

CLOSING REMARKS
of the Defense in the Trial of John O. Kinnaird on the Charge of heresy
by his Counsel, The Rev. Thomas E. Tyson

I. WHO IS HERE CHARGED?

Elder John O. Kinnaird, and him alone.

II. WITH WHAT IS HE CHARGED?

With heresy; that is, teaching false doctrine. This is a very serious charge, because false teaching leads Christ's sheep away from the Good Shepherd, starves and renders them athirist unto death and, most egregiously, plays into Satan's hands, who would re-ensnare them, if possible, and lead them into eternal death. It is most serious, because it would endanger the spiritual and eternal well-being of those under the officer's charge. The officer, if unfaithful, will be held responsible for his performance in his high and holy office. Thus, an officer of Christ's Church should never be charged with heresy in the absence of clear evidence.

There is something else here that is quite troubling: Mr. Wilkening told us at the outset, and I quote: "It is my sincere belief that this trial is absolutely necessary to bring about peace and unity to Bethany Orthodox Presbyterian Church". Now, we all want that. We pray for it and we seek it. Nevertheless, the seriousness of a false or questionable charge of heresy against an elder of the Church is such that it may never be used for the purpose of achieving peace among members of the Church-- it is simply too high a price to pay, even in the interest of so worthy a cause.

But Elder Kinnaird has been so charged. Now, it behooves this Judicatory, this panel of his brother presbyters, to weigh carefully the evidence brought against him, and make every effort to judge righteous judgment.

III. HOW IS THAT CHARGE EXPRESSED?

[From the charge document:] "Arlyn A. Wilkening and Wanda J. Wilkening, members of Bethany Orthodox Presbyterian church in Oxford, PA, charge Ruling Elder John O. Kinnaird with teaching a doctrine of justification by faith and works, contrary to the Word of God and the Westminster Standards."

It cannot be gainsaid that the Charge states that teaching a doctrine of justification by faith and works is an activity that is contrary to the Word of God and the Westminster Standards. But, the charge identifies not particular doctrine of justification by faith and works. The defense objected to this manifest defect at the beginning of the trial, and pled for its correction, in order that the trial could proceed in an orderly fashion. How could the Court hope to arrive at a verdict, in the absence of agreement on the *name or nature of the offense*?

IV. WHAT HAS THE FINDING OF THE CHARGE TO BE IN ORDER PRODUCED?

The defense objected to the form of the Charge, and that objection was denied. Consequently all of us--Prosecution, Defense, Court--have labored throughout this trial under that grievous impediment. Under these circumstances, we were forced to treat the Charge without the comma *and* without any clear statement of what it is about Mr. Kinnaird's teaching on the subject of justification that is contrary to our Standards. But then we have never been sure with what

offense he is charged *in the Charge*.

So, when we came to testimony respecting the Specifications, here is what happened: The Prosecution argued that Mr. Kinnaird's doctrines pertaining to the eternal plan of God, sanctification, and the Last Judgement (as found in the *portions* of his writing and preaching, selected by the Wilkenings, and identified in the Specifications) constitute a doctrine of justification by faith and works contrary to the Word of God and the Westminster Standards. The Defense, for its part, argued that his doctrine, as specified, is in truth not offensive, as the Wilkenings allege. But it was truly difficult for either side, in this case, profitably to engage the other, because there wasn't foundational agreement, *at the very least*, on the question: What exactly did this ruling elder teach, if he did, that is offensive? And, of that which he does teach, how does he relate it to justification? The Wilkenings simply don't state the offense in their Charge, and that omission has done much mischief to the cause of truth and justice.

V. UPON WHOM RESTS THE BURDEN OF RESPONSIBILITY IN THIS TRIAL?

It would appear that the burden of responsibility should rest upon the Prosecution to prove that Mr. Kinnaird's words, as selected by the accusers and identified as the three Specifications, give a lie to Mr. Kinnaird's repeated protestation that his beliefs and teachings are not "contrary to the Word of God and the Westminster Standards." The Defense contends that no such burden has been shouldered, and no such proof has been proffered. Rather, the Prosecution has brought forth numerous arguments, arguments that have fallen to the ground, because they have been seen to be what they are--vaporous. Yes, they amount to nothing more than beating the air, because they fall into one or more of the following three categories:

(1) they object to certain words in Mr. Kinnaird's writings that, upon investigation, prove to be either exact or virtual quotations from Holy Scripture, and/or

(2) they re-phrase Mr. Kinnaird's words in such a way that the meaning is substantially altered, and/or

(3) they draw inferences from Mr. Kinnaird's words that he profusely denies holding or teaching.

At the same time, the Defense has labored under a ruling, unavoidable once the wording of the Charge was retained, that "the question is whether or not what he [Mr.Kinnaird] says [in the specifications] is in accord with the Standards of the church and the Scriptures." We respectfully submit that such is not the purpose of specifications. Specifications are supposed to demonstrate, if they can, the *commission* of the offense alleged in the charge. They are not the setting forth of a behavior or teaching that is to be either condemned or defended. They are supposed to be statements that, if they are in fact true, support the charge of an offense.

No one, in this trial, should feel a responsibility to search for doctrinal truth *or* error in the Specifications. Not the Court, nor either side in the dispute. The burden of proof rests upon the Prosecution to show, via the Specifications, that the accused indeed taught the offensive doctrine named in the Charge. But since we don't have a specific doctrine named in the Charge, the Moderator made the above-mentioned ruling. As a result, the burden of proof has been shifted such that, instead of the accusers being required to prove the Charge, it is the defendant who is required to prove that he has committed no offense, of any nature whatsoever, against the Scriptures or the Standards, when he wrote and preached what is specified. Thus, the search for truth has been broadened, contrary to due process procedure and to the detriment of the Defense, in this trial. Notwithstanding the situation, brought about by this ruling, to which appropriate objection has been registered, the Defense has been willing to proceed. But, it has been extremely difficult to labor under this unnecessary and irregular liability.

VI. WHAT IS THE HEART OF THE MATTER, DOCTRINALLY?

Just this: does salvation equal justification alone? Mr. Kinnaird believes and teaches that our salvation is a complete salvation and includes a full and perfect sanctification as well as justification. When he says, "a full and perfect sanctification", he refers to the overall effect upon our nature wrought by regeneration, sanctification, and glorification, such that we are changed in a real and personal way from being totally sinful to being totally righteous; and all this prior to coming face to face with God. This "complete salvation" not only provides forgiveness of sin but also full restoration. Whereas the unredeemed exist in the image of Adam, at the close of the complete salvation process, the redeemed will be fully restored to the image of the God Man - for which reason Christ will not be ashamed to call them brothers. Any attempt to define salvation solely in terms of justification is false because it is contrary to Scripture. Further, it is potentially misleading, as it opens the door to antinomianism and fideism. Now, from whence does Mr. Kinnaird gain his understanding that salvation is broader than mere justification? Answer: from Scripture, and as the Scripture is reflected in our Westminster Standards. He has sought to set that truth before the Session (in his "Theological Statement"), before the Congregation (in his sermon), and even before the watching world (in the postings). He is willing to be corrected if he is wrong. But he has not been convinced, by what he has heard from his accusers, that he needs to repent from believing, and to desist from teaching, the things he believes and teaches, as are identified in the Specifications. Those statements, rightly quoted from his writings and preaching, simply do not support the Charge of "teaching a doctrine of justification by faith and works, contrary to the Word of God and the Westminster Standards."

VII. WHAT IS THE COURT TO MAKE OF MR. KINNAIRD'S TESTIMONY?

Mr. Kinnaird has repeatedly, and in every case clearly and unambiguously, answered direct questions purposely formed to capture the alleged offending teaching imputed to him. His answers ought to have removed any question about either his Biblical orthodoxy or his Confessional commitment. Does the Court believe him or not? That is the question. Does this Judicatory accept his answers, fully fleshed out, while under oath in the presence of Almighty God, in open testimony and through cross-examination? Would Mr. Wilkening have the Court to assume that Mr. Kinnaird believes something other than that which he says he believes? Or, even worse, would Mr. Wilkening have the Court to assume that there is a hidden false teaching behind the open, clear, and true teaching of Mr. Kinnaird that we have demonstrated to be the very teaching of our Standards and of Scripture.

VII. WHAT ARE HIS ACCUSERS TO DO?

[note : this numbering is exactly as in the document – A.W.]

The Accusers' quarrel appears to us to be with the teaching of the Westminster Standards. The Defense contends that it has demonstrated, particularly from the testimony of Dr. Lillbach and Dr. Gaffin, that Mr. Kinnaird's position is precisely that of the Westminster Standards. Further, the Brief submitted today by Mr. Kinnaird clearly and conclusively demonstrates that Mr. Kinnaird's statements, set forth in the Specifications, are fully in accord with the Scripture and the Westminster Standards.

The Defense would maintain that if the Accusers wish to see a change in the doctrinal position set forth in the OPC's Confession of Faith and Catechisms, that they should seek this change through a different route than that of bringing a charge against someone holding that

position. There are at least two such that come to mind. They: (1) could request that the appropriate judicatory, either a session or presbytery, consider whether a position which they propose, in opposition to that set forth in the OPC's subordinates standards is, at this point or that, true to the Bible. Such a task belongs to our judicatories: "to resolve questions of doctrine... seriously and reasonably proposed" and "to condemn erroneous opinions which injure the purity... of the church" (FOG XIV:5). Or, they: (2) are free, under the terms of our denomination's constitution, to recommend and seek to effect appropriate changes by proposing amendments to the Confessional Standards of the Church, if they are so inclined.

VIII. WHAT IS THE JUDICATORY'S TASK?

Mr. Wilkening remarked, early in this trial, to the effect that we are here to determine whose view is correct. In saying *that*, he is not correct. It is not a judicatory's task to judge between the views expressed by the accusers and the views expressed by the accused, as to who has the correct view. It is this Judicatory's task to determine this question: are these Specifications, which we stipulate accurately set forth Mr. Kinnaird's words, sufficient to support the weight of this Charge, that he "teaches a doctrine of justification by faith and works, contrary to the Word of God and the Westminster Standards." And that, in the face of Mr. Kinnaird's repeated protestations that he neither believes nor teaches any such offensive doctrine?

In answering this question, the Judicatory will vote on each Specification separately, and then upon the Charge itself (according to BOD IV.C.3.a). If the Court takes the Charge without the comma (even though it has not been removed), and without identification of what it is about Mr. Kinnaird's doctrine that is egregious, as the Moderator has indicated it will so take it, so be it. We would have preferred that the Charge had been re-formulated so as to bring it clearly into order, but that was not to be. The result has been that now the Judicatory itself is faced with the difficult task of pronouncing a verdict of guilt or innocence on what can only be construed as a defective Charge.

Thus, the Court is confronted with a dilemma: Mr. Kinnaird admittedly teaches a doctrine of acquittal "according to works" on the future Day of Judgment. Is that a "doctrine of justification by faith and works?" If so, then Mr. Kinnaird would have to plead guilty. But then, in believing and teaching such, Mr. Kinnaird is in good company--Holy Scripture and the Westminster Standards. The fact remains, however, that this teaching of a acquittal "according to works" on the coming Great Day of Judgment, is not contrary to the truth that the justification of believers, pronounced forensically by God upon their conversion, is not based upon their works at all. For that, as well as for the final acquittal, the active and passive obedience of Jesus Christ is the sole ground and basis. This, Mr. Kinnaird believes and teaches. He is not guilty of heresy as charged. We respectfully request the Judicatory to render such a verdict.