

# Presbytery of Shenango

## Report of the Bills and Overtures Committee

May 17, 2011

### Proposed Amendments to the Constitution

#### Part 1 – Foundations of Presbyterian Polity and Form of Government

##### 10-1. New Form of Government

###### **Recommendation of the Committee: NO**

**Rationale:** The committee agrees that there are indeed problems with our current *Form of Government*. Some charge, for example, that it has become a ‘manual of operations,’ addressing ecclesiastical minutiae better dealt with on a church or presbytery level. Furthermore, the committee acknowledges that there is much good in the proposed new *Form of Government*. However, serious concerns arise, including the following:

- *The Foundations of Presbyterian Polity* seem to support a universalist theology incompatible with the New Testament. It opens, for example, with this statement: “*The good news of the Gospel is that the triune God...redeems...all people,*” (F-1.01) and goes on to speak of “*God’s redemption of all things and people.*” (F-1.0302[d])
- The same foundational document seems to rule out any doctrinal test at all for inclusion in the church – even, it may be presumed, the oldest, most basic confession of believers, that Jesus is Lord: “*In Christ, by the power of the Spirit, God unites persons through baptism regardless of... theological conviction...*” (F-1.0403)
- The committee further fears that adoption of the new *Form of Government* would have any number of very negative unintended consequences.
- Among these would be the imposition of a significant burden on sessions and presbyteries in their need to create whole new manuals of operations, should the new *Form of Government* be adopted.

The new *Form of Government* is before us as it stands, with no current possibility for amendment. At this point presbyteries can only approve the entire document, or reject it. In light of that, the committee feels that the best course of action is to vote “No” on the proposed new *Form of Government*, and amend our current *Book of Order*.

## Part 2 – Confession of Belhar

### 10-2. Confession of Belhar

#### **Recommendation of the Committee: NO**

**Rationale:** Like any good creedal statement, the Confession of Belhar speaks universal truth in light of the gospel, but truth addressed to the particular situation facing the Christians who wrote it – in this case, the Reformed churches of South Africa in the mid-1980s. The burning issue for those believers at that time was their nation’s gross racial injustice expressed in the apartheid system. No reasonable person would argue that our own society in the United States two and a half decades later is completely free from racial injustice. We are, however – by the grace of God! – not burdened by the sort of institutionalized, legal discrimination embodied by an apartheid system. That reality calls into question the need for such a confession in the PC(USA) at this time, especially since the committee feels that all the good points of the Belhar Confession are made by statements already part of our current *Book of Confessions*.

The committee has additional concerns about the Belhar Confession. One is its apparent emphasis on unity, even if at the expense of truth and purity, suggested by such statements as this: “...*anything which threatens...unity may have no place in the church and must be resisted*” (11.2). Furthermore, committee members expressed concern that the confession could be used to support unbiblical changes in qualifications for ordination.

For all these reasons, the committee recommends against adding the Belhar Confession to our present *Book of Confessions*.

## Part 3 – Amendments to the *Book of Order*

### 10-A. Gifts and Requirements – On Amending G-6.0106b

#### **Recommendation of the Committee: NO**

**Rationale:** The proposed amendment potentially allows a departure from biblical standards and would weaken our Presbyterian connectional system by allowing local option in a key matter related to our polity, ordination standards. The committee also affirms decisions handed down by the presbyteries in three successive votes against similar amendments proposed in recent years.

### 10-B. Removing Stated Clerk or Clerk of Session – On Amending G-9.0203b

#### **Recommendation of the Committee: YES**

**Rationale:** The proposed amendment is consistent with existing constitutional principles, but adds helpful clarification by including the office of stated clerk in those provisions.

**10-C. Requiring Sexual Misconduct Policy – On Amending G-9.0404**

**Recommendation of the Committee: YES**

**Rationale:** Our presbytery already has such a policy in place. We agree with the principle that every governing body should have one. The requirement would not be unduly burdensome for sessions, as they could adopt their own presbytery's policy, with few if any modifications.

**10-D. Nominating Committees – On Amending G-9.0801a**

**Recommendation of the Committee: YES**

**Rationale:** We concur with the rationale provided by the General Assembly Committee on Representation (page 6), that at the time G-9.0801a was enacted (1983), it was designed to address gender imbalance on presbytery and synod nominating committees. In the nearly three decades since that time, the increase in numbers of women ministers of the Word and Sacrament has helped correct that imbalance, and the provision as it now stands has led to a significant majority presence of elders on nominating committees, in violation of our Presbyterian principle of equal representation and shared leadership. We further concur with the assertion that "This change will bring our leadership structure a bit more up-to-date." (*ibid.*)

**10-E. Presbytery Rolls and Registers – On Amending G-11.0407**

**Recommendation of the Committee: YES**

**Rationale:** The proposed change should facilitate record-keeping, in a way that would be especially helpful, for example, with the preparation of annual reports.

**10-F. Certified Christian Educators – On Amending G-11.0407 and G-14.0730**

**Recommendation of the Committee: YES**

**Rationale:** The proposed amendment is consistent with language currently in the *Book of Order* and would correct an inconsistency between the two affected paragraphs, created in 2006, regarding the conditions under which Certified Christian Educators have both voice and vote in presbytery meetings. (Shenango Presbytery's Bills and Overtures Committee recommended in 2006 against the change that created that discrepancy.)

**10-G. Synod Function – On Amending G-12.0100**

**Recommendation of the Committee: YES**

**Rationale:** The proposed change promotes good stewardship of resources, especially in struggling synods, while preserving vital judicial functions of synods.

**10-H. Nominations Process – On Amending G-13.0108, G-13.0111a, and G-13.0202b**

**Recommendation of the Committee: YES**

**Rationale:** As in 10-D, the proposed change will bring our leadership structure a bit more up-to-date, and is in keeping with our longstanding Presbyterian principle of equal representation of elders and ministers of the Word and Sacrament.

**10-I. Prayer Added to Ordination and Installation Services – On Amending W-4.4003h, W-4.4004a(2) and W-4.4006(b)2**

**Recommendation of the Committee: YES**

**Rationale:** We believe that prayer has always been understood to be crucial and central to the relationships between church officers and the people they serve. But to explicitly encourage prayer in those relationships, as the proposed amendment would do, is always good.

**10-J. Stay of Enforcement – On Amending D-6.0103**

**Recommendation of the Committee: YES**

**Rationale:** The committee concurs with the recommendation of the Advisory Committee on the Constitution (page 20): “Due to the recent changes in D-6.0103a, actions taken by or actions failed to be taken by the Stated Clerk of a governing body having jurisdiction over the remedial case may result in a failure to enter the stay of enforcement by the 45 day deadline. An unintended consequence of the changes [in] D-6.0103a has been to place more decision making power into the hands of the Stated Clerk that will affect the remedial case in substance.” We agree that the proposed amendment will correct this problem.

**10-K. Preliminary Questions – On Amending D-6.0306, D-8.0302, and D-13.0302**

**Recommendation of the Committee: YES**

**Rationale:** The proposed change would simplify the work of a permanent judicial commission in cases that are not contested. (Please note that the moderator and clerk mentioned in the new paragraph are officers of a PJC, not a particular church or presbytery.)

**10-L. Reviewing Work of an Investigating Committee – On Amending D-10.0202**  
**Recommendation of the Committee: YES**

**Rationale:** The committee concurs with the concluding sentence of the *Background and Rationale* paragraph provided by the Advisory Committee on the Constitution (page 22): “The rationale for this addition is that it clarifies the role of the investigating committee in preventing repetitive allegations against one person for the purpose of harassment.” The proposed new paragraph would prevent what civil law refers to as “double jeopardy,” against which citizens are protected by the U.S. Constitution.

**10-M. Time Limit – On Amending D-10.0401**

**Recommendation of the Committee: YES**

**Rationale:** The committee views the proposed change as a valid adjustment in the church’s judicial process to extend grace to an alleged victim, a change that is reasonable given the slow pace at which such proceedings frequently move.

**10-N. Appeal of “Not Guilty” Verdict – On Amending D-13.0102 and D-13.0106**  
**Recommendation of the Committee: YES**

**Rationale:** A 2004-2005 amendment to the *Rules of Discipline* allowed for appeal of a permanent judicial commission decision by not only an accused person found guilty, but also by the prosecuting committee in the case of a not guilty decision. This had the effect of allowing for “double jeopardy” (see above on 10-L). Viewing this “as both problematic in practice and contradictory to our tradition and theology,” (*Background and Rationale*, page 25), the proposed current amendment would reverse that change. The committee concurs with this intent.

**10-O. Decision of Permanent Judicial Commission – On Amending D-13.0404**  
**Recommendation of the Committee: NO**

**Rationale:** Since the proposed new language speaks of the appeal of a not guilty verdict, to support this amendment would be inconsistent with a “Yes” vote on 10-N.