoral discretion not to do so.

It is time for the church to resolve the pastoral crisis confronting clergy in states where marriage equality is the law of the land. As our own General Assembly Permanent Judicial Commission (GAPJC) recently ruled,

In light of the number of cases coming before this Commission and the convoluted grounds upon which cases are brought and decided, it would be beneficial for the church to provide a definitive position regarding participation of officers in same-gender ceremonies whether civil or religious. (*Newark v. McNeill, Disciplinary Case 221-02*)

Exhibit F

While the PC(USA) has not yet elected to recognize same-gender marriages, it is essential that the denomination state clearly and unambiguously the right of a teaching elder to conduct civil same-gender marriages and to bless those relationships in PC(USA) worship services, so that those teaching elders may confidently and compassionately minister to their congregations.

Presbytery of Santa Fe (with Additional Rationale)

This overture comes from the Presbytery of Santa Fe at an important time in the history of our state, as well as of the Presbyterian Church (U.S.A.) and of the nation. Beginning at the end of August 2013, eight counties in New Mexico began to issue marriage licenses to same-sex couples, citing the equal protection clause of the state constitution. Within the first three months more than 1,700 same-sex couples in New Mexico were issued marriage licenses. On December 19, 2013, the New Mexico Supreme Court ruled unanimously that: "We hold that the State of New Mexico is constitutionally required to allow same-gender couples to marry and must extend to them the rights, protections, and responsibilities that derive from civil marriage under New Mexico law" (*From the NMSC opinion written by Justice Edward Chavez*). With this ruling, New Mexico became the seventeenth U.S. state with full civil marriage for same-sex couples.

There are, as of January 6, 2014, seventeen U.S. States, the District of Columbia, and six Native American tribal jurisdictions with same-sex marriage, as well as seventeen other countries. The rapid expansion of the number of states in which same-sex marriage is now legal has been accompanied by dramatic shifts in public opinion in support of same-sex marriage, as well as the U.S. Supreme Court's overturning of key portions of the Defense of Marriage Act, and the extension of federally recognized marital rights to legally married same-sex couples across the country. The circumstances regarding the issue of civil marriage have, thus, changed radically from the status quo that existed when the PC(USA) Constitution was written, and when previous authoritative interpretations were issued.

As elsewhere across the U.S., the change in the civil law in our state (or, in its interpretation) has immediately confronted our pastors and churches with a dilemma. The issue of marriage is a pastoral issue for the church, rooted in our biblical and theological understandings. Across the country there are many members and friends of the church who have felt that they could not turn to their own pastors and faith communities in order to be married. They have felt constrained to turn to civil authorities and ministers of other denominations, often despite the desire of their pastor and church session to be able to minister to and with them in a public witness and blessing of their marital covenant. In other cases (*Spahr, Southard, etc.*) ministers who have acted in conscience to preside at the marriages of same-sex couples have faced judicial inquiries and disciplinary actions.

Section W-4.9001 of the *Book of Order* describes marriage as "a gift [of] God ... to all humankind for the well-being of the entire human family," and as "a civil contract between a woman and a man." The latter description, however, is no longer exclusively true. As already noted, in many jurisdictions the civil contract of marriage has now been extended to include same-sex couples as well. Christian marriage is further described as a covenantal relationship "through which a man and a woman [hereafter referred to as 'the couple'] are called to live ... together before God their lives of discipleship." The marriage service is described as being one in which "a lifelong commitment" is made by the couple, "publically witnessed and acknowledged by the community of faith."

Ministers in our church (teaching elders and commissioned ruling elders) function as officers of the state as they conduct marriage services and oversee the signing and filing of the legal documentation. The Christian marriage covenant is a commitment made before God by the couple, in the context of the community of faith. Ministers are responsible, among other duties, to "direct" the service of worship in which the marriage is celebrated (W-4.9003). They are also responsible to "provide for a discussion" with the couple concerning various aspects of marriage in relationship to both the legal requirements of the state and the privileges and responsibilities involved in the covenant of Christian marriage. Ministers have the discretion to decide for themselves whether or not to conduct a marriage service (W-4.9002). Such decisions are made on the basis of the minister's discernment of the couples' commitment, responsibility, maturity, and Christian understanding, and prayerfully informed and guided by the minister's freedom of conscience in the interpretation of Scripture (W-4.9002, and G-2.0105).

In the matter of same-sex marriage, as in all matters of faith and practice, Presbyterians seek the Spirit's guidance in understanding the witness of Scripture to the issues of our day. We also turn to the confessions of the church seeking guidance in their historical witness. Yet, as the confessions themselves acknowledge, these documents were the products of their day and time and do not necessarily speak directly to the matters now before us. (See *Book of Confessions*, The Confession of 1967, 9.02-03, and 9.43.) The confessions speak descriptively, but not necessarily prescriptively.

We recognize that for many the understanding of marriage has now changed to include the marriage of same-sex couples. This is a position held in good conscience by many in the church, as well as in civil society, but not by many others. Opinion is divided. We acknowledge that our current understandings of Scripture and tradition differ widely, as they have on other issues in past times. We also acknowledge that both opinions are rooted in sincere faith by those who hold them, and both are expressed in the living out of the gospel in our congregations and communities. We affirm that on either side of this issue our understandings are provisional, but, hopefully, also grounded in our earnest, prayerful, and mindful seeking of God's will and guidance. It is not our desire to impose our views on one another, but, recognizing the great diversity of opinion that exists within the church at this time, to respect the freedom and honor the sincerely held views of all, even as we pray for a clearer discernment of God's will in these matters.

Where charity and love abide, there God is found. From the beginning the church has struggled as it has encountered new peoples, times, and circumstances, with the issue of what is required of Christian disciples versus what is permitted in the freedom of the Gospel. (As in Acts, Galatians, etc.) This has always caused tensions within the covenant communities of disciples we are called to be, and the wisdom of the church has been to seek to balance commitment to the truth of God with mutual forbearance in love for those with whom we may disagree.

Presbytery of Southern New England (with Additional Rationale)

The church is now in a state of disunity regarding same-gender marriage. Such disunity is costly to the church's treasure, time, and more importantly, its witness to Jesus's call to loving covenant.

During such a time, we must be humbly conscious of the work of the Holy Spirit through Christian conscience. Teaching and ruling elders and their congregations have come prayerfully to recognize that some faithful same-gender couples are asking to be held to the same standards of mutual love and commitment as heterosexual couples. To deny the availability of Christian marriage for otherwise qualified same-gender couples is to reject their equal inheritance through Christ. That rejection denies our traditional belief that marriage is a gift God has given to all humankind.

Additionally, teaching elders who act in good conscience and officiate at the weddings of same-gender couples they deem ready for Christian marriage find they may be charged with the offense of violating their ordination vows for an act that the General Assembly Permanent Judicial Commission (GAPJC) has said was not clearly prohibited when those vows were taken. In the current situation, compliant teaching elders, sessions, and congregations may find themselves to be denying the common humanity that is at the very focus of church life and worship.

The GAPJC has acknowledged that existing interpretations have exacerbated disunity and has requested guidance.

The proposed authoritative interpretation ensures that while the church is in this period of discernment and disagreement over same-gender marriage, teaching elders officiating over same-gender marriages where such marriages are permitted by law can act in good conscience, and that faithful and honest dialogue can happen in a context of pastoral care rather than chilling prosecution and judicial action.

Throughout Scripture marriage is used as a metaphor for Christian unity, for God's love and covenant with us, for the union of Christ and the church. May the church act to make this metaphor ever more evident.

Presbytery of the Redwoods (with Additional Rationale)

This overture asks this General Assembly to exercise its constitutional authority to issue an authoritative interpretation of the Constitution that affirms the constitutional pastoral discretion of teaching elders to solemnize and celebrate marriages (and to extend pastoral care in marriage) without discrimination against same-gender couples and their families.

The Constitution of the Presbyterian Church (U.S.A.) grants equal authority to issue "authoritative interpretations" of the Constitution to both (1) this General Assembly sitting as a legislative body, and (2) the Permanent Judicial Commission of the General Assembly (the GAPJC). The GAPJC can authoritatively interpret the Constitution in the context of a case that comes before it. This biennial General Assembly similarly has the equal constitutional authority to authoritatively interpret the Constitution through its overture process. This authority includes the authority to withdraw previous authoritative interpretations issued by either previous General Assemblies or prior GAPJC decisions.

In a series of judicial decisions in disciplinary cases, the GAPJC has created restrictions on the pastoral discretion of pastors to participate in the marriages of same-gender couples, as those marriages are now legally recognized and celebrated in thirteen states. See *Spahr v. Presbyterian Church (U.S.A.)*, Case no. 220-08 (February 20, 2012). As explained at length in the dissents in those judicial decisions, those restrictions are not found anywhere in the plain language of the Constitution, but rather have been created and articulated through the power of "authoritative interpretation." Moreover, those judicially created restrictions have caused great harm to same-gender couples and their families, and to pastors and congregations who seek to faithfully extend pastoral care in marriage to all families without discrimination.

This overture proposes an authoritative interpretation that affirms the constitutional pastoral discretion of teaching elders to solemnize and celebrate marriages (and to extend pastoral care in marriage) without discrimination against same-gender couples and their families. By recognizing this constitutional discretion and responsibility, the authoritative interpretation clarifies that the provisions of the Directory for Worship related to marriage—by their terms—do not prohibit a teaching elder/minister of Word and Sacrament from officiating at a marriage service of a same-gender couple. The overture seeks to provide clarity in response to disciplinary proceedings that have been brought against faithful teaching elders/ ministers of Word and Sacrament who have celebrated the marriages of same-gender couples, consistent with their constitutional responsibilities of pastoral care, inclusion, and nondiscrimination, and consistent with their understanding of the Gospel. Those disciplinary proceedings have invoked W-4.9001 as a disciplinary offense, even though that section contains no mandatory or prohibitive language. The cost to the church is the prosecution—with no basis in the plain language of the Constitution—of pastors who are faithfully living into their responsibilities under the constitution and Gospel.

As a growing number of members of the GAPJC have indicated in dissenting opinions, the provisions of the Directory for Worship related to marriage are descriptive, and not prohibitive. "W-4.9001 is an introductory narrative for the whole section on marriage, outlining its biblical and theological characteristics as background to provisions of pastoral practice and nurture. Its content serves to establish a progression of four theological claims (gift, civil contract, covenant, commitment) as a foundation for the church's general understanding of marriage" (see *Southard v. Presbytery of Boston* (February 7, 2011); *Spahr v. Presbyterian Church (U.S.A.)*, Case no. 220-08 (February 20, 2012)). They have further explained that "the language in [the marriage provisions] is not obviously legislative, in the sense of providing regulatory lines that define or proscribe behavior."

Section W-4.9001 contains four descriptive statements describing marriage as a gift, a civil contract, a covenant, and a lifelong commitment. None of these descriptive statements contains or constitutes a prohibition or mandatory standard. Section W-4.9001 is neither a mandatory nor a prohibitive directive. Moreover, this section of the Directory for Worship does not mention

or address the marriage of same-gender couples. Neither does it prohibit a minister of Word and Sacrament from celebrating a legally sanctioned marriage in a service of Christian worship.

Section W-4.9001 contains none of the language that the *Book of Order* instructs must be present to set forth a mandate or a prohibition. Because this principle is so fundamental, it is captured on the first pages of the *Book of Order*: "In this *Book of Order* (1) SHALL and IS TO BE/ARE TO BE signify practice that is mandated; (2) SHOULD signifies practice that is strongly recommended; (3) IS APPROPRIATE signifies practice that is commended as suitable; (4) MAY signifies practice that is permissible but not required" (Preface to the *Book of Order* [emphasis and caps in original]). Indeed, the GAPJC not long ago affirmed that the phrase "should not" in our polity "is not prohibitive" (*Session of Second Presbyterian Church v. Eastern Oklahoma Presbytery*, Remedial Case 217-5, at p. 4.)

The Constitution of the Presbyterian Church (U.S.A.) does assign to teaching elders/ ministers of Word and Sacrament the responsibility for pastoral care, and repeatedly advocates and mandates inclusion and the full participation of all people in the life and care of the church. Prohibiting lesbian, gay, bisexual, and transgender (LGBT) women and men from celebrating their marriages in services of Christian worship cuts them off from the pastoral care of the community that is required by our faith and our Constitution. This overture asks the General Assembly to clarify that the plain language of the provisions of the Directory for Worship related to marriage (W-4.9001 and following) do not prohibit this pastoral care—and specifically, that they do not prohibit a teaching elder (also referred to as a minister of Word and Sacrament) from officiating at a marriage service of a same-gender couple, as the couple and their families seek to celebrate marriage as a gift from God honored in Christian community.

Presbytery of the Twin Cities Area

Presbytery of the Western Reserve (with additional rationale)

Same-gender couples seek to be married in the church for the same reasons as heterosexual couples—and they will continue to marry. The question is whether the Presbyterian Church (U.S.A.) will welcome them, or drive them away; celebrate and witness their mutual commitments, or leave them without the support of the faith community for the solemn covenant they are entering.

Current interpretations of the *Book of Order*, W-4.9000, give the impression that those authorized by their ordination in the Presbyterian Church (U.S.A.) to solemnize marriages are not permitted to perform that service for same-gender couples, as they routinely do for heterosexual couples. As legal marriage for same-gender couples becomes a reality in a growing number of countries, U. S. states, and other civil jurisdictions, this supposed prohibition requires more and more teaching elders and commissioned ruling elders either to discriminate against some couples, contrary to their conscience, or to risk involving themselves and their congregations in judicial process. Pastors are facing the impossible dilemma of choosing between their ordination promises to "pray for and seek to serve the people with energy, intelligence, imagination, and love" (W-4.4003h), "love your neighbors and work for the reconciliation of the world" (W-4.4003f), and "try to show the love and justice of Jesus Christ (W-4.4003i3), or the promise to "be governed by our church's polity" (W-4.4003e). The current interpretation unacceptably interferes with pastors' ability to exercise their discretion in providing pastoral care.

The Directory for Worship repeatedly stresses the importance of worship in the exercise of pastoral care: "The worship of God in the Christian community is the foundation and context for the ministry of pastoral care as well as for the ministry of nurture in the faith" (W-6.4000). See also, for example, W-6.3010, W-6.3002.

The Preface to the Directory for Worship explicitly states that "this directory also uses language about worship which is simply descriptive." There are numerous descriptions of usual practice in the directory that are not followed to the letter by pastors and congregations.

The requested authoritative interpretation (AI) does not seek to amend W-4.9000; it simply clarifies that conducting a service of worship that does not follow W-4.9000 to the letter is not an offense that should subject a minister to the threat of discipline. The requested authoritative interpretation removes a prior AI, issued by the 203rd General Assembly (1991) at a time when there was no possibility of conducting a legal marriage service for a same-gender couple, and subsequent AIs by the General Assembly Permanent Judicial Commission (GAPJC) that rely upon it.

The GAPJC has itself acknowledged that the current language of the *Book of Order* is silent as to same-gender marriage, and that it was a split decision of the GAPJC that created an offense where none previously existed:

We understand the Decision to be an authoritative interpretation of W-4.9001, to mean that officers of the PCUSA who are authorized to perform marriages shall not *hereafter* perform a same sex union ceremony in which or with respect to which such officer states, implies or represents to be a marriage or the equivalent thereof. While the Commission did not find Spahr guilty as charged herein, in part because her conduct occurred under prior authoritative interpretations, we understand that *future noncompliance with the authoritative interpretation of the Decision* will be considered to be a disciplinable offense. [emphasis added] Disciplinary Case 218-12 Concurring Opinion (*Spahr 1*, (<http://oga.pcusa.org/media/uploads/oga/pdf/pjc21812withconcurrences.pdf>))

The GAPJC reaffirmed that the supposed offense was its own creation, when it determined that Jean Southard did not commit an offense in performing a marriage for two women; if the supposed offense were inherent in the *Book of Order*, Rev. Southard would have been guilty:

This Commission concluded in *Spahr* that prior authoritative interpretations lacked mandatory language. Southard conducted this ceremony two months prior to *Spahr*. Sensitive to the authoritative interpretation in *Spahr*, this Commission agrees with the SPJC that *Spahr* cannot be applied retroactively to the facts of this case. Therefore,

Exhibit F

Southard did not violate the *Book of Order* or her ordination vows by erring in her constitutional interpretation. *She did not commit an offense because the applicable authoritative interpretation (Spahr) had not yet been promulgated.* [emphasis added] Disciplinary Case 220-02 (*Southard*, <http://oga.pcusa.org/media/uploads/oga/pdf/pjc22002.pdf>)

If the GAPJC has the authority to create an offense by authoritative interpretation, the General Assembly—a much larger and more representative body—has the authority to correct that action (G-6.02).

Ministers whose study of Scripture, with the guidance of the Holy Spirit, has led them to affirm same-gender marriage, are following their understanding of Jesus Christ, who placed himself on the margins with people others considered unclean, unworthy, and immoral, and lifted up love and compassion. They note that the Bible reflects many patterns and forms of legal, religiously approved marital relationships. They appeal to Presbyterian principles of biblical interpretation, including reading in context, the use of knowledge and experience, the centrality of Jesus Christ, interpretation of Scripture by Scripture, the rule of love, and the rule of faith (*Presbyterian Understanding and Use of Holy Scripture*, http://www.pcusa.org/media/uploads/_resolutions/scripture-use.pdf). They believe that turning away same-gender couples harms gay and lesbian persons and their families, creates injustice, hinders evangelism, and violates their understanding of the Gospel of Jesus Christ.

These ministers are seeking the freedom of conscience to act on their convictions that is safeguarded in our Historic Principles of Church Order, and the mutual forbearance required for maintaining the unity of the body (F-3.01).

The same principles protect those whose study of Scripture leads them to a different conclusion. No minister can ever be required to participate in a marriage service against his or her conscience.

The 220th General Assembly (2012) acknowledges that faithful Presbyterians earnestly seeking to follow Jesus Christ hold different views about what the Scriptures teach concerning the morality of committed, same-gender relationships. Therefore, while holding persons in ordered ministry to high standards of covenant fidelity in the exercise of their sexuality, as in all aspects of life, we acknowledge that the Presbyterian Church (U.S.A.) does not have one interpretation of Scripture in this matter. We commit ourselves to continue respectful dialogue with those who hold differing convictions, to welcome one another for God's glory, and not to vilify those whose convictions we believe to be in error. We call on all Presbyterians to join us in this commitment. (action of the 220th General Assembly (2012), [http://www.pc-biz.org/MeetingPapers/\(S\(zucvhg5dsx1dkgphysjzeok0\)\)/IOBView.aspx?m=ro&id=4063](http://www.pc-biz.org/MeetingPapers/(S(zucvhg5dsx1dkgphysjzeok0))/IOBView.aspx?m=ro&id=4063))

The requested authoritative interpretation follows the reasoning of the members of the GAPJC who dissented in the *Spahr 2* decision (Disciplinary Case 220-08, February 2012, <http://oga.pcusa.org/media/uploads/oga/pdf/pjc22008.pdf>)

We respectfully dissent from this Decision [that declared that Janie Spahr had violated the *Book of Order* by conducting services that were and are legal marriages].

The majority judges this case primarily in relation to the decisions in *Spahr* (2008) and *Southard* (2011) in a conviction that, behind its judicial interpretation, there is in the Constitution an explicit basis against officiating in a same-sex marriage. In fact, this conviction rests upon an assumption rather than explicit constitutional rule. It is grounded principally upon one section, even one sentence, in the Directory of Worship, that is claimed to have clear and obvious legal status. The Commission assumes here and in earlier cases that W-4.9001 presents a legal basis for denying the permissibility and validity of same-sex marriage because it presents a "definition" of marriage as exclusively between a man and a woman. This assumption is flawed. This provision in the Directory of Worship cannot serve effectively as a judicial criterion.

There are several reasons why W-4.9001 is incapable of bearing the legal significance and weight that the Commission has placed upon it. First, this paragraph emerged decades ago, in a very different time and context. In its language and descriptions, it reflects conventions of a time when same-sex unions presented little, if any, cultural concern or attention... Secondly, W-4.9001 is an introductory narrative for a distinctive, introductory section on marriage, outlining its biblical and theological characteristics as background to provisions of pastoral practice and nurture... To claim that this paragraph is primarily and intentionally legal in nature forces an artificial warp upon its evident narrative purpose. As a fourfold theological outline of Christian marriage in narrative form, in no way is it clear or obvious that it proposes regulatory imperative or legal intention. Certainly, it does not have the kind of language or format that the church has come to expect in definitive juridical statements, the kind of "shall" language that is common to our order in providing regulatory lines for boundaries of action or proscribed behavior.

This is all to say that, in cases such as this one, a determination of offense requires clear demonstration of a violation against Scripture or the Constitution, in which the terms of a mandate are unambiguous and expressly stated. In this case and in the other recent cases, it is strikingly significant to note the absence of arguments upon perceived biblical warrants or directly applicable mandates in our Constitution and the presence of mere definitional bases.

In this case and the other recent decisions, our principal concern is that this Commission has forged a standard upon an extremely fragile provision, employing a strained interpretation that does not provide the necessary legal foundation for resolution of our dilemma or foster pastoral guidance in the life of the church. By relying so heavily on W-4.9001, the Commission has ruled upon convention rather than law. The definitive clarity that the church deserves and expects in this continuing and vexatious dispute awaits deeper foundational judgment as well as more precise legislation.

Additional Resources

Language - Korean

[Ovt 024.pdf](#)

Language - Spanish

[Moción 024.pdf](#)



MINUTES

217th GENERAL ASSEMBLY

**2006
PART I
JOURNAL**

**Published by the Office of the General Assembly
100 Witherspoon Street
Louisville, KY 40202-1396**

14 ASSEMBLY COMMITTEE ON REVIEW OF GENERAL ASSEMBLY PERMANENT COMMITTEES

At General Assembly

G-13.0112e. At least three members of the Advisory Committee on the Constitution, appointed by the moderator of the committee, shall be present at the session of the General Assembly. All items introduced as new business that touch upon constitutional matters, including requesting rulings by the Moderator on questions of order involving constitutional matters, shall be referred in writing to these persons. They shall act as the full committee and shall consider each matter referred to them and make recommendations directly to the General Assembly through the Moderator.

G-18.0300 3. Book of Order

G-18.0301 *Amendments to the Book of Order*

Amendments to the *Book of Order* may be made only in the following manner:

G-18.0301a. All proposals requesting amendment of the *Book of Order* shall be communicated in writing to the Stated Clerk of the General Assembly no later than 120 days prior to the convening of the next session of the General Assembly.

G-18.0301b. The Stated Clerk shall refer all such proposed amendments to the Advisory Committee on the Constitution (G-13.0112), which shall examine the proposed amendment for clarity and consistency of language and for compatibility with other provisions of the *Constitution of the Presbyterian Church (U.S.A.)*. The advisory committee shall report its findings to the General Assembly along with its recommendations, which may include an amended version of any proposed constitutional changes as well as advice to accept or decline the proposals referred to the committee. The General Assembly shall not consider any amendment until it has considered the report and any recommendations from the Advisory Committee on the Constitution.

Appendix #2



MANUAL OF PROCEDURES
FOR
THE ADVISORY COMMITTEE
ON THE CONSTITUTION
OF
THE GENERAL ASSEMBLY
OF THE
PRESBYTERIAN CHURCH (U.S.A.)

THIS MANUAL HAS BEEN PREPARED FOR USE BY MEMBERS OF THE ADVISORY COMMITTEE ON THE CONSTITUTION OF THE GENERAL ASSEMBLY AND THOSE PERSONS OF THE OFFICE OF THE STATED CLERK OF THE GENERAL ASSEMBLY ASSIGNED AS STAFF LIAISON TO THE COMMITTEE IN THE CARRYING ON OF THE WORK OF THE PRESBYTERIAN CHURCH (U.S.A.).

ANY USE OF THIS MANUAL FOR PURPOSES OTHER THAN AS STATED ABOVE WITHOUT PRIOR PERMISSION FROM THE OFFICE OF THE STATED CLERK OF THE GENERAL ASSEMBLY IS PROHIBITED.

UPDATED: 1/4/06

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2004–2006

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14 ASSEMBLY COMMITTEE ON REVIEW OF GENERAL ASSEMBLY PERMANENT COMMITTEES

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Revised: February 7, 2006

COMMITTEE RULES

I. MEETING

The Committee shall ordinarily meet once a year at a date to be established by the moderator, vice moderator, secretary and the Office of the Stated Clerk following the 120 day deadline for the submission of Overtures to amend, or request to interpret, the Constitution. The Committee shall also meet in time to submit its report and recommendations no later than sixty days prior to the convening of the next session of the General Assembly.

Additional meetings may be scheduled when the works require it at a time to be established by the moderator, vice moderator, secretary and the Office of the Stated Clerk.

The scheduling of meetings shall be done in such a manner as to insure maximum participation by the members of the Committee.

The quorum for a meeting of the Committee is a majority of the voting members.

II. OFFICERS

A. Officers of the Committee shall be the moderator, vice moderator, and the secretary. They shall be elected for one-year terms to take effect upon the adjournment of the next General Assembly. They shall be eligible for re-election for as many terms as may be consistent with their membership on the Committee.

III. RESPONSIBILITIES

A. The Moderator

1. The moderator shall preside at all meetings of the Committee. If the moderator is incapacitated or absent, the vice moderator will carry out his or her responsibilities or the Committee may elect a Moderator Pro Tem.

14 ASSEMBLY COMMITTEE ON REVIEW OF GENERAL ASSEMBLY PERMANENT COMMITTEES

2. The moderator, vice moderator, secretary, and liaison staff person from the Office of the Stated Clerk shall determine prior to each of the Committee meetings the work which will be considered by the Committee and make assignments for preliminary study and recommendations by other members.
 3. The moderator shall be responsible for the agenda of each meeting, while advance arrangements for the meeting include the sending of papers and assignments to the Committee members shall be the responsibility of the Office of the General Assembly.
 4. The moderator, secretary and liaison staff person from the Office of the Stated Clerk shall prepare the report of the Committee to the General Assembly.
 5. The moderator, or a member designated by him or her, shall be available to represent the Committee at any orientation of the General Assembly Leaders and of General Assembly Commissioners upon invitation from the Committee and the Office of the General Assembly and the Office of the Stated Clerk.
 6. The Moderator shall be responsible for presenting the report of the Committee to the General Assembly. The moderator may request any member of the committee to speak on a particular item of business.
- B. The Vice Moderator
1. In the absence of the moderator, or his or her incapacitation, shall call to order the meetings of the Committee and preside until the arrival of the moderator.
 2. In the event of the death, incapacitation or resignation of the moderator, shall become the acting moderator.
- C. The Secretary
1. Shall be responsible for recording the proceedings of the Committee.
 2. Shall, in cooperation with the moderator and liaison staffperson perform the duties outlined in Section III A-2-4.
 3. Shall be responsible for maintaining this Manual.
 4. Shall assist the moderator in the conduct of meetings so as to insure the completion in a timely manner of all the work of the Committee.
- D. Liaison Staff persons
1. Shall receive and assemble for transmission to the Committee all papers requiring review and comment from the Committee.
 2. Shall make logistical arrangements for any and all Meetings of the Committee.
 3. Shall assist the moderator and secretary in the preparation for and conduct of all meetings of the Committee.
 4. Shall serve as archivist for the Committee.
 5. Shall serve as the corresponding secretary of the Committee in matters referred to the Committee by governing bodies of the Church.
 6. Shall in cooperation with the secretary develop forms and procedures to facilitate the work of the Committee.
 7. Shall perform such other services for the Committee as may be assigned by the Office of the Stated Clerk or at the request of the Committee.
- E. Procedures for Handling Requests for Interpretation
1. The Office of the General Assembly receives a request for an authoritative interpretation.
 2. The Office of Constitutional Services makes an initial judgment as to whether the request “requires an interpretation” by the General Assembly.
 - a. If Constitutional Services believes that the provision is adequately interpreted by other provisions of the Constitution or past authoritative interpretations, it will respond to the request, with a copy to the Moderator, Vice Moderator and Secretary of the Advisory Committee on the Constitution.
 - (1) If the Moderator, Vice Moderator and Secretary agree that the request needs no further response, they will recommend to ACC that the reply of Constitutional Services be affirmed. When ACC agrees, this is an ACC determination that the provision does not “require interpretation.” The requesting entity is informed of this action and the request does not appear in the record of the General Assembly. If ACC does not agree, the request will be assigned to a writing team.
 - (2) If the Moderator, Vice Moderator, and Secretary do not agree with the judgment of Constitutional Services or its response, the request will be assigned to a writing team for the development of a recommended response for the General Assembly’s consideration.
 - b. If Constitutional Services believes that the request requires an ACC response, the Moderator and Secretary will assign it to a writing team for the development of a recommended response for the General Assembly’s consideration.
 3. Once ACC approves a recommended response, it is included in its report to the General Assembly. Upon action by the General Assembly the provision will have been authoritatively interpreted.

F. The Roll of the ACC Between General Assemblies

The question of the role of the Advisory Committee on the Constitution between meetings of the General Assembly has been prompted by the move to biennial Assembly meetings. Some have suggested that the ACC should be able to give opinions of Constitutional Interpretation with some sort of “preliminary” or “limited” standing between meetings.

The role of the ACC has been, as its name implies, to advise the General Assembly. It is only the General Assembly which interprets the Constitution, apart from judicial process. The ACC makes no pronouncements of its own, but submits to the General Assembly its recommendations regarding various matters which have been referred to it. (G-13.0112)

For the ACC to release opinions which would potentially guide the work of governing bodies and various entities of the church between General Assembly meetings would be to assume an entirely new role, with an authority which has never been granted. It creates the possibility of establishing an adversarial relationship with the General Assembly it is to advise. It could also lead those requesting the provisional opinion in a direction contrary to a subsequent adopted opinion of the General Assembly. In either event, such preliminary opinions might create confusion or harm.

The ACC believes that it should continue to write and submit its advice to the General Assembly, without interim, provisional opinions.

This is not to say that the ACC would have no work in the “off” years. Any requests that have been received could be addressed and prepared for the next General Assembly. In the year between Assemblies, a fall meeting could be a time to orient and train new members. It also would be an excellent time for the ACC to be proactive on a number of issues and concerns. ACC members might be assigned topics central to its work in such areas as:

- Trend papers
- Study and reflection papers
- Research
- Other

GENERAL RULES FOR MEMBERS

1. All members are expected to be in attendance throughout each and every meeting of the Committee.
2. All members of the Committee shall be in attendance at the session of the General Assembly.
3. To insure their availability for the work of the Committee at the General Assembly meeting, members of the Committee should be free of any other responsibilities at the General Assembly.
4. At the General Assembly the members of the Committee will be expected to serve as resource persons to Assembly committees and especially those committees to which recommendations from the Advisory Committee have been assigned by the Assembly Committee on Bills and Overtures.
5. **Members of the Committee are not authorized to speak for the Committee and thus are expected to show restraint in responding to any request for constitutional interpretation.**
6. The actions of the Committee have no authority until acted upon by the General Assembly. It is therefore improper for any Committee member to disseminate any actions taken by the Committee before they have been made public by the Office of the General Assembly.
7. In preparing responses to communications to the Committee, those members assigned responsibility for review and recommendations should use the document identification number assigned to that document.
8. When directed by the General Assembly or when requested by an agency or committee of the General Assembly, the Committee may consult with said agencies or committees on constitutional matters. The only authoritative interpretations of the Constitution are those recommended by the Committee as a whole and approved by the General Assembly.

GLOSSARY AND ABBREVIATIONS OF TERMS

Overture (O) A formal action by a presbytery, synod, or agency of the General Assembly seeking an amendment to the Constitution. (See G-18.0300 for requirements.) There is no required style. The signature of the stated clerk of the presbytery or synod certifying the action of the governing body makes a communication an overture from one governing body to another. The numbering of overtures shall be done by the Office of the Stated Clerk of the General Assembly.

Request (R) Any request for an authoritative interpretation of the Constitution submitted to the Stated Clerk by a governing body or an individual. Those requiring an interpretation are submitted to ACC.

Reports (RGA) Material submitted to the General Assembly by its entities or Special Committees.

Referral (REF) An action referred to the Advisory Committee on the Constitution by the General Assembly for report to a subsequent General Assembly.

Commissioners’ Resolution (CR) A written resolution introduced by any two commissioners to the General Assembly in accordance with the Manual of the General Assembly.

NUMBERING OF PAPERS

Each of the above referenced papers shall carry an ACC Document Identification Number for easy reference by Committee members. The Office of General Assembly staff shall maintain a summary chart of all business before the ACC.

RESEARCH TOOLS FOR THE ACC

Computer Resources

Annotated Book of Order

The Book of Confessions

PCUS Digest (includes the PCUS *Book of Church Order*)

Stated Clerk's Handbook

Printed—Retain old issues

Book of Order

The Book of Confessions

Minutes of the General Assembly

Annotated Book of Order

Internet Resources

PC(USA) website: www.pcusa.org.

OGA website: www.pcusa.org/oga

Info bases of previous General Assemblies: www.pcusa.org/oga/ga

Proposed amendments to the *Constitution*: www.pcusa.org/oga/amendments

Searchable documents: index.pcusa.org

Polity Notes:

Advisory Opinions: www.pcusa.org/oga/advisory-opinion.htm

Constitutional Musings: www.pcusa.org/oga/musings.htm

Documents of Other Denominations (if you have internet access)

Methodist *Book of Discipline*

U.C.C.

Church of Scotland

Revised: 1/3/06

Action Statements

1. That the overture (or recommendation, or commissioners' resolution, or response, or narrative) be approved.

No other wording is necessary.

2. That the overture (or recommendation, or commissioners' resolution, or response or narrative) be disapproved.

Again, no other wording is necessary.

3. That the overture (or recommendation, or commissioners' resolution, or response or narrative) be approved with comment:

Comment: The 216th General Assembly (2004) thanks the Presbytery of the Twin Cities Area for their concerns and urges them to continue their advocacy with governmental officials and educational efforts related to this matter.

4. That the overture (or recommendation, or commissioners' resolution, or response or narrative) be disapproved with comment:

Comment: We commend the Presbytery of Alaska for bringing this situation to the attention of the General Assembly.

If the committee primarily takes action as listed above, your work is a piece of cake. However, not everyone will be so lucky, so you need to become familiar with the following additional possible actions:

5. That the overture (or recommendation, or commissioners' resolution, or response) be approved with amendment.

Amendment: Shall the "*Resolved*" section be amended as follows: [Text to be deleted is shown with a strike-through; text to be added or inserted is shown with an underline.]

*"Resolved, That the Presbytery of Hanmi overture the 216th General Assembly (2004) to translate into Korean the *Book of Common Worship*, which was printed in English in 1993, and publish as funds become available."*

14 ASSEMBLY COMMITTEE ON REVIEW OF GENERAL ASSEMBLY PERMANENT COMMITTEES

6. In response to this overture (or recommendation or commissioners' resolution), that the 216th General Assembly (2004) approve the following resolution:

Shall G-11.00404c be amended as follows: [Text to be deleted is shown with a strike-through; text to be added or inserted is shown with an underline.]

“c. A minister of the Word and Sacrament of another denomination in correspondence with the General Assembly, whose ecclesiastical relations have been certified by that denomination, who is serving a Presbyterian congregation in a temporary, noninstalled pastoral relationship (G-14.0513) other than organizing pastor, who has become a minister of a congregation or larger parish composed of denomination units. . . .” [The rest of the section remains the same.]

[Here the assembly committee wants to do away completely with the original recommendation and replace it with a completely new recommendation.]

7. That the overture (or recommendation, or commissioners' resolution, or response) be referred to _____.

[Here you just need to fill in the blank. FYI: If the assembly committee recommends that something be referred to any of the entities of the General Assembly Council, the phrase should read as follows:

That the overture be referred to the General Assembly Council, for consideration by the National Ministries Division (or whichever division the assembly committee prefers).]

8. That the overture (or recommendation, or commissioners' resolution, or response) be referred to with comment:

[Fill in the blank and add the comment. This is basically the same as the above action statement, but it is for a general comment.]

9. That the overture (or recommendation, or commissioners' resolution, or response) be answered by action taken on Item III.A. (place roman numeral and alphanumeric identifier of the item that answers this item) of this report, (paragraph/overture/ commissioners' resolution/communication number—RGA identifier).

[Note that the action that answers this item is listed by the assembly committee alphanumeric identifier and by the RGA identifier.]

10. This overture became moot as a result of the affirmative vote by presbyteries on amending G-6.0106.

[This action statement is used in the rare case of an overture that recommends an amendment to the *Constitution* that depends on presbytery action on a proposed amendment.]

FORMAT OF REPORTS TO THE GENERAL ASSEMBLY

I. INTRODUCTION

This style guide highlights the general instructions for writing a report to the General Assembly. Should you have need of further assistance, contact Terri Stephenson, Office of the General Assembly, Room 4425, Extension 5470. If outside writers have been hired to write your report, give them a copy of this style guide. Extra copies can be obtained either in electronic format or as hard copy from Terri Stephenson.

II. DEADLINES

b. All reports from entities, commissions, and committees of the General Assembly shall be delivered to the Stated Clerk on or before 120 days prior to the convening of the General Assembly. The Stated Clerk shall publish these reports (print or electronic) and distribute them so that they shall reach the commissioners thirty days before the convening of the General Assembly.

All reports shall be limited to ten thousand words except the report of the General Assembly Council, the length of which shall be determined by the Stated Clerk and the Executive Director of the General Assembly Council. A request for an exception to the length of a report shall be submitted to the Stated Clerk no later than forty-five days prior to the deadline for the submission of the report and shall include the anticipated length of the report. The Stated Clerk may assess a fee of the entity or committee whose report exceeds ten thousand words for the costs incurred in printing and distributing the excess pages. Payment of the fee shall be submitted to the treasurer of the Presbyterian Church (U.S.A.), A Corporation. If the Stated Clerk and the representatives of any body are unable to agree, the Committee on the Office of the General Assembly shall determine the length of the report. . . . [emphasis added] (Standing Rule B.5.b.)

**45-Day Deadline for Requesting Exemption for Report Length:
December 30, 2005**

120-day Deadline: February 15, 2006

90-day Deadline: March 17, 2006

60-day Deadline: April 17, 2006

45-day Deadline: May 1, 2006

30-day Deadline: May 16, 2006

217th General Assembly (2006): June 15–22, 2006 (Birmingham, Alabama)

III. PRINCIPLES OF REPORT WRITING

For a number of years, commissioners have reacted negatively to the sheer volume of business that they are asked to act upon responsibly. While this is a topic that will continue to be considered by the Committee on the Office of the General Assembly, we also recognize that commissioners have asked us to create a package of business for consideration at the assembly meeting that is manageable and concise. The Office of the General Assembly has, therefore, refined the structure for the Reports to the General Assembly. It is built on the following principles:

- ▶ Brevity in a report can often be quite effective, especially since long reports often go unread. State the recommendation or resolution, and then write one or two important points to support the approval of the recommendation/resolution.
- ▶ Information in reports should be organized in a manner that makes it possible to quickly find materials.
- ▶ Information should not only be conveyed in the written narratives, but through the use of charts, format, and graphic elements.
- ▶ Recommendations should clearly reveal the action that the assembly is being asked to take. Choose action words that spell out exactly what you want done and who is to accomplish the action.
- ▶ Recommendations should be followed by a brief statement that outlines the rationale for the request(s) made in the recommendation.
- ▶ Other materials (i.e., narrative and information on the activities of the agency during the last year) should be available for readers, but shall not be included in the rationale or recommendations upon which the assembly is asked to take action.

IV. BREAKDOWN OF THE REPORT

A. *Recommendations*

This section is for recommendations brought to the assembly by your agency. Put each recommendation (or set of recommendations) into its own file. The recommendation can be followed by a brief rationale. Included in this section are referrals containing recommendations and reports that include recommendations. In all instances, the recommendations are to appear at the beginning, with the rationale and/or report following the recommendation. If the recommendation is from a referral, the referral title must appear as the first paragraph in the rationale text, as follows:

This recommendation is [or These recommendations are] in response to the following referral: *1999 Referral: 25.037. Response to Recommendation Directing ACSWP to Develop Resolution Addressing Need for Advocacy on Behalf of Uninsured Persons, Especially with Low Incomes, with Necessary Funding, for Presentation to the 213th General Assembly (2001)—From the Advisory Committee on Social Witness Policy (Minutes, 1999, Part I, pp. 41, 308).*

If there is more than one referral, set up the referral title in the rationale as follows:

These recommendations are [or This recommendation is] a final response to the following referrals:

2001Referral: 25.218-.221. E. Resolution on the International Year of Mobilization Against Racism, Racial Discrimination, Xenophobia and Related Intolerance (2001) and the World Conference on Global Racism (2001), Recommendation 1. That the 213th General Assembly (2001) Commend the United Nations for Seeking the Eradication of Racism, Racial Discrimination, Xenophobia, and Related Intolerance Through the Convening of the Conference on Global Racism and the Sponsorship of the International Year of Mobilization in its Commitment to Assure the Realization of Human Rights and Dignity for All People—From the Advisory Committee on Social Witness Policy (Minutes, 2001, Part I, pp. 55, 285).

2001Referral: 25.223. E. Resolution on the International Year of Mobilization Against Racism, Racial Discrimination, Xenophobia and Related Intolerance (2001) and the World Conference on Global Racism (2001), Recommendation 3. That the 213th General Assembly (2001) Call Upon the United States to Give Its Full Support to the World Conference on Racism and the Ongoing Efforts of the United Nations to Address Past and Present Racial and Ethnic Injustices and to Establish Methodologies for Resolving Present and Preventing Future Trouble and Dismantling Racism—From the Advisory Committee on Social Witness Policy (Minutes, 2001, Part I, pp. 55, 285).

All recommendations are to be in boldface type. Recommendations should be worded with specific, concise directives so that the General Assembly can make a clear, informed decision, and so that financial implications, if any, can be accurately assigned. If there are financial implications, these must be reported to the General Assembly. Avoid words such as commend, urge, affirm, reaffirm. Choose action words that spell out exactly what you want done and who you want to do it.

Recommendations from agencies are formed in the following manner:

“A. The [agency] recommends that the 217th General Assembly (2006) _____.”

If more than one recommendation is required for a specific topic, the construction should be as follows:

“A. The [agency] recommends that the 217th General Assembly (2006)

- 1. direct . . . ;**
- 2. authorize”**

Rationale

A rationale is a brief statement that provides insight into the reason(s) for this recommendation. The background information will be appended to the recommendation to which it refers. If the recommendation is the result of a referral, the referral citation should be the first paragraph in this section to give the reader background as to the origins of the recommendation. Note: The material included in the rationale is for information only and is not part of the action, nor does it become the policy of the Presbyterian Church (U.S.A.).

Some issues of importance regarding recommendations:

1. Other related papers that an agency seeks to make available to an assembly committee is coordinated through the committee's resource coordinator and requires the approval of the committee's moderator or leadership team. Such material shall be reproduced by the agency in sufficient number for distribution to the assembly committee. The Office of the General Assembly will not reproduce this material.
2. Do not include a recommendation that calls for the approval of reports or minutes.
3. No recommendation(s) should be buried in narratives.
4. Any letter that the Stated Clerk is requested to send must be submitted at the time the General Assembly acts. The letter must include the names and addresses of the persons to whom the letter is to be sent. The Office of the General Assembly urges you to submit this letter with your report.
5. The Office of the General Assembly will not print appendixes to reports in the *Minutes of the General Assembly* unless specifically directed by the General Assembly.
6. Study guides will not be presented to the General Assembly, nor will they be printed in the *Minutes*. When recommendations requesting the use of study guides are made, drafts must be available for presentation to the assembly committee that will review the report.
7. All recommendations to amend the *Book of Order* must be postmarked no later than midnight, February 15, 2006, and sent to the Advisory Committee on the Constitution. These recommendations must be submitted separately to the Advisory Committee on the Constitution, c/o staff of the Stated Clerk.
8. All recommendations to amend the Standing Rules of the *Manual of the General Assembly*, if they are to be reported in the Report of the Committee on the Office of the General Assembly, must be received by the General Assembly Committee on the Office of the General Assembly on or before February 15, 2006. These recommendations must be submitted separately to Kerry Clements in the Office of the General Assembly.
9. If there is a rationale to be attached to a recommendation, or to a set of recommendations, that will contain more than 1,500 words, the Office of the General Assembly asks that the agency submitting the report write a summary of the rationale. The summary will be appended to the recommendation. The summary is to be no more than 800 to 1,000 words. If the agency wishes, the actual report will be put on the PC(USA) website. This will be a voluntary action again this year.

B. *Agency Summary*

Most agency summaries will be published in one annual report. The format will be determined by the associate director of communications and Davis Perkins, president and publisher of Presbyterian Publishing Corporation. This should be saved in a file by itself.

C. *Referrals in Progress*

These are referrals from previous General Assemblies that were sent to your agency. This section is divided into two parts. Each part should be saved under its own file name.

1. *List of Referrals in Progress*

If the referral is in progress and not yet complete, it will be included in a chart that will be considered by the plenary of the assembly. (Special accommodation is made for referrals that, by act of the assembly, require an annual written report. See below.) The chart will contain only the referral title, the entity responsible for the response, and the anticipated year of final response. This section will go directly to the plenary floor. Do not make any response to a referral in progress unless instructed to report annually.

2. *Referrals in Progress, Progress Report Mandated by Assembly*

Informational reports only. There are to be no recommendations in this section. This section will go directly to the plenary floor.

D. *Final Responses to Referrals*

This section is for final responses to referrals that do not include recommendations. This section will also go directly to the plenary floor and should be in a separate file. The response may contain a brief summary to the assembly outlining what occurred as a result of the referral of that item of business.

14 ASSEMBLY COMMITTEE ON REVIEW OF GENERAL ASSEMBLY PERMANENT COMMITTEES

Note: If there is a final response to referral that contains recommendations, list only the title and a listing of where the final response (with recommendations) can be found.

E. Reports

The Reports section contains only reports without recommendations. As in the past, these reports will go to the assembly as information. Each report should be saved to a separate file name.

V. COMMUNICATIONS

Communications may be directed to the General Assembly by agencies of the General Assembly that desire to comment on a single item of business coming before the General Assembly from any source, but which do not introduce new business, and by organizations that have no regular access to the General Assembly through established procedures. Comments by one agency regarding another agency's report or regarding an overture should come as a communication. The communication will be referred to the assembly committee that is reviewing the report.

Please Note: Communications cannot contain recommendations for action. (See Standing Rule B.5.d.)

Comments, including Advice and Counsel Memoranda, regarding material printed in the Reports to the General Assembly must be received by the 45-day deadline. However, agencies can prepare comments (Advice and Counsel Memoranda) on new business (e.g. commissioners' resolutions) received by the assembly after the 45-day deadline.

Resource material (except for previously published books or interpretive brochures), including advice and counsel memoranda from advocacy and advisory committees . . . , shall be prepared as necessary by entities of the General Assembly and shall not exceed 1,000 words on each item of business referred. This material shall be submitted to the Stated Clerk, postmarked no later than forty-five days before the convening of the assembly meeting, who shall then publish and distribute the material to all commissioners prior to the assembly.

Resource material . . . , including advice and counsel memoranda, that provides background or advice on items of new business, including commissioners' resolutions, shall be prepared as necessary by entities of the General Assembly and shall not exceed 1,000 words on each item of business referred. This material shall be submitted to the assembly committee leadership team prior to presentation to the assembly committee to which the business has been referred (see Standing Rule C.4.c.). A hard copy of this resource material, accompanied by a disk copy, shall be submitted to the Stated Clerk. The Assembly Committee on Bills and Overtures shall consider any request that is made to distribute this resource material to the full assembly in accordance with Standing Rule C.6.d. (Standing Rule B.5.d.).

Note: The forty-five day deadline is May 1, 2006.

VI. COPYRIGHT

Permission must be obtained in writing if there are any quotations from sermons, poems, songs, or short works, or if there are large sections of a work being quoted. The author is responsible for securing this permission. Brief quotations from periodicals, books, or other copyrighted material do not need permission, but should be accurately referenced using the exact source of such material. When in doubt, seek permission from the holder of the copyright. A copy of quoted material and title page of publication (if title is not printed on the original page of quote) must be provided to the Office of the General Assembly at the time of submission of the report.

VII. REPORT FORM

Documents must be in Word.

Set up each Recommendation and each Report Without Recommendations in a separate file. Submit a separate file for Final Responses to Referrals (1 file), Referrals in Progress (1 file), Agency Summary (1 file). All of these files can be submitted on one disk, if space permits. The only agencies from which the OGA will directly receive an agency summary will be ACC, ACL, ACSWP, ACWC, ACREC, GACER, GACOR, and GANC. The rest of the agencies will send a report to the associate director of communications, Office of Communications, for inclusion in the Annual Report.

Set margins as follows: Top-.75; Bottom-.75; Left-.75; Right-.75. Do not use headers/footers. Set default tabs at .25.

Type—Times New Roman, 11 point. Recommendations are bold; everything else is lightface.

Block quotes are 9 point, indent left .25.

VIII. FINANCIAL INFORMATION

Reports after the 207th General Assembly (1995) should provide "per capita impact . . . to assist commissioners' decisions in committee and in plenary sessions" (*Minutes*, 1995, Part I, p. 96).

A copy of the "Financial Implications Cover Sheet for Reports to the General Assembly" must be submitted with each Report to the General Assembly, even if the report does not contain financial implications.

14 ASSEMBLY COMMITTEE ON REVIEW OF GENERAL ASSEMBLY PERMANENT COMMITTEES

. . . An entity, commission, or committee submitting a report with a recommendation that affects the work or budget of another entity(ies) shall submit evidence that a consultation has been held with the affected entity(ies).

Committees, agencies, or corporations presenting reports shall provide the appropriate background information necessary to interpret or understand the recommendations or responses to referrals to the members of the General Assembly committees to which the business is referred. Any and all documents or publications referred to in these reports which require approval by the assembly for publication and distribution to the church, including but not limited to curriculum, study papers/guides, position papers, and program resources, shall be made available to commissioners at the time the reports are published. (Standing Rule B.5.b.)



MINUTES

217th GENERAL ASSEMBLY

**2006
PART I
JOURNAL**

**Published by the Office of the General Assembly
100 Witherspoon Street
Louisville, KY 40202-1396**

Exhibit H

14 ASSEMBLY COMMITTEE ON REVIEW OF GENERAL ASSEMBLY PERMANENT COMMITTEES

1. The Assembly Committee on Review of Permanent General Assembly Committees commends the ACL for their effective use of resources and economical use of current technology.
2. We commend the ACL for the excellent records they maintain for the benefit of the church's mission.
3. We commend ACL members for the high quality of their expertise.
4. We further commend their graciously donated time, commitment, and service, for which the church is grateful.

Appendix A

From the ACL website, www.pcusa.org/acl

Standing Rule G.2.e provides that the Stated Clerk of the General Assembly may retain legal counsel and institute or participate in legal proceedings in civil and criminal courts in support of decisions, actions and programs of the General Assembly.

One vehicle available to carry out that responsibility is the filing of *amicus curiae* briefs.

Amicus curii is a Latin term for a party that is not one of the active litigants in the case, but who speaks to the court as a friend. It also means to bring to the court's attention policy matters and issues which should be considered by the court before rendering its decision.

The process that leads to the filing of an *amicus* brief may begin internally when a presbytery or an entity of the church raises a concern involving religious liberty or personal and social issues, or externally when another denomination or organization asks the Stated Clerk to consider the issues in a case. Where the brief involves state or local issues, the presbytery involved is ordinarily notified and asked to comment.

The Advisory Committee on Litigation advises the Stated Clerk on matters of litigation for which the Stated Clerk is responsible. The committee evaluates the denomination's participation in *amicus* briefs on the basis of 15 criteria to guide them in determining whether a particular brief is of interest to the denomination.

When filing an *amicus* brief, the Stated Clerk speaks on behalf of previous assemblies and applies to the issues in a case the statements made by the Assembly. As an officer of the Assembly, the Clerk does not speak as an individual or for the whole Presbyterian Church (U.S.A.), but for the Assembly.

Item 14-ACC R

[The assembly approved Item 14-ACC R. See p. 17.]

Report on the Review of the Advisory Committee on the Constitution

That the following recommendations and report are approved.

1. **Our committee suggests that the ACC implement the changes in accountability and communication identified in their self-study as appropriate.**
2. **Our committee recommends that the committee which is eventually appointed to review biennial General Assemblies include as part of its deliberations the effects of biennial assemblies on the workload of the ACC. (See Endnote #1.)**
3. **Our committee recommends that the ACC meet following each General Assembly, in the same calendar year. The purpose of this meeting is to orient new members, provide an opportunity to reflect on the actions of the past General Assembly, and increase the collegiality of the ACC. (See Endnote #2.)**
4. **Our committee recommends that if the ACC offers advice which differs from former ACC advice, it identify this change and, if practical and possible, give reasons for this change. It is our committee's intention that this identification and reasoning be very brief in nature. Our committee makes this recommendation to protect the integrity of the ACC and in the hope that this will foster trust between the ACC and the church at-large.**

[Financial Implications: Assembly action: (2006): \$8,565; (2008): \$8,565 (Per Capita Budget-OGA)]

**Report on Review of the
Advisory Committee on the Constitution**

Introduction

This review was conducted according to the “Standards for Review of General Assembly Permanent, Advocacy, and Advisory Committees and Commissions” approved by the 216th General Assembly (2004) and in accordance with Standing Rule M.4.b of the *Manual of the General Assembly*.

Mission

The primary mission of the Advisory Committee on the Constitution (ACC) as stated in Standing Rule A.5.a. of the *Manual of the General Assembly* is to “... report to the General Assembly its findings along with its recommendations on all questions requiring an interpretation by the General Assembly of the *Book of Order*, including proposals for constitutional change.” The items are examined for clarity, consistency of language, and conformity with other provisions of the *Constitution*.

Membership

The ACC is composed of nine (9) voting members elected by the General Assembly, each serving a six-year term. They must be “former members of the Permanent Judicial Commission of the General Assembly, stated clerks or former stated clerks of synods or presbyteries, or other qualified persons with knowledge of and experience with the *Constitution* and polity of the church (G-13.0112a). The Stated Clerk of the General Assembly is *ex officio* and without vote.

Process

The ACC provided a self-study (February 2006) based on their work for the past two years. The Assembly Committee on Review of General Assembly Permanent Committees reviewed the self-study, examined the survey results from Presbyterian Research Services (May 2006), and interviewed a member of ACC, various persons in open hearing, and the Stated Clerk of the General Assembly. (See also Endnote 1, regarding an evaluation process conducted by Research Services.)

Findings

A. Fidelity to Mission and Partnership

1. Does the ACC, as it was created by the church, serve and support the church’s mission in a particular area? Does the ACC demonstrate a constant faithfulness to and fulfillment of its servant role in the life of the PC(USA)?

The ACC counsel to the General Assembly is expressed in a manner that is clear and understandable to the General Assembly commissioners and any audience present at the General Assembly committee meeting. Most importantly, the ACC strives to be neutral in political tone and does not advocate a position of any entity or group of the PC(USA)

2. Does the basic process of the ACC demonstrate fidelity to the mission and accountability procedures set forth in its establishing deliverance, charter, or mandate from the assembly? Does the ACC exhibit leadership in guiding the church in engagement with the work and resources in which the ACC acts?

The ACC is faithful to its mission as set forth in its mandate from the assembly. There is an obvious connection between the quality and credentials of the persons selected for service in the ACC and the nature and degree of steadfast personal dedication of the ACC’s membership.

3. Does the ACC exhibit practical cooperation with the other agencies or committees of the church in areas of overlapping responsibility and opportunity?

The work of the ACC is narrowly focused and advisory in nature and does not overlap the work of other committees or agencies of the General Assembly.

4. Does the ACC provide timely responses to directives and requests from the General Assembly?

Yes. The 120-day deadline for new business before the General Assembly prompts a timely but thorough and comprehensive response.

B. Effectiveness of Service

1. Does the ACC have a defined and consistent process for completing its work?

Yes. The “Manual of Procedures for the Advisory Committee on the Constitution of the General Assembly of the Presbyterian Church (USA)” (January 2006) is very detailed and sufficient in its guidance.

2. Does the ACC have a regular process of self-evaluation of its services?

Yes. The ACC goes through biennial self-evaluations. Accountability and communication issues are being investigated by the ACC. The structure of how the ACC performs is under continuing study, and some changes may result.

3. Does the ACC employ a strategy for effective communication with the church-at-large?

The ACC’s advice is evident in most pieces of business brought before the General Assembly and in the annotated version of the Book of Order. The communication of the advice of the ACC is the responsibility of the Office of the General Assembly.

4. Does the ACC utilize current and emerging technologies to enable it to fulfill its mission?

Yes. The recommendations of the ACC to the various General Assemblies regarding overtures, requests, and referrals continue to be read—especially in the electronic version of the Annotated Book of Order. The ACC offers a website, www.pcusa.org/acc.

5. Does the ACC have a developed vision and plan for its work in light of its historic mandate and the emerging issues before and context of the PC(USA)?

The ACC consistently evaluates constitutional matters before the General Assembly with neutrality. It takes great pains to give careful and constructive critique to proposals.

C. Commendations

The Assembly Committee on Review of General Assembly Permanent Committees offers the following statements of commendation to the ACC:

1. Our committee affirms the important work of the ACC, their dedication to the Presbyterian Church (USA), and the collaborative manner in which they conduct their business. We commend the ACC for their work performed with integrity, neutrality, and commitment.
2. Our committee commends the ACC for their process of self-study and the excellent report they submitted to our committee. We appreciate that they have conducted a thorough self-study and have intentionally sought the input and reflections of current and previous members of the ACC, the Stated Clerk and the members of his staff, and leadership teams of select assembly committees of the 215th and 216th General Assemblies (2003) and (2004) respectively.
3. Our committee supports the autonomous and independent nature of the ACC. We affirm the ACC’s freedom to offer its guidance and opinions without having the explicit power to enact its interpretations.
4. We commend the ACC for its efforts to encourage and spur Presbyterians to read and study the *Book of Order*.

Endnotes

1. Survey Results

A survey of synod and presbytery clerks, synod and presbytery executives, and General Assembly commissioners was conducted in 2006 by the General Assembly Council’s Research Services. The survey covered familiarity, leadership in support of PC(USA) mission, fidelity to the denomination, and importance to the denomination. The ACC received the highest ratings from those closest to questions of polity, i.e., stated clerks, and lowest among General Assembly commissioners. In all areas, ACC ranks very high, generally in the 90+ percent range of satisfaction.

2. Budget

14 ASSEMBLY COMMITTEE ON REVIEW OF GENERAL ASSEMBLY PERMANENT COMMITTEES

There have been budgetary overruns in both 2004 and 2005, even though every effort has been made to contain and curtail costs. Budgeting properly for the ACC is always problematic because it is impossible to anticipate what matters will arise that will require a number of ACC personnel—or the whole committee—to participate.

Year	Budget	Actual
2004	\$37,420.62	(\$1,720.62)
2005	\$12,015.43	(\$850.43)

3. Financial Implications for Recommendation #3

According to the financial implications desk of the Office of the General Assembly, the cost of this decision would be \$8,565 (\$7,965 for the meeting cost, \$600 for administration) in both years 2006 and 2008 for a total of \$17,130.

14-GACOR R

[The assembly approved Item 14-GACOR R. See p. 17]

Report on the Review of the Committee on Representation

The following recommendation and report are approved.

We recommend that the General Assembly Council, in their planning for year-long emphases, consider designating a year to celebrate diversity.

Report on Review of the General Assembly Committee on Representation

Introduction

This review was conducted according to the “Standards for Review of General Assembly Permanent, Advocacy, and Advisory Committees and Commissions” approved by the 216th General Assembly (2004) and in accordance with Standing Rule M.4.b of the *Manual of the General Assembly*.

Mandate

The General Assembly Committee on Representation (GACOR) is called in its constitutional mandate to “advise, advocate, resource, review, recommend, and consult with the General Assembly committees, councils, and divisions in order to ensure that the principles of participation and inclusiveness are implemented.” Its main function shall be to advise the governing bodies with respect to their membership and to that of their committees, boards, agencies, and other units in implementing the principles of participation and inclusiveness to ensure fair and effective representation in the decision making of the church. The committee is also charged with advising the General Assembly on the employment of personnel in conformity with the Churchwide Plan for Affirmative Action and Equal Employment Opportunity.

Membership

The GACOR is defined by *Book of Order*, G-9.0105a–c.

The GACOR’s commitment to inclusiveness is reflected in the diversity of its membership from sixteen synods of the Presbyterian Church (U.S.A.) including:

8 Senior Adults (56+)
1 Youth (25 and under)
1 Young Adult (26–35)
6 Adult (36–55)

5 African American
1 Korean
2 Asian

Rule M.2.b.).

“(2) The members of the committee shall ordinarily be attorneys, and the members shall be experienced in fields related to issues that may be the subject of legal proceedings in which the church is, or may become, interested. The committee shall be composed of six persons, elected by the General Assembly upon nomination by the General Assembly Nominating Committee. The advisory committee may invite other persons with special competency related to particular cases or situations to participate in the consideration of particular cases or issues. The members shall be evenly divided into three classes, shall serve six-year terms, and shall be eligible for election to one additional term. No member may serve more than two terms, full or partial. Members of this committee are exempted from the prohibition against service on more than one entity of the assembly set forth in Section M.3.a.(3) above.

“(3) The committee shall elect its own moderator and ordinarily shall meet at the call of the Stated Clerk. The committee may carry on its work by correspondence, telephone consultation (including conference telephone calls), or meetings

“(4) The committee shall advise the Stated Clerk regarding participation in litigation related to matters of civil and religious liberty, relations between church and state, and any other matters related to the mission and interest of the church. The Advisory Committee on Litigation shall advise the Stated Clerk regarding the establishment and maintenance of a resource file of legal documents as a means of assisting the governing bodies and agencies of the church in initiating or participating in litigation in the areas within the concerns of the committee.

“(5) The committee shall be funded through the per capita budget of the Office of the General Assembly, receive staff services as provided by the Stated Clerk, and designate a representative to the annual session of the General Assembly (see Standing Rule B.3.).

“(6) The committee shall report to each session of the General Assembly.”

F. *Advisory Committee on the Constitution Self-Study*

CHAPTER I

THE ADVISORY COMMITTEE ON THE CONSTITUTION:
ITS UNIQUE AND ESSENTIAL ROLE IN THE LIFE OF THE CHURCH

A. *A Brief History*

The Advisory Committee on the Constitution (ACC) was created with the reunion of The United Presbyterian Church in the United States of America and the Presbyterian Church in the United States in 1983. Prior to that, the predecessor denominations had relied upon the respective General Assembly stated clerks to do several of the functions now assigned to the ACC. In The United Presbyterian Church in the United States of America, it was the General Assembly’s Stated Clerk—who was charged with interpreting the denomination’s constitution—who would draft the opinions and polity advice pertaining to any overture that sought to amend the constitution. This overture counsel from the Stated Clerk was summarily presented to the General Assembly’s polity committee for assembly action at the time of the annual General Assembly meeting.¹ The Presbyterian Church in the United States utilized a different mechanism in regard to proposed overtures that sought to change the constitution. Predictably, the Stated Clerk was the primary ecclesiastical officer; however any overtures submitted to the Office of the Stated Clerk were duly presented to the Permanent Judicial Commission for action.²

The original 1983 formula for ACC membership, in G-13.0112a, set the number of members at six, but this did not last long, undoubtedly due to the flood of overtures to the next assembly, which was more than six persons could reasonably handle, and an amendment to the *Book of Order*, setting the number of members at nine, was approved by the assembly in 1985.

Over the years since 1985, an intriguing dynamic has continued to flow within the ACC and its nine persons. As specified in G-13.0112a, the scope of persons eligible to become members is not only narrow and technical, i.e. persons with specific skills regarding *The Constitution of the Presbyterian Church (U.S.A.)*, but also of quite varied backgrounds and credentials. The result, continually, is a fascinating mix of persons, with attendant personalities, that act and react with each other in a sometimes unpredictable fashion. For instance, a typical meeting of the ACC may feature strong disagreement over

a portion of the *Book of Order*. Thus, the notion of church law being a dull and boring subject is belied by the ongoing work of the ACC. Persons that have recently populated the membership of the ACC include credentials and occupations of being a judge, presbytery executive, attorney, author, teacher, pastor, stated clerk, scholar, et. al. The results have been both amazing and alarming to some. Serendipitous creativity in the form of proposed new law has sprung from the corporate well of the ACC; and, the willingness to suggest to an assembly the expansion of the conventions and traditions of Presbyterian history has also made its mark. The committee of nine is just enough—enough to ensure stability, chemistry, and competence. The emotional and practical bedrock of constitutional law, for the members of the ACC, is a source of strength and nurture. And, the law can free and inspire. In that vein the *Constitution* contains a sober and serious mandate for the members of the ACC to be faithful students of the rich heritage so generously bequeathed.

B. *Organization and Responsibilities*

The Advisory Committee on the Constitution (ACC) is established by the *Book of Order* (G-13.0112a and G-18.0301). (See Appendix #1 for all of the *Book of Order* citations that outline the constitutional mandate for the ACC.) The committee is composed of nine voting members, in rotating classes, who “are former members of the Permanent Judicial Commission of the General Assembly, stated clerks or former stated clerks of synods or presbyteries, or other qualified persons with knowledge of and experience with the *Constitution* and polity of the church” (G-13.0112a). The complete and comprehensive description of committee and member responsibilities is in the *Manual of Procedures for The Advisory Committee on the Constitution of the General Assembly of the Presbyterian Church (U.S.A.)*. (See Appendix #2.) The life-center of the ACC revolves around the *Constitution of the Presbyterian Church (U.S.A.)* and its role in the life of the church. For instance, any questions requiring an interpretation of the *Book of Order* are referred to the ACC by the Stated Clerk (G-13.0112c, d). It is the role of the Stated Clerk to routinely make decisions about referring matters that arrive at the Office of the Stated Clerk.³ (See Appendix #3 for the Standing Rules that describe the role of the Stated Clerk.) In many respects, the ACC is directly related to the Stated Clerk and the Office of the General Assembly, but is an independent entity of the General Assembly. The Stated Clerk is an ex-officio member of the ACC, but the actions of the ACC are not subservient to the Stated Clerk. The ACC does not have the authority to interpret the *Constitution* regarding requests for interpretation of the *Constitution*, but rather it makes recommendations (advice) to the General Assembly for action, which may be to approve, disapprove, or modify the counsel of the ACC. Preceding the meeting of the General Assembly, the bulk of the ACC’s endeavors involve overtures to the General Assembly, which chiefly are proposed amendments to the *Book of Order* (G-18.0301b). As a permanent committee of the General Assembly, the ACC offers advice on overtures, many of which are controversial. However, only the assembly’s final action has any constitutional authority.

Requests for interpretation (G-13.0112c, d), often received from stated clerks, typically assume a low profile in the life of the General Assembly until they surface as a routine part of the ACC’s report to the assembly through a General Assembly committee. At that time the assembly must act upon the recommendations of the ACC regarding each request. Sometimes the request is groundbreaking regarding some aspect of our polity. Request 04-09, which was presented to the 215th General Assembly (2003), dealt with the very sensitive topic, “Regarding Administrative Leave in Cases Alleging Sexual Misconduct.” The result was approval, with amendment, of the ACC’s recommendation. However, this proposed amendment to the *Book of Order* did not survive the necessary ratification by vote of the presbyteries. But the seed for change had been planted and a whole new section of the *Book of Order* (D-10.0106a, b) was approved by the 216th General Assembly (2004), ratified by the presbyteries; and deals with administrative leave when sexual abuse has been alleged in the life of the church. Another routine aspect of the work of the ACC is to respond to referrals from the General Assembly itself or one of its entities. In the summer of 2004, the ACC addressed a referral from the 216th General Assembly (2004) regarding “Compliance with PJC Decisions.”

C. *The ACC’s Call to Mission*

It is precisely in the meetings of the General Assembly (GA) that illumine, underscore, and even dramatize the mission of the ACC to the GA and the church. The ACC prepares thoroughly for the meetings of the GA and welcomes its singular role and the responsibilities that unfold in each assembly. (See Appendix #4 for a full description of the duties of the ACC at the meetings of the General Assembly.) The ACC worked comprehensively and cooperatively with the Independent Committee of Inquiry Work Group subcommittee of the General Assembly Council in its preparations for recommendations to the 216th General Assembly (2004). Prior to any GA meeting, the ACC expresses its partnership role by consulting with various entities that will be making significant reports to the GA. The ACC expresses partnership in mission by consulting, in an as-needed basis, with the Committee on the Office of the General Assembly and the General Assembly Permanent Judicial Commission. Upon request and need, the ACC continues its servant function by working with various other entities, including governing bodies of the PC(USA). In particular, the ACC serves and supports the church’s mission by assisting the GA in making choices about the interpretation and amendment to the *Constitution*, and more commonly the *Book of Order* by providing the context of choices and the consequences of proposed actions. At the GA, the primary arena for the ACC’s advice is with the various GA committees that have business related to some aspect of the *Constitution*. The ACC members are then assigned to resource the GA committees that have business coming to the assembly. The role of the ACC members

who staff GA committees is very carefully sculpted: the ACC counsel to GA committees should faithfully provide information on those items being designated for the assembly that require a constitutional interpretation or amendment. That advice is to be expressed in a manner that is clear and understandable to the GA commissioners and any audience present at the GA committee meeting. Most importantly, the ACC's recommendations, because of its focus upon its understanding of the *Constitution*, shall be neutral in political tone and shall not advocate a position of any entity or group of the PC(USA).

D. *The ACC's Significance in a Time of Increasing Tension and Polarization*

The ACC consistently attempts to neutrally evaluate constitutional matters before the assembly. It takes great pains to give careful, and always constructive, critique to proposals. The ACC endeavors to be particularly sensitive to the sometimes volatile sentiments and beliefs expressed in our theologically diverse denomination. "The ambiguities of our day require a new intensity of theological and ethical conversation across the church."⁴ The ACC views these realities as an opportunity for further educating and reminding the church of the principles and beliefs expressed in our *Constitution*. The fundamentals of our polity continue to guide and inspire the church when they are applied in the decision-making process. A good example of this approach has been the continuing scholarship and counsel of the ACC regarding the controversy centering upon G-6.0106b and the ongoing issue of the standards required for ordaining church officers. The ACC views its work as a model for others because it sees itself serving Jesus Christ in a manner of great personal integrity and deep commitment to the principles of our *Constitution* and the Reformed tradition. The devastating, difficult, and complex issue of sexual misconduct by pastors was provided with comprehensive attention by the ACC at the 216th General Assembly (2004). Perhaps the best illustration of the ACC's encompassing devotion to the issues facing the assembly and the church was the ACC's series of actions at the 216th General Assembly (2004) regarding the lack of understanding of how our polity and *Constitution* works in regard to compliance with judicial orders. Not only did the ACC provide generous and comprehensive resources on overtures on this issue to the 216th General Assembly (2004) and address as a committee salient matters that arose on this topic during the assembly, but also as a result of questions that surfaced during the GA plenary session, provided recommendations to the assembly (G-13.0112e). Further, following the 216th General Assembly (2004), as a GA referral, the ACC contacted the Presbyteries of Mississippi, Redstone, and Shenango to discuss the presbyteries' concerns regarding compliance with PJC decisions. The Presbytery of Redstone responded to the ACC stating a meeting was not necessary and the Presbytery of Shenango did not respond to the ACC's inquiry. However, two members of the ACC met with representatives of the Presbytery of Mississippi. The results of these inquiries and consultations were reported to the ACC at its 2005 fall meeting.

E. *The ACC's Faithfulness in Its Servant Role*

Thanks to the *Book of Order* formula for membership on the ACC (G-13.0112a), and the good work of the General Assembly Nominating Committee, there seems to be a logical connection between the quality and credentials of the persons selected for service in the ACC and the nature and degree of steadfast personal dedication of the ACC's membership. Members of the ACC are happiest when they are in the field working with General Assembly commissioners, entities of the General Assembly, and the governing bodies of the church. "Does the ACC 'serve, exhibit faithfulness and constancy'—without a doubt and to as great or greater an extent than any other entity."⁵

F. *The Interface Between the ACC's Constitutional Mandate and Being Equipped to Respond to the Needs of the Church*

Looming large over the ACC and its members is a profound awareness that the ACC historically has demonstrated a fierce fidelity to its constitutional mandate while engaging in its ongoing work in a manner that reflects a sensitivity to the ever-changing needs and demands upon the church. The ACC's primary function is to be reactive and responsive to the business that is routinely placed before the committee. The *Book of Order* places some rather stringent parameters on what the committee can and cannot do. The committee has learned that one of the key components to being visionary in its work is to cherish the past and use it to reflect upon the future. Frequently, when the ACC has crafted its written response to an overture to the General Assembly (GA), the recommendation will cite (and remind the Assembly) of historic events that shaped the denomination as well as drawing attention to GA past decisions that are still relevant and helpful.

The ACC is keenly aware of and concerned about emerging issues in the church—especially the issues that have a polemic and divisive nature. Ordinarily, the ACC addresses these issues in the context of an ACC response to an overture or a concern that arises in the assembly's plenary session. And, the ACC continues to discipline itself about not being perceived as having a position on any matter before the assembly.

At appropriate times, the ACC authors a "trend paper" or research paper that endeavors to be "ahead of the curve" on matters that are underway in the church. These papers are for internal use only. Several years ago such a document was prepared on commissioned lay pastors (CLPs), (G-14.0801). Two years ago an especially timely trend paper, "Enforcing Compliance with Judicial Decisions" was penned by former ACC moderator James MacKellar. In an effort to address a long-standing hue and cry by many throughout the church, the ACC will soon consider the need for a shorter, less complicated, *Book of Order*.

CHAPTER II

SELF-STUDY STRATEGIES AND PROCESSES

A. *Self-Study Goal*

The Advisory Committee on the Constitution (ACC) welcomes this invitation from the 216th General Assembly (2004) to thoroughly examine and reflect upon its purpose, quality of work, and effectiveness. This self-study endeavors to provide an objective and illuminating portrait of the ACC's inner and outer life; its spiritual quest and the public demonstration of its standards of ethical and institutional integrity; and its devotion to its foundational principles.

It was at the ACC's 2004 fall meeting that the ACC was introduced to the task of doing a self-study. Gradye Parsons, director for Operations, Office of the General Assembly, was present at that meeting and oriented the committee regarding the review process and content. He also distributed a paper entitled "Review of General Assembly Permanent Committees & General Assembly Permanent Judicial Commission" to the ACC. A full explanation of this important project generated considerable interest and discussion, which resulted in a complete commitment to do the self-study in a manner that truly and fully reflected a thorough self-examination by the ACC; achieving a comprehensive description of the ACC's work and performance; and addressing all of the self-study criteria indicated in the document provided to the ACC. There was a clear consensus by the ACC members that the ACC should endeavor to be objective by providing an absolutely transparent portrait of itself. Feedback and criticism were deemed desirable because they are the humus and stimulus for organizational growth and improvement. Thus, the basic premise of the self-study would be that it would provide two things: (1) a firm and focused sense of the ACC's mission in the life of church, and (2) establish clear and specific ways to improve the performance and effectiveness of the ACC. With the discussion about the self-study complete, ACC Moderator Margy Wentz appointed two of its members, Kim Leech (chair) and Frances Pitts, to perform as a subcommittee for the self-study project.

B. *Strategy and Processes*

A primary principle for this self-study is that there should be a conspicuous alignment between the self-study strategy and processes if the desired results were to be obtained. Largely, there are two parties in this study: (1) ACC members and former members, and (2) Persons who are "consumers" of the ACC's advice. Because the intent was to not only provide a self-study, but also to solicit perceptions of the ACC from important others, several self-study survey instruments were designed that would generate the information that would be honest, objective, and fair. Clear candid data was the goal of the survey instruments. Herewith the self-study survey instruments utilized:

ACC Survey #1 - Fidelity to Mission and Partnership (Appendix #5)

ACC Survey #2 - Effectiveness of Service (Appendix #6)

ACC Survey #3 - The Work of the Committee (Appendix #7)

ACC Survey #4 - The Work of the Committee at Assembly (Appendix #8)

ACC Survey #5 - The Performance of the Committee (Appendix #9)

Recipients of the surveys were:

ACC Self-Study Surveys #1, #2, #3 went to ACC members; ACC alumni, years 2002–2004; Clifton Kirkpatrick, Stated Clerk and member of the ACC, ex-officio; Mark Tammen, director of the Office of Constitutional Services (ConServ), Office of the General Assembly; and Mary Ruth Phares, ConServ administrative assistant.

ACC Self-Study Survey #4 went to the leadership teams of the Assembly Committee on Church Polity and the Assembly Committee on Church Orders and Ministry for the General Assemblies in 2003 and 2004; to the moderators of the Assembly Committee on Church Polity and the Assembly Committee on Church Orders and Ministry for the 2000–2002 General Assemblies.

ACC Self-Study Survey #5 went to persons who made requests to the ACC for an interpretation of the *Book of Order* (G-13.130112c) that would be answered by the 216th General Assembly (2004).

Mary Ruth Phares was designated the recipient of the completed surveys. She created compilations of each category of survey. The final compilations were sent to Kim Leech and Frances Pitts for study, evaluation, and reflection. Subsequently, as each chapter was written it was sent to Mary Ruth Phares for editing. When the self-study writing was completed, Mary Ruth Phares graciously prepared the full draft, which was sent to the ACC members for their study and criticism before the

ACC's fall meeting, which commenced October 28, 2005. At that meeting, the self-study draft was fully discussed and changes were implemented.

CHAPTER III

EFFECTIVENESS AS A TRADEMARK

The dictionary defines *effective* as, "...producing the intended or expected result."

This self-study will explore the performance and role of the Advisory Committee on the Constitution (ACC) within the context of the larger institutional environment of the General Assembly (GA) and the spiritual lives of members of the Presbyterian Church (U.S.A.). In a strenuous effort to derive objective and honest information, the surveys targeted several levels and arenas of persons that have felt the impact of the ACC's work. The harvest of the survey information provides a keen portrait of the ACC's worth, precisely because the ACC is uniquely effective in the manifestation of its constitutional mandate. By definition, i.e., the description of the functions of the ACC in the *Book of Order* and the Standing Rules of the General Assembly, the primary orientation of the ACC is the meetings of the General Assembly. However, the data are clear that the impact and effectiveness of the ACC is felt throughout the church, in numerous ways and on multiple levels such as lower governing bodies, and in the daily lives of Presbyterians.

A. *On the General Assembly Level*

In preparation for a meeting of the General Assembly, the most conspicuous and common tasks before the committee are the preparation and research of the written responses to requests for interpretation of the *Book of Order* (G-13.0112c) and the committee's recommendations to the assembly regarding overtures that seek to change the *Constitution* (G-13.0112d). The *Book of Order* requires that the ACC meet prior to each session of the General Assembly and submit its recommendations to the Stated Clerk no later than sixty days prior to the convening of the assembly (G-13.0112b). When the ACC's recommendations are submitted to the Stated Clerk, they are the result of arduous toil, both by individual members of the ACC, as well as the full committee. Some overtures, in particular, require extensive research and study that is labor intensive. These recommendations soon enter the public arena, initially and especially as Reports to the General Assembly are distributed to elected commissioners prior to the General Assembly meeting. The ACC recommendations become part of the printed record of the General Assembly in the *Minutes of the Presbyterian Church (U.S.A.), Part I*, which are available to every stated clerk and governing body in the PC(USA).

By the time the General Assembly convenes, the ACC has made extensive and thorough preparations for each item of business that requires ACC presence and assistance in General Assembly committees, such as the Assembly Committee on Church Polity. Because the General Assembly committee structure is set months before the assembly convenes, each ACC member has been given his/her GA committee assignments, which may include several different committees. It is the responsibility of the ACC member to be fully prepared to interpret in full to the GA committee the rationale for the ACC's recommendations. It is the responsibility of any ACC member assigned to a General Assembly committee to introduce oneself to the committee's leadership team prior to the convening of that committee for business. At that time, ACC members will request a moment of time on the committee's agenda to briefly interpret the role of the ACC. Comments from the survey underscore the importance of an early working relationship between the leadership team and the ACC member(s). Because some of the most volatile issues before any assembly are constitutional matters, the common perception in the surveys of the GA committee key leadership teams (ACC Self-Study Survey #4) is that the ACC is very effective, "We were very pleased—had 2–4 people, depending on the topics—each had their expertise—all worked together well."⁶ In those committees with controversial business items, it is not uncommon for the ACC representatives to be called upon by the committee leadership, as well as by individual members of the committee, a number of times. The ACC members, in preparation for the General Assembly, are trained to utilize those times in GA committees when questions arise for the ACC as opportunities to further educate persons about our polity and *Constitution*.

Perhaps the best indicator of ACC effectiveness at the General Assembly meetings, whether it is regarding the written recommendations on business items or the oral interpretations in GA committees, is the relative absence of complaints or criticisms of the ACC. One of the most meaningful experiences for ACC members is to hear, during the GA plenary discussion, a commissioner echoing verbatim written recommendations of the ACC. One of the most important indicators of ACC effectiveness at GA is the esteem and appreciation expressed by GA commissioners of the ACC; and, at recent assemblies, there has been considerable praise for the ACC. Unfortunately, this conclusion is not the product of a survey; rather, it is gleaned from observations, countless conversations, and other oral feedback to the ACC.

B. *The ACC as Communicator*

The ACC's constitutional responsibilities require it to be primarily reactive, not proactive in its communications. It is an advisory committee and should not initiate discussion of issues before the PC(USA). The constraints of the *Book of Order* and the Standing Rules of the General Assembly have successfully prevented the ACC from becoming tainted by or accused of having any political agenda. The ACC, therefore, is not charged with or expected to communicate to the church at large.

In a more common, but extremely important fashion, the ACC is literally on the record regarding constitutional issues that have come to the General Assembly for action. Not only do the *Minutes* contain the ACC recommendations, but also the electronic version of each General Assembly's *Annotated Book of Order* contains ACC advice on overtures that sought to amend the *Book of Order*. At each meeting of the General Assembly, the ACC makes a formal agency report, which is also included in the *Minutes*. Typically, the ACC report provides general information about the nature of the ACC and its constitutional mandate of service to the General Assembly and the church; and it also renders specific comments on the nature of the business before the assembly that has constitutional implications. For instance, the report for the 215th General Assembly (2003) included a very important and timely section entitled, "Constitutional Concerns and the Nature of Judicial Process"⁷ Commissioners to that assembly who read that section were further prepared for business coming to that assembly. Moreover, the public at large would profit from such excellent information. There is a major and ongoing concern within the ACC in regard to a widespread ignorance and a poor understanding by Presbyterians of the *Book of Order* and PC(USA) polity. Perhaps the ACC should work more intensely within the context of the Office of the General Assembly to seek ways to encourage and spur Presbyterians to read and study the *Book of Order*. The recommendations of the ACC to the various General Assemblies regarding overtures, requests, and referrals continue to be read—especially in the electronic version of the *Annotated Book of Order*—and provide new insight and understanding about various portions of our polity. The ACC endeavors and persists in communicating in appropriate ways, but with the hope that its counsel will be ingested by a wider audience.

The ACC often communicates in unseen and yet important ways typically within the context of General Assembly entities. "When directed by the General Assembly or when requested by an agency or committee of the General Assembly, the committee may consult with said agencies or committees on constitutional matters."⁸ The ACC sees itself as having a small, yet significant role as being servant to the General Assembly and the church as well as being in partnership with various key GA entities. See page 1189–91, Chapter I, for a more detailed account of these kinds of communication. There is a strong "comfort zone" for the ACC members in its role as communicator because of the power and wisdom of the *Constitution* and the Scriptures, "Your [statutes] are my delight; they are my counselors" (Ps. 119:24).

C. *Fidelity to Mission*

The ACC has always been quite fastidious in completing its work in a timely, but thorough and comprehensive manner. Of more significance is the ACC's awareness of its responsibility in providing a high quality of performance in every venue. Individually and corporately, the ACC has a strong sense of call and faithfulness to Jesus Christ in the fulfillment of its required work.

The mission of the ACC is not lofty or lustrous. Rather perhaps the most primary and fundamental task of the ACC is to the commissioners of any General Assembly by providing clear and succinct information about constitutional matters before the assembly that require an informed and intelligent vote. ACC advice should always weigh the potential gains and dangers in the matter requiring GA action. Being a commissioner to the General Assembly is a daunting and frequently confusing responsibility. It is the goal and hope of the ACC to lighten that load a bit.

The advent of biennial meetings of the General Assembly has raised questions about rendering formal ACC counsel between meetings of the GA. Clearly the *Book of Order* does not render such authority to the ACC; and, after discussing this concern, the ACC stands firm in its conviction that it would not be wise to seek any such change in its constitutional mandate.

CHAPTER IV

STRENGTHS and CHALLENGES

A. *Strengths*

The primary source for information about the strengths of the Advisory Committee on the Constitution (ACC) was from current and former members of the ACC, using Survey #3. As mentioned earlier in Chapter II, page 1192, Clifton Kirkpatrick, Mark Tammen, and Mary Ruth Phares also provided answers to Survey #3. Clearly Survey #3 hooked into the interests and passions of all of the responders, with the total responses summarized in seventeen pages of detailed comments.

Key information was also obtained via former General Assembly (GA) committee leadership (ACC Self-Study Survey #4) and from persons who had requested an interpretation of the *Book of Order* from the 216th General Assembly (2004) (ACC Self-Study Survey #5).

High praise and an extremely large number of survey respondents mentioned the people that populate the ACC as an enormous strength. Specifically, the caliber and wide diversity of persons was a key factor; the knowledge, skills, and unique credentials create a powerful dynamic when the committee is in action together, in particular. Further, many pointed to G-13.0112a, "...The nine voting members shall be former members of the Permanent Judicial Commission of the General Assembly, stated clerks or former stated clerks of synods or presbyteries, or other qualified persons with knowledge of and experience with the *Constitution* and polity of the church." In a similar vein and an extension of this sentiment, was the social and professional dynamic at work among the ACC members. The ACC members hold each other in mutual regard and respect, which is coupled with a strong work ethic in a meeting setting that is collegial in tone and attitude. The ACC is living proof of the significance of a truly Christian environment. Much credit for the mood, style, and healthy norms for this community of constitutional and Presbyterian polity scholars is directly the result of the PC(USA) staff leadership to the committee, especially Mark Tammen, director of the Constitutional Services Department. Leaders set mood, norms, and expectations; and Mark does this in a style that is straightforward, gracious, and effective.

Standards of performance for the ACC, especially in regard to the written recommendations of the ACC to the General Assembly, are both a daunting and challenging dimension of the scholarship expected and silently required. The history and continuity of ACC achievements are of major significance. Whereas many would expect the ACC to perform in a rather orthodox, even wooden, manner because laws are perceived as rigid and conventional, in many situations the ACC purposely has endeavored to pursue creative solutions to complex issues. On every overture or issue that the ACC addresses, it is the ACC's practice to point out the "upside" and "downside" for adopting an amendment to the *Constitution*, for instance. It is the responsibility of the ACC to educate and elucidate the General Assembly with its recommendations. A dramatic illustration of how the ACC endeavors to provide an array of quality information and potential polity issues on a matter before a meeting of the General Assembly was at the 213th General Assembly (2001) regarding the highly controversial issue of the ordination of gay and lesbian persons to office. The focus of many overtures before that assembly was proposed amendments to G-6.0106b (the standards for ordained office), which, for many, was the flashpoint of the controversy. The ACC, in its agency summary to the 213th General Assembly (2001) rose to the occasion and focused upon what was clearly the major constitutional issue before the assembly—proposed amendments to G-6.0106b.⁹ The initial intent of the agency report was to provide the constitutional framework that commissioners must understand; and then to further elaborate upon possible options for the assembly's action on this matter. This approach equipped the Assembly Committee on Church Orders and Ministry in its deliberative and decision-making process, as well as saving valuable time in its difficult task. The agency report also therefore rendered valuable information to all commissioners to the assembly.

A recent and yet rather pedestrian example of how the ACC endeavors to bring fresh, helpful, and knowledgeable responses to the mind and heart of the typical GA commissioner would be the ACC's response to a request for interpretation that came to the 216th General Assembly (2004).¹⁰ The advice was approved by the assembly.

A conspicuous demonstration of the ACC's strength is its consultative role with GA committees. The ACC Self-Study Survey #4, which sought honest, objective reflections about the ACC and the work of ACC members in the various committees, furnished considerable comments to support this conclusion. Typically, much of the work of the ACC is referred to the Assembly Committee on Church Orders and Ministry and the Assembly Committee on Church Polity. The responses lauded the ACC in general, highlighted the ACC's concise written reports, and commented upon the ACC members being knowledgeable. "They were supportive—educated without being patronizing, showed the strengths of the *Constitution* and its usefulness. Knowing that they were there to answer questions either publicly or privately was great. Being on the podium and seeing them at Mic. 6 was awesome."¹¹

Perchance it is the invisible, unseen character of the ACC that is its bold, yet humble, strength. The committee is deeply cognizant that undergirding its work is the commitment to "Seek the Lord and his strength" (Ps. 105:4a). Unspoken norms prevail. One example is that one's personal political views are not appropriate for the arena of the ACC. Most members have no idea of the personal opinions of other members on issues such as ordination standards. Intriguingly, the glue that holds the committee together is the ACC's constitutional mandate coupled with a personal respect, regard for each other, and a commitment to committee harmony and unity. Deep friendships have been forged among members; and it is precisely these friendships that foster keen commitment to the ideals of the committee. All of this leads to a high quality of dialogue—even healthy, exciting, argument—when the committee is in full session, working on the overtures and other matters that come before the committee. The caliber of work that is dispensed from the ACC is not a convenient quirk of luck. Rather, it is the product of the wisdom of our faith, polity, and commitment to the church.

The nature of the work and mission of the ACC has deeply affected and strengthened the faith and commitment to the mission of the PC(USA) of its members. Some sample comments from members of the ACC:

14 ASSEMBLY COMMITTEE ON REVIEW OF GENERAL ASSEMBLY PERMANENT COMMITTEES

“Emphatically, however, my personal faith in Christ and my confidence in the church have been nurtured, challenged, bewildered, clarified, and a whole string more of things as I have served the church in its polity structures” George Adams, class of 2010.

“I am hopeful that we will continue to respond to the Lord of the Church who calls us into His future (G-3.0400)” Bill Chapman, class of 2008.

“I have come to find Christ in the *Book of Order* and to find there a structure for church life that is a model which grows directly out of the Pauline vision in 1 Cor. 12 of the church as the body of Christ” Clifton Kirkpatrick, Stated Clerk, ex-officio member.

“Our theology and polity are a marvelous mix! I am very proud to be a Presbyterian. Because my knowledge and understanding of the mission of the PC(USA) has expanded and deepened, I am very supportive of the core beliefs and the subsequent GA structure that implements our mission” Kim Leech, class of 2006.

“We seek in our polity to discover the will of Christ for the church. His will gives us our mission. That seeking has called me repeatedly to a renewed intention to be a faithful disciple” James MacKellar, ACC alumnus, class of 2003.

“It deepens my faith to know that, given information, the church will listen to the Holy Spirit and will discern the will of Christ” John Matta, class of 2008.

“I have seen how the PC(USA) is engaged in a great work and the underlying unity that carries it forward. This experience has blessed and enriched my faith journey in ways I never expected” Bill Newcomb, ACC alumnus, class of 2002.

“Working as a member of the ACC has first of all deepened my regard for the orderly way the Presbyterian Church has structured itself. The fundamental basis for self-governance is to be admired” Margy Wentz, class of 2006.

“This work convinces me that the Holy Spirit is at work, that the mission of the denomination will prevail over and through our differences and that the PC(USA) can really be, and already is, in mysterious ways we do not fully understand, claiming the victory that Jesus has already won” Jim Wilson, class of 2010.

The self-study surveys noted a few singular strengths that deserve mention:

“The joy and importance of working with Stated Clerk Cliff Kirkpatrick” Alyson Janke, class of 2010.

Expressed as general themes:

The staff of the Department of Constitutional Services deserves high praise and kudos. Mary Ruth Phares, in particular, was affirmed for her high quality work and dedication to the mission of the ACC.

The utilization of the best of electronic tools has been the norm for the committee. Praises are appropriate for the ConServ staff utilizing and encouraging the ACC members to employ the advantages of modern electronic technology.

B. *Challenges*

The most common source of frustration and challenge echoed by ACC members via the self-study surveys focused upon the complexities of nine individuals working on common projects—typically overtures to the GA—and maintaining a quality of information with each other and yet obtaining high standard of results in a timely fashion. Because the pre-assembly work usually divides the ACC members into a configuration of three work teams, it is very difficult indeed to be individually and corporately effective in the accomplishment of the common goals of successful completion of tasks. The ACC has identified and addressed the multiple issues therein by an initial thorough discussion, which resulted in a new design and business model that places benchmarks and new structure for the team work process and places a premium value upon the need for persistent communication among ACC team members and with the ConServ office. Moreover, because of the ongoing need to evaluate ACC performance, an integral part of the post-GA and ACC meeting fabric will be feedback and commentary that will lift up issues or concerns that require attention with the attitude of “always seeking to improve quality and effectiveness.” Accordingly, there is a strong commitment to eagerly embrace any challenge that occurs so that the standards of ACC craftsmanship will not be diminished.

There were a number of scatter-shot concerns expressed in the ACC self-study surveys that did not converge into themes or patterns. As stated previously, the composition of the ACC is an incalculable science within the parameters of the *Book of*

Order prescription (G-13.0112a), but one member mentioned the ongoing need for former members of the General Assembly Permanent Judicial Commission (GAPJC); while another member articulated the need to always have attorneys in the mix of ACC membership. Whereas the GANC is keenly aware of it, the ACC has typically not had the desired ethnic/racial representation. A sharply felt challenge occurs at every GA for the ACC: namely providing adequate resources through its members to the various GA committees. The villain is easily identified as the restriction of its membership size.

Concerns submitted by General Assembly committee leadership team members which have been noted and pro-active plans are on the proverbial drawing board:

“There were times that I thought it [the advice given by the ACC member] could have been clearer or more succinct, but the advisory members were uniformly committed to being helpful.”

“We could have benefited from more in depth discussion of the issues during the leadership briefing.”

“... it would be helpful to know which person will be the lead person on each Business Item. This helps in preparation of our Annotated Agenda and who to call regarding a response.”

Committee Concerns as Result of the ACC Self-Study Surveys:

The ACC should meet at least annually because the development of personal friendships within the committee also forms an emotional and spiritual bond that enhances committee performance.

Considerable forethought needs to be established for General Assembly meetings regarding the advice to be given at committee meetings, as well as to who the committee presenters shall be for each business item.

At plenary sessions of the GA there should be pre-selection of the committee member that would rise to speak, upon request of the Moderator, on known controversial issues.

Budgeting properly for the ACC is always problematic because it is impossible to anticipate what things will arise that will require ACC personnel—or the whole committee—to participate. For example, in October 2004, the ACC’s executive committee had to meet with the GAPJC on a mutual concern, in St. Louis. Summer 2005 called for unplanned ACC member visits to the Presbyteries of Mississippi, Redstone, and Shenango as a direct result of the controversy generated at the 216th General Assembly (2004) regarding compliance with judicial orders. In sum, sometimes the ACC budget can be in almost literal ruins, even though every effort has been made to contain and curtail costs. (See Appendix #10 for the ACC Financial Report.)

At the ACC spring meeting of the year that a General Assembly is to meet, the ACC needs to place items that are major issues on its agenda for early initial attention.

Additional communication among writing teams via conference calls would be very helpful during their preparation for an ACC meeting.

CHAPTER V

SURVEY LEARNINGS

A. *Scope of the Surveys*

The self-study surveys employed were intentionally designed to meet the criteria suggested in the self-study survey guide published by the Office of the General Assembly. Therefore the scope was broad and yet specific. In the spirit of the criteria, the surveys endeavored to provoke in-depth, thoughtful, and candid responses. The scope of the surveys pinpointed key aspects of our life together as Presbyterians:

PC(USA) *Constitution*

Faith

Polity

Mission

Theology

Dedication to the PC(USA)

Meetings of the General Assembly

Welfare of the church

The intent of the surveys was to more than glean simple statements. Rather, the desire was to measure the Advisory Committee on the Constitution (ACC) against the above hallmarks in a very personal and inspiring manner. The ACC is at its best when its Christian humanness shines through when writing, presenting, and meeting; and the surveys tried to establish this with a somewhat clinical means. The subtitles of the five self-study surveys reveal categories of inquiry that are specific and probing. (Please remember that the recipients of the surveys were targeted groups, differing in responsibility.):

ACC Self-Study Survey #1 - "Fidelity to Mission"

ACC Self-Study Survey #2 - "Effectiveness of Services"

ACC Self-Study Survey #3 - "The Work of the Committee"

ACC Self-Study Survey #4 - "The Work of the Committee at Assembly"

ACC Self-Study Survey #5 - "The Performance of the Committee"

B. *Participation*

For the first three self-study surveys, which sought responses by the ACC, former ACC members, the Stated Clerk, the director of Constitutional Services, and the ACC's administrative assistant, the response was outstanding, excellent. Of the persons noted, only one person did not participate, due to massive scheduling difficulties. General Assembly committee leadership team personnel (ACC Self-Study Survey #4) did not respond in high numbers, probably due to the voluntary nature of the request to participate. Two-thirds (six) of the persons requesting interpretation of the *Constitution* (ACC Self-Study Survey #5) responded, which was a pleasant surprise.

Participation by persons answering ACC Self-Study Surveys 1, 2, and 3, generally expressed enthusiasm and furnished high-quality comments. All of the questions in these surveys received a large quantitative response. It was question one in Survey #1 that evoked an impressive four and one half pages of narrative: "Does the committee as it was created by the church serve and support the church's mission in a particular area? Does the committee exhibit a constant faithfulness to and in fulfillment of its servant role in the life of the PC(USA)?" It is not coincidental that this committee of church law/polity wonks sees itself as in ministry to the mission of the church. As mentioned in an earlier chapter, it was Self-Study Survey #3, which centered on the work of the ACC, that resulted in an amazing seventeen pages of material. Members of the ACC and ACC alumni, in particular, wanted to express considerable feedback as well as constructive criticism. Easily the most evocative question in Survey #3 was the final question, "As you have worked to interpret the *Constitution* of the PC(USA) to the General Assembly and the church, how has it affected your understanding of the mission of the PC(USA) and deepened your faith in Jesus Christ?" The answers provide a powerful testament to the Spirit at work in each member and the ACC.

C. *Portrait of the Committee*

Perhaps the most significant feature of the ACC is its integrity. "The word "integrity" comes from the same Latin root as the word "integer" and historically has been understood to carry much more the same sense, the sense of wholeness: a person of integrity, like a whole number, is a whole person, a person somehow undivided."¹² There is not the slightest inkling in the surveys that the ACC has violated the trust of the General Assembly and the church. In an eerie, but wonderful sense, the respect, health, and wholeness of the ACC is a mirror image of the *Constitution* itself. This is the result of an almost mantra-like theme within the committee of respect for the constitutional boundaries and the fastidious refusal to yield to the temptation of taking a position on any matter or issue before the church. There is frequent mention within the committee of the political boundaries on any piece of business before the committee. The importance of ACC integrity was a heritage bestowed upon its current members by predecessors. It is therefore a norm that must be continually earned and upheld by successor committee members.

A study of the individual answers of the members (and alumni) of the ACC reveals a rather predictable result. Whereas a glimmer of each person's personality shines through the various documents produced by the ACC, the corporate image of this assortment of persons yields images of strong personalities with strong convictions about the work of the ACC and its mission to and with the church. Just as the *Book of Order* criteria suggest (in G-13.0112a), the ACC is composed of a wide array of individuals with impressive credentials, but with a common mission. Their answers are knowledgeable, thoughtful, succinct, and sometimes blunt and penetrating. Sometimes, in a healthy sense, the answers could be perceived as intimidating. No faint hearts here.

Surveys #4 and #5 are extremely important because the portrait revealed therein is not tainted by any notion of bias or being self-serving. Unfortunately many of the typical answers given were very brief, such as, "Yes." Yet the surveys are not entirely impoverished. The perception of the ACC provided is generally very positive and pleasant, "By and large they were

received well by the committee.”¹³ These surveys do establish that the public performance of the ACC can be a bit uneven. While affirming the theology of gifts (Rom. 12:3–8), the ACC loses some of its luster when a member speaking to a committee is not prepared, comfortable, or effective in that role. Accordingly the ACC needs to be more intentional and thoughtful about the selection of persons to have a significant speaking role before GA committees and the assembly plenary sessions.

CHAPTER VI

EMBRACING CHALLENGES AND CHANGES

Perchance every institution has a certain amount of nagging frustrations and unresolved inner conflict regarding its lifestyle and performance. Typically many of these notions are vague and slippery to identify with precision. For the ACC, the self-study surveys put content and objectivity into exactly those things that had pestered it over recent years. For instance, whereas it was commonly felt that the personal relationships fostered by working together were a delightful and meaningful byproduct of ACC life, the surveys made it abundantly clear that solid and rich Christian relationships are the bedrock for this committee as it tackles significant issues. The specific result was the decision and priority of having at least one ACC meeting per year. Relationships cannot flower without the intimate nurture of time together.

The self-study surveys also provided a succinct blueprint for “to do” aspects of the ACC in its role of resourcing GA committees. The surveys contained several very practical and helpful suggestions that will be easy to implement. In different manner, via the self-study surveys, the ACC was informed of the accuracy and depth of what it was doing right with GA committees. Hooray.

As mentioned earlier, the ACC has already changed and restructured the way it does its pre-assembly work, thanks to the comments of the surveys. Accountability and communication issues are being enhanced. The structure of how the ACC performs is under continuing study and some changes—nothing radical—will surely result.

Perhaps the most important and yet simple challenge being addressed is the ACC’s new plan to review and evaluate each occurrence when the ACC meets with an eye on performance, effectiveness, and its core standards as expressed in the *Book of Order*. Ongoing scrutiny of how one does its business is the hallmark of an open, flexible, and healthy organization. This change will make the ACC function in an even more upbeat fashion. It’s a matter of simply applying principles that are taken for granted but not officially embedded in the work ethic.

Surely the ultimate challenge for the ACC, spurred by the ACC’s self-study, is to never be content: content with its effectiveness, performance, attitude, organizational structure, and, most of all, mission and ministry to the church of Jesus Christ.

The Advisory Committee on the Constitution (ACC) has always understood its role as providing neutral advice to the General Assembly on constitutional questions. This self-review process has provided the occasion for the ACC to think about recent correspondence submitted by individuals under G-13.0112c that have advocated that the ACC give particular advice to the General Assembly on particular items of business. The ACC has come to believe such advocacy belongs in the open hearings of the General Assembly, not in the form of seeking to influence a committee charged with giving the assembly the best neutral advice it can give concerning the constitutional implications of proposed actions. The Advisory Committee on the Constitution is concerned that such attempts to influence the framework for consideration by an assembly of a particular issue have the potential to usurp the assembly commissioners’ responsibility to follow the leading of the Spirit in addressing the issues presented them.

The ACC is recommending that the 217th General Assembly (2006) approve the following authoritative interpretation of G-13.0112d:

“The Advisory Committee on the Constitution (ACC) provides advice directly to the General Assembly based upon requests to the ACC, received only from the Stated Clerk of the General Assembly. The ACC provides advice to the General Assembly regarding questions of interpretation of the *Book of Order*. The ACC does not communicate directly with those who request advice nor make provisions for hearings on matters before it for consideration. The Advisory Committee may consult with General Assembly entities through the Stated Clerk.”

Endnotes

1. *Manual of the General Assembly of The United Presbyterian Church in the United States of America*, New York: Office of the General Assembly, 1976, p. A-7, #32.

14 ASSEMBLY COMMITTEE ON REVIEW OF GENERAL ASSEMBLY PERMANENT COMMITTEES

2. *Book of Church Order 1982/1983, Presbyterian Church in the United States*, Atlanta, Office of the General Assembly, § 20-7.
3. *Manual of the General Assembly, Presbyterian Church (U.S.A.) 2003–2004*, Standing Rules of the General Assembly, Function of the Stated Clerk, 2.j, Louisville, Office of the General Assembly, p. 44.
4. *Manual of General Assembly, Presbyterian Church (U.S.A. 2003–2004)*, Organization for Mission, Louisville, Office of the General Assembly, p. 5.
5. Self-study survey comment by Neal Lloyd, ACC alumnus, class of 2003.
6. ACC Self-Study Survey comment by Deborah Brincivalli, moderator, Assembly Committee on Church Orders and Ministry, 2003.
7. *Minutes, PC(USA), 2003, Part I*, Louisville, Office of the General Assembly, p. 261.
8. *Manual of Procedures for the Advisory Committee on the Constitution of the General Assembly of the Presbyterian Church (U.S.A.)*, General Rules for Members, p. 9.

9. C. Ordination Standards

The covenant community we know as the Presbyterian Church (U.S.A.) is bound together by government, worship, and discipline. The long-standing, continuing debate and struggle in our shared community over ordination standards have created turmoil, confusion, division, and brokenness in the church's government, worship, and discipline.

As the most inclusive governing body of the church, the General Assembly has the burden and opportunity to interpret the *Constitution* in current form authoritatively, and to present to the wider church guidance to the presbyteries in their efforts to change the *Constitution*.

The 211th General Assembly (1999) recommended that the church observe a sabbatical period in its consideration of any further changes surrounding the issue of sexual practice as an essential determinative factor for those seeking ordination. During this two-year sabbatical period, presbyteries, synods, and other Presbyterian groups were encouraged to offer opportunities to enter into dialogue seeking deeper understanding and increased clarity about the nature of our unity in the midst of our diversity. This sabbatical period is now at an end.

God has given the church everything it needs. Among those gifts are salvation by the grace of Christ received by faith; the gifts of the Holy Spirit, the Word of God expressed in the Scriptures, the creeds and confessions of the church; the *Book of Order* by which we govern ourselves; the example and decisions of our predecessors in the service of Christ.

If we desire to resolve our present conflict, we must use the many and varied gifts God has provided.

For several years, the Advisory Committee on the Constitution has sought to make the following salient points:

1. There are three sources of constitutional law for the PC(USA).
 - a. Constitutional amendment,
 - b. Judicial decision case law,
 - c. Action of the General Assembly when it deliberately interprets the *Constitution* on the advice of the Advisory Committee on the Constitution.
2. The standards of the church on ordination cannot be changed by a General Assembly authoritative interpretation alone.
3. The process of constitutional amendment is carefully defined in the *Book of Order*, and the position of the church on ordination cannot be changed by an amendment to the Form of Government alone.
4. The constitutional structure of the church is not modeled on the United States federal system with the General Assembly Permanent Judicial Commission as a supreme court and final authority in constitutional matters.

The 205th General Assembly (1993) adopted an authoritative interpretation that identified the three sources of constitutional law mentioned above, and declared as authoritative interpretation the 1978 policy statement and recommendations on the church and homosexuality (*Minutes, UPCUSA, 1978, Part I, pp. 261–67*).

Since 1993, many presbyteries have submitted overtures seeking change in the *Constitution* concerning ordination standards (G-6.0106b was approved in 1997). The Advisory Committee on the Constitution observes that deletion of G-6.0106b alone is insufficient to effect the change sought by the overtures because of the authoritative interpretations predating the inclusion of that section in the *Book of Order*. The overtures submitted to the 213th General Assembly (2001) indicate that the presbyteries understand this stricture and are seeking ways to address their issues in a constitutional and orderly way that may help them achieve their purpose and provide a way for the whole church to resolve its differences in a way that will retain the church's unity. The Advisory Committee on the Constitution advises the 213th General Assembly (2001) to study these overtures in light of the insights they provide into the possibilities for present and future actions of the General Assembly to resolve our present disagreements.

The Advisory Committee on the Constitution finds that the overtures for 2000 and 2001 related to ordination standards may be grouped into several areas of possible change:

1. **Exemption Waiver:** Overtures seeking change through amending the *Book of Order* to permit waiver from the requirements of the ordination standards do not, in the opinion of the Advisory Committee on the Constitution, accomplish the purpose of the presbyteries that have proposed these overtures. The concept of "waiver" is inconsistent with other sections of Chapter VI and the vows as they appear in Chapter XIV. These conflicts are detailed in the Advisory Committee on the Constitution's advice attached to each of these overtures (*Overture 00-48, Overture 01-27, and Overture 01-28*).
2. **Inclusion Lists:** A group of overtures now and in the past have attempted change by including the words, "sexual orientation" in one or more of the lists of inclusions throughout the *Book of Order*. These overtures have been clear, concise, and compatible with the *Constitution*. There is no impediment should the General Assembly choose to approve them. However, the Advisory Committee on the Constitution has not found this approach to be helpful, as it believes all lists to be exclusive, rather than inclusive, and has discouraged their use throughout the *Constitution* (*Overture 00-40 and Overture 01-32*).
3. **Governing Body Discretion:** Some overtures propose in one way or another to allow sessions and presbyteries to operate with standards that vary from those adopted by the whole church. Constitutional standards for ordination are important to the unity of the church and

14 ASSEMBLY COMMITTEE ON REVIEW OF GENERAL ASSEMBLY PERMANENT COMMITTEES

to the mandate of the *Book of Order*, “to warn or bear witness against error in doctrine or immorality in practice in or outside the church” (G-13.0103p). Proponents of this type of overture are advised to note the distinction between the constitutional standards themselves and the interpretation and implementation by the ordaining governing bodies of how candidates meet these standards. The Advisory Committee on the Constitution has pointed out problems related to this approach in its advice on those overtures (*Overture 01-06*, *Overture 01-12*, and *Overture 01-29*).

4. **Amend or Delete G-6.0106b:** Several overtures propose amendment to the *Book of Order* by deletion of G-6.0106b and/or insertion of new words elsewhere in the text. Deletion of G-6.0106b may have the effect of changing future authoritative decisions derived from decisions of the General Assembly Permanent Judicial Commission or from authoritative interpretations issued by the General Assembly. However, this does not affect authoritative interpretations prior to the inclusion of G-6.0106b. The Advisory Committee on the Constitution has commented on the relative merits of these overtures and their effectiveness in dealing with the difference of opinion before the church (*Overture 00-13*, *Overture 01-3*, *Overture 01-8*, and *Overture 01-22*).

5. **New Authoritative Interpretation:** Several overtures propose either the rescinding of previous authoritative interpretations and/or adopting a new authoritative interpretation, which would allow the church to rethink its position and start over. In most instances, a new authoritative interpretation is not effective unless derived from an amendment to the *Book of Order* (*Request 00-3*, *Overture 00-41*, *Overture 01-08*, *Overture 01-14*, and *Overture 01-19*).

The Advisory Committee on the Constitution is aware that many presbyteries find the present ordination standards appropriate. These presbyteries need not seek change in the *Constitution*. The *Book of Order*, with its attendant authoritative interpretations, is sufficient to maintain present standards. However, many presbyteries do seek change in the constitutional standards for ordination. The Advisory Committee on the Constitution advises the latter that a combination of two or more approaches, as illustrated by some of the 2001 overtures may be useful.

The Advisory Committee on the Constitution has not advised approval of any of the overtures dealing with ordination standards, but rather has commented on the strengths and problems of each overture in terms of maintaining and strengthening the integrity of the *Constitution*.” (*Minutes*, 2001, Part I, pp. 655–57)

10. “ACC Request Regarding Interpretation on Whether an E-mail Vote Is Permissible—From Stated Clerk, Presbytery of Winnebago.

The Advisory Committee on the Constitution recommends that the 216th General Assembly (2004) answer Item 04-14 (ACC Request 04-2) with the following response:

This request asks whether it is permissible for a governing body to vote by e-mail, and if so, what guidelines are appropriate.

The *Book of Order* is not silent on how governing bodies vote.

“The Church and Its Unity

“G-4.0301e

“e. Decisions shall be reached in governing bodies by vote, following opportunity for discussion, and a majority shall govern;”

Governing Bodies

G-9.0302b

b. Meetings of governing bodies, commissions, and committees shall be conducted in accordance with the most recent edition of Robert’s Rules of Order, except in those cases where this Constitution provides otherwise. (Book of Order, G-7.0302c states the same regarding all meetings of congregations.)

Robert’s Rules of Order Newly Revised (10th Edition), in outlining in Chapter One, the characteristics of a deliberative assembly, notes the following:

Efforts to conduct the deliberative process by postal or electronic mail or facsimile (fax) transmission—which are not recommended—must be expressly authorized by the bylaws and should be supported by special rules of order and standing rules as appropriate, since so many situations unprecedented in parliamentary law may arise and since many procedures common to parliamentary law are not applicable.”

Robert’s Rules of Order Newly Revised states on page 482 that “The opportunity for simultaneous communication is central to the deliberative character of the meeting, and is what distinguishes it from attempts to do business by postal or electronic mail or by fax.”

On pages 409 ff., *Robert’s Rules of Order Newly Revised* provides guidance for a vote by mail that would be applicable to a vote by electronic mail.

The request correctly makes the distinction between the deliberative process and the vote that follows. A governing body could provide in its rules that e-mail polling is permissible in instances where the deliberative process has previously occurred. Such an instance might occur if a governing body has debated a matter at a meeting, but lacks certain information such as specific prices, or a consultant’s opinion. Upon receipt of the information, a vote by e-mail could be provided by rule. It is difficult to conceive of a situation in which vote by e-mail could assure the principles of a deliberative assembly, if such deliberation has not previously taken place. Meetings by conference call are often provided for in governing body bylaws, and with care can provide for the characteristics of a deliberative body that are outlined on pages 1 and 2 of RONR.

If a governing body wishes to provide by rule for voting by e-mail, it is advisable to consider the following areas: (1) The nature of any vote that may be conducted by e-mail should be clearly defined. (2) Care must be taken that all qualified to vote are included. (This is particularly important with an e-mail vote, as there may be individuals qualified to vote who do not have access to e-mail.) (3) If the vote is to be by secret ballot, additional provisions are required. (4) There should be provision for a member to object to the vote being taken by electronic means. As technological advances are made in electronic communication, the rules should be revised to accommodate such technology.

A governing body that is incorporated should ensure that there are no legal impediments to voting by e-mail.

14 ASSEMBLY COMMITTEE ON REVIEW OF GENERAL ASSEMBLY PERMANENT COMMITTEES

In summary, voting by e-mail is permissible only if there has been provision for deliberation, and the governing documents of the governing body provide for vote by mail or e-mail.

Letter of Request Received by the Advisory Committee on the Constitution

Two questions:

1. Is it permissible for a governing body, e.g., a Session, to vote on a motion via email polling?
2. If this is permissible, what guidelines would seem to be appropriate to make sure that a motion is fairly and fully considered and that respect for other considerations in our deliberative process is maintained, e.g., confidentiality in voting.

As electronic communication within decision-making groups becomes increasingly popular and evident, the question emerges whether decisions can be made electronically, via email, in order to capitalize on its efficiency and speed. Since this is clearly understood to be supplemental to a governing body's usual (stated) meetings for discussion and interaction rather than a replacement for such meetings and discussions, is it feasible to use email polling in order to confirm actions where general intent has already been approved but where final details need ratification, e.g., confirmation of negotiated terms of contract or names on a committee or commission? This implies that a set of guidelines would need to be developed in order to frame the appropriate use of such email polling.

Respectfully submitted,

Michael B. Lukens
Stated Clerk, Winnebago Presbytery" (*Minutes*, 2004, Part I, pp. 329–31)

11. ACC Self-Study Survey comment by Deborah Brincivalli, moderator, Church Orders Committee, 2003.
12. Carter, Stephen L., (*Integrity*), New York: HarperCollins, 1996, p. 6.
13. Survey comment by Sally Hinchman, committee assistant, Assembly Committees on Church Polity (2003) and Church Orders and Ministry (2004).

Appendix #1 EXCERPTS—*BOOK OF ORDER* (Chapters 13 & 18)

G-13.0112 Advisory Committee on the Constitution

General Assembly Shall Establish Committee

G-13.0112a. The General Assembly shall establish an Advisory Committee on the Constitution composed of nine persons, ministers and elders in numbers as nearly equal as possible. The Stated Clerk of the General Assembly shall be a member ex officio without vote. The nine voting members shall be former members of the Permanent Judicial Commission of the General Assembly, stated clerks or former stated clerks of synods or presbyteries, or other qualified persons with knowledge of and experience with the *Constitution* and polity of the church. Voting members shall be nominated by the General Assembly Nominating Committee and elected by the General Assembly and shall serve a term of six years in three classes. No person who has served on the Advisory Committee on the Constitution for a full term of six years shall be eligible for reelection until four years have elapsed after the expired six-year term.

Meet Prior to General Assembly

G-13.0112b. The Advisory Committee on the Constitution shall meet prior to each session of the General Assembly and shall submit its report and recommendations no later than sixty days prior to the convening of the next session of the General Assembly.

Questions 120 Days Prior to General Assembly

G-13.0112c. All questions requiring an interpretation by the General Assembly of the *Book of Order* arising from governing bodies of the church or from individuals shall be communicated in writing to the Stated Clerk of the General Assembly no later than 120 days prior to the convening of the next session of the General Assembly.

Pending Before Judicial Commissions

G-13.0112d. The Stated Clerk shall refer all such questions of interpretation to the Advisory Committee on the Constitution, except those pertaining to matters pending before a judicial commission. The Advisory Committee shall report its findings to the General Assembly along with its recommendations. Such recommendations may include proposals for constitutional change. The General Assembly shall vote on the recommendations, and may amend or decline to approve them.

14 ASSEMBLY COMMITTEE ON REVIEW OF GENERAL ASSEMBLY PERMANENT COMMITTEES

At General Assembly

G-13.0112e. At least three members of the Advisory Committee on the Constitution, appointed by the moderator of the committee, shall be present at the session of the General Assembly. All items introduced as new business that touch upon constitutional matters, including requesting rulings by the Moderator on questions of order involving constitutional matters, shall be referred in writing to these persons. They shall act as the full committee and shall consider each matter referred to them and make recommendations directly to the General Assembly through the Moderator.

G-18.0300 3. Book of Order

G-18.0301 Amendments to the Book of Order

Amendments to the *Book of Order* may be made only in the following manner:

G-18.0301a. All proposals requesting amendment of the *Book of Order* shall be communicated in writing to the Stated Clerk of the General Assembly no later than 120 days prior to the convening of the next session of the General Assembly.

G-18.0301b. The Stated Clerk shall refer all such proposed amendments to the Advisory Committee on the Constitution (G-13.0112), which shall examine the proposed amendment for clarity and consistency of language and for compatibility with other provisions of the *Constitution of the Presbyterian Church (U.S.A.)*. The advisory committee shall report its findings to the General Assembly along with its recommendations, which may include an amended version of any proposed constitutional changes as well as advice to accept or decline the proposals referred to the committee. The General Assembly shall not consider any amendment until it has considered the report and any recommendations from the Advisory Committee on the Constitution.

Appendix #2



MANUAL OF PROCEDURES
FOR
THE ADVISORY COMMITTEE
ON THE CONSTITUTION
OF
THE GENERAL ASSEMBLY
OF THE
PRESBYTERIAN CHURCH (U.S.A.)

THIS MANUAL HAS BEEN PREPARED FOR USE BY MEMBERS OF THE ADVISORY COMMITTEE ON THE CONSTITUTION OF THE GENERAL ASSEMBLY AND THOSE PERSONS OF THE OFFICE OF THE STATED CLERK OF THE GENERAL ASSEMBLY ASSIGNED AS STAFF LIAISON TO THE COMMITTEE IN THE CARRYING ON OF THE WORK OF THE PRESBYTERIAN CHURCH (U.S.A.).

ANY USE OF THIS MANUAL FOR PURPOSES OTHER THAN AS STATED ABOVE WITHOUT PRIOR PERMISSION FROM THE OFFICE OF THE STATED CLERK OF THE GENERAL ASSEMBLY IS PROHIBITED.

UPDATED: 1/4/06

ADVISORY COMMITTEE ON THE CONSTITUTION
2004–2006

Rev. George T. Adams	6175 Mark Circle Bensalem PA 19020	Class of 2010 TRINITY
Rev. William E. Chapman	107 Ralph Ave. Hillsdale NJ 07642	Class of 2008 NORTHEAST
Rev. Paul Hooker	1937 University Blvd W Jacksonville FL 32217	Class of 2006 SOUTH ATLANTIC

14 ASSEMBLY COMMITTEE ON REVIEW OF GENERAL ASSEMBLY PERMANENT COMMITTEES

Ms. Alyson A. Janke	N7603 County Rd.M Westfield WI 53964	Class of 2010 LAKES & PRAIRIES
Rev. Kim Leech	799 Winter Ct. Carmel IN 46032	Class of 2006 MID-AMERICA
Mr. John A Matta	7025 Penn Ave. Pittsburgh PA 15208 OR 6421 Sun Eagle Lane Bradenton, FL 34210	Class of 2008 THE TRINITY
Judge Frances Pitts	3922 Glen Oaks Manor Dr. Sarasota FL 34232 OR 1000 Stafford Place Detroit MI 48207	Class of 2008 THE COVENANT
Ms. Margy Wentz	1501 Wilshire Blvd Los Angeles CA 90017	Class of 2006 SOUTHERN CA & HAWAII
James A Wilson	2404 Bexley Park Road Bexley OH 43209	Class of 2010
<u>STAFF:</u>		
Rev. Clifton Kirkpatrick	Office of the General Assembly 100 Witherspoon St. - Room 4408 Louisville KY 40202	Stated Clerk of the General Assembly
Rev. Mark A. Tammen	Office of the General Assembly 100 Witherspoon St. - Room 4623 Louisville KY 40202	Director, Dept. of Constitutional Services Resource Staff
Ms. Mary Ruth Phares Administrative Assistant	Office of the General Assembly 100 Witherspoon St. - Room 4625A Louisville KY 40202	Dept. of Constitutional Services Administrative Assistant

Revised: February 7, 2006

COMMITTEE RULES

I. MEETING

The Committee shall ordinarily meet once a year at a date to be established by the moderator, vice moderator, secretary and the Office of the Stated Clerk following the 120 day deadline for the submission of Overtures to amend, or request to interpret, the Constitution. The Committee shall also meet in time to submit its report and recommendations no later than sixty days prior to the convening of the next session of the General Assembly.

Additional meetings may be scheduled when the works require it at a time to be established by the moderator, vice moderator, secretary and the Office of the Stated Clerk.

The scheduling of meetings shall be done in such a manner as to insure maximum participation by the members of the Committee.

The quorum for a meeting of the Committee is a majority of the voting members.

II. OFFICERS

A. Officers of the Committee shall be the moderator, vice moderator, and the secretary. They shall be elected for one-year terms to take effect upon the adjournment of the next General Assembly. They shall be eligible for re-election for as many terms as may be consistent with their membership on the Committee.

III. RESPONSIBILITIES

A. The Moderator

1. The moderator shall preside at all meetings of the Committee. If the moderator is incapacitated or absent, the vice moderator will carry out his or her responsibilities or the Committee may elect a Moderator Pro Tem.

14 ASSEMBLY COMMITTEE ON REVIEW OF GENERAL ASSEMBLY PERMANENT COMMITTEES

2. The moderator, vice moderator, secretary, and liaison staff person from the Office of the Stated Clerk shall determine prior to each of the Committee meetings the work which will be considered by the Committee and make assignments for preliminary study and recommendations by other members.

3. The moderator shall be responsible for the agenda of each meeting, while advance arrangements for the meeting include the sending of papers and assignments to the Committee members shall be the responsibility of the Office of the General Assembly.

4. The moderator, secretary and liaison staff person from the Office of the Stated Clerk shall prepare the report of the Committee to the General Assembly.

5. The moderator, or a member designated by him or her, shall be available to represent the Committee at any orientation of the General Assembly Leaders and of General Assembly Commissioners upon invitation from the Committee and the Office of the General Assembly and the Office of the Stated Clerk.

6. The Moderator shall be responsible for presenting the report of the Committee to the General Assembly. The moderator may request any member of the committee to speak on a particular item of business.

B. The Vice Moderator

1. In the absence of the moderator, or his or her incapacitation, shall call to order the meetings of the Committee and preside until the arrival of the moderator.

2. In the event of the death, incapacitation or resignation of the moderator, shall become the acting moderator.

C. The Secretary

1. Shall be responsible for recording the proceedings of the Committee.

2. Shall, in cooperation with the moderator and liaison staffperson perform the duties outlined in Section III A-2-4.

3. Shall be responsible for maintaining this Manual.

4. Shall assist the moderator in the conduct of meetings so as to insure the completion in a timely manner of all the work of the Committee.

D. Liaison Staff persons

1. Shall receive and assemble for transmission to the Committee all papers requiring review and comment from the Committee.

2. Shall make logistical arrangements for any and all Meetings of the Committee.

3. Shall assist the moderator and secretary in the preparation for and conduct of all meetings of the Committee.

4. Shall serve as archivist for the Committee.

5. Shall serve as the corresponding secretary of the Committee in matters referred to the Committee by governing bodies of the Church.

6. Shall in cooperation with the secretary develop forms and procedures to facilitate the work of the Committee.

7. Shall perform such other services for the Committee as may be assigned by the Office of the Stated Clerk or at the request of the Committee.

E. Procedures for Handling Requests for Interpretation

1. The Office of the General Assembly receives a request for an authoritative interpretation.

2. The Office of Constitutional Services makes an initial judgment as to whether the request "requires an interpretation" by the General Assembly.

a. If Constitutional Services believes that the provision is adequately interpreted by other provisions of the Constitution or past authoritative interpretations, it will respond to the request, with a copy to the Moderator, Vice Moderator and Secretary of the Advisory Committee on the Constitution.

(1) If the Moderator, Vice Moderator and Secretary agree that the request needs no further response, they will recommend to ACC that the reply of Constitutional Services be affirmed. When ACC agrees, this is an ACC determination that the provision does not "require interpretation." The requesting entity is informed of this action and the request does not appear in the record of the General Assembly. If ACC does not agree, the request will be assigned to a writing team.

(2) If the Moderator, Vice Moderator, and Secretary do not agree with the judgment of Constitutional Services or its response, the request will be assigned to a writing team for the development of a recommended response for the General Assembly's consideration.

b. If Constitutional Services believes that the request requires an ACC response, the Moderator and Secretary will assign it to a writing team for the development of a recommended response for the General Assembly's consideration.

3. Once ACC approves a recommended response, it is included in its report to the General Assembly. Upon action by the General Assembly the provision will have been authoritatively interpreted.

14 ASSEMBLY COMMITTEE ON REVIEW OF GENERAL ASSEMBLY PERMANENT COMMITTEES

F. The Roll of the ACC Between General Assemblies

The question of the role of the Advisory Committee on the Constitution between meetings of the General Assembly has been prompted by the move to biennial Assembly meetings. Some have suggested that the ACC should be able to give opinions of Constitutional Interpretation with some sort of “preliminary” or “limited” standing between meetings.

The role of the ACC has been, as its name implies, to advise the General Assembly. It is only the General Assembly which interprets the Constitution, apart from judicial process. The ACC makes no pronouncements of its own, but submits to the General Assembly its recommendations regarding various matters which have been referred to it. (G-13.0112)

For the ACC to release opinions which would potentially guide the work of governing bodies and various entities of the church between General Assembly meetings would be to assume an entirely new role, with an authority which has never been granted. It creates the possibility of establishing an adversarial relationship with the General Assembly it is to advise. It could also lead those requesting the provisional opinion in a direction contrary to a subsequent adopted opinion of the General Assembly. In either event, such preliminary opinions might create confusion or harm.

The ACC believes that it should continue to write and submit its advice to the General Assembly, without interim, provisional opinions.

This is not to say that the ACC would have no work in the “off” years. Any requests that have been received could be addressed and prepared for the next General Assembly. In the year between Assemblies, a fall meeting could be a time to orient and train new members. It also would be an excellent time for the ACC to be proactive on a number of issues and concerns. ACC members might be assigned topics central to its work in such areas as:

- Trend papers
- Study and reflection papers
- Research
- Other

GENERAL RULES FOR MEMBERS

1. All members are expected to be in attendance throughout each and every meeting of the Committee.
2. All members of the Committee shall be in attendance at the session of the General Assembly.
3. To insure their availability for the work of the Committee at the General Assembly meeting, members of the Committee should be free of any other responsibilities at the General Assembly.
4. At the General Assembly the members of the Committee will be expected to serve as resource persons to Assembly committees and especially those committees to which recommendations from the Advisory Committee have been assigned by the Assembly Committee on Bills and Overtures.
5. Members of the Committee are not authorized to speak for the Committee and thus are expected to show restraint in responding to any request for constitutional interpretation.
6. The actions of the Committee have no authority until acted upon by the General Assembly. It is therefore improper for any Committee member to disseminate any actions taken by the Committee before they have been made public by the Office of the General Assembly.
7. In preparing responses to communications to the Committee, those members assigned responsibility for review and recommendations should use the document identification number assigned to that document.
8. When directed by the General Assembly or when requested by an agency or committee of the General Assembly, the Committee may consult with said agencies or committees on constitutional matters. The only authoritative interpretations of the Constitution are those recommended by the Committee as a whole and approved by the General Assembly.

GLOSSARY AND ABBREVIATIONS OF TERMS

Overture (O) A formal action by a presbytery, synod, or agency of the General Assembly seeking an amendment to the Constitution. (See G-18.0300 for requirements.) There is no required style. The signature of the stated clerk of the presbytery or synod certifying the action of the governing body makes a communication an overture from one governing body to another. The numbering of overtures shall be done by the Office of the Stated Clerk of the General Assembly.

Request (R) Any request for an authoritative interpretation of the Constitution submitted to the Stated Clerk by a governing body or an individual. Those requiring an interpretation are submitted to ACC.

Reports (RGA) Material submitted to the General Assembly by its entities or Special Committees.

Referral (REF) An action referred to the Advisory Committee on the Constitution by the General Assembly for report to a subsequent General Assembly.

Commissioners’ Resolution (CR) A written resolution introduced by any two commissioners to the General Assembly in accordance with the Manual of the General Assembly.

14 ASSEMBLY COMMITTEE ON REVIEW OF GENERAL ASSEMBLY PERMANENT COMMITTEES

NUMBERING OF PAPERS

Each of the above referenced papers shall carry an ACC Document Identification Number for easy reference by Committee members. The Office of General Assembly staff shall maintain a summary chart of all business before the ACC.

RESEARCH TOOLS FOR THE ACC

Computer Resources

Annotated Book of Order

The Book of Confessions

PCUS Digest (includes the PCUS *Book of Church Order*)

Stated Clerk's Handbook

Printed—Retain old issues

Book of Order

The Book of Confessions

Minutes of the General Assembly

Annotated Book of Order

Internet Resources

PC(USA) website: www.pcusa.org.

OGA website: www.pcusa.org/oga

Info bases of previous General Assemblies: www.pcusa.org/oga/ga

Proposed amendments to the *Constitution*: www.pcusa.org/oga/amendments

Searchable documents: index.pcusa.org

Polity Notes:

Advisory Opinions: www.pcusa.org/oga/advisory-opinion.htm

Constitutional Musings: www.pcusa.org/oga/musings.htm

Documents of Other Denominations (if you have internet access)

Methodist *Book of Discipline*

U.C.C.

Church of Scotland

Revised: 1/3/06

Action Statements

1. That the overture (or recommendation, or commissioners' resolution, or response, or narrative) be approved.

No other wording is necessary.

2. That the overture (or recommendation, or commissioners' resolution, or response or narrative) be disapproved.

Again, no other wording is necessary.

3. That the overture (or recommendation, or commissioners' resolution, or response or narrative) be approved with comment:

Comment: The 216th General Assembly (2004) thanks the Presbytery of the Twin Cities Area for their concerns and urges them to continue their advocacy with governmental officials and educational efforts related to this matter.

4. That the overture (or recommendation, or commissioners' resolution, or response or narrative) be disapproved with comment:

Comment: We commend the Presbytery of Alaska for bringing this situation to the attention of the General Assembly.

If the committee primarily takes action as listed above, your work is a piece of cake. However, not everyone will be so lucky, so you need to become familiar with the following additional possible actions:

5. That the overture (or recommendation, or commissioners' resolution, or response) be approved with amendment.

Amendment: Shall the "*Resolved*" section be amended as follows: [Text to be deleted is shown with a strike-through; text to be added or inserted is shown with an underline.]

"*Resolved*, That the Presbytery of Hanmi overture the 216th General Assembly (2004) to translate into Korean the *Book of Common Worship*, which was printed in English in 1993, and publish as funds become available."

14 ASSEMBLY COMMITTEE ON REVIEW OF GENERAL ASSEMBLY PERMANENT COMMITTEES

6. In response to this overture (or recommendation or commissioners' resolution), that the 216th General Assembly (2004) approve the following resolution:

Shall G-11.00404c be amended as follows: [Text to be deleted is shown with a strike-through; text to be added or inserted is shown with an underline.]

“c. A minister of the Word and Sacrament of another denomination in correspondence with the General Assembly, whose ecclesiastical relations have been certified by that denomination, who is serving a Presbyterian congregation in a temporary, noninstalled pastoral relationship (G-14.0513) other than organizing pastor, who has become a minister of a congregation or larger parish composed of denomination units. . . .” [The rest of the section remains the same.]

[Here the assembly committee wants to do away completely with the original recommendation and replace it with a completely new recommendation.]

7. That the overture (or recommendation, or commissioners' resolution, or response) be referred to _____.

[Here you just need to fill in the blank. FYI: If the assembly committee recommends that something be referred to any of the entities of the General Assembly Council, the phrase should read as follows:

That the overture be referred to the General Assembly Council, for consideration by the National Ministries Division (or whichever division the assembly committee prefers).]

8. That the overture (or recommendation, or commissioners' resolution, or response) be referred to with comment:

[Fill in the blank and add the comment. This is basically the same as the above action statement, but it is for a general comment.]

9. That the overture (or recommendation, or commissioners' resolution, or response) be answered by action taken on Item III.A. (place roman numeral and alphanumeric identifier of the item that answers this item) of this report, (paragraph/overture/ commissioners' resolution/communication number—RGA identifier).

[Note that the action that answers this item is listed by the assembly committee alphanumeric identifier and by the RGA identifier.]

10. This overture became moot as a result of the affirmative vote by presbyteries on amending G-6.0106.

[This action statement is used in the rare case of an overture that recommends an amendment to the *Constitution* that depends on presbytery action on a proposed amendment.]

FORMAT OF REPORTS TO THE GENERAL ASSEMBLY

I. INTRODUCTION

This style guide highlights the general instructions for writing a report to the General Assembly. Should you have need of further assistance, contact Terri Stephenson, Office of the General Assembly, Room 4425, Extension 5470. If outside writers have been hired to write your report, give them a copy of this style guide. Extra copies can be obtained either in electronic format or as hard copy from Terri Stephenson.

II. DEADLINES

b. All reports from entities, commissions, and committees of the General Assembly shall be delivered to the Stated Clerk on or before 120 days prior to the convening of the General Assembly. The Stated Clerk shall publish these reports (print or electronic) and distribute them so that they shall reach the commissioners thirty days before the convening of the General Assembly.

All reports shall be limited to ten thousand words except the report of the General Assembly Council, the length of which shall be determined by the Stated Clerk and the Executive Director of the General Assembly Council. A request for an exception to the length of a report shall be submitted to the Stated Clerk no later than forty-five days prior to the deadline for the submission of the report and shall include the anticipated length of the report. The Stated Clerk may assess a fee of the entity or committee whose report exceeds ten thousand words for the costs incurred in printing and distributing the excess pages. Payment of the fee shall be submitted to the treasurer of the Presbyterian Church (U.S.A.), A Corporation. If the Stated Clerk and the representatives of any body are unable to agree, the Committee on the Office of the General Assembly shall determine the length of the report. . . . [emphasis added] (Standing Rule B.5.b.)

**45-Day Deadline for Requesting Exemption for Report Length:
December 30, 2005**

120-day Deadline: February 15, 2006

90-day Deadline: March 17, 2006

60-day Deadline: April 17, 2006

45-day Deadline: May 1, 2006

30-day Deadline: May 16, 2006

217th General Assembly (2006): June 15–22, 2006 (Birmingham, Alabama)

III. PRINCIPLES OF REPORT WRITING

For a number of years, commissioners have reacted negatively to the sheer volume of business that they are asked to act upon responsibly. While this is a topic that will continue to be considered by the Committee on the Office of the General Assembly, we also recognize that commissioners have asked us to create a package of business for consideration at the assembly meeting that is manageable and concise. The Office of the General Assembly has, therefore, refined the structure for the Reports to the General Assembly. It is built on the following principles:

- ▶Brevity in a report can often be quite effective, especially since long reports often go unread. State the recommendation or resolution, and then write one or two important points to support the approval of the recommendation/resolution.
- ▶Information in reports should be organized in a manner that makes it possible to quickly find materials.
- ▶Information should not only be conveyed in the written narratives, but through the use of charts, format, and graphic elements.
- ▶Recommendations should clearly reveal the action that the assembly is being asked to take. Choose action words that spell out exactly what you want done and who is to accomplish the action.
- ▶Recommendations should be followed by a brief statement that outlines the rationale for the request(s) made in the recommendation.
- ▶Other materials (i.e., narrative and information on the activities of the agency during the last year) should be available for readers, but shall not be included in the rationale or recommendations upon which the assembly is asked to take action.

IV. BREAKDOWN OF THE REPORT

A. *Recommendations*

This section is for recommendations brought to the assembly by your agency. Put each recommendation (or set of recommendations) into its own file. The recommendation can be followed by a brief rationale. Included in this section are referrals containing recommendations and reports that include recommendations. In all instances, the recommendations are to appear at the beginning, with the rationale and/or report following the recommendation. If the recommendation is from a referral, the referral title must appear as the first paragraph in the rationale text, as follows:

This recommendation is [or These recommendations are] in response to the following referral: *1999 Referral: 25.037. Response to Recommendation Directing ACSWP to Develop Resolution Addressing Need for Advocacy on Behalf of Uninsured Persons, Especially with Low Incomes, with Necessary Funding, for Presentation to the 213th General Assembly (2001)—From the Advisory Committee on Social Witness Policy (Minutes, 1999, Part I, pp. 41, 308).*

If there is more than one referral, set up the referral title in the rationale as follows:

These recommendations are [or This recommendation is] a final response to the following referrals:

2001Referral: 25.218-.221. E. Resolution on the International Year of Mobilization Against Racism, Racial Discrimination, Xenophobia and Related Intolerance (2001) and the World Conference on Global Racism (2001), Recommendation 1. That the 213th General Assembly (2001) Commend the United Nations for Seeking the Eradication of Racism, Racial Discrimination, Xenophobia, and Related Intolerance Through the Convening of the Conference on Global Racism and the Sponsorship of the International Year of Mobilization in its Commitment to Assure the Realization of Human Rights and Dignity for All People— From the Advisory Committee on Social Witness Policy (Minutes, 2001, Part I, pp. 55, 285).

2001Referral: 25.223. E. Resolution on the International Year of Mobilization Against Racism, Racial Discrimination, Xenophobia and Related Intolerance (2001) and the World Conference on Global Racism (2001), Recommendation 3. That the 213th General Assembly (2001) Call Upon the United States to Give Its Full Support to the World Conference on Racism and the Ongoing Efforts of the United Nations to Address Past and Present Racial and Ethnic Injustices and to Establish Methodologies for Resolving Present and Preventing Future Trouble and Dismantling Racism—From the Advisory Committee on Social Witness Policy (Minutes, 2001, Part I, pp. 55, 285).

All recommendations are to be in boldface type. Recommendations should be worded with specific, concise directives so that the General Assembly can make a clear, informed decision, and so that financial implications, if any, can be accurately assigned. If there are financial implications, these must be reported to the General Assembly. Avoid words such as commend, urge, affirm, reaffirm. Choose action words that spell out exactly what you want done and who you want to do it.

Recommendations from agencies are formed in the following manner:

“A. The [agency] recommends that the 217th General Assembly (2006) _____.”

If more than one recommendation is required for a specific topic, the construction should be as follows:

“A. The [agency] recommends that the 217th General Assembly (2006)

- 1. direct . . . ;**
- 2. authorize”**

14 ASSEMBLY COMMITTEE ON REVIEW OF GENERAL ASSEMBLY PERMANENT COMMITTEES

Rationale

A rationale is a brief statement that provides insight into the reason(s) for this recommendation. The background information will be appended to the recommendation to which it refers. If the recommendation is the result of a referral, the referral citation should be the first paragraph in this section to give the reader background as to the origins of the recommendation. Note: The material included in the rationale is for information only and is not part of the action, nor does it become the policy of the Presbyterian Church (U.S.A.).

Some issues of importance regarding recommendations:

1. Other related papers that an agency seeks to make available to an assembly committee is coordinated through the committee's resource coordinator and requires the approval of the committee's moderator or leadership team. Such material shall be reproduced by the agency in sufficient number for distribution to the assembly committee. The Office of the General Assembly will not reproduce this material.

2. Do not include a recommendation that calls for the approval of reports or minutes.

3. No recommendation(s) should be buried in narratives.

4. Any letter that the Stated Clerk is requested to send must be submitted at the time the General Assembly acts. The letter must include the names and addresses of the persons to whom the letter is to be sent. The Office of the General Assembly urges you to submit this letter with your report.

5. The Office of the General Assembly will not print appendixes to reports in the *Minutes of the General Assembly* unless specifically directed by the General Assembly.

6. Study guides will not be presented to the General Assembly, nor will they be printed in the *Minutes*. When recommendations requesting the use of study guides are made, drafts must be available for presentation to the assembly committee that will review the report.

7. All recommendations to amend the *Book of Order* must be postmarked no later than midnight, February 15, 2006, and sent to the Advisory Committee on the Constitution. These recommendations must be submitted separately to the Advisory Committee on the Constitution, c/o staff of the Stated Clerk.

8. All recommendations to amend the Standing Rules of the *Manual of the General Assembly*, if they are to be reported in the Report of the Committee on the Office of the General Assembly, must be received by the General Assembly Committee on the Office of the General Assembly on or before February 15, 2006. These recommendations must be submitted separately to Kerry Clements in the Office of the General Assembly.

9. If there is a rationale to be attached to a recommendation, or to a set of recommendations, that will contain more than 1,500 words, the Office of the General Assembly asks that the agency submitting the report write a summary of the rationale. The summary will be appended to the recommendation. The summary is to be no more than 800 to 1,000 words. If the agency wishes, the actual report will be put on the PC(USA) website. This will be a voluntary action again this year.

B. *Agency Summary*

Most agency summaries will be published in one annual report. The format will be determined by the associate director of communications and Davis Perkins, president and publisher of Presbyterian Publishing Corporation. This should be saved in a file by itself.

C. *Referrals in Progress*

These are referrals from previous General Assemblies that were sent to your agency. This section is divided into two parts. Each part should be saved under its own file name.

1. *List of Referrals in Progress*

If the referral is in progress and not yet complete, it will be included in a chart that will be considered by the plenary of the assembly. (Special accommodation is made for referrals that, by act of the assembly, require an annual written report. See below.) The chart will contain only the referral title, the entity responsible for the response, and the anticipated year of final response. This section will go directly to the plenary floor. Do not make any response to a referral in progress unless instructed to report annually.

2. *Referrals in Progress, Progress Report Mandated by Assembly*

Informational reports only. There are to be no recommendations in this section. This section will go directly to the plenary floor.

D. *Final Responses to Referrals*

This section is for final responses to referrals that do not include recommendations. This section will also go directly to the plenary floor and should be in a separate file. The response may contain a brief summary to the assembly outlining what occurred as a result of the referral of that item of business.

14 ASSEMBLY COMMITTEE ON REVIEW OF GENERAL ASSEMBLY PERMANENT COMMITTEES

Note: If there is a final response to referral that contains recommendations, list only the title and a listing of where the final response (with recommendations) can be found.

E. Reports

The Reports section contains only reports without recommendations. As in the past, these reports will go to the assembly as information. Each report should be saved to a separate file name.

V. COMMUNICATIONS

Communications may be directed to the General Assembly by agencies of the General Assembly that desire to comment on a single item of business coming before the General Assembly from any source, but which do not introduce new business, and by organizations that have no regular access to the General Assembly through established procedures. Comments by one agency regarding another agency's report or regarding an overture should come as a communication. The communication will be referred to the assembly committee that is reviewing the report.

Please Note: Communications cannot contain recommendations for action. (See Standing Rule B.5.d.)

Comments, including Advice and Counsel Memoranda, regarding material printed in the Reports to the General Assembly must be received by the 45-day deadline. However, agencies can prepare comments (Advice and Counsel Memoranda) on new business (e.g. commissioners' resolutions) received by the assembly after the 45-day deadline.

Resource material (except for previously published books or interpretive brochures), including advice and counsel memoranda from advocacy and advisory committees . . . , shall be prepared as necessary by entities of the General Assembly and shall not exceed 1,000 words on each item of business referred. This material shall be submitted to the Stated Clerk, postmarked no later than forty-five days before the convening of the assembly meeting, who shall then publish and distribute the material to all commissioners prior to the assembly.

Resource material . . . , including advice and counsel memoranda, that provides background or advice on items of new business, including commissioners' resolutions, shall be prepared as necessary by entities of the General Assembly and shall not exceed 1,000 words on each item of business referred. This material shall be submitted to the assembly committee leadership team prior to presentation to the assembly committee to which the business has been referred (see Standing Rule C.4.c.). A hard copy of this resource material, accompanied by a disk copy, shall be submitted to the Stated Clerk. The Assembly Committee on Bills and Overtures shall consider any request that is made to distribute this resource material to the full assembly in accordance with Standing Rule C.6.d. (Standing Rule B.5.d.).

Note: The forty-five day deadline is May 1, 2006.

VI. COPYRIGHT

Permission must be obtained in writing if there are any quotations from sermons, poems, songs, or short works, or if there are large sections of a work being quoted. The author is responsible for securing this permission. Brief quotations from periodicals, books, or other copyrighted material do not need permission, but should be accurately referenced using the exact source of such material. When in doubt, seek permission from the holder of the copyright. A copy of quoted material and title page of publication (if title is not printed on the original page of quote) must be provided to the Office of the General Assembly at the time of submission of the report.

VII. REPORT FORM

Documents must be in Word.

Set up each Recommendation and each Report Without Recommendations in a separate file. Submit a separate file for Final Responses to Referrals (1 file), Referrals in Progress (1 file), Agency Summary (1 file). All of these files can be submitted on one disk, if space permits. The only agencies from which the OGA will directly receive an agency summary will be ACC, ACL, ACSWP, ACWC, ACREC, GACER, GACOR, and GANC. The rest of the agencies will send a report to the associate director of communications, Office of Communications, for inclusion in the Annual Report.

Set margins as follows: Top—.75; Bottom—.75; Left—.75; Right—.75. Do not use headers/footers. Set default tabs at .25.

Type—Times New Roman, 11 point. Recommendations are bold; everything else is lightface.

Block quotes are 9 point, indent left .25.

VIII. FINANCIAL INFORMATION

Reports after the 207th General Assembly (1995) should provide "per capita impact . . . to assist commissioners' decisions in committee and in plenary sessions" (*Minutes*, 1995, Part I, p. 96).

A copy of the "Financial Implications Cover Sheet for Reports to the General Assembly" must be submitted with each Report to the General Assembly, even if the report does not contain financial implications.

14 ASSEMBLY COMMITTEE ON REVIEW OF GENERAL ASSEMBLY PERMANENT COMMITTEES

. . . An entity, commission, or committee submitting a report with a recommendation that affects the work or budget of another entity(ies) shall submit evidence that a consultation has been held with the affected entity(ies).

Committees, agencies, or corporations presenting reports shall provide the appropriate background information necessary to interpret or understand the recommendations or responses to referrals to the members of the General Assembly committees to which the business is referred. Any and all documents or publications referred to in these reports which require approval by the assembly for publication and distribution to the church, including but not limited to curriculum, study papers/guides, position papers, and program resources, shall be made available to commissioners at the time the reports are published. (Standing Rule B.5.b.)

Margins, Top & Bottom, .75

APPENDIX A

SAMPLE OF RECOMMENDATION

Margins

Left & Right
.775

Item 11-02

We will assign the item number.

.25 tab

11 point type

A. Comprehensive Strategy for Ministries with Native Americans: 2002 Supplemental Recommendations of the General Assembly Special Task Force on Native American Ministries

The General Assembly Council, upon recommendation of the National Ministries Division, Special Task Force on Native American Ministries, recommends that the 217th General Assembly (2006) approve the following:

1. Encourage every presbytery and synod with Native American congregation(s) to evaluate the potential for revitalizing and expanding Native American ministry in consultation with Native American congregations and communities, the Native American Consulting Committee, and appropriate General Assembly entities, looking at the leadership potential, financial resources needed, and the roles of governing bodies in achieving the goals and objectives of the PC(USA) Native American Ministry Churchwide Policy Statement, the Racial Ethnic/Immigrant and Evangelism Church Growth strategy, and other PC(USA) policies applicable to Native American ministry.

2. Encourage the Board of Pensions to consider the urgent pension and related benefit needs of Native American pastors. Encourage every presbytery and the Board of Pensions to consult regarding the urgent pension and benefit needs of Native American commissioned lay pastors.

3. Instruct the General Assembly Council, in partnership with presbyteries and synods, to make available adequate funding for a Churchwide Consultation on Native American Ministries involving Native American Presbyterians, the Native American Consulting Committee, the Office of Native American Congregational Enhancement, and other General Assembly representatives and middle governing body staff, no later than 2004, to do the following:

a. review and evaluate churchwide policy on Native American ministries and developments in Native American ministry; and

b. foster better dialogue between Native American Presbyterians and middle governing bodies. The report on this consultation will be made to the 217th General Assembly (2005).

4. Request that a report on implementation of the recommended strategies be presented to the 219th General Assembly (2007), in coordination with Native American Consulting Committee and appropriate General Assembly entities. The report should include consideration of the policies set out in the UPCUSA, Native American Ministry Churchwide Policy Statement, 191st General Assembly (1979) (*Minutes*, 1979, Part I, pp. 91, 401-4).

5. Grant an extension for the completion of the Comprehensive Statistical Report until the 216th General Assembly (2004), which will be completed by Research Services, in partnership with the Native American Congregational Enhancement Office of the National Ministries Division.

6. Dismiss the Special Task Force on Native American Ministries with thanks and appreciation.

Rationale

These recommendations are a final response to the following referral: *2000 Referral: Alternate Resolution to 22.232. Recommendation to Further Discuss and Develop Specific, Measurable Recommendations to the 214th General Assembly (2002)—From the 212th General Assembly (2002)* (*Minutes*, 2000, Part I, p. 26).

Pursuant to General Assembly action on Paragraph 22.232 (2000), the report entitled "Comprehensive Strategy for Ministries with Native Americans" was referred to the General Assembly Council, Special Task Force on Native American Ministries, "for further discussion and the development of specific, measurable recommendations to the 214th General Assembly (2002) . . ." (*Minutes*, 2000, Part I, p. 26). The report was to be printed and distributed to the entire church. Additionally, a historical report prepared by the task force entitled "Mission and Ministry with Native American Peoples: A Historical Survey of the Last Three Centuries," was included in the *Minutes* of the 212th General Assembly (2000) (*Minutes*, 2000, Part I, pp. 216ff).

The Special Task Force on Native American Ministries (hereinafter "task force") was appointed in response to *Overture 95-34*, submitted to the 207th General Assembly (1995) by the Presbytery of Grand Canyon. *Overture 95-34* directed the task force to "study and

14 ASSEMBLY COMMITTEE ON REVIEW OF GENERAL ASSEMBLY PERMANENT COMMITTEES

review missions and ministries with Native American tribes and peoples and to develop a comprehensive strategy for ministries with Native American tribes and peoples and to report no later than the 212th General Assembly (2000) its findings and recommendations as [a] comprehensive strategy for Native Americans for the next century” (*Minutes*, 1995, Part I, pp.99, 682–83). Membership on the task force included Native American and non-Native American clergy, Native American laypersons, middle governing body staff, PC(USA) educational institution faculty, and moderators of the Native American Consulting Committee (NACC).

In 2000, the task force reported numerous findings and recommended strategies to the 212th General Assembly (2000), highlighting the following areas of Native American Ministries:

1. The need for new patterns of connection between Presbyterian churches and middle governing bodies, and Native American churches and ministry projects, with the additional focus on urban and off-reservation Native American populations.
2. Extend support of developing Native American congregations beyond the traditional model of five years.
3. Develop and produce an outline and overview for commissioned lay pastor training to be used in preparation for ministry with Native American communities.
4. Increase recruitment of and maintain adequate funding for scholarship assistance for Native American seminary students.
5. Develop opportunities for Native American volunteer service in Native American communities.
6. Conduct an inventory of Native American church properties.
7. Funding for youth and young adult ministries.
8. Support for the Vision Quest Endowment Fund for Native American Ministries.

Appendix #3

EXCERPT—STANDING RULES OF THE GENERAL ASSEMBLY
(From the *Manual of the General Assembly*, 2003–2004, pp. 46–48)

2. **Functions of the Stated Clerk** **General Provisions**

- a. The Stated Clerk is accountable, through the Committee on the Office of the General Assembly, to the General Assembly for the performance of the duties of the office, and shall present to each meeting of the General Assembly a report on the state of the church. (See Standing Rule E.2.a.)
- b. The Stated Clerk is responsible for all matters related to the sessions of the General Assembly and all other matters relative to and arising from the General Assembly for which no other assignment has been made.
- c. The Stated Clerk shall also be responsible for guidance of the procedures for candidates seeking the office of Moderator, and for supervision of the election of each Moderator.
- d. The Stated Clerk shall conduct the general correspondence of the Presbyterian Church (U.S.A.). In this connection, all items of correspondence directed to the Presbyterian Church (U.S.A.), or to the General Assembly, shall be routed to the Stated Clerk.

Duties Regarding Constitution

- e. As an officer of the General Assembly, the Stated Clerk shall preserve and defend the *Constitution of the Presbyterian Church (U.S.A.)*, and support the decisions, actions, and programs of the General Assembly. The Stated Clerk shall give advisory opinions concerning the meaning of the provisions of the *Constitution of the Presbyterian Church (U.S.A.)*, and shall give advisory opinions on the meaning of the actions of the General Assembly. When the Stated Clerk deems it necessary, after consulting with appropriate persons or bodies, the Stated Clerk may retain legal counsel and institute or participate in legal proceedings in civil and criminal courts.
- f. The Stated Clerk shall publish the *Constitution of the Presbyterian Church (U.S.A.)*, and other materials as may be necessary to help the church understand and be guided by the *Constitution*. The Stated Clerk shall prepare editorial changes in the *Book of Order*, which should be reviewed by the Advisory Committee on the Constitution, provided the changes do not alter the substance of the text approved by vote of the presbyteries. The Stated Clerk shall be a member ex officio of the Advisory Committee on the Constitution, without vote.
- g. On receipt of the certified record and final decision in a case of judicial process from the clerk of the Permanent Judicial Commission of the General Assembly, the Stated Clerk shall report the decision to the General Assembly if it is in session, or to its first session thereafter if it is not. When a decision of the Permanent Judicial Commission contains an order directed to another governing body, the Stated Clerk shall obtain from the governing body a statement of its compliance and make a full report to the next General Assembly.
- h. The Stated Clerk shall provide staff services to the Advisory Committee on the Constitution and any other committees established to draft, consider, or amend *The Book of Confessions* or any of the documents it includes.

Duties Regarding General Assembly Sessions

- i. In accordance with directives from previous General Assemblies and in consultations with the Committee on the Office of the General Assembly, the General Assembly Council and other General Assembly agencies, the Stated Clerk is authorized to decide on matters pertaining to facilities and special events that must be established before the first meeting of the Assembly Committee on Bills and Overtures.
- j. The Stated Clerk shall receive all reports, communications, overtures, and any other materials appropriate for General Assembly consideration. The Stated Clerk shall recommend to the Committee on the Office of the General Assembly, for presentation to the Assembly Committee on Business Referral, a referral of such items of business coming before the General Assembly (Standing Rule B.6.).
- k. The Stated Clerk shall prepare for consideration of the Committee on the Office of the General Assembly a proposed docket for the General Assembly's consideration of its business (Standing Rule B.1.). The Committee on the Office of the General Assembly shall present the proposed docket to the first meeting of the Assembly Committee on Bills and Overtures so that it may recommend a docket to the commissioners at the first business session. The docket presented to the Committee on Bills and Overtures shall provide a time early in the General Assembly for a report by the Stated Clerk on the state of the church, and for a report by the Committee on the Office of the General Assembly.
- l. The Stated Clerk shall propose to the General Assembly the number of assembly committees and a name for each committee after consultation with the Committee on the Office of the General Assembly and the appropriate General Assembly entity or entities (Standing Rule C.1.). The Stated Clerk shall present the committee structure to the General Assembly for ratification at the first business session. Each commissioner and advisory delegate shall be assigned by random selection to one assembly committee at least forty-five days before the opening date of the General Assembly (Standing Rule C.2.a.).
- m. The Stated Clerk shall provide opportunity for orienting the commissioners, advisory delegates, and others taking part in the session of the General Assembly. The use of *Robert's Rules of Order*, sources of parliamentary advice, and the availability of resource persons and materials to facilitate their work should be part of the orientation.
- n. The Stated Clerk shall be the parliamentarian for the meetings of the General Assembly, or arrange for the service of a professional parliamentarian.

Duties Regarding Ecumenical Relations

- o. As the continuing ecclesial officer of the General Assembly, the Stated Clerk shall be a member of each committee that may be established to undertake discussion regarding organic union with another church or churches.
- p. The Stated Clerk is the permanent ecumenical representative of the General Assembly and shall be a member of each delegation representing the Presbyterian Church (U.S.A.) in ecumenical or interchurch bodies or councils, and in faith and order bodies, including bilateral conversations and dialogues.
- q. The Stated Clerk shall be a corresponding member of the General Assembly Council, and a nonvoting member of its Worldwide Ministries Division. He or she shall be a member of any other body responsible for coordinating, formulating, or implementing the ecumenical and interfaith policies and programs of the General Assembly.

Duties Regarding Actions of General Assembly

- r. The Stated Clerk shall transmit to the governing bodies and agencies of the assembly, persons who presented business to the assembly, and others affected by the assembly's actions, a report on actions of the General Assembly on matters pertaining to their concerns. The Stated Clerk shall transmit to the presbyteries all assembly actions on which the presbyteries are requested to take action.
- s. As soon as practicable after the adjournment of the General Assembly, the Stated Clerk shall publish the assembly's proceedings and other documents as the assembly may direct in an appropriate format (i.e. print or electronic) to be determined by the Stated Clerk.

Duties Regarding Administration

- t. The Stated Clerk is the chief executive officer of the Office of the General Assembly. The Stated Clerk shall have available personnel to assist in performing the assigned functions.
- u. The Stated Clerk, with the concurrence of the Committee on the Office of the General Assembly, may nominate to the General Assembly one or more persons to serve as Associate Stated Clerks of the assembly (Standing Rule G.5.).
- v. The Stated Clerk shall submit to the Committee on the Office of the General Assembly, for its action and recommendation to the General Assembly, a proposed budget (Standing Rule E.2.d.(3)). This budget shall provide for the funding of the sessions of the General Assembly, the Office of the General Assembly and all bodies related to it, the funding of the participation of the Presbyterian Church (U.S.A.) in ecumenical bodies, and other expenses deemed necessary.
- w. The Stated Clerk is responsible for maintaining the archives and records management facilities of the Presbyterian Church (U.S.A.), for the supervision of an agency for the preservation of the history of American Presbyterianism, and for the promotion of the study of Presbyterian history. The Stated Clerk shall assure the implementation of a records management program.
- x. The Stated Clerk shall promote the harmony and efficiency of the General Assembly and its agencies in cooperation with the General Assembly Council and its Executive Director, with special attention to relationships between General Assembly entities, and with synods, presbyteries, and sessions. The Stated Clerk shall have membership on or relationship to appropriate committees, commissions, and agencies of the General Assembly as it shall determine from time to time.

14 ASSEMBLY COMMITTEE ON REVIEW OF GENERAL ASSEMBLY PERMANENT COMMITTEES

y. The Stated Clerk shall receive all resignations from service on General Assembly entities and shall declare the positions vacant in accordance with Standing Rule E.1.

Appendix #4

EXCERPT—STANDING RULES OF THE GENERAL ASSEMBLY
(From the *Manual of the General Assembly*, 2003–2004, p. 33)

4. Advisory Committee on the Constitution

Report

a. The Advisory Committee on the Constitution shall report to the General Assembly its findings along with its recommendations on all questions requiring an interpretation by the General Assembly of the *Book of Order*, including proposals for constitutional change. “The General Assembly shall vote on the recommendations, and may amend or decline to approve them” (*Book of Order*, G-13.0112d). The Advisory Committee on the Constitution shall report any editorial changes made to the *Book of Order* since its last report to the General Assembly. (See Standing Rule G.2.f.)

Terms of Membership

b. The members of this committee shall be composed as provided for in *Book of Order*, G-13.0112a.

Responsibility at General Assembly Session

c. The report of the committee shall be presented directly to the General Assembly. The General Assembly may take action on the recommendations immediately, or it may refer them to an assembly committee for consideration by that committee and report to the General Assembly for action later during the same session of the General Assembly.

During the General Assembly:

(1) Three or more members of this committee shall be present at the session of the General Assembly to advise the General Assembly and its Moderator on constitutional matters (*Book of Order*, G-13.0112e).

(2) New business initiated in an assembly committee proposing an amendment to the *Constitution* (*Book of Order*, G-18.0301a and b) or requiring an interpretation of the *Constitution* by the General Assembly (*Book of Order*, G-13.0112c) shall be referred to the Advisory Committee on the Constitution, which shall report its findings and recommendations to the General Assembly. Any other new business initiated in an assembly committee that touches upon constitutional matters (*Book of Order*, G-13.0112e) shall be communicated in writing to the Advisory Committee on the Constitution and the Stated Clerk. The Advisory Committee on the Constitution shall consider each matter referred and report its findings and recommendations (which may include proposals for constitutional change) to the assembly committee and the Stated Clerk. The advice of the Advisory Committee on the Constitution on these matters shall be transmitted to the General Assembly with the report of the assembly committee.

(3) When the General Assembly is in plenary session, questions that touch upon constitutional matters, including rulings on questions of order involving constitutional matters requested by the Moderator, shall be handled in accordance with *Book of Order*, G-13.0112e. These questions shall be referred in writing by the Moderator to the Advisory Committee on the Constitution, which shall consider each matter referred and make recommendations directly to the General Assembly through the Moderator (Standing Rule B.6.).

Funding and Staffing

d. Except as otherwise specified in the *Book of Order*, the committee shall be funded through the per capita budget of the Office of the General Assembly and receive staff services as provided by the Stated Clerk.

Appendix #5

(Name)

ADVISORY COMMITTEE ON THE CONSTITUTION
Office of the General Assembly
Presbyterian Church (U.S.A.)

SELF-STUDY SURVEY #1

It is absolutely essential that the members of the Advisory Committee on the Constitution (ACC) respond to the survey questions in a very thoughtful and comprehensive manner. It is extremely important that your responses include examples and detailed evidence. It is also appropriate to answer with suggestions of improving ACC performance in regard to the issues being addressed. Please respond on this document, taking as much space as needed; then, e-mail the completed survey to Mary Ruth Phares (mphares@ctr.pcusa.org) Thanks!

Fidelity to Mission and Partnership

1. Does the committee as it was created by the church serve and support the church’s mission in a particular area? Does the committee exhibit a constant faithfulness to and in fulfillment of its servant role in the life of the PC(USA)?

14 ASSEMBLY COMMITTEE ON REVIEW OF GENERAL ASSEMBLY PERMANENT COMMITTEES

2. Do the basic processes of the committee demonstrate fidelity to the mission and accountability procedures set forth in its establishing deliverance, charter, or mandate from the assembly?
3. Does the committee exhibit practical cooperation with the other agencies or committees of the church in areas of overlapping responsibility and opportunity?
4. Does the committee provide timely responses to directives and requests from the General Assembly?

Appendix #6

(Name)

ADVISORY COMMITTEE ON THE CONSTITUTION
Office of the General Assembly
Presbyterian Church (U.S.A.)

SELF-STUDY SURVEY #2

It is absolutely essential that the members of the Advisory Committee on the Constitution (ACC) respond to the survey questions in a very thoughtful and comprehensive manner. It is extremely important that your responses include examples and detailed evidence. It is also appropriate to answer with suggestions of improving ACC performance in regard to the issues being addressed. Please respond on this document, taking as much space as needed; then, e-mail the completed survey to Mary Ruth Phares (mphares@ctr.pcusa.org) Thanks!

Effectiveness of Services

The services of the committee are consistent with its assembly constitutional mandate.

1. Does the committee have a defined and consistent process for completing its work?
2. Does the committee have a regular process of self-evaluation of its services?
3. Does the committee employ a strategy for effective communication with the church-at-large?
4. Does the committee utilize current and emerging technologies to enable it to fulfill its mission?
5. Does the committee have a developed vision and plan for its work in light of its historic mandate and the emerging issues before and context of the PC(U.S.A.)?

Appendix #7

(Name)

ADVISORY COMMITTEE ON THE CONSTITUTION
Office of the General Assembly
Presbyterian Church (U.S.A.)

SELF-STUDY #3

It is absolutely essential that the members of the Advisory Committee on the Constitution (ACC) respond to the survey questions in a very thoughtful and comprehensive manner. It is extremely important that your responses include examples and detailed evidence. It is also appropriate to answer with suggestions of improving ACC performance in regard to the issues being addressed. Please respond on this document, taking as much space as needed; then, e-mail the completed survey to Mary Ruth Phares (mphares@ctr.pcusa.org) Thanks!

The Work of the Committee

1. Please comment on the committee's strengths and weaknesses. Be specific.
2. Suggest ways to improve the quality and quantity of communication:
 - within and among the ACC members.
 - from the ConServ staff
3. Should the ACC be pro-active on emerging issues in the PC(U.S.A.)? (i.e. COGA, ICI, etc.)

14 ASSEMBLY COMMITTEE ON REVIEW OF GENERAL ASSEMBLY PERMANENT COMMITTEES

4. Do you have any suggestions about how the ACC structures its work:
 - at the ACC's biennial spring conference
 - at the General Assembly
 - "homework", when assigned
5. As you have worked to interpret the Constitution of the PC(U.S.A.) to the General Assembly and the church, how has it affected your understanding of the mission of the PC(U.S.A.) and deepened your faith in Jesus Christ?

Appendix #8

(Name)

General Assembly Committee

ADVISORY COMMITTEE ON THE CONSTITUTION
Office of the General Assembly
Presbyterian Church (U.S.A.)

SELF-STUDY SURVEY #4

Thank you for your willingness to assist the Advisory Committee on the Constitution (ACC) by responding to the survey questions below in a candid and comprehensive manner. It would be very helpful if your responses provide specific examples. Please respond on this document, taking as much space as needed; then, e-mail the completed survey to Mary Ruth Phares (mphares@ctr.pcusa.org)

The Work of the Committee at Assembly

1. Were the ACC opinions on the various overtures, presented to your committee in print, helpful in identifying and interpreting the constitutional issues involved?
2. Were the ACC persons assigned to your committee helpful in not only interpreting the work of the ACC, but also in providing clear elucidation of the principles of our constitution and polity regarding the issues before the committee?
3. How could the ACC have been more helpful
 - To the leadership team?
 - To your committee?
4. In your opinion, what impression did the ACC make upon your committee in regard to competence, helpfulness, and demeanor?

Appendix #9

(Name)

(Subject of request)

ADVISORY COMMITTEE ON THE CONSTITUTION
Office of the General Assembly
Presbyterian Church (U.S.A.)

SELF-STUDY SURVEY #5

Thank you for your willingness to assist the Advisory Committee on the Constitution (ACC) by responding to the survey questions below in a candid and comprehensive manner. It would be very helpful if your responses provide specific examples. Please respond on this document, taking as much space as needed; then, e-mail the completed survey to Mary Ruth Phares (mphares@ctr.pcusa.org)

The Work of the Committee

1. In the ACC's response to your request, did the ACC demonstrate a comprehensive understanding of the issues that you presented?

14 ASSEMBLY COMMITTEE ON REVIEW OF GENERAL ASSEMBLY PERMANENT COMMITTEES

2. In the ACC's response to your request, did it utilize this matter as a "teaching moment" about Presbyterian polity?
3. Did the ACC's answer surprise you in any way? Please explain.
4. Was the ACC's answer consistent with the *Book of Order* and did it offer a helpful explanation and interpretation of its answer?
5. When possible, the ACC endeavors to be creative in its response and yet sensitive to the issues involved in the request. Was that a factor in your situation? Please elaborate.

Appendix #10 - Budgetary Information

Presbyterian Church (U.S.A.)
 2003-2004 PER CAPITA BUDGET
 Committee Expense Request

Account Name Advisory Committee on the Constitution	Submitted By Mark A. Tammen	Date 10/24/2002	
Account No. 50-168-84-6717	2001 Expense 2002 Budget	\$22,870.00 \$38,600.00	
EXPENSE	1st Day Adnl Day\$150	<u>2003</u> \$550 \$150	<u>2004</u> \$550
MEETING EXPENSES	<u># Days</u>	<u>#Indiv</u>	
ACC Meeting (Spring)	6	9	11,700 11,700
ACC Meeting (GA)	8	9	14,400 14,400
ACC Meeting (Fall Training)	4	9	9,000 9,000
		Sub Total	35,100 35,100
OTHER EXPENSES			
Miscellaneous (Postage, copying, supplies, etc.)		600	600
		Sub Total	600 600
		TOTAL REQUEST	35,700 35,700
		GRAND TOTAL	\$71,400

ACC 2004 EXPENSES

NAME	TRAVEL	HOTEL	VOUCHER	MONTHLY CHARGES	TOTALS
BEGINNING BUDGET					\$35,700.00
January					
Copier Charges				\$ 9.12	\$9.12
TOTALS				\$ 9.12	\$9.12
YEAR TO DATE	\$ 0.00	\$ 0.00	\$ 0.00	\$ 9.12	\$9.12
REMAINING BDGT					\$35,690.88
February					
Postage				\$3.92	\$3.92
Copier Charges				\$15.30	\$15.30
Gift - Outgoing ACC Mbr				\$ 27.54	\$ 27.54
TOTALS	\$ 0.00	\$ 0.00	\$ 0.00	\$ 46.76	\$46.76
YEAR TO DATE	\$ 0.00	\$ 0.00	\$ 0.00	\$ 55.88	\$55.88
REMAINING BDGT					\$35,644.12

14 ASSEMBLY COMMITTEE ON REVIEW OF GENERAL ASSEMBLY PERMANENT COMMITTEES

MARCH (Mtg 3/25-3/29/04) -- Lvle

Postage				\$ 84.19	\$ 84.19
Copier Charges				\$39.00	\$39.00
Conf. Call				\$ 88.82	\$ 88.82
Jim Andrews		\$626.75			\$ 626.75
Kim Leech	\$ 222.40	\$ 529.79	\$ 63.71		\$ 815.90
Neal Lloyd	\$ 422.90	\$ 654.68			\$1,077.58
Jim MacKellar	\$ 400.90	\$ 533.96	\$ 130.04		\$1,064.90
John Matta	\$ 378.80	\$ 525.79	\$ 118.89		\$1,023.48
Jamie Pharr	\$ 251.40	\$ 637.07	\$ 123.47		\$1,011.94
Frances Pitts	\$ 550.60	\$ 534.81			\$1,085.41
Margy Wentz	\$ 431.90	\$ 524.22			\$956.12
Jim Wilson		\$527.14			\$ 527.14
Courtyard by Marriott - Mtg Rm/Coffee Svc		\$613.59			\$ 613.59
Hyatt Hotel - Mtg Rm/Coffee Svc		\$215.13			\$ 215.13
Amex - Group Meals			\$1,014.45		\$1,014.45
Break Foods (Phares & Green)			\$131.54		\$ 131.54
Catered Group Lunches				\$ 324.65	
TOTALS	\$2,658.90	\$ 5,922.93	\$1,582.10	\$ 536.66	\$10,700.59
YEAR TO DATE	\$2,658.90	\$ 5,922.93	\$1,582.10	\$ 592.54	\$10,756.47
REMAINING BDGT					\$24,943.53

April

Consultation with GAPJC				\$ 142.50	\$ 142.50
TOTALS	\$ 0.00	\$ 0.00	\$ 0.00	\$ 142.50	\$142.50
YEAR TO DATE	\$2,658.90	\$ 5,922.93	\$1,582.10	\$ 735.04	\$10,898.97
REMAINING BDGT					\$24,801.03

May

Postage				\$ 132.54	\$ 132.54
Office Supplies for GA				\$ 25.43	\$ 25.43
TOTALS	\$ 0.00	\$ 0.00	\$ 0.00	\$ 157.97	\$157.97
YEAR TO DATE	\$2,658.90	\$ 5,922.93	\$1,582.10	\$ 893.01	\$11,056.94
REMAINING BDGT					\$24,643.06

June (GA - 6/26-7/3/04 - Richmond)

Postage & UPS				\$ 8.37	\$ 8.37
Copier Charges				\$ 16.20	\$ 16.20
Kim Leech	\$ 405.40		\$ 176.01		\$581.41
Neal Lloyd		(\$60.40)	\$ 146.75		\$86.35
Jim MacKellar	\$ 307.90		\$ 52.50		\$360.40
John Matta	\$ 341.63		\$ 241.17		\$ 582.80
Jamie Pharr	\$ 99.37		\$ 186.62		\$ 285.99
Frances Pitts	\$ 440.87				\$ 440.87
Margy Wentz	\$ 519.09				\$ 519.09
Jim Wilson	\$ 372.00		\$ 157.07		\$ 529.07
Marriott Hotel		\$ 9,588.00			\$ 9,588.00
Amex - Group Meals				\$1,470.07	\$1,470.07
Office Furniture - ACC office at GA				\$ 196.00	\$ 196.00
Openband - GA Phone w/internet access				\$ 397.80	\$ 397.80
GRCC - ACC Electrical, etc.				\$ 79.64	\$ 79.64
Pager - Jim MacKellar				\$ 19.00	\$ 19.00
Computer for ACC Office				\$ 151.53	\$ 151.53
TOTALS	\$2,486.26	\$ 9,527.60	\$ 960.12	\$2,338.61	\$15,312.59
YEAR TO DATE	\$5,145.16	\$15,450.53	\$2,542.22	\$3,231.62	\$26,369.53
REMAINING BDGT					\$ 9,330.47

July

Copies				\$ 0.00	\$ 0.00
Postage & UPS				\$ 0.00	\$ 0.00
TOTALS	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
YEAR TO DATE	\$5,145.16	\$15,450.53	\$2,542.22	\$3,231.62	\$26,369.53
REMAINING BDGT					\$ 9,330.47

14 ASSEMBLY COMMITTEE ON REVIEW OF GENERAL ASSEMBLY PERMANENT COMMITTEES

August

Copies				\$ 0.00	\$ 0.00
Postage & UPS				\$ 0.00	\$ 0.00

ACC/GAPJC Consultation (8/4-5/04)

Kim Leech	\$ 186.39	\$ 113.98	\$ 45.09		\$ 345.46
Margy Wentz	\$ 377.89	\$ 215.95			\$ 593.84
Hyatt Hotel - Breakfasts		\$ 42.75			\$ 42.75
Amex - Tammen - Group lunch			\$ 60.04		
TOTALS	\$ 564.28	\$ 372.68	\$ 105.13	\$ 0.00	\$ 1,042.09
YEAR TO DATE	\$5,709.44	\$15,823.21	\$2,647.35	\$3,231.62	\$27,411.62
REMAINING BDGT					\$ 8,288.38

September

Copier				\$ 33.84	\$ 33.84
Postage & UPS				\$ 66.41	\$ 66.41
TOTALS	\$ 0.00	\$ 0.00	\$ 0.00	\$ 100.25	\$ 100.25
YEAR TO DATE	\$5,709.44	\$15,823.21	\$2,647.35	\$3,331.87	\$27,511.87
REMAINING BDGT					\$ 8,188.13

October

Leech - GAPJC Consult.- St.Louis (10/14-15)			\$ 80.54		\$ 80.54
Amex - Cobb - Copies at Fall Conference				\$ 7.48	\$ 7.48
TOTALS	\$ 0.00	\$ 0.00	\$ 80.54	\$ 7.48	\$ 88.02
YEAR TO DATE	\$5,709.44	\$15,823.21	\$2,727.89	\$3,339.35	\$27,599.89
REMAINING BDGT					\$ 8,100.11

ACC Mtg & Fall Polity Conf. - Sacramento (11/6-8/04)

George Adams			\$ 181.29		\$ 181.29
Bill Chapman	\$ 457.90		\$ 212.08		\$ 669.98
Alyson Janke			\$ 295.41		\$ 295.41
Kim Leech			\$ 169.49		\$ 169.49
John Matta			\$ 202.92		\$ 202.92
Margy Wentz			\$ 81.39		\$ 81.39
Hyatt Hotel		\$ 4,070.14			\$ 4,070.14
Mary Ruth Phares			\$ 138.41		\$ 138.41
Hyatt Hotel - ACC Food & Beverage		\$ 1,634.82			\$ 1,634.82
AmEx Charge (meals)				\$ 613.68	\$ 613.68
Diners Club - Airfare	\$1,582.58				\$ 1,582.58
TOTALS	\$2,040.48	\$ 5,704.96	\$1,280.99	\$ 613.68	\$ 9,640.11
YEAR TO DATE	\$7,749.92	\$21,528.17	\$4,008.88	\$3,953.03	\$37,240.00
REMAINING BUDGET					(\$1,540.00)

November

Copies					\$ 0.00
Postage & UPS				\$ 180.62	\$ 180.62
TOTALS	\$ 0.00	\$ 0.00	\$ 0.00	\$ 180.62	\$ 180.62
YEAR TO DATE	\$7,749.92	\$21,528.17	\$4,008.88	\$4,133.65	\$37,420.62
REMAINING BDGT					(\$1,720.62)

December

Copies				\$ 0.00	\$ 0.00
Postage & UPS				\$ 0.00	\$ 0.00
TOTALS	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
YEAR TO DATE	\$7,749.92	\$21,528.17	\$4,008.88	\$4,133.65	\$37,420.62
REMAINING BDGT					(\$1,720.62)

14 ASSEMBLY COMMITTEE ON REVIEW OF GENERAL ASSEMBLY PERMANENT COMMITTEES

**Presbyterian Church (U.S.A.)
2005-2006 PER CAPITA BUDGET
Committee Expense Request**

Account Name Advisory Committee on the Constitution	Submitted By Mark A. Tammen	Date 9/3/03
Account No. 50-168-84-6717	2003 Budget 2004 Budget	\$35,700.00 \$35,700.00
EXPENSE	1st Day Adnl Day	<u>2005</u> <u>2006</u> \$565 \$565 \$160 \$160
MEETING EXPENSES	<u># Days</u> <u>#Indiv</u>	
ACC Meeting (Fall)	5 9	10,845
ACC Meeting (Spring)	5 9	10,845
ACC Meeting (GA) (Note: The ACC will meet on the Friday prior to GA, which adds a day to their GA meeting.)	9 9	16,605
	Sub Total	10,845 27,450
OTHER EXPENSES		
Miscellaneous (Postage, copying, supplies, etc.)		320 640
	Sub Total	320 640
	TOTAL REQUEST	11,165 28,090

ACC 2005 EXPENSES

NAME	TRAVEL	HOTEL	VOUCHER	MONTHLY CHARGES	TOTALS
BEGINNING BUDGET					\$11,165.00
January - May					
Postage				\$ 0.00	\$ 0.00
Copier Charges				\$ 0.00	\$ 0.00
TOTALS	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
YEAR TO DATE	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
REMAINING BDGT					\$11,165.00
June					
Postage & UPS				\$ 13.97	\$ 13.97
Copier Charges				\$ 0.00	\$ 0.00
TOTALS	\$ 0.00	\$ 0.00	\$ 0.00	\$ 13.97	\$ 13.97
YEAR TO DATE	\$ 0.00	\$ 0.00	\$ 0.00	\$ 13.97	\$ 13.97
REMAINING BDGT					\$11,151.03
July (Compliance Consultation w/ Pby of Mississippi - 7/17/05)					
Copies				\$ 0.00	\$ 0.00
Postage & UPS				\$ 0.00	\$ 0.00
Bill Chapman	\$ 511.80		\$ 150.31		\$ 662.11
Jim Wilson	\$ 328.80		\$ 113.23		\$ 442.03
TOTALS	\$ 840.60	\$ 0.00	\$ 263.54	\$ 0.00	\$ 1,104.14
YEAR TO DATE	\$ 840.60	\$ 0.00	\$ 263.54	\$ 13.97	\$ 1,118.11
REMAINING BDGT					\$10,046.89
August					
Copies				\$ 0.00	\$ 0.00
Postage & UPS				\$ 0.00	\$ 0.00
TOTALS	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00

14 ASSEMBLY COMMITTEE ON REVIEW OF GENERAL ASSEMBLY PERMANENT COMMITTEES

YEAR TO DATE	\$ 840.60	\$ 0.00	\$ 263.54	\$ 13.97	\$ 1,118.11
REMAINING BDGT					\$10,046.89
September					
Copies				\$ 0.00	\$ 0.00
Postage & UPS				\$ 59.33	\$ 59.33
TOTALS	\$ 0.00	\$ 0.00	\$ 0.00	\$ 59.33	\$ 59.33
YEAR TO DATE	\$ 840.60	\$ 0.00	\$ 263.54	\$ 73.30	\$ 1,177.44
REMAINING BDGT					\$ 9,987.56
October					
UPS & FedEx				\$ 381.65	\$ 381.65
Copies				\$ 0.00	\$ 0.00
TOTALS	\$ 0.00	\$ 0.00	\$ 0.00	\$ 381.65	\$ 381.65
YEAR TO DATE	\$ 840.60	\$ 0.00	\$ 263.54	\$ 454.95	\$ 1,559.09
REMAINING BDGT					\$ 9,605.91
ACC Mtg & Fall Conf - 10/27-11/2/05					
- Memphis					
George Adams			\$ 425.50		\$ 425.50
Bill Chapman			\$ 471.57		\$ 471.57
Alyson Janke		\$ 36.00			\$ 36.00
Kim Leech	\$ 371.90		\$ 127.78		\$ 499.68
John Matta			\$ 277.58		\$ 277.58
Jim Wilson			\$ 67.25		\$ 67.25
Mary Ruth Phares - ACC Meals				\$ 90.96	\$ 90.96
Diners Club - Airfare	\$ 946.99				\$ 946.99
Amex - Group Meals				\$ 350.14	\$ 350.14
Copy Machine & Office Supplies--Cobb			\$ 467.34		
Marriott Hotel - Group Meals--ACC Mtg	\$1,600.47				
Marriott - Group Meals - Fall Conf.		\$ 403.00			\$ 403.00
Marriott Hotel - ACC Rooms		\$4,723.96			\$ 4,723.96
TOTALS	\$1,318.89	\$6,763.43	\$1,369.68	\$ 908.44	\$10,360.44
YEAR TO DATE	\$2,159.49	\$6,763.43	\$1,633.22	\$1,363.39	\$11,919.53
REMAINING BUDGET					(\$ 754.53)
November					
Copies				\$ 37.80	\$ 37.80
Postage & UPS				\$ 0.60	\$ 0.60
TOTALS	\$ 0.00	\$ 0.00	\$ 0.00	\$ 38.40	\$ 38.40
YEAR TO DATE	\$2,159.49	\$6,763.43	\$1,633.22	\$1,401.79	\$11,957.93
REMAINING BDGT					(\$ 792.93)
December					
Copies				\$ 0.00	\$ 0.00
Postage & UPS				\$ 57.50	\$ 57.50
TOTALS	\$ 0.00	\$ 0.00	\$ 0.00	\$ 57.50	\$ 57.50
YEAR TO DATE	\$2,159.49	\$6,763.43	\$1,633.22	\$1,459.29	\$12,015.43
REMAINING BDGT					(\$ 850.43)

G. General Assembly Committee on Representation Self-Study Report

I. WHO WE ARE

Introduction

The decision-making bodies of the General Assembly come from east and west, and north and south, and sit at the table ... to discuss the issues and make decisions that affect Presbyterians across the United States. And as the church gathers, so does the General Assembly Committee on Representation (GACOR). In one sense, we are stories. Stories of our various cultures—of the northeast or deep south or Pacific coast, of large city or rural town, of the 30s or 60s or 90s, of Native American, African American, Hispanic, Asian, Middle Eastern, or Caucasian heritage, or new immigrant, of different sized congregations, of work in the church as lay or clergy, of experiences of persons with disabilities. Some of us come from a culture of exclusion that has lasted for centuries and is only now being addressed. Some of us come from a culture of inclusion and are having “aha!” moments as we realize the depth of exclusion others have experienced. And others are still wrestling with being able to even get to the table so their voices might be heard.



MINUTES

219th GENERAL ASSEMBLY

**2010
PART I
JOURNAL**

**Published by the Office of the General Assembly
100 Witherspoon Street
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Exhibit I

formed on the basis of new information concerning the same or a similar alleged offense. Because additional time will have passed since the original alleged offense, if the offense alleged in the new filing is the one originally alleged, then the requirement that any charges be filed no later than three years from the time of the commission of the alleged offense might have to be met well within a year rather than up to a year following appointment of the new investigating committee. (“*No charges shall be filed later than three years from the time of the commission of the alleged offense, nor later than one year from the date the investigating committee was formed, whichever occurs first ...*” D-10.0401, emphasis added.)

d. With respect to the fourth question, the Advisory Committee on the Constitution advises that upon the filing of an allegation with the clerk of the governing body an investigating committee shall be appointed in the usual manner. The presbytery may appoint persons who served on a previous investigating committee to serve on an investigating committee to investigate the same or similar accusations. There is no provision for screening allegations prior to appointment of an investigating committee; it is the duty of the governing body’s clerk to report the allegation “without undertaking further inquiry” in order that the accusation may be immediately referred to an investigating committee (D-10.0103). It then is the responsibility of the investigating committee to determine whether it has sufficient evidence on the basis of which the allegation(s) can be proved (D-10.0202g); it is a responsibility of the investigating committee to conduct an inquiry sufficient to determine whether to file one or more charges based on the previous investigation or upon a new investigation should further inquiry be determined needed.

If informed by the accused or by any papers, documents, records, testimony, or other evidence that the allegation against the accused was investigated by a previous investigating committee, the present committee may review the records of the earlier investigating committee that have been maintained by the governing body and it may make use of those records in its mandated responsibilities to investigate and to make its decision whether to file charges. The Advisory Committee on the Constitution also notes that if a person who is the victim of repeated accusations desires to stop the cycle of accusation and investigation, he or she could request vindication (D-9.0000). If he or she is vindicated, the report of the investigating committee would conclude the matter.

e. With respect to the fifth question, the Advisory Committee on the Constitution advises that it is answered by the response to the fourth question.

Implications for the proposed Form of Government: Approval of Item 05-20 would have similar implications for the proposed Form of Government that it would have on the current Form of Government.

Item 05-21

[The assembly approved Item 05-19 with amendment. See pp. 57, 61.]

Responsibility of General Assembly to Provide Authoritative Interpretations of Book of Order (G-13.0103r)—From Member, Presbytery of St Augustine.

The Advisory Committee on the Constitution recommends that the 219th General Assembly (2010) approve the following authoritative interpretation of G-13.0103r:

An authoritative interpretation is an interpretation of one or more provisions of the *Book of Order*. The General Assembly may authoritatively interpret the *Book of Order* through the approval of an interpretive statement by a General Assembly after the assembly has heard the advice of the Advisory Committee on the Constitution, or by a decision in a judicial case rendered by the General Assembly Permanent Judicial Commission (GAPJC).

The purpose of an authoritative interpretation is to clarify for the church the meaning and intent of a provision of the *Book of Order* as that provision impacts the church’s life and witness. An authoritative interpretation of the Constitution approved in accordance with G-13.0103r is binding on all members and governing bodies of the Presbyterian Church (U.S.A.). The most recent interpretation of a provision of the *Book of Order* is binding. Authoritative interpretations are in effect until changed or revoked by a subsequent General Assembly or modified by the GAPJC.

An authoritative interpretation so approved or rendered may include any language approved by the General Assembly or GAPJC that the body sees as explaining the provision(s) of the *Book of Order*. It may cite previous interpretations or decisions, review the history of the provision or its antecedents, refer to portions of Scripture or the Constitution, or make use of other explanatory material the body deems helpful in explaining the meaning and impact of the *Book of Order* provision(s) being interpreted.

With respect to the question of the limits of the General Assembly’s power to interpret the Constitution, it is instructive to examine the wording of G-13.0103r. The General Assembly has responsibility and power

to provide authoritative interpretation of the *Book of Order* which shall be binding on the governing bodies of the church when rendered in accord with G-13.0112 or through a decision of the Permanent Judicial Commission in a remedial or disciplinary case. The most recent interpretation of a provision of the *Book of Order* shall be binding.

Because the General Assembly “is the highest governing body of this church and is representative of the unity of the synods, presbyteries, sessions, and congregations of the Presbyterian Church (U.S.A.)” (G-13.0101), the power to interpret the Constitution in an authoritative manner belongs finally to the General Assembly. This power is not accorded to any other governing body.

In recent years, the question has arisen in some circles whether the General Assembly’s Permanent Judicial Commission may adopt an interpretation of the Constitution that is contrary to an interpretation rendered by the assembly under the provisions of G-13.0112. Section G-13.0103r makes clear that there are parallel processes for interpreting the Constitution. One method involves an interpretation approved by the assembly after hearing the advice of the Advisory Committee on the Constitution; the other is an interpretation that is part of a decision by the GAPJC in a judicial case. Whether it acts in plenary session or through its commission, the most recent interpretation so rendered is authoritative and binding. The Constitution does not distinguish between levels of authority with respect to these methods. This basic parity between assembly plenary and GAPJC decision is necessary as an important corrective on the interpretive power of both assembly plenary and GAPJC. From a constitutional perspective, it is theoretically possible that plenary and GAPJC may differ, even significantly, in their interpretations of provisions of the Constitution. It is therefore incumbent on both plenary and GAPJC to accord to each other’s interpretations the utmost respect and deference, seeking above all else to discern the guidance of God’s Spirit as it may be heard through each. The corporate health of the people of God is ill-served by anything less.

With respect to the question of the impact of an authoritative interpretation on the Constitution, it should be noted that an authoritative interpretation is not an amendment to the Constitution. Neither the General Assembly nor the GAPJC may alter the wording of the Constitution by means of an authoritative interpretation.

~~[More subtle, however, is the question of whether the act of interpreting *wording* of the Constitution changes the *meaning* of the Constitution. In truth, any interpretation of a text shapes the meaning of that text by addressing its provisions to circumstances perhaps not anticipated when the text was created. It is for this reason that we regard the church’s Constitution as a living document, in that by the act of interpretation we mold the meaning of our Constitution to fit the ever-changing landscape of the church’s life and witness. This interpretive work is therefore essential to the vitality of the church, lest the Constitution become a lifeless conglomeration of words without reference to reality.]~~

The General Assembly and the GAPJC would be wise to consider the following as they render authoritative interpretations of the Constitution:

- The General Assembly and the GAPJC, as noted above, may not add new language to the text of the Constitution by means of authoritative interpretation.
- The General Assembly and the GAPJC must interpret the existing language of the Constitution, rather than replacing that language with antecedent language.
- The General Assembly and the GAPJC must **resolve tensions and ambiguities between provisions** of the Constitution in such a way as to give effect to all provisions.
- **The General Assembly and the GAPJC must exercise great care to ensure that any interpretation remains true to the plain meaning and context of the provision interpreted.**
- The General Assembly and the GAPJC must each accord to the previous interpretive deliverances of the other the highest respect and deference in rendering additional interpretations of their own.

Rationale

This recommendation comes as the result of a request received by the Advisory Committee on the Constitution from the Presbytery of St. Augustine. The Advisory Committee on the Constitution does not initiate business before the assembly. However, pursuant to G-13.0112, the Stated Clerk must submit to the Advisory Committee on the Constitution all questions requiring an interpretation by the General Assembly of the *Book of Order*. The Advisory Committee on the Constitution, in turn, must report its findings and any recommendations it has to the General Assembly. The assembly is free to approve, amend, or decline to approve the recommendation of the Advisory Committee on Constitution.

1. *Questions Presented to the Advisory Committee on the Constitution*
 - a. What may an authoritative interpretation include?
 - b. What limits, if any, exist on the General Assembly’s power to interpret the Constitution?

c. What impact does an authoritative interpretation of a constitutional provision have on the Constitution? Is an authoritative interpretation conditioned by particular patterns of fact in the same way that a decision of the GA Permanent Judicial Commission is?

2. Findings

With respect to the questions presented, the Advisory Committee on the Constitution finds that the request presents a question on which authoritative interpretation of G-13.0103r is advisable.

Implications for the proposed Form of Government: Approval of Item 05-21 would have similar implications for the proposed Form of Government that it would have on the current Form of Government.

Item 05-22

[The assembly approved Item 05-22. See pp. 57, 62.]

Section G-7.0306, Pastor Moderator of All Meetings of Congregation—From the Stated Clerk, Synod of Southern California & Hawaii.

The Advisory Committee on the Constitution recommends that the 219th General Assembly (2010) approve the following authoritative interpretation of G-7.0306:

The decision to have someone other than the pastor moderate a congregational meeting is a discretionary constitutional power of the presbytery that installed or appointed the moderator and that is “responsible for the mission and government of the church throughout its geographical district” (G-11.0103). It would be impractical for the pastor to moderate congregational meetings under G-7.0306 that involve responsibilities of the presbytery properly exercised on behalf of the church, or in which the moderator has a material conflict of interest. Because the authority to moderate congregational meetings derives from the presbytery, the presbytery has the right to appoint a moderator other than the pastor for a hearing conducted under the provisions of G-9.0505b(1) and a congregational meeting called under the terms of G-9.0505b(2).

Rationale

This recommendation comes as the result of a request received by the Advisory Committee on the Constitution from the stated clerk of the Synod of Southern California and Hawaii. The Advisory Committee on the Constitution does not initiate business before the assembly. However, pursuant to G-13.0112, the Stated Clerk must submit to the Advisory Committee on the Constitution all questions requiring an interpretation by the General Assembly on the *Book of Order*. The Advisory Committee on the Constitution, in turn, must report its finding and any recommendations it has to the General Assembly. The assembly is free to approve, amend, or decline to approve the recommendations of the Advisory Committee on the Constitution.

1. Questions Presented

a. Section G-7.0306 states that “The pastor shall be the moderator of all meetings of the congregation.” Are there exceptions?

b. If an administrative commission has been empowered under the provisions of G-9.0505b(2) to dissolve a pastoral relationship, does the pastor moderate the required congregational meeting at which the commission hears the positions of the pastor and members if they choose to speak?

c. When a congregation is meeting to approve the terms of call for the person who is the pastor, can that pastor be excused during action on the call?

d. Are there other times when it is not appropriate for the pastor to moderate the congregational meeting or portions of it?

2. Findings and Recommendation as to Request

Under G-7.0306 the pastor or moderator of session appointed by the presbytery is constitutionally permitted to be excused from moderating a meeting of the congregation, but is not required to be excused: “If it is impractical for the pastor or the moderator of session appointed by presbytery to preside, he or she shall invite, with the concurrence of the session, another minister of the presbytery to preside.” There is no constitutional definition of “impractical” governing such invitations. The Advisory Committee on the Constitution notes the widespread custom of providing for another presbyter to temporarily moderate the meeting when the congregation is to consider changes in the terms of the pastor’s call.

MINUTES

215th GENERAL ASSEMBLY

**2003
PART I
JOURNAL**

**Published by the Office of the General Assembly
100 Witherspoon Street
Louisville, KY 40202-1396**

Further, is not true that such a contract becomes grounds for the removal of the minister member from the roll of presbytery?

In our opinion, these questions are true.

For the Session,

Rev. Wm. S. Foster Jr., Moderator
Robert McGee, Clerk of Session

Item 04-04

[The assembly answered Item 04-04 by the action taken on Item 04-07 with additional comments. See pp. 64–65.]

Request 03-9. Request for an Authoritative Interpretation of G-6.0106b—From the Pastor, Palos Park Presbyterian Community Church of Palos Park, Illinois.

The Advisory Committee on the Constitution recommends that the 215th General Assembly (2003) answer *Request 03-9* with the following comment:

The process of authoritative interpretation should be used sparingly, and for the purpose of defining potentially ambiguous words or phrases in the *Book of Order*, rather than for setting forth detailed procedures or advice as to how the provisions of our *Constitution* should be administered.

Request 03-9 suggests what appears to be a simple solution to the perceived lack of clarity in some portions of G-6.0106b, by having 215th General Assembly (2003) approve, as an authoritative interpretation, Advisory Opinion # 8, which was crafted by the Office of the General Assembly.

Advisory Opinion # 8 contains no new material. While it does collate in summary several aspects of the effect of G-6.0106b on our polity and practice, it contains only material already in the *Constitution*, clearly established as authoritative interpretation or embedded in judicial decisions. While it was compiled as guidance to presbyteries and sessions as they consider how the *Constitution* directs them, to restate it as authoritative interpretation is redundant.

The General Assembly, through constitutional amendment, General Assembly Permanent Judicial Commission decision, 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. Accordingly, the Advisory Committee on the Constitution recommends against approving Advisory Opinion #8 as an authoritative interpretation of G-6.0106b.

Letter of Request Received by the Advisory Committee on the Constitution

I write to ask that the 215th General Assembly interpret the meaning of G-6.0106b in the *Constitution* by adopting as its own Advisory Opinion #8, “G-6.0106b” released by the Office of the General Assembly.

A variety of interpretations of G-6.0106b have appeared which are not consistent with the history of the interpretation of our standards for ordination in the PC (USA), particularly with regard to certain terms contained in that paragraph of the *Constitution*. In December, 2002, the Stated Clerk, Clifton Kirkpatrick, issued an Advisory Opinion pursuant to section G.2.e. of the Standing Rules of the General Assembly. I have carefully reviewed that advisory opinion and believe the Clerk has accurately interpreted the relevant constitutional and ecclesiastical case law relating to “Chastity and Celibacy,” “Duties with regard to the Examination of Candidates,” and “Options available to and Obligations of Governing Bodies when faced with allegedly irregular ordinations/installations.”

Because I believe those opinions constitute the current constitutional interpretation under G-13.0112, I ask the Advisory Committee on the Constitution to concur and to forward its recommendations for a clear and consistent constitutional interpretation to the 215th General Assembly (2003).

Thank you.

Respectfully submitted,

James R. Tony, Pastor
Palos Park Presbyterian Community Church of Palos Park, IL

3. The process of constitutional amendment is carefully defined in the *Book of Order*, and the position of the church on ordination standards cannot be changed by an amendment to the Form of Government alone.

The church individually and corporately perceives conflict over present differences of opinion about ordination standards. It is possible that what is understood as conflict may be the very tension caused by differences through which the Holy Spirit reforms the church (G-1.0300). In our history, Presbyterians, in the midst of our most serious conflicts, have found themselves being reformed according to the Word of God.

- One example is found in the Adopting Act of 1729, which anchored the ordination standards in the essentials of the Reformed faith and allowed candidates to declare differing opinions on matters not deemed “essential and necessary.”
- Another example is the deep division in the 1920’s in the fundamentalist/ modernist controversy that led to the report of the “Swearingen Commission” (Special Commission of 1925). The report said in 1926,

The Church at large should illustrate, as well as demonstrate, the power of the Gospel to bind up wounds and to soften animosities; and such, we are convinced, was the purpose of incorporating in the Presbyterian Constitution, the obligation for [Presbyterians] to maintain a patient, considerate and [caring] attitude toward each other. (*Minutes*, PCUSA, 1926, Part I, p. 78)

The Presbytery of Des Moines has identified a two-stage approach that would change the church’s position regarding the issues of sexual behavior and the standards of ordination. This overture correctly identifies the need to act on both G-6.0106b and previous authoritative interpretations if the assembly wishes to change the position of the denomination on these matters. If both actions proposed in this overture are approved, the goal of the overture will be achieved. However, if the authoritative interpretation is approved by the assembly and the presbyteries decline to adopt the proposed amendment, a particular interpretation will have been eliminated but the *Constitution* will not have changed and the goal of the overture will not have been accomplished.

Consistent with our constitutional heritage and the appropriate role of authoritative interpretations, the Advisory Committee on the Constitution believes that if the 215th General Assembly (2003) wishes to support the intent of the overture and change the constitutional standards for ordination, an initial course of action would be for the assembly to submit to the presbyteries for their affirmative or negative vote the issue of whether G-6.0106b should be removed, and to allow future assemblies to determine, if they chose, appropriate authoritative interpretations of the remaining portions of the *Constitution*.

The overture proposes an addition to G-6.0106a. The language adds no new authority to presbyteries and sessions that those bodies do not already possess on the basis of our historic understanding of ordination to office.

Should the assembly wish to alter the current authoritative interpretation in this matter, it is advised that the proposed interpretation contains two separate statements. Nullifying existing interpretations has little effect so long as G-6.0106b remains in the Form of Government. Should G-6.0106b be removed, a governing body could act fully within its authority to bar ordination based upon the existing G-6.0106a.

Item 04-07

[In response to Item 04-07, the assembly approved an alternate statement. See p. 64.]

Overture 03-12. On Providing an Authoritative Interpretation of G-6.0106b—From the Presbytery of Donegal.

The Presbytery of Donegal overtures the 215th General Assembly (2003) to provide an authoritative interpretation of the issues rising out of the application of G-6.0106b (especially the definition of “Chastity,” “Repent,” and “self-acknowledged”).

Rationale

The past few years have not been easy ones for the office of the Stated Clerk of the PC(USA). They have received many requests for advice and action from those on both sides of several issues on which we are currently divided.

In 1998, the Office of the Stated Clerk issued Polity Reflection #19 to give some guidance to sessions and presbyteries as they tried to apply G-6.0106b, which at that time had recently been added to the *Book of Order*.

In Polity Reflection #19, the Stated Clerk's Office has dealt very well and wisely with many of the issues arising out of the application of G-6.0106b. We are concerned, however, with one point in this document and are asking the General Assembly to provide a more authoritative interpretation than the one found in the "answer" below:

That statement is found in Section C question and answer #3 :

Q. Are words like "Chastity," "Repent," or "self-acknowledged" clear enough concepts for the church to apply G-6.0106b fairly and consistently?

A. The words are not defined. Examining bodies will need to consider reasonable definitions and decide which to apply. Ambiguity is not necessarily a barrier to applying a rule to specific circumstances. An example of a familiar ambiguous term which has broad and differing applications in the church is "acceptable" in G-14.0401 in reference to what is a call for ministry that qualifies for ordination.

We are greatly concerned with the latitude with which these terms and other terms may be defined without further guidance that we think is readily available.

The concepts of fidelity and chastity are clearly defined in *The Book of Confessions*. We think that a new polity reflection on this subject needs to mention this.

All of the words and phrases in our *Book of Order* were placed there as a result of much thought and discussion (especially those words and phrases that were the results of our amendment process). When a judicatory needs to define terms in the *Book of Order*, it has a record of the discussions that took place in the General Assembly when they approved the amendment. It also has the minutes of the committee that recommended that amendment to the General Assembly. It also has access to the rationale for the original amendment from the session or presbytery to the General Assembly. Individual judicatories should not be allowed to define terms to mean something that the framers of the amendment did not intend and that the Presbyteries did not intend when they approved the amendment.

ACC ADVICE ON ITEM 04-07 (*OVERTURE 03-12*)

Advice on Overture 03-12—From the Advisory Committee on the Constitution

The Advisory Committee on the Constitution advises the 215th General Assembly (2003) to disapprove *Overture 03-12* with the following comment:

Overture 03-12 requests an authoritative interpretation of issues of application arising out of a perceived lack of clarity related to certain words that appear in G-6.0106b. No authoritative interpretation is needed because the current constitutional documents and related judgments and interpretations are not silent on the issues raised. As stated in the rationale of the overture, words are "clearly defined in *The Book of Confessions*."

"Self-acknowledged" is not a word appearing in the *The Book of Confessions*. However, the General Assembly Permanent Judicial Commission decisions in *Weir v. Second Presbyterian Church, Fort Lauderdale, Remedial Case 214-5 (Minutes, 2002, Part I, p. 339)* and *Presbytery of San Joaquin v. Presbytery of the Redwoods and Hart, et al. v. Presbytery of the Redwoods, Remedial Case 215-8 (Minutes, 2003, Part I, Item 03-Info)* do clearly define it.

Current references in our constitutional documents describe and define in numerous places the Christian character expected of those who follow Christ. Such character is to be especially reflected in the lives of those who hold office. Among the citations relevant to the concerns of *Overture 03-12* are: Second Helvetic 5.093–.094 (repentance); Heidelberg 4.108–.109; and Westminster 6.081–.086; 7.247–.249 (chastity). A search of the electronic version of *The Book of Confessions* easily reveals a vast number of relevant reflections on these terms from our tradition.

Governing bodies seeking guidance in the utilization of these standards may find helpful the material in the Confessional Nature of the Church Report found in the preface to the most current edition of *The Book of Confessions*. Specific application of these standards to explicit conduct is best accomplished through the particularized fact-finding available through the judicial process.

If it is the determination of the 215th General Assembly (2003) that the present clarity is not adequate to guide presbyteries and sessions in making decisions as to who should be ordained to office, further amendment to our *Book of Order* or addition to *The Book of Confessions* should be sought.

**THE PERMANENT JUDICIAL COMMISSION
OF THE GENERAL ASSEMBLY
OF THE PRESBYTERIAN CHURCH (U.S.A.)**

.....)	
Jane Adams Spahr,)	
	)	DECISION AND ORDER
Appellant,)	
)	
v.)	
	)	Disciplinary Case 218-12
)	
Presbyterian Church (U.S.A.) through)	
the Presbytery of Redwoods,)	
)	
.....)	
)	

Headnotes

- 1. Marriage is defined by the *Book of Order* W-4.9001.** W-4.9001 provides four definitional statements of marriage. As a definition, W-4.9001 does not prohibit an officer of the Presbyterian Church (U.S.A.) who has been authorized to perform marriages from performing a same sex union. A same sex ceremony is not and cannot be a marriage under W-4.9001.

- 2. Same-sex unions are not to be confused with marriages.** There are differences between same sex ceremonies and marriage ceremonies. The liturgy should be kept distinct for the two types of services. Officers of the Presbyterian Church (U.S.A.) who are authorized to perform marriages shall not state, imply, or represent that a same sex ceremony is a marriage because under W-4.9001 a same sex ceremony is not and cannot be a marriage.

- 3. Standard of review.** Factual determinations made by a trier of fact are accorded a presumption of correctness. Questions of constitutional interpretation are not subject to the same deference.

Arrival Statement

This disciplinary case came before the General Assembly Permanent Judicial Commission (GAPJC or this Commission) on appeal filed by the Appellant, Jane Adams Spahr (Spahr), from a decision of the Permanent Judicial Commission of the Synod of the Pacific (SPJC) dated August 18, 2007.

Jurisdictional Statement

This Commission finds that it has jurisdiction, that Spahr has standing to file the appeal, that the appeal was properly and timely filed, and that the appeal states one or more of the grounds for appeal required under D-13.0106.

Appearances

Spahr was present in person and was represented by Sara M. Taylor, Tim K. Cahn and Scott Clark. The Presbyterian Church (U.S.A.) (PCUSA) through the Presbytery of Redwoods (Presbytery) was represented by the counsel for the prosecuting committee, Stephen L. Taber, Lyn Hamilton, and David Jordan-Erwin.

History

On February 28, 2004, Spahr, a minister of the Word and Sacrament, participated in a wedding ceremony for two men in Ontario, Canada. On October 24, 2004, the Presbytery filed a disciplinary case against Spahr based on this activity, charging her with violating W-4.9001 of the "Directory for Worship." Presbytery withdrew that charge in March, 2005, after determining that Spahr's level of participation in that particular ceremony was not in violation of W-4.9001 and as Authoritatively Interpreted by the 203rd General Assembly (*Minutes*, 1991, at 21.124-128) (1991 AI). Presbytery was granted permission to amend the charge to allege that:

Spahr conducted two same-gender marriages: the marriages of Connie Valois and Barbara Jean Douglass on August 21, 2004; and of Annie Senechal and Sherrill Figuera on May 27, 2005 in violation of W-4.9001. On August 21, 2004, you, Dr. Jane Adams Spahr, did perform a wedding service in the marriage of Connie Valois and Barbara Jean Douglass and on May 27, 2005 you did perform a wedding service in the marriage of Annie Senechal and Sherrill Figuera, and thereby you have acted contrary to the Constitution of the Presbyterian Church U.S.A. These actions were in violation of W-4.9001 which states, in part, 'Christian marriage is a covenant through which a man and a woman are called to live out together before God their lives of discipleship....'

By performing these wedding services, you violated Authoritative Interpretations of the General Assembly which declare that it would not be proper for a Minister of the Word and Sacrament to perform a ceremony that the minister determines to be the same as a marriage ceremony.

Trial was held before the Presbytery's Permanent Judicial Commission (PPJC) on March 2-3, 2006. In her trial testimony, Spahr acknowledged that she had performed the ceremonies at issue and others preceding them. The record reflects that she also signed a "Certificate of Marriage" for each of the ceremonies which is the subject of this case. She testified that her ministry had been a "ministry of marriage equality." Spahr had officiated at ceremonies between same gender couples whether the couple described the ceremony as a "union," a "marriage" or in other terms. Spahr provided heterosexual and same sex couples the same counseling and preparation work before performing any ceremony.

At the trial, a motion was made to disqualify a member of the PPJC based on the allegation that the member had a personal interest in the case because she took part with Spahr in a "ceremony of commitment" on August 5-6, 2004. The motion was denied.

By its order dated March 3, 2006, the PPJC found that Spahr had committed no chargeable offense, and thus she was effectively found to be “not guilty” as charged. Based on a 2005 amendment to D-13.0106b, which permits a prosecuting committee to appeal the decision in a disciplinary case, Presbytery filed this appeal on March 23, 2006. A request by the SPJC to refer the case to the GAPJC was denied on May 7, 2007, because (1) the complexity of the issues invited consideration by the full judicial structure of the PCUSA, (2) acceptance of reference to the GAPJC would deny the parties one level of appellate review, and (3) there would be no extraordinary expense or delay if reference were not accepted. The SPJC subsequently held a hearing, and on August 18, 2007, issued its decision finding, Spahr guilty of violating W-4.9001 and the 1991 AI, and imposing on her the censure of rebuke.

Preliminary Statement

This is a disciplinary, not a remedial, case. Ministers of the Word and Sacrament can be charged with offenses for “any act or omission ... that is contrary to the Scriptures or the Constitution.” (D-2.0203) Such charges must be clear and specific enough that the accused may know and understand the nature of the offenses charged and defend against the charges. In considering this case, this Commission had to determine whether the charges against Spahr were properly stated as offenses contrary to Scripture or the Constitution of the PCUSA. It is important that members and officers of the church know beforehand what conduct is prohibited as well as the basis for imposing censure. The Commission would note that while the Prosecuting Committee relied heavily on the decision in *Benton v. Presbytery of Hudson River Minutes*, 2000, Part I pp. 580-589, Remedial Case 212-11. *Benton* was a remedial case rather than a disciplinary case and involved the policies of a session. It is not applicable to this case.

Specifications of Error and Decision

Specification of Error No. 1 (Appellant’s 5): The SPJC erred in constitutional interpretation by concluding that, taken together, the 1991 AI, Benton and the provisions of W-4.9001 constitute a mandatory prohibition against a minister of the Word and Sacrament conducting same sex marriages.

This specification of error is sustained in part and not sustained in part for the reasons stated below following Specification of Error No. 2.

Specification of Error No. 2 (Appellant’s 4 and 6): The SPJC erred in constitutional interpretation by concluding that Spahr committed a disciplinary offense.

This specification of error is sustained.

Spahr was charged with and found guilty of violating W-4.9001 and the 1991 AI by performing “wedding service[s] in the marriage of” two same sex couples. The SPJC determined that Spahr was guilty based on her actions in performing “wedding” services for two same sex couples. Even after amendment of the charges by the Presbytery, the offense charged was the act of performing same sex marriages.

There is no prohibition in W-4.9001 against performing a same sex ceremony. The 1991 AI acknowledged that there is no mention in the *Book of Order* of same sex unions or ceremonies. The 1991 AI states that it is not “proper” for ministers to conduct ceremonies represented as marriages between persons of the same sex.

W-4.9001 in the *Book of Order* defines marriage as follows:

Marriage is a gift God has given to all humankind for the well-being of the entire human family. Marriage is a civil contract between a woman and a man. For Christians marriage is a covenant through which a man and a woman are called to live out together before God their lives of discipleship. 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.

W-4.9001 provides four definitional statements of marriage. As a definition, W-4.9001 does not prohibit a minister from performing a same sex union. Moreover, the 1991 AI did not prohibit ministers from performing ceremonies intended to bless or recognize the union between two men or two women.

The ceremonies that are the subject of this case were not marriages as the term is defined by W-4.9001. These were ceremonies between women, not between a man and a woman. Both parties acknowledged the ceremonies in question were not marriages as defined by the *Book of Order*. It is not improper for ministers of the Word and Sacrament to perform same sex ceremonies. At least four times, the larger church has rejected overtures that would prohibit blessing the unions of same sex couples.¹ **By the definition in W-4.9001, a same sex ceremony can never be a marriage.** The SPJC found Spahr guilty of doing that which by definition cannot be done. One cannot characterize same sex ceremonies as marriages for the purpose of disciplining a minister of the Word and Sacrament and at the same time declare that such ceremonies are not marriages for legal or ecclesiastical purposes.

The PPJC was correct in finding that by performing the two ceremonies at issue, Spahr did not commit an offense as charged. Therefore, the SPJC erred in determining that Spahr was guilty of violating W-4.9001 or the 1991 AI.

In holding that Spahr was not guilty as charged, this Commission does not hold that there are no differences between same sex ceremonies and marriage ceremonies. We do hold that the liturgy should be kept distinct for the two types of services. We further hold that officers of the PCUSA authorized to perform marriages shall not state, imply, or represent that a same sex ceremony is a marriage. Under W-4.9001, a same sex ceremony is not and cannot be a marriage.

Spahr argued that her actions were justified based on her work in providing pastoral care to a marginalized and oppressed community. Spahr served in a validated ministry charged with caring for members of the gay, lesbian, bi-sexual, and transgender (GLBT) community and reported regularly to her presbytery about the same sex unions and “weddings” she performed. These services were not described as marriages in her reports as found in the record of the case.

¹ Annotated *Book of Order* W-4.9001

It is acknowledged by those who have heard this case at every level that Spahr has acted in light of her call and the church's call to participate in a caring and compassionate ministry to persons who have been marginalized, who are faithful Christians, and who wish to be accepted in every way as full members of the body of Christ. In this, Spahr may consider herself to be acting in the role of a prophet to the church, while others would reject such a characterization. Prophecy contains risk and uncertainty both for those who would speak and for those who listen. The role of a prophet carries consequences. It is the burden of a church officer to accept the consequences of his or her actions that are the ecclesiastical equivalent of civil disobedience.

Membership in the PCUSA is open to all persons. (G-4.0400) The General Assembly has affirmed several times and in various ways its commitment to stand for the just and equal treatment of all persons regardless of sexual orientation. While drawing a distinction between sexual orientation and sexual practice, and maintaining behavioral standards for ordained office that further limit sexual practice, the church has attempted to minister to GLBT persons through the efforts of ministers like Spahr. The tension the church has created between sexual orientation and sexual practice has led to turmoil and dissension that will likely continue for some time. The difficulties faced by this Commission in deciding this case reflect that tension.

Christians are called to do justice . The language of W-7.3000 and W-7.4000 is replete with admonitions that are inconsistent with imposing censure on a minister of the Word and Sacrament for reaching out to a marginalized and oppressed segment of the body. Moreover, "the Christian community offers pastoral care to its members in their personal and communal life." (W-6.3001) The church should provide ministries of pastoral care to people in recognizing and celebrating times of transition and commitment. (W-6.3010) "The worship of God in the Christian community is the foundation and context for the ministry of pastoral care as well as for the ministry of nurture in faith." (W-6.4000)

In summary, Specification of Error No. 1 is not sustained because by definition, "marriage is . . . between a man and a woman." (W-4.9001) Specification of Error No. 1 and Specification of Error No. 2 are sustained because W-4.9001 does not state a mandatory prohibition on performing a same sex ceremony. The charge was for performing a marriage ceremony, which by definition cannot be performed.

Specification of Error No. 3 (Appellant's 1): The SPJC committed an irregularity in the proceedings by (a) substituting its judgment for that of the PPJC in the evaluation of Spahr's conduct and (b) failing to apply the 2006 General Assembly's Authoritative Interpretation of G-6.0108 (2006 AI).

This specification of error is sustained in part and not sustained in part.

(a) This case raises other procedural issues. This case is an appeal by a prosecuting committee as permitted by D-13.0102. Giving a prosecuting committee the right to appeal does not change the standard of review. Factual determinations made by a trier of fact are presumed to be correct. Questions of constitutional interpretation are not subject to the same deference, but are reviewed by an appellate body anew. (*Hardwick v. Permanent Judicial Commission of the*

Synod of North Carolina, *Minutes*, 1983, p. 45) The SPJC determined that the PPJC erred in its constitutional interpretation.

In a case in which a prosecuting committee appeals a verdict of not guilty, the appellate body should not determine the appropriate censure in the first instance. Therefore, when the SPJC reversed the PPJC verdict, it should have remanded the case to the PPJC to impose a censure consistent with the SPJC's decision. Attention is drawn to D-11.0403e, in which censures are imposed by the triers of fact who have heard "evidence as to the extent of the injury suffered, mitigation, rehabilitation, and redemption."

(b) Spahr also contends that the SPJC failed to apply the 217th General Assembly's Authoritative Interpretation, (2006 AI) and *Bush et al. v. Presbytery of Pittsburgh*, Remedial case 218-10, February 11, 2008. The 2006 AI and *Bush* do not apply because they deal with ordination standards that are not at issue in this case.

Specification of Error No. 4 (Appellant's 3): The SPJC committed injustice in the decision by concluding that the Constitution of the PCUSA sanctions marriage only between a man and woman.

This specification of error is not sustained.

As more fully discussed above in response to Specifications of Error Nos. 1 and 2, **the SPJC was correct that W-4.9001 defines marriage as only between a man and woman**, and that the Constitution does not address any other form of marriage. However, as discussed elsewhere in this decision, Spahr did not commit a sanctionable offense as charged.

Specification of Error No. 5 (Appellant's 7): The SPJC erred in constitutional interpretation by failing to apply the 2006 AI and historic constitutional principles of polity when it failed to determine whether Spahr's performance of same sex marriages violated an essential tenet of Reformed faith or polity and, if so, whether the violation fell outside the bounds of G-6.0108.

This specification of error is not sustained.

Because this Commission has found that Spahr did not commit a sanctionable offense as charged, this specification of error is not sustained.

Specification of Error No. 6 (Appellant's 8): The SPJC erred in constitutional interpretation by incorrectly applying G-6.0108, failing to apply subsections (c)-(e) of the 2006 AI, and by finding Spahr's actions contrary to the Constitution, and, therefore, censurable, even though she "acted with conscience and conviction" in performing her ministerial duty with respect to the marriages.

This specification of error is not sustained.

Because this Commission has found that Spahr did not commit a sanctionable offense as charged, this specification of error is not sustained.

Spahr justifies her actions by claiming freedom of conscience as delineated in G-6.0108. Freedom of conscience is a foundational principle of the PCUSA. (G-1.0301) However, Spahr's repeated reliance on G-6.0108 as a standard of freedom to justify her actions ignores the thrust of this principle: freedom of conscience must be exercised within bounds. Rather than describing freedom of conscience in any absolute way, G-6.0108 declares the manner in which the conscience of an officer of the church is bound. The binding of the conscience of an officer of the church permits freedom of conscience with regard to the interpretation of Scripture only insofar as it "may be possible without serious departure from these standards, without infringing on the rights and views of others, and without obstructing the constitutional governance of the church." Further, G-6.0108 states that an officer's conscience is "captive to the Word of God as interpreted in the standards of the church so long as he or she continues to seek or hold office in that body." Submission to the current standards of the church may not always be comfortable, but it is not optional.

Specification of Error No. 7 (Appellant's 2): The SPJC erred by concluding that a member of the PPJC should have been disqualified.

This specification of error is sustained.

The SPJC determined that one member of the PPJC should have been disqualified from serving on the PPJC because there was at least an appearance of a conflict of interest. The PPJC member's participation was challenged because she "might conceivably have an interest in the case" based on evidence that she participated with Spahr in a "ceremony of commitment." At that ceremony of commitment, the PPJC member "led a blessing over the wine which was shared 'by the two to be wed,' she shared her story of her relationship with her best friend; she co-read in liturgy; she led a ceremony of lighting a 'unity candle,' which 'is an ancient Jewish custom called circling'; and she offered prayers and the benediction." These actions pertained to ceremonies not at issue in this case and thus did not rise to the level of an "interest in the case" requiring disqualification of the member under D-11.0402b(1).

In this case, the decision of the PPJC not to uphold the challenge to the member in question should not have been overturned. The member was not subject to the mandatory disqualification standards of D-5.0205, which applies to all types of cases. The member also did not fall into the disqualification standards of D-11.0402b(1), which pertain to disqualification in disciplinary cases. D-11.0402b(1) requires disqualification in a disciplinary case when the commissioner is "personally interested in the case" or has been "active for or against any party." The SPJC determination that the member should have been disqualified from serving was in error.

Order

IT IS THEREFORE ORDERED that the Decision of the Permanent Judicial Commission of the Synod of the Pacific is reversed and the censure is removed.

IT IS FURTHER ORDERED that the Stated Clerk of the Presbytery of Redwoods report

this decision to the Presbytery at its first meeting after receipt, that the Presbytery enter the full decision upon its minutes, and that an excerpt from those minutes showing entry of the decision be sent to the Stated Clerk of the General Assembly.

IT IS FURTHER ORDERED that the Stated Clerk of the Synod of the Pacific report this decision to the Synod at its first meeting after receipt, that the Synod enter the full decision upon its minutes, and that an excerpt from those minutes showing entry of the decision be sent to the Stated Clerk of the General Assembly.

**Concurring Opinion of Fred L. Denson, William E. Scheu,
and Gregory A. Goodwiller for Specifications of Error 1 and 2**

We join in the foregoing Decision and Order (Decision). We understand the Decision to be an authoritative interpretation of W-4.9001, to mean that officers of the PCUSA who are authorized to perform marriages shall not hereafter perform a same sex union ceremony in which or with respect to which such officer states, implies or represents to be a marriage or the equivalent thereof. While the Commission did not find Spahr guilty as charged herein, in part because her conduct occurred under prior authoritative interpretations, we understand that future noncompliance with the authoritative interpretation of the Decision will be considered to be a disciplinable offense.

**Concurring Opinion of Catherine G. Borchert, Tony M. Cook,
and William E. Scheu for Specification of Error No. 7**

Specification of error #7 concerns the conclusion of the SPJC that one of the members of the PPJC should have been disqualified due to her participation in a same gender commitment service.

We agree with the conclusion in law of the majority. However, what is right in a narrow legal sense may not be best either for the parties or for the church. A member of a permanent judicial commission who is placed in a position of trust by his or her sisters and brothers in the church needs to do special work in discerning if their actions and connections with a party to a case places them in a situation in which a reasonable person would question their ability to maintain the objectivity necessary to undertake the task of judging and disciplining another.

In this case, the decision of the PPJC not to uphold the challenge to the member in question was undoubtedly legally correct, and so should not be overturned. The rationale presented by the Synod concerning the participation of the member is wise and should always be considered prayerfully by any commissioner who may have past associations of any kind with a party in a disciplinary case.

**Concurring Opinion of Mary Eleanor Johns, Catherine G. Borchert,
and Susan J. Cornman**

Much of the argument in this case centered on the provision of pastoral care by Spahr as her call to ministry. In providing pastoral care, the minister must take into account not only the rules of the church, but the call to faithfulness as Presbyterians. Among other places in the Constitution, the living out of our faithfulness as Christians and as Presbyterians is called forth through the words which define compassion, justice, reconciliation and peace in the "Directory for Worship", W-7.3002 - W-7.3004, sections which speak of compassion in settings of worship, show compassion as advocacy, and speak of faithful compassion. The ways in which compassion is seen to be faithful include the following from W-7.3003:

Such acts of compassion, done corporately and individually, are the work of the church as the body of Christ. The church is called to minister to the immediate needs and hurts of people. The church is also called to engage those structures and systems which create or foster brokenness and distortion. Christians respond to these calls through acts of advocacy and compassion, through service in common ministries of the church, and through cooperation with agencies and organizations committed to those ends. (G-3.0300)

The "Directory for Worship" continues, delineating ways in which we are called to serve.

Following the example of Jesus Christ, faithful disciples today express compassion

- a. with respect for the dignity of those in need,
- c. with willingness to risk their own comfort and safety."

Acts of compassion through the power of the Holy Spirit are accompanied by the worshipful acts of justice, leading to peace and reconciliation. W-7.4002 includes the following:

Justice is the order God sets in human life ... for giving rights to those who have no power to claim rights for themselves. The biblical vision of doing justice calls for

- c. supporting people who seek the dignity, freedom, and respect that they have been denied.
- h. redressing wrongs against individuals, groups, and peoples in the church, in this nation, and in the whole world.

In following these constitutional admonitions, a minister may find the call to compassion and advocacy in tension rules of the church. The church's structure and discipline are to be heeded, even while the minister's faithfulness to Christ is unquestioned.

**Concurring Opinion and Dissenting Opinion in Part of
Judy L. Woods, Patrick W. Notley, Mary Eleanor Johns, Fane Downs, and Susan J.
Cornman for Specifications of Error 1 and 2**

In rendering its decision, the majority has taken the liberty of legislating in the guise of interpreting inconsistencies between W-4.9001 on the one hand, and the 1991 AI and this Commission's decision in *Benton v. Presbytery of Hudson River*, Remedial Case 212-11 (2000), on the other hand. For the reasons stated herein, we respectfully concur in the result of the majority, but disagree with the decision of the majority to the extent that it rests on the 1991 AI or *Benton*. Spahr was charged with and found guilty of violating W-4.9001 and the 1991 AI by performing "wedding" services for two same sex couples. There is no prohibition in W-4.9001 or elsewhere in the Constitution against performing a same sex wedding or other ceremonies to recognize or bless same sex unions. The 1991 AI acknowledged that there is no mention in the Book of Order of same sex unions or ceremonies.

The majority is correct that W-4.9001 defines "marriage" as between a man and a woman. Any ceremony, no matter what is called, between two men or between two women, is not and cannot be a marriage. As a definition, W-4.9001 does not prohibit a minister of the Word and Sacrament or authorized church officer from performing a same sex union or blessing ceremony. Neither the 1991 AI, nor this Commission's decision in *Benton*, prohibited ministers from performing ceremonies intended to bless or recognize the union between two men or two women. Because a same sex ceremony cannot be a "marriage" as marriage is defined by W-4.9001, it should not be necessary to say more. It is not the place of this Commission to go any farther and step into the legislative realm. The larger church has declined at least four times to amend W-4.9001 with regard to same sex ceremonies. The majority now takes this step to amend the definition to include prohibitions. See the Annotations to W-4.9001 describing repeated unsuccessful attempts to change W-4.9001. Any steps to define or distinguish same sex ceremonies or the nomenclature applied to them is best left to the General Assembly, not this Commission.

Benton attempts to draw a line between a marriage and a same sex ceremony based on the conclusion that a marriage confers a new status on the couple, while a same sex union blesses an existing relationship. The new status on which *Benton* differentiates marriages from same sex ceremonies is not defined. Then in circular fashion, *Benton* concludes the status results from the pronouncement of "marriage" which is *a priori* defined by W-4.9001 as a status only available to a man and a woman. *Benton* and the 1991 AI "admonished" ministers and sessions to take special care to avoid confusing same sex ceremonies with marriages. This advice is consistent with the current state of our Constitutional language, which makes it clear that there is no such thing as "marriage" between same sex couples. W-4.9001. The majority purports that *Benton* (on which the SPJC relied heavily for its decision to censure Spahr) is not applicable. However, the holding in this case extends the holding in *Benton*. The majority refused to address *Benton* squarely or acknowledge that *Benton* is built on a foundation of sand. We dissent because the majority fails to point out the fallacies of *Benton*, and then converts admonitions in *Benton* into prohibitions. We disagree with that portion of the majority decision and do not join in it. In all other respects, we join in the majority decision as to Specifications of Error Nos. 1 and 2 and as to the remainder of the decision.

Certificate

We certify that the foregoing is a true and correct copy of the decision of the Permanent Judicial Commission of the General Assembly of the Presbyterian Church (U.S.A.) in Disciplinary Case 218-12, Jane Adams Spahr, Appellant, v. Presbyterian Church (U.S.A.) through the Presbytery of Redwoods, Appellee, made and announced at Louisville, Kentucky, on April 28, 2008.

Dated this 28th day of April, 2008.

**THE PERMANENT JUDICIAL COMMISSION
OF THE GENERAL ASSEMBLY
OF THE PRESBYTERIAN CHURCH (U.S.A.)**

<hr style="border-top: 1px solid black;"/>)	
Jean K. Southard,)	
Appellant (Accused),)	
)	
v.	)	DECISION AND ORDER
)	
Presbyterian Church (U.S.A.) through	)	Disciplinary Case GAPJC 220-02
the Presbytery of Boston,)	
Appellee (Complainant).)	
<hr style="border-top: 1px solid black;"/>		

Arrival Statement

This disciplinary case came before the General Assembly Permanent Judicial Commission (GAPJC or this Commission) on an appeal filed by the Appellant, Jean K. Southard (Southard), from a decision of the Permanent Judicial Commission of the Synod of the Northeast (SPJC) dated June 25, 2010.

Jurisdictional Statement

This Commission finds that it has jurisdiction, that Southard has standing to file the Appeal, that the Appeal was properly and timely filed, and that the Appeal states one or more of the grounds for appeal in D-13.0106.

Appearances

Southard was represented by Sara Taylor and Scott Clark. The Appellee, Presbytery of Boston (Presbytery), was represented by Jean K. Risley and Kevin Manuel.

History

Factual History

On March 1, 2008, Southard, a minister of the Word and Sacrament of the Presbyterian Church (U.S.A.) (PCUSA), and a member of the Presbytery, officiated at a marriage ceremony between two women, Jennifer Irene Duhamel (Duhamel) and Sara Jane Herwig (Herwig). The ceremony, which was characterized by the participants as a "Christian marriage," was conducted at the First Presbyterian Church, in Waltham, Massachusetts (First Presbyterian). Duhamel and Herwig were longtime active members of, and participants in the life of, First Presbyterian. Prior to the wedding, Southard conducted pre-marital counseling for the two women and concluded that they were well suited for marriage. The Session of First Presbyterian (Session) gave prior approval to the marriage.

The ceremony took place on March 1, 2008. The program for the wedding service was entitled "A Service of Christian Marriage and Worship" and the service followed the customary Presbyterian liturgy for marriage found in the *Book of Common Worship*. During the homily, Southard warned Herwig and Duhamel that "the majority of people out there may challenge you on the very fundamental fact of whether you are married at all." At the conclusion of the service, Southard proclaimed the two women to be "joined together in holy marriage" and stated that they

might “seal the covenant of marriage with a wedding kiss.”

At the time the events of this case occurred, the Commonwealth of Massachusetts recognized same-gender marriages conducted within its borders as legal marriages. On March 12, 2008, the Session added the marriage to its register of marriages. A certificate of the marriage of Duhamel and Herwig was signed by Southard as a member of the clergy and recorded in the town records on March 13, 2008.

This Commission's decision in *Spahr v. Presbytery of the Redwoods* (Minutes, 2008, p. 314), was rendered on April 28, 2008, after the marriage was conducted.

Procedural History

This is an appeal of a decision of the SPJC dated June 25, 2010, in which the SPJC reversed a decision of the Permanent Judicial Commission of the Presbytery (PPJC), rendered on August 22, 2009. The PPJC decision came as the result of a disciplinary complaint filed against Southard, which was tried by the PPJC on August 22, 2009. Presbytery's prosecuting committee initially promulgated five charges against Southard, but they were revised and consolidated such that two charges were actually tried by the PPJC. Neither charge was sustained by the PPJC.

The two charges were:

Charge 1: On 1 March 2008, in the sanctuary of the First Presbyterian Church of Waltham, Massachusetts, the Rev. Jean Southard as a minister of the Word and Sacrament violated the Constitution of the Presbyterian Church (U.S.A.) by participating in and directing a worship service publicly witnessed and acknowledged by the community of faith

- a) that appropriated the liturgical forms for Christian marriage to celebrate the marriage of two women sanctioned by civil law and purporting to be consistent with the Christian understanding of marriage under the Constitution of the Presbyterian Church (U.S.A.);
- b) where Rev. Southard declared that as a result of the marriage ceremony she performed, the two women were then joined in Christian marriage, declaring a new status that is reserved to the marriage of one man with one woman under the Constitution of the Presbyterian Church (U.S.A.);
- c) where Rev. Southard failed to differentiate between the marriage celebrated between the two women and a Christian marriage between one man and one woman, but rather directed the marriage worship service to be similar to the marriage service between one man and one woman under the Constitution of the Presbyterian Church (U.S.A.), by conducting the service in the sanctuary and by including in the worship service one or more of the following elements:
 - i) the two women declared their intention to enter into Christian marriage;
 - ii) the two women exchanged vows of love and faithfulness similar to the vows expressed by a man and a woman in a ceremony of Christian marriage;
 - iii) prayers were offered for the two women as a new couple in their new dimension as being married together;
 - iv) Rev. Southard declared that as a result of the marriage ceremony the two women were then joined in Christian marriage.

By so participating and directing the worship service, Rev. Southard disregarded the Directory for Worship W-4.9000, in particular W-4.9001, which expressly defines our biblical and constitutional understanding of Christian marriage.

Charge 2: On 1 March 2008, in the sanctuary of the First Presbyterian Church of Waltham, Massachusetts, the Rev. Jean Southard as a minister of the Word and Sacrament failed to fulfill her ordination vow to be governed by our church's polity (W-4.4003e) by participating in and directing the ceremony as set forth in Charge #1, purporting to perform a Christian marriage between two women.

"Will you be governed by our church's polity, and will you abide by its discipline?..." --W-4.4003e

On appeal to the SPJC by the Presbytery, the SPJC, on June 26, 2010, reversed the decision of the PPJC and remanded the case to the PPJC to determine the degree of censure, if any, to be imposed. Southard filed a Notice of Appeal to this Commission on August 13, 2010, which was received by this Commission on August 16, 2010. This Commission determined that it had jurisdiction, that Southard had standing to appeal the SPJC decision, that the Notice of Appeal was timely filed, and that the Notice of Appeal stated one or more of the grounds for appeal under D-13.0106.

A hearing on this Appeal was held by this Commission on February 4, 2011, in Louisville, Kentucky.

Specifications of Error

Specification of Error No. 1 (Appellant's 7 and 10): The SPJC erred in constitutional interpretation by determining that Southard committed an offense by participating in and directing a same-gender marriage ceremony as a Christian marriage.

This specification of error is sustained.

Specification of Error No. 2 (Appellant's 9): The SPJC erred in constitutional interpretation by determining that Southard violated her ordination vows by participating in and directing the same-gender marriage ceremony as a Christian marriage.

This specification of error is sustained.

Specification of Error No. 3 (Appellant's 5, 6, and 8): The SPJC erred in constitutional interpretation by determining that a minister of the Word and Sacrament who performs (participating in and directing) a same-gender marriage as a Christian marriage commits an offense prohibited by the Constitution of the Presbyterian Church (U.S.A.), Authoritative Interpretations and violates his or her ordination vows.

(Note: Specification of Error No. 3 is distinguished from Specifications of Error No. 1 and 2 because the first two specifications pertain to Southard specifically, who acted prior to *Spahr*, while Specification of Error No. 3 refers to ministers of the Word and Sacrament in general.)

This specification of error is not sustained.

Specification of Error No. 4 (Appellant's 1): The SPJC erred in constitutional interpretation by failing to distinguish the difference between same-sex ceremonies and same-gender marriages.

This specification of error is not sustained (see "II. Appellant's Characterization of SPJC Error" below).

Specification of Error No. 5 (Appellant's 2): The SPJC erred in constitutional interpretation in finding that the four statements contained in W-4.9001 constitute an exclusive definition of marriage in the Presbyterian Church (U.S.A.).

This specification of error is not sustained (see "II. Appellant's Characterization of SPJC Error" below).

Specification of Error No. 6 (Appellant's 3, 13, and 14): An error in the proceedings occurred when the SPJC reversed the not guilty verdict of the PPJC without providing Southard with certain constitutionally required due process safeguards. This was contrary to D-11.0401 through 11.0403 and therefore constitutes an irregularity in the proceedings and an injustice in the process and the decision.

This specification of error is sustained.

Specification of Error No. 7 (Appellant's 4, 11, and 12): The SPJC erred when it reversed the decision of the PPJC by reinterpreting and rephrasing the original charges to determine Southard was guilty of "performing a same-gender marriage as a Christian marriage." This modification of the original charges constituted an irregularity in the proceedings and an injustice in the process and the decision.

This specification of error is sustained.

Decision

I. Constitutional Interpretation (GAPJC Specifications of Error No. 1-3)

In this case, this Commission considers whether a minister of the Word and Sacrament is permitted under the Constitution of the PCUSA to conduct a marriage of two persons of the same gender when such marriages are permitted under the laws of the state in which the marriage is performed.

The precedents governing this case begin in 1991, when the General Assembly stated, in an Authoritative Interpretation, (*Minutes*, 1991, Part I, pg.____) (1991 AI): "[S]ince 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." In *Benton v. Presbytery of Hudson River* (*Minutes*, 2000, pp. 580-89), this Commission quoted and affirmed the language of the 1991 AI.

The 1991 AI, as well as *Benton* and *Spahr*, involved relationships that did not constitute legal marriages as defined by the applicable civil law. The question before this Commission, then, is whether the Massachusetts law defining this relationship as a legal marriage changes the impact of the definitions in W-4.9001. This Commission holds that it does not. While the PCUSA is free to amend its definition of marriage, a change in state law does not amend the *Book of Order*. It is the responsibility of the church, following the processes provided in the Constitution for amendment, to define what the PCUSA recognizes as a "Christian marriage." Consequently, *Spahr's* holding, "By the definition in W-4.9001, a same sex ceremony can never be a marriage," remains in effect.

This Commission further held in *Spahr*, for *prospective* application, "that the liturgy should be kept distinct for the two types of services." In light of the change in the laws of some states, this Commission reiterates that officers of the PCUSA who are authorized to perform marriages, when performing a ceremony for a same-gender couple, shall not state, imply, or represent that the same-gender ceremony is an ecclesiastical marriage ceremony as defined by PCUSA polity, whether or not the civil jurisdiction allows same-gender civil marriages.

This Commission concluded in *Spahr* that prior authoritative interpretations lacked mandatory language. Southard conducted this ceremony two months prior to *Spahr*. Sensitive to the authoritative interpretation in *Spahr*, this Commission agrees with the SPJC that *Spahr* cannot

be applied retroactively to the facts of this case. Therefore, Southard did not violate the *Book of Order* or her ordination vows by erring in her constitutional interpretation. She did not commit an offense because the applicable authoritative interpretation (*Spahr*) had not yet been promulgated.

II. Appellant's Characterization of SPJC Error (GAPJC Specifications of Error No. 4 and 5).

This Commission does not sustain these two Specifications of Error because they do not accurately reflect the holding of the SPJC as to the matters involved.

III. Due Process (GAPJC Specification of Error No. 6).

The SPJC reversed the PPJC, finding Southard guilty on both counts, and remanded the case to the PPJC for a determination of censure. This was error. When an appellate permanent judicial commission reverses a not guilty finding, it must remand the case for a new trial, rather than imposing its own guilty verdict. As this Commission held in *Davis (cite)*, the finding of guilt can only be made by the trier of fact, which has an opportunity to hear and evaluate the evidence. If the appellate body finds that the trier of fact has made an error of law, the proper procedure is to identify that error and remand for a new trial.

In this case, there were disputed questions of fact, particularly around the issue of intent. The PPJC did not address these issues because it determined elsewhere that Southard's actions did not violate the *Book of Order*. It would have been necessary for the trier of fact to consider these issues in order to determine guilt.

IV. Charges (GAPJC Specification of Error No. 7).

In reversing the PPJC, the SPJC did not address the details of charge 1. By addressing charge 1 only in its generalities, the SPJC effectively amended the charge to remove the detailed references to specific actions previously required by the PPJC. Such a modification of charges is not appropriate on appeal.

Order

IT IS THEREFORE ORDERED that the Decision of the Synod of the Northeast is hereby reversed in part and affirmed in part.

IT IS FURTHER ORDERED that the judgment of the Synod of the Northeast finding Southard guilty on charges 1 and 2 is reversed, and the Presbytery of Boston's judgment of not guilty on charges 1 and 2 is reinstated.

IT IS FURTHER ORDERED that the Stated Clerk of the Presbytery of Boston report this decision to the Presbytery of Boston at its first meeting after receipt, that the Presbytery of Boston enter the full decision upon its minutes, and that an excerpt from those minutes showing entry of the decision be sent to the Stated Clerk of the General Assembly.

IT IS FURTHER ORDERED that the Stated Clerk of the Synod of the Northeast report this decision to the Synod of the Northeast at its first meeting after receipt, that the Synod of the Northeast enter the full decision upon its minutes, and that an excerpt from those minutes showing entry of the decision be sent to the Stated Clerk of the General Assembly.

Absences and Non-Appearances

Commissioner Margaret A. MacLeod did not participate in this case in accordance with (cite).

Certificate

We certify that the foregoing is a true and correct copy of the decision of the Permanent Judicial

Commission of the General Assembly of the Presbyterian Church (U.S.A.) in Disciplinary Case 220-102, Jean K. Southard, Appellant (Accused), vs. The Presbyterian Church (U.S.A.) through the Presbytery of Boston, Appellee (Complainant), made and announced at Louisville, KY on February 7, 2011.

Dated this 7th of February, 2011.

Susan J. Cornman, Moderator
Permanent Judicial Commission of the General Assembly

Gregory A. Goodwiller, Clerk
Permanent Judicial Commission of the General Assembly

I certify that I did transmit a certified copy of the foregoing to the following persons by Fed Ex, Next Day Air, directing C. Laurie Griffith to deposit it with Fed Ex at Louisville, KY on February 7, 2011.

Sara Taylor, Counsel for Appellant
Jean K. Risley, Counsel for Appellee
Stated Clerk, Synod of the Northeast
Stated Clerk, Presbytery of Boston
General Assembly Permanent Judicial Commission

I further certify that I did transmit a certified copy of the foregoing to the Stated Clerk of the General Assembly of the Presbyterian Church (U.S.A.) by delivering it in person to C. Laurie Griffith, on February 7, 2011.

Gregory A. Goodwiller, Clerk
Permanent Judicial Commission of the General Assembly

I certify that I received a certified copy of the foregoing, that it is a full and correct copy of the decision of the Permanent Judicial Commission of the General Assembly of the Presbyterian Church (U.S.A.), sitting during an interval between meetings of the General Assembly, in Louisville, KY on August 8, 2010, in Disciplinary Case 220-102, Jean K. Southard, Appellant (Accused), v. Presbyterian Church (U.S.A.) through the Presbytery of Boston, Appellee (Complainant) and that it is the final judgment of the General Assembly of the Presbyterian Church (U.S.A.) in the case.

Dated at Louisville, KY on February 7, 2011.

C. Laurie Griffith
Manager of Judicial Process and Social Witness

Concurring Opinion

While we agree with the constitutional interpretation of the majority, we are intensely troubled by the underlying issue – the marginalization of gay, lesbian, and bisexual people by the constitution of the Presbyterian Church (PCUSA). This issue is larger than the PCUSA. It is a human rights issue.

The PCUSA is reformed and always being reformed. The constitution is contradictory in its language regarding the acceptance of our gay, lesbian, and bisexual brothers and sisters into the full fellowship of the church. See for example, G-4.0403; G-5.0103; G-5.0302; G-6.0106b; W-4.9000. We urge the General Assembly to amend the constitution to allow for the marriage of same sex couples in the PCUSA, and otherwise welcome gay, lesbian, and bisexual people into the full fellowship of the church.

Dated this 6th day of February, 2011

Jeana Lungwitz
Barbara Bundick
A. Bates Butler, III
Michael Lukens
Rebecca New

Concurring Opinion

We concur in this decision. We have, nonetheless, a continuing concern about a foundational assumption in this case as well as other recent cases dealing with the definition of Christian marriage. This assumption would ground the definitive interpretation of marriage in the provisions of W-4.9001. The concern is whether W-4.9001 provides an effective and unambiguous definition of Christian marriage.

First, W-4.9001 is an introductory narrative for the whole section on marriage, outlining its biblical and theological characteristics as background to provisions of pastoral practice and nurture. Its content serves to establish a progression of four theological claims (gift, civil contract, covenant, commitment) as a foundation for the church's general understanding of marriage.

In W-4.9001, there is have an overarching, schematic narrative that develops a biblical and theological progression. These elements are explicated as four simple but profound claims, each of which has theological bearing. Marriage is viewed within a progression of God's gift (general revelation in the created natural order), to civil order (part of universal civil order), to covenant (a distinctive mark of biblical people), and the characteristics of such covenant (promise, trust, and faithful commitment).

To claim that this paragraph is primarily and intentionally legal in nature places a strain upon its obvious narrative purpose. As a fourfold theological outline of Christian marriage in narrative form, it is arguable that it proposes either regulatory imperative or legal intention. Certainly, it does not have the kind of language or format that the church has come to expect in definitional statements, for the language in this paragraph is not obviously legislative, in the sense of providing regulatory lines that define boundaries or proscribe behavior.

Further, recent definitional arguments have revolved around ancillary elements in the text, which have taken priority over the primary focus of its sentences. The key sentence ("For Christians marriage is a covenant through which a man and a woman are called to live out together before God their lives of discipleship") has been treated as a consummate definition and legal regulation, based on one element in its secondary clause. The question may be raised whether a portion of a secondary clause, one part in a set that elaborates upon and describes the character of a covenantal relation, constitutes an absolute and exclusionary prescription. In fact, it can be argued that it is not immediately clear or textually obvious that any of the ancillary clauses in these four provisions rises to the level of legal intention or definitional weight.

Thus, W-4.9001 has become contested regarding whether it can bear the interpretive weight that judicial process and decision has put upon it. The church needs a sharper degree of clarification and guidance that precisely defines how it understands marriage, especially in light of the high financial and personal burden involved. Given the contention regarding the nature and practice of Christian marriage in our time, it would be important and valuable for the Church to state its definition in clearer and more precise legislation.

Dated this 6th day of February, 2011.

H. Clifford Looney

Rebecca New

Michael B. Lukens

Jeana Lungwitz
A. Bates Butler III
Yun Jin Kim

Concurring Opinion

We concur with the Decision of the Commission, and with the holding that *Spahr* is not applicable as precedent because the actions taken by Southard took place before the *Spahr* Decision was rendered. However, it is disingenuous of Southard to claim that no guidance was available from the larger church on the advisability of performing a same-gender marriage.

The very language quoted in the History of the Decision from the Authoritative Interpretation of 1991 and *Benton* provides considerable counsel.

If, as *Benton* states, it is not “proper” for a minister to perform a same-gender ceremony determined to be the same as a marriage ceremony, it would logically seem to be “improper” for a minister to perform a ceremony that was, in actuality, a legally-sanctioned marriage service. This is particularly true in this case since, as the Decision points out, there is a direct conflict between the definition of marriage under local state law and the definition stated in our polity. Similarly, *Benton* antedates *Spahr* in stating the impropriety of using liturgical elements from the marriage service, especially a pronouncement that a new status has been conferred, whether the ceremony was a marriage (which would be itself “improper”) or a blessing of a same-gender relationship.

Southard should have consulted not only the Session about the advisability of officiating at this ceremony, but should have considered the guidance already available through the larger Church. While Southard may be commended for her desire to provide compassionate pastoral care, a failure to seek out the guidance of the larger Church would raise a concern about Southard's willingness to “be governed by our church's polity, and to abide its discipline.”

Meta Shoup Cramer
Bradley C. Copeland
William Scheu

10-02 On Amending W-4.9000, Marriage—From the Presbytery of the Cascades.

Source: Presbytery **Event:** 221st General Assembly (2014)
Committee: [10-02] Civil Union and Marriage Issues **Sponsor:** Cascades Presbytery
Topic: Unassigned **Type:** General Assembly Full Consideration

<http://pc-biz.org/Explorer.aspx?id=4593>

Assembly Action

On this Item, the General Assembly, acted as follows:

Approve as Amended

Amended on the floor to insert "traditionally a man and a woman" after the words "two people" in the first paragraph

Electronic Vote - Plenary

Affirmative: 429

Negative: 175

Abstaining: 0

Final Text:

Amend Paragraph 5 to read as follows: [Text to be deleted is shown with brackets and with a strike-through; text to be added or inserted is shown with brackets and with an underline.]

"If they meet the requirements of the civil jurisdiction in which they intend to marry, a couple may request that a service of Christian marriage be conducted by a teaching elder in the Presbyterian Church (U.S.A.), who is authorized, though not required, to act as an agent of the civil jurisdiction in recording the marriage contract. A couple requesting a service of Christian marriage shall receive instruction from the teaching elder, who ~~shall~~ may agree to the couple's request only if, in the judgment of the teaching elder, the couple demonstrate sufficient understanding of the nature of the marriage covenant and commitment to living their lives together according to its values. In making this decision, the teaching elder may seek the counsel of the session, which has authority to permit or deny the use of church property for a marriage service."

2. Add a new paragraph at the end to read as follows: [Text to be added is shown with brackets and with an underline.]

"[Nothing herein shall compel a teaching elder to perform nor compel a session to authorize the use of church property for a marriage service that the teaching elder or the session believes is contrary to the teaching elder's or the session's discernment of the Holy Spirit and their understanding of the Word of God.]"

Committee Recommendation

On this Item, the Civil Union and Marriage Issues Committee, acted as follows:

Approve as Amended

[Counted Vote - Committee]

Affirmative: 49

Negative: 18

Abstaining: 0

Final Text:

1. Amend Paragraph 5 to read as follows: [Text to be deleted is shown with brackets and with a strike-through; text to be added or inserted is shown with brackets and with an underline.]

10-02

Assembly Action

Committee Recommendation

Recommendation

Rationale

Comment

Advice from the ACC

Other Comments

ACSWP Advice and Counsel

ACWC Advice and Counsel

Concurrence

Presbytery of Albany (with A...

Presbytery of Baltimore

Presbytery of Boston

Presbytery of Cayuga-Syracus...

Presbytery of Chicago (with ...

Presbytery of East Iowa (wit...

Presbytery of Genesee Valley...

Presbytery of Heartland (wit...

Presbytery of Hudson River (...

Presbytery of National Capital

Presbytery of New York City ...

Presbytery of San Francisco ...

Presbytery of Southern New E...

Presbytery of the Redwoods

Presbytery of the Twin Citie...

Presbytery of Transylvania (...

Additional Resources (2)

"If they meet the requirements of the civil jurisdiction in which they intend to marry, a couple may request that a service of Christian marriage be conducted by a teaching elder in the Presbyterian Church (U.S.A.), who is authorized, though not required, to act as an agent of the civil jurisdiction in recording the marriage contract. A couple requesting a service of Christian marriage shall receive instruction from the teaching elder, who ~~shall~~ may agree to the couple's request only if, in the judgment of the teaching elder, the couple demonstrate sufficient understanding of the nature of the marriage covenant and commitment to living their lives together according to its values. In making this decision, the teaching elder may seek the counsel of the session, which has authority to permit or deny the use of church property for a marriage service."

2. Add a new paragraph at the end to read as follows: [Text to be added is shown with brackets and with an underline.]

"[Nothing herein shall compel a teaching elder to perform nor compel a session to authorize the use of church property for a marriage service that the teaching elder or the session believes is contrary to the teaching elder's or the session's discernment of the Holy Spirit and their understanding of the Word of God.]"

Recommendation

The Presbytery of the Cascades respectfully overtures the 221st General Assembly (2014) to direct the Stated Clerk to send the following proposed amendment to the presbyteries for their affirmative or negative votes:

Amend W-4.9000 by striking the current text and replacing it with the following:

"Marriage is a gift God has given to all humankind for the well-being of the entire human family. Marriage involves a unique commitment between two people to love and support each other for the rest of their lives. The sacrificial love that unites the couple sustains them as faithful and responsible members of the church and the wider community."

"In civil law, marriage is a contract that recognizes the rights and obligations of the married couple in society. In the Reformed tradition, marriage is also a covenant in which God has an active part, and which the community of faith publicly witnesses and acknowledges."

"If they meet the requirements of the civil jurisdiction in which they intend to marry, a couple may request that a service of Christian marriage be conducted by a teaching elder in the Presbyterian Church (U.S.A.), who is authorized, though not required, to act as an agent of the civil jurisdiction in recording the marriage contract. A couple requesting a service of Christian marriage shall receive instruction from the teaching elder, who shall agree to the couple's request only if, in the judgment of the teaching elder, the couple demonstrate sufficient understanding of the nature of the marriage covenant and commitment to living their lives together according to its values. In making this decision, the teaching elder may seek the counsel of the session, which has authority to permit or deny the use of church property for a marriage service."

"The marriage service shall be conducted in a manner appropriate to this covenant and to the forms of Reformed worship, under the direction of the teaching elder and the supervision of the session (W-1.4004-.4006). In a service of marriage, the couple marry each other by exchanging mutual promises. The teaching elder witnesses the couple's promises and pronounces God's blessing upon their union. The community of faith pledges to support the couple in upholding their promises; prayers may be offered for the couple, for the communities that support them, and for all who seek to live in faithfulness."

"A service of worship recognizing a civil marriage and confirming it in the community of faith may be appropriate when requested by the couple. The service will be similar to the marriage service except that the statements made shall reflect the fact that the couple is already married to one another according to the laws of the civil jurisdiction."

Rationale

The PC(USA) has a long history of working for social justice and equal rights for all people.

Presbyterian Church (U.S.A.) churches throughout the denomination are seeking to be inclusive, welcoming communities of Christian faith and are committed to honoring diversity and promoting peace, health, and justice in personal relationship, church, community, and the world.

Presbyterian Church (U.S.A.) churches throughout the denomination also have a long history of struggling with issues of gay, lesbian, bisexual, and transgender (GLBT) equality; working within the structure and standards of the PC(USA) and also taking actions of ecclesiastical defiance when their conscience leads them to believe the teachings of Jesus require such actions.

As requested by the 220th General Assembly (2012), many churches have been studying the issue of marriage equality both in the pulpit and through adult education classes.

The Presbytery of the Cascades stands with those in the PC(USA) who believe that the teachings of Jesus call for radical inclusion of all people and that the actions of Jesus, passed down in Scripture, showed unconditional love and equality for all people. We believe that God created each of us with many differences, including sexual preferences, and that those

differences are to be celebrated as part of the creative plan of God.

Support of marriage equality is consistent with our faith tradition. The covenant of marriage requires love and commitment; qualities that are in no way gender specific.

Failing to allow for marriage equality continues to have negative consequences for the Body of Christ, the Church, in that it gives some of our members fewer rights than others, treating them as second-class members. This is inconsistent with the teachings of Jesus. Valuing the worth, health, and happiness of our children and youth, requires that they are allowed to grow wholly and holy in a church that embraces them and their visions of their future loving relationships. To deny marriage to the GLBT community will continue the discrimination they already experience and increase the level of stress and mental health issues that make this community more susceptible to substance abuse, depression, and suicide.

Marriage equality, on the other hand, will reduce the numbers of young people who find banning gay marriage to be hypocritical, unfair, and not the act of a caring Christian congregation.

The *Book of Order* of the PC(USA) should be amended to allow marriage between “two people” rather than limiting marriage to “between one man and one woman” and to allow PC(USA) church officials to perform marriage ceremonies between same-sex couples.

Comment

Advice From The ACC

The Advisory Committee on the Constitution advises the 221st General Assembly (2014) to disapprove Item 10-02.

This overture proposes to strike W-4.9000 in its entirety and replace it with new section W-4.9000. This includes revising the definition of marriage to “two people” and allowing teaching elders to perform marriage ceremonies between same-gender couples.

Similar overtures have been considered by previous General Assemblies. The 220th General Assembly (2012) voted to answer those overtures by a call for “a season of serious study and discernment” concerning its [the PC(USA)] meaning of Christian marriage using material prepared by the Office of Theology and Worship.

The Advisory Committee on the Constitution’s advice on this overture is the same as its advice to the General Assembly Committee on Civil Unions and Marriage in 2012 (*Minutes*, 2012, Part I, pp. 1164ff) and is not intended to be advice on the theological, ethical, and legal merits of the overture. The overture does not propose to change the basic premise that “marriage is a gift God has given to all humankind,” rather the overture seeks to amend the definition of marriage from “a man and a woman” to “two people.” Amending the definition of marriage to two people would alter the foundation on which previous AIs of this section have rested. **A possible consequence of the proposed language is perceived tension between Scripture, the Confessions, and the *Book of Order*.** The assembly will need to articulate the reasons for changing the current definition of Christian marriage.

If the assembly approves this overture, a constitutional issue that should be considered is the use of the word “shall” in the third paragraph (“who shall agree to the couple’s request only if ...”). This could be interpreted to limit the teaching elder’s ability to deny performing a service of Christian marriage for any reason other than that given in the overture.

Other Comments

ACSWP Advice and Counsel

The Advisory Committee on Social Witness Policy (ACSWP) advises approval of Item 10-02.

A. *Introduction*

The Christian Church has influenced societies over the centuries and throughout the world through its understanding of the love of God and neighbor. In the particular area of marriage, the Church has grown in its understanding of mutuality and mutual respect between marriage partners and the nature of the families that are created by such unions. Thus the Advisory Committee on Social Witness Policy—which has worked on matters of marriage, family, and human sexuality since the 1970 General Assembly Report on Sexuality and the Human Community—does not take the process of change lightly. Rather we pray that commissioners and the larger church can see God’s hands both holding us and leading us on the path of grace.

In this Advice and Counsel (A&C) memorandum, part of the Advisory Committee on Social Witness Policy’s assigned role for the General Assembly on matters of social ethics and Christian conscience, we ask commissioners to look at several theological and polity considerations that we believe justify sending a constitutional change to the presbyteries. In another Advice and Counsel memorandum on Item 10-03, we address the matter of an authoritative interpretation (AI) that would not propose a re-definition of marriage but allow marriages to be performed in jurisdictions where it is legal without subjecting ministers, couples, and congregations to judicial charges within the Presbyterian system.

We draw here on the wisdom of the many concurring overtures sent in for this Item 10-02, as well as concerns in Items 10-01 and 10-05, which we recommend to answer by action on this item. We also cite sections from the 2012 Advice and Counsel memoranda of both our own committee, ACSWP, and the Advisory Committee on the Constitution (ACC). In 2012, ACSWP and ACC both did not take positions on the variety of overtures on marriage presented and we recommended

study by the church, for which the Office of Theology and Worship and many of our seminaries are to be commended for assisting.

B. *Theological and Ethical Framework*

A basic way to look at the question of whether to change the definition of marriage is to ask whether the addition or extension of a benefit to a new category of persons takes anything away from the existing category or set of persons. Increasingly, around us in our culture and the developed world, heterosexual married couples are not threatened by the extension of the blessing and structure of marriage to GLBT people. Honoring deep yet equalizing traditions of gender complementarity remains possible for many Christians and other neighbors, while other forms of complementarity and partnership are also celebrated. Christian theologians and pastors have, in fact, often been in the lead in thinking through new forms of inclusion even as our churches have struggled to define the issues at stake. While the Advisory Committee on Social Witness Policy and much of the church has focused on the moral bottom-line of fairness in what is now termed, "marriage equality," this is not to deny the rich and beautiful traditions of marriage that we believe the church is still called to uphold. As Reformed Christians, we believe the biblical core of our faith supports the extension of the benefits of marriage as this overture proposes, while also affirming that no minister or session would be required to perform or permit inclusive marriages against their own conscientious convictions.

C. *Polity Framework Considerations*

In 2012, the Advisory Committee on the Constitution produced a single comprehensive A&C to address a variety of marriage and civil union overtures, without taking a position either for or against (See pc-biz.org for any of the items in Committee 13 of the 2012 General Assembly). We find excerpts from that memorandum continue to be helpful:

In offering this advice, the Advisory Committee on the Constitution is aware that the constitutional issues raised in the following sections are but one voice in the process of discerning the will of God for the church ...

The intent of this advice is to offer to the assembly the collective judgment of the Advisory Committee on the Constitution regarding the constitutionality of the proposed overtures. It is not intended to be advice on the theological, ethical, and legal merits of the overtures ...

These sentences require interpretation: Does the second sentence (civil contract) describe a subset of the first (gift to all humankind), or is it a description of how the gift is conferred? Does the second sentence (civil contract) control and subsume the third (Christian marriage)? Is the language of "woman and a man" descriptive or proscriptive?

These are questions that apply directly to the polity issues presented by the overtures, and which create difficulties for the church as it seeks to understand what constitutes a faithful witness to the world. If God's gift of marriage is only conferred through a civil contract, then the church's practice (and therefore its witness) regarding marriage would be limited by the definitions set by civil authority. When state and church definitions were consistent, the question of how marriage was defined was not essential. With some states now providing for marriage between same-gender couples, the language of "... civil contract ..." becomes problematic for the church; whose definition of marriage is proscriptive in the church?

The social witness policies of the Presbyterian Church (U.S.A.) have consistently advocated for the end to discrimination in the civil arena on the basis of sexual orientation. This commitment to equality under the law has prompted our support of civil unions for same-gender couples that would afford them protections and rights by the state equal to those afforded heterosexual couples under marriage. The church has permitted the blessing of same-gender unions as an act of pastoral care to its members and as an act of witness, justice, and compassion to the wider community. The passage of civil laws providing for the marriage of same-gender couples creates a conundrum for church polity ...

... the social witness of the church for equality under the law has been interpreted as being fulfilled in its affirmation for "civil unions"—but recent changes in some state laws have challenged this distinction along with the church's liturgical practices and theological understandings of Christian marriage.

Both the Preface to the Directory for Worship and W-1.4001 make clear the connection between the church's faith and its practice, so that forms of worship are informed biblically, theologically, and ecumenically, and the practice of worship respects both the tradition of the church and the pastoral needs of the community. In this light, changes to the language, forms, or definition of marriage should be informed by theological fidelity, ecumenical consultation, and pastoral sensitivity.

The Advisory Committee on the Constitution notes that questions about W-4.9000 and its relationship to same-gender couples have been addressed to the General Assembly since 1991. Increasing societal acceptance of same-gender couples, laws enacted by some states allowing marriage by same-gender couples, and our own denomination's struggles over ordination standards have all contributed to the increase of items before the General Assembly seeking change, definition, or interpretation of this section of the Directory for Worship. The church's concerns for the pastoral care of its members also contribute to the frequency and urgency of these questions. The appointment of the Special Committee to Study Issues of Civil Union and Christian Marriage (2008) and the request for the change in the Board of Pensions policy regarding benefits for same-gender couples are an indicator of the urgency of these matters...

There has been a major change in context since the assembly first began considering changes in practices of

marriage. The United States now has a variety of marriage laws. Most define marriage as between a man and a woman, some allow for marriage between two persons regardless of gender, and others allow for civil union between two people regardless of gender..”

The Advisory Committee on Social Witness Policy would note three things about the polity concerns identified by the 2012 ACC statement: that the church’s freedom to define marriage remains essential even if the decision is made to maintain a complementary understanding of civil and religious roles; that the affirmation of marriage as a gift of God to all is primary; and that marriage is not simply a dimension of pastoral care as it has Christian covenantal and communal dimensions. We understand the re-written section of the constitution proposed in this Item 10-02 that these three basic factors would remain unchanged. Our concern for this basic framework is the primary reason for our demurral on Item 10-01, which would separate too strongly the religious and civil aspects of marriage.

D. *Theological and Ethical Considerations*

1. The ACC excerpts quoted above note the factor of “urgency,” certainly seen again at this assembly, but which can actually be extended before the 1991 date they cite to 1978, if the full dimensions of that year’s report on ordination standards are included. Although these thirty plus years are short in terms of theological tradition and the life of God, many faithful members of our church have been waiting much of their lives to be fully included in our worship life as a people of God. It is primarily because ACSWP shares the sense of urgency with the proponents of Item 10-02 and its concurrences (and other Items before this Committee) that we recommend that Item 10-07 not be adopted. Certainly the number of states and countries allowing marriage equality is increasing rapidly based upon human rights and equal treatment provisions of civil constitutions. This is a reason to begin the constitutional process as well as to provide an Authoritative Interpretation.

2. The justice argument that civil unions provided adequate or even equal basis for rights and respect for same-gender relationships has been proven false, in our view. Although it remains the position of some that same-gender relationships should not imitate or conform to heterosexual norms, the downsides of a “separate but equal” approach are hard to compensate for in the public and legal spheres. Item 10-05, while representing a creative possibility in some respects, would seem to us to fall prey to the weaknesses of a “two-track” approach. Theologically, ACSWP would also note the hopes of a more holistic approach to marriage and sexuality matters as far back as 1970, as well as in 1991.

3. The theological focus of the church and use of its resources would be improved if a constitutional change were approved. This is part of the logic of Item 10-06, applied to AI’s, and it is relevant in the longer constitutional and theological context as well. The suffering of individuals and couples rejected by parts of the church and alienated from the love of Christ and Christian faith—these are the deepest costs to the Body. At the same time, the struggle for equal regard for same-gender persons within the Christian community has also had and has importance, as even costly litigation may illuminate the best values of the church. Now, however, our church and others may be able to turn more fully to an evangelism wedded to a fuller sense of justice and actually do more justice to a range of other urgent concerns. Certainly a church that affirms marriage equality—as proponents note—would seem likely to have more success in outreach and mission with younger adults in the United States.

E. *Social Witness Policy Considerations, Especially for Families*

The Advisory Committee on Social Witness Policy has been concerned about strengthening families for many years, working with ethicists who look at the economic and cultural factors such as low pay and systemic inequality that have put enormous pressures on parents and those considering parenthood. The assembly’s past policies on families, however, also give shed light on the current choices before the assembly regarding marriage.

The 216th General Assembly (2004) approved the policy *Transforming Families*. In its historical analysis, the policy points out that Scripture contains several forms of marriage and family, none of which is a “precise equivalent of contemporary marriage and family life” (C.1). It notes that the development of monogamous marriage took place over time in Hebrew (and other) societies. And it points out that “the Reformed tradition embraced marriage as a good for all in society, Christian or not” (C.1). As the *Book of Order* states, “Marriage is a gift God has given to all humankind for the well being of the entire human family” (W-4.9001).

Transforming Families (<http://www.pcusa.org/resource/transforming-families/>) also states that while the marital-biological family is a basic form of family, it is neither “exhaustive nor exclusive” as a family form, and “it does not fully exemplify God’s ordering of interpersonal life.” Moreover, the policy recognizes that the forms and purposes of family have evolved as God’s ordering of equal gender relationships has become clearer. In these ways, the church has acknowledged that forms of marriage and family are shaped by of historical and cultural developments. Today we would find some of the previous forms and some of the interpersonal relationships that they embodied falling short of our understanding of God’s will for humankind and human well being.

Having said this, this policy did not address specifically the question of same-gender marriage and family. It assumed without comment the previous policies of the church that called for the same protections and civil rights for same-gender families that are equal to those of married heterosexual families. Equality under the law is one principle. But the church also recognizes the importance of these protections and rights to the capacity of such families to do what good families do: nurturing children, deepening love, providing material support, caring for the young and the sick and the aged, and creating a context for growth in faith. The church has understood that same-gender couples, and homosexual persons, have the same need and desire for the pastoral care of the church. Thus, it offers the blessing of the church on same-gender unions and committed itself to the wellbeing of children in same-gender unions as it has to all children (*Transforming Families*, p. 31).

Finally, *Transforming Families* ends with a vision of a church and society "which welcomes and nurtures all persons regardless of their family circumstances" and a church that rejects "attitudes or practices that value some more highly than others - based on gender, age, class, ability, ethnic origin, sexual orientation, or any outward condition" (Recommendations, #2).

Still, these policies did not include same-gender couples in the church's understanding of marriage. The intent of Item 10-02 (and others) is to embody in the church itself an equal recognition that same-gender faithful and committed relationships are included in the gift of marriage God intends for humankind. These items set before the 221th General Assembly (2014) the question of whether the church's commitment to equality of civil rights for same-gender persons is possible if the church itself does not receive such relationships into its body on an equal basis with opposite-gender relationships.

ACWC Advice and Counsel

The Advocacy Committee for Women's Concerns advises the 221st General Assembly (2014) to approve Item 10-02.

The Advocacy Committee for Women's Concerns concurs with the rationale given in this overture.

The ACWC believes that in withholding the right to marry from same-gender loving people, the church is upholding a patriarchal standard for humanity. Committed to standing against patriarchy and its effects within the world and the church, ACWC advocates giving access to all that Christian marriage provides to same-gender couples in committed and loving relationships who are in the PC(USA).

The proposed amendment is a clear and compelling statement reflecting the gift of God that marriage provides to human beings. It encourages healthy families, congregations, and communities.

Concurrence

Presbytery of Albany (with Additional Rationale)

As witnesses to God's grace, it is time for the members of the Presbyterian Church (U.S.A.) to affirm clearly our common understanding of the value and meaning of marriage, rather than focusing on our disagreement about who may marry. Grounded in the Reformed understanding of marriage as covenant, the proposed substitute text for W-4.9000 lifts up the values of love, mutual support, and lasting faithfulness both for the married couple and for the faith community, thus answering the call in the recent study document issued by the Office of Theology and Worship: "a proper Christian understanding of marriage will claim again the role of the church as a fundamental approving and supporting community in which a marriage of two persons may not only make an appropriate beginning but in which also that marriage may be supported. Without making marriage a sacrament or supplanting the state, the church may offer, as it does in infant baptism, a community in which covenants are made and publicly acknowledged, are nurtured and brought to fulfillment" ("Christian Marriage in the Presbyterian Church [U.S.A.]," p. 26).

The recent adoption of the new Form of Government points the way toward clarification of our understanding of marriage by focusing on principles of theology and polity. In that spirit, this overture proposes a substitution for rather than a revision of the present text of W-4.9000, where detailed specification of procedures blurs the focus on principles. The substitute text seeks to uphold the intention of the new Form of Government to create a broad constitutional framework within which the councils of the church may adapt practices, procedures, and structures to the needs of particular mission.

Given the role of civil law in defining marriage, as it has been recognized from the beginning of the Reformed tradition, the current differences among civil jurisdictions regarding the gender of persons qualified to marry necessarily create different contexts for the mission of the church. Within the United States, as of August 2013, thirteen states (Connecticut, Iowa, Massachusetts, New Hampshire, New York, California, Washington, Maine, Maryland, Rhode Island, Delaware, Minnesota, and Vermont), Washington D.C., and two Native American tribal jurisdictions (Coquille, Suquamish) legally permit marriage between two people of the same gender as well as two people of different gender. The statement in the current text of W-4.9001, "Marriage is a civil contract between a woman and a man," is factually inaccurate.

Within their particular contexts for mission, teaching and ruling elders are responsible for determining appropriate pastoral care for a couple requesting a service of Christian marriage. "The worship of God in the Christian community is the foundation and context for the ministry of pastoral care ..." (*Book of Order*, W-6.4000; see also W-6.3002 and W-6.3011), and a service of Christian marriage is a form of worship. In the interest of pastoral care, the proposed substitute text for W-4.9000 does not specify the gender of the couple requesting a service of Christian marriage, but emphasizes the authority of both the teaching elder and the session either to comply with or to deny such a request. Corresponding emphasis is placed on the fact that the teaching elder is not obliged to act as an agent of the state or other civil jurisdiction. The proposed text thus permits but does not mandate the participation of teaching elders and sessions in marriages of same-gender couples.

Such permission is justified by principles of theology as well as polity. "The biblical vision of doing justice" summarized in the *Book of Order* includes "supporting people who seek the dignity, freedom, and respect that they have been denied" (W-7.4002c), and surely this category includes people who are lesbian, gay, bisexual, or transgender. Whether support for these people should include the right to marry depends in part on whether biblical references to marriage between persons of different gender are to be taken as definitions of marriage or rather as examples. The latter interpretation is supported by the early use of marriage as an example of the type of relation promised between God and the people of God (Hosea 2:14-23), some of whom, of course, are male and some female. The Confession of 1967 recognizes this principle of exemplification: "The relationship between man and woman exemplifies in a basic way God's ordering of the interpersonal life for which he

created mankind" (*Book of Confessions* 9.47). Extending the gift of marriage to same-gender couples offers a means of "ordering of the interpersonal life" as an act of pastoral care. Having made a commitment of lasting faithfulness to each other before God and the community of faith, the couple who have entered into Christian marriage have a solemn responsibility to uphold that commitment. The faith community, in turn, have responsibility for continuing spiritual support and pastoral care for the couple. In its mission to society as a whole, the church thus helps to create a culture of faithful, loving, lasting relationships. Real meaning is given to the opening statement in the current text of W-4.9000, and preserved in the proposed substitute text: "Marriage is a gift God has given to all humankind for the wellbeing of the entire human family."

Current Text of W-4.9000 [Text in brackets appears as marginal notes or footnotes in printed edition]:

W-4.9000 9. Marriage [2 Helv.Conf. 5.245–5.251; West.Conf. 6.131–6.139]

[W-4.9001 Christian Marriage]

Marriage is a gift God has given to all humankind for the well-being of the entire human family. Marriage is a civil contract between a woman and a man. For Christians marriage is a covenant through which a man and a woman are called to live out together before God their lives of discipleship. 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.

[W-4.9002 Preparing for Marriage]

a. In preparation for the marriage service, the teaching elder shall provide for a discussion with the man and the woman concerning

- (1) the nature of their Christian commitment, assuring that at least one is a professing Christian,
- (2) the legal requirements of the state,
- (3) the privileges and responsibilities of Christian marriage,
- (4) the nature and form of the marriage service,
- (5) the vows and commitments they will be asked to make,
- (6) the relationship of these commitments to their lives of discipleship,
- (7) the resources of the faith and the Christian community to assist them in fulfilling their marriage commitments.

This discussion is equally important in the case of a first marriage, a marriage after the death of a spouse, and a marriage following divorce.

[If the Marriage Is Unwise]

b. If the teaching elder is convinced after discussion with the couple that commitment, responsibility, maturity, or Christian understanding are so lacking that the marriage is unwise, the teaching elder shall assure the couple of the church's continuing concern for them and not conduct the ceremony. In making this decision the teaching elder may seek the counsel of the session.

[W-4.9003 Time and Place of the Service]

Christian marriage should be celebrated in the place where the community gathers for worship. As a service of Christian worship, the marriage service is under the direction of the teaching elder[†] and the supervision of the session. (W-1.4004–.4006) The marriage ordinarily takes place in a special service which focuses upon marriage as a gift of God and as an expression of the Christian life. Others may be invited to participate as leaders in the service at the discretion of the pastor. Celebration of the Lord's Supper at the marriage service requires the approval of the session, and care shall be taken that the invitation to the Table is extended to all baptized present. The marriage service may take place during the Service for the Lord's Day upon authorization by the session. It should be placed in the order as a response to the proclamation of the Word. It may then be followed by the Sacrament of the Lord's Supper. (W-2.4010; W-3.3503)

[W-4.9004 Form and Order of Service]

The service begins with scriptural sentences and a brief statement of purpose. The man and the woman shall declare their intention to enter into Christian marriage and shall exchange vows of love and faithfulness. The service includes appropriate passages of Scripture, which may be interpreted in various forms of proclamation. Prayers shall be offered for the couple, for the communities which support them in this new dimension of discipleship, and for all who seek to live in faithfulness. In the name of the triune God the teaching elder[†] shall declare publicly that the woman and the man are now joined in marriage. A charge may be given. Other actions common to the community and its cultures may appropriately be observed when these actions do not diminish the Christian understanding of marriage. The service concludes with a benediction.

[W-4.9005 Music and Appointments]

Music suitable for the marriage service directs attention to God and expresses the faith of the church. (W-2.1004) The congregation may join in hymns and other musical forms of praise and prayer. Flowers, decorations, and other appointments

should be appropriate to the place of worship, enhance the worshipers' consciousness of the reality of God, and reflect the integrity and simplicity of Christian life. (W-1.3034; W-1.4004–.4005; W-5.5005)

[W-4.9006 Recognizing Civil Marriage]

A service of worship recognizing a civil marriage and confirming it in the community of faith may be appropriate when requested by the couple. The service will be similar to the marriage service except that the opening statement, the declaration of intention, the exchange of the vows by the husband and wife, and the public declaration by the teaching elder† reflect the fact that the woman and man are already married to one another according to the laws of the state.

Presbytery of Baltimore

Presbytery of Boston

Presbytery of Cayuga-Syracuse (with Additional Rationale)

At issue is the Presbyterian understanding of the nature of Christian marriage and the responsibility and ability of a pastor and session to extend appropriate pastoral care. As more and more states (fourteen at this writing) authorize marriage between same-gender partners, pastors and sessions trying to be responsible in providing pastoral care to church members by officiating at marriages in the church building find themselves increasingly constrained by the provisions of W-4.9000 of the Directory for Worship as interpreted by the 1991 General Assembly and subsequent decisions of the General Assembly's Permanent Judicial Commission.

In light of the increased flexibility offered by the new Form of Government for conducting the mission of the church, it is time for the Presbyterian Church (U.S.A.) to amend the Directory for Worship to provide comparable flexibility in extending pastoral care to church members in same-gender partnerships.

The report of the Special Committee on Civil Union and Christian Marriage, which the 219th General Assembly (2010) approved and commended to the church in 2010, offers important background to the biblical, theological, historical, cultural, and pastoral issues involved here.

The following brief observations support the amendment to the Directory for Worship requested above:

* The Bible and the Reformed tradition reflect many patterns and forms of legal, religiously approved marital relationships.¹

* The understanding of marriage has changed through the years and was often geared more to property rights or political advantage than to a mutual, loving relationship.²

* Marriage is a contract regulated and licensed by the state.³ This was recognized in the ancient church and in Protestant churches since the Reformation.⁴

* There are legitimate differences of interpretation of the passages regarding homosexual relationship in the Bible.⁵ The present regulation forces Presbyterian elders to act based on one interpretation, with which many disagree as a matter of conscience.

* Jesus in his public ministry broke down the barriers that separated people. He identified with those who were outcasts and marginalized by society. Gay and lesbian individuals are considered outsiders by many today. The church needs to witness to the inclusive love of Jesus for all people.⁶

* To prohibit clergy and congregations from fulfilling a legitimate request for pastoral services binds the conscience of clergy and prevents them from fulfilling their pastoral responsibilities.

* In 2010, the presbyteries approved Amendment A allowing persons in same-sex relationships to be ordained. These church members should be allowed to be married if the state issues them a marriage license and their teaching elder determines that their marriage is advisable.

* The statement restricting marriage to "one man and one woman"⁷ addresses polygamy in 17th century England.

In light of the above we believe positive action on this overture is warranted.

Endnotes

1. Report of the Special Committee on Civil Union and Christian Marriage, pp. 1–2 and 25–27.

2. *Ibid.*, pp. 3 and 27

3. *Book of Order*, Directory for Worship, W-4.9000 "Marriage is a civil contract ... "

4. Report of the Special Committee on Civil Union and Christian Marriage, pp. 3–4 and 27–28.

5. *Ibid.*, pp. 11, 13 (item 3), and 20–21.

6. *Book of Confessions*, The Confession of 1967, 9.44 and 9.47; *Book of Order*, Foundations of Presbyterian Polity, F-1.0302c,

Presbytery of Chicago (with Additional Rationale)

Currently in our churches and communities, same-gender couples are living together in loving, committed, monogamous relationships. They are raising children, caring for aging parents, and making positive contributions to their communities. These couples include new and longtime members of the Presbyterian Church (U.S.A.). Their relationships are equivalent to a marriage in every way but formal recognition by the church and by most states in which they live, though an increasing number of states are recognizing their relationships as marriages and many others recognize civil unions.

By reforming the definition of marriage in the Directory for Worship we would recognize committed, lifelong relationships that are already being lived out by our members. We would honor and support the love and commitment they practice in their lives every day. We would bear witness to the love of God as it is expressed between these couples and as we offer that love to them on behalf of the church.

In addition, as the legal recognition of same-gender relationships goes through transitions throughout the country, PC(USA) clergy and sessions are faced with complex decisions regarding ecclesiastical authority and property use. It is important to remember that while a teaching elder may act as an agent of the state in performing legal marriages, a teaching elder may also act as an agent of the church in performing a Christian marriage that is not recognized by the state. An example would be the marriage of an 80 and 85 year old who do not want to legally be married because of the loss of a pension but who do want to be married in the eyes of the church. In this case the teaching elder would not invoke the power given by the state in pronouncing the marriage.

Same-gender couples who are members of the Presbyterian Church (U.S.A.) can come to their minister and request that minister to prepare them for marriage and solemnize said marriages as an agent of the state, only to be denied that important time of pastoral care and ministry because of the current interpretation of the provisions replaced by this amendment. These marriages create certain privileges and responsibilities for the married couple and their families within the community and the church that cannot be ignored. Among other things, civil marriage bestows a new status on this couple and designates them as a unique social unit; it delineates their family structure and makes the other their next of kin; it establishes parental and societal rights and responsibilities for them; and establishes their rights of inheritance along with creating larger familial relationships.

All of these issues affect this new family and their lives in the church. Broadening the language to reflect a broader, but distinctly reformed and covenant-centered understanding of marriage removes the polity barriers faced by some ministers, sessions, church members, and other Christians while continuing to honor the laws of each state and the individual consciences of every ruling and teaching elder and congregation.

Overtures directly addressing marriage equality in the United States and the Presbyterian Church (U.S.A.) have come before the last two General Assemblies. The 219th Assembly (2010) completely failed to substantively address the marriage-related overtures that were before it. The 220th General Assembly (2012) failed to substantively address overtures related to authoritative interpretation of the marriage provisions at issue in this overture and, by a narrow margin, failed to approve changes to W-4.9000. Then and now, though in substantially different fashion, the proposed changes to W-4.9000 are intended to recognize: (1) the contemporary reality of civil marriage under the law, (2) the ecclesial reality of marriage equality in the polity of our mainline sisters and brothers in Christ and, most importantly, (3) the theological reality that our longstanding tradition of reforming our understanding of the marital covenant faithfully leads us to now recognizing and solemnizing that covenant regardless of the gender of the parties involved.

In the ecclesial trial of one of the last major cases on marriage equality in the Presbyterian courts, the Permanent Judicial Commission of the Presbytery of the Redwoods (1) gave thanks "for the courageous and heartrending testimonies of the married couples who shared with us their great hurt through the policies of our church ... [and] for the joy in marriage they shared with us"; (2) asked "for forgiveness for the harm that has been, and continues to be, done to them in the name of Jesus Christ" and (3) implored the General Assembly "to listen to these testimonies, which are now part of this record, to take them to heart, and to do what needs to be done to move us as a church forward on this journey of reconciliation." See Decision of the PJC of the Presbytery of the Redwoods, dated August 24, 2010. Similarly, in the GAPJC decision, *Southard v. Presbytery of Boston*, February 4, 2010, five members of the General Assembly Permanent Judicial Commission expressly recognized that the current language of the Constitution with regard to marriage is at odds with numerous other provisions mandating "the acceptance of our gay, lesbian, and bisexual brothers and sisters into the full fellowship of the church," and "urged the General Assembly to amend the constitution to allow for the marriage of same-sex couples in the PC(USA) and otherwise welcome gay, lesbian, and bisexual people into the full fellowship of the church."

As of the time this overture is proposed (October 8, 2013), both the legal and ecclesial landscapes have dramatically changed since those 2010 opinions. Marriage equality is nationally recognized with the invalidation of the Defense of Marriage Act by the United States Supreme Court in 2013 and (as of September 2013) thirteen state governments (those of Massachusetts, California, Connecticut, Iowa, Vermont, New Hampshire, New York, Maine, Maryland, Washington, Delaware, Rhode Island and Minnesota), along with the District of Columbia, the Coquille Indian Tribe, the Suquamish tribe, the Little Traverse Bay Bands of Odawa Indians, the Pokagon Band of Potawatomi Indians, the Iipay Nation of Santa Ysabel, and the Confederated Tribes of the Colville Reservation issue same-sex marriage licenses. Further, court rulings mandating marriage equality are on appeal in New Mexico and New Jersey. Rulings and legislative action are pending in a number of other states, including

Illinois. If Illinois adopts marriage equality this year, a proposal supported by a majority of Illinoisans, more than 40 percent of the United States' citizenry will live in jurisdictions recognizing marriage equality.

For the sake of the Gospel of Jesus Christ and for the good of loving, monogamous, same-gender couples in our church and for the community and for the greater ministry of our clergy, sessions, and churches, we propose these changes to the Directory for Worship.

Presbytery of East Iowa (with additional rationale)

Marriage is no longer a civil contract

Christians in the Reformed Tradition view marriage not as a sacrament bestowed by the church but as a blessing that two people seek on a contract they are entering under auspices of the state. The church has defined marriage, first, as "... a gift God has given to all humankind. ..." (W-4.9001) and at the same time has said, "Marriage is a civil contract between a woman and a man" (W-4.9001). In at least fourteen states and the District of Columbia, this civil definition is no longer true.

As the number of states allowing same-gender marriage increases, more and more Presbyterian ministers are being asked joyfully to perform a worship service of marriage for same-gender congregants much like they provide for their heterosexual congregants.

Christian marriage is a covenant

The wording of the proposed amendment places primary responsibility on teaching elders to utilize their pastoral discretion in counseling the two people to be married specifically about the covenant of marriage "and commitment to living their lives together according to its values." While teaching elders may still act as agents of the state in signing the marriage contract, the emphasis of the proposed wording of Overture 021 places higher value on the church's belief that marriage is a gift from God to all of humankind and that the marriage ceremony itself is a response to God's Word in an act of worship.

Use inclusive language

General Assemblies in 2010 and 2012 each had the opportunity to issue an authoritative interpretation that would provide immediate direction to teaching elders and sessions regarding the Directory for Worship. Both times, the General Assembly allowed parliamentary maneuvering to prevent them from even allowing these overtures to come to a vote on the plenary floor.

Replacing the wording in our Directory for Worship with wording that utilizes a more inclusive language, focuses on the covenant of marriage rather than the civil contract, and is in keeping with the intention of the new Form of Government to provide a framework by which we shall operate rather than detailed stipulations to the current language, thus providing clear direction for all teaching elders and sessions and allowing them to adopt this passage to fit their own sense of calling as it relates to marriage in this time and in this place.

Presbytery of Genesee Valley (with additional rationale)

At issue is the Presbyterian understanding of the nature of Christian marriage and a pastor's and session's responsibility and ability to extend appropriate pastoral care. As more and more states (fourteen at this writing) authorize marriage between same-gender partners, pastors, and sessions trying to be responsible in providing pastoral care to church members by officiating at marriages in the church building find themselves increasingly constrained by the provisions of W-4.9000 of the Directory for Worship as interpreted by the 203rd General Assembly (1991) and subsequent decisions of the General Assembly's Permanent Judicial Commission.

In light of the increased flexibility offered by the new Form of Government for conducting the mission of the church, it is time for the Presbyterian Church (U.S.A.) to amend the Directory for Worship to provide comparable flexibility in extending pastoral care to church members in same-gender partnerships.

The report of the Special Committee on Civil Union and Christian Marriage, which the 219th General Assembly (2010) approved and commended to the church, offers important background to the biblical, theological, historical, cultural, and pastoral issues involved here (*Minutes*, 2010, Part I, pp. 909ff).

The following brief observations support the amendment requested above:

* The Bible and the Reformed tradition reflect many patterns and forms of legal, religiously approved marital relationships.¹ The nostalgically remembered pattern of marriage of 1940s America cannot be taken as normative from a biblical or theological point of view.

* The understanding of marriage has changed through the years and was often geared more to property rights or political advantage than to a mutual, loving relationship.²

* Marriage is a contract regulated and licensed by the state.³ This was recognized in the ancient church and in Protestant churches since the Reformation.⁴

* There are legitimate differences of interpretation of the passages regarding homosexual relationship in the Bible.⁵ The present regulation forces Presbyterian elders to act based on one interpretation, with which many disagree as a matter of

conscience.

* Jesus in his public ministry broke down the barriers that separated people. He identified with those who were outcasts and marginalized by society. The gays and lesbians are considered outsiders by many today. The church needs to witness to the inclusive love of Jesus for all people.⁶

* To prohibit clergy and congregations from fulfilling a legitimate request for pastoral care binds the conscience of clergy and prevents them from fulfilling their pastoral responsibilities.

* In 2010, the presbyteries approved Amendment A, allowing persons in same-sex relationships to be ordained. These church members should be allowed to be married if the state issues them a marriage license and their teaching elder determines that their marriage is advisable.

* The statement restricting marriage to "one man and one woman"⁷ addresses polygamy in 17th century England.⁸ The statement that marriage is "between a man and a woman"⁹ reflects conventions of the mid-20th century and is descriptive, not prescriptive. This overture is necessary to clarify those ambiguities and antiquated statements contained in W-4.9000.

* This amendment is also necessary to align our Directory for Worship with the principles of justice and equitable Foundations of Presbytery Polity (F-1.0403) that states "... In Christ, by the power of the Spirit, God unites persons through baptism regardless of race, ethnicity, age, sex, disability, geography, or theological conviction. There is therefore no place in the life of the Church for discrimination against any person. The Presbyterian Church (U.S.A.) shall guarantee full participation and representation in its worship, governance, and emerging life to all persons or groups within its membership. ..."

In light of the above we believe positive action on this overture is warranted.

Endnotes

1. Report of the Special Committee on Civil Union and Christian Marriage, pp. 1–2 and 25–27.
2. *Ibid.*, pp. 3 and 27.
3. *Book of Order*, Directory for Worship, W-4.9000 "Marriage is a civil contract"
4. Report of the Special Committee on Civil Union and Christian Marriage, pp. 3–4 and 27–28
5. *Ibid.*, pp. 11, 13 (item 3), and 20–21
6. *Book of Confessions*, The Confession of 1967, 9.44 and 9.47; *Book of Order*, Foundations of Presbyterian Polity, F-1.0302c, F-1.0404, and F-1.0405.
7. *Book of Confessions*, The Westminster Confession of Faith, 6.131.
8. *Book of Confessions*, Directory for Worship, W-4.9000.
9. *Book of Confessions Study Edition*, Geneva 1996, p. 200, footnote q.

Presbytery of Heartland (with additional rationale)

This overture lifts up love and commitment as the primary values of a marriage rooted in faith. As such, it excludes no couple from receiving the guidance and blessing of the church in their marriage.

This corrects the erroneous statement in the Directory for Worship that civil law only recognizes marriage between a man and a woman.

This makes explicit the right and duty of teaching elders* to exercise pastoral discretion both in agreeing to officiate at a marriage ceremony for a particular couple, thus acting as an agent of the state, and in declining to do so.

This more concise language comports with the intent of the new Form of Government. It relieves teaching elders, sessions, and communities of faith from detailed stipulations about their actions, and emphasizes their broader responsibilities when asked to play a role in the celebration of a couple's marriage covenant.

*As in other places in the Directory for Worship, the use of "teaching elders" in this paragraph should be understood to include ruling elders commissioned to pastoral service.

Presbytery of Hudson River (with additional rationale)

For decades the Presbyterian Church (U.S.A.) has been struggling with how to be truly welcoming and truly just, as Jesus has called us to be. We have struggled with how to assure a full and unbiased search process so that minorities are included. We have asked ourselves who can be ordained and who can be married in our church.

For much of our nation's and our church's history, the marriage question focused on interracial couples.

In 1878, the Supreme Court of Virginia invalidated the marriage of a white woman and a black man on the grounds that interracial marriage was contrary to God's plan. "[C]onnections and alliances so unnatural that God and nature seem to forbid

them," the court asserted, "should be prohibited by positive law, and be subject to no evasion."

"God and nature."

These were the grounds on which white supremacists successfully upheld so called miscegenation laws for another one hundred years, during which time interracial marriage was prohibited in thirty states.

One of the few people to openly condemn miscegenation laws was the philosopher Hannah Arendt, who in 1959 boldly stated that the right to marry whom one chooses is the most fundamental of all human rights:

The right to marry whoever one wishes is an elementary human right compared to which "the right to attend an integrated school, the right to sit where one pleases on a bus, the right to go into any hotel or recreation area or place of amusement, regardless of one's skin or color or race" are minor indeed. Even political rights, like the right to vote, and nearly all other rights enumerated in the Constitution, are secondary to the inalienable human rights to "life, liberty and the pursuit of happiness" proclaimed in the Declaration of Independence; and to this category the right to home and marriage unquestionably belongs.

It would be another seven years before the Supreme Court of the United States took up the question of whether the laws prohibiting interracial marriage were unconstitutional.

The PC(USA) wasn't content to stand by while the justices deliberated.

The 835 delegates to the UPCUSA 177th General Assembly (1965) of the then 3.3 million-member church concluded that there are "no ... theological grounds for condemning or prohibiting" marriage between consenting adults merely because of racial origin (*Minutes, UPCUSA, 1965, Part I, p. 409*).

Today, when one out of every fifteen marriages is interracial, most Presbyterians embrace Jesus for his inclusivity.

Jesus, we're the first to say, was not a racist.

And yet we don't often consider that prohibiting the right of our fellow Christians to marry someone of the same gender is wholly analogous to prohibiting the marriages of people of different races.

Indeed, in 2003, when Massachusetts Chief Justice [Margaret Marshall](#) wrote for the majority in *Goodridge v. Dept. of Public Health*, the first ruling by a state's highest court that same-gender couples have the right to marry, she made the analogy herself:

Recognizing the right of an individual to marry a person of the same sex will not diminish the validity or dignity of opposite-sex marriage, any more than recognizing the right of an individual to marry a person of a different race devalues the marriage of a person who marries someone of her own race. ... That same-sex couples are willing to embrace marriage's solemn obligations of exclusivity, mutual support, and commitment to one another is a testament to the enduring place of marriage in our laws and in the human spirit (<http://masscases.com/cases/sjc/440/440mass309.html>, p. 337).

To deny the privilege of being married in the church and declaring before God the promises of fidelity and caring, limits the pastoral capacity of our clergy and our church.

It is now time to allow, not force, but allow, our clergy and churches to perform weddings in jurisdictions where it is legal for same-gender couples as a sign of our pastoral care.

Let us remember that it is Jesus who gave us the example of welcoming all to fellowship and ministry with him. It was our Lord who stood against the tyrannical bias of his day when he welcomed Mary to sit at his feet as a disciple, and when he ate with Zacchaeus and declared that salvation was his, and when he healed the Roman centurion's servant even though he was Israel's enemy.

In the spirit of Jesus, it is time to say to those in the LGBT community that you are welcome, that you are fully members of the PC(USA).

Presbytery of National Capital

As witnesses to God's grace, it is time for the members of the Presbyterian Church (U.S.A.) to affirm clearly our common understanding of the value and meaning of marriage, rather than focusing on our disagreement about who may marry. Grounded in the Reformed understanding of marriage as covenant, the proposed substitute text for W-4.9000 lifts up the values of love, mutual support, and lasting faithfulness both for the married couple and for the faith community, thus answering the call in the recent study document issued by the Office of Theology and Worship: "a proper Christian understanding of marriage will claim again the role of the church as a fundamental approving and supporting community in which a marriage of two persons may not only make an appropriate beginning but in which also that marriage may be supported. Without making marriage a sacrament or supplanting the state, the church may offer, as it does in infant baptism, a community in which covenants are made and publicly acknowledged, are nurtured and brought to fulfillment" ("*Christian Marriage in the Presbyterian Church [U.S.A.]*," p. 26).

The recent adoption of the new Form of Government points the way toward clarification of our understanding of marriage by focusing on principles of theology and polity. In that spirit, this overture proposes a substitution for rather than a revision of the present text of W-4.9000, where detailed specification of procedures blurs the focus on principles. The substitute text seeks to uphold the intention of the new Form of Government to create a broad constitutional framework within which the councils of the church may adapt practices,

procedures, and structures to the needs of particular mission.

Given the role of civil law in defining marriage, as it has been recognized from the beginning of the Reformed tradition, the current differences among civil jurisdictions regarding the gender of persons qualified to marry necessarily create different contexts for the mission of the church. Within the United States, as of August 2013, thirteen states (Connecticut, Iowa, Massachusetts, New Hampshire, New York, California, Washington, Maine, Maryland, Rhode Island, Delaware, Minnesota, and Vermont), Washington D.C., several counties in New Mexico, and five Native American tribes legally permit marriage between two people of the same gender as well as two people of different gender. The statement in the current text of W-4.9001, "Marriage is a civil contract between a woman and a man," is factually inaccurate.

Within their particular contexts for mission, teaching and ruling elders are responsible for determining appropriate pastoral care for a couple requesting a service of Christian marriage. "The worship of God in the Christian community is the foundation and context for the ministry of pastoral care ..." (*Book of Order*, W-6.4000; see also W-6.3002 and W-6.3011), and a service of Christian marriage is a form of worship. In the interest of pastoral care, the proposed substitute text for W-4.9000 does not specify the gender of the couple requesting a service of Christian marriage, but emphasizes the authority of both the teaching elder and the session either to comply with or to deny such a request. Corresponding emphasis is placed on the fact that the teaching elder is not obliged to act as an agent of the state or other civil jurisdiction. The proposed text thus permits but does not mandate the participation of teaching elders and sessions in marriages of same-gender couples.

Such permission is justified by principles of theology as well as polity. "The biblical vision of doing justice" summarized in the *Book of Order* includes "supporting people who seek the dignity, freedom, and respect that they have been denied" (W-7.4002c), and surely this category includes people who are lesbian, gay, bisexual, or transgender. Whether support for these people should include the right to marry depends in part on whether biblical references to marriage between persons of different gender are to be taken as definitions of marriage or rather as examples. The latter interpretation is supported by the early use of marriage as an example of the type of relation promised between God and the people of God (Hos. 2:14–23), some of whom, of course, are male and some female. The Confession of 1967 recognizes this principle of exemplification: "The relationship between man and woman exemplifies in a basic way God's ordering of the interpersonal life for which he created mankind" (*Book of Confessions*, 9.47). Extending the gift of marriage to same-gender couples offers a means of "ordering of the interpersonal life" as an act of pastoral care. Having made a commitment of lasting faithfulness to each other before God and the community of faith, the couple who have entered into Christian marriage have a solemn responsibility to uphold that commitment. The faith community, in turn, have responsibility for continuing spiritual support and pastoral care for the couple. In its mission to society as a whole, the church thus helps to create a culture of faithful, loving, lasting relationships. Real meaning is given to the opening statement in the current text of W-4.9001, and preserved in the proposed substitute text: "Marriage is a gift God has given to all humankind for the well-being of the entire human family."

Presbytery of New York City (with additional rationale)

Since July 2011, the State of New York has allowed two people of the same gender to marry. It is now simply untrue that "marriage is a civil contract between one man and one woman," as the *Book of Order* now states. Although some New York pastors in the Presbyterian Church (U.S.A.) have declined to perform such marriages in keeping with their conscience, many others are caught in an untenable position: their conscience tells them to exercise their pastoral responsibility and perform the marriage but the church tells them to fear prosecution. Such prosecutions have already placed tremendous financial burden on presbyteries, diminishing the church's ability to effectively evangelize and perform necessary mission work.

We Are Called to Make Disciples

According to the *Book of Order*, we declare,

The good news of the Gospel is that the triune God—Father, Son, and Holy Spirit—creates, redeems, sustains, rules, and transforms all things and all people. ... proclaiming the Lord's favor upon all creation. ... In Christ, the Church participates in God's mission ... by proclaiming to all people the good news of God's love, offering to all people the grace of God at font and table, and calling all people to discipleship in Christ. Human beings have no higher goal in life than to glorify and enjoy God now and forever, living in covenant fellowship with God and participating in God's mission. [F-1.01]

... No person shall be denied membership for any reason not related to profession of faith. The Gospel leads members to extend the fellowship of Christ to all persons. Failure to do so constitutes a rejection of Christ himself and causes a scandal to the Gospel. [G-1.0302]

The invitation to the Lord's Supper is extended to all who have been baptized, remembering that access to the Table is not a right conferred upon the worthy, but a privilege given to the undeserving [W-2.4011]

According to this, Presbyterians call all people to discipleship in Christ, live to glorify God, extend the fellowship of Christ to all people, and recognize that none of us earn or deserve God's grace.

The Marriage Ceremony Is Worship

In our order for worship, we listen to the Word, proclaim the Word, and respond to the Word. Responding to the Word is a demonstration of the love of God for God's people.

"The response to the proclamation of the Word is expressed in an affirmation of faith and commitment. ... Response to the Word also involves acts of commitment and recognition. ... acts of commitment which may appropriately be included as response to the Word are (a) Christian marriage, ..." [W-3.3500, W-3.3502, W-3.3503] According to this, Presbyterians view

Exhibit M

Christian marriage as an act of worship.

Our Polity

One part of our current Presbyterian polity specifically excludes a group of people when it comes to worship: those people in loving, committed, Christian relationships who are also of the same gender and wish to marry. However elsewhere in our polity, we hold up the words of Jesus Christ:

“... There is no longer Jew or Greek, there is no longer slave or free, there is no longer male and female; for all of you are one in Christ Jesus. And if you belong to Christ, then you are Abraham’s offspring, heirs according to the promise” (Gal. 3:27–29). ... The Presbyterian Church (U.S.A.) shall guarantee full participation and representation in its worship, governance, and emerging life to all persons or groups within its membership. ... [F-1.0403]

Conclusion

We are all discerning God’s Word for us. And as surely as we are all unique creations of the loving God, we will each of us disagree from time to time. But if we profess to call all people to Christ, to call all people to proclaim God’s love for us in worship, to guarantee full participation in worship to all persons, we must give teaching elders and sessions the discretion to choose to recognize the covenant of Christian marriage for two people of the same gender who seek to enter into marriage with love and faithfulness, just as we allow teaching elders and sessions the discretion to choose otherwise. To do anything else unfairly denies this group of our membership the opportunity to fully worship our God.

Presbytery of San Francisco (with additional rationale)

Marriage is primarily about love, mutual support, and lasting faithfulness. Many states are increasingly recognizing that marriage is beyond gender. It refers to the commitment of two people to live beside each other with a love expressed as tenderness and justice. It refers to the deep promise to live together through the thick and thin of their journey together through the years. It refers to the mystery in which the love of God meets, is joined to and made manifest in the love of two people whose hearts are a home place to each other. The notion of marriage is demeaned by any lesser definition.

This overture removes the incorrect statement that civil law recognizes marriage only between a man and a woman. That statement is no longer true in thirteen states, the District of Columbia, and many federal agencies including the IRS. Recognizing this, some states, including California after the right for all couples to marry was restored by the courts, are already ahead of the church in moving the legal definition of marriage beyond gender. Let us remember that the most prevalent form of marriage described in the Scriptures is polygyny (patriarchal polygamy with multiples wives who were considered property of their husbands). There have been many definitions of marriage over the years. Since we live in a culture that recognizes the covenants between two people, this overture expressly encourages monogamous covenantal fidelity.

The present authoritative interpretation places Presbyterian ministers in the inevitable position of choosing to follow the current authoritative interpretation of Section W-4.9000 in the PC(USA) Constitution or to follow those other portions of our Form of Government that calls on them to offer the same pastoral care to all of their parishioners. Where the worship service of marriage for same-gender loving couples is recognized under the law of some states, it is neither fair nor pastoral to exclude members of a congregation by declining to perform their marriage on the grounds of gender alone. In practical terms, what this authoritative interpretation means is that teaching elders and commissioned ruling elders will be able to exercise their pastoral responsibilities without running the risk of prosecution by the church. Such prosecutions have placed a formidable financial and spiritual burden on councils of the church.

No teaching elder or session would be required to perform services of marriage that would violate their conscience. Changing the Directory for Worship in this way would move the church away from fear and reprisal, and closer to its own teaching on the hospitality of God and the welcome which that implies. This change also confirms that the decision making for hosting and performing such ceremonies is done at the local level with the pastor and session who know the couple best. Ultimately, this would also allow gay and lesbian teaching elders the right to be married in their own congregations. It should be hoped that those pastors who cannot perform such ceremonies for those who request them would find other teaching elders nearby or in their presbytery who may be willing to do so to preserve the pastoral connections of the couple within the church.

This overture is consistent with the overall intention of the new Form of Government that maintains the shared responsibility of the teaching elder, the session, and the community of faith, while reducing the detailed stipulations for action within that framework.

**As in other places in the Directory for Worship, the use of “teaching elders” in this paragraph should be understood to include ruling elders commissioned to pastoral service.*

Presbytery of Southern New England (with Additional Rationale)

The church is now in a state of disunity regarding same-gender marriage. Such disunity is costly to the church’s treasure, time, and more importantly, its witness to Jesus’s call to loving covenant.

During such a time, we must be humbly conscious of the work of the Holy Spirit through Christian conscience. Teaching and ruling elders and their congregations have come prayerfully to recognize that some faithful same-gender couples are asking to be held to the same standards of mutual love and commitment as heterosexual couples. To deny the availability of Christian marriage for otherwise qualified same-gender couples is to reject their equal inheritance through Christ. That rejection denies

our traditional belief that marriage is a gift God has given to all humankind.

Additionally, teaching elders who act in good conscience and officiate at the weddings of same-gender couples they deem ready for Christian marriage find they may be charged with the offense of violating their ordination vows for an act that the General Assembly Permanent Judicial Commission (GAPJC) has said was not clearly prohibited when those vows were taken. In the current situation, compliant teaching elders, sessions, and congregations may find themselves to be denying the common humanity that is at the very focus of church life and worship.

Historic descriptions of marriage (including W-4.9000), as descriptions, are no longer accurate or complete. Their use as prescriptions has preempted the historic relational, pastoral roles of teaching elders and sessions, their discretion and conscience. The proposed amendment will reprioritize those roles and honor Christian conscience.

The GAPJC has acknowledged that existing interpretations have exacerbated disunity and has requested guidance. The proposed overture to amend the Directory of Worship would provide that guidance.

Throughout Scripture marriage is used as a metaphor for Christian unity, for God's love and covenant with us, for the union of Christ and the church. May the church act to make this metaphor ever more evident.

Presbytery of the Redwoods

Throughout our communities, church, and nation, same-gender couples are living life and nurturing their families together in loving, committed, monogamous relationships. They are raising children, caring for aging parents, and making positive contributions to their communities. These couples include new and long-time members of the Presbyterian Church (U.S.A.). In a growing number of states, the marriages of these same-gender couples have legal recognition, and are correctly honored as having equal character, quality, and dignity as any other marriage. Sadly, the Presbyterian Church (U.S.A.) has until now failed to honor in our Constitution (and in related judicial decisions) the full dignity and humanity of these couples, these families, and these marriages.

This overture seeks to amend W 4.9000 of the Constitution so that it more fully and faithfully reflects the expansive love of the gospel of Jesus Christ, and honors all families, without discrimination. By changing the marriage provisions of the Directory for Worship, we would recognize committed, lifelong relationships that are already being lived out by our members. We would honor and support the love and commitment they practice in their lives every day. We would bear witness to the love of God as it is expressed between these couples and their families and as we offer that love to them on behalf of the church.

In addition, as the legal recognition of the marriages of same-gender couples goes through transitions throughout the country, PC(USA) clergy and sessions are faced with complex decisions regarding ecclesiastical authority and property use. Teaching elders/ministers of Word and Sacrament currently can face ecclesiastical charges if they perform marriage ceremonies or civil unions that may be legal in their state. Same-gender couples who are members of the Presbyterian Church (U.S.A.) can come to their minister and request that minister to perform their marriage as an agent of the state, only to be denied that important time of pastoral care and ministry because of church law. These marriages create certain privileges and responsibilities for the married couple and their families within the community and the church that cannot be ignored. Among other things, civil marriage bestows a new status on this couple and designates them as a unique social unit; it delineates their family structure and makes the other their next of kin; it establishes parental and societal rights and responsibilities for them; and establishes their rights of inheritance along with creating larger familial relationships. All of these issues affect this new family and their lives in the church.

Broadening the language to offer marriage to any two people removes the religious barriers faced by ministers, sessions, church members, and other Christians while continuing to honor the laws of each state. Changing the language in this way emphasizes that the Directory for Worship defines marriage within the bounds of our denomination and does not determine what is legal or illegal in civil law. This overture recognizes that the civil, legal definition of marriage is in transition within and among the states. This overture honors the dignity of all same gender couples and their families throughout the PC(USA).

In 2010 and then again in 2012, the 219th and 220th General Assemblies failed to act on the substantive marriage-related overtures that were before it, each time suggesting that presbyteries continue in conversation. The inaction of these General Assemblies has left these families officially outside the pastoral care of the church in marriage. Faithful pastors and sessions do courageously celebrate, and officiate, and participate in the marriages of same-gender couples, but they do so in the PC(USA) under the threat of ecclesiastical prosecution. Now, in 2014, it is even more clear that this constitutional amendment is necessary to recognize the full dignity of same-gender couples and their families. At the time of the drafting of this overture marriage was legal for same-gender couples in thirteen states and the District of Columbia. More than 30 percent of the population of the United States now lives in states that recognize the marriage of same-gender couples. This is a reality from which the PC(USA) can no longer hide. This reality requires a faithful response that recognizes the full dignity and humanity of all families.

A growing number of members of the General Assembly Permanent Judicial Commission have called for a constitutional amendment like the one proposed here—as they have had to consider the prosecution of faithful pastors for celebrating the marriages of same-gender couples. In recent decisions, the General Assembly Permanent Judicial Commission has used its power of authoritative interpretation to interpret the current language of the Constitution as barring any participation by a teaching elder/minister in the marriage of a same-gender couple. Dissenting from those decisions, in the 2010 decision in *Southard v. Presbytery of Boston*, February 4, 2010, five members of the General Assembly Permanent Judicial Commission expressly recognized that the current language of the Constitution with regard to marriage is at odds with numerous other provisions mandating “the acceptance of our gay, lesbian, and bisexual brothers and sisters into the full fellowship of the

church,” and “urged the General Assembly to amend the Constitution to allow for the marriage of same-sex couples in the PC(USA) and otherwise welcome gay, lesbian, and bisexual people into the full fellowship of the church.”

Two years later, six members of the General Assembly Permanent Judicial Commission called on the church to amend its Constitution to more faithfully reflect the Gospel, as follows:

We cannot perpetuate the idea that LGBT couples are children of a lesser God. They are ethically and spiritually the equals of heterosexual couples in the eyes of our Lord. None of us can honestly declare to a committed couple that somehow heterosexuals reflect a more perfect image of the God we worship than they who view their gender differently. Our denomination has failed to do justice to the LGBT community while emphasizing the traditions of heterosexual marriage which are embodied in W-4.9001.

As Christians we claim the high goal of loving and including all, then seek to exclude the LGBT community. This second-class (or worse) treatment proclaims the hypocrisy of our present interpretations. Since the Directory for Worship is part of our Constitution and the majority has found that it may give rise to disciplinary cases, then it should be immediately amended to clearly state that we fully welcome the LGBT community into their rightful place in our church, including allowing them to marry.

The language of this amendment places primary emphasis on love, mutual support, and enduring faithfulness, and it affirms pastoral discretion in deciding whether or not to celebrate any particular marriage. For the sake of the Gospel of Jesus Christ, and for the good of loving, same-gender couples in our church, and for the community and for the greater ministry of our clergy, sessions, and churches, we propose these changes to the Directory for Worship.

Presbytery of the Twin Cities Area (with additional rationale)

Elements of a Rationale

Explain why amending the current description is important to families and to the church. This particular approach:

1. Places primary emphasis on love, mutual support, and lasting faithfulness as the values of marriage.
2. Removes erroneous statement that civil law recognizes marriage only between a man and a woman.
3. Emphasizes both relationship and distinction between civil law and Reformed theology.
4. Emphasizes the teaching elder’s primary responsibility to the values of Christian marriage as a covenant in responding to requests for marriage service.
5. Upholds pastoral discretion in deciding whether or not to perform a marriage, whether it is a marriage between two people of the same gender or of different genders in jurisdictions that allow same-gender marriage.
6. Maintains the framework of responsibility for teaching elder, session, and the community of faith, while reducing detailed stipulations for action within that framework, thereby following through on the overall intention of the new Form of Government.

Presbytery of Transylvania (with additional rationale)

1. Section W-4.9001 of the 2013–2015 *Book of Order*, titled “Christian Marriage,” states in part: “... Marriage is a civil contract between a woman and a man.” This is no longer true in California, Connecticut, Washington, D.C., Delaware, Hawaii, Illinois, Iowa, Maine, Maryland, Massachusetts, Minnesota, New Hampshire, New Jersey, New York, Rhode Island, Vermont, and Washington and in cities, counties, and states with partial recognition of “marriage between two people” (Colorado, New Mexico, Nevada, Oregon, Wisconsin, and six tribes in Oklahoma). Therefore this language must be changed or interpreted to reflect what is true.
2. Civil law with respect to marriage differs from country to country, and the aspects of marriage differ from culture to culture and change over time within a culture. The Census Bureau and the U.S. Department of Health and Human Services have documented dramatic changes in the practice of marriage in the past fifty years. We must be the church in the midst of the present reality. Christian same-sex couples who marry do not cause these changes in our culture, nor would their marriages in the church cause harm or disrespect to heterosexual marriages. To the extent that Christian heterosexual marriage can model for all heterosexuals the rule of love rooted in faith, so Christian same-sex marriage can model for the LGBT (Lesbian, Gay, Bisexual, Transgendered) community the same rule of love rooted in faith.
3. The Holy Spirit guides the Church in particular places and at particular times. We approach the issue of same-sex marriage with humility and with awareness that the Presbyterian Church (U.S.A.) has been oblivious in some cases and divided in others on a number of significant social issues, including slavery, suffrage, segregation, and the ordination of women and LGBT members. In these examples, at least some part of the church discerned the Spirit’s guidance in a way we would no longer understand to have been God’s will for God’s world. Sincere, passionate Presbyterians today discern God’s will with respect to same-sex marriage in different ways. We, in this time and place, cannot foresee how God will work with these different understandings. But, in humility and love, amending or reinterpreting the language in our *Book of Order* permits both understandings to move forward in the life of the church.
4. The Bible includes many patterns and forms of marriage and marital relationships, and cultural aspects of marriage reflect its different time and place. But in their time and place, they presented no barrier between God and humankind. God

works with and through men and women in whatever time and place they live. And God will continue to do so, no matter what the PC(USA) decides with respect to same-sex marriage. Our job is to work with God or get out of God's way.

5. The *Book of Order* protects a minister's obligation and right to exercise pastoral discretion in deciding whether to officiate at the marriage service of any particular couple. The *Book of Order* also allows councils to make decisions concerning who they will and will not ordain to office. This authoritative interpretation (AI) and/or amendment will allow local councils (church sessions) to make their own decisions about the unique circumstances of each marriage, based on the laws of their state and their discernment of the Holy Spirit's guidance. This AI and/or amendment will allow ministers to use their discretion in states that have changed their civil law concerning marriage. No minister or church is ever required to participate in a particular marriage. And no minister or church can participate in a same-sex marriage that violates the civil law of the state where it would take place.

6. The social witness policies of the PC(USA) have consistently advocated an end to discrimination based on sexual orientation. States recognizing marriage equality have ended such discrimination in civil marriage. To fail to apply those same standards to our own institution is unconscionable. The PC(USA) currently approves and participates in heterosexual marriage while prohibiting same-sex marriage. Marriages of either type should be founded on the rule of love and supported and strengthened by the institutional church.

7. This AI and/or amendment, allowing discretion by teaching elders and councils in states where civil laws regarding marriage have changed, will bring us into line with our mission partners in countries that allow marriage equality: Argentina, parts of Australia, Belgium, Brazil, Canada, Denmark, France, Iceland, portions of Mexico, Netherlands, New Zealand, Norway, Portugal, South Africa, Spain, Sweden, United Kingdom (England and Wales), and Uruguay. This change might be received critically by some mission partners; that happened after the 2010 change in ordination standards. However, mission fields that broke partnership with the PC(USA) over ordination have found new ways to work together in mission outside the previous structures. Our mission worldwide has more integrity where we recognize differences among cultures and choose to work together despite those differences, always under the rule of love. In truth, there is broad diversity of thought and conviction within the church and between the PC(USA) and any of its mission partners on any given issue. We can move and act as the body of Christ only when we identify our commonalities and work together despite our differences. We can, with God's help, become a light to the world.

Additional Resources

Language - Korean

[Ovt 021.pdf](#)

Language - Spanish

[Moción 021.pdf](#)

Constitutional Musing # 22 Standard of Pleading in a Remedial Complaint

Issued August, 2009

Recently, the General Assembly Permanent Judicial Commission (GAPJC) has issued a string of decisions that have clarified the Standard of Pleadings necessary in Remedial Complaints in order to state a claim upon which relief may be granted under D-6.0305d.

1. When deciding whether or not a Complaint has stated a claim upon which relief may be granted under D-6.0305, the PJC must assume that the facts alleged in the Complaint are all true. GAPJC #218-1 (*Colonial*), GAPJC #217-11 (*Kuipers*), GAPJC #216-6 (*Hope*), and GAPJC #215-5 (*McKittrick*).

Where there are factual allegations that, if proved true, would entitle the complainant to some relief, “a dismissal is only appropriate after thorough examination of the record and opportunity for all parties to be heard.” GAPJC #216-6 (*Hope*) quoting *GA Minutes*, 1990, p. 139.

2. The PJC has declaratory power even if it does not have the power to remedy the irregular act. If a Complaint asks for relief that the PJC does not have the power to grant, the PJC may still hear a case for purposes of declaratory relief only.

For example, in a Remedial Case filed against a session alleging that the session committed an irregular act that resulted in an ordination of an elder in violation of G-6.0106b, the PJC has the power to admonish the session (declaratory) for the irregular act and order the session to refrain from future irregular ordinations even though the irregular ordination could not be set aside through the remedial proceeding. GAPJC #215-5 (*McKittrick* – although *McKittrick* also seems to suggest that a failure to conduct a proper examination could become moot), GAPJC #211-2 (*Weir D*). (A PJC has the power to set aside an installation if the installation was a result of an irregular or delinquent action on the part of the session: GAPJC #215-5 (*McKittrick*). A PJC does not have the power to nullify an ordination: GAPJC #215-5 (*McKittrick*), GAPJC #211-2 (*Weir D*).

3. There is a heightened standard for pleading in remedial cases alleging that a session irregularly ordained a candidate for office who was unrepentant of self-acknowledged behavior which the confessions call sin.

- a. If the complaint alleges that a lower governing body irregularly ordained and installed a candidate for ministry or officer, the complaint must state **factual allegations of how, when, where and under what circumstances the individual candidate was self-acknowledging a practice which the confessions call sin and that the governing body had reasonable cause to know about the self-acknowledged behavior of the candidate.**

In April, 2002, the GAPJC interpreted D-6.0305d and G-6.0106b together to mandate a higher standard of Pleading in remedial cases that allege that a governing body has committed an irregular ordination based solely upon allegations that the irregularly ordained person committed an offense in violation of G-6.0106b (unrepentant of self-acknowledged behavior which the confessions call sin). The GAPJC stated in *Weir II*, GAPJC #214-5 that such an allegation should be brought against the individual in a disciplinary case, rather than against the governing body in a Remedial Complaint. The decision followed earlier GAPJC decisions that dismissed similar Remedial cases as more properly a disciplinary complaint against an individual.

If, however, the complaining party wanted to file a remedial complaint against the governing body, alleging that the governing body committed an irregular action by ordaining a person who was a “practicing homosexual”, the GAPJC stated that the complaining party also needed to state factual allegations of how, when, where and under what circumstances the individual was self-acknowledging a practice which the confessions called sin and that the governing body had reasonable cause to know about the self-acknowledged behavior of the candidate.

The *Weir II* case additionally stated that if the governing body had **reasonable cause** for further inquiry based on its knowledge of the life and character of the candidate, then the governing body had the **positive obligation to make due inquiry**. Implied in the decision was that a governing body could be held accountable for failing to make due inquiry if it had reasonable cause for further inquiry based upon the knowledge of the individual.

In *Colonial v. Grace Covenant*, GAPJC #218-01, the GAPJC decided that a complaint in a Remedial case filed against a session for committing irregular and delinquent actions in the examination, ordination and installation of its elders-elect did not have to plead specific knowledge of the individual’s behavior as in *Weir II*, but did have to plead that **the governing body had reasonable cause to make further inquiry**. The lower PJC’s dismissal of the complaint for failure to state a claim as required by *Weir II* (including factual allegations of how, when, where and under what circumstances the individual was self-acknowledging a practice which the confessions call sin and that the governing body had reasonable cause to know about the self-acknowledged behavior of the candidate) was reversed, not on the issue of the alleged irregular ordination and installation, but only on the issue of whether the session conducted a sufficient examination of one or more elders-elect prior to ordination and installation.

Presumably the *Weir II* standard for a remedial complaint alleging a lower governing body irregularly ordained and installed a candidate still stands in that the complaint must state factual allegations of how, when, where and under what circumstances the individual candidate was self-acknowledging a practice which the confessions call sin and that the governing body had reasonable cause to know about the self-acknowledged behavior of the candidate.

- b. If the complaint alleges that a governing body failed in its positive obligation to make due inquiry based upon the lower governing body’s knowledge of the life and character of a candidate, the complaint may do so without stating factual allegations of a candidate self-acknowledging a practice which the confessions call sin. The complaint must allege

that **the governing body had reasonable cause to make further inquiry** and failed to do so.

In *Colonial v. Grace Covenant*, GAPJC #218-01, the GAPJC decided that a complaint in a Remedial case filed against a session for committing irregular and delinquent actions in the examination, ordination and installation of its elders-elect did not have to plead specific knowledge of the individual's behavior as in *Weir II*, but did have to plead that **the governing body had reasonable cause to make further inquiry**. The lower PJC's dismissal of the complaint for failure to state a claim as required by *Weir II* (including factual allegations of how, when, where and under what circumstances the individual was self-acknowledging a practice which the confessions call sin and that the governing body had reasonable cause to know about the self-acknowledged behavior of the candidate) was reversed, not on the issue of the alleged irregular ordination and installation, but only on the issue of whether the session conducted a sufficient examination of one or more elders-elect prior to ordination and installation.

4. When does a session have a positive obligation to make further inquiry? What is the standard used by the trial PJC in evaluating the facts of such a case?

The GAPJC did not clarify in *Colonial*, GAPJC #218-01, just how much knowledge of individual behavior gives rise to the positive obligation for lower governing bodies to make due inquiry. This is important since several GAPJC cases have distinguished that a lower governing body may not inquire into a particular candidate's personal life without at least reasonable cause to believe the candidate is in violation of G-6.0106b unless the lower governing body makes it a practice to ask all candidates about their personal life. (GAPJC #215-8 *Hart v. Pby of Redwoods*, GAPJC #214-5 *Weir II*).

At one point the *Colonial* decision quotes the *Weir II* decision, GAPJC #214-5, as stating that if the governing body has reasonable cause for inquiry based on its knowledge of the life and character of the candidate, it has a positive obligation to make due inquiry. Then the GAPJC *Colonial* decision quoted a more recent case, *Hart v. Pby of Redwoods*, GAPJC #215-8 (erroneously attributing the quote to the *Weir II* case), stating that the governing body must have direct and specific knowledge that such a person is in violation of the ordination and installation standards...to make further inquiry.

Since *Colonial* is the latest GAPJC decision on this issue, it is clear that a complainant may simply allege in a complaint that a session failed to conduct sufficient inquiry consistent with the *Weir II* standard (that if the session had reasonable cause for inquiry based on its knowledge of the life and knowledge of the candidate, then it had a positive obligation to make due inquiry) in order to get over the preliminary issues hurdle of D-6.0305d. It is not clear what standard the trial PJC must use to determine whether the session had a positive obligation to make further inquiry. The latest GAPJC decision that states a standard is *Hart v. Pby of Redwoods*, GAPJC Case #215-8, and that standard is that the session must have direct and specific knowledge that the candidate is in violation of the ordination and installation standards in order to make further inquiry. In fact, in *Hart*, the GAPJC specifically defined reasonable grounds (or cause) as factual allegations of how, when, where and under what circumstances the individual was self-acknowledging a practice which the confessions call sin. Therefore, although the GAPJC did

not apply this definition in the *Colonial* case for purposes of the pleading in the Complaint, it should still be applicable to a session or presbytery as the standard needed before the positive obligation to inquire further is applied.

Colonial Presbyterian Church v. Session of Grace Covenant Presbyterian Church, #218-01, 2010 Minutes.

Kuipers v. Session, Elkton Presbyterian Church, #217-11, 2006 Minutes, p. 490.

Hope, et. al. v. Pby of San Francisco, #216-6, 2004 Minutes, p. 455.

Hart v. Presbytery of Redwoods, #215-08, 2003 Minutes, p. 277.

McKittrick v. Session of West End Presbyterian Church, # 215-05, 2003 Minutes, p. 272.

Weir (II) v. Session of 2nd Church, Ft. Lauderdale, #214-05, 2002 Minutes, p. 339.

Weir (I) v. Session of 2nd Church, Ft. Lauderdale, #211-2, 1999 Minutes, p. 831.

**THE PERMANENT JUDICIAL COMMISSION
OF THE GENERAL ASSEMBLY
OF THE PRESBYTERIAN CHURCH (U.S.A.)**

Daniel J. McKittrick,)	
Complainant/Appellant,	)	HEADNOTE
)	
v.	)	Remedial Case 215-5
)	
The Session of the West End Presbyterian))	
Church of Albany, New York,)	
Respondent/Appellee.)	

Admonishing a session: In a remedial case, a permanent judicial commission has the authority to issue an order admonishing a session to refrain from conducting future irregular installations.

**THE PERMANENT JUDICIAL COMMISSION
OF THE GENERAL ASSEMBLY
OF THE PRESBYTERIAN CHURCH (U.S.A.)**

Daniel J. McKittrick,)	
Complainant/Appellant,	)	DECISION AND ORDER
)	
v.	)	Remedial Case 215-5
)	
The Session of the West End Presbyterian))	
Church of Albany, New York,)	
Respondent/Appellee.)	

This remedial case comes to the General Assembly Permanent Judicial Commission (GAPJC) on appeal from a decision of the Permanent Judicial Commission of the Synod of the Northeast (SPJC). This Commission finds that it has jurisdiction, that the Appellant has standing to appeal, that the appeal was properly and timely filed, and that the appeal states one or more grounds for appeal under D-8.0105.

History

This remedial case grows out of a complaint by Daniel J. McKittrick (Appellant), an elder of the West End Presbyterian Church, Albany, New York, (Church) to the installation of an elder-elect, challenging the sufficiency of the Session's examination.

On January 30, 2000, the Nominating Committee of the Church presented five candidates to the congregation and three were elected.

Following confusion and subsequent delays over the Session's examination process, particularly the framing of the questions asked of the candidates, the examination was held on April 29, 2000; the examination was sustained 5-2; and the class of three was installed to a three-year term of office on April 30, 2000.

Appellant filed a complaint with Permanent Judicial Commission of the Presbytery of Albany (PPJC) to have the installation of one of the elders set aside. He claimed that the elder had admitted during his examination that he was a gay man in a fifteen-year relationship, and that this information had previously been shared with his pastors and the nominating committee of the church.

In his original complaint, dated May 23, 2000, Appellant claimed that the Moderator of the Session failed to prevent the premature closure of the examination of Elders-elect. Appellant further alleged that the following day, the Moderator presided over the installation of the elders in violation of G-6.0106.

Subsequently on July 14, 2000, Appellant filed an amended complaint asking the PPJC to determine that the examination of an elder was irregular and to set aside the installation pending an examination that is compliant with the requirements of the Constitution.

The Moderator and Clerk of the PPJC, in their review of the jurisdictional questions, reserved judgment as to whether the complaint as amended stated a claim on which relief can be granted (D-6.0305d). A hearing was held on September 25, 2000.

The Moderator and Clerk recommended to the full PPJC that IF a trial were held AND the examination were held to be irregular, that the PPJC still did not have the power to set aside the installation. They stated that the ordination and installation of an officer cannot be separated; therefore, installation cannot be set aside by remedial action, only disciplinary action, citing several previous cases decided by this Commission: *Wier v. Second Presbyterian Church of Ft. Lauderdale, FL* – Remedial Case 211-2, 1999, 831, (*Wier* 1) and *Maxwell v. Pittsburgh Presbytery* Remedial Case No. 1, 1975, 254).

Appellant argued that these cases were not applicable, that there was a difference between ordination and installation; therefore, although the elder was previously ordained, his installation could be set aside without setting aside his ordination.

In its decision, PPJC rejected the argument of a distinction between ordination and installation, ruling on October 31, 2000, that neither an ordination nor installation can be set aside without procedural and evidentiary safeguards afforded in a disciplinary case. PPJC found no authority for separating the acts of ordination and installation; in fact, they found that ordination and installation are substantially identical, citing G-14.0202b, G-14.0205, G-14.0207, and G-14.0209.

Appellant appealed to the SPJC on February 10, 2001, arguing that the PPJC failed to distinguish between the functions of office which are perpetual versus those which are temporal; moreover, installation to serve as an active elder on session is not perpetual and said installation can be set aside in a remedial action without impairing whatsoever the perpetual function of the office.

SPJC ruled on October 13, 2001, dismissing both specifications of error and ordered that the decision of the PPJC be affirmed. In a concurring opinion, two commissioners questioned the fairness of the timing of the examination on April 29, 2000, and the installation on the next day which did not provide Appellant an opportunity to request a stay of enforcement.

Appellant appealed to GAPJC on November 13, 2001.

Specification of Error

Appellant urges only one ground for appeal:

That the SPJC committed an error in constitutional interpretation (D-8.0105) in ruling that the amended complaint “does not set forth facts upon which relief could be granted, and that the complaint must therefore be dismissed.”

This specification is sustained.

In ruling on a motion to dismiss for failure to state a claim, a permanent judicial commission must assume the truth of the facts alleged in the complaint and then determine whether those assumed facts warrant any relief. Appellant argues that the amended complaint sets forth two separate claims for relief: (1) that the process of examination was incomplete in light of the elder-elect’s disclosure of participation in a committed gay relationship, and should be declared irregular, and (2) that the installation of this elder-elect should be set aside.

We disagree with the assumption of the SPJC and the Appellee that these are not separate claims for relief. The first claim—essentially one for declaratory relief—seeks the kind of relief that a permanent judicial commission has authority to grant in a remedial case under D-7.0402b, which states in part that the commission “shall either order such action as is appropriate or direct the lower governing body to conduct further proceedings in the matter.” In fact, in our decision in *Wier I*, we concluded that an order admonishing a session to refrain from future irregular ordinations was “*in itself*, an appropriate and constitutional action.” (Emphasis supplied.) In short, we concluded that such declaratory relief was available *even though* the irregular ordination in that case could not properly be set aside through a remedial, as opposed to a disciplinary, proceeding.

Therefore, in this case, Appellant was entitled to a trial at which he could present evidence in support of his allegation that the examination process was irregular, and we are remanding this matter to the SPJC with instructions that it remand this matter immediately to the PPJC for the purposes of conducting such a trial.

We note that, according to the record, the term of this elder-elect may expire on April 30, 2003. We therefore direct the SPJC and PPJC to act with all due speed to ensure that Appellant receives a trial on the merits and a decision before that date. However, passage of time will not moot the first claim for relief.

Appellant’s second claim for relief raises the question whether an installation may be set aside in a remedial action.

When the basis for challenging an installation is purely procedural and does not involve any possible allegation of personal conduct violating constitutional standards on the part of an installee or class of installees, but rather a delinquency or irregularity on the part of the governing body, then a remedial case is in order.

However, when a challenge to an installation is predicated upon presumed guilt of an individual installee, then a disciplinary case, not a remedial is in order (*Wier I*). The reason for such is that the structure and nature of our constitution are based on presumed trust. (G-7.0103) This is both a great strength and severe weakness. We trust that governing bodies will enforce the decisions of permanent judicial commissions. We also trust that governing bodies will rightly ordain and install officers.

When a governing body violates the presumed trust upon which its power rests, and wrongly installs someone, the proper remedy is multifaceted. First, since the person in question has already been installed and has, thereby, certain due process rights, a remedial case is not in order since the prosecution of said remedial case would necessarily presume guilt on disciplinary charges not yet proven. Given that the governing body in question holds presumed trust, a mere allegation is not sufficient to warrant the truncation of any individual’s right to due process. Therefore the proper placement of a complaint against the individual allegedly wrongly installed is in the disciplinary realm rather than remedial.

Regarding the governing body, since the disciplinary and not the remedial course is in order, an administrative review by the higher governing body may be required to remedy the situation of a person allegedly or wrongly installed. The consequence of the administrative review is possible assumption of original jurisdiction of the lower governing body or instruction that said lower body correct itself.

It should be further noted that when the presumed trust granted to governing bodies is violated, the rule and benefit of law are placed in danger. The rule of law affords protection to all minorities from the capriciousness of the majority. It also gives opportunity to all through a uniform code of behavior and understanding. For the Church Universal not to live in such a way would only make us indistinguishable from the world that our Lord Jesus came to save and redeem.

It will be necessary for the PPJC to decide whether any installation can be set aside only if, after a full trial on the facts alleged to constitute an irregularity in the examination process, it concludes that the Session erroneously decided that the elder-elect was eligible for installation (an irregularity) or that the Session failed to conduct a proper examination (a delinquency), and that the second claim is not otherwise moot (*Session of Londonderry Presbyterian Church, et al. v. Presbytery of Northern New England*, Remedial Case 213-2, 2001).

We further note that when, as in this case, an installation occurs immediately following the examination process, there may be no practical opportunity for a protesting or dissenting party to seek a stay of enforcement of the decision to install. The Presbyterian custom of conducting business “decently and in order” should not be converted into a race in which the swift prevail. We undermine our system of mutual accountability when the proceedings such as ordination or installation are rushed with the consequence (whether intended or otherwise) that certain remedies become unavailable. Therefore, we encourage governing bodies to permit sufficient time between the examination and installation or ordination of a candidate so that there can be no intimation that any governing body intended to shield its action from scrutiny.

Order

IT IS THEREFORE ORDERED that the decision of the Permanent Judicial Commission of the Synod of the Northeast be reversed and that the Permanent Judicial Commission of the Synod of the Northeast immediately remand this matter to the Permanent Judicial Commission of the Presbytery of Albany with direction that it proceed forthwith to conduct a trial and render a decision on the facts alleged in Appellant’s amended complaint.

IT IS FURTHER ORDERED that the Stated Clerk of the Synod of the Northeast report this decision to the Synod at its first meeting after receipt, that the Synod enter the full decision upon its minutes, and that an excerpt from those minutes showing entry of the decision be sent to the Stated Clerk of General Assembly.

IT IS FURTHER ORDERED that the Stated Clerk of the Presbytery of Albany report this decision to the Presbytery at its first meeting after receipt, that the Presbytery enter the full decision upon its minutes, and that an excerpt from those minutes showing entry of the decision be sent to the Stated Clerk of the General Assembly.

Jesse Butler, William Carlough, John Dudley, Mildred Morales, and Daniel Saperstein, members of this Commission, were not present for the hearing and took no part in the deliberation or decision.

Dated this 3rd day of March, 2003.

**ADVISORY OPINION:
MARRIAGE AND SAME-GENDER CEREMONIES**

WHAT IS THE DEFINITION OF “MARRIAGE” IN THE *BOOK OF ORDER*?

W-4.9001 in the *Book of Order* states:

Marriage is a gift God has given to all humankind for the wellbeing of the entire human family. Marriage is a civil contract between a woman and a man. For Christians marriage is a covenant through which a man and a woman¹ are called to live out together before God their lives of discipleship. 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.²

In 2008, the General Assembly Permanent Judicial Commission (GAPJC) in [*Spahr v. Presbytery of Redwoods*](#) noted, “W-4.9001 provides four definitional statements of marriage” and “‘by definition, marriage is...between a man and a woman’ (W-4.9001).”³ The Commission further stated, “W-4.9001 defines marriage as only between a man and woman, and that the Constitution does not address any other form of marriage.”⁴ Eight years prior, in 2000, the GAPJC noted in [*Benton v. Presbytery of Hudson River*](#), “a Christian marriage performed in accordance with the Directory of Worship can only involve a covenant between a man and a woman.”⁵

CAN A PC(USA) TEACHING ELDER PERFORM A SAME-GENDER “MARRIAGE”?

No. The PC(USA) Constitution and authoritative interpretations currently prohibit PC(USA) teaching elders from performing and officiating a same-gender “marriage” since W-4.9001 defines “marriage” as “between a man and a woman.” Further, “officers of the PC(USA) authorized to perform marriages shall not state, imply, or represent that a same sex⁶ ceremony is a ‘marriage.’”⁷

CAN A PC(USA) TEACHING ELDER PERFORM OR BLESS A SAME-GENDER UNION?

Yes. In 2008, the GAPJC noted, “that there is no prohibition in W-4.9001 against performing a same sex ceremony.”⁸ However, it is important that the PC(USA) teaching elder make a clear distinction that a same-gender union ceremony is not a “marriage” ceremony.⁹

WHAT DISTINCTIONS MUST BE MADE BETWEEN A SAME-GENDER UNION AND MARRIAGE?

While there is no specific prohibition against same-gender union ceremonies, [*the 203rd General Assembly in 1991*](#) stated, “it is not proper for ministers to conduct ceremonies represented as marriages between persons of the same sex.”¹⁰ Accordingly, in preparing a same-gender ceremony, a teaching elder should “instruct same-sex couples that the service to be conducted does not constitute a marriage ceremony and should not be held out as such.”¹¹ Services where a same-gender union is blessed or performed should have a liturgical distinction from marriage services. The GAPJC has noted that the “liturgy should be kept distinct for the two types of services”¹² and that “ministers should not appropriate specific liturgical forms from services of Christian marriage or services recognizing civil marriage in conduct of such ceremonies.”¹³ Accordingly, for a same-gender union ceremony it would be improper to use the Christian Marriage liturgies in the *Book of Common Worship*. Regarding the “Form and Order” of the service, it is also important to clarify declarations of intent and pronouncements of marriage from declarations and pronouncements made in a same-gender union ceremony.¹⁴ Additionally,

how the service is titled and publicized in the bulletin is also an important distinguishing factor.¹⁵

CAN CHURCH FACILITIES BE USED FOR A SAME-GENDER “MARRIAGE” CEREMONY?

Under G-3.0201(c) in the *Book of Order*, the session has the responsibility of “managing the physical property of the congregation for the furtherance of its mission.”¹⁶ The [General Assembly](#) and GAPJC both have noted, “inasmuch as the session is responsible and accountable for determination of the appropriate use of the church building and facilities it should not allow use of church facilities for a same-sex union ceremony that the session determines to be the same as a marriage ceremony.”¹⁷

WHAT CIVIL JURISDICTIONS CURRENTLY ALLOW FOR SAME-GENDER “MARRIAGE”?¹⁸

Currently, same-gender marriage is legal in nine states: Massachusetts,¹⁹ Connecticut,²⁰ Iowa,²¹ Vermont,²² New York,²³ New Hampshire,²⁴ Maryland,²⁵ Maine,²⁶ and Washington.²⁷ Same-gender marriage is also legal in Washington D.C.²⁸ Further, laws governing same-gender marriage are currently under judicial review in other states.²⁹

IF A CIVIL JURISDICTION ALLOWS SAME-GENDER “MARRIAGE,” DOES THIS AFFECT THE PC(USA)’S DEFINITION OF “MARRIAGE”?

In [Southard v. Presbytery of Boston](#), the GAPJC stated, “a change in state law does not amend the *Book of Order*.”³⁰ The GAPJC further noted, “in light of the change in the laws of some states, this Commission reiterates that officers of the PC(USA) who are authorized to perform marriages, when performing a ceremony for a same gender couple, shall not state, imply, or represent that the same gender ceremony is an ecclesiastical marriage ceremony as defined by PCUSA polity, whether or not the civil jurisdiction allows same-gender civil marriages.”³¹

WHAT RULES GOVERN A COMMISSIONED RULING ELDER OFFICIATING AT MARRIAGES?

Regarding commissioned ruling elders, G-2.1001 of the *Book of Order* acknowledges that a “presbytery, in its commission, may authorize the ruling elder to...officiate at marriages where permitted by state law.” Inline with the authoritative interpretations governing teaching elders discussed above and recognizing that a presbytery may not empower someone through a commission to act unconstitutionally, a presbytery may commission a ruling elder to perform a marriage as defined in W-4.9001 where permitted by state law, but a presbytery may not commission a ruling elder to perform a marriage not inline with the definition of W-4.9001 even if permitted by state law.

CAN A PCUSA TEACHING ELDER OR COMMISSIONED RULING ELDER BLESS THE “MARRIAGE” OF THOSE PREVIOUSLY MARRIED IN A SAME GENDER CIVIL CEREMONY?

There is no authoritative interpretation directly addressing this question. As noted, “officers of the PC(USA) authorized to perform marriages shall not state, imply, or represent that a same sex ceremony is a ‘marriage.’”³² Accordingly, blessing a previously existing same-gender marriage as permitted by state law may pose certain risk of judicial process to the teaching elder or commissioned ruling elder if the officiant in any way represents the blessing as a marriage. The blessing of a union between two persons of the same-gender previously married in a legally permitted civil ceremony may pose less risk, provided that the officiant at the blessing ceremony does not in any way state, imply or represent the blessing to be a marriage.

WHAT PERSPECTIVES MAY BE HELPFUL FOR THE CHURCH TO ENGAGE IN CONSTRUCTIVE

DIALOGUE ON THESE ISSUES?

We recognize that issues surrounding same-gender marriage continue to generate much discussion and debate within the PC(USA). As the church continues to pray and discern the mind of Christ on these issues, we encourage the church to listen and engage in respectful dialogue, to speak truth in love, and to maintain the unity of the church in the bond of peace.³³ As the church prays, discerns, listens and engages in respectful dialogue on these issues, it is helpful to recognize that both marriage ceremonies and same-gender ceremonies occur within a broader context of communal worship, pastoral care and covenant relationship. As the Directory for Worship reminds us, “the worship of God in the Christian community is the foundation and context for the ministry of pastoral care as well as for the ministry of nurture in faith.”³⁴ Pastoral care remains the responsibility of all church councils.³⁵ As the GAPJC in [Spahr](#) noted, it is “the church's call to participate in a caring and compassionate ministry to persons who have been marginalized, who are faithful Christians, and who wish to be accepted in every way as full members of the body of Christ.”³⁶ Accordingly, we encourage all PC(USA) members, ordered ministers, and councils to continue to make appropriate and responsible decisions concerning the pastoral care of God’s children. Our polity further reminds us that congregations are to exhibit a spirit of welcome and openness and as we work together to foster church unity we are reminded “that our church seeks to include all people and is never content to enjoy the benefits of Christian community for itself alone.”³⁷ Further, we affirm, “the polity of the Presbyterian Church (U.S.A.) presupposes the fellowship of women, men, and children united in covenant relationship with one another and with God through Jesus Christ. The organization rests on the fellowship and is not designed to work without trust and love.”³⁸

UPDATED NOVEMBER 2012

¹ The usage of the language “a man and a woman” also appears in: W-4.9001, W-4.9002a, W-4.9004, and W-4.9006; *see also* D-14.0202.

² The current language found in W-4.9001 was adopted in 1989. Marriage is also discussed in the *Book of Confessions*. *See Westminster Confession of Faith*, (6.131); *The Second Helvetic Confession*, (5.245-51); *The Larger Catechism*, (7.248-9). For a discussion of the role of the Confessions in the life of the church *see* “The Foundations of Presbyterian Polity: Chapter Two: The Church and Its Confessions”; *see also* “The Confessional Nature of the Church Report” added to the beginning of the *Book of Confessions* by action of the 209th General Assembly (1997).

³ *See* [PJC \(2008, 314, 218-12, Spahr v. Pby of Redwoods\)](#)

⁴ *Id.*

⁵ [PJC \(2000, 586, 12.169, Benton, et al. v. Pby of Hudson River\)](#)

⁶ Unless directly quoted as “same sex” as cited here, this Opinion will use the term “same-gender.”

⁷ [PJC \(2008, 314, 218-12, Spahr v. Pby of Redwoods\)](#). The GAPJC in [Spahr](#) noted that “there are differences between same-sex ceremonies and marriage ceremonies and PCUSA officers authorized to perform marriage shall not state, imply, or represent a ceremony is a marriage. Under W-4.9001, a same-sex ceremony is not and cannot be a marriage.” This understanding was built off the [1991 Authoritative Interpretation](#) by the General Assembly declaring that it would not be proper for a minister “to perform a same-sex union ceremony that the minister determines to be the same as a marriage ceremony” [GA \(1991, 395, 21.124, Req. 91-23\)](#). The [1991 Authoritative Interpretation](#) gets cited by the GAPJC in [PJC \(2000, 586, 12.169, Benton, et al. v. Pby of Hudson River\)](#).

⁸ [PJC \(2008, 314, 218-12, Spahr v. Pby of Redwoods\)](#)

⁹ See also [PJC \(2008, 314, 218-12, Spahr v. Pby of Redwoods\)](#) and [PJC \(2000, 586, 12.169, Benton, et al. v. Pby of Hudson River\)](#). The Directory for Worship describes marriage in W-4.9001--W-4.9006.

¹⁰ [GA \(1991, 395, 21.124, Req. 91-23\)](#)

¹¹ [PJC \(2000, 586, 12.169, Benton, et al. v. Pby of Hudson River\)](#)

¹² [PJC \(2008, 314, 218-12, Spahr v. Pby of Redwoods\)](#)

¹³ [PJC \(2000, 586, 12.169, Benton, et al. v. Pby of Hudson River\)](#).

¹⁴ W-4.9004; see [PJC \(2000, 586, 12.169, Benton, et al. v. Pby of Hudson River\)](#); see also *Southard v. Presbytery of Boston* (2011, 220-02).

¹⁵ See *Southard v. Presbytery of Boston* (2011, 220-02). In *Southard v. Presbytery of Boston*, the GAPJC noted, “the program for the wedding service was entitled ‘A Service of Christian Worship and Marriage.’”

¹⁶ See G-3.0201c. Also, W-4.9003 states, “Christian marriage should be celebrated in the place where the community gathers for worship.”

¹⁷ [PJC \(2000, 586, 12.169, Benton, et al. v. Pby of Hudson River\)](#)

¹⁸ For more information on marriage laws by civil jurisdiction see: <http://www.ncsl.org/issues-research/human-services/same-sex-marriage-overview.aspx>

¹⁹ *Goodridge v. Dept. of Public Health*, 798 N.E.2d 941 (Mass. 2003).

²⁰ *Kerrigan v. Commissioner of Public Health*, 957 A. 2d. 407 (Conn. 2008).

²¹ *Varmen v. Brien*, 763 N.W. 2d 862 (Iowa 2009).

²² Effective April 7, 2009.

²³ Effective July 24, 2011.

²⁴ Effective June 7, 2012.

²⁵ In Maryland, legislation passed in February 2012 allowing same-gender marriage. Enough signatures were gathered to put the issue on the November 2012 ballot. Voters on November 7th, 2012, voted to uphold the law, which Maryland’s governor had signed into effect in March 2012.

²⁶ In Maine, voters on November 7th, 2012 upheld a law allowing same-gender marriage.

²⁷ Legislation allowing same-gender marriage passed in Washington in February 2012. Voters on November 7th, 2012, voted to uphold the law.

²⁸ Effective March 4, 2010.

²⁹ In California, the State formerly granted marriage licenses to same-gender couples, but discontinued this practice a result of the passage of Proposition 8, an amendment to the California Constitution that limited marriages to those between one man and one woman. On February 7, 2012, a federal appeals court found in *Perry v. Brown*, 671 F.3d 1052 (9th Cir., 2012) that California’s constitutional restriction on same-gender marriage was invalid, but has postponed enforcement pending appeal to the United States Supreme Court. *Perry v. Brown*, was appealed to the U.S. Supreme Court on July 31, 2012.

³⁰ [Southard v. Presbytery of Boston](#) (2011, 220-02).

³¹ *Id.*

³² [PJC \(2008, 314, 218-12, Spahr v. Pby of Redwoods\)](#). The GAPJC in [Spahr](#) noted that “there are differences between same-sex ceremonies and marriage ceremonies and PCUSA officers authorized to perform marriage shall not state, imply, or represent a ceremony is a marriage. Under W-4.9001, a same-sex ceremony is not and cannot be a marriage.” This understanding was built off the [1991 Authoritative Interpretation](#) by the General Assembly declaring that it would not be proper for a minister “to perform a same-sex union ceremony that the minister determines to be the same as a marriage ceremony” [GA \(1991, 395, 21.124, Req. 91-23\)](#). The [1991 Authoritative Interpretation](#) gets cited by the GAPJC in [PJC \(2000, 586, 12.169, Benton, et al. v. Pby of Hudson River\)](#).

³³ See “To Strengthen Christ’s Body: Tools for Talking about Tough Issues”, published by the Presbyterian Peacemaking Program available at: <http://store.pcusa.org/2435808001>

³⁴ W-6.4000

³⁵ See G-3.0102b; G-3.0301b; G-3.0401b; G-3.0501b.

³⁶ [PJC \(2008, 314, 218-12, Spahr v. Pby of Redwoods\)](#)

³⁷ See G-1.0302; F-1.0302a. Along these lines, F-1.0404 reminds us that the Presbyterian Church (U.S.A.) is to seek a “new openness in its own membership, becoming in fact as well as in faith a community of women and men of all ages, races, ethnicities and worldly conditions, made one in Christ by the power of the Spirit, as a visible sign of the new humanity.”

³⁸ G-1.0102

Advisory Opinion

Actions of the 221st General Assembly (2014) on Marriage

What actions did the 221st General Assembly (2014) take regarding marriage?

The 221st General Assembly (2014) of the Presbyterian Church (U.S.A.) took two separate actions regarding marriage:

- Adopted an authoritative interpretation (AI) of W-4.9000 in the Directory for Worship
- Approved a proposed amendment to W-4.9000 in the Directory for Worship

What is an authoritative interpretation?ⁱ

An authoritative interpretation (AI) is an interpretation of one or more provisions of the *Book of Order*. The church authoritatively interprets the Constitution in two ways: 1) by an interpretation adopted by the General Assembly, as was done by the 221st General Assembly (2014) for W-4.9000, and 2) by a decision in a judicial case rendered by the General Assembly Permanent Judicial Commission (GAPJC).

The purpose of an authoritative interpretation is to clarify for the church the meaning and intent of a provision of the *Book of Order* as that provision impacts the church's life and witness. The most recent interpretation of a provision of the *Book of Order* is binding on all members and councils of the Presbyterian Church (U.S.A.). Authoritative interpretations are in effect until changed or revoked by a subsequent General Assembly or modified by the GAPJC.

What is the authoritative interpretation of W-4.9000 adopted by the 221st General Assembly (2014)?

Worship is a central element of the pastoral care of the people of God (W-6.3001, W-6.3010) in which a teaching elder's discernment of the leading of the Holy Spirit is indispensable. The necessity of ensuring the exercise of freedom of conscience in the interpretation of Scripture (G-2.0105) in the planning and leadership of worship has deep roots in our Reformed tradition and theology. Because a service of marriage is one form of such worship, when a couple requests the involvement of the church in solemnizing their marriage as permitted by the laws of the civil jurisdiction in which the marriage is to take place, teaching elders have the pastoral responsibility to assess the capabilities, intentions, and readiness of the couple to be married (W-4.9002), and the freedom of conscience in the interpretation of Scripture (G-2.0105) to participate in any such marriage they believe the Holy Spirit calls them to perform.*

Exercising such discretion and freedom of conscience under the prayerful guidance of Scripture, teaching elders may conduct a marriage service for any such couple in the place where the community gathers for worship, so long as it is approved by the session; or in such other place as may be suitable for a service of Christian worship. In no case shall any teaching elder's conscience be bound to conduct any marriage service for any couple except by his or her understanding of the Word, and the leading of the Holy Spirit. The authoritative interpretation of this section by the 203rd General Assembly (1991) (Minutes, 1991, Part I, p. 395, paragraphs 21.124–128), and the subsequent authoritative interpretations of the General Assembly Permanent Judicial Commission relying upon it, are withdrawn and replaced with this authoritative interpretation.

August 2014 PC(USA) Office of the General Assembly

**As in other places in the Directory for Worship, the use of “teaching elders” in this paragraph should be understood to include ruling elders commissioned to pastoral service.*

What does this AI mean for teaching eldersⁱⁱ when asked to conduct a marriage service for a same gender couple?

Teaching elders may conduct marriage services for same gender couples where it is “permitted by the laws of the civil jurisdiction in which the marriage is to take place.” For all marriage services, teaching elders “have the pastoral responsibility to assess the capabilities, intentions, and readiness of the couple” requesting to be married and “freedom of conscience under the prayerful guidance of Scripture” to participate in “any such marriage they believe the Holy Spirit calls them to perform.” Teaching elders will need to discern whether they will conduct a marriage service for any couple who asks.

Will teaching elders be required to conduct a marriage service for a same gender couple?

No. A teaching elder has freedom of conscience when deciding whether to conduct a marriage service. “In no case shall any teaching elder’s conscience be bound to conduct any marriage service for any couple except by his or her understanding of the Word, and the leading of the Holy Spirit.”

Can a teaching elder conduct a marriage service within the bounds of another presbytery, where the marriage of same gender couples is legally permitted?

It appears that the answer is, “yes.” The language of the AI is quite broad: “*teaching elders may conduct a marriage service for any such couple in the place where the community gathers for worship, so long as it is approved by the session; or in such other place as may be suitable for a service of Christian worship.*” There is no limitation as to the location of the marriage service, other than approval by the session and suitability of the location.

While this AI may allow a teaching elder to perform a marriage service without seeking the approval of the presbytery within whose geographic boundaries the marriage service is to take place, even if that presbytery is not the teaching elder’s presbytery of membership, “(i)n the Presbyterian Church (U.S.A.), cooperation and shared responsibility between the pastor and the Presbytery is essential.” Therefore, a teaching elder should request permissions from the presbyteries to perform a marriage service outside the bounds of his or her presbytery of membership.ⁱⁱⁱ

Nothing in this AI address the necessity for the teaching elder to meet the legal requirements of the civil jurisdiction where the wedding service is to take place.

What does this AI mean for sessions?

Sessions have the responsibility to provide for worship and the authority to “oversee and approve all public worship in the life of the particular church...” (W-1.4004).^{iv} Each couple requesting the use of the congregation’s facilities for a marriage service must have session approval. Sessions have the authority to deny any request for the use of church facilities for any service of worship, which would then prohibit the pastor from conducting any such service within the church facilities. Each session will need to discern whether to allow the use of church facilities for any marriage service requested. The pastor cannot compel the session to approve any marriage service.

Can a session categorically prohibit same gender weddings in the place where the community gathers for worship?

Yes. Sessions have the authority to make categorical determinations regarding the use of the church's facilities.

Can a session prohibit their pastor from conducting a wedding? Compel their pastor to perform a wedding?

No. Apart from denying a request for a marriage service to be held within church facilities, the session cannot prohibit the pastor from conducting a marriage service, nor compel him or her to conduct any such service.

What does this AI mean for presbyteries?

In presbyteries where marriage between same gender couples is permitted by the laws of the civil jurisdiction, teaching elders have *“the freedom of conscience in the interpretation of Scripture to participate in any such marriage they believe the Holy Spirit calls them to perform”* including those for same gender couples where *“permitted by the laws of the civil jurisdiction in which the marriage is to take place.”*

Can a presbytery prohibit a teaching elder from performing a wedding?

Teaching elders are accountable to the presbytery in the performance of their ministry (G-2.0502). However, it is not clear whether the intent of G-2.0502, which governs presbytery's right of approval of a call to validated ministry, extends to individual actions of ministry such as conducting a particular marriage ceremony. If so, the language of this AI appears to create an exception in this accountability regarding conducting marriage services. Thus a presbytery may not prevent teaching elders from *“participating in a marriage service they believe the Holy Spirit calls them to perform.”*

Judicial challenges arising from a teaching elder's performing a marriage service, against the express instructions of his or her presbytery, may clarify the extent to which a presbytery has the right to restrict the freedom of teaching elders under this AI.

What happens to previous AIs of W-4.9000?

The AI of W-4.9000 by the 203rd General Assembly (1991) (*Minutes*, 1991, Part I, p. 395, paragraphs 21.124–128) and the subsequent authoritative interpretations of the General Assembly Permanent Judicial Commission relying upon it, are withdrawn and replaced with this authoritative interpretation.

What is the proposed amendment to the *Book of Order* recommended by the 221st General Assembly (2014)?

Marriage is a gift God has given to all humankind for the well-being of the entire human family. Marriage involves a unique commitment between two people, traditionally a man and a woman, to love and support each other for the rest of their lives. The sacrificial love that unites the couple sustains them as faithful and responsible members of the church and the wider community.

In civil law, marriage is a contract that recognizes the rights and obligations of the married couple in society. In the Reformed tradition, marriage is also a covenant in which God has an active part, and which the community of faith publicly witnesses and acknowledges.

August 2014 PC(USA) Office of the General Assembly

If they meet the requirements of the civil jurisdiction in which they intend to marry, a couple may request that a service of Christian marriage be conducted by a teaching elder in the Presbyterian Church (U.S.A.), who is authorized, though not required, to act as an agent of the civil jurisdiction in recording the marriage contract. A couple requesting a service of Christian marriage shall receive instruction from the teaching elder, who may agree to the couple's request only if, in the judgment of the teaching elder, the couple demonstrate sufficient understanding of the nature of the marriage covenant and commitment to living their lives together according to its values. In making this decision, the teaching elder may seek the counsel of the session, which has authority to permit or deny the use of church property for a marriage service.

The marriage service shall be conducted in a manner appropriate to this covenant and to the forms of Reformed worship, under the direction of the teaching elder and the supervision of the session (W-1.4004–.4006). In a service of marriage, the couple marry each other by exchanging mutual promises. The teaching elder witnesses the couple's promises and pronounces God's blessing upon their union. The community of faith pledges to support the couple in upholding their promises; prayers may be offered for the couple, for the communities that support them, and for all who seek to live in faithfulness.

A service of worship recognizing a civil marriage and confirming it in the community of faith may be appropriate when requested by the couple. The service will be similar to the marriage service except that the statements made shall reflect the fact that the couple is already married to one another according to the laws of the civil jurisdiction.

Nothing herein shall compel a teaching elder to perform nor compel a session to authorize the use of church property for a marriage service that the teaching elder or the session believes is contrary to the teaching elder's or the session's discernment of the Holy Spirit and their understanding of the Word of God.

What is required for this proposed amendment to replace the existing W-4.9000?

In order for this proposed amendment to become part of the *Book of Order*, a majority of established and duly constituted presbyteries must approve the change no later than June 21, 2015, at which time it would go into effect as part of our *Book of Order*.

What does the proposed amendment of W-4.9000 do that the AI does not?

While the AI interprets a provision of the constitution, the proposed amendment, if adopted, would change the constitution. The proposed amendment would replace W-4.9000 in its entirety with new wording to the *Book of Order* regarding marriage.

What affect will the vote by presbyteries to amend W-4.9000 have on the AI that was adopted?

If a majority of established and duly constituted presbyteries approve the amendment to W-4.9000 by June 21, 2015, the amendment would replace the current wording of W-4.9000, which the AI is interpreting. At that time, the AI would no longer be in effect as an AI, since the portion of the *Book of Order* that it is interpreting would no longer be in the Constitution.

If a majority of established and duly constituted presbyteries do not approve the amendment to W-4.9000, the AI still continues to remain in effect until changed or revoked by a subsequent General Assembly or modified by the GAPJC.

ⁱ General Assembly, 2010, 61, 341, Item 05-21

ⁱⁱ The use of ‘teaching elders’ should be understood to include ruling elders commissioned to particular pastoral service authorized to officiate at marriages as part of being commissioned to limited pastoral service. (G-2.01001)

ⁱⁱⁱ GAPJC 1996, 208-9, 12.105, Jackson v. Presbytery of Susquehanna Valley. “The church, through the presbytery, calls ministers to act responsibly... The minister member of presbytery is responsible for consulting with the presbytery and reporting changes in his or her work status, and is to seek appropriate and timely permission to labor outside the bounds of presbytery of membership or in service beyond the jurisdiction of the Presbyterian Church (U.S.A.)”

^{iv} W-1.4004 Session

In a particular church, the session is to provide for worship and shall encourage the people to participate fully and regularly in it. The session shall make provision for the regular

- a. preaching of the Word,
- b. celebration of the Sacraments,
- c. corporate prayer, and
- d. offering of praise to God in song. (W-2.0000; W-3.0000)

The session has authority

- e. to oversee and approve all public worship in the life of the particular church with the exception of those responsibilities delegated to the pastor alone (W-1.4005),
- f. to determine occasions, days, times, and places for worship.