

CALL TO THE STATED MEETING

National Capital Presbytery

January 25, 2022

Stated Meeting Items:

1) Omnibus Motion

2) Transitions –Ministers newly received by NCP and

Introduction of Rev. Carrie Mitchell, church consultant from the Board of Pensions

3) Presentation from the Bills and Overtures Committee

Registration Instructions: To register for the meeting, go to the following link: <https://thepresbytery.org/presbyterymeeting>



Greetings Beloved in Christ,

At our meeting on January 25, we will be leaning into being a connectional church as we consider whether to concur on overtures that will go to this year's General Assembly. As was noted at previous presbytery meetings, this summer the General Assembly will be meeting in a hybrid model, with committee work being done in-person in Louisville, KY at the Presbyterian Center and plenary sessions being conducted online. To find out more about the upcoming General Assembly, look online [here](#).

Our January meeting will be structured as it was in September and November.

- **At our 4 PM Open Space there are two options with unique [zoom links](#):**
 - The Bills and Overtures Committee is making itself available to answer questions about the overtures to the 225th General Assembly which commissioners will be voting on later that evening during the business meeting.
 - NCP's church consultant from the Board of Pensions, Rev. Carrie Mitchell, will share updates on new initiatives from the BOP and be available to answer questions.
- **Worship at 5 PM and the Business Meeting at 6 PM will be on a single zoom link.** *(Link received after you register)* Our platform will be a zoom meeting, where you can choose to see and be seen by all members of the presbytery, if you so desire.
 - We are grateful to the folk of Capitol Hill Presbyterian Church, who are leading this month's worship. We will be celebrating communion, so you will want to have your communion elements on hand.
 - During the Business Meeting we will be voting upon whether to concur with 5 different overtures to the 225th General Assembly. Overtures must receive concurrence by at least one presbytery in order to be considered at the General Assembly.
- And finally, as always, please take just a few minutes to offer your reflection on the meeting following our time together. The staff and leadership of NCP take those comments and suggestions very seriously as we try to make our time together more faithful.

I would like to offer my personal gratitude for your ongoing patience as we continue not only to deal with changing circumstances but also to develop our online meeting muscles. The Book of Order and Roberts Rules were not written with online meetings in mind, but as we (myself, your vice-moderator and stated clerk) exercise our leadership, we are leaning into foundational principles of our polity:

- that together, we are the body of Christ;
- that God is present in the midst of the community;
- and that when members of the body truly listen to the Spirit speaking through one another and offer yourselves to speak under the guidance of that same Spirit, then together the body can discern God's leading.

We trust that we do all of this for the sake of growing in faithfulness to God, as God grows in us the ways we can be a part of bringing about the promised coming day of justice, love, and peace.

Diane Walton Hendricks, Moderator of NCP

Stated Meeting National Capital Presbytery

January 25, 2022

Via Zoom

We Gather in Community

6:00PM CALL TO ORDER Rev. Diane Hendricks, Moderator

OPENING PRAYER Elder Shani McIlwain, Vice Moderator

6:10PM OMNIBUS MOTION pp. 4-5 Jan Moody, Stated Clerk

6:15PM TRANSITIONS Rev. John Molina-Moore, General Presbyter

6:30PM BILLS AND OVERTURES REPORT Elder Mark Eakin, Bills and Overtures Chair

(See Action Items) pp. 6-34

BENEDICTION Rev. Diane Hendricks, Moderator

Meeting Leaders

Rev. Diane Hendricks, NCP Moderator

Elder Shani McIlwain, NCP Vice Moderator

Jan Moody, Stated Clerk

Rev. John Molina-Moore, General Presbyter

Elder Mark Eakin, Bills and Overtures Committee Chair

OMNIBUS MOTION FOR THE JANUARY 25, 2022, PRESBYTERY MEETING

From the Stated Clerk

The Stated Clerk moves to approve the minutes from the November 16, 2021, NCP Meeting.

The Stated Clerk reports that she received the reports from the following commissions and dismisses with thanks:

- The commission to install Rev. Hope Lee as pastor at Vienna PC on November 14, 2021
- The Administrative Commission to install the Rev. Layne Brubaker at Lewinsville Presbyterian Church on November 14, 2021.

The Stated Clerk reports giving permission to Rev. Stuart Baskin, minister member of Grace Presbytery to labor within the bounds of National Capital Presbytery to officiate a wedding ceremony in Washington D.C., February 2022.

From the Session Records Review Committee

Based upon 2019/2020 reviews conducted in November and December of 2021, the committee moves approval of the following **minutes** without exception:

Adelphi	Ashburn	Bealeton
Brambleton	Burke	Christ
Church of the Covenant	Clarendon	Clifton
Fairfax	Fairlington	First United, Dale City
Geneva	Greenwich	Idylwood
Immanuel	Kirkwood	Leesburg
Lewinsville	Little Falls	Manassas
New York Avenue	Prince George's Community	Providence
Redeemer, Church of	Riverside	Trinity Herndon
United Christian Parish, Reston	Vienna	

And the approval of the following **minutes** with exceptions noted and conveyed to the clerk of session:

Boyds	Christian Community	Covenant, Woodbridge
Hope	Litchfield	Takoma Park
Westminster, DC		

Based upon 2019/2020 reviews conducted in November and December of 2021, the committee moves approval of the following **registers** without exception:

Adelphi	Ashburn	Bealeton
Brambleton	Burke	Christ
Clarendon	Clifton	Church of the Covenant
Covenant, Woodbridge	Fairfax	Fairlington
First United, Dale City	Geneva	Greenwich
Hope	Idylwood	Immanuel
Kirkwood	Leesburg	Lewinsville
Little Falls	Manassas	New York Ave
Prince George's Community	Providence	Redeemer, Church of
Riverside	Trinity, Herndon	United Christian Parish, Reston
Vienna		

And the approval of the following **register** with exceptions noted and conveyed to the clerk of session:

Westminster, DC

ACTION ITEMS FOR THE JANUARY 25, 2022, NCP MEETING

National Capital Presbytery is requested to consider concurrences for five proposed overtures that are scheduled to be presented at the 2022 General Assembly.

What is a “CONCURRENCE?” Probably the simplest answer is to draw an analogy from Parliamentary Procedure: A concurrence is to a proposed overture what a second is to a motion. In response to another presbytery’s proposed overture, our presbytery might say, effectively, “We second that. We think this is important enough for the General Assembly to consider.”

From the Bills & Overtures Committee

- 1) **Motion from the session of Chevy Chase PC** that National Capital Presbytery concur with the Hudson River Presbytery sponsored **OVT-030-On Amending G-2.0804 Regarding PC(USA) Paid Family Leave**

Bills and Overtures Recommendation

The Bills and Overtures Committee recommended approval of this concurrence in 2020; but when the March 2020 presbytery meeting was cancelled because of the pandemic the presbytery was not able to consider concurrence of the overture. The Bills and Overtures Committee continues to recommend that the presbytery approve concurrence of OVT-030.

- 2) **Motion from the session of Saint Mark PC** that National Capital Presbytery concur with the Chicago Presbytery sponsored **OVT-008 Regarding Our Commitment to Gun Violence Prevention**

Bills and Overtures Recommendation

The Bills and Overtures Committee recommended approval of this concurrence in 2020; but when the March 2020 presbytery meeting was cancelled because of the pandemic the presbytery was not able to consider concurrence of the overture. The Bills and Overtures Committee continues to recommend that the presbytery approve concurrence with OVT-008

- 3) **Motion from the session of Westminster PC of DC** that National Capital Presbytery concur with the Presbytery of Baltimore sponsored **OVT-048-On Changing AIDS to HIV in the Presbyterian Planning Calendar**

Bills and Overtures Recommendation

The Bills and Overtures Committee recommends that National Capital Presbytery approve this concurrence with OVT-048

- 4) **Motion from the session of Grace PC of Springfield** that National Capital Presbytery concur with the New Castle Presbytery sponsored **OVT 024- A Call for Ending the Siege of Gaza and Collective Punishment of Innocent Palestinian and Israeli Citizens**

Bills and Overtures Recommendation

The Bills and Overtures Committee recommends that National Capital Presbytery approve this concurrence with OVT 024

- 5) **Motion from Elder Miriam Dewhurst and Rev. Stephen Smith-Cobbs** that National Capital Presbytery concur with the New Castle Presbytery sponsored **OVT-046- On Amending D-3.0106 Regarding Renunciation of Jurisdiction**

Bills and Overtures Recommendation

The Bills and Overtures Committee recommends neither for nor against the overture but find the overture in order.

ACTION ITEM 1

OVT-030] On Amending G-2.0804 Regarding PC(USA) Paid Family Leave**Source:** Presbytery**Committee:** Unassigned**IOB Link:** <https://www.pc-biz.org/#/search/3000872>**Event:** 225th General Assembly (2022)**Sponsor:** Hudson River Presbytery**Type:** General Assembly Full Consideration

[OVT-030]

1. Recommendation
 1. Rationale
2. Comment
 1. Advice from the ACC
 2. Other Comments
3. Concurrence
 1. Albany Presbytery
 2. de Cristo Presbytery
 3. Florida Presbytery
 4. Salem Presbytery
 5. Santa Fe Presbytery

Recommendation

This item was referred from the 224th General Assembly (2020) for consideration during the 225th General Assembly (2022).

The Presbytery of Hudson River overtures the 224th General Assembly (2020) to direct the Stated Clerk to send the following proposed amendment to the presbyteries for their affirmative or negative votes:

Shall G-2.0804 be amended to read as follows: [Text to be inserted is shown as italics.]

“The terms of call shall always meet or exceed any minimum requirement of the presbytery in effect when the call is made. The session shall review annually the minister’s terms of call and shall propose for congregational action (G-1.0501) such changes as the session deems appropriate, provided that they meet the presbytery’s minimum requirements. The call shall include *paid family leave of at least twelve weeks, including, but not limited to, leave for birth of a child, adoption, care of a sick family*

member, etc., and participation in the benefits plan of the Presbyterian Church (U.S.A.), including both pension and medical coverage, or any successor plan approved by the General Assembly.”

Rationale

The 221st General Assembly (2014) encouraged presbyteries and churches to create parental leave policies with the minimum of six weeks and 100 percent pay without using other forms of paid leave.¹

The 222nd General Assembly (2016) also voted to encourage the six agencies of the General Assembly (Board of Pensions, Foundation, Office of the General Assembly, Presbyterian Investment and Loan Program, Inc., Presbyterian Mission Agency, and Presbyterian Publishing Corporation) to improve their paid parental leave policies in accordance with the advice of the 221st General Assembly (2014).²

As a denomination, we have affirmed the importance of supporting families. However, in practice, congregations are put in the precarious position of choosing between taking care of a family or taking care of the financial well-being of the congregation. Many churches cannot afford paid family leave for their pastor(s) in addition to the cost of pulpit supply, yet many pastors cannot afford to be unpaid when they welcome a new member into the family. These choices are difficult ones that often lead to solutions which leave either the pastor or the congregation neglected, but usually the pastor, and lack witness to the love God, Parent of us all, has for the world.

Without a paid family leave policy, the PC(USA) forces parents to make a choice between proper health-care for themselves and their children, and adequate income to provide for their families. It forces family members with sick parents or children to choose work over care, which is antithetical to our call to be compassionate to the ill and infirm.

Without a paid parental leave policy, we uphold false narratives that describe men as “bread-winners” and require them to leave the child-raising to their spouses. Without a paid parental leave policy, we continue to uphold antiquated and unequal traditions that not only reinforce gender stereotypes, bringing harm to families and children, but fail to account for the many different kinds of families our denomination lifts up and celebrates.

Family leave is essential to the well-being of the pastor, the family, and the church. It enforces healthy boundaries, contributes to the financial security of caregivers, and ensures the continued care of both family and congregation in the long term.

In A Brief Statement of Faith, we confess as a church, that the Holy Spirit

... calls *women and men* to all ministries of the Church.

In a broken and fearful world

the Spirit gives us courage

to pray without ceasing,

to witness among all peoples to Christ as Lord and Savior,

to unmask idolatries in Church and culture,
 to hear the voices of peoples long silenced,
 and to work with others for justice, freedom, and peace.
 In gratitude to God, empowered by the Spirit,
 we strive to serve Christ in our daily tasks
 and to live holy and joyful lives,
 even as we watch for God's new heaven and new earth,
 praying, "Come, Lord Jesus! (*Book of Confessions*, 11.4, Lines 64–76, emphasis added)

With a paid parental leave policy, we have the opportunity to live into this calling of courage in our ministries as pastors and congregations and in our daily lives as we grow our families and support one another in love. With a paid parental leave policy, we unmask the idolatry of unequal practices and are free to live holy and joyful lives—lives wherein all parents can bond with their children without fear of destitution, and the whole community can grow in love.

This overture seeks to bring equity to the genders involved in caregiving, bringing life into the world, and caring for life as it grows, ages, and dies. While parental leave and family leave constitute different needs, they are equally necessary in the life of a healthy pastor, and therefore we urge the General Assembly to consider the language of family leave and make this a reality for everyone in our employ.

Supporting Statistics

The lack of any kind of paid parental leave creates problems for both parents because, while women are medically cleared to return to work after about at least six weeks (if birth went perfectly), the majority of daycares refuse children before six weeks of age. This puts parents in a lose-lose situation as they must risk their health, their child's care, and their families' overall well-being if proper paid leave is unavailable. Elsewhere in creation, we observe that God's creatures naturally keep their offspring close early in life.³ This policy simply acknowledges the health and financial needs of a new or growing family.

Numerous studies have shown the benefits of paid parental leave for both parents and their children. An increase of 10 weeks paid maternal leave has been associated with a 10 percent decrease in neonatal and infant mortality rate,⁴ and parental leave has been shown to be a cost-effective method for improving child health more generally.⁵ However, the benefits to child health and the decrease in infant mortality are only seen with an increase in paid parental leave.⁶ Moreover, studies that have analyzed the long-term benefits of paid parental leave have found benefits to women's mental health in older age and a decrease in high school dropout rates among their children.⁷

At least half of the contemporary seminary graduates are women, and a large portion of graduates (male and female) are in their child-bearing years.⁸ Some of these female colleagues must negotiate lower pay to receive adequate paid maternity leave in their calls, if they can get the maternity leave. Some of our female colleagues are being told they must prove they are worth the maternity leave. Many men have no leave guaranteed at all. This is a matter of gender justice in our denomination. Because women are the ones giving birth, most studies have focused

on the relationship between a mother and her child. However, increases in paid parental leave continue to be met by increases in use of that leave among all parents, allowing parents of all genders to spend more time on their child's care, which has demonstrated health benefits for the child. Indeed, it has been shown that when fathers—or non-birthing parents—are offered comparable paid parental leave, the length of leave they take increases and their involvement in a child's care after the leave period increases.⁹ It is wholly regrettable that non-birthing parents (historically, men) have been denied such crucial bonding and care time with their families for so long. The need for a just paid parental leave policy at this time is urgent as more and more pastors reach retirement age and more and more younger pastors—those in their prime parenting years—seek and negotiate calls.

Across the United States, a mere 14 percent of people have access to paid family leave.¹⁰ As stated above, this justice issue looms large for many workers, and the PC(USA) is not currently acting as a faithful leader. In working toward a solution, it is the profound hope of many young pastors that the denomination will see the opportunity to lead the world to a more faithful, loving approach to family leave.

Endnotes

1. <https://www.pc-biz.org/#/search/5121>, also see *Minutes*, 2014, Part I, p. 740, electronic version.
2. <https://www.pc-biz.org/#/search/3000035>, also see *Minutes*, 2016, Part I, p. 292, electronic version.
3. To put this in perspective, it is illegal in twenty-two states to separate a puppy from its mother before eight weeks. We should be treating humans with at least as much respect as we do dogs. Source: <https://www.animallaw.info/topic/table-state-laws-concerning-minimum-age-sale-puppies>.
4. Jody Heyman, Amy Raub, and Alison Earle, "Creating and Using New Data Sources to Analyze the Relationship Between Social Policy and Global Health: The Case of Maternal Leave," *Public Health Reports* 126 (Suppl 3) (2011): 127–134.
5. Christopher J. Ruhm, "Parental Leave and Child Health," *Journal of Health Economics* 19, no. 6 (November 2000): 931–960.
6. Sakiko Tanaka, "Parental Leave and Child Health Across OECD Counties," *The Economic Journal* 115, no. 501 (February 2005): F7–F28.
7. Mauricio Avendano, Lisa F. Berkman, Agar, Brugiavini, and Giacomo Pasini, "The long-run effect of maternity leave benefits on mental health: Evidence from European countries," *Social Science & Medicine* 132 (May 2015): 45–53; Pedro Carneiro, Katrine Løken, and Kjell Salvanes, "A Flying Start? Maternity Leave Benefits and Long Run Outcomes of Children," IZA Discussion Paper No. 5793.
8. <http://pres-outlook.org/2017/09/pastoral-pipeline-will-enough-ministers-serve-presbyterian-church/>.
9. Arnalds, A., Eydal, G., and Gíslason, I. "Equal rights to paid parental leave and caring fathers—the case of Iceland," *Icelandic Review of Politics and Administration* 9, no. 2 (2013): 323–344.
10. <http://www.pewresearch.org/fact-tank/2017/03/23/access-to-paid-family-leave-varies-widely-across-employers-industries/>.

Advice from the ACC

The Advisory Committee on the Constitution advises the 224th General Assembly (2020) to disapprove this item.

Item 02-122 proposes to introduce specific minimum terms of call within the Constitution of the Presbyterian Church (U.S.A.). This step creates constitutional problems.

Less detailed but similar language came before the 223rd General Assembly (2018) from the Presbytery of Boston in Item 06-14. Item 06-14 suggested that G-2.0804 be amended as follows: “The call shall include participation in the benefits plan of the Presbyterian Church (U.S.A.), including both pension and medical coverage, or any successor plan approved by the General Assembly, *and paid family leave of at least twelve weeks*” (italics indicate proposed insertion).

The Advisory Committee on the Constitution advised the 223rd General Assembly (2018) to disapprove the item on the following grounds:

1. Introducing administrative particulars into the Form of Government would reverse its movement away from a manual of administrative operations. That movement began well before introduction in 2011 of the Foundations of Presbyterian Polity the major revision of the Form of Government.¹
2. The constitutional nature of the *Book of Order* articulates general principles and practices of governance but leaves specific details to the contexts where those principles and practices must be carried out.
3. Presbyteries already have, through G-2.0804, the responsibility and authority to establish family leave policies consistent with fair employment practice (see also G-3.0106).
4. Listing in the Constitution such a specific requirement will invite insertion of other requirements that should be enacted in more contextually appropriate settings.
5. The purpose of encouraging, and even defining, fair employment practices such as family leave can be accomplished without writing the provision into the Constitution.

The language of Item 02-122 introduces administrative-operational detail into the *Book of Order*. Councils have a responsibility and should be trusted to adopt policies appropriate to their circumstances that support and nurture their members, families, and staff (see G-3.0301c, for example).

The particulars within the proposed amendment reflect the societal sensibilities of the present day toward fair employment practices. Likely changes in those sensibilities mean that G-2.0804, if amended in this fashion now, may well require further and repeated amendment in the years ahead. Such amendments are more appropriate in an operations manual than a constitutional document.

If the assembly nevertheless believes that highlighting family leave rises to the level of a constitutional amendment, the Advisory Committee on the Constitution believes that such an act can be accomplished with less constitutional harm by amending G-3.0106 as

follows (*italics* denote words to be inserted; ~~strikeouts~~ denote words to be deleted): “All councils shall adopt and implement a sexual misconduct policy, ~~and a child and youth protection policy,~~ *and a family leave policy.*”

Endnote

1. Previous assemblies removed forms for terms of call from the then *Book of Order* in the early 2000s. The major revision of the Form of Government that became effective in 2011 established using the Constitution for general principles and leaving administrative details to more local councils.

Other Comments

Advice and Counsel—From the Advisory Committee on Social Witness Policy (ACSWP)

The Advisory Committee on Social Witness Policy (ACSWP) advises that the 224th General Assembly (2020) answer this item with action on "On Amending G-2.0804 and Recommendations Regarding a Family Leave Policy" by the Family Leave Task Force.

At the 223rd General Assembly (2018), a task force was created that included representation from ACSWP, ACWC (Advocacy Committee on Women’s Concerns), and Board of Pensions (BOP), as well as teaching and ruling elders from across the denomination. The task force worked with stakeholders like Board of Pensions to find a sustainable solution to the need for adequate family leave. The recommendations the task force makes includes twelve weeks paid leave as well as changing the *Book of Order* to reflect this inclusion in minimum terms of call.

Concurrence

Albany Presbytery

Florida Presbytery

Salem Presbytery

Santa Fe Presbytery

de Cristo Presbytery

Action Item 2

[OVT-008] Regarding Our Commitment to Gun Violence Prevention

Source: Presbytery

Committee: Unassigned

IOB Link: <https://www.pc-biz.org/#/search/3000776>

Event: 225th General Assembly (2022)

Sponsor: Chicago Presbytery

Type: General Assembly Full Consideration

Recommendation

This item was referred from the 224th General Assembly (2020) for consideration during the 225th General Assembly (2022).

The Presbytery of Chicago overtures the 224th General Assembly (2020) of the Presbyterian Church (U.S.A.) to endorse the following affirmation and actions:

Affirmation:

We remember that the disciples ask Jesus when he saw them in faithful ministry and he answered, “As you did it to one of the least of these, you did it to me” (Matthew 25:40). In our country 40,000 people are losing their lives each year to gun violence. Each one of these represents to us the crucified Christ, as do their orphans, their grieving parents and families, as do the nearly 100,000 who are injured and the countless others who are traumatized by gun violence through suicides, murders, family violence, and accidents; In faithfulness to the Prince of Peace, the Presbyterian Church (U.S.A.) stands with, grieves with, and calls for change alongside the victims of our uniquely-American epidemic of gun violence.

Recommendations:

1. Commend and give thanks for those who have stood with “the least of these” and taken action:

a. Every local congregation that has held a study group or conversation, reached out to the community and their elected officials, or taken other actions; specifically, we celebrate the Lincoln Park Presbyterian Church and First United Church of Oak Park, congregations in Chicago that have jointly received the 2019 Peaceseeker Award of the Presbyterian Peace Fellowship for pioneering work to prevent gun violence.

b. Every part of the Presbyterian family that has taken action on gun violence prevention, including: our General Assembly Moderators; the Office of the Stated Clerk; Presbyterian Disaster Assistance with its film and book resources and its pastoral presence with communities that experience gun violence; the Presbyterian Peacemaking Program & Presbyterian Peace Fellowship, for the co-sponsored webinar series, *Standing Our Holy Ground*; the Office of Public Witness, the

Advisory Committee on Social Witness Policy, Presbyterian News Service, the Presbyterian Writers Guild, *The Presbyterian Outlook*; the Presbyterian Peace Fellowship with its *Gun Violence Prevention Congregational Toolkit* and other resources; Presbytery of Grace in Dallas, Texas, for recognizing God’s call to the Reverend Deanna Hollas, ordained as the first minister of Gun Violence Prevention; and all other entities, staff, officers, and individuals in the PC(USA) that have taken action to save lives from gun violence.

c. The students of America who demand change; the businesses such as Walmart, Dicks’ Sporting Goods, and 130 other corporations that have called for commonsense laws to prevent gun violence; the Bureau of Alcohol, Tobacco and Firearms for banning the sale of bump stocks to convert guns into automatic weapons; action of the U.S. House and Senate to update the National Background Check System; the U.S. House in passing legislation for universal background checks, greater protection of women from domestic gun violence, and for restoration of federal funding for research into the causes and best solutions to gun violence—and for all the organizations and individuals across America who call upon the U.S. Senate and all elected officials and candidates to support these actions and turn them into real change.

2. Call upon every congregation in the PC(USA) to prayerfully consider their role in helping to prevent gun violence. As Dr. Martin Luther King Jr. reminded us, “Everyone can do something.”

3. Direct the Advisory Committee on Social Witness Policy, in partnership with others, including, but not limited to the Presbyterian Peacemaking Program, the Advocacy Committee for Women’s Concerns, the Racial Equity Advocacy Committee, and the Presbyterian Peace Fellowship, to update the historic 2010 policy of the 219th General Assembly, *Gun Violence, Gospel Values: Mobilizing in Response to God’s Call* and to present this update for a vote at the 225th General Assembly (2022) which includes:

a. An update of the 2010-era statistics and sources to current statistics and sources about gun violence; and an update on current legislative actions and efforts to seek common ground for saving lives.

b. The sinful, historical intersection between guns and race. Issues to pursue:

(1) The history of gun ownership being too often a means for white people to “protect” themselves and their families from perceived threats from black, brown, and native people, creating a culture of entitlement to gun ownership that is born out of racism, white supremacy, and violence.

(2) The beneficiaries versus the populations most at risk of becoming victims due to guns without safety technology, and distribution systems at risk of theft or illegal sale.

(3) The acknowledgement that structural racism has perpetuated trauma in communities of color that has resulted in the gun violence that we see, and that the systematic disinvestment in these communities is a root cause that needs to be repaired.

(4) The sources of and solutions to gun violence in predominately black and brown communities, seeking effective solutions that do not further contribute to mass incarceration.

(5) The need for changes in police use-of-force training, police culture, and fair prosecution of cases of police gun violence, so that all citizens feel safe in relation to those whose calling is to protect them.

c. The impact of gun violence on women and children: such as domestic gun violence, murder-suicides of entire families, school shootings, and accidents; including review of the legal responsibility of adults whose guns are used by children and others to commit violence or accidental shootings.

d. The affirmation, inclusion, and referral to actions of the General Assembly subsequent to 2010 on gun violence prevention (2014, 2018) and of resources to help every congregation with education, pastoral care, and action as they seek God's plan for their role in helping to prevent gun violence.

Rationale

The 219th General Assembly (2010) of the Presbyterian Church (U.S.A.) *unanimously* passed a major and comprehensive policy, *Gun Violence, Gospel Values: Mobilizing in Response to God's Call*. Based on prior General Assembly actions against gun violence since 1968, the 2010 document placed the Presbyterian Church (U.S.A.) at the forefront of spiritual communities calling for commonsense changes in gun regulations and for an affirmation that the uniquely American obsession with guns is not consistent with the love, healing, and nonviolent witness of Jesus Christ. Rooted in biblical values and reform theology, this historic and excellent ten-year-old document deserves to be updated and reissued as a contemporary policy to help our congregations and our nation heal from the escalating epidemic and tragedy of gun violence.

The 2020 overture notes the work of prior General Assemblies on this issue and commends those who have led the way in faithful witness to prevent gun violence.

The overture calls on every congregation in the PC(USA) to ask for God's guidance to them on how their congregation can faithfully respond to the challenge and reality of gun violence.

The overture proposes that the Advisory Committee on Social Witness Policy (ACSWP), coordinate an update to the 2010 policy to be presented for a vote to the 225th General Assembly (2022). The overture does not call for a complete revision of the 2010 policy, which is excellent, but rather for an update based on changes in American culture and policy over the last ten years. There are now many outdated statistics and sources in the document, including, most unfortunately, the increase in annual gun deaths from 30,000 to 40,000.

The 2010 document does address the relation between guns and race and the impact of gun violence on women and children. However, there has been a great deal of new light shed on issues such as the historical connection between racism and gun "entitlement." A new generation of activists, elected officials, and candidates have offered new approaches to protecting women from domestic gun violence and to preventing gun violence in black and brown communities beyond the failed approach of mass incarceration. Over the last ten years, we have seen an increase in mass shootings, school shootings, and police shootings. All of these difficult topics deserve review in light of current events and proposals.

Other Comments

Advice and Counsel—From the Advisory Committee on Social Witness Policy (ACSWP)

The Advisory Committee on Social Witness Policy (ACSWP) advises that the 224th General Assembly (2020) approve this item.

The Presbyterian Peace Fellowship, Heeding God's Call, the various CeaseFire organizations, and other groups all deserve commendation as they "keep their hands to the Gospel plow" and stay faithful on this ever-grim struggle. ACSWP has been honored to play a part and finds Recommendation 3 particularly relevant. The policy approved by the 219th General Assembly (2010), *Gun Violence, Gospel Values: Mobilizing in Response to God's Call*, remains a valuable resource and its commitments will only be strengthened by a timely update.

In the decade since its approval, important data has been collected shedding light on areas of study not addressed in the current policy of the Presbyterian Church (U.S.A.). And tragically, the epidemic of gun violence in this country has continued unabated, making the updating of strategy as well as statistics a necessity if the policy of the denomination is to carry the necessary relevance and prophetic power.

We also concur with the comment from the Presbyterian Mission Agency Board on this overture.

Advice and Counsel—From the Advocacy Committee for Women's Concerns (ACWC)

The Advocacy Committee for Women's Concerns advises that the 224th General Assembly (2020) approve this item.

As gun violence is increasing at a disturbing rate, it is critical that Presbyterians are fully aware of the impact gun violence has on women, especially trans and queer women and women of color. In 2015, there were nearly 3,519 women and girls that died by homicide, 53 percent of those cases were intimate partner violence related. Of these statistics, Non-Hispanic Black and American Indian/Alaska Native women had the highest rates.¹ We recognize the deep and urgent need to lift up the voices of the Indigenous women, girls, and two spirits that have been lost in the flawed legal system that fails to protect women and children from firearm violence. The Advocacy Committee for Women's Concerns is called to stand as advocates for our siblings who have suffered from the unjust ways guns perpetrate violence against women.

The fight for stricter gun control is not meant to strip people of their constitutional rights, but to protect those most vulnerable in our communities from the violence that is heightened by the lack of gun control. As God calls us to "do justice, love kindness, and walk humbly," we find ourselves being called to advocate for guns laws that would protect women through legislative matters. Until all women are protected under PC(USA) and federal policy, marginalized communities will continue to suffer from this epidemic. As our Brief Statement of Faith professes, we must "hear the voices of peoples long silenced, and to work with others for justice, freedom, and peace."

As approved by the 223rd General Assembly (2018), in Item 11-14, "In love, may our churches help our country and enact sensible steps to prevent gun violence from murders, suicides, family disputes, and mass shootings."² The ACWC strongly encourages the approval of Item 02-25 to advocate for stricter gun laws, so our policies may fully reflect the justice and kindness that is required of us.

Endnotes

1. <https://www.cdc.gov/mmwr/volumes/66/wr/mm6628a1.htm>
2. <https://www.pc-biz.org/#/search/3000314>

Presbyterian Mission Agency Comment on: Regarding Our Commitment to Gun Violence Prevention

This overture requests an updating of the social witness policy, *Gun Violence, Gospel Values*, developed by a study team of the Advisory Committee on Social Witness Policy (ACSWP) for the 219th General Assembly (2010). See: <https://www.presbyterianmission.org/wp-content/uploads/1-gun-violence-policy-2010.pdf>. That policy has been reprinted two times, totaling 16,000 hard copies, plus a large number downloaded free from the Presbyterian Mission Agency website.

The changed elements in the United States context over the past ten years include more mass shootings more linked to racism and anti-immigrant sentiment. These shootings cannot be dismissed as matters of individual mental illness to be addressed only by “red flag” laws. They reflect factors identified by the Presbytery of Chicago in its overture, as well as other dynamics arguably linked to cultural “diseases of despair,” expressed in different ways in rural and urban areas. This suggests that any update might look not only at the items correctly identified by Item 0-25, but other factors identified by the range of Compassion, Peace, and Justice ministries, academic organizations such as the Johns Hopkins Center on Gun Policy and Research, and activist groups such as Black Lives Matter.

The Advisory Committee on Social Witness Policy can do the update requested and involve the partners listed. In the 2008–2010 study process, ACSWP held a public consultation at Stony Point that contributed to the work of a small study team.

Commissioners may also consider the timeliness of such an update in relation to changing political and spiritual currents in the culture and the church itself.

Concurrence

Hudson River Presbytery

New Covenant Presbytery

Northern Waters Presbytery

Philadelphia Presbytery

Santa Fe Presbytery

Southeastern Illinois Presbytery

de Cristo Presbytery

[OVT-048] On Changing AIDS to HIV in the Presbyterian Planning Calendar

Source: Presbytery

Committee: Unassigned

IOB Link: <https://www.pc-biz.org/#/search/3000892>

Event: 225th General Assembly (2022)

Sponsor: Baltimore Presbytery

Type: General Assembly Full Consideration

[OVT-048]

1. Recommendation
 1. Rationale
2. Concurrence
 1. The Cascades Presbytery

Recommendation

The Presbytery of Baltimore overtures the 225th General Assembly (2022) to change the use of the term *AIDS* to *HIV* in all national awareness days recognized in the Presbyterian Planning Calendar.

Rationale

The continued use of the term *AIDS* is problematic for several reasons. First, it underlines an ongoing misunderstanding of the issue. HIV is the virus. AIDS is the result of the virus causing severe damage to the immune system. Second, due to improvements in medical treatment, complications due to HIV are far more prevalent than AIDS itself. Language should be adjusted to reflect the current realities of the disease. Finally, the term *AIDS* continues to be both misunderstood and stigmatizing. Medical professionals have favored using the term *Stage 3 HIV* over *AIDS* in current work largely because of the stigma associated with the latter term (www.nih.hiv.gov).

The continuing stigmatization of HIV is made even more problematic by who is suffering from the virus. Black and Latinx members of the LGBTQ community are disproportionately being affected by the disease. HIV remains at epidemic levels in many of these communities

throughout the nation because they are disproportionately affected by poverty (www.hiv.gov/hiv-basics/overview/data-and-trends/statistics). The PC(USA) should be working to lift the veil of misinformation and improve the social determinants of health for those at the margins.

Despite the dire circumstances that exist where the virus spreads, using the term *HIV* should serve as a reminder that the virus is no longer the death sentence it once was. People are living and thriving with HIV and are actively contributing to their churches and their communities. This change honors their perseverance and integrity. In addition, the church should adopt the stance of using people-first language whenever appropriate. For example, when referring to awareness days, we would say “People Living With HIV (PLWH) Day” rather than “HIV Awareness Day.”

The Presbyterian AIDS Network (PAN) recently changed its name to the Presbyterian HIV Network (PHIVN). This was done with the above factors in mind. We believe all official communication from the PC(USA) should replace *AIDS* with *HIV* and that the church should continue to educate itself on this ongoing epidemic. The PC(USA) should position itself to be an active part of the [ending the epidemic plan](#) set out by the Centers for Disease Control and Prevention.

This change to the Presbyterian Planning Calendar would apply to national awareness days only and not international days.

Concurrence

The Cascades Presbytery

Action Item 4

[OVT-024] A Call for Ending the Siege of Gaza and Collective Punishment of Innocent Palestinian and Israeli Citizens

Source: Presbytery

Committee: Unassigned

IOB Link: <https://www.pc-biz.org/#/search/3000866>

Event: 225th General Assembly (2022)

Sponsor: New Castle Presbytery

Type: General Assembly Full Consideration

[OVT-024]

1. Recommendation
 1. Rationale
2. Comment
 1. Other Comments
 1. Advice and Counsel—From the Advisory Committee on Social Witness Policy (ACSWP)
 2. Advice and Counsel—From the Racial Equity Advocacy Committee
 3. Santa Fe Presbytery
3. Concurrence
 1. de Cristo Presbytery
 2. Greater Atlanta Presbytery
 3. New Brunswick Presbytery
 4. Plains and Peaks Presbytery
 5. The Redwoods Presbytery

Recommendation

This item was referred from the 224th General Assembly (2020) for consideration during the 225th General Assembly (2022).

The Presbytery of New Castle overtures the 224th General Assembly (2020) of the Presbyterian Church (U.S.A.) to do the following:

1. **Call for the United States government to:**

- a. **Exhort the government of Israel immediately to cease and desist all hostile actions that are defined as “collective punishment” under international law. This includes stopping military attacks by air, land, and sea on non-military targets in Gaza that have disproportionately killed thousands of Palestinian civilians and caused billions of dollars in property damage since 2008.**
- b. **Exhort the government of Israel to end the siege of Gaza that restricts its access to adequate water and electricity and the entrance of food, medicine, and fuel to Palestinians in Gaza so as to alleviate and end the humanitarian and environmental crises caused by the siege and provide the material resources necessary for economic prosperity, human health and safety, and environmental protection.**
- c. **Exhort the government of Gaza and all Palestinian militias within Gaza to cease and desist all hostile activities against Israel and its citizens that are defined as “collective punishment” under international law. This includes the launching of unguided rockets into civilian areas of Israel.**

2. Direct the Stated Clerk to communicate this action to all other PC(USA) councils, the U.S. government, and to the press and media.

Rationale

Purpose

This overture is pursued with the hope that

- the cessation of the Israeli government’s collective punishment of Palestinians (both Muslims and Christians) in Gaza will allow Palestinians to have the necessities for human life and will help lead to a peaceful and just end to the conflict; and
- likewise, the cessation of collective punishment of Israeli citizens by the government and Palestinian militias in Gaza will contribute to a peaceful reconciliation between the two peoples.

The situation in Israel/Palestine cannot and will not improve unless and until these actions perpetrated by each side on the other, and defined by the Geneva Conventions as collective punishment, end for good.

International Definition of Collective Punishment

Collective punishment is a form of retaliation whereby, if a person commits a crime, that person's family members, friends, acquaintances, [sect](#), neighbors or entire ethnic group are targeted for retaliation. The punished group may often have no direct association with the person who perpetrated the crime or direct control over their actions.

Article 3 of the 1949 Geneva Convention states that communities and nation states are prohibited from taking actions where "persons may be punished for an offense he or she has not personally committed. Collective penalties and likewise all measures of [intimidation](#) or of [terrorism](#) are prohibited. [Reprisals](#) against persons and their [property](#) are prohibited." This includes actions against civilians or property in reprisal for actions taken by their government, over which they have no control.

The [International Committee of the Red Cross](#) commentary to the conventions states that parties to a conflict often would resort to "intimidating measures to terrorize the population" in hopes of preventing hostile acts, but such practices actually "strike at guilty and innocent alike." They are opposed to these inhumane and unjust actions.

Numerous examples since Roman times of communities or nation states using collective punishment in armed struggles or the occupation of conquered territories include

- military operations that disproportionately kill civilians based on their ethnicity or nationality;
- restricting food, or water, or medicine to people based on ethnicity or nationality;
- denying people the right to assembly or travel based on ethnicity or nationality;
- targeting an entire ethnic group or nationality for death or destruction of their homes, property, or economy in retaliation for actions taken by their government over which they have no control; and
- restricting fuel and electricity to people based on ethnicity or nationality.

Actions by the Government of Israel That Meet the Definition of Collective Punishment

For thirteen years, the Israeli government has controlled the borders of Gaza, restricting or denying the movement of people, materials, fuel, food, and medicine by land, sea, or air, thus imprisoning 1.8 million Palestinians and creating a humanitarian disaster that is a direct result of the official Israeli policy. In early September 2015, the United Nations Conference on Trade and Development cautioned that without significant changes to Israel's policy, Gaza has no chance of recovery and will become unlivable by 2020. Since then, Israel has tightened restrictions and the situation has deteriorated.

Although the Israeli government declared an end to its military administration in Gaza in 2005, it continues to control all border crossings by land, sea and air, monitors all movement of people and goods in and out of Gaza and regulates that movement according to Israeli interests. This blockade has caused Gaza's economy to collapse. Before the blockade Gaza's unemployment rate was 19 percent. By

2017, it was 44 percent among men, 72 percent among women, and for those under age 29, 62 percent. Some 80 percent of Gaza's residents depend on humanitarian aid. About 60 percent suffer from food insecurity.

This collective punishment has been carried out by:

- Israel's restricting fuel and electricity to Gaza Palestinians

For instance, in response to rocket attacks launched by the Palestinian militants, the Israeli Defense Ministry in August 2019 halved the amount of fuel allowed into Gaza from Israel. While Israel's airstrikes against the sites of rocket launches is not prohibited by international law, cutting needed fuel for the 1.8 million Gaza citizens is a clear example of collective punishment that is prohibited by international law.

Because of a fuel shortage and severe damage caused by the Israeli bombing of the power plant in Gaza in 2006, electricity from Israel is supplied for just a few hours every day. Water and sewage systems, which rely on a constant supply of power can barely function. Furthermore, the Israeli government restricts the entry of spare parts to maintain existing systems. The effects on daily life and the ability to do business are disastrous. Long, daily blackouts rob Gaza residents of their human rights and keep them from leading reasonable lives. All these restrictions are examples of collective punishment.

- Israel's restricting food, or water, or medicine

Infrastructure and public services in Gaza are in dire condition. Ninety-six percent of Gaza's water is contaminated and unpotable. The sea water desalination plant is not in operation due to the lack of a constant supply of electricity. In retaliation for actions taken by the government of Gaza or militants over which the population has no control, Israel limits the amount of food, medicine, and materials that can enter Gaza. The distance from shore that Gaza Palestinians can fish is also limited, or fishing is prohibited altogether.

Restricting adequate food, water, and medicine to the civilian population in retaliation for actions by a government or militant groups over which civilians have no control is a clear example of collective punishment.

- Israeli denial of the right to assembly or travel

The Israeli government controls the entry or exit from the Gaza strip by land, air, and water. Few Gaza people are permitted to leave, forcing them to live in an open-air prison from which they cannot escape. Since the protests along the Gaza perimeter fence began on March 30, 2018, Israeli security forces have fatally shot more than 190 demonstrators—including 31 minors. According to figures by the [United Nations Office for the Coordination of Humanitarian Affairs \(OCHA\)](#) and the [World Health Organization \(WHO\)](#), more than 12,700 casualties have been treated in Gaza hospitals. More than 5,800 of them suffered live gunshot wounds. 1,900 suffered teargas inhalation injuries, and some 480 were hit by rubber-coated metal bullets. Approximately

2,300 of the casualties were minors. Doctors have had to perform amputations, usually of a lower limb, on 90 protesters, including 17 minors and one woman. These are clear examples of collective punishment.

- Israeli government actions causing civilian death, injury, and property damage

Since 2008, there have been six major Israeli attacks on the Gaza strip that caused substantial death, injury, and property damage to Palestinians and which constitute collective punishment.

—Operation Cast Lead: Dec. 2008–January 2009

—Operation Pillar of Defense: November 2012

—Operation Protective Edge: July–August 2014

—Border Open Fire Policy: 2008–2018

—Right of Return Protest Killings: 2016–2018

—Two days of air attacks on Gaza: November 2019

Israel’s military actions against military targets, as part of armed conflict, are not prohibited under international law, but many of these actions resulted in death, injury, and property damage to Palestinian civilians not directly related to military targets. These actions, summarized in Table 1, show the disproportional harm perpetrated on Palestinians, which is collective punishment. (The source of this information is from the Israeli human rights organization, [B’Tselem](#).)

Actions by the Government of Gaza That Meet the Definition of Collective Punishment

To be sure, the militants and the government of Gaza have been responsible for sending rockets, with no guidance systems, indiscriminately into Israel. Because they can fall in civilian areas and cause death, injury, or property damage, they too, constitute collective punishment, for their impact is on persons who are not responsible for the actions of their government. These actions are also summarized in the B’Tselem data in Table 1.

Why Presbyterians Must Speak Out Against Collective Punishment

As Presbyterians following the example of Jesus, we believe the prophetic mission of the church is to speak out courageously, honestly, and lovingly against the siege of Gaza and all forms of collective punishment carried out in Israel/Palestine as well as the rest of the world. As the Body of Christ on earth, we are called to stand alongside the oppressed to help bring about justice for them, leading to peace and reconciliation with their oppressors.

In accordance with past policy statements and the theological-ethical bases of our confessions, the 219th General Assembly (2010) of the Presbyterian Church (U.S.A.) affirmed the following human rights, moral principles, and goals guiding its recommendations regarding the Israel-Palestine conflict:

- d. The moral principle of applying humanitarian laws regarding warfare to all nations. These laws[, protecting] civilians and nonmilitary facilities[,] prohibit such internationally recognized violations as the use of anti-personnel weapons and weapons of mass destruction, the assassination of political opponents, collective punishment, detention without due process, and the torture or abuse of prisoners.
- e. The moral principle of applying these same humanitarian laws regarding warfare to nongovernmental combatants ... These laws prohibit such practices as suicide bombing, kidnapping, shelling civilian populations, and torturing or abusing prisoners. (*Minutes*, 2010, Part I, p. 1022)

The purpose of this overture is to name the acts of collective punishment that the governments of Israel and Gaza are perpetrating against each other and to call for an immediate end to these acts. By honestly recognizing these acts, the Presbyterian Church (U.S.A.) can add its voice to an international dialog to which we trust American, Israeli, and Palestinian leaders will be compelled to listen and respond. We ask the church to join the witness of others.

Table 1 Statistics on Deaths and Homes Destroyed

Table 1: Impact of Collective Punishment Actions Taken by the Israeli and the Gaza Palestinian Governments 2008–2018	Israel Government Actions Against Palestinian Citizens
Civilians killed in Israeli and Gaza government attacks	2,481
Minors under 18 years killed in Israeli government attacks	896
Homes destroyed/damaged by Israeli and Gaza government attacks	21,500
Property damage resulting from Israeli and Gaza government attacks	\$6.7 billion
Civilians with restrictions of food, water and medicine	1,800,000
Civilians lives and businesses affected by restriction of fuel and electricity	1,800,000

Citizens subject to a siege on land, air and sea	1,800,000
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B'Tselem, "The Gaza Strip," March 3, 2019, www.btselem.org/gaza_strip/20190303_13000_gazans_homelssess_since_2014_war

B'Tselem, "The Gaza Strip," November 11, 2017, www.btselem.org/gaza_strip.

B'Tselem, "Open Fire Policy," January 11, 2019.

https://www.btselem.org/press_releases/20190117_2018_fatalities.

Table 1 Statistics on Property Damage

United Nations Conference on Trade and Development, "Report on UNCTAD assistance to the Palestinian people,"

https://unctad.org/en/PublicationsLibrary/tdb62d3_en.pdf

Global news , Nick Logan, "How much will it cost and how long will it take to rebuild Gaza?", July 28, 2014 (statistics from U.N. Conference on Trade and Development statics)

<http://globalnews.ca/news/1478589/how-much-will-it-cost-and-how-long-will-it-take-to-rebuild-gaza/>



Other Comments

Advice and Counsel—From the Advisory Committee on Social Witness Policy (ACSWP)

The Advisory Committee on Social Witness Policy advises that the 224th General Assembly (2020) approve this item.

This overture is consistent with the most recent policy of the Presbyterian Church (U.S.A.) with regards to Israel/Palestine.

Israel / Palestine: For Human Values in the Absence of a Just Peace, approved by the 222nd General Assembly (2016), recommends that:

Appropriate agencies of the General Assembly and all Presbyterians urge the Israeli government, as a matter of policy and practice, to stop the collective punishment and isolation of broad sections of the Palestinian population— the blockade of Gaza, the demolition of Palestinian homes and the administrative detention, the torture and forced feeding of Palestinian detainees—and to restore the ID documents and citizenship status that have been stripped from Palestinians in East Jerusalem and elsewhere.

In addition, that 2016 report called for an end to human rights abuses of Palestinian children, often used as collective punishment, including an end to night arrests and abusive interrogation practices.

It should further be noted that as part the continued siege of Gaza, the Israeli government has engaged in numerous incidents of killing unarmed protestors, particularly during the protests taking place under the banner of The Great March of Return. Such actions violate core principles of standing Presbyterian Church (U.S.A.) policy. In particular, the 2016 report notes the striking asymmetry in the use of force in the siege of Gaza, and its effects, both physical and psychological, on Israelis and Palestinians alike.

Given that collective punishment is still used with regularity by the Israeli government, in violation of international law, and given that the siege of Gaza has not ended, it is appropriate that the Presbyterian Church (U.S.A.) renew its commitment to the ending of both.

Advice and Counsel—From the Racial Equity Advocacy Committee

The Racial Equity Advocacy Committee advises that the 224th General Assembly (2020) approve this item.

The Racial Equity Advocacy Committee (REAC) concurs with the Presbytery of New Castle in our support of the Palestinian people. We cannot be a Matthew 25 church if we do not lift up and stand in solidarity with the Palestinian people who have no country to call their own, but are refugees in their own land; who are unable to lead a full life due to the destruction of their farms, infrastructure, social life, and way of being human. Ending this siege would in turn stop retaliatory attacks on Israel. There are several Israeli communities who support that Palestinians deserve a country of their own; many who have spoken at our General Assembly gatherings.

Santa Fe Presbytery

Concurrence

Greater Atlanta Presbytery

New Brunswick Presbytery

Plains and Peaks Presbytery

The Redwoods Presbytery

de Cristo Presbytery

Additional information from the session of Grace PC**Topic: Overture to General Assembly: The siege of Gaza and Collective Punishment**

From NBC News:
Gaza truce takes hold after
Israel, Hamas reach a cease-fire
to halt conflict, May 20, 2021

Creator: MAHMUD HAMS
Credit: AFP - Getty Images
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This year's General Assembly will take up an overture calling for an end to the economic siege of Gaza and the collective punishment carried out by both the governments of Israel and Gaza. National Capital Presbytery is being asked by the session of Grace Presbyterian Church in Springfield to concur with this overture.

In addition to the links provided in the overture, here are three articles from Oxfam that give background information about the situation in Gaza from a humanitarian perspective.

<https://www.oxfam.org/en/press-releases/after-bombing-gaza-struggles-restart-power-water-hospitals-markets-and-fishing-its>

<https://www.oxfam.org/en/timeline-humanitarian-impact-gaza-blockade>

<https://www.oxfam.org/en/research/still-treading-water>

For more information contact Kathy Drinkard at kathydrinkard@hotmail.com.

Action Item 5**OVT-046] On Amending D-3.0106 Regarding Renunciation of Jurisdiction****Source:** Presbytery**Committee:** Unassigned**IOB Link:** <https://www.pc-biz.org/#/search/3000889>**Event:** 225th General Assembly (2022)**Sponsor:** New Castle Presbytery**Type:** General Assembly Full Consideration

Recommendation

The Presbytery of New Castle overtures the 225nd General Assembly (2022) to amend D-3.0106, in the *Book of Order*, as follows:

(Text to be added is shown in italic. Text to be deleted is shown in strikethrough.)

D-3.0106 ~~When Jurisdiction Ends~~ *Upon Renunciation of Jurisdiction*

~~Jurisdiction in~~ The judicial process *does not end* ~~ends~~ when a person in an ordered ministry or a member renounces the jurisdiction of the church. Should the accused in a disciplinary case renounce the jurisdiction of the church as provided in G-2.0407 or G-2.0509, the clerk or stated clerk shall report to the council both the renunciation and the status of the matter at that time, including the name of the accused, *and* the date and fact of renunciation during an investigation or trial, ~~and the charges filed~~. The judicial process shall then proceed per the Rules of Discipline.

Rationale

The stated purposes of the Rules of Discipline are “to honor God by making clear the significance of membership in the body of Christ; to preserve the purity of the church by nourishing the individual within the life of the believing community; to achieve justice and compassion for all participants involved; to correct or restrain wrongdoing in order to bring members to repentance and restoration; to uphold the dignity of those who have been harmed by disciplinary offenses; to restore the unity of the church by removing the causes of discord and division; and to secure the just, speedy, and economical determination of proceedings” (D-1.0101).

Currently in D-3.0106 an accused person may choose to walk away from church nourishment, correction, and restoration by renouncing the jurisdiction of the church. That choice is the individual's to make. The church cannot and should not prevent that choice. The church should document and report when that choice is made.

However, also currently in D-3.0106, when an accused person renounces the jurisdiction of the church, the accused individual(s) receives the power to deny the wider church full access to promised justice, dignity, and a just, speedy, and economical determination of disciplinary proceedings.

Under the current Rules of Discipline, when the accused renounces jurisdiction, the judicial process ends. Investigating committees stop. Victims are not heard. Documents are shelved. Actions—such as possible dismissal of the accusation, proposals for alternative forms of resolution, or recommendations to file charges—are not discerned and presented. No church council is given access to facts, documents, or testimonies from the accused, accuser(s), or other witnesses. A single individual, the accused, possesses the power to stop the judicial process for everyone involved, at any point, by renouncing jurisdiction.

Our polity is not intended to give any one person this much power. An accusation requires just, speedy, and economical determination of what happened and how to proceed toward resolution. Accusers, accused, and other victims harmed all deserve the dignity of being heard. The ripple effects in a disciplinary case extend beyond the accused and accuser(s) and can impact the wider church. All parties affected deserve an investigation and a council's discernment and wisdom to point beyond discord and division toward repentance and restoration, even if the accused chooses not to participate.

This overture seeks to give investigating committees, permanent judicial commissions, and councils the ability to proceed through the remainder of the judicial process, per the Rules of Discipline, while honoring obligations to the accused. The accused would be informed through every step of the continued process and would be invited to participate. All communication to the accused would still be required. Those who renounce jurisdiction would retain the option to fully participate, to observe but remain silent, or to not participate at all. They may choose to send an advocate to represent them in their absence.

However, the amendments recommended in this overture allow the church and the councils to also honor our obligations to the accusers or those in the wider church who may have suffered harm. The church would be able to present facts and testimonies and to discern what is best for others involved who remain under care and jurisdiction. The church is compelled to seek justice, speak truth, and show compassion for all participants through an accusation and investigation, and to uphold the dignity of those who have been harmed, even if the accused chooses to walk away from the community and the process they once vowed to uphold.

After renunciation, the church may not have the power to enforce any alternate form of resolution or any verdict resulting from charges and trial. However, should the accused ever wish to reenter the denomination, the Rules of Discipline currently require they reenter the process that was interrupted and see it to conclusion. Currently the work of investigating committees is not summarized and submitted to record. If the process proceeds after renunciation, a clear record of facts, testimonies, and recommendations is established that could be used as a starting point for the requirements to reenter.

Some may ask whether this overture is necessary because the most severe consequence a church can impose on an accused is censure—full separation from the body of the church—perceived as commensurate with renunciation. Renunciation does separate the accused from the church; however, it does not verbally express the church's discernment of actions beyond the bounds and oaths of our community. Renunciation does not give voice to victims or respect their pain. Renunciation does not warn or protect communities beyond our denomination from recurrences of similar accusable offenses. By not finishing the process, we dismiss the harm experienced inside the church, and neglect to warn others of similar harm.

With this simple overture, councils will be allowed and encouraged to respect and honor all people in and beyond the church, even if one person chooses to break oaths and walk away.