

A response to MBC's recent email, and why members should vote NO to their Plan For Lawsuit Resolution

Many members do not realize that over the last 2 years there has been a major struggle/split within the MBC church body, resulting in a significant percentage of its membership leaving to attend other churches. Weekly Sunday attendance has dropped significantly, from a high of approximately 18,000 just four years ago, to less than 4,000 worshipers presently attending all campuses. This steep decline is not attributed to Covid.

Current MBC leadership has grossly misrepresented what is happening with the legal complaint filed by five of its church members. They have erroneously accused this group of violating Paul's instruction to Corinthian believers to not go to court against one another (1 Corinthians 6:1-8). But this is a misapplication of Biblical Teaching. 1 Cor 6:1-8 is about fellow members in a church going to court "against another" to settle disputes, when there is an existing way in the church to handle those disputes between members/attenders. It does not pertain to a situation where church leadership has violated the church's own constitution and forcibly interfered with the established methods for the congregation to correct such problems amongst its leaders. Interestingly, the Bible actually calls us to rebuke such elders publicly (1 Tim 5:19-20). Further, Acts 21-22 talks about Paul being arrested for a crime he did not commit. After his arrest "the commander brought Paul inside and ordered him lashed with whips to make him confess his crime." As they tied Paul down to lash him, Paul said to the officer standing there, "Is it legal for you to whip a Roman citizen who hasn't even been tried?" In this instance, Paul was using his Roman citizenship to protect himself. There is nothing wrong with asking the court system to enforce the law, so long as it is done with a right motive and pure heart.

It is important to note that the Bible does not forbid lawsuits. Furthermore, our judicial system is based on Judeo-Christian principles. James Madison proposed the first 10 amendments to the U.S. Constitution (Bill of Rights) which included freedom of religion and the right to trial by jury in all civil cases.

McLean Bible Church was established under the laws of the Commonwealth of Virginia, and it enjoys the protections and advantages of both state and federal law. MBC is able to solicit and receive tax deductible donations, greatly enhancing its ability to raise money. Current MBC leadership regularly utilizes protection from the Fairfax County Police Department, and has in fact (mis)used the police to trespass members and attendees who lawfully attempt to make their views known in congregational meetings. It is understood that in 2020/2021, MBC applied for and received about \$1.8 Million under the Federal PPP Program for COVID Relief to cover payroll expenses. Finally, it must be noted that MBC is governed by its membership under Virginia law, which holds that in a congregation-ruled church, that church's constitution is tantamount to a contract with its membership.

The pending lawsuit is asking the court to mandate that MBC conduct its church business in accordance with its constitution, and to follow its long established precedent of conducting business meetings under Robert's Rules of Order, allowing its members to make motions, freely express their views in support of (or against) such motions, and then to vote by secret ballot in certain situations (long established practice for Elder Elections).

In their most recent email, MBC leadership announced a "special online congregational meeting" for Wednesday, May 18th, at 7pm, to hold a vote on the church's "Plan for Lawsuit Resolution". If passed, this plan would bring about a number of changes to the constitution. Here are two notable constitutional revisions found in their plan:

- (1) It elevates David Platt's status as *teaching* elder to that of a "*duly elected*" elder. Article VI section 1 states that "the board of elders...shall consist of a minimum of six (6) elected elders, *plus the pastor-teacher.*" David Platt is only on the board of elders by virtue of his being the pastor-teacher, not because he was duly elected as an elder by the congregation. Elevating him to the status of a "duly elected" elder will grant him a higher authority than what has been provided for in the constitution.
- (2) It calls for *location pastors* to present a 6 man governing board and 6 person nominating committee to the church, in the event elders do not receive a 75% vote of confidence. This would be a significant constitutional change, shifting the selection of the interim governing board and elder nominating committee from the *congregation* to the *location pastors*, who in fact are paid employees under the authority and control of the Pastor. The constitution currently empowers the *congregation*, not the *location pastors*, to nominate and elect the interim governing board and elder nominating committee. Changing this process would be a significant revision to the constitution. Article III Section 2 requires the congregation to be notified of any proposed constitutional revision at least three Sundays prior to a duly announced business meeting. MBC's recent email, announcing the May 18th meeting less than a week in advance, does not come close to providing the required notice for voting on such a constitutional revision.

In the same email, current MBC leadership announced an online meeting for Wednesday, June 1st at 7pm, to vote on elder nominees. We believe both the May 18th and June 1st announced meetings are illegally constituted, and that any actions taken in them will ultimately be declared invalid by the court. Not only has there been insufficient notice for the two meetings, but

neither one provides an open microphone for members to ask questions or to advocate for opposing viewpoints. The church claims voting will be by secret ballot; however, by holding the voting online the leadership can and will continue to monitor who gets to vote and how they vote.

Both meetings will not come close to resembling the definition of a legitimate business meeting, as commonly understood by society and by Virginia corporation law. The meetings are not in person, not at a specific location, not held within a reasonable time frame (2-4 hours, not days), not properly gavelled in with minutes read, not having a measurable quorum established, and with no provision for members to advocate their views at the meeting. Instead the meetings are being held as a one-way presentation OnLine, rather than in person, thus preventing any dissident views from being heard by those in attendance. By keeping the voting open for 4 days, it allows MBC leadership to harvest as many votes as possible from as many people as possible with no checks and balances to prevent fraud.

MBC claims that “an independent neutral observer shall oversee the voting process and vote counts at the new election in order to ensure the integrity of the voting process.” This is the same claim MBC leadership has made in past elections. However, the “independent neutral observer” has been an attorney from the law firm Holland & Knight, the same firm representing the church in court. He/she is hardly an independent neutral observer, and using them raises conflict of interest questions about their representation.

Notwithstanding our belief that the court will ultimately invalidate any actions taken at these two meetings, we recommend that those in attendance vote “NO” on May 18th to the “Plan For Lawsuit Resolution”, “NO” to the elder nominations on June 1, and “NO” to the acceptance of any new members. We feel it is

appropriate and fair to restrict new membership at this time in order to prevent the current MBC leadership from padding the votes by adding new members (presumably unaware of the current turmoil) who are brought in by leadership solely for the purpose of lobbying their votes.

Please realize that, despite MBC's claims to the contrary, the court has already rejected all of their attempts to have the plaintiffs' complaint thrown out. The case is now in the discovery phase, where the plaintiffs have asked the court to require MBC leadership to provide answers to interrogatories, production of documents, requests for admissions, and depositions of witnesses. To date, MBC leadership has failed to respond to these discovery requests, instead filing motions to delay or avoid producing these answers, admissions, documents, and witnesses for deposition.

It is understood that a court hearing has been scheduled for May 27 to deal with a Protective Order being proposed by MBC's Attorneys. This order would outline what information released in Discovery would be considered as confidential and how such info would be handled. We believe it is abundantly clear that current MBC leadership is trying to avoid disclosure of the facts in this case. We further believe their *Plan For Lawsuit Resolution* is nothing less than an attempt to alter MBC's constitution to prevent the congregation from moving forward following a possible elder vote of confidence loss. We also believe they want to use the passage of this plan to mislead the court into believing they have complied with the relief sought by plaintiffs, and that the case should now therefore be dismissed.

Please review the detailed 17 page letter ([click here](#)) which was presented to the Elders early in 2021 and which was never properly responded to. We hope all MBC members will make the

effort to prayerfully review the facts, just as we who stand with the plaintiffs have done, and ask God for guidance and direction.

“Then you will know the truth, and the truth will set you free.”

John 8:32