



# Community Chapel & Bible Training Center

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Pastor Donald Lee Barnett

Sanctuary located at First Avenue South and South 192nd

*Scott Hartley*

February 24, 1988

EXHIBIT 39 DATE \_\_\_\_\_  
WITNESS \_\_\_\_\_  
ANN N. JEPK (82-1427)

Dear Pastor Don,

On Wednesday, February 3, you spoke at a morning meeting in Jack Hick's office with the Senior Elders and David Motherwell. Your talk was tape recorded and played to the whole elder's committee that afternoon. On the tape you asked the committee to answer certain questions. We listened carefully to your questions like you asked us to, and this letter answers each one directly.

Following is a list of the questions you asked on the tape.

1. Who made you a judge over me?
2. Does Scripture give you that right?
3. Do the bylaws give you that right?
4. Did I give you that right?
5. What is the reason that I am being brought to trial?
6. What is the reason that I should be tried and not you? What is different in your case?
7. What are the specific grievances against me?
8. What will this hearing do to your respect for me?

For the purpose of this letter, we will answer questions one and two together. The answer to these questions is that Scripture does make us judges over you (not in every sense, but in terms of being judges presiding over an investigation of accusations against you), and yes, Scripture gives us the right and responsibility to conduct a hearing. There are at least six Scriptural arguments which support this conclusion.

1. All the elders are given oversight over the church, whether they are the chief elders or otherwise. All the elders are responsible before God to watch over the spiritual welfare of the church, which includes the spiritual state of the pastor. God gives all the elders the authority to oversee any situation and all church members (including each other, even the pastor) as necessary to protect the flock. Therefore, Scripture gives the committee of elders spiritual oversight over you, Don, to shepherd you as a member of the flock, if you fall into sin.
  - a. 1 Peter 5:1-3 (NASB) "Therefore, I exhort the elders among you, as your fellow-elder... shepherd the flock of God among you not under compulsion, but voluntarily, according to the will of God; and not for sordid gain, but with eagerness; nor yet as lording it over those allotted to your charge." (All the elders shepherd the flock, and the sheep are allotted to the charge of all the elders.)

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- b. Acts 20:28 "Take heed therefore unto yourselves, and to all the flock, over the which the Holy Ghost hath made you overseers, to feed the church of God." (All the elders are made overseers over the flock by God, and all the elders shepherd the church.)
  2. All the elders, including the chief elder, are to be subject to one another and to submit to one another in humility. This applies to circumstances such as this hearing. Therefore, Don, you should humbly submit yourself to the committee of elders.
    - a. 1 Peter 5:5 "Likewise ye younger, submit yourselves unto the elder. Yea, all of you be subject one to another, and be clothed with humility: for God resisteth the proud, and giveth grace unto the humble." (The context of the passage is exhortations to elders, so it means that all elders are commanded to be subject to one another, including the chief elder.)
    - b. Ephesians 5:21 "Submitting yourselves to one another in the fear of God."
  3. All the elders have a responsibility to pay attention to each other's lives, including the life of the chief elder, to preserve the work of God. Therefore, the elder's committee is authorized by God to take heed to your life Don, as a fellow elder, and to act in any prudent way to help solve your sin problems.
    - a. Acts 20:28 "Take heed therefore unto yourselves, and to all the flock." (This is addressed to the elders, v. 17. It means that all the elders have the responsibility and the authority to be on guard (Gk., pay attention) for each other as well as for the flock. The context warns that evil men may arise from ourselves, v. 30).
  4. The Scriptures command the elders to "judge" cases of sexual immorality. Based solely on your testimony, Don, your case involves sexual immorality. The elders are men wise enough to judge between brethren who have grievances against each other (e.g., you and Jerry Zwack). Therefore, the committee of elders has the responsibility to judge your case.
    - a. 1 Corinthians 5:12,13 (NASB) "For what have I to do with judging outsiders? Do you not judge those who are within the church? But those who are outside, God judges. Remove the wicked man from among yourselves." (The words "you" who judge, and "remove" are both plural, indicating that it is the elders as a group who judge and disfellowship, not just the chief elder. So the authority to judge and put people out of the church is not given solely to one man. The context of the passage is a case of sexual immorality, vv. 1-11.)
    - b. 1 Corinthians 6:1-5 "Is it so, that there is not a wise man among you? no, not one that shall be able to judge between his brethren?"
  5. The elders are responsible to hear accusations against an elder under certain circumstances. God's leaders are responsible to search out a matter and make diligent inquiry to uncover the truth when it is alleged that someone has sinned. Therefore, the Bible gives the committee of elders the right to conduct the hearing and function as judges over you.
    - a. Deuteronomy 17:2-10 "If there be found among you, within any of thy gates which the Lord thy God giveth thee, man or woman, that hath wrought wickedness in the sight of the Lord thy God, in transgressing his covenant, and hath gone and served other gods, and worshipped

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them, either the sun, or moon, or any of the host of heaven, which I have not commanded; and it be told thee, and thou hast heard of it, and inquired diligently, and, behold, it be true, and the thing certain, that such abomination is wrought in Israel: then shalt thou bring forth that man or that woman, which have committed that wicked thing, unto thy gates, even that man or that woman, and shalt stone them with stones, till they die. At the mouth of two witnesses, or three witnesses, shall he that is worthy of death be put to death; but at the mouth of one witness he shall not be put to death. The hands of the witnesses shall be first upon him to put him to death, and afterward the hands of all the people. So thou shalt put the evil away from among you. If there arise a matter too hard for thee in judgment, between blood and blood, between plea and plea, and between stroke and stroke, being matters of controversy within thy gates: then shalt thou arise, and get thee up into the place which the Lord thy God shall choose; and thou shalt come unto the priests the Levites, and unto the judge that shall be in those days, and inquire; and they shall shew thee the sentence of judgment: and thou shalt do according to the sentence, which they of that place which the Lord shall choose shall shew thee; and thou shalt observe to do according to all that they inform thee." (See also Deut. 13:14. The principle is that if it is alleged that someone has sinned, the matter should be searched out thoroughly. The priests and judges of Israel who are required to conduct an investigation correspond to church elders.)

- b. Deuteronomy 19:15-19 "One witness shall not rise up against a man for any iniquity, or for any sin, in any sin that he sinneth: at the mouth of two witnesses, or at the mouth of three witnesses, shall the matter be established. If a false witness rise up against any man to testify against him that which is wrong; then both the men, between whom the controversy is, shall stand before the Lord, before the priests and the judges, which shall be in those days; and the judges shall make diligent inquisition: and, behold, if the witness be a false witness, and hath testified falsely against his brother; then shall ye do unto him, as he had thought to have done unto his brother: so shalt thou put the evil away from among you." (If a person accuses another man of sin, both the accuser and the accused have the right to ask the judges to make diligent inquiry and prove what is true. A false witness should be punished.)
  - c. 1 Timothy 5:19-21 "Against an elder receive not an accusation, but before two or three witnesses. Them that sin rebuke before all, that others also may fear. I charge thee before God, and the Lord Jesus Christ, and the elect angels, that thou observe these things without preferring one before another, doing nothing by partiality." (The committee of elders is authorized to hear accusations against an elder, and is responsible to deal with that elder without partiality.)
6. All Christians have a Scriptural responsibility and authority to admonish, reprove, and rebuke one another in love. You are not just our pastor, but are an individual Christian, too. As a brother you have a responsibility to us and we have a responsibility to you. You occupy both relationships to us simultaneously, pastor and brother in the Lord. On a personal level, man to man, brother to brother, Scripture gives all of us the right to lovingly reprove you when you sin.

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- a. Psalm 141:5 "Let the righteous smite me: it shall be a kindness: and let him reprove me; it shall be an excellent oil, which shall not break my head." (King David was open to receive reproof from any righteous man. He did not use his position of authority to prevent it.)
- b. Galatians 6:1 "Brethren, if a man be overtaken in a fault, ye which are spiritual, restore such an one in the spirit of meekness; considering thyself, lest thou also be tempted." (One does not have to be in authority over a brother to minister to him after he has fallen. Every spiritual Christian has that right and responsibility.)

The third question was, "Do the bylaws give you that right?" The answer is no, neither do they prohibit it, because the bylaws do not cover the subject. We have no procedure to hear an accusation against an elder, even when the Bible requires us to when the accuser has witnesses to substantiate it. But the Articles of Incorporation of our church do give the corporate directors the right to call this hearing, and this document is a higher authority than the bylaws. The Articles of Incorporation state that the church shall be governed by the board of directors. Therefore, a majority vote by the Senior Elders is sufficient grounds giving the committee of elders the right to conduct the hearing. Finally, the Bible gives us the right to conduct this hearing, and the Bible is our final authority, higher than the bylaws or our Articles of Incorporation.

The fourth question is, "Did I give you that right (to hold the hearing)?" The answer is yes, because you agreed to the hearing. You voluntarily agreed that the elders as a group shall exercise final authority over the hearing. You also gave us the right to hold the hearing in your statement in Balance, No. 2,

"RUMOR 20: The pastor at Community Chapel is accountable to no one.

REPLY: Untrue. I am accountable to the bylaws, the senior elders, fellow elders, even to the congregation, and, most of all, to God. The senior elders watch for my ministry. They would never allow me to err substantially without requiring repentance and/or correction. I submit to them as they do to me."

Your fellow elders all agree to holding you accountable for your actions by this hearing. And the Senior Elders are exercising the right you gave them in this statement to have you submit to them. Based solely on your testimony, you have erred substantially. The hearing is part of our job to watch for your ministry. You do not have the right to forbid us to do what Scripture commands and you signed an agreement stating that you will permit the hearing to continue until it is concluded to the satisfaction of the elders, and that you will not act as pastor to stop the meetings once they have begun.

The fifth question is, "What is the reason that I am being brought to trial?" The reason is because you did not allow the matter to be solved at lower levels as prescribed by Scripture. For example, the problem of sexual misconduct was not solved when one brother came to you alone, nor was it solved at the second level when two elders together attempted to help you. Had the problem been solved at these lower levels, it would never have come before the full eldership. An investigation by the eldership committee is now necessary to solve the problem.

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The sixth question is, "What is the reason that I should be tried and not you? What is different in your case?" There are several answers to this.

1. Every elder on the committee submitted to counsel at lower levels than you did when they encountered personal problems. Your refusal to submit to counsel like we did, escalated the problem. Even while under counsel from Scott and Lanny, you persisted in sexual misconduct. The continuing nature of your sexual sins and other problems caused the situation to worsen until the hearing became necessary.
2. As pastor you occupy a unique position of trust, different than our position. Your behavior and moral example affects the church more than ours does. Your greater authority carries greater accountability. As pastor your sexual misconduct places the church in legal jeopardy. Your case is different from ours in these ways.
3. We are all willing to come to trial ourselves if the eldership committee deems that it is necessary to address our problems.

The seventh question is, "What are the specific grievances against me?" To answer this, we will quote Jerry Zwack's list of grievances which he submitted to the committee in writing. But if during the course of the hearings, further questions of misconduct are raised, we reserve the right to investigate these matters also.

1. His refusal to be accountable for the mistakes as well as the results of his mistakes.
2. His misuse of pastoral authority and pulpit ministry to protect himself and push his side of his personal problems.
3. His misuse of subordinate employees to carry out personal cover-up.
4. His actions that have resulted in taking unfair advantage of many female members of the church. His sexual excess has hurt the lives of many members, even to the point of the loss of their spiritual well being; causing some of them to leave the church.
5. His manipulation, distorting, and lying about circumstances for his personal advantage.
6. His unwillingness to accept that he may need to do more than repent for entrenched demonic problems in his life.
7. Lack of willingness to curb his social habits in order to avoid stumbling his friends, church members, and wife.
8. His continual response of unsubmission to authority when a brother challenges him on any subject (topics outside the scope of his authority).
9. His defaming of his wife when she is virtually innocent of all his charges.
10. His apparent inability to follow through on what he says he will do. This breeds mistrust and erodes his integrity.
11. His unwillingness to accept what he has done to his wife, consciously and unconsciously.
12. His refusal to open to the possibility that his record points to habitual sexual problems.

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The eighth question is, "What will this hearing do to your respect for me?" We will continue to love you, but our respect for you at the conclusion of these hearings will be determined by your attitudes, integrity, forthrightness, and humility. If you humbly submit yourself to the Word of God and fully cooperate with your fellow elders in their attempt to help you, our respect for you will grow. But if you try to blame others or circumstances for your sins, if you justify your actions and attack others, if you lie or misuse your authority to cover-up the truth; then our respect for you will diminish. "He that covereth his sins shall not prosper: but whoso confesseth and forsaketh them shall have mercy" Proverbs 28:13.

We believe that we have fully answered all the questions you asked us. The answers to these questions constitute the opinion of every elder on the committee individually and collectively, according to their conscience before God and their understanding of His Word.

Sincerely with love,

Escoff Hartley

W. A. Lubin

Harry D.

David M. Stronwell

Jack Hicks

George L. Becker II

AR MacKenzie

Ronald R. Mizink

Ralph Adams

John Bergin

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Christoph P. [unclear]