

2021 Synod Judicial Commission Summary Oral Report – Synod 2022

Introduction

Our report is found on page 6501. Our minutes follow the report in that section. I will get to introductions in a moment.

Fathers and brothers, I have a short time to provide this overview of the work of the 2021 Synod Judicial Commission. You have had our report and minutes before you for several weeks. Within them is *a lot* of information and facts about the work that has been accomplished over the past year. These documents represent thousands of hours of work and many more in prayer. It has been arduous, tedious, and time-consuming. At times it has been gut-wrenching. But we believe it has been essential, and important, for our denomination. We've been humbled to be called to serve you and the church in this court.

It would NOT be wise to try to repeat all the significant details in the documents, though I will need to speak somewhat candidly. My goal is to provide some context to our work and to step back and look at some of the over-arching issues. I want to impress upon you the importance of confirming the work of the Commission. It is not because we believe we are brilliant and have done everything perfectly. On the contrary, we acknowledge that at times we've adjusted our positions on certain issues. We believe it is imperative, though, because in the end, this very diverse group commissioners have come to a **unanimous** decisions on very weighty matters that have significant repercussions for our denomination.

I trust you will bear with me in any emotion that may come out in the reading of this report. I cannot help it or conceal it. There are a lot of people hurting in this matter.

The 2021 Synod Judicial Commission (or SJC as it will be referred to) is a cross-section of THIS very assembly. The nine members of the SJC (seven Commissioners and two alternates) represent four presbyteries and nine congregations. We are made up of five ruling elders and four teaching elders with combined experience as elders of over 240 years. In the providence of God, we were appointed by the 2021 Moderator of Synod. Allow me to introduce the members of the SJC, and for those who are here, I would ask you to stand as I call your name.

- TE Mr. Bruce Backensto, retired pastor from 1st RP Church in Beaver Falls, PA and now serving the Presbytery of the Alleghenies and the Synod in various roles
- RE Dr. John Bower, of Covenant RP Church in Aurora, OH – a pediatrician at Children's Hospital in Akron, OH and an adjunct professor of church history at RPTS
- TE Mr. Brian Coombs, pastor at Messiah's Church in Clay, New York and frequent parliamentarian of this Synod.
- RE Mr. Tom Fisher, of Cambridge RP Church in Boston, MA previously a chemist and now a businessman and financial planner.

- TE Mr. Kelly Moore, of Tri-Lakes RP Church in Colorado Springs, CO and retired Army Chaplain
- RE Mr. Tom Pinson, of Springs Reformed Church in CO and a translator for a language in Asia for SIL International
- Myself, RE Keith Wing, of College Hill Reformed Church, Beaver Falls, PA – I am a consultant in the U.S. national security and nuclear weapons programs

Alternates

- TE Mr. Micah Ramsey, pastor of Eastvale RP Church, Beaver Falls, PA
- RE Mr. Andrew Silva, of Dallas RP Church in McKinney, TX and a communications specialist for the McKinney, TX Police Department

Counsel (we were also served by legal counsel)

- Rob Keenan (member of North Hills RPC, retired attorney and past Chair of the Board of Law Examiners for the State of Pennsylvania)

Mr. Moderator, I would request that Mr. Keenan be given the privileges of the floor for topics that he may be best able to address.

Thank you, brothers, for your faithful service in this past year...you can be seated. As questions arise regarding this work, various members of the SJC will help me in answers.

I would like you all to know these are good and godly men. These are **competent** men. We all love the RPCNA and have sacrificed much to serve her this past year. Our families and home congregations have felt the burden of this duty as well. I have been blessed to count these men as colleagues. When we started our work, none of us knew all the others. Over the past year, however, we have spent a LOT of time together and today we stand before you to present our work as ONE unified court.

Three communications came before Synod last year, and, as a result of the judicial committee of the day's recommendations, the 2021 Synod took original jurisdiction in matters pertaining to the Immanuel Reformed Presbyterian Church and the IRPC sessions response to reports of sexual abuse among minors in that congregation.

"This matter" as it was called, occurred within the gates and walls of our church – within the covenant community. It is a sad, solemn and unpleasant matter, but it demands attention and action on the part of the church. This matter tests our commitment to our Constitution...our vows as elders...and our Presbyterian form of government. This matter tests our resolve to exercise discipline and seek reconciliation when brothers and sisters are aggrieved. This matter reveals whether we will work together to seek peace in Zion. This matter reveals the intensity of the battle against sin that creeps in through avenues and gateways of temptation from the world around us. This matter reveals much about ourselves, our children, our leadership, and our vulnerability to the evil one. This matter, now so widely known, demands the response of the church because it IS a matter OF the church.

This is not just a matter pertaining to IRPC, but it affects us all...and it reflects us all. If you believe that this is just some series of events in an isolated congregation in Indiana, then you are very wrong. This is not just a matter of local leadership or Presbytery mechanics, but one of denominational will and collective integrity. This is a family matter, and *the world will know we are Christ's disciples by the way in which we love one another.*

I think it is important as we summarize this matter to reflect on the most significant issues that came to the surface and that are woven into the documents and details that you have read.

As I've said, these are sad and solemn realities this Commission was tasked to look into. Think about these things:

- The evil one recruited from within the church to help enable his devouring
- At least 15 children were severely abused in well over 100 documented incidents – that alone should give you some idea of the scope of this matter.
- This abuse was minimized and there was unnecessary delay in sounding the alarm
- Information was withheld or very carefully scripted and the truth was only partially shared even when it was eventually disclosed
- Families and children in both the church and in the community were disadvantaged and some were injured by delays in action
- The shepherds made inadequate commitments and incomplete plans for the security of the church and gave misleading statements about actions they were taking
- Because of the close relationships between offender and pastor and session, there emerged some very clear tendrils of malfeasance

Some would have you believe that the SJC was chartered to investigate the actual cases of minor-on-minor sexual abuse. That is not accurate. The communications before the 2021 Synod had to do with the RESPONSE of the church and her courts to the allegations of sexual abuse. The investigation of the actual cases of sexual abuse was first done by the local session and was subsequently very thoroughly investigated by the GLG Judicial Commission which was commended last year by Synod's committee-of-the-day. The focus of this SJC was on the SHEPHERDING of the IRPC flock. Were these shepherds faithful in their oversight and tending to this flock, these sheep, and these little lambs – for whom they will give an account. Let me be very clear here – our work had everything to do with the SHEPHERDING. This SJC is very, VERY well qualified to oversee this investigation into shepherding of congregations – AND this body of Synod is highly qualified to judge our actions as a court.

Some Key Topics

Delays

Delays associated with the actions and inactions of the local session became a major emphasis in the investigation, the evidence, testimony, and decisions of the SJC.

Please remember, this matter has been before the courts of the church since April 2020. Some of the events were known to the pastor of IRPC as early as October of 2019. There has been involvement by the local IRPC session, the GLG Presbytery, a Commission of the GLG, the 2021 Synod and this SJC, a specially appointed Commission of the 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.

Deceptions

Another recurring question I must address is the narrative that thinks this is “too complex a situation for our denomination.” Ironically, those who articulate this argument appear to say that THIS assembly of shepherds is not competent to judge what makes a responsible shepherd.

Why does it seem to be so hard to really find out what happened at IRPC and why is it difficult to understand who did what and when? At least a part of the answer to that is that there was, for quite some time, an attempt to mislead or conceal the real ugly facts of this case. There were deceptions and incomplete summaries given at multiple points along the way.

A central challenge in this ecclesiastical case was to try to determine the words and actions of the shepherds involved at IRPC. In multiple instances, there was an attempt to mislead or deceive. This became one of the central themes of the evidence and testimony we heard.

Interestingly, 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. I note that EVEN the Immanuel congregation has never been told the full truth about this matter and I believe they would be surprised to learn many of the details that were presented to this court. This is also true for some who signed the complaints without knowing the facts.

Defiance.

Compounding our work was the reality of the defiance of Mr. Olivetti toward us and his denial of our authority to take on this work. We acknowledge that Mr. Olivetti and the former ruling elders have been undergoing scrutiny and investigation for two years. Perhaps any of us would be jaded by that. Had the IRPC session been willing to receive counsel from their own Presbytery, this matter would probably never have made it to Synod.

The defiance became most concerning when Mr. Olivetti refused to acknowledge the authority of the Commission - which is really a rejection of the Synod's jurisdiction. He refused to give answer to the accusations and declined the opportunity to engage in mediation. In the end, Mr. Olivetti withdrew from participation in the trial and waived all his rights to give a defense.

Division.

Throughout this process the Commission was greatly grieved over the division that exists within the GLG Presbytery. “This matter” is the cause of at least some of it. Our Commission spent much time in prayer for the GLG Presbytery. They are our brothers. When one part of the body hurts, it all does. We hurt for the GLG Presbytery and the fractures and fissures that have worsened by this matter.

In His “High Priestly Prayer,” Jesus prays for **unity**. Division is the work of the Evil One. Sadly, Mr. Olivetti has pursued a course of division rather than unity. Rather than cooperation, we have seen defiance. A number of those most aggrieved were turned away by him as they sought reconciliation as he was the one most centrally involved in this matter.

Disclosure

Because of the extreme sensitivities of the identities of those young lambs who were harmed and because of the confidentiality of the names of victim families, the details and realities of this case cannot be completely aired in public. There is the testimony of many witnesses, a number of them testifying through tears and great sorrow. There are the thousands of pages of documentation from the results of five courts of the RPCNA that provides clear and convincing evidence of the facts of this case. These sensitivities demand the careful protection of information pertaining to minors and many of the facts of the case that have been made known to both civil and ecclesiastical courts but must not be released into the public dialog.

Discipline

Not only did we appoint an investigative team of four experienced teaching elders, but we also sought to remain objective and declined any and all evidence and opinion until such time as a trial might be conducted. The burden of proof rested entirely on the Prosecution.

When the time for adjudication did come, we did not want to hear the testimony we had to hear. We did not want to even think about the harm done by the delay and deception that unfolded over the period of time. We did not want to hear about several years of abuse of victims and the impact on families. We did not want to take up the question of what discipline and action ought to be taken. **We did hear, and deliberate and decide.** In the absence of any Defense, there was no refutation of the extensive evidence and no cross-examination of the 19 witnesses. There was no division or disagreement among the members of the SJC. The case for the prosecution was compelling.

As we were chartered by the 2021 Synod to look into these matters, we found a great sorrow. We found a tragedy of greater proportions than we anticipated. We found the heartbreak that emerged among a pastor and his family. We found a series of events involving the IRPC session whose actions were just not clear, not timely, not focused and not transparent. This continued for many months and in that time, young children and families were hurt – traumatically.

We found a congregation much in distress over these events. More than 50 members have left IRPC as a result of these events. IRPC has, in the meantime added other members, but this is

not the same congregation of 2020. The members who have left have unreconciled grievances against the former elders of that congregation. These sheep, though scattered, need to be pursued in the hope of reconciliation and healing.

We are aware that two years of scrutiny and ensuing events have brought discussion among the current members of IRPC about whether to leave the RPCNA. I would simply say this. Leaving this denomination will not heal the wounds or reconcile the grievances of the past. First, seek reconciliation and healing...and then do what you think is best.

At the same time, there are only 13 members of this entire Synod assembly who have heard all the testimony and seen all the evidence. They are the nine members and alternates of the SJC and the team of four investigators. It is clear that there are many strong opinions about this judicial case, and you have a series of complaints about carrying out a judicial process against a much-loved pastor and gifted friend. However, unless you have heard the testimony and seen the evidence, the SJC asserts that you have not actually heard or understood the case. It seems Mr. Olivetti would like to ignore the work of the SJC and see the entire matter dismissed but hearing the whole case has made it clear what needed to be done. Mr. Olivetti is STILL called to repent and seek reconciliation with many individuals in this matter.

Decisions

Well, by now you know that we conducted two different judicial processes. Accusations were received and approved against Jared Olivetti. That process resulted in significant disagreement between the SJC and Mr. Olivetti. Mr. Olivetti refused to acknowledge the authority of the SJC and he elected to ignore the court summons to participate in his own trial. He has never been willing to provide any response whatsoever to the accusations made against him. Rather, he has only complained about the process, the people and the procedures.

In the judicial case against Mr. Olivetti, for three months he refused to participate in the mediation dialog. In refusing to attend the trial he waived many rights that are granted in our Constitution for those under accusation. These rights are to ensure a full, fair, and balanced ecclesiastical process in which the entire burden of proof rests squarely on the prosecution. In failing to appear and in neglecting to present a defense, Mr. Olivetti then sought to avoid giving an account for the accusations by choosing to bypass the SJC and seek relief from accusations from the Synod...the very body which originally appointed the SJC to conduct this work.

Throughout this judicial process, we very carefully and painstakingly followed the RPCNA Constitution and, specifically, the Book of Discipline. At the request of the SJC, the 2021 Synod Moderator appointed three men to serve as independent observers at the judicial trial. (George Gregory, Drew Poplin and Stephen Work) We desired the utmost in accountability for our actions as governed by our Constitution.

Coming into the trial, we had hoped to hear both the prosecution and defense address the accusations, the facts and the testimony. In the absence of the defendant and any defense, we

heard 19 witnesses testify and were presented with substantial documentary evidence. In the end, it was the testimony and evidence that dictated what must be done. Having heard the case, the SJC, determined the case was both clear and convincing. The verdict and censure, though determined through careful deliberation of the facts and with heaviness of heart, was both unanimous and necessary.

In the second judicial process, we received and approved accusations against three ruling elders (now former elders) – David Carr, Ben Larson and Keith Magill. In a completely opposite outcome, these elders WERE willing to engage in the mediation framework put forward by the SJC. In the end, there was a significant portion of the elements outlined in the accusations that resulted in confession and repentance. Since the conclusion of the mediated agreement, the investigators and former ruling elders have been working together to come to agreement on the timeline of events, the individuals who were harmed and to develop and implement a plan to seek reconciliation with each party. THIS is the goal of discipline in the church. The contrast between these two cases could not be more stark.

As I reflected on this opportunity to provide these introductory remarks, I look back on an intense year of work and there are some critical themes that seem to be woven through all you have read and all you will hear during the deliberations of this court. Some of these themes are:

1. Transparency, accountability, and truth among elders and their congregations
2. At the center of this matter is our Constitution, our Presbyterian system of courts, the authority of the church, and the role of discipline among even the leaders of the church.
3. This matter emphasizes the duty and obligation of elders to honor the vows of office...at all times, and to submit themselves to the hierarchy of courts within the denomination.
4. Central to this tragic series of events over a number of years is the balance between confidentiality and openness in very sensitive matters. When threats are observed, the watchmen have the duty to inform those in danger, but to do so with care.
5. We experienced the harmful and disruptive impact of public and social media where individuals sought to advance complaints against the church and her leaders through inappropriate means.
6. In parallel and linked to the events of IRPC are the struggles within the Great Lakes Gulf Presbytery to exercise mutual respect and honor among presbyters in matters of disagreement.

In the end, this is not about one single, isolated congregation. This is not a matter affecting only one session or pastor or group of ruling elders. By our count, over 50 individual ruling and

teaching elders from across our denomination have had direct involvement in this matter over the past 2 ½ years. This has become a matter of the denomination. The lessons to be learned here need to be learned by every pastor, every ruling elder, every congregation, every presbytery and every member. The rights and the wrongs of the response to these events should inform our plans for how to do these things better.

Finally, I believe it is a work of the Spirit that we have worked together so well as a Commission. It is my estimate that 90% of our decisions in 48 meetings, after careful discussion and deliberation, have been made with full agreement of the commissioners. Our unity in this matter is NOT insignificant. In a day when we hear of division and strife in the courts of the church, please understand that every single aspect of the work of this Commission is before you today with complete alignment and agreement of the members of this court.

It is the confirmed conclusions of this Commission that this case has been carefully investigated, adjudicated and decided. The sorrows present in this case do not outweigh the demand for discipline and justice. We ask that you sustain the tedious, Exhaustive, and well-documented work of this court.

(II Corinthians 1:3-4) Blessed be the God and Father of our Lord Jesus Christ, the Father of mercies and God of all comfort, ⁴ who comforts us in all our affliction, so that we may be able to comfort those who are in any affliction, with the comfort with which we ourselves are comforted by God.

Subject to the questions of this court, that concludes our oral report.