

## Notice of Appeal

To Steve Sturm, Clerk of Session, Reformed Presbyterian Church of Southside Indianapolis (hereinafter SSRPC).

And now, this 3<sup>rd</sup> day of June, 2023, comes Ben Manning, appellant, member of SSRPC, Indianapolis, Indiana, and gives notice of intention to appeal to the Great Lakes-Gulf Presbytery from the judgment of the session of SSRPC respecting a censure of rebuke administered by said session to the appellant on May 9, 2023.

### Summary

On April 7, 2023, the appellant (from now on referred to in the first person) sent a letter to certain members of the congregation of SSRPC informing them of the presence of public documents available on the website [PeacePurityProgress.com](https://www.peacepurityprogress.com) that had a bearing on our upcoming elder election. One of the candidates for office in the congregational election had signed a complaint, a public document, demonstrating his opposition to the removal of Jared Olivetti, former pastor of the Immanuel RPC, West Lafayette, Indiana from office by the Synod Judicial Commission in March 2022.

Our congregation had been kept almost completely in the dark by our session regarding activity in the larger church respecting the Immanuel RPC child sex abuse scandal. It was therefore necessary to describe the relevant public facts of the case, and to explain that the Synod viewed the complaint signed by the elder candidate as singularly unsound, voting it down by a margin of 120 to 13. My letter is attached as an appendix to this Notice of Appeal. It is significant that subsequent session action against me does not claim that I misrepresented or distorted the facts that I described.

I grant that writing a letter of this sort is an unusual measure, but given the continuous objection of leading members of our session to the removal of Mr. Olivetti from office, it was evident that our congregation would not learn of the elder candidate's position from the session. Without the information, our vote was liable to add another advocate for this anomalous position to the officer corps of the church.

Furthermore, although it is not given much attention in modern discussions of Presbyterian government, the local congregation plays a direct administrative role in the government of the church when it comes to the election of their officers, and they must be allowed to modestly, fairly and factually discuss the merits of candidates set before them as potential officers. In particular, Scripture admonishes the congregation itself to evaluate a candidate's wisdom (Dt 1:13; Ac 6:3). I only purported to question the wisdom of the candidate under consideration, and only within the narrow scope of his support for the complaint against Synod. I explicitly disavowed that I was charging him with sin, and I commended his character and general wisdom in generous terms.

On April 25 I received a letter of summons to attend the next session meeting (May 9), being told only that the session wished to meet with me regarding my letter. Upon my asking, the session refused to specify what their objection was, and they refused my request to meet more informally, outside of a court setting, with one or two of the elders individually. I nonetheless attended the session meeting where I was immediately served with a letter of rebuke. There was no discussion, and the letter itself only contained a generalized list of sins that I had allegedly committed, with no explanation of how my action in writing the letter constituted a violation of the law. The sins listed were violations of the Ninth Commandment, suggesting that I had either slandered or maliciously gossiped about the elder candidate—the charges were too vague to determine which of these things I was being accused of. The letter also claimed that I had shown disrespect for the courts of the church by sharing this public information. The session, they claimed, is the only organ through which information of the type I shared is to come to members of the congregation. In other words, the session will share and filter whatever information they feel it necessary for the congregation to have in its voting for officers. Some public documents, in effect, are to be kept hidden from ordinary members.

I was given 10 minutes to respond to the rebuke if I wished, but in fact, I had been given no opportunity to defend myself ahead of time, nor was there any attempt by the session to convince me that I had actually broken the law of God, except for the listing of sins contained in the letter of rebuke. I regard the manner in which this rebuke was delivered to be completely outside the bounds of biblical process for dealing with sin or alleged sin in the church. However, I am not claiming procedure as grounds for this appeal. I do not wish the charges against me to

be dismissed solely on procedural grounds; rather they should be dismissed on the demerits of the charges, and the session's failure to respect the role of the congregation in conducting a fair election for those whom to whom the people voting are pledged to submit in the Lord. I am addressing the procedural issue in a separate complaint.

I mention the procedural matter here only to demonstrate that the session has no biblical case to present, and therefore rather than attempting to demonstrate how I sinned, or to reason with me, they have instead answered reason with force and silent rigidity. They did not interact with my letter; and even though I later gave them an opportunity to avoid my appealing the matter to the higher courts of the church if they would listen to my defense after the fact, they did not interact with anything I said on that occasion, nor would they answer any of my questions.

I will present the substance of that defense when the full appeal has been prepared. For now, suffice it to say that in my forthcoming appeal I will answer the three charges presented in the rebuke, *viz.*, 1) that I violated the Ninth Commandment, 2) that I disrupted the peace of the church (as if that were always a sin), and 3) that I circumvented our form of government. Furthermore, I will present evidence to show that the session is demonstrating partiality and hypocrisy in their conduct as it relates to this case.

Lastly, I wish to alert the presbytery that the SSRPC session made this rebuke public on May 23 by emailing a notice of it to each communicant member and asking them to pray for my repentance. They did this despite my telling them I would be appealing their censure. In the Book of Discipline, Section II, Ch. 4, Section 12, it says that a notice of appeal is intended "to restrain the lower court from administering the censures of admonition or rebuke until the case has been determined by the higher court." I am appealing within the time limit specified by the Book of Discipline, but these men have refused to be restrained by this clear statement in the Book of Discipline and have gone forward with public action against me. I believe the Ad Interim Commission should instruct the session of SSRPC to publicly withdraw their announcement of this rebuke, citing for our congregation this section of the RPCNA Constitution.

## Appendix:

### Letter of Ben Manning to Certain Members of SSRPC

7 April 2023

Dear friends,

I am writing to bring to your attention an issue of importance in our church. I realize this is a long email, and I apologize for its length ahead of time. Nonetheless, I hope you will take the time to read it because of the importance of the subject. I have tried to make it simpler to read by head-lining sections in bold type.

#### **The scandal in West Lafayette and the failure of our presbytery to deal with it**

As many of you are aware, for the past couple of years our presbytery has been enmeshed in a serious and—within our presbytery, at least—irresolvable conflict with respect to a serial, predatory child abuse case in the Immanuel Reformed Presbyterian Church congregation in West Lafayette, involving at least 15 victims and over 100 documented incidents. The perpetrator of the crimes is identified in redacted public church documents as the son of the pastor who was serving at the time [*Report of the Immanuel Judicial Commission*, pp. 6, 13]. The young man was convicted in juvenile court and essentially incarcerated for committing what would have been multiple felonies if he had been an adult.

You may also be aware that upon the failure of our presbytery to adequately address the problem (the Presbytery was basically divided into two parties that differed radically in how to deal with it), our Synod, the national governing body of our church, finally had to step in and resolve the matter by removing the Immanuel RPC elders and the pastor from office. This was because, among other things, they failed to adequately protect the children of the congregation for 9 to 15 months after learning of the abuse (some of the West Lafayette elders learned of the abuse later than others). The pastor was offered mediation in order to avoid a church discipline trial, but he was not cooperative. A trial was then called, he was summoned twice, but he refused to appear in court.

The Synod's judicial commission conducting the trial determined unanimously that the pastor ought no longer to be a minister in the church of Jesus Christ (*i.e.*, not just in the RPCNA). The Presbytery's own investigatory commission had come to the same conclusion a year earlier, and another church in West Lafayette outside of the RPCNA (a church that was involved in counseling the Immanuel session and at least one victim of the abuse) concluded, "The father of the abuser should resign his position at the church, along with any other church leaders who had knowledge of these facts." The magnitude of the pastor's sin in this affair is indicated in that the commission of Synod convicted him of breaking eight of the Ten Commandments, and in

failing to manage his household well (a requirement for church office as specified in 1 Timothy 3:4-5 and Titus 1:6).

A summary of church action, along with the public documents, may be found at the web site link below. A minister from elsewhere in our denomination has seen the necessity of collecting this information, summarizing it, and making it available to the church at large. It is otherwise difficult to understand the enormity of the scandal and the extremely poor way in which our presbytery handled it:

<https://peacepurityprogress.com/summary/>

**How does this tragic history relate to our upcoming elder election?** It is important for church members voting in this election to be aware that one of the candidates on the ballot has signed a public complaint objecting to both the trial of the West Lafayette pastor and the verdict of the Synod Commission in finding him guilty. The signatures of the complainants are found on p. 341 of the Synod Minutes for 2022, here

[2022 Minutes of Synod, pp. 339, ff.](#)

To give you an idea of how unsound the vast majority of elders in our denomination view this complaint, it was rejected by Synod on a vote of 120 to 13.

To be fair to our elder candidate, there were many signatures on this complaint from ordinary members of the churches, mostly from the West Lafayette, Second RP and Southside congregations. Our own senior pastor and a retired minister who is now a member of our church both felt so strongly that Synod was wrong to reject this complaint and overturn their discipline, that they asked that their names be recorded in public protest against the Synod vote. Similar complaints emanating from our presbytery were rejected by Synod majorities of 109 to 14, 117 to 9, 114 to 6, and 125 to 1, often with the same protesters voicing their strong dissent at the conclusion of the votes.

Whatever you want to think about these votes and the protests against them, it should at least be clear to you that this vocal minority from our presbytery—a group of men that for the past couple of years has been instrumental in preventing any disciplinary action that would remove the West Lafayette session or its pastor from office—is an anomaly within our denomination.

I am sorry that I have felt compelled to bring this matter to your attention. The elder candidate in question is someone I both like and admire, and one whom I had even considered nominating for elder myself. After speaking to him personally about the presence of his signature on this document, he nonetheless affirms that he continues to stand by what is written. If there is a question about the legitimacy of my sharing this with you, the fact is, this is all public information, and I am sharing it with you in a manner that is consistent with the nature of the events described and documents cited. My comments are necessarily colored by my own perspective, but they nonetheless coincide with the majority view of the Synod. However, I am

sending this information early enough for you to ask the elder candidate himself about these matters if you think it will help you better understand the issues at stake.

**Why is this a large enough concern that I deemed it necessary to write to you?** Let me first be clear that this is not an accusation of sin against this good man. It instead concerns 1) his judgment and 2) his adherence to the Presbyterian form of government contained in our constitutional documents.

The question of good judgment may be gauged both by the overwhelming response of Synod to the complaint that our elder candidate signed, and the facts surrounding the case in general. There is no question that the West Lafayette pastor needed to be removed from office, and it should have happened long before it finally did. One of the main reasons that it took so long was because of protests and complaints—very similar in substance to the one we are talking about—that prevented the Presbytery from taking swift and essential action. According to the Synod Judicial Committee oral report to the 2022 Synod, “Five courts of this denomination have been involved over the past 26 months and this Synod will be the sixth. We must come to resolution of the matter and not delay the ecclesiastical judicial process any longer.” If the complaint under consideration had been successful in reversing Synod’s discipline, this unfit man would still be pastor of the West Lafayette congregation today.

As it stands, the work of our entire church has been side-tracked (8,000 to 10,000 man hours at the Synod level alone) and our presbytery and the Synod beset with expensive lawsuits (perhaps this is news to you). And all of this over a matter that has several plain and simple answers in Scripture, any one of which disqualifies a man like the former pastor of the West Lafayette church from being a church officer (“One who rules his own house well, having his children in submission with all reverence,” 1 Tim 3:4; “A man... having faithful children not accused of dissipation or insubordination,” Tit 1:6; “Moreover he must have a good testimony among those who are outside,” 1 Tim 3:7; “You shall not bear false witness,” Ex 20:16).

**Regarding fidelity to the Presbyterian form of government,** it needs to be understood that in addition to protesting the conviction of the West Lafayette pastor, the complaint we are discussing also requested that the Synod judiciary action be voided in favor of “an independent, professional, and unbiased investigation.” As good as that might sound on first hearing, it is not the way biblical Presbyterian government works. It is certainly true that professionals may be consulted by presbyterial investigators—as many of them were by both the Synod investigators and the earlier Presbytery investigatory commission. These commissions of the church even included several professionals experienced in child welfare (attorneys, professional counselors, a Department of Child Services employee, a police officer) who were also elders. But the investigation is to be carried out by elders in the church, not by “independent” professional agencies.

A lack of confidence in the efficacy of Presbyterian government to deal with this situation has been part-and-parcel of the objections to disciplining the West Lafayette session and the church’s pastor throughout these proceedings. Here are some examples:

- I was present at the 2021 Synod when one minister in a floor speech explicitly claimed that Presbyterianism was incapable of dealing with such matters and that what was needed was a few men to gather around the offenders and just work it out informally—no discipline.
- One of the more troubling and unreasonable objections that has been advanced is that there is secret information that can't be revealed, but which exonerates the men involved from many of the charges against them. This principle, of course, overthrows any attempt to exercise church discipline and hence to govern the church at all.
- Again, the wider church has been led to believe that the West Lafayette issue is just too complicated for anyone to understand, and so it can't be adjudicated. Let me quote from the oral report of the Synod Judicial Commission to the 2022 Synod: "Another recurring question I must address is the narrative that thinks this is 'too complex a situation for our denomination.' . . . When the truth became known, and when the evidence was organized and presented, it wasn't as complex a case as hyped. That evidence and the accompanying testimony was clear and convincing."

Given the supermajority votes in favor of the Synod Judicial Commission's actions, the oral report of the Commission to the 2022 meeting of Synod is a good short summary of how the church leadership outside of our own presbytery views this matter, and I commend it to you if you want to understand the matter further:


[Oral Report SJC to Synod \(wordpress.com\)](#)

I have taken the trouble to write to you because, even though these documents and the complaint we have been discussing are matters of public record, I doubted whether most of you knew about them and realized the scope of what you were voting on. You will be voting, in part, on questions of the nature of church government, the nature of church office, and how we are to interpret the scriptural qualifications for it. As a Presbyterian, you are voting on the impact our local church election has on the wider church. As it turns out, that impact can be far-reaching and may involve grave consequences.

Yours sincerely,



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**Cc:** David Hanson DavidRPTS@Hotmail.com



Steve Sturm, Clerk of Session,

This is a notice of an appeal of the church censure that the SSRPC session enacted against me last month, and which you announced to our congregation in violation of the Book of Discipline II.4.12, despite my giving you prior notice that I would be appealing your decision.

You will also be receiving from me, within the next few days, a Complaint against the session that deals with the unbiblical procedure followed by the SSRPC session in convicting me in absentia of the sins you allege that I committed, and your collective refusal to discuss any of this matter with me prior to enacting this rebuke.



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