

Sample Overture to Amend Book of Order

_____ *PRESBYTERIAN CHURCH*

OVERTURE

On Amending the Book of Order

The Session of the _____ Presbyterian Church respectfully submits to the Presbytery of _____ the following Overture to the 218th General Assembly:

RESOLVED, that Chapter VIII of the Book of Order (The Church and Its Property) is repealed in total.

BE IT FURTHER RESOLVED, that G-11.0103i of the Book of Order addressing responsibility and power of the Presbytery which states "i. to divide, dismiss or dissolve churches in consultation with their members;" be deleted and replaced with the following:

"i. To dismiss a particular church to another body or to dissolve a church:

i) Should a particular church desire to consider being dismissed to another body, the following procedures shall be followed:

- A. The Church Session shall notify the Presbytery in writing of its desire to consider being dismissed or dissolved.
- B. At a duly called meeting of the congregation, with representatives from the Presbytery present and having the privilege of the floor, the motion for dismissal or dissolution shall be put and discussed. Written notice of such meeting shall be mailed to all members on the active roll of the congregation and to the executive presbyter and moderator of the presbytery at least 30 days prior to the meeting.
- C. The meeting shall recess for no less than three months and no more than six months, to a date determined at the meeting.
- D. At the time set, the congregation shall reconvene, with no special quorum requirement and with representatives from the Presbytery present and having the privilege of the floor, and the question shall again be put to the congregation and the floor opened for discussion. The congregation shall then vote on the motion by written ballot. If it passes by a two-thirds majority of those present and voting, the

Presbytery shall dismiss the congregation as requested with all of its property and assets; if the question of dissolution passes by a two-thirds majority of those present and voting, the property shall be disposed of as approved in the motion. Those not desiring to participate in the dismissal or dissolution shall notify the Presbytery, which will assign them to other congregations of the Presbyterian Church (USA)."

- ii) If a particular church has become extinct, by reason of the dispersal of its members, the abandonment of its work, or other cause, such property as it may have shall be held, used, and applied for such uses, purposes, and trusts as the presbytery may direct, limit, and appoint, or such property may be sold or disposed of as the presbytery may direct, in conformity with the *Constitution of the Presbyterian Church (U.S.A.)*.
- iii) Nothing in this Constitution or any provision of previous constitutions of the Presbyterian Church in the United States or the United Presbyterian Church in the United States of America establishes any claim on the real or personal property of an individual congregation by any presbytery, synod, or general assembly of a denomination. Unless there is a signed and dated agreement approved by vote of the congregation at a properly constituted meeting to the contrary, there is no interest in a congregation's property by any governing body of the PC(USA) or its predecessor denominations.

RATIONALE

The unity of the Presbyterian Church (USA) lies in each member's faith in Jesus Christ, the Son of God the Father, as revealed in the Bible and accepted as Savior and Lord through the Holy Spirit. Governing bodies are connected to each other on these foundations and are ordered according to Scripture and our Constitution. Our unity has never lain and cannot ever lie in the possession of property. Yet this claim has been made by officers of our denomination in interpreting Chapter VIII of the Book of Order.

There are both a duty under Biblical injunction and a right under our Constitution for members, sessions, and other governing bodies to bring to the attention of the church errors, transgressions, infidelities, and irregularities that may be found in church teachings, policies, or practices. Indeed, the health and faithfulness of the body of Christ depends upon this speaking of truth in love.

However, there is an expanding pattern of retaliation against pastors, elders, and congregations which have exercised these rights and duties. In attempts to silence lawful dissent church officers have threatened to oust congregational leaders and seize the property of the

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congregation. Such retaliation is based upon the advice promulgated by the Offices of the General Assembly and the Executive Director of the General Assembly Council in documents made public in August, 2006, known as the "Louisville Papers." These papers, which continue to stand as official policy, advocate a harsh and anti-Christlike response to such Biblical and Constitutional dissent. The Louisville Papers are, in turn, founded on Chapter VIII, which encourages both the false understanding that our unity is found in property and the resort to the false remedy of threatened legal actions, instead of the spiritual resources given to His people by God.

The repeal of Chapter VIII would focus our denomination on dealing with dissension in the manner of the early church and the Historic Principles of Church Government of our tradition: if an individual dissents from a policy or practice and cannot in good conscience submit, the person has the right and responsibility to withdraw from the fellowship. A congregation of dissenting individuals has the same right and responsibility. The adoption of the proposed G-11.0103i makes provision for an orderly withdrawal in such event.

Threats, intimidation, changing locks, freezing assets, ousting pastors and sessions--these are not ways of addressing lawful dissent. Such practices, done in the name of "preserving unity" and based on property, bring public shame to the name of our Lord Jesus Christ.

Adopted upon motion duly made, seconded and unanimously approved by the Session of the _____ Presbyterian Church this ____ day of _____, 20__.

Moderator

Clerk of Session