

ASSOCIATION OF STATED CLERKS

**Analysis of Amendments to the Constitution
Proposed by the 219th General Assembly (2010)**

INTRODUCTION

As in prior years, the Association of Stated Clerks is publishing this *Analysis of Amendments to the Constitution* to assist presbyteries in studying and acting on the amendments proposed by this year's General Assembly (2010). The analysis includes a Brief Description of the amendment, the Assembly Action, Arguments Supporting an Affirmative Vote, and Arguments Supporting a Negative Vote.

This year there are three parts to the Proposed Amendments to the Constitution which are being forwarded to the presbyteries for their vote: Part 1 of 3, Form of Government; Part 2 of 3, Confession of Belhar; and Part 3 of 3, Amendments to the *Book of Order*.

Our purpose has been to present arguments made in favor of and against each amendment both in meetings of the assembly committee that considered the overture leading to the amendment and on the floor of the General Assembly. It is not the role of the Association to make a recommendation either in support of or against any amendment.

Many presbyteries provide copies of this booklet to their committees responsible for making a recommendation on presbytery action, and we understand that this has assisted those committees as they have done their work. We are glad that these materials are used in that way. Please note that you are free to use them as you wish. We assert no copyright and do not require advance approval of their use.

Part 1 of 3, the New Form of Government (nFOG) has the largest number of changes. All of the documents related to nFOG can be found at <http://oga.pcusa.org/formofgovernment>. This includes the nFOG document, charts comparing the current FOG with nFOG, FAQ, and an eight page Insert. It is suggested your review begin with the Insert as it contains links to the other documents and Recommendations to Sessions and Presbyteries for Studying the Proposed Form of Government.

In regard to Part 2 of 3, Confession of Belhar, be sure to review the Contents page of the document issued by the Office of General Assembly. It includes a recommendation for studying the Confession of Belhar and an abbreviated study guide.

In Part 3 of 3, Amendments to the *Book of Order*, the booklet issued by the Office of General Assembly includes *Editor's Notes* for each amendment which indicate how the vote on the particular amendment will be affected by the vote on the nFOG. Also note the item numbers by each proposed amendment. This indicates the Assembly Committee which considered the amendment. Background information on the proposed amendment can be found by going to <http://www.pc-biz.org> and then clicking on Committees.

Thank you to the ASC members who diligently attended committee meetings and provided information about what the pros and cons were for each amendment and to the Office of Constitutional Services for their assistance.

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**PROPOSED AMENDMENTS TO THE CONSTITUTION
PART 1 of 3**

**New Form of Government (nFOG)
On Amending the *Book of Order*
Chapters I - XVIII**

Brief Description

This amendment would strike out all of the text of the current Form of Government (G-1.0000–G-18.0401) and insert two documents, Foundations of Presbyterian Polity and a new Form of Government (nFOG). Foundations of Presbyterian Polity would replace the first four chapters of the current Form of Government (FOG) and describe the ecclesiological and historical commitments on which our polity rests. The contents of those first four chapters are almost completely preserved in the new Foundations, but are organized differently. The new Form of Government takes the remaining 14 chapters and reduces them to six chapters.

The stated goal of the new Form of Government is to “maximize flexibility to meet the changing needs of particular contexts, while maintaining standards that are appropriate to the practice of the whole church.” It moves away from a “one size fits all” polity for each council (the new terminology for what was formerly a “governing body”) and stresses the broad principles and responsibilities of each body. The specific structures and procedures used to carry out these responsibilities are left to the wisdom and discretion of the councils and would be detailed in each council’s Manual of Operations and advisory handbooks. There are few “named” structures in nFOG allowing each council the flexibility to determine how best it can full those responsibilities. There is also a greater emphasis on the congregation as the principle agent of mission which suggests a church order that is more decentralized and in which the higher governing bodies find their purpose in advancing the work of lower governing bodies.

The Form of Government Task Force was created by action of the 217th General Assembly (2006) and charged to draft a Revised Form of Government. This charge was the next step in a process of examination and revision to the Form of Government that began in the early 1990s. The task force presented its report to the 218th General Assembly (2008).

The 218th General Assembly (2008) referred the new Form of Government proposal to the Office of the General Assembly for a period of church-wide study and response overseen by the task force, and expanded the task force to include members from the assembly committee to which the report had been assigned. Taking into account the responses gathered, the expanded task force was directed to produce a new draft of the documents for consideration by the 219th General Assembly (2010)

Assembly Action

The Assembly Committee on the Form of Government Revision (07) of the 219th General Assembly (2010) agreed to a number of the ACC-recommended and other changes to the document and then recommended the approval of the revision by a vote of 37/5/0. The 219th General Assembly (2010) voted to send the amendment to the presbyteries by a vote of 468/204/6.

Arguments Supporting an Affirmative Vote

- By specifying broad principles of governance as a constitution does, rather than specific practices and rules as a rule book or procedures manual does, nFOG allows councils to adapt practices, procedures and structures to the particular needs of their mission contexts. This provides the opportunity for them to be more flexible and creative in their mission and governance.
- However, if nFOG passes, a council could continue to operate much as it had under the present form of government if it wishes.
- While nFOG requires that each council have a Manual of Operations, any existing manuals will remain in effect until they are amended by that council. A council which is currently out of compliance with the requirement in the current Form of Government to have a manual would need to develop one.

Arguments Supporting a Negative Vote

- It is not clear how the current FOG is hampering the work and creativity of governing bodies or how the adoption of such sweeping change as proposed by nFOG enhances the church's ability to do mission.
- The specific structures and procedures in the current FOG represent many years of experience.
- The removal of so much material from the *Book of Order* may result in less uniform practices across the denomination so that what recognizable identity and unity the PC(USA) now has may be diluted, and seem less connectional.
- Each council shall assemble advisory handbooks to "illumine practices required by the Constitution, but left to councils for specific implementation." (nFOG G-3.0106). This shift to a less regulatory form of governance may require governing bodies to work through areas of tension and conflict which would no longer be resolved under nFOG.
- Accountability may be a problem under the new structure because many of the decisions taken in governing bodies will be governed by self-determined manuals and handbooks which by definition are not the constitution and generally are not subject to GAPJC review.

PROPOSED AMENDMENTS TO THE CONSTITUTION PART 2 of 3 Confession of Belhar On Amending *The Book of Confessions* (Item 16-12)

Brief Description

The process of preparing our church for the possibility of adopting the Confession of Belhar began with a task force reporting to the General Assembly in 2004. The Office of the General Assembly response to the Task Force to Study Reparations advised, and the General Assembly approved, that one part of the report be answered by commending "...the Belhar Confession to the church as a resource for reflection, study, and response, as a means of deepening the commitment of the Presbyterian Church (U.S.A.) to dealing with racism and a means of strengthening its unity ..." (*Minutes*, 2004, Part I, p. 701). The General Assembly also urged "... each presbytery and all congregations to undertake a study of the Belhar Confession before the 218th General Assembly (2008) ... [and directed] the Office of the General Assembly and the General Assembly Council, Office of Theology and Worship, to receive response, prepare a summary, and report results ... with possible recommendations for further engagement with the Belhar Confession..." (*Ibid.*, p. 701). In

2008, the General Assembly called for the creation of a special committee to study whether the Belhar Confession should be adopted into *The Book of Confessions* (*Minutes*, 2008, Part I, p. 1262–70). The Special Committee on the Belhar Confession unanimously and enthusiastically recommended that the 219th General Assembly (2010) approve the inclusion of the Confession of Belhar in *The Book of Confessions*, and that the amendment be sent to the presbyteries for their affirmative or negative votes by June 2011.

Assembly Action

The vote of the Theological Issues and Institutions Committee (16) on the proposed amendment was 43/11/1. The 219th General Assembly (2010) approved the committee’s recommendation by a vote of 525/150/3.

Arguments Supporting an Affirmative Vote

- It is a confession of faith that confesses Jesus Christ as Lord as it gives clarity on theological reasons for church unity which it proclaims as coming from God, not from our own efforts.
- It has been enthusiastically used by multicultural congregations.
- It would be a confession that has as its origin a faith community from below the equator, and as such would be the first in *The Book of Confessions* all the others of which are European in origin, and would demonstrate our theological unity with sisters and brothers of several other Reformed Traditions who have already adopted this confession.

Arguments Supporting a Negative Vote

- It is sparse in its Christology and is more a social creed coming from a particular cultural situation that does not have direct applicability to our own.
- It could be used as a basis to support other issues for groups who perceive themselves as being treated unjustly within the denomination.
- The Declaration of Barmen and the Confession of 1967 adequately address the issues of injustice so an additional confession is not required.

PROPOSED AMENDMENTS TO THE CONSTITUTION PART 3 of 3

Amendment 10-A Gifts and Requirements On Amending G-6.0106b (Item 06-09)

Brief Description

The Presbytery of the Western Reserve proposed this amendment to G-6.0106b; three other presbyteries concurred with this overture. The General Assembly Church Orders and Ministry Committee (06), after reviewing more than a dozen overtures related to this subject, sent this recommendation to the General Assembly, which approved this amendment. This amendment seeks to restore the ordination practice and principles affirmed in the Adopting Act of 1729, the paradigm through which the tension between differing points of view and the unity of the church have been maintained through much of our denomination’s history.

Assembly Action

The vote of the Church Orders and Ministry Committee (06) on the proposed amendment was 36/16/1. The 219th General Assembly (2010), after considering and defeating a substitute motion, approved the committee's recommendation by a vote of 373/323/4.

Arguments Supporting an Affirmative Vote

- The current text of G-6.0106b was added to the *Book of Order* (1997) in what some believe was an attempt to bring closure to the issue of the ordination of persons in same-sex relationships; instead, it has brought continual contention to the Presbyterian Church (U.S.A.). It purports to apply even-handedly to all candidates, but is overwhelmingly used only to exclude gay, lesbian, bisexual, and transgendered persons—many of whom exhibit abundant gifts and strong calls to ministry.
- The proposed amendment affirms the need for ethical standards shaping the whole of life, for reasonable regulation applied fairly by governing bodies of the church, and that the responsibility for discernment of readiness for ordination lies with the local governing bodies as they examine candidates as individuals in a case-by-case basis. By deleting the current language of G-6.0106b and offering replacement language, the narrow focus on sexual sins is removed as well as the ambiguities of relying on authoritative interpretations rather than amending Part II of the Constitution of the PC(USA).
- The PC(USA) has no consensus in the interpretation of Scripture on issues of same-sex practice. When convictions about important issues are so different, and so firmly-held, our long-standing Presbyterian commitment to freedom of conscience and mutual forbearance is vital to maintaining our fellowship:

That, while under the conviction of the above principle we think it necessary to make effectual provision that all who are admitted as teachers be sound in the faith, we also believe that there are truths and forms with respect to which men of good characters and principles may differ. And in all these we think it the duty both of private Christians and societies to exercise mutual forbearance toward each other. (*Book of Order*, G-1.0305)

Arguments Supporting a Negative Vote

- While the proposed language in this amendment is clear and not inconsistent with any other provision of the *Book of Order*, it should be noted that the language has some similarity, and a similar intent, to the amendment submitted by the 218th General Assembly (2008) to the presbyteries and rejected by a majority of the presbyteries.
- Regardless of one's conviction on this replacement language, one wonders if it is in the best interest of the church to continue this battle throughout the presbyteries.
- But, with the proposed amendment now in the hands of the presbyteries, a negative vote on this action gives the church the opportunity to reaffirm commitment to fidelity in marriage between a man and a woman and chastity in singleness as a standard of behavior for deacons, elders, and ministers of the Word and Sacrament.
- Current language provides a strong moral statement and witness to Biblical standards.

Amendment 10-B
Removing Stated Clerk or Clerk of Session
On Amending G-9.0203b (Item 05-14)

Brief Description

This amendment comes in response to a question asked of the Advisory Committee on the Constitution (ACC) by a member of the Presbytery of New York City, asking what recourse a governing body has if an officer, moderator or stated clerk, is alleged to have failed to carry out the duties and responsibilities of their office.

Assembly Action

The vote of the Church Polity Committee (05) on the proposed amendment was 42/0/1. The 219th General Assembly (2010) approved the committee's recommendation by consensus.

Arguments in Support of an Affirmative Vote

- No arguments were presented in committee or on the floor of General Assembly.

Arguments in Support of a Negative Vote

- No arguments were presented in committee or on the floor of General Assembly.

Amendment 10-C
Requiring Sexual Misconduct Policy
On Amending G-9.0404 (Item 03-26)

Brief Description

This amendment comes as part of the response to a recommendation from the Committee on the Office of the General Assembly (COGA) and the General Assembly Mission Council (GAMC) that the 219th General Assembly (2010) approve a Sexual Misconduct Policy and Procedures for employees and committee members of the COGA and the GAMC. The policy was approved and the 219th General Assembly (2010) also approved strongly urging all employers of governing bodies and related entities to update or establish policies, procedures, and practices related to sexual misconduct using the guidelines set out in the Sexual Misconduct Manual published by the Office of the General Assembly. The amendment requires all governing bodies to adopt and implement a sexual misconduct policy.

Assembly Action

The vote of the General Assembly Procedures Committee (03) on the proposed amendment was 52/1/0. The 219th General Assembly (2010) approved the committee's recommendation by consensus.

Arguments in Support of an Affirmative Vote

- There has been much litigation and media focus on this issue over the past ten to fifteen years. It is crucial that the Presbyterian church take a strong stand against this type of misconduct, and be able to point to specific policies at every level.
- Knowing exactly what is prohibited, and the procedures to follow in the event of an allegation, is important for all concerned.

Arguments in Support of a Negative Vote

- Having a policy required in the *Book of Order* means the policy itself is subject to remedial cases. Or the policy itself may become the issue in a disciplinary case.
- Placing it in the *Book of Order* creates a duty for Presbyteries which could be used in civil litigation against that Presbytery if a church does not approve a policy.

Amendment 10-D Nominating Committee On Amending G-9.0801a (Item 05-06)

Brief Description

This amendment was first suggested as one of a group of four proposed changes by the General Assembly Committee on Representation (GACOR). The amendment would eliminate the one-third ministers, one-third laywomen and one-third laymen formula currently required on presbytery and synod nominating committees. The current requirement sets up a significant presence of elders on a nominating committee. The proposed amendment would allow a more equal mix of minister and elders and women and men.

Assembly Action

The vote of the Church Polity Committee (05) on the proposed amendment was 41/1/1. The 219th General Assembly (2010) approved the committee's recommendation by consensus.

Arguments in Support of an Affirmative Vote

- The current representational formula of one-third male lay, one-third female lay and one-third minister is outdated and un-Presbyterian. It was put in place at reunion (in 1983) when there were fewer ordained women ministers.
- A longstanding Presbyterian pattern of governance has been equal representation of elders and ministers in the governing bodies of the church. This pattern continues in the presbyteries, synods, and General Assembly.
- This proposal to require elders and ministers in numbers as equal as possible brings the membership presbytery and synod nominating committees in conformance with this pattern.

Arguments in Support of a Negative Vote

- No arguments were presented in committee or on the floor of General Assembly.

Amendment 10-E Presbytery Rolls and Registers On Amending G-11.0407 (Item 05-04)

Brief Description

This amendment originated as an overture from the Presbytery of Hudson River as Item 05-04, in which there were two other *Book of Order* provisions also included for revision. The General Assembly Church Polity Committee (05) chose to recommend changes only to G-11.0407. The original overture requested five rolls to be kept by presbyteries, one of which would list all

commissioned lay pastors (CLPs) entitled to voice and vote during their term of service. The advice of the Advisory Committee on the Constitution suggested that keeping four rolls and adding the language about two registers was preferable. The Church Polity Committee followed that advice.

Assembly Action

The vote of the Church Polity Committee (05) on the proposed amendment was 35/3/2. The 219th General Assembly (2010) approved the committee's recommendation by consensus.

Arguments in Support of an Affirmative Vote

- This requires stated clerks to maintain a register of Commissioned Lay Pastors who the presbytery has authorized to have voice and vote in Presbytery. It also changes the nomenclature of the lists of Commissioned Lay Pastors and Certified Christian Educators and Associate Christian Educators, with voice and vote in Presbytery from a roll (properly only Ministers of Word and Sacrament) to a register.

Arguments in Support of a Negative Vote

- No arguments were presented in committee or on the floor of General Assembly.

Amendment 10-F Certified Christian Educators On Amending G-11.0407 and G-14.0730 (Item 06-01)

Brief Description

This amendment originated from the Presbytery of Mission and concurrence was received from three other presbyteries. The original wording of the overture would have allowed any certified Christian educator, including those who are retired, to have voice, and vote if an elder, during a presbytery meeting, whether their work was under the jurisdiction of the presbytery or not. The Church Orders and Ministry Committee (06) decided to follow the advice of the Advisory Committee on the Constitution and substituted new language into the two *Book of Order* provisions to clarify their intent.

Assembly Action

The vote of the Church Orders and Ministry Committee (06) on the proposed amendment was 53/0/0. The 219th General Assembly (2010) approved the committee's recommendation by a vote of 570/67/10.

Arguments in Support of an Affirmative Vote

- When Chapter 14 of *The Book of Order* was re-written and approved by the 217th General Assembly (2006), it created an inconsistency between G-11.0407 and G-14.0730b of the *Book of Order*. This proposed amendment seeks to bring the two references concerning the privileges granted to Certified Christian Educators into consistency.
- Much of the discussion in committee centered on whether or not the voice and vote provision would apply without limits. The final motion compromised with the phrase “...***Certified Christian Educators who are ordained elders, voice and vote*** during the term of service in an educational ministry under the jurisdiction of the presbytery.”

Arguments in Support of a Negative Vote

- No arguments were presented in committee or on the floor of General Assembly.

Amendment 10-G Synod Function On Amending G-12.0100 (Item 04-01)

Brief Description

This amendment was sent by the Synod of Rocky Mountains. Two presbyteries and another synod sent concurrences. The original overture included wording that would have allowed two adjacent synods to share a permanent judicial commission. This part of the overture was not approved but the committee did agree to send the suggestions raised by the overture about this concept to the Office of the General Assembly for revision, to be reported back to the 220th General Assembly in 2012. In its final version the amendment allows a synod, with the approval of a two-thirds majority of its presbyteries, to reduce its function. With a similar vote two or more synods with common boundaries may share administrative services.

Assembly Action

The vote of the Committee on Middle Governing Body Issues (04) on the proposed amendment was 36/0/0. The 219th General Assembly (2010) approved the committee's recommendation by a voice vote.

Arguments in Support of an Affirmative Vote

- No arguments were presented in committee or on the floor of General Assembly.

Arguments in Support of a Negative Vote

- Other than concern over combining Permanent Judicial Commission functions, there was little discussion.

Amendment 10-H Nominations Process On Amending G-13.0108, G-13.0111a and G-13.0202b (Item 05-05)

Brief Description

This amendment was offered by the General Assembly Nominating Committee. The amendment proposes to make similar changes to the composition of committees at the General Assembly level as are being proposed at the presbytery and synod level in Amendment 10-D.

Assembly Action

The vote of the Committee on Church Polity (05) on the proposed amendment was 42/1/0. The 219th General Assembly (2010) approved the committee's recommendation by consensus.

Arguments in Support of an Affirmative Vote

- A longstanding Presbyterian pattern of governance has been equal representation of elders and ministers in the governing bodies of the church. This pattern continues in the presbyteries,

synods, and General Assembly. This proposal to require elders and ministers in numbers as equal as possible brings the membership of *Book of Order* committees in conformance with this pattern.

Arguments in Support of a Negative Vote

- No arguments were presented in committee or on the floor of General Assembly.

**Amendment 10-I
Prayer Added to Ordination and Installation Services
On Amending W-4.4003h, W-4.4004a(2) and W-4.4006(b)2 (Item 16-02)**

Brief Description

This amendment came from the Presbytery of Western New York. The amendment would add words to the services of ordination and/or installation.

Assembly Action

The vote of the Theological Issues and Institutions Committee (16) on the proposed amendment was 54/0/0. The 219th General Assembly (2010) approved the committee's recommendation by consensus.

Arguments in Support of an Affirmative Vote

- Reminds members and officers of the church of the importance of the ministry of prayer and to have them commit themselves to faithfully discharge this responsibility.

Arguments in Support of a Negative Vote

- No arguments were presented in committee or on the floor of General Assembly.

**Amendment 10-J
Stay of Enforcement
On Amending D-6.0103 (Item 05-26)**

Brief Description

Due to recent changes in D-6.0103a, actions taken by or actions failed to be taken by the Stated Clerk of a governing body having jurisdiction over the remedial case may result in a failure to enter the stay of enforcement by the 45-day deadline. This amendment is intended to correct this unintended consequence of putting more decision making power into the hands of the Stated Clerk that will affect the remedial case in substance.

Assembly Action

The vote of the Church Polity Committee (05) on the proposed amendment was 41/0/2. The 219th General Assembly (2010) approved the committee's recommendation by consensus

Arguments in Support of an Affirmative Vote

- This clarifies and simplifies the process for obtaining a stay of enforcement in a judicial proceeding. Parts of the existing language are ambiguous as to which participant must meet some of the deadlines.

Arguments in Support of a Negative Vote

- No arguments were presented in committee or on the floor of General Assembly.

Amendment 10-K Preliminary Questions On Amending D-6.0306, D-8.0302 and D-13.0302 (Item 05-25)

Brief Description

This amendment came from the Office of the General Assembly upon recommendation of the Manager for Judicial Process. The rationale said, “In situations where there is no challenge made to the findings of the moderator and clerk, the proposed change makes dismissal automatic without any further action by a permanent judicial commission” (*Minutes*, 2010, Part I, p. 347).

Assembly Action

The vote of the Church Polity Committee (05) on the proposed amendment was 41/2/0. The 219th General Assembly (2010) approved the committee’s recommendation by consensus

Arguments in Support of an Affirmative Vote

- The proposed change makes dismissal automatic without any further action by a permanent judicial commission.
- This eliminates the need for the permanent judicial commission to meet to confirm the act of the moderator and clerk when there is no challenge.

Arguments in Support of a Negative Vote

- No arguments were presented in committee or on the floor of General Assembly.

Amendment 10-L Reviewing Work of Investigating Committee On Amending D-10.0202 (Item 05-20)

Brief Description

The addition of a new paragraph c. to D-10.0202 clarifies the role of the investigating committee in preventing repetitive allegations against one person for the purpose of harassment.

Assembly Action

The vote of the Church Polity Committee (05) on the proposed amendment was 42/0/1. The 219th General Assembly (2010) approved the committee’s recommendation by consensus.

Arguments in Support of an Affirmative Vote

- This prevents multiple charges being brought for the same conduct.
- It reduces the chances of vexatious litigation.

Arguments in Support of a Negative Vote

- No arguments were presented in committee or on the floor of General Assembly.

Amendment 10-M Time Limit On Amending D-10.0401 (Item 05-25, Rec. 2)

Brief Description

This amendment came from the Office of the General Assembly upon recommendation of the Manager for Judicial Process. The rationale said, "This will allow more time for the governing body to gain notice that an offense has been committed." (*Minutes*, 2010, Part I, p. 347).

Assembly Action

The vote of the Church Polity Committee (05) on the proposed amendment was 38/5/1. The 219th General Assembly (2010) approved the committee's recommendation by consensus.

Arguments in Support of an Affirmative Vote

- This will allow more time for the governing body to gain notice that an offense has been committed. This is most applicable in cases concerning alleged abuse of children.

Arguments in Support of a Negative Vote

- No arguments were presented in committee or on the floor of General Assembly.

Amendment 10-N Appeal of "Not Guilty" Verdict On Amending D-13.0102 and D-13.0106 (Item 05-02)

Brief Description

Among changes made in 2004-05 was a provision to allow for appeal by the prosecuting committee when an accused person in a disciplinary case is found not guilty. This amendment restores the provisions of D-13.0102 and D-13.0106 to the wording of those sections prior to the amendment and allows appeal only by a person found guilty.

Assembly Action

The vote of the Church Polity Committee (05) on the proposed amendment was 40/1/1. The 219th General Assembly (2010) approved the committee's recommendation by consensus.

Arguments in Support of an Affirmative Vote

- A prosecuting committee can appeal after a trial. This will correct the injustice of permitting the accused to face the possibility of being tried twice.

- This will prevent prosecuting committees from being persecuting committees.

Arguments in Support of a Negative Vote

- Prosecuting committees should be able to appeal errors in law or procedure that cause the case to be dismissed. To do so does not require the accused to be tried twice on questions of fact.

Amendment 10-O Decision of Permanent Judicial Commission On Amending D-13.0404 (Item 05-25)

Brief Description

If a prosecuting committee initiates the appeal of a finding of not guilty at the trial stage and that appeal is sustained, then the permanent judicial commission is required to remand the case for a new trial. If Amendment 10-N is approved then an appeal by a prosecuting committee would no longer be allowed and Amendment 10-O will be moot.

Assembly Action

The vote of the Church Polity Committee (05) on the proposed amendment was 39/1/4. The 219th General Assembly (2010) approved the committee's recommendation by consensus.

Arguments in Support of an Affirmative Vote

- There is a problem when a prosecuting committee appeals a decision in a disciplinary case. A 2/3 majority vote is required for a judgment of guilt by the trial adjudicatory but a simple majority vote is required to sustain a specification of error on appeal.
- When an appellate permanent judicial commission reverses the trial court in a case in which the prosecuting committee has appealed a not guilty decision, the appellate permanent judicial commission's remedies should be limited to remanding the case for a new trial.
- This would protect the integrity of the original super-majority vote by the trial court. It is the trial court who has the opportunity to hear witnesses and evaluate their credibility

Arguments in Support of a Negative Vote

- No arguments were presented in committee or on the floor of General Assembly.