

## Appeal of Censure

To John M. McFarland, Clerk of Synod, Reformed Presbyterian Church of North America.

And now, this 2<sup>nd</sup> day of November 2023, comes Ben Manning, appellant, member of the Reformed Presbyterian Church of Southside Indianapolis, Indiana (hereinafter SSRPC), and appeals from the judgment of the Great Lakes Gulf Presbytery (hereinafter GLGP) and the session of SSRPC respecting a censure of rebuke administered by the session to the appellant on May 9, 2023. The GLGP on October 6, 2023 failed to sustain an appeal of this censure at the presbytery level by a vote of 13 to 14. Notice of this appeal to Synod was previously filed with the clerk of the GLGP on October 9, 2023.

### Background and 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](http://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. I wrote to a number of adult members of the church whom I supposed might find the information beneficial as they considered whom to vote for to inform them of this fact. See Appendix A for a copy of the letter.

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 2022 Synod viewed the complaint signed by the elder candidate as singularly unsound, voting it down by a margin of 120 to 13. It is significant that subsequent session action against me does not claim that I misrepresented or distorted the facts that I described in the letter.

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, a copy of which is attached as Appendix B. There was no discussion, and the letter of rebuke 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, except to say that they thought the letter was uncharitable and disruptive to the peace of the church. The reader may consult the letter itself in Appendix A to judge of the justice of the charge.

The sins listed in the letter of rebuke 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. A subsequent email that the session sent to our congregation, making the rebuke public, stated only that the session deemed my letter to have been "uncharitable" and "divisive." Again, they did not claim that what I said was untruthful.

The charge of disruptiveness in the letter of rebuke claimed that I had shown "disrespect for the courts of the church," specifically the session, by taking it upon myself to share public information that had bearing on our election. 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 think necessary for the congregation to have in its voting for officers. Some public documents, in effect, are to be kept hidden from ordinary members of the church, even though they may have direct bearing on an officer election.

I was given 10 minutes to respond to the rebuke if I wished, but in fact, the session had earlier held an informal trial against me without my knowledge, convicting me *in absentia*, and I had been given no opportunity to speak on my own behalf before the rebuke was administered. Not only had they not attempted to speak to me about the alleged sin I was charged with, but they had refused my requests to speak to them to understand what their objection was. I

informed the session that I would be appealing their censure, but if they wished to hear me out, I would forbear filing the appeal immediately. They agreed to hear my answer by giving me 45 minutes the following week, at which time I presented to them the substance of the defense presented in the following sections of this appeal.

The session made no reply to anything I said that evening, nor would they answer any of the questions I asked them. This is in keeping with their earlier demurring to interact with the contents of my original letter. The only response I received was a note from the Clerk a week later telling me that the session would be making their rebuke public to the communicant members of the church. They publicized the rebuke in spite of my informing them that I would be appealing their censure. This is a plain violation of our church Constitution, BOD Sec. II, Ch. 4, sec. 12: "The notice of appeal shall serve to restrain the lower court from administering the censures of admonition or rebuke until the case has been determined by the higher court."

The process and manner in which this rebuke was delivered, and the harshness of the censure, is 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 and the presbytery's failure to respect the role of the congregation in conducting a fair election for officers to whom the people voting are pledged to submit in the Lord. The procedural issue is being addressed in a separate complaint which I hope the Synod will sustain.

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 silence. They refused to speak to me before censuring me, they did not specifically explain how my letter was sinful, and they did not interact with the defense I offered after the fact, asking me no questions, making no statements, and refusing to answer any of my own questions.

In addition, there were several serious errors in order and ethics made by the GLGP in adjudicating my appeal at the presbytery stage, including 1) the admission of prejudicial and false statements by the representative of SSRPC during his speeches, 2) the same statements by

the SSPRC representative being no part of the record of the case, and 3) arguments by presbytery members that violated the provisions of BOD Sec. II, Ch. 4, sec. 15, "The decision of the higher court must be based solely on the records of the lower court."

In this appeal I will

- A. Present three *res ipsa loquitur* arguments against the session's rebuke.
  - 1. It is not sinful to call attention to public advocacy.
  - 2. It is not sinful to answer a public position paper.
  - 3. The session is censoring public information.
  
- B. I will then answer in detail the three charges presented in the rebuke, *viz.*,
  - 1. That I violated the Ninth Commandment.
  - 2. That I disrupted the peace of the church.
  - 3. That I circumvented our form of government.
  
- C. Furthermore, I will present evidence to show that the session is demonstrating partiality and hypocrisy in their conduct as it relates to this case.
  
- D. Finally, I describe the violations of order and ethics in the meeting of the GLGP when hearing my appeal that demonstrate the incapability of the GLGP to fairly adjudicate this case.

I finally wish to say that in adjudicating court cases in the setting of deliberative session, it is a violation of the principle of decency in the church (1 Cor 14:40) to refuse privileges of the floor to an appellant. In addition to preventing him from responding to his opponents, it leaves him open to slander that he is unable to answer. I hope the court will recognize this obvious fact and not leave me vulnerable to these injustices, as was the case in the hearing of my appeal at the October 6 meeting of the GLGP.

## Refutation via *Res Ipsa Loquitur* (“the thing speaks for itself”)

Part of the difficulty in answering the charges laid against me by the SSRPC session is that they are absurd enough that to write against them as if they were legitimate lends them a credibility that they do not deserve. I therefore begin by presenting three *res ipsa loquitur* arguments that demonstrate the basis of this rebuke to be self-evidently false.

### **1. It is not sinful to call attention to public advocacy.**

When a man takes a public position on an issue, nailing his colors to the mast, as it were, and he signs his name to a public document that he says he believes, we always assume he is proud of what he is doing by so signing, and that he wants others to know of his affirmation of the position advocated in the document. Is that not, after all, the purpose of such a document, namely, to publicize the position taken by its signatories, and to show whomever is interested the names of its many supporters?

How is it then that I am charged with slander or malicious gossip for drawing attention to a signature on such a document, as if the signature on the document were scandalous? It might be one thing if the man whose signature is on this document regretted having ever signed the document. Perhaps he later came to see that his action in signing the document was sinful or unwise. In that instance it might be uncharitable to bring the matter up, but these are not the circumstances that hold in this case. The man whose signature is at the center of this controversy says he stands by his signature and that he continues to hold the position advocated in the document.

If the signature is public and is honorable, my drawing attention to the signature is not dishonorable, nor should the signatory be offended by my pointing it out to others. He has entered the arena of public ideas, he has declared his allegiance, and the mere demonstration of his having done so cannot be the basis of a suit of libel against the demonstrator.

### **2. It is not sinful to answer a public position paper.**

When someone publishes a thesis or an argument or a position statement in a public forum, he must expect that not everyone will agree with him. If everyone did agree with him

already, what would be the purpose of publishing such a statement? No, the publishing of position statements or protests or complaints renders the side that publishes them open to public criticism. That is all a part of public discourse. If the criticism is fair and does not misrepresent the position of the original advocate, it is not sinful for someone who disagrees to explain his disagreement to the public. Do these principles of public discourse really need to be explained? Plainly and simply, a public advocate in a system that is not corrupt is not granted immunity from notice or from fair criticism, regardless of who his friends are.

### **3. The session is censoring public information.**

In their letter of rebuke, the SSRPC session writes, "Session has given the instruction we deem appropriate and necessary for the elder election and left it as a matter of private judgement for communicant members to vote for qualified men. Our Presbyterian system of government provides a process for appealing decisions of a court. You have circumvented this process."

The expression "private judgment" is derived from the name of the Protestant doctrine of the "right of private judgment," which means that Protestants believe all men are given the right to read and interpret Scripture for themselves rather than relying on the mediation of an authority figure such as a priest or a church to interpret it authoritatively for them. The session perverts this expression and uses it to signify exactly the opposite of its orthodox intention. They mean to say that the session has the right to keep the congregation in private ignorance of anything the session has not authorized them to know, even when that information is contained in the public documents of our denominational courts.

My appeal puts before you these questions: Does a session have the right to keep as a secret the public documents of the church, and to discipline lay people who point out that these documents exist? Is the session the sole filter for "appropriate and necessary" information for lay people to have regarding officer candidates? Are lay people allowed to consider candidates' public church actions in their voting, or is this none of their business?

An affirmative answer to the first two questions, or a negative answer to the third, is simply tyranny. There is no such authority conferred on the elders by the Bible.

## Overview of the Charges

The letter of rebuke lists two charges, but as I read it there are really three. I am charged 1<sup>st</sup>) with slander or malicious gossip against Nick Ritenour—from the imprecision of the accusation, it's impossible to tell which, 2<sup>nd</sup>) the session says I have disrupted the peace and harmony of the church, and 3<sup>rd</sup>) the session claims that I have despised and circumvented the government of the church.

### ***First Charge: alleged Ninth Commandment violations***

The first of these charges, that I slandered Nick Ritenour or gossiped maliciously about him, I categorically deny. I will be spending most of my time answering this charge, but I will make some few comments on the other two charges before I address this question.

### ***Second Charge: disruption of the peace and harmony of the church***

To the second charge—that I have disrupted the peace of the church—I reply that I was fully aware that the letter I wrote to the congregation would cause discomfort to some of the members and officers of our church. I am sorry that it had to be done. I do not agree, however, that it was sinful. In fact, I restored a modicum of peace to two groups of people in the church that our session seems to have forgotten about entirely. One of these groups contains people who have experienced child sexual abuse, and the other includes people who are more disturbed at being kept in the dark about what is going on in the church than the session apparently realizes.

Again, the session does not appreciate the disruptiveness of the behavior of those that signed and supported complaints attempting to maintain Jared Olivetti in office.

Disrupting the peace of the church is not, in and of itself, a sin. If it were, we would have to criminalize John the Baptist, all of the apostles and prophets, and our Lord Jesus Christ himself. These men all disrupted the peace of the church or the civil society to one extent or another. The question is not whether they did so, but why they did so.

The RP Book of Discipline, Section I, ch. 1, sec. 6, says “Not everything displeasing to an individual is ground for formal disciplinary process. Offenses which require discipline are of three kinds: heresy; . . . disregard for or violation of the moral law; and contempt for the courts

of the church.” What I wrote was clearly displeasing to some people. Was it sinful? I say it was not.

I wonder whether the session has considered how opposition to imposing substantive church discipline against Jared Olivetti has made the victims of child sexual abuse in our churches feel? I imagine that the people who agreed with my letter either remained silent or came to me to express their support. Those who agreed with the session either remained silent, or they went to the session to express their disapproval. We each are somewhat shielded from the reactions on opposite sides. I was not expecting it, but several people who had experienced sexual abuse as children, or were close to those who had, profusely thanked me for writing the letter, some with tears in their eyes.

If someone thinks this West Lafayette episode and the part that our session played in it has nearly run its course, I think he couldn't be more wrong. These children from the West Lafayette congregation, some of whom have experienced horrendous acts of defilement at the hands of the abuser, are going to grow up. If they come to realize the delay in their deliverance that occurred because of early inaction by the presbytery, and they see these complaints against our church commissions that demonstrate the mindset that induced the slackness of action that was in evidence during 2020, the offense these victims will feel against the men behind these complaints will be overwhelming in comparison to any offense I may have caused to a few adults simply by drawing attention to public statements that they made in the courts of our denomination.

It is not the short-term peace of the church that we are trying to preserve, but the eternal peace of those who belong to it. The short-sighted goal of temporary peace is not in line with the true peace of the church of Jesus Christ, and our session has had the wrong set of voices guiding it. Scripture admonishes us to “Open your mouth for the dumb” (Prov 31:18), among whom are these victims of child sexual abuse. It's not the loud voices of men like Jared Olivetti that should have captured our attention and excited our strong defense.

### ***Third Charge: circumvention of church government***

The third charge I also deny, but I want to say up front that, in charging me with this sin of circumventing our form of government, the session is greatly mistaken in its notion of the limits of its authority in controlling the information that flows between the members of the



church. This is particularly true for information that concerns the election of their officers. Our session is, in effect, advancing a form of church government that, while it is not novel, it is certainly not Presbyterian.

When our family first came to Southside RPC some six years ago, David Hanson commended a booklet on Presbyterian government to me. It's called *The Five Points of Presbyterianism* and was written by Thomas Witherspoon, a 19<sup>th</sup> century American Southern Presbyterian minister and seminary professor. The first of the five points is that "Church power is vested not in officers of any grade or rank, but in the whole corporate body of believers. . . . ours is a government in which Christ rules through the voice of his people, his whole redeemed people, and not through any privileged class, any spiritual nobility, or aristocracy of grace." Witherspoon's statement, if taken out of context, is liable to be interpreted as supporting congregationalism, but he goes on to clarify that the rule of the people, though vested in the people, is not ordinarily administered by the people, but by representatives, whom the Bible calls elders or overseers. However, while ordinary members do not administer the day-to-day rule of the church, they do directly administer it when they select their rulers through voting, and this voting function of the laity is every bit as much a God-ordained part of Presbyterian church government, and it is just as important, as whatever the elders think they are doing as officers of the church. It is a part and privilege of their exercise of the office of believer.

It should be plain that, when a man puts himself forward for office in the church, his life, especially his public life—and especially his public life as he speaks to issues that concern the government of the church—are going to come under additional scrutiny. If he is so forward as to sign complaints and make public protests, he should not be upset with anyone who calls attention to his publicly stated positions. A man can't have it both ways. If he wants to complain and protest in the courts of the church, he has to stand the light of public review and be willing to defend himself if he thinks it's to his benefit. Officers ought not to start imposing censures and cutting people off from fellowship who simply point out what they said in the public courts of the church!

What the session's action in rebuking me says is that they want us to exercise our God-ordained and substantive role in the government of the church without the benefit of understanding who it is that we're voting for. They will spoon feed us the information they think we need, in essence controlling who we vote for. They do not want us discussing among

ourselves the qualifications of the men who stand for election. They seem to think they have the right to censor and approve the communication on this subject that flows between members of the church, and we have to have our information filtered through them.

Such an idea is nowhere sanctioned in Scripture. The electing function—including an evaluation of the candidates—belongs to God’s people: From Deut 1:9,13, “At that time I [Moses] said to you, ‘I am not able to bear you by myself. . . . Choose for your tribes wise, understanding, and experienced men, and I will appoint them as your heads.” From Acts 6:3, “Therefore, brothers, pick out from among you seven men of good repute, full of the Spirit and of wisdom, whom we will appoint to this duty.” The people of God themselves are charged to evaluate those whom they elect. It is part and parcel of the electing process. In both of the verses I just cited, the congregation is explicitly commanded to evaluate the candidate’s wisdom, which is exactly what my letter to certain members of the congregation purported to do.

Douglas Bannerman of the Free Church of Scotland, son of James Bannerman, writing on the people’s part in church government says, “A living and practical interest is fostered and taken for granted on the part of each believer in the common affairs and common welfare of the Christian society, both in its local and catholic form. Means are used to inform the minds of all the brethren with respect to all matters of importance with respect to which any step has to be taken. Their concurrence is carefully noted,” (*The Scripture Doctrine of the Church*, 528).

Unless our speech is sinful, it is not within the authority of the church courts to regulate it. We have the right and duty to ask ourselves and one another, “Is this the kind of man we believe ought to be leading our church?” And we have the right to answer the question by our votes. In suppressing and chilling our discussion and voting—which is what this action of our session does—they are far exceeding their authority and are not respecting the role that God has given to members of the church in the free selection of their officers. Theirs is a form of prelacy, not presbytery.

## Detailed Answer to the First Charge: The Ninth Commandment

I have explained that the session’s letter of rebuke does not attempt to convince me that I committed the sins with which the session charges me. Instead of explaining how I actually violated the law, they simply stacked up a pile of scripture quotations and catechism answers on

the general subject of Christians loving one another and our duty to protect the good name of our neighbor. They emphasized a few of the clauses by changing the font color or putting them in bold type face. Indeed, that's not an argument, and it's not suited to convince anyone of anything. Simply compiling a general list like this is not all that much different from the tone-deaf statements of Job's friends who harp on a list of general truths that they think demonstrate what a great sinner Job probably was. Job's response is applicable here: "Yea, Who knoweth not such things as these?" (Job 12:3). Yes, we are supposed to protect one another's reputations. Yes, we are supposed to love one another as Christians. Does this mean that sharing information unflattering to someone's character or judgment is always slanderous or unloving? No, it does not.

There are a couple of ways one may understand the catechism statements as they address the "good name" of our neighbor. This expression, "good name," means one of two things: 1) It might be taken as a synonym for our neighbor's reputation in general, and the catechism expects us to understand that there are exceptions to the statements about his reputation that are based on other considerations about the person. This is entirely possible. As detailed as the Catechisms are, they do not contain complete descriptions of the matters they address.

Or, 2) the Catechism may be using the expression "good name" to refer to only the part of the publicly known character qualities of the man that are, in fact, good. In this case, it is slander, for example, to misrepresent the parts of his character that are commendable, but it is not slander or malicious gossip to speak of his character qualities or actions that are not commendable when what is said is true and there is good reason for bringing it to light.

For the purposes of our discussion, it doesn't matter which of these interpretations we adopt. If a distinction of the type I am describing is not, in fact, necessary and integral to a correct understanding of the biblical definition of slander or gossip, we would have to say that John the Baptist was slandering the Sadducees and Pharisees when he called them a generation of vipers (Mt 3:7). Did that not bring their names into disrepute? What about the writer of 1 Kings recording that Elijah called Ahab the real troubler of Israel (1 Kin 18:18)? Elijah probably said that in front of Obadiah. The author of 1 Kings told all the rest of us about it. Did Jesus slander the moneychangers by publicly calling them a den of thieves (Mk 11:17)? Did Luke have John Mark's reputation chiefly in mind when he described his deserting Paul and Barnabus in

Perga of Pamphylia (Ac 13:13)? How about Paul reprimanding Peter in Antioch and reporting it to the whole church in the region around Galatia (Gal 2:11)? Was that malicious gossip?

As a matter of fact, our session has been working about as hard as it can to damage my reputation. I don't think it's for any good purpose, nor is it based on sound reasoning, but they must think they are somehow allowed to do this.

There are many good reasons that someone's reputation might be publicly called into question, or the error of their teaching exposed, or the nature of their public advocacy described unfavorably to other people. In the present case, there are good reasons for demonstrating to people who have a legitimate interest in knowing, the mistaken nature and dangerous tendency of what a candidate for church office is publicly advocating in the courts of our church.

Since the session has not taken the trouble of going into the details of how these verses and confessional statements apply, they have left the statements purely in the general, and therefore what they say invokes a logical fallacy. Here is the syllogism:

Major Premise: To criticize someone publicly unjustly harms his reputation.

Minor Premise: Ben criticized Nick in public.

Therefore: Ben is guilty of unjustly harming Nick's reputation.

Only the minor premise is true. The major premise is false. That does not prove that the conclusion is necessarily false, but the session has not by any means demonstrated the truth of its conclusion. They bear the burden of proof if I am to be convicted of committing sin, and since they have not proven what they need to, I should be acquitted of this charge on this basis alone.

### ***The Conclusion is False***

Be that as it may, the conclusion they have come to is actually false. I am going to demonstrate this by asking some questions.

### ***Questions:***

1. Suppose a committee of the church were to invite Rutledge Etheridge to candidate at our church as a pastor. Mr. Etheridge is a minister in good standing in our denomination. He is a skillful preacher. Would I be guilty of malice or slander for telling people that Rut Etheridge

has marched with Black Lives Matter, and that he promotes aspects of BLM in articles posted publicly on the denominationally oriented blog site, *Gentle Reformation*?

Let's disentangle the question of slander or gossip from the size of the audience to whom it is communicated. We'll come back to the question of the size of the audience later.

2. How large an audience is required when speaking slanderous words for it to be considered slander? Can you slander someone when speaking to only one person? Yes you can. So the essence of slander or gossip is not dependent on how many hearers there are. We'll proceed along that line for a while.
3. Let's go back to Mr. Etheridge. Suppose a man in the congregation and I were discussing the hypothetical election. Would I be committing sin if I told this man what I had learned about Mr. Etheridge's advocacy of Black Lives Matter? Would you say that I slandered Mr. Etheridge or maliciously gossiped about him, and take action against me, tantamount to casting me out of the church?
4. What if one of the women of the church were recommending that a woman's book study read and discuss Faith Martin's book, *Call Me Blessed: The Emerging Christian Woman*? Mrs. Martin is a woman in our denomination whom I do not believe was ever disciplined for writing this book. Would I be guilty of unjustly harming Faith Martin's reputation if I discouraged my daughters from attending this proposed book study because the book attacks the biblical principle of male headship and authority in the family and the church? I think you can hardly say that I am committing a sin by doing so. If you want to go on record as defending such a position, let us all know. Let's be honest about this. Is this where you are?
5. Let's continue. What if the church, a year or two ago, had invited Rosaria Butterfield to speak to the women of our church. Suppose I told my adult daughters that they should be wary of Mrs. Butterfield's doctrine of hospitality because at that time, and in her book, *The Gospel Comes with a House Key*, she said that exercising hospitality requires us to use the preferred pronouns of so-called transgendered people. Would I be maliciously gossiping about Mrs. Butterfield by discouraging my daughters, or anyone else, from receiving such teaching? Perhaps you are aware that Mrs. Butterfield, within the past year, has confessed that her statements on transgender pronouns in that book were sinful. But recall, we're talking about a hypothetical situation occurring before her confession. Are you going to claim that I would have been mistreating Mrs. Butterfield by making known her public advocacy of the use of transgender pronouns?
6. Now, what if I told only my wife that Mrs. Butterfield was still a lesbian? Would that be slander? Yes it certainly would be slander, even though I told only one person and it was someone as close to me as my wife.

7. Why? What's the difference this time? In the one case the information is true, she did teach and promote the use of transgender pronouns, and in the second case the information is false. She is no longer a lesbian.
8. Let's suppose I said to a friend of mine that the last time I heard Rosaria Butterfield speak in public she emitted a loud burp after the fourth word she said. Let's suppose it's true, that she did do this. If I were only trying to embarrass her, this would be a mild form of malicious gossip. But suppose the friend were the sound technician at our church and I was trying to get him to enable the burp filter on the microphone when it came time for her to speak. Would that be malicious? No. Just the opposite.

I hope we can all agree: For communication to be considered slander or malicious gossip it either has to contain false information that reflects negatively on someone, or it may be true information that is not shared for a good purpose or reason. I don't have the right to share such information, and I submit to you, by the same token, the session does not have the right to share such information either.

That being the case, if my accurately reporting the facts and context of Nick Ritenour's support for the complaint against the Synod Judicial Commission constitutes an unjust harm to his reputation, it follows that the session also commits the same sin if it shares that same information with the same person or group of people, even if it's just an individual seeking advice on how to vote. This necessary conclusion, I think you will have to agree, is absurd.

I know the session will want to say they think I don't have the authority to share publicly available information bearing on an election, whereas they are the sole guardians of such information. But here they veer off course. We're not discussing the source of this information, but whether the information is slanderous or malicious in and of itself. If it is, they don't have any more right to share it than I do. Indeed, when an authority figure does share slanderous information, his authority—far from giving him the right to commit slander—is an aggravation of the slander because it adds the perception of legitimacy to the slander. The issue of authority does not come into the definition of slander proper except insofar as it might aggravate it. Matters of authority come under the Fifth Commandment, not the Ninth Commandment. We are here trying to determine the nature of slander or gossip itself, and the legitimacy of the content of information. It's not a question at this point of who has the right to share the information.

I said I would come back to the question of the size of the audience to whom an alleged slander is spoken. I have alluded to aggravation of sin just now. The number of people with

whom slanderous information is shared only has bearing on aggravation of the sin of slander—the larger the audience, the greater the aggravation. If the information is not slander or gossip, it cannot be aggravated, and therefore the number of people with whom it is shared is irrelevant.

I contend that my statements about Mr. Ritenour did not unjustly harm his reputation. My report accurately explained what he advocated—not merely what he did, but what he advocated—in a public court of our church. I did so for the purpose of guarding the purity and long-term peace of our church. The session obviously disputes my right to be publicly concerned with the purity and long-term peace of the church, but they can't say that my purpose in bringing this matter to the attention of our brethren was simply to shame our brother Nick.

Far from it. I avoided even using his name, or anybody's name—even Jared Olivetti's—in my letter. I thought that if some readers did not want to take the trouble to go to the public records I cited, they weren't concerned enough to take the matter seriously and didn't have any reason to know who I was talking about. I explicitly commended Mr. Ritenour as a kind and gracious man with wisdom in many areas, a man I nearly nominated as elder myself, calling him a good man, and making it clear that I was not accusing him of sin. My criticism was very narrowly focused, and I showed the consistency of this criticism with the sentiments of the vast majority of the Synod. I was deeply sorry that it was necessary to write what I did, knowing that it would likely make Mr. Ritenour and others whose names appeared with his on the complaint feel bad. I spoke to Mr. Ritenour before I sent the letter to ascertain whether his views were still the same, I sent the letter in plenty of time for him to respond to it, and I sent him a separate email inviting him to respond if he wished to do so, offering him my mailing list, and telling him how sorry I was that I felt it necessary to write the original letter.

I wish to state here clearly that the session's insinuation, in the letter of rebuke they gave me, that I have called Mr. Ritenour's service as a deacon into question, or his character as a fellow believer into question, is absolutely false and baseless. There is nothing I said about his general character that was not commendatory. These men on the session should be ashamed of the sloppy way they have accused me of sin in this regard simply because they wanted to use a particular Bible verse to support their case.

We should pause to ask why my bringing this public action to the attention of people in our church would make those associated with it so sorry. I myself filed a complaint with the Synod in the fairly recent past. If someone wants to point out to people in our church that I filed the complaint, and even explain why they disagree with me, I wouldn't have the least problem with it as long as they portrayed what I did and the content of my complaint accurately. It wouldn't cross my mind to charge such a person with slander, even less to try to get him ejected from the church. If Mr. Ritenour's complaint were good and noble, why are we so upset that it has been brought out into the light of day? Why does this harm his reputation? Maybe there is something wrong with the complaint. Maybe that's where we should be looking for a problem.

## Prejudice, Partiality, and Hypocrisy

Before I close, I have some further questions that demonstrate the partiality and hypocrisy of the session in bringing these charges against me. Our Book of Discipline, Section II, ch. 4, sec. 10 states that grounds of appeal include "manifest prejudice or unfairness to the party on trial." From the Synod records it can be shown that the session has unfairly targeted me for prosecution, while other members of our congregation are allowed not only to discuss but to write public documents critical of the conduct of members of our church courts.

As described above under the third charge, the session disputes the right of the people of the congregation to discuss matters of larger church controversy among themselves.

9. An officer election, as I pointed out earlier, is the only direct administration of church government that the Bible commits to ordinary members of the church. If ordinary members can't even talk to one another about church issues as they bear on an officer election, how is it that they are allowed to bring up church matters in conversation with one another when it comes to the behavior of the church courts, where the elders are the only direct administrators? In other words, if it's inappropriate for lay members to discuss a church officer election, is it not even more inappropriate for them to discuss matters that come before the courts of the church in general?
10. If we're not supposed to be discussing such matters, how is it that people like Megan Hanson, Rafa and Sarah Perez, and Nick and Esther Ritenour (all coincidentally members of the family of David Hanson) know about the details of this Presbytery and Synod issue—enough so that they feel confident in signing a complaint about it? They have obviously been discussing it among themselves and with others, have they not? Why is it acceptable for these lay people to discuss these church matters, but not for me? (Please note, I am not



contesting the right of these laypersons to be informed of these matters by their relatives or anyone else—I think they have this right. My question is rhetorical. Why do they have the right to discuss these matters, but I do not?).

11. *More importantly*, how did they learn in the first place about the issue that concerned them? They're not members of the session or the presbytery, or delegates to Synod. Obviously, somebody informed them of these Synod matters—and, it's apparent that this person shared with them more than what was public information. Why is this person who provided their information allowed to discuss Synod matters, public and private, with the laity whereas I am forbidden to discuss even purely public issues?
12. As an example of non-public information shared by the informant, Mr. Ritenour told me how disturbed he was at what he claims is the extreme bias of a certain member of the Synod Judicial Commission, and he named him specifically. Is that a slanderous reflection on this man's character that Mr. Ritenour shared with me? Where did the information that informed his opinion come from?

The presbytery is aware, I know, that this accusation of bias on the part of the church courts and its commissioners is not an isolated thing. Some of the members of our session have made these claims against every church court or commission that has investigated the West Lafayette church issue: Faith Church in West Lafayette, the GLG Presbyterial Judicial Commission, the Synod Judicial Commission. Every one of them is somehow biased, and these men have been writing and signing documents saying so, they have been telling the people of our congregation that these commissions are biased, they have even been naming members of these commissions individually as such, and they have been telling people of our congregation that the Synod Judicial Commission exceeded its mandate and acted improperly.

13. How are these grave accusations against the courts of our church to be justified? "Contempt for the courts of the church" is one of the three categories of sin explicitly identified in the Book of Discipline.
14. Tell me, why are members of our session allowed harshly and continuously to criticize our church courts and denigrate the character of its members, while I stand rebuked simply for saying that I agree with our Synod that the people who signed this complaint showed bad judgment and demonstrate a lack of understanding of Presbyterian government?

For this I am tried *in absentia* and censured more severely than some of you thought the West Lafayette elders deserved for negligence that led to the sexual abuse of little children. All I can say is, the Lord look on it. The Lord bear witness.

## Violations of Order and Ethics in the hearing of the appeal by GLGP

In additions to the reasons adduced in the appeal as filed with the GLGP (essentially, what is written in the paragraphs above), which reasons all remain current and valid, I am appealing the decision of the GLGP based on the following egregious violations of order and sinful conduct that were part of the deliberations of the GLGP as they discussed my appeal.

1. Despite repeated sound instruction to the contrary from the moderator, presbyters urged and argued reasons for not sustaining the appeal that had no basis in the record of the case. This is a violation of BOD Sec. II, Ch. 4, sec. 15, "The decision of the higher court must be based solely on the records of the lower court."
  - a. Pastor Rich Holdeman of the RPC of Bloomington, Indiana, during judicial deliberation (Agenda Item 14.D.C) stated that overturning the session's discipline would be like imitating the so-called "Monday morning quarterback," and that the session should be presumed correct. This allusion and metaphor were taken up by several other subsequent speakers. The presumption of a court's likelihood of being correct in its decision is a consideration that is outside the record of the case and should not form the basis of a judicial decision. A presumption of correctness in the lower court's decision does, in fact, overturn the entire principle of the notion of an appeal, preventing any appellant from gaining a fair and impartial hearing in our church judicatories.
  - b. Elder Ross Cerbus, representative of the session of SSRPC, during Agenda Item 14.C.D., "Questions for the Session," stated "You all know discipline is not a one-off situation," meaning that other alleged and unspecified considerations of the appellant's previous conduct needed to be considered in the question of sustaining or not sustaining the appeal. These considerations that presumably exist in the off-record account, are, by definition, not part of the "records of the lower court."

2. The SSRPC session introduced a new and serious charge, not part of the record of the case, against the appellant in its speech during Agenda Item 14.C.D., "Questions for the Session." Mr. Cerbus was questioned as to why the session of SSRPC had not gone to speak to the appellant before rebuking him in May. Mr. Cerbus's answer was that the session could not speak to him (or perhaps did not deem it effective), "because of the session's past dealings with Mr. Manring." This serious charge of general and repeated intransigence is how scripture describes Nabal the Carmelite, "for he is such a son of Belial, that a man cannot speak to him," (1 Sam 25:17).
3. The new charge introduced by the SSRPC session had never been discussed with the appellant and was heard by him for the first time on the floor of the presbytery. Since the appellant had not been granted privileges of the floor, he had no opportunity to answer the charge.
4. Members of the court, even the appellant's court-assigned counsel, did not challenge the assertion of Mr. Cerbus, but took it as a running hypothesis in their following speeches that Mr. Manring is "a difficult member." In the appellants estimation, the remainder of the hearing became a referendum on the character of the appellant based on these unspecified "past dealings of the session with Mr. Manring."
5. The new charges by the SSRPC session are known by the appellant to be false, and can be shown as such by reference to the SSRPC session minutes (where no record of the session's alleged "past dealings with Mr. Manring" will be found), by the testimony of elders on the session, if they would testify (Ac 26:5), who have nominated the appellant for the office of church elder in the recent past, and by the fact that the appellant has often been asked by the session to teach adult Sunday school classes.
6. The session's lack of fidelity when testifying in a church court (*Westminster Shorter Catechism*, Q. 77, "especially in witness bearing"), and the failure of the GLGP to stop these damaging remarks, undermined the entire court proceeding.

## **Appendix A:**

### **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,



Ben Manring  
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 Edinburgh, IN 46124  
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[Ben@ManringFamily.net](mailto:Ben@ManringFamily.net)

## Appendix B



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### Reformed Presbyterian Church of Southside Indianapolis

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May 9, 2023

Mr. Ben Manring  
10285 S Auburn Hills Drive  
Edinburgh, Indiana. 46124

Dear Ben,

We, the Southside Session, are formally writing to you to address your email with the subject line “West Lafayette church issue as related to our elder election” that was distributed to many in the congregation on April 7, 2023.

Our Lord and his apostles give commands in scripture to the church describing how we are to treat one another as brothers and sisters in Christ. A survey of numerous New Testament texts that include the words “one another” yield a wealth of wisdom. We are commanded to *love* one another, to pursue *unity* and *peace* with one another, and to demonstrate an attitude of *humility* and *deference* to one another. For example:

*This is My commandment, that you love **one another**, just as I have loved you.* John 15:12

*Let love be without hypocrisy. Abhor what is evil. Cling to what is good. Be kindly affectionate to **one another** with brotherly love, in honor giving preference to **one another**; ... Be of the same mind toward **one another**. Do not set your mind on high things, but associate with the humble. Do not be wise in your own opinion.* Romans 12:9-10, 16

*I, therefore, the prisoner of the Lord, beseech you to walk worthy of the calling with which you were called, with all lowliness and gentleness, with longsuffering, bearing with **one another** in love, endeavoring to keep the unity of the Spirit in the bond of peace.* Ephesians 4:1-3

Our Catechisms’ exposition of God’s law makes it clear that the duties required, and the sins forbidden demand that we give careful attention when dealing with “the good name of our neighbor.”

LC Q. 144. *What are the duties required in the ninth commandment?*

A. The duties required in the ninth commandment are, **the preserving and promoting of truth between man and man, and the good name of our neighbor**, as well as our own; appearing and standing for the truth; and from the heart, sincerely, freely, clearly, and fully, speaking the truth, and only the truth, in matters of judgment and justice, and in all other things whatsoever; a charitable esteem of our neighbors; loving, desiring, and rejoicing in **their good name**; sorrowing for and covering of their infirmities; freely acknowledging of their gifts and graces, defending their innocency; a ready receiving of a good report, and unwillingness to admit of an evil report, concerning them; discouraging talebearers, flatterers, and slanderers; love and care of our own good name, and defending it when need requireth; keeping of lawful promises; studying and practicing of whatsoever things are true, honest, lovely, and of good report.



LC Q. 145. *What are the sins forbidden in the ninth commandment?*

A. The sins forbidden in the ninth commandment are, all **prejudicing the truth, and the good name of our neighbors**, as well as our own, **especially in public judicature**; giving false evidence, suborning false witnesses, wittingly appearing and pleading for an evil cause, outfacing and overbearing the truth; passing unjust sentence, calling evil good, and good evil; rewarding the wicked according to the work of the righteous, and the righteous according to the work of the wicked; forgery, concealing the truth, undue silence in a just cause, and **holding our peace when iniquity calleth for either a reproof from ourselves, or complaint to others; speaking the truth unseasonably, or maliciously to a wrong end, or perverting it to a wrong meaning, or in doubtful or equivocal expressions, to the prejudice of the truth or justice**; speaking untruth, lying, slandering, backbiting, detracting, talebearing, whispering, scoffing, reviling, rash, harsh, and partial censuring; misconstruing intentions, words, and actions; flattering, vainglorious boasting, thinking or speaking too highly or too meanly of ourselves or others; denying the gifts and graces of God; aggravating smaller faults; hiding, excusing, or extenuating of sins, when called to a free confession; **unnecessary discovering of infirmities**; raising false rumors, receiving and countenancing evil reports, and stopping our ears against just defense; evil suspicion; envying or grieving at the deserved credit of any; endeavoring or desiring to impair it, rejoicing in their disgrace and infamy; scornful contempt, fond admiration; breach of lawful promises; neglecting such things as are of good report, and practicing, or not avoiding ourselves, or not hindering what we can in others, such things as procure an ill name.

At our April 11, 2023, session meeting, the elders judged your email to be an uncharitable communication about brothers and sisters in Christ and disruptive to the peace and harmony of the church.

*Uncharitable communication* — In the email, you publicly brought into question the fitness of a man to serve as an elder, one who is a member in good standing and presently serving well as a deacon. *For those who have served well as deacons obtain for themselves a good standing and great boldness in the faith which is in Christ Jesus.* (1Timothy 3:13). If elected by the congregation, he will in due time be examined by Session before proceeding to serve.

*Disruptive to the peace and harmony of the church* — In the email, you have shown disrespect for the courts of the church by taking it upon yourself to instruct the congregation directly how they should vote in the elder election. Session has given the instruction we deem appropriate and necessary for the elder election and left it as a matter of private judgement for communicant members to vote for qualified men. Our Presbyterian system of government provides a process for appealing decisions of a court. You have circumvented this process.

We as your elders and brothers in Christ judge that your April 7, 2023, email is worthy of censure. *Therefore, this Court of Christ's Church sadly and solemnly rebukes you for your sin. You are commanded to give evidence of sincere repentance, and to be more watchful, studying to know and do the will of God.*

We are praying that you will receive our rebuke with godly humility and follow with godly actions of repentance and reconciliation.

Yours in the Chief Shepherd,  
The Session of Southside Indianapolis Reformed Presbyterian Church

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Senior Pastor David W. Hanson ~ Associate Pastor Ian E. Wise

## Appendix C

----- Forwarded message -----

From: **Steve Sturm** <[stevesturm@pobox.com](mailto:stevesturm@pobox.com)>

Date: Tue, May 23, 2023 at 10:03 AM

Subject: Communication from Session

To: Elizabeth Manring <[elizabeth.manring@gmail.com](mailto:elizabeth.manring@gmail.com)>

Dear Congregation,

On April 7, many of you received an email from Ben Manring, with the heading, 'West Lafayette church issue as related to our church election.' It is the judgment of your Session of Elders that this was an uncharitable and divisive communication, disruptive to the peace of the Church. In keeping with the public nature of the offense, we are notifying you that Session has issued our brother Ben a rebuke.

As the Book of Discipline says, the goal of a rebuke is to 'call for repentance and reformation of life.' Please be in ongoing and earnest prayer for this situation.

Southside Session