

1 **OVERTURE 39** from the Southeast Alabama Presbytery (to CCB, OC)
2 “Amend *BCO* 34-8 and add *BCO* 33-5 to Clarify the Process for Elevating Suspension
3 from Office to Deposition”
4

5 **Be it resolved** that *BCO* 34-8 be amended as follows (underlining for additions; ~~strikethrough~~
6 for deletions):
7

8 **34-8.** A minister under indefinite suspension from his office or deposed for
9 scandalous conduct shall not be restored, even on the deepest sorrow for his sin,
10 until he shall exhibit for a considerable time such an eminently exemplary,
11 humble and edifying life and testimony as shall heal the wound made by his
12 scandal. A deposed minister shall in no case be restored until it shall appear
13 that the general sentiment of the Church is strongly in his favor; and demands
14 his restoration; and then only by the court inflicting the censure, or with that
15 court’s consent. The removal of deposition requires a three-fourths (3/4) vote
16 of the court inflicting the censure, or a three-fourths (3/4) vote of the court to
17 which the majority of the original court delegates that authority.
18

19 Likewise, if it shall appear in time that any minister suspended from office fails
20 to satisfy the requirements of *BCO* 34-8 and/or *BCO* 37-8, Presbytery may
21 depose him from office, a majority of three-quarters (3/4) being necessary for
22 this purpose. In such a case, the clerk shall under the order of the Presbytery
23 forthwith deliver to the minister concerned a written note that, at the next stated
24 meeting, the question of his being so dealt with is to be considered. This notice
25 shall distinctly state the grounds for this proceeding. The party thus notified
26 shall be heard in his own defense; and if the decision pass against him he may
27 appeal, as if he had been tried after the usual forms.
28

29 **Be it further resolved** that a new *BCO* 33-5 be added as follows (underlining for new
30 wording):
31

32 **33-5.** When a ruling elder or deacon is indefinitely suspended from office after
33 a case of process or a *BCO* 38-1 case without process, he shall not be restored,
34 even on the deepest sorrow for his sin, until he shall exhibit for a considerable
35 time such an eminently exemplary, humble and edifying life and testimony as
36 shall heal any wound made by his scandal. The removal of deposition requires
37 a three-fourths (3/4) vote of his Session.
38

39 If it shall appear in time that any ruling elder or deacon suspended from office
40 fails to satisfy the above requirements, the Session may depose him from office,
41 a majority of three-quarters (3/4) being necessary for this purpose. In such a
42 case, the clerk shall under the order of the Session forthwith deliver to the
43 Ruling Elder or Deacon concerned a written note that, at the next stated
44 meeting, the question of his being so dealt with is to be considered. This notice
45 shall distinctly state the grounds for this proceeding. The party thus notified

1 shall be heard in his own defense; and if the decision pass against him he may
2 appeal, as if he had been tried after the usual forms.

3
4 So that *BCO* 34-8 as amended would read:

5
6 **34-8.** A minister under indefinite suspension from his office or deposed for
7 scandalous conduct shall not be restored, even on the deepest sorrow for his sin,
8 until he shall exhibit for a considerable time such an eminently exemplary,
9 humble and edifying life and testimony as shall heal the wound made by his
10 scandal. A deposed minister shall in no case be restored until it shall appear
11 that the general sentiment of the Church is strongly in his favor and demands
12 his restoration; and then only by the court inflicting the censure, or with that
13 court's consent. The removal of deposition requires a three-fourths (3/4) vote
14 of the court inflicting the censure, or a three-fourths (3/4) vote of the court to
15 which the majority of the original court delegates that authority.

16
17 Likewise, if it shall appear in time that any minister suspended from office fails
18 to satisfy the requirements of *BCO* 34-8 and/or *BCO* 37-8, Presbytery may
19 depose him from office, a majority of three-quarters (3/4) being necessary for
20 this purpose. In such a case, the clerk shall under the order of the Presbytery
21 forthwith deliver to the minister concerned a written note that, at the next stated
22 meeting, the question of his being so dealt with is to be considered. This notice
23 shall distinctly state the grounds for this proceeding. The party thus notified
24 shall be heard in his own defense; and if the decision pass against him he may
25 appeal, as if he had been tried after the usual forms.

26
27 So that *BCO* 33-5 as amended would read:

28
29 **33-5.** When a ruling elder or deacon is indefinitely suspended from office after
30 a case of process or a *BCO* 38-1 case without process, he shall not be restored,
31 even on the deepest sorrow for his sin, until he shall exhibit for a considerable
32 time such an eminently exemplary, humble and edifying life and testimony as
33 shall heal any wound made by his scandal. The removal of deposition requires
34 a three-fourths (3/4) vote of his Session.

35
36 If it shall appear in time that any ruling elder or deacon suspended from office
37 fails to satisfy the above requirements, the Session may depose him from office,
38 a majority of three-quarters (3/4) being necessary for this purpose. In such a
39 case, the clerk shall under the order of the Session forthwith deliver to the
40 Ruling Elder or Deacon concerned a written note that, at the next stated
41 meeting, the question of his being so dealt with is to be considered. This notice
42 shall distinctly state the grounds for this proceeding. The party thus notified
43 shall be heard in his own defense; and if the decision pass against him he may
44 appeal, as if he had been tried after the usual forms.

1 **RATIONALE:**

2
3 Indefinite suspension from office is a distinct and insular censure of the Church (*BCO* 30-3)
4 and is subject to review by the higher courts via appeal or complaint.

5
6 By contrast, the procedural mechanism and kind of process applicable to *elevating* indefinite
7 suspension from office to deposition from office is less clear as has been demonstrated
8 recently in the SJC case *TE Aaron Myers v. Iliana Presbytery* (*M51GA*, 2024, page 824) as
9 well as formerly in *Dallison v. North Florida Presbytery* (*M30GA*, 2002, page 156).

10
11 It would therefore be wise for the Assembly to enact changes to our Rules of Discipline to
12 promote clarity and uniformity regarding agreeable and appropriate procedures for elevating
13 indefinite suspension from office to deposition from office.

14
15 **Elevation of Censure to Deposition for Teaching Elders**

16
17 With respect to teaching elders, indefinite suspension from office serves the Church to protect
18 the integrity of the gospel ministry. Since a Presbytery may conclude that the continuance of
19 a convicted minister in office would scandalize or otherwise hurt the Church (or even the
20 minister), it may choose indefinite suspension, adopting a “wait and see” approach particularly
21 where the Presbytery sees reasonable prospects for his repentance and restoration to the
22 ministry.

23
24 *BCO* 37-8, governing the “Removal of Censure” in cases of suspension from office, mandates
25 that the Presbytery “proceed with great caution,” advancing through deliberate stages of a
26 gradual restoration, first admitting him to the Sacraments (if he was suspended from them),
27 and only later giving him “the privilege of preaching on probation for a time, so as to test the
28 sincerity of his repentance and prospect of his usefulness.” It continues, “When satisfied in
29 these respects, the Presbytery shall take steps to restore him to his office,” noting that “the
30 case shall always be under judicial consideration until the declaration of restoration has been
31 pronounced. Notably, *BCO* 37-8 prescribes no procedural mechanism defining what the
32 phrase “take steps to restore him to his office” should entail, and there is no mention at all
33 what procedural “steps” might be involved in *elevating* his suspension from office to
34 deposition from office.

35
36 Additionally, *BCO* 30-3 (“Church Censures”) prescribes, “In the case of indefinite suspension
37 from office imposed due to scandalous conduct, the procedure outlined in *BCO* 34-8 (“Special
38 Rules Pertaining to Process Against a Minister”) shall be followed.” That provision says:

39
40 A minister under indefinite suspension from his office or deposed for
41 scandalous conduct shall not be restored, even on the deepest sorrow for his
42 sin, until he shall exhibit for a considerable time such an eminently exemplary,
43 humble and edifying life and testimony as shall heal the wound made by his
44 scandal.

1 It adds:

2
3 A deposed minister shall in no case be restored until it shall appear that the
4 general sentiment of the Church is strongly in his favor, and demands his
5 restoration; and then only by the court inflicting the censure, or with that
6 court's consent. The removal of deposition requires a three-fourths (3/4) vote
7 of the court inflicting the censure, or a three-fourths (3/4) vote of the court to
8 which the majority of the original court delegates that authority.
9

10 Interestingly, while *BCO* 34-8 prescribes a procedural mechanism for restoration to office
11 after deposition from office, it is frustratingly silent about what steps should be taken to either
12 elevate suspension from office to deposition or to remove the same.
13

14 Clearly, the duration of a minister's indefinite suspension from office is related to the elevation
15 of that censure to deposition, for once a minister is indefinitely suspended, he must either be
16 restored in time or be deposed. There are no other options, and because the duration of the
17 censure is presently governed by the various considerations described in *BCO* 34-8 and *BCO*
18 37-8, the particular facts and circumstances must guide the Presbytery's judgment about how
19 best to proceed.
20

21 The question of a man's deposition from the ministry is different in important ways from
22 excommunication. A minister both suspended from office and the Sacraments might be
23 deemed unsuitable to be restored to office yet remain a genuine Christian and therefore be
24 restored to the Sacraments upon satisfactory evidence of repentance (*BCO* 36-5), sometimes
25 well before his Presbytery finds it appropriate to restore him to the ministry.
26

27 Elevating suspension from the Sacraments to excommunication as compared to elevating
28 suspension from office to deposition is like comparing apples and oranges. Every Christian
29 has a duty to repent of sin, but Christians have neither a manifest duty to be eligible for gospel
30 ministry nor to pursue (or be restored to) the same. Excommunication involves a
31 determination that a man has committed the offense of being "incorrigible and contumacious"
32 (*BCO* 30-4), matters regularly assessed in cases of process, but the determination of those
33 factors governing whether a man should be restored to the ministry as we find them in *BCO*
34 34-8 and *BCO* 37-8 are not readily susceptible to adjudication in a case of process with the
35 appointment of a prosecutor in the way that the refusal to repent of sin is, nor are the stakes
36 as high since deposition from office does not remove a man from the communion of the
37 Church.
38

39 The situation of an indefinitely suspended minister, particularly as time marches on, is
40 analogous to the irregularity we address in cases where a minister is "divested" from the
41 ministry because he has been "without call" for an extended period as governed by *BCO* 34-
42 10. The key difference is that divestment "without censure" is expressly *not* available to an
43 indefinitely suspended minister because the cause of his ineligibility arises from his having
44 committed an *offense* rather than an inculpable "lack of acceptance to the Church."
45

1 This proposed amendment would adopt the general form of parliamentary procedure used in
2 divestiture cases as the procedure governing the elevation of indefinite suspension from office
3 to deposition from office which, while less formal than a case of process, is both tested and
4 familiar, requiring notice to the suspended minister and an opportunity for him to be heard as
5 well as a proposed three-quarters (3/4) majority vote to obtain his deposition from office rather
6 than the lesser two-thirds (2/3) vote applicable to divestiture cases. This heightened vote
7 requirement affords parity as it corresponds to the same super-majority vote needed for a
8 man's *restoration* to the ministry in such cases as he has been deposed from office per existing
9 *BCO* 34-8. The heightened vote requirement also mitigates whatever protection might be lost
10 to the minister resulting from the more informal nature of such proceedings. The deposed
11 minister is also protected by the right of appeal from the deposition, which would mean that
12 the reviewing court would overturn the ruling if "clear error" were demonstrated. (*BCO* 39-
13 3.3).

14

15 **Elevation of Censure to Deposition for Ruling Elders and Deacons**

16

17 A corresponding solution is proposed for the elevation of suspension from office to deposition
18 for ruling elders and deacons. Unlike the steps described in *BCO* 34-8 and *BCO* 37-8, the
19 present Rules of Discipline provide no specific guidelines governing the restoration to office
20 of ruling elders and deacons after they have been indefinitely suspended.

21

22 The instant proposal would treat ruling elders and deacons the same as it treats teaching elders,
23 adopting the same standard for restoration from suspension from office applicable to ministers
24 under *BCO* 34-8 and subjecting both their restoration to office and deposition from office to
25 a three-fourths (3/4) vote of their Session pursuant to a parliamentary procedure subject to
26 appeal.

27

28

29 *Adopted by the Southeast Alabama Presbytery at its stated meeting, April 22, 2025*

30 *Attested by TE Kevin Corley, stated clerk*