

From: [REDACTED]
Date: Thu, May 6, 2010 at 5:03 PM
Subject: Erskine
To: [REDACTED]

Below are a series of emails that have been circulating around the ARP Kingdom.

From: Bob Elliott <[REDACTED]>

Date: May 5, 2010 12:59:21 PM EDT

To: Paul Bell <[REDACTED]>

Cc: "'Alan Avera'" <[REDACTED]>, "'Andy Putnam'" <[REDACTED]>, "'Bill Evans'" <[REDACTED]>, "'Bill Stuart'" <[REDACTED]>, "'Brent Turner'" <[REDACTED]>, "'Bryan McKown'" <[REDACTED]>, "'Calvin Draffin'" <[REDACTED]>, "'Charles Edgar'" <[REDACTED]>, "'Chip Sherer'" <[REDACTED]>, "'Chip Smith'" <[REDACTED]>, "'Darrell Peer'" <[REDACTED]>, "'Delores McDonald'" <[REDACTED]>, "'Frank Hunt'" <[REDACTED]>, "'Frank van Dalen'" <[REDACTED]>, "'Gary Clowers'" <[REDACTED]>, "'Gordon Query'" <[REDACTED]>, "'Guy Smith'" <[REDACTED]>, "'Jan Sattem'" <[REDACTED]>, "'Jeff Kingswood'" <[REDACTED]>, "'John R. de Witt'" <[REDACTED]>, "'Kathy Barron'" <[REDACTED]>, "'Max Bolin'" <[REDACTED]>, "'Peter Waid'" <[REDACTED]>, "'Randy Ruble'" <[REDACTED]>, "'Rick Anderson'" <[REDACTED]>, "'Rob Patrick'" <[REDACTED]>, "'Robert Whittet'" <[REDACTED]>, "'Ron Beard'" <[REDACTED]>, "'Steve May'" <[REDACTED]>, "'Terry Wallace'" <[REDACTED]>, "'Tom Patterson'" <[REDACTED]>, "'Walter Payne'" <[REDACTED]>, "'William Kidd'" <[REDACTED]>

Gentlemen,

I wanted to respond to some of the comments on behalf of the Board of Stewardship.

The board met on April 19-20 at Bonclarken. The issue about withholding our funds for Erskine came up. It was brought to our attention that more than one church had called expressing concern that the DMF money might be spent for legal fees. They were strongly opposed to this possibility. Most of our Board shared the same concern.

The following is an excerpt from our report to Synod along with a recommendation that was adopted unanimously.

"Much concern has been expressed over payment of the legal expenses associated with the lawsuit filed against General Synod, Inc. in March of this year. The Board believes that Denominational Ministry Funds should be used for ministry purposes only and not for legal fees. Synod's Revolving Book Fund has accumulated significant revenues from the sale of publications. The Board recommends that up to \$100,000 of these excess revenues be designated as a legal defense fund and that the fund be open to donations from individuals wishing to make contributions. Although rarely used in recent years, the primary purpose of the Revolving Book Fund is to provide monies for the initial printing of books published by Synod. A sufficient balance will be maintained in the fund for that purpose."

Recommendation #4 -

"That General Synod authorize the Board of Stewardship to allocate up to \$100,000 from the Revolving Book Fund, as needed, to establish a legal defense fund (which is open to donations) for any Synod approved legal expenses incurred by the General Synod of the Associate Reformed Presbyterian Church."

That is the Board's official stance, personally I agree. The funds the denomination sends to Erskine are included in the Unrestricted Annual Fund and go directly to benefit the students. To withhold such funds would unjustly harm individuals who are not directly involved in this legal matter. Besides, if Erskine is our's, as we claim and believe, then we should be looking to increase our support at this time rather than seeking to decrease it.

I would appreciate any feedback.

In Christ,

Bob Elliott III

From: [REDACTED] [REDACTED]

Sent: Monday, April 26, 2010 4:03 PM

To: [REDACTED]

Subject: The email to be sent to the executive committee

Moderator and

Members of the Executive Committee

Below are a series of emails that the Moderator and I have exchanged over the past week and a half expressing my concern about some of the actions that have been taken and who has authorized those actions. By providing you with each of the emails I feel sure that you will be able to follow my train of thought.

Bill Stuart

Mr. Moderator,

I received copies of the appeal today and I was wondering who authorized the Synod to appeal the ruling? I had not been contacted, as a member of the Executive Committee, so I assume that the authorization came from some other source, and I was wondering what that was? Please bring me up to speed, as I am

preparing my report to Presbytery and will need to know the answer to that question. Thanks and have a great day!

Bill

April 21, 2010

Dear Mr. Stuart,

I find it a little difficult to know how to respond to your question.

The Executive Board of the General Synod authorized me to appoint a Liaison Committee to work with the attorneys secured by Mr. Paul Bell.

As you will recall, Mr. Keith Munson and Ms. Sandra Wilson were introduced to us when we met on March 18. My understanding of the Board's decision was that these attorneys were to defend the General Synod against the action brought by three members of the Erskine Board of Trustees. I have no recollection that the Board restricted the mandate of these attorneys to the initial hearing in Newberry.

Every Associate Reformed Presbyterian who is aware of the struggle in which we find ourselves engaged must lament the decision of the plaintiffs to bring suit against the Synod. It is painful to think that the tithes and offerings of God's people have to be employed to defend the Church against such an extraordinary assault. How can we consider Erskine College and Seminary as anything other than agencies of our denomination? Yet it is precisely this issue which lies at the heart of the present dispute.

I am praying, many of us are praying, that the Lord God will bring the whole matter to a peaceful conclusion very soon. The plaintiffs must surely know that they may very well be inflicting inestimable damage on the institutions which they have served and in relation to which they have exercised oversight.

In the hope that I have answered your question satisfactorily, I am,

Very truly yours,

Dick de Witt

Mr. Moderator,

I understand your response, but at every turn I hear lets get this matter settled here and now and I thought perhaps that more time might have been allowed for that to take place. I would also assume from what you are saying that should the Synod not prevail with the appeal that then an appeal could be fashioned for a higher court, and on and on.

Thanks and have a great day!

Sincerely,

Bill

April 26, 2010

Mr. Moderator and Members of Synod's Executive Committee

Dear Mr. Moderator,

I just wanted to follow-up on our email correspondence last week with a few additional thoughts. Our establishment of the Liaison Committee was an important and necessary action, reflecting the Board's recognition that these legal issues fall under the authority of the Executive Board of Synod.

When this committee was formed, the intent was clear that it would manage the day-to-day relationship with the attorneys rather than the enlarged scope of authority you have adopted as referenced in your email. By your account the Liaison Committee has the power to do whatever is necessary—regardless of costs—in the name of our defense.

Throughout any legal saga there are a few seminal moments when the client needs to make a decision that will have far-reaching implications legally as well as financially. On these occasions prudence argues that the larger authorizing body, the Executive Board of Synod, should be active participants in the decision making. Certainly, the filing of an appeal of the preliminary injunction would be one of these moments.

In your email response you implied that the Liaison Committee made the decision to appeal. However, according to one of your own Liaison Committee members this committee has not met, nor was the decision to appeal discussed or made by the Liaison Committee.

This raises concerns for me on several fronts. First, not only do we have the appearance of unilateral decision making, but in fact that is what has occurred.

Secondly, the Synod is a party to legal recourse (the filing of the appeal) with its associated costs, which has not been authorized. This puts the Synod in an untenable position - morally, ethically, etc. One or two men cannot be and have not been charged with making decisions of this magnitude.

Thirdly, it seems to me that we are dangerously close to or are now actually guilty of violating the standards of "competence, engagement, and independence" that have been so highly touted.

And finally, the matters that are before us legally, institutionally, and denominationally are serious and demand thoughtful responses. We, the decision-making body, need to be treated as such. In light of this the Executive Board of Synod should not hesitate to meet via conference call to discuss these weighty matters.

In closing, I know these are difficult times and I can appreciate how time consuming all of this must be. I do not know anyone who does not lament the situation that has developed. We, the Executive Board of Synod, should be working hard not only to respond appropriately to the legal matters, but to move toward solutions that will take this issue out of the civil courts, while simultaneously restoring relationships institutionally and personally.

I look forward to hearing from you and would ask that you hit the "reply all" button when you reply, because this really should be a discussion that the entire Executive Board is able to participate in.

Thanks for your kind attention,

Bill