

1 **OVERTURE 21** from the Session of First Presbyterian Church, (to CCB, OC, SJC)
2 Montgomery, Alabama
3 “Amend *BCO* 33-1 and 34-1 Specifying Causes and Processes for Original
4 Jurisdiction Requests”
5

6 [Note: This overture was submitted to Southeast Alabama Presbytery at its called meeting,
7 March 7, 2023, by TE Reed DePace, commissioner to the Presbytery, on behalf of the Session
8 of First Presbyterian Church, Montgomery, Alabama. It was rejected by the Presbytery at that
9 same called meeting, March 7, 2023 (*RAO* 11-10).]
10

11
12 **Be it resolved** that the 50th General Assembly of the Presbyterian Church in America amend
13 *BCO* 33-1 and 34-1 as follows (strike-through for deletions, underlining for new
14 wording):
15

16 **33-1.** Process against ~~all a church members, other than ministers of the~~
17 ~~Gospel,~~ shall be entered before the Session of the church to which such
18 members belongs, ~~except in cases of appeal.~~ However, if the Session does not
19 indict in either doctrinal cases or instances of public scandal and refuses to act
20 in doctrinal cases or instances of public scandal and two other Sessions of at
21 least five percent (5%) of churches in the same Presbytery (but in no event less
22 than two Sessions) request the Presbytery of which the church is a member to
23 ~~initiate proper or appropriate action in a case of process and thus~~ assume
24 original jurisdiction for a case of process and authority, the Presbytery shall do
25 so. The Presbytery may assess the costs thereof equitably among the parties,
26 including the petitioning Sessions and the Session of the church member.
27

28 **34-1.** Process against a minister shall be entered before the Presbytery of
29 which he is a member. However, if the Presbytery ~~refuses to act in doctrinal~~
30 ~~eases or cases of public scandal and two other Presbyteries request~~ does not
31 indict in either doctrinal cases or instances of public scandal, the General
32 Assembly ~~to shall~~ assume original jurisdiction ~~(to first receive and initially hear~~
33 ~~and determine), the General Assembly shall do so.,~~ if either: 1) at least five
34 percent (5%) of Presbyteries request the General Assembly do so, or 2) two
35 other Presbyteries request the General Assembly do so and at least one third
36 (1/3) of the Standing Judicial Commission votes in the affirmative to their
37 request. The General Assembly may assess the costs thereof equitably among
38 the parties, including the petitioning Presbyteries and the Presbytery of the
39 minister.
40

41 So that *BCO* 33-1 and 34-1, as amended, would read:

42
43 **33-1.** Process against a church member shall be entered before the Session of
44 the church to which such member belongs. However, if the Session does not
45 indict in either doctrinal cases or instances of public scandal and Sessions of at

1 least five percent (5%) of churches in the same Presbytery (but in no event less
2 than two Sessions) request the Presbytery of which the church is a member to
3 assume original jurisdiction for a case of process, the Presbytery shall do so.
4 The Presbytery may assess the costs thereof equitably among the parties,
5 including the petitioning Sessions and the Session of the church member.
6

7 **34-1.** Process against a minister shall be entered before the Presbytery of
8 which he is a member. However, if the Presbytery does not indict in either
9 doctrinal cases or instances of public scandal, the General Assembly shall
10 assume original jurisdiction, if either: 1) at least five percent (5%) of
11 Presbyteries request the General Assembly do so, or 2) two other Presbyteries
12 request the General Assembly do so and at least one third (1/3) of the Standing
13 Judicial Commission votes in the affirmative to their request. The General
14 Assembly may assess the costs thereof equitably among the parties, including
15 the petitioning Presbyteries and the Presbytery of the minister.
16

17 **RATIONALE:**

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19 *BCO 34-1* is a provision that first appears in the PCA *BCO* and has no exact precedent in
20 historical Presbyterian Books of Order. In the few instances in which it has been invoked,
21 there has been great confusion concerning how to apply it. There is no clear standard for
22 “refuses to act” nor is there a clear definition of “doctrinal cases or cases of public scandal,”
23 leading to uncertainty and conflict in applying the provision. The amendment removes these
24 provisions to bring about greater clarity and more precise application.
25

26 In our denomination of 88 Presbyteries, a case that requires the assumption of original
27 jurisdiction by the General Assembly should require greater threshold than the current
28 standard of only two Presbyteries (2% of all Presbyteries). The amendment also allows for a
29 flexible standard as the number of Presbyteries increases in the future.
30

31 *BCO 33-1* is essentially the same provision as 34-1 at the lower court level, with Sessions
32 requesting a Presbytery to assume original jurisdiction. It has been an anomaly that the
33 language of 33-1 has been different from that of 34-1. The amendment makes changes to bring
34 them into conformity with each other.
35

36 *Submitted to Southeast Alabama Presbytery at its called meeting, March 7, 2023, by TE Reed*
37 *DePace, commissioner to Southeast Alabama Presbytery, on behalf of the Session of First*
38 *Presbyterian Church, Montgomery, Alabama.*

39 *Rejected by Southeast Alabama Presbytery at its called meeting, March 7, 2023 (RAO 11-10).*
40 *Attested by /s/ TE Kevin Corley, stated clerk, Southeast Alabama Presbytery.*

41 *Approved for submission to the Presbyterian Church in America’s General Assembly by the*
42 *Session of First Presbyterian Church of Montgomery, Alabama, at its stated meeting on*
43 *March 16, 2023. Attested by /s/ RE Graeme DePace, Clerk of Session.*