

Bills and Overtures Committee
Presbytery of the Twin Cities Area
Responses to Small Group Discussion Questions
March 27, 2011
DRAFT

Proposed amendments below that are approved by a majority vote in at least a majority of presbyteries (87 out of 173) shall go into effect on July 10, 2011, one year after the General Assembly that transmitted these amendments to the presbyteries adjourned (c.f. G-18.0301d).

As of the time of this writing, only Amendments 10-A and 10-M are still undecided. (The status of either or both of these two amendments could change by the time our presbytery meets on May 10.) All other amendments listed below have been approved by at least 87 presbyteries and shall go into effect regardless of how our presbytery votes.

Below we discuss each proposed amendment in the same order that we discussed them during our small group discussions at the PTCA stated meeting last March 12.

Amendment 10-O: Decision of Permanent Judicial Commission (PJC) [On Amending D-13.0404]

Summary

This amendment clarifies that, in a disciplinary case, if the accused is found by a lower governing body (e.g., a session, or a presbytery's PJC) not guilty, and the prosecuting committee decides to appeal that verdict to the PJC of a higher governing body (with the intent of having the accused be found guilty instead), the PJC of the higher governing body may not overrule the judgment of the lower governing body itself. Instead, the PJC of the higher governing body shall send the case back to the lower governing body for a new trial.

Background

To understand this amendment, it may be helpful to compare and contrast the judicial process in the Presbyterian Church (U.S.A.) with that of the United States. In the United States, if someone is charged with committing a serious offense, a trial is conducted where a jury hears testimony from witnesses, and all jury members deliberate until they come to a unanimous decision: guilty, or not guilty. If the jury finds the defendant not guilty, he/she may not be prosecuted again (unless the defendant is charged with committing a different crime in the future). If the jury finds the defendant guilty beyond a reasonable doubt, the defendant may choose to appeal to a higher court. If the higher court finds that errors were committed in conducting the trial, the higher court may order a lower court to give the accused a new trial.

In the Presbyterian Church (U.S.A.), one who is accused of breaching the Church's discipline is tried either by a session or a permanent judicial commission (c.f., D-11.0101). The session or PJC must vote on and record its decision for every charge. In order to find the accused guilty on a charge, it must "find that the pertinent facts within that charge have been proven beyond a reasonable doubt" (D-11.0403a). Also, at least two-thirds of the members of the session or PJC eligible to vote must agree for the accused to be found guilty on any charge (c.f. D-11.0403b). If the accused is found guilty, she/he may appeal to the PJC of a higher governing body. If the accused is not found to be guilty (i.e., less than two-thirds of the members of the session or PJC find the accused to be guilty), the prosecuting committee may currently appeal the verdict of non-guilt to the PJC of a higher governing body (For further discussion, please see commentary on Amendments 10-N below).

Amendment 10-O arose because of the General Assembly PJC (GAPJC) decision in Disciplinary Case 219-09 (Davis v. Pby of San Francisco) in August 2009. In this case, the prosecuting committee of a presbytery filed three disciplinary charges against a pastor. The presbytery's PJC (PPJC) found the pastor guilty on the last two out of three charges, but not the first charge. The prosecuting committee appealed the not-guilty verdict on the first charge to the synod's

permanent judicial commission (SPJC). "By a vote of 4 to 3, and without receiving any evidence or hearing any testimony, the SPJC reversed the judgment of the PPJC on charge 1 and found Davis guilty. The SPJC upheld the PPJC judgment of guilt on charges 2 and 3, also by a vote of 4 to 3" (GAPJC Decision 219-09, summary, page 3). The GAPJC ruled that the SPJC's decision to reverse a verdict of "not guilty" to "guilty" was flawed for two reasons:

1. The SPJC had not heard any testimony from witnesses. ["It is inconceivable that D-13.0102 was intended to permit an appellate body to determine guilt without hearing any evidence, judging the credibility of the witnesses, and deciding whether the burden of proof has been met beyond a reasonable doubt." [GAPJC Decision 219-09, page 5]].
2. The SPJC had found the accused guilty by only a simple majority (4 to 3), not a two-thirds majority. ["It would be grossly unfair to require a two-thirds majority vote by the trier of fact and then permit a simple majority to reverse that judgment based solely on an appellate record and oral argument. Therefore, this Commission finds that any judgment of guilt requires a two-thirds majority vote." (GAPJC Decision 219-09, page 5)]

The Office of General Assembly, upon recommendation of its Manager for Judicial Process, proposed Amendment 10-O for cases *where a prosecuting committee chooses to appeal a verdict where the accused is not found to be guilty* by the session or PJC. Requiring PJC's of higher governing bodies to send cases back down to the lower body for a new trial will ensure that witnesses will be heard, and that a two-thirds vote will be required to find anyone guilty of a charge. However, proposed amendment 10-N effectively prohibits a prosecuting committee to appeal a verdict of "not guilty" in the first place. **Since Amendment 10-N has been approved, then Amendment 10-O is moot since its provision would never be triggered. Therefore, because 10-N has now passed, 10-O will not be added to the *Book of Order*.**

Amendment 10-N: Appeal of "Not Guilty" Verdict [On Amending D-13.0102 and D-13.0106]

Summary

If someone is accused of a breach of discipline, and a trial (by a session or PJC) finds the accused to be "not guilty" (i.e., less than two-thirds of the session or PJC find the accused guilty beyond a reasonable doubt), the prosecuting committee will now be prohibited from appealing the "not guilty" verdict to the PJC of a higher governing body. (Of course, if someone is accused and found to be "guilty," the accused may appeal to a higher PJC.)

Background

To understand this amendment, it may be helpful to compare and contrast the judicial process in the Presbyterian Church (U.S.A.) with that of the United States. In the United States, it has been a long-standing principle that, once a defendant has been found "not guilty" in a trial, a prosecutor may not appeal the verdict to a higher court (e.g., Amendment V, U.S. Constitution).

Before 2005, only someone who was found to be guilty by a session or PJC could appeal the decision to the PJC of a higher governing body. However, the General Assembly passed an amendment in 2004, ratified by the presbyteries in 2005, to allow prosecuting committees the authority to appeal verdicts of "not guilty." At that time, the Advisory Committee on the Constitution (ACC) advised that the practice would not be consistent with our secular courts, but that allowing verdicts of "not guilty" to be appealed might be justified in the Church, since secular courts are always staffed by certified professional attorneys and judges, whereas sessions and PJC's are comprised of volunteers, so that the potential for error and the need for correction may be greater in the Church's judicial processes.

Since Amendment 10-N has been approved, the PC(USA) will return to its long-standing tradition before 2005 of not allowing prosecutors to appeal verdicts of "not guilty," similar to secular courts. Also, **because Amendment 10-N has been approved, Amendment 10-O could never be triggered, so therefore 10-O will not be added to the *Book of Order*.**

Amendment 10-M: Time limit [On Amending D-10.0401]

Summary

In disciplinary cases where sexual abuse is not alleged, approving Amendment 10-M would increase the time permitted to file a charge from three years after an alleged offense is committed to five years.

The ACC cautions that “the more time that elapses after an alleged offense, the less likely that the testimony of witnesses will be accurate and credible.”

This amendment has no impact on cases involving sexual abuse. Section D-10.0401b specifically states: “For instances of sexual abuse of another person, the three-year time limit shall not apply. Charges may be brought regardless of the date on which an offense is alleged to have occurred.” (Having said this, it would have been more consistent if the General Assembly had also amended D-10.0401b not to refer to the “three-year time limit” it seeks to amend in disciplinary cases where no sexual abuse is alleged.)

Amendment 10-L: Reviewing Work of the Investigating Committee [On Amending D-10.0202]

Summary

This amendment prohibits any member of the Church from being subjected to disciplinary case proceedings twice for the same offense. This mirrors long-standing practice in United States secular courts that prohibits “double jeopardy” (c.f., Amendment V, U.S. Constitution). If an investigative committee determines that the same charge has already been made without having provided new information warranting investigation (or is already the subject of an investigation that is still in progress), then the investigative committee will not re-file the same charge against the accused.

Amendment 10-K: Preliminary Questions [On Amending D-6.0306, D-8.0302, and D-13.0302]

Summary

If the moderator and the stated clerk of the PJC initially decide that at least one preliminary question for a judicial proceeding is answered in the negative, and no party to the case nor any other member of the PJC challenges that decision within thirty days of receiving notice of that decision, then the case will be dismissed without requiring the entire PJC to formally certify that decision.

Background

In order for a complaint or an appeal to be eligible to be tried in a judicial case at all, four criteria must all be met, which can be summarized as follows:

1. the governing body has jurisdiction;
2. the complainant (appellant) has standing to file the case;
3. the complaint (appeal papers) was (were) properly and timely filed; and
4. the complaint (appeal) states a claim (or one or more legitimate grounds for appeal) upon which relief can be granted.

The moderator and the stated clerk of the PJC initially determine the answers to all four preliminary questions, and report their findings both to parties of the case and to all other members of the PJC. Either party to the case and any member of the PJC may challenge the initial determination within 30 days. Currently, if the PJC’s moderator and stated clerk find that at least one criterion is not met, and nobody raises any challenge to their determination, the full PJC

must still formally act to dismiss the case. Amendment 10-K streamlines this process so that, if neither any party to the case nor any member of the PJC disagrees with the moderator and stated clerk of the PJC (that a filing does not meet all four criteria for a case to be eligible to be heard), the case is dismissed without any further action required by the full PJC.

Amendment 10-J: Stay of Enforcement [On Amending D-6.0103]

Summary

This amendment clarifies the process for members of a governing body or members of the PJC of a governing body to issue a stay of enforcement in a remedial case.

- The current language said only that a stay of enforcement may be entered “no later than forty-five days after the decision or action” (D-6.0103a). The new language gives intermediate deadlines to ensure that mistakes or inactions by the Stated Clerk are less likely to render a stay of enforcement invalid, such as:
 - Clarifying that the moderator and stated clerk of the PJC must determine whether the complaint or appeal meets the criteria in the preliminary issues [Please see discussion of Amendment 10-K above] within 7 days after receipt of the request; and that
 - The full PJC may enter a stay of enforcement within 10 days of the moderator’s and clerk’s findings.
- In addition, 10-J provides in new section D-6.0103g a procedure by which the respondent may file an objection to challenge the stay of enforcement within 45 days of its filing, “whereupon no fewer than three members of such [PJC] shall conduct a hearing.... At such hearing, the stay of enforcement may be modified, terminated, or continued until the decision on the merits of the case by the [PJC].”

Background

A remedial case is an allegation that a governing body (or PJC of a governing body) committed an act of irregularity (i.e., did something that it should not have done) or an act of delinquency (i.e., did not do something that it should have done). Commentary by the Association of Stated Clerks states:

Due to recent changes [~2006] in D-6.0103a, actions taken by or actions failed to be taken by the Stated Clerk of a governing body having jurisdiction over a 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....

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.

No arguments [in support of a negative vote] 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-4.4006b(2)]

Summary

This amendment changes the wording to the ordination vows of deacons, elders (nFOG: ruling elders), and ministers of the Word and Sacrament (nFOG: teaching elders) to “**pray for and** [emphasis added] seek to serve the people with energy....” It also changes the wording of

promises made by members of congregations to newly ordained/installed deacons, elders, and pastors "to pray for them/him (her)" [emphasis added].

Amendment 10-H: Nominations Process [On Amending G-13.0108, G-13.0111a, and G-13.0202b]

Summary

This amendment changes the required compositions of General Assembly committees listed below from 1/3 ministers of the Word and Sacrament (MWS), 1/3 laymen, and 1/3 laywomen to one-half ministers and one-half elders (both women and men) "in numbers as nearly equal as possible."

The three committees impacted are:

1. The General Assembly Committee on Representation;
2. The General Assembly Nominating Committee; and
3. The General Assembly Mission Council.

This amendment will cause the composition of the General Assembly Committees listed above to be 50% ministers of the Word and Sacrament instead of 33%. It will also prohibit laymen and laywomen (people who are not ordained as elders) to serve on these committees.

This has no impact on the composition of any presbytery's Committee on Representation.

Background

This amendment was proposed by the General Assembly Nominating Committee. Their rationale was that the 1/3 minister, 1/3 laymen, and 1/3 laywomen formula was adopted by the PC(USA) during reunion in 1983 does not reflect the long-standing Presbyterian principle of parity between ministers and elders. Requiring that the General Assembly Committees listed above be 50% MWS and 50% elders would affirm parity between ministers of the Word and Sacrament and elders.

The ACC disagreed with the General Assembly Nominating Committee, stating that "The parity of ministers and elders is an important principle within our polity, but it does not require near equality of numbers of ministers and elders on committees that are only advisory, having only the power to make recommendations that their electing bodies may approve.... [This] runs the risk of reducing the participation of members of congregations on a committee where it would be possible to increase their participation."

Amendment 10-G: Synod Function [On Amending G-12.0100]

Summary

This amendment permits synods to downsize their functions. However, all synods must at least:

1. maintain its permanent judicial commission; and
2. perform administrative review of the work of presbyteries.

Also, two or more synods with adjoining boundaries may share administrative services if each synod involved approves by a two-thirds majority vote.

Background

Some synods used to be more involved in colleges, children's homes, retirement homes, etc. However, managing ministry in these entities has been increasingly delegated to individual boards of trustees. Also, presbyteries have taken over more programmatic functions that some synods used to do. This amendment allows for downsizing synods while maintaining the two essential functions listed above.

The ACC noted that this amendment is "virtually identical to the provision in the proposed Form of Government" (nFOG). Furthermore, the ACC advised: "[T]his language is clear and coherent from a constitutional perspective, and maintains appropriate constitutional limitations on the reduction of function...."

Additional Question

Can presbyteries initiate the process of synods choosing to restrict their functions?

Amendment 10-F: Certified Christian Educators [On Amending G-11.0407 and G-14.0730]

Summary

This amendment clarifies that Certified Christian Educators and Certified Associate Christian Educators may have voice at presbytery meetings. However, only Certified Christian Educators who are ordained as elders may have both voice and vote at presbytery meetings.

Background

This amendment clarifies somewhat contradictory language between current sections G-11.0407 and G-14.0730. Before this amendment, G-14.0730 clarified that Certified Christian Educators who are ordained as elders may have voice and vote at presbytery meetings, while G-11.0407 mentioned only that Certified Christian Educators may have voice at presbytery meetings.

Certified Christian Educators who are ordained as ministers of the Word and Sacrament (MWS) already have voice and vote at presbytery meetings by being ordained as MWS.

Please note that this amendment does not grant Certified Associate Christian Educators who are also ordained as elders a vote at presbytery meetings (unless they are elected as elder commissioners from their congregations).

This amendment was passed unanimously by the Assembly Committee on Church Orders and Ministry, and was passed by the full General Assembly by 570 to 67 (with 10 abstaining).

Additional Questions:

Who certifies? Some seem unclear as to what it entails.

Do we have any? (I thought we used to have 2 or 3 in the PTCA about a decade ago.)

Amendment 10-E: Presbytery Rolls and Registers [On Amending G-9.0801a]

Summary

This amendment requires each presbytery to keep a register of:

1. all Commissioned Lay Pastors (CLP's) who serve in a validated ministry within its bounds; and
2. all Certified Christian Educators and Certified Associate Christian Educators who serve in an educational ministry under the presbytery's jurisdiction.

Background

It has been long-standing practice for presbyteries to maintain rolls of its member ministers of the Word and Sacrament:

1. those who are active in a validated ministry;
2. those who are members-at-large;
3. those who are inactive members; and
4. those who have been deleted from the above three rolls.

Also, presbyteries were recently required to keep a roll of Certified Christian Educators and Certified Associate Christian Educators as well.

The original intent of the overture that became this amendment was to require the presbytery to maintain a *roll* of CLP's. However, the ACC pointed out that the legal term "roll" is meant to be a list of the *members* of a body (e.g., a "roll call" is a reading of the list of the members of a body, such as a legislature, or the U.S. Senate or House of Representatives). By this definition, presbyteries should keep rolls of all ministers of the Word and Sacrament within their jurisdictions, but CLP's and Certified Christian Educators should be members (or even elders) of their own congregations. Therefore, the language was amended so that presbyteries now keep *registers* of CLP's and Certified Christian Educators, whose memberships within the PC(USA) are recorded by their congregations.

Amendment 10-D: Nominating Committees [On Amending G-9.0801a]

Summary

This amendment changes the required compositions of the Nominating Committees of all presbyteries and synods from 1/3 ministers of the Word and Sacrament, 1/3 laymen, and 1/3 laywomen to one-half ministers and one-half elders (both women and men) "in numbers as nearly equal as possible."

This amendment will cause the composition of presbytery and synod Nominating Committees to be 50% ministers of the Word and Sacrament instead of 33%. It will also prohibit presbyteries and synods from electing laymen and laywomen (people who are not ordained as elders) to serve on their Nominating Committees.

Background

This amendment was proposed by the General Assembly Committee on Representation (GACOR). Their rationale was that the 1/3 minister, 1/3 laymen, and 1/3 laywomen formula was adopted by the PC(USA) during reunion in 1983, when there were fewer women ministers of the Word and Sacrament (MWS). Now that there are more women ordained as MWS, GACOR stated that the old formula to guarantee that at least 33% of nominating committees be laywomen is no longer needed, and that their formula for 50% MWS and 50% elders would affirm parity between ministers of the Word and Sacrament and elders.

The ACC disagreed with the GACOR, stating that "The parity of ministers and elders is an important principle within our polity, but it does not require near equality of numbers of ministers and elders on committees that are only advisory, having only the power to make recommendations that their electing bodies may approve."

With regard to our own presbytery: one layperson who is not ordained as an elder currently serves on the PTCA Nominating Committee. Since that person was duly elected before this amendment goes into effect, that individual will be permitted to serve for the remainder of his/her term. However, going forward only elders and ministers will be permitted to serve on our Nominating Committee.

Amendment 10-C: Requiring Sexual Misconduct Policy [On Amending G-9.0404]

Summary

This amendment requires all governing bodies to adopt and implement a sexual misconduct policy.

Background

Currently, many sessions (and perhaps other governing bodies) have not adopted or implemented any sexual misconduct policy. The Presbytery of the Twin Cities Area is the second presbytery to adopt such a policy (after the National Capital Presbytery). Our presbytery has a standing committee called *Advocates for Integrity in Ministry (AIM)*—formerly known as the Sexual

Misconduct Response Committee) that will be working with the Presbytery Council later this year to prepare a template that sessions could use when forming their own sexual misconduct policies.

If any congregation fails to follow its own sexual misconduct policy, it could face serious problems in having its insurance claims covered, or in obtaining insurance coverage at a reasonable cost (if at all).

Amendment 10-B: Removing Stated Clerk or Clerk of Session [On Amending G-9.0404]

Summary

This amendment permits a stated clerk in any governing body who is not performing his/her duties to be removed from office using the same process that is currently used for members of the staffs of presbyteries and synods (G-9.0705).

Background

Governing bodies depend upon their stated clerks to perform many tasks well, in accordance with strict deadlines. Stated clerks are both officers elected by their governing bodies, and also members of the staff of their governing bodies. Before this amendment, no clear procedure was given in the *Book of Order* to remove a stated clerk for nonperformance. If a governing body wished to remove a stated clerk like a member of the staff, a stated clerk could state that she/he was an elected officer of the presbytery, so he/she could not be removed before his/her term expired like an ordinary staff member.

Technically, before this amendment, G-9.0705 could be used to relieve a stated clerk of only her/his administrative (non-ecclesiastical) duties while a separate judicial proceeding would be required to relieve her/him of her/his ecclesiastical duties. The ACC advised that maintaining the *Book of Order's* implicit requirement for two separate sets of formal/judicial procedures that would likely be very similar seemed "unnecessarily burdensome," and using G-9.0705 would remedy this situation.

Amendment 10-A: Gifts and Requirements [On Amending G-6.0106b]

Summary

During the summer of 1997, the then-new *Book of Order* section G-6.0106b went into effect, which states:

Those who are called to office in the church are to lead a life in obedience to Scripture and in conformity to the historic confessional standards of the church. Among these standards is the requirement to live either in fidelity within the covenant of marriage between a man and a woman (W-4.9001), or chastity in singleness. Persons refusing to repent of any self-acknowledged practice that the confessions call sin shall not be ordained and/or installed as deacons, elders, or ministers of the Word and Sacrament.

Proposed Amendment 10-A seeks to replace the above paragraph with a new section G-6.0106b as follows:

Standards for ordained service reflect the church's desire to submit joyfully to the Lordship of Jesus Christ in all aspects of life (G-1.0000). The governing body responsible for ordination and/or installation (G-14.0240; G-14.0450) shall examine each candidate's calling, gifts, preparation, and suitability for the responsibilities of office. The examination shall include, but not be limited to, a determination of the candidate's ability and commitment to fulfill all requirements as expressed in the constitutional questions for ordination and installation (W-4.4003). Governing bodies shall be guided by Scripture and the confessions in applying standards to individual candidates.

Arguments Provided to the General Assembly, and Arguments Presented by the Association of Stated Clerks

When the Presbytery of the Western Reserve proposed what is now Amendment 10-A, its rationale stated:

The current text of G-6:0106b was added to the *Book of Order* in 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 it is overwhelmingly used only to exclude gay, lesbian, bisexual, and transgendered persons—many of whom exhibit abundant gifts and strong calls to ministry. With its reference to any self-acknowledged practice which the confessions call sin, it has rarely or never been honestly applied to any candidate ordained or installed since its adoption.... The proposed amendment would maintain high standards for ordination and installation by renewed focus on the questions candidates must answer, but without imposing a single, hotly contested interpretation of Scripture on the whole church.

The General Assembly Advisory Committee on the Constitution advised as follows:

[The] proposed language is clear and not inconsistent with any other provision in the *Book of Order*.... This overture seeks to restore the ordination practice and principles affirmed in the Adopting Act of 1729, the paradigm through which the tension between the differing points of view and the unity of the church have been maintained through much of our denomination's history. Examining bodies are required not only to examine "... *each candidate's calling, gifts, preparation, and suitability for the responsibilities of office*" but are also required to judge the candidate's "... *ability and commitment to fulfill all requirements as expressed in the constitutional questions for ordination and installation (W-4.4003)*" (emphasis added). These questions require that the candidate affirm the authority of scripture, adopt the essential tenets of the Reformed faith as contained in our confessions, and submit to the polity and discipline of the church. Moreover, the overture specifically states, consistent with the Adopting Act, that the examining bodies "... *shall be guided by Scripture and the confessions in applying standards to individual candidates...*" (emphasis added).

The Association of Stated Clerks also presented the following arguments supporting an affirmative vote:

- 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 for 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 on 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).

The Association of Stated Clerks also presented the following arguments supporting a negative vote:

- 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.

What This Might Mean in Practice

If Amendment 10-A is approved, all candidates for ordination are to continue to be thoroughly examined by their local governing bodies (presbyteries for candidates for ministry of the Word and Sacrament, and sessions for deacons-elect and elders-elect.) All candidates are to be examined as individuals on a case-by-case basis, so that no class of individuals could be automatically excluded. However, it is likely that different local governing bodies will arrive at different conclusions as to who succeeds in maintaining the high standards our denomination requires to serve in ordained office. This means that, if a deacon or elder is ordained in one congregation, and then moves to a different state and is elected by a different congregation to be installed on its session or its Board of Deacons, the session of the new congregation might not find him or her fit to serve in an ordained capacity. This also means that a minister of the Word and Sacrament might not be able to transfer to a different presbytery that understands the standards of ordained ministry differently.

Amendment 10-A is not written as a "rubber stamp" to avoid asking tough questions of candidates. If a session were to choose to ordain a lesbian who is in a monogamous 20-year relationship with another woman, that session could be challenged in a remedial case to show that it was "guided by Scripture and the confessions in applying standards to individual candidates." For example, a session could be asked if it had considered Romans 1:26-27 as cited by the Westminster Larger Catechism (*Book of Confessions* 7.249), which states that the Seventh Commandment forbids "sodomy, and all unnatural lusts." If a session indicates that it had not considered these passages from Scripture and this confession, a PJC could rule that the session had been delinquent in its responsibilities, and order the session to re-examine the candidate.