

OVERTURE 17 from TE Ted Lester

(to CCB, OC)

“Amend *BCO* 32-3 to Require Open-Proceedings for Trials”

[This Overture was submitted to Northwest Georgia Presbytery for its stated meeting, August 21, 2021, by TE Ted Lester, commissioner to NW GA Presbytery, and was rejected by the Presbytery at its stated meeting, January 15, 2022 (see *RAO* 11-10).]

Whereas, the Lord Jesus Christ turns darkness into light (Is. 42:16; Jn. 8:12); and

Whereas, the Bible, as the written Word of God, is a lamp unto our feet (Ps. 119:105); and

Whereas, to be imitators of Christ, we should also speak openly to the world and speak nothing, especially the rendering of justice by application of God’s Word, in secret (Jn. 18:20); and

Whereas, the Bible commands that we “render in your gates judgments that are true and make for peace” (Zech. 8:16); and

Whereas, Biblical authority supersedes that of *Robert’s Rules of Order*, so that the Biblical prescription for open courts overrides the prescription of *Robert’s Rules* or any other subordinate and contradictory source on how to hold and conduct a trial; and

Whereas, the authors of the U.S. Constitution incorporated the Biblical principles of open trials into the nation’s founding documents, ensuring that the accused in civil courts are afforded “the right to a speedy and public trial, by an impartial jury” (Amendment VI U.S. Constitution); and

Whereas, church courts seemingly mirror the rights afforded to the accused in civil courts save for the right to a public trial (*BCO* 32); and

Whereas, for church courts to operate in a manner that deprives the accused of this Biblical right is to operate on a lower moral plane than ordered by the Holy Scriptures and afforded by the world at large; and

Whereas, transparency promotes accountability; and

Whereas, open church courts encourage prosecutors to “speak the truth in love” (Eph. 4:15); and

Whereas, open church courts encourage the accused to act “with all humility and gentleness, with patience” bearing with others in love (Eph. 4:2); and

Whereas, exercising church discipline is highly important and necessary, and in proper usage maintains the glory of God, the purity of His Church, and the reclamation of disobedient sinners (*BCO* 27-3); and

Whereas, open church court proceedings assist teaching elders in their charge to instruct the officers and the congregation in discipline (*BCO 27-4*);

Therefore, be it resolved that in order that discipline may be exercised with mercy openly, the *Book of Church Order 32-3* be amended by adding the underlined text below:

32-3. It is appropriate that with each citation the moderator or clerk call the attention of the parties to the Rules of Discipline (*BCO 27 through 46*) and assist the parties to obtain access to them. When a charge is laid before the Session or Presbytery, it shall be reduced to writing, and nothing shall be done at the first meeting of the court, unless by consent of parties, except:

1. to appoint a prosecutor,
2. to order the indictment drawn and a copy, along with names of witnesses then known to support it, served on the accused, and
3. to cite the accused to appear and be heard at another meeting which shall not be sooner than ten days after such citation.

At the second meeting of the court the charges shall be read to the accused, if present, and he shall be called upon to say whether he be guilty or not.

If the accused confesses, the court may deal with him according to its discretion; if he plead and take issue, the trial shall be scheduled and all parties and their witnesses cited to appear. The trial shall not be sooner than fourteen (14) days after such citation. Courts of the church shall ordinarily sit with open doors. In every case, the court shall be without power to sit with closed doors if the accused insists on an open trial. No court may subject the accused to a closed trial against their will.

Accused parties may plead in writing when they cannot be personally present. Parties necessarily absent should have counsel assigned to them.

So that *BCO 32-3* as amended would read:

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Submitted by /s/ TE Ted Lester to Northwest Georgia Presbytery for its stated meeting, August 21, 2021

Rejected by Northwest Georgia Presbytery at its stated meeting, January 15, 2022 (Attested by /s/ TE David Gilbert, stated clerk)

Submitted by /s/ TE Ted Lester to the 49th General Assembly of the PCA, March 25, 2022