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Item 11-01

On Calling for the End of Abortion, and Inserting a Statement in the Book of Order Regarding Abortion—From the Presbytery of Upper Ohio Valley.

The Presbytery of Upper Ohio Valley, in the light of God’s revealed word in Scripture and in adherence to our own historical standards of the Reformation, overtures the 216th General Assembly (2004) to do the following:

- 1. Determine that the 214th and 215th General Assemblies (2002) and (2003) of the Presbyterian Church (U.S.A.) erred in supporting abortion, especially late-term, partial-birth abortion.**
- 2. Determine that the Board of Pensions of the Presbyterian Church (U.S.A.) errs in providing abortions—except in the case of pregnancies truly endangering the life of the mother. (Such abortions are regrettable but necessary to protect the life of the mother.)**
- 3. Publicly confess and repent (turn from) our sin against: Almighty God—the Father of us all; Christ Jesus the Son—the Lover of all children born and unborn; the Holy Spirit—the Lord and Giver of life; the aborted babies; the women and men who are victims of abortion; and the healthcare professionals we have led into sin by our silence about and approval of abortion.**
- 4. No longer condone, teach as acceptable, or underwrite, the practice of abortion on demand as a means of birth control, population control, or social aggrandizement.**
- 5. Develop and implement positive, life affirming, ministries and educational resources to protect and provide for unborn children, unwed mothers, and families in crisis.**
- 6. Develop and implement a new ministry of healing for those women who have undergone abortions.**
- 7. Provide Christian education resources teaching the biblical grounds for courtship, marriage, and family life.**
- 8. Petition our national government to put an end to the sin that abortion is and that we call the United States of America to fasting, prayer, and repentance for our sin of abortion. This petition and call shall be addressed to all branches of the Federal Government: Executive, Legislative, and Judicial, and to all the various state and commonwealth governments.**
- 9. Direct the Stated Clerk to send the following proposed amendment to the presbyteries for their affirmative or negative votes:**

Shall the *Book of Order* be amended by adding the following text:

“The Presbyterian Church (U.S.A.) stands with the Lord God and His Messiah Jesus in affirming the life of each unborn child, protecting that child and the child’s family, and in providing for their nurture. With the exception of abortion in order to protect the life of the mother, we stand against the practice of abortion and do condemn it while praying for and ministering to the victims of abortion and those who provide abortions.”

Rationale

“For I the Lord do not change; therefore you, O children of Jacob, have not perished” (Mal. 3:6).

“In the same way, when God desired to show even more clearly to the heirs of the promise the unchangeable character of [God’s] purpose, [God] guaranteed it by an oath, so that through two unchangeable things, in which it

is impossible that God would prove false, we who have taken refuge might be strongly encouraged to seize the hope set before us” (Heb. 6:17–18).

“Your word is a lamp to my feet and a light to my path” (Ps. 119:105).

“For the word of the Lord is upright, and all [God’s] work is done in faithfulness” (Ps. 33:4).

“The grass withers, the flower fades, but the word of our God will stand forever” (Isa. 40:8).

“Now that you have purified your souls by your obedience to the truth so that you have genuine mutual love, love one another deeply from the heart. You have been born anew, not of perishable but of imperishable seed, through the living and enduring word of God. For ‘All flesh is like grass, and all its glory like the flower of grass. The grass withers, and the flower falls, but the word of the Lord endures forever.’ That word is the good news that was announced to you” (1 Pet. 1: 22–25).

“[Children] are indeed a heritage from the Lord, the fruit of the womb is a reward” (Ps. 127:3).

“You slaughtered my children and delivered them up as an offering to them. And in all your abominations and your whorings you did not remember the days of your youth, when you were naked and bare, flailing about in your blood (Ezek. 16:21–22).

“ . . . But Jesus said, ‘Let the little children come to me, and do not stop them; for it is to such as these that the kingdom of heaven belongs.’ And he laid his hands on them and went on his way” (Matt. 19:14–15).

Jesus said, “Whoever welcomes one such child in my name welcomes me” (Matt. 18:5).

“And the king will answer them, ‘Truly I tell you, just as you did it to one of the least of these who are members of my family, you did it to me’ ” (Matt. 25:40).

“For it was you who formed my inward parts; you knit me together in my mother’s womb. I praise you, for I am fearfully and wonderfully made. Wonderful are your works; that I know very well. My frame was not hidden from you, when I was being made in secret, intricately woven in the depths of the earth. Your eyes beheld my unformed substance. In your book were written all the days that were formed for me, when none of them as yet existed” (Ps. 139:13–16).

“In those days Mary set out and went with haste to a Judean town in the hill country, where she entered the house of Zechariah and greeted Elizabeth. When Elizabeth heard Mary’s greeting, the child leaped in her womb. And Elizabeth was filled with the Holy Spirit and exclaimed with a loud cry, ‘Blessed are you among women, and blessed is the fruit of your womb. And why has this happened to me, that the mother of my Lord comes to me? For as soon as I heard the sound of your greeting, the child in my womb leaped for joy. And blessed is she who believed that there would be a fulfillment of what was spoken to her by the Lord’ ” (Luke 1:39–45).

“For you were bought with a price; therefore glorify God in your body” (1 Cor. 6:20).

“You were bought with a price; do not become slaves of human masters” (1 Cor. 7:23).

“You shall not murder” (Ex. 20:13).

“That all Church power, whether exercised by the body in general or in the way of representation by delegated authority, is only ministerial and declarative; that is to say, that the Holy Scriptures are the only rule of faith and manners; that no Church governing body ought to pretend to make laws to bind the conscience in virtue of their own authority; and that all their decisions should be founded upon the revealed will of God. Now though it will easily be admitted that all synods and councils may err, through the frailty inseparable from humanity, yet there is much greater danger from the usurped claim of making laws than from the right of judging upon laws al-

ready made, and common to all who profess the gospel, although this right, as necessity requires in the present state, be lodged with fallible men” (*Book of Order*, G-1.0307).

“In its confessions, the Presbyterian Church (U.S.A.) identifies with the affirmations of the Protestant Reformation. The focus of these affirmations is the rediscovery of God’s grace in Jesus Christ as revealed in the Scriptures. The Protestant watchwords—grace alone, faith alone, Scripture alone—embody principles of understanding which continue to guide and motivate the people of God in the life of faith” (*Book of Order*, G-2.0400).

ACC ADVICE ON ITEM 11-01, RECOMMENDATION 9

Advice on Item 11-01, Recommendation 9—From the Advisory Committee on the Constitution

Item 11-01 from the Presbytery of Upper Ohio Valley requests that the General Assembly take a number of actions regarding the topic of abortion.

The Advisory Committee on the Constitution advises the 216th General Assembly (2004) to disapprove Recommendation 9 of the overture.

Rationale

Recommendation 9 of the overture requests that a statement about a particular social issue be inserted into the *Book of Order*. There is no indication as to whether the framers of the overture believe it is appropriate to the Form of Government, the Directory of Worship, or the Rules of Discipline. There is no suggestion as to its placement. Since the overture does not address any particular point in the *Book of Order*, the Advisory Committee on the Constitution has difficulty in addressing the request. The *Book of Order* is a document that declares the manner and means by which we govern ourselves as a provisional demonstration of the Body of Christ and how we interact with one another. While there are declarative statements in the document, they serve primarily as foundational statements in matters of governance, and not as social pronouncements.

The General Assembly has adopted guidelines as to how the denomination creates social witness policy statements. (See *Manual of the General Assembly*, Forming Social Policy, pp. 63–66.)

The Advisory Committee on the Constitution also observes regarding Recommendation 1 of the overture that the *Book of Order* declares that governing bodies of the church may, and do, err (G-1.0302 and G-1.0307). Yet the latter citation includes the admonition “that no Church governing body ought to pretend to make laws to bind the conscience in virtue of their own authority” Each General Assembly, relying on the working presence of the Holy Spirit, determines what it may and will say. Each assembly may alter, amend, or contradict the statement of any previous assembly. The presence of this overture before the 216th General Assembly (2004) affirms the freedom within our polity for change to occur in the policy statements of the church. It is for the General Assembly, not this advisory committee, to determine the wisdom of such a change in policy.

ACSWP ADVICE AND COUNSEL ON ITEM 11-01

Advice and Counsel on Item 11-01—From the Advisory Committee on Social Witness Policy (ACSWP).

Item 11-01 calls for the 216th General Assembly (2004) to determine whether several past assemblies have erred in “supporting abortion,” to publicly confess and repent, cease the practice of abortion, develop and implement new ministries and educational resources relating to fetuses, women, and families in crisis, and to provide for advocacy at the national government. In addition, Item 11-01 offers a proposed amendment to the *Book of Order* on these matters.

The Advisory Committee on Social Witness Policy (ACSWP) advises that Item 11-01 be disapproved, with the following comment:

The 216th General Assembly (2004) reaffirms the “Statement on Post-Viability and Late-Term Abortion” approved by the 214th and 215th General Assemblies in 2002 and 2003, respectively. In addition, we urge the Advisory Committee on Social Witness Policy (ACSWP), in their mandated monitoring report to the 217th General Assembly (2006) on the implementation of the assemblies’ policy on problem pregnancies, to include a survey of the ministries and educational resources seeking to implement the policies and to provide further encouragement and recommendations for additional ministries and resources as needed.

Rationale

Item 11-01 is unnecessary. The two most recent assemblies (2002, 2003) by large majorities approved current policy affirming the judicious study of the Advisory Committee on Social Witness Policy (ACSWP) and the Advisory Committee on Litigation (ACL).

Item 11-01 errs in its understanding of current policy on problem pregnancies, for example, in its claim that the two most recent General Assemblies “support abortion” or that the General Assembly’s policy permits abortion as a means of birth control or population control. These claims are simply not true. While uncompromisingly affirming the woman’s right to make ethical decisions, the church’s policy is very restrictive in providing guidance for such responsible decisions. In the 2000 “Monitoring Report on the Implementation of General Assembly Policy on Abortion,” fifteen themes were identified from policy between 1983 and 1992 as the guiding criteria for policy implementation (*Minutes*, 2000, Part I, pp. 271–72). These themes include:

1. The Holy Scriptures are the ultimate authority for faith and practice.
2. Within the church, as in society, there is a diversity of passionately held views regarding problem pregnancy and abortion.
3. Children of all ages need accurate and up-to-date information on sex that does not ignore the context of relationships.
4. Role models who model responsible sexual behavior are important for the development of children.
5. A woman faces many choices among options when confronted with a problem pregnancy.
6. Women have the ability and responsibility for making good moral choices regarding a problem pregnancy.
7. The church should support a woman’s decision regarding a problem pregnancy, whatever her decision may be.
8. There are circumstances under which an abortion may be considered a responsible and morally acceptable choice.
9. Abortion is not a method of birth control.
10. Abortion should not be used for gender selection only or solely to obtain fetal parts for transplantation.
11. The decision to abort should be made earlier rather than later.
12. No law(s) should be enacted that attach criminal penalties to those who seek or perform medically safe abortions.
13. No law(s) should be enacted that denies low-income women the option of abortion.
14. The church condemns the use of violence and/or abusive language either in protest of or in support of abortion.
15. Presbyterians need to work to alter the social structure (e.g., economic, health access, pornography, racism, and sexism) so as to decrease the number of abortions.

Item 11-01 is dishonest with the assembly's own procedures by trying to make an end-run around the social witness policy process. In "Why and How the Church Makes a Social Policy Witness," the 205th General Assembly (1993) approved a process for the careful development of social witness policy (*Minutes*, 1993, Part I, pp. 117–18, 767–88). Item 11-01 attempts to make the assembly take an action without following its own proper procedures "decently and in order."

To obtain a clear understanding of the actions taken by the 214th and 215th General Assemblies, the ACSWP refers commissioners directly to the "Statement on Post-Viability and Late-Term Abortion" and the related rationales included in the publication provided. It addresses the complexity of moral decision-making and the issues that have been central to the church's struggle around abortion for decades. These issues include:

- Life is precious to God—both the life of a woman and the fetus.
- Each person is endowed with the capacity and responsibility to make profound moral decisions, even about life and death.
- Such decisions can best be made within a loving, supportive community of faith.
- A central pastoral responsibility of church leaders and others is to provide counsel and support for all who face such decisions.
- Medical decisions are best left to qualified professionals.
- Public policies may constrain, but cannot ultimately bind, personal moral decision.
- Our decisions are sometimes flawed, and we can trust in God's forgiveness when that occurs.

Because the recently approved policy provides a Reformed theological and biblical context for decision-making and clearly demonstrates the duties of the pastor and congregation for ministry, the Advisory Committee on Social Witness Policy (ACSWP) advises that Item 11-01 is unnecessary, dishonest, misleading, and should be disapproved.

Item 11-02

*On Urging Churches to Affirm in Their Ministries the Protection of Babies in the Womb Who Are Viable—
From the Presbytery of Charlotte.*

The Presbytery of Charlotte overtures the 216th General Assembly (2004) of the Presbyterian Church (U.S.A.) to do the following:

- 1. Urge its churches to affirm in their ministries the protection of babies in the womb who are viable—that is, well-developed enough to survive outside the womb.**
- 2. Urge that our churches support live delivery of the baby in the interest of protecting the life and health of both the mother and the baby in cases where problems of life or health of the mother arise late in a pregnancy.**
- 3. Urge its churches to provide pastoral and tangible support to women in problem pregnancies, seeking ways that the church can intervene to mitigate the problems in a pregnancy.**
- 4. Affirm adoption as a provision for women who deliver children they are not able to care for, and ask our churches to assist in seeking adoptive families within the household of faith.**

Rationale

The church's support for the protection of human life is based on the biblical teaching that human beings are made in the image of God (Gen. 1:26–27), that we are charged to protect the lives of innocent human beings (Prov. 31:8–9; Jas. 1:27), and forbidden to shed innocent blood (Jer. 7:6; Prov. 6:17) and that God expects us as followers of Christ to minister to those who are needy as if we were serving the Savior himself (Matt. 25:40).

Our confessions affirm this teaching of Scripture (*The Book of Confessions*, 4:105–.107; 7:244–.246), in that both the Heidelberg and Larger Catechisms reiterate the Sixth Commandment's prohibition against killing, and further add that it is our duty to “preserve life” and to eschew “practices . . . which tend to the unjust taking away the life of any” (Ibid., 7.245).

Our general assembly has affirmed as policy that:

. . . after a human life has begun, it is . . . cherished and protected as a precious gift of God, [and] The strong Christian presumption is that since all life is precious to God, we are to preserve and protect it. (*Problem Pregnancies and Abortion*, the General Assembly's current policy, 1992, p. 11; see also *Minutes*, 1992, Part I, p. 369 and 368 respectively)

and

That the 209th General Assembly (1997) offer a word of counsel to the church and our culture that the procedure known as intact dilation and extraction (commonly called “partial birth” abortion) of a baby who could live outside the womb is of grave moral concern that should be considered only if the mother's physical life is endangered by the pregnancy. (*Minutes*, 1997, Part I, p. 65)

The Scriptures, our confessions, and church policy all support the effort to avoid death as an outcome in situations of need, including abortion, and to seek ways to affirm and protect the lives of human beings, such that in late-term pregnancies, particularly, where babies could live if delivered live, the church is called to speak and act in ways that protect the lives and health of the unborn as well as their mothers.

Concurrence to Item 11-02 from the Presbytery of John Knox.

ACSWP ADVICE AND COUNSEL ON ITEM 11-02

Advice and Counsel on Item 11-02—From the Advisory Committee on Social Witness Policy (ACSWP).

Item 11-02 calls for the 216th General Assembly (2004) to urge churches to affirm in their ministries the protection of viable fetuses with concern for both the woman and the fetus. Further, Item 11-02 offers support for women in problem pregnancies and affirms the option of adoption.

The Advisory Committee on Social Witness Policy (ACSWP) advises that Item 11-02 be disapproved with the following comment:

The concerns raised in Item 11-02 are already present in current policy. The 216th General Assembly (2004) reaffirmed the “Statement on Post-Viability and Late-Term Abortion” approved by the 214th and 215th General Assemblies in 2002 and 2003, respectively. The “Statement on Post-Viability and Late-Term Abortion” should be more widely circulated and taken to heart by the members of the Presbyterian Church (U.S.A.) in their ministries.

Rationale

Item 11-02 should be disapproved because it is unnecessary and obscures current policy.

The issues and concerns raised in Item 11-02 are already clear and present in the “Statement on Post-Viability and Late-Term Abortion” approved by the 214th and 215th General Assemblies in 2002 and 2003, respectively. The language suggested in Item 11-02 would muddle the current policy carefully considered by prior General Assemblies with the effect of not offering the clarity that is currently present. Substituting new wording runs the danger of eliminating all other carefully reasoned and balanced supporting materials.

The “Statement on Post-Viability and Late-Term Abortion” in a new way lifts up the duties and responsibilities of pastors and congregations in the context of abortions and problem pregnancies. Both pastors and congregations need to be encouraged to take these concerns to heart in their compassionate ministries and advocacy. The church has strong affirmations of adoption already in its policies.

To obtain a clear understanding of the actions taken by the 214th General Assembly (2002) and 215th General Assembly (2003), the Advisory Committee on Social Witness Policy (ACSWP) refers commissioners directly to the “Statement on Post-Viability and Late-Term Abortion” and the related rationales included in the publication provided. It addresses the complexity of moral decision-making and the issues that have been central to the church’s struggle around abortion for decades. These issues include the following:

- Life is precious to God—both the life of a woman and the fetus.
- Each person is endowed with the capacity and responsibility to make profound moral decisions, even about life and death.
- Such decisions can best be made within a loving, supportive community of faith.
- A central pastoral responsibility of church leaders and others is to provide counsel and support for all who face such decisions.
- Medical decisions are best left to qualified professionals.
- Public policies may constrain, but cannot ultimately bind, personal moral decision.
- Our decisions are sometimes flawed, and we can trust in God’s forgiveness when that occurs.

Because the recently approved “Statement on Post-Viability and Late-Term Abortion” provides a Reformed theological context for decision-making and clearly demonstrates the duties of the pastor and congregation for ministry, the Advisory Committee on Social Witness Policy (ACSWP) advises that Item 11-02 is unnecessary, needlessly would obscure current policy, and should be disapproved.

ACWC ADVICE AND COUNSEL FOR ITEM 11-02

Advice and Counsel on Item 11-02—From the Advocacy Committee for Women’s Concerns.

Item 11-02 calls for the 216th General Assembly (2004) to urge churches to affirm in their ministries the protection of viable fetuses with concern for both the woman and the fetus. Further, Item 11-02 offers support for women in problem pregnancies and the affirmation of adoption.

The Advocacy Committee for Women’s Concerns advises that the 216th General Assembly (2004) disapprove Item 11-02 with the following comment:

“The concerns, offering support for women in problem pregnancies and affirmation of adoption as well as other issues, raised in Item 11-02 are already present in current policy. The 216th General Assembly (2004) reaffirms the “Statement on Post-Viability and Late-Term Abortion” approved by the 214th and 215th General Assemblies in 2002 and 2003, respectively. The “Statement on Post-Viability and Late-Term Abortions” should be more widely circulated and used by the members of the Presbyterian Church (U.S.A.) in their ministries.”

Rationale

The language offered in Item 11-02 does not clarify the church’s current policy on late-term and post-viability abortion. Instead, this statement selectively chooses parts of the current policy that limit the options of a woman facing a problem pregnancy. This restricts the decision-making options provided by the church to women making profound moral decisions.

Approving Item 11-02 could negate the work of careful study conducted by committees for two General Assemblies (2002 and 2003). Item 11-02 greatly restricts the positions past General Assemblies have approved.

If approved, this misleading rendering of policy could become current policy, thus slowly constricting the church’s position that allows people in this sinful world to make moral decisions prayerfully with the support of family, spiritual community, and doctors.

[Note: Text is an addendum. Please add to Item 11-02 as page 4.]

Concurrence to Item 11-02 from the Presbytery of Pittsburgh (with Additional Rationale).

There is a strong Christian presumption that all life is precious to God. After human life has begun, it is to be cherished and protected as a precious gift of God.

The church should be providing moral counsel in distinguishing right from wrong. The fact that late-term abortions may be legal does not determine that they are morally right. The church should offer moral counsel based on the Word of God.

Most medical situations that arise during pregnancy that may make it medically unwise for a mother to attempt to carry a baby to full term can usually be detected early. Procedures that will give the baby an opportunity to live can usually be faster and will pose less risk to the mother than does late-term abortion. Deliberate killing of the child before delivery offers no medical advantage to the mother over the live birth of her child at the late stage of pregnancy. While the mother's medical condition may require the pregnancy to be ended, it does not require the baby to be intentionally killed. When medical problems develop late in pregnancy, neither the mother nor the child needs to be sacrificed for the welfare of the other. The church can affirm the lives of both by moral counsel supporting live delivery rather than abortion in such circumstances.

Item 11-03

On Clarity of Late-Term Pregnancy—From the Presbytery of Beaver-Butler.

The 216th General Assembly (2004) does the following:

- 1. Urges all members of the Presbyterian Church (U.S.A.) to affirm in their ministries the protection of babies in the womb who are viable—that is, well-developed enough to survive outside the womb. In cases where problems of life or health of the mother arise late in a pregnancy, we urge our members to support the live delivery of the baby in the interest of protecting the life and health of both the mother and the baby.**
- 2. Urges our members to provide pastoral and tangible support to women in problem pregnancies, seeking ways that the church can intervene to mitigate the problems in a pregnancy. We affirm adoption as a provision for women who deliver children they are not able to care for, and ask our members to assist in seeking loving, adoptive families with the household of faith.**

Rationale

The church's support for the protection of human life is based on the biblical teaching that human beings are made in the image of God (Gen. 1:26–27), that we are charged to protect lives of innocent human beings (Prov. 31:8, 9; Jas. 1:27), and forbidden to shed innocent blood (Jer. 7:5) and that God expects us as followers of Christ to minister to those who are needy as if we were serving our Savior himself (Matt. 25:40). Our confessions affirm this teaching of Scripture (*The Book of Confessions*, Westminster Larger Catechism, 7.244–.246).

The Scripture, our confessions, and church policy also support the effort to avoid death as an outcome in situations of need, including abortion, and to seek ways to affirm and protect the lives of human beings. In pregnancies, particularly where babies could live if delivered live, the church is called to speak and act in ways that protect the lives and health of the unborn as well as their mothers.

ACSWP ADVICE AND COUNSEL ON ITEM 11-03

Advice and Counsel on Item 11-03—From the Advisory Committee on Social Witness Policy (ACSWP).

Item 11-03 calls for the 216th General Assembly (2004) to urge all members of the church to affirm in their ministries the protection of viable fetuses with concern for both the woman and the fetus. Further, Item 11-03 urges members to provide support for women in problem pregnancies and affirms the option of adoption.

The Advisory Committee on Social Witness Policy (ACSWP) advises that Item 13-03 be disapproved with the following comment:

The concerns raised in Item 11-03 are already present in current policy. The 216th General Assembly (2004) reaffirms the “Statement on Post-Viability and Late-Term Abortion” approved by the 214th and 215th General Assemblies in 2002 and 2003, respectively. The “Statement on Post-Viability and Late-Term Abortion” and the church's policies on adoption should be more widely circulated and taken to heart by the members of the Presbyterian Church (U.S.A.) in their ministries.

Rationale

Item 11-03 should be disapproved because it is unnecessary and obscures current policy.

The issues and concerns raised in Item 11-03 are already clear and present in the “Statement on Post-Viability and Late-Term Abortion” approved by the 214th and 215th General Assemblies in 2002 and 2003, respectively.

The language suggested in Item 11-03 would muddle the current policy carefully considered by prior General Assemblies with the effect of not offering the clarity that is currently present. Substituting new wording runs the danger of eliminating all other carefully reasoned and balanced supporting materials.

The “Statement on Post-Viability and Late-Term Abortion” in a new way lifts up the duties and responsibilities of pastors and congregations in the context of abortions and problem pregnancies. Both pastors and congregations need to be encouraged to take these concerns to heart in their compassionate ministries and advocacy. The church has strong affirmations of adoption already in its policies.

To obtain a clear understanding of the actions taken by the 214th General Assembly (2002) and the 215th General Assembly (2003), the Advisory Committee on Social Witness Policy (ACSWP) refers commissioners directly to the “Statement on Post-Viability and Late-Term Abortion” and the related rationales included in the publication provided. It addresses the complexity of moral decision-making and the issues that have been central to the church’s struggle around abortion for decades. These issues include the following:

- Life is precious to God—both the life of a woman and the fetus.
- Each person is endowed with the capacity and responsibility to make profound moral decisions, even about life and death.
- Such decisions can best be made within a loving, supportive community of faith.
- A central pastoral responsibility of church leaders and others is to provide counsel and support for all who face such decisions.
- Medical decisions are best left to qualified professionals.
- Public policies may constrain, but cannot ultimately bind, personal moral decision.
- Our decisions are sometimes flawed, and we can trust in God’s forgiveness when that occurs.

Because the recently approved “Statement on Post-Viability and Late-Term Abortion” provides a Reformed theological context for decision-making and clearly demonstrates the duties of the pastor and congregation for ministry, the Advisory Committee on Social Witness Policy (ACSWP) advises that Item 11-02 is unnecessary, needlessly would obscure current policy, and should be disapproved.

ACWC ADVICE AND COUNSEL ON ITEM 11-03

Advice and Counsel on Item 11-03—From the Advocacy Committee for Women’s Concerns.

Item 11-03 calls for the 216th General Assembly (2004) to urge churches to affirm in their ministries the protection of viable fetuses with concern for both the woman and the fetus. Further, Item 11-03 offers support for women in problem pregnancies and the affirmation of adoption.

The Advocacy Committee for Women’s Concerns advises that the 216th General Assembly (2004) disapprove this overture with the following comment:

“The concerns, offering support for women in problem pregnancies and affirmation of adoption as well as other issues, raised in Item 11-03 are already present in current policy. The 216th General Assembly (2004) reaffirms the “Statement on Post-Viability and Late-Term Abortion” approved by the 214th and 215th General Assemblies in 2002 and 2003, respectively. The “Statement on Post-Viability and Late-Term Abortions” should be more widely circulated and used by the members of the Presbyterian Church (U.S.A.) in their ministries.”

Rationale

The language offered in Item 11-03 does not clarify the church's current policy on late-term and post-viability abortion. Instead, this statement selectively chooses parts of the current policy that limit the options for a woman facing a problem pregnancy. This restricts the decision-making options provided by the church to women making profound moral decisions.

Approving Item 11-03 could negate the work of careful study conducted by committees for two General Assemblies (2002 and 2003). Item 11-03 greatly restricts the positions past General Assemblies have approved.

If approved, this misleading rendering of policy could become current policy, thus slowly constricting the church's position that allows people in this sinful world to make moral decisions prayerfully with the support of family, spiritual community, and doctors.

Item 11-04

On Urging the FDA to Make Emergency Contraception Available Over the Counter—From the Presbytery of Baltimore.

The Presbytery of Baltimore overtures the 216th General Assembly (2004) to approve the following resolution (in accordance with General Assembly guidelines “Forming Social Policy” paragraph 4):

Whereas, the Presbyterian Church (U.S.A.) and its predecessor denominations have frequently and consistently supported the availability of the means of contraception by adopting policy statements of which the following are key:

- 1959 (UPCUSA): “Urges the repeal of laws prohibiting the availability of contraceptives. ...” (*Minutes*, UPCUSA, 1959, Part I, p. 385).
- 1970 (UPCUSA): “Calls for repeal of laws hampering access to contraceptive help and equipment, recognizing the need to maintain proper professional control over the prescription and use of dangerous substances” (*Minutes*, UPCUSA, 1970, Part I, p. 891).
- 1971 (PCUS): “Calls for more vigorous, better coordinated and more adequately funded efforts to make available both the information and the means of birth control to all persons in this country” (*Minutes*, PCUS, 1971, Part I, p. 150).
- 1992 (PC(USA)): “Churches must ... support full and equal access to contraceptive methods” (*Minutes*, 1992, Part I, p. 371); and

Whereas, the Presbyterian Church (U.S.A.) has similarly urged measures that would reduce the number of abortions:

- 1983: “We call upon Presbyterians to works for a decrease in the number of problem pregnancies, thereby reducing the number of abortions” (*Minutes*, 1983, Part I, p. 368); and “[The General Assembly] Affirms the church’s commitment to minimize the incidence of abortion and encourages sexual education and the use of contraception to avoid unintended pregnancies” (*Minutes*, 1983, Part I, p. 367).
- 1992: “Our denomination and its member congregations must commit themselves to reduce the overwhelming number of situations in which women choose to abort” (*Minutes*, 1992, Part I, p. 371); and

Whereas, emergency contraception (Plan B, levonorgestrel, manufactured by Women’s Capitol Corporation and to be marketed by Barr Laboratories) and Preven (ethinyl estadiol, manufactured by Gynetics Medical Products, N.V. of Belgium) is presently only available by prescription thus limiting its availability and the timeliness of its use, contrary to the principle of availability as enunciated by previous General Assemblies; and

Whereas, the timely use of emergency contraception can reduce the numbers of unwanted pregnancies and therefore abortions, consistent with clearly stated General Assembly policy; and

Whereas, emergency contraception has proven to be safe and reliable and, in December 2003, was recommended for over-the-counter sales by the Nonprescription Drugs and the Reproductive Health Drugs Advisory Committees to the Food and Drug Administration (FDA); and

Whereas, the FDA has announced that it has delayed its decision as to whether it will follow the recommendations of its advisory committees and make emergency contraception available over the counter; therefore, be it

Resolved, That the 216th General Assembly (2004) of the Presbyterian Church (U.S.A.) supports the availability of emergency contraception over the counter, without prescription, and does the following:

- 1. Directs the Stated Clerk to communicate the foregoing position to the commissioner of the Food and Drug Administration (FDA) with copies to the chair and ranking minority member of the Senate Committee on Health, Education, Labor and Pensions; the chairs and ranking minority members of the House Committee on Energy and Commerce and its Subcommittee on Health; the Secretary of Health and Human Services, and the president.**
- 2. Authorizes and encourages the Presbyterian Washington Office, Health Ministries (USA), Women's Ministries, and Presbyterians Affirming Reproductive Options, to advocate for over-the-counter availability of emergency contraception, and encourages these entities to educate and inform Presbyterian women, and the society at large, about the availability, safety, and effectiveness of emergency contraception.**
- 3. Encourages middle governing bodies to take appropriate measures to further these goals.**
- 4. Directs that when educational curricula of the PC(USA) that deal with sexuality, reproduction, and contraception are revised, that the then current availability of emergency contraception and the moral and medical implications of its use and possible abuse be included in the revised materials.**

Rationale

Women's health advocates and other supporters of the over-the-counter availability of emergency contraception have feared the politicization of the FDA's decision on this issue, and the delay recently announced by the FDA suggests that this fear is valid. If, in fact, political factors are likely to be determinative in the matter, then public policy advocacy is appropriate on an issue that should otherwise be resolved on its medical and public health merits.

The overwhelming support by the two advisory committees to the FDA makes it clear that from a medical and public health standpoint, emergency contraception should be more readily available.

The issue is not just the availability of emergency contraception, though that is the immediate concern, but also the education of women, especially young women, regarding its availability, use, and possible abuse. Therefore, the resolution addresses this issue and encourages agencies of the church to address it as well.

ACWC ADVICE AND COUNSEL ON ITEM 11-04

Advice and Counsel on Item 11-04—From the Advocacy Committee for Women's Concerns.

Item 11-04 urges the Food and Drug Administration to make emergency contraception available over the counter.

The Advocacy Committee for Women's Concerns (ACWC) advises that the 216th General Assembly (2004) urge the Food and Drug Administration (FDA) to move forward in the process of making available safe, economical, accessible, and effective emergency contraceptives.

Further, the Advocacy Committee for Women's Concerns advises the 216th General Assembly (2004) to direct the Advisory Committee on Social Witness Policy, in consultation with the Advocacy Committee for Women's Concerns, to develop a resolution on unintended pregnancies.

Rationale

The 204th General Assembly (1992) addressed the importance of reducing the number of abortions, “because it will never be possible to eliminate completely unintentional pregnancies, our denomination and its member congregations must commit themselves to reduce the overwhelming number of situations in which women choose to abort. There is an alarming trend in the large numbers of women making this difficult choice. The church must affirm the importance of trying to reduce these numbers” (Report of the Special Committee on Problem Pregnancies and Abortion, Presbyterian Church (U.S.A.), 1992, p.14).

Emergency contraception, or post-coital contraception, consists of the same hormones found in ordinary birth control pills. When taken in a concentrated dose within seventy-two hours after unprotected intercourse, these hormones can prevent a pregnancy from occurring. The emergency contraception (EC) pill will not abort an established pregnancy, (i.e. one in which the fertilized egg has already attached itself to the wall of the uterus).

Emergency contraception has been estimated to have an effectiveness rate of 75 percent when it is used within seventy-two hours of unprotected intercourse. This is important since 45 of every 1,000 women aged 15–44 in the United States had an unintended pregnancy in 1994 (latest year for which data are available). These figures are due to three factors: the failure to practice contraception, incorrect or inconsistent use of contraceptive methods, and method failure. About one-half of the unintended pregnancies end in abortion.

One estimate is that for each pregnancy that occurs after the use of emergency contraceptive pills, three pregnancies are prevented. It is estimated that 43 percent of the lower abortion rate in 2000 compared to 1994 was due to use of emergency contraceptive pill (Rachel R. Jones, Jacqueline E. Darroch, and Stanley K. Henshaw, “Contraceptive Use Among U.S. Women Having Abortions in 2000–2001,” *Perspectives on Sexual and Reproductive Health* 34, 6, 2002).

This is especially important as there are fewer resources to provide access for low-income women to free and low-cost contraceptive services and supplies and to educate women and their partners about relationships, sexuality, and contraception. The emergency contraceptive pill is one way to reduce unintended pregnancies. However, recent decisions by the Food and Drug Administration have slowed the process of making emergency contraceptive pills available over the counter.

The Presbyterian Church (U.S.A.) has traditionally resisted directing the medical community in the appropriateness of medical decisions. However, in May 2004, FDA ignored the advice of its medical advisory teams. It is important that the FDA move forward in the process of making safe, economical, accessible, and effective emergency contraception available.

While making emergency contraception pills available over the counter is one way to address this issue, we recognize that prevention of unintended pregnancy is key to reducing abortions. A new resolution is needed to address the complex issues involved in unintended pregnancies. These issues include, but are not limited to:

- Education about methods of pregnancy prevention, including abstinence, contraception, and emergency contraception;
- Barriers to access;
- Safety of contraceptive methods;
- Building communities that support those making difficult moral decisions.

Item 11-05

On Opposing the Change in Requirements of Emission from Smoke Stack Industries—From the Presbytery of Savannah.

The White Bluff Presbyterian Church and the Presbytery of Savannah overtures the 216th General Assembly (2004) to do the following:

- 1. Declare our opposition to the change in requirements of emission from smoke stack industries. “The new rules would allow thousands of older power plants, oil refineries, and industrial units to make extensive upgrades without having to install new antipollution devices” (*New York Times*, August 22, 2003, Katherine Q. Seeley).**
- 2. Petition the president of the United States to draft rules that would further reduce tailpipe emission by increasing the fuel efficiency of new automobiles.**
- 3. Request the Stated Clerk to communicate with the president of the United States and the administrator of the Environmental Protection Agency and the appropriate members of Congress. The communication should include the impact that smoke stack and tail pipe emission is having on the health of our most vulnerable population and on our environment, due to acid rain.**

Rationale

The most vulnerable population in Canada and the U.S. suffer with severe respiratory health problems. Pollution is a contributing factor in the severity of asthma in the very young and the very old and a cause of premature death.

People that fall in the lower socioeconomic class tend to be most effected because frequently the industries that are heavy polluters are located in their neighborhood.

Our hardwood forests of both the northeast and the Great Smoky Mountains suffer due to the effect of acid rain, which is the result of sulfur dioxide and nitrogen oxide emission.

Annually “people with asthma experience more than 100 million days of restrictive activity, costs for asthma exceeds \$4 billion, and about 4,000 people die of asthma” (Ibid).

“The health cost of human exposure to outdoor air pollutants range from \$40 to \$50 billion” (Centers for Disease Control, National Center for Environmental Health, Air Pollution and Respiratory Health Branch).

ACSWP ADVICE AND COUNSEL ON ITEM 11-05

Advice and Counsel on Item 11-05—From the Advisory Committee Social Witness Policy (ACSWP).

Item 11-05 calls for the 216th General Assembly (2004) to declare opposition to the easing of requirements for emission from smoke stack industries and to petition the president to draft rules that would further reduce tailpipe emission by increasing the fuel efficiency of new vehicles.

The Advisory Committee on Social Witness Policy advises that Item 11-05 be approved with the following amendments: [Text to be deleted is shown with a strike-through and brackets; text to be added or inserted is shown with and underline and with brackets.]

“1. Declare our opposition to ~~[the change in requirements of emission from smoke stack industries.]~~[changes instituted by the Environmental Protection Agency on August 27, 2003, in the New Source Review permitting

requirements for emissions from power plants and manufacturing facilities.] The new rules would allow thousands of older power plants, oil refineries, and industrial units to make extensive upgrades without having to install new antipollution devices. (*New York Times*, August 22, 2003, by Katherine Q. Seeley)

“2. Petition the president of the United States to draft rules that would further reduce tailpipe emissions by increasing the fuel efficiency of new [~~automobiles~~] [vehicles].

“3. [Petition the major manufacturers of vehicles to accelerate the use of existing technologies that would increase fuel efficiency, and to develop new technologies that would achieve further gains.]

“[~~3.~~] [4.] Request the Stated Clerk to communicate [this action] with the president of the United States and the administrator of the Environmental Protection Agency and the appropriate members of Congress. The communication should include the impact that smoke stack and tailpipe emissions is having on the health of our most vulnerable populations and on our environment [~~due to acid rain,~~] [such as smog, increased ozone levels, acid rain, and emissions of mercury and heavy metals.].”

Rationale

The 1981 joint energy policy statement “The Power to Speak Truth to Power” adopted by the former Presbyterian Church in the United States and the United Presbyterian Church (U.S.A.) affirmed that:

In our age an important mission of the community of God is to help rescue creation from thoughtless exploitation [of the environment] and to tend it with care.

To Presbyterians the present energy situation should symbolize judgment on the misuse of power and hope for a new era of energy responsibility. It should also be the occasion for speaking truth about energy and power to those who make decisions. (*Minutes*, UPCUSA, 1981, Part I, p. 294)

The 196th General Assembly (1984) called for “legislation that will reduce the emissions of sulphur dioxide and the oxides of nitrogen to a level necessary to protect the health of the most sensitive environments and individuals...” (*Minutes*, 1984, Part I, pp. 348–49).

The 202nd General Assembly (1990) urged prompt action “...to strengthen fuel economy and emission standards for automobiles, buses and trucks...” (*Minutes*, 1990, Part I, p. 669).

Certainly the weakening of restrictions on existing power plants and other industrial units to make appropriate upgrades and install new antipollution devices sets the state for increased pollution and severe health problems for those in surrounding areas. The cost to human lives as well as the impact on the environment could be exorbitant and irreversible. Therefore, it is the church’s moral responsibility to take positions and advocate against dangers to the spiritual and communal life of congregations.

Item 11-06

Commissioner's Resolution. On Reaffirming Ethical Values of Fetal Research.

That the 216th General Assembly (2004) reaffirm the “Ethical Guidelines for Fetal Tissue and Stem Cell Research” approved by the 213th General Assembly (2001) in order to add the faithful voice of the PC(USA) to the rapidly progressive debate about fetal tissue and stem cell research.

Rationale

In light of current national and international discussions pertaining to stem cell research, it is important our denominational voice be once again heard. And as we remember former President Ronald Reagan and share in expressing our compassion and condolences to Nancy Reagan, the Presbyterian Church (U.S.A.), through its General Assembly, should make our feelings visible by affirming the theological and moral support of the “Ethical Guidelines for Fetal Tissue and Stem Cell Research.” As noted in the overture presented in the 213th General Assembly (2001), the words of the Prophet Micah, sets a broad and critical stage for the theological perspectives of our denomination to be heard, “... what does the Lord require of you but to do justice, and to love kindness, and to walk humbly with your God?” (Micah 6:8, NRSV).

It is desirable that the hope of many may be rekindled in light of tremendous strides in bio/medical research involving stem cells. The research community continues to fund stem cell research through many diverse sources, one of them being pre-embryonic in form. The most recent research testifies to the continued discovery of a multitude of sources for human stem cells. The theological and ethical concerns previously developed will assure our denomination's voice in this rapidly progressive debate.

Nancy Reagan has pleaded with the current United States of America administration to increase funding and encourage stem cell research so that other patients and their families may so reap the benefits of healing from diseases such as Parkinson's, Alzheimer's, spinal cord injuries, and other conditions that have been considered hopeless in the past. “A lot of people who could be helped are not being helped,” Mrs. Reagan has stated. It is hoped that our presence in Washington, D.C., and our voice being heard in the ongoing political debate can result in many lives being improved through this applied research and future medical advancements. Our ability to speak with a unanimous and prophetic voice will provide hope and eventually cure to many people whose voices have been lost to the other priority sounds of our culture.

This commissioners' resolution is submitted with great hope and prayers for all those who suffer.

Kim L. Nelson—Presbytery of San Jose
Wendy Warner—Presbytery of Stockton

Item 11-07

Advocacy Committee for Women's Concerns (ACWC) Final Response to Referral

2002 Referral: Item 13-08. Overture 02-52. On Pastoral Resources for Women Who Have Experienced Abortion—From the Presbytery of Donegal (Minutes, 2002, Part I, pp. 70, 654).

Response: After reviewing available materials and in keeping with current PC(USA) policy and in consultation with other PC(USA) entities as well as the broader religious community, this resource has been written and will be available after June 15, 2004.