

1 **OVERTURE 41** from Tennessee Valley Presbytery

(to CCB, OC)

2 "Amend *BCO* 35-1 to Expand Potential Witness Eligibility"

3  
4 **Whereas**, the prosecutor and the accused should have the right to seek to call anyone as a  
5 witness. Either party may object to any proposed witness and the court would rule on  
6 the objection. Even if an objection is overruled, the court would still need to judge the  
7 credibility of the witness and his testimony; and

8  
9 **Whereas**, to exclude those who do not believe in the existence of God or in a future state of  
10 rewards and punishments may, in certain cases, hamper the prosecutor or the accused  
11 in presenting necessary evidence, or hamper the interest of justice;

12  
13 **Therefore**, be it resolved to strike the first sentence of *BCO* 35-1 to read as follows:

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15 ~~All persons of proper age and intelligence are competent witnesses,~~  
16 ~~except such as do not believe in the existence of God, or in a future state~~  
17 ~~of rewards and punishments.~~The accused party may be allowed, but  
18 shall not be compelled to testify; but the accuser shall be required to  
19 testify, on the demand of the accused. Either party has the right to  
20 challenge a witness who he believes to be incompetent, and the court  
21 shall decide upon his competency. It belongs to the court to judge the  
22 credibility to be attached to all evidence.

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24 *Adopted by Tennessee Valley Presbytery at its stated meeting, April 17, 2021*

25 *Attested by /s/ TE Jacob A. Bennett, stated clerk*