

# Proposed Amendments to the Constitution

## Proposed Amendments to the *Book of Order*

Approved by the 223rd General Assembly (2018) and  
recommended to the presbyteries for their vote.



Including: Note from the Stated Clerk, a list of the proposed amendments with advice from the Advisory Committee on the Constitution, and an index.

## NOTE FROM THE STATED CLERK

The 223rd General Assembly (2018) approved and recommended to the presbyteries for their affirmative or negative votes proposed changes in the language of the *Book of Order* that, if approved, will amend the Constitution.

With each proposed amendment, reference is made to an item number that indicates the General Assembly Committee report and action related to each proposed amendment. These item numbers also indicate where to find other background information from various entities that was available electronically to the General Assembly commissioners. This information may be accessed through PC-Biz at <https://www.pc-biz.org>. The item number references will also be found in the *Minutes of the 223rd General Assembly (2018)*, which are expected to be available to the presbyteries by the time they consider the amendments. The full advice of the Advisory Committee on the Constitution (ACC) and other advisory entities can be found immediately following the item in the *Minutes* for which the advice is given.

Unless otherwise indicated, new language to be added to the *Book of Order* is in italics and any language to be stricken will have a line through it. In providing rationale and advice for each item, direct quotations from the various groups that presented or commented on these items before the General Assembly is used whenever possible.

Presbyteries must report to the Office of the General Assembly a separate vote on each proposed amendment. A presbytery may vote on the amendments in a consent agenda or omnibus motion, as long as each proposed amendment is identified separately. Presbyteries are required to report their votes by June 23, 2019. However, in order to make the changes and publish the 2019–2021 *Book of Order* in a timely manner, receipt of votes prior to this deadline would be appreciated (by May 10, 2019, if possible).

Thank you for your careful and prayerful consideration of these proposed amendments.

A handwritten signature in cursive script, appearing to read "J. Herbert Nelson, II".

The Reverend Dr. J. Herbert Nelson, II  
Stated Clerk of the General Assembly

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## **18-A. Election of Ruling Elders and Deacons On Amending G-2.0401 (Item 06-11)**

The 223rd General Assembly (2018) directed the Stated Clerk to send the following proposed amendment to the presbyteries for their affirmative or negative votes:

**Shall G-2.0401 of the Form of Government be amended as follows? [Text to be deleted is shown with strike through; text to be added or inserted is shown in *italic*.]**

### **“G-2.0401 Election of Ruling Elders and Deacons**

**“Ruling elders and deacons are men and women elected by the congregation from among its members. The nomination and election of ruling elders and deacons shall express the rich diversity of the congregation’s membership and shall guarantee participation and inclusiveness (F-1.0403). Ruling elders and deacons shall be nominated by a committee elected by the congregation, drawn from and representative of its membership. ~~Congregations may provide by their own rule for a congregational nominating committee, provided that the committee shall consist of at least three active members of the congregation, and shall include at least one ruling elder who is currently serving on the session.~~ *Congregations may provide by their own rule for a congregational nominating committee. The rule shall meet the following criteria: (1) the minimum size of the committee as specified in the rule shall be at least three persons; (2) at least one member of the committee shall be an elder currently serving on session; and (3) a majority of those persons on the committee who are eligible to vote shall consist of persons not currently serving on session. The pastor shall serve ex officio and without vote. When elections are held, full opportunity shall always be given to the congregation for nomination from the floor of the congregational meeting by any active member of the congregation. A majority of all the active members present and voting shall be required to elect.*”**

### **Rationale**

This proposed amendment originates from the Presbytery of Grace as Item 06-11. The Presbyteries of Grand Canyon, Muskingum Valley, Huntington, and de Cristo concurred. The Presbytery of Grace provided the following rationale [edited].

This proposed amendment clarifies the somewhat ambiguous language regarding the nominating committee membership.

The proposed changes set the minimum size of the nominating committee at three members, not including the pastor. This is ideal for small congregations yet also provides flexibility for churches to add more from this minimum.

The goal is to provide clarity while preserving the overall permission-giving nature of the Form of Government.

### **Advice from the Advisory Committee on the Constitution**

The Advisory Committee on the Constitution advised the 223rd General Assembly (2018) to approve Item 06-11 as amended providing the following advice [edited]:

The Presbytery of Grace presents proposed language to clarify the minimum size of a congregational nominating committee and the requirement that a majority of the voting members of a congregational nominating committee be members-at-large of the congregation.

The proposed amendment provides helpful clarification to G-2.0401. The minimum size of a congregational nominating committee shall be three members, at least one member of which must be a ruling elder in active service on

the session. The minimum size of three is appropriate for smaller congregations. There is no maximum size for a congregational nominating committee.

The proposed amendment adds clarity and is consistent with past practice. The majority of a congregational nominating committee should be members-at-large of the congregation, not ruling elders currently serving on the session.

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The Assembly Committee on Church Polity and Ordered Ministry (06) voted to approve the proposed amendment as amended 54/0. The 223rd General Assembly (2018) approved the committee's recommendation with amendment 478/3. (See *Minutes*, 2018, Part I, pp. 69, 72, 592.)

For the full report of Item 06-11, go to <https://www.pc-biz.org/#/committee/3000008/business>

## 18-B. Renunciation of Jurisdiction

### Background

These two proposed amendments, 18-B.1 and 18-B.2, (Item 06-09, Recommendations 1. and 2.) come out of the intent to clarify congregational prohibition and individual jurisdiction when a PC(USA) minister of Word and Sacrament renounces jurisdiction while in the midst of disciplinary proceedings and then wants to rejoin the PC(USA). [Editor's Note: The General Assembly approved the combination of two proposed amendments in one item. The advice on each of these proposed amendments come from the separate items, (Items 06-09 and 06-07) not on the combined items. In addition, the General Assembly asked that a third item similar be referred to the Rules of Discipline Task Force (Item 06-09, Recommendation 3.).]

### 18-B.1.

#### On Amending G-2.0509 (Item 06-09)

The 223rd General Assembly (2018) directed the Stated Clerk to send the following proposed amendments to the presbyteries for their affirmative or negative votes:

**Shall G-2.0509 be amended by striking the fourth paragraph and adding two new paragraphs to read as follows: [Text to be deleted is shown with a strike-through; text to be added is shown as italic.]**

**~~“Whenever a former minister of the Word and Sacrament has renounced jurisdiction in the midst of a disciplinary proceeding as the accused, that former minister of the Word and Sacrament shall not be permitted to perform any work, paid or volunteer, in any congregation or entity under the jurisdiction of the Presbyterian Church (U.S.A.) unless and until the person rejoins the church, comes forward and resubmits to the disciplinary process.~~**

***“No congregation or entity under the jurisdiction of the Presbyterian Church (U.S.A.) shall be permitted to employ, for pay or as a volunteer, a former minister of the Word and Sacrament (teaching elder) who has renounced jurisdiction in the midst of a disciplinary proceeding as the accused.***

***“Any former minister of the Word and Sacrament (teaching elder) who has renounced jurisdiction and later wants to be restored to office can be restored only through application to the presbytery in which he or she renounced jurisdiction for restoration to office, in which case the provisions of D-10.0401d and D-12.0200 shall apply.”***

### Rationale

The proposed amendment 18-B.1 originated from the Presbytery of Central Florida as Item 06-09 and proposed amendment 18-B.2 originated from the Presbytery of The Twin Cities Area as Item 06-07 Recommendation 2 and added to Item 06-09 by the General Assembly. The Presbyteries of Albany, Grand Canyon, Muskingum Valley, Newton, North Alabama, Tropical Florida, Wabash Valley and de Cristo concurred with Item 06-09 and the Presbyteries of Albany, Denver, Grand Canyon, Missouri River Valley, Wabash Valley and de Cristo concurred with former Item 06-07 including Item 06-07 recommendation 2. The Presbytery of Central Florida provided the following rationale for Item 06-09 [edited].

The [former] amendments to G-2.0509, while intended to protect the church and its entities from ministers who have left the church without submitting to the constitutional process for establishing guilt or innocence and providing for repentance when repentance is needed, have instead created a situation in which the administration of justice, as defined

by the amendment, is impossible to carry out. By definition of the section itself, a person who has renounced jurisdiction no longer holds membership in the Presbyterian Church (U.S.A.). The preamble to the Rules of Discipline defines the limits of church discipline as follows:

... The purpose of discipline is to honor God by making clear the significance of membership in the body of Christ; to preserve the purity of the church by nourishing the *individual within the life of the believing community*; to achieve justice and compassion for all participants involved; to correct or restrain wrongdoing in order to bring *members* to repentance and restoration; to uphold the dignity of those who have been harmed by disciplinary offenses; to restore the unity of the church by removing the causes of discord and division; and to secure the just, speedy, and economical determination of proceedings. ... (D-1.0101, emphasis added)

Since church discipline exists for the welfare of the believing community and applies to members of that community, a former minister of the Word and Sacrament (teaching elder) who has renounced jurisdiction is no longer a member by action of the presbytery that removes his or her name from its rolls. In any complaint, the Rules of Discipline would apply to the congregation or other entity which employed that former minister. Should a former minister of the Word and Sacrament who has renounced jurisdiction wish to be restored to the ordered ministry of minister of the Word and Sacrament (teaching elder), the process for restoration is spelled out in the Rules of Discipline, D-12.0200.

### **Advice from the Advisory Committee on the Constitution**

The Advisory Committee on the Constitution advised the 223rd General Assembly (2018) to answer Item 06-09 with action on Item 06-07 providing the following advice [edited]. The Advisory Committee on the Constitution advised the 223rd General Assembly (2018) to answer Item 06-07 recommendation #1 with disapproval and refer recommendation #2 to the Rules of Discipline Task Force. They provided the following advice [edited].

Both Items 06-07 and 06-09 would amend G-2.0509 on renunciation of jurisdiction. Each proposes correcting a perceived flaw in the language of the last paragraph of G-2.0509. The approaches are different and do not achieve the same end. There is a comprehensive description of the issues related to renunciation of jurisdiction in the advice on Item 06-07 that will provide helpful background for consideration of this overture as well.

There are particular issues inherent in Item 06-09 [18-B.1]. The first sentence of Item 06-09 addresses the actions of a congregation. The second sentence of Item 06-09 [18-B.1], addresses actions of a former minister. Each part is discussed separately below.

... The Advisory Committee on the Constitution finds that the first paragraph would place requirements on the congregation or entity under the jurisdiction of the PC(USA), rather than on a former minister who has renounced the jurisdiction of this church and, therefore, is no longer subject to its jurisdiction and discipline. Section G-2.0509 is about ministers of the Word and Sacrament and their actions in renouncing jurisdiction. Insertion of requirements for a congregation or entity under the jurisdiction of the PC(USA) interrupts the flow and sense of this section.

... The Advisory Committee on the Constitution finds that the second paragraph presents some matters of concern.

- Having struck the requirement for rejoining the church in the existing text of G-2.0509, if approved, the new language would eliminate any requirement for membership before “application” for restoration.
- It would require “application” to the presbytery. “Application” is not defined, nor are there any criteria for considering such an “application.”
- Most significantly, it assumes that renunciation of jurisdiction is equivalent to removal from ordered ministry in judicial process. A person who seeks to be restored after the censure of removal (D-12.0201) has subjected him or herself to the discipline of the church and satisfied the requirements for restoration. A person who has renounced jurisdiction of this church in the midst of a disciplinary proceeding has avoided the discipline of this church. A 1989 authoritative interpretation specifies that one who renounces jurisdiction and seeks to return to ministry of the Word and Sacrament “should first come again under the jurisdiction of the Presbyterian Church (U.S.A.) as a member of a particular church and then initiate the process and procedures found in G-2.06, Preparation for Ministry (formerly G-14.0300, Preparation for the Office of Minister of the Word and Sacrament).” The proposed language of Item 06-09 conflicts with this and would not require membership in the church.

[Editor's note: As noted in their advice above, the ACC provided advice on Item 06-07, which also applies to Item 6-09 since they recommended answering Item 06-09 with Item 06-07. The applicable advice is as follows.]

### *Return to Ordered Ministry*

When a former minister renounced jurisdiction while a disciplinary case against him or her was pending, and now desires to return to ordered ministry in the PC(USA), additional process is required. Renunciation is not the removal of a person's status in ordered ministry, but a voluntary abandonment of it. A minister of the Word and Sacrament who renounced jurisdiction may not be *restored* to ordered ministry and the office of minister of Word and Sacrament because the person voluntarily acted in a manner to negate that status. This is particularly true where the minister renounced while a disciplinary case was pending against him or her and thus refused to be subject to church discipline.

1. A person who has renounced jurisdiction while subject to a disciplinary process and who is a minister in good standing of another denomination may seek to have those credentials recognized under G-2.0505.
2. A person who has renounced jurisdiction while subject to a disciplinary process and who is not a minister in good standing in another denomination or whose credentials are not recognized by the PC(USA), must do so as a member of a congregation through the process of G-2.06, Preparation for Ministry.

## **18-B.2.**

### **On Amending D-10.0401d (Item 06-09)**

**Shall D-10.0401d be amended to read as follows? [Text to be deleted is shown with a strike-through; text to be added or inserted is shown as italic.]**

**~~“For instances where a former minister of the Word and Sacrament comes forward in self-accusation to undergo a disciplinary process to regain permission to perform work under the jurisdiction of the Presbyterian Church (U.S.A.) (G-2.0509) who renounced jurisdiction while being accused in a disciplinary case rejoins the church, no time limit from the time of the commission of the alleged offense to the filing of charges shall apply. Charges based on all accusations that had been made by the time that the former minister of the Word and Sacrament had renounced jurisdiction may be brought regardless of the date on which any such offense is alleged to have occurred.”~~**

### **Rationale**

The proposed amendment 18-B.1 originates from the Presbytery of Central Florida as Item 06-09 and proposed amendment 18-B.2 from the Presbytery of The Twin Cities Area as Item 06-07 Recommendation 2. The Presbyteries of Albany, Grand Canyon, Muskingum Valley, Newton, North Alabama, Tropical Florida, Wabash Valley, and de Cristo concurred with Item 06-09 and the Presbyteries of Albany, Denver, Grand Canyon, Missouri River Valley, Wabash Valley and de Cristo concurred with former Item 06-07 including Item 06-07 Recommendation 2. The Presbytery of Central Florida provided the following rationale for Item 06-09 [edited].

*How the Book of Order's Currently Mandated Disciplinary Process in G-2.0509 and D-10.0401d Is Inconsistent with the Preamble of the Rules of Discipline*

Recently adopted language in the *Book of Order* may seem to be merely a compassionate response to former ministers of the Word and Sacrament who renounced jurisdiction while being accused in a disciplinary case, who may have done so because of pressing family or medical reasons, for example. The current process allows former teaching elders to rejoin the church, but does not require them to face accusations until sometime in the future when they themselves choose to come forward, in self-accusation, to resume the disciplinary process. However, requiring the disciplinary process to resume only when the accused chooses to come forward in self-accusation is inconsistent with



five out of seven of the purposes of discipline stated in the Preamble of the Rules of Discipline (D-1.0101), because such a process (1) tramples on victim's rights, (2) is not likely to remove causes of suspicion, and (3) is not likely to bring perpetrators of offenses to repentance, especially if many years pass between when the accused renounces jurisdiction and when the accused chooses to resume the disciplinary process.

The Preamble of the Rules of Discipline state that three of the purposes of discipline are:

- “to achieve justice and compassion for all participants involved;”
- “to uphold the dignity of those who have been harmed by disciplinary offenses;”
- “to secure the just, speedy, and economical determination of proceedings.” (D-1.0101)

When an accusation is made, victims have a right to see a fair and impartial investigation go forward with all deliberate speed (up to and including a trial, if necessary), so that, whatever the outcome of the disciplinary process<sup>2</sup>, victims feel free to put memories of painful events in the past, and move on with their lives. However, under the current process in the *Book of Order*, victims (and perhaps their families or friends) may feel compelled to have to constantly prepare to testify about abusive events, just in case they ever receive notice from a new investigating committee that the accused wants to resume the disciplinary process, which could be at any time in the future of the accused's choosing. It is cruel, inhumane, and anything but “speedy,” to expect victims to keep hanging on to evidence of abuse and to relive painful memories for months, years, or even decades in the future, on the perhaps slim chance that the accused might rejoin the church and choose to resubmit to the disciplinary process. In the words of a theological seminary advisory delegate to the 2016 General Assembly (2016), the process in G-2.0509 and D-10.0401d as now written “punishes victims.”

### **Advice from the Advisory Committee on the Constitution**

The Advisory Committee on the Constitution advised the 223rd General Assembly (2018) to answer Item 06-09 with action on Item 06-07 providing the following advice [edited]. The Advisory Committee on the Constitution advised the 223rd General Assembly (2018) to answer Item 06-07 recommendation #1 with disapproval and refer recommendation #2 to the Rules of Discipline Task Force. They provided the following advice [edited].

#### *Part 2*

Recommendation 2 of Item 06-07 would amend D-10.0401d to add words to make clear the section applies only to a former minister of the Word and Sacrament who renounced jurisdiction of the PC(US.) while a disciplinary proceeding was proceeding against him or her as the accused. There is a task force working on a revision to the Rules of Discipline. The amendment to D-10.0401d (Recommendation 2 of Item 06-7) should be referred to it.

### **Advice from the Advocacy Committee for Women's Concerns**

The Advocacy Committee for Women's Concerns advised the 223rd General Assembly (2018) to approve Item 06-09 for its greater clarity of language in amending the *Book of Order*, G-2.0509 and approve Item 06-07 Recommendation 2.

*While ACWC supports the above changes, they are inadequate.* Unless victims have the right to a fair and impartial investigation with all deliberate speed, they will never feel free to put memories of painful events in the past and move on with their lives. Under the current ruling, however, former teaching elders are allowed to rejoin the church but are not required to face accusations and resume the disciplinary process until a time in the future of their own choosing. Thus, a predator can deliberately wait until after key witnesses have moved on with their lives, perhaps even died, or *the original* evidence is no longer available.

### **Advice from the Office of the General Assembly**

The Office of the General Assembly advised the 223rd General Assembly (2018) advises that all items, including Items 06-09 and 06-07, amending the Rules of Discipline, be referred to the Rules of Discipline Task Force, which is

currently revising the Rules of Discipline as a whole and will report with suggested changes to the 224th General Assembly (2020).

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The Assembly Committee on Church Polity and Ordered Ministry (06) voted to approve the proposed amendment as amended 54/3. The 223rd General Assembly (2018) approved the committee's recommendation with amendment 466/7. (See *Minutes*, 2018, Part I, pp. 71–72, 588.)

For the full report of Item 06-09, go to <https://www.pc-biz.org/#/committee/3000008/business>

## 18-C. Officers

### On Amending G-3.0104 (Item 06-16)

The 223rd General Assembly (2018) directed the Stated Clerk to send the following proposed amendment to the presbyteries for their affirmative or negative votes:

**Shall G-3.0104 of the Form of Government be amended by adding the following statement as the last paragraph to read as follows? [Text to be added is shown as italic.]**

***“No congregation, session, presbytery, synod, or national office of the Presbyterian Church (U.S.A.), nor any individual acting on behalf of or in an official capacity for the above institutions, shall publicly endorse or oppose, or otherwise encourage or discourage others to vote for or against an individual running for public office.”***

### Rationale

The proposed amendment originates from the Presbytery of Western North Carolina as Item 06-16. The Presbytery of de Cristo concurred. The Presbytery of Western North Carolina provided the following rationale for Item 06-16 [edited].

Since 1954, the Johnson Amendment has been a provision in the United States tax code prohibiting charitable organizations, including churches, from endorsing or opposing political candidates. This allows for charitable organizations to qualify for tax exemption and qualifies donations to these organizations as tax-exempt. In recent years, there has been discussion regarding the repeal of this amendment; those in favor of repeal claim that the amendment infringes on the first amendment rights of clergy and other leaders of religious and charitable organizations while those in favor of maintaining the statute fear that a repeal would lead to religious and charitable organizations becoming safe-havens for tax-exempt and un-reported political contributions.

While full repeal of the Johnson Amendment has not yet come to fruition, action has been taken to loosen the interpretation and implementation of the statute when churches and secular charitable organizations are found to be in violation.

The Presbyterian Church (U.S.A.) has long supported the notion of the separation of church and state. We can see this throughout our Foundations of Presbyterian Polity. Section F-3.0101a and b affirms that “God alone is Lord of the conscience,” and that “We do not even wish to see any religious constitution aided by the civil power, further than may be necessary for protection and security, and at the same time, be equal and common to all others.”

While it is clear that the principles of this overture are present in abundance throughout the *Book of Order* and *Book of Confessions*, there is no explicit guidance offered to governing bodies or to those in leadership positions regarding endorsing or opposing candidates running for political office. This amendment to the *Book of Order* precludes such activity while still allowing for churches and leaders to actively engage with secular issues that touch on the life of faith, to work towards bringing God’s reign of justice and peace ever closer to reality.

### **Advice from the Advisory Committee on the Constitution**

The Advisory Committee on the Constitution advised the 223rd General Assembly (2018) disapprove Item 06-16 providing the following advice [edited].

The Presbytery of Western North Carolina summarizes the history of the “Johnson Amendment,” and anticipates change to that statute. Because the Johnson Amendment has not yet been revoked or altered, it is premature for the assembly to address anticipated statutory change. The overture would reverse long-standing foundational principles of our denomination and have long-reaching effects on the church,

#### *Individual Discernment and Diversity of Religious Belief*

Presbyterians begin with a firm and fundamental belief in the private discernment of religious belief. Section F-3.0101 sets forth and affirms the historic principle that “God alone is Lord of the conscience” and that “in all matters that

respect religion” “we consider the rights of private judgment ... as universal and inalienable.” Holy Scriptures are the only rule of faith, and church power in matters of religious belief is limited as explained in F-3.0107. This first historic principle of church order (F-3.0101) was affirmed and explained in the policy statement, “God Alone Is Lord of the Conscience.”<sup>1</sup> The principle that God alone is Lord of the conscience both reflects and underlies many other foundational<sup>2</sup> and confessional<sup>3</sup> statements in the Presbyterian Church (U.S.A.).

“Religious bodies and people of faith hold to a wide variety of convictions, ideas, and values that make important contributions to the shape and strength of public life. That life has been shaped by individuals and groups that have sought to create new forms, sustain traditional ones, challenge existing ideologies and reform or resist unjust institutions. Participation is thus viewed by the government sometimes as a blessing and at other times as a threat” (*God Alone*, p. 48; see also F-1.404). Because the individual is the bearer of conscience, it does not matter whether others of the same faith make the same conscientious claim. *God Alone*, p. 19. “Religious tolerance and pluralism are our political and societal norm. We do not perfectly achieve that norm and intolerance has not been eliminated....” (*God Alone*, p. 7).

#### *Formation of Conscience in Community*

While Presbyterians emphasize individual belief, we also recognize the importance of community and our shared expression of belief. Discourse and expressions of diversity within the church are important to formation of religious conscience. As Presbyterians, we recognize that “The formation of conscience occurs in community, but its exercise is very often finally an individual matter” (*God Alone*, p. 19). It is a fundamental principle for our church and our country that “The individual’s right to believe cannot be divorced from the right to exercise that belief in the company and community of others. For nearly every human being, the right to practice religion only as a solitary individual is virtually no right at all” (*God Alone*, p. 12). “The exercise of individual and corporate conscience must be affirmed as an integral aspect of religious liberty.”<sup>4</sup>

#### *Separation of Church and State*

The freedom to express religious views in public is as important as the freedom to determine religious beliefs for oneself. For Reformed Christians, “faith demands engagement in the secular order and involvement in the political realm” (*God Alone*, p. 48). The so-called “separation between church and state” is “particularly misleading when used to advocate the separation of religion from politics or from any other dimension of the public order. The First Amendment has never meant separation of religion from community or separation of the church from public life. On their face, the religion clauses [of the U.S. Constitution] constitute an absolute prohibition on government participation in religious life; there is no hint that that barrier was even thought to isolate religion from the life of the republic” (*God Alone*, pp. 47–48).

#### *Responsibility for Involvement in Public Life*

The freedom and responsibility to express religious and moral views in public is an important part of our denominational principles and history. The Gospel demands that we share our faith and that we seek to be a community of faith witnessing to God’s good news and Christ’s teachings to the world in words and deeds. According to the Reformed tradition and standards of the Presbyterian Church (U.S.A.), “it is a limitation and denial of faith not to seek its expression in both a personal and public manner, in such ways as will not only influence, but transform the public order and involvement in the political realm” (*God Alone*, p. 48). This principle reflects our foundational statements (F-1.0301, F-1.0304, F-1.0404), other parts of the *Book of Order* (e.g., W-5.0304), and our long-standing and important history of social witness to world.

#### *Endorsement or Opposition to Political Candidates*

“For these reasons, limitations upon the freedom of religious bodies to participate in public life are illegitimate and unconstitutional. The church is bound to reject any regulation limiting church advocacy or particular legislation or endorsement of candidates, or establishing religious qualifications for office holders” (*God Alone*, p. 50). Over the centuries, Presbyterians have stood up and spoken out against those who would silence the church and the faithful.

Internal Revenue Code provisions that limit tax-exempt religious organization from devoting “substantial” activity to attempts to influence legislation or participate or intervene in political campaigns on behalf of any candidate for public office, as well as recent public debate, heighten concerns about religious discourse about public life. There is a difference between discussion of issues and candidates, on one hand, and intervention in campaigns on behalf of specific candidates on the other” (*God Alone*, p. 50).

The 200th General Assembly (1988) specifically affirmed that: “We recognize that speaking out on issues will sometimes constitute implicit support or opposition to particular candidates or parties, where policy and platform differences are clearly drawn. Since such differences are the vital core of the political process, church participation should not be curtailed on that account; but we believe that it is generally unwise and imprudent for the church explicitly to support or oppose specific candidates, except in unusual circumstances” (*God Alone*, p. 50).

Each council should be mindful of these foundational principles and historical practice. “It is easy to step from advocating our vision to seeking to enforce it, from protecting religious liberty to requiring ‘right’ belief and action. The church must advocate its positions on public issues, but it should not seek to exercise political authority in its own right” (*God Alone*, p. 50).

#### Endnotes

1. *God Alone Is Lord of the Conscience* is a policy statement of Presbyterian Church (U.S.A.) adopted by the 200th General Assembly (1988), and affirmed or cited by numerous subsequent General Assemblies and entities of the church. Hereafter “God Alone.”

2. Section F-1.0301 states the “Calling of the Church” is to be a community of faith, a community of hope, a community of love, and a community of witness. “The Great Ends of the Church” (F-1.0304) include “the promotion of social righteousness; and the exhibition of the Kingdom of Heaven to the world.” Section F-1.0404 explains the “Church seeks a new openness to God’s mission in the world.”

3. See, e.g., the Theological Declaration of Barmen and the Confession of 1967, which can be found in the *Book of Confessions*.

4. “The church is always obliged to respect claims of conscience lest it frustrate efforts to obey the will of God. We need not agree with the specific dictates of another’s conscience to respect and support the right to exercise that conscience. Paul told Christians that they were freed from Jewish dietary laws, but if the conscience of another is offended by eating certain foods, ‘for conscience sake—I mean his conscience, not yours—do not eat it’ (1 Corinthians 10:28–29). The obligation to respect the exercise of conscience is not only a dynamic of life within the church; it is both a demand and a dilemma of the First Amendment’s protection of religious freedom” (*God Alone*, p. 18).

### **Advice from the Advisory Committee for Social Witness Policy**

The Advisory Committee for Social Witness Policy advised the 223rd General Assembly (2018) to approve 06-16 with suggested amendment providing the following advice [edited].

The Advisory Committee on Social Witness Policy (ACSWP) advises approval as amended below: [Text to be deleted is shown with a strike-through and with brackets; text to be added or inserted is shown with an underline and with brackets.]

“~~[No]~~ [Except in cases of extreme danger to the common good, and even then with cautions against extreme partisanship, no] congregation, session, presbytery, synod, or national office of the Presbyterian Church (U.S.A.), nor any individual acting on behalf of or in an official capacity for the above institutions, shall publicly endorse or oppose, or otherwise encourage or discourage others to vote for or against an individual running for public office.”

The substantial and generally fine General Assembly social witness policy on church/state relations, *God Alone Is Lord of the Conscience* (1988; <https://www.presbyterianmission.org/wp-content/uploads/1-god-alone-is-lord-1988.pdf>) refuses to limit prophetic religious speech, but also recognizes the wisdom of our predominant practice. “The church is bound to reject any regulation limiting church advocacy or particular legislation or endorsement of candidates, or establishing religious qualifications for office holders.” But then, “There is a difference between discussion of issues and candidates, on one hand, and intervention in campaigns on behalf of specific candidates on the other.” And further, “... we believe that it is generally unwise and imprudent for the church explicitly to support or oppose specific candidates, except in unusual circumstances” (all three quotes from page 50).

The General Assembly spoke to the issues involved in the Tax Justice policy of 2014, reaffirming the principles behind the current 501.c.3 category, and further addressing the abuse of the 501.c.4 category of “social welfare institutions” for political purposes and personal enrichment:

Rules governing tax-exempt “social welfare organizations” (501(c)(4)s) should exclude or strictly limit the eligibility of donations for partisan political purposes, parties and candidates, and the individual and corporate donors to or through such organizations should be made public due to their influence on the political process ([http://www.pcusa.org/site\\_media/media/uploads/acswp/pdf/acswp\\_tax\\_justice\\_42.pdf](http://www.pcusa.org/site_media/media/uploads/acswp/pdf/acswp_tax_justice_42.pdf), p. 4).

The 222nd General Assembly (2016) addressed this matter even more directly, responding to Supreme Court decisions in the Citizens United and Voting Rights Act cases, which intensified the role of money in politics:

[The Assembly:] Endorses the continuing prohibition of partisan political endorsements by religious organizations or their leadership and other measures to respect both religious liberty and the separation of church and state. The Presbyterian Church (U.S.A.) strongly supports the freedom of religious organizations to speak on matters of policy, but personal endorsements and partisan ties may present the appearance of or opportunity for collusion, special treatment, and the violation of nonprofit tax status. <https://www.presbyterianmission.org/wp-content/uploads/Election-Protection-and-Integrity-in-Campaign-Finance-2016-ACSWP.pdf>, pp. 2–3)

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The Assembly Committee on Church Polity and Ordered Ministry (06) voted to approve the proposed amendment as amended 31/24. The 223rd General Assembly (2018) approved the committee’s recommendation with amendment 370/99. (See *Minutes*, 2018, Part I, pp. 73, 611.)

For the full report of Item 06-16, go to <https://www.pc-biz.org/#/committee/3000008/business>

## 18-D. Membership of Presbytery

### On Amending G-3.0306 (Item 06-05)

The 223rd General Assembly (2018) directed the Stated Clerk to send the following proposed amendment to the presbyteries for their affirmative or negative votes:

**Shall the fourth paragraph of G-3.0306 of the Form of Government be amended by adding the following statement as follows? [Text to be added is shown as italic.]**

*“Every minister of the Word and Sacrament shall ordinarily be a member of the presbytery where his or her work is situated or of the presbytery where she or he resides. The presbytery may grant a minister permission to engage in work validated ministry that is outside its geographic bounds or which is not under its jurisdiction, but no presbytery shall permit a minister to engage in work that is within the geographic bounds of another presbytery and which is properly within the responsibility of another presbytery without consent of that presbytery. Such permission shall be obtained from both presbyteries and shall be reviewed and renewed annually.”*

#### Rationale

This proposed amendment originates from the Presbytery of Tropical Florida as Item 06-11. The Presbyteries of Central Florida, Greater Atlanta, Huntington, Wabash Valley and de Cristo concurred. The Presbytery of Tropical Florida provided the following rationale [edited].

The current Form of Government lacks clarity with regard to the seeking of and granting of permission for a minister member of a presbytery to labor beyond the geographic boundaries of the presbytery of membership. This overture provides clarity to the seeking of permission to labor within the geographic bounds of a presbytery beyond that of the minister of Word and Sacrament’s membership.

As “the presbytery is the council serving as a corporate expression of the church within a certain district” (G-3.0301), the presbytery needs to have knowledge of and oversight for the Presbyterian Church (U.S.A.) witness within its geographic district. Without the Form of Government making it clear that permission must be granted by the presbytery for all validated ministry taking place within its bounds, the particular corporate witness of a presbytery within a certain district may lack unity of strategy for mission under the Word. The addition of this paragraph to the Form of Government enhances the presbytery’s capacity for unity in its corporate witness as strategy for mission under the Word.

#### **Advice from the Advisory Committee on the Constitution**

The Advisory Committee on the Constitution advised the 223rd General Assembly (2018) to approve Item 06-05 as amended providing the following advice [edited]:

Item 06-05 seeks to return to the *Book of Order* the mechanism for seeking permission to labor beyond the geographic bounds of membership of the minister of the Word and Sacrament. The ... text ... is based on the language that was in the 2009–2011 edition of the *Book of Order*.

The Form of Government (G-3.0306) establishes that each presbytery determines the ministers who are its members and validates the ministries in which they are to be engaged, following the criteria of G-2.0503a(1)–(5) and the policy developed by the presbytery for validating the ministries of its members.

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The Assembly Committee on Church Polity and Ordered Ministry (06) voted to approve the proposed amendment as amended 52/1. The 223rd General Assembly (2018) approved the committee’s recommendation with amendment 442/13. (See *Minutes*, 2018, Part I, pp. 71, 571.)

For the full report of Item 06-05, go to <https://www.pc-biz.org/#/committee/3000008/business>.

## 18-E. Pastor, Counselor, and Advisor to Its Pastors and Congregations

### On Amending G-3.0307 (Item 06-02)

The 223rd General Assembly (2018) directed the Stated Clerk to send the following proposed amendment to the presbyteries for their affirmative or negative votes:

Shall G-3.0307 of the Form of Government be amended as follows: [Text to be deleted is shown with a strike-through; text to be added or inserted is shown as italic.]

**“G-3.0307 Pastor, Counselor, and Advisor to Its ~~Pastors~~ *Ministers of the Word and Sacrament and Congregations***

**“Presbyteries shall be open at all times to communication regarding the life and ministry of their congregations.**

**“Each presbytery shall develop and maintain mechanisms and processes to serve as pastor and counselor to its ~~pastors, both ministers of the Word and Sacrament, and ruling elders commissioned to pastoral service (also called commissioned pastors (also known as commissioned ruling elders)), as well as the~~ *and certified Christian educators of the presbytery; to facilitate the relations between the presbytery and its congregations, ~~pastors ministers of the Word and Sacrament, commissioned pastors,~~ and certified Christian educators; and to settle difficulties on behalf of the presbytery where possible and expedient.”***

#### Rationale

The proposed amendment originates from the Presbytery of Santa Fe as Item 06-02. The Presbyteries of Grand Canyon, Muskingum Valley, Sierra Blanca, Southeastern Illinois, and de Cristo, concurred with Item 06-02. The Presbytery of Santa Fe provided the following rationale for Item 06-002 [edited].

The Presbytery of Santa Fe was one of the concurring presbyteries on the 2016 overture that became Amendment 16-C, Recommendations C.1 through C.8, ratified by a majority of the presbyteries. We are mindful of the valid criticism of Recommendation 16-C.6 (G-3.0307) raised by the Advisory Committee on the Constitution, as well as other concerns about repetitive wording. We believe this can be easily remedied by our proposed amendment.

#### **Advice from the Advisory Committee on the Constitution**

The Advisory Committee on the Constitution advised the 223rd General Assembly (2018) to approve Item 06-02 as amended providing the following advice [edited]:

The rationale for Item 06-02 focuses on the issue of repetitive wording in this section, but there is a more important issue that is corrected by this amendment.

The 222nd General Assembly (2016) approved Item 06-08 on amending the *Book of Order* to clarify titles to Ordered Ministry. Item 06-08 (2016) was a large amendment with seven recommendations, most which dealt with switching the default term for the ordered ministry of “teaching elder” to “minister of the Word and Sacrament.” In the process of approval, the 222nd General Assembly (2016) approved an amendment to G-3.0307 (sixth recommendation) to strike out the term “teaching elder” and insert not “minister of the Word and Sacrament,” but “pastor.”

The Advisory Committee on the Constitution called the attention of the assembly to an unintended consequence of this amendment, that by inserting the word “pastor” into the action defining who had access to the committee on ministry or its equivalent, the amendment was cutting off all ministers of the Word and Sacrament not serving as installed or temporary pastors from access to this committee or entity. Item 06-08 (2016) was approved and referred to the presbyteries without addressing this concern.



Item 06-02, if approved, will restore constitutional access to the committee on ministry or its equivalent to all minister members of the presbytery. It also deals with the issue of repetitive wording in this section with language that is clear and concise.

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The Assembly Committee on Church Polity and Ordered Ministry (06) voted to approve the proposed amendment as amended 52/0. The 223rd General Assembly (2018) approved the committee's recommendation with amendment 464/3. (See *Minutes*, 2018, Part I, pp. 70, 565–66.)

For the full report of Item 06-02, go to <https://www.pc-biz.org/#/committee/3000008/business>

## 18-F. Welcoming to the Table

### On Amending W-4.0202 (Item 14-03)

The 223rd General Assembly (2018) directed the Stated Clerk to send the following proposed amendment to the presbyteries for their affirmative or negative votes:

Shall W-4.0202 be amended as follows: [Text to be deleted is shown with a strike-through; text to be added or inserted is shown as italic.]

“W-4.0202 Welcoming to the Table

“In cases where baptized children who have not yet begun to participate in the Lord’s Supper express a desire to receive the Sacrament, ~~the session should provide an occasion to welcome them~~ *they shall be welcomed to the table in public worship. Their introduction to the Lord’s Supper should include and the session should ensure they receive ongoing instruction or formation in the meaning and mystery of the Sacraments.*”

#### Rationale

This proposed amendment originates from the Presbytery of Grace as Item 14-03. The Presbyteries of de Cristo, Grand Canyon, Huntingdon, Newton, and Palo Duro concurred. The Presbytery of Grace provided the following rationale [edited].

The current language “provide an occasion to welcome them” could be interpreted as the need to provide a “first communion” service for baptized children. If taken this way, the language could develop a mindset that baptized children must wait until a certain age or complete certain educational requirements before belonging at the table. This mindset would violate our understanding that the Sacraments of Baptism and the Lord’s Supper are linked (W-3.0408 “Welcome”) and that “all who come to the table are to be offered the bread and cup regardless of their age or understanding,” (W-3.0409 “The Theology of the Lord’s Supper”).

Striking this phrase simplifies the wording while maintaining the intent—to welcome the baptized and provide them with ongoing instruction. The responsibility for instruction in baptismal identity and worship education and participation is addressed in W-4.0201 “Nurturing the Baptized,” W-2.0303 “Ruling Elders,” and W-2.0305 “Shared Responsibility and Accountability.” The issue of welcome to those not baptized is addressed in W-3.0409 “The Theology of the Lord’s Supper.”

#### **Advice from the Advisory Committee on the Constitution**

The Advisory Committee on the Constitution advised the 223rd General Assembly (2018) to approve Item 14-03 providing the following advice [edited]:

The Advisory Committee on the Constitution advises the 223rd General Assembly (2018) to approve Item 14-03.

This amendment seeks to clarify that when children receive the Lord’s Supper for the first time, the Directory for Worship is not suggesting a service such as “first communion.”

The Advisory Committee on the Constitution finds that the overture has identified a possible contradiction between W-3.0409 and the current language of W-4.0202 and has provided an amendment to W-4.0202 that would resolve that contradiction. The Advisory Committee on the Constitution advises that the proposed language is clear and consistent with the stated intent of the overture.

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The Assembly Committee on Theological & Church Growth Issues and Institutions (14) voted to approve the proposed amendment with comment 50/1. The 223rd General Assembly (2018) approved the committee’s recommendation with a voice vote. (See *Minutes*, 2018, Part I, pp. 17, 1205.)

For the full report of Item 14-03, go to <https://www.pc-biz.org/#/committee/3000016/business>.

## 18-G. Disciplinary Offense

### On Amending D-2.0203b (Item 06-04)

The 223rd General Assembly (2018) directed the Stated Clerk to send the following proposed amendment to the presbyteries for their affirmative or negative votes:

**Shall D-2.0203b of the Form of Government be amended as follows? [Text to be deleted is shown with strike-through; text to be added or inserted is shown as italic.]**

**“b. An offense is any act or omission by a member or a person in an ordered ministry of the church that is contrary to the Scriptures or the Constitution of the Presbyterian Church (U.S.A.). *Sexual abuse as defined in Section D-10.0401c shall be considered contrary to the Scriptures or Constitution of the Presbyterian Church (U.S.A.), and therefore an offense for purposes of these rules.*”**

#### Rationale

This proposed amendment originates from the Presbytery of North Alabama as Item 06-04. The Presbyteries of Albany, Boise, Grand Canyon, Huntington, and de Cristo concurred. The Presbytery of North Alabama provided the following rationale [edited].

A recent ruling by a synod permanent judicial commission effectively indicated that actions in violation of a council’s sexual misconduct policy are not under the jurisdiction of the Rules of Discipline unless those actions are explicitly specified as contrary to the Scriptures or the Constitution. The Constitution of the Presbyterian Church (U.S.A.) requires “all councils shall adopt and implement a sexual misconduct policy and a child and youth protection policy” (*Book of Order*, G-3.0106). In order to meet this requirement, actions or omissions in violation of these policies must have the capacity to be addressed through our disciplinary process; otherwise the policies are unenforceable. Furthermore, it should be implicit that actions that violate constitutionally required policies are by their very nature contrary to the Scriptures or the Constitution. Decisions in prior disciplinary cases have supported this concept.

The members and congregations of the Presbytery of North Alabama wish to stringently affirm that sexual misconduct is sin. We believe past failure to confront this behavior has led to injustice and discord within the church, and scrutiny and litigation from without. We humbly ask the Presbyterian Church (U.S.A.) to take an unequivocal stand for justice by equating this sin as an implicit violation of scriptural norms and constitutional ordination vows.

#### **Advice from the Advisory Committee on the Constitution**

The Advisory Committee on the Constitution advised the 223rd General Assembly (2018) to disapprove Item 06-04 with comment. They provided the following advice [edited].

The Advisory Committee on the Constitution advises the 223rd General Assembly (2018) to disapprove Item 06-04 with the following comment.

“While sexual misconduct is not condoned by Scriptures or the Constitution of the PC(USA), adding this language to the *Book of Order* is unnecessary. All councils and judicial commissions are admonished to consider sexual misconduct as contrary to the Scriptures and the Constitution of the PC(USA).”

Scriptures and the Constitution do not condone sexual misconduct or the abuse and endangerment of children and youth. Many acts involve impermissible sexual overtures, force, and misconduct. The assembly is reminded that the Constitution is not an enumeration of specific permitted or prohibited conduct, but rather a guide for all councils in administering their mission. Each council should be mindful that any act of sexual misconduct or child abuse is in violation of the Constitution. By singling out a particular violation of a particular policy, an inference might be made that violations of other policies are not contrary to the Scriptures and the Constitution.

Councils have the authority to establish and enforce their policies. Not all violations of a particular policy may be found to be contrary to Scripture or the Constitution. Violation of a council's sexual misconduct and/or child and youth protection policy may be procedural and may not rise to the level of a constitutional offense. The Rules of Discipline set forth the process for determining proof of an alleged offense, including sexual misconduct.

The assembly may consider admonishing all councils and judicial commissions that sexual misconduct is contrary to the Scriptures and the Constitution and that all councils are required to adopt and implement a sexual misconduct policy and/or child/youth protection policy (G-3.0106).

Alternatively, the assembly may consider referral of this item to the Task Force on the Rules of Discipline for report to the 224th General Assembly (2020).

### **Advice from the Advocacy Committee on Women's Concerns**

The Advocacy Committee on Women's Concerns advised the 223rd General Assembly (2018) approve Item 06-04 providing the following advice [edited].

The Advocacy Committee for Women's Concerns (ACWC) agrees that any act or omission prohibited by the council of authority's duly adopted sexual misconduct policy and/or child and youth protection policy should be considered contrary to the Scriptures or Constitution of the Presbyterian Church (U.S.A.) and therefore an offense for purposes of these rules. ACWC agrees with this overture that past failure to confront sexual misconduct has led to injustice and discord within the church, and scrutiny and litigation from without.

Because all sexual abuse is, at the core, an abuse of power, certain populations are more vulnerable to such abuse. For instance, children and youth, developmentally disabled adults, and immigrant night shift workers are often the targets of sexual misconduct. Gender inequities rooted in theological misunderstandings based in patriarchy leave women within the church particularly vulnerable to sexual misconduct, not only from other clergy, but also to sexual harassment from male members of their congregations. It is essential that the Presbyterian Church (U.S.A.) take an unequivocal stand for justice by equating sexual misconduct to be an implicit violation of scriptural norms and constitutional ordination vows.

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The Assembly Committee on Church Polity and Ordered Ministry (06) voted to approve the proposed amendment as amended 53/0. The 223rd General Assembly (2018) approved the committee's recommendation with amendment 416/13. (See *Minutes*, 2018, Part I, pp. 70, 570.)

For the full report of Item 06-04, go to <https://www.pc-biz.org/#/committee/3000008/business>.

## 18-H. Time Limit

### On Amending D-10.0401 (Item 06-24)

The 223rd General Assembly (2018) directed the Stated Clerk to send the following proposed amendment to the presbyteries for their affirmative or negative votes:

#### 18-H.1.

**Shall D-10.0401b of the Form of Government be amended as follows: [Text to be deleted is shown with strike-through; text to be added or inserted is shown as italic.]**

**“b. For instances of sexual abuse of another person, the five-year time limit shall not apply. *There is also no time limit for charging that a person who knew or reasonably should have known of the reasonable risk of sexual abuse of another as defined in D-10.0401c(1) or (2) failed to take reasonable steps to minimize the risk. Both charges may be brought regardless of the date on which an offense is alleged to have occurred.*”**

#### 18-H.2.

**Shall D-10.0401c(1) of the Form of Government be amended as follows: [Text to be deleted is shown with strike-through; text to be added or inserted is shown as italic.]**

**“(1) any person under the age of eighteen years or anyone ~~over the age of eighteen years~~ without the ~~mental~~ capacity to consent; or”**

### Rationale

This proposed amendment originates from the Advisory Committee on the Constitution comment on a referral from the 222nd (2016) General Assembly to the Office of the General Assembly. The original item before the 222nd (2016) General Assembly originated from the Advocacy Committee for Women’s Concerns.

### **Advice from the Advisory Committee on the Constitution**

The Advisory Committee on the Constitution advised the 223rd General Assembly (2018) to refer Item 06-24 to the Rules of Discipline Task Force or approve as amended. They provided the following advice [edited].

[b.] The ACWC proposed and ACC recommended languages both impose a level of responsibility on persons that is not currently part of the Rules of Discipline. The ACC recommendation imposes a negligence standard for failure to respond to situations involving a reasonable risk of sexual misconduct, including the failure to report appropriately.

[c.1)] This language recognizes that minor persons cannot consent. The second clause clarifies that sexual abuse includes persons who lack of the capacity to consent for any reason whatsoever.

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The Assembly Committee on Church Polity and Ordered Ministry (06) voted to approve the proposed amendment as amended 47/1. The 223rd General Assembly (2018) approved the committee’s recommendation with amendment 455/16. (See *Minutes*, 2018, Part I, pp. 73–74, 631–32.)

For the full report of Item 06-24, go to <https://www.pc-biz.org/#/committee/3000008/business>

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