

11/25/05

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Dear R.C. and Session members,

As you well know from my publications, I'm a staunch defender of religious freedom. I view it as morally repugnant to compel a man to acquiesce to doctrines that he does not believe in. Without liberty of conscience there can be no religious freedom. To attempt to bind a man's conscience to beliefs that he abhors is tyrannical, and where such compulsions are perpetrated by the clergy it is ecclesiastical despotism. The Reformed Presbyterian Church General Assembly affirms liberty of conscience:

Liberty of conscience is a God-given right to every individual to be bound to the teaching of God's Word alone. RPCGA Book Of Church Order, §A5:1

Sadly, there are some clergy in America who have, in practice, forgotten that this nation was founded, first and foremost, to establish a haven of religious liberty for the Christian religion. Instead, they browbeat their church members into doctrinal conformance, including in non-essentials.

While the clergy must be ever vigilant to guard the church against heretics and rebels, a charge of "heresy" or "rebellion" should only be made where it can be readily substantiated from Scripture. I would argue that such a charge could hardly ever be justly leveled, unless it is against one who has opposed or denied one of the essential tenets of the orthodox Christian faith, or against one who has demonstrably disturbed the peace of the church. In non-essentials church members must be given considerable latitude, insofar as their beliefs do not result in sin, and they do not overtly attempt to make "converts" to their position in such a way that foments discord in the local body.

We have a duty, as those called in the hope of Christ Jesus, to seek reconciliation among the Reformed churches and to seek accommodation on the diversity of thought concerning the non-fundamentals. BCO §A6:10

One of the marks of any true church of Jesus Christ, as taught by the Reformers, is the "right administration of discipline."

The third distinguishing mark of the true church is the holiness of her members which is directly related to the right administration of church censure and discipline. *The Three Marks Of the True Church*, Dr. C. Matthew McMahon,
<http://www.apuritansmind.com/Pastoral/McMahonThreeMarksTrueChurch.htm>

The marks by which the true church is known are these: if pure doctrine is preached therein; if she maintains the pure administration of the sacraments as instituted by Christ; if church discipline is exercised in punishing of sin. . . Belgic Confession 29

A church which fails to discipline a member who has fallen into sin is no true church of Christ. However, the same can be said of any church which falsely accuses members of sin, or which calls “sin” things which are no sin at all. The standard for determining sin is the Word of God.

One of the major reasons that I elected to move my family to Bristol to join St. Peter Presbyterian Church is that St. Peter is a member of the RPCGA. I have known Dr. Ken Talbot for some years and hold him, and other men in the denomination, in the highest esteem. The RPCGA BCO is one of the finest church constitutions I have ever reviewed (and I have reviewed many). The protections afforded an accused person by the constitution are indicative of it having been drafted by men who are greatly concerned for biblical justice, and the prevention of ecclesiastical tyranny. Nevertheless, a constitution is only as good as an elder’s resolve is to comply with his oath to submit to it.

I have grown alarmed by what I could only too graciously characterize as doctrinal overzealousness on your part. The entire session has been complicit with you, in your overzealousness. Perhaps the best example I could cite is your treatment of the Austins. While I would not assert that the Austins have been entirely blameless in their conduct, I would charge that your reaction has in no way been commensurate with their alleged offense. Your conduct has been unbiblical, unpastoral and even retaliatory, if not tyrannical:

But it ought not to be forgotten, that the severity becoming the Church must be tempered with a spirit of gentleness. For there is constant need of the greatest caution, according to the injunction of Paul respecting a person who may have been censured, “lest perhaps such a one should be swallowed up with overmuch sorrow;” (2 Cor 2:7) for thus a remedy would become a poison. *Institutes Of The Christian Religion, John Calvin, Vol. II, Book IV, Chapter 12, §8, The Discipline of the Church; Its Principal Use in Censure and Excommunication*

Indeed, by your heavy-handed example you have caused “overmuch sorrow,” and that sorrow has overtaken not only the Austins, but now also rests in the hearts of other St. Peter members, as well as several former St. Peter members who departed St. Peter over this very issue. Other St. Peter members, following in your example, have succumbed to the sin of bitterness and hostility against the Austins. You have poisoned friendships and “thus a remedy would become a poison.”

[As] we are taught by the apostle, who says, “Yet count him not as an enemy, but admonish him as a brother.” (2 Thes 3:15) Unless this tenderness be observed by the individual members, as well as by the Church collectively, our discipline will be in danger of speedily degenerating into cruelty. *Calvin’s Institutes, Vol. II, Book IV, Chapter 12, §10*

I was born and raised a Reformed Presbyterian. In all my years I have never witnessed such abject cruelty as I am now witnessing being perpetrated by the Session of St. Peter Presbyterian Church. You have not admonished John Austin but, rather, you have reviled him. By your cruel conduct you have evidenced that you do not count the Austins as brethren, but your personal enemies. Moreover, you have insisted that the entire assembly treat them in the same cruel manner as you have. The only “tenderness” the Austins have received is from those few St. Peter members (the Kershaws included) who have ignored your mandate to shun the Austins.

You have repeatedly “prayed” for the Austins, and for their “repentance,” in church services. Yet, their alleged “sins” are entirely doctrinal in nature, and their doctrinal differences are over non-essentials, such as baptism and church membership. Your so-called “discipline” of the Austins violates the directives of Mathew 18:15-17 and in no way qualifies as “pastoral.”

The purpose of church discipline is to restore an individual to rightful fellowship. It is expected that a pastoral approach to discipline be practiced. The principle of Matthew 18:15-17 should be applied in all cases before judicial discipline begins. BCO §D1:1D

The Austins cannot subscribe to your doctrines on baptism (in point of fact there are many current and former St. Peter members who find the novelty of a number of your doctrines disturbing). Nor do they believe in your definition of church membership, or your practice of it. Before becoming members of St. Peter the Austins expressed their reservations over several of your doctrinal beliefs and practices. In response they were told, “All you have to ascribe to is the Apostle’s Creed.” Given that other church members have been told much the same thing, their story is credible. With this understanding, the Austins then became members.

Subsequently, John claims that you belligerently confronted him, in the context of baptism with, “You have to make a choice about Shannon [your mentally handicapped daughter]. Either she’s going to heaven or hell. Which is it?” John doesn’t believe in any shade of baptismal regeneration, or as you have termed it, “presumptive regeneration.” He avoided answering with either choice you gave him and simply answered, “I don’t know. It’s not for me to say. God is Judge, not me.” You elected to interpret John’s answer as “Shannon is going to hell,” and your conduct toward the Austins since that time has been retaliatory, rather than reconciliatory, pastoral, or even confessional:

Elect infants, dying in infancy, are regenerated, and saved by Christ through the Spirit, who worketh when, and where, and how He pleaseth: so also, are all other elect persons who are incapable of being outwardly called by the ministry of the Word. Westminster Confession Of Faith, Chapter 10, Section 3, *Effectual Calling*

John’s answer to you was in-line with the Westminster Confession on this issue. He doesn’t know whether Shannon is elect or not. That means you must put your trust in a sovereign God who does all things according to His holy will, not in man or any false pretense of a presumed “regeneration.”

As the Austins view it, any requirement of giving assent to presumptive regeneration is a significant and untenable expansion upon the original vows they took when they became members. In effect the terms and conditions of their membership were unilaterally expanded at your demand. This they could not agree to. However, at no time did the Austins challenge or interfere with your prerogative to teach your doctrines. This is in spite of the fact that your teaching on “presumptive regeneration” by baptism doesn’t even conform to the RPCGA’s:

Baptism. Whereas, any doctrinal teaching that asserts that Baptism regenerates, initiates or infuses Christ's righteousness, resulting in a personal righteousness, thereby making him acceptable to God in salvation, is contrary to the Bible and the Westminster Standards.
http://www.rpcga.org/index.php?p=aboutus&sub=justification_1&sub_nav=OSS

This declaration is based on Chapter 28, Section 5 and 6 of the Westminster Confession, which states:

Although it be a great sin to contemn or neglect this ordinance, yet grace and salvation are not so inseparably annexed unto it, as that no person can be regenerated or saved without it; or, that all that are baptized are undoubtedly regenerated.

The efficacy of baptism is not tied to that moment of time where it is administered; yet notwithstanding, by the right use of this ordinance, the grace promised is not only offered, but really exhibited and conferred, by the Holy Ghost, to such (whether of age or infants) as that grace belongeth unto, according to the counsel of God's own will, in His appointed time.

What would Westminster Presbytery and the RPCGA think of this issue? It would seem that it is you, and not the Austins, that are out of accord with the Westminster Confession and the BCO.

As a result of your doctrinal belligerence, and your refusal to permit John the liberty of conscience that he is constitutionally guaranteed, John sought to depart St. Peter, and to do so in a peaceful way. However, you have refused to permit them to relinquish their membership, asserting that they are still under the session's authority and, that until they "repent of breaking their membership vows" and that unless they fully submit to the authority of the session, they will not be permitted to leave. In correspondence with John you have stated:

There are only three ways to leave a particular church. You can be handed to the care of another, which, as I've stated, we would be happy to consider, if only you would have the integrity to ask, and the patience to work through the differences we have. You can die. Or you can be excommunicated. There is no such thing as resignation.

Needless to say, you never informed the Austins of your personal views on church membership (views which are in no way supportable from Scripture, the BCO, or the rules of Presbytery), prior to their becoming members, nor did you disclose it to anyone else, for that matter. Legally speaking this is a violation of the legal doctrine of 'truth in packaging' or 'proper disclosure'. This constitutes an act of fraud, resulting in the fact that the Austins could legally charge that a civil tort has been committed against them resulting in mental and physical injury. As just one example of the injury you have caused them, ever since the time that the Austins discovered that the session had given the order to shun them, Julie has suffered from fibromyalgia:

Primary Fibromyalgia Syndrome (PFS). The condition occurs mainly in females, is particularly likely to occur in healthy young women who tend to be stressed, tense, depressed, anxious.
Merck Manual, 16 ed. pp 1369-70

The Austins allege that the shunning you instituted has caused them severe injury and harm, both emotionally, and in their physical health. The Austins are not the only ones to have suffered emotional and physical damage, as a result of your shunning order. Other members of St. Peter have also suffered from it, as well, particularly those who were close friends of the Austins, but who can no longer fellowship with them, per your mandate. You have left yourself extremely vulnerable to litigation. Given that every member of the session has been complicit in the shun order, every member of the session would likely be named in any such civil tort. The fact that you ordered that even the Austin children be shunned would make you a pariah in the eyes of any civil judge.

Adding to your legal liabilities is the matter of gossip. Gossip is not an uncommon problem in many churches. However, this is the first time in my entire life where I have been a member of a church where much of the gossip originates from within the session. Many church members are witnesses to the fact that you, as well as Laurence, have initiated multiple *whispering campaigns* against members

that have fallen out of your favor. The Austins are not alone as victims of your defamations and malicious slanders. As you know, I have already confronted Laurence, and my wife has confronted Angela, about their malicious gossip against us. Laurence should have *Marandized* us prior to our two counseling sessions with him: “Everything you say can *and will* be used against you.” Neither Laurence nor his wife have ever denied their actions, but neither have they ever apologized.

The combination of unwarrantable shunning and gossip, should the Austins be disposed to pursuing it civilly in a tort libel suit, would likely result in a huge financial judgment against you and every member of the session. I’ve been astonished ever since I discovered the plight of the Austins as to how incredibly foolish you and your session have been. If your course of direction and demeanor does not soon radically change, I predict you and your session members will, soon enough, lose all of your assets, as well as have your wages garnished by civil judgments, for many years to come.

No oath, vow, covenant or contract can be held to be binding on a person when the terms and conditions thereof were not fully disclosed in advance. It’s a matter of informed consent, and in John’s case you provided no informed consent.

Perhaps you have just *assumed* that everyone who took the membership vows understood implicitly your undisclosed terms and conditions of church membership; but you have certainly never done anything to explicitly disclose it to anyone, prior to their becoming a member. Church membership classes are common in Presbyterian churches (and many other churches), and for good reason. Such classes serve to provide informed consent, as well as work out doctrinal differences, thus preventing the sorts of problems you are responsible for creating with the Austins.

Perhaps this isn’t mere oversight, but deliberate. Perhaps you evade membership class over concerns that you will be required to furnish biblical support for your theories on church membership. Your opinions on church membership are just that – your personal opinions which lack support from Scripture or the church constitution. Furthermore, if you were to disclose to any prospective member your position on how a member can depart St. Peter, with, “You can be handed to the care of another, which. . . we would be happy to *consider*,” you probably wouldn’t get many takers. Quite obviously, such language makes a church member completely beholden to the session. Apart from the session agreeing that the member can depart, he isn’t free to depart. If you don’t approve of the church where he wishes to transfer, you can prevent his being “handed to the care of another.” If he departs after the session has turned down his request, he will be charged as a “vow breaker.”

Operating under such autocratic rule means that the session can hold a member hostage, at least until such time as the member meets the threshold of some arbitrary criteria that the session dictates at its pleasure. Or the session could unreasonably delay a member’s departure, perhaps doing so in order to set an example to other members who might wish to leave. As the session has already informed John, “It could take up to a year or longer for the session to decide whether or not we will release you.” In other words, *You could wind up having to stay here the rest of your life.*

In your correspondence with John, you have likened his church membership vows to the vows he took when he married Julie. For an otherwise intelligent man you have fabricated a rather weak, if not ludicrous, comparison in order to justify your autocratic rule. Not all vows carry the same weight or significance, and marriage vows have little if anything in common with membership vows to a local church, as is proven through your own example as pastor. Would you marry a couple and allow them to take wedding vows without first requiring them to sit with you in pre-marital counseling classes? Yet, there aren’t any pre-membership counseling classes even available, let alone required, at

St. Peter. If you really believed that church membership vows were all that significant, or that they were in anyway comparable to marital vows, you would treat them with similar solemnity.

It's for good reason that you do treat the institution of marriage with great solemnity. Taking such vows should never be entered into lightly, nor can such vows subsequently be vacated for light reason. Such is not the case in your administration of church vows. You treat the whole matter as an almost casual affair, thus leaving the vow-taker with the impression that being subsequently released of their vows would be every bit as casual an affair. Marriage vows are "until death do us part." I trust you aren't inferring the same to be the case of church membership vows (unless, that is, you acknowledge that such vows apply only to the church universal, and not just to a specific local assembly).

Nothing in the BCO or the rules of Presbytery precludes any individual, not already under sanction, from removing themselves from membership from St. Peter. No one needs your permission to leave. However, you have deliberately deceived the members of St. Peter into believing that they need your permission to depart and join another church. You have reinforced the deception by falsely accusing the Austins of being "vow-breakers," and then held them as an "example" of what happens to anyone who departs without first obtaining your permission.

The RPCGA BCO maintains in D3:2A that membership removal from the rolls of a particular church shall be done "according to the procedures determined by presbytery." The rules of "Erasure from a Particular Church," as established by Westminster Presbytery, do not preclude members from transferring to a different church of like faith and practice. There is no requirement that they first get the approval from the session. They can only be disciplined for the following reasons:

- (1) joining a denomination that violates A4:2 of the BCO
- (2) joining a different denomination and they (the denomination) refuse to transfer membership
- (3) joining an apostate denomination
- (4) the member can no longer be located
- (5) member fails to attend church for longer than six months
- (6) underage member is removed from the jurisdiction of the church by the parents
- (7) if members refuse to recognize the denomination's jurisdiction over them (meaning that they become disobedient to the discipline of the church, which would not include transferring of membership)
- (8) if the member has changed their beliefs which would affect their membership with the denomination.

You have concocted a flimsy doctrine whereby no one gets to leave without your permission under the guise that "we have vowed to care for the souls of these sheep." Yet, rather than showing pastoral care and compassion for souls, you have demonstrated, and continue to demonstrate, autocratic abusiveness. You have no biblical justification to accuse the Austins of sin, merely on the basis that their views of church membership do not conform with your own, and particularly in light of the fact that you never even disclosed your views prior to their taking their vows. Have you read Chapter 22, Section 3 of the Westminster Confession (Lawful Oaths and Vows)? What duty does the session have to ensure that any individual clearly and with good conscience, can believe and perform such a vow, if you are derelict in providing full disclosure?

Given that John does not subscribe to your interpretation of church membership, and the fact that you can provide no biblical or constitutional authority to prevent their departure in order to escape

your abuse, you are left in the untenable position of having to assert that they are somehow in “sin” and “rebellion” to their membership vows. As part of their vows of membership, and the vow taken by all St. Peter members, they affirmed:

Do you submit yourself to the government and discipline of the church and promise to further its purity and peace?

In polling several members of St. Peter, many can recall taking similar vows in other churches. However, there is one significant difference – other church vows use the very specific language “this church” or “this assembly,” as opposed to the broad and expansive “the church.” Given that St. Peter espouses that the church is “catholic” (universal), it is not at all far-fetched for John to assert that his vows to “submit yourself to the government and discipline of *the* church” was understood by him to mean the church universal, and not just only a particular local assembly.

In the taking of vows, intent is significant and should not be summarily dismissed, as you have done. Insofar as the language of the membership vow could be easily interpreted differently than what the session likely intended, the benefit of the doubt should go to John. Furthermore, the session should take immediate steps to amend the vow so that future vow-takers have no cause for misunderstanding. For starters, the session of St. Peter should be made to comply with the terms and conditions of the RPCGA, BCO. The St. Peter session is in violation of its constitution for, among other things, requiring a membership vow that does not conform to the language of the constitution:

The following vows are to be required of each individual publicly before the congregation for a public profession of faith, baptism of an adult, or church membership. . .

4. Do you agree to submit in the Lord to the government of the Reformed Presbyterian Church General Assembly and, in case you should be found delinquent in doctrine or practice, to heed its discipline? BCO B2:1D

Had the session been in compliance with the RPCGA constitution that it swore an oath to obey, it would have been administering a church membership vow that John Austin could not have possibly misunderstood. The real vow breaker in all of this is not John Austin, but the session of St. Peter. A vow-breaking session is in no position to point the accusatory finger at one of its members and call him a “vow breaker.” Since every St. Peter member was compelled by the session to take an unconstitutional vow, and every unconstitutional act is null and void *ab initio*, it could be argued that no St. Peter member can be held accountable to their membership vows.

Even if our membership vows are held to be binding, we then need to determine precisely what we swore to submit to. In order to have proper submission to “the government and discipline of the church” we must first define the kind of government we’re talking about. St. Peter claims to be Presbyterian, and it is governed by a church constitution (RPCGA Book of Church Order). As such, St. Peter’s government can rightly be termed “Constitutional Presbyterianism” (<http://www.fpcr.org/pdf/Pattern2.pdf>). All authority to govern and discipline the church is derived from the church constitution, and administered in the context of Presbyterian polity. In *What Is Presbyterianism*, the Rev. Charles Hodge characterized Presbyterianism as:

“1. That the people have a right to a substantive part in the government of the Church. 2. That presbyters, who minister in word and doctrine, are the highest permanent officers of the Church, and all belong to the same order. 3. That the outward and visible Church is, or should be, one, in the sense that a smaller part is subject to a larger, and a larger to the whole. It is not holding one of these principles that makes a man a Presbyterian, but his holding them all.”

(<http://www.pcanet.org/history/documents/wip.html> and facsimile at <http://www.hti.umich.edu/cgi/t/text/text-idx?c=moa;idno=AGV9139>)

Not only do church members take a vow of membership, so does the church itself. As a prerequisite for becoming a member of the RPCGA, a member church must take a vow:

A. The following vow is required of a prospective new church seeking to be organized as a particular congregation of the Reformed Presbyterian Church General Assembly:

“In reliance upon God for strength we do solemnly promise to walk together as a Church of Jesus Christ according to the Word of God and the subordinate standards of faith and government of the Reformed Presbyterian Church General Assembly.” BCO §B10:3

Our church “government” is not an authoritarian top-down Bishop-rule church (notwithstanding the fact that several have heard you refer to yourself as the “Bishop” of St. Peter). Rather, our government is a constitutional government. It is directed according to the terms and conditions of the RPCGA constitution (BCO). No member church, and its session, may govern its internal affairs apart from submitting to the terms and conditions of said constitution. Your actions, disciplinary or otherwise, are valid only insofar as they conform to the constitution. Any act which exceeds or circumvents the constitution of the body which it governs is null and void. In legal terms you are “acting under color of law,” that is, “having the appearance or semblance of the law, without the substance or legal right.”

You and the session of St. Peter have violated the terms and conditions of our governing constitution, which you swore an oath to obey. Furthermore, the session has violated the rights constitutionally afforded the Austins in the manner in which the session has sought to “discipline” the Austins. It is you who are guilty of being “vow breakers,” not the Austins. One of the reasons the Austins left the church was to “further its peace.” They should have been permitted to depart in peace. John is acting prudently and wisely by removing his family from an abusive situation. To do any less would make him derelict in his duties as federal head. Furthermore, for John it is also a matter of liberty of conscience:

The matter of liberty of conscience is one that preserves the right to believe but does not permit the right to practice by action where that action disrupts the peace and harmony of the church. BCO §A5:5

The Austins did not interfere with the peace and harmony of the church. However, your own actions against the Austins have greatly undermined the peace and harmony of the church, even to the point of undermining the very livelihoods of several members. You have sanctioned the Austins by ordering church members to shun not only John and Julie, but also their five small children. Elizabeth Wellons was prevented from continuing to teach the Austin children piano lessons, depriving her of a portion of her livelihood. In like manner, Sam Hubbard was prohibited from continuing to do carpentry work for the Austins, and this in spite of the fact that Sam’s cash flow has been so bad that he’ll probably have to move back to Boston, if he’s not able to find more paying customers. John Austin has plenty of work for Sam. Sam desperately needs the work. Yet, in your arrogance you believe that you can dictate who Sam can and cannot work for.

Such shunning was ordered even though the Austins have never had the benefit of being disciplined in accordance with Matthew 18:15-17 or section D of the church constitution. The session circum-

vented the BCO, refusing the Austins the due process rights that are guaranteed to every church member by the RPCGA.

The order to shun was given over six months ago, even though the Austins have never been formally charged, tried, and excommunicated, according to the due process provisions of the church constitution – a constitution which you took a vow to comply with. You are not authorized by the constitution to shun the Austins. Indeed, the only authority you may exercise is to censure the Austins, in the form of an “exhortation, rebuke or suspension.”

No censure stronger than a rebuke shall be pronounced without a trial. BCO §D5:8

As pastors you certainly may exercise exhortive discipline. You may not, however, exercise corrective discipline, such as shunning. Even if shunning can be biblically justified (and I have serious doubts that it can), shunning cannot be biblically warranted until after a formal judicial proceeding has resulted in excommunication, and the excommunicated have been officially removed from the membership roll and deemed to be outside the body of Christ. Furthermore, the BCO makes no mention anywhere about shunning, so it is questionable whether or not you could ever shun, even where a member has been formally excommunicated.

Irrespective, the session has no authority to excommunicate, or to exercise discipline in the manner you have. Excommunication can only come as the result of being found guilty by a formal trial, and the authority to convene a trial rests solely in the presbytery:

C. Sessions shall not adjudicate charges for excommunication against members under their jurisdiction. However, charges shall be submitted to the clerk of the session, and shall be approved by session before they are submitted to the stated clerk of presbytery. It is the responsibility of the session to insure that the charges have met all the requirements of the BCO. BCO §D3:1

C. All trials for excommunication of members of a particular congregation shall be originally tried by the court of presbytery. BCO §D4:1

A. All trials shall be held at the presbytery level. BCO §D6:1

As such, you have no authority or jurisdiction to even *threaten* the Austins with excommunication, as you have done, since you hold no powers of excommunication. Your blustering is mere bluff. Consider your bluff called (since you’re a betting poker player, I trust you understand my meaning). You have no authority to convene a court or hold a trial and, as such, you hold no powers of excommunication.

You have not only bluffed the Austins, but you have also bluffed the entire congregation (with the one exception of myself). When asked about the status of the session’s disciplinary action against the Austins (and you’ve been asked about it repeatedly, particularly in head-of-household meetings), you have repeatedly used the term “excommunication” to characterize the seriousness of the session’s pursuit of discipline against the Austins. However, in point of fact, all you have submitted to Presbytery, and all you *can* submit in these circumstances, is a motion for Dismissal by Erasure. In other words, you have known this entire time that not only do you have no authority, whatsoever, to excommunicate any church member, you’re not even authorized to remove the name of a church member from the membership rolls of St. Peter, without the authorization of Presbytery.

You have deliberately mischaracterized, and grossly exaggerated to the congregation, the seriousness of disciplinary action that you have taken, and that you are *permitted* to take, against the Austins.

Tragically, almost everyone has believed that you have legitimately possessed, and properly exercised, the authority to “discipline” the Austins, including your orders to shun them. You have made a useful *example* of the Austins in an effort to secure your autocratic rule through implied threats. You have used (and abused) the Austins, making an example of them to the congregation of what will happen to anyone who steps out of line.

You have completely circumvented biblical and constitutional due process with the Austins. The reason you have done so is self-evident. You have deliberately avoided preferring formal charges of any specific sin against the Austins to presbytery because you know that any charges you bring would never reach the threshold necessary to warrant a trial:

The Warrant of Bringing a Charge to Trial

A. An offense, which is serious enough to warrant a trial, is:

1. An offense in the area of conduct and practice which seriously disturbs the peace, purity and/or unity of the church;
2. An offense in the area of doctrine for the non-ordained member which would constitute a denial of a credible profession of faith, as reflected in his membership vows; BCO §D5:10

You cannot justify from Scripture or the BCO, to the Presbytery, your personal vendetta against the Austin family, so you have circumvented them both. Evidently, you are counting on the Presbytery remaining in the dark about your actions, and that no member of the church will blow the whistle on your abuse. You have violated your vows to submit to the authority of the Presbytery in matters of church discipline. Your actions are likely to result in your formal censure, which is why you have avoided formally preferring any charges against the Austins before Presbytery:

Solemn Warning Prior to Presentation of a Charge

When a member of the church is about to present a charge, he shall be solemnly warned by the judicatory that he may be censured if the judicatory, after conducting the preliminary investigation, determines that judicial process with respect to such a charge, may not be instituted. BCO §D5:8

Moreover, shunning of children, who are completely innocent bystanders, can never be justified, and in fact is scripturally impermissible (Ezek 18:19-20). Reconciliation should always be the objective of church discipline. However, your abusive actions guarantee that there can never be reconciliation. John would be a fool to submit to any further such abuse, and John is no fool. You are not communicating love, but contempt and hatred toward the Austins, and especially of their children. Such practices in other churches have often resulted in shunned children losing their faith. Consider the consequences of your actions:

And whosoever shall offend one of these little ones that believe in me, it is better for him that a millstone were hanged about his neck, and he were cast into the sea. Mark 9:42

Other St. Peter members are taking notice of your actions and pondering whether they too will someday have to face your wrath and injustice. One need not look far to perceive that other families are also planning their exit strategies. You’re not inspiring respect of pastoral authority. Rather, you’re inspiring fear of totalitarian rule and the tyranny that inevitably follows.

The Austins are entitled to believe as they wish, provided they subscribe to the essential tenets of the orthodox Christian faith (which they do), and provided they believe and practice their faith in a way

that doesn't undermine the peace of the church (which they have). When their beliefs compelled them to seek to relinquish their membership from St. Peter so that they could seek out a church which better suited them, they should have been permitted to leave, and to leave peaceably:

However, under the right of private judgment, members cannot be required to participate in liberty practices that they believe violate the teachings of the Scriptures and their conscience. Therefore, while in substance the member may not participate in some acts of worship, he must participate in the outward forms of worship procedures. In matters that are unresolvable, the member should seek a transfer to a church of like faith and practice where he is in agreement with the church and session. BCO §A5:5

A "church of like faith and practice" cannot be interpreted as one of identical faith and practice as St. Peter; for that would make the objective of their transfer from St. Peter pointless. Rather, the point of their departure is to seek a "church of like faith and practice" to their own "faith and practice," provided that church does not engage in those doctrines and practices that are outlined in the BCO at §A4:2 and 3.

An inordinate number of families have come and gone from St. Peter in the church's relatively short existence. Most of them have come at great personal expense from multiple states away only to, in a relatively short time (sometimes only a matter of several months), move back again, at great personal expense. The public explanations given for such departures are usually related to economic considerations, or needing to take care of an elderly parent. However, privately what's disclosed is that the reasons for departure are far less benign. A troubling pattern of ecclesiastical arrogance and abuse exists that extends beyond just your abuse of the Austins, and as long as it persists you will continue losing members.

Your recent ETC article, *The Shepherd's Marathon*, only reinforces my concerns. Rather than being introspective and seeking answers as to how your actions have contributed to so many families leaving, you seek to support doctrinally (and I would argue very ineffectively) your prerogative to slam the gate on the "sheep fold." While your concern for protecting "sheep" and keeping them from sin is commendable, your eagerness for accusing "sheep" of sin, merely because they won't give assent to each of your doctrines (including doctrines which are quite novel, if not completely contrary to the Westminster Standards), or if they seek to transfer their membership elsewhere without first securing your permission, is troubling. You recently sought to justify such actions with:

"When a family leaves a church, never to return, our calling as shepherds is to go find them. We discipline them, seeking to teach them to hear the voice of the Master. And if they will not repent, we discipline them, sending them outside the camp as the goats that they show themselves to be." *The Shepherd's Marathon*, pg. 5, ETC September/October 2005

Clearly, you are making reference, at least in part, to the Austin case. However, the Austins didn't wander from the fold. Rather, by your actions, you drove them away. After driving them off, how exactly as "shepherds" did you "go find them"? After months of refusing them contact from any St. Peter members (shunning) you finally decided to send a two-man delegation to their home, late at night with no prior notice. Your delegation didn't even include yourself, the very "shepherd" that had driven them off. This is hardly a commendable example of shepherding.

Families join St. Peter for various reasons, but one of the most significant factors is the *Basement Tapes*. The messages are indeed compelling for those seeking covenant life. They make the decision to move, having high expectations that the practice of the church will line up with the teaching of its

pastors. Soon enough they discover there to be a huge disconnect between St. Peter orthodoxy and the orthopraxy. They feel deceived and disillusioned. Then they start planning their exit strategy. In marketing parlance, the *Basement Tapes* are “puff pieces” to promote the ideal of a church which has yet to come into existence, and probably never will.

This puts us in an awkward position. Do we warn those who visit, and who are considering joining that, “Things aren’t all they appear to be”? If we dare do so and word gets out it’s likely to result in disciplinary action. We all know what happens to those who fall under this session’s disfavor. Any church that finds itself being motivated by fear will ultimately self-destruct. The remedy isn’t to intimidate members into silence, but for you to “tend your *own* garden” (as you are so fond of saying).

You have repeatedly made light of those who accuse St. Peter of being a “cult.” I used to laugh, along with you. However, I’m not laughing anymore, as I’m beginning to perceive why some might construe St. Peter as a cult. Indeed, it’s not just those outside St. Peter that have come to view St. Peter as a cult. Your practice of shunning is especially alarming. Shunning is one of the prime indicia of a cult. Shunning is rare among bible-believing evangelical churches, as it should be; but shunning is a common practice among abusive cults, such as the Jehovah’s Witnesses. However, even the JW’s wouldn’t go so far as to shun the children of shunned parents. As such, you’ve actually gone well above and beyond what an abusive cult would do.

Cult leaders feign personal accountability while, in reality, they submit in no substantive way to anyone who would actually be courageous enough to hold them accountable. Their small circle of accountability-men are, in reality, mere *yes-men*. Cult leaders are fueled by control, and control is exercised by threats and coercion. That quest for control compels the cult leader to demand control in areas of his members’ lives where a real pastor would have no legitimate jurisdiction.

Cults are always headed up by an authoritarian leader who demands unquestioning loyalty and obedience. In other words, cult leaders are spiritual bullies. To challenge the cult leader is to challenge God, Himself (divine right of Elders?). Cult leaders view their members as followers of them personally, as opposed to followers of Christ Jesus. In effect, they operate personal fan clubs. All that is necessary to fall out of favor with a cult leader is to ask him to defend his position from the Bible. Such a challenge effectively removes them from the fan club, or as you told John Austin, “It looks like Rick Saenz, and your wife, are no longer my fans.”

Cult leaders think of themselves as spiritual giants and geniuses with an inside track on all truth. As such, they will never allow anyone to substantively debate any of their novel doctrines. They are superior, and everyone else is inferior, and it shows in their demeanor. Cult leaders deny, in practice, the “priesthood of all believers.” Only they are qualified to minister – everyone else are mere ignorant “sheep.” Cult leaders demean their members by routinely reminding them that they are “vile and wicked sinners justly deserving the wrath of God,” rather than the “saints” redeemed by the blood of Christ, that Scripture says we are. Cult leaders feign friendship with their members, but it is a friendship in which members are kept at a distance and made to feel that they are inferior.

Nothing threatens a cult leader like being challenged to defend his novel doctrines from the Bible, so they will refuse to answer any challenge, all the while demanding blind allegiance on the premise that they’re the expert. You have demonstrated this very conduct toward many in the church (myself included) with, “We’re not going to debate this,” which interpreted means, “I’m right because I’m the expert and you’re wrong because you’re not the expert, and there will be no further discussion about it.”

The greatest threat of all to the cult leader's control is when someone determines to leave the cult over doctrinal issues. No one gets to leave the cult without the cult leader's permission, and permission won't be granted where a member of the flock has substantively challenged the leader doctrinally, for that might be construed by other members as an admission by the cult leader that he could be wrong. Pride will prevent the cult leader from making such an admission. The only way to get out of a cult without a major altercation is for a member to come up with some excuse like, "We can't make it here financially," or "I've got to move back to take care of my aged father." More often than not, such excuses are just a cover to conceal the real motives for their departure.

The message of the cult leader to his followers is loud and clear – *You'd better believe everything I tell you to believe, and if you disagree with me you'd better keep your opinions to yourself. If you don't keep it to yourself we'll threaten you with excommunication and turning you over to the devil. If we turn you over to the devil, and you don't come back and repent to us and fully submit to our authority, you'll go to hell. If you don't like what I preach you can't just leave. You only get to leave when we say you can leave, and you only get to leave if we agree with your reason for leaving. If you leave before we say you can leave we'll shun you and turn you over to the devil. Then you'll go to hell.* Much like the Hotel California, "You can check out any time you want; but you can never leave."

In your case you've added a new twist – the shunning of innocent children. Such brutish conduct might compel the most fearful and timid to remain, as well as those who care nothing for justice. But as we say here in southwest Virginia, "that dog won't hunt." Eventually, all sheep will tire of an abusive shepherd and the flock will scatter:

For the pastors are become brutish, and have not sought the LORD: therefore they shall not prosper, and all their flocks shall be scattered. Jer. 10:21

Take note that your flock has begun to scatter.

While I'm not prepared to assert that St. Peter is a cult, or that you are a cult leader, I am deeply disturbed that you are, from all appearances, practicing many of the key indicia of a cult leader. Once such practices are permitted the inevitable pattern is that more and more cultish practices will follow. "Power corrupts, and absolute power corrupts absolutely." Shunning isn't the only form of abuse that you practice, but it is certainly one of the most troubling of your practices. If you do it to the Austins you will do it to any others who you deem to no longer be members of your "fan" club.

Such shunning is sinful itself and, in my estimation, is far more sinful than any alleged sin committed by the Austins (if indeed they are even guilty of any genuine sin at all). Any alleged sin committed by the Austins caused no genuine injury to St. Peter, or to the church universal, and the church universal knows it (the Austins are in communicant fellowship with another Reformed Presbyterian church. Your notorious reputation in the Tri-Cities area ensures that anyone who comes under your "discipline" is likely to be warmly welcomed and served communion in any other Presbyterian church). However, shunning the Austin family is highly injurious not only to the Austins, and especially their children, but also to those of us who were friends of the Austins, and who have been ordered to shun them, as well as their children.

Another indicia of a cult leader is that he maligns any who would ever disagree with them, or even those who are just attempting to depart peacefully, as "grumblers and complainers."

"Grumblers and complainers who find the exit, we reason, are the best kind of grumblers and complainers. Who needs the hassle?" *The Shepherd's Marathon*, pg. 5, ETC, September/October 2005

The issues I have raised herein, I predict, will be summarily dismissed as the allegations of a “grumbler and complainer.” Anyone who knows the Austins knows that they are not “grumblers and complainers.” If you would characterize them as such, you will likewise characterize me.

Several years ago a church member asked you, “Why are you so harsh and confrontational when church members disagree with you doctrinally.” You responded, “I learned a long time ago that when you debate you must move quickly to crush your opponent.” The man reminded you, “But, R.C., these aren’t your debate opponents or your enemies. These are your sheep, and you are their shepherd. You need to *act* like a shepherd.” You failed to heed that man’s wise counsel, and he removed his family from under the influence of your abuse. Had you been at all convicted by that man’s counsel years ago, you wouldn’t be losing so many families, to this very day.

John Austin has relinquished his membership. He did not seek your permission to depart, and he had good reason. Other former St. Peter members who had sought letters of transfer from you warned him against doing so, particularly where the reasons would be doctrinal. He was warned that any doctrinal reasons for departure would result in multiple session meetings over multiple weeks, bickering with the tag team of R.C. and Laurence – a veritable inquisition. John had neither the time nor inclination; nor would it in any way change the outcome. Either way they still would have left. Moreover, John *never needed your permission* to leave.

Submitting to your inquisition would have been an admission that John needed the session’s permission to move his family’s church membership. A slave needs permission from *massa* to leave the plantation. John is a freeman and needs no such permission. Furthermore, John would be a fool to submit to a session which has shown itself so willing to trample upon its own constitution.

By its own example the session is encouraging church members to disobey authority, and then conceal that disobedience. In a recent head-of-household meeting over which Laurence and Jay presided, in which the Austins were the subject of discussion, Jonathan Daugherty stated, “How can the Session demand submission to its authority when the Session doesn’t even submit to the authority of the Presbytery? We all know that our Presbytery doesn’t allow paedocommunion, but we’re doing it anyway, and covering it up.” Jonathan went on to describe how he had been given special instructions to not serve communion to small children, when Dr. Kenneth Talbot had been in attendance at St. Peter. Laurence’s response to Jonathan was, “That’s different. We’re in discussions with Presbytery about it [paedocommunion]. They’re aware of our practice.”

Laurence then went on to say, “R.C. took those vows with Presbytery. I didn’t.” In other words, by Laurence’s own admission, he gets to practice paedocommunion in a denomination which expressly prohibits paedocommunion only because he evaded, or failed to take, a specific vow to Presbytery to not practice paedocommunion. However, Laurence affirms that R.C. did take such a vow and, therefore, cannot practice paedocommunion. This fails to address the question: Why is R.C. practicing paedocommunion when he took a vow not to?

It’s a remarkable phenomena among some professing “covenantal” pastors that they will enter into covenant with other pastors by making vows which they later violate with impunity, while they cover up their vow-breaking. It’s a remarkable phenomena among some Presbyterian clergy that they will circumvent Presbyterian polity, when they find it expedient to do so. It’s an equally remarkable phenomena among some constitutional Presbyterian clergy that they will violate their own constitutions with impunity, when they find it expedient to do so. They are quick to accuse members of being “vow breakers,” while they themselves routinely violate, with impunity, the constitution that they

swore an oath to obey. Truly, they suffer from the prideful sin that Jesus spoke of, the “beam in the eye.”

By your conduct with the Austins, and with others, you have demonstrated that you are neither Presbyterian nor constitutional. In point of fact, you have made a mockery of what it means to be a Presbyterian and, in the process, you have confused many into believing that Presbyterianism is equivalent to autocracy and tyranny. For the sake of those of us who take pride in being Presbyterians, please stop calling yourselves “Presbyterian.”

You have been heard to publicly bemoan, R.C., those public servants who take an oath to “defend and protect the Constitution of the United States,” yet they violate it with impunity, grasping after powers they were never lawfully delegated. You have justly termed them “tyrants.” You claim to esteem the Constitution and America’s system of political checks and balances. As a Christian clergyman what sort of example are you setting for our civil servants? What sort of example are you setting for members of your own church? By trampling underfoot our church constitution, which you swore an oath to obey, and circumventing its checks and balances, are you not in fact a tyrant and a vow breaker?

I urge the session, for the sake of the peace of the body of Christ Jesus, that all unconstitutional and unbiblical sanctions and discipline, including shunning, immediately cease and desist against the Austins. I beseech you to treat the Austins as the members of the body of Christ that they are.

Furthermore, I implore the session to present itself before the entire assembly to humbly repent of your unloving, unpastoral, unbiblical, and unchristian conduct toward the Austins. Each one of you owe the congregation of St. Peter Presbyterian Church an apology. More importantly, you need to confess and repent to the Austins.

It is not my intention to humiliate and shame you. As such, I will give you the opportunity to take the initiative to address these matters. I have brought these matters to you in a semi-private manner. However, should you fail or refuse to address them, or worse yet should you retaliate against me, you will leave me with no other option than to bring these matters before the entire assembly. You have sinned against the Austins by repeatedly slandering them before the entire assembly and, thus, it would be biblically appropriate that you be rebuked before the entire assembly, should you fail to repent before the entire assembly:

But as our Saviour is not there speaking of secret faults merely, we must attend to the distinction that some sins are private, others public or openly manifest. Of the former, Christ says to every private individual, “go and tell him his fault between thee and him alone” (Mt. 18:15). Of open sins Paul says to Timothy, “Those that sin rebuke before all, that others also may fear” (1 Tim. 5:20). Our Saviour had previously used the words, “If thy brother shall trespass against thee.” This clause, unless you would be captious, you cannot understand otherwise than, “If this happens in a manner known to yourself, others not being privy to it.” The injunction which Paul gave to Timothy to rebuke those openly who sin openly, he himself followed with Peter (Gal. 2:14). For when Peter sinned so as to give public offence, he did not admonish him apart, but brought him forward in face of the Church. The legitimate course, therefore, will be to proceed in correcting secret faults by the steps mentioned by Christ, and in open sins, accompanied with public scandal, to proceed at once to solemn correction by the Church. *Calvin’s Institutes*, Vol. II, Book IV, Chapter 12, §3

What is expressed herein are not the sentiments of just one person. There are several in St. Peter who share these concerns, as well as several more who have already departed St. Peter over these concerns, but who lack the courage to confront you and demand that justice be done. Their fear of you has silenced them. I trust that the saints at St. Peter Presbyterian Church will learn a valuable lesson from this exercise – that “The fear of man bringeth a snare: but whoso putteth his trust in the LORD shall be safe.” (Prov. 29:25) We are to fear God, and God alone. In a very real sense, men worship that which they fear. When a Christian fears his own pastor he should examine whether he is violating the First Commandment.

May the Lord see fit to equip each of you who make up the Session of St. Peter Presbyterian Church, with humility and loving hearts – the heart of a *true pastor* – so that you might compassionately *serve* and *minister* to the saints. If you are incapable of *servicing* the saints as real pastors, rather than as autocrats, bullies, and tyrants, I would urge you to resign from the pastorate, at the earliest possible opportunity, and search out vocations that better suit your temperaments.

Sola Christo

Peter Kershaw

CC: Laurence Windham, Teaching Elder, St. Peter Presbyterian Church
Wayne Hays, Governor, St. Peter Presbyterian Church
Jay Barfield, Deacon, St. Peter Presbyterian Church

Dr. Kenneth Talbot – Moderator, Westminster Presbytery
Rev. Reed Best – Stated Clerk, Westminster Presbytery