

paul

From: [marshillchurch.org](mailto:paul@marshillchurch.org)
To: paul@marshillchurch.org
Sent: Monday, October 15, 2007 11:09 AM
Subject: FW: Please hold a fair and impartial trial - from Rob Smith

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From: Rob Smith [mailto:rob@thainboats.com]
Sent: Sunday, October 14, 2007 3:23 PM
To: Pastor Jamie Munson; Pastor James Harleman; pastortim@marshillchurch.org; Pastor Mike Wilkerson; pastorlief@marshillchurch.org; Pastor Bent Meyer; PastorTimQuiring@marshillchurch.org; pastorbrad@marshillchurch.org; Pastor Dave Kraft; pastordick@marshillchurch.org; pastoradam@marshillchurch.org; pastorbill@marshillchurch.org; Pastor James Noriega; pastorgary@marshillchurch.org; Pastor Steve Tompkins; pastorscott@marshillchurch.org; pastorbubba@marshillchurch.org; pastorraj@marshillchurch.org; Pastor Phil Smidt; Pastor Tim Reber; Pastor JD; Pastor Paul Petry; Pastor Jesse Winkler
Subject: Please hold a fair and impartial trial - from Rob Smith

Please hold a fair and impartial trial

My Dear Brothers:

After a long discussion with Pastor Dave Kraft it is apparent that Pastor Paul and Pastor Bent are not going to be allowed a fair and impartial trial.

A fair trial is both Biblical and required by the existing by-laws. It also is what was offered to both pastors when they were given the choice of resigning or facing a painful and embarrassing trial. They both chose a trial.

After my talk with Pastor Dave (and taking into account a long earlier discussion with Pastor Phil and James Noriega) it is clear that there has not been a consensus on what exactly constitutes fairness to an elder (or member) under discipline.

Benefits of a fair and impartial trial

1. *It protects the elders and its verdict.* If the trial is fair and impartial the members of Mars Hill will rest in the verdict and stand by the elders. If the trial is not fair and impartial it will foster a strong sense that the entire matter was either political or a power grab and will be viewed as unfair – garnering sympathy and support for the accused man.
2. *It protects the Church.* A fair trial allows the church to be firm and clear and will lessen criticism from both outsiders and members of Mars Hill. It will lessen gossip and eliminate the rumors that would otherwise circulate. An unfair trial would leave a shadow that will not easily go away.
3. *It protects the accusers.* If the trial is fair and impartial – the accusers will be able to stand protected by the verdict – and the rank and file member like myself will be able to stand with the accusers with a clear conscience. If the trial is not fair then the elders will have to insist

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on members standing by the elders' decision because they decree it. This will just mean that many members will comply but with great internal conflict – and others will lose respect for the elders and act accordingly.

4. *It protects the accused.* If the trial is fair and impartial – the accused are protected and the best outcome is likely. The purpose of discipline is to see reconciliation and repentance. If the trial is clearly fair and impartial – it empowers the verdict to achieve much. If under a fair trial the men are found guilty – there will be a clear challenge for these men to repent. I will be a part of that chorus as it will be clear that they are guilty of sin. If the trial is not fair and impartial – the accused men will feel that they have been railroaded and will not see their sin. The risk is that they become bitter because the trial was unjust. Members that would otherwise encourage them to repent will instead feel sympathy because of the injustice of an unfair trial.
5. *It will expose any false charges.* If the elders are actually innocent – only a fair trial will make this clear. This will allow the accusers to be challenged in a biblical way to repent of their accusations and be reconciled with the accused.

What has been proposed as the “trial” is neither fair nor impartial and is therefore unjust and unbiblical. Please consider the following points.

1. *The trial must be impartial.* The verses for impartiality in justice are numerous. The most impassioned charge to elders to be impartial is in the context of charges being leveled against elders (1 Tim 5:21). (Also consider Proverbs 18:5, 24: 23,28; 21, Lev 19:15, Deut 1:17; 16:19, Job 13:10 and numerous other verses.)
It is not possible for the accusers to be impartial. According to Pastor Dave the accusers were the executive elders. They have every right to be heard and to bring their accusations – but they cannot also present the defendants defense to the jury of elders. Neither can they sit on the jury themselves. To do so would be clearly unjust- even in the civil world. These men ought to recuse themselves from voting on the verdict as they are clearly partial in the matter. Sadly the leader of the task force investigating the charges is a member of the executive board presenting the case to the elders – including the side of the accused. This is clearly neither impartial nor fair. Seeing that he has not recused himself I have to presume that that the other accusers also have not recused themselves from the jury of elders who will vote the verdict. If this occurs the verdict will not be a just verdict by any measure.
2. *The evidence must be fairly heard and presented.* Prov 18:17. I understand from Pastor Dave that the accused will not be present at their own trial. This is shocking. Furthermore I understand that the task force will present case for the defense. How on earth can the task force – headed up by a member of the executive board who is leveling the charges – present Pastor Paul and Pastor Bent's defense? This would be a travesty of justice and the results will be that the verdict will not stand scrutiny.
For the trial to be fair the men must be given a fair opportunity to defend themselves. They should be able to cross-examine any witnesses and challenge any evidence presented as well as be allowed to present their own witnesses and evidence as they attempt to prove their innocence. This seems rather obvious – yet I had a very difficult time getting either Pastors Dave, Phil or James (N) to understand this.

It is my desire to be in unison with the elders and stand behind the verdict that is adjudicated. I have no idea if the men are guilty or innocent of whatever they are charged with. If the trial is fair I will stand rejoicing with the verdict of the elders. I will join with the elders call for the repentance of the men if they are found guilty. If they do not have a fair trial – I will not be able to stand with injustice and I fear that many other members will feel as I will. Injustice will have prevailed and God will not be pleased.

The verdict in such a case will be irrelevant.

Please consider this challenger from a brother who loves Mars Hill Church and believes that to be just demonstrates the love and nature of our God and His blessed gospel that we love and embrace.

He has told you, O man, what is good;
and what does the Lord require of you
but to do justice, and to love kindness,
and to walk humbly with your God? Mic 6:8

With love and sincerely,
Rob Smith