

1 **OVERTURE 6** from Nashville Presbytery (to CCB, OC)
2 “Amend *BCO* 31-10 and 33-4 Regarding Suspensions during Process or Delay”
3

4 **Whereas**, it was proposed in Overture 20 to the 48th General Assembly (and referred to the
5 49th General Assembly) that *BCO* 31-10 and 33-4 be amended by requiring a three-
6 fourths (3/4) vote for a court to suspend an officer from his official functions when
7 under process (*BCO* 31-10) and for a Session to suspend a member from approaching
8 the Lord’s Table when it is impracticable immediately to commence process (*BCO*
9 33-4); and
10

11 **Whereas**, the vote count for passing a motion by a supermajority of three-fourths (3/4) is, for
12 example, 4 votes in the affirmative on a Session with 5 members voting and 23
13 presbyters voting in the affirmative in a court with 30 members voting; and
14

15 **Whereas**, The *BCO* requires a three-fourths (3/4) supermajority for five types of *exceptional*
16 *and extraordinary circumstances dissimilar to BCO* 31-10 and 33-4.

- 17 • The first two include receiving or joining with other churches (*BCO* 14.6.h;
18 26-5) and changes to the Westminster Standards (*BCO* 26-3).
- 19 • The next two are related to extraordinary exceptions to the internship and
20 ordination requirements (*BCO* 19-6, 21-4) and extraordinary exceptions to the
21 prohibition on assistant or associate pastors succeeding the Pastor (*BCO* 23-1).
- 22 • The last instance is the removal of the censure of deposition from a minister or
23 elder (*BCO* 34-8; 37-6).

24 These situations in our *BCO* all require a supermajority *to protect the church*, and the
25 proposal in Overture 20 would instead serve *to protect an individual*; and
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27 **Whereas**, the current meaning and effects of *BCO* 31-10 and 33-4 have been present within
28 the historical stream of our *Book of Church Order* for 200 years and were included in
29 the 1822 PCUSA *Book of Discipline* and the 1879 PCUS *Rules of Discipline*; and
30

31 **Whereas**, for those under judicial process, the court would have already found “a strong
32 presumption of guilt” (*BCO* 31-2), defined by F. P. Ramsay, as “a belief by the
33 members of the court that evidence as then known to them would indicate that guilt
34 probably exists” (*Exposition of the Book of Church Order*, 1898, p. 187); and
35

36 **Whereas**, the church Session—in the case of a Pastor under process and not suspended from
37 his official functions by the Presbytery—would not be able to restrict the Pastor from
38 preaching and teaching (*BCO* 20-1) or moderating the church Session (*BCO* 10-3; 12-
39 2) except through pastoral dissolution by the congregation (*BCO* 23-1). See
40 Committee of Commissioners on Judicial Business, *M17GA* (1989), 17-82.III, item
41 34, p. 167; and Report of the Committee on Constitutional Business, *M18GA* (1990),
42 Appendix A, Attachment 1, III.B.4, p. 204; and
43

1 **Whereas**, requiring a three-quarters (3/4) supermajority vote for an intermediary step in the
2 judicial process while requiring only a majority vote for the judgement is incongruous
3 with the relative significance of these decisions; and
4

5 **Whereas**, ensuring proper adherence to Presbyterian polity is best achieved by godly
6 presbyters carefully applying church law in its courts; and
7

8 **Whereas**, adding instructive information in our *BCO* to the end that church courts should
9 show “prudence and wisdom” when making decisions under *BCO* 31-10 and 33-4, and
10 adding language to 33-4 that “this shall never be done in the way of censure” are better
11 methods of applying historic Presbyterian judicatory principles than constructing
12 requirements of a supermajority vote for situations in which the requirement of a
13 majority vote has stood the test of time in our church courts for 200 years. The terms
14 “prudence” and “wisdom” used in the proposed revisions come from the use of the
15 words concerning decisions of church courts, presbyters, pastors, and elders in the
16 *Preliminary Principles*, *BCO* 11-2, *BCO* 56-4, and *BCO* 57-2.
17

18 **Therefore, be it resolved** that *Book of Church Order* 31-10 and *BCO* 33-4 be amended as
19 follows (underlining for additions, ~~strike through~~ for deletions):
20

21 31-10. When a member of a church court is under process, all his official functions
22 may be suspended at the court’s discretion; The court should show prudence and
23 wisdom in taking this action, and ~~but~~ this shall never be done in the way of censure.
24

25 33-4. When it is impracticable immediately to commence process against an accused
26 church member, the Session may, if it thinks the edification of the Church requires it,
27 prevent the accused from approaching the Lord’s Table until the charges against him
28 can be examined. The Session should show prudence and wisdom in taking this action,
29 and this shall never be done in the way of censure.
30

31 So that *BCO* 31-10 and *BCO* 33-4 as amended would read:
32

33 31-10. When a member of a church court is under process, all his official functions
34 may be suspended at the court’s discretion. The court should show prudence and
35 wisdom in taking this action, and this shall never be done in the way of censure.
36

37 33-4. When it is impracticable immediately to commence process against an accused
38 church member, the Session may, if it thinks the edification of the Church requires it,
39 prevent the accused from approaching the Lord’s Table until the charges against him
40 can be examined. The Session should show prudence and wisdom in taking this action,
41 and this shall never be done in the way of censure.
42

43 *Adopted by the Nashville Presbytery at its 109th meeting on February 8, 2022*

44 *Attested by R. Neil Spence, Stated Clerk*