

CONFIDENTIAL

TO: Vision Baptist Missions

FROM: A. Lee Parks, Jr.

DATE: October 7, 2021

RE: Investigation of Claims by Rebecca “Becky” Earnhart

I. INTRODUCTION

The Board of Directors (“Board”) of Vision Baptist Missions (“Vision”) retained Parks, Chesin & Walbert, P.C. (“PCW”) to conduct an independent investigation into all allegations of wrongdoing made by Rebecca “Becky” Earnhart (“Earnhart”) against William “Austin” Gardner (“Gardner”), the Founder and former Pastor of Vision. While Mr. Gardner no longer holds any official position with Vision, its Board of Directors determined that Mrs. Earnhart’s decision to publicize her allegations via the internet and social media as well as a website she created (“Survivors of Austin Gardner”) compelled the Board to authorize the investigation. Mrs. Earnhart’s accusations fall into two general categories: (1) abuse, both physical and sexual, during the time she lived with the Gardner family from 1979-1985; and (2) various improprieties during Gardner’s administration of a mission in Peru from 2000-2003.

Given the wide disparity between the respective positions taken by Mrs. Earnhart and Gardner on the allegations, Vision requested an independent investigator provide a comprehensive independent assessment of the veracity of Earnhart’s accusations to ensure its many stakeholders that the organization took the accusations seriously and wanted to find the truth despite the fact that some 35 years have passed between Mrs. Earnhart leaving the Gardner household to attend college and her recent publication of her complaints about Gardner’s alleged conduct.

Regarding the abuse and prior to this investigation, Mr. Gardner freely admitted he administered corporal punishment to Mrs. Earnhart during her youth, but strongly denied all claims of abuse. Gardner further acknowledged he employed corporal punishment to discipline his biological children and the children who attended the Baptist school he founded and operated in Cartersville, Georgia from 1977 until 1985. Gardner justified the use of corporal punishment to discipline errant children as being integral to his religious beliefs as an Independent Baptist. The foundation for his belief is discussed in further detail in

Section 3.1. He also stated he was subjected to corporal punishment as a child by his father.

Mrs. Earnhart's accusations relating to the mission in Peru that was supervised by Mr. Gardner, or by those mentored by him, center on alleged improper conduct involving alleged rapes, forced abortions, and abuse by and of mission workers. Those allegations were not confirmed or rebuked by this investigation as no individuals came forward to discuss or otherwise confirm the accusations.

II. QUALIFICATION

Neither I nor any member of my law firm has any connection or other affiliation with Vision or any Board member or employee, past or present (including Mr. Gardner) or Mrs. Earnhart, her husband or family. In fact, I had never met or even spoken to anyone affiliated with Mrs. Earnhart and her family until this investigation. The investigation was done on an independent basis, meaning we were at liberty to make all inquiries and take such steps as we deemed necessary to evaluate the accusations made by Mrs. Earnhart against Mr. Gardner. I have 45 years of experience as an attorney and have undertaken many such investigations. I have also conducted over one thousand mediations and arbitrations which involve the assessment of accusations and the resolution of disputes arising therefrom.

III. INDIVIDUALS INTERVIEWED DURING INVESTIGATION

We first interviewed Becky Earnhart, who resides in Michigan, via video conference to ensure we had a complete statement of all her allegations and the basis for the same. Her husband, Jonathan, was present for a portion of the interview. We next interviewed Austin Gardner at our offices in Atlanta, Georgia. Both individuals were given a full opportunity over multiple hours to share any information or documents they believed to be relevant. They responded to all our questions and we permitted them to ask us questions about the investigative process. Both individuals also took advantage of the opportunity to submit additional documentation regarding their contentions after the interviews were conducted. Both Mrs. Earnhart and Mr. Gardner were articulate, courteous and thankful for the fact Vision sponsored this investigation and gave them a forum in which to vet the truth of the allegations with an independent investigator.

We next conducted telephone interviews with three of Mr. Gardner's biological children, Stephanie Young, Joy Soncco, and Chris Gardner, who lived with Mrs. Earnhart while she was in the Gardner home in Cartersville during 1977-1985 and later interacted with her during the mission to Peru. We also conducted telephone interviews with Ann Lee Murphy and Tim Harkey, who attended Liberty Baptist Church ("Liberty") and Cartersville Christian School ("CCS") with Mrs. Earnhart. We also interviewed Robert Nelson, Jr., Mrs. Earnhart's biological brother who also attended CCS, via telephone. We attempted to contact additional former students whose information was provided to us by Mrs. Earnhart and others, but those individuals refused to return our calls and e-mails.

IV. SUMMARY OF THE EARNHART ALLEGATIONS

During her four-and-a-half-hour interview, Mrs. Earnhart recounted her allegations of abuse at the hands of Mr. Gardner. Her claims did not deviate substantially from those contained in the videos Earnhart and her husband posted on Youtube and the website they created at www.survivorsofaustingardner.com. As noted above, the allegations center on two distinct time periods: the years Mrs. Earnhart resided with the Gardners from 1979-1985; and the Earnhart family trips to Peru to work on Gardner's mission from 2000-2003.

A. Cartersville, Georgia.

From 1979 to 1985, Becky Earnhart lived with the Gardners. At that time, Gardner was the founder and Pastor of Liberty, which operated CCS. Mr. Gardner served as principal or headmaster of the school and shared in the teaching duties for the high school and middle school aged children who attended the school. Mr. Gardner founded both Liberty and CCS in 1977, when he was only 23 years old and approximately two years removed from graduating Shorter College.

Mrs. Earnhart moved to Cartersville from Chicago, Illinois in 1979 with her father, Robert Nelson, and her biological brother, Robert Nelson, Jr. Her father accepted a job as the elementary school teacher at CCS, and enrolled Earnhart and her brother in CCS. According to her videos, Mrs. Earnhart's mother was absent from the family and never played a meaningful role in her daughter's life. During her interview, Earnhart indicated she did briefly live with her mother and also with her grandmother until her mother effectively abandoned her children and she went back to living with her father.

Shortly after moving to Cartersville, Mrs. Earnhart ran away from home in 1979, when she was twelve years old following an intense argument with her father. She fled to the home of some fellow church members. They called Mr. Gardner, and he came to the home and collected Earnhart.

Mrs. Earnhart contends the abuse by Mr. Gardner began on the first night in his home. She stated Gardner told her she was a “bad girl” and too “rebellious,” and his stated solution was to “beat the devil out of her.” Earnhart claims he beat her in the basement of his home that first night. After staying with Gardner for several days, Earnhart briefly returned to live with her father for approximately two weeks. According to Earnhart, her father returned her to Gardner for guidance and discipline. According to Gardner, Mr. Nelson stated he strongly desired for Earnhart to live in the more structured home environment that Gardner and his family could provide, and Mrs. Earnhart agreed to live with the Gardners.

Mrs. Earnhart resided with the Gardner family until her graduation from high school. Earnhart said Gardner continued to “discipline” her through beatings or lashings on a regular basis. She claims he used a board, a switch, a wire fly swatter handle, and on at least one occasion a fishing pole to administer the punishments. She says the “discipline” would entail 20-100 lashes per incident. Her explanation as to why Gardner’s wife Betty never saw these beatings was that they never took place in front of Betty or the Gardner children. She says Gardner instructed her to wear a long sleeve bathrobe to cover bruises and at times to stay home from school when the bruises could not be covered. She claims she was at times struck on the bottoms of her feet to hide the markings. Earnhart says she never saw Gardner beat his own children to the same degree, but she claims she did see Gardner toss his oldest daughter across the room in anger at times and also claims Betty would cower from Gardner in fear of his anger. Earnhart admitted she was a “scrappy” teenager, given her upbringing, but denies she was overly rebellious.

Mrs. Earnhart did not recall or recount any direct sexual contact with Austin Gardner. She does allege that, beginning when she was approximately 14 or 15 years old, Mr. Gardner would tell her to prove she was obedient to him, and therefore to God, by instructing her to remove or lift up her shirt in front of him. She claims Gardner also would offer to give her fewer lashes when she was punished if she agreed to take the lashes on her bare bottom. She says the option to continue receiving beatings on her bare rear end continued up until the time she

left home after high school to attend college. Earnhart claims Gardner would manipulate her to where it was always a choice for her disrobe or drop her under garments, even though she says there really was no choice. She also claims that Gardner would rub her naked body with Vitamin E to prevent scarring from the beatings, and that Gardner would wait until his wife was gone from the home or in the shower to do this. Earnhart described these incidents as sexual abuse.

Mrs. Earnhart also alleged that a deacon or song-leader at CCS and Liberty performed oral sex or kissed her vagina on two occasions when she was 14 and then 16 years old, and also that he took pictures of her without clothing. Earnhart claims this happened when she was at the song-leader's house helping his wife with household work. She reported it to Mr. Gardner, but only after the second incident. She claims she told Gardner the graphic details about the alleged molestations at his request. She contends Gardner asked what she had done to tease the man to induce him to do that to her. Earnhart says he told her she had not been careful. Afterwards, she claimed Gardner would draw explicit pictures to show her to explain sexual behavior between men and women. Mrs. Earnhart alleges she did not realize how inappropriate it was until she was an adult because it was how she was raised by Mr. Gardner. Mrs. Earnhart contended Mr. Gardner never investigated her claims or confronted the song-leader as to whether he sexually abused Mrs. Earnhart.

Mrs. Earnhart alleged that another female student at CCS contacted her about inappropriate contact from Gardner. Earnhart says that this student recalls an evening at the Gardner household when Mrs. Gardner was away where Gardner attempted to convince her and Earnhart to lie in his bed with him. Earnhart says the student told her that she refused and left because she felt it was inappropriate, leaving Earnhart alone with Gardner. We have attempted to speak or communicate with the student, but we were unable to make contact.¹

B. Mission in Peru.

Mrs. Earnhart and Ann Murphy nee Lee were the only graduates from CCS in 1985. At about the same time, Gardner resigned as Pastor from Liberty and as

¹Earnhart provided the contact information for this former student, but we are refraining from publishing it since the individual did not speak to us directly in spite of our attempts to contact her.

principal from CCS to pursue an overseas mission. Mr. Gardner and his biological family traveled to Mexico for an immersive Spanish language training session, and then returned to the United States to raise money to fund a mission sponsored by Macedonia Baptist Missions. In approximately 1987, Gardner and his immediate family traveled to Peru to begin a mission that, including periodic furloughs to return to the U.S. to raise money, lasted some 18 years.

Mrs. Earnhart remained in the United States attending college at Trinity Baptist College in Jacksonville, Florida, beginning in 1986. She later graduated from Trinity in 1990. Earnhart then remained in Jacksonville while her husband Jonathan, whom she met at college, completed his education. He graduated from Trinity in approximately 1992.

Mrs. Earnhart traveled to the Gardner's mission in Peru in 1992 with her soon-to-be husband. The two visited the mission so that Jonathan Earnhart could obtain the blessing of Gardner to marry Becky, because they considered Gardner to be her *de facto* father. The Earnharts state the trip lasted approximately two weeks. The Earnharts do not allege any specific wrongdoing by Mr. Gardner during this visit, but both state that Jonathan did not get along with Gardner, as he did not approve of the way Gardner managed the mission.

The Earnharts returned to the United States where they were married. Earnhart asked Gardner to travel home to officiate or attend the wedding, but he was unable to attend due to his mission obligations. He had also failed to accept her invitation to attend her college graduation for the same reason. These absences were disappointing to Mrs. Earnhart. The Earnharts allege they were called by God to become overseas missionaries immediately following their graduation, but instead they moved to San Diego, California, where Jonathan worked at the Baptist church where his father was a minister. During this time, the Gardners visited the Earnharts at least once in Jacksonville and once in San Diego while on furlough from the Peru mission.

The Earnharts remained in California working at Jonathan's father's church until 2000, when they decided to join Mr. Gardner's mission in Peru despite Jonathan's alleged misgivings about Gardner. The Earnharts acknowledge that, prior to joining Gardner's mission in 2000, they had not investigated any other opportunities to serve as missionaries at any other locations or under any other sponsorships or mission leaders.

The Earnharts state the relationship between Jonathan and Gardner became very strained after they joined his mission. Disagreements between Jonathan and Gardner over his leadership style continued. Jonathan claims he did not like the way that Gardner made himself the focus of the mission. This strained relationship came to a head in approximately 2003 when Jonathan discovered e-mails on his computer after it was used by his brother-in-law, Julio Soncco, a local Peruvian member of the mission. The emails showed Mr. Soncco had an adulterous affair with another missionary. Soncco had married Mr. Gardner's daughter, Joy Gardner, after the two ran away from the mission for several weeks. Earnhart claimed that Gardner had Julio Soncco beaten as punishment for his adultery. Mrs. Earnhart claims it was Gardner's handling of Joy's marriage to Soncco and the subsequent dealings with the adultery that triggered her memories of how she was beaten by Gardner. Earnhart stated she began recounting her treatment by Gardner to her husband and that he helped her realize that Gardner had abused her.

The Earnharts contend these realizations regarding the abuse caused them to leave Gardner's Peruvian mission and return to the United States where they filed a complaint with David Gibbs, Jr. of the Christian Law Association ("CLA") in 2004. The complaint letter was forwarded to Macedonia, who in turn sent it to Gardner in Peru. A copy of the complaint letter delivered to Macedonia is attached as **Exhibit 1**.² The complaint letter references an additional document containing Earnhart's "testimony" including her personal allegations, but it was not provided when requested from the Earnharts.

In her online videos, Mrs. Earnhart claims that Gardner mocked the complaint with his missionary leaders and bragged that the allegations were beyond the statute of limitations. Earnhart claims that Gardner refused any and all accountability for his actions during this meeting. She says that Gardner's behavior upon receipt of the letter was recounted to her and her husband by a Peruvian missionary, Henry Sucapuca, with whom she and Jonathan had worked while on the Macedonia mission in Peru.

In addition, the Earnharts later returned to Peru as part of a mission sponsored by a different group, BIMl. They spent several more years in Peru

²A typed document that may be the referenced "Rebecca's Testimony" was included with a police report filed by Earnhart in Bartow County in May 2021. The police report is attached as **Exhibit 2**.

before returning to the United States. They are now both Pastors at New Heights Baptist Church in Michigan.

V. FINDINGS REGARDING ALLEGATIONS OF ABUSE

A. Allegations Concerning Cartersville, Georgia.

1. Allegations of Sexual Abuse by the Liberty Baptist Church Song-leader.

Mr. Gardner admitted that Mrs. Earnhart approached him and told him that she had been molested by the song-leader at Liberty.³ Gardner stated that Earnhart told him the alleged abuser performed oral sex on her and that she believed photos were taken. Mr. Gardner denies that he failed to take any action and offered proof that he did confront the alleged abuser with Mrs. Earnhart's allegations. Gardner stated that he did so after first contacting the CLA for guidance on how to handle the allegations. Specifically, Mr. Gardner says he spoke with a CLA attorney named Charlie Craze. He states Craze coached him on how to question the song-leader and cautioned him to avoid making any direct allegations or accusations. Gardner states he did so, but that the song-leader denied any inappropriate contact with Mrs. Earnhart. However, Gardner admitted that the alleged abuser's explanations and denials troubled him to the point where he doubted his credibility.

Additionally, Gardner provided an original, hand-written letter he received from the alleged abuser addressed to him concerning "slandorous accusations" that Gardner made against him. While the letter does not specifically detail what the slanderous accusations are, it does state that they caused him to leave Liberty. The alleged abuser also threatened Gardner with legal action if the accusations were shared with the members of Liberty, which proves to this investigator that the "accusations" were those made by Mrs. Earnhart. A copy of the letter is attached as **Exhibit 3**. Interestingly, the letter is dated February 22, 1985, when Earnhart would have been 17 or 18 years of age. While that date does not mesh with Mrs. Earnhart's contention that the abuse occurred and was reported when she was 14 and 16 years old, it is clear the "accusations" that led to the letter and the alleged abuser leaving Liberty were the accusations Mrs. Earnhart reported.

³The name of the alleged abuser is not included in the report as it is not germane to our findings.

The letter proves that Mr. Gardner did address Mrs. Earnhart's allegations by confronting the alleged abuser. Gardner did seek guidance from a CLA attorney, who as we said warned Gardner to avoid direct confrontation over the allegations. However, we conclude Gardner could and should have done more in response to allegations of sexual abuse against a minor who was a member of his church, a ward in his home, and a student in his school, other than just run off the accused from the church. Gardner unquestionably should have alerted law enforcement authorities to Mrs. Earnhart's allegations of sexual abuse. While we cannot speculate as to how local Cartersville law enforcement would have responded to these allegations in the 1980s, it is an action that we would reasonably expect any pastor or headmaster to take in response to this type of claim. Of note, Mr. Gardner acknowledged that, in retrospect, he did not take sufficient steps to report the alleged incident of molestation and expressed remorse for his failure to do so.⁴

2. Allegations of Sexual Abuse by Gardner.

With respect to Mrs. Earnhart's claim that Gardner sexually abused her in his home and at CCS, we have not been provided with or uncovered any additional evidence beyond Earnhart's own allegations. Mr. Gardner, on the other hand, vehemently denies striking Earnhart on her bare buttocks or asking her to remove her clothing. Gardner stressed his religious conviction that men and women should be clothed in the presence of each other.

We were able to interview three other students who attended CCS at or near the same time as Mrs. Earnhart: Ann (Lee) Murphy, Robert Nelson, Jr., and Tim Harkey. All three to varying degrees recounted physical punishment at the hands of Gardner or other faculty of the school. None of the three, however, provided any direct personal knowledge of inappropriate sexual touching or sexual behavior by Gardner.

Additionally, the three Gardner children who were interviewed stated that their father employed corporal punishment to them when they misbehaved or were, in their words, "rebellious." They stated that the discipline included whippings

⁴During her interview Mrs. Earnhart stated that the alleged abuser had later been arrested and convicted of child molestation in connection with a separate matter. We have researched Georgia criminal law records regarding that allegation and have found no evidence to substantiate it.

with belts and paddles which continued until they were generally 15 or 16 years of age. However, all three denied that Gardner ever punished them by striking them on bare skin or bare buttocks. All three also mentioned their father's strict belief that both men and women should keep their bodies covered in the presence of other people.

3. Allegations of Physical Abuse by Gardner.

Vision has long been aware of Mr. Gardner's admission that he administered corporal punishment to Mrs. Earnhart, his own biological children, and to CCS students as part of his spiritual beliefs that such punishments are supported in Scripture. The recollections of Earnhart and Gardner diverge with respect to the frequency and severity of the punishment and the implements used to administer the punishment. Mr. Gardner states that he only ever recalls using a wooden paddle or possibly a belt. Gardner states that he would use an instrument for paddling because his interpretation of the Biblical scriptures referenced below proscribed striking children with one's hand. Gardner denied ever using a metal fly swatter handle or a fishing rod to administer punishment. Gardner could not recall how often he would punish Earnhart, but he was adamant that it was no more or less than his use of corporal punishment with his own children. Mrs. Earnhart admitted that she was never taken to a hospital or doctor for any injuries from the allegedly frequent abuse.

Mr. Gardner's children openly admitted that their father would use a paddle or a belt to punish them for failing to obey or for being "rebellious" against the church or their father's expectations for their behavior. Each stated that the punishment was given to them at various frequencies depending on their behavior. All three denied that it was abusive in nature but instead claim they believe the punishment was warranted by their behavior. All state that they use corporal punishment with their own children. All stated that the most lashes or strikes they recall receiving from their father was approximately 10. The Gardner children also admitted the corporal punishment lasted late into their teen years.

The Gardners' children are much younger than Becky Earnhart. Stephanie Young was born in 1977 and was eight years old when her father resigned from CCS and Becky left home. Chris Gardner was born in 1975 and was ten years old when his father resigned from CCS. Joy Soncco was born in 1980 and was five years old when her father resigned from CCS. A second son, David, was born after

the school was closed and Earnhart had left the Gardner home. All three children who were interviewed stated that they considered Earnhart to be their sister up until she first made allegations against Mr. Gardner in 2004. They each claim to have been shocked by the allegations. None have had direct contact with Earnhart after 2004. Joy Soncco divorced Julio but then married his brother. The couple currently lives with Gardner. Young is married to an Independent Baptist minister in Georgia. Chris Gardner is a financial planner and also a part-time pastor for an Independent Baptist Church. He continued his father's mission work in Peru and later worked as a full-time pastor at various Baptist churches in Georgia.

Three additional witnesses who attended CCS along with Becky Earnhart were interviewed. The first was Ann Murphy, whose maiden name was Ann Lee. Like Mrs. Earnhart, Murphy was not raised by her mother and father. She lived with her aunt, who was a member of Liberty. Murphy and her aunt did not get along with one another, and Murphy claims that, when she was 14 years old, her aunt called Mr. Gardner for help. Murphy states that Gardner forcibly took her from her aunt's house to his home and beat her in the basement. Murphy claims Gardner then arranged for her to attend a school for troubled girls in Texas, but that the school only allowed her to stay for one year. When she returned to Cartersville in 1981, Gardner had her live with his parents, who were also members of the church, and Murphy attended CCS where she was in the same grade as Earnhart. The two became friends and spent free time together. Murphy states that, in her opinion, corporal punishment was used to excess at CCS, as punishments were at least 20 lashes or strikes per incident and often more.

Mrs. Murphy married shortly after high school and left the elder Gardners' home. Murphy states that, although his parents were not as physically abusive as Gardner, she still was subject to physical abuse, as well as emotional and mental abuse and manipulation. She supports Mrs. Earnhart's claim that she had severe bruises on her body and that she was at times required to remain home because of her injuries. Murphy stated she contacted us after Vision publicly reported our investigation and after watching Mrs. Earnhart's online videos as well as Mr. Gardner's own online response. Both Mrs. Murphy and Mrs. Earnhart said they had not spoken with each other recently or about any of Earnhart's current allegations. Following our interview, Murphy submitted an e-mail statement to PCW and to Vision directly describing her experience at CCS. That statement is attached as **Exhibit 4**.

The second former student that we interviewed was Mrs. Earnhart's biological brother, Robert Nelson, Jr. Nelson attended CCS with Earnhart from the time his family moved to Cartersville from Illinois until he left the church and school when he was 17 years old. Nelson is one year and six days older than Earnhart. He lived with his father until he graduated from Cartersville High School. Nelson states that he and Earnhart were close until she moved in with Mr. Gardner. He says his sister became more concerned with trying to please Gardner after she moved into his household. Nelson described the environment at CCS as one of "indoctrination," and that term applied to his father as well. Nelson further stated that students were being beaten by Gardner and other adults at the school with paddles, boards, and fishing rods. Nelson remembered seeing bruises on Mrs. Earnhart's body, as well as on other students. Nelson says the heaviest corporal punishment was reserved for students whose parents were also members of Liberty. He stated that, as an adult looking back on this era, he would describe the physical punishment the students received as child abuse.

Mr. Nelson stated that when he was 17 years old Mr. Gardner was preparing to paddle him for disobedience or not showing proper respect at school and he refused to allow Gardner to hit him. Gardner gave him the choice of submitting to corporal punishment or being removed from the church and school. Nelson said he left the school and then enrolled at Cartersville High School where he later graduated. Nelson says Gardner told people he had been kicked out of CCS for "cheating." Nelson did not remain in close contact with his sister after leaving CCS.

Mr. Nelson provided the name of another student, Tim Harkey, who did speak to us, but said he had little information regarding Earnhart's allegations. Harkey said he left the school in 1981 to join the U.S. Marines, so he did not overlap much with Mrs. Earnhart. Harkey described CCS as "oppressive," and stated that corporal punishment was implemented regularly, but he said he would not describe the punishment as anything worse than what he received at home from his parents, who were members of Liberty.

Both Murphy and Nelson recommended we speak with Mike Kennedy, another student at CCS roughly of their age. Mr. Kennedy, however, currently operates an orphanage in Peru and we have not been successful in our efforts to contact him.

Despite interviews with multiple witnesses, including the CCS students and Gardner children, we conclude only Gardner and Earnhart personally witnessed the interactions between the two that allegedly occurred in Gardner's basement where Mrs. Earnhart claims most of the abusive punishments occurred.

3.1 Biblical Considerations Surrounding Gardner's Use of Corporal Punishment at CCS.

The fact that over 35 years passed between when the alleged abuse last occurred and Mrs. Earnhart's publication of her claims on social media has created an important threshold question: should Mr. Gardner's conduct be judged by the mores and standards in effect at the time the conduct allegedly occurred, or by those that would govern that assessment today? Our society is currently struggling with this very question. We live in a world where buildings, streets, memorials and statues are being renamed, removed, and sometimes torn down and even destroyed because of the honoree's involvement in conduct that was the norm during their era. Despite monumental contributions to society during their era, they are now being systematically excised from the history books because they supported the laws of their time that permitted slavery, de jure segregation and other forms of racism now outlawed.

The issue of corporal punishment of children has also evolved over time. The biblical foundation for corporal punishment of children is a matter of much community, theological, academic, and legal debate. While our research and investigation confirmed that corporal punishment of children is still approved of by many families that attend or worship at Independent Baptist or Independent Fundamental Baptist congregations, there is decreasing tolerance for severe and frequent punishments. The fact we did not identify any protests or objections by parents of the children attending the school is compelling evidence that the physical punishment of errant children was seen by the members of the church that ran the school as being sanctioned, even demanded, by scripture. Such adherents then and now rely on Bible verses found in Proverbs and other Books, including:

- Proverbs 13:24: He that spareth his rod hateth his son: but he that loveth him chasteneth him betimes.
- Proverbs 22:15: Foolishness is bound in the heart of a child; but the rod of correction shall drive it far from him.

- Proverbs 23:13: Withhold not correction from the child: for if thou beatest him with the rod, he shall not die.
- Proverbs 23:14: Thou shalt beat him with the rod, and shalt deliver his soul from hell.
- Proverbs 29:15: The rod and reproof give wisdom: but a child left to himself bringeth his mother to shame.

The type of corporal punishment described by Earnhart, Murphy and Nelson exceeds what would be acceptable in today's society. But it is not the type of conduct that could have been hidden from the parishioners of Liberty, and it was not only tolerated but openly accepted by its adult followers as mandated by Scripture and thus legitimate corrective action at the time corporal punishment was administered to Earnhart by Gardner.

B. Allegations Concerning the Mission in Peru.

Mrs. Earnhart's allegations regarding misconduct in Peru are more amorphous. There admittedly was an affair involving the spouse of Mr. Gardner's daughter Joy and another Peruvian married, female missionary. While both sides agree that Jonathan Earnhart and Austin Gardner were in sharp disagreement regarding how that matter was handled according to Mission-specific guidelines or rules, we were presented with no evidence that Gardner had Julio Soncco physically beaten as alleged by Earnhart.

Similarly, we have not uncovered any evidence that Mr. Gardner openly mocked Earnhart's 2004 complaint when he read the complaint to his missionaries in Peru. We asked the Earnharts to have Henry Sucapuca, the Peruvian missionary referenced in her online videos, contact us to discuss her allegations. He did not. Christopher Gardner was present during the meeting where Gardner presented the letter. Christopher claims that over 40 missionaries attended the meeting and that Austin Gardner read the letter (attached to this report at Exhibit 1) to the missionaries. According to Christopher, Gardner denied that he was abusive, and then opened the floor to the missionaries to ask any questions they had and spent several hours responding to them.

In her online videos, Mrs. Earnhart references rapes, forced abortions, and other abuses by missionaries in Peru. During her interview with PCW, Earnhart did not provide any first-hand knowledge of these allegations. During our investigation, no additional witnesses came forward to substantiate these claims, nor did we receive any documentary evidence supporting them.

C. Earnhart's Communications with the Gardners After Leaving CCS.

In response to Mrs. Earnhart's claims of severe abuse at the hands of Mr. Gardner, Austin Gardner and his family have expressed shock and surprise at the severity of the accusations. To counter the accusations, the Gardners produced voluminous records of correspondence from Earnhart to the Gardner family spanning nearly two decades. As previously mentioned, Mrs. Earnhart did not initially travel to Peru with the Gardners. Instead, she attended college in Florida and then moved with her husband to California. Throughout this time, Earnhart remained in constant contact with the Gardners. She mailed lengthy letters and other correspondence to them. In this correspondence, Earnhart most often refers to Austin and Betty Gardner as "Dad and Mom." She refers to the Gardner children as her brothers and sisters. The correspondence is replete with Mrs. Earnhart's profession of love, respect, and gratitude to the Gardner family. We have attached a sampling of this correspondence as **Exhibit 5**. Mrs. Earnhart makes the following statements in her correspondence:

- "Congratulations on your nine years of happy marriage to Mom. I hope you have many more happy times w/ Mom. I only regret one thing, I missed your first eight years, but I'm sure they were just like the year I've already spent w/ you & Mom."
- "I wanted you to know that I love you both very, very much. Words could never express it, & money could never repay the love you've shown."
- "Thanks for all the trouble you went through, to make me what I am today."
- "Only God could love you more than I do."
- "I love y'all in more ways than I could ever begin to tell you. You all mean just so much to me. I love you. I appreciate all you have done for me."
- "I miss you all so very much. I wish there were some way to tell you the deep feelings that I have for you. I love you all so much. Give

everyone a hug for me. I promise to not let this much time elapse before the next letter. I LOVE YOU!!!”

- “The glory of ‘parents’ is not the outstretched hand, nor the kindly smile, nor the joy of companionship, it is the inspiration that comes to one when she discovers that someone else believes in her and trusts her.”
- “If you had not taken the time with me then, I couldn’t be where the Lord has me today. I appreciate the love you have given to me. I appreciate the time you spent for me. I appreciate the character traits you instilled in me. There is no way to ever repay you. I hope to serve the Lord with all my heart.”
- “I really miss you. I disagree with the statement that says that absence makes the heart grow fonder.”
- “I was so afraid that things would change because you left. I am so glad that they haven’t. I love you more today than I ever have!! Thanks for being the greatest – I LOVE YOU!!!”
- “We miss you so much...We are trying to figure out when we can come visit again. If we come before September of next year Sarah Beth can go free.”

Additionally, Mr. Gardner provided us with several photographs showing interactions between Mrs. Earnhart, her husband, and her children with the Gardner family during the years they spent on the mission with Gardner in Peru. A sampling of these pictures is attached as **Exhibit 6**.

Mrs. Eanrhart has not been subjected to a psychological examination. But these letters and correspondence do not indicate any animosity, ill will, anger, or fear from Earnhart towards Mr. Gardner and his family prior to 2004, which is puzzling given the nature of the allegations regarding the alleged abuse in the Gardner household.

VI. EVIDENTIARY STANDARDS

A. Standards of Review. There are three standards the law uses to evaluate the types of accusations being raised by Mrs. Earnhart. They are as follows:

1. **Criminal Conduct.** Earnhart portrays the corporal punishment she received and the alleged sexual abuse she believes was part and parcel of some of those punishments as child abuse. If it is viewed as criminal conduct, the evidentiary standard used is whether the criminal behavior was proven to have occurred “beyond a reasonable doubt.”
2. **Civil Misconduct.** Wrongdoing that would support a claim in civil court for damages is judged by a more lenient standard known as preponderance of evidence, which means is it more likely than not that the allegations are true. It is sometimes called the 51% rule as it only takes a slight edge to prove something by a preponderance of evidence.
3. **Clear and Convincing Evidence.** This evidentiary standard strikes a balance between the criminal and civil standards. It is used when serious charges that could have a debilitating lifelong impact on the accused, if found to be true, are the subject of the investigation. It requires strong evidence, but something less than the “beyond a reasonable doubt” criminal standard. These three standards will be further discussed in the evaluation of the evidence.

VII. CONCLUSION

The investigation did not substantiate the allegations of sexual abuse of Mrs. Earnhart by Mr. Gardner under any of the three evidentiary standards. The investigation did substantiate Mr. Gardner’s failure to report alleged sexual abuse of Mrs. Earnhart, his *de facto* foster child, to law enforcement. While Mr. Gardner did seek legal counsel from the CLA and received the advice to avoid any direct confrontation with the accuser, the fact the abused child was a student in a school run by Gardner and a child in his home compels this investigator to conclude he should have done more than just remove him from the faculty.

Our investigation also substantiated by a preponderance of the evidence that Mr. Gardner employed corporal punishment against Mrs. Earnhart, as well as his own biological children and students at CCS, with a frequency and severity that would be considered excessive today. While we don’t dispute Mr. Gardner’s

actions seemed to be based on genuine religious convictions, witnesses have described the punishment they received from Gardner during the 1980s as abusive under current societal standards. But, this investigator concludes that is not the standard to be applied. The conduct should be judged by the mores and morality of the era in which they occurred. Otherwise, Mr. Gardner would be unfairly condemned under a standard that did not exist when the behavior occurred.

Our ability to make any determination as to the actual facts regarding the severity and frequency of the punishments inflicted on Mrs. Earnhart was severely hampered by the extraordinary delay in making these allegations, some of which go back forty years. Mrs. Earnhart's credibility is challenged by the stream of loving, respectful familial cards and letters she sent to the Gardners and the fact she considered them to be her "Mom and Dad" for decades after the alleged abuse occurred. While she explains that it took her this long for these suppressed memories to reemerge in her conscious mind, the fact she decided to express them in professionally produced videos and websites clearly intended to destroy Mr. Gardner's reputation is cause for concern. But, it is ultimately not the province or the purpose of this investigation to divine motive, but rather to assess the truth of the accusation. In doing just that, I would be remiss if I did not note the doubts created by the extraordinary delay, the loving communications Mrs. Earnhart sent in the decades that followed, and her decision to resort to the internet and media rather than more conventional church-based channels to try and vindicate her claims.