

1 **OVERTURE 14** from Providence Presbytery

(to CCB, OC)

2 “Amend *BCO* 35-1 to Require Accused Officers to Testify”

3
4 **Be it resolved**, that Providence Presbytery overtures the 44th General Assembly to amend
5 *BCO* 35-1 as follows:

6
7 **Strike all of *BCO* 35-1**

8 ~~35-1. All persons of proper age and intelligence are competent witnesses,~~
9 ~~except such as do not believe in the existence of God, or a future state of~~
10 ~~rewards and punishments. The accused party may be allowed, but shall not be~~
11 ~~compelled to testify; but the accuser shall be required to testify, on the~~
12 ~~demand of the accused. Either party has the right to challenge a witness~~
13 ~~whom he believes to be incompetent, and the court shall examine and decide~~
14 ~~upon his competency. It belongs to the court to judge the degree of credibility~~
15 ~~to be attached to all evidence.~~

16
17 **And replace with:**

18 35.1. All persons of proper age and intelligence are competent witnesses,
19 except such as do not believe in the existence of God, or a future state of
20 rewards and punishments;

- 21 a. In general, the accused party may be allowed, but shall not be
22 compelled, to testify. However, because of the relationship of
23 mutual accountability between church officers and the church
24 created in the voluntary affirmation of ordination vows, church
25 officers under accusation with regard to doctrinal views shall be
26 required to testify before the court of original jurisdiction. Such
27 officers may remain present during the testimony of all other
28 witnesses (*BCO* 35-4).
29 b. The accuser shall be required to testify, on the demand of the
30 accused.
31 c. Either party has the right to challenge a witness whom he believes
32 to be incompetent, and the court shall examine and decide upon his
33 competency.
34 d. It belongs to the court to judge the degree of credibility to be
35 attached to all evidence.

36
37 **Grounds:**

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39 Requiring officers to testify in cases involving doctrinal issues is consistent with our
40 constitution;

41
42 Church officers are required to explain and defend their doctrine when seeking admission to
43 serve under the jurisdiction of another court (e.g. *BCO* 13-6);
44

1 Church officers are required by their ordination vows to come forward and make known any
2 way in which their views might have become out of accord with any of the fundamentals of
3 our system of doctrine (e.g. *BCO* 21-5.2.);

4
5 Church officers are in the nature of the case continually obliged to voluntarily have their
6 doctrine subject to legitimate scrutiny (1 Tim. 4:16; 1 Tim. 5:22; Acts 20:28-30);

7
8 A rule relieving all accused persons from an obligation to testify, as does the current *BCO*
9 35-1, undermines the responsibilities of our courts of original jurisdiction and our officers
10 (cf. *BCO* 31-2);

11
12 Requiring church officers to testify in cases concerning their doctrine is consistent with the
13 Scripture and the Westminster Standards:

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15 (1) 2 Cor. 1:17-18; Prov. 15:23, 25:11, 28:13; Gen 4:9; Job 31:22-27; Ps. 15:1-2,
16 32:3; Dt 19:15-19;

17 (2) WLC #144, describing the duties required in the ninth commandment:

18 The duties required in the ninth commandment are . . . appearing and
19 standing for the truth; and from the heart, sincerely, freely, clearly, and
20 fully, speaking the truth, and only the truth, in matters of judgment and
21 justice, and in all other things whatsoever; . . .

22 (3) WLC #145

23 The sins forbidden in the ninth commandment are, all prejudicing the
24 truth, and the good name of our neighbors, as well as our own,
25 especially in public judicature; . . . forgery, concealing the truth, undue
26 silence in a just cause, and holding our peace when iniquity calleth for
27 either a reproof from ourselves, or a complaint to others; . . .

28 (4) WCF XXX and XXXI

29 The limitation of this overture to matters of doctrine limits the concern that the
30 requirement to testify would cause any direct civil or criminal jeopardy to the
31 officer.

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33 *Adopted by Providence Presbytery at its stated meeting, November 10, 2015*

34 *Attested by /s/ TE Gary Nantt, stated clerk*