

1 **OVERTURE 7** from the Missouri Presbytery (to CCB, OC)

2 “Amend *BCO* 34-1 Regarding Advisors and Original Jurisdiction in Process Against
3 a TE”

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5 **Whereas** the issue of maintaining high moral and theological standards for ministers in the
6 PCA continues to be of utmost importance; and

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8 **Whereas** the *Book of Church* order speaks to how these standards are to be upheld by
9 Presbyteries; and

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11 **Whereas** the Church of the Lord Jesus Christ and her ministers are under greater public
12 scrutiny than at any time in recent memory; and

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14 **Whereas** the officers of the church are charged with devising methods and strategies that
15 enable us to maintain high standards for our ministers while also protecting the rights
16 of the accused; and

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18 **Whereas** every Presbytery could benefit from the voluntary input, engagement and concerns
19 of their fellow Presbyteries, especially in controversial cases; and

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21 **Whereas** it remains important to maintain the principle of original jurisdiction; and

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23 **Whereas** removal of original jurisdiction should only take place when it can be grounded in
24 the constitution; and

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26 **Whereas** the PCA has grown considerably since the time *BCO* 34-1 was last amended; and

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28 **Whereas** the age of the internet has significantly impacted the way we share and receive
29 information;

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31 **Therefore, be it resolved** that *BCO* 34-1 be amended as follows (underlining for additions,
32 ~~strikethrough~~ for deletions):

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34 **34-1.** Process against a minister shall be entered before the Presbytery of which he is
35 a member and may include Teaching or Ruling Elders from other Presbyteries as non-
36 voting advisors. However, if at least five other Presbyteries believe that the Presbytery
37 of original jurisdiction has failed to uphold the Constitution ~~the Presbytery refuses to~~
38 ~~aet~~ in doctrinal cases or cases of public scandal ~~and two other Presbyteries~~ and if they
39 can cite the specific portion of the Constitution that may have been violated, they may
40 jointly request the General Assembly to assume original jurisdiction (to first receive
41 and initially hear and determine), and the General Assembly shall do so

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43 So that the amended paragraph will read as follows:

1 **34-1.** Process against a minister shall be entered before the Presbytery of which he is
2 a member and may include Teaching or Ruling Elders from other Presbyteries as non-
3 voting advisors. However, if at least five other Presbyteries believe that the Presbytery
4 of original jurisdiction has failed to uphold the Constitution in doctrinal cases or cases
5 of public scandal and can cite the specific portion of the Constitution may have been
6 violated, they may jointly request the General Assembly to assume original
7 jurisdiction (to first receive and initially hear and determine), and the General
8 Assembly shall do so.

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10 **Rationale for granting the ability to appoint advisors from other Presbyteries:**

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12 Over the last several years far too many ministerial ethics and doctrinal scandals have
13 undermined the work of the Church. As Presbyteries have sought to address these scandals
14 critics of their efforts have arisen from both inside and outside the church. One thing that all
15 these critics seem to have in common is their concern that Presbyteries are incapable of or
16 unwilling to sanction their own.

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18 The evidence supporting these claims is uneven, however, there is no doubt that there is a
19 public perception that Presbyteries are networks of ‘good ole boys’ who protect their own
20 from appropriate accountability, a perception that continues to damage the credibility of the
21 Church.

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23 Setting aside the question of whether Presbyteries are actually guilty of shielding their own
24 from discipline, any change that increases the accountability in a disciplinary investigation
25 should be viewed as a good thing if done appropriately.

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27 In an effort to address the charge that Presbyteries are sometimes unwilling to sanction their
28 own while continuing to uphold the integrity of our system of polity surrounding discipline,
29 we propose that giving Presbyteries an option of including Ruling or Teaching Elder advisors
30 from other Presbyteries may improve the transparency of an investigation which would also
31 be a helpful step toward reclaiming some of the credibility that has been lost in recent years.

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33 In offering this amendment we recognize that Presbyteries always have an option to reference
34 (See *BCO* 41) to the higher court, however, it is our view that doing so skips an important step
35 in our normal polity of trial by a jury of one’s peers in a court that remains as close to the
36 original evidence and witnesses in the case as possible. Furthermore, this change keeps intact
37 the important role that appellate courts have in reviewing the original proceedings and
38 findings in any given case while also enabling presbyteries to receive more objective feedback
39 from fellow officers on their disciplinary processes.

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41 As to the question of whether the corresponding investigative procedure in a local
42 congregation should be changed to match the newly proposed language above, we do not think
43 it is necessary since doctrinal and public scandal almost always pertains to teaching elders.

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45 **Rationale related to the change from “two” Presbyteries to “five” Presbyteries:**

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2 The rationale here is simply that “two” Presbyteries is far too low of a bar in the current state
3 of play in the PCA and the age of the internet in which the “facts of a case” can quickly
4 become diluted, taken out of context or missed completely.

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6 Originally there was no minimum bar for requesting a change of original jurisdiction. Then in
7 1988 the bar was set at two (2) Presbyteries. At that time the PCA had 44 presbyteries so this
8 meant that about 4.5% of the Presbyteries would need to overture for the change in original
9 jurisdiction. Today the PCA has 88 presbyteries. For this reason, our overture proposes that
10 we elevate the bar for appealing for a change of original jurisdiction to five (5) Presbyteries,
11 which would amount to only a slightly larger percentage (5.6%) of Presbyteries than that
12 which existed when this rule was first put in place.

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14 We also added a line that reinforces the five Presbytery threshold by making certain that there
15 is broad agreement related to the specific constitutional violation and not five different ideas
16 on what part of the constitution was violated.

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18 Our view was that the threshold on assuming original jurisdiction should be high enough to
19 preclude a very small number of Presbyteries from forcing the case out of its original context
20 and low enough that the burden for doing so is not inordinate.

21 22 **Rational for clarifying the meaning of “act:”**

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24 The final proposed change has to do with clarifying the meaning of the phrase “refuses to act”
25 which has always been difficult. In the past, this phrase was used with wide facility and could
26 be taken to mean any of refuses to: “investigate,” “indict,” “discipline,” or “convict.”

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28 As we wrestled with what to do with this, we at first thought that restricting the use of the
29 word “act” to “investigate” might be best. However, after further dialogue we began to see
30 that restricting the word to “investigate” could preclude other presbyteries from exercising
31 important accountability for a truly wayward presbytery so long as it had conducted some
32 kind of investigation.

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34 We then thought that perhaps the word should be elevated to “convict” to make sure that
35 outside Presbyteries should allow process to fully unfold before taking action. While this was
36 attractive, we began to worry about some of the rules for filing complaints and appeals once
37 a case had been decided and whether other presbyteries would have the time to develop an
38 overture requesting original jurisdiction within the rules. We also were concerned about the
39 actions that some presbyteries may take, often for good reasons, to shelter their records to
40 protect the privacy of their work while it was ongoing and even after it had been decided.

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42 In the end, we settled on clarifying the meaning of “act” as having “failed to uphold the
43 constitution.” We reached this conclusion because it preserves a somewhat wide range of
44 application for concerned presbyteries, but it compels those wishing to intervene to clarify

1 exactly how the presbytery of original jurisdiction has “failed to uphold the constitution”
2 rather than simply accusing them of not “acting.”

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5 *Adopted by Missouri Presbytery at its stated meeting of January 21, 2025.*

6 *Attested by RE Robert Wilkinson, stated clerk*