

June 9, 2021

Dear Mr. —,

Greetings in the name of the Lord and King of the church. I hope this finds you well.

I am writing to you as a member of the Ad Hoc Committee for the Appeal. I am aware of the request of your committee that the case not be argued by email, and I agree with that request. This note to you does not go into the substance of the case nor does it touch on arguments for or against sustaining the specifications of error in the appeal.

The New Hope session is asking me to be present as their counsel for the June 26 adjourned meeting of the PMA. I would like to be able to reassure them that they can expect an impartial hearing of the appeal of the judicial case they conducted. Based on what I witnessed in the separate but related matter of charges brought against the session, am I justified in having some concerns growing out of the May 1 meeting of the presbytery? May I list some of them, in no particular order?

- To my fallible observation there seemed to be a spirit on the floor of the body that charges of some kind had to be brought against the session, or at least against the pastor. Why? None of the charges presented were admitted in the form they were presented, one being admitted only after modification. I found myself asking what the reason for that spirit might be, and wondered if it was simply because the men charged were the session that has oversight of Mrs. Aimee B., and those not critical of her are considered dangerous? I hope I am mistaken in wondering that. But if something like that spirit were there on May 1, might it not also affect the appeal of the charges? I pointed out to the session when the appeal was first filed that during a trial the burden of proof rests on the judicatory, but once the judicatory has reached a verdict, that burden shifts to the appellant, according to our Book of Discipline. Unless he can persuade the appellate judicatory of his specifications of error, the verdict stands. Will the appeal be heard by an impartial judicatory, or will the appeal begin with a bias already in place?
- In the appeal, Specification of Error 5 mentions critical social media posts. Without debating here the substance or relevance of that, the matter may well come up as the PMA hears the appeal. But the presbytery has already been told by the reporter for another committee that this is a matter concerning which people ought to shut down their computers and take a walk. Does that not affect the impartiality of the appellate judicatory when it discusses that specification of error?
- A joke, made and repeated, about the title of Mrs. Aimee B's most recently published book does not promote impartiality. Similarly, the reference to her as "that lady" sounds, at least to my ears, as dismissive. Does that dismissiveness carry over into the session's judicial work?
- Francis VanD. raised the point that the charges against the session (and I would note, though he did not, including the charge that the PMA is pursuing against him) largely focused on matters for which the session had asked forgiveness publicly and privately. He questioned whether proceeding with the charges was appropriate in that setting. Although I thought this was a substantial point, I did not see either the presbytery or the Ad Hoc Committee on the charges wrestling with it—only one of the people bringing the charges responding with "Then he ought to plead guilty." In hearing the appeal, will the PMA deal with the issues of substance?
- Similarly, at one point I tried briefly to raise an issue of justice, questioning whether the charges against the session were retaliatory. Perhaps I should have refrained from mentioning that the PCA Book of Church contains a provision forbidding retaliatory charges, because my brief speech was dismissed by the committee with the remark that this is the OPC, not the PCA. While


I am confident that the reporter for the committee was not suggesting that the OPC can be less concerned about justice than the PCA, the remark helped the PMA avoid considering whether there was indeed an issue of justice involved. Will the PMA, when it meets as an appellate judicatory, be willing to hear arguments about justice or will they be casually dismissed?

- In the courts of the US, Lady Justice is pictured holding a set of scales, but she is blindfolded, indicating (at least as a goal) an impartial weighing of what comes before her. Can a court of the church of Jesus Christ be less concerned about partiality?

When parties bring to a presbytery a concern about a minister or a session, they may well ask themselves if they can expect an impartial hearing, fearing that the presbytery might function as an old boys network, and simply protect its friends. While I would hope that fear is unfounded, nevertheless it is understandable. There is also a ditch on the other side of the road — do I have reason to be concerned that the PMA may drive its cart into that ditch?

I am seeking your counsel. I don't want to go to a session and tell them something like: "You really can't expect an impartial judicatory. Just do your best in presenting the appeal, keep track of instances of partiality, and use them in an appeal to the General Assembly." That is not how the courts of the church are supposed to work. Can you help me provide some assurance to the New Hope session that the appeal of their judicial case will be decided on a level playing field?

Thank you for hearing me. Be assured of my continued prayers for you as well as for all the parties involved in these matters.


Your brother in Christ,
John