

1 The concern that prohibiting atheists from testifying will limit the church's ability to
2 investigate abuse cases is unpersuasive. Such investigations are primarily the province
3 of criminal and civil courts. The courts of the PCA do not have the power of the sword.
4

5 But even if such a case were to come before a PCA court, allowing atheists to testify
6 would be disruptive and contrary to the interests of justice. A witness who lacks belief
7 in God or his justice will have no ultimate reason to refrain from violating the Ninth
8 Commandment. Church courts have no power to sanction a witness for perjury beyond
9 excommunication. Such a sanction is unavailable for those who are already outside
10 the visible church. Allowing testimony from those who have nothing by which to
11 swear would mean admitting inherently unreliable evidence.
12

- 13 14. That **Overture 14** from Northern California Presbytery ("Amend *BCO* 32-19
14 Regarding Use of Professional Counsel in Cases of Process," p. 63) be answered in the
15 **negative.** **116-17-0**
16

17 **Grounds:** This overture would have the effect of sharply restricting the ability of
18 elders who are also civil lawyers to participate in the courts of the church. It would
19 create *de facto* second-class elders. In addition to being fundamentally unfair and
20 without Biblical authority, this is undesirable because the skills that such elders have
21 to offer are very valuable in the pursuit of justice and particularly in the conducting of
22 ecclesiastical trials.
23

24 This overture is also vague and worded in such a way as to produce adverse effects.
25 For example, the prohibition on the "representative [being] remunerated in any form,
26 including, but not limited to, fees, billings, reimbursement, or other non-monetary
27 compensation" would prohibit almost all teaching elders from serving as
28 representatives in cases before church courts because the work for which they are paid
29 includes participation in the courts of the church. The prohibition on reimbursement
30 of expenses would have the undesirable result of requiring counsel to bear all of his
31 own expenses, thus substantially increasing the burden of acting as counsel and
32 hindering the ability of an accused person to obtain assistance in his defense.
33

34 Most significantly, this overture is unnecessary. The committee heard no evidence of
35 a representative being paid by an accused person to act as defense counsel.
36

- 37 15. That **Overture 15** from the Session of Bryce Avenue Presbyterian Church, White
38 Rock, New Mexico ("Amend *BCO* 53 To Disallow Exhortation, Preaching, or
39 Teaching by Women in Worship," p. 65) be **referred back to Bryce Avenue**
40 **Presbyterian Church, White Rock, New Mexico without prejudice.** **85-52-0**
41

42 **Grounds:** Terms in the overture like "exhort," "public worship assembly," and
43 "where men are present" are overly broad and vague.

- 1 16. That **Overture 16** from Catawba Valley Presbytery ("Amend *BCO* 7 to Codify the
2 Biblical Standard for Church Officers as Related to Self-Description by Biblical
3 Sins", p. 67) be answered **with reference to the answer to Overture 23. 113-17-1**
4
- 5 17. That **Overture 17** from the Session of Meadowview Reformed Presbyterian Church,
6 Lexington, NC ("Amend *BCO* 7 To Disqualify from Office Men Describing their
7 Personhood, Being, or Identity by a Sin Struggle" p. 68) be answered **with reference**
8 **to the answer to Overture 23. 113-17-1**
9
- 10 18. That **Overture 18** from the Sessions of Carriage Lane Presbyterian Church, Peachtree
11 City, GA, Covenant Presbyterian Church, Fayetteville, GA East Cobb Presbyterian
12 Church, Marietta, GA, Tucker Presbyterian Church, Tucker, GA ("Affirm Christ-
13 Centered Racial Reconciliation and Reject Secular Social Justice and Critical Theory
14 Ideology" p. 70) be answered in the **negative. 91-39-3**
15
- 16 **Grounds:** General issues regarding critical theory and racial reconciliation have
17 already been well addressed by the Ad Interim Committee on Racial and Ethnic
18 Reconciliation.
19
- 20 19. *[Overture 19 was referred by the Stated Clerk to AC.]*
21
- 22 20. *[Overture 20 was referred by the Stated Clerk to AC.]*
23
- 24 21. That **Overture 21** from the Session of First Presbyterian Church, Montgomery,
25 Alabama ("Amend *BCO* 33-1 and 34-1 Specifying Causes and Processes for Original
26 Jurisdiction Requests" p. 77) be answered in the **negative. 96-35-0**
27
- 28 **Grounds:** This overture is closely related to overture 8 from 2022 that was rejected
29 by half the presbyteries last year. In light of that, it is unwise to advance such a closely-
30 related overture at this time, particularly as it does not seem to address the concerns
31 raised in opposition to the prior overture. Among those concerns is changing the
32 phrase "refuses to act" to "refuses to indict." The committee preferred the current
33 language of the *BCO* to these changes.
34
- 35 22. That **Overture 22** from the Session of First Presbyterian Church, Montgomery,
36 Alabama ("Amend *RAO* 8-4.h; 17-1; and 19-2 to Specify When Minority Reports Are
37 Permitted" p. 79) be answered in the **negative. 98-36-1**
38
- 39 **Grounds:** This overture would give individual members of CCB too much power to
40 force retrial of cases decided by the SJC. Additionally, no judicial decisions would
41 ever be able to be considered final until the final review of CCB.
42
- 43 23. That **Overture 23** from Mississippi Valley Presbytery ("Amend *BCO* 8-2 and 9-3 to
44 Require Officers' Conformity to Biblical Standards for Chastity and Sexual Purity in
45 Self-description" p. 82) be answered in the **affirmative as amended. 99-38-0**

1 **Therefore, be it resolved** that *The Book of Church Order* Chapter 8-2 be amended
2 to insert a new sentence as follows:

3
4 **8-2.** He that fills this office should possess a competency of human learning
5 and be blameless in life, sound in the faith and apt to teach. He should
6 exhibit a sobriety and holiness of life becoming the Gospel. He should
7 conform to the biblical requirement of chastity and sexual purity in his
8 descriptions of himself, and in his convictions, character, and conduct. He
9 should rule his own house well and should have a good report of them
10 that are outside the Church.

11
12 So that the amended *BCO* 8-2 would read as follows (new words underlined):

13
14 **8-2.** He that fills this office should possess a competency of human learning
15 and be blameless in life, sound in the faith and apt to teach. He should
16 exhibit a sobriety and holiness of life becoming the Gospel. He should
17 conform to the biblical requirement of chastity and sexual purity in his
18 descriptions of himself, and in his convictions, character, and conduct. He
19 should rule his own house well and should have a good report of them
20 that are outside the Church.

21
22 **Be it further resolved** that *The Book of Church Order* Chapter 9-3 be amended to
23 insert anew clause as follows:

24
25 **9-3.** To the office of deacon, which is spiritual in nature, shall be chosen
26 men of spiritual character, honest repute, exemplary lives, brotherly spirit,
27 warm sympathies, and sound judgment, conforming to the biblical
28 requirement of chastity and sexual purity in their descriptions of themselves,
29 and in their convictions, character, and conduct.

30
31 So that the amended *BCO* 9-3 would read:

32
33 **9-3.** To the office of deacon, which is spiritual in nature, shall be chosen
34 men of spiritual character, honest repute, exemplary lives, brotherly spirit,
35 warm sympathies, and sound judgment, conforming to the biblical
36 requirement of chastity and sexual purity in their descriptions of themselves,
37 and in their convictions, character, and conduct.

38
39 24. That **Overture 24** from Chesapeake Presbytery ("Amend *BCO* 8-3 to Include
40 Language from the AIC Report on Human" p. 84) be answered **with reference to the**
41 **answer to Overture 23.** **113-17-1**

42
43 25. That **Overture 25** from Arizona Presbytery ("Amend *BCO* 31 to Require Expedited
44 and Conflict-free Investigations of Cases Involving Moral Failure or Victim(s)," p. 86)
45 be **referred back to Arizona Presbytery without prejudice.** **116-10-0**

1 **Grounds:** The proposed language of this overture may make church courts unduly
2 deferential to legal authorities. It would be wise to allow presbyteries to address those
3 concerns via future overtures.
4

5 The CCB also raised constitutional concerns about the proposed language. When
6 drafting overtures, presbyteries are advised to anticipate such constitutional concerns
7 and perhaps consider a non-judicial reference to CCB prior to finalizing an overture.
8

9 26. That **Overture 26** from Northwest Georgia Presbytery ("Amend *BCO* 7-3 Regarding
10 Titling of Unordained People" p. 88) be answered in the **affirmative as amended**.
11 **91-44-1**

12 **Therefore be it resolved**, that *BCO* 7-3 be amended by adding the following sentence
13 (underlining for addition):
14

15 **7-3.** No one who holds office in the Church ought to usurp authority
16 therein, or receive official titles of spiritual preeminence, except such as
17 are employed in the Scripture. Furthermore, unordained people shall
18 should not be referred to as, or given the titles connected to, the ecclesial
19 offices of pastor, elder, or deacon.
20

21 So that if adopted it would read:
22

23 **7-3.** No one who holds office in the Church ought to usurp authority
24 therein, or receive official titles of spiritual preeminence, except such as
25 are employed in the Scripture. Furthermore, unordained people shall not
26 be referred to as, or given the titles connected to, the ecclesial offices of
27 pastor, elder, or deacon.
28

29 27. That **Overture 27** from Pacific Northwest Presbytery ("Amend *BCO* 38-1 re
30 Confessions and Offended Parties" p. 89) be answered in the **affirmative as amended**.
31 **124-1-0**

32 **Be it resolved** that *BCO* 38-1 be amended. The following shows three paragraphs:
33 the current *BCO* 38-1, then the paragraph with the proposed amendment annotated,
34 followed by a clean amended paragraph showing the changes incorporated.
35

36 **Current** (April 2023)
37

38 **38-1.** When any person shall come forward and make his offense known to
39 the court, a full statement of the facts shall be recorded and judgment
40 rendered without process. In handling a confession of guilt, it is essential
41 that the person intends to confess and permit the court to render judgment
42 without process. Statements made by him in the presence of the court must
43 not be taken as a basis of a judgment without process except by his consent.
44
45

1 In the event a confession is intended, a written Confession (i.e., a sufficient
2 summary of the facts, the person's specific confession, and any expression
3 or evidence of repentance) must be approved by the accused, and by the
4 court, before the court proceeds to a judgment, and the co-signed document
5 shall be appended to the minutes (regular or executive session). No other
6 information may be presented without written consent from the accused and
7 the court, and this prohibition includes individuals, prosecutors,
8 committees, and commissions. The accused person has the right of
9 complaint against the judgment.

10
11 **Proposed** - The amendment proposes to delete the parts shown by strikethrough
12 and add the parts shown underlined. (Footnotes are used only to briefly explain
13 some of these changes, but footnotes *will not* appear in the *BCO*.)
14

15 **38-1.** ~~When any person shall come forward and make his offense~~
16 ~~known to the court, before his court of original jurisdiction and confess to~~
17 ~~an offense, a full statement of the facts shall be recorded, and judgment~~
18 ~~rendered without process. The court may assign any or all the following~~
19 ~~tasks to a commission.~~

20 ~~— In handling such a confession of guilt, it is essential that the court be~~
21 ~~persuaded that the person intends to confess acknowledge the offense and~~
22 ~~his guilt and permit the court to render judgment without process. The court,~~
23 ~~with due diligence and great discretion, shall evaluate the accuracy and~~
24 ~~sufficiency of the statement of facts and confession before it approves the~~
25 ~~same. Statements made by him in the presence of the court in connection~~
26 ~~with the provisions of this paragraph shall must not be taken as a basis of a~~
27 ~~judgment without process except by his the confessor's consent.~~

28 ~~— In the event a confession is intended, a written Confession (i.e., a~~
29 ~~sufficient summary of the facts, the person's specific confession, and any~~
30 ~~expression or The Statement to be recorded (i.e., shall include evidence of~~
31 ~~repentance) must shall include (1) a summary of the facts, (2) the person's~~
32 ~~confession as above, (3) any evidence of repentance, and (4) a description~~
33 ~~of the confessor's efforts to reconcile with any individuals against whom the~~
34 ~~court deems his offense bears a special relation (BCO 29-3).~~

35
36 ~~— The written Statement must be approved by the accused confessor, and~~
37 ~~by the court, before the court proceeds to a judgment, and the co signed~~
38 ~~document shall be appended to the minutes (regular or executive session).~~
39 ~~No other information may be presented without written consent from the~~
40 ~~accused confessor and the court, and this This prohibition includes~~
41 ~~information from individuals, prosecutors, committees, and commissions.~~

42
43 When any person shall come forward and make his offense known to the
44 court, a full statement of the facts shall be recorded and judgment rendered
45 without process. In handling a confession of guilt, it is essential that the

1 person intends to confess and permit the court to render judgment without
2 process. Statements made by him in the presence of the court must not be
3 taken as a basis of a judgment without process except by his consent. In the
4 event a confession is intended, a written Confession (i.e., a sufficient
5 summary of the facts, the person’s specific confession, and any expression
6 or evidence of repentance) must be approved by the accused, and by the
7 court, before the court proceeds to a judgment, and the co-signed document
8 shall be appended to the minutes (regular or executive session). No other
9 information may be presented without written consent from the accused and
10 the court, and this prohibition includes individuals, prosecutors,
11 committees, and commissions. The accused person has the right of
12 complaint against the judgment.

13
14 In any instances involving a personal offense (BCO 29-3), the court shall
15 attempt to inform the offended person(s) of that part of the ~~Statement~~
16 ~~Confession~~ the court deems pertinent to the offense against him or her. The
17 court shall invite the offended person to provide the court comment on the
18 ~~Statement Confession~~ prior to final approval of the ~~Statement Confession~~ by the
19 confessor and the court. The court shall encourage the offended person to enlist
20 the help of an advisor in preparing any such comments. In all instances, the
21 court shall report the way such offended persons were informed of the parts of
22 the ~~Statement Confession~~ pertinent to them.

23 The accused person has the right of complaint against the judgment.

24
25 **Clean** - Below is how 38-1 would read if the amendment is adopted as shown
26 above.

27
28 **38-1.** When any person shall come forward and make his offense known to
29 the court, a full statement of the facts shall be recorded and judgment
30 rendered without process. In handling a confession of guilt, it is essential
31 that the person intends to confess and permit the court to render judgment
32 without process. Statements made by him in the presence of the court must
33 not be taken as a basis of a judgment without process except by his consent.
34 In the event a confession is intended, a written Confession (i.e., a sufficient
35 summary of the facts, the person’s specific confession, and any expression
36 or evidence of repentance) must be approved by the accused, and by the
37 court, before the court proceeds to a judgment, and the co-signed document
38 shall be appended to the minutes (regular or executive session). No other
39 information may be presented without written consent from the accused and
40 the court, and this prohibition includes individuals, prosecutors,
41 committees, and commissions. The accused person has the right of
42 complaint against the judgment.

43 In any instances involving a personal offense (BCO 29-3), the court
44 shall attempt to inform the offended person(s) of that part of the Confession
45 the court deems pertinent to the offense against him or her. The court shall

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invite the offended person to provide the court comment on the Confession prior to final approval of the Confession by the confessor and the court. The court shall encourage the offended person to enlist the help of an advisor in preparing any such comments. In all instances, the court shall report the way such offended persons were informed of the parts of the Confession pertinent to them.

The accused person has the right of complaint against the judgment.

28. That **Overture 28** from Calvary Presbytery ("Declare Message to All Nations a Faithful Expression of Biblical Polity Shaping the PCA" p. 93) be answered in the **affirmative as amended.** **97-32-2**

Therefore, be it resolved that the 50th General Assembly of the Presbyterian Church in America declare the "Message to All Nations Churches" a faithful expression of Biblical polity which shaped the founding of the PCA in 1973. And

Therefore, the General Assembly directs its Stated Clerk to send ~~this letter~~ the "Message to All Churches" to the Presbyterian Church (USA) via its Stated Clerk as a communication from a loving daughter to a prodigal mother.

29. *[Overture 29 was referred by the Stated Clerk to PCAF.]*

VI. Commissioners Present

Presbytery	Commissioner (Convener marked with *)
Arizona	RE Dave Price
Arizona	TE Joshua Walker
Ascension	RE Frederick Neikirk
Ascension	TE Jared Nelson
Blue Ridge	RE Stephen Hobson
Blue Ridge	TE Todd Pruitt
Calvary	RE Scott Hultstrand
Calvary	TE Richard M. Thomas
Canada West	RE Paul Mandry
Canada West	TE Garry Vanderveen
Catawba Valley	RE Jay Krestar
Catawba Valley	TE William Thrailkill
Central Carolina	RE Flynt Jones
Central Carolina	TE Benjamin Wray Thomas
Central Florida	RE Tommy Craggs
Central Florida	TE Justin Borger
Central Georgia	RE Christopher Marks
Central Georgia	TE William C. Douglas
Central Indiana	RE Dan Barber III
Central Indiana	TE Taylor Bradbury

1	Chesapeake	RE Bradley James Chwastyk
2	Chesapeake	TE Mark Samuel
3	Chicago Metro	RE Don Kooy
4	Chicago Metro	TE Geoff M. Ziegler
5	Columbus Metro	TE Chris Mabee
6	Covenant	RE Jonathan Barlow
7	Covenant	TE Thomas L. Mirabella
8	Eastern Canada	RE Wilson Wong
9	Eastern Canada	TE Kenneth Franklin Garcia
10	Eastern Carolina	RE Michael Newkirk
11	Eastern Carolina	TE B. Gabriel Sylvia Jr.
12	Eastern Pennsylvania	RE Terry Carnes
13	Eastern Pennsylvania	TE Taylor Anthony Bradley
14	Evangel	RE Brandon Robbins
15	Evangel	TE Michael Brock
16	Fellowship	RE Chad Cureton
17	Fellowship	TE Richard John Wheeler
18	Georgia Foothills	TE Matt Siple
19	Grace	RE Troy Gibson
20	Grace	TE David T. Irving
21	Great Lakes	RE Jerome Gorgon
22	Great Lakes	TE Jason M. Helopoulos
23	Gulf Coast	RE Mike M. McCrary
24	Gulf Coast	TE Chad Watkins
25	Gulfstream	RE Michael Veitz
26	Heartland	RE Lance Kinzer
27	Heartland	TE Rick Franks
28	Heritage	TE Stephen Coward
29	Highlands	RE David Livernois
30	Highlands	TE Jonathan D. Inman
31	Hills and Plains	RE Heath Kirkeby
32	Hills and Plains	TE Ricky Dean Jones
33	Houston Metro	RE Mike Burns
34	Houston Metro	TE Richard B. Harris
35	Illiana	RE Andre Kok
36	Illiana	TE Harris Adams
37	Iowa	RE Chris Sutton
38	Iowa	TE Wayne Larson
39	James River	RE Matt Fender
40	James River	TE Erik Bonkovsky
41	Korean Northeastern	TE Hoochan Paul Lee
42	Korean Southeastern	TE Edward Lim
43	Lowcountry	RE David Walters, Jr.
44	Lowcountry	TE Alexander Dorn Mark
45	Metro Atlanta	RE James W. Wert Jr.

On Site: **ADDITION**

1	Metro Atlanta	TE Drew Archer
2	Metropolitan New York	RE Bruce W. Terrell
3	Metropolitan New York	TE E. Bruce O'Neil
4	Mississippi Valley	RE Edward Currie
5	Mississippi Valley	TE Charles M. Wingard
6	Missouri	RE Jason Groves
7	Missouri	TE Michael G. McLaughlin
8	Nashville	RE Bryce Sullivan
9	Nashville	TE Matthew Todd Bradley
10	New Jersey	RE David John Keddie
11	New Jersey	TE Stephen O'Neill
12	New River	TE John W. Downs
13	New York State	TE Tim LeCroy
14	North Florida	TE Stephen Spinnenweber
15	North Texas	RE Willam A. Thomas
16	North Texas	TE Andy Wood
17	Northern California	RE Matt Cabot
18	Northern California	TE David H. Jones
19	Northern Illinois	RE Lee Gerrietts
20	Northern Illinois	TE Steve Jones
21	Northern New England	TE Ian G. Hard
22	Northwest Georgia	RE Justen Ellis
23	Northwest Georgia	TE David Gilbert
24	Ohio	RE Gregg Gorzelle
25	Ohio	TE Christopher Lee Hutchings
26	Ohio Valley	RE Shay Fout
27	Ohio Valley	TE Mark Randle
28	Pacific Northwest	RE Bill March
29	Pacific Northwest	TE Brant Bosserman
30	Palmetto	RE Andrew Rutherford
31	Palmetto	TE Brad Rogers
32	Pee Dee	RE Jack North
33	Pee Dee	TE Stuart Mizelle
34	Philadelphia	TE Carroll Wynne
35	Philadelphia Metro West	RE Thomas C. Albrecht
36	Piedmont Triad	RE Trevor Laurence
37	Piedmont Triad	TE Jacob Morrison
38	Pittsburgh	TE David R. Kenyon
39	Platte Valley	RE Robert DeYoung
40	Platte Valley	TE Jacob Gerber
41	Potomac	RE Doug Leepa
42	Potomac	TE William E. Boyce
43	Providence	RE John R. Bise
44	Providence	TE William Alan Spink
45	Rio Grande	RE Charles Bursi

1	Rio Grande	TE Daniel Ferrell Herron
2	Rocky Mountain	RE EJ Nusbaum
3	Rocky Mountain	TE Matthew William Giesman
4	Savannah River	RE Jon Thompson
5	Savannah River	TE David Senters
6	Siouxlands	RE Blake Pool
7	Siouxlands	TE Jeffrey Neikirk
8	South Florida	RE Gregory Misyko
9	South Florida	TE David Barry
10	South Texas	RE Joshua Torrey
11	South Texas	TE Michael A. Singenstreu
12	Southeast Alabama	RE Steven Dowling*
13	Southeast Alabama	TE John Brewer Ames III
14	Southern Louisiana	RE Aaron Collier
15	Southern Louisiana	TE Brian Sleeth
16	Southern New England	RE Chris Shoemaker
17	Southern New England	TE Troy Albee
18	Southwest Florida	RE Frank McCaulley
19	Southwest Florida	TE Justin Conner Woodall
20	Suncoast Florida	RE Michael Levenhagen
21	Suncoast Florida	TE Brent Lauder
22	Susquehanna Valley	RE James W. Ressler
23	Susquehanna Valley	TE Vincent L. Wood
24	Tennessee Valley	RE Donald Kent
25	Tennessee Valley	TE Philip Caines
26	Tidewater	TE Jeffrey T. Elliott
27	Warrior	TE Derrick Brite
28	Westminster	RE Daniel A. Witcher
29	Westminster	TE Steven E. Warhurst
30	Wisconsin	RE Chris Mott
31	Wisconsin	TE Michael Bowman

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33 There were no Commissioners from:

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Korean Central

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Korean Northwest

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Korean Southern

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Korean Southwest

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Korean Southwest O.C.

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Pacific

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South Coast

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West Hudson

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Respectfully submitted,

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RE Steven Dowling, Chairman

RE Edward Wright, Secretary

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On Site: **ADDITION**

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**OVERTURES COMMITTEE
MINORITY REPORT
On Overture 13**

Overture 13 attempts to amend Chapter 35 of the *Book of Church Order* by altering the criteria for witness eligibility to allow all persons as witnesses in cases of process. Currently, *BCO* 35-1 disqualifies as witnesses persons “who do not believe in the existence of God, or a future state of rewards and punishments.” The proposed amendments would expand witness eligibility such that persons who do not believe in God or a future state of rewards and punishments are permitted to act as witnesses in cases of process and to offer their testimony to the courts of the church.

There was a time in the West when belief in God generally and belief in the Christian faith particularly were so widespread that even those outside of the church could be presumed to be theists of some sort, and the absence of such belief in an individual signaled an unusually significant philosophical and moral deviation from societal norms. Such is no longer the case in the rapidly secularizing modern world. In this cultural milieu, functional naturalism is no longer an exceptional anomaly, and those outside of the church who might possess valuable testimony for her courts are increasingly likely to formally profess no belief in God or a future state of rewards and punishments. The proposed amendment alters witness eligibility requirements in recognition of the sweeping and profound cultural shifts that have taken place in recent decades in order that our courts are not unduly restrained in their pursuit of truth and justice.

In Holy Scripture, the efficacy of an oath invoking the justice of God is not contingent upon the internal faith or fear of the oath-taker. Indeed, the point of an oath is that human beings are never truly able to control or guarantee the truthfulness of other sinful humans. An oath invokes the eyes and hand of God and calls upon *him* to act, hold accountable, and render just recompense in response to false testimony. For example, in Numbers 5, the oath involved in the test of adultery has nothing whatsoever to do with any individual’s subjective belief in God and everything to do with the objective reality of God and God’s justice. Indeed, even when a witness cannot for conscientious reasons take the oath prescribed in *BCO* 35-8, the proposed amendment requires that, in addition to requiring some other oath or affirmation that impresses the solemnity of their duty upon the witness’s conscience, the court shall declare to them that God himself will certainly hold them accountable, and the members of the court may consequently take heart in that declaration precisely because God truly is the God who is—the Judge of the living and of the dead. When invoking the justice of God by oath or otherwise, the most basic question is not, “Does this witness believe in the God of justice?” but rather, “Do *we* believe in the God of justice?”

The Westminster Standards make abundantly clear that there are many ways that falsehood may corrupt the life, witness, integrity, and justice of Christ’s church. Of course, overt lies may come in from the outside. But falsehood may also take root if, internally, the church sets up obstacles to her unfettered pursuit of the truth. Westminster Larger Catechism 144–145 state that, beyond merely avoiding bearing false testimony, the ninth commandment enjoins

1 Christians actively to “the preserving and promoting of truth” and that it prohibits “concealing
2 the truth, undue silence in a just cause, and holding our peace when iniquity calleth for either
3 a reproof from ourselves, or complaint to others” or otherwise acting “to the prejudice of truth
4 or justice.” What is more, the command calls us to “a charitable esteem of our neighbors,”
5 including our atheist neighbors, which at very least means that we ought to charitably entertain
6 the possibility that our neighbors who bear the image of God are by common grace capable
7 of telling the truth about grave matters.

8
9 The law of God binds not only the life of Christians individually but the life of the church
10 collectively and the conduct of her courts. Insofar as a provision of our *Book of Church Order*
11 inhibits the courts’ preservation and promotion of truth in a manner that may functionally
12 result in the concealment of the truth and undue silence to the prejudice of justice, said
13 provision impedes the church in its God-mandated commitment to the truth. The minority
14 submits that fully and joyfully giving ourselves to the vision of the ninth commandment laid
15 out in our Standards involves removing unnecessary hindrances that obstruct the courts of the
16 church in their labors to pursue, establish, expose, and respond with justice to the truth
17 wherever it may be found.

18
19 Significantly, the proposed amendment does not mandate that a court receive as equally
20 credible every witness’s testimony. It simply permits every witness to offer their testimony to
21 be judged by the wisdom and discretion of the court, even as it retains the right of either party
22 to challenge the competency of any witness. This provision will be incalculably valuable in
23 the abundant and easily imagined scenarios wherein an individual who does not believe in
24 God or a future state of rewards and punishments may be able to offer substantive testimony
25 about the speech, actions, or abusive behavior of a member of the church. Whether an
26 unbelieving neighbor who witnesses sinful conduct while attending a dinner in a member’s
27 home, or an adult child living at home who sees one spouse strike another, or an atheist
28 coworker who individually observes unethical acts or an adulterous relationship in the
29 workplace, or a medical professional who treats an injury and can corroborate a victim’s
30 disclosure to the court, or a victim of abuse within the church who has been so harmed as to
31 have left the faith but nevertheless desires to bear witness to the court and seek the justice
32 deserved, all of these individuals and so many more may be gifts to the church’s courts as they
33 seek to do what is right before God for the sake of Christ’s bride and in the cause of truth and
34 justice.

35
36 What is more, the requirement of *BCO* 8-2 (echoing 1 Timothy 3:7) that every elder “should
37 have a good report of them that are outside the Church” suggests that the courts of the church
38 ought to have a constitutional means of formally receiving and substantiating by way of
39 judicial testimony an ill report from those outside the church—atheists among them—that
40 would call into question an ordained elder’s qualification and fitness for office. As the *Book*
41 *of Church Order* currently stands, any offense witnessed and corroborated exclusively by
42 individuals who do not believe in God or a state of future rewards and punishments, whether
43 committed by an elder or any other member of the church, is rendered functionally invisible
44 to the courts of the church because there is no avenue for such witnesses to offer admissible
45 testimony to the offense.

1 Outright lies are not the only threat to the justice of the church’s courts. Constitutional
2 obstacles to the open pursuit of the truth, wherever it may be found, are perhaps a more
3 sinister—because a more subtle—way that falsehood may prevail and injustice multiply to the
4 harm of the most vulnerable under our care.

5
6 By way of comparison, the Associate Reformed Presbyterian Church already recognizes the
7 competence of all persons created in the image of God to stand as witnesses: “All persons
8 generally are competent to testify as witnesses, though the court shall make due allowance for
9 age, intelligence, character, belief in God, possible bias, relationship to the parties involved,
10 and other like circumstances” (Book of Discipline, 4.4J).

11
12 The formation of the Ad Interim Committee on Domestic Abuse and Sexual Assault by the
13 47th General Assembly and the reception of their report at the 49th General Assembly
14 indicated an initial commitment by the Presbyterian Church in America to take constructive
15 action toward reviewing policies and procedures and implementing wise changes to the *Book*
16 *of Church Order* in order to more effectively protect the vulnerable, respond to allegations of
17 abuse, and create judicial processes whereby victims are not unduly burdened and are instead
18 able to pursue and receive just recourse from the church. This amendment represents one step
19 toward making good on that commitment. While the proposed changes to Chapter 35 of the
20 *Book of Church Order* are relevant to all manner of judicial proceedings, they are particularly
21 crucial to ongoing endeavors to better protect children and victims of abuse.

22
23 Please note that Item 8 as approved by this 50th General Assembly impacts the numbering,
24 arrangement, and provisions of Chapter 35 of the *Book of Church Order*. The text of the
25 motion below utilizes the most current text of Chapter 35.

26
27 **Motion of the Minority Report**

28
29 We, the minority, move the following to be adopted as a substitute motion to the recommendation
30 of the Overtures Committee.

31
32 That the General Assembly **answer Overture 13 in the affirmative as amended:**

33
34 That *Book of Church Order* 35-1 and 35-8 be amended by deleting the current language
35 (indicated by ~~strikethrough~~) and replacing it (indicated by underline), as shown below.

36
37 **35-1.** ~~All persons of proper age and intelligence are competent witnesses generally are~~
38 ~~competent to testify as witnesses, except such as do not believe in the existence of~~
39 ~~God, or a future state of rewards and punishments~~ though the court shall give
40 consideration to age, intelligence, belief in God, relationship to the parties involved,
41 and other like factors in judging testimony (BCO 35-5). Either party has the right to
42 challenge a witness whom he believes to be incompetent, and the court shall examine
43 and decide upon his competency.

1 **35-8.** The oath or affirmation to a witness shall be administered by the Moderator in
2 the following or like terms:

3
4 **Do you solemnly promise, in the presence of God, that you will declare the truth,**
5 **the whole truth, and nothing but the truth, according to the best of your**
6 **knowledge in the matter in which you are called to witness, as you shall answer it**
7 **to the great Judge of the living and the dead?**

8
9 If, however, at any time a witness should present himself before a court, who for
10 conscientious reasons prefers to swear or affirm in any other manner, or with other
11 language, he ~~should~~ shall be allowed to do so, provided such oath or affirmation
12 impresses the solemnity of this duty upon the witness's conscience, and the court shall
13 impress upon him that the truthfulness of his testimony will be judged by God.

14
15 Such that the final text reads:

16
17 **35-1.** All persons generally are competent to testify as witnesses, though the court shall
18 give consideration to age, intelligence, belief in God, relationship to the parties
19 involved, and other like factors in judging testimony (*BCO 35-5*). Either party has the
20 right to challenge a witness whom he believes to be incompetent, and the court shall
21 examine and decide upon his competency.

22
23 **35-8.** The oath or affirmation to a witness shall be administered by the Moderator in
24 the following or like terms:

25
26 **Do you solemnly promise, in the presence of God, that you will declare the truth,**
27 **the whole truth, and nothing but the truth, according to the best of your**
28 **knowledge in the matter in which you are called to witness, as you shall answer it**
29 **to the great Judge of the living and the dead?**

30
31 If, however, at any time a witness should present himself before a court, who for
32 conscientious reasons prefers to swear or affirm in any other manner, or with other
33 language, he shall be allowed to do so, provided such oath or affirmation impresses
34 the solemnity of this duty upon the witness's conscience, and the court shall impress
35 upon him that the truthfulness of his testimony will be judged by God.

36
37 **Minority Report Signers**

- 38
39 TE Jeff Elliott
40 RE Michael Veitz
41 TE Mark Samuel
42 RE David Livernois
43 TE Daniel F. Herron
44 RE Trevor Laurence
45 TE Steve Coward

- 1 RE Joshua Torrey
- 2 TE Geoff Ziegler
- 3 RE Matt Cabot
- 4 TE Stuart Mizelle
- 5 RE James Wert
- 6 TE Jacob Morrison
- 7 RE Dan Barber
- 8 TE Vincent Wood
- 9 RE David Keddie
- 10 TE Drew Archer
- 11 RE Douglas Leepa
- 12 TE Mike McLaughlin
- 13 RE Andre Kok
- 14 TE Justin Woodall
- 15 RE Heath Kirkeby
- 16 TE Ricky Jones
- 17 RE Christopher Marks
- 18 TE William Douglas
- 19 RE E.J. Nusbaum
- 20 TE Brad Rogers
- 21 RE Brandon Robbins
- 22 TE Will Spink
- 23 RE Donald Kent
- 24 TE John Downs
- 25 RE Chris Sutton
- 26 TE Philip Caines
- 27 RE Jason Groves
- 28 TE Tom Mirabella
- 29 TE Ian Hard
- 30 TE Frank Garcia
- 31 TE Erik Bonkovsky
- 32 TE Brent Lauder
- 33 TE Billy Boyce
- 34 TE Tim LeCroy