

To the Mid South Region Judicial Review Committee,

April 23, 2016

Brothers,

I believe that the integrity of our region's disciplinary process has been seriously compromised by Steve Teter and Adam Campbell by prematurely and unjustly disposing of the disciplinary process of Gene Emerson. I believe that our own judicial review committee is the proper place to locate initial jurisdiction for this complaint and request for correction.

Our BCO and Rules for Procedure are clear that once a decision is made by a panel with proper authority and jurisdiction, and upheld on appeal, that decision may not be reconsidered or set aside. It is a binding decision. Even the panel who made the decision may not reconsider or set aside the decision as written.

BCO 21.7 "The Process. All adjudications shall proceed according to the Rules of Procedure for Adjudications (cf. BCO-15.3.1.3)."

RPA 34.5 "The adjudicators' decision shall be legally and ecclesiastically binding on the parties, except as provided by law, and may be filed as a judgment and enforced by a court of law. It shall be the sole responsibility of the parties to file a decision with the court and, if necessary, to have it enforced."

RPA 34.7 "The adjudication decision is final and cannot be reconsidered or appealed except as provided by Rule 35 and/or the Book of Church Order of Sovereign Grace Churches and/or civil law."

On Wednesday April 20th, Steve moved for a vote on accepting a confession written by Gene submitted to us via email through Matthew Williams. I believe that the confession submitted objectively fails to meet the criteria set forth in the decision. As a result, by voting to accept it, they acted outside the authority of the decision itself, and overstepped their role as adjudicators for our region.

I would recommend that Steve and Adam be reprimanded for this breach, and removed from further service on the JRC. I would further recommend that the RAE be informed of this action, and the reasons for it, so that future committee members and adjudicators will act more soberly and circumspectly in the performance of their duties. Additionally, Matthew Williams should be informed that the panel's vote was not in keeping with the decision, and though it formally releases Gene from discipline, he should avoid pointing to the panel's vote as an objective confirmation of Gene's repentance in any public statements he might make to his church.

**Why the vote to accept the confession was unjustly made.**

In November, after the Emerson trial, the panel found Gene guilty not only of the charges brought against him, but also found him guilty of having *intentionally sought* a prostitute, and

of *lying to cover up* that fact. Given the nature of the sin, and Gene's unrepentant state at that time, we found for the remedies of loss of office, public rebuke, and for excommunication. It is important to note that the reason we found Gene unrepentant was not because he had not been sorrowful in the months leading up to the trial, but rather because he maintained a narrative about his sins that denied the *intentionality of having sought out* the prostitute and for *lying to cover up*. While Gene was sorrowful, and was willing to confess many kinds of sins, he denied that he intentionally sought the prostitute, and he denied that he lied in order to cover up this fact. That was the key aspect of why we deemed him unrepentant.

In finding for excommunication we decided to allow the church a time to appeal to Gene before the church finalized the decision of the panel to excommunicate. And, in hope that these appeals would prevail, the panel set forth the specific minimum requirements that a future confession would need to have in order to ensure that a future confession would exclude his previous false narratives that denied intentionality and cover up. We wanted to hear him clearly acknowledge the truth about what happened before we would deem him repentant. The panel also gave itself the authority to review and confirm that any future confessions *met the standards set forth in the decision*.

It is my contention is that Steve and Adam, in voting to accept the confession Matthew delivered, did so despite the fact that the confession objectively does not measure up to the standard. We have all vowed to submit to and uphold our BCO, which includes the rules for adjudication. These rules oblige us to enforce all binding decisions made by panels with proper authority and jurisdiction. Once made, and upheld, decisions *may not be reconsidered*, in whole or in part. Nor can they be subordinated to any other party. I believe that Steve and Adam ignored those requirements, reconsidered our decision, and changed the standards in order to accept Gene's confession.

Here are those standards set forth in the decision, they are found in the section under the remedy for excommunication. They focus on the core issues and establish the standards for evaluating a confession:

(3) **Excommunication.** On the two charges that Gene has been found guilty of we do not see evidence of repentance. While he confesses many other sins that may have contributed to the sins he's charged with, ownership of having pursued illicit sexual involvement with a prostitute, and ownership of having deceived the elders and the church, have not been clearly confessed to date. Indeed, he denies having memory or knowledge of the nature of these actions and statements. Gene acknowledges that he *effectively* solicited and that he *effectively* lied (that his actions and statements had those effects) but he denies knowledge or clarity about these events and therefore says he cannot own or confess the intentional nature of these charges.

Repentance from *sexual immorality of a criminal nature: propositioning a prostitute* - must include confession of having sought a prostitute, and having responded favorably to her offers of sexual activity for money.

Repentance from *lying to the elders and members of Kingsway Community Church* - must include a confession of having lied to the elders in order to cover up the sin of having sought out a prostitute and having lied to the church in order to cover up the nature of his sin in his public resignation.

We find that Gene's current repentance is insufficient to the charges he's been found guilty of because while he acknowledges other sins, he denies all intentionality relating to the sins he's been charged with.

Therefore the church needs to move forward with the process of excommunication. This would include offering the church an opportunity to appeal to Gene to repent. If, after an appropriate period of time for the church to appeal to him, Gene remains unrepentant, the elders should finalize the excommunication. Should Gene respond to the appeals, this Panel will reconvene in order to hear Gene's confession and evaluate whether his repentance meets the standards outlined in this decision.

Since our decision included clear standards by which future evaluations of a confession were to be made--any setting aside of those standards for new standards, or relocation of responsibility for evaluating the veracity of that confession, constitutes a failure to uphold the binding decision--and a breach of our disciplinary integrity. I believe both Steve and Adam set aside the defined criteria and substituted new criteria, namely that of their own opinion of what may be happening in Gene's heart, primarily grounded in Matthew's testimony of what he believes may be happening in Gene's heart. These men may or may not be correct in their evaluation of what is happening in Gene's heart--but those opinions are clearly not the standard by which the decision required us to base an evaluation.

In our adjudication training, much effort was spent on how the role of an adjudicator is unlike the role of a pastor, in that an adjudicator must make reasoned decisions based on the statements and the evidence, not their opinions of what they think may be the condition of a person's heart. Rigorous restraint to the facts, the evidence, and the testimony of witnesses is the task of the adjudicator--we are supposed to resist the impulse to form opinions based on what we think is in the inner motives of a man's heart (sinful or pure).

In our deliberations on Gene's confession, before our vote to accept it, Steve said that in his opinion, our voting to accept Gene's confession was no longer governed by the formal requirements of adjudication but rather we needed to function primarily as pastors to serve the eldership of Kingsway's in their efforts to care for Gene. Steve stated that he intended to rely primarily on what their opinions were about Gene's heart, and their evaluation of his state of repentance. I consider Steve's statements to be a reconsideration of the standards we set in how

he would evaluate a confession--relocating the task of measuring the confession to the standards of the decision to the sensibilities of the elders with respect to the internal status of Gene's heart and repentance. While their evaluation of his heart is indeed a helpful and necessary part of our process, it cannot be made to be the basis for evaluating the confession instead of the standards set forth in the decision.

During our deliberations, before we voted, Steve stated that he would rather err on the side of showing mercy to Gene. That sounds kind and gracious, but when it comes to systems of justice we are not to side either with the rich or the poor, but rather only for the truth as best as can be determined by the statements and evidence available. "You shall not fall in with the many to do evil, nor shall you bear witness in a lawsuit, siding with the many, so as to pervert justice, nor shall you be partial to a poor man in his lawsuit" (Exodus 23:2-3). Steve's desire to err on the side of charitable judgment toward Gene, when functioning in this formal role, was not a righteous position. In our role as adjudicators we are bound to make true decisions based on the evidence at hand, not charitable judgments based on our opinions about individuals. To see how this is unjust, just consider a situation where the opposite inclination was present. Suppose Gene's statement did clearly meet the criteria of our decision. And suppose there was no objective reason to reject it, but instead an adjudicator just felt that God had not yet done a sufficient work in his heart, even though the confession met the standard. Would that be just? Of course not. Neither is it just to lean the other way. We are not to lean one way or the other, but limit our decisions (and uphold of decisions) based on statements as written.

My contention is that the objective truth value of Gene's confession clearly fails to meet the criteria set forth in the decision. And that in order to vote to accept this confession, Steve and Adam had to adjust their criteria.

Matthew Williams made a clear acknowledgment of the deficiency of the confession when he sent it to us. Steve adopted Matthew's opinion during our deliberation,

*"The confession below is the fruit of a number of conversations we've had with Gene in recent weeks. It's obviously not everything I would have hoped to see, but it addresses the core issues. As best as we can tell, it represents a good-faith effort on his part to repent of his sin as a man who is very much still in-process. I don't think we can ask for or require more at this point. Can you review with the JRC for us?"*

Matthew acknowledges that this confession does not meet the standards of the decision. He thinks it addresses (but does not settle) the "core issues" and he asks if we can require any more. The answer to that question is we can require no more, *and no less*, than what the decision requires. Steve and Adam accepted a confession that was much less than what was required in the decision and thus failed to fulfill their duty, and misused their roles and authority in dispensing with Gene's discipline.

Matthew's plain acknowledgement of the weakness and insufficiency of Gene's statement should have been enough for us to realize that the confession did not meet the requirements of the decision, but we need to evaluate the decision itself to see if that's that's case.

A confession is a very formal kind of statement. Formal statements, particularly confessions, contain truth value. They are either true or false. Statements can be evaluated and objectively measured. Formal statements are not like opinions (chocolate is better than vanilla) whose truth value is in the one making the statement. Formal statements are objective. It was our duty as panel members to carefully evaluate the statements in the confession to determine whether or not they met the standards set in the decision. No more, no less.

Steve and Adam willingly adopted Matthew's opinion that the confession we had was the best we could hope to get, and also acknowledged that it was not everything we might want. They also both adopted a new standard namely, that what was most important in our vote was Matthew's evaluation how the genuineness of Gene's heart with respect to his repentance.

However, in Steve and Adam's opinion, upon which they cast their votes, they also asserted that they believed Gene's confession did meet the core issues of the decision. However, as I repeatedly tried to point out the particular statements in the confession during our deliberations, to show how the statement objectively does not meet the criteria, Steve would revert to other arguments regarding our place with respect to excommunication in a local church, not judging Gene's heart, relying on the elders at Kingsway, and so forth. He also insisted that one way or the other we were going to vote and that would settle the matter. He did not engage in any actual evaluation of the confession itself. He simply asserted his opinion that it did meet the core issues. But when it comes to formal statements, they are not made true through majority opinion or votes. A true statement is true because it is true and a false statement is false, regardless of how many people vote that it is true.

So if it can be demonstrated that this confession objectively falls short of those standards, then their opinions were not only wrong, but their votes were a miscarriage of justice and an overstepping of their authority as adjudicators in this case. If so, they failed our JRC, and our RAE. And to the extent that prematurely releasing Gene from discipline by acting outside their authority may have damaging effects at Kingsway or in other churches, our panel is responsible.

Here is Gene's confession with my reasoned evaluation of its truth content, and I believe it is evident (as it was to Matthew when he sent it) that it fails to meet the standards. My evaluation and commentary is in red; Gene's statement is in blue.

“I want to confess to you that I am guilty of criminally soliciting a prostitute and lying to the pastors and to you, my church family, specifically in the statement at the Member's Meeting that I had not done anything immoral or illegal.”

Gene confessed this much originally, but as our decision points out there is a world of difference between acknowledging the fact of criminal solicitation and confessing that he intentionally sought a prostitute. Where in this statement is there any confession of *intentionally seeking out* a prostitute? Where in this statement is there confession of lying *to cover up the sin* of intentionally seeking out a prostitute?

It is also concerning that he specifies his lie with the statements he made at the members meeting. Is he limiting his confession to that? What about covering up his sin when he originally informed the elders?

The next section just describes Gene's spiritual condition leading up to his sin. While it's pastorally relevant, it is not relevant with respect to the confession meeting the criteria set out in the decision. Gene was just as broken hearted and confused in November, but it was his unwillingness to acknowledge the truth about his sin, and instead assert a false narrative that caused us to find him guilty *and unrepentant* in the first place.

"I live with the grief that my actions have brought dishonor to God and have brought pain and hurt to you, those I care about most. I am sorry and brokenhearted for bringing shame to Christ and for violating your trust in that. Please forgive me.

Many people have asked me how this came to be, and the pastors have asked me to share with you some of the issues that contributed to my sin. Let me be clear — this is not an excuse. I am fully responsible for my sin, but I think it's helpful to share some personal issues that were a factor.

As family, friends and counselors helped me to review the past five years since our church split, I began to recognize that I had failed to believe God's promises of goodness in my suffering. I was striving every day to do my work and fulfill my call, but in hindsight I was laboring in self-sufficiency, which led to despair and ultimately to medical depression. I didn't have a category to realize it at the time, but I was weary and exhausted spiritually, physically and emotionally in the midst of a dark and hopeless season in my life."

Again, while Gene acknowledges sin here, the sins are not specified. He confessed to many sins in November, but not to intentionally seeking out a prostitute or lying to cover up that fact. These were the core issues. The next paragraph is the meat of his confession.

"As best I can remember, I didn't wake up on May 29 planning to solicit a prostitute,..."

This is a statement of denial with respect to intentionality.

“...but as I look back on that afternoon, that’s what happened.”

This is a confession that at the end of the day he is guilty of criminally soliciting a prostitute, but he likewise acknowledged that much at the start of the trial in November. This statement is perfectly in keeping with his original false narrative that while he ended up soliciting, he never intended to do so.

“In retrospect, it’s evident that I deceived myself:”

This is the closest this confession comes to showing any movement from his statements in November before the trial. But it does not specify what his self-deception entails. Here is where we would have needed to see, and *confirm*, that this self-deception he is confessing entailed not just unwisely putting himself in a situation where sexual temptation occurred, but that he had deceived himself with respect to having no intentions of seeking a prostitute. Our decision required that a confession be clear on this point.

*“Repentance from sexual immorality of a criminal nature:  
propositioning a prostitute - must include confession of having sought a prostitute, and having responded favorably to her offers of sexual activity for money.”*

“I believed that because I had no recollection of wanting to solicit a prostitute, but only to get a massage, that I was innocent, at least in my motives.”

Rather than specifying what needed to be specified according to the decision, Gene reiterates that he did not have any memory of intentions other than for a legitimate massage (and that he still has no such recollection). If anything this is a statement that his intentions, as he can recall, were only to get a massage. This is an unusual thing to reiterate if he is confessing that he intentionally sought a prostitute and not “just a massage.” Either way it is certainly not a clear statement that meets the criteria set out in the decision.

“Out of that, I lied to the pastors and eventually to all of you.”

“Out of that,” out of *what* exactly? Out of ignorance that remains intact today? He is confessing self-deception, and wrong motives, which resulted in lies. But do these deceptions and lies include *covering up his sin* of having sought a prostitute? Or just lies concerning the complete purity of his motives at the members meeting?

*“Repentance from lying to the elders and members of Kingsway Community Church - must include a confession of having lied to the elders in order to cover up the sin of having sought out a prostitute and having lied to the church in order to cover up the nature of his sin in his public resignation.”*

This statement does not meet the criteria set out in the decision.

“But I was justifying myself and minimizing my sin. I now see that I am responsible for putting myself in a situation of sexual immorality.”

This seems like a summary statement of his confession. But “being responsible for putting myself in a situation of sexual immorality” is exactly what he confessed last fall. And it is exactly the false narrative that our decision, and the specific criteria that our decision, was meant to exclude. Gene didn’t end up accidentally soliciting but rather he knowingly sought out a prostitute. This can hardly be taken as confirmation of repentance in keeping with the decision.

“Just so you know, to this day I find myself unclear about exactly what happened in that hotel room, despite having prayed and pleaded many times that God would give me clarity on the details.”

This is a deeply disturbing statement. Not only does it fail to confess what he did in that room, it seems to imply that the issue was just what happened in that room--and not how he came to be in the room in the first place. Our decision, and its requirements, were written in order to distinguish between Gene’s false narrative and what the evidence demonstrated, namely, that Gene *sought a prostitute intentionally*, and it rules out the narrative that that he only ended up soliciting as an accident to the situation he unwisely put himself in. That was the core of the decision, and this statement is far from a confession of that requirement, rather it is a reiteration of his original denials.

“Nevertheless, over the past eight months He has given me clarity on the gravity of my sin. I’ve come to see my actions as grievous and reproachable, and by His grace I have repented and forsaken those sins in godly sorrow.”

Since he has not specified the sins he’s confessing, these final statements can apply to any of the many sins he has freely acknowledged throughout this process. These statements do not satisfy the specific requirements of the decision.

“The Lord has helped me to press into a new, joy-filled relationship with Jesus. I am so grateful for the growth and life I have been experiencing in His word and prayer, but I know I have a long way to go.



I want to thank you for your prayers and support and patience. I'm sorry my contradictory statements have made the process difficult for the pastors and you."

I'd say that this confession includes even more contradictory statements rather than clearing any of the previous ones up. If, in fact, he still has no memory of having any intention other than for a massage, how is it that he is guilty of having "lied to the elders in order to cover up the sin of having sought out a prostitute?" If his memory only includes intentions for a legitimate massage, and no memory of any other intention, and if that same state of mind has continued to this day--then he would not be guilty of having covered anything up when he originally informed the elders. He would have been saying false things in ignorance--which, while incorrect, would not be lying. But we found him guilty of lying to cover up his intentions in seeking a prostitute. And the confession standards required that he acknowledge this fact. So if he is meeting the standard set then he cannot also be denying any memory of any other intention than ones for a legitimate massage.

So which is it? Is it a confession of having no memory of anything other than seeking a legitimate massage--thus not guilty of a cover up? Or guilty of lying to cover up his having sought out a prostitute as our decision reflects? This statement makes the latter option impossible, thus it cannot meet the standard set.

*Note: Our decision anticipated the dilemma that the evidence shows willful cover up, and requires that to be confessed, yet Gene claims no memory and thus is unable to confess that part. We walked through how we should think about this, and how best to serve Gene until such a time as his memory might clear so that he can make an adequate confession. We did not however, release him from this obligation, because the evidence was so strong with respect to knowledge and intentionality at the time.*

"It's clear to me that I need the same Savior that I preached to you over the years and I'm finding His mercy to be sweeter and stronger in my failures than I ever imagined. He led me through a very dark valley and He is restoring my soul.

I am open to any questions you may have and want to reconcile with everyone where I have failed you. I regularly ask that God would redeem this situation for His glory and the good of all involved. I love you, KingsWay Church, and will continue to pray for you."

Not only was it clear to me (and Matthew as well) that this confession did not meet the standard, Matthew was, in effect, asking us to change the standard. "*I don't think we can ask for or require more at this point.*" That might be Matthew's opinion and his desire for us to lower the

bar, but such an option was precluded by the standards in the decision. But Steve and Adam were willing to change those standards and vote to accept the confession, despite its obvious failure to meet the standards set.

One other failure in the vote to discharge this discipline was its hastiness. Why call for a vote based on this obviously deficient confession? Why the rush? Why not wait until Gene gains more clarity, or can more clearly confess? According to Matthew, the need was grounded in Gene's need to get out from under the pressure of discipline in order to make further spiritual progress. In his opinion, Gene could make no further progress than he had, and that he would not or could not make any statements more clear than what he had already written. Matthew also said that he felt the church needed to be able to move on from this season. I am certainly sympathetic to wanting discipline cases to end. But we cannot preempt a discipline process without confirming the repentance of the guilty party. And that confession of repentance had to meet the standards set by the decision that placed him under discipline.

I'm not sure why Matthew thinks Gene could not have made more progress. That might be his opinion, but even if he's right, that cannot be a basis to change the standard of our evaluation of Gene's confession. But what was most concerning to me was that Matthew, when being asked about the urgency for needing a decision right away (in the next few days at the latest), strongly indicated that he would under no circumstances ever excommunicate Gene, despite what our panel might decide. That is a different matter of concern. But with respect to the vote we took, Steve and Adam both adopted Matthew's opinion that Gene could make no more progress and therefore we might have to accept what we had as sufficient.

Steve seems to have had a strong desire to accept Gene's confession for some time. Back in December Gene offered a different version of a confession, much shorter and even more vague than this one. Steve wanted to accept that one too, and he had many of the same reasons for wanting to do so (leave it to the Kingsway elders, Gene is on a positive path, etc.). There was also, back then, a strong desire to conclude the matter quickly. I objected to this in a lengthy email where I made essentially the same case with respect to the authority of the written decision as I have laid out here. The difference now is that, after we did not accept Gene's December confession, he appealed the decision. Appealing was an odd choice for someone asking us to accept his confession with respect to the decision. Matthew and Steve were glad we had not accepted that decision after his turn around. All Steve's questions about whether or not our decision was proper, correct, including how we positioned ourselves in evaluating a future confession, and the basis for that evaluation ended up being upheld by the Court of Appeals. So the ratification of our decision, including its standards, should have had even more weight for Steve, but his willingness to lower the standards, and relocate the priority opinions in evaluating the confession resurfaced when he called for a vote on this more lengthy, but not much different, version of Gene's confession.

I believe this was a failed disciplinary process. I hope that the effects of this failure do not cause significant harm to Kingsway, and I hope that Matthew's convictions that Gene will continue to

grow in repentance now that he is out from under discipline are born out. But should Gene come to a place where--perhaps with restored clarity or from under the pressure of discipline--he comes to deny intentionality, reverting to his previous false narrative--the disillusionment of the members of our churches in the effectiveness of our disciplinary procedures will be valid. Our regional JRC, and RAE will have to own the disgrace of this failure on top of all the others throughout this process. But this failure could have been avoided if we simply held to our standards, or were less hasty in dispensing with this disciplinary process, or took time to actually walk through the statements in the confession with an eye to do some serious analysis.

In my opinion Steve and Adam should be formally reprimanded by the JRC, and removed from further service on the JRC. Additionally, Matthew Williams should be personally corrected for taking the position that he would not excommunicate regardless of the panel's decisions and advised to avoid relying on our vote as any objective confirmation of Gene's repentance.

Respectfully submitted for your evaluation,

Eric Holter, Pastor, Redeeming Grace Church, Durham, NC