

1 **OVERTURE 2021-41** from Tennessee Valley Presbytery

(to 49th OC)

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

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4 **[Editorial Note: This overture was originally submitted to the 48th General**
5 **Assembly (2021), which “committed” it “to the 49th GA OC in Birmingham,**
6 **and in the interim” referred it “to the Ad Interim Committee on Abuse...for**
7 **them to give advice to the 49th GA OC.”]**

8
9 **Whereas,** the prosecutor and the accused should have the right to seek to call anyone as a
10 witness. Either party may object to any proposed witness and the court would rule on
11 the objection. Even if an objection is overruled, the court would still need to judge the
12 credibility of the witness and his testimony; and

13
14 **Whereas,** to exclude those who do not believe in the existence of God or in a future state of
15 rewards and punishments may, in certain cases, hamper the prosecutor or the accused
16 in presenting necessary evidence, or hamper the interest of justice;

17
18 **Therefore,** be it resolved to strike the first sentence of *BCO* 35-1 to read as follows:

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

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

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