

1 **OVERTURE 9** from Southwest Presbytery (to CCB, OC)
2 "Revise *RAO* 17-1 to allow CCB to take exception to SJC Case Decisions"
3

4 **Whereas** the last paragraph of *RAO* 17-1 presents a constitutional quandary:
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- 6 1. In the first sentence of the paragraph the Committee on Constitutional Business
7 is charged with the review of the Standing Judicial Commission's minutes, but
8 they are not to review the "judicial cases, decisions, or reports" of the SJC.
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- 10 2. In the last sentence, *RAO* 17-1 provides that "If exceptions are taken *with respect*
11 *to a case*, the Assembly may find this a ground to direct the Standing Judicial
12 Commission to retry the case."
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14 This is, at best, unclear and more really in complete conflict with itself as a provision.
15 This paragraph begs the question: If an exception may be taken to a case that is so
16 significant that the case should need to be retried, but the only body charged with
17 examining for exceptions is not permitted to examine any cases for exceptions, how
18 may any exception ever be taken? The last sentence is very clear that the exception is
19 to "a case," but CCB is not allowed to examine cases. Who then is supposed to take
20 an exception? Is it the General Assembly? Clearly there is no constitutional
21 mechanism for that to happen.
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23 **Therefore be it resolved** that the General Assembly amend the language in *RAO* 17-1 as
24 follows [Strike-through for deletions; underlining for new wording]:
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26 17-1 [para. 4]. The minutes, but not the ~~judicial cases records of~~
27 cases, decisions, or reports, of the Standing Judicial Commission
28 shall be reviewed annually by the Committee on Constitutional
29 Business. The records to be examined are: the minutes of the
30 Standing Judicial Commission, the minutes of the Officers of the
31 Standing Judicial Commission and any judicial cases only insofar
32 as they are noted in the minutes. The minutes shall be examined
33 for conformity to the "Operating Manual for Standing Judicial
34 Commission," and *RAO* 17, violations of which shall be reported
35 as "exceptions" as defined in *RAO* 14-11.d.(2). With respect to this
36 examination, the Committee on Constitutional Business shall
37 report directly to the General Assembly. If exceptions are taken
38 with respect to a case, the Assembly may find this a ground to
39 direct the Standing Judicial Commission to retry the case.
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41 Note: CCB has not expressed any desire to become a "super SJC" in their review of
42 SJC's minutes. SJC case records are often voluminous amounts of technical reading.
43 However, if CCB is to review SJC's minutes and have any real authority for
44 accountability (which was the original intent of this provision) CCB should be
45 allowed to review *everything* put before it to make sure it meets the standard in the
46 PCA's rules, including the constitutional provisions in *RAO* 17-5 and *BCO* 14-6 a.
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48 *Adopted by the Presbytery of the Southwest at its stated meeting, January 24, 2014*
49 *Attested by /s/ TE Charles R. Bell, stated clerk*