

1 **OVERTURE 29** from the Houston Metro Presbytery (to CCB, OC)
2 “Amend *BCO* 15-5.c to Clarify the Handling of an SJC Minority Decision by GA”
3

4 **Be it resolved** that *BCO* 15-5.c be amended as follows. (Strike-through for deletions,
5 underlining for new wording.)
6

7 c. (1) If, within twenty-four (24) hours of the time of adjournment of a
8 Standing Judicial Commission meeting at which a final decision was rendered in a
9 case, at least one-third (1/3) of the ~~voting~~ members of the Standing Judicial
10 Commission voting on a particular final decision file written notice of their intention
11 to file a minority decision with the Stated Clerk of the General Assembly, and within
12 twenty (20) days from the adjournment do file such a minority decision, such minority
13 decision shall be considered a minority report and shall be referred, with the report of
14 the Standing Judicial Commission, to the General Assembly. In each instance “file”
15 shall be understood as defined by the *Operating Manual for Standing Judicial*
16 *Commission*.

17 (2) No such reference* from the Standing Judicial Commission shall be
18 considered by the General Assembly unless the report of the Standing Judicial
19 Commission, ~~and~~ the minority report, the Record of the Case, and all briefs timely
20 filed by the parties have been distributed in electronic form ~~mailed~~ to the clerk of
21 Session of each church and published in the *Commissioner Handbook* at least thirty
22 (30) days prior to the meeting of the General Assembly.

23 (3) The Assembly shall act upon such a reference* from the Standing
24 Judicial Commission, in each case without question, discussion, debate, or
25 amendment, as follows:

- 26 (a) The Standing Judicial Commission shall have 30 minutes to present
27 its decision to the Assembly.
28 (b) The minority shall have 30 minutes to present its decision to the
29 Assembly.
30 (c) The Standing Judicial Commission shall have 10 minutes to reply to
31 the minority report.
32 (d) The decision of the minority shall be proposed, and the General
33 Assembly shall, without question, discussion, debate, or
34 amendment, approve or disapprove of the minority report.
35 (e) If the General Assembly approves the minority report, it shall be the
36 decision of the General Assembly and printed in its minutes. There
37 may be no complaint or appeal from such a final decision of the
38 General Assembly.
39 (f) If the General Assembly disapproves the minority report, the
40 General Assembly shall take up the decision of the Standing Judicial
41 Commission and without question, discussion, debate, or
42 amendment, approve or disapprove of the decision of the Standing
43 Judicial Commission.

44 (4) If the General Assembly approves of a ~~proposed~~ the Standing Judicial
45 Commission’s decision, it shall be the decision of the General Assembly, and printed

1 in its minutes. There may be no complaint or appeal from such a final decision of the
2 General Assembly. If the General Assembly finally disapproves of both proposed
3 decisions, it must set the case for hearing before the General Assembly or a special
4 commission of six (6) Teaching Elders and six (6) Ruling Elders appointed by the
5 Moderator of the General Assembly it, and ~~in either instance~~ the case shall be tried on
6 the record as delivered to the Stated Clerk. Any such special commission shall then
7 proceed to consider the case and shall report its decision, in like manner, to the General
8 Assembly for its approval or disapproval. In any event, the full record of the case,
9 including written testimony of witnesses, all documents, exhibits and papers shall be
10 delivered to the Stated Clerk for permanent preservation.

11
12 So that *BCO 15-5* as amended would read:

13
14 c. (1) If, within twenty-four (24) hours of the time of adjournment of a
15 Standing Judicial Commission meeting at which a final decision was rendered in a
16 case, at least one-third (1/3) of the members of the Standing Judicial Commission
17 voting on a particular final decision file written notice of their intention to file a
18 minority decision with the Stated Clerk of the General Assembly, and within twenty
19 (20) days from the adjournment do file such a minority decision, such minority
20 decision shall be considered a minority report and shall be referred, with the report of
21 the Standing Judicial Commission, to the General Assembly. In each instance “file”
22 shall be understood as defined by the *Operating Manual for Standing Judicial*
23 *Commission*.

24 (2) No such reference* from the Standing Judicial Commission shall be
25 considered by the General Assembly unless the report of the Standing Judicial
26 Commission, the minority report, the Record of the Case, and all briefs timely filed by
27 the parties have been distributed in electronic form to the clerk of Session of each
28 church and published in the *Commissioner Handbook* at least thirty (30) days prior to
29 the meeting of the General Assembly.

30 (3) The Assembly shall act upon such a reference* from the Standing
31 Judicial Commission, in each case without question, discussion, debate, or
32 amendment, as follows:

- 33 (a) The Standing Judicial Commission shall have 30 minutes to present
34 its decision to the Assembly.
35 (b) The minority shall have 30 minutes to present its decision to the
36 Assembly.
37 (c) The Standing Judicial Commission shall have 10 minutes to reply to
38 the minority report.
39 (d) The decision of the minority shall be proposed, and the General
40 Assembly shall, without question, discussion, debate, or
41 amendment, approve or disapprove of the minority report.
42 (e) If the General Assembly approves the minority report, it shall be the
43 decision of the General Assembly and printed in its minutes. There
44 may be no complaint or appeal from such a final decision of the
45 General Assembly.

1 (f) If the General Assembly disapproves the minority report, the
2 General Assembly shall take up the decision of the Standing Judicial
3 Commission and without question, discussion, debate, or
4 amendment, approve or disapprove of the decision of the Standing
5 Judicial Commission.

6 (4) If the General Assembly approves of the Standing Judicial
7 Commission's decision, it shall be the decision of the General Assembly and printed
8 in its minutes. There may be no complaint or appeal from such a final decision of the
9 General Assembly. If the General Assembly finally disapproves of both proposed
10 decisions, it must set the case for hearing before the General Assembly or a special
11 commission of six (6) Teaching Elders and six (6) Ruling Elders appointed by the
12 Moderator of the General Assembly, and the case shall be tried on the record as
13 delivered to the Stated Clerk. Any such special commission shall then proceed to
14 consider the case and shall report its decision, in like manner, to the General Assembly
15 for its approval or disapproval. In any event, the full record of the case, including
16 written testimony of witnesses, all documents, exhibits and papers shall be delivered
17 to the Stated Clerk for permanent preservation.

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19 **RATIONALE:**

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21 The current provision for dealing with a minority decision from the Standing Judicial
22 Commission dates from a time when electronic communications were not available. It requires
23 the Stated Clerk's Office, at great expense and effort, to make hard copy mailings to every
24 Session in the PCA in order for the case to be considered at the next following General
25 Assembly. Such communications would be less expensive, far easier, and more easily
26 obtained by the recipients if sent via electronic means (e.g., email, posting on a website, or
27 via a cloud portal like ShareFile).

28
29 The current provision also does not make available to commissioners at the General Assembly
30 any of the underlying documents necessary to make a decision in case, that is, the Record of
31 the Case and the parties' briefs. Doubtless, the failure to include such documents was due to
32 the cost and difficulty of compiling and mailing large volumes of paper to every Session. With
33 electronic communications, such considerations are no longer relevant. If commissioners are
34 going to choose between two competing decisions, they should have all relevant information
35 available to them.

36
37 Current *BCO* 15-5.c(3) does not explicitly state what occurs when the General Assembly
38 approves of the minority decision. The amendment makes clear that the minority decision is
39 not a substitute which must be subsequently voted upon, but as soon as the Assembly approves
40 the minority decision, it becomes the decision of the Assembly, from which there is no
41 complaint or appeal. Only if the minority decision is disapproved does the Assembly move to
42 a vote on the SJC's decision.

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44 The amendment also clarifies what occurs when both the SJC and minority decisions are
45 disapproved (rejected) by the General Assembly. The current language allows either for the

1 General Assembly to hear the case or a special commission. The establishment of the “special
2 commission” is vague and subject to conflict. The amendment establishes a precise
3 mechanism and size for the special commission.

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5 *Adopted by Houston Metro Presbytery at its stated meeting, April 14, 2025*

6 *Attested by RE /s/ Eric Manthei, stated clerk*